

Governance and Security

Notebook: First Notebook

Created: 15-07-2017 10:04

Updated: 10-02-2020 20:00

Location: New Delhi, Delhi, India

1. Recent cyber security breaches in India

- ATM card details of many customers hacked. According to RBI, 35% increase in ATM related fraud cases between 2012-2016.
- Ransom ware WannaCry affecting Indian computers and NHS in UK
- Petya Ransomware attacked JNPT
- Reliance users data leaked online. No law for companies to disclose data breaches to clients , unlike EU
- According to Norton, 96% of Indians potentially put their private info at risk for free Wi-Fi in public places
- Indians shared FB details with CA
- Hackers stole 1.5 million health records from Singapore, including its PM (July 2018)
- 6% rise in cyber crimes from 2015-2016: NCRB
- Details of 4 lakh credit/debit cards up for sale on Dark web: Group IB- Singapore based cyber security firm.

Javascript or JS-Sniffers: Programmes used to steal debit and credit card info from e-commerce sites.

2. Improving policing

- Police work becoming mechanical . Need for innovation and empathy towards citizens
- Go for Evidence Based Policing
- Identify crime hotspots
- Carry out pilots
- Implement police reforms based on Prakash Singh case
- Citizen-policing through citizen committees
- Reforming training with greater focus on innovation and technology rather than regimentation
- Lead by example- treat subordinates with respect, use inputs from constabulary and get rid of master-servant relationship.

Lack of implementation of Prakash Singh case


- Security Commissions, Police Establishment Boards constituted after significant dilution of powers and functions
- Frequent and irregular transfers
- No separation in L&O and crime investigation
- Huge vacancies not filled up
- No upgradation of police infrastructure in terms of housing, transport, communication and logistics

New SC guidelines on DGP selection (July 2018)

Selection of top cop

Supreme Court has issued seven directives to be followed by States when appointing the Director General of Police (DGP)

- Proposals should be sent to the UPSC, three months before incumbent's retirement
- UPSC to prepare a panel of names as per Prakash Singh judgment. It should try and choose within the zone of consideration who have got two years of service
- States shall appoint one of the panel's choices
- States shall not appoint DGP on an 'acting basis'
- The selected person can continue despite his date of superannuation, but the extension should be reasonable
- Appointing persons on their retirement day is not in conformity with the Prakash Singh verdict
- State's and Centre's rules running counter to the SC directions will remain in abeyance




OLD RULE (AS PER PRAKASH SINGH JUDGMENT OF 2006)

- DGP shall be selected by the State government from among three senior-most officers of the department empanelled for promotion
- The promotion should be based on their length of service, very good record and range of experience for heading the police force
- Once the officer is selected for the job, he or she should have a minimum tenure of at least two years irrespective of their date of superannuation

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Problem with judgement

- By giving UPSC the upper hand, has diluted federalism

Why IPS should continue to lead CAPFs

- CAPFs primarily a reserve resource for supporting state police forces. So, their leadership needs to be in complete synergy in understanding challenges of policing at state and central level
- If under own cadre, CAPFs would be led by officers who have never managed police stations or understand policing
- Till not long ago, most CAPF battalions commanded by IPS officers. With expansion, enough IPS officers not available to man these positions. So, IPS not reluctant to come to these organisations
- Even counter-insurgency ops like Naxal involve working in support of state police forces
- CAPFs should not function in a military style.

Arguments against

- IPS officers not experienced at the battalion level- as they do not command these battalions
- cadres of CAPFs capable of leading on their own
- They have primarily military character- so civil services like IPS have no role b

3. Karnataka's opposition to Cauvery Tribunal order

- No consideration for bengaluru
- No regard for high groundwater of TN
- Water allocation determined on only basis of population
- Ordering god to send rain

Way Forward

- Based on water contributed by each state to the river valley
- Population depended on the waters
- Culturable area depending on river v water
- Centre Planning National Dam Safety Authority to deal with inter-state dam issues, like Mullaperiyar (TN and KL)
- Revive Ruver Boards Act 1956 to set up River Boards in inter-state rivers

Centre constitutes Cauvery Water Management Authority

- Strutcure similar to CMB recommended by CWDT in 2007
- 2-tier body supported by technical arm: Cauvery Water Regulation Committee.
- Permanent in nature
- Asserts Centre's greater role in Cauvery waters. This has been opposed by basin states.

Why Karnataka objects to CWMA?

- Kodagu forest cover in decline- so that will reduce monsoon precipitation in the next few years
- Proposed development projects (eg: new rail linking Mysuru to Thalassery, highway) will raise water demand
- Booming population in towns of Cauvery basin

Benefits of the new Water Disputes Bill

- Help resolution in time-bound manner of max 4.5 years
- Reduce bureaucratic delays and duplication of work due to mulitple tribunals
- Dispute Resolution Committee prior to Tribunal will help in reduced litigation

4. Problems with using AADHAR for social security

- Privacy concerns
- No means for grievance redressal for data breach
- People not enrolled might be denied benefits
- DBT experiments in Rajasthan, chhattisgarh, Delhi h have not been satisfactory
- 30% beneficiaries reported authentication issues
- Problems related to mobile network and electricity supply
- Lack of digital infrastructure
- Cannot deal with quantity theft in PDS, etc. ABBA (AADHAAR based biometric authentication) requires digital infra, electricity, state and central identities data repository, PoS Machines etc. Many people might be left out.
- UIDAI received over 1400 complaints bit only 3 FIRs filled. Authority not responsible for explaining why cases not filed.
- NRIs having problems in getting things done

- Recently, Tribune exposed how AADHAAR data can be obtained for just 500 rs. (Jan 2018)
- Vulnerable to illegal harvesting of biometrics, identity thefts and other frauds
- AADHAAR does not record purpose of authentication

4 basic issues with AADHAAR

- Can the state compel a citizen to part with his biometrics without securing informed consent?
- Can the state create a super-surveillance apparatus violating Art 19,21?
- Can the state exclude someone from welfare benefits if he does not have AADHAAR, as the act has itself said that enrollment is voluntary?
- Degree of data protection by UIDAI? And conflict of interest as it is a regulator and custodian of information

Difference with SSN of US

- SSN does not involve biometrics
- Used for very limited purposes

Recently **SC of Jamaica** used the SC judgement to strike down their similar biometric system

New AADHAAR Amendment Bill 2019 passed by Parliament recently

- Allows voluntary use of AADHAAR as proof of identity to open bank accounts and procure mobile connections
- penalty of Rs 1 crore and jail term for private entities in case of violation of provisions on AADHAAR data.
- Gives children an exit option after attaining 18 years

Concerns: **1.** Apprehensions over data theft and lack of data protection law. **2.** Nullifies SC judgement over Section 57 of AADHAAR Act

Way Forward

- Delink personal identity and biometrics from usage of services. Use tokens instead. These can be connected to AADHAAR but cannot be accessed except by UIDAI. Virtual IDs generated by UIDAI recently.
- Have special courts for data security and authorising release of biometrics. Eg: Foreign Intelligence Surveillance Court (FISA court) in US

5. Cross LoC trade

- Barter trade
- International accounting practices not followed
- Money laundering and terror financing route

Way Forward

- Joint investigation between India and Pak
- Monitoring cell through officials from customs and army to monitor daily trade
- Institutionalise trade channels by setting up chambers of commerce on both sides of the border
- Train the traders in accounting practices
- Use trade as a CBM between two countries

6. Improving Indian bureaucracy

- Use AIS rules and Civil Service Conduct Rules to sack incompetent officers

- Lateral entry at the higher levels. Govt announces lateral entry for Jt. Sec level officers with minimum 40 years age and 15 years service in private sector . **Update:** UPSC hires 9 jt. sec level officers. Govt now plans to hire 400 directors from pvt sector.
- Use technology especially AI for public service delivery like passport, license, etc
- Generalists can be turned into specialists through mid-career development programmes or extended tenures in particular depts/ fields.

Justification of Lateral Entry

- Will lead to healthy competition among IAS officers to deliver better
- Since IAS officers generalists and given new and complex issues like AI, country in dire need of domain experts
- Augment manpower

Concerns

- Can lead to a committed bureaucracy, affecting neutrality of CS and leading to politicisation
- Issues of reservation of SC/ST/OBC not clearly spelt out
- Whatever training or orientation new recruits get, cannot match the 15-20 years of on-the-job training that regular officers receive before they become joint secretaries
- DoPT does not define 'domain expertise'. Most of the 10 posts opened up for lateral entry are pretty generalist. eg: Jt. Sec in agriculture.

Generalist vs specialist debate

- Higher bureaucracy in secretariat often has to examine proposals received from specialized departments/corporations
- Finance, Personnel and Law etc departments prepare cohesive notes in consultation with other ministries/departments to facilitate Minister concerned or the Cabinet to take a final decision
- Key officials in the secretariat, from the Joint Secy to the Secretary, are the point persons guiding this consultative process and advising the political executive to take a final call.
- A Joint Secretary to the government has this crucial "line" function to perform in policy formulation and its implementation
- Final decision rests with JS/Addl Secy, Secy and finally the Minister/Cabinet.
- The question often raised whether higher bureaucracy is equipped to comprehend complex economic & technical issues to properly aid advise the minister
- Concerted efforts should be made to help IAS officers, after their first decade in districts, acquire specialization in broad sectors like social, infrastructure and financial based on their qualification, aptitude and preference. This idea had never been pursued
- Secys to Deptts of Atomic Energy, S&T, Scientific and Industrial Research, Health Research and Agricultural Research have always been eminent scientists
- In Deptts like Railways, Posts etc all senior posts are manned by people from the departments concerned
- Perceived fear is that i) with time the number of lateral entrants will be increased, political leadership would create a 'Divide and Rule' mechanism to further demoralize 'the steel frame of governance' ii) 2nd fear is induction of politically indoctrinated persons. The 2nd fear allayed by letting the UPSC handle the recruitment process
- Govt must ensure candidates the likes of whom are not available in the existing system are appointed
- If prove to be truly outstanding, may induct them permanently in the system through UPSC and give higher responsibilities
- IAS and other officers may gain experience in pvt sector for a limited period

The New Role of the Secretary

- **Travel:** Constantly travel and meet people
- **Technology:** Increase the use of technology to improve outcomes
- **Converge:** Converge schemes across ministries
- **Communicate:** Talk to the outside world and explain your schemes.

