

Third Edition



Challenges to **INTERNAL SECURITY** of India

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- ▶ Ashok Kumar, IPS
- ▶ Vipul Anekant, DANIPS

Challenges to
INTERNAL
SECURITY

of India

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The book has got excellent and overwhelming response from the aspirants. The main feedback about the book is that it is concise, logical, analytical and to-the-point. No book can ever be sufficient for CSE. This is an exam which requires you to think, analyse and express your thoughts in your own words. Mere reproduction is not going to get you through in this mega exam. You have to use your intellect to understand the question and then, write an answer in your own words which is concise, to-the-point and analytical in approach. So, no book can give you readymade answers for UPSC.

Our attempt, as mentioned in the Preface to the 1st Edition, is to provide a conceptual background to the aspirants, so that they can understand and analyse the issues. Aspirants have to keep themselves updated through Ministry of Home Affairs (MHA) website and newspapers/magazines, especially on current issues of Internal Security and form their opinion and answers accordingly. Our only advice is that you should not get swayed by any particular philosophy or school of thoughts; instead you should have a balanced view point. National security should be supreme in your approach. No one should be above the Constitution and the Law of the land.

In this third edition, we have mainly updated the chapter on Terrorism and on Kashmir. Though minor additions have been made in almost all the chapters. We have done away with annexure 4 and included the gist of it in

chapter 12 (Disaster Management) itself. We have also added few maps to bring in more clarity to the readers. Also, more questions have been added at the end of each chapter.

My whole hearted thanks to **Aman Amit** , without whom this revision would not have been possible. He is full of energy and comes up with the new ideas.

Please email your feedback to ashokips89@gmail.com or you can post your feedback on my Facebook page **ashokkumarips** .

With best wishes!

Ashok Kumar

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The idea of this book came to my mind when some aspirants appearing for the Civil Services examination approached me for guidance regarding the topics on Internal Security and Disaster Management in the new syllabus framed by the UPSC for the main examination.

When I saw the syllabus, I realised that it may be quite cumbersome for someone who has not dealt with the topic at all. The syllabus has been so framed that it would not be easy for candidates to answer the questions related to the topic unless they have a reasonable depth of understanding of the subject. The syllabus covers not only the important aspects of the emerging challenges of internal security that India faces today, but its language was also highly technical. One could easily be misled about the areas that needed to be studied to cover the whole of the syllabus. One needs to have a deep understanding of the complex issues of national security to get a grip on the syllabus.

When I discussed with these young aspirants about the syllabus and what they had been studying, I was surprised about the perception they had about the new syllabus. I found that the syllabus had not been interpreted in the proper perspective by the aspirants and many a times the focus was diverted from the real issues. This motivated me to write this book to help the young aspirants, so that they would not be misguided by the various coaching institutes and also would not have to spend hours surfing the internet,

finding out the real meaning of ‘External State and Non-State Actors’ or ‘Linkages between Development and Spread of Extremism’.

Internal Security is a vast subject. India faces tremendous challenges on its internal security front. Kashmir and North-East have been long-standing problem areas, but more recently, the ugly face of terrorism has been raising its head all across the hinterland of the country. The problem has been aggravated by transnational organized criminals joining hands with various anti-India forces. Naxalism is now spread over 223 districts of the country which comprises almost one third of the whole country’s area and population.

Apart from terrorism / extremism, we are also facing law and order issues due to various kinds of conflicts caused by communal, caste and ethnic tensions as well as regional aspirations. The new age technology like internet, mobile, social media has brought new challenges including the cyber security. The new age technology also makes it easier for the spread of various ideologies and hate campaigns.

The Uttarakhand disaster of June 2013, that resulted in around 5000 deaths has demonstrated how poorly we are equipped in managing natural disasters of gigantic magnitude. Therefore, we have included a chapter on Disaster Management at the end.

We have incorporated many invaluable recommendations made by the Administrative Reforms Commission (2nd ARC) so that candidates need not go through the whole ARC Reports for preparation of topics related to internal security. Apart from the ARC reports, we have also included suggestions from important Government Committees and Reports of MHA wherever necessary on matters related to internal security.

I am sure that this book will give the young aspirants a fair idea of the security challenges that our country faces today. Our approach has been to explain the historical background, current status and the way forward to deal with these challenges. My efforts are to make this book most authentic on the subject to make it a valuable tool for aspirants preparing for the prestigious civil service examination in the country. This book is meant to provide a conceptual framework to understand and analyse the issues involved. However, internal security being a rapidly changing subject,

aspirants are advised to focus on current issues related to internal security and keep themselves updated.

My co-author Vipul has been associated with me all through this process. We have been discussing on what all should be included in a particular chapter and what key issues should be made part of this book. He has been a great help throughout.

I would like to thank Mr. Amit Kumar Jain for his significant contribution in shaping the book. His suggestions have been very useful specially in the chapter on Left Wing Extremism. My thanks to Mr. O.P. Upadhyaya, Commandant BSF, for his contribution in chapters on “Border Management” and “Security Forces and Agencies”. My special thanks to Mr. Nikhilesh Neogi who has sacrificed his weekends to help me in compiling and editing the book. My special thanks also to Mr. Prakash Kannath of McGraw Hill Education for his continuous and fruitful engagement during the publishing of the book.

I am sure that this book will not only help the UPSC aspirants in GS paper III of the main examination but also for the Essay paper as it will give a clear insight into the issues so that candidates can plan and organize their essays related to such topics in a much better way. The key issues discussed in this book will also be of help to candidates lucky enough to face the interview board for their Personality Test.

I wish all readers the best in their endeavour. Suggestions for further improvement are welcome and can be sent to ashokips89@gmail.com

Ashok Kumar



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1.1 INTERNAL AND EXTERNAL SECURITY

At the outset, we shall briefly differentiate between internal and external security of a country before we discuss the various aspects of internal security.

Internal security is the security of a country within its borders. This implies maintenance of peace and law and order, and upholding the sovereignty of the country within its territory.

Internal security is different from external security to the extent that *external security* is security against aggression by a foreign country. External security is solely the responsibility of the armed forces of the country, while internal security comes under the purview of the police, which can be supported by the Central Armed Police Forces (CAPF), if required.

In India, the **Ministry of Home Affairs (MHA)** takes care of internal security, while external security comes under the **Ministry of Defence**. In many countries, MHA is also called the Ministry of Internal Affairs or Ministry of Homeland Security.

► 1.1.1 Classification of Threat

Kautilya wrote in *Arthashastra* that a state can be at risk from four threats:

- ◆ Internal
- ◆ External
- ◆ Internally-aided external
- ◆ Externally-aided internal

India's internal security threat perceptions are a mix of all four threats mentioned above.

The changing external environment also impacts our internal security. Events in Sri Lanka, Pakistan, Bangladesh, Nepal and Myanmar have direct or indirect linkages with our internal security. Therefore, it can be said that in today's information and digital age, security threats, both internal and external, are inter-related and cannot be seen in isolation from each other.

After World War II, 39 states disintegrated. Of these, five disintegrated because of external aggression and the other 34 due to failure to manage internal security. This led to either their loss of sovereignty, disintegration, breakdown of constitutional machinery, civil wars, violence leading to regime changes or military coups. These failures were due to complex and varying reasons, but failure of internal security was a common factor among them.

Over the years, the challenges to our internal security have grown manifold and assumed alarming proportions. Internal security problems have started affecting our country's growth and development. This is now one of the prime concerns in the top echelons of the Centre.

Therefore, it is no surprise that the UPSC has included internal security as a separate topic in the Civil Services Main Examination since 2013.

► 1.1.2 Attributes of Internal Security

The main attributes of internal security are:

- ◆ Secure territorial integrity and protect internal sovereignty
- ◆ Maintain domestic peace

- ◆ Prevalence of law and order
- ◆ Rule of law and equality before law—law of the land should protect everyone irrespective of status
- ◆ Absence of fear from the feared implying individual freedom for people as guaranteed by the Constitution
- ◆ Peaceful co-existence and communal harmony

1.2 MAJOR CHALLENGES TO INTERNAL SECURITY

Independence for India came with some inherited problems related to internal security. The issue of the accession of the state of Jammu and Kashmir to India also came with its own set of problems related to our internal security. The division of the pre-independence India into two nations resulted in large scale unforeseen violence that claimed millions of lives. Thus was born the menace of communalism which was visible again and again in various riots thereaer. As an emerging nation, we hoped to overcome these problems and embark upon a path of national reconstruction and consolidation, but progress has been hampered by various challenges to internal security faced by the country. Over the years, India's internal security problems have multiplied due to linguistic riots, inter-state disputes, caste and ethnic tensions, etc. In 1956, the country was forced to redefine its inter-state boundaries due to linguistic riots.

MAJOR CHALLENGES

1. Hinterland terrorism—International and domestic
2. J&K militancy and terrorism
3. Insurgency in North-east India
4. Left-wing extremism
5. Organised crime and its nexus with terrorism
6. Communalism
7. Caste and ethnic tensions

8. Regionalism and inter-state disputes
9. Cyber crime and cyber security
10. Border management
11. Coastal security

The 1950s also saw the North-east going up in flames, when in 1954 Angami Zapu Phizo raised the banner of revolt in Nagaland and the fire spread to Mizoram, Manipur and Tripura.

The later part of the 1960s saw the rise of Naxalism. At the time of independence, India was an under-developed country and had taken up the task of rebuilding the country. The country adopted the equitable and inclusive growth model for growth and development. But, over the years, it has become evident that we have failed on many counts and poverty, unemployment and under-development prevail in the country. This situation was exploited by various people to pose a very dangerous challenge to the country's internal security in the form of Maoism/Naxalism/Left-wing Extremism. In 2006, the then Prime Minister Manmohan Singh even admitted that this was perhaps the biggest challenge to the country's internal security.

The 1980s witnessed the growth of the terrorist movement in Punjab, aided and abetted by a hostile neighbour. The 1990s saw the beginning of militancy in Kashmir which has slowly become a pan-India phenomena with the onslaught of international terrorism in the hinterland during the past decade. The rise of Indian Mujahideen (IM) has been another dangerous phenomena in the last decade. This has again been supported by the unfriendly neighbour as became clearly evident during the 26/11 terror attack in Mumbai. As a result, the Centre initiated a number of concrete measures to strengthen its anti-terrorism apparatus.

Transnational organised criminals/mafias have given further boost to international terrorism by forging linkages between organised crime and terrorism. Their funding and modus operandi has mainly been arms smuggling, drugs trafficking, hawala transactions, money laundering and

pumping of fake Indian currency notes (FICN) to different parts of the country.

Cyber security is the latest challenge. We could be the target of a cyber-war, which could jeopardise our security as most of our vital installations are now based on cyber systems. Any failure to check cyber attacks could be fatal to our economy and security. The Snowden revelations (Wikileaks) of 2013 exposed the extent of espionage that is possible through cyber networks. The phenomenal growth of the internet and mobile communication has demonstrated that social media could play a vital role in spreading disinformation and fanning violence. The exodus of North-east students from the southern states in 2012 and the Muzaffarnagar riots in 2013 are some examples of problems created due to the fast growing communication systems.

As conventional warfare is not able to give the desired results, the enemy will use other means to achieve its nefarious designs targeting the civil society to create political instability, exploiting social, economic, religious, sectarian fault lines, mounting perception battles using **Psy-Wars** (psychological wars).

This could be termed **Fourth-Generation Warfare** where the battleground would be the civil society with the aim to recruit, destroy and subvert the civil society itself. Now, the concept of conquering land is being replaced by the concept of controlling the minds of the civil society using **Psy-Ops** (Psychological Operation) and the one who controls the civil society would ultimately rule the world. Another big problem is that these groups are globally networked as opposed to the Indian police, which finds difficulty in even networking at the national level.

Border management is important for containing threats to our internal security. A weak border management can result in infiltration of terrorists and illegal immigrants from various borders and smuggling of contraband items such as arms, drugs and counterfeit currency. There has been an increase in hostility against illegal migrants in the North-east. We are yet to find a satisfactory solution, be it political, social or economical, to this problem.

There are also some non-traditional, non-military threats to our security. These include climatic security, diseases and epidemics, energy and water, food issues, resource wars, poverty and economic disparity, etc. These have not been included in this book.

1.3 FACTORS RESPONSIBLE FOR INTERNAL SECURITY PROBLEMS

There are various reasons, both historical and non-historical, which cause problems for our internal security. These have been discussed in detail in the forthcoming chapters. However, a few root causes are mentioned below:

- ◆ Unfriendly neighbours
- ◆ Poverty
- ◆ Unemployment
- ◆ Inequitable growth
- ◆ Widening gap between haves and have nots
- ◆ Failure on administrative front or governance deficit
- ◆ Increasing communal divide
- ◆ Increasing caste awareness and caste tensions
- ◆ Rise of contentious politics based on sectarian, ethnic, linguistic or other divisive criteria
- ◆ Porous borders having very tough terrain
- ◆ Poor criminal justice system and large scale corruption leading to nexus between criminals, police and politicians resulting in organised crime going unabated

We inherited the first three causes at the time of independence, but have failed to resolve them. Unfortunately, we have added more factors which have multiplied our internal security problems. The fourth, fifth and sixth factors in the above list can be termed as administrative failures and the seventh, eighth and ninth could be due to the rise of partisan politics. The

last two can be attributed to a pronounced deficit of governance. Every problem gets highlighted because of these factors and hostile neighbours leave no opportunity to exploit internal conditions for the pursuit of their own agenda. The declared policy of Pakistan's ISI 'to bleed India with a thousand cuts' proves the point.

1.4 INTERNAL SECURITY DOCTRINE

▮ 1.4.1 Internal Security Doctrine should Include the following Key Elements

- ◆ Political
- ◆ Socio-Economic
- ◆ Governance
- ◆ Police and Security Forces
- ◆ Centre–State Coordination
- ◆ Intelligence
- ◆ Border Management
- ◆ Cyber Security

1. Political First, we need to know the nature of the challenge to our internal security. It could be secessionist, separatist or even regional in nature. We have to analyse the causative factors of various types of movements and see whether the demands are within the constitutional framework or not. As a matter of principle, we have to tackle the secessionist movements with a heavy hand. Separatist elements have to be kept at a distance. We need a clear policy with stringent laws to deal with such elements. On the other hand, regional aspirations and ethnic demands require reasonably softer and sympathetic approach.

2. Socio-Economic Socio-economic factors are also at the back of many movements which are big threats to the internal security of the country. Many a times, there are genuine socio-economic grievances of a section of

the society arising from acute poverty, unemployment and displacement. In such cases, our approach has to be different. We need to analyse the factors causing the socio-economic grievances and address all the connected issues. Equitable growth and development is the spirit of our Constitution. Therefore, we have to ensure that development reaches all sections of the society and there are no regional disparities.

3. Governance Lack of good governance also provides a tool in the hands of anti-establishment elements, who pose a challenge to the internal security of the country. Such elements take advantage of mismanagement and corruption in government schemes, poor implementation of laws and absence of government machinery in the remote areas. Governance on all fronts becomes an issue whether it is civil administration or policing of the area or the whole of criminal justice system. It is the duty of the state to control all the malaise in governance and provide good governance to the remotest of the areas and control corruption. Otherwise, development of remote areas will be nearly impossible.

4. Police and Security Forces It has been seen that, at times allegations of police atrocities and police indifference towards people's problems, aggravate internal security problems. We have seen many a times that agitations are directed against the police or the security forces. Demand for removal of Armed Forces (Special Powers) Acts or AFSPA is one such example. Police needs to be sensitised so that it becomes people friendly. We need to carry out police reforms so that the police is seen as a neutral, transparent and professional body. Other security forces aiding state police also need to increase their understanding of the local situation and maintain highest order of efficiency. They need to coordinate with the state police and help achieve the overall goal of maintaining internal security.

5. Centre–State Coordination Lack of centre–state coordination also leads to many problems related to internal security. This coordination problem exists in all areas from intelligence to operations. We need to develop an institutional framework which resolves all these centre-state coordination problems and ensures synergy at all levels.

6. Intelligence Intelligence is a major component of internal security. We need to be alert against external as well as internal enemies posing a threat to the internal security of the country. Most big operations have the back up support of intelligence. We need to have defensive as well as offensive intelligence to forewarn, neutralise the impending threats and take proactive steps wherever required. We also need to have regular institutional framework to compile, collate and act on intelligence received from various agencies. Multi Agency Centre (MAC) has made a good beginning in this direction.

