Police reforms

WHAT THE SUPREME COURT ORDERED

State Security
Commission to ensure
State government
does not exercise unwarranted
influence or pressure on
police; lay down broad
policy guideline; evaluate
performance

DGP appointment through merit-based transparent process, minimum two year tenure

Other police officers on operational duties (including SPs in districts and Station House Officers in-charge of police station) with minimum two-year tenure

5. Separate investigation and law and order functions

Police Establishment
Board to decide
transfers, postings,
promotions and service-related matters of Deputy
Superintendent and below,
recommend postings and
transfers above the rank of

Deputy Superintendent

Police Complaints Authority at state level to inquire into public complaints against Dy SP and above in cases of serious misconduct, including custodial death, grievous hurt, or rape in custody and at district level to inquire into public complaints against police personnel below Dy SP in cases of serious misconduct



National Security Commission at Union level to prepare a panel for selection and placement of Chiefs of the Central Police Organisations, minimum two-year tenure

Source: Supreme Court of India judgement, September 22, 2006, in Prakash Singh and others Vs UOI and others.

THE PROBLEM NOW



The Police Act, 1861
and some later State Acts
modelled on it vest the
superintendence of the police
directly in the hands of political
executive. This is misused by
elected representatives and
politically connected individuals

Lack of effective accountability mechanisms and periodic performance review causing loss of public confidence in the police

Widespread
indiscipline,
contempt for
law and
procedures,
and
naked
corruption have
weakened
public faith in
the institution



Police brutality is unchecked. India has not ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, after signing it on Oct 14, 1997

China Table

In a climate where citizens are afraid to approach the police for help, the police's role has shifted from that of peace keepers to something else which needs to be "reformed". Police reforms have for long been a stated priority of the authorities with several attempts by retired civil servants to implement them but somehow have never taken concrete shape. Making a civil society intervention in the police reform debate, a group of people from South Asia have been debating the issue in a sustained manner. Recently, the Network for Improved Policing in South Asia (NIPSA) re-launched its website that acts as a resource base for people interested in the issue.

The colonial-era Police Act of 1861 enacted by the British still remains in force at the Centre. Following a 2006 Supreme Court judgment ordering police reform, a small spurt of new state Police Acts has taken place since 2007. As of 2013, 15 states and one union territory have passed new Police Acts.

Many aspects of these new Acts are not in compliance with accepted legislative models and standards and are cause for serious concern, according to NIPSA. There have been several official, government-appointed Commissions and committees tasked to examine police reform specifically with the most comprehensive recommendations coming from the National Police Commission (NPC), none of which unfortunately have been implemented. States are either not complying at all or complying by moving away from the Court's framework. There is little willingness on the part of any government to put sufficient emphasis on human rights protection and strengthened accountability in the police reform trajectory, and in many respects, police accountability is being further destabilised through "reform", states the website.

A regional network of individuals and organisations from Bangladesh, India, Maldives and Pakistan, NIPSA aims to make the civil society intervention in police reform debates and influence legal and policy changes towards better policing. They hope to persuade police laws, policies, structures and practices.

The Commonwealth Human Rights Initiative, a non-governmental organisation is the secretariat for NIPSA, coordinating the work of the Network which is made up of over 15 members over Commonwealth South Asia.

"Our countries, while varying in levels of democratisation, are all in dire need of democratic police reform within a human rights frame. The fact remains that each of these countries is resisting such a shift," states the website. In 2010, a group of likeminded individuals and organisations came together to provide a forum for reform advocates to share knowledge, tools and strategies, exchange information and lessons, and ultimately to build a broader, stronger movement for democratic police reform at both the national and regional levels, it adds.

Policies

Overseas Raw Material Acquisition Policy, 2011

- 1. It gives more autonomy to the Navaratna and Maharatna Central PSEs to acquire raw material assets abroad.
- 2. CPSEs in agriculture, mining, power and manufacturing with past 3 years of profit will also be able to acquire assets overseas.

National Competition Policy (Draft), 2011 by Kumar Committee

- 1. To take a critical look at all laws and legislations to see if they are anti-competitive in any sense and if yes then to amend them. To create a framework for policies which promotes competitive behavior.
- 2. To provide for institutional separation between policy making, operations and regulatory wings of the Government.
- 3. There would be a sharp focus on opening up sectors where government has a large presence. Even banking sector will fall under its gambit.
- 4. It seeks to prevent anti-competitive behavior, ensure third party access to essential resources.

National Manufacturing Policy, 2011

Goals

- 1. To achieve 12-14% growth in manufacturing and to increase its share in GDP to 25% by 2022.
- 2. To create 100 mm jobs by 2022.
- 3. To impart proper skill set and training for inclusive development.
- 4. Sustainable development.
- 5. To enhance global competitiveness.
- 6. Increase domestic value addition.

Salient Features

- 1. Foreign capital and technology to be welcomed.
- 2. Competitiveness to be a guiding principle while formulating policies.
- 3. Rationalization of business regulations.
- 4. Innovation will be encouraged.
- 5. Effective and ongoing feedback mechanism on the policy.

Sectors to receive special attention

- 1. Employment Intensive Sectors like textiles, gems, SMEs etc.
- 2. Capital Goods.
- 3. Strategic Industries like shipping, telecom equipment, defence equipment etc.
- 4. Where India enjoys a competitive advantage like pharmaceuticals, automobiles etc.
- 5. Public Sector Enterprises in defence and energy.

NIMZ

- 1. National Investment and Manufacturing Zones (NIMZ) will be established. States will provide land.
- 2. NIMZ will function as an autonomous area as an Industrial Township under Art 243 of Constitution.

Exit Policy in NIMZ

 Job Loss Policy: Under the Industrial Disputes Act, there is a requirement for companies to pay workers 15 days salary for every year completed. In the NIMZ, an SPV will be setup and companies will buy insurance from it to pay workers 20 days of salary for each completed year. 2. Sinking Fund: As an alternative to the job loss policy.

Environment Protection in NIMZ

1. <u>Technology Acquisition and Development Fund (TADF)</u>: This fund will be used to give incentives to SMEs to buy technology up to Rs. 20 lacs and offer a 10% capital subsidy for green technologies.

National Pharmaceutical Policy (Draft), 2011

- 1. It proposes to bring ~60% of the pharmaceutical market (up from current ~20%) under the controlled price regime through the National List on Essential Medicines (NLEM).
- 2. Its key principles are Essentiality of drug, Market based pricing and Control of Formulations only.
- 3. While staying 2002 Drug Policy, SC had asked government to come up with a policy to ensure availability of life saving essential drugs. Hence the market share and turnover based approach of 1994 policy is discarded and focus is on essentiality of drug.
- 4. Because formulations account for bulk of drug cost and are the key component, only they need to be regulated.
- 5. Instead of cost based pricing, market based pricing approach will be followed.

National Drug Policy, 1994

1. It allows for price control where the leading manufacturer has a turnover and a market share > the threshold. Then price is based on cost recovery model.

National Vaccine Policy (Draft), 2011

- 1. The policy envisions PPP as the way forward for the development of vaccines in India.
- 2. It makes it mandatory for the government to support developments with Advanced Market Commitments (AMCs) and honor those.
- 3. AMCs refer to commitment from government's side to the vaccine developer to give a pre or der to make sure he breaks even. The money is deposited upfront with the World Bank.
- 4. It also asks the government to take full responsibility of the Universal Immunization Programme so as to remove any uncertainties.

National Electronics Policy (Draft), 2011

- 1. To facilitate chip designing, fabrication and manufacturing by creating a world class Electronics Systems & Design Management (ESDM) industry.
- 2. To prefer domestic equipment in telecom industry.
- 3. To churn out higher number of PhDs in India in this sector.
- 4. To setup Electronic Manufacturing Clusters.
- 5. To create Brand India in electronics.
- 6. The aim is to have \$400 bio sector, \$100 bio investment and 30 mm jobs by 2020. *Electronic Manufacturing Cluster Scheme*
- The proposed EMCs scheme would support setting up of both greenfield and brownfield EMCs. The assistance would be provided to a SPV only. The financial assistance to the SPV shall be in the form of grant-in-aid only. For Greenfield EMCs the assistance will be restricted to 50% of the project cost subject to a ceiling of Rs. 50 crore for every 100 acres

of land. For Brownfield EMCs the assistance will be restricted to 75% of the project cost subject to a ceiling of Rs. 50 crore. The proposed scheme is expected to help flow of investment for the development of world-class infrastructure specifically targeted towards attracting investment in the ESDM sector.

National IT Policy (Draft), 2011

- 1. To increase revenues to \$300 bio and exports to \$200 bio and create 10 mm additional jobs by 2020.
- 2. Fiscal incentives to be provided to SMEs and startups.
- 3. Focus to increase market share in cloud computing and mobile based services.
- 4. Increase R&D and producing MORE PhDs.
- 5. Expansion of IT industry in tier II and tier III cities.

