

Chintan Shivir

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Topic- Governance [GS Paper-2]

Context- In the Chintan Shivir 2022 Union Home Minister announced all states in the country will have National Investigation Agency (NIA) offices by 2024 as a strategy to counter terrorism.

Chintan Shivir

- The 'Chintan Shivir' has been organised each year with the objective to prepare an action plan for the implementation of 'Vision 2047' and 'Panch Pran' announced in Prime Minister Narendra Modi's Independence Day speech.
- In the two-day event, state leaders discuss cybercrime management, modernisation of police forces, increase in usage of information technology in the criminal justice system, land border management, coastal security, and other internal security issues.
- The Union Home Minister while addressing a two-day 'Chintan Shivir' announced to establish NIA in each state of India.

Key Highlights

- States have been required to utilise the National Intelligence Grid (NATGRID) which brings datasets of 11 agencies on a common platform.
- Soon there will be a bill presented in parliament with amendments to the Indian Penal Code (IPC) and Code of Criminal Procedure (CrPC).
- For ensuring border and coastal security, border states should coordinate with Central

agencies and security forces.

- States must focus on Security resources as there was a need for optimal and rational utilisation of internal security resources to fight challenges before the nation.
- Following the key principle of “one data, one entry”, the NIA had been entrusted to maintain a national terror database, the Enforcement Directorate a dataset on financial crimes and the Narcotics Control Bureau (NCB) on narco crimes.
- The amendments to the Foreign Contribution Regulation Act (FCRA) in 2020 has been proved successful in preventing the misuse of foreign funding and effective monitoring became possible.
- Also it is seen that the FCRA was a mandatory requirement to receive foreign funds.

Law and Order Situation in India

Law Enforcement

- It has always been an issue that various government agencies lack coordination among themselves.
- Also the poor enforcement of laws and general failure of administration.

Issues with State Police force

- Organisational, infrastructure, and environmental issues make hurdles for the proper functioning of police forces.
- Political interference without any warrant prevents the police from better performances.
- The cutting-edge functionaries are not properly empowered with certain skills.
- Lack of access to modern technology or modern methods of investigation.
- A lack of proper training
- Entrenched attitudes of arrogance, insensitivity and patronage associated with the law guardians

Ethical Issues

- Deep rooted corruption, collusion, and extortion
- Insensitivity towards the protection of human rights
- Transparent recruitment and personnel policies are not properly executed.
- Also public prosecutors do not attract the best talent, hence there are lack of talent in the departments.
- Lack of timely coordination between the investigation and the prosecution agencies

Issues Related to the Judicial Process

- A large number of cases are still pending in the court of law.
- Low conviction rates as compared to the filed cases.

Constitutional and Legal Provisions for maintenance of Law and Order

- Law and order is a State subject under the Seventh Schedule.
- However the Constitution provided that the Ministry of Home Affairs (MHA) could

intervene in matters concerning national security and the Ministry from time to time sent advisories to States.

- It is the primary function of the State Governments to prevent, detect, register and investigate crime and prosecute the criminals.
- Central Government also supplements the efforts of the State Governments by providing them financial assistance for modernization of their Police Forces.
- Further, intelligence inputs are regularly invested by the Central Security and Intelligence Agencies with the State Law Enforcement Agencies to prevent crime and law and order related incidents.
- The National Crime Records Bureau (NCRB), a nodal agency under the MHA, is functioning in the process of collecting, compiling and analysing the crime statistics with a view to help the States to evolve appropriate strategies for better prevention and control of crime.
- Further, the NCRB has established computerized systems at every District Crime Records Bureau (DCRB) and State Crime Records Bureau (SCRB), across the country, under a project i.e. 'Crime Criminal Information system (CCIS)'.

National Investigation Agency (NIA)

- The National Investigation Agency is the Central Counter-Terrorism Law Enforcement Agency of India that is mandated to investigate all the offences affecting the sovereignty, security and integrity of India.
- It investigates on certain matters such as
 - Friendly relations with foreign states.
 - Against atomic and nuclear facilities.
 - Smuggling of arms, drugs and fake Indian currency and infiltration from across the borders.
 - The offences under the statutory laws enacted to implement international treaties, agreements, conventions and resolutions of the United Nations, its agencies and other international organisations.
- NIA was constituted under the National Investigation Agency (NIA) Act, 2008 with its headquarter at New Delhi.
- The agency is also empowered to deal with the investigation of terror related crimes across states without special permission from the states under written proclamation from the Ministry of Home Affairs.

Way Forward

- As the nature and characteristics of crimes is changing, and they are becoming borderless, hence all States need to battle these by having a common strategy.
- To formulate and implement certain strategies under the spirit of 'Cooperative Federalism,' Cooperation, Coordination and Collaboration between the Centre and the States is necessary.