



INTERNATIONAL COOPERATION

CHAPTER XI

11.1 The modus operandi of perpetrators or potential perpetrators of crime, particularly of those engaged in international terrorism, organized crime and illicit trafficking in narcotic drugs has evolved and changed rapidly with the advancement of technology and has assumed a transnational and a global dimension. Accordingly, the Ministry has taken and pursued a variety of multilateral/ bilateral initiatives in security related areas to counter terrorism. The Ministry of Home Affairs also being the nodal Ministry for Disaster Management is actively involved in multilateral and bilateral international initiatives to mitigate and manage natural disasters.

SECURITY AND POLICE MATTERS MULTILATERAL COOPERATION

South Asian Association for Regional Cooperation (SAARC)

11.2 SAARC was set up in 1985 as an association of States to “promote the well-being of the populations of South Asia and improve their standard of living; to speed up economic growth, social progress and cultural development; to reinforce links between the countries of this area”. Presently, SAARC has eight member countries; namely, Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka while its Secretariat is in Kathmandu (Nepal).


11.3 During the 13th SAARC Summit held at Dhaka in November, 2005, it was, inter-alia, decided that the SAARC Interior/Home

Ministers would meet annually preceded by meeting of the Interior/Home Secretaries. So far two meetings of the SAARC Interior/Home Ministers have been held – in Dhaka (May 11, 2006) and New Delhi (October 25, 2007).

11.4 The 3rd Meeting is scheduled to be held after May 2010 at Islamabad. The SAARC Interior/Home Ministers/Secretaries Meetings will be preceded by the 8th SAARC Conference on Cooperation in Police Matters, 3rd Meeting of SAARC Immigration Authorities and 3rd Meeting of Focal Points of SAARC Drug Offences Monitoring Desk (SDOMD) and SAARC Terrorist Offences Monitoring Desk (STOMD).

11.5 The meetings will review the progress of implementation of the decisions taken in the last meetings, inter alia, the progress made in strengthening of two Desks, namely, STOMD and SDOMD, networking arrangements, Combating Corruption, Capacity Building etc. India is funding the proposal of strengthening of SAARC Terrorist Offences Monitoring Desk (STOMD) and SAARC Drug Offences Monitoring Desk (SDOMD), based in Colombo, to the tune of Rs.2 crore. India is also funding the proposal of Networking of the SAARC Police Chiefs amounting to Rs.12.88 lakh.

11.6 India hosted a Workshop on Organised Crime on June 1-5, 2009 in which the SAARC Member States participated. To enhance Police cooperation among SAARC Member States, India has offered 9 courses in various areas to Member States. In- service trainings are being



organized by India regularly to enhance the capacities of foreign police personnel under the SAARC umbrella.

India-Africa Forum Summit:

11.7 An India-Africa Forum Summit was held in April 2008. The aim of the Summit was to add substantial content to India's engagement with Africa and build broad-based and long-standing links with individual African States. The Summit initiative is also in line with India's need to develop an India-Africa dialogue. The formal outcome document of the Summit was a Declaration and an Action Plan.

11.8 In respect of the Ministry of Home Affairs, the identified areas are:

- (a) Security dialogue with select countries,
- (b) Dialogue on counter-terrorism with select countries,
- (c) Mutual Legal Assistance Treaties with select countries,
- (d) Extradition Treaties' and
- (e) Facilitation of visas for professionals, businessmen, students, etc.

11.9 Proposals/initiatives in respect of the MHA would also, illustratively relate to:

- i) Technical assistance and capacity building to tackle the challenge of money laundering and terrorist financing;
- ii) Cooperation in duplication of the Female Formed Police Unit;
- iii) Cooperation in developing and implementing a Training of Trainers towards effective policing and police support as part of peacekeeping operation;
- iv) Sharing of experiences and information to enhance capacity to fight international terrorism;
- v) Cooperation in controlling drug trafficking, as well as trafficking in women and

children; and

- vi) Technical assistance and capacity building in disaster management and humanitarian intervention.

11.10 The Cabinet had, inter alia, approved the implementation package for the African Continent estimated to cost Rs.10 crore over a period of 5 years. Funds have been sought for incurring the expenditure on the following courses:

- a) Basic course on drug law enforcement (duration being 5 days), to be conducted by NCB,
- b) Course on Investigation of Economic offences including Cyber Crime (duration being 5 days), to be conducted by CBI; and
- c) Training of Trainer Programme on Comprehensive Disaster Risk Management (duration being 2 weeks), to be conducted by National Institute of Disaster Management.

