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**BORDER MANAGEMENT AND COUNTER
INSURGENCY: CHALLENGES AND
STRATEGIES**

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Border Management and Counter Insurgency: Challenges and Strategies

Terrorism is undoubtedly the single gravest threat that humanity is facing today. Whether in Paris or Pathankot, terrorist attacks on democracies are attacks against fundamental values of liberty, freedom and universal brotherhood. Terrorism is a global threat which poses an unprecedented challenge to all nations. No cause can justify terrorist acts. It is imperative that the world acts in union against terrorism, without political considerations.

President of India, Shri Pranab Mukherjee
02.02.2016¹

Introduction

India is strategically located vis-a-vis both Continental Asia and the Indian Ocean Region. It has a landmass of 3.3 million square Kms. India has 15,106.7 Kms. long land border and a coast line of 7516.6 Kms. including island territories. The land border running through 92 districts in 17 States and share with seven neighbouring countries viz. Afghanistan, Pakistan, Bangladesh, Myanmar, China, Bhutan and Nepal. This unique strategic location poses unique challenges to our Armed Forces, paramilitary forces and State Governments for the effective management of borders².

I. Department of Border Management

The Department of Border Management was created in the Ministry of Home Affairs in January, 2004 to pay focused attention to the issues relating to the management of the international land & coastal borders, strengthening of border policing & guarding, creation of infrastructure such as roads, fencing & flood lighting of the borders and implementation of the Border Area Development Programme (BADP)³.

Objectives

Securing the country's borders against interests hostile to the country and putting in place the systems that are able to interdict such elements while facilitating legitimate trade and commerce are among the principal objectives of border management. The proper management of borders, which is vital to the national security, presents many challenges and includes coordination and concerted action by the administrative, diplomatic, security,

¹ Address by the President of India, Shri Pranab Mukherjee on the occasion of inauguration of the "Counter-Terrorism Conference-2016" at Jaipur, Rajasthan on 2.2.2016

² Standing Committee on Defence, 2009-2010, 8 Report, p. 1

³ India, Ministry of Home Affairs, Annual Report 2014-15, p. 31

intelligence, legal, regulatory and economic agencies of the country to secure the frontiers and serve its best interests.

As part of the strategy to secure the borders as also to create infrastructure in the border areas of the country, several initiatives have been undertaken by the Department of Border Management. These include construction of the fence, floodlighting & roads along the Indo-Pakistan and the Indo-Bangladesh borders, construction of roads along the Indo-China and the Indo- Nepal borders, development of Integrated Check Posts (ICPs) at various locations on the international borders of the country and measures taken to strengthen the Coastal Security. In addition, various developmental works in the border areas have been undertaken by the Department under the BADP as part of a comprehensive approach to the border management.

Deployment of forces along the borders is based on the principle of 'One border, one border guarding force'. Accordingly, domination of each border is entrusted to a particular border guarding force as under:

1.	Bangladesh and Pakistan borders	Border Security Force (BSF)
2.	China border	Indo Tibetan Border Police (ITBP)
3.	Nepal and Bhutan borders	Sashastra Seema Bal (SSB)
4.	Myanmar border	Assam Rifles

Besides:

- ✓ Indian army is guarding land borders along the LOC on Pakistan border and LAC on China border.
- ✓ Indian Navy and Coast Guard are vested with the responsibility of coastal borders, here the State (Marine) Police is acting as the second line of defence.

Approach and practices of border management vary from one border to another, based on the security perceptions and relationship with the neighboring country⁴.

1. Management of International Borders

(i) Indo-Bangladesh Border (IBB)

a) *Border-Out Posts*: Border Out Posts (BOPs) are the main workstation of the BSF along the borders. These are self - contained defence out-posts with a specified area of

⁴ *Ibid*, p. 31

responsibility established along the entire continuum of land borders. Inter-alia, the BOPs are meant to provide appropriate show of force to deter trans-border criminals, infiltrators and the hostile elements from indulging in the activities of intrusion/ encroachment and border violations. Each BOP is provided with the necessary infrastructure for accommodation, logistic support and combat functions. At present, 802 BOPs exist along the IBB.

In order to reduce the inter-Border Out-Post (BOP) distance to 3.5 km, a proposal for the construction of additional 509 BOPs at an estimated cost of Rs. 1,832.50 crore was approved by the Government on 16.02.2009. Out of 509 BOPs, 383 BOPs are to be constructed along the Indo-Bangladesh border. The project was targeted to be completed by 2013-14. However, the work has been spilled over due to constraints like public protest, delay in the land acquisition and statutory clearances etc.

Out of the total of 383 Border Out-Posts (BOPs), the construction in respect of 65 BOPs has been completed and the work in other 78 BOPs is in progress. For the remaining BOPs, the land acquisition process is in progress and the work will commence soon after the acquisition of the land⁵.

