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GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi, the 03rd March, 2008.
(Updated from time to time).

THE RIGHT TO INFORMATION ACT, 2005

[INFORMATION UNDER SECTION 4 (1) (b) OF THE ACT]

PARTICULARS OF MHA'S ORGANISATION, FUNCTIONS AND DUTIES :

I. Under the Government of India (Allocation of Business) Rules, 1961, the Ministry of Home Affairs (MHA) has the following constituent Departments:-

(a) Department of Internal Security:

It deals with the matters relating Police, Law & Order and Rehabilitation.

(b) Department of States:

It deals with the matters relating to Centre-State Relations, Inter-State Relations, Union Territories and Freedom Fighters' Pension.

(c) Department of Home:

It deals with the matters relating to notification of assumption of office by the President and Vice-President, notification of appointment of the Prime Minister and other Ministers etc.

(d) Department of Jammu & Kashmir Affairs:

It deals with the matters relating to the constitutional provisions with respect to the State of Jammu & Kashmir and all other matters relating to the State excluding those with which the Ministry of External Affairs is concerned.

(e) Department of Border Management:

It deals with the matters relating to management of borders including coastal borders.

(f) Department of Official Language:

It deals with the matters pertaining to the implementation of the provisions of the Constitution relating to Official Language and the provisions of the Official Language Act, 1963.

II. The detailed list of subjects dealt with by each Department in this Ministry is as follows:-

(a) Department of Internal Security:

(i) Police

1. Assam Rifles.
2. Border Security Forces.
3. Indo-Tibetan Border Police.
4. Sashastra Seema Bal.
5. National Police Academy and Central Detective Training Schools.
6. National Crime Records Bureau.
7. Intelligence Bureau.
8. Central Forensic Science Laboratories and Government Examiners of Questioned Documents.
9. Central Industrial Security Force.
10. Central Reserve Police Force.
11. National Security Guard.
12. Matters relating to Indian Police Service.
13. Foreign training of IPS and officers of Central Police Forces including training programmes under bilateral cooperation.
14. All matters relating to training of Foreign Police Officers in India.
15. All matters relating to Civil Defence and Home Guards.
16. Matters relating to Inter-State Police Wireless System.
17. Matters relating to Police Medals.
18. Narcotics Control Bureau

(ii) Law and Order

19. Matters relating to Counter-terrorism.
20. VVIP security, personal security on threat perception basis, security of important government buildings etc.
21. The Terrorist and Disruptive Activities (Prevention) Act, 1985 pending cases.
22. The Terrorist Affected Areas (Special Courts) Act, 1984 (61 of 1984) –all matters relating to the Act.
23. Grant of Indian citizenship by registration and naturalization.
24. All matters relating to the Bureau of Immigration.
25. Grant of Visa for India in respect of citizens of Afghanistan, Bangladesh, Pakistan and Sri Lanka, including their long term

- stay in India and regulation of entry/stay of all foreigners into/ in India.
26. Deportation of citizens of other countries from India.
 27. Repatriation of foreigners jailed in India including foreign fisherman apprehended in Indian waters.
 28. Government servants having families in Pakistan-cases regarding grant of permission to Government Servants to visit Pakistan.
 29. Regulation of the acceptance and utilization of foreign contribution and foreign hospitality by associations and persons.
 30. Central Secretariat Security.
 31. Prevention of bringing into India of undesirable literature under Section 11 of the Customs Act, 1962 (52 of 1962).
 32. The Essential Services Maintenance Act, 1981 (40 of 1981).
 33. Requisitioning of the services of government servants for any duty during the period of operation of any Proclamation issued under clause (1) of article 352 of the Constitution.
 34. Preventive detentions except to the extent specially allotted to any other Central Ministry or Department.
 35. Removal from one State to another State of persons, accused persons and persons subjected to preventive detention.
 36. Criminal Law.
 37. Criminal Procedure.
 38. Criminal offences against women, children and members of the Scheduled Castes, Scheduled Tribes, including those under the Protection of Civil Rights Act, 1955 (22 of 1955) and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989(33 of 1989), Other Backward Classes, Minorities and other vulnerable groups.
 39. Matters relating to the State of Nagaland.
 40. Matters relating to the State of Sikkim.
 41. Parliament Questions relating to crime on Railways other than offences relating to pilferage of railway property.
 42. Matters relating to Arms, Fire Arms and Ammunitions.