7. Border Management The country has land borders with seven countries (practically six due to PoK issue) stretching nearly 15,000 km. We have had wars on three sides of our land borders with China, Pakistan and East Pakistan (presently Bangladesh). We also had infiltration problems through Punjab and Kashmir borders, illegal immigration problems through Bangladesh and smuggling of weapons through the Indo-Myanmar border. Kashmiri militants have been taking shelter in PoK while North-east extremists are taking shelter in Bangladesh, Bhutan and Myanmar. Therefore, we need to guard our land borders effectively to prevent infiltration by terrorists, illegal immigration, smuggling of weapons and drugs etc. Coastal security also needs special attention and we need to ensure that the roles of Navy, Coast Guard and Coastal Police are clearly defined and all of them work in harmony with each other.

8. Cyber Security The Snowden revelations (WikiLeaks) of 2013 have made it evident that future wars will not be traditional wars which are fought on land, water and air. In fact, it appears that cyber space will be the theatre of warfare in the 21st Century. Therefore, any solid doctrine on internal security needs to cover this front too. India has just made a beginning in this direction. We need to cover a lot of distance before we can say that we have a safe cyber space. In the coming chapters, we shall analyse in detail the various challenges to our internal security.

1.5 EXTERNAL SECURITY OF INDIA: MAJOR ISSUES

Though this book is about internal security, with many issues being interdependent, the candidates must have an idea about the major issues concerning external security front too. The nature of trans-boundary issues such as organised crime and terrorism, the challenge of uncontrolled migration and fundamental changes in the way societies are organised, have blurred the boundaries of the internal/external security divide.

On the external security front, India faces two major challenges: One on the Pakistan border and the second along the China border. In 2018 the Army Chief of India said that India faces challenge on “Two and a Half Fronts”. He was referring to is the fronts of terrorism, internal security and proxy war.

Challenges to External Security of India—

1. Challenges from the neighbourhood
2. Development in the Middle-East
3. Maritime security
4. Militarisation of space
5. Threats from cyber space
6. Intensification of competition for scarce resources such as energy and strategic minerals

► 1.5.1 Challenges from Neighbourhood

India is a vast geographical nation sharing borders, both land and maritime, with several countries. These neighbours are not consistently disposed to maintaining friendly relations with India. Policy and utility directs the nature of interactions with these countries.

The Achilles heel of India’s foreign policy has always been the country’s troubled relationship with its neighbours—ranging from an adversarial relationship with its two biggest neighbours, China and Pakistan, to non-adversarial but complicated ties with Sri Lanka (and increasingly the Maldives) or to the nuanced relationships with Bangladesh, Myanmar or Nepal and the delicate equation with Bhutan.

Since bifurcation of territory which demarcated India and Pakistan in 1947, the two nations have had strained relations due to disagreements over a number of key issues, control of Kashmir, terrorism and infiltration through the porous border. China carries on with its policy of provocatively aggressive expansion. From both Bangladesh and Sri Lanka, India has faced, from time to time, the problem of the spillover to its territory of refugees fleeing scenes of ethnic violence, often due to the oppression of minorities in these countries. For example, India has harboured Chakma and Tamil refugees fleeing Bangladesh and Sri Lanka respectively.

Myanmar is important to India as it looks to counter Chinese presence in South East Asia by creating its own sphere of economic zone.

India and Nepal share a unique relationship of friendship and cooperation characterised by open borders and deep-rooted people-to-people contacts of kinship and culture. But recently Nepal's second Constituent Assembly promulgated a Constitution on September 20, 2015 amid protests by Madhesi- based parties and other groups. The Government of India has expressed grave concern regarding the ongoing protests and urged the Government of Nepal to make efforts to resolve all issues through a credible political dialogue.

Bilateral relations between India and Maldives have been friendly and close in strategic, economic and military cooperation. However, presently the diplomatic and commercial relations between India and Maldives have hit an all-time low since the row over the GMR built airport erupted after a coup deposed former President Mohamed Nasheed and brought Mohammed Waheed Hassan to power. It's worth noting that Maldives despite being a 100% Sunni nation was not much affected by the rise of Islamic Radicalism until the recent past. In last few years, Maldivians in increasing numbers have been drawn towards the Pakistan-based madrasas and jihadist groups.

► 1.5.2 The Middle-East

Cultural, diplomatic, and economic exchange has proliferated between India and the Middle East since ancient times. This engagement has continued into the modern era. India has maintained a strong relationship

with Egypt, particularly since both countries became the founders of the Non-Aligned Movement during the Cold War. India also maintains bilateral relations with Iraq, Iran, Syria, and the Gulf states, dating back to when the Arab spice trade dominated the region.

Presently the security and political scenario of the Middle East is highly volatile. With that as caveat, one can visualise five short-to-medium term challenges.

1. Even after five years, it is too early to write-off the Arab Spring and the Arab yearning for change that has not run its course. While lacking an overarching roadmap, individual Arab countries will have to evolve a model that reflects and suits their social and demographic specificity. No country can influence or determine an appropriate model for another.
2. The declining American influence in the region will continue with no other country or group of countries being in a position to provide an alternate leadership. Some external powers will try to carve out spheres of influence without dominating the entire region.
3. ISIS, religious extremism and sectarian tensions are here to stay and political violence would continue to undermine the stability, territorial integrity and in some cases even viability of the state.
4. The Israeli-Palestinian conflict is important but an immediate resolution is unlikely because both sides lack wisdom, foresight and political will. Moreover, it is not the core problem facing the region, and Arab and non-Arab countries have many more serious problems to worry about apart from the statelessness of the Palestinians.
5. Oil prices will continue to be low and this will affect both the big and smaller energy players. The entry of Iran post-sanctions, will further exert pressure on prices. The low oil price will also affect the search for non-hydrocarbon energy alternatives like solar energy.

► 1.5.3 Maritime Security Challenges

India is a maritime nation, not just by historical tradition but also because it's geophysical configuration and geo-political circumstances make it as dependent on the seas as any island nation. With 11 maritime states and

island territories, India probably has more seafaring people than the population of most European countries.

India's maritime security challenges cover the entire range from low intensity conflict and piracy, all the way to major power strategic contests. Given its distinctive geography and the shift of global maritime focus from the Atlantic-Pacific combine to the Indo-Pacific continuum, the importance of the Indian Ocean Region in India's national security calculus has greatly increased in the post-Cold War era and the more recent post 9/11 era. Increased activity throughout the Indian Ocean region due to expanding regional and global trade in goods, ideas, people, and resources has raised a new set of maritime security challenges. Among these are growing risks from non-state actors, including piracy, terrorism, and trafficking; the impacts of environmental degradation, resource depletion, climate change, and natural disasters; and weak states and failing institutions. These diverse challenges confront an equally diverse set of nations bordering this region.

The energy-deficient nations such as China, India and other developing countries have no choice but to import large quantities of energy resources from around the world especially, West Asia. The dependence on the seas to get energy products to sustain their economies is growing progressively. This also brings in the threat of these vessels and products being targeted by both pirates and non-state actors.

► 1.5.4 Militarisation of Space

During the Cold War era, space became an essential adjunct for war-fighting on the ground, without becoming another theatre of combat. While militarisation of space proceeded rapidly, the weaponisation of space was avoided. While the weaponisation of space was avoided during the Cold War, it does not necessarily follow that weaponisation will continue to be avoided in a new era of asymmetric warfare. We can improve protection of satellites against some threats, but satellites will remain easy targets for space weapons designed to kill on impact.

India's space programme has very strong civil roots: it began as a means to assist India in its development and has mainly focused on improving the daily lives of its citizens. More recently, India has made a dramatic shift in

the tone of its space efforts. Lately, the country has adopted a more militarised attitude, as exemplified by increased efforts by India to create an indigenous ballistic missile defence programme. India's space efforts could very well affect the long-term sustainability of space and merits further attention.

Successful demonstration of Shakti missile in March 2019, makes India the fourth country in the world to have the capability of destroying a satellite in Low Orbit Airspace (LOA) after USA, Russia and China.

► **1.5.5 Cyber Security**

This topic will be discussed in detail in Chapter 9.

► **1.5.6 Intensification of Competition for Scarce Resources**

In 2003, the EU's European security strategy identified "competition for natural resources" as a global challenge. According to the 2004 report of the high level panel on threats, challenges and change, appointed by former UN secretary general Kofi Annan, "shortage of natural resources can contribute to unrest and civil violence". The UNEP expert advisory group on environment, conflict and peace building noted in 2009 that "as the global population continues to rise and demands for resources continues to grow, there is significant potential for conflict over natural resources to intensify in the coming decades." Resource scarcity is increasingly perceived as one of the greatest security risk in the 21st century.

In the Indian perspective the external manifestations of links between India's resource woes and security are discernible in ties with Pakistan and China. Some security analysts have depicted the Bay of Bengal and its significant deposits of natural gas as a future source of Sino-India conflict. China has secured a major natural gas deal with Burma and may conclude one with Sri Lanka soon.

Water, meanwhile, is a key factor in border tensions between India and China. These tensions centre around one of the region's rare water-rich areas, particularly Arunachal Pradesh. The strategic significance of Arunachal Pradesh, therefore, goes beyond the issue of territory. Finally, India is alarmed by Chinese dam building on Tibetan Plateau rivers,

including the Brahmaputra, which flows downstream into lower-riparian India.



PROBABLE QUESTIONS BASED ON THIS

CHAPTER

1. What are the attributes of internal security? How is it different from external security?
2. Discuss the major challenges to internal security faced by the Indian state after independence.
3. What are the key elements of a comprehensive internal security doctrine?
4. There are various inter-linkages between internal security threats and external security threats faced by India. Substantiate.
5. Recently, the Indian Army Chief had made a statement that 'India is ready to fight a war on Two & a half fronts'. Which security challenges are being described as 'Two & a half fronts' and describe India's current security preparedness to tackle them.



Terrorism may be defined as the planned, organised and systematic use of violence as a means of coercion for political or religious or ideological purposes.

Terrorism has become a global phenomenon, but all attempts in the past for arriving at an internationally accepted definition of terrorism have proved futile. This ambivalence is primarily due to two reasons.

Firstly, a ‘terrorist’ in one country may be viewed as a ‘freedom fighter’ in another; secondly, it is known that some states encourage various criminal acts being carried out in another state. Hence, there is an obvious lack of political will to any universally acceptable definition of terrorism.

Even the United Nations has been unable to come up with an official definition of the terrorism that is universal and acceptable to all member countries. The difficulty in defining what exactly constitutes terrorism acts as a barrier in international cooperation against terrorism.

Irrespective of these constraints, we can definitely say that:

Terrorism is a state of terror, panic and a fear psychosis, created by an individual or a group of people in order to force, coerce or blackmail the

authorities, using violent methods to accept their demand or to attain political, religious or ideological goals.

Terrorism is thought to be a method of war, which consists of intentionally attacking those who ought not to be attacked.

2.1 CLASSIFICATION OF TERRORISM

Terrorism can be classified into two categories—(i) terrorism by external state actors, and (ii) terrorism by non-state actors.

► 2.1.1 Terrorism by External State Actors

When any government directly or indirectly indulges in terrorism against its own people or the people of another country, it is referred to as terrorism by state actors.

Also, terrorism against another country, whether in support of international terrorism or in order to destabilise that country, can be classified as ‘external state sponsored terrorism’

Terrorism in Kashmir is a direct manifestation of state policy of Pakistan and ISI influence, while hinterland terrorism by Indian Mujahideen or SIMI is indirectly supported by ISI and the state of Pakistan. *Therefore, Pakistan which is an external state actor is challenging India’s internal security directly as well as indirectly.*

Similarly, time and again aspersions have been cast on the role of Bangladesh and Myanmar as external state actors regarding terrorism in the North-east.

Support to terrorism can be by various means, such as financial support to militant organisations, technical support, arms, training and infrastructural support, or ideological support.

► 2.1.2 Terrorism by Non-state Actors

In this case, the act of terrorism is performed by an individual or a group which is not associated with or financed by any Government. *Non-state*

actors have generally no direct or indirect link with any government or government agency while pursuing their agenda, though indirect linkages cannot be completely ruled out . Naxalites, LTTE and North-east extremists are some examples of non-state actors.

Many important terrorist groups such as Lashkar-e-Taiba (LeT) and Indian Mujahideen (IM) also claim to be non-state actors but have de facto support from Pakistan.

The use of non-state actors is essentially the employment of a proxy element, which gives the state of Pakistan a degree of deniability. However, there is no doubt that none of the so called 'non-state actors', like the LeT, could have operated with impunity without active funding, logistical and military support from Pakistan. The close linkages of the ISI and such groups are well documented as is their direct involvement in attacks like that of 26/11. These groups aim to not only create instability in states like Jammu and Kashmir, but also have a larger aim of destabilising the country. This is done through sporadic terrorist strikes, which spread terror and panic. This could also adversely affect the ability of the Indian state to pursue economic modernisation. The flooding of the country with counterfeit currency is also a way of weakening the economy. Therefore, some of the so called 'non-state' actors operating from Pakistan are the proxies of the state, functioning under a clear charter of state policy.

Modus Operandi and Motto of ISI (through so called Non-State Actors)

- ◆ To bleed India with a thousand cuts
- ◆ To destabilise Indian economy through fake currency and other means
- ◆ To supply arms and explosives to all kinds of militants in India
- ◆ To take advantage of anti-government groups operating within India and to provide financial, logistic and military support to such groups
- ◆ To spread and support Islamic fundamentalist activities
- ◆ To spread communal hatred and communal violence in India with the aim to divide and weaken the country

2.2 CATEGORISATION OF TERRORISM IN INDIA

Terrorism in India can be broadly classified into four major categories:

- ◆ Hinterland terrorism
- ◆ Jammu and Kashmir militancy
- ◆ North-East insurgency
- ◆ Left-Wing extremism

Out of these, the last two do not have direct linkages with external state actors, so we will deal with them in separate chapters. Terrorism in Jammu and Kashmir is due to Kashmir's historical background. It has been dealt with in a separate chapter.

2.3 GROWTH OF HINTERLAND TERRORISM

Hinterland terrorism is the terrorism that is spread all across the hinterland of the country. Such terrorist acts have been taking place all over India without any specific reason. Yet, if we look back and analyse, there appears to be a sequential, well planned, well motivated growth of terrorism in India.

1. After failing in two conventional wars against India, especially post the humiliating defeat in 1971, Pakistan adopted the path of sub-conventional war/proxy war by supporting terrorist activities in India since the last three decades with the motto of 'bleeding India with a thousand cuts'.
2. The seeds of present terrorism were sown in the Khalistan movement in Punjab in the 1980s. This proved to be the most deadly terrorist movement in India. It was to create a buffer sovereign state between J&K and rest of India.
3. After Punjab, Pakistan targeted Kashmir in the late '80s' and tried to take advantage of anti-India separatist sentiments in a section of Kashmiri population, and it continues to do so, till date. Terrorism in Kashmir was basically operated by Pakistan occupied Kashmir

(PoK) based Islamist terrorist organisations created, trained, inspired and directed by ISI, like LeT, JeM, Hizbul Mujahideen, etc.

4. Meanwhile, SIMI was formed in Aligarh in 1977 with its motive to liberate Indian Muslims from western influence and make them follow Islamic code of conduct. In the 1980s and 1990s, SIMI became a highly militant and extremist group and took a more radical posture. Therefore, it was banned under Unlawful Activities Prevention Act (UAPA) in 2001.
5. The Ayodhya incidents of 1992 also saw the rise of reactionary terrorist activities all over India, especially in Mumbai (1993 Bombay serial blasts). This provided a big opportunity to ISI to carry forward its designs of spreading terrorism and communalism in India.
6. The 21st century saw the formation of Indian Mujahideen (IM) after the ban on SIMI. It was to project to the outside world that terrorism in India was a purely indigenous development, arising out of ill-treatment of Muslims and not sponsored from across the border. Doctored videos of Gujarat riots were used by ISI to mobilise, recruit and radicalise the youth.
7. The ISI has always tried to take advantage of communal incidents like the Ayodhya issue and the Gujarat riots for inciting young Indian Muslims. The increasing efforts of ISI to exploit communal sentiments have ensured that the Muslim community remains vulnerable to mobilisation, recruitment and radicalisation. In recent times, there were reports of Lashkar-e-Taiba recruiting young Muslims in riot affected Muzaffarnagar district.
8. We saw reactionary right wing extremist activities in 2006–07 in the form of bomb blasts in Malegaon, Mecca Masjid, Hyderabad, Ajmer Sharif and Samjhauta Express. Initially, investigating agencies of various state police had allegedly implicated innocent Muslim youth in these cases. This resulted in heavy resentment in Muslims and gave another boost to radicalisation of Muslim Youth by ISI, LeT, SIMI and IM etc.