National Remote Sensing Data Policy, 2011

- 1. In the 2001 policy, satellite data of resolution 5.8 meters was available so as to protect sensitive areas from apps like google earth.
- 2. Now it has been decreased to 1 meter. For further resolution, clearance has to be obtained.

FDI Policy in Mining, 1999

1. 100% FDI other than diamonds and precious stones via automatic route and 75% for diamonds and precious stones. 100% FDI in metallurgical processes and 100% in coal plants for captive use.

National Water Policy (Draft), 2012 by Hashim Committee

Institutional Provisions

- 1. A national law on water should be there even though water is a state subject. It can give overarching framework.
- 2. Water should be properly priced along with electricity.
- 3. In any water project, investment funds and water charges should be used for maintenance. Maintenance should be specified in the contract itself.
- 4. All parts of the projects should be developed simultaneously.
- 5. Government's role should be shifted from provider to regulator and PPP should be emphasi
- 6. Project benefactors should pay for rehabilitation of project affected families.

Environmental Provisions

- 1. Minimum water quality and sustenance of ecology should be clearly defined.
- 2. The ecological need of the river should be kept in mind rather than the minimum flow requirement.
- 3. Climate change scenario should be a part of water planning.
- 4. System of water footprint should be developed.
- 5. Multi purpose storage based projects should be encouraged.

Technological Provisions

1. Direct use of rainfall and avoidance of evapotranspiration should be encouraged.

2. Mapping of the aquifers should be done with periodic updating. © Framework on Water

- 1. "Water" is placed in the Entry 17 of the State list. But the Entry 56 in Union list says that the regulation and development of inter state rivers would be under the central control to the extent allowed by a law made by the parliament (only). But the center has not made any law and the inter state water has remained in the domain of the states.
- 2. <u>Krishna dispute:</u> Krishna water disputes tribunal was setup but it has turned up into a war zone between the lawyers, bureaucrats and politicians of Maharashtra, Karnataka and AP.

Modifications in the Draft Policy

- 1. The Draft National Water Policy (2012) inter-alia recommends that for the preemptive and high priority uses of water for sustaining life and ecosystem for ensuring food security and supporting livelihood for the poor, the principle of differential pricing may have to be retained. Over and above these uses, water should increasingly be subjected to allocation and pricing on economic principles.
- 2. The Draft National Water Policy (2012) recommends that there is a need for comprehensive legislation for optimum development of inter-State rivers and river valleys.

International Framework

Convention on the Law of the Non Navigational Uses of International Waters

1. India has not ratified this along with US, China, Canada and Australia.

National Narcotics Policy, 2012

- 1. The production of concentrates from poppy and other processed substances should be corporatized and privatized with government only acting as a regulator.
- 2. Satellite imagery should be done to prevent illegal poppy cultivation.
- 3. Anti-narcotics measures should be kept in line with international standards.

Legislations

Overseas Raw Material Acquisition Policy, 2011

- 1. It gives more autonomy to the Navaratna and Maharatna Central PSEs to acquire raw material assets abroad.
- 2. CPSEs in agriculture, mining, power and manufacturing with past 3 years of profit will also be able to acquire assets overseas.

National Competition Policy (Draft), 2011 by Kumar Committee

- 1. To take a critical look at all laws and legislations to see if they are anti-competitive in any sense and if yes then to amend them. To create a framework for policies which promotes competitive behavior.
- 2. To provide for institutional separation between policy making, operations and regulatory wings of the Government.

- 3. There would be a sharp focus on opening up sectors where government has a large presence. Even banking sector will fall under its gambit.
- 4. It seeks to prevent anti-competitive behavior, ensure third party access to essential resources.

National Manufacturing Policy, 2011

Goals

- 1. To achieve 12-14% growth in manufacturing and to increase its share in GDP to 25% by 2022.
- 2. To create 100 mm jobs by 2022.
- 3. To impart proper skill set and training for inclusive development.
- 4. Sustainable development.
- 5. To enhance global competitiveness.
- 6. Increase domestic value addition.

Salient Features

- 1. Foreign capital and technology to be welcomed.
- 2. Competitiveness to be a guiding principle while formulating policies.
- 3. Rationalization of business regulations.
- 4. Innovation will be encouraged.
- 5. Effective and ongoing feedback mechanism on the policy.

Sectors to receive special attention

- 1. Employment Intensive Sectors like textiles, gems, SMEs etc.
- 2. Capital Goods.
- 3. Strategic Industries like shipping, telecom equipment, defence equipment etc.
- 4. Where India enjoys a competitive advantage like pharmaceuticals, automobiles etc.
- 5. Public Sector Enterprises in defence and energy.

NIMZ

- 1. National Investment and Manufacturing Zones (NIMZ) will be established. States will provide land.
- 2. NIMZ will function as an autonomous area as an Industrial Township under Art 243 of Constitution.

Exit Policy in NIMZ

- Job Loss Policy: Under the Industrial Disputes Act, there is a requirement for companies to pay workers 15 days salary for every year completed. In the NIMZ, an SPV will be setup and companies will buy insurance from it to pay workers 20 days of salary for each completed year.
- 2. <u>Sinking Fund:</u> As an alternative to the job loss policy.

Environment Protection in NIMZ

1. <u>Technology Acquisition and Development Fund (TADF):</u> This fund will be used to give incentives to SMEs to buy technology up to Rs. 20 lacs and offer a 10% capital subsidy for green technologies.

National Pharmaceutical Policy (Draft), 2011

- 1. It proposes to bring ~60% of the pharmaceutical market (up from current ~20%) under the controlled price regime through the National List on Essential Medicines (NLEM).
- 2. Its key principles are Essentiality of drug, Market based pricing and Control of Formulations only.
- 3. While staying 2002 Drug Policy, SC had asked government to come up with a policy to ensure availability of life saving essential drugs. Hence the market share and turnover based approach of 1994 policy is discarded and focus is on essentiality of drug.
- 4. Because formulations account for bulk of drug cost and are the key component, only they need to be regulated.
- 5. Instead of cost based pricing, market based pricing approach will be followed.

National Drug Policy, 1994

1. It allows for price control where the leading manufacturer has a turnover and a market share > the threshold. Then price is based on cost recovery model.

National Vaccine Policy (Draft), 2011

- 1. The policy envisions PPP as the way forward for the development of vaccines in India.
- 2. It makes it mandatory for the government to support developments with Advanced Market Commitments (AMCs) and honor those.
- 3. AMCs refer to commitment from government's side to the vaccine developer to give a pre or der to make sure he breaks even. The money is deposited upfront with the World Bank.
- 4. It also asks the government to take full responsibility of the Universal Immunization Programme so as to remove any uncertainties.

National Electronics Policy (Draft), 2011

- 1. To facilitate chip designing, fabrication and manufacturing by creating a world class Electronics Systems & Design Management (ESDM) industry.
- 2. To prefer domestic equipment in telecom industry.
- 3. To churn out higher number of PhDs in India in this sector.
- 4. To setup Electronic Manufacturing Clusters.
- 5. To create Brand India in electronics.
- 6. The aim is to have \$400 bio sector, \$100 bio investment and 30 mm jobs by 2020. Electronic Manufacturing Cluster Scheme
- 1. The proposed EMCs scheme would support setting up of both greenfield and brownfield EMCs. The assistance would be provided to a SPV only. The financial assistance to the SPV shall be in the form of grant-in-aid only. For Greenfield EMCs the assistance will be restricted to 50% of the project cost subject to a ceiling of Rs. 50 crore for every 100 acres of land. For Brownfield EMCs the assistance will be restricted to 75% of the project cost subject to a ceiling of Rs. 50 crore. The proposed scheme is expected to help flow of investment for the development of world-class infrastructure specifically targeted towards attracting investment in the ESDM sector.

National IT Policy (Draft), 2011

- 1. To increase revenues to \$300 bio and exports to \$200 bio and create 10 mm additional jobs by 2020.
- 2. Fiscal incentives to be provided to SMEs and startups.
- 3. Focus to increase market share in cloud computing and mobile based services.
- 4. Increase R&D and producing MORE PhDs.
- 5. Expansion of IT industry in tier II and tier III cities.

National Remote Sensing Data Policy, 2011

- 1. In the 2001 policy, satellite data of resolution 5.8 meters was available so as to protect sensitive areas from apps like google earth.
- 2. Now it has been decreased to 1 meter. For further resolution, clearance has to be obtained.

FDI Policy in Mining, 1999

1. 100% FDI other than diamonds and precious stones via automatic route and 75% for diamonds and precious stones. 100% FDI in metallurgical processes and 100% in coal plants for captive use.