Way Forward

- Implement recommendations of 2nd ARC 10th Report for making CS more effective, accountable and lateral entry.
- Continue using services of experts by the consultative process widespread in NITI Ayog
- Establish objective criteria
- Target the talent you need
- Look for potential to succeed in this environment
- Less is more when it comes to selection panels
- Accelerate the new hire's integration

7. Problems with media

- Paid news. Term now used is **advertorial** to mask paid news
- Corporate control. Lack of separation of managerial control and editorial control
- Lack of self criticism. Press Council of India tooth less tiger in peer regulation
- Sensationalism and TRP
- Attack on journalists and press freedoms- recent action by UP police after video of Yogi Adityanath
- **Recent poll:** English speakers in India worried about misinformation in media. Level of trust has declined

Way Forward

- Senior journalists should criticise media when necessary
- Restrictions on corporate ownership. Eg TRAI suggested max 32% share
- Separation of managerial and editorial departments
- Employment contracts should have rights to allow journalists to raise issues in journalist ethics without fear of removal
- Transparent and independent system of evaluating circulation
- Paid news should be written in bold and clear letters

8. CIA paradigm to cyber (info) security

- Confidentiality
- Integrity
- Availability

India to host 5th **global conference on cyberspace**. Nov 2017

Way Forward

- Data protection law can be based on EU General Data Protection Regulation, 2016
- Draft document released by justice SriKrishna committee. Nov 2017
- Only section 43A of IT Act deals with legal protection to personal information

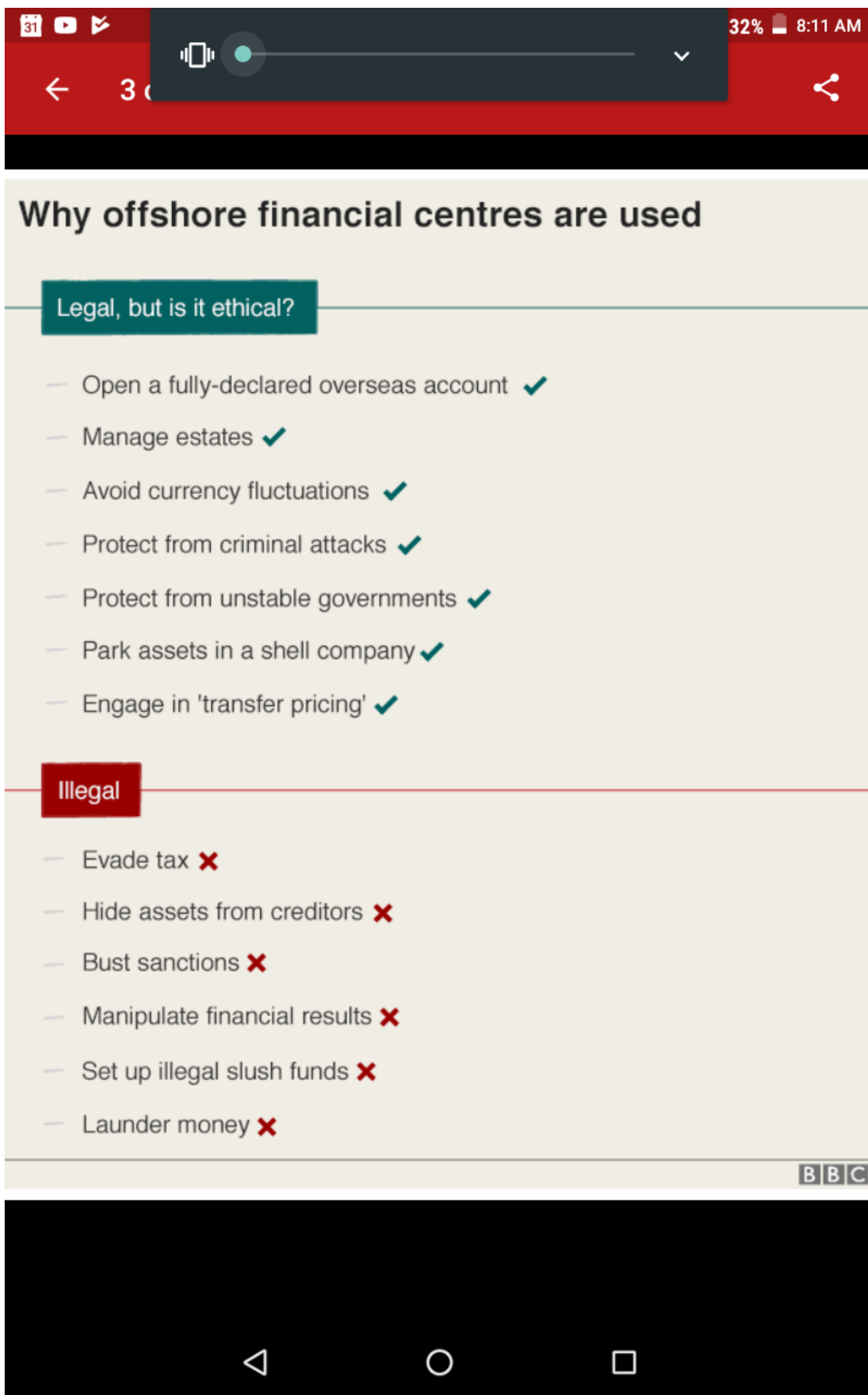
9. Offshore financial centres (tax havens)

- Have lower taxes
- Stable financial sector
- But biggest **advantage:** privacy or secrecy of wealth stashed
- Proponents argue that a. They help protect wealth and incomes from venal governments, b. They help in increasing investments across the world as funds are rerouted . C. Most have tax info sharing agreements

- Not all OFC activities illegal but some unethical

How to launder offshore wealth

- Start a shell company in a tax Haven
- Pay some managers to 'run' the business
- Open an account in another tax Haven
- Make the shell company pay to that account



Recent paradise and Panama papers leaked

Some provisions of PMLA

- Banks and FIs need to inform FIU-IND of any suspect transaction

- Any cash transaction above 10 lakh needs to be automatically informed
- All suspicious transactions to be reported to FIU within 7 days

Recent amendments to PMLA

- Proceeds of crime include property held abroad
- Uniform bail provisions for all offences
- ED to file chargesheet date extended by 90 days
- 30 extra days for attachment of property by ED beyond 180 days till decided by adjudicating authority

1.3. Various Techniques Used for Money Laundering

1. **Structuring Deposits:** This is a method of placement whereby cash is broken into smaller deposits of money which is then exchanged by many individuals (known as "smurfs") to avoid anti-money laundering reporting requirements. This is also known as **smurfing** because many individuals (the "smurfs") are involved.
2. **Shell companies:** These are companies without active business operations. They take in dirty money as "payment" for supposed goods or services but actually provide no goods or services; they simply create the appearance of legitimate transactions through fake invoices and balance sheets.
3. **Third-Party Cheques:** Counter cheques or banker's drafts drawn on different institutions are utilized and cleared via various third-party accounts. Since these are negotiable in many countries, the nexus with the source money is difficult to establish.
4. **Bulk cash smuggling:** This involves physically smuggling cash to another jurisdiction and depositing it in a financial institution, such as an offshore bank, with greater bank secrecy or less rigorous money laundering enforcement.
5. **Credit Cards :** Clearing credit and charge card balances at the counters of different banks. Such cards have a number of uses and can be used across international borders. For example, to purchase assets, for payment of services or goods received or in a global network of cash-dispensing machines

Hawala Transactions

Hawala network is being used extensively across the globe to circulate black money and to provide funds for terrorism, drug trafficking and other illegal activities. In spite of the fact that hawala transactions are illegal, people use this method because of the following reasons:

- The commission rates for transferring money through hawala are quite low
- No requirement of any id proof and disclosure of source of income
- It has emerged as a reliable and efficient system of remittance
- As there is no physical movement of cash, hawala operators provide better exchange rates as compared to the official exchange rates
- It is a simple and hassle free process when compared to the extensive documentation being done by the banks
- It is the only way to transfer unaccounted income

1.4.1. Cryptocurrency: The New Hawala

- Cryptocurrency like Bitcoin provides absolute anonymity and facilitates terror financing which was evident in the 2015 Paris terrorist attack.
- The Financial Action Task Force in Paris reported in 2015 that some terrorist websites encouraged sympathisers to donate in bitcoins.
- After, demonetisation action by the Government of India in 2016, there was noticed a flood of such digital transactions.
- This new Hawala has a potential to become an easy way to provide funds for terrorists and other illegal activities.
- So, there is a need to have proper control over bitcoin in the interest of the economy and the security of the country.