International Conventions

11.11 Two Conventions, namely, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) have been notified in the Gazette of India (Extraordinary) under section 2(1)(f) of the Protection of Human Rights Act, 1993.

11.12 India ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in 2003. Under the Provisions of this Convention, the Regional Task Force of SAARC for implementation of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution met for the first time in New Delhi on June 26, 2007 in New Delhi, second time in July, 2008 and third



time on May 28-29, 2009 at Shimla. The main achievement of the last conference has been the adoption of the Standard Operating Procedure (SOP) on Combating Trafficking in Women and Children for Prostitution by all SAARC Member States. The decisions taken in the SAARC meeting included sharing best practices, setting up a toll free phone number for use of victims, capacity building and training programmes based on the best practices, wherever possible harmonizing national legislations to tackle trafficking and development of Standard Operating Procedures (SOP) for operationalizing the Convention, including repatriation of victims. The SOP is to be implemented in a one year time frame which is extendable by another 6 months.

Bilateral Cooperation

11.13 Mechanisms have been established for institutionalization of bilateral cooperation with a number of neighbouring countries, mainly, in the form of annual Home Secretary level talks and related sub-mechanism, with Bangladesh, Bhutan, Myanmar, Nepal, Pakistan and the United Arab Emirates (UAE). In addition, bilateral discussions are held with countries from time to time to expand mutual cooperation and develop institutional mechanism to counter terrorism. During the year, the following bilateral talks/meetings at the level of Home Secretary were held:

Bangladesh

11.14 In 1994, a three-tier bilateral institutional mechanism was set up between India and Bangladesh to resolve security and border management issues. The first level is talks at DG, BSF and DG, BDR; the second is a Joint Working Group (JWG) at the level of Joint Secretaries of both the countries; and the third is the talk at Home Secretary level. Last meeting

of JWG was held in May 2008 in New Delhi, DG, BSF-BDR, and Home Secretary level talks were held in Dhaka in August 2008.

11.15 Nodal points between India and Bangladesh have been set up for sharing of information of mutual concern. Contracts of the nodal points have been shared.

11.16 Home Secretary Level talks between India and Bangladesh to discuss security and Border management related issues was held from 30th November 2009 to 2nd December, 2009 at New Delhi. At the meeting, both sides agreed to strengthen cooperation between the two Governments on a number of issues of mutual concern and also finalized drafts of Agreement on Mutual Legal Assurance in Criminal Matters, Agreement on Combating Terrorism, Organized crime and Illicit Drug Trafficking and Agreement on transfer of sentenced persons.

Myanmar

11.17 Government of India and Myanmar had signed a Memorandum of Understanding (MoU) for maintenance of peace and tranquility in border areas in January, 1994. Pursuant to this MoU, Joint Secretary and Home Secretary Level talks between the two countries are held every year alternatively in India and Myanmar. So far, fifteen meetings at Joint Secretary level and fifteen meetings at Home Secretary level between India and Myanmar have been held.

11.18 The 15th National Level Meeting at Home Secretary Level between India and Myanmar was held from the January 19 - 21, 2010 at Nay Pyi Taw, Myanmar. At this meeting, both India and Myanmar agreed to strengthen Intelligence Sharing Mechanism between the security forces of the two countries for sharing of actionable intelligence, on real time basis, on



the activities of Insurgent Groups, arms smugglers and drug traffickers. At this meeting Government of Myanmar also designated its 'Nodal Point' and provided its contact details for sharing of intelligence on regular and continuous basis. The 'Nodal Point' for India and its contact details had already been shared with Myanmar at Joint Secretary Level talks held in March, 2009. Since smuggling of wildlife and wildlife products from India to other countries has been taking place through Myanmar territory, both sides also agreed that exchange of information in this regard including details of seizures of smuggled wildlife and wildlife products may be shared regularly between the 'Nodal Points' designated for this purpose and the information so shared be reviewed bi-annually.

Maldives

11.19 A delegation led by the Minister of Home Affairs, Maldives called on Union Home Minister on February 3, 2010. Both sides emphasized the need to formalize and strengthen the legal framework of cooperation

through expeditious finalization of bilateral Agreements. It was also agreed that India will assist in capacity building in various fields of security and related infrastructure.

