

Seventeenth Loksabha

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Title: Motion to consider the Delhi Special Police Establishment (Amendment) Bill, 2021 (Motion Adopted and Bill Passed).

विज्ञान और प्रौद्योगिकी मंत्रालय के राज्य मंत्री; पृथ्वी विज्ञान मंत्रालय के राज्य मंत्री; प्रधानमंत्री कार्यालय में राज्य मंत्री; कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री; परमाणु ऊर्जा विभाग में राज्य मंत्री तथा अंतरिक्ष विभाग में राज्य मंत्री (डॉ. जितेन्द्र सिंह): अध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए ।

माननीय अध्यक्ष: प्रस्ताव प्रस्तुत हुआ:

“कि दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए । ”

SHRI GAURAV GOGOI (KALIABOR): Respected Sir, I oppose the introduction of this Bill because the Bill proposes to allow extension of the term of the CBI Director up to a period of five years. The extensions will be based on the recommendations of the Committee constituted as per the Delhi Special Police Establishment Act and Chaired by the Prime Minister. Such a Committee with its composition and definition of term such as ‘public interest’, which is undefined, will pave way for excessive Executive interference into the agency’s independent functioning.

Secondly, the Bill proposes to extend the term of the CBI Director one year at a time for a maximum of three extensions. Such piecemeal extensions will cause the individual’s loyalty to lie with the Executive

and not in serving the truth. So, for the interest of protecting the independence and integrity of the CBI agency and for protecting the autonomy, I oppose the introduction of this Bill, which is an overreach by the Executive to ensure that the CBI is accountable to the Executive instead of being accountable to the people of India.

DR. SHASHI THAROOR (THIRUVANANTHAPURAM): Sir, in order to save time, I will not repeat the arguments that I have already made in regard to the CVC Bill because the same arguments apply once again here also. However, I will point out, in particular, the flagrant disregard of the Supreme Court's statements on these matters. For example, there is a particular sentence in the Supreme Court ...
(Interruptions)

माननीय अध्यक्ष: आप लेजिस्लेटिव पावर के मामले में विषय उठा सकते हैं ।

... (व्यवधान)

DR. SHASHI THAROOR : Sir, I repeat, on record, that I have the same objections to this Bill. Thank you, Sir.

PROF. SOUGATA RAY (DUM DUM): Sir, I oppose the introduction of the Delhi Special Police Establishment (Amendment) Bill, 2021.

I want to point out to you a special thing that if you read the Statement of Objects and Reasons for the two Bills, that is, the earlier CVC Bill and the Delhi Special Police Establishment Bill, then it could be seen that the first three paragraphs are the same. The Government did not even care to have it drafted differently, and they have given the same

logic for CBI and ED because they are two arms of the Government. As has been said by the Supreme Court, CBI has become a 'caged parrot'. It is no longer the premier investigating agency of the country. It is an agency to be used ... (*Interruptions*)

माननीय अध्यक्ष: आप लेजिस्लेटिव पावर पर बोलिए, उसके लिए मैं आपको इजाजत दूंगा ।

... (व्यवधान)

प्रो. सौगत राय: सर, यह बिल लोकतंत्र के खिलाफ है । The CBI is being used to harass Opposition people. ... (*Interruptions*) Sir, it will circumvent the Supreme Court judgement. ... (*Interruptions*) If you allow Pinaki Misra ji, he would be able to explain. He is a top lawyer. I am not a lawyer, but I find that the Supreme Court -- which called CBI a 'caged parrot' -- is being bypassed and a particular person is being favoured. ... (*Interruptions*)

माननीय अध्यक्ष: आपके पास नए तथ्य हैं तो उस पर बोलिए । पुराने तथ्यों को मत दोहराइए ।

... (व्यवधान)

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Sir, with all humility at my command, I am strongly opposing the introduction of this Bill. The reason is that the Government, by bringing this Bill, has accepted that the whole Indian Police Service has become useless. They are accepting that there are no officers in the present system who can take over the post of Director. If the logic of the

Government has to be accepted, then that means the post of Director should be made a lifetime post.

