

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 2534**

TO BE ANSWERED ON THE 09TH JULY, 2019/ ASHADHA 18, 1941 (SAKA)

PROCEDURE FOR SANCTION FOR INVESTIGATION

2534. SHRI HASNAIN MASOODI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the details of the procedure for grant of consent by any State Government for the working/operation of CBI and NIA;

(b) the States in the country which do not have the jurisdiction of CBI and NIA in their States at present;

(c) the details of FIRs/cases presently pending with the CBI pertaining to the State of Jammu and Kashmir; and

(d) the details of FIRs/cases presently pending with the NIA pertaining to the State of Jammu and Kashmir?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI G. KISHAN REDDY)**

(a) to (d): The jurisdiction of National Investigation Agency (NIA) extends to whole of India as per the NIA Act, 2008. The NIA is assigned cases by Ministry of Home Affairs pertaining to offences provided in the schedule to the NIA Act, 2008, either on the basis of a report from the State Government or *suo-motu* based on the gravity of the offences as envisaged under Section 6 of the Act. Ministry of Home Affairs has entrusted 32 cases related to the State of Jammu and Kashmir to NIA.

As far as CBI is concerned, as per the provisions of Section 6 of Delhi Special Police Establishment Act, 1946 (DSPE Act), the State Government issues Notification granting consent to enable any member of DSPE (CBI) to exercise power and jurisdiction in any area in the concerned state. Pursuant to such Notification u/s 6 of DSPE Act (CBI) by the State Government, the Government of India (DoPT) may issue Notification under section 5 of DSPE Act, thereby extending the powers and jurisdiction of members of the DSPE, for investigation of any offence or classes of offences specified in the notification under section 3 of DSPE Act, 1946, to such area in the concerned State.

As on 30.06.2019, CBI does not have consent of the States of Chhatisgarh, West Bengal and Tripura for allowing DSPE to exercise its powers and jurisdiction in these states. The State of Mizoram has accorded consent to the extension of power and jurisdiction of DSPE in the state with the condition that in every individual case prior approval of the Govt. of Mizoram would be taken.

CBI has 12 cases (11 Regular Cases, 1 Preliminary Enquiry) relating to Jammu & Kashmir as on 30.06.2019.
