



CBI Need Written Consent to Investigate in Madhya Pradesh | Madhya Pradesh | 20 Jul 2024

Why in News?

According to the **Madhya Pradesh government**, the [Central Bureau of Investigation \(CBI\)](#) will need a **written permission** to initiate inquiries **against its “public servants”**.

Key Points

- **No permission** will be required to probe **central government officials or private individuals**.
- This provision has been released after the [Bharatiya Nyaya Sanhitha](#) (new criminal laws) came into effect for smooth functioning.
 - States such as **West Bengal, Tamil Nadu, Punjab, Telangana and Kerala have withdrawn their general consent** for CBI investigations.

Central Bureau of Investigation (CBI)

- The CBI was **established by a resolution of the Ministry of Home Affairs and later transferred to the Ministry of Personnel, Public Grievances and Pensions**, currently functioning as an attached office.
- Its establishment was **recommended by the [Santhanam Committee](#)** on Prevention of Corruption.
- The CBI operates under the [Delhi Special Police Establishment \(DSPF\) Act, 1946](#). It is **neither a constitutional nor a statutory body**.
- It investigates **cases related to bribery, governmental corruption, breaches of central laws, multi-state organized crime, and multi-agency** or international cases.

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BHARATIYA NYAYA SANHITA (BNS), 2023

BNS 2023 replaced Indian Penal Code 1860, incorporating 358 sections (511 in IPC), maintaining most of the IPC provisions, introducing new offences, eliminating court- struck-down offences, and enhancing penalties for various offences.

New Offences

- ▶ **Promise to Marry:** Criminalising "deceitful" promises to marry
- ▶ **Mob Lynching:** Codify offences linked to mob lynching and hate-crime murders
- ▶ Ordinary criminal law now covers **Organized Crime** and **Terrorism**, including a broader scope for terror financing in BNS compared to UAPA
- ▶ **Attempt to Suicide:** Criminalises attempts to commit suicide with intent to compel or restrain any public servant from discharging official duty
- ▶ **Community Service:** Added as possible form of punishment

Deletions

- ▶ **Unnatural Sexual Offences:** Section 377 of the IPC, which criminalised homosexuality among other "unnatural" sexual activities repealed completely
- ▶ **Adultery:** Offence of adultery omitted in consonance of apex court judgement
- ▶ **Thugs:** Section 310 of IPC fully omitted
- ▶ **Gender Neutrality:** Some laws dealing with children modified to bring gender neutrality



Other Modifications

- ▶ **Fake News:** Criminalisation of publishing false and misleading information
- ▶ **Sedition:** Introduced under a new name 'deshdroh' with wider definition
- ▶ **Mandatory Minimum Sentence:** In several provisions, mandatory minimum sentences prescribed which may limit scope for judicial discretion
- ▶ **Damage to Public Property:** Carry a graded fine (i.e. fine corresponding to the amount of damage caused)
- ▶ **Death by Negligence:** Elevates punishment for causing death by negligence from two to five years (for doctors - 2 yrs imprisonment)

Key Issues

- ▶ **Criminal Responsibility Age Discrepancy:** Criminal responsibility starts at seven, extendable to 12 based on maturity, potentially conflicting with global recommendations
- ▶ **Inconsistencies in Child Offense Definitions:** It sets child age below 18, but age criteria for offenses like rape differ, causing inconsistency
- ▶ **Retention of IPC Provisions on Rape and Sexual Harassment:** Maintains IPC provisions on rape and sexual harassment, omitting **Justice Verma Committee's 2013** suggestions for gender-neutral rape and recognizing marital rape as an offense.