

MODULE –III

LEADING LAWS REGULATING DEFENCE SECTOR IN INDIA

WING COMMANDER K VENUGOPAL (RETD)

INTRODUCTION

- ▶ TO DEAL WITH AND RESPOND TO INTERNAL AND EXTERNAL THREATS, LAWS RELATING TO DEFENCE AND NATIONAL SECURITY A NECESSITY
 - ▶ OTHER THAN DEFENCE FORCES, PARAMILITARY FORCES, STRATEGIC FORCES AND POLICE FORCES MAINTAIN INTERNAL SECURITY AND DEFEND COUNTRY AND ARE UNDER MINISTRY OF HOME
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- **INDIAN RESERVE FORCES ACT, 1888**
 - **WORKS OF DEFENCE ACT, 1903**
 - **ARMED FORCES (EMERGENCY DUTIES) ACT, 1947**
 - **RESERVE AND AUXILIARY AIR FORCES ACT, 1952**
 - **RAILWAY PROTECTION FORCE ACT, 1957**
 - **CENTRAL INDUSTRIAL SECURITY FORCE ACT, 1968**
 - **DEFENCE AND INTERNAL SECURITY OF INDIA ACT, 1971**
 - **NATIONAL SECURITY GUARD ACT, 1986**
 - **SPECIAL PROTECTION GROUP ACT, 1988**
 - **DISASTER MANAGEMENT ACT, 2005**
 - **CANTONMENT ACT, 2006**
 - **INDO-TIBETAN BORDER POLICE FORCE ACT, 1992**
 - **ASSAM RIFLES ACT, 2006**
 - **SASHASTRA SEEMA BAL ACT, 2007**
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INDIAN RESERVE FORCES ACT, 1888

- ▶ **PASSED TO REGULATE INDIAN RESERVE FORCES AND REGULATE DISCIPLINE OF THE FORCES**
- ▶ **DEFINITION OF RESERVE FORCES NOT SPECIFIED, BUT, CONSIST OF RETIRED ARMED FORCES PERSONS AS SPECIFIED IN THE RULES**
 - ▶ **CALLED UPON WHEN REQUIREMENT DURING ANY WAR OR OTHER EMERGENCIES**
 - ▶ **THE ACT CONSIST OF 8 SECTIONS AND RULES WERE ENACTED IN 1925**
- ▶ **AS PER ACT, DIVIDED INTO 2**
 - ▶ **ONE BEING THE REGULAR RESERVE**
 - ▶ **OTHER SUPPLEMENTARY RESERVE, WHO CAN BE DEPLOYED OUTSIDE OF THE INDIAN TERRITORY AS WELL WHEN REQUIRED.**
- ▶ **CENT GOVT ENABLED TO MAKE RULES AND ISSUES NOTIFICATIONS WHEN REQUIRED AND REGULATE THE FORCES**
- ▶ **RESERVE CONSISTS OF –**
 - ▶ **JUNIOR COMMISSIONED OFFICERS WHO HAVE BEEN OR MAY BE TRANSFERRED TO THE RESERVE EITHER WITH THEIR OWN CONSENT OR IN PURSUANCE OF, THE CONDITIONS OF THEIR COMMISSION**
 - ▶ **INDIAN WARRANT OFFICERS SPECIFIED**
 - ▶ **PERSONS REENROLLED UNDER ARMY ACT, 1911 AND TRANSFERRED TO RESERVE EITHER WITH THEIR OWN CONSENT OR IN PURSUANCE OF CONDITIONS OF THEIR ENROLMENT**
 - ▶ **PERSONS ENROLLED UNDER THE ACT FOR SERVICE IN THE RESERVE**

INDIAN RESERVE FORCES ACT, 1888

- ▶ PERSONS ON RESERVE FORCES SUBJECT TO MILITARY LAW AS IF PART OF REGULAR ARMY
- ▶ WHEN CALLED UPON FOR DUTY, IN CASE OF NON-COMPLIANCE OF CALL WITHOUT ANY REASONABLE EXCUSE, OR FRAUDULENTLY OBTAIN ANY PAY IN CONTRAVENTION OF THE RULE, WILL BE SUBJECTED TO COURTS-MARTIAL PROCEEDINGS AND BE PUNISHED ACCORDING TO THE ARMY ACT
- ▶ REQUIRED BY COMMANDING OFFICER(CO) TO ATTEND MEDICAL EXAMINATION AT NEAREST MILITARY STATION TO HOME
- ▶ EVERY RESERVIST OTHER THAN A RESERVIST OF THE INDIAN MEDICAL DEPARTMENT SUB-ASSISTANT SURGEON RESERVE SHALL COME UP FOR SERVICE, TRAINING OR MUSTER, WHEN REQUIRED TO DO SO BY CO; COMMANDER-IN-CHIEF OR OF ANY AUTHORITY EMPOWERED
- ▶ EVERY RESERVIST OF THE INDIAN MEDICAL DEPARTMENT SUB-ASSISTANT SURGEON RESERVE SHALL COME UP FOR TRAINING WHEN REQUIRED TO DO SO BY ORDER OF CO, OR WHEN REQUIRED BY NOTIFICATION IN THE GAZETTE OF INDIA.
- ▶ SECTION-7 STIPULATES PROCEDURE FOR REINSTATING THE RESERVIST CALLED UP FOR TRAINING OR MUSTER OR SERVICE.
 - ▶ CIVIL EMPLOYER, UNDER WHOM EMPLOYED, TO REINSTATE HIM AS SOON AS TRAINING OR MUSTER OR SERVICE ENDED
 - ▶ ON NON-COMPLIANCE, EMPLOYER SUBJECTED TO PROCEEDINGS AND IF CIRCUMSTANCES ARISE, WHERE REINSTATING NOT POSSIBLE, EITHER CAN APPROACH AUTHORITY (HEAD OF REVENUE ADMINISTRATION OF DISTRICT – DISTRICT COLLECTOR) FOR APPROPRIATE ORDER
 - ▶ IF EMPLOYER DID NOT COMPLY WITH ORDER, LIABLE TO PAY 6 MONTHS REMUNERATION
 - ▶ PERIOD SPENT IN TRAINING, ON JOURNEY TO AND FROM PLACE OF TRAINING WILL BE TREATED AS DUTY FOR PURPOSES OF CIVIL LEAVE, PENSION AND INCREMENTS OF CIVIL PAY.

WORKS OF DEFENCE ACT, 1903

- ▶ ACT OBJECTIVE TO IMPOSE RESTRICTIONS UPON USE AND ENJOYMENT OF LAND IN VICINITY OF WORKS OF DEFENCE, THAT SUCH LAND BE KEPT FREE FROM BUILDINGS AND OTHER OBSTRUCTIONS, AND DETERMINING AMOUNT OF COMPENSATION ON ACCOUNT OF SUCH IMPOSITION
- ▶ ACT CONSISTS OF 44 SECTIONS ARRANGED IN 6 PARTS
- ▶ PART-1(SS. 1-2A) -PRELIMINARY. ACT APPLICABLE TO WHOLE OF INDIA. FEW IMPORTANT DEFINITIONS–
 - ▶ "LAND" INCLUDES BENEFITS TO ARISE OUT OF LAND, AND THINGS ATTACHED TO THE EARTH OR PERMANENTLY FASTENED TO ANYTHING ATTACHED TO THE EARTH
 - ▶ "PERSON INTERESTED" INCLUDES ALL PERSONS CLAIMING AN INTEREST IN COMPENSATION TO BE MADE ON ACCOUNT OF THE IMPOSITION OF RESTRICTIONS UPON THE USE AND ENJOYMENT OF LAND UNDER THIS ACT ; AND A PERSON SHALL BE DEEMED TO BE INTERESTED IN LAND IF HE IS INTERESTED IN AN EASEMENT AFFECTING THE LAN
 - ▶ "GENERAL OFFICER COMMANDING THE DISTRICT" MEANS THE OFFICER FOR THE TIME BEING IN COMMAND OF THE FORCES IN A DISTRICT
 - ▶ "COMMANDING OFFICER" MEANS THE OFFICER FOR THE TIME BEING IN COMMAND OF A WORK OF DEFENCE
 - ▶ "COLLECTOR" INCLUDES ANY OFFICER SPECIALLY APPOINTED BY THE CENTRAL GOVT TO PERFORM FUNCTIONS OF COLLECTOR UNDER THIS ACT
 - ▶ "COURT" MEANS A PRINCIPAL CIVIL COURT OF ORIGINAL JURISDICTION, UNLESS THE CENTRAL GOVT HAS APPOINTED (AS IT IS HEREBY EMPOWERED TO DO) A SPECIAL JUDICIAL OFFICER WITHIN ANY SPECIFIED LOCAL LIMITS TO PERFORM THE FUNCTIONS OF THE COURT UNDER THIS ACT
- ▶ PART-II (SS. 3-17) IMPOSES RESTRICTIONS. SECTION-3 ENABLES THE CENTRAL GOVT TO DECLARE AND IMPOSE RESTRICTIONS

ARMED FORCES (EMERGENCY DUTIES) ACT, 1947

- ▶ PASSED WITH 3 SECTIONS, TO ENABLE DUTIES IN CONNECTION WITH VITAL SERVICES TO BE IMPOSED IN AN EMERGENCY ON THE ARMED FORCES ON 20TH MARCH 1947.
- ▶ EXTENDED TO NEW PROVINCES AND MERGED STATES BY THE MERGED STATES (LAWS) ACT, 1949 (59 OF 1949) S.3
- ▶ SCHEDULE TO STATES OF MANIPUR, TRIPURA AND VINDHYA PRADESH BY THE PART C STATES (LAWS) ACT, 1950 (30 OF 1950)
- ▶ PONDICHERRY ON 1-10-1963 VIDE REG. 8 OF 1965 S.3
- ▶ SCHEDULE I; TO LAKSHADWEEP (W.E.F.1-10-1987); VIDE REG. 8 OF 1965, S. 3 AND SCHEDULE, TO GOA, DAMAN AND DIU WITH MODIFICATIONS BY REG. 12 OF 1962, S. 3 AND THE SCHEDULE, AND IN DADRA AND NAGAR HAVELI (W.E.F. 1-7-1965) BY REG. 6 OF 1963, S. 2 AND THE FIRST SCHEDULE.

STATEMENT OF OBJECTS AND REASONS:

- ▶ DURING WAR, DEFENCE OF INDIA RULE-81(3) EMPOWERED THE CENT GOVT TO DIRECT EMPLOYMENT OF PERSONS SUBJECT TO ARMY ACT OR AIR FORCE ACT IN ANY UNDERTAKING ESSENTIAL TO LIFE OF COMMUNITY
- ▶ DEFENCE OF INDIA RULES HAVING EXPIRED,
 - ▶ LAWFUL TO ORDER MIL PERSONNEL TO CARRY OUT ESSENTIAL SERVICES ONLY FOR A MILITARY PURPOSE,
 - ▶ OR A CONDITION HAS ARISEN THAT SAFETY OF COMMUNITY AND EXISTENCE OF GOVERNMENT AND ITS AUTHORITY IN DANGER
 - ▶ SAVE COMMUNITY, GOVERNMENT DECIDED TO ENTRUST SUCH VITAL SERVICES TO MILITARY ADM AND CONTROL
 - ▶ DOUBTFUL WHETHER COURTS WOULD HOLD THAT THESE VERY STRINGENT CONDITIONS WERE FULFILLED IN SUCH CASES AS THE USE OF TROOPS FOR THE MAINTENANCE OF ELECTRIC POWER, WATER AND SEWAGE IN A LARGE CITY OR THE UNLOADING OF SHIPS CARRYING ARTICLES OF FOOD

ARMED FORCES (EMERGENCY DUTIES) ACT, 1947

- ▶ TO REMOVE ANY DOUBT IN MATTER AND TO ENSURE GOVT HAS POWERS TO ENABLE IT TO MAINTAIN SERVICES VITAL TO THE COMMUNITY,
- ▶ THIS BILL PROVIDING THAT IN AN EMERGENCY CENTRAL GOVT MAY BY NOTIFICATION DECLARE THAT ANY SPECIFIED SERVICE IS A SERVICE OF VITAL IMPORTANCE TO THE COMMUNITY AND THAT COMMANDS TO MEMBERS OF ARMED FORCES IN RELATION TO EMPLOYMENT IN THAT SERVICE SHALL THEN BE LAWFUL
- ▶ INCLUDES A CLAUSE TO MAKE VALID COMMANDS OF THIS NATURE GIVEN UNDER THE ORDERS OF GOVERNMENT BETWEEN THE EXPIRY OF THE DEFENCE OF INDIA RULES AND PASSING OF THIS BILL
- ▶ SECTION-2 DEALS WITH THE EMERGENCY DUTIES OF ARMED FORCES
- ▶ SECTION-3 DEALS WITH THE VALIDATION OF PAST COMMANDS
 - ▶ EVERY COMMAND GIVEN, AFTER THE 30TH DAY OF SEPTEMBER, 1946, AND BEFORE THE COMMENCEMENT OF THIS ACT, TO ANY PERSON REFERRED TO ABOVE I.E, PERSONS SUBJECTED IN ARMY ACT, 1950, NAVY ACT, 1957 AND AIR FORCE ACT, 1950, BY ANY SUPERIOR OFFICER IN RELATION TO EMPLOYMENT UPON OR IN CONNECTION WITH ANY SUCH SERVICE AS THE CENTRAL GOVERNMENT MAY, BY NOTIFICATION IN THE OFFICIAL GAZETTE, SPECIFY IN HIS BEHALF, SHALL BE DEEMED TO HAVE BEEN A LAWFUL COMMAND WITHIN THE MEANING AND FOR THE PURPOSES OF THE ACTS, SO, HOWEVER, THAT NO SUCH PERSON SHALL BE PUNISHED BY REASON ONLY OF HIS NOT HAVING OBEYED ANY SUCH COMMAND

RESERVE AND AUXILIARY AIR FORCES ACT, 1952

- ▶ PASSED TO PROVIDE FOR CONSTITUTION AND REGULATION OF CERTAIN AF RESERVE AND ALSO AN AUXILIARY AF AND MATTERS CONNECTED THEREWITH

STATEMENT OF OBJECTS AND REASONS:

- ▶ NECESSARY TO CONSTITUTE CERTAIN RESERVES FOR AIR FORCE TO ENABLE QUICK EXPANSION IN EMERGENCY
- ▶ CONSTITUTED FROM OUTGOING IAF PERSONNEL, CIV PILOTS AND TECHNICIANS, AND RAISING AN AUXILIARY FORCE OF VOLUNTEERS FROM PUBLIC

REGULAR AIR ORCE RESERVE:

- ▶ CONSIST OF IAF OFFICERS AND AIRMEN TRANSFERRED AFTER COMPLETION OR TERMINATION OF THEIR REGULAR SERVICE SUBJECT TO EXISTENCE OF VACANCIES
- ▶ INITIAL PERIOD OF RESERVE SERVICE NORMALLY 5 YR FOR OFFRS & 6 YR FOR AIRMEN SUBJECT TO REACHING SUCH AGE LIMIT AS BE PRESCRIBED BY GOVT
- ▶ THOSE EXTENDED SERVICE COMMISSIONED OFFRS WHOSE TERM OF EMPLOYMENT EXPIRES PRIOR TO FORMATION OF RESERVE ALSO BE LIABLE TO SERVE

AIR DEFENCE(AD) RESERVE:

- ▶ CONSTITUTION OF AD RESERVE REQUIRES A CENSUS BE TAKEN OF CIV TECH MAN-POWER AVBL IN COUNTRY WHICH COULD BE UTILISED IF OCCASION ARISES
- ▶ ALL PERSONS WITHIN CERTAIN AGE LIMITS POSSESSING CERTAIN FG OR OTHER TECH QUAL REQUIRED TO FURNISH CERTAIN PARTICULARS TO APPROPRIATE AUTHORITY AND SUBMIT THEMSELVES FOR MEDICAL EXAM
- ▶ REGISTER OF PERSONS WHO ARE FIT FOR SERVICE WOULD BE MAINTAINED, AND IF AND WHEN OCCASION ARISES PERSONS WHOSE NAMES ARE ENTERED IN THE REGISTER WILL BE CALLED OUT FOR SERVICE
- ▶ NECESSARY TO HAVE LEGISLATION FOR THIS PURPOSE ON ACCOUNT OF THE SHORTAGE OF TRAINED PERSONNEL AT PRESENT, AND LIKELY TO PERSIST FOR SOME TIME; ALSO TO SAFEGUARD INTERESTS OF THOSE CALLED OUT FROM JOBS FOR TRAINING OR REQUIRED TO SERVE IN AN EMERGENCY

RESERVE AND AUXILIARY AIR FORCES ACT, 1952

- ▶ PROVISION REQUIRING CIVIL EMPLOYERS TO GRANT ANY ENROLLED PERSON SUCH LEAVE AS NECESSARY AND TO HAVE REINSTATED INTO CIVIL EMPLOYMENT AFTER TERMINATION OF PERIOD WHEN CALLED OUT

AUXILIARY AIR FORCE:

- ▶ AUXILIARY AF ALLOWS ENROLMENT OF CIVILIAN VOLUNTEERS (INCLUDING GOT SERVANTS) TO GIVE PART-TIME AF TRAINING
- ▶ PROVIDES FOR FIGHTER DEFENCE OF LOCALITY WHERE SELF-CONTAINED UNITS AND SQUADRONS ARE RAISED
- ▶ TERRITORIAL ARMY'S AIR COUNTERPART - ADVISORY COMMITTEES SET UP IN BIG TOWNS, WHERE INTENDED TO LOCATE AUXILIARY AF SQUADRONS TO MAINTAIN CLOSE LIAISON WITH CIVIL SIDE
- ▶ COMMITTEES SERVE AS LINK BETWEEN AUXILIARY AF AND TERRITORIAL ARMY AND ASSIST COs OF UNITS CONCERNED TO RECRUIT CIVILIAN PERSONNEL
- ▶ PERIOD OF SERVICE IN AUXILIARY AF WILL NORMALLY BE FIVE YEARS IN FIRST INSTANCE
- ▶ PERIOD OF TRAINING PRESCRIBED IN RULES MADE BY CENT GOVT FROM TIME TO TIME AND CARE BE TAKEN TO SEE THAT TRAINING IS SO ARRANGED THAT MINIMUM DISLOCATION OF NORMAL CIVIL DUTIES CAUSED
- ▶ COMPOSITION OF RESERVES, RANKS OF THE PERSONS ENROLLED AND OTHER ALLIED MATTERS REGULATED BY RULES MADE BY THE CENT GOVT AND INTENDED TO BUILD THESE RESERVES GRADUALLY
- ▶ ACT CONSISTS OF 36 SECTIONS ARRANGED IN 6 CHAPTERS AND WAS PASSED ON 22ND AUGUST, 1952.
- ▶ MEMBERS OF THE REGULAR AIR FORCE RESERVE SHALL BE DIVIDED INTO THE FOLLOWING CLASSES, NAMELY:—
 - ▶ GENERAL DUTIES OFFICERS
 - ▶ GROUND DUTIES OFFICERS
 - ▶ AIRMEN

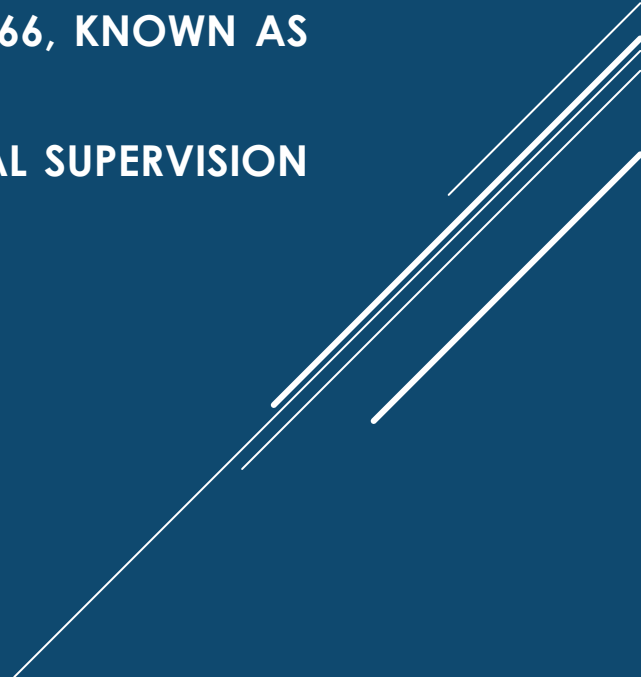
RAILWAY PROTECTION FORCE ACT, 1957

- ▶ RAILWAY PROTECTION FORCE AN ARMED FORCE ENTRUSTED WITH PROTECTING RAILWAY PASSENGERS, PASSENGER AREA AND RAILWAY PROPERTY OF INDIAN RAILWAYS
- ▶ ONLY ARMED FORCE WHICH HAS POWER TO ARREST, INVESTIGATE AND PROSECUTE CRIMINALS, REFERRED TO AS RPF
- ▶ UNDER AUTHORITY OF MINISTRY OF RAILWAYS, GOVERNMENT OF INDIA
- ▶ STRENGTH OF RPF IS ABOUT 65,000
- ▶ RPF IS HEADED BY DIRECTOR GENERAL (DG). SHRI ARUN KUMAR, IPS OFFICER OF 1985 BATCH OF UP CADRE APPOINTED ON 01 OCT 2018

OBJECTIVES OF RPF:

- ▶ CARRY ON AN UNRELENTING FIGHT AGAINST CRIMINALS IN PROTECTING RAILWAY PASSENGERS, PASSENGER AREA AND RAILWAY PROPERTY
- ▶ FACILITATE PASSENGER-TRAVEL AND SECURITY BY REMOVING ALL ANTI-SOCIAL ELEMENTS FROM TRAINS, RAILWAY PREMISES AND PASSENGER AREA
- ▶ REMAIN VIGILANT TO PREVENT TRAFFICKING IN WOMEN AND CHILDREN AND TAKE APPROPRIATE ACTION TO REHABILITATE DESTITUTE CHILDREN FOUND IN RAILWAY AREAS
- ▶ CO-OPERATE WITH OTHER DEPARTMENTS OF RAILWAYS IN IMPROVING EFFICIENCY AND IMAGE OF RAILWAYS
- ▶ BRIDGE BETWEEN THE GOVERNMENT RAILWAY POLICE/LOCAL POLICE AND RAILWAY ADMINISTRATION
- ▶ ADOPT PROACTIVELY ALL MODERN TECHNOLOGY, BEST HUMAN RIGHTS PRACTICES, MANAGEMENT TECHNIQUES AND SPECIAL MEASURES FOR PROTECTION OF FEMALE AND ELDERLY PASSENGERS AND CHILDREN, IN PURSUIT OF THESE OBJECTIVES

RAILWAY PROTECTION FORCE ACT, 1957

- ▶ ORIGIN OF FORCE WAS 'WATCH & WARD AND FUNCTIONED UNDER ADMIN CONTROL OF RAILWAY ADMINISTRATION
 - ▶ LATER RENAMED AS RPF AND MEMBERS WERE PROVIDED WITH POWER OF ARREST WITHOUT WARRANT FOR THE UNLAWFUL POSSESSION OF RAILWAY PROPERTY
 - ▶ TERM RAILWAY PROPERTY INCLUDED ONLY PROPERTIES OWNED BY RAILWAY ADMINISTRATION
 - ▶ LATER DEFINITION FOR RAILWAY PROPERTY EXTENDED, INCLUDED PROPERTIES OWNED BY, OR IN CHARGE OF OR ENTRUSTED WITH RAILWAYS
 - ▶ OFFENDERS BOOKED UNDER RAILWAY PROPERTY (UNLAWFUL POSSESSION) ACT 1966, KNOWN AS RP (UP) ACT 1966.
 - ▶ NOW RPF HAS SEPARATE ADMINISTRATIVE SYSTEM AND FUNCTIONS UNDER GENERAL SUPERVISION OF RAILWAY ADMINISTRATION
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RAILWAY PROTECTION FORCE ACT, 1957

EVOLUTION

1855-1861:

- ▶ MAINTENANCE AND SECURITY OF RAILWAYS
- ▶ RAILWAY COMMENCED THEIR OPERATIONS 1854
- ▶ SINCE RAILWAYS HAVE A LINEAR TERRITORY TRAVERSING INTER-STATE LINES, FOOLPROOF SECURITY SYSTEM HARD TO PROVIDE
- ▶ ENDEAVOR TRACED BACK TO 1854, EAST INDIAN RAILWAYS EMPLOYED STAFF DESIGNATED AS 'POLICE' TO DENOTE ITS OWN FORCE BY ENACTING POLICE ACT, 1861 AND DEPLOYED CONTINGENT FOR SECURITY OF RAILWAY WITH OWNER COMPANIES BEARING UPKEEP
- ▶ RAILWAY COMPANIES EXERCISED FULL CONTROL OVER POLICE FORCE

1861-1956:

- ▶ ON RECOMMENDATION OF RAILWAY POLICE COMMITTEE, 1872, RAILWAY POLICE ORGANIZED INTO 'GOVT. POLICE' (PRECURSOR OF GRP) FOR LAW ENFORCEMENT AND 'COMPANY POLICE' (PRECURSOR OF RPF) FOR WATCH AND WARD DUTIES
- ▶ ACTUAL SEPARATION OF DUTIES CAME INTO EFFECT IN 1881
- ▶ 1882, FORMAL DIVISION OF POLICE FORCE DEPLOYED ON RAILWAYS INTO "GOVT POLICE" AND "PRIVATE (COMPANIES) POLICE", RAILWAY COMPANIES DIRECTLY ASSUMED RESPONSIBILITY OF PROTECTION AND SECURITY OF PROPERTY AS WELL AS OF GOODS ENTRUSTED BY PUBLIC FOR CARRIAGE
- ▶ APPOINTED "CHOWKIDARS" FOR VARIOUS DEPARTMENTS AND PLACED UNDER CONTROL OF LOCAL DEPARTMENTAL HEADS
- ▶ INCREASE IN COMMERCIAL TRAFFIC AND CONSEQUENTIAL STEEP RISE IN INCIDENCE OF THEFT, "CHOWKIDAR" SYSTEM REORGANIZED AFTER WW-I ONTO WATCH & WARD ORGANIZATION UNDER SINGLE SUPERIOR OFFICER DESIGNATED AS SUPERINTENDENT, WATCH & WARD -SYSTEM CONTINUED UP TO 1954
- ▶ FUNCTIONED UNDER THREE DIFFERENT SYSTEMS VIZ THE DISTRICT SYSTEM, AS A PART OF DISTRICT POLICE; THE PROVINCIAL SYSTEM, FOR EACH PROVINCE AND THE RAILWAY ADMINISTRATION SYSTEM, SEPARATE RAILWAY POLICE FOR EACH RAILWAY ADMINISTRATION INSPITE OF RECOMMENDATIONS OF INDIAN POLICE COMMISSION, 1902-03
- ▶ PROVINCIAL SYSTEM FOUND ACCEPTANCE ON RECOMMENDATION OF RAILWAY POLICE COMMITTEE, 1921 AND PRESENT GRP CAME INTO EXISTENCE. 'COMPANY POLICE' EVOLVED INTO PRESENT RPF IN 1957, "WATCH AND WARD" PHASE 1872-1954, "RAILWAY SECURITY FORCE" 1954-1956
- ▶ GIVEN LIMITED LEGAL POWERS UNDER RAILWAY STORES (UNLAWFUL POSSESSION) ACT