9. The Harkat-ul-Jihad-al-Islami (HUJI) of Bangladesh was also found to be involved in many terrorist attacks in India.

► 2.3.1 Important Terrorist Attacks in India

We can say that the last two decades have been marked by the presence of ISI sponsored terrorism in India's hinterland which was earlier confined to Punjab and J&K. Some of the more important incidents are mentioned below:

- ◆ Bomb blasts in Mumbai in 1993 that killed around 300 people
- ◆ Brahmaputra Mail train bombing in 1996 that killed 33 people
- ◆ 58 people killed and more than 200 injured in 1998 Coimbatore bombings, targeted at L.K. Advani in his election rally
- ◆ Air India Flight AI-814 hijacking in 1999 by Harkat-ul-Mujahideen with active support from Taliban
- ◆ Attack on Red Fort in 2000
- ◆ Attack on J&K Assembly in 2001
- ◆ Attack on Indian Parliament on December 13, 2001 by Lashkar-e-Taiba and Jaish-e-Mohammed
- ◆ Attack on Akshardham temple in Gujarat in 2002 by Lashkar-e-Taiba and Jaish-e-Mohammed
- ◆ 68 people killed in four separate attacks in Mumbai in 2003
- ◆ 70 people killed in Delhi bombings two days before Diwali in 2005
- ◆ Blasts in Mumbai in 2006 killing 209 people by Lashkar-e-Taiba
- ◆ Malegaon blast by right wing extremists in 2006 killing 37 people
- ◆ Lucknow, Faizabad and Banaras attacks in court complexes in 2007 carried out by Indian Mujahideen
- ◆ Samjhauta Express and Ajmer Sharif Blasts by right wing extremists in 2007
- ◆ Attack on CRPF camp in Rampur in 2007

- ◆ Blasts in Jaipur, Bangalore, Ahmedabad and Delhi in 2008 carried out by Indian Mujahideen killing 115 people
- ◆ 171 people killed in terrorist attack by LeT in Mumbai in 2008, popularly known as 26/11
- ◆ German Bakery, Pune bomb blast in 2010 in which 17 people were killed
- ◆ 26 people killed in serial bomb blasts by Indian Mujahideen (IM) in Mumbai in 2011
- ◆ Attack on Delhi High Court by IM in 2011 in which 12 people were killed
- ◆ Hyderabad bomb blasts in 2013 which killed 16 people by IM
- ◆ Bodh Gaya blasts in 2013 by IM
- ◆ Patna Election Rally blasts in October 2013
- ◆ Jammu attack in March 2015 in which six persons were killed
- ◆ Gurdaspur attack in July 2015 in which 10 people were killed
- ◆ Pathankot attack in January 2016 in which seven persons were killed
- ◆ Attack on CRPF convoy in Pampore (Kashmir) in June 2016 in which eight CRPF jawans were killed
- ◆ Uri military camp attack, 2016 – 23 personnel killed (carried out by Jaish-e-Mohammad)
- ◆ Nagrota base camp attack 2016 (carried out by suspected JeM)
- ◆ Amarnathh Yatra attack, 2017
- ◆ Amritsar attack, November 2018
- ◆ Pulwama (2019) a CRPF convoy was attacked by a suicide car bomber and 42 Jawans were killed—Jaish-e-Mohammad claimed responsibility.

Hence, it is evident that the terrorists have concentrated their target on India's political capital, financial capital, IT and scientific hubs, religious places and places of tourist interest.

Hinterland terrorism is also sometimes assisted by neighbouring countries through the borders; hence it can be referred to as *trans-national terrorism* , given its obvious inability to take on India in a conventional war. Terrorists are provided training, infrastructure and weapons in Pakistan and then infiltrated into India through LoC or through Nepal.

► 2.3.2 Active Militant Outfits

Lashkar-e-Taiba (LeT) It is one of the largest and most active terrorist organisation in South Asia. It is operating mainly from Pakistan and Pak occupied Kashmir (PoK). It was founded in 1990 by Hafez Saeed. Lashkar-e-Taiba has attacked military and civilian targets in India. The 2001 attack on the Indian Parliament and the 2008 Mumbai attacks were carried out by LeT.

Jaish-e-Muhammad (JeM) Jaish-e-Muhammad (JEM or Army of Muhammad) is a Pakistan-based terror group that aims to undermine and overthrow Indian control over Indian-administered Kashmir through attacks on security and government targets and is supported by Pakistan's ISI which also provides with them funding, training and strategy to conduct their terror attacks in india.

The group was founded by Masood Azhar, who fought under the banner of Harkat-ul-Mujahideen and has been linked to al-Qaeda.

Masood Azhar was released by India in the Kandahar flight hijack wherein he was traded for the passengers of IC 814 in 1999 along with two other terrorists.

He later founded Jaish-e-Muhammad in 2000 and till now has carried out most of the devastating attacks India has ever seen, be it the Parliament attack in 2001, Pathankot airbase attack 2016 and now the recent Pulwama attack which killed 42 CRPF personnel of the Indian Army on February 14, 2019.

JeM has carried out several high-profile suicide and other attacks against Indian targets since its formation. The group is said to have actively supported the Afghan Taliban's fight against US-led NATO forces since 2001.

India has moved a proposal at the UN to designate Masood Azhar as a global terrorist and most of the country including the US and France have supported the move. China was the only country among the 15-member UN Security Council to oppose the ban on Azhar.

Hizbul Mujahideen It is a Kashmiri terrorist group founded in 1989. The current leader of the group is a Kashmiri known under the alias of Sayeed Salahudeen who usually resides in PoK.

AQIS (Al-Qaeda in Indian Subcontinent) Al-Qaeda in the Indian Subcontinent (AQIS), the youngest affiliate of al-Qaeda created in 2014 with the target of roping in jihadists from India, Pakistan, Myanmar and Bangladesh, mainly operating from Pakistan and Afghanistan. AQIS is also in touch with Kashmiri militants. The outfit has been banned by the UN.

Students Islamic Movement of India (SIMI) SIMI is a banned Islamic student organisation formed in 1977. Earlier, the stated mission of SIMI was 'liberation of India' from western materialistic cultural influence and to convert Muslims to live according to the Islamic code of conduct. But SIMI became militant and extremist in the backdrop of communal riots and violence between Hindu and Muslim groups in the 1980s and 1990s and took a more radical posture. Its motto became 'to convert whole of India into Islamic land'. SIMI was banned by the Indian government in 2001 when it was found to have indulged in terrorist activities.

Harkat-ul-Jihad-al-Islami (HUJI) It is a Pakistan and Bangladesh-based old Islamic terrorist organisation working in Pakistan, Bangladesh and India. HUJI has claimed responsibility for the 2006 Banaras bombing and 2011 Delhi bombing. HUJI had started its operations in Afghanistan after the Soviet retreat from the country. Its Bangladesh unit was formed in 2002. It is believed to be backed by the Taliban.

Indian Mujahideen (IM) It is an Islamist terrorist group based in India, which has carried out several attacks against civilian targets in India. It was borne out of the ranks of SIMI. IM has reportedly taken responsibility for several blasts carried out in the last decade. Police investigations have

revealed the group to be a front for Lashkar-e-Taiba. In fact ISI, LeT and HUJI encouraged formation of IM in their effort to hide the involvement of Pakistan in terrorist activities in India and to project to the outside world that terrorism in India was an indigenous development arising out of maltreatment of Muslims. In 2010, IM was declared a terrorist organisation and banned by the Government of India. New Zealand, UK and US also declared it a terrorist organisation. Its ultimate aim is to create an 'Islamic caliphate' across South Asia. This organisation came into the limelight after the UP blasts of 2007 in the court premises in Lucknow, Varanasi and Faizabad. It recruits a wide range of disenchanted Muslims youths— from petty criminals to highly paid software professionals. Recently, one of its main leaders, Yaseen Bhatkal was arrested by Indian security agencies.

Sleeper Cells A sleeper cell refers to a cell, or isolated grouping of sleeper agents, that lies dormant until it receives orders or decides to act. A sleeper agent is a spy who is placed in a target country or organisation, not to undertake an immediate mission, but rather to act as a potential asset if activated.

► 2.3.3 New Threat from ISIS

Historical Background

The group has had various names since it was founded in 1999 by Jordanian radical Abu Musab al-Zarqawi under the name Jamáat al-Tawid wa-al-Jihad. In October 2004 al-Zarqawi swore loyalty to Osama bin Laden, he renamed the group Tanim Qā idat al-Jihā d fī Bilā d al-Rā fīdayn commonly known as al-Qaeda in Iraq or AQI. Although the group never called itself al-Qaeda in Iraq, this remained its informal name over the years.

In June 2006, several insurgent factions were merged to form a new group, ad-Dawlah al-Īraq al-Islamiyah, which translates to the Islamic State of Iraq (ISI). The ISI was led by Abu Omar al-Baghdadi and Abu Ayyub al-Masri, who were killed in a US–Iraqi operation in April 2010, after which Abu Bakr al-Baghdadi became the group's new leader.

By 2011, when the US troops' withdrawal was complete in Iraq, Al-Qaeda of Iraq was being run by Abu Bakr-al-Baghdadi, and had morphed from a

largely foreign to a largely Iraqi operation.

With thousands of armed men now at his disposal, Baghdadi opened a second front against the Shiites—in Syria, where there was a largely secular uprising against President Bashar al-Assad. Soon, Baghdadi renamed his group the Islamic State of Iraq and Syria (ISIS), reflecting his greater ambitions. His black flags, emblazoned with the Arabic words for “There is no god but Allah” and the reproduction of what many believe to be the Prophet Mohammed’s seal, became ubiquitous.

In April 2013, having expanded into Syria, the group adopted the name *ad-Dawlah al-Islamiyah fi ‘l-Îr - aq wa-sh-Sham* . As *al-Sh – am* is a region often compared with the *Levant* or *Greater Syria* , the group’s name has been variously translated as “Islamic State of Iraq and *al-Sham* ”, “Islamic State of Iraq and Syria”, (both abbreviated as **ISIS**), or “Islamic State of Iraq and the Levant” (abbreviated as **ISIL**).

In May 2014, the United States Department of State announced its decision to use “Islamic State of Iraq and the Levant” (ISIL) as the group’s primary name.

On 29 June 2014, the organisation proclaimed itself to be a *worldwide caliphate* . Abu Bakr al-Baghdadi—known by his supporters as *Amir al-Múminin* , Caliph Ibrahim—was named its *caliph* , and the group renamed itself *ad-Dawlah al-Islamiyah* (Islamic State” (IS)). As a “Caliphate”, it claims religious, political and military authority over all Muslims worldwide. The concept of it being a caliphate and the name “Islamic State” have been rejected by UN, various governments and Muslim leaders worldwide.

The most common names worldwide are ISIS and ISIL.

Ideology of ISIS

Important doctrines of ISIL include its belief that it represents the restoration of the caliphate of early Islam, and that all Muslims are required to pledge allegiance to it; that a “defiled” Islam must be purged of apostasy, often with bloody sectarian killings, that the final Day of Judgment by God is near and will follow the defeat of the army of “Rome” by ISIL; that a strict adherence to following the precepts “established by the Prophet

Muhammad and his earliest followers” is necessary, surpassing even that of other Salafi groups.

Salafi Jihadists such as ISIL believe that only a legitimate authority can undertake the leadership of jihad, and that the first priority over other areas of combat, such as fighting non-Muslim countries, is the purification of Islamic society. For example, ISIL regards the Palestinian Islamist Sunni group Hamas as apostates who have no legitimate authority to lead jihad and it regards fighting Hamas as the first step before confrontation with Israel.

ISIS has proved itself to be highly brutal and it reminds of medieval times by its philosophy of hate and jihad.

Aim

According to ISIS, the return to the Golden Age of Islam, takes place through the reestablishment of an Islamic Caliphate, based on the Salafist-jihadi interpretation of Islamic religious law (the sharia). The Caliphate State, whose establishment was declared by ISIS, currently includes large parts of Iraq and Syria, from the outskirts of Baghdad to the outskirts of Aleppo. However, ISIS seeks to expand its self-declared Caliphate State to the rest of Iraq and Syria, to topple the regimes in Baghdad and Damascus, and subsequently spread from there to the rest of the region, most of it included in Greater Syria (*Bilad al-Sham*) according to ISIS: Iraq, Syria, Lebanon, Israel/Palestine, Jordan, and even Kuwait.

However, ISIS’s ambitions extend beyond the areas of Greater Syria. According to its vision, the Caliphate in Greater Syria will be the core of an extensive Islamic Caliphate. It will include the countries of the Middle East; North Africa; parts of Iran, Pakistan and Afghanistan (Khorasan); European countries that were conquered from the Muslims in the past (Spain, the Balkans); and other Muslim countries (Turkey, the Caucasus)

According to the map, the Islamic State of Iraq and Syria (ISIS) plans to take control of the Middle East, North Africa, most of the Indian subcontinent and parts of Europe, within the next five years, to complete its caliphate.

ISIS in India

Four ISIS activists were arrested from Roorkee in Haridwar district in January 2016. Soon after, the National Investigation Agency (NIA) took into custody 14 other people suspected to be ‘Islamic State sympathisers’ for plotting attacks in different parts of the country.

The arrests were made following simultaneous searches and raids conducted at 12 locations in six cities—Bengaluru, Tumkur, Mangalore, Hyderabad, Mumbai and Lucknow—with the support of local police. Recently four boys from Maharashtra had travelled to Iraq and joined ISIS. Only one of them returned alive.

Current Status of ISIS

In the last two years the world community has gained major successes against ISIS but any premature celebrations of the so-called destruction of the Islamic State (IS) ‘Caliphate’ would be uncalled for. They have moved from strongholds in Syria and Iraq to countries across Europe, Asia and Africa.

As ISIS lost ground in Syria and Iraq, parts of Africa became the new battleground. In the past two years, unverified reports indicate the deaths of more than 10,000 people in Africa alone and the battle continues in unrelenting fashion.

Boko Haram, a one-time affiliate of the IS, has been even more sanguinary than the IS or al-Qaeda. Al-Shabab in Somalia, the Jama’at Nusrat al-Islam wal Muslimeen in Mali, and several others continue to thrive in parts of Africa.

Afghanistan is the other main epicenter of radicalised Islamist terror. The years 2017 and 2018 have been particularly bad in terms of the number of terror attacks and casualties resulting from these attacks. Given the climate of violence, and the determination of radical groups to wage war, India cannot afford to be oblivious to what is happening around us. In December 2018 NIA busted a module of ISIS radicalised youth from Delhi and Western UP.

The enduring message is that the ideological battle against religiously-oriented terror group ISIS is far from over.

► Lone Wolf Attacks

Lone wolf attacks is when a terror attack is caused by a person (lone wolf) who prepares and commits violent acts alone, outside of any command structure and without material assistance from any group.

The conventional terror attacks mostly had multiple perpetrators and had a definite command structure and usually family members were aware/involved. Whereas, in a lone wolf terror attack, there is a single perpetrator and with no hierarchical command structure usually family members are not aware of the radicalisation of the individual.

A large number of terrorists initially claimed by authorities and reporters to have been lone wolf attacks inspired by ISIS or its ideology, were later found to have been recruited, trained and directed remotely by ISIS to carry out the attacks. This would mean they were technically not “Lone Wolves”. This theory of lone wolf attacks was mostly propagated by ISIS all over the world through the Internet.

Challenges to Control Lone Wolf Attacks

It is difficult to keep surveillance on lone wolf attackers as they lack any chain of command and being leaderless is tough for the intelligence agencies to track them.

Terror organisation like ISIS has been using social media and radicalise individuals all over the globe and recruitment as well as funding and training is done via Information Technology and social media and Encryption makes it very tough to be traced.

Recent investigations have shown that often these attacks are not entirely independent and leaders operating remotely exercise various degrees of influence, acting as confidants and coaches and coaxing recruits to embrace violence.

Modern Day Online Terrorism (Cyber Extremism)

One can clearly see a shift in the modus operandi of terror outfits in the way of recruiting, training and deploying the cadre. Earlier the potential candidates were won over by taking recourse to self-proclaimed superiority

of particular religion or ideology. They were then smuggled out to undergo further indoctrination and tactical training outside the targeted country. Thereafter they were sent back to await instructions as sleeper cells or tasked to carry out certain terror attacks or operations.

