

MOST IMMEDIATE

**F. No. 2401/15/2008-PM-I
Government of India
Ministry of Home Affairs
(PM Division)**

.....

Jaisalmer House, 26, Mansingh Road,
New Delhi, dated the 3rd November, 2014

To,

**The Principal Home Secretaries / DGsP of all State Governments and
Union Territories (except Odisha, NCT of Delhi and Haryana)**

**Subject: Report of the Committee under the chairpersonship of Secretary
(BM) in MHA on the Private Detective Agencies (Regulation) Bill,
2007.**

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Sir / Madam,

The undersigned is directed to refer to the above subject and to say that the Ministry of Home Affairs introduced the Private Detective Agencies (Regulation) Bill 2007(**PDAR**) in the Rajya Sabha on 13th August 2007 after the approval of the Cabinet in April, 2007. The objective of the Bill is to regulate the working of Private Detective Agencies (**PDAs**) through a system of mandatory licensing so as to ensure that they work within the ambit of legal framework and are accountable to the regulatory authority.

2. The Rajya Sabha Secretariat on 17.8.2007 referred the Bill to the Department-related Parliamentary Standing Committee (**DRPSC**). The DRPSC has presented its report in both the Lok Sabha and the Rajya Sabha on 13th February, 2009. The Committee was apparently not convinced of the *sine-qua-non* of the Bill and has recommended that the Ministry of Home Affairs may have a re-look at the provisions of the Bill in the light of the issues raised and suggestions made by it. **A summary of the main policy issues raised by the DRPSC are given below:**

- (i) Definition of 'lawful objective' and 'lawful manner'
- (ii) Jurisdiction of Private Detective Agencies.
- (iii) Conflict between Private & State Detective Agencies.
- (iv) Legal sanctity to Private Detective Agencies.
- (v) Foreign detective agencies in India.
- (vi) MNCs in detective business in India.
- (vii) Jurisdiction of MHA on the subject matter of the Bill.
- (viii) Infringement of Privacy of individual.
- (ix) Qualification or the background of the Board Members.
- (x) Demarcation of areas of cognizable offence.
- (xi) Evidentiary value of reports of Private Detective Agencies

3. Accordingly, a Committee was constituted in the Ministry of Home Affairs under the Chairpersonship of the **Secretary (Border Management)** to consider the issues raised by the DRPSC on the Private Detective Agencies (Regulation) Bill, 2007. After detailed deliberations, a draft report of the Committee addressing the queries raised by the DRPSC was prepared. A soft copy of the draft Report in CD is enclosed and is also available on MHA's Website under the caption, "PM Division".

4. Before finalising the Report of the Committee, it has been decided to obtain the comments of all the State Governments on the draft Report of the Committee constitute to examine the issues raised by the DRPSC on the Private Detective Agencies (Regulation) Bill, 2007.

5. The undersigned is directed to request to kindly furnish your comments, if any, on the draft Report by 30th November, 2014. 'NIL' information may also please be forwarded. In case no comments are received by the stipulated date, Nil information shall be presumed. The comments may also be sent by email to dirpmr@nic.in and copied to us-pm@nic.in.

Yours faithfully,



(S.D. Sharma)

Director (PMR)

Tele-fax No.: 011-23385947

Encl: As above

Copy to:

- (i) Principal Resident Commissioners, State Government Bhavans, New Delhi.
- ✓(ii) SO (IT), MHA, North Block, New Delhi with the request that this letter be uploaded on the website of MHA immediately under the caption 'PM Division' 'New' (blinking).

Copy with the request to furnish their comments also to:

- (i) Joint Secretary (UT)
- (ii) Joint Secretary (Judicial)
- (iii) Joint Secretary (IS-I)
- (iv) Joint Secretary (IS-II)
- (v) Joint Secretary (CS)
- (vi) Joint Secretary (PP)