RAILWAY PROTECTION FORCE ACT, 1957

1957-1985:

- ▶ FOR 100 YEARS, THOUGH PROVIDING SECURITY TO VITAL ARTERY OF NATIONAL COMMUNICATION AND ECONOMIC PROGRESS DID NOT HAVE LEGISLATIVE STATUS
- ▶ GOVT. INSTITUTED SPECIAL ENQUIRY THROUGH DIRECTOR, IB (MINISTRY OF HOME AFFAIRS) WHOSE REPORT IN 1954 BROUGHT OUT NECESSITY OF ORGANIZING WATCH & WARD ON A STATUTORY BASIS
- ▶ RAILWAY BOARD ALSO APPOINTED ADVISER TO THE RAILWAY BOARD IN JUL 53 WORK OUT DETAILS FOR REORGANIZATION OF WATCH & WARD DEPARTMENT
- ▶ IN CONSULTATION WITH MINISTRY OF HOME AFFAIRS, AN INTEGRATED WELL ORGANIZED FORCE ON MODEL OF POLICE WITH ADEQUATE SUPERVISORY STAFF SPECIALLY TRAINED TO MEET PARTICULAR ASPECTS OF CRIME RELEVANT TO RAILWAY PROPERTY AND WORK WITH AND ACT AS SECOND LINE TO STATES POLICE WITH WHOM, UNDER THE CONSTITUTION, POLICING ON RAILWAYS RESTED
- ▶ LED TO R.P.F. BILL FOR BETTER PROTECTION AND SECURITY
- ▶ 29 AUG 57 RPF ACT ENACTED BY PARLIAMENT AND RAILWAY SECURITY FORCE WAS RENAMED AS RPF
- ▶ RPF RULES WERE MADE ON 10 SEP 59 AND RPF REGULATIONS WERE FORMULATED IN 1966
- ▶ 1962 "SPECIAL EMERGENCY FORCE" RAISED FROM EXISTING STRENGTH OF RPF DURING CHINESE AGGRESSION, ESPECIALLY ENTRUSTED TASK TO PROTECT TRAINS IN BORDER DISTRICTS
- ▶ 1965 RENAMED AS "RAILWAY PROTECTION SPECIAL FORCE" (RPSF).
- ▶ 1966 GIVEN LEGAL POWERS FOR BETTER PROTECTION OF RAILWAY PROPERTY BY ENACTING RAILWAY PROPERTY (UNLAWFUL POSSESSION.) ACT.
- ▶ PROVISIONS OF RPF ACT WERE FOUND WANTING FOR MAINTENANCE OF EFFECTIVE AND DISCIPLINED FORCE, RPF RULES AND REGULATIONS TOO JUDICIALLY UNSOUND
- ▶ RPF ACT, 1957 ACCORDINGLY MODIFIED BY PARLIAMENT VIDE ACT NO.60 OF 1985 ON 20 SEP 85 FOR CONSTITUTION AND MAINTENANCE OF FORCE AS ARMED FORCE, FOR CARRYING OUT PURPOSES OF ACT, RPF RULES 1987 FRAMED

CENTRAL INDUSTRIAL SECURITY FORCE ACT, 1968

- ▶ CAME INTO EXISTENCE IN 1969 WITH MODEST BEGINNING, 3 BATTALIONS, PROVIDE INTEGRATED SECURITY COVER TO PSU'S WHICH, IN THOSE YEARS, OCCUPIED THE "COMMANDING HEIGHTS" OF THE ECONOMY
- ▶ IN FOUR DECADES, FORCE GROWN SEVERAL FOLDS TO REACH 300000+ PERSONNEL TODAY
- ▶ WITH GLOBALIZATION AND LIBERALIZATION OF ECONOMY, NO LONGER PSU-CENTRIC
- ▶ INSTEAD, HAS BECOME A PREMIER MULTI-SKILLED SECURITY AGENCY, MANDATED TO PROVIDE SECURITY TO MAJOR CRITICAL INFRASTRUCTURE INSTALLATIONS IN DIVERSE AREAS
- ▶ SECURITY COVER TO NUCLEAR INSTALLATIONS, SPACE ESTABLISHMENTS, AIRPORTS, SEAPORTS, POWER PLANTS, SENSITIVE GOVERNMENT BUILDINGS AND EVER HERITAGE MONUMENTS. RECENTLY ENTRUSTED DELHI METRO RAIL CORPORATION, VIP SECURITY, DISASTER MANAGEMENT AND ESTABLISHMENT OF A FORMED POLICE UNIT (FPU) OF THE UN AT HAITI
- ▶ LEVEL OF PROFESSIONAL COMPETENCE AND STANDING ACQUIRED, BEING SOUGHT FOR CONSULTANCY PRIVATE SECTOR
- ▶ PROVIDED CONSULTANCY SERVICES TO MORE THAN 138 ORGANIZATIONS, INCLUDING IN PRIVATE SECTOR
- ▶ AFTER MUMBAI TERRORIST ATTACK ON NOV 2008, MANDATE OF FORCE BROADENED TO PROVIDE DIRECT SECURITY COVER TO PVT SECTOR ALSO.
- ▶ ACT AMENDED, HERALDING NEW CHAPTER
- ▶ ADAPTABILITY AND USE OF CUTTING EDGE TECHNOLOGY, HALLMARK OF CONFRONTED WITH NEW SECURITY CHALLENGES SUCCESSFULLY
- ▶ PREVAILING SECURITY ENVIRONMENT AND THREAT FROM TRANS-NATIONAL TERRORISM, CONTINUOUSLY STRIVES TOWARDS TECHNOLOGICAL MODERNIZATION SKILLS UPGRADATION
- ▶ CONTINUOUSLY MODERNIZED, BOTH IN TERMS OF EQUIPMENT AND TRAINING

CENTRAL INDUSTRIAL SECURITY FORCE ACT, 1968

ABOUT CISF

- ▶ ARMED FORCE ESTABLISHED UNDER ACT OF PARLIAMENT, “CENTRAL INDUSTRIAL SECURITY FORCE ACT, 1968 (50 OF 1968)”
- ▶ IN 1969, ESTABLISHED WITH THE HELP OF 3129 PERSONNEL, INCREASED TO 1,39,620 AS OF 01.07.2014
- ▶ 10 RESERVE BATTALIONS, 08 TRAINING INSTITUTES AND 39 OTHER ORGANIZATIONS
- ▶ ACCORDING TO MANDATE, CISF PROVIDES SECURITY TO PREMISES STAFF ALONG WITH SECURITY OF PROPERTY AND ESTABLISHMENTS
- ▶ PROVIDING SECURITY TO STRATEGIC ESTABLISHMENTS, INCLUDING DEPARTMENT OF SPACE, ATOMIC ENERGY, DELHI METRO, PORTS, HISTORICAL MONUMENTS AND BASIC AREAS OF INDIAN ECONOMY SUCH AS PETROLEUM AND NATURAL GAS, ELECTRICITY, COAL, STEEL AND MINING
- ▶ PROVIDING PROTECTION TO SOME PRIVATE SECTOR UNITS AND IMPORTANT GOVERNMENT BUILDINGS IN DELHI
- ▶ PRESENTLY, CISF IS ALSO PROVIDING SECURITY TO THE PROTECTED PERSONS CLASSIFIED AS Z PLUS, Z, X, Y.
- ▶ ONLY FORCE WITH A CUSTOMIZED AND DEDICATED FIRE WING
- ▶ A COMPENSATORY COST FORCE

CENTRAL INDUSTRIAL SECURITY FORCE ACT, 1968

CONSULTANCY SERVICES BY CISF:

- ▶ FOR SCIENTIFIC DESIGNING OF SECURITY, INDIAN BUSINESSES HAVE UNIQUE OF SECURITY CONSULTANCY SERVICES BEING OFFERED BY CISF
- ▶ OVER YEARS, DEVELOPED EXTENSIVE RESOURCE BASE THAT PROVIDES AN ARRAY OF CREDIBLE SECURITY OPTIONS WHILE TAILORING A SECURITY SYSTEM BEST SUITED TO REQUIREMENTS OF AN ESTABLISHMENT
- ▶ OFFERS TIME-TESTED SECURITY SOLUTIONS BOLSTERED BY MODERN TECHNOLOGY ALTERNATIVES DEVELOPED BY R & D CELL. WITH LIBERALIZATION AND OPENING UP OF KEY SECTORS OF ECONOMY TO PRIVATE INDUSTRIES, THE GOVT REALIZED THAT IN DAYS TO COME PRIVATE SECTOR WOULD ACQUIRE GREATER STRATEGIC IMPORTANCE
- ▶ CONCOMITANT ENHANCEMENT IN THREATS POSED TO PRIVATE BUSINESSES REQUIRING MATCHING SECURITY
- ▶ IN 1999, AMENDMENT IN CISF ACT, PARLIAMENT MANDATED CISF TO OFFER SECURITY CONSULTANCY SERVICES TO ESTABLISHMENTS IN PRIVATE SECTOR
- ▶ 07 DEC 2001, DY. PRIME MINISTER, L K ADVANI, FORMALLY LAUNCHED CONSULTANCY SERVICES OF CISF IN NEW DELHI AND R&D AND CONSULTANCY CELL WAS FORMED IN CISF HQ
- ▶ JUN 2002, CELL AWARDED ISO 9001-2000 CERTIFICATION FOR QUALITY SERVICE, WAS UPGRADED TO ISO 9001-2015 IN THE YEAR 2018
- ▶ COMMITTED TO PROVIDE QUALITY CONSULTANCY SERVICES IN FIELDS OF SECURITY AND FIRE PROTECTION THROUGH ITS TEAM OF PROFESSIONAL AND QUALIFIED PERSONNEL
- ▶ FOCUS TOWARDS ENHANCEMENT OF CUSTOMER SATISFACTION THROUGH CONTINUAL IMPROVEMENT OF ESTABLISHED MANAGEMENT SYSTEMS

CENTRAL INDUSTRIAL SECURITY FORCE ACT, 1968

ACHIEVES POLICY THROUGH:

- ▶ UPGRADATION OF SERVICES IN LINE WITH THREAT PERCEPTION AND EVER CHANGING CUSTOMER NEEDS
 - ▶ RESPONDING TO CLIENTS NEEDS IN SHORTEST POSSIBLE TIME
 - ▶ PROVIDING TRAINING TO THE EMPANELLED OFFICERS OF THE WING AS PER SCHEDULE
 - ▶ CONSULTANCY SERVICES OFFERED BY CISF:
 - ▶ THREAT PERCEPTION & RISK ANALYSIS
 - ▶ ACCESS CONTROL & PERIMETER PROTECTION
 - ▶ ASSESSMENT OF MANPOWER REQUIREMENTS
 - ▶ SECURITY SYSTEMS APPLICATIONS
 - ▶ SECURITY & FIRE AUDIT
 - ▶ DOCUMENT SECURITY
 - ▶ PROCEDURES FOR MATERIAL SECURITY.
 - ▶ INTERNAL INTELLIGENCE.
 - ▶ FIRE PROTECTION MEASURES
 - ▶ CRISIS MANAGEMENT SCHEMES
 - ▶ EXECUTIVE PROTECTION.
 - ▶ CROWD CONTROL AND MANAGEMENT PROCEDURES
 - ▶ TRAINING IN SECURITY & FIRE PROTECTION MATTERS TO OFFICERS AND MEN OF ORGANIZATION & SECURITY WING
- 

CENTRAL INDUSTRIAL SECURITY FORCE ACT, 1968

CONSULTANCY FEE STRUCTURE:

APPROVED BY MINISTRY OF HOME AFFAIRS FROM TIME TO TIME FOR A PERIOD OF TWO YEARS. FEE STRUCTURE EFFECTIVE FROM 07 MAR 19

CATEGORY	SECURITY CONSULTANCY ALONE	FIRE CONSULTANCY ALONE	BOTH SECURITY AND FIRE CONSULTANCY
Large	14,50,000/-	8,25,000/-	18,75,000/-
Medium	8,25,000/-	4,25,000/-	11,75,000/-
Small	4,25,000/-	2,75,000/-	6,50,000/-

AS OF 2019, CLIENT DATA BASE - 68 GOVT SECTOR ORGANIZATIONS/BUILDINGS, 44 PUBLIC SECTORS UNDERTAKINGS, 81 PRIVATE SECTORS, 56 SECURITY CONSULTANCY, 26 FIRE CONSULTANCY, 111 SECURITY AND FIRE CONSULTANCY

DEFENCE AND INTERNAL SECURITY OF INDIA ACT, 1971

- ▶ PROVIDE FOR SPECIAL MEASURES TO ENSURE PUBLIC SAFETY AND INTEREST, DEFENCE OF INDIA, CIVIL DEFENCE, INTERNAL SECURITY AND TRIAL OF CERTAIN OFFENCES AND MATTERS CONNECTED

APPLICABLE TO WHOLE OF INDIA AND APPLIES TO –

- ▶ CITIZENS OF INDIA OUTSIDE INDIA;
- ▶ PERSONS IN THE SERVICE OF THE GOVERNMENT, WHEREVER THEY MAY BE
- ▶ ARMED FORCES, TO MEMBERS, AND PERSONS ATTACHED, EMPLOYED WITH, OR FOLLOWING FORCES, WHEREVER THEY MAY BE
- ▶ PERSONS ON SHIPS AND AIRCRAFT REGISTERED IN INDIA, WHEREVER THEY MAY BE
- ▶ COME INTO FORCE AT ONCE AND SHALL, SUBJECT TO THE PROVISIONS OF THE DEFENCE OF INDIA (AMENDMENT) ACT, 1975, REMAIN IN FORCE DURING THE PERIOD OF OPERATION OF THE PROCLAMATION OF EMERGENCY ISSUED ON THE 3RD DAY OF DECEMBER, 1971 AND FOR A PERIOD OF SIX MONTHS THEREAFTER, BUT ITS EXPIRY SHALL NOT AFFECT –
 - ▶ THE PREVIOUS OPERATION OF, OR ANYTHING DULY DONE OR SUFFERED UNDER, THIS ACT OR ANY RULE MADE THEREUNDER OR ANY ORDER MADE UNDER ANY SUCH RULE, OR
 - ▶ ANY RIGHT, PRIVILEGE, OBLIGATION OR LIABILITY ACQUIRED, ACCRUED OR INCURRED UNDER THIS ACT OR ANY RULE MADE THEREUNDER OR ANY ORDER MADE UNDER ANY SUCH RULE, OR
 - ▶ ANY PENALTY, FORFEITURE OR PUNISHMENT INCURRED IN RESPECT OF ANY OFFENCE UNDER THIS ACT OR ANY CONTRAVENTION OF ANY RULE MADE UNDER THIS ACT OR OF ANY ORDER MADE UNDER ANY SUCH RULE, OR
 - ▶ ANY INVESTIGATION, LEGAL PROCEEDING OR REMEDY IN RESPECT OF ANY SUCH RIGHT, PRIVILEGE, OBLIGATION, LIABILITY, PENALTY, FORFEITURE OR PUNISHMENT AS AFORESAID.

DEFENCE AND INTERNAL SECURITY OF INDIA ACT, 1971

▶ IMPORTANT DEFINITIONS UNDER THE ACT:

“ENEMY” MEANS—

- ▶ ANY PERSON OR COUNTRY COMMITTING EXTERNAL AGGRESSION AGAINST INDIA;
- ▶ ANY PERSON BELONGING TO A COUNTRY COMMITTING SUCH AGGRESSION;
- ▶ SUCH OTHER COUNTRY AS MAY BE DECLARED BY THE CENTRAL GOVERNMENT TO BE ASSISTING THE COUNTRY COMMITTING SUCH AGGRESSION;
- ▶ ANY PERSON BELONGING TO SUCH OTHER COUNTRY;

“ENEMY TERRITORY” MEANS—

- ▶ ANY AREA WHICH IS UNDER THE SOVEREIGNTY OF A COUNTRY WHICH COMMITTED EXTERNAL AGGRESSION AGAINST INDIA, OR A COUNTRY DECLARED BY CENTRAL GOVERNMENT TO BE ASSISTING THE COUNTRY COMMITTING EXTERNAL AGGRESSION.
- ▶ ANY AREA WHICH THE CENTRAL GOVERNMENT MAY, BY NOTIFICATION IN THE OFFICIAL GAZETTE, SPECIFY TO BE ENEMY TERRITORY FOR THE PURPOSES OF THIS ACT OR ANY RULE MADE THEREUNDER;

“MILITARY OPERATIONS” MEANS THE OPERATIONS OF THE ARMED FORCES OF THE UNION;

- ▶ “OCCUPIED TERRITORY” MEANS ANY TERRITORY OF INDIA WHICH IS FOR THE TIME BEING IN THE OCCUPATION OF A COUNTRY WHICH COMMITTED EXTERNAL AGGRESSION AGAINST INDIA OR A COUNTRY DECLARED BY CENTRAL GOVERNMENT TO BE ASSISTING THE COUNTRY COMMITTING EXTERNAL AGGRESSION.
- ▶ SECTION-2 DEALS WITH THE DEFINITIONS

DEFENCE AND INTERNAL SECURITY OF INDIA ACT, 1971

- ▶ AS PER SECTION-3 OF THE ACT, THE CENT GOVT EMPOWERED TO MAKE NECESSARY OR EXPEDIENT RULES FOR
 - ▶ SECURING THE DEFENCE OF INDIA AND CIVIL DEFENCE
 - ▶ INTERNAL SECURITY
 - ▶ PUBLIC SAFETY
 - ▶ MAINTENANCE OF PUBLIC ORDER
 - ▶ THE EFFICIENT CONDUCT OF MILITARY OPERATIONS
 - ▶ FOR MAINTAINING SUPPLIES AND SERVICES ESSENTIAL TO THE LIFE OF THE COMMUNITY THROUGH NOTIFICATION IN OFFICIAL GAZETTE.
- 

DEFENCE AND INTERNAL SECURITY OF INDIA ACT, 1971

- ▶ CENTRAL GOVT MAY EMPOWER ANY AUTHORITY TO MAKE ORDERS FOR, ALL OR ANY OF THE FOLLOWING MATTERS –
 - ▶ ENSURING SAFETY AND WELFARE OF ARMED FORCES, SHIPS AND AIRCRAFT, AND PREVENTING PROSECUTION OF ANY WORK LIKELY TO PREJUDICE THE OPERATIONS OF ARMED FORCES
 - ▶ PROHIBITING ANYTHING LIKELY TO PREJUDICE TRAINING, DISCIPLINE OR HEALTH OF ARMED FORCES
 - ▶ PREVENTING ANY ATTEMPT TO TAMPER WITH LOYALTY OF PERSONS IN, OR DISSUADE PERSONS FROM ENTERING, THE SERVICE OF THE GOVERNMENT
 - ▶ PREVENTING OR PROHIBITING ANYTHING LIKELY TO ASSIST THE ENEMY OR TO PREJUDICE THE SUCCESSFUL CONDUCT OF MILITARY OPERATIONS, CIVIL DEFENCE OR INTERNAL SECURITY INCLUDING –
 - ▶ COMMUNICATIONS WITH THE ENEMY OR AGENTS OF THE ENEMY;
 - ▶ ACQUISITION, POSSESSION WITHOUT LAWFUL AUTHORITY OR EXCUSE AND PUBLICATION OF INFORMATION LIKELY TO ASSIST THE ENEMY;
 - ▶ CONTRIBUTION TO, PARTICIPATION OR ASSISTANCE IN, THE FLOATING OF LOANS RAISED BY OR ON BEHALF OF THE ENEMY;
 - ▶ ADVANCE OF MONEY TO, OR CONTRACTS OR COMMERCIAL DEALINGS WITH THE ENEMY, ENEMY SUBJECTS OR PERSONS RESIDING, CARRYING ON BUSINESS, OR BEING, IN ENEMY TERRITORY OR OCCUPIED TERRITORY
 - ▶ ACTS, PUBLICATIONS OR COMMUNICATIONS PREJUDICIAL TO CIVIL DEFENCE, INTERNAL SECURITY OR MILITARY OPERATIONS;
 - ▶ PREVENTING SPREADING WITHOUT LAWFUL AUTHORITY OR EXCUSE OF REPORTS OR THE PROSECUTION OF ANY PURPOSE LIKELY TO CAUSE DISAFFECTION OR ALARM, OR TO PREJUDICE INDIA'S RELATIONS WITH FOREIGN POWERS OR TO PREJUDICE MAINTENANCE OF PEACEFUL CONDITIONS IN ANY AREA OR PART OF INDIA, OR TO PROMOTE FEELINGS OF ILL-WILL, ENMITY OR HATRED BETWEEN DIFFERENT CLASSES OF THE PEOPLE OF INDIA
 - ▶ REQUIRING THE PUBLICATION OF NEWS AND INFORMATION

DEFENCE AND INTERNAL SECURITY OF INDIA ACT, 1971

- ▶ PROHIBITING PRINTING OR PUBLISHING OF ANY NEWSPAPER, NEWS-SHEET, BOOK OR OTHER DOCUMENT CONTAINING MATTERS PREJUDICIAL TO INDIA
- ▶ REGULATING CONDUCT OF PERSONS IN RESPECT OF AREAS THE CONTROL OF WHICH IS CONSIDERED NECESSARY OR EXPEDIENT, AND THE REMOVAL OF PERSONS FROM SUCH AREAS
- ▶ REQUIRING ANY PERSON OR CLASS OF PERSONS TO COMPLY WITH ANY SCHEME OF DEFENCE OR ANY SCHEME FOR THE PREVENTION OF INTERNAL DISTURBANCE;
- ▶ ENSURING THE SAFETY OF –
 - ▶ PORTS, DOCKYARDS, LIGHTHOUSES, LIGHT-SHIPS AND AERODROMES;
 - ▶ RAILWAYS, TRAMWAYS, ROADS, BRIDGES, CANALS AND ALL OTHER MEANS OF TRANSPORT BY LAND OR WATER;
 - ▶ TELEGRAPHS, POST OFFICES, SIGNALING APPARATUS AND ALL OTHER MEANS OF COMMUNICATION;
 - ▶ SOURCES AND SYSTEMS OF WATER-SUPPLY, WORKS FOR THE SUPPLY OF WATER, GAS OR ELECTRICITY, AND ALL OTHER WORKS FOR PUBLIC PURPOSES;
 - ▶ VESSELS, AIRCRAFT, TRANSPORT VEHICLES AS DEFINED IN THE MOTOR VEHICLES ACT, 1939 (4 OF 1939), AND ROLLING STOCKS OF RAILWAYS AND TRAMWAYS;
 - ▶ WAREHOUSES AND ALL OTHER PLACES USED OR INTENDED TO BE USED FOR STORAGE PURPOSES;
 - ▶ MINES, OIL-FIELDS, FACTORIES OR INDUSTRIAL OR COMMERCIAL UNDERTAKING GENERALLY, OR ANY MINE, OIL-FIELD, FACTORY OR INDUSTRIAL OR COMMERCIAL UNDERTAKING IN PARTICULAR;
 - ▶ LABORATORIES AND INSTITUTIONS WHERE SCIENTIFIC OR TECHNOLOGICAL RESEARCH OR TRAINING IS CONDUCTED OR IMPARTED;
 - ▶ ALL WORKS AND STRUCTURES BEING PART OF, OR CONNECTED WITH, ANYTHING MENTIONED EARLIER; AND

DEFENCE AND INTERNAL SECURITY OF INDIA ACT, 1971

- ▶ ANY OTHER PLACE OR THING USED OR INTENDED TO BE USED FOR THE PURPOSES OF GOVERNMENT OR A LOCAL AUTHORITY OR A SEMI-GOVERNMENT OR AUTONOMOUS ORGANISATION, THE PROTECTION OF WHICH IS CONSIDERED NECESSARY OR EXPEDIENT FOR SECURING THE DEFENCE OF INDIA AND CIVIL DEFENCE, THE INTERNAL SECURITY, THE PUBLIC SAFETY, THE PUBLIC ORDER, OR THE EFFICIENT CONDUCT OF MILITARY OPERATIONS, OR FOR MAINTAINING SUPPLIES AND SERVICES ESSENTIAL TO THE LIFE OF THE COMMUNITY;
- ▶ THE DEMOLITION, DESTRUCTION OR RENDERING USELESS IN CASE OF NECESSITY OF ANY BUILDING OR OTHER PREMISES OR ANY OTHER PROPERTY;
- ▶ PROHIBITING OR REGULATING TRAFFIC, AND THE USE OF VESSELS, BUOYS, LIGHTS AND SIGNALS, IN PORTS AND TERRITORIAL, TIDAL AND INLAND WATERS;
- ▶ THE CONTROL OF PERSONS ENTERING, TRAVELLING IN, OR DEPARTING FROM, INDIA;
- ▶ RESTRICTING AND REGULATING THE CHARTER OF FOREIGN VESSELS AND AIRCRAFT;
- ▶ REGULATING THE STRUCTURE AND EQUIPMENT OF VESSELS FOR THE PURPOSE OF ENSURING THE SAFETY THEREOF AND OF PERSONS THEREIN;
- ▶ REGULATING WORK IN DOCKYARDS, SHIPYARDS AND AERODROMES IN RESPECT OF THE CONSTRUCTION AND REPAIRS OF VESSELS AND AIRCRAFT;
- ▶ PROHIBITING OR REGULATING THE SAILINGS OF VESSELS FROM PORTS, TRAFFIC AT AERODROMES AND THE MOVEMENT OF AIRCRAFT, AND TRAFFIC ON RAILWAYS, TRAMWAYS AND ROADS, AND RESERVING AND REQUIRING TO BE ADAPTED, FOR THE USE OF THE GOVERNMENT, ALL OR ANY ACCOMMODATION IN VESSELS, AIRCRAFT, RAILWAYS, TRAMWAYS OR ROAD VEHICLES FOR THE CARRIAGE OF PERSONS, ANIMALS OR GOODS;
- ▶ THE IMPRESSMENT OF VESSELS, AIRCRAFT, VEHICLES AND ANIMALS, FOR TRANSPORT;
- ▶ PROHIBITING OR REGULATING THE USE OF POSTAL, TELEGRAPHIC OR TELEPHONIC SERVICES, INCLUDING THE TAKING POSSESSION OF SUCH SERVICES, AND THE DELAYING, SEIZING, INTERCEPTING OR INTERRUPTING OF POSTAL ARTICLES OR TELEGRAPHIC OR TELEPHONIC MESSAGES;
- ▶ REGULATING THE DELIVERY OTHERWISE THAN BY POSTAL OR TELEGRAPHIC SERVICE OF POSTAL ARTICLES AND TELEGRAMS;