Here everything is online, from radicalisation to recruitment to training to money transfer, which is far more dangerous than the ISI modus operandi which usually trains people across the border. In the ISI module, the wannabe terrorist had to cross Indian border via various routes which was not as easy always.

With the advent of widespread use of internet and modern communication technology, both open and clandestine (deep web, dark web etc.) there is no need to send the cadre for training in designated locations.

Radicalisation

Radicalisation is a process by which an individual or group, being dissatisfied with the current scenario, adopts an increasingly extreme political, social or religious ideology to change things as per his/their beliefs, which could also involve violence.

Radicalisation, if unchecked, can lead to extremist discourse in society, recruitment by terrorists, aggravate communal tension/violence and fuel extremism in other groups.

In the recent past radicalisation of youths by the terrorist organisation is on a rise.

Online radicalisation and recruitment of Indian youth by ISIS is a major threat to the nation's sovereignty, security and integrity. But with the advent of increasing internet penetration and social media the problem has got compounded. It is difficult to regulate social platforms due to their inherent advantages on one hand and greater anonymity, and transnational reach on other.

De-radicalisation and Counter Radicalisation

De-radicalisation is a process by which an already radicalised person is brought back into mainstream society while counter-radicalisation is the process by which vulnerable persons are prevented from getting radicalised.

Way Forward to Check Online Terror

Any step to regulate the internet should be in consonance with utmost respect to the fundamental rights of citizens to speech and expression, information, connection etc.

1. **International Cooperation:** An international consensus should be built among nations and various IT-related organisations to follow certain guidelines in regulating internet use.
2. **Comprehensive Legislation:** Strict laws should be enacted to create deterrence for being involved into any kind of radicalisation.
3. Empowered investigation and judicial process to punish those involved in such activities.
4. **Use of Technology:** Technology like big data can be used to catch phrases related to radicalisation and delete any such content.
5. To avoid children falling prey to radicalisation, online sites can use similar method like YouTube to verify the age of viewer before allowing to watch any adult video.
6. A multi-pronged strategy focusing on rational and logical counter-propaganda should be adopted with the help of civil society, NGOs etc.
7. We need to have very strong online surveillance capabilities. Social media monitoring capabilities to counter such kind of radicalisation.
8. Increase in intelligence sharing and coordination between agencies such as NIA, IB and state police, etc. is a must to prevent such incidents.
9. Parents, family and society needs to be more alert and aware in watching the activities of their children. They should not only monitor activities but counter the radical ideology with rational and logical thinking
10. Help to be provided by professional counsellors to counsel against radicalisation once it is reported by some friend or family member.
11. Police forces needs to be trained to develop counter terror capabilities and should be equipped with knowledge of recent

technology.

2.4 ATTEMPTS TO REVIVE KHALISTAN MOVEMENT

The 1980s and early 90s witnessed a very intense Pro-Khalistan movement backed by ISI. Recently, we saw a manifest attempt by Sikh extremist groups residing in Canada and the US to revive the demand for Khalistan and of self-determination for Sikhs. They have the backing of sections of the Sikh community in the UK as well. As a result, a fresh wave of Sikh radicalisation is beginning to be seen in quite a few Western nations.

A Pro-Khalistan rally was organised in London, sponsored by a body styling itself as ‘Sikhs for Justice’ based in the US. It has the backing of the UK-based Khalistan Sikh Federation and the Dal Khalsa. It is the clearest sign yet of the resurgence of pro-Khalistan sentiments. A revitalised movement for a separate Sikh state can cause problems within India, sooner rather than later.

November 2018 witnessed the Amritsar blast which killed many and injured about 20 people. This can be considered as a declaration of Revival of Khalistan movement.

Even the Home Ministry informed the Parliament that Pakistan’s ISI was providing moral and financial support to Pro Khalistan movement for Anti India activities as well as to revive militancy in Punjab.

► KLF (Khalistan Liberation Force)

Security agencies say the KLF, an extremist organisation active in the 1980s, was revived in 2009 in Malaysia under pressure from ISI.

The NIA said the main objective of the KLF is to “liberate the so-called Khalistan”. Founded by Aroor Singh in 1986, the outfit had been active in promoting secessionist activities till 1994.

The leadership of the KLF believes that they can revive the Khalistan movement by targeting members of specific communities so as to polarise the society of Punjab on communal lines. Organisations and persons, who oppose the ideology of Jarnail Singh Bhindranwale, are their prime targets

for elimination. KLF has been banned and brought in the First Schedule of UAPA in 2018.

► Referendum 2020

The Sikh Community led by US-based “Sikh for justice” has called for the Global Sikh Community in more than 20 countries to unite and call for a referendum 2020 which would demand for the separation of Punjab from India and want to establish Punjab as a separate country. They have started this referendum for reviving the Khalistan Movement and plan to move to UN and also to other world powers for their cause.

Hindutva-Inspired Right Wing Terror

Hindutva inspired right-wing organisations have been accused of involvement in terrorist attacks, including the Malegaon blasts, Mecca Masjid bombing (Hyderabad), Samjhauta Express bombings and the Ajmer Sharif dargah blast. This so called ‘right wing terrorism’ is supposed to have developed as a reaction to ISI sponsored terrorism and alleged Muslim appeasement by the Government of India. It tried to target Muslim dominated areas.

2.5 REASONS FOR SPREAD OF TERRORISM

In modern times, terrorism spreads faster because of the following factors:

- ◆ More technology available to conduct acts of terror
- ◆ Targets of terrorism are more widespread than ever before
- ◆ Sophisticated means of communication (electronic media, print media, social media, internet) helped terrorists to quickly promote their ideology and hate campaign
- ◆ Intolerance in society due to increasing population and decreasing resources
- ◆ Increasing globalisation of the society
- ◆ International recognition and support to terrorist groups

- ◆ Links between terrorism and organised crime to earn easy money

2.6 KEY ISSUES

2.6.1 How do the Terror Groups Fund Themselves? How do they Procure the Ammunition and Technology Required?

India faces different types of internal security threats. The groups involved raise funds from different sources, ranging from state sponsorship to fake currencies, to extortion and taxation, crime and smuggling, amongst others. Some cases are given below.

ISI Sponsored Terrorism

The militancy in J&K presents a classical case of state-sponsored and financed terrorism. The ISI employs state and private resources, like money from drugs and contraband, donations and charities, as well as the globalised network for raising and moving funds from Jihadi Islamic fundamentalists across the globe. This support is further augmented by funding from the Kashmiri diaspora and NGOs. These are thereafter used as part of Pakistan's proxy war against India, thereby bringing various components of funding together.

However, in the case of Indian Mujahideen, state sponsorship in the form of financial support from ISI, mobilisation through organised criminal activities to raise funds and exploitation of globalised networks for financial resources have been the ways to keep their unlawful activities going.

It is believed that ISI's terror network is self-supporting financially and the money comes from:

- ◆ Donations from Islamic countries in the name of Jihad
- ◆ Earnings from drug trafficking
- ◆ Issuing fake Indian currency notes (FICN)
- ◆ Other kinds of organised crime

It is believed that the financial network operates through a few trusts, like the Al-Rashid from Karachi and the Rabita Trust from Islamabad. Usually these trusts operate through fake bank accounts.

The transfer of money to terrorist organisations is largely done through *hawala* transactions. Many a times, it has been found by Indian intelligence agencies that agencies like JeM, LeT and HM are funded indirectly by the ISI through the above mentioned means.

Funding Sources for Other Forms of Terrorism

Most insurgencies of the North-east receive funding from extortion and taxation, which is a local source. This is supplemented by trafficking of drugs, weapons and counterfeit currency. The insurgencies in the region have limited state-sponsored funding from outside and raising finances through private sources is the norm.

The case of CPI (Maoist) led insurgency is similar, with local financial resources providing the bulk of its funding. They also take a share from big infrastructure projects like roads, national highways, dams, rural development projects, etc. Apart from this, they receive security money from mining companies and multinational corporations (MNCs) operating in the country. But there is no substantive evidence of state sponsorship to naxalism. They have also not profited substantially from the globalised financial environment.

These groups then use the funds collected to smuggle weapons, explosives and technology based equipments, like satellite radios, from across the border. India has porous borders with Nepal, which is exploited. Similarly, borders with Bangladesh, Myanmar and Pakistan are often used for pushing in weapons and ammunition.

► 2.6.2 Institutional Framework to Tackle Terrorism

Before 2008, terrorism was fought mainly by the Intelligence Bureau (IB) with the help of state police and Central Armed Police Forces. The IB played the role of an intelligence agency which coordinated the efforts of various state police forces. The operations and investigations part were looked after by the state police. After the assassination of former Prime

Minister Indira Gandhi, a special commando force (NSG) was created to engage and neutralise the terrorist threats in specific situations. NSG commandos were trained in high risk tasks like counter hijacking and counter terrorist operations.

New Changes after 26/11

Although the Mumbai Police and the NSG are applauded for their operations during the 26/11 attacks, their initial response and operating procedures brought to light serious flaws in coordination. Post 26/11, many steps were taken by the Centre in this regard. The Centre also announced the creation of many new institutions, NIA, NATGRID, MAC (revamping), NCTC. Many steps were taken on the legal front also.

1. National Investigation Agency (NIA)

The National Investigation Agency (NIA) is a federal agency established by the Centre to combat terror in India. NIA has concurrent jurisdiction which empowers the Centre to probe terror attacks in any part of the country, covering offences, including challenges to the country's sovereignty and integrity, bomb blasts, hijacking of aircraft and ships, and attacks on nuclear installations. It also deals with counterfeit currency, human trafficking, narcotics or drugs, organised crime (extortion mobs and gangs), plane hijacking and violations of Atomic Energy Act and Weapons of Mass Destruction Act.

NIA aims to be a thoroughly professional investigative agency matching the best in international standards. It aims to set the standards of excellence in counter terrorism and other national security related investigations at the national level by developing into a highly trained, partnership oriented workforce.

It can be said that after seven years of its creation, NIA has proved its utility to a very large extent without any confrontation with state police. The investigations have become more professional. The data bank of terrorists is centralised.

2. NATGRID

The National Intelligence Grid or NATGRID is an integrated intelligence grid that will link the databases of several departments and ministries of the Government of India so as to collect comprehensive patterns of intelligence that can be readily accessed by intelligence agencies. It is a counter terrorism measure that collects and collates a host of information from government databases including tax and bank account details, credit card transactions, visa and immigration records and itineraries of rail and air travel. This combined data will be made available to 11 central agencies, viz. Research and Analysis Wing, the Intelligence Bureau, Central Bureau of Investigation, Financial intelligence unit, Central Board of Direct Taxes, Directorate of Revenue Intelligence, Enforcement Directorate, Narcotics Control Bureau, Central Board of Excise and Customs and the Directorate General of Central Excise Intelligence.

It is yet to become operational. The government is taking measures to make NATGRID functional. It appears that they will succeed quite soon.

3. Revamping of Multi Agency Centre (MAC)

MAC is a multi-agency centre for Counter Terrorism whose mandate is to share terrorism related intelligence inputs on a day to day basis. Multi Agency Centre (MAC) was created at Delhi and Subsidiary Multi Agency Centres (SMACs) in various states comprising representatives from various security agencies for streamlining intelligence efforts after Kargil war. But it was revamped after 26/11. MAC in the Intelligence Bureau shares intelligence with various agencies including the police, CAPFs, defence and financial intelligence agencies. It also shares intelligence with SMACs established in various states and Union Territories through video-conferencing on a continuous and real time basis. Reciprocally, the other agencies are also obliged to share intelligence with MAC. The Centre operates on a 24 hour basis. It also acts as a database in the form of National Memory Bank related to counter-terrorism intelligence. MAC has also been given additional responsibility of accounting and auditing of intelligence related to counter terrorism and enhancing the capacities of all the stakeholders in counter terrorism efforts.

Within a short span, MAC has proved its utility.

4. Creation of Four New NSG Hubs

The limitation of inadequate security forces was addressed by opening NSG hubs at four places at Mumbai, Kolkata, Chennai and Hyderabad after Manesar in order to ensure faster and more effective reaction to crisis situations.

5. Coastal Security Scheme Revamped

The issue of maritime security and the lack of it surfaced and gained much attention after the Mumbai attacks. To strengthen coastal security of the country, series of measures have been taken to review, upgrade and strengthen the coastal security of the country. The following major decisions/initiatives have been taken by the Centre:

- ◆ The task of guarding the Indian coastline right from the shoreline has been entrusted to the Coast Guard. However, the responsibility of overall maritime security rests with the Indian Navy.
- ◆ Coastal States/UTs have been directed to expedite the implementation of the approved Coastal Security Scheme such as early completion of construction of coastal police stations, check posts, out-posts etc.
- ◆ The coastal states and UTs have been directed to immediately start coastal patrolling by locally hired fishing boats/trawlers.
- ◆ The coastal states/UTs have been directed to carry out vulnerability/gap analysis on their coasts in consultation with Coast Guard.
- ◆ Ministry of Shipping, Road Transport and Highways has been directed to streamline the process of registration of all types of vessels, i.e., fishing as well as non-fishing vessels.
- ◆ To issue ID cards to all the fishermen and all the population of the coastal villages.

► 2.6.3 Legal Framework

The first special act to deal with terrorism was the Terrorist and Disruptive Activities (Prevention) Act or TADA as it is commonly called. It came into

force after Indira Gandhi's assassination. But following allegations of its misuse, it was allowed to lapse in 1995 and another special act called the Prevention of Terrorism Act (POTA) was enacted in 2002 in the aftermath of the December 2001 attack on Parliament. POTA was also repealed in 2004. After 26/11, the Unlawful Activities (Prevention) Act, UAPA Amendment Act came in force in December, 2008 which was further amended in 2012.

1. Terrorist and Disruptive Activities (Prevention) Act or TADA

TADA was an anti-terrorism law which was in force between 1985 and 1995 (modified in 1987) in the background of the Punjab insurgency and was applied to the whole of India. It was allowed to lapse in 1995 due to widespread allegations of abuse. It was the first anti-terrorism law legislated by the government to define and counter terrorist activities.

The law gave wide powers to law enforcement agencies for dealing with terrorist and 'socially disruptive' activities. The police were not obliged to produce a detainee before a judicial magistrate within 24 hours. The accused could be detained up to one year without even filing a charge-sheet. Confession made to police officers was admissible as evidence in the court of law, with the burden of proof being on the accused to prove his innocence. Courts were set up exclusively to hear the cases under this Act. The trials could be held in camera with the identities of the witnesses kept hidden. Under 7A of the Act, Police officers were also empowered to attach the properties of the accused under this Act.

2. The Prevention of Terrorism Act, 2002 (POTA)

POTA was an anti-terrorism legislation enacted by the Parliament of India in 2002. The Act was enacted due to several terrorist attacks that took place in India especially the attack on the Parliament.

Analogous to the provisions contained in TADA, the law provided that a suspect could be detained for up to 180 days without filing of the charge-sheet in court. It also allowed law enforcement agencies to withhold the identities of witnesses, and to treat a confession made to the police as an admission of guilt. Under regular Indian law, a person can deny such

confessions in court, but not under POTA. Also unlike TADA, it had no provision to allow preventive detention. POTA was repealed in 2004.

Changes after 26/11

Many relevant amendments were made to the already existing Unlawful Activities (Prevention) Act.

1. Unlawful Activities (Prevention) Act (UAPA) Amendment

UAPA is an act to provide for the more effective prevention of certain unlawful activities of individuals and associations (dealing with terrorist activities) and for matters connected therewith. UAPA was enacted in 1967 and amended in 1969, 1972, 1986, 2004, 2008 and 2012. With 2012 amendments, UAPA includes economic offences within the ambit of terror acts. Definition of “terrorist act” has been expanded to include offences that threaten the country’s economic security, procurement of weapons, raising funds for terrorist activities and counterfeiting Indian currency. It also granted additional powers to courts to provide for attachment or forfeiture of property equivalent to the counterfeit Indian currency involved in the offence or to the value of the proceeds of terrorism involved in the offence.

This law also allows the Centre to declare that a Group is an ‘Unlawful association’ or a ‘Terrorist organisation’ and make membership or support of that group a Crime.

Unlawful Associations The Centre maintains a list of unlawful associations which can be amended as and when required. Once an Organisation is on the list, membership of the organisation becomes a crime under UAPA. Money going to it can be blocked and the places it uses can be Monitored.