National Water Policy (Draft), 2012 by Hashim Committee

Institutional Provisions

- 1. A national law on water should be there even though water is a state subject. It can give overarching framework.
- 2. Water should be properly priced along with electricity.
- 3. In any water project, investment funds and water charges should be used for maintenance. Maintenance should be specified in the contract itself.
- 4. All parts of the projects should be developed simultaneously.
- 5. Government's role should be shifted from provider to regulator and PPP should be emphasi zed.
- 6. Project benefactors should pay for rehabilitation of project affected families.

Environmental Provisions

- 1. Minimum water quality and sustenance of ecology should be clearly defined.
- 2. The ecological need of the river should be kept in mind rather than the minimum flow requirement.
- 3. Climate change scenario should be a part of water planning.
- 4. System of water footprint should be developed.
- 5. Multi purpose storage based projects should be encouraged.

Technological Provisions

- 1. Direct use of rainfall and avoidance of evapotranspiration should be encouraged.
- 2. Mapping of the aquifers should be done with periodic updating.

© Framework on Water

1. "Water" is placed in the Entry 17 of the State list. But the Entry 56 in Union list says that the regulation and development of inter state rivers would be under the central control to the

- extent allowed by a law made by the parliament (only). But the center has not made any law and the inter state water has remained in the domain of the states.
- 2. <u>Krishna dispute:</u> Krishna water disputes tribunal was setup but it has turned up into a war zone between the lawyers, bureaucrats and politicians of Maharashtra, Karnataka and AP.

Modifications in the Draft Policy

- The Draft National Water Policy (2012) inter-alia recommends that for the preemptive and high priority uses of water for sustaining life and ecosystem for ensuring food security and supporting livelihood for the poor, the principle of differential pricing may have to be retained. Over and above these uses, water should increasingly be subjected to allocation and pricing on economic principles.
- 2. The Draft National Water Policy (2012) recommends that there is a need for comprehensive legislation for optimum development of inter-State rivers and river valleys.

International Framework

Convention on the Law of the Non Navigational Uses of International Waters

1. India has not ratified this along with US, China, Canada and Australia.

National Narcotics Policy, 2012

- 1. The production of concentrates from poppy and other processed substances should be corporatized and privatized with government only acting as a regulator.
- 2. Satellite imagery should be done to prevent illegal poppy cultivation.
- 3. Anti-narcotics measures should be kept in line with international standards.

Supreme court

International Arbitration

- 1. The CJI has constituted a constitutional bench to examine the earlier rulings in international arbitration cases by SC.
- 2. The beginning is the Indian Arbitration and Conciliation Act, 1996. It has two parts part 1 applies to cases in India and part 2 applies to arbitration cases abroad and is compliant with international conventions.
- 3. However, in 2002, the court ruled that part 1 is also applicable to international cases giving Indian courts jurisdiction over international arbitration as well. It argued part 1 doesn't mention the word "only" (applicable to India). This decision was contrary to established international
 norms
 and
 was

counterproductive in creating an appropriate environment for businesses.

International Court of Justice

Selection Procedure

1. UN general assembly and the security council elect the judges. India's Nomination Procedure

1. Indian Chapter of Permanent Council of Arbitration recommends the candidate. Foreign ministry usually accepts it.

Gram Nyayalayas Act, 2008 was enacted by Parliament for establishment of Gram Nyayalayas at the intermediate Panchayat level with a view to providing access to justice to citizens at their doorsteps. The Act has come into force with effect from 2nd October, 2009. In terms of Section 3(1) of the Act, it is for the State Governments to establish Gram Nyayalayas in consultation with the respective High Courts. The Act authorizes the GramNyayalaya to hold mobile court outside its headquarters.

Ministry of Internal Affairs

Jammu & Kashmir

The 8-Point Plan (2010)

- 1. A group of interlocutors were appointed.
- 2. To release all youth detained for minor anti-establishment crimes like stone pelting and held under Public Safety Act.
- 3. To review deployment of army in the civilian areas and review notifications of the Disturbed Areas Act.
- 4. To compensate for people killed in civil violence.
- 5. To appoint one task force each for Jammu and Ladakh to assess their developmental needs.
- 6. To reopen educational institutions.
- 7. To provide additional central assistance to the state.

Special Industry Initiative Scheme

- 1. Under this Scheme, Himayat project was launched which gave training to 1000 school dropouts and got them placed in private companies.
- 2. Private companies like Wipro and HCL are also engaged in training vouth.

PM's Reconstruction Programme , 2004

1. The aim of the programme was to create infrastructure and civic amenities in Kashmir and thus create employment. But even after 7 years only one-third of the sanctioned amount has been utilized.

Interlocutors Report on J&K, 2011

Political Aspects

1. A pure return to pre-1953 situation (Delhi had control only over foreign affairs, defense, communications) is not feasible and instead a © committee should be formed to review all central laws imposed upon the state case by case which were extended after the 1952 Delhi agreement. It should remove those laws which encroach upon the autonomy of the state keeping sovereignty and

territorial integrity of India in mind. No further central laws should be extended to the state by a presidential order. Recommendations of such a © committee should be reached by consensus following which the president will have to issue an order. Then both houses of the parliament and the state legislature will have to ratify the order by a special majority for it to become effective.

- 2. Wording in Art 370 should be changed from 'temporary' to special as in Art 371.
- 3. The governor must be appointed by the President only from the 3 names suggested by the legislative assembly.
- 4. If the state government is dismissed under Art 356, then fresh elections must take place within 3 months.
- 5. Proclamation of internal emergency in the state must take CM into confidence.
- 6. Nomenclature of CM and governor (both in english and urdu) as existing should be retained.
- 7. Public Safety Act should be amended, Disturbed Areas Act notifications should be reviewed and AFSPA should be reviewed as well.
- 8. Negotiations with Hurriyat should begin at the earliest opportunity. Exchanges with PoK should be increased and LoC should be made irrelevant.
- 9. Separate Regional Councils for Jammu, Kashmir and Ladakh should be created and certain legislative, executive and financial powers should be devolved to them.

Cultural, Economic and Social Recommendations

- 1. An expert committee to review the state's financial needs should be constituted.
- 2. The central government should tap the hydro-electricity potential of the state.
- 3. Industrial establishments and other buildings occupied by the security officers should be vacated.
- 4. Financial package of incentives on the pattern given to the North Eastern States should be given to the state.
- 5. The hilly, remote areas should be declared as special development zones.
- 6. The restrictions on the internet and mobile phones should be reviewed.

Roadmap

1. The 'stone pelters' and political prisoners against whom no serious charges have been framed should be released.

- 2. There should an amendment and review of the Armed Forces Special Powers Act, 1990 and the Jammu and Kashmir Public Safety Act, 1978.
- 3. The state policy should provide for the return of Kashmiri Pandits.
- 4. A judicial commission to supervise the identification of bodies buried in the unmarked graves should be established.

AFSPA

Provisions

- 1. Criminal proceedings against Armed Forces personnel can only be carried out on the permission of Defence Ministry and that against the para-military personnel can be carried out on the permission of the Home Ministry.
- 2. AFSPA provides armed forces extensive powers including shooting to kill merely on grounds of suspicion and search and arrest without warrant on suspicion only. It was intended to give immunity to armed forces during their operations against any genuine mistakes. However it has been misused extensively in Kashmir even outside their duty.

Disturbed Areas Act (DAA)

- Only the parliament has the power to declare any territory as "disturbed" though
 in Kashmir both the Governor and the President have this power. The
 constitutionality of the act was challenged before the SC in a Nagaland case.
 SC rejected the contention of arbitrariness by saying that for declaring any area
 as "disturbed area", there must exist a grave situation of law and order.
- 2. Disturbed Areas Act (DAA) was enacted in 1990 was initially extended to Kashmir valley. AFSPA was also extended to fight militancy. Later various districts of Jammu were brought under it too.

Proposed Amendments

- 1. Establishing a proper grievance redressal mechanism to investigate genuine complaints.
- 2. Power to arrest without warrant to be taken away.
- 3. Immunity can't be invoked if death was due to armed forces opening fire first.