Hawala is **illegal** under **FEMA and PMLA**

Impact of Money Laundering on Nation

- **Economic:** Erodes govt. revenue, weeds out honest businesses from competition, affects money supply and financial regulation, increases corruption and rent seeking, discourage foreign investors
- **Social:** Increases inequality, erodes values and ethics, as govt unable to spend on human capital-lowers human capital, rising crime and corruption
- **Political:** Criminalisation of politics, weakens institutional capacity: judges take bribes, cops delay investigations, etc,
- **Security:** ML proceeds can be used to finance terror activities, drugs, human activities, organised crime
- **Environment:** Deforestation and mining affecting environment

Challenges to preventing ML

- Fast pace of tech change: rise of cryptocurrency, AI etc
- Lack of awareness among common people
- Absence of capacity building of employees and personnel handling financial transactions
- Failure of banks to implement KYC norms
- Presence of many tax havens. Need for tax information sharing agreements like Switzerland
- Presence of a large cash-based economy
- Multiplicity and overlapping jurisdictions of tax agencies

10. Drones in military

- Lockheed Martin making autonomous helicopter drones Matrix, unlike earlier man operated drones like predator
- Use of AI in warfare will be debated in Geneva on November 13 as an expert group meets. Need for multilateral engagement.

11. Bail by Law Commission 268th report

- Should be fair and evidence-based
- Decisions on custody and release should not be factored based on gender, ethnicity, religion etc.
- 2 key goals: ensure accused appears before court on time, and protect safety of victim and society.
- Minimize pretrial confinement
- Electronic tagging to reduce fugitive rates and govt expenditure.
- Central digital database of accused.

12. NCRB report for 2016

- Crimes increased by 2.6% compared to 2015
- Data of fake notes included for first time
- UP records highest number of heinous crimes.
- Rape cases increased by 12.4%
- Increase in cyber crimes, but low rates of charge sheet filing.
- MP has highest recidivism
- WB highest human trafficking cases
- Juvenile crimes increasing
- Conviction rate is only 47% for IPC crimes.

Way Forward

- Sensitisation of cops
- Better training
- Use of tech in criminal investigation
- Universalize education and focus on skills to increase employment
- Implement police Reforms of SC 2006 Prakash Singh case
- Transparency in Ministerial superintendence of police.
- Use NCRB data to conduct studies

Crime in India Report 2017

<https://indianexpress.com/article/explained/explained-whats-new-in-crime-report-and-the-data-6082764/>

Crime in India Report 2018

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U.P. tops list in crimes against women

NCRB publishes Crime in India Report 2018

VIJAITA SINGH
NEW DELHI

The National Crime Records Bureau (NCRB) published the annual Crime in India Report 2018 on Wednesday. It was published with provisional data, as five States – West Bengal, Assam, Arunachal Pradesh, Meghalaya and Sikkim – did not send clarifications sought by the NCRB despite repeated reminders.

The 2017 annual crime report was published on October 21 last year, after a delay of two years.

According to the report, 3,78,277 cases of crime against women were reported, up from 3,59,849 in 2017. Uttar Pradesh topped the list with 59,445 cases, followed by Maharashtra (35,497) and West Bengal (30,394). The conviction rate in rape-related cases stood at 27.2% even though the rate of filing chargesheets was 85.3% in such cases. Cruelty by husband or his relatives (31.9%) followed by assault on women with intent to outrage her modesty (27.6%) constituted the ma-

Unsafe spaces
The rate of crimes against women per one lakh of their population increased to 58.8 in 2018 from 57.9 in 2017.

Suicides in 2018
As many as 30,127 daily wage earners committed suicide in 2018, the highest among all professions. The number of suicides among persons engaged in agriculture came down by 2.9% in 2018, compared to 2017

| Profession | Total suicides | % share of total suicides |
|-----------------------|----------------|---------------------------|
| Daily wage earner | 30,127 | 22.4 |
| Housewife | 22,937 | 17.1 |
| Student | 10,159 | 7.6 |
| Farmer / cultivator | 5,763 | 4.3 |
| Agricultural labourer | 4,586 | 3.4 |

Source: National Crime Records Bureau's report for 2018

Rate of Total Crimes Against Women

Assam recorded 166 crimes per one lakh women, the highest in the country, followed by Delhi (149.6).

Most political murders in West Bengal

SPECIAL CORRESPONDENT
NEW DELHI

West Bengal reported the maximum number of political murders in 2018, says a report by the NCRB. The number of murders due to “political reason” in the State stood at 12, followed by nine in Bihar and seven in Maharashtra. In all, 54 political murders were reported in the country in 2018. In 2017, the number of such cases stood at 98. However, the data is not in consonance with an advisory sent by the Ministry of Home Affairs to West Bengal government last year.

In a June 15 advisory, the MHA had said political violence had claimed 96 lives and that the “unabated violence” was a matter of deep concern. The NCRB said the clarifications on data were pending from West Bengal, Assam, Arunachal Pradesh, Meghalaya and Sikkim, and the data might be treated as provisional.

major share of crimes against women, the report said.

The NCRB also released the Accidental Death and Suicides in India 2018 report, which said that 10,349 people working in the farm sector ended their lives in 2018, accounting for 7.7% of the total number of suicides in the country. The total number of people who committed suicide in 2018 was 1,34,516, an increase of 3.6% from 2017 when 1,29,887 cases were reported. The highest number of suicide victims were daily wagers – 26,589, comprising 22.4% of such deaths.

The majority of the suicides were reported in Maharashtra (17,972) followed by Tamil Nadu (13,896), West Bengal (13,255), Madhya Pradesh (11,775) and Karnataka (11,561). “West Bengal, Bihar, Odisha, Uttarakhand, Meghalaya, Goa, Chandigarh, Daman & Diu, Delhi, Lakshadweep and Puducherry reported zero suicides by farmers/cultivators as well as agricultural labourers,” the NCRB report said.

The incidents registered under the Scheduled Caste and Scheduled Tribes related Acts saw a decline from 6729 incidents reported in 2017 to 4816 in 2018. A total of 29,017 cases of murder were registered in 2018, showing an increase of 1.3% over 2017 (28,653 cases).

13. Road safety

- Dr. S Rajasekaran case, SC gave guidelines for road safety
- SC set up Committee on Road Safety and amicus curiae to implement recommendations
- All states must announce Road Safety Action Plan by March 2018
- Set up District Road Safety Committees headed by Collector before Jan 31, 2018
- Need to enforce rules, using CCTVs and conduct safety audits
- Scientific approach to accident investigation.
- Sundar committee appointed by govt in 2007

New Motor Vehicle (Amendment) Bill 2017

- Uniform driver licensing system
- protecting children and vulnerable users
- Rationalising penalties
- Funds for hit and run accidents

- Guidelines for aggregators: State govts to frame uniform guidelines
- **Aadhaar:** It is required to apply for driving license.
- Accountability in the construction of roads. Designated authority to pay fine upto 1 lakh in case of accident due to defects in road design and construction. In 2016, potholes claimed 6 lives every day

14. Intelligence gathering in today's world

- Obtain vast amounts of data
- Signal and electronic Intel
- Satellite Intel
- Photo reconnaissance
- Data mining and pattern recognition
- Open source material

15. Preventing conflicts of interest

- Make public the register of member's interests (MPs)
- Bureaucrats should talk openly about post retirement plans
- Open public registry of post retirement appointment of civil servants
- Similar structure for private sector

16. History of the civil services in India

- Maurya times: amatyas were the topmost servants. Qualifications: Loyalty and integrity. Severe punishments for corruption and a system of spies to keep track of servants
- Delhi Sultanate: iqta system where land given for services to the state. Qualification: loyalty to the ruler. Offices loosely defined unlike Maurya
- Mughals: manasbdari and jagirdari system. But since it was not hereditary, nobles led extravagant lifestyles by exploiting the poor
- EIC: initially, recruited by nomination of directors, leading to massive corruption. Later by open competitive exam from 1854 based on Macaulay committee.
- Open recruitment age increased to 18-23 to allow university graduates to join ICS.

17. Role of Civil Service in India

- British India: Regulatory in Nature; collect revenue, set up infrastructure, build schools and ensure British supremacy
- Post Independence: Regulatory, developmental and facilitating
- Regulatory: Successful in ensuring law and order, preventing ethnic violence, regulating financial sector (RBI, SEBI), markets etc
- Developmental: Mixed results with poverty still high, inequality high and education and health sector not fully sufficient
- Facilitating: This has become important after 1991. Also, NGOs and Local Bodies (73,74 CA) have emerged. So, civil services have to work together with them rather than ordering them.
- Formulation of policymaking and advising ministers

18 National Training Policy 1996

- Training to be given to all rungs of civil services. Services divided into three levels: Group D,C; Group B; Group A and AIS
- Each department to set apart 1.5% of salary budget for training and not to be diverted for any purpose.

19 Training systems

- Each service has its own training academy
- After 1990s, training reoriented to pay attention to good governance, transparency, objectivity in administration, decentralization, and citizen-centric approach
- Focus on creating environment for infrastructure creation and industrial development
- Some academic institutions also provide training. But there may be limitations in their ability to provide the right mix of theoretical and practical inputs relevant for the services.

