

INTERNAL SECURITY STRUCTURE AND FUNCTIONS IN INDIA AND SOUTH AFRICA : A COMPARATIVE STUDY

Dr. Shahanshah Gulpham*

Abstract

The internal security structure and their functioning has a responsibility to prevent, combat and investigate crime and criminal activities, maintain public order, protect and secure the inhabitants of the country's property, uphold and enforce the law, create a safe and secure environment for all people, prevent anything that may threaten the safety or security of any community, investigate any crimes that threaten the safety and security of any community. This has also been experience in India recently that the hate speeches and some emerging anti national and anti constitution ideas have created big internal security problems in the country. While the India has responded adequately to external threats, its responses to internal challenges have been totally inadequate. Comparatively, it is very opposite in South Africa. The India's inner weaknesses and instability has also encouraged external threats and pose a serious challenge to national security but South Africa has a safe boundary comparatively to India. Internal security experts believe that states in the third world like India and South Africa have a higher level of concern with domestically generated threats to security because they have not been able to create domestic, political and social consciousness of sufficient strength to eliminate larger threats. This research paper is emphasizes the internal security structure and functions of India in comparison to South Africa in order to strengthen the relationship of the both nations and tried to give some important suggestion of collaboration for tackling the domestic or national threats.

Key Words: Internal Security, India, South Africa, Security Structure, Functioning of Police

*** Assistant Professor, Department of South African and Brazilian Studies, Aligarh Muslim University, Aligarh**

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Introduction

The most serious challenges to any country's security comes from an unstable political situation. The India and South Africa have great challenges in their internal security concern. When the India was divided in 1947, there were a large number of mass murders at the transition point between India and Pakistan. Likewise South Africa as a whole has a poor record of tolerance of political diversity. Civil unrest and political violence have marred South Africa's move towards a peaceful transition to democracy. In 1994 election, constitutional negotiations were undertaken against a backdrop to provincial and racial conflict. The peaceful transition of power between white and black was rewarded by Noble Peace Prize. The situation in South Africa at present in comparison is more positive.

Much of the evidence indicates that the sources of current threats to political stability across South Africa arise from domestic problems and economic inequalities rather than military domination and aggression. These threats include racial and economic inequalities; processes such as allocation of housing, education, health and social welfare resources; and the distribution of essentials such as water and electricity. These pressures are likely to rise as the regions' population continues to grow. In the mean time, the government of India represent a big democracy and able to tackle any external as well as internal security threat. There are the large numbers of problems similar to the South Africa but the country's situation is much better than South Africa.

South Africa's White Paper on Intelligence 1994 words: the main threats to the well-being of individuals and the interests of nations across the world do not primarily come from a neighbouring army, but from other internal and external challenges such as economic collapse, overpopulation, mass-migration, ethnic rivalry, political oppression, terrorism, crime and disease and disasters are described as the internal security problems of the country. Likewise, White Paper on Defence 1996 and White Paper on South Africa Participation in International Peace Mission 1999 explains that the greatest threat to South Africa's people is socio-economic problems like poverty, unemployment, poor education, the lack of housing and the absence of adequate social services, as well as high level of crime and violence. Comparatively, India is only facing the border challenges and migration from Bangladesh. Trafficking of women and

children, drug trafficking and some other border problems are also increased in these days in India and created problem of internal security threat. One thing more that the South Africa's legislations have not given any importance of the natural disasters crisis whereas, India is facing natural disaster every year in different region.

1. Internal Security Structure and Investigation Agencies in India

(i) The Organizational Structure of Civil Police: Primarily Responsible for Domestic Crime Prevention

Each state and union territory of India has its own separate police force. Article 246 of the Constitution of India designates the police as a *state subject*, which means that the state governments frame the rules and regulations that govern each police force. These rules and regulations are contained in the police manuals of each state force. The head of the police force in each state is the Director General of Police (DGP), who is responsible to the state government for the administration of the police force in each state, and for advising the government on police matters. The DGP represents the highest rung in the police hierarchy.

The hierarchical structure of the police in India follows a vertical alignment consisting of senior officers drawn, by and large, from The Indian Police Service (IPS) who do the supervisory work, the "upper subordinates" (inspectors, sub-inspectors, and asst. sub-inspectors) who work generally at the police station level, and the police constabulary who are delegated the patrolling, surveillance, guard duties, and law and order work. The constabulary accounts for almost 88% of total police strength.