SC Judgement on AFSPA

1. It addressed the issue of need for sanction to prosecute Army officers under AFSPA. CBI claimed that the people who were killed were indeed victims of fake encounters. The CBI moved the court to initiate prosecution against the accused Army officers. The officers claimed that they could only be prosecuted with the prior sanction (permission) of the central government. It must be noted that Army officers can be tried either before criminal courts or through court-

- martial. The Army officers had appealed that both procedures require prior sanction of the government.
- 2. The judgment reiterated an earlier ruling. It held that sanction would not be required in 'all' cases to prosecute an official. The officer only enjoys immunity from prosecution in cases when he has 'acted in exercise of powers conferred under the Act'. There should be 'reasonable nexus' between the action and the duties of the official. The Court cited the following example to highlight this point: If in a raid, an officer is attacked and he retaliates, his actions can be linked to a 'lawful discharge of duty'. Even if there were some miscalculations in the retaliation, his actions cannot be labeled to have some personal motive. The Court held that the AFSPA empowers the central government to ascertain if an action is 'reasonably connected with the discharge of official duty' and is not a misuse of authority.
- 3. At what stage is sanction required? The Court ruled that under the AFSPA sanction is mandatory. But, the need to seek sanction would only arise at the time of cognizance of the offence. Cognizance is the stage when the prosecution begins. Sanction is therefore not required during investigation.
- 4. The Court ruled that there is no requirement of sanction for court-martial. If the Army decides on proceedings before the criminal court, the government will have three months to determine to grant or withhold sanction.

North East

Kuki Issue

Background

- 1. The Kuki tribe affiliated Sadar Hills Districthood Demand Committee(SHDDC) demands a Kuki majority district in Sadar Hills which is also claimed by Nagas as a part of 'Greater Nagalim'.
- 2. The Nagas claim that Kukis are later migrants and have no claim over Sadar Hill s. The seeds of the problem were laid by the British who settled Kukis in the Sad ar Hills in 1835-44 to counter the Nagas. On the Naga side, bigger interests are at stake since this is a way for Naga insurgents to keep Nagas mobilized.
- 3. Since 1990s there have been violent clashes between the two tribes and Kukis claim that they don't feel safe in even going to the district headquarters in the Naga dominated area and hence the demand for the separate district.

Recent Developments

- 1. The Kukis launched a blockade of Manipur to enforce their demands. Nagas started a blockade of their own.
- 2. The Manipur state government seems to have worsened the problems by signing a pact with SHDDC only assuring them of the separate Kuki district. The United Naga Council imposed a blockade on Manipur against the pact of the Manipur government with the Kukis after which Chidambaram gave assurance

that Manipur government will not be allowed to take any unilateral decision. As a result, the Kukis have threatened to carry out their own blockade if their pact with the Manipur government is not executed.

Government's Initiatives for Manipur's Development

- 1. The funds devolved on Manipur by 13th Finance Commission were twice that of the previous five years.
- 2. Airport, power and railway projects are on.
- 3. Elections to the local tribal councils were held after 20 years.

Kuki National Organization

1. It has been active in Manipur. 2 of its factions United Tribal Liberation Army and Pakan Reunification Army laid down arms in 2012.

Karbi-Anglong Issue

- 1. United People's Democratic Solidarity (UPDS) used to fight earlier but in 2002, it gave up violence. A tripartite agreement to settle the Karbi Anglong District issue. According to this agreement,
- 2. More autonomy would be given to the Karbi Anglong Autonomous Territorial Council by transferring of subjects from Assam Legislative Assembly to the Council.
- 3. The Council will agree to modern financial management and auditing norms. The size of the council will be enlarged from 30 to 50.
- 4. The Government will give it a package of \$70 mm over next 5 years.

United Liberation Front of Assam (ULFA)

- 1. ULFA ran a parallel government in Assam until 1990 when the government launched full scale army operations against it. The operations against it was called Operation Bajrang and followed by Operation Rhino.
- 2. Today, despite a split in ranks and weakened infrastructure, they continue to exist and carry out bomb explosions in Assam and border states together with NDFB.
- 3. First Suspension of Operation (SoO) agreement signed with ULFA in September 2011.

Naga Accord

- 1. The National Socialist Council of Nagalim (NSCN IM) has given up the demands of sovereignty and a contiguous area of Greater Nagalim incorporating all Naga inhabited areas (spreading into Assam, AP, Manipur).
- 2. Instead it has settled for a special status within the © where no Act of parliament shall apply to the religious and social practices of Nagas, civil and criminal justice shall be governed by customary Naga traditions, ban on transfer of land to outsiders. A pan Naga social body shall be formed to protect the social and cultural interests of Nagas wherever they may be living. Both sides have also

- agreed on a separate flag for Nagaland, new names for its assembly and governor.
- 3. © will be amended to give Nagas more socio-political space without giving any territorial gains. Their insurgence leaders will be drawn into the political process and Naga fighters will be rehabilitated in the Indian army and state police.
- 4. A remaining issue is the pending criminal cases against the Naga leaders in Manipur and Assam.

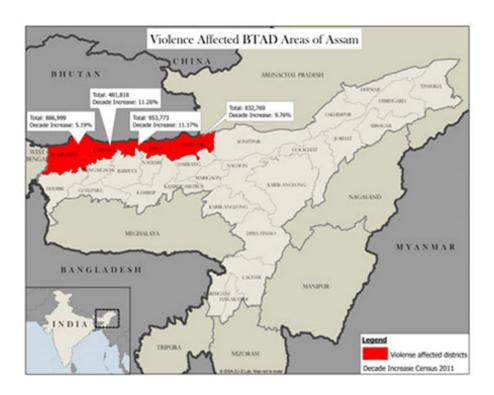
Bru Refugees

- Brus fled from Mizoram to Tripura in 1997 following communal tensions and are led by Bru National Liberat ion Fund (BNLF).
- Mizo government said it had no objection to return of bona fide Brus. So 3 batches of Bru came back but when the 4th one was coming back in June 2011, Mizoram government changed stance and asked for the payment of compensation first to the Mizo families.

Gorkhaland Territorial Administration (GTA)

- The GTA was formed as per a recent tripartite agreement between Gorkhaland Janmukti Morcha (GJM), the Union government and the West Bengal government. It replaces the Darjeeling Gorkha Hill Council (DGHC) formed by an agreement in 80s.
- A faction of Adivasi Vikas Parishad (AVP) has decided to join GJM in forming GATA. Earlier they had objected to areas of Terai and Dooras regions to be give n to GTA but now with the AVP coming with GJM the issue seems to have been resolved.
- 3. The West Bengal government earlier set up a three member committee for fact verification of the Sen committee report on the question of inclusion of areas from Dooras and Terai in the Gorkha Territorial Agreement (GTA). Sen committee had recommended inclusion of two maujas from Jalpaiguri and three from the plains of Darjeeling district be given to GTA instead of the 400 maujas demanded. This was accepted by GJM. Elections were held and Bimal Gurung of GJM became the head.

Bodo Issue - Kokrajhar Violence



Factors / Background

- 1. Bodos were the original inhabitants and used to practice shifting cultivation and thus much of the land was 'unclaimed' as per £ policies. Then they settled Santhals here and then partition happened and then the slow illegal immigration. Bodos got integrated in the state society and became politically dominant.
- 2. Bodos comprise 29% of the population, Santhals 6%, Bengalis 12%, Rajbonshis 15% and remaining are immigrants. The Bodoland Agreement gave political supremacy to the Bodos but they fear losing it (and becoming a 'minority' in their own land) in the wake of growing strength of (illegal) immigrants. There is a perception of massive immigration and political empowerment of the muslims and Assam government manipulating Muslims.
- 3. The contest is also over land where the 1993 Bodoland Accord no outsider could get Bodo land. But the lack of land holding records mean that such a system can not be implemented and rival claims arise. Thus land holding records need to be maintained.
- 4. Existence of violent armed groups of Bodos like NDFB. The Bodo demand has ranged from statehood to outright sovereignty and militancy since early 60s and peaking in 80s and 90s. The biggest ethnic conflict was the Nellie conflict of 1983 where more than 5000 people were killed.
- 5. Bodo area is already a 'disturbed area' and thus army units are stationed there. But the local and state administration didn't call them and they had to wait until MoD issued orders.

Bodoland Territorial Council Accord, 2003

 It was signed between the militant Bodoland Liberation Tigers (BLT) and the state + the central governments. This accord has become the bone of contention between the Bodos and non Bodos now. It setup the Bodoland Territorial Administered Districts (BTAD) over 4 districts.

- 2. The 2003 Accord, which created the Bodoland Territorial Council, recognized the political primacy of the Bodos in its area was viewed as just by the Bodos but with suspicion by non Bodos. The non Bodos (mainly immigrants) also think that the decision to include many minority Bodo areas (and where they were in majority) into the BTAD was unjust.
- 3. Moreover it has been unsuccessful in dealing with the conflicting claims of landownership. The Accord seeks to protect the land rights of the Bodos while allowing the settler Muslims to freely acquire land at the same time. In the absence of land ownership records this has created complications.

1985 Rajiv Gandhi Accord

- 1. This was done with the local student leaders and it talked of detection, deletion and deportation of illegal migrants as well as complete fencing of borders with Bangladesh.
- 2. But the same student leaders formed AGP, came to power from 1985 to 1991 and did nothing.

