

Lok Sabha clears criminal data bill; there'll be no misuse, says home minister

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NEW DELHI: Lok Sabha passed the Criminal Procedure (Identification) Bill on Monday with home minister Amit Shah assuring the House that the "government will do everything to ensure there is no misuse of the law" as the opposition mainly came on the "possibilities" of law-enforcing authorities harassing citizens and misusing data, leading to breach of individual privacy.

Following a demand from all parties, the home minister assured that the Bill "will definitely be sent to the standing committee". In his reply before the Bill was passed by a voice vote, Shah said the Bill will ensure that investigators remain two steps ahead of criminals. He said those raising human rights concerns must also show concern for the rights of victims of crime.

Almost the entire opposition including Naveen Patnaik's BJD opposed the Criminal Procedure (Identification) Bill, 2022, in Lok Sabha on Monday, essentially over fear of misuse of the law against individual citizens by police forces and other law enforcement agencies, on data collection without any law for data protection yet in the country, and also in terms of "breaching" fundamental rights guaranteed by the Constitution on the Bill having been passed.

The Bill was passed on Monday evening by a voice vote, even as the entire opposition demanded that it be sent to the parliamentary standing or select committee for scrutiny. The YS Jaganmohan Reddy led YSRCP was the only party in the opposition benches that supported the Bill for passing but party MP Midhun Reddy demanded "stronger guarantees" from the government to ensure the law will not be used to settle scores against political rivals and the data will not be misused.

During the discussion, the members voiced concern over the broad provisions in the draft legislation that empowered a head constable of a police station or a head warden of a jail to take "measurements" of convicts as well as those in preventive detention. RSP member N K Premachandran asked for an amendment on the lines but the House overruled it.

Initiating the discussion, Congress MP Manish Tewari said the draft legislation was "draconian and against civil liberties". Since the Bill provides for taking measurements of convicts and others for the purposes of identification and investigation in criminal matters and to preserve records, it was against the spirit of Article 14, 19 and 21 of the Constitution dealing with human rights and civil liberties, he said.

Dayanadhi Maran (DMK) said the Bill was anti-people and against the spirit of federalism. Accusing the government of trying to establish a surveillance state by bringing in such a legislation, he said, "It is open ended and infringes on the privacy of individuals."

TMC member Mahua Moitra said the Bill sought to replace the Identification of Prisoners Act, 1920, but the proposed law had fewer safeguards than the law enacted by the British. In absence of a data protection law, the proposed measure lacked safeguards to ensure that the information collected was protected well, and could lead to violation of the privacy of an individual who has not been convicted, she said. Shiv Sena member Vinayak Raut termed the Bill a "cruel joke on humanity". NCP member Supriya Sule contended the Bill was violative of Article 21, the right to be forgotten, and the rights of prisoners.