(iii) Rehabilitation

43. Residuary work relating to relief to/ rehabilitation of displaced persons from (a) former East Pakistan (b) border areas of Jammu & Kashmir as a result of Indo-Pak Conflict of 1971 and (c) Pakistan occupied areas of Jammu and Kashmir.
44. Relief and Rehabilitation of repatriated Indian nationals.
45. Relief to and rehabilitation of refugees from Tibet.
46. Relief to refugees from Sri Lanka.
47. Dandakaranya Development Scheme and Dandakaranya Development Authority.

48. Residuary work relating to provision of compensation to and rehabilitation of displaced persons from former West Pakistan, other than issue of lease or conveyance deed in respect of Government built properties, conversion of lease deeds, allotment of additional strips of land and correctional areas adjoining the properties which have been allocated to the Ministry of Urban Development.
49. Development of such special areas as may be indicated by Prime Minister from time to time.
50. Administration of the Acts pertaining to administration of evacuee property and compensation to and rehabilitation of displaced persons from former West Pakistan.
51. Negotiations with Pakistan concerning evacuee property left by displaced persons from former West Pakistan.
52. Residuary work relating to disposal of unclaimed moveable property received from former West Pakistan.
53. Coordination of relief measures in the event of natural calamities (other than drought or epidemics) and man-made disasters, excluding specific items of business allocated to other Ministries/Departments.
54. Matters relating to loss of human life and property due to all natural and man-made calamities, other than drought or epidemics.
55. All matters relating to Narcotics Control Bureau set up under the provisions of Section 4(3) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and coordination of all measures for preventing and combating abuse of and illicit traffic in narcotic drugs and psychotropic substances.
56. All matters relating to international conventions, agreements, protocols, etc., in respect of illicit traffic in narcotic drugs, psychotropic substances and precursor chemicals which the Ministry of Home Affairs and organizations under it are authorized to deal with except matters allocated to the Ministry of Finance, Department of Revenue.

(b) Department of States:

(i) Centre-State Relations

1. Establishment and formation of new States: matters arising therefrom (excepting those pertaining to allocation of service personnel); integration of Services and other matters relating to State Services allotted to the Department of Personnel and Training and alternation of areas; boundaries and names of existing States.
2. Matters relating to the Rulers of former Indian States referred to in clause (22) of Article 366 of the Constitution and their families.
3. Special provisions in Article 371 of the Constitution with respect to the State of Andhra Pradesh, Maharashtra and Gujarat.
4. Administration of the Acts relating to the reorganization of States.

(ii) Inter-State Relations

5. Inter-State Council.
6. Inter-State migration.

(iii) Union Territories

7. Union Territories with legislature:
 - (a) National Capital Territory (NCT) of Delhi:
 - (i) All matters falling within the purview of the Union Government in terms of provisions contained in Part VIII of the Constitution in so far as these are applicable to the National Capital Territory of Delhi and the Government of National Capital Territory of Delhi Act, 1991 excepting matters with respect to Entry 18 of the State List and all such matters as have been specifically assigned under these Rules to any other Ministry or Department of the Government of India;
 - (ii) All powers and functions of the Central Government as per the provisions of the Municipal Corporation of Delhi Act, 1957 and New Delhi Municipal Council Act, 1994 except matters pertaining to Land and Building Bye Laws;

- (b) Union Territory of Puducherry:

All matters falling within the purview of the Central Government in terms of provisions contained in Part VIII of the Constitution in so far as these relate to the Union territory of Puducherry and the Government of Union Territories Act, 1963 except all such matters as have been

under these rules specifically been assigned to any other Ministry or Department of the Government of India.