Each state police force also maintains its own armed police force (known as variously as the Provincial Armed Constabulary, Special Police and Armed Police) which is responsible for emergencies and crowd control issues. They are generally activated only on orders from the Additional Commissioner of Police, and higher-level authorities. The armed constabulary does not usually come into contact with the general public unless they are assigned to VIP duty or to maintain order during fairs, festivals, athletic events, elections, and natural disasters. They may also be sent to quell outbreaks of student or labor unrest, organized crime, and communal riots;

to maintain key guard posts; and to participate in anti-terrorist operations. Depending on the type of assignment, the Armed Police force may carry only lathis or lethal weapons.

(ii) Police Legislation in India

The Police Act of 1861 remains the central piece of legislation that governs all aspects of policing in India. Much of police work is also administered by the Indian Penal Code (IPC), the Code of Criminal Procedure (Cr.P.C.) and the Indian Evidence Act 1872. The 1861 Act was established directly after the Indian Mutiny of 1857. The experience of such firm resistance led the colonial rulers to impose a regime police force upon their subjects, which could be used solely to consolidate and perpetuate their rule in the country. In fact, the 1861 Act instituted a police system designed to be absolutely subservient to the executive and highly authoritarian. The managerial philosophy of the police hierarchy was based on distrust of the lower ranks.

The years after independence witnessed the enactment of new legislation in several states of the country. The first to come into force was the Bombay Police Act of 1951, which also governs the police forces in Maharashtra and Gujarat. Next came the Kerala Police Act of 1960, followed by the Karnataka Police Act of 1963, and lastly the Delhi Police Act of 1978. Most recently, the government of Madhya Pradesh framed a Police Bill, 2002. Unfortunately, these new Acts were patterned almost exactly on the model of the 1861 Act, resulting in no significant improvement in the performance or behavior of the police forces. In fact, some of these state Acts tightened political control even further over the police force, without introducing any safeguards to prevent misuse of the police for partisan purposes, or creating effective mechanisms to ensure police accountability.

A. Law Enforcement in India

Law enforcement in India is conducted by numerous law enforcement agencies. At the union (federal) level, the agencies are part of the Union Ministry of Home Affairs, and support the states in their duties. Since the federal nature of the Constitution of India mandates law and order as a subject of the state, the bulk of the policing lies with the respective states and territories of India. Larger cities also operate metropolitan police, also under the state government. All senior police officers in the state police forces, as well as those in the federal agencies, are members of

the Indian Police Service (IPS). In India Policemen are sometimes found to be on policing duties but not in uniform. This is mainly due to undercover nature of their work.

(a) Organization of Central Police

The federal police are controlled by the central Government of India. The majority of federal law enforcement agencies are controlled by the Ministry of Home Affairs. The head of each of the federal law enforcement agencies is always an Indian Police Service (IPS) officer. Some of these are as:

(i) Border Security Force

The Border Security Force (BSF) is responsible for guarding India's land borders during peacetime and preventing trans-border crimes. It is a central paramilitary force operating under the Union Ministry of Home Affairs. Although originally charged with guarding India's external boundaries, the BSF has more recently been given the task of aiding the Indian Army in counter-insurgency and counter operations. Central Industrial Security Force

(ii) Central Reserve Police Force

The Central Reserve Police Force (CRPF) is one of the largest paramilitary organisations in the world. Its main objective is to assist and help state and union territories' law enforcement agencies in maintaining law and order and to contain insurgency. It is also deployed as anti-terrorist unit in various regions.

(iii) Directorate of Revenue Intelligence and Narcotics Control Bureau

The Directorate of Revenue Intelligence (DRI) is an intelligence-based organisation responsible the co-ordination of India's anti-smuggling efforts. The NCB is responsible for anti-narcotic operations all over the country. It checks the spread of contraband as well as the cultivation of drugs.

(iv) Indo-Tibetan Border Police and Seema Suraksha Bal

The Indo-Tibetan Border Police (ITBP) is a paramilitary force responsible for security along the Indo-Tibetan Border, covering 2115 km. The ITBP is trained in mountaineering, disaster management, and nuclear, biological and chemical disasters. ITBP personnel have been deployed abroad to UN peacekeeping missions in Bosnia and elsewhere. The Seema Suraksha Bal is a central armed force deployed on Indo-Nepal and Indo-Bhutan borders.