20 Challenges faced by urban local government

- **Implementation Failure:**
- Financial constraints
- Lack of administrative capability and capacity building of local govt cadre
- **Disempowerment and depoliticisation:**
- Mayor is the ceremonial head, the executive power vested in Municipal Commissioner appointed by State govt, usually from IAS
- Creation of parastatal bodies: Development Authorities (NOIDA, HUDA, GMDA), Public Corporations for providing electricity, water, etc (BSES in Delhi- joint venture of Delhi Govt and Reliance). These bodies accountable only to state government. Even in Smart Cities Mission, SPV to be created under command of CEO
- Need permission of state govt to levy local taxes or undertaking civic activities above a certain budget.
- Many of the functions under 12th Schedule do not include essential civic activities like urban transportation, housing or urban commons
- Many of the ward committee members are nominated by powerful resident welfare association

Way Forward

- Devolve more powers: financial and administrative
- Make delegation of functions under 12th schedule mandatory for states
- Have multiple layers like the Panchayati Raj system, as many cities have more than 1 million population
- Increase the powers of elected representatives and enable them to raise revenue by themselves. Utilise VCF and Municipal Bonds (Indore successfully raised 140 cr using muni bonds), Hyderabad uses **impact fees** from builders to unlock value from the land
- Improve urban planning: coordinate across land use and transport planning, reduce overlap and check economic fundamentals and environmental conservation
- UK has introduced 'City Deals'- an agreement between Union govt and Municipal local govt. modelled on a 'competition policy style' approach. The city economic region is represented by a 'combined authority'. This is a statutory body set up through national legislation that enables a group of two or more councils to collaborate decisions, and which is steered by a directly elected Mayor. This is to further democratise and incentivise local authorities to collaborate and reduce fragmented governance, drive economic prosperity, job growth, etc. 'City Deals' move from budget silos and promote 'economic growth budget' across regions

21 Should Rohingyas be given asylum?

Yes

- On humanitarian grounds, they have suffered persecution in Myanmar
- Will boost India's credentials as a leading superpower willing to take responsibilities
- India can also act as a mediator between Bangladesh and Myanmar: the role currently taken by China
- National security concern can be looked after by conducting 'fair and efficient refugee determination proceedings'. Already conducted by UNHCR. India can take those refugees verified by UNHCR

No

- As per Amnesty International Report, Arakan Rohingya Salvation Army (ARSA) massacred Hindus in Myanmar
- Even IB report argues the same
- India not a party to Refugee Convention. So, under no obligation. Forcing it to accept refugees will be a violation of its sovereignty.

22 Problems of frequent transfers

- Cannot acquire domain competency (Sufficient expertise in particular area in which civil servant works)
- Unable to build confidence and understanding necessary for administrative leadership
- Unable to introduce and sustain reforms
- Lead to lack of accountability and corruption.
- Changes in govts lead to changes in transfers and postings along caste and communal lines leading to demoralised bureaucracy.

23 Changing nature of today's public protests

- Presence of provocative agents among protesters that trigger violence
- Initially started by genuine groups but later hijacked by militant right-wing or left-wing groups
- Embrace entire communities and appear 'leaderless'
- Lack of faith in the due process of law, as the protesters feel they're being manipulated in favour of the rich and powerful
- Authorities still resorting to traditional policing techniques (eg: erecting barricades, imposing Section 144 etc) to quell these protests, but things have changed
- Rapid dissemination of information through social media and other platforms exacerbates the situation
- eg: 100 day protests at Toothukudi against Sterlite, atrocities against Dalits, insider-outsider syndrome in NE

Way Forward

- Improve intelligence gathering and use more technology. SMART policing
- Increase presence of police personnel in protest sites
- Need to improve administration of quick justice

24 Performance management in the civil services

- ACR: achievements of civil servant recorded and graded annually. This is done confidentially, except in the case of adverse remarks
- Performance Appraisal report (PAR) for AIS: a numerical system (1-10), sharing entire PAR with the appraised officer. Brings more transparency to the process and objectivity and involvement of officer.
- Risk taking is punished if things go wrong, but no reward if things go right. So, officers observe routine procedures without any concern for results and performance. Recently,

Performance Related Incentive Scheme (PRIS) introduced: negative incentives for underperformance, individual and team-based incentives.

- 360 degree Review system introduced recently.
- No punishment for poor performance as Art 311 guarantees a lot of security to civil servants. Courts, CAT etc also delay disciplinary proceedings. Art 311 was originally meant to allow civil servants to render impartial and honest advice to the political executive without fear.

25 Development of Indian Secularism

- EIC used to administer temples, appoint priests and Mullahs and officers conducted prayers etc
- In 1833, Court of Directors sent instructions for separating religion from state, as these religions were 'false' and 'superstitious': to suit the demands of Christian missionaries
- After GOI Act 1919, Indian legislators came to power. Madras Hindu Religious Endowments Act 1926 passed to take over administration and control of Hindu temples.
- In CA, Ambedkar drafted clause: 'state shall not recognise any religion as state religion'. But sub-committee on FRs removed this clause for those cases where religion already accepted as state religion.
- SC has allowed administration of temples and appointment of priests as secular activities, since these are not essential to religious activities.
- In US, 1st amendment provides for full separation between Church and State

26 Rising lynchings in India

- Cow vigilantism: Dadri, Rajasthan, Una
- Dalit atrocities: Una
- Child lifters: Assam, Bengaluru
- Insider-outsider syndrome, especially in tribal and hinterlands
- SC calls it 'horrendous mobocracy'

Reason

- Growth of militant nationalism that recognises only one form of culture, tastes etc
- Tacit state support to some right-wing elements
- Lack of fear in rule of law due to weak state capacity and opaque justice system where lynchings go unpunished
- Delayed justice forcing people to take laws into their hands
- Ignorance and fake news
- Absence of a separate law on lynchings
- Most of the lynchings: unemployed, daily wage labourers
- Result of: disrespect for inclusive social order, rising intolerance and growing polarisation

Steps taken by Telangana Police

- DGP tweeted about fake news
- Rema Rajeshwari, SP of Gadwal district, used village drummers
- Flex boards, roped in religious leaders, regular meetings: citizen awareness prog now in 4th month
- Arresting rumour mongers

Other problems

- Absence of data on lynchings, as NCRB does not collect them
- Present discourse ignores social inequalities and asymmetries that perpetuate this violence. Eg: Most victims from minorities or nomadic communities

Recent UP SHO killed by cow vigilantes- reasons

- A culture of impunity of the lynch mob

- A culture of servility of emasculated and politicised police.

Way Forward

- Separate law on lynchings
- PM should talk about fake news and viral Whatsapp messages on Mann ki Baat
- Strict action on rumour mongers, monitoring of social media
- Need for better data on lynchings, causes, history of mobs etc
- Identify vulnerable areas and create awareness and confidence building
- Properly investigate complains of child abduction/kidnapping to instil confidence among affected people, use facial recognition software to reunite children with families
- Kailash Satyarthi has advocated a culture of moral responsibility towards safety of children
- Prez gives assent to **Assam** Witch Hunting Bill 2015: Stringent punishment for lynching in the name of witch
- **GOM led by Rajnath Singh** to frame a law on lynchings
- LS passes Anti-Trafficking Bill- lays down 10 years' punishment, establishes National Anti-Trafficking Bureau (NATB) for coordinating and monitoring of cases.

Manipur's Anti-Lynching law

- Punishment of officials for dereliction of duty. No prior sanction required
- Prior sanction fro regisitering under Sec 153A of IPC not required
- Responsibility of state govt to protect victims and witnesses
- Rehabilitation in case of displacement of victims

Certain other suggestions

- Make it gender-sensitive
- Make officials liable for shielding the accused

Anti-Trafficking Bill

Pros

- Bill ties together prevention, rescue, rehabilitation to create a robust policy framework against trafficking
- Places at its core rights and welfare of the victims of human trafficking

Aggravated forms of trafficking introduced like

- trafficking for begging, or
- bearing a child or
- for the purpose of marriage or
- under the pretext of marriage by administering narcotic drugs, hormones or chemical substances for early sexual maturity
- Prosecution under these offences will be made timely and efficient by special public prosecutors
- Bill provides protection to witnesses
- Seeks to maintain confidentiality of victims by recording statements thru video conferencing and in camera proceedings
- Time bound trials and repatriation of victims
- Rehabilitation Fund introduced first time
- This Fund will be used for physical, psychological and social well-being of victims
- Bill seeks capacity building of victims by providing capital, infrastructure, education and skill development
- National Anti-Trafficking Bureau will coordinate with authorities in foreign countries and international organizations

- Will strengthen intelligence apparatus to improve collection, collation and dissemination of operational intelligence
- Bureau will coordinate actions and enforcement by various bodies established under this Bill
- State and District Anti-Trafficking Committees to arrange for appropriate training and sensitization of functionaries
- Bill proposes attachment & forfeiture of property and to remit the proceeds in rehabilitation fund
- Will also freeze bank accounts of those whose funds utilized to facilitate trafficking
- Bureau will develop and monitor a database on every crime under this Act.

Cons

- The Bill either criminalise acts that are already punishable or proscribe activities that are not only legitimate but also constitutionally protected. Trafficking for the purpose of begging. A criminal offence under anti-begging laws. Unauthorized immigration of citizens and foreigners dealt under Passports Act, 1967.
- Illegal migration doesn't involve elements of "trade" in human-beings or "trafficking". To term it as aggravated trafficking is questionable.
- No trafficking needs to take place, a remote possibility is sufficient to prosecute persons and shut down websites. ("which *may lead* to trafficking of a person" shall be punished with rigorous imprisonment). Similar provisions of the IT act, 2000 were shut down by SC for being vague and over-broad.
- Most clauses have little to do with trafficking, more to do with imposing surveillance and restricting freedoms
- For police and courts, implementing numerous anti-trafficking laws will be a nightmare. Only persons accused of trafficking will benefit from the legal mess.
- The Bill silent on many types of trafficking, such as trafficking for supply chains, commercial surrogacy, clinical trials, organ trade, orphanage tourism, intergenerational trafficking and sex tourism
- It doesn't incorporate "demand reduction" and "non-institutionalized rehabilitation".
- Term "victim" appears number of times but shoddily defined. Going by the practice, a victim is one who is rescued by the raiding police. So, those rescued by NGOs, parents, friends, and so on are not victims

SC judgement on lynchings (July, 2018 *Tehseen Poonawala*)

- Asks Parliament to frame separate law on lynchings
- State govts to have special task force to get intel on people likely to spread fake news in the district
- Nodal officers in districts with a 5-year history of lynchings to eradicate hostile environments against any particular caste/community
- Police to register cases under sec 153A of IPC (promoting enmity)
- Trial to be in fast-track courts, completed in 6 months
- States to prepare victim compensation fund
- Action against officials who fail to uphold the law

Deficiencies in the judgement

- Did not deal with the culture of hatred and targeted killings against a community. 86% victims Muslims, 8% Dalits
- Failed to acknowledge that hate crimes flourish because of the hate speeches of politicians and culture of impunity
- Police deliberately register cases against the victim under cow smuggling etc

Should Whatsapp be held accountable?

