

Not for Publication
For Members only

LOK SABHA

—
SYNOPSIS OF DEBATES
(Proceedings other than Questions & Answers)

—
Monday, April 4, 2022 / Chaitra 14, 1944 (Saka)

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MATTERS UNDER RULE 377

(1)Re: Subsidy on Phosphate rich organic manure

SHRI VIJAY BAGHEL: I would like to request the Minister of Fertilizer and Chemicals that bio manure (Phosphate Rich Organic Manure) is the best alternative for Phosphorous manure. Therefore, the direct subsidy should be provided to those farmers and institutions who demand for Phosphate Rich Organic Manure.

(2)Re: Augmentation of railway services in Ajmer Parliamentary Constituency, Rajasthan

SHRI BHAGIRATH CHOUDHARY: An important and big railway station, Ajmer is functional in my Parliamentary Constituency. There is need to ply DEMU/MEMU trains from Ajmer to Abu road. Udaipur-Ajmer- Haridwar/Rishikesh superfast train no. 19609-19610 plies three days in a week, needs to be made a daily train. Ajmer-Jammutavi train no. 12413-12414 should be extended to Katara. Jaipur-Prayagraj train no. 12403-12404 should be extended from Ajmer or Pushkar connecting to famous pilgrim places of the country. The train no. 12987-12988 Ajmer –Siyaldah Express train be named after the valiant emperor Prithviraj Chauhan and train no. 19607-19608 Madar-Ajmer-Kolkata weekly Express train be nomenclated as “Brahma Express” to the name of Lord Brahma.

(3) Re: Need to extend North East Express train upto Jaipur via Jhunjhunu and Sikar

SHRI NARENDRA KUMAR: The extension of train no. 12505/06 North-East Express, Kamakhya- Annand Vihar Terminal, can connect passengers of Jhunjhunu, Sikar and Jaipur. Since initial maintenance of train no. 12505/6 is undertaken at Kamkhaya and it keeps stationed for about ten hours at Annand Vihar Terminal. By increasing one rake of this train, this train can ply from Jhunjhunu to Jaipur via Sikar.

(4) Re: Development of Hazira port in Gujarat

SHRI MITESH PATEL: I, through you, request the concerned department to take necessary measures for speedy development of Hajeera port and streamlining of cargo facilities there.

(5) Re: Construction of railway overbridge near Kharkhauda railway station, Uttar Pradesh

SHRI RAJENDRA AGRAWAL: I through you request the Government to kindly instruct the concerned railway officers to construct an over-bridge near Kharkhauda railway station at Kharkhauda-Mohiuddin road.

(6) Re: Salary of Kasturba Gandhi Vidyalaya Schools' employees and regularization of services of KGBV workers.

SHRI B. B. PATIL: I would like to bring to your kind notice that in my Telangana State, there are about 475 Kasturba Gandhi Balika Vidyalaya schools and 96 junior colleges, educating near about 1,71,000 girl students. I request the hon. Minister to provide justice to the KGBB workers by giving equal salary for equal work and regularize the KGBV workers at the earliest.

(7) Re: Putting all projects of Phase-II Metro in Pune on fast track

SHRI GIRISH BHALCHANDRA BAPAT: Rapid urbanization in the recent past has put the Pune city's travel infrastructure to stress. Phase 1 of Maharashtra Metro Rail Corporation (Maha Metro) is nearing completion. I request the hon. Minister of Housing and Urban Affairs to put all phase-2 projects on fast track so that the people of Pune will get the much-required rapid transport to get rid of traffic jams.

(8) Re: Setting up of a Mega Textile Park in Bhilwara, Rajasthan

SHRI SUBHASH CHANDRA BAHERIA: Bhilwara is famous as textile city in the whole world and Mega Textile Park is our right. I therefore, request the Union Government to call for more proposals from the state Government for the setting up of Mega Textile Park at several places and the Ministry should select the place after conducting the survey in this regard.

(9) Re: Healthcare facilities in Darjeeling, Kalimpong and other districts of North Bengal

SHRI RAJU BISTA: I request the hon. Ministry of Labour and Employment to set up ESIC Hospitals in the tea gardens. I also request for the construction of an AIIMS in North Bengal region and the establishment of Medical Colleges in Darjeeling and Kalimpong District Hospitals.

(10) Re: Need to formulate a plan to prevent annual flood and land erosion in Maldaha Uttar Parliamentary Constituency, West Bengal

SHRI KHAGEN MURMU: I would like to say that I have requested both Central and State Governments on several occasions for checking the erosion by Ganga and Fulhar rivers. So far no concrete measures have been taken. There is a need to formulate an action plan for resolving this problem. The erosion affected people should be rehabilitated and should also be given compensation.