Status of BOPs along IBB

Name of State	Number of BOPs		
	Approved	Already existing	To be established
West Bengal	633	410	223
Meghalaya	125	108	17
Assam	91	85	06
Tripura	245	181	64
Mizoram	91	18	73
Total	1185	802	383

Source: India, Ministry of Home Affairs, Annual Report 2014-15, p. 31

b) Fencing: In order to curb the infiltration, smuggling and other anti-national activities from across the Indo- Bangladesh border, the Government has undertaken the construction of fencing along this border.

⁵ *Ibid*, pp. 31-32

The Indian side of the Indo-Bangladesh border passes through West Bengal (2,216.7 km), Assam (263 km), Meghalaya (443 km), Tripura (856 km) and Mizoram (318 km). The entire stretch consists of plains, riverine belts, hills & jungles. The area is heavily populated and is cultivated right upto the border.

The Indo-Bangladesh border is marked by a high degree of porosity and the checking of illegal cross border activities and illegal migration from Bangladesh in to India have been major challenges. In order to prevent illegal migration and illegal activities, including anti-national activities from across the border, the Government of India had sanctioned the construction of border fencing with floodlights in two phases. The total length of Indo-Bangladesh border sanctioned for fencing is 3,326.14 km; out of which about 2,828 km of fencing has so far been completed (up to 31.12.2014). There have been some problems in the construction of fencing in certain stretches on this border due to riverine/low lying areas, habitations within 150 yards of the border, pending land acquisition cases and protests by the border population, which has led to a delay in the completion of the project⁶.

State-wise detail of fencing along IBB

(Length in km)

Name of State	PHASE I		PHASE II		TOTAL (PH.I + PH.II)	
	Sanctioned	Completed	Sanctioned	Completed	Sanctioned	Completed
W. Bengal	507.00	507.00	957.78	730.11	1464.78	1237.11
Assam	152.31	149.29	76.72	74.6	229.03	223.89
Meghalaya	198.06	198.06	255.35	149.85	453.41	347.91
Tripura	-	-	834.51	784.46	834.51	784.46
Mizoram	-	-	344.41	234.54	344.41	234.54
Total	857.37	854.35	2468.77	1973.57	3326.14	2828.00

Source: India, Ministry of Home Affairs, Annual Report 2014-15, p. 32

c) *Roads*: In addition, 3,774.41 km of border patrol-roads have also been constructed out of the sanctioned length of about 4,347.66 km.

⁶ *Ibid*, p. 32

State wise details of Roads along IBB

(Length in km)

Name of State	PHASE I		PHASE II		TOTAL (PH.I + PH.II)	
	Sanctioned	Completed	Sanctioned	Completed	Sanctioned	Completed
W. Bengal	1770.00	1689.00	0.00	0.00	1770.00	1689.00
Assam	186.33	176.50	102.42	83.56	271.39	260.06
Meghalaya	211.29	211.29	321.74	169.04	523.32	380.33
Tripura	545.37	480.51	639.64	516.77	1182.37	997.28
Mizoram	153.40	153.06	448.88	294.67	600.58	447.73
Total	2866.39	2710.36	1512.68	1064.04	4347.66	3774.41

Source: India, Ministry of Home Affairs, Annual Report 2014-15, p. 33

d) *Floodlighting*: During the period from December 2003 to June 2006, works of installation of floodlights on the fence of 277 km has been completed in West Bengal as a pilot project. In order to carry forward this initiative, the Government has decided to undertake the work of installation of floodlights in the States of West Bengal, Meghalaya, Assam, Mizoram and Tripura along the 2,840.90 km of the Indo-Bangladesh border at an estimated cost of ` 1,327 crore. The progress of floodlighting work (as on 31.12.2014) along Indo- Bangladesh border is as follows⁷:

State-wise details of floodlighting along IBB

(Length in km)

Name of State	Sanctioned	Completed	Balance
W.Bengal	1134.13	842.59	291.54
Assam	208.74	155.3	53.44
Meghalaya	443.00	170	273.00
Tripura	718.47	660	58.47
Mizoram	335.66	46.2	289.46
Total	2840.90	1874.09	965.91

Source: India, Ministry of Home Affairs, Annual Report 2014-15, p. 33

(ii) Indo-Pakistan Border (IPB)

India shares 3,323 km of its land border with Pakistan. This border runs along the States of Gujarat, Rajasthan, Punjab and J&K. The Indo-Pakistan border has varied terrain and distinct geographical features. This border is characterized by attempts of infiltration by

⁷ Ibid, p. 33

the terrorists and smuggling of the arms, ammunition and contraband; the LoC being the most active and live portion of the border.

a) *Border Out Posts (BOPs)*: Presently, 609 BOPs already existing along the IPB and additional 126 BOPs (including upgradation of 38 BOPs in Jammu) along the Indo-Pakistan border have been sanctioned to reduce the inter-Border Out Post (BOP) distance to 3.5 km. The construction of these additional BOPs will provide the entire necessary infrastructure for the accommodation, logistic support and the combat functions of the BSF troops deployed on the Indo-Pakistan border. The project was targeted to be completed by 2013-14. However, the work has been spilled over due to constraint like public protests, delay in the land acquisition and statutory clearances etc.

