

Internal Security & Crime

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Arrangement in the Indian Constitution

- Basically federal in structure & form
- Division of powers between the Union & States with defined spheres of authority
- Coupled with centralizing elements in the form of concurrent jurisdiction where writ of Union prevails over States in case of conflict
- Article 246 defines the subjects falling under the Union & States as well as those in concurrent jurisdiction
- **Indian Police Service** one of the three All India Services – a unique concept
- Some call it **quasi-federation** others term it **centralized federation** or **cooperative federalism**

“I have a concept in my mind - that of SMART police - a SMART police force. How can we work with this vision? When I talk about SMART police I mean S - Strict but also S - Sensitive, police should be Strict yet Sensitive, M – Modern and there should be Mobility, there should be no stagnancy, A - Alert and Accountable, R - Reliable and Responsive, T - Techno savvy and Trained. We have to take these five points and march ahead. I truly believe we can fill the police force with a new life and a renewed sense of consciousness.”

Hon'ble Prime Minister Sri Narendra Modi while addressing Delegates in DG/IG Conference at Guwahati

Major division of powers in the area of Security & Crime

List -1 the Union List

- 1. Defence of India and every part thereof
- 8. Central Bureau of Intelligence and Investigation

List – 2 the State List

- 1. Public order
- 2. Police including railway & village police

List 3- the Concurrent List

- 1. Criminal law
- 2. Criminal procedure

Cross-border crime: a new challenge for federalism

- Security situation has changed drastically since independence more so in last two decades
- Terrorism has emerged as a major challenge for internal security
- Crime has acquired inter-state and international character
- Crime especially its new forms such as cyber-crime, cross border terrorism, sponsored insurgency, drug & human trafficking, financial crime crossing boundaries has changed the scenario
- These challenges require more cooperation in crime prevention & investigation between states and Union

Areas of cooperation between Union & States

- **CCTNS (Crime & Criminal Tracking Network Systems)** – an initiative taken by Union to provide a platform for States to share & collaborate in investigation and tracking of criminals.
- **NATGRID (National Intelligence Grid)** – another step by the Union to provide a common platform for sharing intelligence between Central agencies and those of States especially those tackling threats by terrorist elements
- **NCTC – (National Counter-terrorism Centre)** – a proposal giving powers of search & seizure for prevention of terrorist crime to Central Intelligence agencies but could not take off because of resistance from the States

National Investigation Agency

- In the aftermath of Mumbai 26/11 incident, the Parliament enacted National Investigation Agency Act in concurrent jurisdiction
- Limits jurisdiction of NIA to certain offences impinging on sovereignty & national security
- State Government to extend assistance to National Investigation Agency
 - **NIA ACT: Section 9.** The State Government shall extend all assistance and co-operation to the Agency for investigation of the Scheduled Offences.
 - **NIA (Manner of Constitution) Rules: Rule 7 (b):** to provide assistance to, and to seek assistance from, other intelligence and investigation agencies of Central & State Governments

Cooperation between Union & States

- Providing support of Central Armed Police Forces (CAPFs) to States affected by left wing extremism and insurgency
- Financial support to left wing extremist effected States by reimbursing security related expenditure
- Sharing of intelligence between the Central Intelligence Agencies and States
- Annual CM's conference on Internal Security for exchange of views and working out common strategies
- Biannual Conference convened by MHA on Left Wing Extremism

Modernisation of Police Forces & Prisons

- Centre has been sanctioning liberal grants for modernisation of police forces and prisons in the States
- Thrust has been on building infrastructure in the States especially in terms of better mobility, improved communication, providing training, enhancing combative capabilities, housing for the police personnel & modern secure police station buildings
- Bureau of Police Research & Development (BPR&D) advises the State Police by assisting them in their modernisation efforts
- MHA also coordinates the human resource development efforts by establishing training institutes & organising advance trainings for police personnel within the country and abroad.
- SVPNPA, NEPA & upcoming Central Police Academy, Coastal Police Academy

Need for more cooperation

- Increased instance of terrorist offences having cross-border dimensions— limiting efforts of States either to gather preventive intelligence or to conduct post incident investigation
- Similar challenge is also posed by cyber-crime, drug-trafficking, human trafficking which invariably have international ramifications
- Efforts to seek mutual assistance in collection of evidence outside the country and its transmission requires close cooperation as MHA acts as the Central Authority
- Extradition of criminals from other countries is also handled by the Central Government

THANK YOU

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