(11) Re: SAI Centre and Laying of Synthetic Track in Nandurbar Parliamentary Constituency

DR. HEENA VIJAYKUMAR GAVIT: The young athletes from my constituency have been performing exceptionally at national and international level tournaments by winning Gold, Silver and Bronze in various events. I request the Government to kindly expedite the functioning of SAI Centre and synthetic track for the benefit and development of our athletes. The development of adequate infrastructure will also further the aim of a Fit and Healthy India which has been the flagship programme of our Prime Minister.

(12) Re: Proposed Waterway from Jamshedpur to Odisha via West Bengal

SHRI BIDYUT BARAN MAHATO: In my Parliamentary Constituency, Jamshedpur, the proposed waterway Chandil-Swarnarekha river can be linked to Haldia (West Bengal) via Tata Nagar to Odisha. This waterway of my parliamentary constituency also figures in the list of hundred waterways of the country. I request the hon. Minister to please let me know the present status of this waterway and the time by which this waterway is proposed to be made functional for the passengers.

(13) Re: Need to make permanent the services of doctors and healthcare workers employed on contract basis under Rashtriya Swasthya Mission.

SHRI KRISHNAPALSINGH YADAV: The National Health Mission is being run by the Government of India since the year 2005 where the doctors have been recruited on contract basis. I request the Government to kindly regularize the services of these lekhs of doctors and other employees.

(14) Re: Construction of various underground passages and ROBs in Rayagada and Koraput districts of Odisha

SHRI SAPTAGIRI SANKAR ULAKA: There is a strong demand for various underground passages and ROBs in various places in Rayagada and Koraput districts of Odisha. I would like to request the Ministry of Railways to ensure that train stoppage at Laxmipur Road Station be restored at the earliest.

(15) Re: Resumption of regular train service on Thiruvarur-Karaikudi Section and manning of level crossings in Southern Railways.

SHRI SU. THIRUNAVUKKARASAR: The broad gauge conversion of Thiruvarur-Karaikudi Section of Southern Railway was completed in 2019. However, the train services have not yet resumed because of the pandemic and non-deployment of gatekeepers at level crossings. I shall, therefore, humbly urge upon the hon. Minister of Railways to resume regular train services on Thiruvarur-Karaikudi Section immediately and engage paramilitary personnel and local jobless youths in guarding the unmanned level crossings.

**(16) Re: Allocation of fund for construction of a dam across Koraiyar river,
Tirunelveli District, Tamil Nadu**

SHRI S. GNANATHIRAVIAM: I urge that construction of dams across Koraiyar river is the only available solution and through a dedicated canal, water can be distributed to the surrounding areas where there is water scarcity. I urge upon the Union Government to allocate a fund of Rs. 800 crore for this special project.

(17) Re: Inclusion of Beda Jangam Community in SC List.

DR. SANJEEV KUMAR SINGARI: The Budaga Jangam community was recognized as Scheduled Caste in Part-1 of the Constitution and it was listed at Serial No. 19 in undivided Andhra Pradesh Scheduled Castes List. Yet the community is denied the benefit of reservation. I request the Government of India to consider their long pending demand of Budaga Jangam people for their inclusion in Scheduled Castes List.

(18) Re: Operationalisation of Chandkhali Halt Station

SHRIMATI PRATIMA MONDAL: I sincerely request the hon. Minister or Railways to take necessary steps and make the Chandkhali Halt Station functional as soon as possible.

(19) Re: Shifting of headquarter of National Board for Workers Education from Nagpur to Delhi

SHRI KRUPAL BALAJI TUMANE: The shifting of the headquarters of the National Board for Workers Education from Nagpur to Delhi should be reconsidered and this board may kindly be allowed to be functional from there.

(20) Re: Need to address the problem of shortage of water for irrigation and drinking purposes in Shrawasti Parliamentary Constituency, Uttar Pradesh.

SHRI RAMSHIROMANI VERMA: I request the Union Government to kindly make necessary arrangements for Government tube-wells for irrigation and supply of safe drinking water in my Parliamentary Constituency, Shrawasti.

(21)Re: Land acquisition in Lakshadweep Islands

SHRI MOHAMMED FAIZAL P.P.: The unprecedented and massive land acquisition notices are now being issued by the District Collector in Lakshadweep Islands during the last few months. Majority of the Tribal land is going to be acquired for the purpose of tourism activity alone and is going to be handed over to non-Tribal multinationals in total disregard to the protection that has been guaranteed to us by the founding fathers of our Constitution.