The construction work of all the 126 BOPs has been awarded to CPWD. Construction activities in 46 BOPs have been completed and work is in progress in 41 BOPs. For the remaining BOPs, the land acquisition process is in progress and work will commence soon after acquisition of the land.

In addition to the newly sanctioned BOPs as mentioned above, 70 BOPs were sanctioned under the composite scheme for Gujarat sector of the Indo-Pak border. 54 BOPs have already been constructed and construction work is in progress in another 02 BOPs, whereas work has not started for remaining 14 BOPs due to inundated land area⁸.

State-wise details of BOPs along IPB

Name of State	Number of BOPs		
	Approved	Already existing	To be established
Jammu & Kashmir	90	90	38*
Punjab	179	178	01
Rajasthan	293	270	23
Gujarat	135	71	64
Total	697	609	126

* 38 existing BOPs will be upgraded.

Source: India, Ministry of Home Affairs, Annual Report 2014-15, p. 34

b) *Fencing*: The status of progress of fencing on this border as on 31.12.2014 is indicated below:

⁸ *Ibid*, pp. 33-34

State-wise detail of fencing along IPB

(Length in km)

Name of the State	Total length of border	Total length of border to be fenced	Length of the border fenced so far	Remaining length of the border proposed to be fenced
Punjab	553	461	462.45*	—
Rajasthan	1037	1056.63	1048.27*	—
Jammu International Border	210	186	186.00	—
Gujarat	508	340	261.78	78.22
TOTAL	2308	2043.63	1958.50	—

*Length is different due to topographical factors/alignment of fencing

Source: India, Ministry of Home Affairs, Annual Report 2014-15, p. 34

c) *Floodlighting*: In order to curb the attempt of infiltration and cross-border crimes along the Indo-Pakistan Border, the Government has sanctioned 2,009.52 km of floodlights along the International Border in the States of Jammu & Kashmir, Punjab, Rajasthan and Gujarat. The status of progress of floodlighting on this border (as on 31.12.2014) is indicated below⁹:

State-wise detail of Floodlighting along IPB

Name of the States	Total Length of Border	Total Length of Border to Floodlighted	Length of the Border Floodlighted so far	Remaining Length of the border Proposed to be Floodlighted
Punjab	553	460.72	460.72	--
Rajasthan	1037	1022.80	1022.80	--
Jammu International Border	210	186	176.40	--
Gujarat	508	340	293.00*	56.60
Total	2308	2009.52	1952.92	56.60

* 118 km is non-functional due to damage caused by floods

Source: India, Ministry of Home Affairs, Annual Report 2014-15, p. 34

(iii) Indo-Myanmar Border

India shares 1,643 km long border with Myanmar. The States of Arunachal Pradesh, Nagaland, Manipur and Mizoram have common border with Myanmar. The Assam Rifles is guarding the Indo- Myanmar border.

⁹ Ibid, p. 34

Border Fencing Between Boundary Pillar No. 79 and 81 in Moreh (Manipur)

India and Myanmar share unfenced border of 1,643 km adjoining the North-Eastern States of Arunachal Pradesh (520 km), Nagaland (215 km), Manipur (398 km) and Mizoram (510 km) and permit a Free Movement Regime upto 16 km across the border. This makes the International Border extremely porous. The border runs along the hilly and inhospitable terrain which grossly lacks the basic infrastructure and provides adequate cover to the illegal activities of various Indian Insurgent Groups (IIGs)¹⁰.

In order to check the problem of increased militant activities in the Indo-Myanmar border area, the Government of India has initiated a work to fence the area between Boundary Pillar No. 79 to 81 on the Indo- Myanmar Border (approx. 10 km). The Government has allocated a fund of Rs. 30.96 crore for the fencing work. In order to start the fencing work land has been acquired and all the necessary clearances have been obtained from the Ministry of Environment and Forests. The Government has released fund of Rs. 16.38 crore to Border Road Organization (BRO) which is executing agency and the fencing work on the stretch of 4.02 km has been completed.

The fencing work has been stopped due to local protests. The Government of Manipur has now requested to conduct re-survey of boundary line between BP No. 79-81 to solve the boundary demarcation issue. Ministry of Home Affairs has already taken up the matter with the Ministry of External Affairs and Survey of India. The survey of India has informed that re-survey is not advisable since it will result in making settled BP No. 79, 80 and 81 as unsettled. Ministry of External Affairs has requested an updated report on fencing along Indo-Myanmar border. Ministry of Home Affairs has furnished the same to Ministry of External Affairs¹¹.