National Democratic Front of Bodoland

- 1. They want a sovereign Bodoland north of Brahmaputra and used to operate out of terrorist c amps in Bhutan. But Indian Army destroyed these camps.
- 2. A ceasefire was signed with NDFB in 2005 but it was broken within an year. Their top leader was killed in 2010 and they killed 19 people in retaliation.

Left Wing Extremism

Bal Bandhus

- recall the wonderful work of a dedicated and handpicked group of young people, with leadership qualities, for child rights in nine blocks of five states where red terror had crippled these rights
- They were called Bal Bandhus or friends of children
- three years under a pilot project of the National Commission for Protection of Child Rights (NCPCR), supported by the Prime Minister's Fund. Beginning cautiously, the programme mobilised the community on child rights, and gave it confidence to access institutions and entitlements for children such as healthcare, anganwadi facilities, schools and ashramshalas. With vigilance and tracking of every child in the block, they prevented children's recruitment to the Bal Sanghams, the youth cadre of the insurgents.
- Why it is worth recalling the work of the Bal Bandhus is the manner in which they had won the confidence of the insurgents. Though the Naxals watched the movements of these young grassroots leaders of 18 to 30 years closely some were taken away, held captive and questioned they realised the good they were doing for the most deprived groups of children and allowed them to work. By disbanding the 200 Bal Bandhus and their 20 mentors, the country has lost a specially trained cadre of young people with proven leadership qualities and the courage to work in

difficult areas. Considering the spread of Naxalism and the children's ability to work quietly, in consonance with the community, it seems a shame to lose their support. Good social sector projects that ensure equity in backward, terrorist-affected areas need support.

· Work done by them

Working with the community, Bal Bandhus ensured schools and anganwadis functioned and teachers and health workers delivered. Misappropriation of food meant for children was stopped. They ensured children received their books and uniforms, schools started on time and parent-teacher meetings were institutionalised. Teachers were charging admission and exam fees and asking for bribes to release transfer certificates. Bal Bandhus ensured return of such money.

With support from mahila samoohs, they brought back to education children sent to work or trafficked because of poverty. They were able to check child marriages. In Naxal areas, if a girl is not in school, parents feel compelled to marry her off. In Patahi block in East Champaran alone, 38 child marriages were averted.

Cobra Battalions

1. COBRA (Commando Battalion for Resolute Action) is a specialized anti-LWE unit created by CRPF. They are the only unit specifically trained in guerrilla warfare.

Integrated Action Plan (IAP)

- 1. Some tribal LWE affected districts were identified and money was given to them to take up any project demanded by people.
- 2. Projects are cleared by Collector, SP and Forest Officer. So far 70,000 projects have been notified worth \$700 mm out of which 45,000 have been completed.
- 3. Suggestions have been made to make it block bases instead of district since in some specific districts only some blocks may be affected and not entire district and also to involve local political bodies.
- 4. Monitoring of schemes to be done by the Planning Commission.

Police

Indo-Tibetan Border Police

1. Its job is to check illegal immigration and cross border crimes on Indo-Tibetan border.

Territorial Army

1. It is designed as low cost secondary force to be used in times of emergencies only. Normal citizens receive training (initial + annual) and are called upon only in emergency times.

Sashastra Seema Bal

1. It was created after 1962 war and its job is to keep the morale of the border people high.

Citizens

<u>Census 2011</u>

- 1. Lowest population state: Sikkhim.
- 2. Lowest population UT: Lakshadweep.
- 3. Lowest population growth state: Nagaland.
- 4. Lowest population growth UT: Lakshadweep.
- 5. Highest population growth state: Meghalaya.
- 6. Highest population growth UT: Dadra & Nagar Haveli.
- 7. Highest density state: Bihar.
- 8. Lowest density state: Arunachal Pradesh.
- 9. Lowest density UT: Andaman & Nicobar.
- 10. Highest female literacy: Kerala.
- 11. Lowest female literacy: Rajasthan.
- 12. Highest male literacy: Lakshadweep / Kerala.
- 13. Lowest male literacy: Bihar.
- 14. State / UT with highest proportion of SC: Punjab / Chandigarh.
- 15. State / UT with lowest proportion of SC: Mizoram / Dadra and Nagar Haveli.
- 16. State / UT with highest proportion of ST: Mizoram / Lakshadweep.
- 17. State / UT with lowest proportion of ST: Goa / Andaman & Nicobar Islands.

Center State Relations

- Q. Bring out the role of state finance commissions in India, with particular reference to the rural economy (2011, II, 20)
- Q. Delineate the role of the district planning committee. (2010, II, 15)

Intelligence Agencies

Lawful Interception Monitoring Rules, 2012 (Chandrashekhar Committee)

- 1. 9 agencies are allowed to lawfully monitor information including narcotics, ED, RAW, IB, CBI, CBDT.
- 2. The responsibility to maintain data security will be that of service provider. Any act of theft even by employees will be their responsibility.

Indian Telegraph Act / Telecom Interception Laws

- 1. During the Mumbai attacks, RAW tapped into electronic conversations of the terrorists. But because there is no law backing it, such tapping is not permissible in a court of law as evidence. Hence the need to give it legal powers to do so.
- 2. It can ask home secretary for permission to snoop. Even without permission, it can snoop for 72 hours. If the permission is not granted, it has to destroy all such records in 48 hours. If the Home Secretary grants the permission it can snoop for 60 days and can get another 60 day extension.

Right to Privacy (Draft) Bill, 2011

- 1. It gives protection from identity theft both criminal identity and financial identity.
- 2. It prohibits interception of communication except on sanction of a Secretary level officer.
- 3. A Central Communication Interception Review Committee will be setup to review the interception orders sanctioned.
- 4. There will also be a Data Protection Authority to ensure the privacy of online data.

Intelligence Services (Powers and Regulations) Bill, 2011

It gives statutory validity to IB, RAW and NTRO which were created by executive order and intends to regulate them. But its provisions are very vague in defining the functions and mandates of the agencies.

- 1. It doesn't define the functions of RAW (that its job is intelligence gathering). RAW has to act in "interests of national security". IB has to gather intelligence "for the economic well being of India" and to "aid other law enforcement agencies". NTRO has to collect data for aid of "law enforcement agencies". The kind of technology used is left to NTRO's discretion violating privacy rights. Any law enforcement agency can request NTRO to monitor communications without the need of any warrant.
- 2. Warrants to search property or data interception can be obtained simply on the ground that it "may yield substantive information". Fishing expeditions involving illegal searches and data monitoring can be carried out knowing that approval can always come later if anything substantial is found. Such a language is copied from the British intelligence agency act which was repealed in 1994 and replaced it with "action proportionate to the goal" principle.
- 3. An oversight committee is formed but PM is present in it, the agencies can delete portions from the reports it shows to this committee which are deemed "classified", the committee can submit its report only to the PM and PM can withhold any information before presenting it to the parliament. Its mandate too is very narrow to see only that the agencies comply wit the policies laid down.
- 4. The Intelligence Lokpal will report directly to PM!
- 5. The National Intelligence Tribunal can view warrants, authorizations etc and order redress for civil liberty violations but it too reports to the PM. The PM also determines its funds and staffing. The staff allocated too isn't under the full control of the tribunal.

Defense

Pragati

- India has developed a <u>new tactical surface-to-surface missile</u> 'Pragati' with a range between 60-170 km.
- The government has approved that it may be offered to friendly countries if anyone shows interest in it.
- The new missile is based on the <u>Prahaar missile developed</u> by the DRDO for the Army and can be termed
 as its <u>export variant</u> with minor differences.
- Pragati like Prahar also depends on an indigenous ring laser gyro based inertial navigation system that
 can receive GPS updates to remove accumulated errors.

- Hindustan Aeronautics Ltd. delivered the first Hawk Mk-132 advanced jet trainer aircraft to the Indjan Navy.
- Hawk MK 132 is the latest entry into HAL-made and maintained aircraft and helicopters of Indian Navy which include Kiran and Do-228 aircraft, Advanced Light Helicopter (ALH), Chetak and Cheetah helicopters.
- The Hawk Advanced Jet Trainer is a dual seat multi-purpose aircraft powered by a single Rolls Royce
 Adour Mk.871 engine
- The Hawk AJT is primarily used for basic, advanced and weapons training of the pilots.
- However, the aircraft has the capabilities to be used as a ground attack aircraft or for air defence.
- The Hawk AJT has <u>excellent flying characteristics</u> with good stability. It can be flown at night and can
 perform wide range of aerobatic manoeuvres.