(22)Re: Rise in prices of petroleum products and medicines

DR. M. P. ABDUSSAMAD SAMADANI: The fuel price hike is not an issue of normal price hike. Increase in prices of petrol, diesel, CNG and kerosene on a daily basis has happened. I request the Government to take urgent action to control the situation and roll back prices.

THE CRIMINAL PROCEDURE (IDENTIFICATION) BILL, 2022

THE MINISTER OF HOME AFFAIRS AND THE MINISTER OF COOPERATION (SHRI AMIT SHAH) *moving the motion for consideration of the Bill, said :* This Bill will replace the Identification of Prisoners Act, 1920. The Identification of Prisoners Act, 1920 today is not suitable for proving guilt in many ways, from the point of view of time as well as from the point of view of science. The Criminal Procedure (Identification) Bill, 2022 is very important from the point of view of proof of conviction. Without proof of conviction, it is not possible to strengthen the law and order. Therefore, this Bill has been brought at an appropriate time. The Bill has been brought after studying several provisions applied for conviction in criminal laws all over the world. Along with this, the government is also framing a new Model 'Prison Manual'. The Model Prison Manual focuses on rehabilitation of prisoners, restricting the powers of jail authorities, provision of separate prisons to open jails for women prisoners, etc. It would be better if all of us please view this Bill together with the proposed Model Prison Manual, instead of looking at it separately. I request all the Members to look at it from a different point of view. The intention of the government behind this Bill is to further strengthen the law. Our intention is to strengthen the internal security and law and order situation within the country.

SHRI MANISH TEWARI *initiating* said : The said law of the year 1920 has a history, a perspective. When the non-cooperation movement started in India in 1920, the whole country was mobilizing against the imperialists under the leadership of Mahatma Gandhi ji. The British government had brought the said law of the year 1920 to scare the revolutionaries who participated in the freedom movement, to terrorize them, to persecute them. Today, after 102 years, when the Government has come out with a new law by repealing that old law, it was expected that the new law would be liberal. But, unfortunately, this Bill does not meet any criteria. The Bill seeks to contravene the three important articles of the Constitution - Article 14, Article 19 and Article 21. In the year 1973, the Supreme Court of India gave an order. The Supreme Court had said that the basic feature of the Constitution cannot be modified by this House whereas this Bill violates fundamental rights. When this Bill was being introduced, I raised this objection at that time also. The Definition Clause of this Bill is very ambiguous and nebulous. The amplitude of the definition is so wide that it completely conflicts with the constitutional guarantee under Article 20(3) of the Constitution of India. There are certain questions in this Bill which are extremely troubling. There is a need to think with great seriousness into the issue of whether there is any justification for having Section 107, Section 108, Section 109 and Section 110 in the law today. There is no provision for arrest under section 109 or 110 of CrPC. If you take more samples from them, then it is very draconian, which is completely against civil liberties. The government has said in this Bill that if a person is arrested for a crime for which sentence is less than seven years, then he will not be required to give this sample. In the previous law, this period was one year, the government increased it to seven years. In the end, I want to say that this Bill is small, but the consequences that it has, on civil liberties, on human rights, are very abnormal and will have far reaching consequences. This Bill should be sent to the Standing Committee so that it can be discussed extensively.

SHRI VISHNU DAYAL RAM: After the passage of this Bill, I can say with full confidence that the officials of the Investigating Agency will get a huge success in securing the conviction. This Bill has been brought to replace the 102 years old law. This Bill should have been brought long ago. This Bill will not only help in achieving higher conviction rate but will also help in curbing criminals and crime. In today's era, the scope of crime and criminals has become unlimited. Their modus operandi is changing. If the Investigating Agencies are not enabled then it will be a very difficult task to control the crime. It is the need of the hour that the Investigating Agency should use new techniques and collect the evidence in a scientific manner. It is in this background that this Bill has been brought. On the report of the Law Commission and in the light of the directions of the Hon'ble Supreme Court, this task was given to NCRB

and was asked to review the proposal. Accordingly, NCRB held meetings with the officials of the States and the Union Territories. It submitted such a report that all are of the same view in expanding the scope of measurement and increasing the number of persons whose measurements can be taken. Everyone is of the opinion that its scope must be increased. Whatever amendments were made in it by different states, there was a huge difference, so this Bill has been introduced in this House to make it a Comprehensive and Uniform Law.