8. (a) Making of Regulations under article 240 of the Constitution for peace, progress and good government of the Union Territories.
- (b) Extension of State Acts to the Union Territories.
- (c) Delegation of powers of State Government and Central Government under various enactments to the Administrators of the union Territories under article 239 of the Constitution.
- (d) General Questions relating to public services in the Union Territories and Service matters in so far as these fall within the purview of State Governments relating to-
 - (i) the officers of Indian Administrative Service and Indian Police Service serving in connection with the affairs of the Union Territories;
 - (ii) NCT of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Civil and Police Services (DANICS and DANIPS);
 - (iii) Pondicherry Civil and Police Services.
- (e) Appointment of Lt. Governors and Administrators in the Union Territories.

Note:- All above matters relating to Union Territories except those which are specifically allotted to any Ministry/ Department.

9. Union Territories without legislature:

All matters enumerated in the State List and the concurrent List in so far as any such matter is applicable to Union Territories except all such matters as have been under these Rules specifically assigned to any other Ministry or Department of the Government of India including (a) organization and maintenance of mainland-islands and inter-islands shipping services in respect of the Union Territories of Andaman & Nicobar Islands and Lakshadweep and (b) forests, education, road and bridges works and ferries thereon in respect of Andaman and Nicobar Islands.

(iv) Other Subjects

10. Pension and other facilities to Freedom Fighters.

11. Human Rights:

- (i) to act as the nodal agency for the general policies regarding "Human Rights" matters, including National Human Rights Commission or any other institutional arrangements in this regard;

- (ii) human rights violations relating to alleged excesses by personnel of police and paramilitary forces;
- (iii) interaction with Human Rights Organisations and other related organisations within the country and coordination with various Departments and State Governments;
- (iv) coordination of policy relating to Human Rights.

Note:- The Ministry of Home Affairs will be the nodal Ministry for overall policy relating to Human Rights. The departments primarily concerned with the welfare and socio-economic development of specific groups like members of the Scheduled Castes, Scheduled Tribes, women, minorities, children, and bonded labour, shall be responsible in respect of preservation of Human Rights of the specified groups.

- 12. Matters relating to Bureau of Police Research and Development, National Civil Defence College, National Fire Service College.
- 13. Development of Fire Services
- 14. Extension of the powers and jurisdiction of members of a police force belonging to any State, to any area outside that State, but not so to enable the police of one State to exercise powers and jurisdiction in any area outside that State without the consent of the Government of the State in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside the State.
- 15. Police Reforms.
- 16. Prison Reforms

(c) Department of Home:

- 1. Notification of assumption of office by the President and the Vice-President and swearing in ceremony of the President.
- 2. Grant of pardons, reprieves, suspensions, remission or commutation of a sentence of death and petitions for remission of sentences (other than death) or for pardon from prisoners sentenced by courts in States for offences against any law relating to a matter to which the executive power of the Union extends.
- 3. Issue of notifications of appointment and resignation of the Prime Minister and other Ministers and Parliamentary Secretaries of the Union.
- 4. Rules for the authentication of papers in the name of the President.

5. Model Rules of business for State Governments/Union Territory Administrations.
6. Nominations to Rajya Sabha and Lok Sabha.
7. Appointment, resignation and removal of Governors and related matters.
8. Regulations framed by the Governors and reserved for the assent of the President.
9. Bills passed by legislatures of States (except Jammu and Kashmir) reserved by Governors for the consideration of the President; and the prior consultation with the Central Government by the State Governments as regards State Legislation.
10. Prior approval of the President to the promulgation of Ordinances by Governors of States.
11. Property accruing to the Union by escheat or lapse of a bona vacantia.
12. Special provision relating to the language spoken by a substantial proportion of the population of a State.
13. Matters relating to the emergency provisions of the Constitution (other than those relating to financial emergency).
14. Conventions with other countries in judicial matters including questions relating to International Court of Justice and reference from the United Nations Organisations relating to obscene publications.
15. Matters relating to Code of Conduct of Legislatures.
16. Code of Conduct for Ministers.
17. Employment of wives or dependents of Government servants in foreign Missions in India.
18. Exchange of visits between Civil and Military Officers.
19. Lotteries organized by the Government of India or the Government of a State/Union Territory.
20. Census of population, including administration of the Census Act, 1948 (37 of 1948) and the Census (Amendment) Act, 1993 (11 of 1994).
21. Official dress.
22. Emoluments, allowances, privileges and rights in respect of leave of absence of the President and Governors; salaries and allowances of Ministers, Deputy Ministers and Parliamentary Secretaries of the Union.
23. National Anthem.
24. National Flag of India; President's and Governor's Standards.
25. State Emblem.
26. Warrant of Precedence.
27. Awards and decorations.
28. National Festivals.
29. Matters relating to National Integration and Communal Harmony.
30. Changes in geographical names.