Yes

- It is through this medium that rumours spread

- They have moral responsibility to prevent loss of lives
- One problem: people can be added to groups without their consent. So, many people get exposed to rumours and violent messages
- One solution: Any forwarded message should have a unique ID linked to the original creator

No

- Law enforcement agencies have failed. We already have penal provisions to deal with lynchings
- Lynchings have happened in the past too, in the absence of whatsapp
- Large number of uneducated, underexposed and gullible citizens who can be fooled by rumours. Govt's job to educate and raise awareness

Steps taken by WhatsApp



Course correction
There will be a limit on message forwarding in a bid to reduce the spread of misinformation

- WhatsApp is testing a limit of 5 chats in India
- The social media behemoth says that more messages are forwarded in India than any other country
- It has put a limit of 20 chats for the rest of the world
- Company had earlier tested labelling forwards

PHOTO: SHAJU JOHN

Steps taken by FB

- Messages calling for violence or hate speech are removed
- Creating partnerships with local bodies, CSOs to identify content

27 Other problems in the civil services

- Civil servants have to take oath of loyalty to Constitution and give advice to Ministers in public interest. But, increasingly ministers unwilling to listen to advice that goes against their political interests or ideologies. So, civil servants end up being loyal to the Ministers than to the Constitution
- Neutrality of civil services affected as a result. Civil services getting politicised with new govts. resorting to en masse transfers to ensure 'loyal' servants get the important posts.
- Most policies in India influenced by short-term political compulsions with long term detrimental effects. eg: License raj of 1970s. Populist measures
- Policies are not evidenced-based or with long-term research. Unwillingness to use pilot schemes, to consult end-users, or assess direct/indirect impact on people.
- Civil servants exercise statutory and judicial functions under CrPC, Police Act, IT Act 1961 etc. They exercise discretion conferred by law at the interest of public interest and within Constitution. But now, politicians interfere in these statutory functions of civil servants, and punish those who refuse to pay heed by transferring them

- Recruitment in State Public Service Commissions and in subordinate posts like clerks and constables riddled with corruption and nepotism.
- Postings and transfers

Cadre-based services

Pros

- promote the unity and solidarity of the country by combating parochial attitudes of the States.
- Because the officers of these services are generally posted in states other than their own, they are less susceptible to local and regional influences than officers from within the state would be.
- rotated between the Centre and the states, thus, facilitating liaison between the two
- they can give independent advice to the state ministers, which the officers of state services may hesitate to do.
- In the event of national or constitutional emergency, the Union government can act through AIS.

Issues

- Federalism: Whether the State Government should have greater control over them.
- Son of soil theory: Outsiders are vaguely aware about language, ethos, profile of the state
- the IAS cadre in UP is 40% smaller than it should be while in Sikkim it is 15 % more than it should be, based on population alone
- Smaller states over-represented in central deputations

28 Opening of cantonment roads

For

- Complaints from MPs that some religious places like graveyards, temples, msques were out of bounds for some communities
- Closed by local military authorities without following procedures. Any change that bars civilians from using roads, etc requires amendment in Act of Parliament
- All stakeholders consulted before Defence Minister arrived at decision
- Do not affect security as they do not deal with military stations but cantonments
- Prevents transfer of land from military stations to Adarsh housing station

Against

- Affects security of installations and army families
- Land mafia will encroach on defence land
- Decision taken without consulting army
- deterioration in civil-military relations

29 Need for an asylum policy in India

- India not a signatory to Refugee convention 1951, but has housed many Lankan, Tibetan and Bengali refugees
- India signed New York Declaration in September 2016. This has resulted in the Global Compact on Refugees (GCR): Ease pressures on host countries and enhance refugee self-reliance
- Asylum Bill 2015 introduced by private member Shashi Tharoor.
- A policy will help refugees in becoming self-employed after getting required skills, ease pressure on host community and strengthen India's humanitarian image.

30 Communalism

Communalism in a broad sense implies blind allegiance to one's own communal group – religious, linguistic or ethnic – rather than to the larger society or to the nation as a whole. In its extreme form, communalism manifests itself in hatred towards groups perceived as hostile, ultimately leading to violent attacks on other communities (2nd ARC)

31 Problems with UAPA

- Definition of "unlawful activities" includes "questioning territorial integrity of India" or "causing disaffection against India": very vague terms and makes discretionary power possible
- Act fails to define "membership" . SC attempted to narrow down scope of these provisions: "membership" limited to where an individual engaged in active incitement to violence
- Act prohibits courts from granting bail if the case diary examination leads to opinion that charges maybe prima facie true

Provisions in amended UAPA are :

1. Criminalized
 - raising of funds for a terrorist act,
 - holding of the proceeds of terrorism
 - membership of a terrorist organisation
 - support to a terrorist organisation.
2. Definition of "terrorist act" was expanded to include
 - offences that threaten economic security
 - counterfeiting Indian currency
 - and procurement of weapons etc
3. Additional powers granted to courts to provide for attachment or forfeiture of property equivalent to the value of counterfeit Indian currency
4. Union Home Secy told a Parliamentary Committee in 2012 that the proposed amendment in principal Act was in order to comply with the guidelines of the Financial Action Task Force(FATF), an inter-governmental organisation set up in 1989 to develop policies to combat money laundering and terrorist financing

IPC provisions also used for all crimes committed including terrorist activities wherever relevant. (**120B** {criminal conspiracy}, **121**{wage war against country})

E Bill for more power to NIA

THE UAPA amendment Bill is meant to further enhance power of the NIA, which was recently bolstered through the NIA Act (amendment) Bill passed by Parliament. The Bill proposes to give NIA powers to seize assets belonging to terrorists across the country without seeking consent or informing the state concerned. It allows even an NIA inspector to become the investigating officer of a terror case — earlier only Deputy SP-rank officers could do so.

It adds International Convention for Suppression of Acts of Nuclear Terrorism to the schedule of UAPA.

32 Law Commission in favour of regulated gambling

- Classifies 'proper gambling' (for rich, who play for high stakes) and 'small gambling' (for low-income groups)
- Govt. should introduce cap on number of gambling transactions, amount of money prescribed etc
- Use of electronic money transfers, AADHAAR card, etc
- Regulations to protect vulnerable groups
- Criminalisation of fixing
- Member Sivakumar dissented: socio-economic conditions not ripe for legalised gambling

Benefits

- Revenue to govt
- Jobs
- Will help in better regulation, should reduce crimes as things not going underground and reduced role of mafia

Problems

- Segregation between proper and small gambling will violate principles of equity of access

33 Punjab's Drug Problem

- Punjab starting Drug Abuse Prevention Officers' Programme for community awareness
- Task Force under ADGP set up. Many arrests made
- Buddy Project in schools
- testing of govt. employees

Problems with govt measure

- Tightening of supply led to cheaper drug supplies resulting in deaths due to overdose or use of spurious drugs
- Asking for death penalty for ifrst-time offenders by amending NDPS Act an over-reaction. Nearly 15000 such offenders in jail
- Testing on govt. employees a waste of resources as drug problem severe among the unemployed
- No empirical study. Plus, even before forensic reports come in, charges are being framed.

NDPS Act

- Objective: deter drug trafficking
- Uses: Strict liability offences, mandatory minimum sentences, even death penalty for repeat offences
- High conviction rate of 41.7% compared to 30% for IPC crimes in Punjab

Problems with the Act

- Punishment based on weight of whole drug, not just pure content. eg: unauthorised possession of 20 bottles of cough syrup led to 10-year prison term
- Strict liability: Possession alone is suffiecient for conviction, no need to prove intent. Leads to higher convictions
- Criminalises addiction: stigmatises the addict from seeking treatment

34 National Information Security Policy and Guidelines

Strengthening critical infrastructure

The National Information Security Policy and Guidelines (NISPG), developed by the Ministry of Home Affairs, will help protect classified information possessed by Ministries and departments



PURPOSE

- NISPG highlights baseline information security policy, concepts and best practices which Ministries and departments should implement to protect their classified information
- These practices will help establish minimum security processes and controls across govt. departments
- Guidance to organisations to prioritise and focus attention and efforts in classification of information and securing such classified information

35 Border Area Development Programme (BADP)

- Centre plans to develop villages located 0-10 km from international border, make them 'self-sustainable'
- Identify 61 villages as 'model villages'

36 Acting against black money and corruption

Stringent action against corruption & black money

01 Special Investigation Team set up at the First Cabinet Meeting after the present Government assumed office

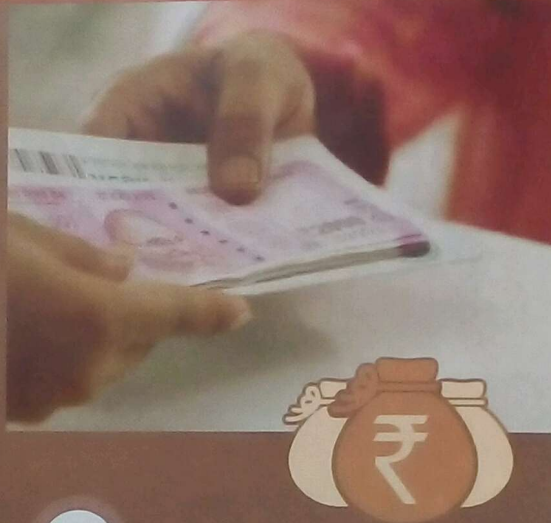
02 Demonetisation led to India's highest ever unearthing of suspicious transactions and deposits. The current proportion of High Denomination notes in our economy is much less than what it would have been without Demonetisation

03 Double Taxation Avoidance Agreement with Mauritius, Cyprus and Singapore

04 Agreement on real time information sharing with Switzerland

05 Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act 2015 enacted

06 PMLA amended to allow confiscation of property equivalent in value of black money stashed abroad



07 Benami Property Act blocking a major avenue for generation and holding of black money in various forms

08 Action taken against around 3 lakh shell companies

09 Fugitive Economic Offenders Bill introduced to empower law enforcement agencies to confiscate the assets of economic absconders. This would also help the banks and other financial institutions to achieve higher recovery from fugitive economic offenders

by providing hearing through counsel, allowing him time to file a reply, serving notice of summons whether in India or abroad and appeal to High Court have been appropriately provided. Provision has been made for appointment of

ii) being abroad, refuses to return to India to face criminal prosecution.”