SHRI DAYANIDHI MARAN: I feel that this Bill is anti-people and anti-federal. The total capacity of our prisons is 4,14,033. The present occupancy is 4,88,511. So, there is 20 per cent over-capacity as far as occupancy is concerned. 70 per cent of the people, who are in the prisons are under-trials. They have not got an opportunity to go and argue for themselves. Our Home Minister is not worried about them. This Bill is against the Fundamental Right to Privacy of a citizen which has been guaranteed by the hon. Supreme Court. As an ordinary citizen, let me break down my concerns into three parts-what is the data collected, whose data is being collected and who is collecting the data. The Bill causes great fear because it is the first step towards establishing the infrastructure needed to create a police state. The Bill also seeks to hold this data for 75 years. Again, the Bill expands the ambit of persons whose measurements can be taken to include the persons directed by the Magistrate to give their measurements and allows police and prison officers to take measurements of any person. Under the provisions of this Bill, any ordinary citizen who is accused or a person suspected of anything can be profiled to this extent. Thus, we are giving the Union Government sweeping powers. Apart from this, this present Bill confers unbridled power on the police officials and prison officials. The Bill says that all the data that has been collected will be stored with the National Crime Records Bureau for the purpose of prevention, detection, investigation and prosecution. All data samples collected will be stored at the national level. Thus, the Government is consolidating the Centre's powers but it cannot have such blatant disregard to the States' autonomy. So, I fear that this law could be misused. Moreover, the Government has to mention how it is going to protect this data. I could also say that the Government should not be in a hurry and it should stop terrorizing people. So, this Bill should be referred to Standing Committee.

SUSHRI MAHUA MOITRA: The introduction of this Bill was met with very vigorous protests by the Opposition and in one of the very rare instances that I have seen that at the introductory stage of the Bill itself we had sought a Division. The Bill seeks to authorize Police and prison officers to take measurements of those who have been arrested, detained, convicted or any person as directed by a Judicial or Executive

Magistrate. Today, we have a fear that this Bill itself may be misused and which is why we are standing up today. Also, this law is being proposed in the absence of any overreaching data protection law, which India so desperately needs today. Similarly, when we in this house authorize any legal expansion of the ambit of the powers, we need to ensure that these powers can be controlled and regulated. The old Act was only for photographs and fingerprints. Now, the Government has added retina, biological samples, behavioral attributes etc. The mala fides of this Bill are apparent, not only the unconstitutional provisions it seeks to enforce but it also seeks to blur out any and old distinction between an undertrial, a detainee or suspect and a convict. Again, this is a violation of Fundamental Rights. Also, there is no appeal mechanism in this Bill. The most dangerous and insidious aspect of this proposed law is the grouping of those booked under preventive detention. So, if this becomes a law, we are entering a full-fledged police state. So, I appeal to the Government to send this Bill to a Standing Committee for further deliberations.

SHRI VINAYAK BHAURAO RAUT: I would like to say that this Bill should be referred to the Standing Committee. This Bill will not be helpful in the process of conviction, rather it will prove to be a Bill detrimental to humanity. This Bill is likely to violate the Right to Privacy. Through this Bill, the police authority or prison authority has been empowered to take retinal and iris scans including physical and biological samples. Also, the police constable has been given the power to take these samples. Apart from this, clear provisions have not been made in this Bill regarding the methods of tests as well as the quantity of samples. The biggest impact of this Bill will be on the accused to be detained under sections 107, 108, 109 and 110. I would also like to say that all of our countrymen have been provided fundamental rights under the provisions of the Constitution. So, I would like to ask whether the Government is considering to manipulate the basic spirit of the Constitution through this Bill? This is an important Bill, which is going to have a direct impact on all 130 crore citizens of India. So, I would request that the Government should not bring this Bill forcefully.

SHRI P.V. MIDHUN REDDY: This Bill is in line with the global standards and it basically provides the necessary statutory backing for the agencies to go ahead with investigation. This Bill can also protect the innocent people. It can save resources of the Government. The Bill mentions biological samples and their analysis. I think, we should go ahead with the central DNA database. This will deter the serial offenders from committing more heinous crimes and will also help in solving the cases faster. The hon. Home Minister should convince the whole House that this Bill will not be used for political witch-hunt and the data should not be misused.

SHRI BHARTRUHARI MAHTAB: This Bill intends to replace the Identification of Prisoners Act, 1920. This enables the police to collect a range of biological samples from individuals. The law should not be intrusive and should not curtail Fundamental Rights of citizens. This Bill expands the scope of surveillance from which measurement can be gathered. I am of the belief that the concern expressed in this House over privacy and safety of the data is significant. Strong data protection law should be brought first. The Bill needs to provide enough checks and balances to prevent abuse of its provisions by police to harass or implicate innocent persons. This Bill lacks balance.

