



CBI Exempt from State Consent for Central Employees

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Why in News?

Recently, the [Supreme Court \(SC\)](#) ruled that [CBI](#) can register cases under **Central laws**, like the [Prevention of Corruption Act, 1988](#) against **Central government employees in states without state consent**.

- The SC **overturned** an **Andhra Pradesh High Court** ruling that **quashed two FIRs** against Central government employees due to the **lack of Telangana's consent to prosecute them**.

What is State Consent for CBI?

- **About:** It refers to the requirement for the **CBI to obtain permission** from a state government before investigating cases within that state's territorial jurisdiction.
 - It stems from the [federal structure](#) of the Indian Constitution, which delineates the **powers of the central and state governments**.
- **Legal Basis:** **Section 6** of the [Delhi Special Police Establishment \(DSPE\) Act, 1946](#) requires **CBI** to obtain state consent for investigations **unless directed by the judiciary or central government for specific purposes**.
- **Types of Consent:**
 - **General Consent:** States grant **blanket permission** for the CBI to operate within their jurisdiction without seeking case-specific approval.
 - **Specific Consent:** When general consent is not granted, the CBI must seek **case-specific permission** from the state government.

What is CBI?

- **About:** The CBI was established in **1963** by a resolution of the **Ministry of Home Affairs** following recommendations by the [Santhanam Committee on Prevention of Corruption \(1962-1964\)](#).
 - It acts as the **nodal police agency** for coordinating investigations with [Interpol](#) member countries.
- **Functioning:** It derives its investigative powers from the **Delhi Special Police Establishment Act, 1946**.
 - It operates under the **Ministry of Personnel, Public Grievances, and Pensions**, which falls under the Prime Minister's Office.
- **Supervision Over CBI:** The [Central Vigilance Commission \(CVC\)](#) oversees the CBI's supervision in investigating offences under the **Prevention of Corruption Act, 1988**.
 - In other matters, it lies with the **Department of Personnel & Training (DOPT)** in the Ministry of Personnel, Pension & Grievances of the Government of India.
- **Appointment of CBI Director:** Under the [Lokpal Act, 2014](#), a committee comprising the **Prime Minister, Leader of the Opposition, and Chief Justice of India** (or a Supreme Court Judge) recommends the appointment.
 - The Director enjoys a tenure security of **2 years, extendable up to 5 years** in the public interest.

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q. With reference to the Indian judiciary, consider the following statements:

1. Any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with the prior permission of the President of India.
2. A High Court in India has the power to review its own judgement as the Supreme Court does.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (c)

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