Implementation

The Director means the Director

Cabinet Decision
March 01, 2018

Fugitive Economic Offenders Bill, 2018

Salient features of the Bill-

- Application before the Special Court for a declaration that an individual is a fugitive economic offender;
- Attachment of the property of a fugitive economic offender;
- Issue of a notice by the Special Court to the individual alleged to be a fugitive economic offender;
- Confiscation of the property of an individual declared as a fugitive economic offender resulting from the proceeds of crime;
- Confiscation of other property belonging to such offender in India and abroad, including benami property;
- Disentitlement of the fugitive economic offender from defending any civil claim; and
- An Administrator will be appointed to manage and dispose of the confiscated property under the Act.

LS passes anti-graft amendment

INSULATING PUBLIC SERVANTS: Lowdown on the significant changes in the Prevention of Corruption Act, 1988, adopted by both Houses of Parliament

|  |  |  |  |  |
|--|---|--|--|--|
| <p>Bribery</p> <p>What is new</p> <ul style="list-style-type: none"> Giving a bribe is now an offence, punishable by a 7-year prison term Except when one is forced to give a bribe. But it should be reported it to within seven days Bribe is termed 'undue advantage', defined as 'gratification other than legal remuneration' <p>What it was</p> <ul style="list-style-type: none"> No specific provision, except as abetment <p><i>It could empower the public to refuse to give a bribe but seven-day limit may not be enough. As to what happens if citizen's report of coercion is not registered by the police is unclear</i></p> | <p>Pre-investigation approval</p> <p>What is new</p> <ul style="list-style-type: none"> Police officer cannot begin probe without prior approval of relevant authority or govt (except when caught red-handed) <p>What it was</p> <ul style="list-style-type: none"> No such provision in the Act, but a rule similar to it was struck down by Supreme Court <p><i>Protection formerly available to officials of rank of joint secretary and above (before SC struck it down) is extended to all public servants</i></p> | <p>Sanction for prosecution</p> <p>What is new</p> <ul style="list-style-type: none"> Sanction needed for prosecuting former officials for offences done while in office Centre may notify guidelines for sanction Decision on request for sanction within 3 months, which may be extended by a month* <p>What it was</p> <ul style="list-style-type: none"> Sanction was required under PCA for serving officers only <p><i>Sanction for IPC offences covered both serving and retired officers. Guidelines and time-limit may help make sanction process easier</i></p> | <p>Lok Sabha passes anti-graft amendment Bill</p> <p>What is new</p> <ul style="list-style-type: none"> Only be two forms of criminal misconduct. Misappropriation of property entrusted to public servant Intentionally enriching oneself illicitly <p>What it was</p> <ul style="list-style-type: none"> There were five kinds: omitted ones are taking bribe habitually, getting anything free or at a concession, obtaining pecuniary advantage for oneself or for another without public interest <p><i>This is to protect public servants from being wrongly prosecuted for official decisions. Earlier it was a crime to "obtain advantage to a private party without public interest"</i></p> | <p>Section of property</p> <p>What is new</p> <ul style="list-style-type: none"> Section introduced for Special Court under this Act to attach and confiscate property <p>What it was</p> <ul style="list-style-type: none"> This was not done under the Prevention of Corruption Act, but under a 1944 ordinance through civil courts <p><i>This helps avoid a fresh procedure to confiscate property obtained through corruption, enables court conducting trial to do so itself</i></p> <p>Compiled by K. Venkataraman</p> |

Different measures of black money ranging from 7-120% of GDP, based on studies by SIT on Black Money, NCAER, NIPFP, NIFM

Black money

Money that is hidden from tax authorities- illegal activity (shell company tax rerouting) and legal but unreported activity (real estate)

Highest incidence- real estate, mining, pharma, tobacco

Why difficult to estimate- Actively hidden from the govt, different underlying assumptions by different surveys

Measurement methods

- Monetary method- share of unaccounted income is reflected in the stock or flow of money in the system
- Input-based method

- Surveys

Other measures taken to deal with black money

- Reporting of PAN for transactions above 2 lakh
- Monitoring non-filers by IT dept

37 Improving government accountability and implementation

RATIONALISATION:

- State must do less, so it can do more.
- Do not need 50+ central ministries, 200+ Secy rank people & 300+ central PSUs
- A modern state must focus on 1) healthcare 2) education 3) roads and 4) police and this needs only 25 central ministries & 25 PSUs.

INSTITUTIONALIZATION:

- To see how institutions work in practice rather than theory
- Over the last few decades massive informal employment
- Steps taken to improve system: 1) demonetization 2) GST 3) RERA 4) shell company evisceration 4) Bankruptcy Code 5) Fugitive Bill 6) bad loan accounting 7) PF enforcement, etc.- these are only a start

SPECIALISATION:

- Politicians need assistance by technocrats not bureaucrats
- For fixing state failure in education, healthcare, public Finance, urbanization, banking etc needs inch-deep mile-deep human capital.

38 COLLECTION OF STATISTICS (AMENDMENT) ACT/2017

- Authorises the Centre to decide the manner in which statistical information collected can be used
- Original Act of 2008 restricted the data collected to be used only for statistical purposes
- Act extends jurisdiction to J&K on statistics relevant to any matters under any of the entries specified in Lists I(Union List) and III(Concurrent) in the 7th schedule to the constitution
- Amendment will strengthen data collection mechanism in J&K.
- Collection of Statistics Act/2008 and J&K Collection of Statistics Act/2010 were not applicable to statistical subjects falling in the Union List, as applicable to J&K under the constitution (Application to J&K) Order, 1954
- Had created a vacuum
- Concurrent jurisdiction to be exercised by Centre in J&K has also not been provided for in the Collection of Statistics Act/2008.

39 Communications Networks

- Communication networks are a part of **Critical Information Infrastructure (CII)** and are crucial for the **connectivity of other critical infrastructure**, viz. Energy; Transportation (air, surface, rail & water); Banking & Finance; Telecommunication
- **Communication network** is the interconnection of electronic gadgets and devices that enable them transmit information in the form of data, voice and videos.

3. Role of Communication Network in Today's World

- Critical Infrastructure sectors use communication network to perform not just auxiliary functions but also every vital function, be it human resource management, production, project management or business analytics.
- It enables voice and data communication
- The financial sector is increasingly using digital technologies like net banking, ATM networks etc. which are dependent on communication network. Any breach in the communication infrastructure of banking sector could pose danger to the financial stability of India.
- It connects infrastructure systems, subsystems and constituents in such a manner that they have subsequently become highly interrelated and interdependent. For instance, the power sector is getting transformed into Smart Grid using communication networking technologies.

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| DELHI | JAIPUR | PUNE | HYDERABAD | AHMEDABAD | LUCKNOW |
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- Similarly, smart cities, smart agriculture etc. are heavily dependent on interconnected systems.
- Large industrial and manufacturing facilities also use automation and thus depend on information infrastructure
- Also, the government is investing huge resources in creation of e-government through various programs such as National e-Governance Plan, Digital India, e-Kranti etc.
- Thus, the network infrastructure has become the backbone of the entire critical infrastructure and is ubiquitous in our lives.

Challenges to securing Communication Networks

- Absence of data localisation, with most cloud services operating from US, China etc
- Equipments are mostly imported from abroad
- People not aware about threats
- Officials not undergoing capacity building to deal with threats
- Growing digitalisation and interconnectedness of CI systems
- Rapid pace of tech change
- A large part of CN infra under private sector. Difficult for govt monitor
- Issues around privacy
- Poor enforcement

Steps taken

- Sec 70 of IT Act defines CI
- NCIIPC set up, under NTRO
- National Cyber Security Policy 2013
- National Telecom Policy 2012- target of producing 60% of equipments at home

40 Cyber Space

A complex environment comprising interaction between people, software and services, supported by worldwide distribution of information and communication technology devices and networks (National Cyber Security Policy)

5 Types of cyber threats

- Cyber espionage
- Cyber Terrorism
- Cyber Warfare
- Cyber crimes
- Using cyber space to carry out real-life attacks: Eg: Lone wolf

2.3.1. National Cybersecurity Policy 2013

It was brought in the backdrop of revelations by Edward Snowden of the massive NSA surveillance program. Its key provisions include-

- Set up a 24x7 National Critical Information Infrastructure Protection Centre (NCIIPC) for protecting critical infrastructure of the country
- Create a taskforce of 5,00,000 cyber security professionals in next five years.
- Provide fiscal schemes and benefits to businesses for adoption of standard security practices.
- Designate CERT-In as the national nodal agency to co-ordinate cyber security related matters and have the local (state) CERT bodies to co-ordinate at the respective levels.
- Use of Open Standards for Cyber Security.
- Develop a dynamic legal framework to address cyber security challenges
- Encourage wider use of Public Key Infrastructure (PKI) for government services.

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- Engage infosec professionals / organizations to assist e-Governance initiatives, establish Centers of Excellence, cyber security concept labs for awareness and skill development through PPP - a common theme across all initiatives mentioned in this policy.

