

'Intelligence agencies not grounded in law'

Pegasus would not have happened if they were held accountable, says Congress leader Manish Tewari

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The use of NSO Group's Pegasus spyware against Opposition leaders, activists, judges and journalists would not have occurred if intelligence agencies were grounded in law and with provisions for holding them accountable, senior Congress leader Manish Tewari has said.

In 2011, Mr. Tewari had moved a private member's Bill in the Lok Sabha – the Intelligence Services (Powers and Regulation) Bill – that sought to bring “appropriate statutory basis” for intelligence agencies. It also dealt with the question of balancing the demands of security and privacy of individuals.

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MANISH TEWARI, SENIOR CONGRESS LEADER



Mr. Tewari listed an improved version of the Bill in 2019, but since the beginning of the 17th Lok Sabha, private members' business has not been taken up.

“The problem in India is that both the law enforcement and intelligence organisations do not have a sound legal basis,” he stated.

Mr. Tewari pointed to a November 2013 Gauhati High

Court judgment, which called the Central Bureau of Investigation (CBI) “illegal”. For the past eight years, the CBI's existence hung by the thread of a stay, as the Supreme Court had so far not adjudicated on the legality of the organisation that had the authority to deprive people of their life and liberty, he stated.

To a question raised by

Mr. Tewari in 2009 on the legal basis of the Intelligence Bureau (IB) and the Research and Analysis Wing (RAW), the government admitted that the RAW had no basis in law. The IB, it stated, derived its existence from being on the Union List.

Mr. Tewari said, “It creates a spectre of completely unbridled power, when you have organisations functioning without any legal framework that have the ability to transgress in the personal lives of the citizens.”

The world over, he observed, intelligence agencies were governed by law. “In each evolved democracy, intelligence agencies are sub-

ject to very rigorous parliamentary oversight. There are specific parliamentary committees that look at their functioning so that excess do not get committed. Unfortunately, in India, there is a complete absence of even a public discussion on how to hold the agencies accountable,” he said.

If this law had been in place, something like Pegasus would not have happened, Mr. Tewari added.

Mr. Tewari said BJP leader Ravi Shankar Prasad, in an “implicit admission of the government's culpability”, had stated that when 45 countries had used the Pegasus spyware, why should India be singled out.