बात यह है कि एक मेलाफाइड लेजिस्लेशन लाने की कोशिश की जा रही है । यह सरकार ऑर्डिनेंस राज चाहती है । ये इलेक्टोरल ऑटोक्रेसी चाहते हैं, इसलिए अपनी मर्जी के माफिक जिसको पसन्द करते हैं, उसे रखते हैं । इसे कहते हैं – ‘पिक एंड चूज’ पॉलिसी । ये ‘पिक एंड चूज’ पॉलिसी के दौरान उसे रखना चाहते हैं, जो ऑफिसर्स इनकी बात सुनकर अपोजिशन के खिलाफ कार्रवाई करेंगे । यही इनकी मंशा है ।

माननीय अध्यक्ष : नहीं ।

श्री एन. के. प्रेमचन्द्रन ।

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श्री अधीर रंजन चौधरी: सर, एक लीगल प्वाइंट है । ... (व्यवधान) मैं एक लीगल प्वाइंट पर बोल रहा हूँ । In the case of Vineet Narain & Others *versus* Union of India, the Supreme Court ruled in 1998 that the CBI Director shall serve for a minimum of two years regardless of the date of his superannuation. This should ensure that an officer who is qualified in every way is not overlooked simply because he has fewer than two years period till, he retires from his position. इसलिए यह क्या मायने रखता है? सिर्फ ... * कोई क्राइटेरिया नहीं हो सकता है । The Government should not follow the criteria of obscureness and obedience, rather the Government should follow the concept of efficiency and competency, which has been compromised by this kind of legislatively *mala fide* and democratically autocratic legislation.

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, my objections to this Bill is similar to that of the former Bill but I would like to add one sentence. In the former Bill, the Financial Action Task Force (FATF) came into the picture but here, the Convention of the United Nations against Corruption in May 2011 has found a place in the Statement of Objects and Reasons. I would like to ask a specific question to the hon. Minister. Has the Convention of the United Nations or the Inter-Governmental Organisation of the United Nations mentioned anything about extending the tenure of a particular officer? It has nothing to do with the Statement of Objects and Reasons. Once again, I would like to repeat that the Statement of Objects and Reasons is contradicting the provisions of the Bill. It is lacking in *bona fide* intentions. Hence, I strongly oppose the introduction of this Bill also. I would also like to have a response from the hon. Minister.

माननीय अध्यक्ष : क्या माननीय मंत्री जी कुछ कहना चाहते हैं?

डॉ. जितेन्द्र सिंह: अध्यक्ष महोदय, मुझे केवल इतना कहना है कि बार-बार जो 'पैरेट इन केज' की बात आ रही है, शायद ये भूल गए हैं कि वह बात यूपीए सरकार को लेकर कही गई थी। अब वह तोता आज़ाद हो गया है। वर्ष 2014 से वह तोता आज़ाद हो गया है।

सर, दूसरी बात यह है कि जैसा प्रेमचन्द्रन जी ने कहा है कि क्या इस तरह का प्रावधान यूएनओ में है, मैं विस्तार से उसकी चर्चा बाद में करूंगा। But the FATF, Clause 8 says that the law enforcement authorities and prosecuting authorities should have adequate financial, human, and technical resources. Countries should have in place processes to ensure that the staff of such authorities maintain high professional standards, including standards concerning confidentiality. We would talk about this

in detail because I don't want to now delay the introduction of the Bill. In the interest of maintaining confidentiality, and also keeping in mind the international ramifications, this is being done. Again and again, it is being said that there is leverage to give an extension, which is unlimited. It is not so. The amendment that we are bringing limits it to five years, which was not there earlier, and the existing clause says that the minimum period is two years. So, we have actually streamlined it. We will go in detail when we take up the consideration of the Bill.

माननीय अध्यक्ष : प्रश्न यह है :

“कि दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति प्रदान की जाए ।”

प्रस्ताव स्वीकृत हुआ ।

DR. JITENDRA SINGH: Hon. Speaker, I introduce the Bill.