Factors responsible for banning an organisation:

- ◆ The organisation’s activities are supporting secession from India, or disruption of the sovereignty and territorial Integrity of India.
- ◆ The organisation is trying to affect India’s status as an independent nation
- ◆ The organisation is causing enmity towards India

► The First Schedule of UAPA

Some major Terrorist organisations in the First Schedule are:

- ◆ Al-Qaida
- ◆ Babbar Khalsa International
- ◆ Communist Party of India (Maoist), all its formations and front organisations
- ◆ Communist Party of India (Marxist-Leninist)—People's War, all its Formations and Front Organisation
- ◆ Communist Party of India (Marxist-Leninist)—People's War, all its Formations and Front Organisation
- ◆ Harkat-ul-Mujahideen
- ◆ Hizb-ul-Mujahideen
- ◆ ISIS
- ◆ Indian Mujahideen , and all its formations
- ◆ Jaish-E-Mohammed
- ◆ Khalistan Commando Force
- ◆ Lashkar-E-Taiba
- ◆ Liberation Tigers of Tamil Eelam (LTTE)
- ◆ Maoist Communist Centre (MCC)
- ◆ National Socialist Council of Nagaland (Khaplang) [NSCN(K)], all its formations and front organisations
- ◆ National Democratic Front of Bodoland (NDFB) in Assam
- ◆ Student Islamic Movement of India
- ◆ United National Liberation Front (UNLF)
- ◆ United Liberation Front of Assam (ULFA)
- ◆ Khalistan Liberation Front (banned in December , 2018)
- ◆ J&K Liberation Front (JKLF) in 2019

2. NIA Act, 2008 and Special NIA Courts

The National Investigation Agency Act (NIA Act) was passed by Parliament in December 2008. As per the Act, NIA has concurrent jurisdiction which empowers the Centre to probe terror attacks in any part of the country, covering offences, including challenge to the country's sovereignty and integrity, bomb blasts, hijacking of aircraft and ships, and attacks on nuclear installations.

Other than offenses of terrorism, it also deals with counterfeit currency, human trafficking, narcotics or drugs, organised crime (extortion mobs and gangs), plane hijacking and violations of atomic energy act and weapons of mass destruction act.

Various special courts have been notified by the Centre for trial of the cases registered at various police stations of NIA under Section 11 and 22 of the NIA Act 2008. Any question as to the jurisdiction of these courts is decided by the Centre. These are presided over by a judge appointed by the Centre on the recommendation of the Chief Justice of the High Court with jurisdiction in that region. The Supreme Court of India has also been empowered to transfer the cases from one special court to any other special court within or outside the state if the same is in the interest of justice in light of the prevailing circumstances in any particular state. They are empowered with all powers of the court of sessions under Code of Criminal Procedure, 1973 for trial of any offense.

The trials by these courts are held on a day-to-day basis on all working days and have precedence over the trial of any other case against the accused in any other court (not being a Special Court). An appeal from any judgement, sentence or order of a Special Court lies with the High Court. At present there are 38 Special NIA Courts. State Governments have also been empowered to appoint one or more such special courts in their states.

2.6.3.1 Steps Taken to Check Terror Funding

- ◆ Making terrorist finance an offence under UAPA
- ◆ Integrated action of Security agencies with Financial Intelligence Unit
- ◆ Demonetisation

- ◆ Improved safety features in new currency
- ◆ Strengthening of PMLA in 2013 and 2018
- ◆ A special Combating Financing of Terrorism (CFT) Cell (created in MHA in 2019).

► 2.6.4 International Cooperation on Terrorism

Since most of the forms of terrorism have international linkages, international cooperation becomes very important, India has been trying to create an international opinion in favour of designating Jaish-e-Mohammed's Masood Azhar as a global terrorist, Under Resolution 1267 of the United Nations Security Council. But China has consistently blocked all such efforts.

Bilateral and Multilateral Initiatives

The legal framework for combating crime including international terrorism includes treaties on mutual legal assistance in criminal matters, memorandum of understandings/bilateral agreements to counter organised crimes, joint working groups on counter terrorism/international terrorism which are signed between India and other countries on bilateral basis. Such treaties/agreements are with a view to secure bilateral cooperation against various forms of crimes like terrorism, drug trafficking, money laundering, counterfeiting of Indian currency notes.

Mutual Legal Assistance Treaty

The Ministry of Home Affairs is the nodal ministry for concluding Mutual Legal Assistance Treaties in criminal matters which are designed to facilitate widest measures of mutual assistance in investigation, prosecution and prevention of crime, service of summons and other judicial documents, execution of warrants and other judicial commissions and tracing, restraint, forfeiture or confiscation of proceeds and instruments of crime.

These agreements assume importance in combating transnational organised crimes, trans-border terrorism, crimes and other serious offences, such as drug trafficking, money laundering, counterfeit currency, smuggling

of arms and explosives, etc. India has so far operationalised these treaties with 34 countries.

Joint Working Groups (JWGs) to Counter Terrorism

The Ministry of External Affairs is the nodal authority for setting up of JWGs on Counter Terrorism to exchange information and strengthen international cooperation to combat terrorism and transnational organised crime. PP Division acts as an interface with MEA on issues concerning Joint Working Groups on Counter Terrorism set up between India and other countries to discuss bilateral security issues.

► Security Council Resolution 2322

On December 12, 2016 the Security Council unanimously adopted a resolution aimed at enhancing and fortifying judicial cooperation worldwide in countering terrorism. It aims to enhance the efficacy of international legal and judicial systems in their fight against terrorism through operational collaboration. The Security Council resolution on international judicial cooperation has been taken to counter the menace of terrorism at the global level and challenges associated with the prosecution of terrorists in their country of origin or elsewhere, for their criminal activities in a foreign country.

The resolution deals with few issues related to counter terrorist activities:

- ◆ Use of applicable international instruments like bilateral and multilateral treaties and designation of national central authorities for mutual legal assistance and extradition.
- ◆ International cooperation in checking the flow of foreign terrorist fighters and their return from conflict zones and sharing of available information regarding foreign terrorist fighters including their biometric and biographic information.
- ◆ The resolution suggests that states should make financing of terrorism as a serious criminal offence and also to deny safe haven to terror financiers and would make the extradition process of wanted terrorists easy.

- ◆ Increasing role of information technology in gathering and sharing evidence and systematically mobilising the evidence to ensure its admissibility in courts.
- ◆ Role of multilateral agencies such as UNODC (United Nations Office on Drugs and Crime) and Interpol in preventing terrorist activities.

► **2.6.5 What is the Concept of National Counter Terrorism Centre (NCTC)? Is its Criticism Justified?**

The concept was conceived after 26/11, where several intelligence and operational failures revealed the need for federal agencies with real time intelligence inputs of actionable value, specifically to counter terrorist acts.

NCTC, conceived by the then Home Minister P Chidambaram, was mooted to be an apex body with single effective point of control for all counter terrorism measures. It was modelled on the lines of American and British bodies. NCTC was to be kept under the administrative control of IB.

The concept of NCTC faced criticism on the following points:

- ◆ As per the constitutional provisions, law and order is a state subject. The powers conferred on the NCTC to search, arrest individuals and carry out independent investigations without involving the state governments is viewed as an infringement on the states' powers and has raised a political storm.
- ◆ The principle of not granting the power of arrest to intelligence agencies has also been violated. This may lead to many operational problems for the intelligence agencies.
- ◆ The NCTC could be an ideal intelligence agency for handling all counter terrorism related intelligence. For this, we need a strategic planning body, investigations and an execution arm besides the intelligence outfit. However, a planning body needs to be separated from the execution agencies and each must be placed under an appropriate professional head.
- ◆ Where an operation is required to be launched to search, apprehend or arrest a militant, it would be prudent to incorporate the state

police to get local help, including for navigation, translators, medical aid and handling of dead, wounded and other legal issues. Sustained investigations, including surveillance, would be difficult to carry out without the help of the local police.

Role of State Police in Prevention, Containment and Investigations Can't be Ignored Prevention, containment and investigations leading to punishment are three distinct stages of counter terrorism. Prompt and actionable intelligence alone cannot prevent a terrorist attack. Effective policing, reliable technical infrastructure to monitor and counter a threat instantaneously and people's efforts are the other sides of the same coin. Hence, the questions: Who would do the policing or monitor the inputs from the technical infrastructure installed in an area? Who would integrate the efforts of the public? How would these be accomplished without the involvement of the local police and the state government?

The first person to reach the site of a terrorist attack would invariably be the local police. Once a terrorist attack occurs, the resources needed to contain violence, manage the crowd and traffic besides preventing terrorist acts yet to be executed are beyond the capability of a central agency. Preservation of evidence, securing witnesses, managing the media and the relatives and friends of the deceased, etc. are other dimensions of the problem which can only be handled by the state police. Why should the states then not be part of the investigations?

The capability of the state police should be enhanced and intelligence, surveillance, sophisticated weapons, modern technologies and trained manpower should be augmented.

Unified Control and Effective Coordination with State Police For administrative efficiency, unified control is always better provided there is political unanimity on this. But, in a federal structure, it is not easy. It would be more prone to misuse, which would be dangerous for the country in the long term. So, this centralised agency should work in coordination with the state police and not independently.

Therefore, we can say that the centralised approach for NCTC is not acceptable to the states. Hence, we need a balanced approach with more

local involvement.

2.7 ANALYSING THE LEVEL OF PREPAREDNESS AGAINST TERRORISM

The four major roles of anti-terrorist agencies are :

- ◆ Intelligence gathering
- ◆ Training and operations
- ◆ Investigations
- ◆ Prosecution

The efficacy of each role has been analysed below:

► 2.7.1 Intelligence Gathering

This is presently done by both the state police and the central government agencies. NATGRID and MAC, created after 26/11, have been vital additions. However, information and vital inputs from other government departments and non-government agencies, like financial transactions, passport and visa related crimes, cross-border infiltration, information relating to recovery of fake currencies, etc., still need to be streamlined, co-opted and factored in to facilitate the unveiling and investigation of a larger terror plot. We are in the process of achieving this goal after NATGRID becomes operational.

We also need to educate and train the civil society, media, corporate houses, hotels etc. which can provide further aid in the task of intelligence gathering. People's participation in preventing terrorist attacks is a vital area which needs careful thought and handling. A system to enable individuals of all age groups and sex to report information, including suspicious men or material, irrespective of how trivial they may be without any fear of harassment needs to be put in place. The police needs to be trained to act as partners of the public to control terrorism. There is need for a sustained campaign to educate people in this regard.

► 2.7.2 Training and Operations

The capability of the state police is limited as far as training and equipment are concerned. Central government agencies have started capacity building over the last five years. But there is scope for improvement.

As of now, for operations, IB plays the role of the coordinator with the police of different states but if operations need to be carried out simultaneously in many states, there is no unified command. Also, some states do not have the desired capability. Therefore, there is a need for a central agency to coordinate operations all over the country, but this agency should work in coordination with the state police and not independently. With creation of four more NSG hubs, we are in a better position for swift operations.

► 2.7.3 Investigations

Creation of NIA is a welcome step and it has been functioning well till now. There is scope for improvement in the investigating capabilities of the state police. Also, if one central agency investigates all cases of terrorism, which are inter-linked and may occur in different states, their investigation would be more efficient. This has helped help in the creation of a good data bank of various terrorist networks operating both inside and outside the country.

► 2.7.4 Prosecution

Our criminal justice system is very sluggish and a lot of time is spent in procedural aspects. There should be a time bound justice system. Special fast track courts should be established for quick disposal of terrorist cases. We need to improve a lot in this direction.

2.8 WHAT MORE CAN BE DONE?

Dealing with the menace of terrorism would require a comprehensive strategy in which different stakeholders, i.e. the Government, political parties, security agencies, civil society and media would have an important role to play.

Political A strong political consensus should be built in the country which says that national interest is supreme and, in national interest, many issues are non-negotiable. They should not be discussed in media or any other public platform. They should not be decided on the basis of vote-bank politics or party lines.

Legal We need to have very stringent laws against terrorism and fast track courts which can deliver judgement within 3-4 months. The police has limited powers against terrorists and usually laws against terrorism are not very different from the laws against crime, for example, detention power is only 24 hours in both cases. Also, sometimes there is a need to carry out nationwide operations after the arrest of a terrorist which makes it difficult to produce the terrorist in the court within 24 hours. We need to evolve a process of criminal justice by which a terrorist can be tried and convicted within three to four months when the memory is fresh in the minds of the people. The loopholes in the justice system and delayed justice also emboldens the terrorists to indulge in violence. With stringent laws sealing all escape routes and delay options, even the families of individuals may serve as a restraining factor to prevent them from indulging in acts of terrorism.

Police Strengthening the state police, enhancing their training capabilities and providing them with modern equipment for surveillance, investigation and operations is the need of the hour. We need to have modern scientific forensic laboratories. Also, special equipment against cyber crimes is needed because most of the terrorists operate through cyber network.

Media The role of the media is also very crucial in the fight against terrorism. The media often indulges in needless debates on such issues which are of importance from the point of view of national security. In a democracy, debate is always welcome but on some issues, the media should take a more dispassionate view. For example, consider the issue whether SIMI should be banned or not. It is a clear matter of national policy and should be decided on the basis of national interest instead of debating in media. Similarly, many times the media and the intelligentsia discuss human

rights of the terrorists while conveniently ignoring the human rights of the victims.

Public The general public needs to be educated about the evil designs of our neighbouring countries. Both the majority and minority communities should promote interreligious harmony and work together for peace. Security awareness should be a topic in schools like environmental awareness; so that all the citizens are aware of basic security issues and are on one platform.

2.9 WHAT IS THE DIFFERENCE BETWEEN TERRORISM, INSURGENCY AND NAXALISM?

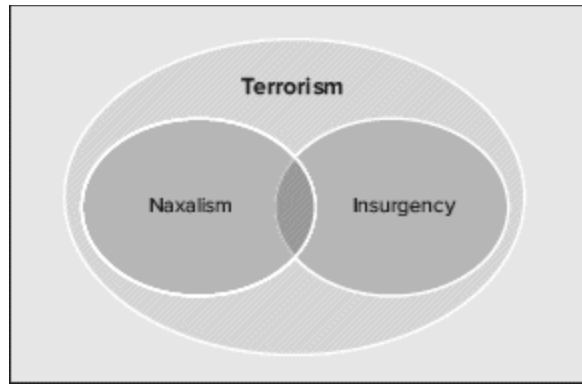
The difference between terrorism, insurgency and naxalism has been defined below:

Terrorism Terrorism is the planned, organised and systematic use of violence as a means of coercion for political, religious or ideological purposes.

This is a general term and as per the definition of terrorism, insurgency, militancy and naxalism are all different forms of terrorism.

Insurgency It is defined as an act of rebellion and armed struggle by a section of society with a view to overthrow the government. The important factor here is that invariably, there is public support for the insurgents. The problems of Nagaland in the early 1950s can be considered as a classical example of insurgency.

Naxalism Naxalism refers to the use of violence to destabilise the state through communist' guerrillas warfare activities. Naxalism in India is mostly based on Maoist ideologies through which they want to overthrow the government by protracted people's war and install people's government.



[Insurgency and naxalism are different forms of terrorism but all terrorism is not insurgency or naxalism.]



PROBABLE QUESTIONS BASED ON THIS

CHAPTER

1. What do you understand by state actors and non-state actors in the context of terrorism?
2. What is the role of external state and non-state actors in creating challenges to internal security of India?
3. What are the main historical reasons for the presence of hinterland terrorism in India?
4. What are the main funding sources of various forms of terrorism in India?
5. Write a short note on NCTC.
6. What were the counter terrorism measures taken after 26/11?
7. Invariably, identity crisis lies at the core of most forms of extremism. What are the various identity factors which fuel extremist tendencies in the Indian context?
8. Some people think that ISIS is a gone force now. Do you agree? Substantiate your views.

9. Compare the current status of three different types of terrorism in India; Kashmir militancy, North-East insurgency and Naxalism.



3.1 HISTORICAL BACKGROUND

Pre-Independence

After the death of Maharaja Ranjit Singh, the British Empire set its sight on the Sikh territories. In the ensuing battle, Gulab Singh (a Dogra General in Maharaja Ranjit Singh's service who was rewarded as king of Jammu by Ranjit Singh) sided with the British. The resultant defeat of the Sikhs resulted in the signing of the Treaty of Amritsar on March 16, 1846. In accordance with the Treaty, Kashmir was handed over to Gulab Singh for a sum of ` 75 lakh in return for his acceptance of British suzerainty. Since then Kashmir was ruled by the Dogra Dynasty.

