

General consent to CBI

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In news— Recently, **Meghalaya has withdrawn consent to the CBI to investigate cases in the state**, becoming the **ninth state in the country to have taken this step**.

What is General consent to CBI?

- **General consent is normally given by states to help the CBI in seamless investigation of cases of corruption** against central government employees in their states.
- This is consent by default, in the absence of which the CBI would have to apply to the state government in every case, and before taking even small actions.
- **The CBI is governed by The Delhi Special Police Establishment (DSPE) Act, 1946, and it must mandatorily obtain the consent of the state government concerned** before beginning to investigate a crime in a state.
- The superintendence of CBI related to investigation of offences under the Prevention of Corruption Act, 1988 lies with the Central Vigilance Commission (CVC) and in other matters with the Department of Personnel & Training (DOPT) in the Ministry of Personnel, Pension & Grievances of the Government of India.
- The CBI's position is in this respect different from that of the National Investigation Agency (NIA), which is governed by The NIA Act, 2008, and has jurisdiction across the country.
- **The consent of the state government to CBI can be either case-specific or general.**
- **Withdrawal of general consent means that the CBI will not be able to register any fresh case involving officials of the central government** or a private person in the state without the consent of the state government.

- CBI officers will lose all powers of a police officer as soon as they enter the state unless the state government has allowed them.
- Traditionally, almost all states have given CBI general consent.
- However, since 2015 onward, several states have begun to act differently.
- CBI can suo-moto take up investigation of offenses notified in section 3 only in the Union Territories.
- **The Supreme Court and High Courts, however, can order CBI to investigate such a crime anywhere in the country without the consent of the State.**
- Before Meghalaya's action recently, **eight other states had withdrawn consent to the CBI:** *Mizoram(2015) West Bengal(2018), Chhattisgarh(2019), Maharashtra, Punjab, Rajasthan, Jharkhand and Kerala* followed in 2020.