(iv) Indo-China Border

To redress the situation arising out of lack of infrastructure along the Indo-China border and for the effective movement of Indo-Tibetan Border Police (ITBP), the border guarding force for this border, the Ministry of Home Affairs has undertaken the construction of 27 roads measuring 804.91 kms at an estimated cost of 1,937 crore. These roads are

¹⁰ *Ibid*, p. 35

¹¹ Added by Ministry of Home Affairs

being constructed along the Indo-China border in the States of Jammu & Kashmir, Arunachal Pradesh, Sikkim, Uttarakhand and Himachal Pradesh¹².

In a reply to question by Hon'ble Member in Rajya Sabha on 3.3.2015 (Unstarred Question No. 851) Hon'ble Minister of Defence Shri Manohar Parikar has stated that 73 roads are identified as strategic Indo-China border roads (ICBR), out of which 61 roads have been entrusted to Border Roads Organization (BRO), with a length of 3410 km. Out of 61 ICBRs with BRO, 19 roads of length 625 km have been completed and connectivity has been achieved on 24 roads¹³.

(v) Indo-Nepal Border

India and Nepal share an open border of 1,751 kms which include borders with the States of Uttarakhand (275 kms), Uttar Pradesh (551 kms), Bihar (726 kms), West Bengal (100 kms) and Sikkim (99 kms). The main challenges are to check misuse of open border by the terrorists and criminals for illegal and anti-national activities and to improve the security along this border¹⁴.

To facilitate bilateral dialogue on matters of mutual concern regarding border management, Governments of India and Nepal have decided to constitute an institutionalized mechanism in the form of Home Secretary-level talks and Joint Working Group at the level of Joint Secretaries. In addition, there is a mechanism of Border District Coordination Committees at the level of district officials of the two countries. These mechanisms serve as platforms for discussing the issues of mutual concern such as containing the cross-border crimes, smuggling, situations arising out of terrorist activities, at the national and regional/local levels.

In order to meet the operational requirements of the SSB which is the Border Guarding Force, the Government has approved the construction and up-gradation of 1,377 km of strategic roads along the Indo-Nepal border in the States of Uttarakhand (173 km), Uttar Pradesh (640 km) and Bihar (564 km) at an estimated cost of Rs. 3,853 crore. The

¹² *Ibid*, pp. 35-36

¹³ Rajya Sabha Unstarred Question No. 851 dated 3.3.2015

¹⁴ *Op.cit.*, Annual Report 2014-15, p. 36

Construction worth of Indo-Nepal Border has commenced. Total of 234.11 kms formation work and 26.84 km surfacing work has been completed upto 30.6.2015¹⁵.

(vi) Indo-Bhutan Border

To improve the security environment along this border measuring 669 km, the SSB have been deployed as the Border Guard Force¹⁶.

A bilateral mechanism in the shape of a Secretary level India-Bhutan Group on Border Management and Security exists. This mechanism has proved to be very useful in assessing threat perceptions of the two countries from the groups attempting to take advantage of this open border and in discussing ways of improving the security environment along the border areas.

The Government of India has approved the construction of 313 km of border roads along the Indo- Bhutan border at a cost of Rs.1,259 crore. The construction work on these roads has yet not started due to pending land acquisition.

2. Border Area Development Programme

The Department of Border Management has been implementing a Border Area Development Programme (BADP) through the State Governments as part of a comprehensive approach to the border management. The aim of BADP is to meet the special developmental needs of the people living in the remote and inaccessible areas situated near the international borders and to saturate the border areas with the essential infrastructure through convergence of the Central/State/BADP/Local schemes and participatory approach, and to promote a sense of security and well being among the border population. The programme covers 381 border blocks in 106 border districts of 17 States located along the international land borders. The programme is a 100% Centrally Sponsored Scheme. The funds are provided to the States Special Central Assistance (SCA) for undertaking the projects relating to infrastructure, livelihood, education, health, skill development, sports, agriculture and allied sectors¹⁷.

¹⁵ Added by Ministry of Home Affairs

¹⁶ *Op.cit.*, Annual Report 2014-15, p. 36

¹⁷ *Ibid*, pp. 36-37

(i) *Fund Flow under BADP*: During 2015-16, budget allocation of Rs. 990 crore has been made for BADP which is at par with the previous year's allocation. However this was reduced to Rs. 800 cr at RE Stage. The details of funds allocated and released to the States under BADP during the year 2014-15 and allocation during 2015-16 as per ***Annexure-I***¹⁸:

3. DEVELOPMENT OF INTEGRATED CHECK POSTS (ICPs)

Good border management is mandated by India's security concerns and therefore, it is necessary to install systems which address these concerns while also facilitating the trade and commerce. There are several designated entry and exit points on the international borders of the country through which cross-border movement of persons, goods and traffic takes place.