DEFENCE AND INTERNAL SECURITY OF INDIA ACT, 1971

- ▶ THE CONTROL OF TRADE OR INDUSTRY FOR THE PURPOSE OF REGULATING OR INCREASING THE SUPPLY OF, AND THE OBTAINING OF INFORMATION WITH REGARD TO ARTICLES OR THINGS OF ANY DESCRIPTION WHATSOEVER WHICH MAY BE USED IN CONNECTION WITH THE CONDUCT OF MILITARY OPERATIONS OR CIVIL DEFENCE OR FOR INTERNAL SECURITY OR FOR MAINTAINING SUPPLIES AND SERVICES ESSENTIAL TO THE LIFE OF THE COMMUNITY;
- ▶ THE CONTROL OF GENERATION, SUPPLY, DISTRIBUTION, USE OR CONSUMPTION OF ELECTRICAL ENERGY;
- ▶ THE TAKING OVER BY THE CENTRAL GOVERNMENT OR THE STATE GOVERNMENT, FOR A LIMITED PERIOD, OF THE MANAGEMENT OF ANY PROPERTY (INCLUDING ANY UNDERTAKING) RELATING TO SUPPLIES AND SERVICES ESSENTIAL TO THE LIFE OF THE COMMUNITY;
- ▶ THE CONTROL OF AGRICULTURE (INCLUDING THE CULTIVATION OF AGRICULTURAL LAND AND CROPS TO BE RAISED THEREIN) FOR THE PURPOSE OF INCREASING THE PRODUCTION AND SUPPLY OF FOOD GRAINS AND OTHER ESSENTIAL AGRICULTURAL PRODUCTS;
- ▶ THE PROVISION, STORAGE AND MAINTENANCE OF COMMODITIES AND THINGS REQUIRED FOR THE CONDUCT OF MILITARY OPERATIONS OF FOR THE DEFENCE OF INDIA AND CIVIL DEFENCE OR FOR INTERNAL SECURITY;
- ▶ THE REQUISITION OF SERVICES OF PERSONS FOR MAINTAINING SUPPLIES AND SERVICES ESSENTIAL TO THE LIFE OF THE COMMUNITY;
- ▶ THE PROVISION, CONSTRUCTION, MAINTENANCE OR ALTERATION OF BUILDINGS, PREMISES OR OTHER STRUCTURES OR EXCAVATIONS REQUIRED FOR THE CONDUCT OF MILITARY OPERATIONS OR THE DEFENCE OF INDIA AND CIVIL DEFENCE OR FOR INTERNAL SECURITY;
- ▶ PROHIBITING, RESTRICTING OR OTHERWISE REGULATING THE BRINGING INTO, OR TAKING OUT OF, INDIA OF GOODS OR ARTICLES OF ANY FROM THE SHIP, AIRCRAFT OR OTHER CONVEYANCE IN WHICH THEY ARE BEING CARRIED AND APPLYING THE PROVISIONS OF THE CUSTOMS ACT, 1962 (52 OF 1962), AND IN PARTICULAR SECTION 11 THEREOF TO SUCH PROHIBITIONS, RESTRICTIONS AND REGULATIONS;
- ▶ CONTROLLING THE POSSESSION, USE OR DISPOSAL OF, OR DEALING IN, COIN, BULLION, BANK NOTES, CURRENCY NOTES, SECURITIES OR FOREIGN EXCHANGE;
- ▶ THE CONTROL OF ANY ROAD OR PATHWAY, WATERWAY, FERRY OR BRIDGE, RIVER, CANAL OR OTHER SOURCE OF WATER SUPPLY;

DEFENCE AND INTERNAL SECURITY OF INDIA ACT, 1971

- ▶ THE REQUISITIONING AND ACQUISITION OF ANY MOVABLE PROPERTY; AND THE PRINCIPLES ON WHICH AND THE MANNER IN WHICH COMPENSATION SHALL BE DETERMINED AND GIVEN IN RESPECT OF SUCH REQUISITIONING OR ACQUISITION;
- ▶ THE PREVENTION OF ANY CORRUPT PRACTICE OR ABUSE OF AUTHORITY OR OTHER *MALA FIDE* ACTION IN RELATION TO THE PRODUCTION, STORAGE, PURCHASE, SALE, SUPPLY OR TRANSPORT OF GOODS FOR ANY PURPOSE CONNECTED WITH THE DEFENCE OF INDIA AND CIVIL DEFENCE, THE INTERNAL SECURITY THE EFFICIENT CONDUCT OF MILITARY OPERATIONS OR THE MAINTENANCE OF SUPPLIES AND SERVICES ESSENTIAL TO THE LIFE OF THE COMMUNITY;
- ▶ THE PREVENTION OF HOARDING, PROFITEERING, BLACK MARKETING, OR ADULTERATION OF, OR ANY OTHER UNFAIR PRACTICES IN RELATION TO, ANY GOODS PROCURED BY OR SUPPLIED TO THE GOVERNMENT OR NOTIFIED BY OR UNDER THE RULES AS ESSENTIAL TO THE LIFE OF THE COMMUNITY;
- ▶ PROHIBITING OR REGULATING THE POSSESSION, USE OR DISPOSAL OF –
 - ▶ EXPLOSIVES, INFLAMMABLE SUBSTANCES, CORROSIVE AND OTHER DANGEROUS SUBSTANCES OR ARTICLES, ARMS AND AMMUNITIONS OF WAR;
 - ▶ VESSELS;
 - ▶ WIRELESS TELEGRAPHIC APPARATUS;
 - ▶ AIRCRAFT; AND
 - ▶ PHOTOGRAPHIC AND SIGNALING APPARATUS AND ANY MEANS OF RECORDING INFORMATION;
 - ▶ PROHIBITING OR REGULATING THE BRINGING INTO, OR TAKING OUT OF, INDIA AND THE POSSESSION, USE OR TRANSMISSION OF CIPHERS AND OTHER SECRET MEANS OF COMMUNICATING INFORMATION;
 - ▶ PROHIBITING OR REGULATING THE PUBLICATION OF INVENTIONS AND DESIGNS;
 - ▶ PROHIBITING OR REGULATING THE PUBLICATION OF RESULTS OF RESEARCH WORK HAVING A BEARING ON EFFORTS RELATING TO DEFENCE OF INDIA OR MILITARY OPERATIONS;

DEFENCE AND INTERNAL SECURITY OF INDIA ACT, 1971

- ▶ PREVENTING THE DISCLOSURE OF OFFICIAL SECRETS;
- ▶ PROHIBITING OR REGULATING MEETINGS, ASSEMBLIES, FAIRS AND PROCESSIONS;
- ▶ PREVENTING OR CONTROLLING ANY USE OF UNIFORMS, WHETHER OFFICIAL OR OTHERWISE, FLAGS, OFFICIAL DECORATIONS LIKE MEDALS, BADGES AND OTHER INSIGNIA AND ANYTHING SIMILAR THERETO, WHERE SUCH USE IS CALCULATED TO DECEIVE OR TO PREJUDICE THE PUBLIC SAFETY, THE MAINTENANCE OF PUBLIC ORDER, THE DEFENCE OF INDIA AND CIVIL DEFENCE OR THE INTERNAL SECURITY;
- ▶ ENSURING THE ACCURACY OF ANY REPORT OR DECLARATION LEGALLY REQUIRED OF ANY PERSON;
- ▶ PREVENTING THE UNAUTHORISED CHANGE OF NAMES;
- ▶ PREVENTING ANYTHING LIKELY TO CAUSE MISAPPREHENSION IN RESPECT OF THE IDENTITY OF ANY OFFICIAL PERSON, OFFICIAL DOCUMENT OR OFFICIAL PROPERTY OR IN RESPECT OF THE IDENTITY OF ANY PERSON, DOCUMENT OR PROPERTY OR IN RESPECT OF THE IDENTITY OF ANY PERSON, DOCUMENT OR PROPERTY PURPORTING TO BE, OR RESEMBLING, AN OFFICIAL PERSON, OFFICIAL DOCUMENT OR OFFICIAL PROPERTY;
- ▶ THE ACCOMMODATION IN ANY AREA OF PERSONS EVACUATED FROM ANOTHER AREA AND THE REGULATION OF THE CONDUCT OF EVACUATED PERSONS ACCOMMODATED IN SUCH AREA;
- ▶ THE BILLETING OF EVACUATED PERSONS OR PERSONS AUTHORISED TO EXERCISE FUNCTIONS UNDER THIS ACT;
- ▶ THE ENTRY INTO, AND SEARCH OF, ANY PLACE REASONABLY SUSPECTED OF BEING USED FOR ANY PURPOSE PREJUDICIAL TO THE PUBLIC SAFETY OR INTEREST, TO THE DEFENCE OF INDIA AND CIVIL DEFENCE, TO THE INTERNAL SECURITY OR TO THE DEFENCE OF INDIA AND CIVIL DEFENCE OR TO THE EFFICIENT CONDUCT OF MILITARY OPERATIONS, AND FOR THE SEIZURE AND DISPOSAL OF ANYTHING FOUND THERE AND REASONABLY SUSPECTED OF BEING USED FOR SUCH PURPOSE;
- ▶ THE PREPARATION OF ANY SCHEME OF DEFENCE SERVICE OR ANY OTHER SERVICE CONNECTED WITH THE DEFENCE OF INDIA AND REQUIRING ANY PERSON OR CLASS OF PERSONS TO COMPLY WITH SUCH SCHEME;
- ▶ THE EVICTION OF UNAUTHORISED OCCUPANTS FROM SUCH PUBLIC PREMISES [AS DEFINED IN THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971 (40 OF 1971)] AS ARE, IN THE OPINION OF THE CENTRAL GOVERNMENT, REQUIRED FOR THE PURPOSES CONNECTED WITH THE DEFENCE OF INDIA AND CIVIL DEFENCE, THE PUBLIC SAFETY OR INTEREST, THE EFFICIENT CONDUCT OF MILITARY OPERATIONS OR THE MAINTENANCE OF SUPPLIES AND SERVICES ESSENTIAL TO THE LIFE OF THE COMMUNITY.

NATIONAL SECURITY GUARD ACT, 1986

- ▶ FORMED ON SEPTEMBER 22, 1986 TO SAVE THE COUNTRY FROM TERROR ACTIVITIES.
- ▶ FORMED ON THE PATTERN OF THE GSG-9 OF GERMANY AND SAS OF THE UNITED KINGDOM.
- ▶ ALSO SPECIAL RESPONSE FORCE FOR ANTI-HIJACKING, COUNTER-TERRORISM, HOSTAGE RESCUE, AND OTHER "SPECIAL" OPERATIONS
- ▶ UNION MINISTRY FOR HOME AFFAIRS EXERCISES ADMINISTRATIVE AND OPERATIONAL CONTROL

HISTORY:

- ▶ IDEA FOR NSG TRACED BACK TO INDIRA GANDHI AND HER DECISION TO USE CONVENTIONAL ASPECTS OF INDIAN ARMY TO REMOVE SIKH TERRORISTS FROM THE GOLDEN TEMPLE
- ▶ CODENAMED "OPERATION BLUE STAR," THE MILITARY ACTION AGAINST TERRORISTS WAS A RESPONSE TO THE DEVOLVING INTERNAL SECURITY SITUATION IN PUNJAB.
- ▶ DURING JUNE 3-6, 1984, SOLDIERS OF ARMY EQUIPPED WITH TANKS AND ARTILLERY FIRE FOUGHT A VIOLENT BATTLE AGAINST MILITANTS HOLED UP IN TEMPLE
- ▶ WHILE MILITARY OBJECTIVE WAS ACHIEVED, RAID TURNED OUT TO BE POLITICAL SUICIDE.
- ▶ TEMPLE SUFFERED HEAVY DAMAGE AND NO. OF REPORTED CASUALTIES RANGED FROM 800 (OFFICIAL) TO 8,000 (EYEWITNESS ACCOUNTS)
- ▶ IN RESPONSE, SIKH SOLDIERS MUTINIED, GOVT OFFICIALS RESIGNED, COMMUNAL TENSIONS WORSENER. INDIRA GANDHI WAS ASSASSINATED BY HER SIKH BODYGUARDS, AND INDIA BECAME ENGULFED IN COMMUNAL RIOTS TARGETING THE SIKHS.
- ▶ CLOSER ANALYSIS OF THE DEBACLE REVEALED THAT STRATEGY ADOPTED BY THE GOVERNMENT WAS FLAWED.
- ▶ THE USE OF ARTILLERY AND TANKS IN A CONGESTED HOLY COMPOUND PACKED WITH CIVILIANS WAS RESPONSIBLE FOR THE MASSIVE NUMBER OF CIVILIAN DEATHS AS WELL AS EXTENSIVE DAMAGE THE COMPOUND ITSELF.
- ▶ ARMY SOLDIERS WERE INADEQUATELY PREPARED TO DEAL WITH SUCH A SITUATION. THIS WAS BY NO MEANS A CONVENTIONAL WAR. WHILE THE SPECIAL FRONTIER FORCE'S (SFF) SPECIAL GROUP (SG) PARTICIPATED IN THE MISSION, THEY RELIED ON HELP FROM ELEMENTS OF THE INDIAN ARMY AS WELL AS OTHER PARAMILITARY GROUPS.

NATIONAL SECURITY GUARD ACT, 1986

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- ▶ UNION MINISTRY FOR HOME AFFAIRS EXERCISES ADMINISTRATIVE AND OPERATIONAL CONTROL

HISTORY:

- ▶ IN LIGHT OF THIS FIASCO, NEED FOR A SPECIALIZED GROUP TO CONDUCT “SURGICAL” OPERATIONS WAS REALIZED.
- ▶ RATHER THAN USING ARMY TO STORM BUILDINGS AND RESCUE HOSTAGES, DECIDED TO FORM CONTINGENCY FORCE RESPONSIBLE FOR SUCH OPERATIONS.
- ▶ ASCENT OF TERRORISM IN THE 1970’S, AND SUBSEQUENT CREATION OF SPECIALIZED UNITS IN OTHER COUNTRIES FURTHER BOLSTERED THIS VIEW.
- ▶ NSG ESTABLISHED IN OCT 84 AS ‘FEDERAL CONTINGENCY FORCE’ UNDER THE CABINET SECRETARIAT. RECOGNIZED AS AN ‘ARMED FORCE OF THE UNION’ AND GIVEN LEGAL BACKING BY THE NSG ACT, 1986, WHICH SUBSEQUENTLY BROUGHT IT UNDER CONTROL OF HOME MINISTRY.
- ▶ NSG ORIGINALLY SUPPOSED TO BE MODELED AFTER GSG-9 UNIT; HOWEVER, DIFFERENCES IN THE INDIAN SECURITY ENVIRONMENT AS WELL AS GOVERNMENTAL ADMINISTRATION SHIFTED THAT FOCUS.
- ▶ INITIALLY SUGGESTED THAT INSTEAD OF A CENTRAL ORGANIZATION, THE NATURE OF THREATS AND SITUATIONS THAT NSG RESPONDS TO MAKES IT IDEAL TO CREATE LOCALIZED, REGIONAL UNITS.
- ▶ ORIGINAL PLAN CALLED FOR “THREE DIFFERENT REGIONAL UNITS FOR LOCAL ACTION, RATHER THAN HAVE A CENTRAL FORCE THAT COULD BE TRANSPORTED TO THE TROUBLE SPOTS AS AND WHEN REQUIRED.”
- ▶ THIS NEVER MATERIALIZED AND NSG, TO THIS DAY, REMAINS A CENTRAL ORGANIZATION (ALTHOUGH IN THE AFTERMATH OF 26/11, IT DID ESTABLISH FOUR NEW BASES IN DIFFERENT PARTS OF INDIA).
- ▶ DESIGNED TO BE A 100% DEPUTATION FORCE, NO PERSONNEL TRULY EVER BELONG TO THE NSG. 50% FROM INDIAN ARMED FORCES, REST FROM BSF, CRPF, ETC.

NATIONAL SECURITY GUARD ACT, 1986

WHAT IT DOES:

- ▶ HEADED BY IPS CADRE DG, NSG DIVIDED INTO THE SPECIAL ACTION GROUP (SAG) AND THE SPECIAL RANGERS GROUP(SRG)
- ▶ SAG, RESPONSIBLE FOR THE DIRECT EXECUTION OF THE OPS, DRAWS RECRUITS FROM INDIAN ARMY. SRG, SERVES IN SUPPORT CAPACITY, DRAWS RECRUITS FROM CENTRAL PARAMILITARY FORCES
- ▶ NSG'S PRIMARY MANDATE TO "ENGAGE AND NEUTRALIZE TERRORIST THREATS IN SPECIFIC SITUATIONS AND TO UNDERTAKE COUNTER HIJACKING AND HOSTAGE RESCUE MISSIONS"
- ▶ INITIAL DUTIES OF NSG WERE LIMITED IN SCOPE. IN 1986-87, SCOPE WAS EXPANDED TO INCLUDE
 - ▶ VVIP SECURITY
 - ▶ ANTI-SABOTAGE CHECKS AT VENUES OF VVIP PUBLIC MEETINGS
 - ▶ AND ANTI-HIJACK DUTIES IN INTERNATIONAL AND DOMESTIC FLIGHT
- ▶ NSG IS CONSIDERED INDIA'S PREMIER COUNTER-TERRORIST FORCE
- ▶ UNDERTAKES UNILATERAL MISSIONS AS WELL AS ASSISTS CENTRAL PARAMILITARY FORCES
- ▶ EXPANSION OF THEIR DUTIES DELEGATED TO THE NSG THE ROLE OF SKY MARSHALS ON SELECT DOMESTIC AND INTERNATIONAL FLIGHTS
- ▶ GUARDS ARE FURTHER RESPONSIBLE FOR MITIGATION OF THREATS TO VITAL AND SENSITIVE INSTALLATIONS, INCLUDING INDIA'S NUCLEAR FACILITIES
- ▶ WHILE THE FORCE HAS EXPANDED ITS REGIONAL REACH AFTER THE 26/11 ATTACKS, THE MAIN AREA OF OPERATION REMAINS NEW DELHI
- ▶ IN ADDITION TO OFFENSIVE OPERATIONAL ROLE, GUARDS ALSO PLAY A DEFENSIVE SECURITY ROLE
- ▶ THIS IS NOWHERE MORE EVIDENT THAN THE USE OF SRG PERSONNEL FOR VVIP PROTECTION
- ▶ NSG COMMANDO PROTECTION IS RESERVED INDIVIDUALS DEEMED MOST AT RISK
- ▶ INCLUDES PEOPLE WHO ARE PROVIDED THE Z+ SECURITY COVER, THE HIGHEST PROTECTION COVER OF THE INDIAN GOVERNMENT

NATIONAL SECURITY GUARD ACT, 1986

- ▶ VVIP PROTECTION IS CARRIED OUT BY SRG PERSONNEL AND CONSTITUTES ONE OF THE BIGGEST DRAINS ON THE NSG
- ▶ NSG PERSONNEL ARE ALSO DEPLOYED TO PROVIDE SECURITY ON SPECIAL OCCASIONS SUCH AS THE INDEPENDENCE DAY AND REPUBLIC DAY CELEBRATIONS AND DURING VISITS BY HEADS OF STATES
- ▶ OTHER CAPABILITIES AND DUTIES OF NSG INCLUDE BOMB DISPOSAL, CREATION AND MANAGEMENT OF BOMB DATA CENTERS, AND TRAINING OF LOCAL, STATE, AND FEDERAL POLICE PERSONNEL IN NSG CORE CAPABILITIES AND SPECIALTIES. EXAMPLE OF THIS IS NSG'S ROLE IN TRAINING SPECIAL OPERATIONS GROUP (SOG) OF J&K POLICE. THE INABILITY OF THE CONVENTIONAL INDIAN ARMY TO EXECUTE SPECIALIZED MISSIONS AND THE LIMITED STRENGTH OF THE NSG RESULTED IN THE ESTABLISHMENT OF THE SOG. BY MOST ACCOUNTS, THE FORCE HAS PERFORMED WELL AND IT CONSIDERED TO HAVE RELIEVED NSG AND OTHER UNITS IN CERTAIN AREAS.
- ▶ NSG HAD UNDERTAKEN A NUMBER OF HIGH PROFILE MISSIONS. LISTED BELOW ARE SOME OF THE MORE WELL-KNOWN AND SUCCESSFUL OPERATIONS:

OPERATION BLACK THUNDER I AND II:

- ▶ OP BLACK THUNDER WAS SUCCESSOR OF OPERATION BLUE STAR. DESPITE WIDESPREAD CARNAGE DURING BLUE STAR, GOLDEN TEMPLE CONTINUED TO BE USED AS A MILITANT BASE. IN 1986, THE GOVT OF INDIA DECIDED TO STORM TEMPLE AGAIN. THIS TIME, USED THE NSG. BOTH MISSIONS WERE SUCCESSFUL AND RESULTED IN NO CIVILIAN OR MILITARY CASUALTIES. UPON SUCCESSFUL COMPLETION, THE NSG HANDED OVER CONTROL TO PUNJAB POLICE.

OPERATION MOUSETRAP:

- ▶ RELATIVELY UNKNOWN, SIX-MONTH DEPLOYMENT OF NSG IN 1990 PUNJAB WHERE IT WAS TASKED WITH ELIMINATING TOP SIKH MILITANTS. OPS WERE CARRIED OUT AT NIGHT AND REVEALED TO INDIAN GOVT THE TRUE VERSATILITY OF THE NSG.
- ▶ IN 1992, WITH COMMUNAL TENSIONS RISING BETWEEN HINDUS AND MUSLIMS, COMPANIES OF NSG WERE DEPLOYED TO AYODHYA TO DEAL WITH ANY DISTURBANCE. THIS WAS AN OUT OF SCOPE ASSIGNMENT FOR NSG, BUT IT ALSO SYMBOLIZED JUST HOW IMPORTANT PEACE WAS TO THE INDIAN GOVERNMENT.

OPERATION ASHWAMEDH:

- ▶ PERHAPS ONE OF THE FINER MOMENTS IN NSG HISTORY, SAG COMMANDOS STORMED A HIJACKED INDIAN AIRLINES FLIGHT AND KILLED THE HIJACKER. ALL HOSTAGES WERE RESCUED AND NONE WERE HARMED.

NATIONAL SECURITY GUARD ACT, 1986

- ▶ IN THE LATTER HALF OF 1998, NSG BECAME THE TIP OF THE SPEAR AS THE INDIAN GOVERNMENT DECIDED TO PROACTIVELY STRIKE MILITANTS IN JAMMU & KASHMIR. THESE MISSIONS CONTINUED FOR YEARS, AND NSG IS STILL DEPLOYED IN THE AREA TO THIS DAY.
- ▶ IN 2002, SAG PERSONNEL WERE INVOLVED IN THE HUNT FOR NOTORIOUS SANDALWOOD SMUGGLER VEERAPPAN. THE SAG ULTIMATELY PULLED OUT BEFORE VEERAPPAN WAS KILLED IN DECEMBER 2002.

OPERATION VAJRA SHAKTI:

- ▶ IN OCTOBER 2002, TWO HEAVILY ARMED LASHKAR-E-TAIBA (LET) ASSOCIATES ATTACKED THE SWAMINARAYAN AKSHARDHAM TEMPLE IN GANDHINAGAR, GUJARAT.
- ▶ NSG SUCCESSFULLY ELIMINATED THE MILITANTS AND RESCUED OVER 50 HOSTAGES. IT, HOWEVER, LOST TWO MEN.

OPERATION BLACK TORNADO AND OPERATION CYCLONE:

- ▶ IN NOVEMBER 2008, 10 LASHKAR-E-TAIBA (LET) ATTACKERS UNLEASHED DEADLY ATTACKS IN MUMBAI, INDIA'S FINANCIAL AND ENTERTAINMENT HUB.
- ▶ THE ENTIRE INDIAN RESPONSE WAS MARKED WITH TYPICAL OPERATIONAL AND ADMINISTRATIVE INEFFICIENCIES. NSG PERSONNEL TOOK THE LEAD IN THE RESPONSE AND AFTER THREE DAYS OF INTENSE FIGHTING WERE ABLE TO SUCCESSFULLY SUBDUCE THE TERRORISTS. THE ACTIONS OF THE NSG THRUST IT INTO THE NATIONAL LIMELIGHT AND RESULTED IN INITIATIVES TO IMPROVE THE QUALITY OF THE FORCE

NATIONAL SECURITY GUARD ACT, 1986

▶ ATTACHED BODIES OR AUTONOMOUS BODIES:

NATIONAL BOMB DATA CENTER:

- ▶ NBDC ESTABLISHED IN 1988 WITH GOAL OF MAINTAINING A LIST OF ALL BOMBING INCIDENTS IN THE COUNTRY.
- ▶ THIS ROLE WAS LATER REVISED IN 2002 WHEN IT WAS DESIGNATED AS THE ENTITY IN CHARGE OF “MONITORING, RECORDING, AND ANALYZING ALL BOMBING INCIDENTS IN THE COUNTRY.” NBDC ALSO DEPLOYS ‘POST BLAST STUDY’ TEAMS TO STATES REQUESTING THEM FOR CONDUCTING FORENSIC INVESTIGATIONS OF CERTAIN BLASTS.
- ▶ AS ENVISIONED, THE NBDC WILL –
 - ▶ CARRY OUT BOMB INCIDENT INVESTIGATIONS AND PROVIDE ADVICE ON PREVENTIVE MEASURES.
 - ▶ COLLECT, COLLATE, ANALYZE, AND EVALUATE ALL TERRORIST BOMBING ACTIVITIES REPORTED IN THE COUNTRY.
 - ▶ COMPILE AND DISSEMINATE PERIODIC STATISTICAL DATA AND ANALYTICAL INFORMATION ON TERRORIST BOMBING ACTIVITIES.
 - ▶ RESEARCH AND DEVELOP CONCEPTS FOR DEALING WITH TERRORIST BOMB THREAT SITUATIONS.
- ▶ NSG ACT, 1986 CONSISTS OF 140 SECTIONS ARRANGED IN 10 CHAPTERS AND IS ENACTED TO PROVIDE FOR THE CONSTITUTION AND REGULATION OF AN ARMED FORCE OF THE UNION FOR COMBATING TERRORIST ACTIVITIES WITH A VIEW TO PROTECTING STATES AGAINST INTERNAL DISTURBANCES AND FOR MATTERS CONNECTED THEREWITH.
- ▶ THE ACT DEALS WITH THE CONSTITUTION OF THE SECURITY GUARDS AND THEIR CONDITIONS OF SERVICE, OFFENCES WHICH ARE COMMITTED BY THE MEMBERS OF NSG AND PUNISHMENTS THERETO, ARREST AND PROCEDURE FOR TRIAL, SECURITY GUARDS COURTS AND PROCEDURE FOLLOWED THERE, APPEAL SYSTEM AND PROVISIONS FOR REVISION AND CONFIRMATION OF SENTENCE, EXECUTION AND PARDONING AND REMISSIONS OF SENTENCES.

