

States Barring CBI Investigation

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In News: The Centre on Wednesday said eight states in the country have withdrawn general consent required by the Central Bureau of Investigation (CBI) to conduct investigation in states.

What is the Issue ?

- Eight States have withdrawn General Consent under section 6 of Delhi Special Police Establishment Act (DSPE Act), 1946, previously granted to DSPE (CBI).
- During the years 2016 to 2020, searches (raids) were conducted by CBI in the premises of 42 (forty two) public representatives.

What is General Consent ?

- CBI is governed by the Delhi Special Police Establishment Act.
- Makes consent of a state government mandatory for conducting an investigation in that state.
- There are two kinds of consent: case-specific and general.
- Given that the CBI has jurisdiction only over central government departments and employees.
- It can investigate a case involving state government employees or a violent crime in a given state only after that state government gives its consent.
- Investigation can be initiated by CBI into FIRs registered/filed with local Police with the consent of the State Government concerned and after due notification by the Central Government extending powers and jurisdiction of the officers of CBI to areas in the State concerned.

- Further, Investigation may be initiated by CBI on the specific directions of a Constitutional Court.

Why Consent needed ?

- General consent given to CBI for seamlessly conducting its investigation into cases of corruption against central government employees in the concerned state.
- Almost all states have given such consent.
- Otherwise the CBI would require consent in every case.

What Is the meaning of withdrawal general consent by State?

- Means CBI not be able to register any fresh case involving a central government official or a private person stationed in these two states without getting case-specific consent.
- Means CBI officers lose all powers of a police officer as soon as they enter the state unless the state government has allowed them.
- Withdrawal of consent, if any, by a State Government can be effected prospectively and not retrospectively.
- Further, in the cases which are referred by the Constitutional Courts, the entry of CBI cannot be denied by that State as these do not require the consent of the State.

Why States withdraw from general consent ?

- State believes that ruling party's ministers or members could be targeted by CBI on orders of the Centre.
- CBI still registers cases in Delhi which require some part of the offence being connected with Delhi and still arrest and prosecute ministers or MPs.

Imp Note: Cases which are referred by the Constitutional Courts, the entry of CBI cannot be denied by that State as these do not require the consent of the State.

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