The existing infrastructure available with the Customs, Immigration and other regulatory agencies at these points on our land borders is generally inadequate. Support facilities like warehouses, parking lots, banks, hotels, etc., are also either inadequate or absent. All regulatory and support functions are generally inadequate and generally not available in one complex. Even when these are located in close proximity, there is no single agency responsible for a coordinated functioning of various government authorities/service providers.

The need to redress this situation is recognized by all agencies concerned. One of the measures that was agreed upon was to set-up Integrated Check Posts (ICPs) at major entry points on our land borders. These ICPs would house regulatory agencies such as Immigration, Customs, Border Security etc.. together with the support facilities like parking, ware-housing, banking, hotels etc. in a single complex equipped with all the modern facilities¹⁹.

4. Land Ports Authority of India (LPAI)

The Land Ports Authority of India (LPAI) has been established on 1 March 2012 under the LPAI Act, 2010 with the mandate to establish, develop and manage the ICPs. The LPAI functions as an autonomous agency under the Department of Border Management, Ministry

¹⁸ *Ibid*, p. 38

¹⁹ Added by Ministry of Home Affairs

of Home Affairs (MHA) with representation from the Ministry of External Affairs, Ministry of Commerce. Department of Revenue and other stakeholders. It also associates the concerned State Governments and BGFs in its work.

The Government has approved setting up ICPs at 13 locations on Indo-Pakistan, Indo-Nepal, Indo-Bangladesh and Indo-Myanmar borders as a Plan schemes under the 11th Five Year Plan at an estimated cost of Rs.635 crore. The status of the 13 ICPs is as under:

- a) ICP at Attari has been completed and operationalized w.e.f. 13th April, 2012.
- b) ICP at Agartala has also been completed and inaugurated by Home Minister on 17.11.2013 the Cargo Complex at ICP Agartala has been inaugurated on 06.12.2014.
- c) ICP Raxaul is nearing Completion. The commissioning of ICP, Raxaul depends on completion of 7.33 Km link road being developed by National Highway Authority of India (NHAI). Ministry of Road Transport & Highways has indicated that this link road would be completed by the end of October, 2015.
- d) ICP, Jogbani is also under progress and is likely to be commissioned during 2015-16.
- e) The ICP, Petrapole is likely to be commissioned by financial year 2015-16.
- f) ICP, Moreh are under the process of development and likely to be operational by August. 2016.
- g) Land acquisition process is underway in respect of ICP, Dawky, Sunauli, Sutrakhandi and Kawarpuchia while the land has been acquired for ICP. Rupaidiha. As regards ICP, Hilli and Chandrabandha (West Bengal). the land has been identified²⁰.

i). Growth in Trade Volume after the commencement of ICP, Attari

The volume of trade at ICP, Attari in the Financial Year 2012 -13 was Rs.4800 crore as against Rs.2340 crore in financial year 2011-12 marking an increase of over 100% after the commencement of ICP. Whereas in financial year 2013 -14 and financial year 2014-15 the same was reported to be Rs. 5443.72 crore and Rs. 4485.00 crore respectively. The trade potential at ICP, Attari is bound to swell once Pakistan grants Most Favoured Nation (MFN) status to India.

ii). Facilities provided by the ICPs

The ICPs are envisaged to provide all the facilities required for the discharge of sovereign and non-sovereign functions to enable smooth cross-border movement of individuals, vehicles and goods under an integrated complex. These would facilitate the processes of immigration, customs. security, quarantine etc. To enable this, the infrastructural facilities provided by the ICPs are as under:

²⁰ Ibid

- i). Passenger terminal building
- ii). Internet facility
- iii). Cargo inspection sheds
- iv). Quarantine laboratory
- v). Banks
- vi). DFMD/HHMD
- vii). Isolation Bay
- viii). Cafeteria
- ix). Currency exchange
- x). Cargo process building
- xi). Warehouse/Cold storage
- xii). Clearing agents
- xiii). Scanners
- xiv). CCTV/PA system
- xv). Parking
- xvi). Other public utilities²¹

5. Integrating Local Population in Border Management

The people living in the border areas are the most important ingredients towards a secure and safe border. Village Defence and Development Committees at the base level with cooperation of the local populace would go a long way in enhancing security and development of the borders besides providing a sense of belonging to these people. There would be a requirement of training the locals as well as motivating and providing incentives for engaging the locals in the task of border management. The locals could well perform the following tasks by forming Village Defence Committees (VDC) etc: -

- Reporting of any illegal activities and infiltration along the border.
- Keeping allotted areas under surveillance.
- Reporting of any abnormal activity especially in rugged terrain.
- Reporting of subversive activity being carried out by the enemy.
- Employed in construction of roads, tracks and maintenance of border fencing.
- In times of peace as well as hostilities, local population can provide invaluable information regarding enemy build-up and their activities.
- Protection of villages against criminals/dacoits etc from across the border.
- Provide guides to the Armed Forces whenever required.
- In the difficult riverine areas, fishermen watch groups can be formed. This would fill in large gaps existing in the surveillance cover on a regular basis in the general area of territorial waters and the Exclusive Economic Zone (EEZ)²².