2.3.4. National Telecom Policy 2012

The telecom policy, adopted in 2012, also includes provisions to address the concerns related to communication security and network security. The strategy adopted to implement security measures are:

- Telecom service providers must take adequate measures; to ensure security of the communication sent and received through their networks.
- Telecom service providers must assist law enforcement agencies within legal framework and also keeping in view the individual privacy and also following international practices to the extent possible for fulfilling national security needs.
- Regulatory measures to ensure that safe to connect devices are inducted on to the network. To build national capacity around security standards, security testing, and interception and monitoring capabilities.

Dealing with cyber security

- National Cyber Security Policy

- **IT (Amendment) Act 2008:** Defines cyber crimes, digital signatures, fixes liabilities-sec 66A,B,C, D, etc. **Issues:** 1. Confidentiality and protection of corporate data not addressed adequately, 2. Max damage just 5 crores, 3. Doesn't deal with jurisdiction issue
- **National Telecom Policy 2012:**
- **National Cyber Coordination Centre:** It aims to screen communications metadata and work in close coordination with various law-enforcement agencies for intelligence gathering. The body, functioning under the IT ministry
- **Cert-IN**
- **Cert-FIN**
- **Cyber Swachta Kendra:** USB Pratirodh, Botnet Cleaning centre, M-Kavach, Browser JS Guard
- **NCIIPC**
- **Indian Cyber-crime Coordination Centre and Cyber Warrior Police:** Under MHA
- **Cooperation with countries**
- **Digital Army Programme** (Planned- similar to Meghraj): Digitise processes of Armed Forces

International Conventions/ Conferences

- Budapest Convention: India yet to join
- Ground Zero Summit- organised by India Infosec Consortium
- Global Conference on CyberSpace: Theme this year Cyber for All
- ICANN: Coordinates domain names, IP addresses etc. Set up by USA but now indept.

Challenges in developing cyber -security

- TRansnational, anonymous nature of crimes
- Lack of awareness
- Lack of HR
- Privacy issues
- Setting up interconnected infra
- Fast pace of tech change
- Hostile neighbourhood, and unwillingness of countries to coordinate on CS

41 Strategic Partnership Model

Salient features

The Strategic Partnership (SP) policy is intended to promote Indian private sector participation in defence manufacturing. It came into effect on May 31, 2017

Four segments were identified for acquisition under this route:

- Fighter Aircraft
- Helicopters
- Submarines
- Armoured Fighting Vehicles (AFVs) / Main Battle Tanks (MBTs)

It enables participation of private Indian firms in 'Make In India' in defence

Policy does acknowledge Indian private sector's "limited experience in defence manufacturing"

HAL Dhruv helicopter

All procurements under SP to be executed by specially constituted Empowered Committees to ensure timely execution

Issues

- Foreign companies cannot sell a submarine or fighter to private company as global regulations do not allow that. So, some government-govt component still there
- Liability of end product. eg: Dassault refused to stand guarantee to aircraft manufactured by HAL. Need back-end mechanism to enable this.
- Guidelines and qualifications yet to be communicated to the industry

Steps taken to promote defence production

- Defence Industrial Corridors
- Defence Procurement Procedure- Buy and Make categories with greatest weightage to IDDM
- FDI in defence 74% automatic, rest govt route
- Strategic Partnership Model
- Defence technology fund
- Investor cell

42 Issues in Naga Framework agreement

- Separate national flag, passport and army for NSCN
- No other group to negotiate except NSCN, but this has been reconciled with. 6 groups participating now
- NSCN IM has given up demands for single Nagalim of contiguous Naga inhabited areas.

43 4 Pillars of Sustainable cities (World Economic and Social Survey, 2013)

- Social devt
- Economic devt
- Environment mgmt
- Urban governance

Integrate this with Urbanization recommendations in handout

44 New Law for CBI

- Mandated to establish rule of law and constitution.
- Define the word 'superintendence'
- Insulate the organisation from external pressures
- Define performance standards, monitoring instruments
- Prescribe procedures for appointment
- Ensure accountability
- Need to clearly define its jurisdiction- no consent of states required to investigate central govt employees.
- Parliamentary Standing Committee on Personnel, Law and Justice recommended a law for CBI

45 Problems with India's nuclear triad

- Extremely expensive to maintain a triad. One solution: Focus more on SSBNs as it follows NFU policy
- Affect regional stability. PLAN's Jin class submarine with 7400 km began its deterrent patrol several years ago
- Pakistan will speed up submarine-building exercise, with help from China
- Will affect BRI, Quad

- Absence of nuclear CBMs: With pak, it is rudimentary. None with China. Can set up 'Incidents at Sea' agreement like the one between US and USSR in 1972
- No civilian authority to control nuclear missiles in SSBN.

46 Ten years of 26/11

How it was different from other terror attacks

- Involvement of Pakistani deep state- ISI, training by Pakistani Special Forces
- Use of sophisticated, hi-tech, state-of-the-art weapons and communications equipment including VOIP.
- Involvement of US/Canadian nationals- David Headley and Tawahur Rana.
- Use of small boat and entering Mumbai via the sea.
- Lasted 4 days
- Involved joint operations by RAF, NSG, MARCOS and Mumbai Police.

Steps taken

- Coastal security given high priority. Navy formed a Joint Operations Centre to keep vigil over India's coastline
- NIA set up
- NATGRID
- 4 new operational hubs for NSG set up
- Multi Agency Centre under IB set up

Future challenges

- Remote-controlled terror
- Lone wolf attacks
- Indoctrinations through internet
- Need for a centrally ordained terrorism watch centre , which could also operate as a think tank with sufficient inputs from academics and private experts.

47 BRAHMOS

Sea defence



- The BrahMos supersonic cruise missiles will be deployed on the two stealth frigates to be procured directly from Russia

- The development trials of an anti-ship variant of the missile began in 2003 and combat trials began in 2005; The missile can be launched from land, sea, sub-sea and air against surface and sea-based targets

- Initially, the range was capped at 290 km to meet obligations of the Missile Technology Control Regime (MTCR); after India joined the MTCR in June 2016, the range was extended to 450 km; work is on to increase it to 600 km

By stealth

- In October 2016, India and Russia signed an Inter-Governmental Agreement for four Krivak or Talwar stealth frigates

– two to be procured directly from Russia and two to be built by Goa Shipyard Ltd. (GSL)

- In October 2018, the Cabinet Committee on Security gave final approval for the deals

- After that a \$1-bn deal was signed for direct purchase of two frigates from Russia. The basic structures of the frigates are already ready at Yantar shipyard in Russia and will be finished now

- Last week, the GSL signed a \$500 mn deal with Rosoboronexport of Russia for material, design and specialists assistance to build two frigates in India

48 Why fake news through WhatsApp more popular in India

- end-end encrypted, making it difficult to trace its origins
- Facebook has stepped up fact-checking on its main platform, but not on whatsapp, largely because pressures on from American lawmakers are focused on the main platform.
- The right focus on fear while the left focuses on shame

49 DNA Bill

Positives

- Will help in tracking criminals
- Identify victims, trafficked persons
- Identify parentage
- Written consent before samples taken.
- Can ask for removal of their DNA information from the index. DNA samples of those who are not suspects/undertrials cannot be matched with already stored information of undertrials/suspects
- Only 17 sets of numbers out of billions that DNA samples can reveal will be stored. It can only uniquely identify, cannot do anything else

Negatives

- Assumes DNA is the solution to all problems and treats it as infallible
- Creates a national DNA database that can be misused
- Not just to be used for criminal cases but also for civil disputes
- Consent not required for criminal cases, but for civil cases, Magistrate can force an accused to give consent. Violates Right to Privacy.
- State can later include newer uses where DNA can be used, thereby giving unrestricted power over people's DNA.
- DNA information can be extremely revelatory- identity, disease, colour, biological relatives etc

50 Surveillance Regime in India

- Two statutes decide surveillance in India: Telegraph Act 1885 controls telephonic surveillance, IT Act 2000 controls electronic surveillance
- Surveillance requests have to be signed off by an official of JS rank

3 features

- Bureaucratised: Decision taken by executive with no parliamentary or judicial oversight
- Vague and ambiguous: Grounds of surveillance in section 69 of IT Act simply lifted from Art 19(2).
- Opaque: No info available about the bases on which surveillance decisions taken and legal standards applied.

Why need for reform

- US NSA's records show- more than 50 terrorist attacks prevented did not involve any material collected from NSA surveillance regime
- Too much of information can lead to loss of vital information
- Allows for disproportionate infringement on the right to privacy. Section 69 is therefore unconstitutional.

Way Forward

- Parliamentary or judicial oversight must
- Need to make the grounds specific and mandatorily specify the probable cause for suspicion
- A lawyer on the defence side to argue the case against surveillance without the suspect knowing about it.
- The Indian Privacy Code is a way forward

Why surveillance is problematic: ethical view

- **No empirical evidence** to suggest surveillance lowers criminality. We have seen more violence more blasts. It is trying to **address the symptoms rather than the cause**: rising inequality, violence perpetrated by rich through politico-economic power etc
- Belief that **tech can solve everything**
- Normalisation of surveillance destroys the very basis of civility: **trust, care, freedom and inner discipline**. We start believing we are unable to police ourselves, everyone is a potential suspect

51 Why Victim Impact Statements are Important

- Victim is never heard as a victim, but as a witness.
- Impact of her victimization remains unexpressed
- Prosecution has no legal obligation to hear the victim. Secondary victimisation takes place when the victims are subjected to harassment by investigating agencies
- Impact statements provide an estimate of the damage incurred by the victim due to the crime
- They help the judge in deciding the quantum of punishment
- US, Canada and Australia have made such statements compulsory.