Post-Independence

Jammu and Kashmir was the largest princely state in 1947. Despite having nearly 77 per cent Muslim population, it was ruled by a Hindu king, Maharaja Hari Singh. The state was known for pluralism and a culturally diverse society. There were five main regions:

- ◆ Province of Jammu, a Hindu dominated, largely plain area or low hills, bordering Punjab.
- ◆ To the north of Jammu, the Sunni Muslims dominated the Kashmir valley with a significant population of Hindu Kashmiri Pandits. The valley was one of the most beautiful parts of India with large number of tourists visiting in summer. There was substantial Sikh presence in both Jammu province and Kashmir valley.
- ◆ To the east of the valley, the hilly area of Ladakh was predominantly Buddhist with a slight presence of Shia Muslims. It shared borders with Tibet.
- ◆ The last two are the regions of Gilgit and Baltistan. These two regions were very thinly populated with mostly Shia Muslims. Gilgit and Baltistan shared borders with Afghanistan and Sinkiang province of China. It was also very close to the former Soviet Union. The geo-political location of the state of Jammu and Kashmir made it very crucial strategically.

► 3.1.1 Instrument of Accession and Referendum

On August 15, 1947, fearing forced accession to India on one hand and communal backlash (due to dominance of Muslims) from Pakistan on the other, Maharaja Hari Singh did not accede to either India or Pakistan. He hoped for an independent, sovereign and completely neutral state. Sheikh Abdullah consistently refuted the two-nation theory and he was perceived as a custodian of secularism in Kashmir. Hari Singh offered to sign a 'stand-still agreement' with both countries which would allow free movement of people and goods across borders. Pakistan signed the agreement, but India said it would wait and watch. But relationship with Pakistan deteriorated soon when Pakistan suspended rail services between Sialkot and Jammu in September 1947. In October 1947, while Sheikh Abdullah was leading a widespread agitation for complete transfer of power to the people of Kashmir, several Pathan tribesmen with the help of Pakistan Army invaded Kashmir.

The Maharaja asked Nehru for military help. Initially Nehru did not support accession without ascertaining the will of the people. But

Mountbatten insisted that under international law, troops could be sent to Kashmir only after the state's formal accession to India. Sheikh Abdullah and Sardar Patel too insisted on accession. Finally, on October 26, 1947, the Maharaja acceded to India by signing the *Instrument of Accession* and also agreed to appoint Abdullah as the head of the state's administration.

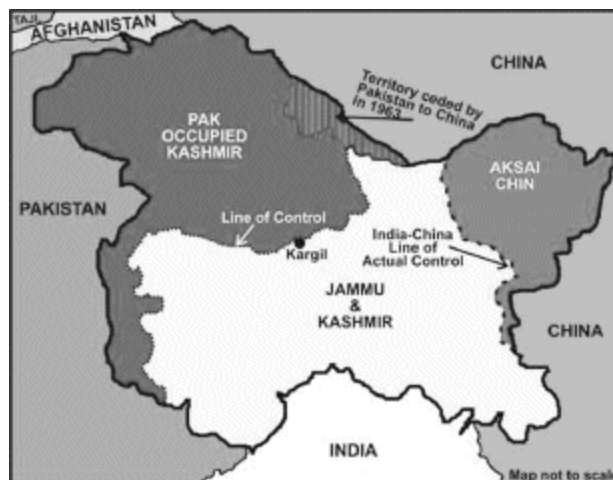
As per this *Instrument of Accession*, except for Defence, Foreign Affairs, Finance and Communications, the Indian Parliament needs the State Government's concurrence for applying all other laws.

Even though both the National Conference and the Maharaja wanted firm and permanent accession, Nehru took a highly idealistic and controversial step by announcing that it would hold a referendum on the accession decision once peace and law and order had been restored in the Valley. This decision was taken to show India's commitment to democracy and to honour Mountbatten's advice.

After the accession, the invaders were gradually driven out of the Valley by Indian troops except the area which is known as 'Pakistan Occupied Kashmir (PoK)' in India and 'Azad Kashmir' in Pakistan.

Kashmir's UN Connection

At this stage, Mountbatten suggested the Government of India to refer the Kashmir problem to the UN. Through the intervention of UN Security Council, India and Pakistan arrived at a ceasefire agreement on January 1, 1949. The Ceasefire Line established came to be known as the **Line of Control (LOC)**.



In 1951, the UN passed a resolution providing for a referendum under UN supervision after Pakistan had withdrawn its troops from the part of Kashmir under its control. The resolution has remained infructuous till date since Pakistan has refused to withdraw its forces from PoK. Plebiscite in Kashmir never took place. A UN Military Observer Group in India and Pakistan (UNMOGIP) still continues to supervise the ceasefire line and report the violation of ceasefire. **It is only for the state of Jammu and Kashmir that the accession of the state to India is still a matter of dispute between India and Pakistan and is still on the agenda of the UN Security Council.**

Since then, Kashmir has been the main obstacle in the path of friendly relations between India and Pakistan. India has regarded Kashmir's accession as final and irrevocable and Kashmir as its integral part. Pakistan continues to deny this claim and tries to raise the issue on international platforms while India says that it is a bilateral issue.

Constituent Assembly of Jammu & Kashmir

The people of J&K then convened a Constituent Assembly in 1951, which once again reaffirmed the Accession of the State to India in 1956 and finalised the Constitution for the State. The Jammu and Kashmir Constitution reaffirms that “the State is and shall be an integral part of the Union of India.”

► 3.1.2 Shimla Agreement, 1972

Withdrawal of Pakistani troops from the northern areas, collectively referred to as Pakistan occupied Kashmir (PoK) by India—and its reintegration with the rest of J&K had been the primary objective of India during the initial phase of the conflict. However, this objective slowly changed in a shift that became visible during and after the 1971 war with Pakistan. A **Line of Control (LoC)** was established after this war, and it is widely believed that during negotiations leading to the ‘ **Shimla Agreement** ’ (signed on July 2, 1972) that followed the war, India and Pakistan agreed to convert this line into a permanent border between the two countries. Ever since, India's primary objective in the conflict of

Kashmir has been to maintain the status quo and convert the LoC into an international border.

3.2 KASHMIR MILITANCY—LOW INTENSITY WAR OR PROXY WAR BY ISI

▶ 3.2.1 Beginning of Insurgency

After losing the initial battle in 1947 and the two main wars in 1965 and 1971, Pakistan resorted to the tactics of low intensity warfare as it realised that it could not win over India in a full scale direct war. It first supported the terrorist movement in Punjab and then started a separatist and militant insurgency in Kashmir in the late 1980s. This low-intensity war between the two countries continues even today in the name of Jihad. It is a perpetual cause of worry to India.

In 1987, a disputed state election acted as a catalyst for the insurgency when it resulted in some of the state's legislative assembly members forming armed insurgent groups. In July 1988, a series of demonstrations, strikes and attacks took place. In 1989, a widespread popular and armed insurgency, supported tacitly from across the border, started which during the 1990s escalated into one of the most dangerous internal security issues in India.

It was the beginning of the mujahideen insurgency, which continues to this day. The insurgency was largely started by Afghan mujahadeen who entered the Kashmir valley following the end of the Soviet-Afghan war.

Initially, the already existing Jammu & Kashmir Liberation Front (JKLF) was used as part of this insurgency. It was created in 1964, reorganised in 1971 and was then used for the above purpose. The JKLF was the main insurgent Kashmiri group in the 1990s. Yasin Malik, a leader of the JKLF, was one of the Kashmiris to organise militancy in Kashmir. Its main demand was independence of Kashmir. *Since 1995, one faction of JKLF under the leadership of Yasin Malik has renounced the use of violence and calls for strictly peaceful methods to resolve the dispute.* But many new terrorist organisations have been leading the violent activities in the valley,

like Hizbul Mujahideen, Lashker-e-Taiba, Jaish-e-Mohammed, Al-Badar, Harkat-ul-Ansar, Harkat-ul-Jehad-e-Islami (HuJi). They infiltrated through the Line of Control. Pakistan's intelligence agency ISI and the government of Pakistan directly supported, funded and provided training, weapons, etc. to these terrorist organisations. This could be a well-planned ISI move to replicate the Punjab militancy model. These terrorist groups succeeded in ethnic cleansing of Kashmir by forcing nearly four lakh Kashmiri Pandits to flee the valley. Their properties and land were seized resulting in an acute demographic change in the Valley. The displaced Pandits, many of whom continue to live in temporary refugee camps in Jammu and Delhi, are still unable to return safely to their homeland. The government's inability to protect them has been one of the stark failures of successive governments.

On the other hand, many human rights organisations such as Amnesty International and the Human Rights Watch (HRW) regularly accuse Indian armed forces for human rights violations like 'extra-judicial executions', 'disappearances', torture and suppression of freedom of speech, etc. in Kashmir.

► 3.2.2 Present Status

The elections held in 2008 were generally regarded as fair by the United Nations High Commissioner for Refugees. They had a high voter turnout in spite of calls by militants for a boycott, and led to the pro-India Jammu and Kashmir National Conference forming the government in the state. The high voter turnout was seen as a sign that the people of Kashmir wanted peace and harmony. There has been a change of strategy by the ISI in Kashmir in the last 4-5 years. Crowd mobilisation has been used as a tactic to defame Indian security forces and to internationalise the Kashmir issue. Stone pelting has become a routine feature of street protesters in Srinagar since the summer of 2008 when Amarnath land transfer became a hot issue for widespread agitation in the valley. Kashmiri teenagers have been involved in stone-pelting. There have been protest movements in Kashmir since 1989. Even a small incident is exaggerated by separatists for gaining political mileage. There was an increase in these incidents after Afzal Guru, the prime accused in the Parliament attack was hanged to death in Delhi in February 2013. The encounter of Burhan Wani in 2016 further worsened the

situation in Kashmir and this also led to increase in radicalization among youths of the valley.

The security situation has deteriorated over last five years which is evident from the table below.

Year	Incidents	SFs killed	Civilians killed	Terrorists killed
2013	170	53	15	67
2014	222	47	28	110
2015	208	39	17	108
2016	322	82	15	150
2017 (31.12.2017)	342	80	40	213

(Source: MHA)

► 3.2.3 What is Low Intensity War and Why was it Adopted by ISI?

Low intensity war is a long and protracted strategy to achieve a desired result, which cannot be achieved through direct war. It can be in the form of:

- ◆ Armed Revolt
- ◆ Guerrilla Warfare
- ◆ Political Revolution
- ◆ National War of Independence

► 3.2.4 Modus Operandi of the Proxy War in J&K

- ◆ To run a malicious campaign from Pakistan and PoK to mar India's image in print and electronic media
- ◆ To facilitate infiltration of terrorists from across the border and keep Indian security forces constantly engaged in fighting terrorists

- ◆ To attack the secular foundation of the state and support fundamentalist Islamic activities and ensure exodus of Hindus from the Valley
- ◆ To internationalise the Kashmir issue at every forum and paint India as persecutor of Muslims
- ◆ To increase terrorist activities in Muslim dominated districts of Jammu region
- ◆ To change the low intensity war to high intensity war at an appropriate time and term it as war of independence

► 3.2.5 Civil Unrest in Kashmir, July, 2016

Burhan Muzaffar Wani was the commander of Hizbul Mujahideen whose social media campaign had an outreach among a section of Kashmiri Muslim youth. He was killed in an encounter with the security forces on July 8, 2016.

An estimated crowd of 2,00,000 people came to mourn Burhan at his funeral on July 9, described as the largest ever gathering by reporters. Militants were also present at his funeral.

After the news of his death spread, violent protests erupted in some areas of Kashmir Valley. Separatist leaders have called for shutdown in Kashmir which has been repeatedly extended. Police stations and security forces have been attacked by mobs. Stone pelting was reported from many parts in Kashmir including upon transit camps of Kashmiri Pandits. Internet services along with train services were suspended and the national highway has been closed. The Amarnath pilgrimage has been repeatedly resumed and suspended due to the unrest. Hundreds of Kashmiri Pandit employees fled the transit camps during night time on July 12 due to the constant attacks by protesters on the camps. The house where Burhan was killed was set ablaze by a mob on suspicion that its residents had tipped-off the security forces about Burhan. Curfew was imposed in all districts of Kashmir on July 15 and mobile phone networks were suspended. By July 16, 43 people died and over 3,100 people including a number of security personnel were injured in the protests in Kashmir.

On July 12, Nawaz Sharif in a statement expressed “shock” over the killing of Burhan Wani which was criticised by the Indian government. Sharif called Wani a “martyr” on July 15. The Indian Ministry of External Affairs in response criticised Pakistan for “glorifying” terrorists belonging to proscribed terrorist organisations. PM Narendra Modi criticised the media alleging it was portraying the slain Wani as a “hero”. The situation is returning quickly to normalcy.

This is highly tragic that terrorism in Kashmir has now taken such deep roots. It’s a cause of serious concern for the Indian Government and security forces. Glorifying terrorism and such level of mass support call for a deep introspection by the Government of India. Time has come that the Centre does rethinking on its Kashmir strategy.

► 3.2.6 Operation All-Out

It is an Anti-Militancy Operation, launched in J&K on July 2017 to flush out terrorists. Its long term plan is to establish peace in the valley and as many as 258 terrorists from various terror outfits like Lashkar, Jaish, Hizbul and Al-Badr have been short-listed for operation All-OUT.

Intelligence Agencies carried out a secret district wise survey to identify militant hideouts and prime locations of terrorist activities were mapped well before the exercise got a go-ahead.

3.3 PULWAMA AND BALAKOT: A PARADIGM SHIFT IN STRATEGY AGAINST TERRORISM

On February 14, 2019, India witnessed one of the most deadliest suicide attacks wherein more than 40 CRPF soldiers lost their lives on the Jammu-Srinagar Highway.

The 78-vehicle convoy of CRPF was attacked by an explosive-laden SUV near Awantipora in Jammu and Kashmir’s Pulwama district.

The suicide bombing by SUV was conducted by a 20-year-old suicide bomber named Adil Ahmad Dar with links to terror outfit Jaish-e-

Mohammed. Which later claimed the responsibility of the attack. The Pathankot Airbase attack in 2016 was also conducted by this terror outfit.

The pulwama attack led to a wide emotional upsurge in the citizens of the country.

In response to this attack on February 26, 2019, Indian Airforce with 12 Mirage 2000 fighter planes struck terrorist camps operating in Balakot and other locations destroying terror camps of Jaish-e-Mohammed and claimed lives of more than 300 terrorists who were being trained there. It was a non-military pre-emptive attack after Indian intelligence received information of more of suicide attacks by the terror outfit.

This is a paradigm shift in India's strategy against terrorism. The strategy of counter attack at such a massive scale would bring a further fear in the mind of the terrorist organisations and would act as a deterrent which is the principle on which Israel has achieved great success in counter terrorism. After 20 years of Kandahar handing over of terrorists India has changed its image from a soft state to a state which can go to any extent in its fight against terrorism. Indian Air Force has entered Pakistani airspace first time since 1971 war.

The strategy of pre-emptive strike has proved its worth in case of Israel. For India, its the first time that it has been used, it is believed that it will certainly act as a deterrent. Till now India had been only busting sleeper cells and other modules of ISI backed terrorists or carrying out investigation post terrorist attacks and terrorist were taking advantage of this policy of India. They were also aware that Criminal justice system of India would offer them ample opportunities to defend themselves and escape the clutches of law.

3.4 GOVERNMENT OF INDIA'S DEVELOPMENT-ORIENTED PROGRAMMES IN KASHMIR

► Prime Minister's Development Package (PMDP) for J&K-2015

The Prime Minister announced a package of ` 80,068 crore towards Special Assistance to J&K for development of infrastructure. The package consists of 63 projects relating to 15 ministries/departments. In the package, ` 62,393 crore has been earmarked for new initiatives/projects. This includes projects of road, power, new and renewable energy, tourism, health, education, water resources, sports, urban development, defence, textile sectors etc. This includes allocation for opening two AIIMS like institutions in J&K, establishment of IIM and IIT at Jammu. Under road sector, 105 km of roads under Bharat Mala Project, Zozila Tunnel, Kargil–Zaskar, Srinagar-Shupian-Quazigund, Jammu-Akhnoor-Poonch roads, construction of semi-ring road in Jammu and Srinagar are proposed to be taken up. Power sector projects include special assistance for infrastructural development of power distribution system in Jammu & Srinagar, tourist destinations, smart grids and smart meters, two solar pilot projects of 20 MW each in Leh and Kargil. Provision has been made for development of urban infrastructure including smart cities, Swachh Bharat Mission and Atal Mission for Rejuvenation and Urban Transformation (AMRUT).