Precision-Guided Munitions (PGMs)

- Precision-Guided Munitions (PGMs) are miniaturized missiles with small seekers, actuators and on-board computers and will be integrated with tactical missiles having a range of 100-200 km.
- PGMs could prevent collateral damage while attacking multiple targets in a war scenario with sub-metre
 accuracy.
- PGMs could be integrated with a surface-to-surface missile or an air-to-surface missile.

Why is it in news?

- The Defense Research and Development Organization (DRDO) will complete the technology demonstration of an ambitious project to fire hi-tech Precision-Guided Munitions (PGMs) from a mother missile at various targets simultaneously.
- After technology demonstration, the first test fire of a 200-km tactical missile to launch the PGMs is projected to be carried out in 2 years.

Nirbhay

- All-weather low-cost medium-range cruise missile with stealth and high accuracy.
- Range of 1,000 km.
- It will carry a ring laser gyroscope for high-accuracy navigation and a radio altimeter for the height determination.
- Capable of being launched from multiple platforms on land, sea and air and shall be inducted into Indian Navy, Army, and Air Force.
- Capable of carrying nuclear warheads.
- Capable of flying at different altitudes ranging from 500 m to 4 km above the ground.
- Good loitering capability, control and guidance with high degree of accuracy for maximum impact.

How is it different from AEW&C system?

- AWACS is a heavier and high endurance system, which can give you in terms of coverage about 360 degrees as against AEW&C which is about 270 degree coverage.
- AWACS flies at a higher altitude and it can penetrate into the enemy territory by way of radars and EW
 (electronic warfare) systems to longer distances and it can be in sky for larger durations, besides giving better visibility.

Wankel

- India has developed its own propulsion engine 'Wankel' for future UAVs (Unmanned Aerial Vehicles).
- The Wankel engine is a type of internal combustion engine using an eccentric rotary design to convert pressure into a rotating motion instead of using reciprocating pistons.
- The 55-hp engine is developed by three national research agencies National Aerospace Labs, Aeronautical Development Establishment, and the Vehicle Research and Development.
- Wankel will be used to power the home-grown UAVs Nishant, Lakshya and Rustom-1 and 2 versions
 used to observe and survey border areas.
- . The engine weighs about 30 Kgs, and is known for its high power to weight ratio in single rotor category.
- The engine can also be used for powering smaller air vehicles, automotive, outboard motors, and Industrial applications.

Pressurised Water Reactor (PWR)

- PWR is a light water reactor using ordinary water as the coolant and moderator.
- The PWR has a primary coolant circuit with water circulating through the reactor core at high pressure above 150 bars (1 bar = 100 kPa) to extract the heat generated by nuclear fission.
- The water then passes through steam generators to deliver heat to the secondary circuit.
- The steam generator produces steam on the secondary side to drive the turbine and generator.
- Water in the primary circuit is maintained at a high temperature of over 300 degree C under high pressure of above 150 bars to prevent it from boiling.

Defence Administrative Issues

Private sector participation issues

- 1. The definitions of defence products are not standardize. Multiple lists exist for item classifications. Further services are not included in definition of defence industry.
- 2. Standard norms don't exist for measurement of FDI in defence. If a company with 49% foreign stake invests 50% in another company, then there is confusion whether it amounts to FDI at all or 49%*50% FDI.

Defence JV Policy

Objectives

- 1. To speed up the defence equipment manufacturing process by increasing private sector participation.
- 2. To gain access to foreign technologies.

Limitations

1. FDI in defence is 26%. What foreign firm will give its sensitive technology for a 26% stake.

- 2. Defence PSUs (DPSUs) can invest only up to 15% of their net worth (subject to some ceilings for Navaratna and Maharatna companies) in the JV. Given the restriction on FDI of 26%, a JV with a foreign firm means that this 15% of net worth should constitute minimum 74% of the JV. This means size of the JV will be extremely small and no meaningful JV can be established.
- 3. While outsourcing work to JV, DPSU also has to maintain in-house capabilities. JVs can't compete for orders on their own, so their only function is to handle outsourced projects. Why would it outsource if it has to maintain in-house capabilities.
- 4. Orders to DPSUs are given on a non-competitive basis. Currently JVs are envisioned so that they clear their backlog. But if they clear the backlog then this will give an encouragement to non-competitive policy for giving orders.

State of Defence Procurement

- Only half of the 155 mm Bofors guns are working. Efforts to procure new have failed so far because (a) Army floated tenders with unreal requirements and no supplier could qualify.
 (b) Some of the leading suppliers like Singapore Kinetics have been black listed. (c) Delhi High Court blocked a purchase deal for 145 mm guns by £ BAE Systems.
- 2. The main battle tanks are all gone. Army wanted T-90s but most of these had to be Indian made under technology transfer. Indian made tanks are much behind the schedule. Arjun tanks are junk. Indian made 125 mm barrel explodes while firing.
- 3. Even in basic equipment like helmets, night vision, bullet proof vests, rifles Army is well short of capacity.

Chandra Task Force on Defence Procurement

- Currently the CMDs of state owned suppliers like DRDO, BEML etc. also sit on the board which overlooks the entire procurement procedure from the start till end. There is clear conflict of interest in such suppliers sitting on the procurement board. The task force has recommended that it should be changed. This also creates a distorted playing field against the private sector suppliers.
- 2. The procurement process should not be confined to MoD and should involve other ministries like MoEA also.
- 3. The procedure of blacklisting should be revisited and instead a system of graded penalties should be introduced with blacklisting being used only sparingly.

Chandra Panel Report on Security

- 1. It viewed the recent controversy between the general and the MoD as a symptom of communications breakdown and asks for greater participation of defence forces in MoD at higher posts from secretary level to director level.
- 2. It asks for minimizing overlaps and turf issues between various intelligence agencies. It suggested creating a unified post of Intelligence Advisor functioning under cabinet secretariat.

- 3. It asks for integrating the functioning of crucial sectors like high end technology and energy which currently fall under various ministries. So it suggests setting up separate empowered councils for such issues.
- 4. Cyber security should be treated in an integrated fashion as well with the help from private sector.

Chandra on CoSC

- 1. The Task Force has recommended the appointment of a permanent Chairman of the Chiefs of Staff Committee (COSC). Most major democracies follow one of two models for their higher defence management. US follows the 'Joint Chiefs of Staff Committee' model (CoSC), while UK, France, Canada and Australia follow the 'Chief of Defence Staff (CDS)' model. These systems do not in any way curtail the right of the individual service chiefs to approach government directly on matters of importance to them.
- 2. In US the Chairman of the Joint Chiefs of Staff is the principal military adviser to the President. He undertakes his functions, which is primarily advisory in nature, in consultation with the service chiefs. He has no operational role, which is the responsibility of combatant commands. The 'CDS' model, on the other hand, is a system wherein the Chief of Defence Staff has both operational and advisory roles. The CDS is normally the senior most officer of the armed forces.
- 3. The reports in fact indicate that the appointment is being created 'without affecting the autonomy of the chiefs', that is to say there are no structural reforms of consequence being recommended.

Air Force

NEW DELHI: India's biggest defence project in the making, the critical joint development of the fifth-generation fighter aircraft (FGFA) with Russia, has flown into some rough weather.

Defence ministry sources said the inking of the final design and R&D contract for the stealth fighter has been hit by a huge delay, with Russia also jacking up costs for the futuristic project. "It's very unlikely the FGFA final design contract will be concluded in the 2013-2014 fiscal," said a source.

This contract was to be inked in 2012 as per the then revised timeline after completion of the preliminary design contract (PDC) phase. India will eventually end up spending close to \$35 billion over the next two decades to induct over 200 such "swing-role" fighters.

The plan till last year was that India would begin inducting the FGFA from 2022 onwards, with IAF test pilots getting three prototypes in 2014, 2017 and 2019 for trials at the Hindustan Aeronautics manufacturing facility at Ozar.

"The timeframes will now have to be revised. MoD has established a committee of specialists

and finance officials to verify the rise in costs. An internal contract negotiation committee is also in progress," said the source.

But India remains firm about rejecting the US offer for joining its Joint Strike Fighter (JSF) or the F-35 'Lightning-II' programme. "A lot of money and time has been invested in the FGFA with Russia. India simply cannot afford two FGFAs, both financially as well as logistically" he said.

The 18-month PDC worth \$295 million for the FGFA with Russia was inked in December 2010, under which Indian designers and scientists have even been stationed in Russia to work out the blueprints and documentation for the fighter.

Though the Indian "perspective multi-role fighter" will be based on the Russian single-seat FGFA called Sukhoi T-50 or PAK-FA, which now has four prototypes flying, it will be tweaked to IAF requirements. IAF had initially pitched for 166 single-seat and 48 twin-seat fighters but will go for only single-cockpit jets now to reduce costs as well as protect stealth features.

The final design contract now being negotiated was pegged at \$11 billion, with India and Russia sharing \$5.5 billion each towards the cost of designing, infrastructure build-up at Ozar, prototype development and flight testing. Each fighter was to cost over \$100 million.