SPECIAL PROTECTION GROUP ACT, 1988

- ▶ SPG RAISED IN 1985 AFTER ASSASSINATION OF FORMER PM INDIRA GANDH –
- ▶ INTENTION TO PROVIDE PROXIMATE SECURITY COVER TO THE PM, FORMER PMs AND IMMEDIATE FAMILY MEMBERS.
- ▶ INITIALLY, ONLY FOR THE PM, BUT AFTER RAJIV GANDHI WAS ASSASSINATED IN 1991 WAS AMENDED, OFFERING SPG PROTECTION TO ALL FORMER PMs AND THEIR FAMILIES FOR A PERIOD OF AT LEAST 10 YEARS
- ▶ COVER WOULD ONLY BE REDUCED ON THE BASIS OF THREAT LEVELS AS DEFINED IN SPG ACT OF 1988.
- ▶ SPG OFFICERS INGRAINED IN
 - ▶ HIGH LEADERSHIP QUALITIES
 - ▶ PROFESSIONALISM
 - ▶ KNOWLEDGE OF PROXIMATE SECURITY AND INCULCATE THE CULTURE OF LEADING FROM THE FRONT
- ▶ ACHIEVE THIS BY ADOPTING INNOVATIVE METHODS NOT ONLY IN ITS OWN WORKING, BUT ALSO IN OVERALL SECURITY ARRANGEMENTS IN COLLABORATION WITH IB AND STATE/ UT POLICE FORCES.
- ▶ HIGH LEADERSHIP QUALITIES, PROFESSIONALISM AND KNOWLEDGE OF ITS OFFICERS THAT SPG ENSURES FAIL PROOF AND ZERO-ERROR SECURITY FOR ITS PROTECTEES.
- ▶ SINCE INCEPTION HAVE BEEN AWARDED BY 01 SHAURYA CHAKRA, 39 PRESIDENT'S POLICE MEDALS FOR DISTINGUISHED SERVICE AND 297 POLICE MEDALS FOR MERITORIOUS SERVICE
- ▶ ALSO HAS HONOUR OF ITS FIRST DIRECTOR AWARDED PADMA SHRI.
- ▶ NO LONGER SATISFIED WITH BEING BEST IN THE COUNTRY AND IS ASPIRING BEYOND THE NATIONAL BOUNDARIES AND HAS ENTERED INTO A NEW PHASE IN ITS EVOLUTION.
- ▶ RANKS AMONGST THE BEST ORGANIZATIONS OF ITS GENRE WORLDWIDE.
- ▶ SPG OFFICERS ARE TRAINED AS PER THE GUIDELINES OF THE SECRET SERVICE OF AMERICA, TO OFFER, IF NECESSARY, THE SUPREME SACRIFICE TO ENSURE THAT THE SACRED TASK ASSIGNED TO THE ORGANIZATION BY THE GOVERNMENT IS FULFILLED AT ALL COSTS
- ▶ EQUIPPED WITH MODERN WEAPONS SUCH AS THE FNF-2000 ASSAULT RIFLE, AUTOMATIC GUN AND 17 M REVOLVERS. SPG HAS COMPLETED 33 YEARS OF GLORIOUS HISTORY

SPECIAL PROTECTION GROUP ACT, 1988

- ▶ SPG ACT ENACTED ON 2ND JUNE, 1988 TO PROVIDE FOR THE CONSTITUTION AND REGULATION OF AN ARMED FORCE OF THE UNION FOR PROVIDING PROXIMATE SECURITY TO THE PM OF INDIA AND THE FORMER PMs OF INDIA AND MEMBERS OF THEIR IMMEDIATE FAMILIES AND FOR MATTERS CONNECTED
- ▶ ACT CONSISTS OF 18 SECTIONS WHICH DEALS WITH THE APPLICABILITY OF THE ACT, CONSTITUTION OF THE SPG, CONTROL OF GROUP, TENURE OF SERVICE OF PERSONS, RIGHTS, RESTRICTIONS APPLICABLE TO THE PERSONS IN GROUP, TERMINATION, RETIREMENT OF PERSONS, DISPUTE SETTLEMENT PROCEDURE AND ACTIONS WHICH CAN BE TAKEN UNDER THE ACT.
- ▶ “PROXIMATE SECURITY” UNDER THE ACT, MEANS PROTECTION PROVIDED FROM CLOSE QUARTERS, DURING JOURNEY BY ROAD, RAIL, AIRCRAFT, WATERCRAFT OR ON FOOT OR ANY OTHER MEANS OF TRANSPORT AND SHALL INCLUDE THE PLACES OF FUNCTIONS, ENGAGEMENTS, RESIDENCE OR HALT AND SHALL COMPRISE RING ROUND TEAMS, ISOLATION CORDONS, THE STERILE ZONE AROUND, AND THE ROSTRUM AND ACCESS CONTROL TO THE PERSON OR MEMBERS OF HIS IMMEDIATE FAMILY.
- ▶ “MEMBERS OF IMMEDIATE FAMILY”, WHO ARE PROTECTED UNDER THE ACT, MEANS WIFE, HUSBAND, CHILDREN AND PARENTS.

PROTECTION UNDER THE ACT:

- ▶ THE PM AND THE MEMBERS OF HIS IMMEDIATE FAMILY.
- ▶ ANY FORMER PM OR TO THE MEMBERS OF HIS IMMEDIATE FAMILY -
- ▶ PERIOD OF 1YR FROM THE DATE ON WHICH THE FORMER PM CEASED TO HOLD OFFICE AND BEYOND 1 YR BASED ON THE LEVEL OF THREAT AS DECIDED BY THE CENT GOVT, NOT MORE THAN TWELVE MONTHS SHALL ELAPSE BETWEEN 2 CONSECUTIVE ASSESSMENTS MADE IN REGARD TO THE NEED FOR PROXIMATE SECURITY.
- ▶ FACTORS WHICH ARE CONSIDERED TO DECIDE THE THREAT ARE –THREATS FROM ANY MILITANT OR TERRORIST ORGANISATION OR ANY OTHER SOURCE AND THREAT IS OF A GRAVE AND CONTINUING NATURE
- ▶ ON VISITS ABROAD, BASED ON ENTITLEMENT TO PROXIMATE SECURITY AND LEVEL OF THREAT AS ASSESSED BY THE CENT GOVT.
- ▶ ANY FORMER PM OR ANY MEMBER OF THE IMMEDIATE FAMILY OF THE PM OR OF A FORMER PM MAY DECLINE PROXIMATE SECURITY.

SPECIAL PROTECTION GROUP ACT, 1988

- ▶ THE CENT GOVT ANNUALLY REVIEWS AND ASSESS LEVEL AND NATURE OF THREAT FACED BY AN INDIVIDUAL UNDER SPG PROTECTION.
- ▶ TILL NOW, COVER WAS EXTENDED TO ONLY 6 PEOPLE: PM MODI, FORMER PM MANMOHAN SINGH AND HIS WIFE GURSHARAN KAUR, AND CONGRESS LEADERS AND SLAIN FORMER PM RAJIV GANDHI'S FAMILY MEMBERS — SONIA GANDHI, RAHUL GANDHI AND PRIYANKA GANDHI VADRA. SINGH'S DAUGHTERS WERE ALSO ELIGIBLE FOR COVER AS FAMILY OF FORMER PM, BUT VOLUNTARILY GAVE IT UP IN 2014.
- ▶ NO MEMBER SHALL AT LIBERTY - TO RESIGN HIS APPOINTMENT DURING THE TERMS OF HIS ENGAGEMENT; OR TO WITHDRAW HIMSELF FROM ALL OR ANY OF THE DUTIES OF HIS APPOINTMENT, EXCEPT WITH PREVIOUS PERMISSION IN WRITING OF PRESCRIBED AUTHORITY.
- ▶ IT HAS BEEN REPORTED THAT THE THEN UPA GOVERNMENT SPENT RS. 1,800 CRORE TO PROTECT MEMBERS OF THE GANDHI FAMILY, MANMOHAN SINGH AND ATAL BIHARI VAJPAYEE BETWEEN 2004 AND 2013. THE CURRENT GOVERNMENT INCREASED THE BUDGET ALLOCATION FOR THE SPG TO RS. 535 CRORE IN 2019-20, FROM RS. 411.68 CRORE IN THE PREVIOUS FISCAL.
- ▶ LATEST UPDATE:
- ▶ ON 27 NOV 19, LS PASSED A BILL AMENDING PROVISIONS WITH OBJECTIVE TO RESTRICT THE FACILITY OF SPG SECURITY, TO ENSURE ITS EFFICIENCY.
- ▶ PROPOSED BILL PROVIDES SECURITY TO PM AND MEMBERS OF HIS IMMEDIATE FAMILY RESIDING WITH HIM AT HIS OFFICIAL RESIDENCE
- ▶ PROVIDES SECURITY TO FORMER PMs AND IMMEDIATE FAMILY MEMBERS RESIDING AT RESIDENCE ALLOTTED, FOR A PERIOD OF 5 YEARS FROM THE DATE ON WHICH HE CEASES TO HOLD THE OFFICE
- ▶ IF SECURITY IS WITHDRAWN FROM FORMER PM, WILL ALSO BE WITHDRAWN FROM IMMEDIATE FAMILY MEMBERS.
- ▶ PRESENTLY, EVEN IF SECURITY IS WITHDRAWN FROM FORMER PM, FAMILY MAY CONTINUE TO AVAIL SERVICES, IF IT FACES A LEVEL OF THREAT WHICH WARRANTS SO

SPECIAL PROTECTION GROUP ACT, 1988

- ▶ THE SPG (AMENDMENT) BILL, 2019 PASSED IN RS ON DEC 3, 19 AMIDST WALKOUT BY THE INC. THE LS HAD PASSED BILL ON NOV 27
- ▶ SPG (AMENDMENT) BILL, 2019: OBJECTIVE
- ▶ UNION HOME MINISTER STATED THAT THE MAIN OBJECTIVE BEHIND INTRODUCING THE AMENDMENT WAS TO MAKE THE SPG ACT MORE EFFECTIVE IN ENSURING THE SECURITY OF PM
- ▶ SPG (AMENDMENT) BILL, 2019: KEY FEATURES
- ▶ THE SPG (AMENDMENT) BILL, 2019 AMENDS THE SPG ACT AND STATES THAT THE SPG SECURITY WILL BE PROVIDED TO THE PRIME MINISTER AND HIS IMMEDIATE FAMILY MEMBERS LIVING WITH HIM AT HIS OFFICIAL RESIDENCE.
- ▶ STATES THAT SPG SECURITY WILL BE PROVIDED TO FORMER PM AND HIS IMMEDIATE FAMILY MEMBERS, WHO RESIDE WITH HIM AT THE OFFICIALLY ALLOTTED RESIDENCE FOR 5 YEARS FROM THE DATE HE CEASES TO HOLD THE OFFICE.
- ▶ AMENDMENT BILL 2019 AMENDS SPG ACT'S CONDITION TO CONTINUE THE SPG COVER OF THE PM'S IMMEDIATE FAMILY MEMBERS IF THE LEVEL OF PERCEIVED THREAT IS HIGH IN CASE OF WITHDRAWAL OF THE SPG COVER TO THE FORMER PRIME MINISTER.
- ▶ BILL STATES THAT IF SPG COVER IS WITHDRAWN FROM A FORMER PM, ALSO STAND WITHDRAWN FROM IMMEDIATE FAMILY
- ▶ MEANS THAT IN CASE OF DEATH OF AN EX-PM, SPG SECURITY WOULD BE WITHDRAWN FROM IMMEDIATE FAMILY MEMBERS.
- ▶ UNDER THE BILL'S PROVISIONS, ONLY THOSE FAMILY MEMBERS WILL BE PROVIDED WITH SPG SECURITY COVER, WHO STAY WITH THE PM OR FORMER PM AT THE ALLOTTED RESIDENCE.

DISASTER MANAGEMENT ACT, 2005 AND NATIONAL DISASTER RESPONSE FORCE

- ▶ THE MID 90s AND SUBSEQUENT DECADE, INTERNATIONAL DEBATE & DISCUSSION AROUND DISASTER RESPONSE & PREPAREDNESS.
- ▶ NOTABLE AND MORE IMPACTFUL ONES - THE YOKOHAMA STRATEGY PLAN (1994) & THE HYOGO FRAMEWORK FOR ACTION (2005), ADOPTED BY THE UN.
- ▶ DURING SAME PERIOD INDIA FACED SOME MOST SEVERE NATURAL CALAMITIES LIKE ORISSA SUPER CYCLONE (1999), GUJARAT EARTHQUAKE (2001) AND INDIAN OCEAN TSUNAMI (2004).
- ▶ THESE AND THE INTL ENVIRONMENT, NEED OF COMPREHENSIVE DISASTER MANAGEMENT PLAN - ENACTMENT OF THE DISASTER MANAGEMENT ACT ON DEC 26, 2005.
- ▶ THE DISASTER MANAGEMENT ACT, 2005 ENACTED TO DEAL WITH MANAGEMENT OF DISASTERS
- ▶ THREE TIER DISASTER MANAGEMENT STRUCTURE IN INDIA AT NATIONAL, STATES AND DISTRICT LEVELS
- ▶ UNDER THE ACT, THE NDMA, SDMA, NEC, NDRF, NIDM AND DISASTER RELATED FUNDS ESTABLISHED
- ▶ NATIONAL DISASTER MANAGEMENT AUTHORITY (NDMA) CONSTITUTED TO LAY DOWN POLICIES, PLANS AND GUIDELINES FOR DISASTER MANAGEMENT
- ▶ DISASTER MANAGEMENT ACT HAS STATUTORY PROVISIONS FOR CONSTITUTION OF NDRF PURPOSE OF SPECIALIZED RESPONSE TO NATURAL AND MAN-MADE DISASTERS
- ▶ IN 2006 NDRF CONSTITUTED WITH 8 BATTALIONS.
- ▶ 12 BATTALIONS WITH EACH BATTALION CONSISTING OF 1149 PERSONNEL.
- ▶ IN BEGINNING, DEPLOYED FOR ROUTINE LAW AND ORDER DUTIES ALSO
- ▶ IN A MEETING OF THE NDMA WITH THE PM ON OC 25, 07, THE NEED FOR DEDICATED FORCE WAS HIGHLIGHTED AND ACCEPTED
- ▶ NOTIFICATION OF NDRF RULES ON FEB 14, 08, MAKING NDRF A DEDICATED FORCE FOR DISASTER RESPONSE RELATED DUTIES, UNDER THE UNIFIED COMMAND OF DG NDRF

DISASTER MANAGEMENT ACT, 2005 AND NATIONAL DISASTER RESPONSE FORCE

- ▶ FIRST MAJOR TEST OF DISASTER FOR NDRF WAS KOSI FLOODS IN 2008. MOVED TO BIHAR AFTER BREACH IN KOSI BARRAGE ON 19TH AUG 08. AIRLIFTING 153 HIGH SPEED MOTORIZED BOATS WITH 780 FLOOD RESCUE TRAINED PERSONNEL DRAWN FROM THREE DIFFERENT BATTALIONS SENT TO 5 FLOOD AFFECTED DISTRICTS. OVER 1,00,000 AFFECTED RESCUED DURING INITIAL STAGE
- ▶ SIX STOREY BUILDING COLLAPSE AT BELLARY (KARNATAKA) IN JAN 10. IN SEVEN DAYS, RESCUED 20 TRAPPED LIVE VICTIMS AND RETRIEVED 29 BODIES.
- ▶ MULTI-STOREY FACTORY BUILDING COLLAPSE AT JALANDHAR (PUNJAB) IN APR 12, RESCUED 12 LIVE VICTIMS TRAPPED UNDER HUGE RUBBLE OF DEBRIS AND ALSO RECOVERED 19 DEAD BODIES.
- ▶ 46 NDRF PERSONNEL IN RESPONSE TO THE TRIPLE DISASTER IN JAPAN IN MARCH-APRIL 2011
- ▶ SEP 14, THE J&K FLOODS CAUSED BY TORRENTIAL RAINFALL. FIRST EXPERIENCE FOR NDRF TO HANDLE URBAN FLOODING ON MASSIVE SCALE
 - ▶ HUGE EXPANSE OF WATER
 - ▶ CLUSTERS OF HALF-SUBMERGED HOUSES
 - ▶ BROKEN BRIDGES, ROADS WERE WASHED AWAY & LAKHS OF PEOPLE STRANDED ON ROOFTOPS
 - ▶ NON FUNCTIONAL COMMUNICATION & ELECTRICITY SUPPLY
 - ▶ INITIAL STRENGTH 10 TEAMS AND 50 INFLATABLE RUBBERIZED BOATS. SUBSEQUENTLY 23 WITH 150 BOATS, RESCUED MORE THAN 50,000 PEOPLE AND DISTRIBUTED NEARLY 80 TONS OF RELIEF MATERIAL
- ▶ CYCLONE HUD-HUD POUNDED THE EASTERN INDIAN COAST IN OCTOBER 2014, USED SAW CUTTERS TO CUT BIG TREES AND OTHER METAL OBJECTS LIKELY TO BE UPROOTED AND SCATTERED BY THE GUSTY AND FEROCIOUS WINDS OF HUD-HUD.

DISASTER MANAGEMENT ACT, 2005 AND NATIONAL DISASTER RESPONSE FORCE

- ▶ 25 APR 15, AN EARTHQUAKE WITH A MAGNITUDE OF 7.8 AND A DEPTH OF 15 KM STRUCK NEPAL, NDRF PULLED OUT 11 LIVE VICTIMS OUT OF A TOTAL FIGURE OF 16.
- ▶ END 15, BILASPUR TUNNEL ACCIDENT IN HIMACHAL PRADESH WHEN TWO WORKERS WERE TRAPPED FOR NINE DAYS, SAFELY RETRIEVED FROM A COLLAPSED UNDER-CONSTRUCTION TUNNEL.
- ▶ DEC15 CHENNAI AND ITS SUBURBS AND PUDUCHERRY FLOODS, NDRF MOBILISED 50 TEAMS ACROSS THE COUNTRY BY AIR AND EVACUATED MORE THAN 14,000 FLOOD AFFECTED PEOPLE
- ▶ BESIDES FLOODS AND CYCLONES AND COLLAPSED STRUCTURE SEARCH AND RESCUE (CSSR) OPERATIONS, CONSIDERABLE EXPERTISE IN FACING CBRN (CHEMICAL, BIOLOGICAL, RADIOLOGICAL & NUCLEAR) CHALLENGES.
- ▶ RETRIEVING COBALT-60 RADIOLOGICAL MATERIAL AT MAYAPURI, DELHI, DURING APRIL AND MAY 10 ACID TEST OF NDRF'S CBRN CAPABILITY
- ▶ ORGANISATION:
- ▶ 12 BATTALIONS, THREE EACH FROM THE BSF AND CRPF AND TWO EACH FROM CISF, ITBP AND SSB.
- ▶ EACH BN HS 18 SELF-CONTAINED SPECIALIST SAR TEAMS OF 45 PERSONNEL INCLUDING ENGINEERS, TECHNICIANS, ELECTRICIANS, DOG SQUADS AND MEDICAL/PARAMEDICS
- ▶ STRENGTH OF EACH BN 1,149.
- ▶ ALL 12 BN EQUIPPED AND TRAINED TO RESPOND NATURAL AS WELL AS MAN-MADE DISASTERS. BATTALIONS ARE ALSO TRAINED AND EQUIPPED FOR RESPONSE DURING CHEMICAL, BIOLOGICAL, RADIOLOGICAL AND NUCLEAR (CBRN) EMERGENCIES.

CANTONMENT ACT, 2006

- ▶ CANTONMENTS NOTIFIED PLACES GOVERNED BY AN ACT OF PARLIAMENT
- ▶ THE CANTONMENT ACT, 2006 BEING THE LATEST.
- ▶ CANTONMENTS HAVE ITS LAND CATEGORISED DEPENDING UPON THEIR USAGE AS A1, A2, B1, B2, B3, B4 AND C CATEGORIES;
- ▶ A1 BEING FOR EXCLUSIVE USE OF TROOPS.
- ▶ MIXED CIVILIAN AND MILITARY POPULATION, SCHEDULE VII, ENTRY 3, OF THE CONSTITUTION, CANTONMENTS HAVE A MUNICIPAL BODY FOR LOCAL ADMINISTRATION
- ▶ BARRACKS, OFFICES, GARAGES AND TRAINING AREAS, ETC., USED ONLY BY THE TROOPS, ALSO HAVE OTHER FACILITIES LIKE SCHOOLS, HOSPITALS AND MARKETS FOR THE TROOPS AND THEIR FAMILIES AS ALSO THE CIVIL POPULATION LIVING WITHIN THE AREA.
- ▶ LAND MANAGED BY DEFENCE ESTATES DEPARTMENT
- ▶ NUMBERING A LITTLE OVER 60, ARE OLD ESTABLISHMENTS, LAST ESTABLISHED IN 1962
- ▶ CIVIC FUNCTIONS OF CANTONMENTS LOOKED AFTER BY CANTONMENT BOARDS, WITH A DEFENCE SERVICES OFFICER AS THE PRESIDENT OF THE CANTONMENT BOARD (STATION COMMANDER) AND AN OFFICER FROM DEFENCE ESTATES DEPARTMENT AS THE CEO.
- ▶ BOARD HAS OTHER ELECTED AND APPOINTED MEMBERS ELECTED BY THE VOTERS WHO HAVE BEEN LIVING WITHIN THE CANTONMENT AND ARE REGISTERED VOTERS
- ▶ BOARD PROVIDES SERVICES LIKE SCHOOLS, HOSPITALS, ROADS, SANITATION, ARBORICULTURE AND PERMISSION FOR RENOVATION OF THE BUILDINGS, FUNCTIONS AS A MUNICIPALITY

CANTONMENT ACT, 2006

- ▶ CONSIST OF 360 SECTIONS, 17 CHAPTERS AND 5 SCHEDULES. SECTION-3 DEFINED CANTONMENT AS –
- ▶ THE CENTRAL GOVERNMENT MAY, BY NOTIFICATION IN THE OFFICIAL GAZETTE, DECLARE ANY PLACE OR PLACES ALONG WITH BOUNDARIES IN WHICH ANY PART OF THE FORCES IS QUARTERED OR WHICH, BEING IN THE VICINITY OF ANY SUCH PLACE OR PLACES, IS OR ARE REQUIRED FOR THE SERVICE OF SUCH FORCES TO BE A CANTONMENT FOR THE PURPOSES OF THIS ACT AND OF ALL OTHER ENACTMENTS FOR THE TIME BEING IN FORCE, AND MAY, BY A LIKE NOTIFICATION, DECLARE THAT ANY CANTONMENT SHALL CEASE TO BE A CANTONMENT.
- ▶ THE CENTRAL GOVERNMENT MAY, BY A LIKE NOTIFICATION, DEFINE THE LIMITS OF ANY CANTONMENT FOR THE AFORESAID PURPOSES.
- ▶ WHEN ANY PLACE IS DECLARED A CANTONMENT UNDER SUB-SECTION (1), THE CENTRAL GOVERNMENT SHALL CONSTITUTE A BOARD WITHIN A PERIOD OF ONE YEAR IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT:
- ▶ PROVIDED THAT THE CENTRAL GOVERNMENT MAY, FOR THE REASONS TO BE RECORDED IN WRITING, EXTEND THE SAID PERIOD OF ONE YEAR FOR A FURTHER PERIOD OF SIX MONTHS AT A TIME:
- ▶ PROVIDED FURTHER THAT THE CENTRAL GOVERNMENT MAY, UNTIL A BOARD IS CONSTITUTED, BY ORDER MAKE NECESSARY PROVISIONS FOR THE EFFICIENT ADMINISTRATION OF THE CANTONMENT.
- ▶ THE CENTRAL GOVERNMENT MAY, BY NOTIFICATION IN THE OFFICIAL GAZETTE, DIRECT THAT IN ANY PLACE DECLARED A CANTONMENT UNDER SUB-SECTION (1) THE PROVISIONS OF ANY ENACTMENT RELATING TO LOCAL SELF-GOVERNMENT OTHER THAN THIS ACT SHALL HAVE EFFECT ONLY TO SUCH EXTENT OR SUBJECT TO SUCH MODIFICATIONS, OR THAT ANY AUTHORITY CONSTITUTED UNDER ANY SUCH ENACTMENT SHALL EXERCISE AUTHORITY ONLY TO SUCH EXTENT, AS MAY BE SPECIFIED IN THE NOTIFICATION.
- ▶ A CANTONMENT BOARD IS A BODY CORPORATE UNDER THE CANTONMENTS ACT, 2006 HAVING PERPETUAL SUCCESSION
- ▶ A CANTONMENT BOARD IS A BODY CORPORATE UNDER THE CANTONMENTS ACT, 2006 HAVING PERPETUAL SUCCESSION. RECEIVING GRANTS AND ALLOCATIONS
- ▶ IMPLEMENTING THE CENTRAL GOVERNMENT SCHEMES OF SOCIAL SECTOR, PUBLIC HEALTH, HYGIENE, SAFETY, WATER SUPPLY, SANITATION, URBAN RENEWAL AND EDUCATION

CANTONMENT ACT, 2006

POWERS AND DUTIES OF OFFICERS OF CANTONMENT BOARD:

- ▶ PRESIDENT CANTONMENT BOARD SUPERVISES THE EXECUTIVE AND FINANCIAL ADMINISTRATION OF THE BOARD
- ▶ CHIEF EXECUTIVE OFFICER IS MEMBER-SECRETARY OF THE BOARD AND THE CHIEF EXECUTIVE / ADMINISTRATOR AND CARRIES OUT DAY TODAY ADMINISTRATION INCLUDING SUPERVISION OF THE ENTIRE WORK FORCE OF THE BOARD
- ▶ CEO SUPERVISES ENTIRE WORK FORCE AND TAKES DECISIONS ON ALL FACETS OF ADMINISTRATION
- ▶ EMPLOYEES OF THE BOARD ARE ACCOUNTABLE TO C.E.O.

DECISION MAKING:

- ▶ ALL POLICY DECISIONS ARE TAKEN BY CANTONMENT BOARD IN THE ORDINARY BOARD MEETING HELD GENERALLY ONCE IN A MONTH AND IN THE SPECIAL BOARD MEETING HELD AS AND WHEN REQUIRED BY UNANIMOUS OR MAJORITY DECISIONS.
- ▶ RULES, REGULATIONS, MANUALS, ETC.:
- ▶ THE FOLLOWING STATUTES ARE APPLICABLE IN CANTONMENT BOARD:-
- ▶ CANTONMENT ACT, 2006.
- ▶ CANTONMENT ACCOUNT CODE, 1924.
- ▶ CANTONMENT FUND SERVANTS RULES, 1937.
- ▶ CANTONMENT PROPERTY RULES, 1925.
- ▶ CANTONMENT LAND ADMINISTRATION RULES, 1937.
- ▶ PUBLIC PREMISES (EVICTION OF UNAUTHORIZED OCCUPATION) ACT, 1971.
- ▶ CANTONMENT ELECTORAL RULES, 2007.
- ▶ SUCH OTHER ACTS, RULES, NOTIFICATIONS EXECUTIVE ORDERS/INSTRUCTIONS ETC. ISSUED BY GOVT. OF INDIA FROM TIME TO TIME AND APPLICABLE TO ADMINISTRATION OF CANTONMENT.
- ▶ BYE-LAWS OF CANTONMENT BOARD MADE UNDER THE PROVISIONS OF THE CANTONMENT ACT.

CANTONMENT ACT, 2006

BOARDS, COUNCILS, COMMITTEES, SUB-COMMITTEES:

CANTONMENT ACT AND RELATED BYE-LAWS PROVIDE FOLLOWING:

- ▶ CANTONMENT BOARD COMPROMISING ELECTED AND NOMINATED MEMBERS.
 - ▶ CIVIL AREA COMMITTEE.
 - ▶ FINANCE COMMITTEE.
 - ▶ SUBCOMMITTEES OF BOARDS
- 
- A series of four parallel white lines of varying lengths, slanted upwards from left to right, located in the bottom right corner of the slide.