Nepal

11.20 Home Secretary Level Talks between India and Nepal were held at Kathmandu on November 6-7, 2009. The nineteen member delegation was led by Dr. Gobinda Prasad Kusum, Secretary, Ministry of Home Affairs, Government of Nepal while the Union Home Secretary, Shri G.K. Pillai led the Indian team.

11.21 During the meeting, both sides reviewed the progress in implementation of the decisions taken at the previous meeting and expressed satisfaction over the progress achieved. Focused discussions were held on issues relating to (i) Security (ii) Border Management and (iii) Empowerment and Capacity Building.

11.22 Discussions on security related issues centered around greater cooperation in combating terrorism, arm smuggling,





insurgency, fake currency, human trafficking and trafficking in narcotics and psychotropic substances. Both sides agreed on imitating capacity building programme to enhance the capability of law enforcement agencies in order to effectively counter the menace of fake currencies.

11.23 With reference to Border Management, discussions in the meeting covered issues relating to review of the Nepalganj-Rajpaidiha Pilot Project; institutionalizing the mechanism for regular meetings of the Border District Coordination Committees; fine-tuning the existing institutional mechanisms for sharing of real-time information so as to enable an effective and prompt response to activities inimical to either country. Both sides agreed that the 9th Nepal-India JWG meeting will be held in Kathmandu, Nepal in the first quarter of 2010.

United Arab Emirates (UAE)

11.24 The Indian delegation led by Shri A. E. Ahmad, the then Additional Secretary, Ministry of Home Affairs visited Abu Dhabi, UAE on March 4-5, 2009 for holding bilateral talks between India and United Arab Emirates on security related issues. The delegation of UAE was led by Brig. Abdullah Ali Rashid Bedaiwi, Deputy Director General, Department for Criminal Security, Ministry of Interior.

11.25 During the bilateral talks, the Agreement on Security Cooperation between the Government of the United Arab Emirates and the Government of the Republic of India was finalized and initialed after discussions. Further, the approval of the Cabinet to sign the Agreement was obtained in its meeting held on June 19, 2009. Ministry of External Affairs is exploring the possibility of signing the Agreement in consultation with Indian Embassy in UAE.

Vietnam

11.26 A high level delegation visited Vietnam and appraised the setting up of a hi-tech Cyber Forensic Laboratory through Indian assistance at Hanoi. Prior to this visit a 2-member Indian team provided hands on training to Vietnamese Police Officers. The Indian delegation is likely to visit Vietnam again to finalize and identify the infrastructure required to house the hi-tech computer forensic laboratory.

HIGH LEVEL VISITS

11.27 The details of important visits are as under:

- A high level Indian delegation led by Union Home Minister visited USA from 8-10 September from 8-10, 2009 and held discussions on issues of mutual interest including the challenge of combating terrorism. During his stay Union Home Minister met several Cabinet Ministers including Ms. Hillary Clinton, Secretary of State; Mr. James Jones, NSA, Mr. Janet Napolitano, Secretary, Homeland Security; Mr. Eric Holder, Attorney General, Mr. Timothy Geithner, Treasury Secretary and Mr. Dennis Blair, Director, National Intelligence and other dignitaries. Home Minister also visited several facilities including FBI's National Forensic Laboratory at Quantico, the National Counter Terrorism Centre in Washington and the Joint Terror Task Force in New York.
- A delegation led by Minister of Home Affairs, Maldives called on Union Home Minister on February 3, 2010. Both side emphasized the need to formalize and strengthen the legal framework of cooperation through expeditious finalization of bilateral agreements. It was

also agreed that India will assist in capacity building in various fields of security and related infrastructure.

Joint Working Group on Counter Terrorism

11.28 India has established Joint Working Groups on Counter Terrorism/International Terrorism with several key countries to exchange information and strengthen international cooperation to combat international terrorism and transnational organized crime. During 2009-10, Joint Working Groups meetings with European Union, USA and Canada were held.

Mutual Legal Assistance Treaty/Agreement in Criminal Matters

2.29 Mutual Legal Assistance Treaty in Criminal Matters is one of the significant legal instruments to improve and facilitate effectiveness of Contracting States in investigation and prosecution of crime, including crime related to terrorism by providing the necessary legal framework for rendering/receiving legal assistance in criminal matters.

