

1. What is the mandate of the National Investigation Agency (NIA)? Do you think India's federal polity creates a hindrance in the effective working of the NIA?

Introduction

Due to complex inter-State and international linkages, and possible connection with other activities like the smuggling of arms and drugs, pushing in and circulation of fake Indian currency, infiltration from across the borders, etc, there felt a need for setting up of an Agency at the Central level.

After 26/11 Mumbai attack, government enacted NIA act on 31st December 2008 which gave birth to national Investigation agency which is presently functioning as premier central counter terrorism law enforcement agency in India.

Body

Mandate of the National Investigation Agency

- To investigate serious offences related to terrorist activities affecting the sovereignty, security and integrity of the Country.
- To investigate terror crimes relating to Indians and Indian interests abroad.
- To investigate and prosecute offences against atomic and nuclear facilities.
- The NIA (Amendment) Act, 2019 gave additional mandate to NIA to investigate the offences related to Human trafficking, Offences related to counterfeit currency or banknotes, Manufacture or sale of prohibited arms, Cyber-terrorism, and Offences under the Explosive Substances Act, 1908.

Although States machinery has helped in free and fast investigation by NIA, Amendment in NIA act has steered certain debate. The State of Chhattisgarh had filed a suit under Article 131 challenging the NIA Act itself.

- **Issue with division of power:** Although 'national security' security comes under central list and criminal laws come under concurrent list, NIA directing polices forces does not go well with sates as maintenance of public order and police forces come under state list.
- **Politicization:** It has been repeatedly seen that the functioning of the investigation and prosecution agencies depend on political mandate. This raises serious doubts on the credibility on national institutions.
- **Undue Delay:** NIA act does not compel state government to provide report on a Scheduled Offence to Central government in a short or fixed interval, this may cause undue delays.
- **Limiting scope:** The NIA is not empowered to investigate a number of interstate and trans-national crimes that require a national response such as organized crime. The limitation in scope was due to fear of state's opposition. For example, Amendments to NIA Act have been opposed by states like Chhattisgarh.

Conclusion

Given the increase in global terrorism, it is the responsibility of the Parliament to build a strong image of the NIA in front of the world. States and Centre should cooperate to build a strong, independent and powerful institution.

2. What is NATGRID? Examine its significance for India's internal security? Why hasn't the NATGRID project really taken off? Analyse.

Introduction

After 26/11 Mumbai attack, government of India enacted NIA act on 31st December 2008 which gave birth to national Investigation agency which is presently functioning as premier central counter terrorism law enforcement agency in India.

It is the integrated intelligence grid connecting databases of core security agencies of the Government of India to collect comprehensive patterns of intelligence that can be readily accessed by intelligence agencies. It utilizes technologies like Big Data and analytics to study and analyse the huge amounts of data from various intelligence and enforcement agencies to help track suspected terrorists and prevent terrorist attacks.

Body

Significance of NATGRID for India's internal security

- In a data-driven, digitised world, the big data holds immense power and potential to provide real time tip-offs and predictive intelligence to deal with the terrorist threat.
- It would also help the police and the Intelligence Bureau keep a tab on persons with suspicious backgrounds. The police would have access to all his/her data and any movement by this person could be tracked with the help of this data base.
- It will help identify, capture and prosecute terrorists and help preempt terrorist plots.
- Thus, it will help to collate scattered information into a transparent, accessible, integrated grid and do away with the inefficiencies associated with information asymmetries that leads to delayed counter-terror operations.

Reasons for NATGRID project not really taking off

- **Human resource** – The personnel are taken from IPS, IRS, Central armed police force etc. on deputation and do not have their own personals. The Union Home Ministry has raised the issue that it couldn't get qualified IT professionals to fill vacant posts in the NATGRID, this despite India being in the forefront when it comes to IT.
- **Finance** – Depends on Budgetary allocation without sufficient funds.

- **Technology** – Lack of advanced technology to tackle.
- **Expertise** – Lack of experts and specialists.
- **Federal spirit** – Law and Order is state subject and it is accused as encroaching on state subject.