31. Action to be taken on the death of high dignitaries.
32. Political pensions.
33. Compassionate allowance to dependents of mutiny veterans.
34. Home Minister's discretionary fund.
35. Poisons.
36. Registration of Births and Deaths, including administration of the Registration of Births and Deaths Act, 1969 (18 of 1969).
37. Newspapers, books and printing presses.

(d) Department of Jammu & Kashmir Affairs:

1. Constitutional provisions with respect to the State of Jammu and Kashmir.
2. All matters relating to the State of Jammu and Kashmir, including counter terrorism within Jammu and Kashmir and coordination in respect of subjects/matters specifically allotted to any other Ministry/Department like coordination with Ministry of Defence as regards manning and managing the line of control between India and Pakistan, but excluding those with which the Ministry of External Affairs is concerned.
3. Administration of the Armed Forces (J&K) Special Powers Act, 1990 (21 of 1990).

Note: While the Department of Jammu and Kashmir Affairs would coordinate with various Ministries/Departments, primarily concerned with development and welfare activities in Jammu and Kashmir, respective Ministries/Departments would be responsible in respect of subjects allocated to them.

(e) Department of Border Management:

1. Management of International Land and Coastal Borders excluding those subjects specifically allocated to Ministry of Defence and Ministry of External Affairs.
2. Coordination with State Governments and other Departments of Government of India in respect of subjects specified in this list.
3. Strengthening of border policing and guarding.
4. Creation of infra-structure like roads; fencing and flood lighting of borders, in coordination with Ministry of Defence and Ministry of External Affairs.

5. Border Area Development Programme excluding the subject specifically allocated to Department of Development of North Eastern Region.

(f) Department of Official Language:

1. Implementation of the provisions of the Constitution relating to Official Language and the provisions of the Official Languages Act, 1963 (19 of 1963) except to the extent such implementation has been assigned to any other Department.
2. Prior approval of the President for authorising the limited use of a language other than English in the proceedings in the High Court of a State.
3. Nodal responsibility for all matters relating to the progressive use of Hindi as the Official language of the Union, including Hindi teaching schemes for Central government employees.
4. Publication and distribution of publicity literature for progressive use of Hindi as official language of the Union.
5. Coordination in all matters relating to progressive use of Hindi as the official language of the Union including administrative terminology, syllabi, text-books, training courses and equipment (with standardised script) required therefor.
6. Constitution and Cadre management of the Central Secretariat Official Language Services.
7. Matters relating to Kendriya Hindi Samiti including its Up-samitis.
8. Coordination of work relating to the Hindi Salahkar Samitis set up by the various Ministries/Departments.
9. Matters relating to the Central Translation Bureau.

III. Apart from its major task of preserving the internal security of the country in its countless dimensions, the responsibilities of the Ministry of Home Affairs cover a wide arch of subjects such as Central Police Forces (CPFs), Centre-State relations, police modernization, border management, disaster management, human rights, national integration, communal harmony, freedom fighters' pension and other welfare measures for them, rehabilitation of displaced persons, administration of Union Territories etc. The Ministry of Home Affairs also extends manpower and financial support, guidance and expertise to the State Governments for maintenance of security, peace and harmony, without trampling upon the constitutional rights of the States.

POWERS AND DUTIES OF MHA'S OFFICERS AND EMPLOYEES:

I. The Department of Official Language has a separate Secretary.

II. The Department of Border Management has a Secretary.

III. The Department of Internal Security, Department of States, Department of Home, Department of Jammu & Kashmir Affairs and Department of Border Management, however, do not function in water-tight compartments. They all are inter-linked and function under the overall charge of the Home Secretary, who is assisted by the officers of the level of Special Secretary, Additional Secretary, Joint Secretary etc. The work of these Departments is distributed among different divisions, each headed by a Joint Secretary. The names of these divisions, indicating their major areas of responsibility, are given below:-

Administration Division

This Division is responsible for handling all administrative matters of the Ministry of Home Affairs and also deals with matters relating to Table of Precedence, Padma Awards, National Flag, National Anthem, State Emblem of India and Secretariat Security Organisation.