IAF is quite confident the T-50 will meet its future requirements. Apart from ultramanoeuvrability and supersonic cruising ability, the FGFA will carry its weapons inside the fuselage to lower its radar signature. With a cruising speed of Mach 1.7 to 1.8, it has both long-range strike and high-endurance air defence capabilities.

IAF is currently making do with just 34 fighter squadrons (each has 14 to 18 jets) despite needing at least 44 to keep both Pakistan and China at bay. It's banking upon the ongoing induction of 270 Russian Sukhoi-30MKIs for around \$12 billion as well as the early inking of the almost \$20 billion project to acquire 126 French Rafale fighters to plug operational gaps till the FGFA becomes a reality.

National Missile Defence

- 1. It consists of 2 stages Prithvi Air Defence (for high altitude missile busting) and Advanced Air Defence (for low altitude missile busting). It can intercept missiles launched from up to 2000 kms and is being upgraded for 5000 kms by 2016.
- 2. It can cover only 2 cities in India. It is comparable to US Patriot system which was demonstrated in 1990 Gulf war. So far 4 tests have been carried out and all have been successful.

UAV

- 1. UAV Rustam1 is a part of the Medium Altitude Long Endurance UAV (MALE UAV) series and can be used for reconnaissance, intelligence gathering etc.
- 2. UAV Lakshya II is capable of flying at an altitude of 12 m.

Anti-Air Systems

- 1. First indigenous Airborne Early Warning & Control System (AEW&CS) has been tested. This aircraft has a radar to survey the skies and will undergo further tests for 2 years in Brazil.
- 2. Akash Missile: It is an anti-air system with a radar which guides the missile to the target. It has a range of 25 km. Its highly maneuverable, easy to fire and like US patriot missile.

Super Hercules Tactical Aircraft C-130J

- 1. 6 transport aircrafts will be purchased from the U.S. in a \$1 billion deal with Lockheed Martin.
- 2. It has an infrared detection set (IDS) with which it can carry out operations in blackout conditions something which IAF lacks.
- 3. It performs the tactical portion of an airlift mission. The aircraft is capable of operating from rough, dirt strips and can be used for air lifting troops.

Helina Missile

- 1. It is a helicopter fired anti-tank missile. A variant of Nag missile.
- 2. It has an infrared sensor and can track and destroy a tank up to 4 km away.

Navy

Nuclear Submarine

- 1. INS Arihant, India's first indigenous nuclear submarine, is undergoing sea trials (which take 12-18 months). It is a S-2 class submarine.
- 2. It forms an integral part of India's aim to attain nuclear launching capabilities from water through its K-15 missiles which have a range of 700 km.
- 3. After this India will develop S-3 and S-4 class submarines but these are old technology submarines and cannot act as a deterrence to China for which S-5 class submarines are needed which are at least 2 decades away.
- 4. INS Chakra or Nerpa submarine has been taken from Russia on a 10 year lease.
- 5. It cannot be used in combat and is to train Indians to use nuclear submarine specially when multiple nuclear submarines are expected to be inducted in navy in next decade.
- 6. Hiring a training submarine when the S-2 submarine is already at the sea trial stage makes little sense.

K-15 / Sagarika Missile

1. It is a submarine launched version of Prithvi missile and is capable to hit 700 km. It is a 2 stage missile - first stage propels it through water up to a height of 5 km and second carries it through rest of the journey.

Shivalik Class Ship Programme

1. They are multi role frigates (fast ships used for bombarding) with stealth features.

2. INS Shivalik, Satpura and Sahyadri are a part of the Programme.

INS Tarkash

 It is a multi role stealth frigate procured from Russia. The other 2 such frigates are Teg and Trikand. It is equipped with Brahmos missiles which are more potent than the Club N missiles on the earlier frigates.

Dhanush

- Dhanush is a variant of the surface-to-surface Prithvi II missile, which has been developed for the Indian Navy.
- It is capable of carrying both conventional as well as nuclear warheads with pay-load capacity of 500 kg and can strike targets in the range of 350 km.
- The Dhanush missile can be used as an anti-ship weapon as well as for destroying land targets depending on the range.

Fast Attack Crafts

- 1. It is a water jet propelled vessel, hence has high maneuverability and speed.
- 2. So it can be used in anti-piracy operations and low intensity conflicts.
- 3. INS Kabra, 8th in a series of 10 Car Nicobar Class Fast Attack Crafts was commissioned.
- 4. It was built by Garden Reach Shipbuilders & Engineers (GRSE) in Kolkata.

LCA Tejas

- 1. Tejas is a lightweight multi-role fighter developed by India to replace the aging MiGs.
- 2. It can be used to bomb ground targets, fight air-to-air combats and in extreme temperature conditions.

Anti-Submarine Warfare Corvette Programme

- 1. An Anti-Submarine Corvette's role is to protect other ships from submarine attacks. It is a fast, stealth ship which can hunt submarines using its torpedoes, rocket launchers and helicopters.
- 2. The programme includes 4 ships out of which first two are INS Karmota and INS Kadmatt.

Baaz - Naval Air Station

- It was inaugurated at the Great Nicobar's Campell Bay as India's southernmost and easternmost naval air station. Indian media reports have drawn attention to the new naval air station's role in "countering China's moves" and keeping an "increasingly assertive" China in the Indian Ocean region under check.
- 2. Indira Point is about 90 nautical miles from Indonesia's Banda Aceh. INS Baaz falls under the Andaman and Nicobar Command (ANC), India's first integrated air and sea command. The setting up of Baaz must be seen in the context of the eastern command and increasingly the ANC as the focus for India's strategic concerns, whereas in the past the navy's western command was considered as its sword arm. Hitherto, Carnic Island was the Navy's forward operating base in the region. Baaz, 300 nautical miles south of Carnic Island, will now become the new forward operating base.

- 3. Baaz overlooks the Six Degree Channel, a strip of water separating India's Great Nicobar from Indonesia. Much of international shipping entering or leaving the Malacca Strait must pass through this channel.
- 4. At present, Baaz is equipped to operate light to medium-sized aircraft capable of short-field operations from its kilometer-long runway. There are plans to nearly double the runway length. The air station will soon start operating heavier military planes from the Indian Air Force fleet, such as the just-inducted Hercules C-130J Super Hercules meant for Special Forces' operations. Baaz will guard against piracy. Baaz will also enhance India's capacity to monitor its 600,000 sq km of exclusive economic zone (EEZ) in the Andaman and Nicobar region.
- 5. In April this year, India commissioned INS Dweeprakshak a new naval base at Lakshadweep Islands in the Arabian Sea. Dweeprakshak and Baaz will now act as India's western-most and eastern-most sentinels situation on its territory.

Coastal Security

During the last four years, the Indian government has made concerted efforts to build a robust coastal security mechanism. To begin with, the existing multilayered patrolling and surveillance arrangement have been furthered strengthened. The Indian Navy has been brought into the folds of the coastal security mechanism and entrusted with the overall responsibility of maritime security including coastal and offshore security. The Indian Coast Guard has been assigned the additional responsibility of patrolling the territorial waters as well as coordinating between the central and state agencies. The procurement and recruitment plans of the Indian Navy and the Indian Coast Guard have been approved and funds sanctioned to provide both these services with additional manpower, assets and infrastructure thus enhancing their capabilities.

For patrolling shallow waters, the Marine Police have been raised in the coastal states and union territories and these have been equipped with interceptor boats and other assets under the Coastal Security Scheme. Phase I of this scheme has been completed with the setting up of 73 coastal police stations, while Phase II is under way as part of which an additional 131 coastal police stations will be established. The Indian Customs, which patrols the sea up to 24 nm to prevent smuggling, has also been brought under the coastal security mechanism and is being provided with additional manpower and interceptor boats. An informal layer for surveillance comprising fishermen and coastal villagers has been added and institutionalised. These fishermen and villagers are organised into groups (*Sagar Suraksha Dal* and *Gram Rakshak Dal*) and trained to keep a vigil at sea as well as along the coasts.

In addition, for protecting naval bases and adjacent strategic installations, a specialized force (*Sagar Prahari Dal*) consisting of 1000 personnel equipped with 80 interceptor boats is being raised by the Indian Navy. The physical security of India's major ports is being ensured through the deployment of the Central industrial Security Force (CISF), whose personnel have been trained in seamanship to handle any threat from the seafront.

For achieving near gapless surveillance of the entire coastline as well as preventing the intrusion of undetected vessels, the Coastal Surveillance Network project is being implemented. This project aims at providing real time surveillance up to 25 nm into the sea and involves the setting up of 46 static radars along the coastline – 36 in the mainland and 10 in the island territories. Phase I of the project is nearing completion; the installation of radars in the mainland will be completed by the end of November 2012, while those in the island territories are expected to be installed by March 2013.