SHRIMATI SUPRIYA SADANAND SULE: There are really some concerns about this Bill though I am not completely against it. The other point is about the Data Protection Law. Guilty must be punished. But according to the Constitution, everybody is innocent until proven guilty. So it is not fair to arrest somebody without having even finished the entire enquiry. The Government will be saving all the data and those data can be misused. How did the Department come to this conclusion that just by bringing in more data, we will solve more cases?

KUNWAR DANISH ALI: We are not averse to police reforms and modernization of police forces. Do you want to make India a police state? A head constable can prepare your complete identification profile. The Data Protection Bill has not been brought yet. Who will be responsible for the data you are collecting? You want to muzzle all possible voices. Let this august House not pass any such law that can potentially be misused in future. This should be referred to the Standing Committee.

SHRI GAURAV GOGOI: This Bill is a classic case where the Executive is giving itself more powers. When checks and balances are not there, that is when a democratic State can be an autocratic State. So, this Bill should be referred to the Standing Committee. Both at the central level and at the state level there is no Data Protection Law, data management and the DNA law and hence there is no eco-system in the country because of these shortcomings. In such a situation a number of questions can arise. That's why we want that the government should not make haste in regard to this Bill. Today, there are a lot of problems in the judicial system but you have not brought in the Bill to sort out those problems. There is so much that you can bring in order to strengthen the arms of law enforcement agencies, but it is unfortunate that this Government always brings Bills that can only be politicized and be used to harass its political opponents. We have talked about the UAPA. Let me know how many hardcore terrorists have been caught under UAPA and how many students and petty activists have been caught. We are expressing our concerns over this Bill as this law has scope for

being misused. Therefore, on the basis of the Constitutional propriety, propriety of Indian principles and the propriety of governance, I demand that this Bill should be sent to the Standing Committee.

DR. SATYA PAL SINGH: What justice stands to mean is that the criminals should be taken to task and justice be delivered to the victims. This sensitivity is called for in the judicial system. If we want to build the best country, we will have to enact good laws. It is said that our eco-system is not in order and then the question arise as to how to fix it. That's why I am making my points on this issue. The conviction rate is merely 14.35 per cent which entails that about 85 per cent of the criminals get scot-free. Therefore, the faith of the common people in the judicial system is getting undermined. People say that the police personnel do not conduct scientific investigation. This Bill has been brought in to make that very scientific investigation possible. The 87th report of the Law Commission of India reveals that the criminal justice system of the country is very colonial and heavily tilted in favour of criminal. Hence, good and stern laws are required to be enacted and enforced properly as well. It is being said repeatedly that the law will be misused. Let me know which law is not misused. We have so much political will power that we will not allow it to be misused.

SHRI E. T. MOHAMMED BASHEER: If this law is passed, it will be an addition in the list of black laws in our country as this will give extra constitutional power to the police officers and is likely to be misused. This Bill violates the Constitution in several ways including Article 21 and the privacy of individual. This Bill gives room for misinterpretation and misuse. This will not be confined only to the convicts for an offence, but this is like a double edged weapon which anybody can use against their opponents. This really gives a kind of a weapon in the hands of the Government to terrorize the people. The government's intention behind the legislations like UAPA, National Security Act, Anti-Conversion law, Cow protection laws was to create enmity among the people. Innocent people are languishing in Indian jails even without trials. These kinds of things are going on in this country. Now fuel is being added to the fire by bringing in such legislation. We oppose it vehemently. If the Government is honest and if they have got even an iota of sincerity, then I would like to tell them to send it to the Standing Committee of Parliament.

SHRI N. K. PREMACHANDRAN: I rise to oppose the Bill. Even at the time of introduction of the Bill I have vehemently opposed the introduction of the Bill. It is quite unfortunate because this is a very contentious Bill where the Constitutional provisions are involved, human rights violations are involved and so many ramifications or repercussions are there. Such a contentious Bill will have to go through Parliamentary

scrutiny of a Committee, either a Select Committee or a Standing Committee. I am opposing the Bill mainly on three grounds. Firstly, this is total and clear violation of the fundamental rights enshrined in Part-III of the Constitution. Secondly, the right to privacy ensured by the Supreme Court in Puttaswamy's case is totally violated and abrogated. Thirdly, the human rights that have been declared in the UN Declaration of Human Rights are also not being respected in this case. Further, there are unchecked and unfettered powers to have police surveillance. It is expanding and widening the scope of measurements that even DNA of a person can be taken. Further, there is storage for a period of 75 years. Lastly, excessive rule-making power is given in the delegated legislation by virtue of Clause 8 of the Bill. It is against the recommendations of the 87th Law Commission, which have not been considered. Considering all these aspects, I once again urge upon the Government to send it to the Standing Committee.