B. Intelligence and Security Agencies in India**(a) National Technical Research Organization (NTRO)**

The National Technical Research Organization is a technical intelligence agency under the National Security Adviser in the Prime Minister's Office, India. It was set up in 2004. It also includes National Institute of Cryptology Research and Development (NICRD), which is first of its kind in whole Asian region.

(b) Intelligence Bureau (IB)

The Intelligence Bureau is considered world's oldest intelligence agency. This agency is India's internal intelligence agency and reputedly known for domestic intelligence agency of India. This is to see in its structural formation that the agency is very credible for not disclosing the information. It has a very secrete functioning structure and not has online website for public.

(c) Research and Analysis Wing (RAW)

The Research and Analysis Wing (RAW) is the primary foreign intelligence agency of India. This function is to collect the information of national security threat particularly neighbouring nations. Insurgency and proxy war is heavily defeated by this organization.

(d) National Investigation Agency (NIA)

National Investigation Agency (NIA) is the central agency to combat terror in India. The agency is empowered to deal with terror related crimes across states without special permission from the states. The National Investigation Agency Act 2008 to create the agency was moved in Parliament by Union Home Minister on 16 December 2008. The NIA was created in response to the November 2008 Mumbai terror attacks as need for a central agency to combat terrorism was found. It also deals with drug trafficking and currency counterfeiting.

(e) Central Bureau of Investigations (CBI)

The Central Bureau of Investigation (CBI) is India's premier investigative agency, responsible for a wide variety of criminal and national security matters. It was established on 1 April 1963 and evolved from the *Special Police Establishment* founded in 1941. The Central Bureau of Investigation is controlled by the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pension of the Union Government usually headed by a Union Minister who reports directly to the Prime Minister. It is India's official Interpol unit. The CBI draws its officers from the best IPS officers around the country. It is responsible for various

crimes and national security. The agency specializes in investigating crimes involving high ranking government officials and politicians.

(f) National Security Guards

The National Security Guards (NSG) is a commando unit originally created for counter-terrorism and hostage rescue missions. Raised in 1986, it is popularly known as the "Black Cats" for the uniform worn by its operators. Like most military and elite security units in India, it is media-shy and the general Indian public is largely unaware of its capabilities and operational details. Recently, the government of India deployed this agency in Pathankot attack in Punjab province.

The NSG draws its members from the Indian Army and various central police units. It is India's premier counter-terror outfit and is typically deployed in situations that would be beyond the capabilities of regular police units. An NSG team with a dedicated transport aircraft is always stationed at Palam Airport in New Delhi, ready to deploy in 30 minutes. The NSG has also been increasingly tasked with protection of VIPs. This role has expanded in recent years, as several politicians have come to view NSG protection as a status symbol. This has caused some concern among senior NSG officers and Home Ministry officials.

(g) Special Protection Group

The Special Protection Group (SPG) is the executive protection agency of the government of India. It is responsible for the protection of the Prime Minister of India, other top officials, and their immediate families. The force was established in 1985 after the assassination of Smt. Indira Gandhi.

2. Internal Security Structure and Investigation Agencies in South Africa

(a) South African National Police

Alike Indian police structure and functioning, the South African police service is normally shortened as SAPS. This is the nationwide police force of South Africa. There are total 1138 police stations in South Africa which are equally divided according to the provincial borders. The police headquarters in Pretoria is organized into six divisions. These are the (i) Crime Combating and Investigation Division, which holds overall responsibility for coordinating information about crime and investigative procedures. (ii) The Visible Police Division manages highly public police operations such as guarding senior government official and dignitaries. (iii) The Internal Stability Division is the third major division responsible for preventing and quelling

internal unrest and for assisting other divisions in combating crime. (iv) The Community Relations Division consults with all police divisions concerning accountability and respect for human rights. (v) The Supporting Service Division manages financial, legal and administrative aspects of the all police units. (vi) The Human Resource Management Division helps to hire, to train, and to maintain a competent work force for the South African Police.

A Provincial Commissioner is appointed in each province. Total of 9 Provincial Commissioners are there in South Africa and they all report directly to the National Commissioner. There is a specific hierarchy which describes each and every rank of police force of South Africa. These ranks are described in a well organized hierarchy starting from the commissioned officers and moving down with the lowest one. The highest position in the police is General followed by Lieutenant General, Major General and Brigadier. The mid level officer rank of the police hierarchy of South Africa is commissioned officers like: Colonel- highest level in the category of commissioned officers; Lieutenant Colonel- takes the command in the absence of colonel; Major- leads the team of captains and lieutenants and subordinate to the category of lieutenant colonel; Captain- a rank higher to lieutenant; and Lieutenant- lowest rank in the commissioned officer category in the police hierarchy of South Africa.