In addition to allocation of ` 62,393 crore for new initiatives, ` 7,427 crore has been allocated for ongoing/existing projects of Prime Minister's Reconstruction Plan (PMRP), 2004, ` 7,263 crore for projects to be undertaken within existing Budget line and ` 2,985 crore for Roads and Highways Projects under Public Private Partnership. Physical and financial progress of the projects under PMDP, 2015 is being regularly monitored by the Ministry of Home Affairs.

► **Project UDAAN**

The project 'UDAAN', an initiative of the Prime Minister, the National Skills Development Corporation and the Ministry of Home Affairs and industry, was started with the aim of providing skills to 40,000 youth over a period of five years.

► **Appointment of Government of India Representative**

Dineshwar Sharma, former Director, Intelligence Bureau, has been appointed (in October, 2017) as Representative of Government of India to

initiate and carry forward a dialogue with elected representatives, various organisations and concerned individuals in the State of Jammu & Kashmir. He has been given the status of Cabinet Secretary to Government of India. He has made three visits to Jammu & Kashmir till December, 2017, to have discussion with various stakeholders.

Some of the other schemes are as follows :

- ◆ Newly developed rail network to connect the Valley.
- ◆ ` 900 crore worth road infrastructure development programme in J&K on the lines of the Naxal-affected areas.
- ◆ Special scholarship scheme for Jammu and Kashmir to encourage the youth to pursue higher studies outside their state. The total cost of the scheme will be ` 1,200 crore.
- ◆ Project 'Umeed' for empowerment of women
- ◆ Project 'Himayat' for capacity building and employment of youth
- ◆ People-to-people contact with the rest of India through 'Bharat Darshan' programmes
 - (i) Capital investment subsidy @ 15% of the total investment in plant and machinery subject to ceiling of ` 30 lakh. However, MSMEs would be eligible for capital investment subsidy @ 30% of the investment of plant and machinery subject to ceiling of ` 3 crore and ` 1.5 crore for manufacturing and service sector, respectively, to all new and existing industrial units on their substantial expansion.
 - (ii) 3% interest subsidy on the average of daily working capital loan to all new units for a period of five years from the date of commencement of commercial production.
 - (iii) Central Comprehensive Insurance Subsidy Scheme with 100% reimbursement of premium to all new and existing units on their substantial expansion for a period of five years from the date of commencement of commercial production.

3.5 KEY ISSUES

► 3.5.1 Should Article 370 be Removed or Amended?

Article 370[C]

This article specifies that except for Defence, Foreign Affairs, Finance and Communications (matters specified in the instrument of accession), the Indian Parliament needs the State Government's concurrence for applying all other laws.

Thus, the state's residents live under a separate set of laws, including those related to citizenship, ownership of property and fundamental rights, as compared to other Indians.

The Government of India vide 1974 Indira-Sheikh accord committed itself to keeping the relationship between the Union and Jammu and Kashmir state within the ambit of this article.

The President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may notify, provided that the recommendation of the constituent assembly of the state shall be necessary before the President issues such a notification.

The 1974 Indira-Sheikh accord mentions that 'The State of Jammu and Kashmir which is a constituent unit of the Union of India, shall, in its relation with the Union, continue to be governed by Article 370 of the Constitution of India'.

Applicability of the Constitution of India to J&K

In exercise of the powers conferred by Clause (1) of Article 370 of the Constitution, the President, with the concurrence of the Government of the State of Jammu and Kashmir made the Constitution (Application to Jammu and Kashmir) Order, 1954, which came into force on May 14, 1954.

Amendment of Article 370

Under Article 370(3), consent of state legislature and the constituent assembly of the state are also required to amend Article 370. Now the question arises, how can we amend Article 370 when the Constituent

Assembly of the state no longer exists? Or, whether it can be amended at all? Some jurists say it can be amended by an amendment act under Article 368 of the Constitution and the amendment extended under Article 370(1). But it is still a moot question.

Demand for Abrogation of Article 370

Equally valid arguments are forwarded by those in favour of and against its abrogation.

Arguments in Favour The arguments in favour of Article 370 include:

- ◆ It has created certain psychological barriers and it is the root cause of all the problems in J&K.
- ◆ This Article encourages secessionist activities within J&K and other parts of the country.
- ◆ At the time of enactment, it was a temporary arrangement which was supposed to be repealed gradually.
- ◆ It acts as a constant reminder to the Muslims of J&K that they have still to merge with the country.

Arguments Against The arguments against abrogation of Article 370 include:

- ◆ Abrogation will have serious consequences. It will encourage secessionists to demand plebiscite which will lead to internationalisation of the issue of J&K.
- ◆ The contention of Article giving rise to secessionist activities is baseless as states like Assam and Punjab, which do not have any special status have experienced such problems.
- ◆ It would not only constitute a violation of the solemn undertaking given by India through the instrument of accession, but would also create unnecessary misgivings in the minds of the people of J&K, making the issue more sensitive.

Conclusion: It can be argued that abrogation of the Article is avoidable as it will certainly be raised internationally by Pakistan and it will give a chance

to UN and the international community to intervene in J&K. So, maintaining the status-quo would be the best possible strategy as of now.

Article 35(A)

Article 35A was added to the Indian Constitution in 1954 by means of a Presidential Order. This was part of the deal struck between the Maharaja of Kashmir, Hari Singh, and the Republic of India to protect the privileges of Kashmiri residents from outsiders.

Article 35A is a provision incorporated in the Constitution giving the Jammu and Kashmir Legislature complete freedom to decide who all are ‘permanent residents’ of the State and confer on them special rights and privileges in public sector jobs, acquisition of property in the State, scholarships and other public aid and welfare. Article 35A imposes restrictions upon the non permanent residents by restricting their government employment prospects, right to vote.

The provision mandates that no act of the legislature coming under it can be challenged for violating the Constitution or any other law of the land.

Article 35A is also being challenged for being gender biased against the women permanent resident of the states of J&K, who choose to marry someone who does not belong to the state of J&K. Currently Art 35A is under the scrutiny of the Supreme Court, which is examining its constitutional validity.

► 3.5.2 Should a Referendum be Done?

In the present scenario, a referendum will be meaningless as a lot has changed in the last 65 years, including the demography of Kashmir as about four lakh Kashmir Pandits were displaced forcibly in the 90s. Pakistan has never withdrawn its troops from PoK, which was a pre-condition to the referendum. Therefore, India should not agree to the demand for referendum.

► 3.5.3 Why are there Frequent Ceasefire Violations by Pakistan?

Ceasefire violations are planned by the ISI mainly to keep the J&K issue alive, to try to internationalise it, keep the Indian forces engaged and to aid the infiltration of the terrorists into the Indian territory.

► **3.5.4 Issue of Rehabilitation and Resettlement of the Kashmiri Pandits**

Around 7 lakh Kashmiri Pandit fled the valley in the wake of terrorism during 1989-90. Most of them either settled in Delhi or other parts of North India. Some of them are staying in the refugee camps on the outskirts of Jammu. Since Kashmiri Pandits are original inhabitants of Kashmir since ages, they must be helped to get back to their motherland. We must create such a congenial atmosphere in Kashmir that these people would really want to go back.

Former Prime Minister Manmohan Singh in 2008 announced a special package for return and rehabilitation of Kashmiri migrants to the valley. The package included housing, transit, accommodation, scholarship, employment and waiver of interest rates. The package offered to each family for construction of houses was of ` 7.5 lakh. But the plan is yet to succeed.

Over 1900 educated youths were given employment under Prime Minister's Job package but they were also forced to flee to Jammu during the stone pelting after the death of Burhan Wani in 2016.

In 2017, Home Minister Rajnath Singh announced to construct 6,000 transit accommodation for the Kashmiri Pandit. Given the disturbed security environment in the Valley, it is extremely difficult to achieve rehabilitation only by the provision of space for habitation or even jobs for sustenance.

► **3.5.5 Should we Support Ladakh Demanding Union Territory (UT) Status and Jammu Demanding Separate State Within the Indian State?**

Ladakh does need special status like many other undeveloped and remote areas. Similarly people of Jammu have a genuine grievance to some extent. But since all these were part of the state in 1947, their fate is interlinked.

Any division of J&K will give Pakistan an opportunity to internationalise the issue which India wants to avoid. Therefore, we should take steps to ensure development of Jammu and Ladakh without bifurcating the state.

Creation of a separate union territory of Ladakh, will require the altering of boundaries of the State of J&K, which would be a violation of Article 370. Thus, this option is neither recommended not feasible.

► 3.5.6 Stone Pelting

Stone pelting activity in Kashmir largely happens due to a spate of encounters of local militants with security forces. Stone-pelting was systematically organised by members of the Hurriyat backed by ISI through WhatsApp groups and Facebook pages, and was funded by money flowing in from Pakistan. Apart from Hurriyat, a large section of the youth in the Valley are spontaneously resorting to stone-pelting.

The year 2016 witnessed 1,742 incidents of stone-pelting against CRPF personnel.

Actions Taken by the Government

In 2017, NIA had registered cases on various Hurriyat leaders and alleged that stone-pelting was organised by separatists at the behest of Pakistan. NIA's action against Hurriyat leaders in a terror-funding case had considerably brought down stone-pelting incidents.

► 3.5.7 Pellet Gun

Pellets guns are a form of non-lethal crowd control methods used by police and military worldwide. Other popular methods are tear gas, water cannon, pepper spray, etc. Non-lethal weapons are used in combat situations to limit the escalation of conflict where employment of lethal force is prohibited or undesirable,

Pellets guns are intended to injure individuals and cause pain. They are effective over short ranges up to 200 yards but when fired from close quarters can be lethal, particularly when sensitive parts such as eyes are hit.

Humanitarian activists say the use of pellet guns is not in line with international standards on the use of force. The objectives of the police should be achieved in a less harmful way with other devices which can be more accurately aimed, and where the risk of harm can be better controlled

Plastic Bullet In 2017, the Supreme Court asked the Centre to consider other effective measures following which the Government asked the security forces to use plastic bullets.

TNSV Prasad Committee It has been formed by MHA (7 member committee) to review the use of pellet guns. It recommended use of pellet guns only in the rarest of rare cases.

In practice, security forces are using other means also to control stone pelting but pellet guns are not fully out of use.

► 3.5.8 Human Shield

In April 2017, Major Leetul Gogoi, an army officer, tied a shawl maker, Farooq Ahmad Dar, to a vehicle allegedly as a shield against stone pelters—and paraded him on different streets during the Srinagar parliamentary bypolls. The incident was filmed and shared on social media, causing uproar in the Muslim-majority Kashmir Valley. The use of Dar as a human shield was criticised around the world. Amnesty International described it as “cruel, inhuman and degrading treatment amounting to torture.

There have been arguments for and against use a human shield. But, for security forces it is better to use more humanitarian methods.



PROBABLE QUESTIONS BASED ON THIS

CHAPTER

1. Write a short note on the instrument of accession of J&K with India.
2. What is the present political and security status of Jammu and Kashmir?

3. How has Pakistan's ISI changed its strategy regarding Kashmir in the last five years? Elaborate with suitable examples.
4. What is the modus operandi of ISI in aiding and abetting extremism in Kashmir?
5. What are the development initiatives taken by the central government in Kashmir?
6. What is Article 370? What will be the 'implications' of abolishing Article 370?
7. What steps have been taken by Centre to curb terrorism in recent times in J&K?
8. What is Article 35A and what would be the implication if it is removed?
9. Balakot airstrikes are indicative of paradigm shift in India's war against terrorism. Elaborate.



NORTH-EAST

India's north eastern region includes eight states : The Seven Sisters—Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and Sikkim.

The North-east covers 8 per cent of the country's landmass and has 4 per cent of the national population. About 99 per cent of the 6,387 km border of this region is International border along Bhutan (699 km), China (1,345 km), Myanmar (1,643 km), Bangladesh (2,700 km).



Over 68 per cent of the population of the region lives in the state of Assam alone the terrain of North-East is predominantly hilly in all the states except Assam. It is predominantly rural with over 84 per cent of the population living in the rural areas.

4.1 HISTORICAL BACKGROUND OF THE NORTH-EAST

► 4.1.1 Pre-Independence Era

There are more than 100 tribal groups in the entire North-east. They have a rich cultural heritage with a variety of languages and customs. During the British era, they constituted an overwhelming majority of the population in most of the areas they inhabited. Non-tribals had not penetrated these areas to any significant extent. The British gave a special administrative status to these areas. The British government did not disturb their socio-political structure and followed a deliberate policy of excluding the outsiders. Outsiders were not allowed to acquire land in the tribal areas.

At the same time, the British government also supported the Christian missionaries to move in and establish schools, hospitals and churches. The missionaries introduced remarkable changes in the north-eastern society and modern progressive ideas prevailed amongst the tribal youth. It also helped the

Britishers in keeping the nationalist (pro-independence) influence out of the tribal areas. This policy resulted in their isolation from the rest of India.

There was a virtual absence of any political, cultural, social, geographical, religious or business contact of the tribals in the North-east with the rest of India. So India's freedom struggle had very little impact on the tribals.

Thus, they never experienced the feeling of being part of a free country called India. Their main experience of outsiders was that of British officers and Christian missionaries only.

► 4.1.2 Post-Independence Era

After Independence, the Centre focused on people-to-people contact and gave special attention to tribal policy. The Sixth Schedule of our Constitution is exclusively for this region and it provides for self-rule, autonomy and decentralisation. Thus, district and regional councils were created.

Initially, there was only one state of Assam and one Union Territory, NEFA (North East Frontier Agency), covering the whole of the north-east. Later on, NEFA was named Arunachal Pradesh and granted the status of a separate state in 1987. While NEFA was developing comfortably and in harmony with the rest of the country, problems developed in other tribal areas that were part of Assam administratively.

In the mid-1950s, Phizo raised the banner of revolt in Nagaland and, later on, it spread to Mizoram, Manipur, Tripura and Meghalaya.

In 1960, Assamese was made the sole official language of the state. It led to an immediate and strong reaction in the tribal districts. Various political parties of the hill's tribal population began to feel alienated from Assamese and Bengali residents of the plains. The tribals were afraid of losing their identity and being assimilated by the policy of Assamisation in government jobs and other professions, like doctors, traders, etc.

► 4.1.3 All Party Hill Leaders Conference

Representatives of hill areas merged into the All Party Hill Leaders Conference (APHLC) in 1960 and demanded a separate state within the Indian Union. APHLC fought elections and secured 11 out of 15 seats in Assam Legislative Assembly reserved for autonomous hill districts.

There were demonstrations and a major agitation developed. In the 1962 elections, an overwhelming majority of the Assembly seats from the tribal areas were won by the advocates of a separate state, who decided to boycott the State Assembly.

In 1969, Meghalaya was carved out of Assam as 'a state within a state' which had complete autonomy except for law and order, High Court, Public Service Commission and Governor. Finally, Meghalaya, Manipur and Tripura were granted statehood in 1972.

Meanwhile, secessionist movements developed in Nagaland and Mizoram. Nagaland was granted statehood in 1963 itself, while Mizoram became a state in 1987.

► 4.1.4 Present Situation of North-East Insurgency

The security situation in some of the north-eastern states has remained complex for a long time because of a number of militant outfits and their diverse demands. Assam, Manipur and Nagaland have continuously been a point of worry.

Lower Assam areas and Karbi Anglong regions are prone to ethnic and communal tension. The mistrust between tribals and non-tribals in Bodo areas has been growing. Garo insurgency in Meghalaya continues and Non-Manipuris are being targeted increasingly in Manipur.

Mizoram and Tripura have shown remarkable success in controlling insurgency and now they are largely peaceful for quite a long time. The Government has signed ceasefire and Suspension of Operations (SoO) with most of the insurgent groups in the region. The Government has steadily pursued the policy of dialogue and negotiations with any outfit which agrees to forgo the path of violence and come forward for peace-talks within the constitutional framework of India. In general the security situation in most of the north-eastern states has shown considerable improvement during the last five years.

Major Insurgent Groups Operating in North Eastern States and declared as “Unlawful Associations” and “Terrorist Organisations” Under Unlawful Activities (Prevention) Act, 1967.