***SHRI K. SUBBARAYAN:**

SHRI SYED IMTIAZ JALEEL: My objection to this Bill is that the Government is bringing in this law without respecting constitutional right to privacy or the right against self-incrimination under Article 20. It wants to create databases of citizens but does not want to provide any safeguards. NCRB is being empowered to maintain a database of measurements collected under this Bill. NCRB is not a statutory body. How can legislation empower a Board that has no statutory existence itself? Secondly, under section 4, no parameters have been provided on who has the power to access this data, what police officer of what rank? Improper recording or handling of the data in database is a serious concern. What are the safeguards against malicious misuse or distortion of data? Interlinking databases is a huge violation of citizens' Right to Privacy as it allows the Government to identify citizens even for purposes other than crime detection. This Bill is unbridled power in the hands of Government and police. Preventive detention suspects and arrestees are not criminals. There is a presumption of innocence. On what grounds the government is collecting their information? Muslims, Adivasis and the Dalits are predominantly detained and arrested and hardly convicted. This means that your database will have a significantly large number of such people.

SHRIMATI APARAJITA SARANGI: The Law Commission in its 87th Report candidly said that the Act of 1920 deserved amendment or replacement. The obsolescence of the law can be gauged by the fact that there has been increased crime rate in the country and marginal increments in the conviction rate. On average 7, 50,000 cases have been closed by the police every year in the last five years due to lack of evidence. This

* Please see supplement.

kind of feeling that there has been no consultation preceding the formulation of this draft is absolutely far from the truth. All concerns have been taken on board. Thereafter, this particular Bill has been formulated. This particular Bill is not just coming up in India. UK, US, Australia and Canada are also working on the same line. This particular Bill aligns with the ICJS. I would like to inform this august House that ICJS is a national platform for enabling integration of the main IT system of the Home Ministry used for delivery of criminal justice in the country with five major pillars: police, e-Forensics, e-Courts Courts, e-Prosecution, and e-Prisons. The proposed Bill affirms Government's commitment to strengthen the criminal justice system of the country, to use the technology in the best possible manner and ensure speedy delivery of justice. I stand here to support this Bill whole-heartedly.

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UTPAL KUMAR SINGH
Secretary General

** Supplement covering rest of the proceedings is being issued separately.

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NOTE: It is the verbatim Debates of the Lok Sabha and not the Synopsis that should be considered authoritative.

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LOK SABHA

SUPPLEMENT TO SYNOPSIS OF DEBATES
(Proceedings other than Questions & Answers)

Monday, April 4, 2022/Chaitra 14, 1944 (Saka)

THE CRIMINAL PROCEDURE (IDENTIFICATION) BILL, 2022

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***SHRI K. SUBBARAYAN:** This is a draconian Bill. I urge that this Bill should be referred to the Standing Committee for its review. Such records are stored for 75 years. Preserving this record for such a long period is not at all necessary. The Government is bringing the Bill in the name of technological advancement. But the intention of this Government is to just keep the people in fear and panic besides threatening the opposition parties. I, therefore, strongly oppose this Bill.

SHRI P. RAVINDHRANATH: A civilised and sophisticated police force is quite essential for a civilised and advanced society. I am confident that the India will see a tech-savvy, humane and accountable police force and the much-needed police reforms will also take place. The Modernisation of State Police Scheme has been extended for five more years, until 2025-26, with a total outlay of Rs. 26,275 crore. The Home Ministry may ensure proper utilisation of the allocated sum. Tamil Nadu police may be granted an enhanced share from the modernisation fund. The world is moving towards a digital society. New age crime needs new age policing. Therefore, emphasis should be made in this Bill on capacity building, including experts in forensics at the police station level itself so that so that the police is better equipped. So, more funds need to be

** Speeches made by other hon. Members have already been included in the Synopsis (Main).

* Original in Tamil

allocated towards new age policing and forensics from the Modernisation of Police Forces Scheme.