DAY 2



INDO-TIBETAN BORDER POLICE FORCE ACT, 1992

- ▶ CREATED IN AFTERMATH OF THE SINO-INDIAN WAR OF 1962, ITBP IS ONE OF SEVEN CENTRAL PARAMILITARY FORCES (CPMFS) UNDER CONTROL OF MINISTRY OF HOME AFFAIRS
- ▶ TASKED PRIMARILY WITH PROTECTION OF STRATEGICALLY AND GEOPOLITICALLY IMPORTANT INDO-CHINA BORDER, A TASK IT SHARES WITH INDIAN ARMY
- ▶ MULTI-DIMENSIONAL FORCE, ITBP SERVES AS AN “INTEGRATED INTELLIGENCE, SIGNAL, PIONEER, ENGINEERING, MEDICAL, AND GUERILLA UNIT.”
- ▶ IN ADDITION TO PRIMARY ROLE, WELL VERSED IN COUNTER-INSURGENCY, DISASTER MANAGEMENT, AND BASIC INTERNAL SECURITY DUTIES
- ▶ OCCASIONALLY SERVES IN UN PEACEKEEPING OPERATIONS ABROAD
- ▶ AS A RESULT OF DEPLOYMENT ZONE, ALSO BOASTS A FORMIDABLE MOUNTAINEERING RECORD, INCLUDING SUCCESSFULLY ASCENDING MT. EVEREST FOUR TIMES
- ▶ CHINA’S ECONOMIC AND MILITARY RISE HAS UNDERScoreD IMPORTANCE OF ITBP AND RESULTED IN A TURF BATTLE BETWEEN MINISTRY OF HOME AFFAIRS AND DEFENSE OVER ITS CONTROL
- ▶ RECENT CHINESE INCURSIONS INTO INDIAN TERRITORY HIGHLIGHT THE NEED TO BOLSTER THE FORCE. UNLIKE OTHER CPMFS, ESPECIALLY THE BORDER GUARDING FORCES, ITBP MAINTAINS A FAIRLY CLEAN HUMAN RIGHTS RECORD

INDO-TIBETAN BORDER POLICE FORCE ACT, 1992

HISTORY:

- ▶ SINO-INDIAN WAR OF 1962 REVEALED A GLARING WEAKNESS IN INDIA'S PROTECTION OF ITS BORDER WITH CHINA
- ▶ PRIOR TO 1962, MUCH OF BORDER UNPROTECTED AND PEOPLE LIVING THERE EFFECTIVELY NOT A PART OF MAINSTREAM INDIA
- ▶ DEMONSTRATED INDIA'S INABILITY TO ENGAGE IN MOUNTAIN WARFARE AND OPS IN HIGH ALTITUDE AREAS, INDIAN GOVT CREATED THE FRONTIER RIFLES (LATER RENAMED ITBP) OCT 24, 1962
- ▶ INITIALLY, ESTABLISHED UNDER THE CRPF ACT OF 1949.
- ▶ ONLY IN 1992 PARLIAMENT PASSED INDO-TIBETAN BORDER POLICE FORCE ACT, AND 1994 THE ITBP RULES.
- ▶ CREATION, TRAINING, AND ADMIN OF ITBP FELL TO IB, INDIA'S INTERNAL INTELLIGENCE AGENCY WHO WAS ALSO RESPONSIBLE FOR EXTERNAL INTELLIGENCE (RESEARCH & ANALYSIS WING [RAW] REPLACED IB AS EXTERNAL INTELLIGENCE AGENCY IN 1968)
- ▶ INITIAL VISION TO CREATE A GUERILLA FORCE TO ENGAGE IN INT OPERATIONS AS WELL AS REGULAR FIGHTING WHILE REMAINING SELF-SUFFICIENT
- ▶ STARTED WITH 4 BATTALIONS, 2 MORE RAISED IN 1964. RIGHT FROM GROUP'S INITIATION CLEAR THAT ITBP MAY BE USED FOR PURPOSES OTHER THAN BORDER PROTECTION
- ▶ ONE BATTALION, DURING 1965 WAR, WAS SENT TO COUNTER TO TERRORISTS IN J&K, A DUTY FOR WHICH OTHER PARAMILITARY FORCES AS WELL AS INDIAN ARMY HAD BEEN DEPLOYED
- ▶ DURING 1971 WAR, WHEN FORCE HAD A TOTAL OF 8 BATTALIONS, 2 POSTED IN J&K FOR INTERNAL SECURITY DUTIES
- ▶ IN SEP 1971, ITBP WAS RELEASED FROM IB CONTROL AND TRANSFERRED TO THE MINISTRY OF HOME AFFAIRS

INDO-TIBETAN BORDER POLICE FORCE ACT, 1992

- ▶ 1978, ITBP RESTRUCTURED TO IMITATE BSF WHICH WAS GUARDING PAKISTAN AND BANGLADESHI BORDERS
- ▶ FORCE CAME TO INCLUDE SERVICE AND SUPPORT BATTALIONS (INCLUDING TPT AND COMM), SECTOR HQ, TRAINING SCHOOLS, A BASE HOSPITAL, ETC. THROUGHOUT HISTORY, ITBP HAS UNDERGONE STEADY EXPANSION, FROM 4 INITIAL BATTALIONS IN 1962, 25 IN 1995, AND 45 CURRENT ONES, WITH PLANS TO RAISE OTHERS
- ▶ IN ADDITION TO HIMALAYA SECTOR, ITBP BEEN DEPLOYED TO VARIOUS OTHER PARTS OF COUNTRY AS WELL
- ▶ DURING LATE 1970S AND EARLY 1980S, PUNJAB WAS AFFLICTED WITH SIKH MILITANCY AND WAS IN A STATE OF CHAOS
- ▶ CENTRAL GOVT RESPONDED BY ORDERING ITBP TO DEPLOY PERSONNEL TO PUNJAB AND CREATE A SEPARATE SECTOR FOR THOSE OPERATIONS
- ▶ OUTBREAK OF VIOLENCE IN JAMMU AND KASHMIR IN 1990 SAW THE DEPLOYMENT OF TWO ITBP BATTALIONS FOR INTERNAL SECURITY PURPOSES
- ▶ ADDITIONALLY, ITBP WAS ALSO USED FOR SECURITY PROVISION IN DELHI DURING ASIAD (THE ASIAN GAMES) IN 1982. ITBP WAS PROTECTING PRIME MINISTER INDIRA GANDHI AT THE TIME OF HER ASSASSINATION IN 1984.
- ▶ IN 2003, THE FORCE WAS ASSIGNED RESPONSIBILITY FOR THE INDO-CHINA BORDER IN SIKKIM AND ARUNACHAL PRADESH.
- ▶ RECENTLY, ITBP HAS BEEN INVOLVED IN COUNTER-INSURGENCY OPERATIONS IN AREAS AFFECTED BY LEFT WING EXTREMISM (LWE), WHICH IS GOVERNMENT SPEAK FOR NAXAL OR MAOIST REBELS.

INDO-TIBETAN BORDER POLICE FORCE ACT, 1992

WHAT IT DOES:

- ▶ 1976, RUSTAMJI COMMITTEE RECOMMENDED A FUNDAMENTAL RESTRUCTURING OF ITBP AND ITS DUTIES. COMMITTEE OF SECRETARIES DECIDED TO EXPAND ITBP'S ROLE AND ASSIGNED IT ADDITIONAL RESPONSIBILITIES. TODAY, ITBP CONSIDERS FOLLOWING ITS MAJOR DUTIES:
 - ▶ VIGIL ON NORTHERN BORDER, DETECTION AND PREVENTION OF BORDER VIOLATION, AND PROMOTION OF SENSE OF SECURITY AMONG LOCAL POPULACE
 - ▶ CHECK ILLEGAL IMMIGRATION, TRANS-BORDER SMUGGLING, AND CRIME
 - ▶ SECURITY TO SENSITIVE INSTALLATIONS, BANKS, AND PROTECTED PERSONS
 - ▶ RESTORE AND PRESERVE ORDER IN ANY AREA IN THE EVENT OF DISTURBANCE

BORDER PROTECTION:

- ▶ PROTECTION OF THE INDO-CHINA BORDER IS PRIMARY DUTY ITBP
- ▶ ALMOST 3,500 KM BORDER, DIVIDED INTO EASTERN, MIDDLE, AND WESTERN SECTORS, EXTENDS FROM KARAKORAM PASS IN LADAKH TO JACHEP LA IN ARUNACHAL PRADESH
- ▶ BORDER OUT POSTS LOCATED AT ALTITUDES OF 9,000 FEET TO 18,000 FEET
- ▶ NORTHERN SECTOR, WEATHER CONDITIONS ARE UNUSUALLY BAD, AND INJURY AND DEATH ARE NOT UNCOMMON
- ▶ IN 2003-04, ITBP REPLACED ASSAM RIFLES IN SIKKIM AND ARUNACHAL PRADESH, WHICH FORM THE EASTERN SECTOR
- ▶ ALMOST TWO-THIRDS OF BORDER OUTPOSTS NOT CONNECTED BY ROAD AND HAVE TO BE AIR MAINTAINED
- ▶ HOME MINISTRY HAS RECENTLY TAKEN STEPS TO CONSTRUCT 27 ROADS ALONG BORDER IN J&K, HIMACHAL PRADESH, UTTARAKHAND, SIKKIM, AND ARUNACHAL PRADESH
- ▶ BORDER PROTECTION PRIMARILY INVOLVES UNDERTAKING LONG RANGE AND SHORT RANGE PATROL TO KEEP UNWANTED ELEMENTS OUT OF INDIA

INDO-TIBETAN BORDER POLICE FORCE ACT, 1992

- ▶ IN EVENT OF CHINESE INCURSION INTO INDIA, ITBP, LIKE THE BSF ON THE PAKISTAN AND BANGLADESH BORDERS, WILL BE FIRST FORCE TO FACE ONSLAUGHT AND FIGHT BACK UNTIL ARMY TAKES OVER.

SECURITY PROVISION

- ▶ ITBP'S SECURITY PROVISION DUTIES EXTEND INTO THREE AREAS – PROTECTION OF VIPS, PROTECTION OF VULNERABLE LOCATIONS, AND PROTECTION OF PEOPLE DURING MAJOR EVENTS IN ITS AREAS OF DEPLOYMENT.
- ▶ ITBP PROVIDES SECURITY FOR OVER 10 Z+ AUTHORIZED VIPS. Z+ IS THE HIGHEST PERSONAL SECURITY COVER IN INDIA RESERVED USUALLY FOR THOSE CONSIDERED MOST AT RISK AND INCLUDES A SECURITY BUBBLE OF 36 PERSONNEL
- ▶ PAST AND PRESENT LUMINARIES THEY HAVE PROTECTED INCLUDE OMAR ABDULLAH; MUFTI M SAYEED; V P SINGH; MURLI MANOHAR JOSHI, AND OTHERS. BECOME SO ENTRENCHED IN VIP SECURITY THAT IT CONDUCTS ITS OWN ANTI-TERRORIST AND VIP PROTECTION COMMANDO COURSE
- ▶ IN ADDITION, ITBP PROVIDES SECURITY FOR VITAL INSTALLATIONS SUCH AS RASHTRAPATI BHAVAN AND PARLIAMENT HOUSE, INDIAN HIGH COMMISSION IN SRI LANKA, AND INDIAN DIPLOMATIC INSTALLATIONS IN AFGHANISTAN – THE EMBASSY IN KABUL AS WELL AS THE CONSULATES IN KANDAHAR AND JALALABAD.
- ▶ WAS RESPONSIBLE FOR SECURITY OF KASAB, THE LONE 26/11 SURVIVOR, AT ARTHUR ROAD JAIL
- ▶ ALSO PROTECTS MAJOR BRANCHES OF NATIONAL BANKS IN PUNJAB, JAMMU AND KASHMIR, CHANDIGARH AND LEH AND LADAKH
- ▶ SINCE 1981, RESPONSIBLE FOR PROVIDING SECURITY AND LOGISTICS ASSISTANCE (INCLUDING MEDICAL AND COMMUNICATIONS) TO PILGRIMS DURING THE KAILASH MANSAROVAR YATRA, WHICH JOURNEYS FROM UTTARAKHAND DEEP INTO TIBET

INDO-TIBETAN BORDER POLICE FORCE ACT, 1992

INTERNAL SECURITY

- ▶ COUNTER-INSURGENCY OPERATIONS IN PUNJAB, J&K, ARUNACHAL PRADESH, SIKKIM, AND AREAS AFFECTED BY LWE, INCLUDING MADHYA PRADESH, UTTARAKHAND, AND CHATTISGARH
- ▶ BROAD RANGE OF INTERNAL SECURITY DUTIES SUCH AS RIOT CONTROL, MAINTENANCE OF LAW AND ORDER, ELECTION SECURITY, ETC. TO PREPARE ITS TROOPS FOR DEPLOYMENT TO MAOIST AFFECTED AREAS, ITBP ESTABLISHED A SELF-FUNDED COUNTER-INSURGENCY TRAINING SCHOOL IN 2009
- ▶ COUNTER-INSURGENCY AND JUNGLE WARFARE SCHOOL HAS PROVED TO BE AN ENORMOUS SUCCESS AND WAS FINALLY RECOGNIZED BY MINISTRY OF HOME IN MAY 2011. IN ADDITION TO TRAINING ITS OWN TROOPS, ALSO TRAINS PERSONNEL FROM OTHER FORCES AND STATES

DISASTER MANAGEMENT

- ▶ IMPORTANT ROLE IN DISASTER MANAGEMENT IN NORTHEAST, FIRST RESPONDER FOR HIMALAYAN INCIDENTS.
- ▶ ESTABLISHED 8 REGIONAL RESPONSE CENTERS THROUGHOUT THE NORTHEAST TO COORDINATE RESCUE AND RELIEF OPERATIONS
- ▶ PROVIDES DISASTER MANAGEMENT TRAINING FOR OTHER FORCES THROUGH ITS NATIONAL CENTER FOR TRAINING IN SEARCH, RESCUE & DISASTER RESPONSE BASED IN HARYANA
- ▶ PART OF THE NDRF, AN ENTITY OF NDMA TASKED WITH RESCUE AND RELIEF OPERATIONS AND HAS ITS TWO BATTALIONS STATIONED IN UTTAR PRADESH AND PUNJAB.

UN MISSIONS:

- ▶ REPRESENTS INDIA AS PART OF UN PEACEKEEPING FORCES. PERSONNEL HAVE BEEN DEPLOYED IN ANGOLA, NAMIBIA, CAMBODIA, BOSNIA & HERZEGOVINA, KOSOVO, MOZAMBIQUE, AND CONGO.
- ▶ MAINTAINS A UN SPECIFIC TRAINING CENTER CALLED THE NATIONAL CENTER FOR UN CIVPOL TRAINING TO CONDUCT UN MISSIONS' SELECTION AS WELL AS IMPART PRE-DEPLOYMENT TRAINING.
- ▶ OPERATES ALONGSIDE IB IN THE HIMALAYAN SECTOR. IT PROVIDES SECURITY AND ASSISTS IB IN "CONTROLLING TRANS-BORDER CRIME, INTELLIGENCE COLLECTION, AND INTERROGATION" OF CAPTURED SMUGGLERS AND INFILTRATORS.

ASSAM RIFLES ACT, 2006

- ▶ KNOWN AS “FRIENDS OF THE HILL PEOPLE” AND “THE SENTINELS OF THE NORTHEAST,” MINISTRY FOR HOME AFFAIRS. ITS ESTABLISHMENT IN 1835 MAKES IT THE OLDEST CMPF IN INDIA.
- ▶ TASKED WITH THE PROTECTION OF THE INDO-MYANMAR BORDER AS WELL AS GENERAL INTERNAL SECURITY DUTIES IN THE NORTHEAST, WITH MOST BATTALIONS HEAVILY DEPLOYED IN THE “TRIBAL BELT” AREA.
- ▶ ALONG WITH, AND TO A CERTAIN EXTENT THE CRPF, PLAYS A CENTRAL ROLE IN COUNTERING SECESSIONIST MOVEMENTS AND INSURGENCY IN THE NORTHEAST
- ▶ HOME AFFAIRS EXERCISES ADMINISTRATIVE CONTROL, ARMY EXERCISES OPERATIONAL CONTROL OVER AR'S 46 BATTALIONS
- ▶ OFFICER CADRE OF THE ASSAM RIFLES ALMOST COMPLETELY CONSISTS OF ACTIVE DUTY ARMY OFFERS
- ▶ FOCAL POINT OF TURF BATTLE BETWEEN HOME AFFAIRS AND DEFENSE. AR'S RECORD, WHILE COMMENDABLE, IS TARNISHED BY HUMAN RIGHTS VIOLATIONS AS WELL AS CORRUPTION AND COMPLICITY IN CRIMINAL ACTIVITIES, PARTICULARLY SMUGGLING.
- ▶ HISTORY:
 - ▶ BEGAN AS THE CACHAR LEVY, A QUASI-MILITARY ENTITY WITH 750 MEMBERS UNDER THE COMMAND OF MR. GRANGE, A BRITISH CIVIL OFFICER IN CHARGE OF THE NOWGONG DISTRICT, ASSAM.
 - ▶ LED PRIMARILY BY CIVILIANS, RESPONSIBLE FOR LAW AND ORDER MAINTENANCE IN THE TRIBE DOMINATED HILLS, INFRASTRUCTURE PROTECTION (MAINLY TEA PLANTATIONS), AND FRONTIER DEFENSE.
 - ▶ IN ADDITION, THE BRITISH RAISED MORE LEVIES, AND ALONG WITH THE ARMY AND STATE POLICE, USED THEM FOR FRONTIER PROTECTION.
 - ▶ FIRST OF MANY RE-DESIGNATIONS AND RESTRUCTURINGS CAME IN 1863 WHEN CACHAR LEVY WAS REORGANIZED AND REPLACED BY A FRONTIER MILITARY POLICE.
 - ▶ IN 1883, THE BRITISH MOVED TO EXEMPT THE ARMY FROM POLICING DUTIES AND LOOKED TO THE FRONTIER MILITARY POLICE TO FILL THE GAP.
 - ▶ CACHAR LEVY WAS RENAMED THE ASSAM FRONTIER POLICE AND ASSUMED INTERNAL POLICING AS WELL FRONTIER PROTECTION DUTIES. DEPLOYED TO SRI LANKA AS PART OF A PEACEKEEPING MISSION.

ASSAM RIFLES ACT, 2006

- ▶ TO MAKE IT MORE EFFICIENT, THE ASSAM FRONTIER POLICE TRANSFORMED ITSELF INTO MILITARY POLICE ORGANIZATION.
- ▶ BATTALIONS WERE RESTRUCTURED, MILITARY RANKS WERE ADOPTED, AND INDIAN ARMY OFFICERS WERE DEPUTED TO LEAD
- ▶ RENAMED THE ASSAM MILITARY POLICE IN 1891.
- ▶ FOR ADMINISTRATIVE PURPOSES, THE BRITISH FORMED THE NEW PROVINCE OF EAST BENGAL AND ASSAM IN 1905.
- ▶ LED TO A SUBSEQUENT NAME CHANGE: THE EAST BENGAL AND ASSAM MILITARY POLICE.
- ▶ IN 1912, UPON THE SEPARATION OF EAST BENGAL AND ASSAM, THE FORCE REVERTED BACK TO BEING CALLED THE ASSAM MILITARY POLICE
- ▶ FINALLY, IN 1917, AS A RESULT OF ITS PERFORMANCE IN WORLD WAR I, THE FORCE OFFICIALLY BECAME THE ASSAM RIFLES.
- ▶ THE INITIAL ROLE OF AR WAS INTERNAL SECURITY SPECIFIC, IN ADDITION TO ITS INFRASTRUCTURE, FRONTIER PROTECTION AND LAW AND ORDER MAINTENANCE ROLES, AR ASSISTED LOCAL POLICE UNITS IN MANIPUR, ARUNACHAL PRADESH, MIZORAM, AND NAGALAND DURING TIMES OF UNREST AND DISORDER.
- ▶ DESPITE BEING LABELED A MILITARY FORCE IN 1891, AR'S INITIALLY FOCUSED ON POLICING. UP UNTIL 1915, IT CONSISTED OF THREE BATTALIONS (THE FOURTH WAS FORMED IN 1915 IN IMPHAL, MANIPUR).
- ▶ DURING WORLD WAR I, MORE THAN 3,000 AR PERSONNEL WERE DEPLOYED AS PART OF THE BRITISH CONTINGENT IN EUROPE AND MIDDLE EAST
- ▶ THIS WAS THE FIRST TIME THE FORCE SERVED IN A COMBAT CAPACITY, AFTER THE WAR, ONE MORE BATTALION WAS ADDED
- ▶ FOR MOST OF WORLD WAR II, THE FORCE REMAINED UNINVOLVED IN BRITISH WAR EFFORTS IN EUROPE. HOWEVER, THE GROWING JAPANESE THREAT IN BURMA AND THE POSSIBILITY OF A JAPANESE INVASION OF INDIA NECESSITATED THE FULL EMPLOYMENT OF AR.
- ▶ UNLIKE WWI, WHEN IT WAS USED ONLY FOR COMBAT, WWII SAW AN EXPANSION IN AR'S ROLE WITH THE FORCE DELEGATED A MULTITUDE OF RESPONSIBILITIES

ASSAM RIFLES ACT, 2006

- ▶ PERHAPS THE MOST CELEBRATED OF THESE WAS ITS INVOLVEMENT IN PLAN NO. V, A SECRET BLUEPRINT TO CREATE A GUERRILLA FORCE FOR RECONNAISSANCE AND COMBAT MISSIONS BEHIND ENEMY LINES IN BURMA.
- ▶ UNIT CALLED 'V' FORCE CONSISTED OF PERSONNEL FROM THE THIRD AND FOURTH BATTALIONS.
- ▶ 'V' FORCE WAS A SUCCESS; ITS ACTIONS RESULTED IN THE ACQUISITION OF INTELLIGENCE AND OBSTRUCTED JAPANESE ADVANCES. OTHER AR UNITS SAW ACTION ALONGSIDE BRITISH AND INDIAN TROOPS.
- ▶ ADDITIONALLY, AR WAS ALSO INVOLVED IN THE EVACUATION AND MANAGEMENT OF BURMESE REFUGEES.
- ▶ AFTER THE END OF WWII IN 1945, BUT BEFORE INDEPENDENCE IN 1947, AR WAS COMBINED WITH THE CIVIL POLICE HEADED BY THE ASSAM INSPECTOR GENERAL OF POLICE.
- ▶ FOLLOWING INDEPENDENCE, THIS ARRANGEMENT WAS REVERSED AND AR WAS GRANTED ITS OWN INSPECTOR GENERAL.
- ▶ FURTHER EXPANSION OF THE FORCE, ITS STRATEGIC DEPLOYMENT LOCATION, AND A GROWING CHINESE THREAT PLACED THE FORCE UNDER THE CONTROL OF THE MINISTRY OF EXTERNAL AFFAIRS AS PART OF THE NORTH EASTERN FRONTIER AGENCY
- ▶ HOWEVER, AR CAME UNDER THE ADMINISTRATIVE CONTROL OF THE MINISTRY OF HOME AFFAIRS AFTER 1965, WHILE THE INDIAN ARMY MAINTAINED OPERATIONAL CONTROL. THIS ARRANGEMENT IS MAINTAINED TODAY.
- ▶ SINCE INDEPENDENCE, THE ROLE AND PROFILE OF AR HAS CONTINUED TO GROW
- ▶ BEEN INVOLVED IN A NUMBER OF INTERNAL SECURITY AND COMBAT OPERATIONS, INCLUDING
 - ▶ FIGHTING PAKISTANI IRREGULARS IN TRIPURA IN 1947
 - ▶ HANDLING POLITICAL UNREST IN NAGALAND IN THE 1950S,
 - ▶ FIGHTING THE CHINESE IN THE 1962 INDO-SINO WAR
 - ▶ FILLING IN FOR REGULAR ARMY IN THE NORTHEAST DURING THE 1965 AND 1971 WARS WITH PAKISTAN
 - ▶ AND PERFORMING COUNTER INSURGENCY DUTIES IN KASHMIR

AR HAD THE DISTINCT HONOR OF WELCOMING AND ESCORTING THE DALAI LAMA AS HE FLED TIBET FOR INDIA IN

ASSAM RIFLES ACT, 2006

WHAT IT DOES:

COUNTERINSURGENCY:

- ▶ IN THE NORTHEAST CONSTITUTES ONE OF THE MOST IMPORTANT DUTIES OF THE ASSAM RIFLES
- ▶ OF ITS 46 BATTALIONS, 31 ARE INVOLVED IN COUNTERINSURGENCY
- ▶ IN MANY WAYS, AR IS FUNDAMENTALLY BETTER SUITED FOR COUNTERINSURGENCY IN THE NORTHEAST THAN ANY OTHER CPMF
- ▶ MORE THAN 90% OF ITS OFFICERS ARE ARMY-TRAINED AND MORE THAN 30% OF THE RECRUITS ARE FROM THE NORTHEAST, WHICH GIVES IT CONSIDERABLE CULTURAL, LINGUISTIC AND OTHER ADVANTAGES
- ▶ FURTHERMORE, THE AR APPEARS TO BE INVOLVED IN DIFFERENT FACETS OF COUNTERINSURGENCY
- ▶ UNLIKE THE BSF IN J&K AND THE CRPF IN STATES AFFECTED BY LEFT WING EXTREMISTS, AR IS NOT JUST FOCUSED ON THE MILITARY PORTION OF COUNTERINSURGENCY, ACTIVELY INVOLVED IN A PLETHORA OF CIVIL AFFAIRS PROJECTS AS WELL

BORDER PROTECTION:

- ▶ PROTECTION OF THE 1,643 KM INDO-MYANMAR BORDER, ALONGSIDE COUNTERINSURGENCY, ONE OF PRIMARY TASKS OF THE AR
- ▶ 15 BNs PERFORM BORDER PROTECTION DUTIES IN ARUNACHAL PRADESH, MIZORAM, MANIPUR AND NAGALAND
- ▶ PRIOR TO THE CREATION OF THE ITBP, AR WAS ALSO IN CHARGE OF GUARDING THE INDO-CHINA BORDER
- ▶ DEALING WITH INDIAN INSURGENT AND EXTREMIST GROUPS, LIKE ULFA, PEOPLE'S LIBERATION ARMY, AND UNITED NATIONAL LIBERATION FRONT (UNLF) THAT USE MYANMAR AS TRAINING BASE AND LAUNCHING PAD FOR ATTACKS INSIDE INDIA
- ▶ ADDITIONALLY, AR ALSO INTERCEPTS DRUG, ARMS, AND RARE-STONES SMUGGLERS.