11.30 At present, Treaty/ Agreement on Mutual Legal Assistance in criminal Matters is in force with 26 countries namely, Switzerland, Turkey, United Kingdom, Canada, Kazakhstan,

United Arab Emirates, Russia, Uzbekistan, Tajikistan, Ukraine, Mongolia, Thailand, France, Bahrain, South Korea, United States of America, Singapore, South Africa, Mauritius, Belarus, Spain, Kuwait, Bulgaria, Vietnam, Egypt and Mexico.

11.31 Agreement/Treaty on Mutual Legal Assistance in Criminal Matters has been signed with Hong Kong Special Administrative Region in Peoples' Republic of China (14.9.2009), Bosnia & Herzegovina (October 29, 2009) and Bangladesh (January 11, 2010). These Agreements/Treaties are yet to come into force.



Minister of Justice, Bosnia & Herzegovina and Union Minister of State for Home signing the Treaty on Mutual Legal Assistance in Criminal Matters between the two countries on October 29, 2009

Agreement on Transfer of Sentenced Persons

11.32 The Repatriation of Prisoners Act, 2003 was enacted for enabling foreign prisoners



convicted in India to be transferred to a jail in their own country to serve the remaining part of their sentence and vice versa. The Act was notified and came into force on 1.1.2004. Subsequently, the repatriation of Prisoners Rules, 2004 was published in the Official Gazette on August 9, 2004 for operationalising the Act, a treaty/ agreement is required to be signed with individual interested countries.

11.33 The Government of India has so far signed agreements with the Government of United Kingdom, Mauritius, Bulgaria, Cambodia, Egypt, France, Bangladesh and Korea. Negotiations have also been concluded with the Governments of Canada, Israel, Hong Kong, Saudi Arabia, Brazil, Iran, Bosnia & Herzegovina and Sri Lanka.

11.34 The salient features of the agreement are as under:

- (i) The transfer will be made if the sentenced person is a citizen of the Receiving State.
- (ii) A request for transfer may be made by the sentenced person or a person entitled to act on his behalf in view of his age or physical or mental condition.
- (iii) The request for transfer will have to be agreed upon by the Transferring and the Receiving States.
- (iv) The transfer will be affected if the judgment awarding the sentence is final in and no inquiry, trial or any other proceeding is pending in any Court of the Transferring State.
- (v) The transfer will be considered if the acts or omissions for which that person was sentenced in the transferring State are those which are punishable as a crime in the receiving State or would constitute a

criminal offence if committed on its territory.

- (vi) The enforcement of sentence shall be governed by the law of the Receiving State and that State alone will be competent to take all appropriate decisions.
- (vii) The sentenced person shall not be transferred if death penalty has been awarded to the sentenced person in the Transferring State.
- (viii) The Transfer of custody of the sentenced person to the receiving State shall not be prejudicial to the sovereignty, security or any other interest of the Transferring State.

Disaster Management

11.35 Online Training Programmes - The National Institute for Disaster Management (NIDM) in collaboration with the World Bank Institute (WBI) is organizing online training programmes on Comprehensive Disaster Risk Management Framework and specialized online programmes on Community Based Disaster Risk Management, Financial Strategies in Disaster Management, Damage & Reconstruction Needs Assessment, Safe Cities, Land-use Planning and Climate Change & Disaster Management.

11.36 Second India Disaster Management Congress - The Institute organised the Second India Disaster Management Congress (IDMC 2) from November 4-6, 2009 at Vigyan Bhavan, New Delhi. It provided a platform for interaction amongst scientists, researchers and practitioners from various disciplines and sectors. The Congress was inaugurated by Gen. N. C. Vij (retd.), Vice Chairperson of National



Disaster Management Authority. The Congress had twelve different Thematic Clusters and twenty six Thematic Sessions, where over 300 papers were presented. Hon'ble Shri APJ Abdul Kalam, former President of India graced the occasion and delivered the Valedictory address.

11.37 SAARC Disaster Management Centre - NIDM hosts the SAARC Disaster Management Centre that works for capacity building in the 8 member countries of SAARC, namely Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The Executive Director of the NIDM is also the

Director of the SAARC Centre.

11.38 Three years training programme in Indo-Swiss Collaboration for specialized training of National Disaster Response Force, under Indo-Swiss Collaboration is under implementation. The programme envisages trainings of one NDRF Search and Rescue Battalion (including canine training) by the end of 2010. Till date 6 training workshops have been organized by the SDC at various NDRF training institutions. The programme will also facilitate development of infrastructure of INSARAG standard and capacities to replicate it further.