There are lowest level non-commissioned officer deployed for maintaining the law and order in the country. The lowest non-commissioned officers described as: Warrant Officer- this is a category of officers who are hired as officers by warrant from the government; Sergeant- the mid level non-commissioned officer rank and handles the team of constables for law and order in the town; and Constable- the lowest level rank of the in the police hierarchy of South Africa.

(b) South African Secret Service (SASS)

The Intelligence Act of 1994 was passed by Parliament and established a South African Secret Service, which was formed in 1994 following South African first multiracial elections. It was created to take over the foreign intelligence functions of the now-defunct National Intelligence Service, with the domestic intelligence responsibilities taken up by the National Intelligence Agency. The South African Secret Service (SASS) was the previous name of a South African Intelligence Agency, but now known as the Foreign Branch of the State Security Agency. It is

responsible for all non-military foreign intelligence and for counter intelligence within the service itself. It is also responsible for gathering, correcting, evaluating and analysing this intelligence.

The South African Secret Service is one of the elite intelligence organizations in African continent after that the State Security Service in Nigeria. It is a single most secret service agency extremely secretive about its operations, and thus few details reach the public. Currently the agency focusing the two main areas of threat to the nation are terrorist activities of Al-Qaeda and similar groups abroad in relation to South Africa's security, and the activities of illegal South Africa private army, most especially in parts of Africa and Iraq.

(c) Crime Intelligence Division of South Africa

The crime intelligence division of the South African Police Service is an intelligence agency that tracks criminal elements within the South Africa. It is run by divisional commissioner, who is also a member of the National Intelligence Co-ordinating Committee, to which they report. The main function of the crime intelligence division is to support in operation. Despite this the division also facilitate crime information analysis centre, crime information management centre, counter intelligence, covert intelligence and crime intelligence collection.

(d) National Intelligence Agency (NIA) of South Africa

The national intelligence agency (NIA) was the previous name of an intelligence agency of the South Africa government. The NIA has been described by The Guardian as being politically functionalised and penetrated by foreign agencies. Currently it is known as the domestic branch of the state security agency. It is responsible for domestic and counter-intelligence within the country. It is headed by a Director who reports to the DG of the state security agency.

3. Comparative Study of Indian and South African Internal Security

South Africa, like India, does not face any military threat to its territory, people and institutions. But Pretoria is concerned about political instability in its neighborhood. But differently from its South American partner, interstate and intrastate conflicts are actual components of South Africa's strategic regional landscape. It must, therefore, consider the prospect of having to deal with huge flows of immigrants, refugees, and the spread of famine and disease that follows crises

and conflicts associated with ethnic clashes and the breakdown of states and governments. This leads South Africa to prioritize conflict mediation as a core component of its approach to regional security (Soko 2007: 9).

Effective legislation for combating terrorism, naxalism (in case of India) is one of the available tools governments can use in fighting. There are shortcomings of strong law in India and South African legislation and they should be remedied. The South African legislation for combating terrorism should be brought in line with the international conventions dealing with terrorism. The present terrorism offence is too narrow and financing of terrorism must be addressed in both countries. There is therefore a need for strong legislation dealing with terrorism. Provision is also made for preventative measures. Legislation should be adopted which contains the necessary safeguards and which complies with the South African as well as Indian government.

Seventh Schedule, Article 246 of the Constitution of India designates the police as a state subject, which means that the state governments frame the rules and regulations that govern each police force. These rules and regulations are contained in the police manuals of each state force. Whereas the police is matter of central government of South Africa as stated above and its hierarchy is designating like military structure in India. The law and order is the state subject in India whereas the same is for central responsibility in South Africa.

The advent of Indian independence transformed the political system, but the police system retained its colonial underpinnings. The Police Act of 1861 was not replaced. Political control over the police remained intact. Implanting mechanisms to assure accountability of the police to the public it serves did not become a priority, as it should have. The managerial philosophy, value system, and ethos of the police remained militaristic in design, and suppressive in practice.

To this day, the police system in India can be characterized as a regime force, which places the needs of politicians or powerful individuals over the demands of the rule of law and the needs of citizens, whereas the South African government has fully framed its legislation and functioned according to the will of people.