SHRI BRIJENDRA SINGH: When I read this particular Bill and the provisions therein, I have to confess that it was a case of 'better late than never'. The Law Commission had recommended widespread changes. Many States tried to bring about piecemeal changes or amendments to the Identification of Prisoners Act of 1920. These States include, West Bengal, Gujarat, Karnataka, Maharashtra and Tamil Nadu. The last case was of Karnataka in 2021, when they sought to expand the definition of 'measurement' and to include DNA voice, and iris scans. However, the Bill was reserved by the Governor for the consideration of the hon. President of India because it was felt that the Bill was repugnant with the Act of 1920. A 1920 Act which provides for only fingerprints, footprints and photographs is not the way to deal with crime and criminals of the 21st century. We cannot expect our police to be equipped with tools of early 20th century to deal with crimes and criminals of the 21st century. The modern techniques and the modern technology greatly facilitate and enhance the quality and quantity of criminal investigation. I would like to conclude by saying that no society is perfect, nor is ours. There are deeply held biases and prejudices embedded in our social consciousness. Our police is a product of its social milieu and as such is far from being perfect. However, that does not mean that we do not empower it with requisite powers and instruments. There is an undeniable need to strike a balance between protecting an individual's privacy and giving the police the tools, they need to keep us safe.

SHRIMATI NAVNEET RAVI RANA : We say that we should compete with the big countries and come to their level. So, in this matter also, we should try to get to their level. The culprit must be punished. I think there should be some strictness in the rules and regulations in this country to give justice to the people. Then, there will be less crime and criminals in our country. The present Bill is an advanced step to decrease the workload of courts and investigative agencies. The proposed Bill is an advanced form of identification with available advanced technologies. In Maharashtra, police are taking action against innocent people. The proposed Bill is just, fair, reasonable and proper and it perfectly maintains balance and right of privacy. I wholeheartedly support this Bill. Our government is working to end crime.

PROF. SOUGATA RAY: We had opposed the introduction of the Criminal Procedure (Identification) Bill because it is draconian. It impinges Articles 14, 20(3) and 21 of the Constitution. Moreover, this Bill has been badly drafted in which neither is

biological sample clear nor is the behavioural attitude clear. This is possibly the first Bill which deviates from the Criminal Procedure Code. Under the Criminal Procedure Code, an officer of the rank of Sub-Inspector can lodge an FIR. But, the Government is trying to give power to head constables to do measurements. Hence, I would like to urge upon the Government to refer this Bill to the Standing Committee so that all the definitions can be clarified and the misuse of the Bill can be avoided.

DR NISHIKANT DUBEY: I rise to support this Bill brought by the strongest Home Minister and the fiercest nationalist under the leadership of hon'ble Prime Minister. This government abolished Article 370, amended the UAPA Bill to target criminals and terrorists and granted citizenship to Hindu brothers from Afghanistan, Pakistan and Bangladesh who came here on the basis of religion. All these steps reflect the commitment of the government. Today, the opposition is questioning the intention of the government, whereas in the year 1967, the same Congress government brought the UAPA Act against the movement of sadhu-saints. After the 1984 Sikh riots, the Congress government brought the TADA Act in 1985 to suppress the citizens here. Earlier the Congress along with the opposition talked about the Right to Information and now today they are speaking about the Right to Privacy. A common man, who has no criminal case against him, gives PAN number, Aadhaar number and photo for getting a mobile or SIM. But, when these documents are to be taken from the convicts and the criminals, it is being said in Parliament that the Government brought in a draconian law. Today, I would urge upon this House that there is a need for such a law to protect the women and the children and to check terrorist activities and to arrest the guilty persons.

SHRI ADHIR RANJAN CHOWDHURY: I vehemently oppose the Bill. It offers a *carte blanche* to the police officials to collect samples according to their whims and fancies. This Bill does provide for the access to storage for DNA indexing. In the absence of any restriction on the scope of the notification under Clause 4, Sub-Clause 3, it cannot be ruled out that the task of collecting, preserving and sharing in measurement may be assigned to some private agency. It will be impingement on the sovereign function of the state. Our Police Forces are neither skilled in sample collection nor is there any provision for their proper training to this end.

THE MINISTER OF HOME AFFAIRS AND MINISTER OF COOPERATION (SHRI AMIT SHAH) replying said: This Bill has not been introduced for any misuse. Any possibility of data misuse has also not been left in this Bill. This has been introduced with a view to establishing a system. Changes have