ASSAM RIFLES ACT, 2006

WHAT IT DOES:

CIVIL AFFAIRS:

- ▶ CIVIL AFFAIRS PROGRAMS, AS PART OF AR'S "WINNING HEARTS AND MINDS" OPERATIONS UNDER THE AEGIS OF ITS MILITARY CIVIC ACTION PROJECT, CORNERSTONE OF FORCE'S OVERALL STRATEGY TO COUNTER SOCIO-ECONOMIC CAUSES OF INSURGENCIES.
- ▶ CONDUCTS NUMEROUS ACTIVITIES DESIGNED TO ASSIST LOCALS IN NEGLECTED AREAS
- ▶ WIDE RANGING ASSISTANCE INCLUDES EDUCATIONAL CAMPS, MEDICAL CAMPS, RESCUE AND RELIEF, INFRASTRUCTURE CONSTRUCTION, VETERINARY CAMPS, COMMUNITY BEAUTIFICATION PROGRAMS, ORGANIZATION AND COORDINATION OF RECREATIONAL ACTIVITIES, PROVISION OF MATERIALS INCLUDING COMPUTERS, FURNITURE, SPORTS ITEMS, FARM EQUIPMENT, FOOD, AND WATER, AND EMPLOYMENT ASSISTANCE, EITHER DIRECTLY OR INDIRECTLY
- ▶ POLICY OF RECRUITING LOCALS HAS ALLEVIATED UNEMPLOYMENT CONDITIONS IN THE AREAS AS WELL
- ▶ DUE TO ITS DEPLOYMENT IN MOSTLY STATE-NEGLECTED AREAS, AR IS SOMETIMES THE FACE OF THE GOVERNMENT FOR LOCAL PEOPLE
- ▶ EARMARKS PORTIONS OF ITS BUDGET FOR MILITARY CIVIC ACTION PROJECTS. Eg, IN 2008, THEN DG LT GEN PARMAJIT SINGH AVSM, VSM, ALLOCATED RS. 3.9 CRORE (\$761,000) FOR CIVIL AFFAIRS RELATED PROJECTS AIMED AT YOUTH DEVELOPMENT.
- ▶ ADDITIONALLY, PROVIDES MISCELLANEOUS RELATED SERVICES, SUCH AS SECURITY PROTECTION DURING ELECTIONS, IMPORTANT EVENTS, AND VIP AND VVIP VISITS TO THE AREA, PLUS INFRASTRUCTURE PROTECTION, DISASTER MANAGEMENT, RESCUE AND RELIEF OPERATIONS, AND OTHER TASKS.

ASSAM RIFLES ACT, 2006

ORGANIZATION STRUCTURE OF AR:

HQ DGAR

- ▶ COMMANDED BY AN OFFR OF THE RANK OF LT GEN OF THE ARMY. HIGHEST HQ - HQ DIRECTORATE GENERAL OF ASSAM RIFLES LOCATED AT SHILLONG. ASSAM RIFLES IS A REGION SPECIFIC FORCE WITH ITS OPERATIONAL ROLE IN THE NORTH EAST AND THEREFORE THE HQ DGAR IS ALSO LOCATED IN THE EAST (UNLIKE OTHERS AT DELHI)

HQ IGAR:

- ▶ HQ INSPECTOR GENERAL ASSAM RIFLES COMES NEXT IN CHAIN OF COMMAND AFTER HQ DGAR. COMMANDED BY MAJ GEN FROM THE ARMY. HQ IGAR IN TURN EXERCISES COMMAND AND CONTROL OVER THE SECTOR HQS

SECTOR HQ

- ▶ COMMANDED BY ARMY OFFICERS OF THE RANK OF BRIG FROM THE ARMY. EXERCISES DIRECT COMMAND AND CONTROL OVER THE AR BATTALIONS DEPLOYED IN ITS AREA OF RESPONSIBILITY

MAINTENANCE GROUP ASSAM RIFLES (MGAR)

- ▶ LOCATED AT VARIOUS LOCATION PROVIDE THE REQUISITE ADMIN SUPPORT TO THE AR FORMATIONS AND BATTALIONS DEPLOYED IN THE FIELD. COMMANDED BY LT COL FROM THE ARMY

WORKSHOP

- ▶ CO-LOCATED WITH THE MGAR TO PROVIDE REPAIR AND RECOVERY COVER TO THE FIELD FORMATIONS. PROVIDE DETACHMENTS TO THE SECTOR HQS TO PROVIDE REPAIR AND RECOVERY COVER AS FAR FORWARD AS POSSIBLE TO THE BATTALIONS

SAHAstra SEEM BAL ACT, 2007

- ▶ ESTABLISHED IN 1963 AS THE SPECIAL SERVICES BUREAU, SASHASTRA SEEM BAL (SSB) IS ONE OF THE CENTRAL PARAMILITARY FORCES UNDER THE CONTROL OF THE UNION MINISTRY OF HOME AFFAIRS
- ▶ AS BORDER GUARDING FORCE, SSB IS RESPONSIBLE FOR THE PROTECTION OF THE 1,751 KM INDO-NEPAL AND 699 KM INDO-BHUTAN BORDERS
- ▶ INDO-BHUTAN BORDER IS RELATIVELY PEACEFUL, BUT INDO-NEPAL BORDER HAS SEEN INCREASE IN SMUGGLING OF GOODS AND HUMANS AND SERVES AS AN ENTRY POINT FOR “ANTI-NATIONAL” ELEMENTS – MILITANTS BELONGING TO BANNED GROUPS AS WELL SPIES AND SMUGGLERS –
- ▶ AS A RESULT, THE BULK OF SSB’S FOCUS IS IN THIS AREA, ADDITIONALLY, UNRESOLVED BORDER DISPUTES BETWEEN NEPAL AND INDIA ALSO MAKE THIS BORDER STRATEGICALLY IMPORTANT
- ▶ WHILE IT IS INDEED A NECESSARY FORCE FOR PROVIDING EXTERNAL AND INTERNAL SECURITY, SSB’S IMAGE HAS BEEN TAINTED BY ACCUSATIONS OF ITS INVOLVEMENT IN SMUGGLING AS WELL AS ALLEGED ENCROACHMENT AND SUBSEQUENT HUMAN RIGHTS VIOLATIONS.

HISTORY:

- ▶ INDIA’S DEFEAT IN THE 1962 INDO-CHINA WAR WAS THE IMPETUS FOR THE ESTABLISHMENT OF THE SPECIAL SERVICES BUREAU
- ▶ WAR REVEALED THAT BORDER POPULATIONS WERE MARGINALIZED, HAD NO REAL CONTACT WITH THE INDIAN HOMELAND, FELT CULTURALLY, POLITICALLY, AND ECONOMICALLY ALIENATED, AND WERE APATHETIC TOWARD EITHER INDIAN OR CHINESE PRESENCE ON THEIR SOIL
- ▶ LACK OF EFFECTIVE CENTRAL OR STATE GOVERNMENT ADMINISTRATION LED TO CONFUSION DURING THE TIME OF WAR
- ▶ MOREOVER REVEALED THAT DURING THE WAR, THE POPULATION MADE NO ACTIVE EFFORTS TO RESIST CHINESE OCCUPATION
- ▶ IN LIGHT OF THIS, GOVT DECIDED TO CREATE A UNIQUE ORGANIZATION TASKED WITH OVERCOMING THESE OBSTACLES
- ▶ THIS LED TO THE CREATION OF SSB UNDER THE CONTROL OF THE DIRECTORATE GENERAL OF SECURITY IN THE CABINET SECRETARIAT
- ▶ LACKING A SEPARATE LEGISLATIVE BACKING UNTIL THE PASSAGE OF THE SASHASTRA SEEMA BAL ACT IN 2007, WAS GOVERNED BY SPECIFIC PROVISION OF THE CENTRAL RESERVE POLICE FORCES ACT. 1949.

SAHAstra SEEM BAL ACT, 2007

- ▶ WAS INITIALLY CONCEIVED AS AN UNCONVENTIONAL ORGANIZATION ASSIGNED THE TASK OF PHYSICALLY AND MENTALLY PREPARING BORDER AREA POPULATIONS, ESPECIALLY IN THE NORTHEAST, FOR ANY SUBSEQUENT WARS OR INVASIONS
- ▶ INITIAL AREA OF OPERATIONS INCLUDED THE STATES OF ARUNACHAL PRADESH, ASSAM, NORTH BENGAL, AND PARTS (ESPECIALLY HILLS) OF UTTAR PRADESH, HIMACHAL PRADESH, PUNJAB, AND LADAKH IN J&K
- ▶ AREA OF OPERATIONS WAS GRADUALLY EXPANDED TO INCLUDE MANIPUR, TRIPURA, JAMMU, MEGHALAYA, SIKKIM, RAJASTHAN, GUJARAT, MIZORAM, NAGALAND, AND BENGAL
- ▶ DUTIES IN THOSE STATES FROM 1963 TO 2001 CAN BE IDENTIFIED AS:
 - ▶ INCULCATING A SENSE OF SECURITY AND SPIRIT OF RESISTANCE AMONGST PEOPLE LIVING IN THE BORDER AREAS
 - ▶ GENERATING MASS SUPPORT IN THE BORDER AREAS THROUGH NATIONAL INTEGRATION PROGRAMS AND WELFARE ACTIVITIES
 - ▶ ORGANIZING AND PREPARING BORDER POPULATION TO RESIST FOREIGN ENEMY AND PERFORM “STAY BEHIND” ROLE DURING FUTURE INVASION/OCCUPATION
 - ▶ WINNING THE HEARTS AND MINDS OF PEOPLE BY MAKING THE BENIGN PRESENCE OF GOVERNMENT FELT THROUGH WELFARE, DEVELOPMENT, CULTURAL AND OTHER ACTIVITIES, AND CIVIL ACTION PROGRAMS
- ▶ ACTIVITIES INCLUDED WEAPONS AND SURVIVAL TRAINING FOR CIVILIANS, MOST OF ITS WORK WAS CONCENTRATED ON CIVIC ACTION PROGRAMS
- ▶ GOVERNMENT WANTED RESIDENTS OF THESE AREAS TO FEEL A “SENSE OF NATIONAL BELONGING” AND DECIDED TO ACHIEVE VIA PROGRAMS AIMED AT IMPROVING LIVES OF CITIZENS
- ▶ PROGRAMS INCLUDED INFRASTRUCTURE DEVELOPMENT, JOB CREATION, EDUCATIONAL INITIATIVES, AND HEALTHCARE PROJECTS. IN ADDITION TO ITS WELFARE AND CIVIL ACTION PROGRAMS, THE OTHER IMPORTANT ROLE OF THE BUREAU WAS ITS STAY-BEHIND ROLE
- ▶ IN THE EVENT OF ANOTHER WAR OR INVASION, SSB PERSONNEL WERE TASKED WITH COUNTER-INSURGENCY AND GUERRILLA WARFARE

SAHAstra SEEM BAL ACT, 2007

- ▶ AS TIME PROGRESSED, NATURE OF THE CHINESE SECURITY THREAT CHANGED, COMMITTEE WAS SET UP TO STUDY THE APPROPRIATENESS OF THE FORCE'S ROLE AND RECOMMEND CHANGES
- ▶ REALIZING ANOTHER WAR WITH CHINA UNLIKELY (AND IMPROVED CAPABILITIES OF THE INDIAN ARMED FORCES UNDER THE MINISTRY OF DEFENSE), COMMITTEE OF SECRETARIES IN 1986 RECOMMENDED THAT THE 'STAY BEHIND' BE DEEMPHASIZED AND MORE EMPHASIS BE PLACED ON SSB'S EFFORTS TO BRING CITIZENS OF FARTHER TERRITORIES INTO THE NATIONAL MAINSTREAM
- ▶ THE RISE OF INSURGENCY IN NORTHEASTERN STATES COUPLED WITH THE INEFFECTIVENESS AND INABILITY OF STATE GOVERNMENTS TO DEAL WITH THESE PROBLEMS ONLY MADE THIS EMPHASIS MORE URGENT
- ▶ IN 1997, A THREE-MEMBER COMMITTEE THAT INCLUDED KALYAN K MITRA, THEN PD AT THE DTE GEN OF SECURITY IN THE CABINET SECRETARIAT, SET TO DEFINE SSB'S ROLE
- ▶ WHILE NO LONGER AN IMMEDIATE MILITARY THREAT, COMMITTEE RECOGNIZED CHINA AS A LONG TERM SECURITY THREAT AND ADVISED THAT SSB CONTINUE ITS EFFORTS IN THE REGION
- ▶ FOLLOWING THE KARGIL WAR IN 1999, THE GROUP OF MINISTERS REPORT: REFORMING THE NATIONAL SECURITY SYSTEM RECOMMENDED THAT ITBP GUARD THE INDO-NEPAL BORDER
- ▶ MITRA'S COMMITTEE RECOMMENDED THAT SSB BE PLACED IN CHARGE OF THE INDO-NEPAL BORDER, RECOMMENDATION WAS ACCEPTED, AND ON 15 JAN 01, ADMINISTRATIVE AND OPERATION CONTROL OF THE SSB WAS TRANSFERRED TO THE HOME MINISTRY
- ▶ 19 JUN 01, FORCE BEGAN PROTECTING INDO-NEPAL BORDER.
- ▶ 29 JUN 01, SSB WAS DECLARED THE LEAD INTELLIGENCE AGENCY FOR THE INDO-NEPAL BORDER
- ▶ DEC 03, SSB'S NAME WAS OFFICIALLY CHANGED TO SASHASTRA SEEMA BAL
- ▶ ROLE WAS EXPANDED ON 12 MAR 04 AND WAS ASSIGNED THE INDO-BHUTAN BORDER. AND ALSO PRESENTED THE PRESIDENT'S COLORS
- ▶ TAKING INTO ACCOUNT EXPANSION OF FORCE AND DUTIES, GOVT FELT IT NECESSARY TO HAVE SPECIFIC PROVISIONS AND LEGAL BACKING AND THE SASHASTRA SEEMA BAL ACT WAS PASSED IN 2007

SAHAstra SEEM BAL ACT, 2007

WHAT IT DOES:

- ▶ HQ IN NEW DELHI, SSB'S 60,000 PERSONNEL LED BY AN IPS CADRE DG
- ▶ HQ IN DELHI COMMAND THE FRONTIER HEADQUARTERS (IG), WHICH IN TURN OVERSEE SECTOR HQ (DIG) THAT OVERSEE THE STATIONED BATTALION
- ▶ SSB FRONTIER HEADQUARTERS ARE LOCATED IN RANIKHET (PITHORAGARH AND PILIBHIT SECTOR HQS); LUCKNOW (LAKHIMPUR KHERI AND GORAKHPUR SECTORS HQS); PATNA (MUZAFFARPUR AND PURNEA SECTOR HQS); KOLKATA (RANIDANGA, GANGTOK, AND NEW JALPAIGURI SECTOR HQS); AND GUWAHATI (BONGAINGAON AND TEZPUR SECTOR HQS).
- ▶ SINCE TRANSFER TO MINISTRY OF HOME AFFAIRS IN 01, PRIMARY ROLE OF THE SSB HAS SHIFTED TO BORDER PROTECTION. THE INDO-NEPAL BORDER EXTENDS ALONG THE STATES OF UTTARANCHAL (264 KM), UTTAR PRADESH (600 KM), BIHAR (800 KM), WEST BENGAL (105 KM), AND SIKKIM (99 KM). THE INDO-BHUTAN BORDER RUNS ACROSS SIKKIM (32 KM), WEST BENGAL (183 KM), ASSAM (267 KM), AND ARUNACHAL PRADESH (217 KM)
- ▶ 25 BATTALIONS ARE DEPLOYED AT INDO-NEPAL BORDER WHICH HAS 450 BORDER OUT-POSTS (BOPS) AND 13 BATTALIONS DEPLOYED AT 131 BOPS ACROSS THE INDO-BHUTAN BORDER
- ▶ THIS ROLE REQUIRES SSB
 - ▶ TO PROMOTE SENSE OF SECURITY AMONG THE PEOPLE LIVING IN THE BORDER AREA.
 - ▶ TO PREVENT TRANS-BORDER CRIMES AND UNAUTHORIZED ENTRIES INTO OR EXIT FROM THE TERRITORY OF INDIA.
 - ▶ TO PREVENT SMUGGLING AND OTHER ILLEGAL ACTIVITIES.
- ▶ PRIMARY PROBLEMS ALONG BOTH BORDERS IS USE BY ANEs, PARTICULARLY INSURGENTS,
- ▶ TO ENTER AND EXIT INDIA. ALONG THE INDO-NEPAL BORDER, OPERATIONS ARE RUN BY INTER-SERVICES INTELLIGENCE (ISI), PAKISTAN'S INTELLIGENCE AGENCY, CHINESE INTELLIGENCE AS WELL NORTHEASTERN INSURGENT GROUPS
- ▶ Eg "TERRORIST OUTFITS LIKE LET, INDIAN MUJAHIDEEN AND SOME INSURGENT GROUPS FROM NORTHEASTERN USING THE OPEN BORDER TO PROVIDE LOGISTICAL SUPPORT (SUPPLY OF TRAINED CADRES, FAKE INDIAN CURRENCY, AND TERROR FINANCE BY USING NEPALESE BANKS, DISPERSAL OF SMALL ARMS AND EXPLOSIVES AND NARCOTICS) TO THEIR CLANDESTINE OPERATIONS IN INDIA."

SAHASTRA SEEM BAL ACT, 2007

- ▶ THE INDO-BHUTAN BORDER IS USED BY LEFT WING AND COMMUNIST ENTITIES.
- ▶ REPORTS SUGGEST INSURGENT GROUPS SUCH AS THE ULFA, NATIONAL DEMOCRATIC FRONT OF BODOLAND (NDFA) AND KAMTAPUR LIBERATION ORGANIZATION (KLO) HAVE INCREASED CO-OPERATION WITH THE BHUTAN TIGER FORCE, THE BHUTAN MAOIST PARTY AND THE COMMUNIST PARTY OF BHUTAN.”
- ▶ FURTHER PRESSURE ON THE INDO-BHUTAN BORDER HAS ALSO OCCURRED AS A RESULT OF BANGLADESHI CRACKDOWN ON INSURGENT GROUPS IN ITS TERRITORY
- ▶ POROUS NATURE OF THE BORDERS ALLOWS INSURGENTS TO SLIP BY HAS ALSO ATTRACTED SMUGGLERS
- ▶ AN SSB OFFICIAL OBSERVED: BOTH THE BORDERS ARE SENSITIVE AND FREQUENTED BY MILITANTS AND SMUGGLERS.”
- ▶ SMUGGLING AND AS A RESULT ANTI-SMUGGLING OPERATIONS HAVE INCREASED IN INTENSITY. SMUGGLED GOODS INCLUDE ALCOHOL, CURRENCY, ANIMAL SKIN AND PARTS, DRUGS, TIMBER, WEAPONS, CEMENT, SUGAR, RICE, PETROLEUM, ETC
- ▶ IN THIS REGARD, THE INDO-NEPAL BORDER IN PARTICULAR IS A PROBLEM. THE BORDER IS AN OPEN AND UNRESTRICTED REQUIRING NO VISAS OR SPECIAL PERMISSIONS. THE NEGATIVE IMPLICATIONS OF THIS PRACTICE – BORDER ENCROACHMENT, CROSS-BORDER TERRORISM, HUMAN, WEAPONS, DRUGS, AND GOODS TRAFFICKING, CROSS BORDER CRIMES, AND KIDNAPPING – ALL CREATE UNIQUE CHALLENGES FOR SSB.
- ▶ AS LEAD INTELLIGENCE AGENCY FOR BOTH BORDERS, SSB IS ALSO RESPONSIBLE FOR THE COORDINATION AND DISSEMINATION OF INTELLIGENCE FROM ITS AREA OF OPERATIONS AS WELL AS COOPERATION WITH STATE AND CENTRAL INTELLIGENCE AND ENFORCEMENT AGENCIES.
- ▶ LIKE ALL FORCE UNDER THE HOME MINISTRY, SSB NOT IMMUNE TO AD-HOC USAGE
- ▶ SSB BATTALIONS HAVE BEEN DEPLOYED FOR COUNTERINSURGENCY AND INTERNAL SECURITY DUTIES IN ASSAM AND OTHER STATES AND PERSONNEL HAVE ALSO BEEN DEPLOYED ABROAD AS PART OF THE INDIAN CONTINGENT FOR UN MISSIONS
- ▶ SSB PERSONNEL ALSO DEPLOYED FOR ELECTION DUTIES IN BENGAL, TAMIL NADU, ASSAM, KERALA, AND PONDICHERRY

- THE POLICE ACT, 1861
 - THE CENTRAL RESERVE POLICE FORCE ACT, 1949
 - THE ARMED FORCES (SPECIAL POWERS) ACT, 1958
 - CIVIL DEFENCE ACT, 1968
 - THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967
 - THE BORDER SECURITY FORCES ACT, 1968
 - THE NATIONAL SECURITY ACT, 1980
 - THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT 1985
 - THE PREVENTION OF TERRORIST ACTIVITIES ACT, 2002
 - THE ARMED FORCES TRIBUNAL ACT, 2007
 - THE NATIONAL INVESTIGATION AGENCY ACT, 2008
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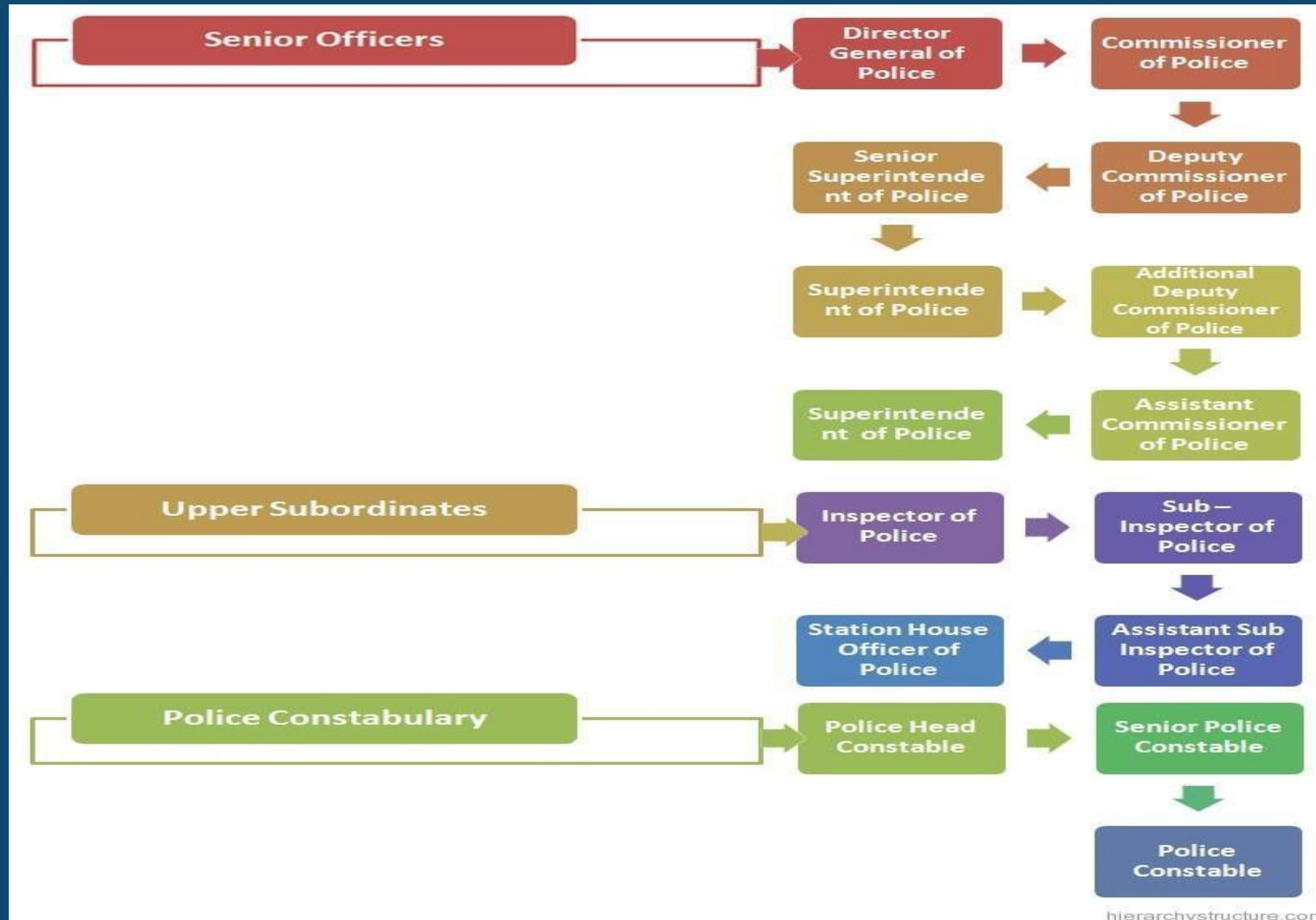
THE POLICE ACT, 1861

- ▶ AFTER ANNEXATION OF SIND IN 1843, SIR CHARLES NAPIER MADE RESPONSIBLE FOR ADMINISTRATION OF THIS CRIME-RIDDEN AND DIFFICULT AREA
- ▶ REALIZED THAT ONLY UNDER A RECOGNIZED ORGANIZATION, POLICE COULD FUNCTION PROPERLY AND PRODUCE DESIRED RESULTS
- ▶ REORGANIZED NATIVE POLICE SYSTEM ON THE BASIS OF A COLONIAL MODEL OF POLICE, NAMELY ROYAL IRISH CONSTABULARY
- ▶ SYSTEM BASED ON TWO BASIC PRINCIPLES;
 - ▶ POLICE MUST BE COMPLETELY SEPARATED FROM MILITARY
 - ▶ MUST ACT AS INDEPENDENT BODY, ASSISTING COLLECTORS IN DISCHARGING RESPONSIBILITIES FOR LAW AND ORDER, BUT UNDER THEIR OFFICERS
- ▶ PROVIDED IG OF POLICE WHO WAS RESPONSIBLE FOR ADMINISTRATION THROUGHOUT THE TERRITORY; RESPONSIBLE FOR LAW AND ORDER FOR ENTIRE TERRITORY; SUPERINTENDENTS IN EACH DISTRICT
- ▶ SYSTEM SPREAD TO OTHER PART OF COUNTRY UNDER CONTROL OF EAST INDIA COMPANY
- ▶ NAPIER REGARDED HIS FORCE AS MILITARY IN FORM; MAIN PRINCIPLES OF MODEL WERE NOT ALTERED EVEN BY THE POLICE COMMISSION OF 1860, WHICH DESIGNED PRESENT POLICE FORCE OF INDIA
- ▶ EVENTS OF 1857 NECESSITATED AN INSTRUMENT TO CONTROL VAST LANDS AT AN ECONOMICAL COST
- ▶ AFTER FACING REAL THREAT OF LOSING POWER IN 1857, BRITISH RULERS WERE DETERMINED TO ENSURE COMPLETE SUZERAINTY AND SUPPRESSION OF ALL CHALLENGES TO THEIR POWER
- ▶ POLICE COMMISSION WAS APPOINTED IN AUG 1860 WITH AIM OF MAKING POLICE AN EFFICIENT INSTRUMENT FOR THE PREVENTION AND DETECTION OF CRIME