A very classified, well structured and well functioning of the para-military forces established in India which is considered as a central police force and give the quick responses against failure of law and order in any province, area, region after demand of the particular state government, whereas the South Africa has not such type of police structure and functioning.

4. Recommendations for Cooperation in India and South Africa

The Government of India should be meaningful cooperation between both the countries so that challenges faced on many fronts in general and security concern in particular can be adequately addressed. India adopts a holistic approach that ensures 'zero tolerance' towards terrorism and it is committed to combating terrorism and extremism and to ensure that perpetrators of terrorist acts, their masterminds and conspirators are brought to justice. There should be strong collaboration between India and South Africa for fighting the terrorism.

India's relationship with South Africa began to strengthen when Mahatma Gandhi started his Satyagraha for justice. There is a similar internal security problem in both countries in past but now something different. There is a substantial potential for growth of internal security collaboration.

India and South Africa are active members of several international groups, such as the "India-Brazil-South Africa" (IBSA) and Brazil, Russia, India, China and South Africa (BRICS) initiatives. So the India and South Africa can play an increasingly important role in promoting closer coordination and greater understanding on global issues like terrorism, crime prevention programme etc. Both countries should be able to build a stronger and more effective international arena, not only for the safety and prosperity of their nation's communities, but for greater global peace and stability. The protection of children from abuse, repatriation of criminals and drug trafficking were also should be discussion point in collaboration. Both country also strengthen and enhance the existing bilateral cooperation in the field of internal security and other areas of cooperation. The legislation drafted must fall short in areas like accountability, transparency, superintendence and control over the police and people's participation exchanging of information as well as terrorist and wanted criminals.

Although the India government has taken some important measures to strengthen the central forces and rectify the intelligence machinery at the national level, the weaknesses of the state police and the legal structure of India remain unaddressed. One of the most glaring weaknesses is the politicisation of the Indian police. Police forces in large parts of India are heavily communalised, politicised and corrupt. The same structure is also prevalent in South Africa. So there should be a table for discussion among the criminal justice expert between the both countries. And should be exchange programme in this field for researcher, policy makers and academic institutions.

However, in India, the political masters and the Indian Administrative Service (IAS) bureaucracy control the police. South African National Police is totally controlled by Police Administration from Central Government by the police force and not by bureaucratic.

While police in India is a state subject, the Union Home Ministry under the Modernisation Scheme provides assistance in cash and kind to the state governments and union territories in the form of 100 percent grants-in-aid to be utilised for expenditure of non-recurring nature such as: purchase of vehicles, wireless equipment, computers and other sophisticated equipment and for development of critical infrastructure in extremist affected areas, setting up crime and criminal tracking network and systems and for establishment of counter-insurgency and anti-terrorist schools. This practice takes much more time. The fund should be allocated direct to the State. Alike South Africa, only union government is responsible for modernization of police. This takes very few processing time and do the needful very fast.

5. Conclusion

India's internal security is reflected in its socio-political milieu, the main feature of which is its diversity. It is reflected in the variety of its communities and castes, race and ethnic groups, languages and dialects, religious beliefs and customs and traditions, with different manifestations of culture. Therefore, India's internal security scenario will continue to be complex and varied, while problems will intrinsically rest on domestic roots but external factors will play a major role in aggravating these. The external forces in conjunction with internal forces of dissent will endeavour to exacerbate security problems of India. Maintenance of internal security will thus be

one of the biggest challenges facing the country. South Africa has some different problems like exodus migration, drug trafficking, racial problem, unrest and violence against women, AIDS like disease and aggravation.

Crime against women and children and ideological crime is also increasing in India. India's response to internal security has been purely that of crisis management, over centralisation and states abdicating their responsibilities. Structural changes are required in decision making process, to ensure independent functioning of law enforcement agencies and a holistic policy incorporating political, economic, socio-cultural and law and order aspects. This most of all will entail political determination.

In view of the repeated terror attacks on the Indian soil and the disjointed actions by the state government and the police following the attacks in Mumbai, and the public outcry thereafter, the government was forced to speedily undertake a number of internal security reviews and adopt measures which could either pre-empt future terror attacks or at least improve the crisis management after such attacks occur. Several measures have been taken/are underway since then. Likewise, the South Africa is also suffering from such type of problems and could initiate for further join action in the country.

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