Army

Heli<u>copter</u>

1. Rudra is the light helicopter armed with weapons able to strike ground units including antitank missiles.

Prahaar Missile

- 1. It is a guided, surface to surface missile with range up to 150 km. It fills the gap between Pinaka the rocket launcher which can hit up to 50 km and Prithvi which can hit 250 km.
- 2. Its launcher is multi-barreled and can launch multiple Prahaar missiles like Pinaka.
- 3. Prahaar is a part of the 'Cold Start' doctrine of the Indian Army. So apart from accuracy, the missile also focuses on rapid response time.

Cold Start Doctrine

- 1. After the attack on parliament, Indian troops took 27 days to mobilize under Operation Parakram. This was painfully slow.
- 2. So the new doctrine of Cold Start was adopted where Indian Army along will Air support will mobilize quickly (within 72 hours) and launch offensives with armored corps and tactical missiles.
- 3. To counter this Pakistan tested Nasr missile which has a range of 45 km and is nuclear capable.

Shourya Missile

- 1. It is a canister fired surface-to-surface tactical missile with a range of 750 to 1900 km and is capable of carrying nuclear warheads crucial for our second strike capability.
- 2. It is the land-variant of K-15 missile which is launched under the water from the Navy's nuclear-powered submarine, Arihant.
- 3. It is stored in a composite canister, which eases storage, stealth, handling and transport. The missile can be launched from canisters mounted on a truck. It can be easily moved around.

Nirbhay Missile

1. It is surface to surface sub-sonic cruise missile equivalent to US Tomahawk. Its range is 750 km and it can fly @ low altitude.

Nag Missile

- 1. It is an anti-tank missile which tracks its target with 3 infrared sensor beams. The target has to be locked and after that it refreshes its location every 30 milliseconds. It has a 4 km range and there exists no other similar missile in the world.
- 2. It was supposed to be inducted in army in July 2010 but was delayed after army wanted a modification in the launcher. It is a multi-barrel launcher which can carry up to 12 missiles.

Pangarh Strike Corps Unit

- 1. A new unit of 89,000 personnel was proposed to be created in Pangarh, W Bengal to counter China's threat at a cost of \$13 bio.
- 2. But the finance ministry struck it down asking will China be a threat after 2 years?

Civilian Aircraft

India-Russia Cooperation

- 1. Russia has offered to coproduce various civilian aircrafts in India including Su100 Super jet and TU204.
- 2. Production in India will lower costs and help it to compete against Boeing and Airbus.

India's Indigenous Development Programme

- 1. It has run into administrative delays, deficient technologies and lack of proper infrastructure including ancillaries.
- 2. The Nair Committee submitted its report in June 2011 and recommended that India has capacity to build 90 seater civilian jet at a cost of \$2 bio.
- 3. A National Civilian Aircraft Development Authority should be setup to oversee the process.
- 4. But this proposal has met with resistance from Centre for Scientific and Industrial Research which wants to be the nodal agency for this project.

Nuclear

Nuclear Security

- 1. India has signed and ratified the Convention on the Physical Protection of Nuclear Material. This is the only legally binding treaty for the physical protection of civil nuclear energy facilities.
- 2. India has signed and ratified in 2007, the International Convention for the Suppression of Acts of Nuclear Terrorism which intends to facilitate cooperation among member countries to avoid a situation leading to nuclear terrorism.
- 3. It also supports the UN Security Council Resolution 1540 Committee.
- 4. India also signed an MoU with the US and Japan.

Nuclear Security Summits

2010 Washington Summit

1. The first one in 2010 succeeded in achieving a declaration that nuclear terrorism was a significant danger and strong nuclear security measures should be taken. India committed to opening a research centre for development of nuclear safety technologies.

2012 Seoul Summit

1. It calls for minimizing use of HEU and other radioactive sources for civil uses (except medical) as it can be diverted towards weapons.

- 2. It calls for improved nuclear forensics to trace the source of origin of nuclear material and nuclear transport. It calls for improving national security culture, information security.
- 3. It calls for better international communication in nuclear trafficking cases, speedy ratification of CPPNM, UNSC resolutions 1540 and 1877, and increased role of IAEA.

NTI Nuclear Material Security Report, 2012

Criteria

- 1. Quantity of fissile material and number of sites where it is stored.
- 2. Protective measures in place to secure it.
- 3. International commitments accepted.
- 4. Ability to implement such commitments.
- 5. Transparency, corruption etc.

Shortcomings

- One criteria is information disclosed. But more information can go contrary to nuclear security. Some countries don't disclose information on nuclear stockpiles for strategic reasons.
- 2. Selection of 1 kg limit is arbitrary when it could have relied on annexures to NPT.
- 3. It takes corruption as a factor when most nuclear installations are isolated from general governmental work.
- 4. It assumes not supporting Global Threat Reduction Initiative is bad. It is a US sponsored initiative and not all countries support it for their own reasons.

India's Nuclear Doctrine

- 1. India has taken voluntarily a moratorium on future test explosions.
- 2. India follows the principle of "no first use" of nuclear weapons. however, this principle has been modified subsequently where it now states that India will not use nuclear weapons first unless attacked with weapons of mass destruction (WMDs).
- 3. No Use on non nuclear states which is not aligned to any nuclear state.
- 4. India subscribes to the policy of minimum credible deterrence.

Nuclear Regulatory Bill

1. Council of nuclear safety -- PM + 5 cabinet minister. They will appoint the chairman of nuclear authority. can't go against international commitments.

CAG Report on AERB

- 1. It reports to DAE, isn't a statutory body and hence is not independent. Even after 3 decades of its creation, it is still to form a radiation safety policy.
- 2. NPCIL has not put up any decommissioning plans for any reactor. Its safety manual is only advisory in manual and hence AERB is powerless to enforce its implementation.
- 3. Over 90% of the x-ray units are not registered in the country.

Cyber Security

Types of Cyber Threats

1. Cyber war, cyber espionage, cyber terrorism and cyber crime. Indian response is CERT-In.

Corruption

Government Initiatives

- 1. India ratified the UN Convention Against Corruption (UNCAC). This requires it to pass a bill which makes the bribery of foreign public officials a criminal offense.
- 2. Bills like Whistle Blower (Protection) Bill, Citizen's Charter Bill and a bill to criminalize bribery in the private sector to be brought.
- 3. A 3 month deadline has been set to decide on the request by the CBI to prosecute higher public servants. Such a permission is sought under Delhi Special Police Establishment Act 1946 for charges against an officer of the rank of joint secretary or above.
- 4. Special Courts have been sanctioned to fast track CBI trials.

Lokpal Bill, 2011

- 1. Judiciary will be kept out of its purview. NGOs receiving money from abroad to come in its ambit.
- 2. It will see Group A and Group B staff. Lokpal can refer the cases against Group C employees to CVC and will have supervisory power in such cases.
- 3. It will provide for Lokayuktas in states on the Lokpal model.
- 4. Penalties for frivolous complaints will be 6 months and Rs. 5000.
- 5. The Selection Committee for CBI director will be 4 membered PM, Speaker, Leader of Opposition in Lok Sabha, CJI.
- 6. The Lokpal Committee will have 9 members and at least 50% reservation for SC/ST, OBC, women. It will be a constitutional body.
- 7. Lokpal will only have inquiry powers. After conducting the initial inquiry, it will refer the case to CBI and will have supervisory powers over such cases.
- 8. The PM is under the jurisdiction except in national security, foreign affairs and atomic energy related matters. Consent of 75% of the committee members is needed to carry out a n investigation against the PM.

Article 253 of the Constitution

1. It says that centre can make a law even on state list to enforce an international treaty. Since India has signed the UN Convention on Corruption, Lokayuktas law can be passed.

Grievance Redressal Bill, 2011

- 1. It would cover the functioning of lower level executive like panchayat, central government officers, police, Central PSUs etc.
- 2. It would provide a model to states to base their own bill on.
- 3. Each department would publish a citizen charter and would address grievances within 30 days.
- 4. Each department will have a Grievance Redressal Officer who will act on such complaints.
- 5. On failure of the department to act, an appeal can be filed to the higher authority. If the complainant is dissatisfied with the decision of the designated authority, he can approach

the Public Grievances Redressal Commissions both at state and central level which will have the authority of a civil court. The final appellate body will be the Lokpal / Lokayukta.

Prevention of Bribery of Foreign Officials Bill, 2011

- 1. Any person holding a public office of a foreign country found accepting or giving bribe to secure a contract in India would be liable to be punished in India.
- 2. Even the "abetment" of such offenses would be a criminal offense. It is an extraditable offense.