THE POLICE ACT, 1861

- ▶ AN INTERNAL GOVERNMENT MEMO TO POLICE COMMISSION DID NOT MASK REAL OBJECTIVES
- ▶ COMMISSION WAS TOLD TO BEAR IN MIND THAT FUNCTIONS OF A POLICE ARE EITHER PROTECTIVE AND REPRESSIVE OR DETECTIVE AND THAT LINE WHICH SEPARATES THE PROTECTIVE AND REPRESSIVE FUNCTIONS OF A CIVIL FORCE FROM FUNCTIONS PURELY MILITARY, MAY NOT ALWAYS BE VERY CLEAR
- ▶ INDIAN POLICE SYSTEM, DESIGNED IN 1860, WAS, THEREFORE, SHARPLY OPPOSITE TO BRITISH BOBBY WHO IS CELEBRATED SYMBOL OF DEMOCRATIC POLICING THROUGHOUT THE WORLD
- ▶ PRIMARY OBJECTIVES WERE TO MEET THE EXIGENCIES OF TRADE AND COMPANY PROFIT; ACCORDINGLY EMPHASIS WAS ON ORDER MAINTENANCE, ON KEEPING TRADE ROUTES SAFE AND ENSURING THAT EXPLOITATION OF RESOURCES COULD CONTINUE UNHINDERED
- ▶ IN ADDITION TO CONTROLLING VAST LANDS AND SUBJUGATING PEOPLE, WERE IMPERIALISTIC AND RACIST CONSIDERATIONS TOO FOR BRITISH RULERS
- ▶ DESIGN OF BRITISH POLICE SYSTEM BASED ON STRUCTURE DEVELOPED BY THE MUGHALS IN 17th CENTURY; NEW MODEL INCORPORATED MANY FEATURES SUCH AS DAROGA, KOTWAL AND FAUJDAR
- ▶ INDIAN POLICE ACT (IPA) OF 1861 IMPOSED A UNIFORM POLICE SYSTEM ON ENTIRE COUNTRY
 - ▶ ACT ESTABLISHED ORGANIZED POLICE FORCES RESPONSIBILITY OF VARIOUS PROVINCIAL GOVERNMENTS WITHIN PROVINCES
 - ▶ POLICE WAS TO BE RECRUITED, TRAINED, DISCIPLINED AND CONTROL BY BRITISH OFFICERS
 - ▶ ACT ESTABLISHED INDIAN POLICE (IP), A SUPERIOR POLICE SERVICE
 - ▶ CONCEIVED TO RELIEVE DISTRICT MAGISTRATE OF HIS DUTIES TO KEEP CHECK OVER LOCAL POLICE AND MAKE IT MORE PROFESSIONAL IN NATURE
 - ▶ POLICE FORCE BECAME ORGANIZED, DISCIPLINED AND WELL-SUPERVISED; ACT INSTITUTED A SYSTEM OF POLICING IN INDIA WHICH IS STILL IN FORCE
 - ▶ BROUGHT UNIFORMITY IN ADMINISTRATION WITH DISTRICT POLICE PLACED UNDER SUPERVISION AND CONTROL OF DISTRICT MAGISTRATE

ORGANIZATIONAL STRUCTURE OF POLICE FORCE



THE POLICE ACT, 1861

NEED TO REPLACE THE ACT OF 1861

- ▶ **LEGISLATED BY BRITISH RIGHT AFTER 1857 - EFFICIENT ADMINISTRATION OF POLICE AND PREVENT FUTURE REVOLTS HAS CONTINUED DESPITE INDIAN BEING TRANSFORMED FROM A BRITISH COLONY TO A SOVEREIGN REPUBLIC.**
- ▶ **NEEDS TO BE REPLACED WITH LEGISLATION THAT REFLECTS DEMOCRATIC NATURE OF INDIA'S POLITY AND THE CHANGING TIMES, IS WEAK IN ALMOST ALL PARAMETERS OF DEMOCRATIC POLICE LEGISLATION. EASIER TO ABUSE AND MISUSE POLICE FOR THE FOLLOWING REASONS:**
 - ▶ **GIVES GOVERNMENT AUTHORITY TO EXERCISE SUPERINTENDENCE OVER POLICE, WITHOUT DEFINING WORD 'SUPERINTENDENCE' OR PRESCRIBING GUIDELINES TO ENSURE THE USE OF POWER WILL BE LEGITIMATE**
 - ▶ **NO INSTITUTIONAL AND OTHER ARRANGEMENTS TO INSULATE POLICE FROM UNDESIRABLE AND ILLEGITIMATE OUTSIDE CONTROL, PRESSURES AND INFLUENCES**
 - ▶ **DOES NOT RECOGNIZE RESPONSIBILITY OF GOVERNMENT TO ESTABLISH AN EFFICIENT AND EFFECTIVE POLICE FORCE**
 - ▶ **NOT NECESSARY TO OUTLINE OBJECTIVES AND PERFORMANCE STANDARDS, NOR INDEPENDENT MECHANISMS TO MONITOR AND INSPECT PERFORMANCE**
 - ▶ **ANTIQUATED IN ITS CHARTER OF DUTIES, WHICH IS NARROW AND LIMITED**
 - ▶ **NO MANDATE TO FUNCTION AS A PROFESSIONAL AND SERVICE- ORIENTED ORGANIZATION**
 - ▶ **NOT IN CONSONANCE WITH DEMOCRATIC POLICING, IN WHICH CASE-**
 - ▶ **IS SUBJECT TO THE RULE OF LAW, RATHER THAN WHIMS OF A POWERFUL LEADER OR PARTY**
 - ▶ **CAN INTERVENE IN LIFE OF CITIZENS ONLY UNDER LIMITED AND CONTROLLED CIRCUMSTANCES**
 - ▶ **PUBLICLY ACCOUNTABLE**
- ▶ **SUPREME COURT IN 2006 CASE OF PRAKASH SINGH V. UNION OF INDIA ISSUED DIRECTIONS TO STATE AND CENTRAL GOVERNMENTS AND TRIED TO ADDRESS THE PROBLEMS, TO CONSTITUTE STATE SECURITY COMMISSIONS TO ENSURE NO EXERCISE UNWARRANTED INFLUENCE OR PRESSURE; BROAD POLICY GUIDELINES, AND EVALUATE THE PERFORMANCE OF THE STATE POLICE, ENACT A NEW LEGISLATION**

THE CENTRAL RESERVE POLICE FORCE ACT, 1949

- ▶ OBJECTIVE TO PROVIDE FOR CONSTITUTION AND REGULATION OF AN ARMED CENTRAL RESERVE POLICE FORCE.
- ▶ CONSISTS OF 19 SECTIONS IN ALL, CENTRAL GOVT IS ADMIN MINISTRY FOR THE CRPF, HEADQUARTERS IN NEW DELHI.
- ▶ OLDEST OF ALL PARAMILITARY FORCES AT DISPOSAL OF GOVT TO ASSIST CIVILIAN AUTHORITIES IN STATES IN DEALING WITH INTERNAL SECURITY PROBLEMS, ORIGIN CREATION OF CROWN REPRESENTATIVE'S POLICE IN 1939 CRP SPECIALIZED FORCE RAISED STATE TO ASSIST VARIOUS PRINCELY STATES IN MAINTENANCE OF LAW AND ORDER
- ▶ UNION LIST UNDER SCHEDULE VII, ENTRY 2 OF LIST 1 OF ARTICLE 246 OF THE CONSTITUTION, THOUGH CALLED CENTRAL RESERVE POLICE FORCE, MEMBER FORCE IS APPOINTED UNDER THE CRPF ACT, 1949, NOT POLICE ACT, DEPLOYED, IN AID OF CIVIL POWER FOR RESTORING AND PRESERVING PUBLIC ORDER
- ▶ POWER OF APPOINTMENT OF COMMANDANT, ASSISTANT COMMANDANT AND COMPANY OFFICES, TO MAKE RULES FOR THIS ACT, MEMBERS CANNOT RESIGN FROM BEFORE EXPIRATION OF THREE MONTHS OF SERVICE, CAN WITHDRAW HIS APPOINTMENT ONLY WITH PERMISSION IN WRITING OF COMMANDANT OR ASSISTANT COMMANDANT OR ANY OTHER OFFICER AUTHORIZED BY COMMANDANT
- ▶ DUTY OF EVERY MEMBER TO OBEY AND TO EXECUTE ALL ORDERS AND WARRANTS LAWFULLY ISSUED BY ANY COMPETENT AUTHORITY, DETECT AND BRING OFFENDERS TO JUSTICE, APPREHEND ALL PERSONS AUTHORIZED TO APPREHEND AND SUFFICIENT GROUNDS EXIST
- ▶ PROVISION FOR PENALTIES AGAINST MEMBER COMMITTING MORE HEINOUS CRIMES AND LESS HEINOUS CRIMES
- ▶ PROVIDES FOR THE MINOR PUNISHMENTS
- ▶ MEMBER OF THE FORCE CAN ONLY BE ARRESTED BY ARMED FORCES

CIVIL DEFENCE ACT, 1968

- ▶ CIVIL DEFENCE AIMS AT SAVING LIFE, MINIMIZING DAMAGE TO THE PROPERTY AND MAINTAINING CONTINUITY OF INDUSTRIAL PRODUCTION IN THE EVENT OF AN HOSTILE ATTACK
- ▶ CIVIL DEFENCE POLICY OF GOVERNMENT OF INDIA TILL DECLARATION OF EMERGENCY IN 1962 WAS CONFINED TO MAKING THE STATES AND UNION TERRITORIES CONSCIOUS OF THE NEED OF CIVIL PROTECTION MEASURES AND TO ASK THEM TO KEEP READY CIVIL PROTECTION PLANS FOR MAJOR CITIES AND TOWNS UNDER THE THEN EMERGENCY RELIEF ORGANIZATION (ERO) SCHEME
- ▶ 1962 AND 1965 LED TO A CONSIDERABLE RE-THINKING AND SCOPE
- ▶ AS A RESULT POLICY AS EXISTS, WAS EVOLVED AND LEGISLATION WAS ENACTED IN 1968 EXTENDS TO WHOLE OF INDIA
- ▶ ACT DEFINES CIVIL DEFENCE AS ANY MEASURE, NOT AMOUNTING TO ACTUAL COMBAT, WHICH PROTECTS PERSONS, PROPERTY AND PLACES IN INDIA FROM HOSTILE ATTACK; INCLUDES MEASURES TO DEPRIVE SUCH ATTACK OF ITS EFFECT; MAY BE TAKEN BEFORE, AFTER OR DURING SUCH ATTACK
- ▶ GIVES POWERS TO CENTRAL GOVT RELATED TO:
 - ▶ INSTRUCTION OF MEMBERS OF PUBLIC REGARDING CIVIL DEFENCE AND EQUIPMENT FOR THAT PURPOSE
 - ▶ PROHIBITING AND REGULATING TRAFFIC
 - ▶ CONTROL OF LIGHT AND SOUNDS
 - ▶ PROHIBITING OR REGULATING USE OF EXPLOSIVES, VESSELS, WIRELESS TELEGRAPH, PHOTOGRAPHIC, OTHER RECORDING EQUIPMENT
 - ▶ CONTROL OF ROADS, WATERWAYS, WATER SUPPLY ETC
 - ▶ PREVENTING AND CONTROLLING THE USE OF UNIFORMS
 - ▶ PROHIBITING ANY PERSON TO BE OUT OF DOORS BETWEEN SPECIFIED HOURS.
 - ▶ REGULATING CONDUCT OF PERSONS IN AREAS, CONTROL OF WHICH IS CONSIDERED NECESSARY OR EXPEDIENT
 - ▶ PROHIBITING PRINTING AND PUBLISHING OF NEWSPAPER, BOOK ETC. CONTAINING MATTERS PREJUDICIAL TO CIVIL DEFENCE

CIVIL DEFENCE ACT, 1968

- ▶ POWER TO STATE GOVERNMENT TO CONSTITUTE CIVIL DEFENCE CORPS FOR ANY AREA WITHIN STATE AND APPOINTING A PERSON OF THE RANK OF DISTRICT MAGISTRATE OR HIGHER AS ITS CONTROLLE
- ▶ APPOINT DIRECTOR OF CIVIL DEFENCE, TO WHOM CONTROLLERS HAVE TO REPORT
- ▶ ALSO MAKE ORDERS UNDER RULES FRAMED BY CENTRAL GOVT
- ▶ PROVIDES FOR PENALTIES FOR NON- COMPLIANCE OF ORDERS OF STATE OR CENTRAL GOVT
- ▶ ORDERS MADE IN EXERCISE OF ANY POWER CONFERRED BY THIS ACT MAY NOT BE QUESTIONED IN ANY COURT; PROVISIONS DO NOT APPLY TO ARMED FORCES
- ▶ ENVIRONMENTAL CHANGE- CLIMATE CHANGE - NATURAL DISASTERS WITH INCREASING FREQUENCY AND THE CHANGED SOCIO-ECONOMIC AND POLITICAL SCENARIO RESULTED IN NEW EMERGING CHALLENGES TO INTERNAL SECURITY THREATS
- ▶ TO MEET THESE CHALLENGES, CIVIL DEFENCE ACT WAS SUITABLY AMENDED BY THE CIVIL DEFENCE (AMENDMENT) ACT, 2009 TO INCLUDE DISASTER MANAGEMENT AS AN ADDITIONAL ROLE FOR THE CIVIL DEFENCE CORPS, WHILE RETAINING ITS PRIMARY ROLE
- ▶ EXPANDED DEFINITION OF CIVIL DEFENCE TO INCLUDE —ANY MEASURE TAKEN FOR PURPOSE OF DISASTER MANAGEMENT BEFORE, DURING, AT OR AFTER ANY DISASTER

THE ARMED FORCES (SPECIAL POWERS) ACT, 1958

- ▶ THE ABUSE OF POWER ENSHRINED UNDER THIS LAW BY THE ARMY PERSONNEL CAN BE MISUSED IN RAMPANT FAKE ENCOUNTERS, MOLESTATION OF WOMEN, AND ILLEGAL DETENTION OF THE CIVILIANS IN THE NAME OF MAINTENANCE OF LAW AND ORDER IN THE AREA
- ▶ THE CONSTITUTIONALITY OF ACT CHALLENGED IN CASE OF NAGA PEOPLE 'MOVEMENT OF HUMAN RIGHTS VS. UNION OF INDIA', WHEREIN SUPREME COURT OF INDIA UPHELD THE CONSTITUTIONALITY OF ACT BUT LAID DOWN CERTAIN MEASURES SO AS TO PREVENT UNLAWFUL ENCROACHMENT OF CIVILIANS 'FUNDAMENTAL RIGHTS, SUCH AS, A SUO MOTO DECLARATION CAN BE MADE BY THE CENTRAL GOVT
- ▶ HOWEVER, IT IS DESIRABLE THAT THE STATE GOVERNMENT SHOULD BE CONSULTED BY THE CENTRAL GOVERNMENT BEFORE MAKING SUCH A DECLARATION
- ▶ ACT DOES NOT CONFER ARBITRARY POWERS TO DECLARE AN AREA AS 'DISTURBED AREA', IT WAS STATED BY THE SC THAT DECLARATION TO BE FOR A LIMITED DURATION AND THERE NEED NOT BE ANY PERIODICAL REVIEW OF THE DECLARATION; AUTHORISED OFFICER SHOULD USE MINIMAL FORCE NECESSARY FOR EFFECTIVE ACTION; AND AUTHORISED OFFICER SHOULD STRICTLY FOLLOW THE 'DO'S AND DON'TS' ISSUED BY ARMY
- ▶ KEEPING IN VIEW THE NEEDS OF NATIONAL SECURITY, IF STILL FELT THAT ARMED FORCES DESERVE SPECIAL IMMUNITY, THEN GOVERNMENT SHOULD MAKE ADEQUATE PROVISIONS TO IMPLEMENT A MORE PEOPLE FRIENDLY ACT OR MAKE AMENDMENTS IN THE PRESENT ACT TO MAKE IT COMPLIANT TO THE RECOMMENDATIONS BY THE VARIOUS COMMISSIONS
- ▶ BUT RESPECT FOR OPINION OF PEOPLE SHOULD BE A TOP PRIORITY TO PREVENT RECURRENT PROTESTS AND ALLEGATIONS OF ABUSE; ARMED FORCES ARE FOR PROTECTION OF PEOPLE AND FRIENDLY RELATIONS AND SUPPORT OF PUBLIC CAN BE GREATEST AID IN FIGHT AGAINST ANTI-SOCIAL ELEMENTS

THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1958

- ▶ THE ABUSE OF POWER ENSHRINED UNDER THIS LAW BY THE ARMY PERSONNEL CAN BE MISUSED IN RAMPANT FAKE ENCOUNTERS, MOLESTATION OF WOMEN, AND ILLEGAL DETENTION OF THE CIVILIANS IN THE NAME OF MAINTENANCE OF LAW AND ORDER IN THE AREA
- ▶ THE CONSTITUTIONALITY OF ACT CHALLENGED IN CASE OF NAGA PEOPLE '*MOVEMENT OF HUMAN RIGHTS VS. UNION OF INDIA*', WHEREIN SUPREME COURT OF INDIA UPHELD THE CONSTITUTIONALITY OF ACT BUT LAID DOWN CERTAIN MEASURES SO AS TO PREVENT UNLAWFUL ENCROACHMENT OF CIVILIANS 'FUNDAMENTAL RIGHTS, SUCH AS, A SUO MOTO DECLARATION CAN BE MADE BY THE CENTRAL GOVT
- ▶ HOWEVER, IT IS DESIRABLE THAT THE STATE GOVERNMENT SHOULD BE CONSULTED BY THE CENTRAL GOVERNMENT BEFORE MAKING SUCH A DECLARATION
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- ▶ KEEPING IN VIEW THE NEEDS OF NATIONAL SECURITY, IF STILL FELT THAT ARMED FORCES DESERVE SPECIAL IMMUNITY, THEN GOVERNMENT SHOULD MAKE ADEQUATE PROVISIONS TO IMPLEMENT A MORE PEOPLE FRIENDLY ACT OR MAKE AMENDMENTS IN THE PRESENT ACT TO MAKE IT COMPLIANT TO THE RECOMMENDATIONS BY THE VARIOUS COMMISSIONS
- ▶ BUT RESPECT FOR OPINION OF PEOPLE SHOULD BE A TOP PRIORITY TO PREVENT RECURRENT PROTESTS AND ALLEGATIONS OF ABUSE; ARMED FORCES ARE FOR PROTECTION OF PEOPLE AND FRIENDLY RELATIONS AND SUPPORT OF PUBLIC CAN BE GREATEST AID IN FIGHT AGAINST ANTI-SOCIAL ELEMENTS

THE BORDER SECURITY FORCES ACT, 1968

- ▶ OBJECT AND PURPOSE - PROVISIONS AS TO CONSTITUTION AND REGULATION OF UNION'S ARMED FORCE TO ENSURE SECURITY OF BORDERS
- ▶ PRESENT ARMED FORCE IS ONE OUT OF 5 ARMED FORCES UNDER THE UNION OF INDIA, AND BASED ON CONCERNS IN WAKE OF 1965 WAR
- ▶ ENACTED BY PARLIAMENT AND ASSENTED BY PRESIDENT 2 SEP 1968; BROUGHT INTO OPERATION EFFECT FROM 1 MAR 1969
- ▶ PROVISIONS DIVIDED INTO 10 SIGNIFICANT CHAPTERS, FIRST CHAPTER DEALS THE SHORT TITLING AND COMMENCEMENT OF THE ACT AND ALSO DEFINITIONS OF CERTAIN TERMS
- ▶ SECOND CHAPTER VERY IMPORTANT- PROVISIONS AS TO CONSTITUTION OF FORCE AND ALL RELEVANT PROVISIONS INCLUDING ITS MEMBER'S CONDITIONS, ETC
- ▶ CONSTITUTION OF UNION ARMED FORCE AS 'BORDER SECURITY FORCE' IN PRESCRIBED MANNER FOR ENSURING SECURITY OF BORDERS
- ▶ DG OF FORCE APPOINTED BY CENTRAL GOVT AND FOR HIS ASSISTANCE NUMBER OF CENTRAL GOVT APPOINTED IGS, DEPUTIES, COMMANDANTS AND OTHER RELEVANT OFFICERS FOR GOVERNANCE & ENROLLMENTS OF PERSONS
- ▶ ALL SUCH MEMBERS RESPONSIBLE TO SERVE INLAND AND OUTSIDE INDIA
- ▶ FOR RESIGNING AND WITHDRAWING FROM DUTIES, CONDITION THAT THERE SHOULD BE PRIOR WRITTEN PERMISSION OF GIVEN AUTHORITY
- ▶ PROVISIONS TO DISMISSAL OF SUCH PERSONS OR MEMBERS BY DIFFERENT AUTHORITIES THEREIN
- ▶ CONDITION TO HAVE PRIOR SANCTION FROM CENTRAL GOVT FOR BECOMING THE MEMBER OF ANY TRADE UNION, LABOUR UNION, POLITICAL ASSOCIATION, ETC. AND ALSO OF ANY SOCIETY, INSTITUTION, ASSOCIATION OR ORGANIZATION, ETC. WHICH ARE NOT PART OF FORCE

THE BORDER SECURITY FORCES ACT, 1968

- ▶ RESTRICTION FOR COMMUNICATING WITH THE PRESS OR PUBLISHING ANY BOOK, LETTER, ETC
- ▶ THE PENAL PROVISIONS - CHAPTER III OF THE ACT, WHERE NUMBER OF OFFENCES, INCLUDING THE ABANDONING OR DELIVERING ANY POST, PLACE, SHAMEFULLY, BY THE PERSONS WHO ARE SUBJECTED TO THIS ACT, ARE PUNISHABLE EITHER WITH DEATH PENALTY OR WITH LESS PUNISHMENT; OTHER OFFENCES UP TO 14 YEARS IMPRISONMENT AND OTHER TERMS FOR DIFFERENT NUMEROUS OFFENCES UNDER THE DIFFERENT OTHER PROVISIONS OF THE ACT
- ▶ SCALE OF PUNISHMENTS FOR OFFENCES UNDER CHAPTER III, GIVEN IN FOURTH CHAPTER, WHERE THE MAXIMUM AMONG ALL OF THOSE PUNISHMENT IS DEATH' OR CAPITAL' PUNISHMENT
- ▶ PROVISIONS REGARDING ARRESTING OF OFFENDERS AND PROCEEDINGS BEFORE -CHAPTER V; WHERE SPECIFICALLY, A FORCE CUSTODY IS PROVIDED FOR DETAINING SUCH OFFENDERS AND ALSO CERTAIN DUTIES FOR COMMANDANTS WHILE DETAINING; APPOINT A COURT OF ENQUIRY
- ▶ GENERAL SECURITY FORCE COURTS, PETTY SECURITY FORCE COURTS AND SUMMARY SECURITY FORCE COURTS, WHICH ARE TO BE CONVENED BY SEPARATE PROVIDED
- ▶ MISCELLANEOUS PROVISIONS EMPOWERMENT OF CENTRAL GOVERNMENT WHICH BY GENERAL OR SPECIAL ORDER CAN ISSUED DIRECTION TO THE EFFECT THAT CERTAIN POWERS OR FUNCTION TO BE FOLLOWED BY THE
- ▶ TO MAKE PROVISIONS VERY EFFECTIVE AND SUITABLE TO UPCOMING SITUATIONS AND CIRCUMSTANCES, AMENDED SEVERAL TIMES I.E. IN 1986, 1988, ETC. AND RECENTLY 2011
- ▶ OBJECT AND REASONS CLAUSE OF THE BILL OF 2011, FOR AMENDING PROVISIONS OF SECTION 4 AND 139 OF THE ORIGINAL ACT OF 1968 FOR ENABLING CENTRAL GOVT TO DEPLOY BSF IN AREAS OTHER THAN BORDERS
- ▶

THE NATIONAL SECURITY ACT, 1980

- ▶ ENACTED WITH AN OBJECT PROVISIONS FOR PREVENTIVE DETENTION IN CERTAIN CASES AND FOR MATTERS CONNECTED THEREWITH WEF 27 DEC 1980
- ▶ PREVENTIVE DETENTION BASED ON PRECAUTIONARY PRINCIPLE, IN ORDER TO SECURE AND DEFEND SECURITY OF STATE, ITS RELATIONS WITH OTHER STATES, AND TO MAINTAIN AND REGULATE PUBLIC ORDER AND INTERNAL PEACE
- ▶ THREE SPECIFIC FEATURES
 - ▶ FIRST, IT IS DETENTION AND NOT IMPRISONMENT
 - ▶ SECOND, DETENTION BY THE EXECUTIVE WITHOUT TRIAL OR INQUIRY BY A COURT
 - ▶ THIRD, ITS OBJECTIVE IS PREVENTIVE AND NOT PUNITIVE
- ▶ INDIA IS ONE OF FEW COUNTRIES WHICH GIVE CONSTITUTIONAL VALIDITY TO PREVENTIVE DETENTION UNDER ARTICLE 22; EFFECTIVE IN PEACETIME; PRIMARILY TO DETAIN ANY PERSON WITHOUT ANY CHARGE AND TRIAL

HISTORICAL BACKGROUND

- ▶ PREVENTIVE DETENTION ACT IN 1950, SOON AFTER CONSTITUTION CAME INTO FORCE
- ▶ TO DETAIN INDIVIDUALS WITHOUT CHARGE FOR UP TO A YEAR; INITIALLY PASSED AS A TEMPORARY, TWELVE-MONTH MEASURE TO DEAL WITH CHALLENGES AFTER THE VIOLENCE AND DISPLACEMENT DURING THE PARTITION
- ▶ MINISTER OF HOME AFFAIRS TOLD PARLIAMENT THAT PERMANENT PREVENTIVE DETENTION POWERS REQUIRED CLOSER STUDY 'BEFORE MORE LASTING LEGISLATION WAS PASSED'; RENEWED REPEATEDLY FOR ALMOST TWO DECADES, FINALLY EXPIRED IN 1969
- ▶ 1971 MAINTENANCE OF INTERNAL SECURITY ACT WAS PASSED, AND RESURRECTED MOST OF PREVENTIVE DETENTION POWERS UNDER THE OLDER AC; POWERS WIDENED IN 1975, WHEN EMERGENCY DECLARED NATIONAL EMERGENCY, AND PROCEDURAL PROTECTIONS ORIGINALLY BUILT INTO MISA WERE REMOVED

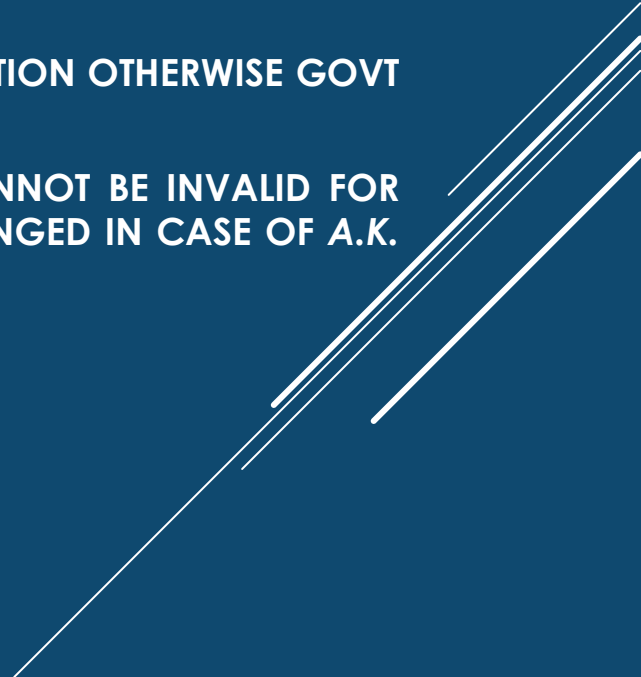
THE NATIONAL SECURITY ACT, 1980

- ▶ INDIRA GANDHI'S GOVT USED MISA AGGRESSIVELY AGAINST POLITICAL OPPONENTS, TRADE UNIONS AND CIVIL SOCIETY GROUPS WHO CHALLENGED GOVT
- ▶ 1977 GOVT LIFTED EMERGENCY AND CALLED NATIONAL ELECTION, WERE VOTED OUT OF POWER, AND NEW GOVERNMENT REPEALED THE MISA
- ▶ WHEN PROPOSING TO REPEAL, THE GOVT PROPOSED INCORPORATING PREVENTIVE DETENTION POWERS INTO ORDINARY LAW; DID NOT HAPPEN
- ▶ INSTEAD, THE NATIONAL SECURITY ACT, 1980 CREATED PREVENTIVE DETENTION POWERS AKIN TO PREVENTIVE DETENTION ACT AND MAINTENANCE OF INTERNAL SECURITY ACT

NATIONAL SECURITY ACT, 1980

- ▶ NATIONAL SECURITY ACT, 1980 (NSA) IS AN ACT OF INDIAN PARLIAMENT WHICH EMPOWERS CENTRAL AND STATE GOVT TO DETAIN A PERSON FROM ACTING IN MANNER PREJUDICIAL TO THE SECURITY OF INDIA, RELATIONS OF INDIA WITH FOREIGN COUNTRIES, MAINTENANCE OF SERVICES AND SUPPLIES ESSENTIAL TO COMMUNITY IF IT IS NECESSARY TO DO SO. ACT CAME INTO FORCE IN 1980 EXTENDS TO WHOLE OF INDIA EXCEPT THE STATE OF J&K
- ▶ A PERSON CAN BE DETAINED FOR A MAXIMUM PERIOD OF THREE MONTHS IN FIRST INSTANCE BUT STATE GOVT CAN EXTEND SUCH PERIOD FROM TIME TO TIME NOT EXCEEDING THREE MONTHS AT A TIME. CENTRAL OR STATE GOVT IF SATISFIED THAT TO PREVENT ANY PERSON FROM DOING ANY ACT AND IT IS NECESSARY TO DO SO, CAN MAKE AN ORDER FOR DETENTION OF THE PERSON
- ▶ IF ANY FOREIGNER VIOLATES THE ACT, HE CAN BE EXPELLED FROM COUNTRY. ON THE SATISFACTION OF THE STATE GOVERNMENT, DISTRICT MAGISTRATE OR COMMISSIONER OF POLICE CAN ALSO MAKE ORDERS FOR THE DETENTION OF PERSON. IF ANY OFFICER MAKES SUCH ORDERS, HE SHALL SEND HIS REPORT TO THE STATE GOVERNMENT. IF REPORT IS NOT APPROVED BY THE GOVERNMENT IN 15 DAYS, THE ORDER SHALL NOT REMAIN IN FORCE. STATE GOVERNMENT WILL SEND ITS REPORT ALONG WITH GROUNDS OF DETENTION AND ALL RELEVANT MATERIALS TO THE CENTRAL GOVERNMENT WITHIN 7 DAYS FROM THE DATE OF DETENTION OR FROM THE DATE OF APPROVAL.