occurred over time and those changes may be used for conviction and this Bill has been introduced with a view to ensure this. It is the duty of the Government to take care of the human rights of those who are law abiding. This Bill is for protecting the human rights of crores of law obedient citizens of the country. This Bill has been introduced with the sole objective of augmenting the rate of conviction within the country so as to send a strict message to the society. It was stated that what was the need of it? I would like to tell that as per the data of the National Crime Record Bureau for the year 2020, we are able to get conviction only for 44 per cent cases of murder, 39 per cent in cases of rape, 24 per cent in attempt to murder, 29 per cent in case of dacoity and 38 per cent in case of robbery. In comparison to it, conviction rate is more in South Africa, Australia and the USA. All these countries are champions of human rights and have more stringent laws available with them. Crimes have changed, criminals have changed and crime and criminal both have started happening/working with latest technology. Now, it is necessary to equip the police with the latest technology. This has been pointed out rightly that in our country skilled human resource of forensic science is not available. When Modi ji was the Chief Minister of Gujarat, the Gujarat Forensic Science University- a first one across the world, was set up for this purpose. Not only a university was set up, but its affiliated colleges, its campuses were opened in six states. Everywhere Centres of Excellence for different disciplines of forensic science were also set up. This Bill should not be viewed in isolation. This Bill is one of the initiatives among all the initiatives in toto. A Modus Operandi Bureau has also been constituted in the Ministry of Home Affairs in the year 2020 in which modus operandi will be studied. We have carried out a big exercise to improve the IPC and the CRPC. Discussion should not take place to address vote bank, it should be to solve the problem. We have given proposal for Director of Prosecution as well to the States. We have taken many e-governance initiatives as well. I am pleased to state that today 99 per cent FIRs are being registered in Police Stations on the basis of CCTNS. This makes available data and on the basis of that data crime analysis is done for the entire country, strategy to check crimes is formulated and the Home Ministry gives its advisory thereon to the states. E-prosecution has been implemented in 751 districts in the country. This is not a rambling. This Bill is a part of the total effort to make the criminal justice system foolproof, augment the rate of conviction. We have also launched an investigation tracking system for sexual offence. A National Database of Sexual Offenders- NSDO, has also been launched. No leakage has ever occurred so far in all these. Not a single complaint of its misuse has been reported to any of the court in the country. The initiative of the Government is to bring down the crime, strengthen the internal security of the country. There is no need to be afraid of the database. The whole world has been using the

database and we also will have to do it. National Automated Fingerprint Identification System (NAFIS) had been introduced. The data of NAFIS is stored in NCRB. No one has access to it; no law enforcement agency will have unilateral access to it unless it requires it. NAFIS will be connected to every police station through CCTNS. I gave the example of NAFIS so that everyone might have clarity about its operation with regard to the data which will be inside the most protected hardware. Whoever requires access to this data, would send the sample and the outcome of the match will be send from here and not the data. Due to lack of proof, 7.5 lakh cases are closed every year. Do those have not the human rights who suffer the loss on account of the closure of these 7.5 lakh cases? 15 lakh cases are pending in expectation of justice due to lack of strong proofs. Do they have no right to get justice expeditiously? That justice could be made available only if we consolidate all these initiatives through electronic medium and use them to ensure conviction. There will be no need of the use of third degree if sentences could be ensured on the basis of technology, data and information. The Government would make foolproof arrangement to ensure that no misuse takes place anywhere. In the rules, the method of its functioning would be chalked out in such a way to ensure it and the services of best knowledgeable persons of technology in the country would be availed for this purpose. The extant Act does not provide to take the body measurement with modern and latest techniques. We have brought this law to take measurement of body through a new technique. As I stated earlier, we do not want to use this law for any other purpose except conviction. We have held discussion with all Governments and only after that I have presented this Bill here. There is a need to take care of rights of the society as well along with the rights of an individual. Puttaswami judgment was being quoted, it is not proper, neither is it applicable in this regard nor puts any hurdle in the passage of this Bill. 'May be' and 'Shall be' words were also discussed here. 'May be' has been written because if someone wishes to provide one's data, one is free to do that. Thereafter, the issue regarding the stipulation of 75 years was raised. When there is no question of any data leakage, what is the use of reducing the stipulated years? I would like to place on record before the house about narco analysis and brain mapping and if there is any apprehension regarding it, it would be specified in the rules that no one could carry out these tests without the concurrence of the prisoner. Where there is no question of sentence for seven years for an offence, providing sample could be declined. For this purpose, we could put certain restrictions through rules as well. Such an apprehension is not correct that this could be used against minorities. Will the UAPA not be enforced against those working against the country only because they could raise questions? The UAPA is not for any caste or religion. At last, I would like to submit this much that we cannot afford to delay the use of modern technique in the criminal justice system. To

safeguard this country, ensure conviction of alleged culprits and to make the internal security of the country impregnable, all sorts of techniques should be used. Therefore, it is my request to all of you to pass this Bill. This Bill is one of its sort which should be passed unanimously.

The motion was adopted

The Bill was passed.

Utpal Kumar Singh
Secretary General

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NOTE: It is the verbatim Debate of the Lok Sabha and not the Synopsis that should be considered authoritative.

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