²¹ *Ibid*

²² Journal of Defence Studies, Vol. 3 No. 3, July 2009, pp. 70-71

II. Strategies and Challenges for Strengthening India's Counterterrorism Strategy

India does remain threatened by terrorist attacks and, like all governments facing such dangers, has to defend the country against further deadly incidents. Counterterrorism measures need to be adopted to deal with the different ways in which these attacks are administered. The problems of terrorism are grave and real, and India needs to confront these challenges in a vigorous and forceful manner to prevent attacks from happening, and to prepare an adequate response mechanism when attacks occur. Since independence, India has been fighting terrorism and scores of insurgencies emanating from within the country and across its borders. The current strategies and options that India needs to adopt for an effective counterterrorism policy are a) institutional structure and domestic capability, b) political elite and their will and, c) international collaboration²³.

i). Institutional Structure and Domestic Capabilities

Institutionally, all agencies fighting terror except the Indian Army are under the direction of the Ministry of Home Affairs. However, each of these agencies is a center of power within itself, leading to a lack of coordination in times of urgency when information sharing could be crucial. According to the Indian Constitution "law and order" falls under state jurisdiction, and therefore the state is the constitutional agency expected to deal with law and order problems. The police force thus becomes the first to respond to a terrorist incident. In the present conditions, however, a terrorist act needs to be understood not as a law and order problem within a state, but as an attack on the country's national security and integrity. This aspect needs to be accepted by the states that tend to regard interventions of federal agencies responding to terrorist acts as infringement on their jurisdiction, so that agencies working for the state are unwilling to share important information with those federal agencies. Four important changes stand out as necessary for successfully revamping the institutional structure to deal with terrorism: a) the need for a Federal Intelligence Agency, b) the creation of a National Investigation Agency, c) the creation of a National Counterterrorism Terrorism Center, and d) modernization of police forces²⁴.

The desire for a Federal Intelligence Agency was proposed during the time of the National Democratic Alliance (NDA) (1998-2004). This proposal was opposed by all states, which

²³ ACDIS, Occasional Paper: Cross Border Terrorism in India: A Counterterrorism Strategies and Challenges by Vandana Asthana, University of Illinois, Champaign, June 2010, pp. 11-18

²⁴ *Ibid*

considered it as interventionist in their areas of jurisdictions. The Kargil Review Committee report released on December 15, 1999 recommended the creation of a nodal anti-terrorist agency, which would be a federal agency centralized to tackle terror by collecting intelligence information from different levels and pooling it at the central level so that mobilization could be achieved in the shortest possible time. This process could preempt an action rather than waiting for a catastrophe to occur and then responding after the initiation of an incident²⁵.

As a result of the Kargil Review Committee report, the Defense Intelligence Agency has been created to coordinate military intelligence. The army achieved great success in counterinsurgency operations based on reliable, accurate and actionable intelligence. This has raised the morale of security forces in Kashmir. For the past two decades, since insurgency grew in 1989, the state of Jammu & Kashmir has been subjected to severe terrorist and secessionist violence, sponsored and supported from across the border. However, because of several measures taken by the government, and the people's desire for peace, there has been a marked improvement in the situation in recent years. The number of terrorist incidents has gone down as per **Annexure-II**²⁶. The total number of infiltration along Indo-Bangladesh Border, Indo-Pakistan Border, Indo-Nepal Border, Indo-Bhutan Border, Indo-China Border, Indo-Myanmar Border are also gone down as per **Annexure-III**²⁷. The Central government under the Ministry of Home Affairs has taken action to strengthen the intelligence machinery and to ensure appropriate collaboration, data sharing, and gathering and analyzing intelligence among different agencies and state governments in an institutionalized manner. The need for a Federal Intelligence Agency that supervises and coordinates these actions may still be necessary as recommended in the 1999 Kargil Review Committee report²⁸.

Another institutional structural change has been the creation of the National Investigation Agency (NIA) and improvement in India's security apparatus. The creation of a NIA was the first domestic response of the governments towards containing terror. The National Investigation Agency (NIA) Act, 2008 was enacted to provide for the setting up of the NIA to investigate selected cases of offenses under certain Acts, which have been mentioned in the Schedule of the NIA Act.⁹ The NIA has been constituted and a Director General

²⁵ *Ibid*

²⁶ Lok Sabha Unstarred Question No. 304 dated 1.12.2015

²⁷ Lok Sabha Unstarred Question No. 1505 dated 8.12.2015

²⁸ *Op.cit.*, ACDIS

appointed, along with other officers and staff. The federal agency's staff has been drawn from the country's existing intelligence and law enforcement agencies²⁹.

