

- Not even the Union government”, has the authority to rattle the autonomy of the premier agency to conduct investigations.
- Also, withdrawal of general consent would not stand in the way of constitutional courts entrusting the CBI with the cases “where it is found that the State Police would not effectively conduct a fair and impartial investigation”.
- Besides, the CBI was empowered to probe cases concerning any of the Central subjects enumerated in the Union List in the Seventh Schedule of the Constitution.

Why is consent necessary?

The CBI is governed by [the Delhi Special Police Establishment Act](#) that makes **consent of a state government mandatory for conducting 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.**

- “General consent” is normally given to help the CBI seamlessly conduct its investigation into cases of corruption against central government employees in the concerned state.

What does withdrawal mean?

It simply means that CBI officers will lose all powers of a police officer as soon as they enter the state unless the state government has allowed them.

- The decision means **the CBI will now have to get consent from the state government for every case it registers in the state.**

Under what provision can general consent be withdrawn?

In exercise of power conferred by **Section 6 of the Delhi Special Police Establishment Act, 1946**, the state governments can withdraw the general consent accorded.

Can withdrawal mean that the CBI can no longer probe any case?

No. The CBI would still have the power to investigate old cases registered when general consent existed. Also, cases registered anywhere else in the country, but involving people stationed in states which have withdrawn consent, would allow CBI’s jurisdiction to extend to these states.

- CBI operates under [the Delhi Special Police Establishment Act \(DSPE\)](#), and it also derives its authority to register cases under the same law. The Union of India has nothing to do with it.
- It is [the central vigilance commission \(CVC\)](#) which has been tasked with superintendence over CBI, and the CVC Act makes it clear that there cannot be any interference with the investigations conducted by the agency.

Challenges associated with the autonomy of CBI:

1. The agency is **dependent on the home ministry** for staffing, since many of its investigators come from the Indian Police Service.
2. The agency **depends on the law ministry** for lawyers and also lacks functional autonomy to some extent.
3. The CBI, run by IPS officers on deputation, is also **susceptible to the government’s ability to manipulate the senior officers**, because they are dependent on the Central government for future postings.
4. **Dependence on State governments** for invoking its authority to investigate cases in a State, even when such investigation targets a Central government employee.
5. Since **police is a State subject** under the Constitution, and the CBI acts as per the procedure prescribed by **the Code of Criminal Procedure (CrPC)**, which makes it a police agency, the CBI needs the **consent of the State government** in question before it can make its presence in that State. This is a cumbersome procedure and has led to some ridiculous situations.