



# Standing Committee Report Summary

## The Private Detective Agencies (Regulation) Bill, 2007

- The Standing Committee on Home Affairs submitted its 139th report on the Private Detective Agencies (Regulation) Bill, 2007 on February 13, 2009. The chairperson of the committee was Smt Sushma Swaraj.
- The Bill provides for the regulation and licensing of private detective agencies operating in India. It defines 'private detective work' as a 'collection of information in a lawful manner for such an objective by a licensed private detective agency'. The Standing Committee notes that the both 'lawful objective' and 'lawful manner' have not been defined in the Bill.
- The Standing Committee raises the possibility that there could be a conflict between state and private investigating agencies when contradictory information is collected. They advise not creating a parallel institution that could promote this conflict.
- The Committee observes that the activities of private detectives have not been defined in the Bill. The recommend that the areas of operation of private detective agencies should be specified in the Bill.
- The Bill requires a private detective to notify a superior and the police if a cognizable offence has been committed. The Committee recommends outlining which offences are required to be reported by the private detective agencies.
- A company or association shall not be considered for a license if it not registered in India or whose majority shareholder is not an Indian citizen. The Committee notes that this could allow minority foreign shareholders to operate in India.
- Given the lack of a privacy law in India, the Committee questions what mechanism will protect an individual's civil liberties from infringement by a private detective agency.
- There should be a provision in the Bill that states that the reports of private detective agencies should not be used as evidence.
- The Committee highlights the contradiction in the Bill which allows the government to relax certain license requirements even though the requirements are clearly stipulated earlier in the Bill.
- The Bill creates regulatory boards at both the state and central levels to regulate private detective agencies. The Committee believes that the Bill or rules should specify the qualifications of the Board members.
- The Committee notes that the issue of private detectives falls under the purview of the Home Ministry. The Committee believes that it should be dealt with by the Consumer Affairs Ministry as it is in the United States.

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