In the Mumbai attacks, police forces were not properly equipped, lacked adequate physical protection and did not have 'state-of-art' surveillance capacity. Since the police are the first to reach the scene of such attacks and are the first to respond, the government has become more sensitive to their needs and preparedness for appropriate actions. Modernization of the police forces is another major priority for the state and central governments. The central government has agreed under the Eleventh Five-Year Plan (2007-2012) to provide financial assistance for better infrastructure, training, communications, weapons and equipment to state police, and plans to implement increased computerization of police stations and development of a countrywide criminal tracking system and databases. The central government also intends to provide resources such as closed-circuit television coverage, control rooms and helicopters for better surveillance and immediate response capabilities³⁰.

ii). **National Comprehensive Law on Terror**

There are several acts in India that deal with issues of internal security, including: the National Security Act, 1980; the Code of Criminal Procedures, 1973; the Arms Act, 1959; the Explosive Substances Act, 1908; the Armed Forces (Jammu And Kashmir) Special Powers Act, 1990; the Armed Forces Special Powers Act, 1958; and the Religious Institution (Prevention Of Misuse) Act, 1988 (Annual Report 2008-2009)³¹.

India's current legislative framework for dealing with terrorist organizations and activities is the Unlawful Activities (Prevention) Act, 1967, which allows the government to ban unlawful associations, and defines and provides punishments for terrorism related offenses. Currently this Act has declared thirty-two organizations as terrorist organizations. The Act was first amended in 2004, then later amended further under the Unlawful Activities (Prevention) Amendment Act, 2008. This amendment strengthens the provisions for dealing with terrorism, "both in terms of the substantive provisions pertaining to offences related to terrorism, and the procedural aspects of dealing with such offences" (Annual Report 2008-

²⁹ *Ibid*

³⁰ *Ibid*

³¹ *Ibid*

2009). It has also made suitable provisions to prevent any misuse (in the arena of civil liberties) or harassment.

In spite of these amendments, India still needs to have a national law on terror due to the nature of extremism and radical tendencies that promote terrorist acts of violence. Some states, such as Maharashtra and Karnataka, have other laws like the Maharashtra Control of Organized Crime Act (MCOCA) and Karnataka Control of Organized Crime Act, which they use to try suspected terrorists. The MCOCA was also extended to Delhi in 2002.

Efforts towards combating terrorist attacks work on an individual state level and under the central government's Unlawful Activities (Prevention) Act, 1967. Since terrorism is a serious issue, the need for a national framework of law becomes imperative³².

iii). **The Need for a Strong Political Will**

Bolstering institutional capacity to counter terror is going to be a long and demanding task, but it is an essential aspect of an effective and comprehensive counterterrorism policy. All this requires political will and leadership. India's political leadership must exert the will to move past bureaucratic, state-centric and party rivalries. It also needs to move beyond the electoral politics of appeasing vote bank constituencies. The then Prime Minister Dr. Manmohan Singh in his address to the nation after the Mumbai attacks promised to set up a Federal Investigative Agency to identify the perpetrators, tighten existing laws to punish the guilty, and pressure neighboring countries to stop the use of their territory in preparing for such attacks. These promises have to be backed up by action. The creation of the NIA and the establishment of an anti-terror force unit in Bangalore ready for deployment at short notice are steps in that direction. These forces are to be deployed in four major cities, while other cities will be covered by trained anti-terrorist forces from the Defense Forces. The government needs to pay attention to allocation of adequate funding and adequate powers to deter suspected terror cells from taking action. There is hesitancy on the part of the government in allowing penetrable surveillance of such groups for fear of vote bank loss by politicians. However, human intelligence is critical in a vast and populated country like India.

³² *Ibid*

Actions of the intelligence community need full political backing to take the task to completion³³.

iv). The Need for International Partners and Regional Cooperation

Counterterrorism strategies have to be an international effort due to the transnational nature of terrorism in matters of networking, funding, armaments and weapons, and political and religious support. India has been a victim of cross-border terrorism not only within the Indian borders but also in Kabul, Afghanistan, where it is the second largest donor of aid and has been investing a lot in infrastructure development. The terrorist attack on Indian Consulate of Afghanistan city of Mazari Sharif on 3.1.2016 and on Airforce Base at Pathankot on 1.1.2016 are attributed to an ISI supported attack. The assumption that India is trying to encircle Pakistan while investing in Afghanistan is evidently strong in the minds of the Pakistani military, which still considers India a major threat to the security of Pakistan. Indians believe that Pakistan hesitates to crack down on militant groups that prove to be a strategic asset in uncertain situations.

