

FAQs

Maharashtra withdraws 'general consent' to CBI: what this means, which cases it will impact

Why is this in news?

The Maharashtra government has withdrawn "general consent" given to the Central Bureau of Investigation (CBI) to probe cases in the state. The decision means the central agency will have to get consent from the state government for every case it registers in Maharashtra.

What types of cases is the CBI involved in at a state level?

- The CBI is divided into three categories when it comes to investigation. The first is the Anti-Corruption Division that investigates cases against public servants under the control of the central government, public servants in public sector undertakings, also under the control of the central government, cases against public servants working under state governments, which have been entrusted to the CBI by the state, and serious departmental irregularities committed by the above mentioned.
- The Economic Offences Division investigates financial crimes, bank frauds, money laundering, illegal money market operations, graft in PSUs and banks.
- The Special Crimes Division handles cases of conventional nature such as offences relating to internal security, espionage, sabotage, narcotics and psychotropic substances, antiquities, murders, dacoities/robberies, and cheating among others.
- The Maharashtra government was vary about the Special Crimes Division taking over the probe into the **alleged TRP scam** being investigated by the Mumbai Police. Republic TV is among the five channels under police scanner in the case.

How did the CBI take up the Sushant Singh Rajput case? Will this new development have an impact on the investigation in that case?

- While the Mumbai Police was probing the death of the actor, who died by suicide on June 14, the Bihar Police registered an FIR based on the statement of Rajput's father. Soon after this, the CBI was handed the case. The Maharashtra government believed the CBI would similarly take over the TRP case too, given the new FIR in UP.

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- However, the withdrawal of general consent to the CBI will not impact cases which the CBI is already investigating, like the Rajput case.

What is the difference between the Sushant Singh Rajput case and the TRP case? Can the TRP case still go to the CBI?

- In the Rajput case, the Mumbai Police had not registered an FIR as its investigation did not point to foul play but a case of suicide. In the TRP case, on the other hand, the Mumbai Police has not only registered an FIR, but has also arrested eight persons.
- At the time, one of the grounds for handing over the Rajput case to the CBI was the fact that the Mumbai Police hadn't registered an FIR. This, however, cannot be applicable in the TRP case.
- Editor in chief of Republic TV Arnab Goswami had earlier approached the Supreme Court to transfer the probe to the CBI. The apex court, however, asked him to **approach the Bombay High Court**.
- In future, if the Supreme Court asks the CBI to take over the Mumbai Police investigation into the TRP case, the state government cannot refuse. However, the SC will have to be convinced of reasons as to why the CBI should take over the Mumbai Police case.

Does this have an impact on other cases like the Bhima Koregaon case or the ED case against Deputy CM Ajit Pawar in the irrigation scam?

- No. The National Investigation Agency (NIA) has jurisdiction across the country and does not need special permission from state governments.
- This is why, even as the Maha Vikas Aghadi was reviewing the Bhima Koregaon case, the NIA was able to **take it over** without consent.
- Even in the Enforcement Directorate (ED) case in the irrigation scam that began in May this year, it is not going to make any difference as the ED conducts its probe under the PMLA and FERA Act, and has nothing to do with the Delhi Police Special Establishment (DPSE) Act which gives power to the CBI.
- The government has withdrawn general consent under the DPSE Act which will only impact the CBI.

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How will this impact the day to day functioning of the CBI?

- The decision will increase work for both the CBI and the state government. Every time the CBI traps some central government employee taking a bribe, it will need to seek approval from the Maharashtra government before registering a case.
- Similarly, the Maharashtra government department too will be burdened with approval requests on a case-by-case basis.
- The CBI has, however, recently started taking recourse in a Calcutta High Court judgment. The HC, in its order in the Ramesh Chandra Singh and another vs CBI, observed that “the court is of the view that the central government/CBI’s power to investigate and prosecute its own officials cannot be in any way impeded or interfered by the state even if the offenses were committed within the territory of the state.”

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