THE NATIONAL SECURITY ACT, 1980

- ▶ DETENTION ORDER IS TREATED AND EXECUTED IN SAME MANNER AS A WARRANT OF ARREST UNDER CRIMINAL PROCEDURE CODE. MAXIMUM PERIOD FOR DETENTION OF A PERSON IS 12 MONTHS FROM DATE OF DETENTION
 - ▶ CENTRAL OR STATE GOVT CONSTITUTES AN ADVISORY BOARD FOR PURPOSE OF THIS ACT, WHENEVER NECESSARY
 - ▶ BOARD CONSISTS OF THREE MEMBERS AS SERVING OR RETIRED JUDGES OF HIGH COURT
 - ▶ IN ALL CASES WHERE A DETENTION IS MADE UNDER THIS ACT, STATE GOVT SHALL PUT DETAILED REPORT REGARDING DETENTION OF PERSON WITHIN THREE WEEKS OR ON REPRESENTATION BY AFFECTED PERSON
 - ▶ ADVISORY BOARD, AFTER PROPER VERIFICATION OF FACTS AND CIRCUMSTANCES, SUBMITS ITS REPORT TO GOVT WITHIN 7 WEEKS FROM DATE OF DETENTION
 - ▶ IF ADVISORY BOARD AGREES WITH REPORT OF GOVT, ONLY THEN PERSON IS KEPT UNDER DETENTION OTHERWISE GOVT SHALL REVOKE HIS ORDERS AND PERSON CONCERNED WILL BE RELEASED
 - ▶ PREVENTIVE DETENTION IS CONSTITUTIONALLY AUTHORIZED, SO IT FOLLOWS THAT A LAW CANNOT BE INVALID FOR ALLOWING SUCH DETENTION PER SE. THE CONSTITUTIONAL VALIDITY OF THIS ACT WAS CHALLENGED IN CASE OF *A.K. ROY V UNION OF INDIA*, WHEREBY THE COURT UPHELD ITS VALIDITY
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TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT 1985

- ▶ PARLIAMENT PASSED TERRORIST AFFECTED AREAS (SPECIAL COURTS) ACT IN 1984, WHICH ALLOWED GOVERNMENT TO DESIGNATE PARTS OF COUNTRY AS TERRORIST AFFECTED, AND SET UP SPECIAL COURTS IN THOSE AREAS TO PROSECUTE DEFENDANTS ACCUSED OF BEING TERRORISTS
- ▶ YEAR LATER, LAW WAS INCORPORATED INTO THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT, 1985
- ▶ TADA ALSO CREATED NEW CRIMINAL OFFENCES RELATED TO TERRORIST ACTIVITY, ENHANCED PROCEDURAL POWERS FOR THE POLICE AND SIGNIFICANTLY REDUCED PROCEDURAL PROTECTIONS FOR DEFENDANTS
- ▶ INCORPORATED A SUNSET CLAUSE - PARLIAMENT HAD TO REVIEW AND RENEW ACT IN EVERY TWO YEARS. EVIDENCE OF HUMAN RIGHTS ABUSES UNDER TADA MOUNTED OVER TIME, AND IN 1995, TADA WAS ALLOWED TO LAPSE WHEN IT LOST THE SUPPORT OF OPPOSITION PARTIES IN PARLIAMENT
- ▶ TADA'S PROVISIONS EXPANDED CENTRAL GOVT'S POWERS TO DEAL WITH INDIVIDUALS THAT STATUTE CLASSIFIED AS TERRORISTS E.G., AT A JUDGE'S DISCRETION, TRIALS OF ACCUSED TERRORISTS COULD BE HELD IN CAMERA. FURTHERMORE, SECTION 21 OF THE ACT PRESUMED THAT SUSPECTED TERRORISTS WERE GUILTY AND NEEDED TO ESTABLISH THEIR INNOCENCE. ALSO, STATE COULD ARREST ANYONE ON SUSPICION THAT THE PERSON WAS ENGAGING IN TERRORIST ACTIVITIES, AND KEEP ACCUSED BEHIND BARS FOR UP TO A YEAR WITHOUT BAIL. ONCE ON TRIAL, A DEFENDANT HAD NO AUTOMATIC RIGHT TO FACE HIS ACCUSERS IN COURT
- ▶ FOR MANY, TADA'S ENHANCEMENT OF THE STATE'S POWER TO DEAL WITH THOSE IT BELIEVED THREATENED INDIA'S NATIONAL SECURITY STIRRED UP MEMORIES OF EMERGENCY RULE ERA. CIVIL LIBERTIES ADVOCATES WHO OPPOSED TADA WARNED THAT IF GOVERNMENT'S POWERS WERE NOT KEPT IN CHECK, DEMOCRACY IN INDIA COULD ONCE AGAIN BE IN JEOPARDY. BY 1994, OVER 76,000 PEOPLE HAD BEEN ARRESTED UNDER TADA, WITH ONLY ABOUT 1% OF THESE EVER BEING CONVICTED
- ▶ IN 1994, SUPREME COURT, IN THE LANDMARK JUDGEMENT OF *KARTAR SINGH VS. STATE OF PUNJAB* DEALT WITH VARIOUS PROVISIONS OF THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT, 1987 AND UPHELD CONSTITUTIONAL VALIDITY OF THE ACT
- ▶ TADA, HOWEVER, DIED IN 1995, WHEN PUBLIC PRESSURE FORCED PARLIAMENT NOT TO REENACT IT AT ITS TWO YEAR REQUIRED RENEWAL DATE.

THE PREVENTION OF TERRORIST ACTIVITIES ACT, 2002

- ▶ POTA DID NOT EMERGE ONTO INDIAN POLITICAL LANDSCAPE IN A STATUTORY VACUUM. SOME FIFTEEN YEARS PRIOR TO ITS ENACTMENT, INDIAN PARLIAMENT PASSED TADA. IN 2002 MARCH SESSION OF INDIAN PARLIAMENT THE PREVENTION OF TERRORIST ACTIVITIES ACT (POTA) WAS INTRODUCED.
- ▶ TERMED AS INDIAN VERSION OF U.S PATRIOT ACT; NOTHING MORE THAN REINCARNATION OF TADA WITH LARGELY COSMETIC CHANGES
- ▶ PROVIDES FOR PROVISIONS FOR PREVENTION OF AND DEALING WITH TERRORIST ACTIVITIES
- ▶ WHERE ANY PERSON IS IN UNAUTHORISED POSSESSION OF ANY-BOMBS, DYNAMITE OR HAZARDOUS EXPLOSIVE SUBSTANCE OR OTHER LETHAL WEAPONS CAPABLE OF MASS DESTRUCTION OR BIOLOGICAL OR CHEMICAL SUBSTANCES OF WARFARE IN ANY AREA, WHETHER NOTIFIED OR NOT, THE PERSON SHALL BE GUILTY OF TERRORIST AC
- ▶ CASE OF SANJAY DUTT V STATE, THE COURT EXPLAINED THE EXPRESSION 'POSSESSION' AS TO MEAN A CONSCIOUS POSSESSION INTRODUCING THEREBY INVOLVEMENT OF A MENTAL ELEMENT I.E. CONSCIOUS POSSESSION & NOT MERE CUSTODY WITHOUT AWARENESS OF NATURE OF SUCH POSSESSION AND AS REGARDS UNAUTHORIZED MEANS AND REGARDS WITHOUT ANY AUTHORITY OF LAW
- ▶ ALSO PROVIDES IF ANY OFFICER (NOT BELOW THE RANK OF SP) INVESTIGATING AN OFFENCE COMMITTED UNDER THIS ACT, HAS REASON TO BELIEVE THAT ANY PROPERTY IN RELATION TO WHICH AN INVESTIGATION IS BEING CONDUCTED REPRESENTS PROCEEDS OF TERRORISM, WITH PRIOR APPROVAL IN WRITING FROM DG OF POLICE OF WHICH PROPERTY IS SITUATED CAN MAKE AN ORDER TO SEIZE OR ATTACH SUCH PROPERTY
- ▶ CASE OF T.T. ANTHONY V STATE OF KERALA, COURT LAID DOWN THAT THIS PLENARY POWER OF POLICE TO INVESTIGATE A COGNIZABLE OFFENCE IS NOT UNLIMITED; SUBJECT TO CERTAIN LIMITATIONS SUCH AS IF NO COGNIZABLE OFFENCE IS DISCLOSED & STILL MORE IF NO OFFENCE OF ANY KIND IS DISCLOSED THE POLICE WOULD HAVE NO AUTHORITY TO UNDERTAKE AN INVESTIGATION.

THE PREVENTION OF TERRORIST ACTIVITIES ACT, 2002

- ▶ SPECIFIES THAT WHEN A POLICE OFFICER INVESTIGATING A CASE REQUESTS A CHIEF METROPOLITAN MAGISTRATE TO OBTAIN HAND WRITING, FOOTPRINTS, PHOTOGRAPHS, BLOOD, SALIVA, SEMEN, HAIR, VOICE OF ANY ACCUSED PERSON REASONABLY SUSPECTED TO BE INVOLVED, LAWFUL FOR JUDGE TO GIVE SUCH ORDERS
- ▶ IF ANY ACCUSED PERSON REFUSES TO GIVE SUCH SAMPLES COURT SHALL DRAW ADVERSE INFERENCE AGAINST THE ACCUSED
- ▶ CASE OF *S. SRINIVASA V M/S DECCAN PETROLEUM LTD*, THE COURT EXPLAINED THIS SECTION IN DETAIL. THE COURT SAID WHERE THE ORDER OF REFUSAL TO ISSUE SUMMONS FOR PRODUCTION OF DOCUMENT WAS PREJUDICIAL TO ACCUSED THEN SUCH ORDER IS NOT SUSTAINABLE. THE MOST IMPORTANT PART OF THE SECTION SAYS THAT THE POWER TO TAKE SAMPLES IS NOT GIVEN TO THE POLICE AUTHORITIES BUT WHEN A POLICE OFFICER INVESTIGATING A CASE REQUESTS A CHIEF METROPOLITAN MAGISTRATE TO OBTAIN SAMPLES OF ANY ACCUSED PERSON REASONABLY SUSPECTED TO BE INVOLVED IN THE COMMISSION OF THIS ACT AND THEN IF ONLY THE CHIEF METROPOLITAN MAGISTRATE GIVES THE ORDER TO OBTAIN SUCH SAMPLES ITS ONLY THEN HE CAN FORCE THE ACCUSED TO GIVE SUCH SAMPLES. IF ANY ACCUSED PERSON REFUSES TO GIVE SUCH SAMPLES THE COURT SHALL ONLY THEN DRAW ADVERSE INFERENCE AGAINST THE ACCUSED.
- ▶ CONFESSION MADE BY A PERSON BEFORE A POLICE OFFICER NOT LOWER IN RANK THAN A SP AND RECORDED BY HIM OUT OF WHICH SOUND OR IMAGES COULD BE REPRODUCED SHALL BE ADMISSIBLE IN TRIAL OF SUCH PERSON FOR THE OFFENCE UNDER THIS ACT
- ▶ CASE OF *DEVENDER PAL SINGH V STATE OF NCT OF DELHI*, COURT SAID ENTIRELY UPTO COURT TRYING TO DECIDE QUESTION OF ADMISSIBILITY OR RELIABILITY OF A CONFESSION IN ITS JUDICIAL WISDOM STRICTLY ADHERING TO LAW IT MUST WHILE SO DECIDING THE QUESTION SHOULD SATISFY ITSELF THAT THERE WAS NO TRAP, IF COURT IS SATISFIED THEN CONFESSIONAL STATEMENT WILL BE A PART

THE PREVENTION OF TERRORIST ACTIVITIES ACT, 2002

- ▶ CASE OF PEOPLE'S UNION FOR CIVIL LIBERTIES V UNION OF INDIA, THE CONSTITUTIONAL VALIDITY OF THE PREVENTION OF TERRORISM ACT, 2002 WAS DISCUSSED. THE COURT SAID THAT THE PARLIAMENT POSSESSES POWER UNDER ARTICLE 248 AND ENTRY 97 OF LIST I OF THE SEVENTH SCHEDULE OF THE CONSTITUTION OF INDIA TO LEGISLATE THE ACT. NEED FOR THE ACT IS A MATTER OF POLICY AND THE COURT CANNOT GO INTO THE SAME. ONCE LEGISLATION IS PASSED, THE GOVT. HAS AN OBLIGATION TO EXERCISE ALL AVAILABLE OPTIONS TO PREVENT TERRORISM WITHIN THE BOUNDS OF THE CONSTITUTION. MERE POSSIBILITY OF ABUSE CANNOT BE A GROUND FOR DENYING THE VESTING OF POWERS OR FOR DECLARING A STATUTE UNCONSTITUTIONALLY
- ▶ ACT CONSIDERED AS A DRACONIAN PIECE OF LEGISLATION AS IT CURTAILED VARIOUS RIGHTS OF A CITIZEN WHICH WERE RECOGNIZED SINCE LONG AND WERE CONTRARY TO ARTICLE 21 OF THE CONSTITUTION
- ▶ ACCORDING TO UNION MINISTRY, SOME 800 PEOPLE HAVE BEEN ARRESTED AND JAILED UNDER THE POTA, 4,000 PEOPLE FROM ACROSS COUNTRY WERE ALSO BOOKED UNDER THE ACT
- ▶ WAS REPEALED IN 2004 WITH UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2004



THE ARMED FORCES TRIBUNAL ACT , 2007

- ▶ AN ACT TO PROVIDE FOR THE ADJUDICATION OR TRIAL BY ARMED FORCES TRIBUNAL OF DISPUTES AND COMPLAINTS WITH RESPECT TO COMMISSION, APPOINTMENTS, ENROLMENT AND CONDITIONS OF SERVICE IN RESPECT OF PERSONS SUBJECT TO THE ARMY ACT, 1950, THE NAVY ACT, 1957 AND THE AIR FORCE ACT 1950 AND ALSO TO PROVIDE FOR APPEALS ARISING OUT OF ORDERS, FINDINGS OR SENTENCES OF COURT MARTIAL HELD UNDER THE SAID ACTS.
- ▶ 1982, THE SUPREME COURT IN THE CASE OF LT COL P.P. SINGH BEDI, HAD EMPHASIZED THE NECESSITY FOR AN INDEPENDENT APPELLATE FORUM FOR THE ARMED FORCES
- ▶ 1983, SERVICE HEADQUARTERS ASKED TO EXAMINE NEED FOR CONSTITUTION OF A COURT-MARTIAL APPEALS COURT
- ▶ ISSUE REMAINED DORMANT AND GOVT DID NOT TAKE ANY ACTION FOR ALMOST TWO DECADES
- ▶ FINALLY, ON 25TH DECEMBER, 2007, PRESIDENT PRATIBHA PATIL GAVE ASSENT TO THE ARMED FORCES TRIBUNAL BILL, PAVING THE WAY FOR SETTING UP OF COUNTRY'S FIRST EVER REDRESSAL FORUM TO ADJUDICATE EXCLUSIVELY ON CASES PERTAINING TO ARMED FORCES PERSONNEL
- ▶ HAS A PRINCIPAL BENCH HEADED BY A CHAIRPERSON IN THE CAPITAL; CONSIST OF JUDICIAL AND ADMINISTRATIVE MEMBERS
- ▶ ONLY A FORMER JUDGE OF THE SUPREME COURT OR A FORMER CHIEF JUSTICE OF A HIGH COURT CAN BE ITS CHAIRPERSON;
- ▶ JUDICIAL MEMBERS WILL BE RETIRED HIGH COURT JUDGES, WHILE ADMINISTRATIVE MEMBERS WILL BE DRAWN FROM THE FORCES
- ▶ ONLY THOSE WHO HAVE SERVED AS JUDGE OR ADVOCATE-GENERAL FOR AT LEAST A YEAR OR OTHER OFFICERS NOT BELOW THE RANK OF MAJOR GENERAL OR EQUIVALENT CAN BE MEMBERS.

THE ARMED FORCES TRIBUNAL ACT , 2007

- ▶ BENCHES OF THE TRIBUNAL WOULD BE SET UP IN OTHER PLACES CLOSE TO THE FORMATION COMMANDS OF THE THREE SERVICES. ONCE THE TRIBUNAL IS CONSTITUTED, ALL TRIALS PERTAINING TO THE ARMY, NAVY AND AIR FORCE ACTS PENDING BEFORE THE CIVIL COURTS, INCLUDING THE HIGH COURTS, WOULD STAND TRANSFERRED BEFORE THE TRIBUNAL
 - ▶ TRIBUNAL WILL NOT BE BOUND BY THE CODE OF CIVIL PROCEDURE, BUT WILL BE GUIDED BY PRINCIPLES OF NATURAL JUSTICE AND SUBJECT TO PROVISIONS LAID DOWN IN THE ACT
 - ▶ ANY APPEAL AGAINST THE TRIBUNAL'S ORDERS WOULD BE MADE TO THE SUPREME COURT
 - ▶ REGIONAL BENCHES AT
 - ▶ CHANDIGARH, LUCKNOW, KOLKATTA, GUWAHATI, CHENNAI, KOCHI, MUMBAI AND JAIPUR
 - ▶ WITH EXCEPTION OF CHANDIGARH AND LUCKNOW REGIONAL BENCHES, WHICH HAVE THREE BENCHES EACH, ALL OTHER LOCATIONS HAVE A SINGLE BENCH.
- 

THE NATIONAL INVESTIGATION AGENCY ACT , 2008

- ▶ THE NATIONAL INVESTIGATION AGENCY ACT, 2008 CAME IN TO EXISTENCE ON 31 DEC 2008
- ▶ INCREASE IN NUMBER OF CRIMES RELATED TO TERRORISM AND THEIR ATTACKS, NEED OF CERTAIN INVESTIGATION AGENCY AT THE NATIONAL LEVEL TO INVESTIGATE THE OFFENCES WHICH AFFECTS THE SECURITY AND INTEGRITY OF INDIA
- ▶ NIA ESTABLISHED TO CONTROL TERRORISM AND OTHER RELATED ACTIVITIES IN INDIA
- ▶ NIA ACTS AS CENTRAL COUNTER TERRORISM LAW ENFORCEMENT AGENCY WHICH INITIATED TO DEAL WITH CRIMES RELATED TO TERRORISM AND TO ALL THE STATES IN INDIA. TO INVESTIGATE AND CONTROL THE OFFENCES RELATED
- ▶ CONSISTS OF 26 SECTIONS. SPECIAL AGENCY UNDER SECTION 3 OF ACT AND CALLED NATIONAL INVESTIGATION AGENCY AS SPECIFIED IN POLICE ACT, 1861 FOR INVESTIGATION OF OFFENCES AND PROSECUTION OF OFFENCES DEALT UNDER PROVISIONS OF ACT
- ▶ ANY OFFICER WHO HOLDS RANK OF SUB-INSPECTOR EXERCISES POWERS THROUGHOUT INDIA
- ▶ SECTION 4 ALL MATTER RELATING TO SUPERINTENDENCE AND ADMINISTRATION OF NIA VESTS WITH CENTRE BY APPOINTING AN OFFICER DESIGNATED AS DG WHO EXERCISE POWERS OF AGENCY SUCH AS POWERS EXERCISABLE BY DG POLICE
- ▶ SHALL INVESTIGATE OFFENCES SPECIFIED AS SCHEDULED OFFENCES UNDER SECTION 6, OFFICER-IN-CHARGE OF THE POLICE STATION SHALL FORWARD THE REPORT TO THE STATE GOVERNMENT WHERE OFFENCE RECORDED UNDER SECTION 154 OF CODE WITH RESPECT TO SCHEDULED OFFENCE AND OFFENCE REPORT TO CENTRAL GOVT
- ▶ AGENCY TAKES UP INVESTIGATION OF CASE WITH HELP OF DUTY-IN-CHARGE OF POLICE STN OF STATE OF OFFENCE RELATED.
- ▶ SECTION 7 WHERE AGENCY FELT NECESSARY TO ASSOCIATE THE OFFENCE WITH THE STATE GOVT AND PRIOR APPROVAL OF CENTRAL GOVT AGENCY CAN ASSOCIATE STATE GOVT TO THE INVESTIGATION

THE NATIONAL INVESTIGATION AGENCY ACT , 2008

- ▶ CENTRAL GOVT AS PER SEC 11 HAS POWER TO CONSTITUTE SPECIAL COURTS FOR TRIAL OF SCHEDULED OFFENCE; AGENCY CAN MAKE APPLICATION TO CHIEF JUSTICE OF HIGH COURT FOR APPOINTMENT OF JUDGE TO PRESIDE OVER MATTERS OF SPECIAL COURT
- ▶ EVERY SCHEDULED OFFENCES WHICH HAD BEEN INVESTIGATED BY NIA SHALL ONLY TRIED BY SPECIAL COURT AND IT IS TO BE TRIED WITHIN JURISDICTION WHERE OFFENCE WAS COMMITTED
- ▶ SUPREME COURT OR HIGH COURT CAN TRANSFER ANY CASE TO SPECIAL COURT WITHIN JURISDICTION IT COMMITTED
- ▶ SPECIAL COURT HAS CERTAIN POWERS UNDER SECTION 14 TO TRY NOT ONLY OFFENCE RELATING TO SCHEDULED BUT ALSO TO TRY OUT THE OFFENCES WHERE ACCUSED FOR ANY OTHER OFFENCE AS SPECIFIED
- ▶ THERE SHALL BE ONE PERSON APPOINTED AS PUBLIC PROSECUTOR AND ONE MORE ADDITIONAL PUBLIC PROSECUTOR APPOINTED UNDER SECTION 15 BY CENTRE FOR ARGUING FOR OFFENCES COMMITTED
- ▶ SPECIAL COURT HAS DUTY TO PROTECT WITNESSES U/S 17 AS EVERY CASE DEALS WITH WITNESS AND PROTECTION OF WITNESS BE MADE BY SPECIAL COURT WHERE LIFE OF WITNESSES IS IN DANGER
- ▶ SPECIAL COURT HAS TO TAKE MEASURES TO AVOID NAME OF WITNESSES IN ANY ACCESSIBLE FORM AND ANY PERSON WHO CONTRAVENES SHALL BE PUNISHABLE WITH IMPRISONMENT OF NOT EXCEEDING TERM OF THREE YEARS
- ▶ SECTION 18, NO SUIT OR LEGAL ACTION COULD BE TAKEN AGAINST CENTRE, MEMBERS OF AGENCY AND SPECIAL COURT HAS POWER UNDER SECTION 20 TO TRANSFER CASES TO OTHER COURTS WHERE TRIAL OF OFFENCE BE INITIATED
- ▶ APPEALS UNDER SECTION 21 AGAINST ORDER OF SPECIAL COURT TO HIGH COURTS BUT APPEAL MUST OBLIGE BOTH FACTS AND LAW

THE NATIONAL INVESTIGATION AGENCY ACT , 2008

- ▶ TO DEAL WITH TRIAL OF OFFENCES CONSTITUTED UNDER ACT, STATE GOVT HAS AUTHORITY TO CONSTITUTE ONE OR MORE SPECIAL COURTS BY REFERENCE MADE TO ATTORNEY-GENERAL OF INDIA
 - ▶ BOTH HIGH COURT AND CENTRE HAS POWER TO MAKE RULES UNDER SECTION 23 AND 25
 - ▶ HIGH COURT HAS POWER TO MAKE RULES REGARDING PROVISION RELATING TO SPECIAL COURT AND ITS CONSTITUTION
 - ▶ CENTRAL GOVT HAS POWER TO MAKE RULES REGARDING CONSTITUTION OF AGENCY AND OTHER MATTER PRESCRIBED THERETO
 - ▶ EVERY RULE LAID BY CENTRAL GOVT UNDER ACT SHOULD BE LAID AFTER IT MADE BEFORE EACH HOUSE OF PARLIAMENT
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THANK YOU