Cooperation in SAARC

One of the major initiatives in the region was made in the South Asian Association for Regional Cooperation (SAARC) Summit in 1987, when for the first time a Regional Convention for the Suppression of Terrorism was agreed upon by member states. However, in spite of the passage of over two decades, SAARC has not made any serious effort to implement the provisions of the convention. At the 15th SAARC summit held in Colombo in 2008, leaders again took a pledge to fight terrorism collectively, but in reality SAARC has not made any progress forward on this matter. Perhaps a lot could be attributed to the political complexities of the region, with special reference to Kashmir. However, it has been argued that most member states except Pakistan have joined hands with India in the suppression of terrorism (Singh 2002)³⁴.

Bilateral Cooperation

In terms of transnational cooperation to build capacity to counter terror, India has established Joint Working Groups with several key countries like China, the United Kingdom,

³³ *Ibid*

³⁴ *Ibid*

Russia, the United States, Germany, and Pakistan, and with the multilateral Bay of Bengal Initiative for MultiSectoral Technical and Economic Cooperation (BIMSTEC). The goal is to exchange information and strengthen international cooperation to combat international terrorism and transnational organized crime. India's growing ties with Israel and military and counterterrorism cooperation stems from the constant terror threat facing both states. Israel has sold India motion sensors and other monitoring equipment to track infiltration across the Line of Control (LOC) between India and Pakistan in the Jammu and Kashmir region. Other arrangements include the sale of unmanned aerial vehicles (UAVs) to India for high-altitude surveillance. It has also offered to provide anti-insurgency training for Indian forces in the area as well. In 2000, India and Israel appointed a joint commission to combat terrorism at the ministerial level, and several meetings to this effect have been held between the two countries³⁵.

Conclusion

The proper management of borders is vitally important for national security. Different portions of our extensive borders have a variety of problems specific to them which have to be appropriately addressed. These problems have become aggravated in recent times with Pakistan's policy of cross- border terrorism, along with its intensely hostile anti-India propaganda designed to mislead and sway the loyalties of the border population. The intensification of cross-border terrorism, targeted to destabilise India, has thrown up new challenges for our border management policy. The concept of border security has undergone a sea change with the growing vulnerability of the coastline and also of the airspace.

Insurgent groups in different parts of the country are receiving foreign support and encouragement. Illegal infiltration and smuggling of arms and explosives, narcotics and counterfeit currency are pressing problems. The porosity of our borders in many parts, makes the task of the anti-national forces much easier. All this underscores the need for utmost vigilance on the borders and strengthening the border guarding forces.

Since many of our borders are man-made artificial boundaries and not based on natural features such as rivers and watersheds, they are extremely porous and easy to cross.

³⁵ *Ibid*

Multiplicity of forces on the same borders has inevitably led to the lack of accountability as well as problems of command and control.

Border Guarding Forces need to be distinguished from central police organisations. Being more akin to the Army and different from central police organisations which are called in aid of civil power from time to time, they need to be appropriately strengthened both in terms of equipment and manpower³⁶.

³⁶ <http://pib.nic.in/feature/feyr2001/fsep2001/f170920011.html>

Annexure -I

**Statement showing the allocation and release during the year
2014-15 to 2015-16 under BADP as on 14.07.2015**

(Rs. in lakh)

States	2014-15		2015-16	
	Allocation basis of Rs. 990 cr. (BE)	Allocation basis Rs. 800 cr. (RE)	Release	Allocation
Arunachal Pradesh	9277.00	7552.00	9249.37	8149.00
Assam	3480.00	2832.00	2104.73	3382.00
Bihar	6084.00	4952.00	3129.86	6065.00
Gujarat	4505.00	3667.00	4505.00	3793.00
Himachal Pradesh	2100.00	1700.00	2100.00	2100.00
Jammu & Kashmir	12800.00	10400.00	11520.00	11932.00
Manipur	2200.00	1752.00	2200.00	2200.00
Meghalaya	2100.00	1700.00	2100.00	2100.00
Mizoram	4017.00	3270.00	3534.16	3862.00
Nagaland	2000.00	1700.00	2000.00	2000.00
Punjab	3526.00	2870.00	2690.51	3814.00
Rajasthan	13773.00	11209.00	10140.15	13624.00
Sikkim	2000.00	1700.00	2000.00	20.00
Tripura	4825.00	3927.00	3798.22	5057.00
Uttar Pradesh	4982.00	4055.00	4982.00	4209.00
Uttarakhand	3565.00	2902.00	3181.93	3360.00
West Bengal	15835.00	12787.00	9739.01	18453.00
Total	97069.00	78975.00	78975.00	96100.00
Kept Reserve	1931.00	1025.00	1025.00	2900.00
Grand Total	99000.00	80000.00	80000.00	99000.00

Note: Rs. 1025.00 lakh released to Government of Punjab for making payment to farmers whose land falls beyond security fencing, as compensation to comply the Punjab and Haryana High Courts orders.

Added by Ministry of Home Affairs