Border Management Division

This Division, set up recently, deals with all matters relating to management of borders and coastal security etc.

Centre-State Division

This Division deals with Central-State relations, including working of the Constitutional provisions governing such relations, appointment of Governors, creation of new States, nominations to Rajya Sabha/Lok Sabha, Inter-State boundary disputes, over-seeing the crime situation in States, etc.

Coordination Division

This Division mainly deals with the matters relating to intra-Ministry coordination, Parliament matters and public grievances.

Disaster Management Division (I +II)

These newly created Divisions are responsible for coordination of relief measures in the event of natural calamities and man-made disasters (except draught and epidemics).

Foreigners Division

This Division deals with all matters relating to Foreigners Act and Passport (Entry into India) Act, Registration of Foreigners Act, the Citizenship Act and the Foreign Contribution (Regulation) Act. It also controls Bureau of Immigration.

Freedom Fighters & Rehabilitation Division

This Division frames and implements the Freedom Fighters Pension Scheme and the scheme for rehabilitation of migrants from former West Pakistan/East Pakistan and provision of relief to Sri Lankan and Tibetan refugees.

Human Rights Division

This Division deals with matters relating to the Protection of Human Rights Act and also matters relating to national integration, communal harmony and Ayodhya matters.

Integrated Finance Division

This Division is responsible for formulating, operating and controlling the budget of the Ministry under the Integrated Finance Scheme.

Internal Security Division

This Division deals with matters relating to internal security, including anti-national and subversive activities of various groups/extremist organizations, Arms & Explosives, narcotics, National Security Act, etc.

Jammu & Kashmir Division

This Division deals with the Constitutional matters including article 370 of the Constitution of India and general policy matters in respect of J&K and terrorism/militancy in that State; it is also responsible for implementation of the PM's Package for J&K.

Judicial Division

This Division deals with all matters relating to the legislative aspects of the IPC/Cr.PC and the Commission of Inquiry Act; it also handles

matters relating to the State legislations to the extent these legislations require the assent of the President under the Constitution.

North-East Division

This Division deals with the law and order situation in North-Eastern States, including matters relating to insurgency and talks with various extremist groups operating in that region.

Police Division

This Division functions as the cadre controlling authority for IPS officers and also deals with all matters relating to Central Police Forces including their deployment.

Police Modernisation Division

This Division handles all items of work relating to modernization of State Police Forces, provisioning/procurement of various items for modernization of Central Police Forces, police reforms, police training and VIP/vital installation Security.

Policy Planning Division

This Division deals with matters relating to policy formulation in respect of counter-terrorism, international covenants, bilateral assistance treaties and related items of work.

Naxal Management Division

This Division monitors the naxal situation and counter-measures being taken by the affected states with the objective of improving ground-level policing and development response as per the location specific action plans formulated/to be formulated by the affected States, and reviews with the concerned Ministries/Departments to ensure optimum utilization of funds released under and proper implementation of various developmental schemes in all naxal-affected areas.

Union Territories Division

This Division deals with all legislative and Constitutional matters relating to Union Territories including Delhi; it also functions as the cadre controlling authority for AGMU cadre of IPS/IAS as also DANICS/DANIPS. It is also responsible for over-seeing the crime situation in UTs.

IV. Each Division consists of a number of Sections/Desks, dealing with specific subjects allotted to them. The Sections/Desks, headed by Section

Officers/Desk Officers, are manned by subordinate staff such as Lower Division Clerks, Upper Division Clerks, Assistants etc.

**PROCEDURE FOLLOWED IN THE DECISION MAKING
PROCESS, INCLUDING CHANNELS OF SUPERVISION AND
ACCOUNTABILITY:**

The cases are, generally, processed at the Section/Desk level and the files are submitted to Under Secretary/Deputy Secretary/Director/Joint Secretary/Additional Secretary/Special Secretary/Secretary(BM)/Home Secretary/Ministers, as per the requirement of each case.