52 Why court's witness protection scheme (WPS) won't work?

- Not more than 20% witnesses need any protective measure
- They need more assistance, dignity and care
- Problems arise from lack of infrastructure in lower courts, frequent adjournment of cases

- Majority come from rural wage earners, semi-educated etc. Unaware of the consequences of being a witness
- Harrassment by police and other agencies
- Police simply overworked and understaffed to make meaningful threat analysis of witnesses

Way Forward

- Need a Witness Assistance Programme

53 Problems with NSA

- Person of deprived of rights: right to be informed of arrest, to be produced before a magistrate within 24 hours and right to be defended by a lawyer
- Since FIRs are not lodged, NCRB does not collect data related to NSA detentions

54 Lessons from Pulwama attack

- Return of car bombs and IEDs to Kashmir. This limits freedom of movement of security forces
- Growing Pak confidence after backing from China and US exit from Afghanistan

Steps to be taken

- Diplomatic - to paint Pak in red, among countries , think tanks and international media. Talk to China discreetly to get Pak to crackdown on JeM
- MFN and Indus Treaty soft targets
- Covert operations like surgical strikes in Balakot- **Operation Bandar**
- Attacking military installations
- But all of this can evoke retaliation from Pak
- Evolving a national security doctrine

IWT

- India already uses 95% of the water of the eastern rivers
- Two more projects- Shapurkandi and Ujh on the Ravi - to make use of remaining 2 Million Acre Feet (MAF)
- On western rivers, Kishenganga on tributary of Jhelum and Ratle on Chenab

Criteria for any surgical strike by India

- **Pre-emptive:** The idea is to prevent a future strike. Falls under **Article 2(4) of UN Charter** under the passage of self defence
- **Non-military:** Not to target the Pak military installations, or even civilians
- **Deterrence:** The objective is to deter a future attack by imposing substantial cost on the enemy

One possibility is to use **cyber attacks** - it has the 3 criteria. Similar to what US carried out against Iran

55 IAF commissions aerial surveillance

Spy in the sky
The aerial surveillance system will track suspicious activities in areas with dense tree cover along the border

Name of programme: Hyper spectral imagery

Cost ₹13 crore

Time frame: Within two years

Who is building it?
- IAF has roped in former NASA scientist Kumar Krishen as the chief technologist

Other purposes
- The technology can be deployed in agriculture for monitoring drought, disease and nutrient stress or identifying soil moisture

USP
- It will track "unwanted" human presence, their numbers and locations with optical and infra red sensors
- The data will be analysed with deep learning algorithms and immediately relayed to security forces

• GETTYIMAGES/ISTOCK FOR REPRESENTATION

56 Facebook's 'pivot to privacy'

- End-end encryption
- Users can post ephemeral messages that would all get automatically deleted unless they specified otherwise
- Interoperability across Facebook, WhatsApp, Insta, SMS
- Facebook will not store data in countries with poor records of privacy and free speech

57 Steps for women police

- Achieve 30% target in time-bound manner
- Spread awareness about recruitment drives
- Ensure geographical diversity
- Employ women in operational positions to reduce gender stereotyping
- Introduce proper internal childcare support systems- ideally post women officers in their home districts in consultation with supervisors
- Ensuring proper accomodation, separate toilets under Modernization of Police Forces Scheme
- Safe working spaces, set up ICCs

58 Steps to deal with Corporate Fraud

- SEBI and MCA sign MoU for seamless sharing of data and information between listed and unlisted firms. While SEBI regulates only listed firms, MCA has information of unlisted subsidiaries of listed firms. A Data Exchange Steering Group will meet periodically to review

59 30 Years of Tiananmen Square: the Spirit of 1989

- 1989 saw many non-violent democratic movements against authoritarianism
- Successful in Poland (Solidarity under Lec Walesa) and Czechoslovakia (Velvet Revolution under Vaclav Havel)
- Led to collapse of USSR
- But failed in China
- But both systems moved towards market economies
- Gandhian ideals at the forefront- self-rule, self-control and soul force.
- Twin forces of self-discipline and empathetic service deemed necessary
- Empowerment of civil society and collective ability to rule democratically established
- Seeing this in the Arab Spring currently, and Sudan.
- As Havel said: "The real struggle for us is the citizen to cease to be the property of the state.

60 Reasons for insurgency in NE

- Perceived feeling of alienation from rest of India
- Lack of economic opportunities due to infra backwardness
- Inter tribal conflicts, border disputes
- Issue of outsider migration threatening ethnic identity

Steps taken by govt

- Economic
- Infrastructure
- Surrender
- Security operations: **Operation Sunshine 2** conducted jointly by Indo-Myanmar forces.
- Promotion of NE culture.

61 Problems with Indian jails

- 68% undertrials- result of unnecessary arrests, ineffective legal aid, delays in cases
- No of people held under preventive detention in JK gone up by 300% in one year from 2015 to 2016
- Sec 436A of CrPC allows undertrials to be released on personal bond if they have undergone half of max term of imprisonment if they would have faced conviction. Most prison officials unaware about this provision
- No of prison visits by officials and unofficials falling- although NCRB didn't give data this year
- Rate of suicides in prisons increased by 28%. But only one mental health professional for every 21000 prisoners

62 Automated Facial Recognition by NCRB

<https://indianexpress.com/article/explained/automated-facial-recognition-what-ncrb-proposes-what-are-the-concerns-5823110/>

Concerns

- Recording, classifying and querying every individual is a prerequisite for the system to work. So, restricted use not possible
- Have an accuracy rate of only 2% - Delhi Police used it in August 2018
- Accuracy rate low particularly for minorities, women and children
- Makes data protection close to impossible as it is based on collecting publicly available information and analysing it to the point of intimacy
- In the absence of data protection law, law agencies will have significant degree of discretion.

CCTNS

In 2009, following the Mumbai terror attacks, CCTNS was envisaged as a countrywide integrated database on crime incidents and suspects, connecting FIR registrations, investigations, and chargesheets of all 15,500 police stations and 6,000 higher offices. It also plans to offer citizen services, such as passport verification, crime reporting, online tracking of case progress, grievance reporting against police officers, and more.

The new facial recognition system will also be integrated with Integrated Criminal Justice System (ICJS), as well as state-specific systems, the Immigration, Visa and Foreigners Registration & Tracking (IVFRT), and the Koya Paya portal on missing children.

How far has CCTNS progressed?

The Rs 2,000-crore project is accessible to the CBI, Intelligence Bureau, National Investigation Agency, Enforcement Directorate and the Narcotics Control Bureau. The project did not meet its initial 2015 deadline and was extended to March 2017.

In August 2018, the first phase of connecting the police stations was nearly complete. In the second phase, the Home Ministry proposed integrating the database with the fingerprint database of the Central Finger Print Bureau (CFPB). NCRB is currently rolling out the National Automated Fingerprint Identification System (NAFIS) and its integration with CCTNS.

63 NIA

<https://indianexpress.com/article/explained/whats-changing-in-nia-wider-jurisdiction-more-offences-faster-trial-5832907/>

Problems with the amendment

- Not all offences related to explosives maybe a threat to national security. State govt well within its right to prosecute such offences

- Encroached upon rights of states to investigate offences affecting public order but not affecting national security per se

64 Integrated Battle Groups of the army

What are Integrated Battle Groups?

- IBGs are brigade – sized, agile, self-sufficient combat formations

- Each of them is tailor-made based on Threat, Terrain & Task. Resources will be allotted based on the three T's

- They will be able to

mobilise within 12 – 48 hrs based on the location

- Concept of IBG pilot-tested by 9 Corps. They are reorganising based on the feedback and will be restructured by August end

- Army will approach Centre for sanction after that

- Both defensive and offensive
- Enhance operational and functional efficiency, optimise budget expenditure, facilitate force modernisation and address aspirations

65 Steps for data privacy

- Right to delete one's data
- Collection limitation: a service provider should only collect minimal personal data that is proportionate to the stated purpose
- Departments should not be able to see the data that they do not need, irrespective of whether citizens give their consent or not. eg: Ministry of Chemicals and Fertilisers does not access to medical records
- Decentralised storage of data

- Anonymisation at source
- Changing the default option- asking people if they want to opt-in and not opt-out
- Time-bound easily accessible recourse to data breaches

Why data is a public good

- Improve service delivery
- Empower citizens with information- transparency and accountability
- Democratize data

66 PS Krishnan's legacy as a reformist bureaucrat

- Advocated 'anti-caste' marriages and not 'inter-caste' marriages. Advocated legislation prohibiting marriage in the same caste
- Played a key role in the 65th CA that gave constitutional status to NCSC/ST, SC/ST
Prevention of ATrocities Act 1989, Prohibition of Manual Scavenging Act 1993
- Special Component Plan for SC (SCP)
- Persuaded VP Singh to implement Mandal recommendations

67 I4C

- Indian Cyber Crime Coordination Centre
- Analysis of threats, capacity building, research and cyber crime investigation

- Regional Cyber Crime Coordination Centres to be set up with state cooperation
- National Cyber Crime Reporting Portal- any citizen can report
- 700 police districts and >3900 PS connected so far with this portal

68 Suspension of internet

- Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules under the Indian Telegraph Act, 1885
- only the Home Secretary of the Union or a state can pass an order, and that the order must include the reasons for the decision. The order should be forwarded to a review committee the day after it is issued, and must be reviewed by the committee within five days to assess its compliance with Section 5(2) of The Telegraph Act, under which the government has the power to block the transmission of messages during a public emergency or for public safety
- Earlier, orders issued under Sec 144 CrPC, Sec 69A of IT Act gives the government powers to block particular websites, not the Internet as a whole
- the Supreme Court ordered the government to review its order, ruling that the freedom of speech and trade on the Internet is a fundamental right.