

JURISDICTION OF CBI

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Ministry of Personnel, Public Grievances & Pensions

Jurisdiction of CBI

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In exercise of powers under Section 2 (1) of Delhi Special Police Establishment (DSPE) Act, 1946, the Central Government constitutes a Special Police Force for investigation in any Union Territory of offences notified under Section 3 of DSPE Act, 1946. The power and jurisdiction of this Special Force can be extended by virtue of Section 5 of DSPE Act, 1946 to any other areas/State not being Union Territory for investigation of any offences or classes of offences notified under Section 3 of DSPE Act, 1946 with the consent of the Government of that State. Further, Constitutional courts can also entrust any case or class of case for investigation in exercise of inherent jurisdiction even without the consent of the respective State Government.

Once general or specific consent is granted under Section 6 of DSPE Act, 1946 by the State Government where the case is registered; or when the case is entrusted by the Constitutional courts, the powers and jurisdiction of members of the DSPE (CBI) may extend for investigation as stipulated under Section 5 of DSPE Act, 1946.

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.

This information was provided by the Union Minister of State (Independent Charge) Development of North-Eastern Region (DoNER), MoS PMO, Personnel, Public Grievances & Pensions, Atomic Energy and Space, Dr Jitendra Singh in written reply to a question in Rajya Sabha today.

BB/NK/JMS

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