Making NATGRID more effective

- When so much sensitive information about individuals is available on a single source, the potential for its misuse would dramatically go up. Keeping in mind the poor track record of the Indian security and intelligence agencies on individual privacy and liberty it is necessary to strengthen security of the database.
- To attract good talent the government needs to offer remuneration commensurate with that of the private sector to attract the most qualified professionals.
- If states are to actively contribute towards updating the NATGRID database in the spirit of cooperative federalism, they should be among the ones who benefit from it.

Conclusion

In its present form, NATGRID suffers from few inadequacies, some due to bureaucratic red tape and others due to fundamental flaws in the system. If the government takes enough measures, NATGRID has the potential to become India's go-to grid for a 360-degree perspective to prevent and contain crises.

3. Discuss the mandate of the Chief of Defence Staff (CDS)? What advantages would possibly accrue by the creation of the post of CDS? Examine.

Introduction

The Chief of Defence Staff (CDS) is a high military office that will oversee and coordinate the working of the three Services, and offer seamless tri-service views and single-point advice to the Executive on long-term defence planning and management, including manpower, equipment and strategy, and above all, "jointmanship" in operations.

Need for Chief of Defence Staff

- In general, the policy formulation is done by Defense Secretary, who is a bureaucrat, while its execution rests with Chiefs of armed forces. **This makes defence policy incoherent.**
- The emergence of **modern warfare domains** like Space, Cyber etc, requires a more **integrated approach** to defense strategy.
- A **group of ministers that was formed in 2001** to explore necessary reforms required to improve India's national security had also favoured creating the post of Chief of Defence Staff.

- In **2012 Naresh Chandra task force** recommended the appointment of a permanent chairman of chiefs of staff committee.
- The permanent chairman of chiefs of staff committee is the senior most of the three Chiefs.
- The CDS is also one of the 99 recommendations made by the **Lt. General D.B. Shekatkar (retd.) committee (2016)**.

Body

Mandate of CDS

- CDS will administer the tri-services organisations/agencies related to Cyber and Space.
- CDS will look into monitoring of contracts, promoting the use of indigenous equipment, leveraging of current systems and transforming them, and prioritising the procurement of defence equipment in a better way.
- He will also assign inter-services prioritisation to capital acquisition proposals based on the anticipated budget.
- CDS will bring reforms to augment the combat capabilities of the forces and is expected to evaluate plans for 'out of area contingencies' for countries in India's neighbourhood.

Advantages accrued by the creation of the post of CDS

- With the increasing complexity of security challenges in the modern warfare arena, there was a need for an integrated approach towards defence strategy.
- There are communication issues, budgetary overruns by individual commands, inter-alia which demanded joint working of Army, Navy and Air Force.
- It will ensure and promote the jointness (functioning together of the three services independently) through joint planning of command operations, logistics, transport, training, communications, repairs and maintenance of the three services within three years of operation. This will ensure close cooperation and collaboration amongst the defence forces.
- It will also inducing integration (putting together the three Services at different levels and placing them under one commander) in different services.
- CDS as 'first among equals' will act as a single point advisor and could be held accountable for his actions and decisions taken. Restructured military commands for optimal utilization of resources will avoid unnecessary duplication and wasteful expenditure.
- The expertise and knowledge of CDS to deal with the adverse situations could be appropriately utilized in order to achieve the desired aims, creating architecture for joint commands.

Conclusion

This reform in the Higher Defence Management is expected to enable the Armed Forces to implement coordinated defence doctrines and procedures and go a long way in fostering jointmanship among the three Services.

4. What is CERT-in? What is its mandate? What are the bottlenecks in its effective functioning? Comment.

Introduction:

In the written reply to Parliament by Meity, as per the information reported to and tracked by Indian Computer Emergency Response Team (CERT-In) 3,13,649 cyber security incidents were reported during the year 2019 till October, which highlight the growth of cyber incident reporting in the country.

