

Sixteenth Loksabha

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Title: Introduction of the Fugitive Economic Offenders Bill, 2018.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SHIV PRATAP SHUKLA):

On behalf of Shri Arun Jaitley, I beg to move for leave to introduce a Bill to provide for measures to deter fugitive economic offenders from evading the process of law in India by staying outside the jurisdiction of Indian courts, to preserve the sanctity of the rule of law in India and for matters connected therewith or incidental thereto....*(Interruptions)*

HON. SPEAKER: Motion moved:

“That leave be granted to introduce a Bill to provide for measures to deter fugitive economic offenders from evading the process of law in India by staying outside the jurisdiction of Indian courts, to preserve the sanctity of the rule of law in India and for matters connected therewith or incidental thereto.”

... *(Interruptions)*

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, no doubt, I have given notice for Adjournment Motion but still as this Bill is being introduced, I want to stick to my Adjournment Motion. But at the same time, I would like to raise my objection to the introduction of this Bill because this Bill is on the premise that anyone can be prosecuted, or his property can also be acquired without his being found guilty by the court of law. ....*(Interruptions)* There are two specific provisions which are against the fundamental rights of the citizens of this country. It is that you cannot restrain a person from going to the court of law to get justice. This Bill restrains the person to go to the court of law. ....*(Interruptions)*

Then, the other provision is that this Fugitive Economic Offenders Bill, 2018 listed today lacks teeth to deal with fugitives. We have multitude of laws like PMLA, SARFAESI, IBC to

deal with white collar crimes. ....(*Interruptions*) Why do we need another law? The only difference is to confiscate the assets of alleged fugitive economic offenders before conviction. *Prima facie*, these provisions in the proposed Bill may seem very novel but they are likely to bypass judicial scrutiny since it is based on the premise of 'guilty' till proved innocent as against 'innocent until proved guilty'. ....(*Interruptions*)

The Supreme Court in 2016 had specifically in a landmark judgement by a Constitution Bench clearly stated that no individual can be penalised without being convicted.

So, no individual can be penalised without being convicted and no one can be denied access to justice, which is a facet of Right to Life under Article 21 of the Constitution.... (*Interruptions*)

I, therefore, urge upon this House and also the Minister to go back and re-draft ... (*Interruptions*) the Bill because this is a provision which goes against the fundamental right of citizens of this country. ... (*Interruptions*) You may have two or three persons before you.

... (*Interruptions*) But there is every possibility that if at all it becomes a law, it is going to be misused against any citizen of this country.

... (*Interruptions*) Therefore, I oppose the introduction of this Bill.

... (*Interruptions*)

**श्री शिव प्रताप शुक्ला:** महोदया ,कम्पिटेंसी आलरेडी पार्लियामेंट की है और कंसीडरेशन बेसिस पर इस बिल को अपोज किया ही नहीं जा सकता। रूल (1)72में आलरेडी ओ.के .हुआ है ,जिस पर कंफ्रंटेशन नहीं कर सकते।

HON. SPEAKER: The question is:

“That leave be granted to introduce a Bill to provide for measures to deter fugitive economic offenders from evading the process of law in India by staying outside the jurisdiction of Indian courts, to preserve the sanctity of the rule of law in India and for matters connected therewith or incidental thereto.”

*The motion was adopted.*

SHRI SHIV PRATAP SHUKLA: I introduce the Bill.

HON. SPEAKER: Hon. Members, the Matters under Rule 377 shall be laid on the Table of the House. Members who have been permitted to raise matters under Rule 377 today and are desirous of laying them, may personally hand over slips at the Table of the House within 20 minutes.

Only those matters shall be treated as laid for which slips have been received at the Table within the stipulated time and the rest will be treated as lapsed.

*... (Interruptions)*