Body:

CERT-in is the national nodal agency with the objective of securing Indian cyber space. CERT-in provides incident prevention and response services as well as Security quality management services.

Mandate of CERT-in:

In the Information Technology amendment act, 2008, CERT-in has been designated to serve as the national agency to perform the following functions in the area of cyber security:

- Collection, analysis and decimation of information on cyber incidents.
- Forecasts and alerts of cyber security incidents.
- Emergency measure for handling cyber security incidents.
- Coordination of cyber incidents response activities.
- Issue guidelines, advisories and vulnerability notes and whitepapers relating to information security practices, procedures, prevention, response and reporting of cyber incidents.

And such other function relating to cyber security as may be prescribed.

Bottleneck in effective functioning:

- CERT-in does not impose any obligation on government entities to report cyber incidents unless they come under any of the expressions service providers, data centers, intermediaries or body corporate.
- This would mean that if the data kept with the Registrar General & Census Commissioner of India is hacked in a cyber incident, then there is no statutory obligation under the CERT Rules on it to report the incident.
- There has been delay in acknowledgement of cyber security incident in Kudankulam Nuclear Power plant.
- CERT Rules provide for a mandatory obligation to report the cyber incidents listed therein, the Rules themselves do not provide for any penalty for non compliance.
- There is lack of legal obligation to report to the data subjects whose data is stolen or is put at risk due to the said breach.

However, it does not mean that there are no consequences for non compliance, as under the parent legislation i.e. the IT Act mentions the appropriate penalties for non compliance.

Conclusion:

Cyber incidents have serious consequences for societies, nations, and those who are victimized by them. The theft, exploitation, exposure or otherwise damage of private, financial, or other sensitive personal or commercial data and cyber attacks that damage computer systems are capable of causing lasting harm.

5. What is the mandate of the National Security Guard (NSG)? What makes NSG an elite security agency? Discuss.

Introduction:

The National Security Guard (NSG) is an elite counter-terrorism unit under the Ministry of Home Affairs. It was raised following Operation Blue Star, Akshardham Temple attack and the assassination of Indira Gandhi, for combating terrorist activities with a view to protect states against internal disturbances.

Body:

Mandate of National Security Guard:

- NSG, under the existing constitutional framework, can be deployed by the Central government only at the request of the concerned States. The Force is not designed to supplant the function of the State police forces and other paramilitary forces of the Union of India.
- The main tasks of the NSG are neutralization of specific terrorist threats in any given area or point by engaging the terrorist with swift action.
- To handle hijack situations by storming the aircraft.
- It has also created an information centre/research and documentation Wing to amass information on various terrorist groups, their strategies, weapons and tactics.
- The NSG also trains personnel from various State police and paramilitary organization to deal with anti-terrorist operations, and bomb detection and disposal.
- It maintains continuous liaison with various institutions in the country dealing with anti -terrorist training.

Elite Security Force:

- Deputationist force: Multi service recruitment through Indian Army, Central armed police force and state police force with world class zero error force standards.
- International Standard: The NSG was modeled on the pattern of the SAS of United Kingdom and GSG-9 of Germany.

- Task oriented force: Counter terrorism and anti-hijacking has been the main focus for the NSG. The diversion of NSG to VIP protection removed recently.
- Specialized Training: Rigorous training ensure all personnel of the Force are extremely physically fit, perfect in shooting skills, have the requisite technical skills and are highly motivated, aggressive and mentally alert at all times.
- Foreign collaboration: The National Security Guard has conducted international exchanges and joint training with foreign Special Forces, including those from Germany, Russia, United States, France, Israel and Australia.

However, there were questions over lack of terrain information to NSG in different geographies led to delay in conclusion of operation in Pathankot Attack. There are also issues with the intelligence and coordination among stakeholders in counter-terror operation.

Conclusion:

A Force like the NSG is indispensable in view of the growing terrorist violence in different forms. In future, the dependence on the NSG is likely to increase with long term comprehensive policy against terrorism.