	Assam	Listed/declared as
(i)	United Liberation Front of Assam (ULFA)	Terrorist organisation and unlawful association
(ii)	National Democratic Front of Bodoland (NDFB)	-do-
(iii)	Kamtapur Liberation Organisation (KLO)	Terrorist organisation
	Manipur	
(i)	People’s Liberation Army (PLA)	Terrorist organisation and unlawful association
(ii)	United National Liberation Front (UNLF)	-do-
(iii)	Peoples’ Revolutionary Party of Kangleipak (PREPAK)	-do-
(iv)	Kangleipak Communist Party (KCP)	-do-
(v)	Kanglei Yaol Kanba Lup (KYKL)	-do-
(vi)	Manipur Peoples’ Liberation Front (MPLF)	-do-
(vii)	Revolutionary Peoples’ Front (RPF)	-do-
(viii)	Coordination Committee Cor-com (conglomerate of six valley base UG outfits)	-do-
	Meghalaya	
(i)	Hynniewtre National Liberation Council (HNLC)	Unlawful association
(ii)	Garo National Liberation Army (GNLA)	Terrorist organisation
	Tripura	
(i)	All Tripura Tiger Force (ATTF)	Terrorist organisation and unlawful association
(ii)	National Liberation Front of Tripura (NLFT)	-do-
	Nagaland	
(i)	The National Socialist Council of Nagaland (Khaplang) [NSCN/K]	Terrorist organisation and unlawful association
(ii)	National Socialist Council of Nagaland (Isak Muivah) – [NSCN(I/M)]	On ceasefire with the Government.

(iii)	National Socialist Council of Nagaland (Kitovi-Neopaokonyak) [NSCN(KN)]	
(iv)	National Socialist Council of Nagaland (Reformation) [NSCN(R)]	

Present Status

The security situation in the north eastern states, which remained complex for quite some time because of diverse demands of ethnic groups and various militant outfits, improved substantially in 2017. The number of insurgency related incidents in the region decreased by more than 36 per cent compared to 2016 (2016-484, 2017-308). The year witnessed the lowest number of insurgency incidents since 1997. Similarly, security forces casualties in the region declined from 17(2016) to 12(2017) and civilian casualties from 48(2016) to 37(2017).

Security Situation in the North-east since 2012

Years	Incidents	Extremist arrested	Extremist killed	Arms recovered/surrendered	SFs killed	Civilians killed	Extremists surrendered	Persons kidnapped
2012	1025	2145	222	1856	14	97	1195	329
2013	732	1712	138	1596	18	107	640	307
2014	824	1934	181	1255	20	212	965	369
2015	574	1900	149	897	46	46	143	267
2016	484	1202	87	698	17	48	267	168
2017	308	995	57	432	12	37	130	102

4.2 STATE-WISE STATUS

4.2.1 Nagaland

The first and the most significant insurgency started in Nagaland under the leadership of Phizo in the early 1950s.

The Nagas are the inhabitants of the Naga Hills in the eastern Himalayas, along the Burma border. Nagas consist of many tribes speaking different languages. After taking control over Assam in 1826, Britain steadily expanded its domain over Naga Hills by 1892.

During the British era, the Nagas were cut off from social and political developments in the rest of India. The British administered them with a soft iron as compared to their approach in the rest of the country. Outsiders were kept out. Their tribal culture and practices were not disturbed by the British administration. However, Christian missionaries successfully converted several tribes to Christianity. Due to continuous presence of Christian missionaries, Naga society is relatively more educated and aware than the other north-eastern states.

In April 1945, the Naga Hills District Tribal Council was established as a forum of the various Naga groups in the district. In February 1946, it was reorganised as a political organisation called Naga National Council (NNC). NNC's objective was to work out the terms of relationship with the Government of India after the British withdrawal. NNC was against grouping of Assam in Bengal and wanted the Naga Hills

District to be included in an autonomous Assam in independent India. It further emphasised local autonomy for the Naga Hills District, and a separate electorate for the Naga tribes.

Nine Point Agreement

After several rounds of negotiations, the Governor of Assam reached a Nine Point Agreement with the Naga leaders on June 26, 1947. It was decided that the Nagas would be granted judicial, executive and legislative powers, as well as autonomy in land-related matters. There was a 10 year guarantee of these provisions at the end of which the Nagas could choose between extending the agreement or a new agreement. The Naga leaders were also promised unification of Naga territories from nearby districts into the Naga Hills District. However, the Constituent Assembly refused to ratify this accord. The Naga leaders envisaged a sovereign state with India as a 'guardian power' for 10 years, while the Indian Constituent Assembly concluded that the Nine Point Agreement guaranteed only 'district autonomy within the Indian Constitution'.

Beginning of the Secessionist Movement

After independence, the Centre started the integration of Naga areas with the state of Assam, and India as a whole. The hardliners led by Phizo opposed this integration and rebelled under the banner of Naga National Council. Nagas demanded a separate sovereign state. They were also encouraged by some British officials and missionaries. In 1955, the separatists declared the formation of an independent government. They launched an armed rebellion. The Centre sent the army to Nagaland in early 1956 to restore peace and order. By following a policy of suppression and non-negotiation, the government firmly opposed the secessionist demand for the independence of Naga areas.

On the other hand, the government also realised the need for reconciliation and winning over of the Naga people. As total physical suppression was neither possible nor desirable, the government followed a 'friendly approach' by encouraging the Nagas to integrate with the rest of the country in mind and spirit. The central government also made it clear that Nagas' right to maintain their autonomy in cultural and other matters would be respected by India.

Meanwhile, the Centre refused to negotiate with Phizo or any other separatists until they did not give up their demand for independence or armed rebellion. Simultaneously, it started negotiations with the more moderate, non-violent and non-secessionist Naga leaders headed by Dr Imkongliba Ao.

The armed rebellion was contained by the middle of 1957. Then the moderate Naga leaders under the leadership of Dr Imkongliba Ao negotiated with the Indian government for the creation of the state of Nagaland within the Indian Union. The Government of India accepted their demand through a prolonged negotiation and the state of Nagaland came into existence in 1963 as the 16th state of the Indian Union. This step not only strengthened national integrity and security but also restored people's faith in democratic values enshrined in our constitution. Non-violent means were seen with greater hope in the rest of India. Rebels lost their popular mass support. Though insurgency had been brought under control, sporadic guerrilla war was launched by Naga rebels in 1964 and it continues till date without any progress towards a political settlement. Instead, the present situation may be better understood as a very complex set of relations between a number of parties who have differing objectives, strategies, and capabilities. As a result, a precarious stability has been maintained over the last 50 years while ceasefire violations keep occurring routinely and almost continuously.

Major Terrorist Groups Operating in Nagaland

Nationalist Socialist Council of Nagaland (NSCN) The National Socialist Council of Nagaland (NSCN) is a Naga nationalist group operating in North-east. The main aim of the organisation is to establish a

sovereign state, “Nagalim” unifying all the areas inhabited by the Naga people in Northeast India and Burma.

The National Socialist Council of Nagaland (NSCN) was formed in January, 1980 by Isak Chishi Swu, Thuingaleng Muivah and S.S. Khaplang opposing the Shillong Accord signed by the then Naga National Council (NNC) with the Government of India. Later, misunderstanding surfaced within the outfit leaders over the issue of commencing negotiation dialogue with the Indian Government and the NSCN split in 1980 into two factions: the NSCN-K led by S S Khaplang, and the NSCN-IM, led by Isak and Muivah. The split triggered a spate of violence and factional clash between the factions.

The objective of both the factions of NSCN was to establish a Sovereign State by unifying all the Naga-inhabited areas in the North East and Northern Burma, which the organisation and the people of the area proposed as Nagalim. Unification of all Naga tribes under one administration and ‘liberating’ Nagalim from India is listed as one of the main objectives of the organisation.

Current Developments

- ◆ NSCN-Isiac Muivah (NSCN-IM) signed a ceasefire agreement with the Government of India in 2001, but insurgency continues by other groups
- ◆ Frequent ceasefire violations
- ◆ Presence of underground groups that deal in extortion, arms, drugs smuggling, etc.
- ◆ Clashes among different tribal groups, factions
- ◆ Tensions mainly between NSCN/K, NSCN/KK
- ◆ Public protest against underground activities of the rebels
- ◆ Parallel government

India successfully conducted cross border surgical strikes against NSCN (Khaplang) which was operating out of Myanmar in 2015.

Naga Peace Accord 2015

The Naga Peace Accord, a framework agreement as it has been termed, was signed between the National Socialist Council of Nagalim-Isak-Muivah (NSCN-IM) and the Government of India on August 3, 2015, wherein R.N. Ravi was the chief negotiator and interlocutor on behalf of GoI. It shows the flexibility and realism of the NSCN (IM) in terms of the willingness to alter goals, from complete sovereignty and Greater Nagalim to acceptance of the constitutional framework albeit with a provision for the grant of greater autonomy to Naga inhabited areas outside of Nagaland through the establishment of autonomous district councils. This indeed had been a sticking point in negotiations as Arunachal Pradesh, Assam, and Manipur had categorically stated their opposition to any territorial division. The final agreement is yet to be signed as talks are going on with six Naga national political groups (NNPG). Even various ethnic groups of Manipur are not easily coming around to an agreeable solution.

The Naga peace accord has been hanging fire since a framework agreement was signed with the NSCN-IM in 2015. Naga groups even carried out rally in February 2019 in Delhi demanding early finalisation of Naga Peace Accord.

► 4.2.2 Manipur

The people of Manipur include the Meitei tribe, the Kuki tribe and the Naga tribe. Meitei forms about 60 per cent of the total population. Meitei are Hindu tribes following Vaishnava tradition. Some of the Meitei are Muslims and Christians, too. Meiteis live in the plains, while Nagas and Kukis are in the hill districts.

A separatist insurgency began in 1964 and Manipur was made a separate state in 1972. A more violent phase did not occur until 1978 when the separatists demanded secession from the Union of India on the ground of lack of development, plundering of local resources, and a general discontent. Alleged human rights violations by Indian security forces have only fuelled the insurgency.

There are currently 34 groups, including non-violent ones that demand independence from India. In 1999, some of these groups coalesced into an alliance organisation called the Manipur People's Liberation Front. Of these, the three most prominent ones are the United National Liberation Front (UNLF), People's Revolutionary Party of Kangleipak (PREPAK), and People's Liberation Army (PLA) of Manipur. The UNLF is estimated to have 2,500 active militants, while the PREPAK has 1,500, and PLA 3,000. As of today, Manipur is the worst case scenario in the North-east as far as militancy is concerned. Apart from the fact that there are more militant groups in the state than anywhere else, the rivalry between these outfits often leads to greater violence.

The Kuki insurgent groups want a separate state for the Kukis to be carved out from the present state of Manipur. The Kuki insurgent groups are under two umbrella organisations, Kuki National Organisation (KNO) and United Peoples Forum.

The situation is further complicated because insurgent groups are not united for the same cause. The Nagas wish to annex part of Manipur and merge with a greater Nagaland or Nagalim, which is in conflict with Meitei insurgents demands for the integrity of their vision of an independent state. There were many tensions between different tribes and the region has witnessed numerous clashes between Nagas and Kukis and Meiteis and Muslims.

Insurgent groups are demanding alternative arrangement, reintroduction of inner line permit to remove non-local population.

There is reported nexus between Maoist and Manipur insurgents; especially PLA blockade of the NH-37 highway is a usual feature due to continuous fight with Nagaland. PLA has assisted Maoists by imparting training to cadres and supplying weapons and communication equipment.

► 4.2.3 Mizoram

Among the ethnic and secessionist conflicts, the resolution of the Mizoram issue was a notable success. Armed insurrection had persisted in Mizoram for more than two decades. The movement by the Mizo National Front had racial and religious overtones, and its declared aim was secession of Mizoram from the Indian Union. There was an armed uprising in 1966 and violent conflict continued well into the 1980s. The Mizoram Accord of June 1986 succeeded in bringing the violent conflict of the past decades to a satisfactory conclusion. Three factors may be said to have contributed to this historic conflict resolution: firstly, former Prime Minister Rajiv Gandhi's sincere and positive gestures were greatly appreciated by the people of Mizoram and its leaders, which laid the initial foundation for negotiations. Secondly, the maturity of the two Mizo political personalities of the time, namely, the undisputed insurgent leader Pu Laldenga and the then Chief Minister Pu Lal Thanhawala's unilateral offer of stepping down in favour of Laldenga as the chief minister and finally, the moderating influence and pressure of the Mizo civil society, especially the women who had been the most aggrieved and affected during the periods of violence.

In June 1986, the Centre signed a peace agreement with Laldenga, leader of the Mizo National Front (MNF). By its terms, the MNF rebels laid down their arms and were granted amnesty against prosecution. The government agreed to grant full statehood to Mizoram, and Laldenga himself assumed office as chief minister, taking over from the Congress incumbent.

The model here was the Kashmir Agreement of 1975, when Sheikh Abdullah had returned to power in a similar fashion.

The agreement raised the prospect of the return of peace to the state of Mizoram. The leaders of MNF made a successful transition; once insurgents in the jungle, they are now politicians in the Secretariat put

there by the ballot box. Peace brought its own dividend in the form of water pipelines, roads and, above all, schools. By 1999, Mizoram had overtaken Kerala as India's most literate state. The integration with the mainland is proceeding apace; Mizos are learning the official language, Hindi, and watching and playing the popular game, cricket. Since they also speak fluent English (the state's own official language); young Mizos, men as well as women, have found profitable employment in the growing service sector, in hotels and airlines in particular. Mizoram's chief minister, Zoramthanga, spoke of making his territory the 'Switzerland of the East'.

In this vision, tourists would come from Europe and the Indian mainland while the economy would be further boosted by trade with neighbouring Burma and Bangladesh. The Mizos would supply these countries with fruits and vegetables and buy fish and chicken in exchange. Zoramthanga is also canvassing for a larger role in bringing about a settlement between the government and the Naga and Assamese rebels. It is easy to forget that this visionary had once been a radical separatist, seeking independence from India when serving as the defence minister and vice-president of the Mizo government-in-exile.

► 4.2.4 Meghalaya

Meghalaya is perhaps the least affected by insurgency in the North-east. Problems in Meghalaya arise from the divide among various tribes as well as the divide between tribal and non-tribal settlers, identity issues and growing corruption, besides the sharp changes in demography due to Bangladeshi infiltrators. There is also fear of being reduced to minority by the native tribal population.

The main extremist groups operating in Meghalaya are:

Garó National Liberation Army (GNLA) GNLA aims to establish a separate Garoland for the Garo people. It was formed in 2009, and consists of 70 members, most of whom are ex-members of Achik National Volunteer Council (ANVC), Liberation of Achik Elite Force (LAEF) and National Democratic Front of Bodoland (NDFB). GNLA has been involved in extortion, attacks and bombings. Meghalaya has witnessed an upsurge in violence due to the activities of GNLA, remains the main active group in Meghalaya.

Achik National Volunteer Council (ANVC) ANVC was formed in 1995 with the intention of forming an Achik Land in the Garo Hills. As of now, a Suspension of Operations Agreement between the Government and ANVC has been in force since July 23, 2004.

Hynniewtrep National Liberation Council (HNLC) HNLC is a militant organisation operating in Meghalaya. It was formed in 1992. It claims to be a representative of the Khasi-Jaintia tribal people, and its aim is to free Meghalaya from the alleged domination of the Garos and the non-tribal outsiders (the "Dkhars"). It was banned by the Centre in 2000.

Over the years, the HNLC built ties with the other secessionist organisations operating in the North-east India, including the NSCN-IM of Nagaland, the NDFB of Assam and the National Liberation Front of Tripura (NLFT) and ULFA. The NSCN provided HNLC with moral, physical and financial support in its initial days. HNLC runs several businesses in Bangladesh.

The militant outfit Garo Hills Liberation Army, formed by deserting police personnel, have been launching guerrilla attacks against police and army personnel. Kidnapping and ransoms have become a norm in the western districts of the state. Extortion is being carried out by militants from the wealthy members of the state particularly, the coal barons. Also, ethnic tension is simmering between illegal immigrants from Bangladesh and the local indigenous tribal population. It is worth noting that these tensions are mainly due to ethnic issues and not related to religion. The clashes are between the locals and the illegal immigrants. However, criminal activities are a major concern. Trafficking of drugs like ganja, cocaine, opium, etc. is rampant as is smuggling of weapons, narcotics, black marketeering, etc. The state lies in a major smuggling route between Bangladesh and India.

► 4.2.5 Tripura

Tripura witnessed a surge in terrorist activities in the 1990s. The area under control of the Tripura Tribal Areas Autonomous District Council was increased after a tripartite agreement between New Delhi, the state government and the Council. The government has since brought the movement under control, and the government of Tripura has so far succeeded in limiting the extremist activities. There has been a steady decline in violence since 2003.

The evolution of insurgency in Tripura can be traced to the formation of the Tripura Upajati Juba Samiti (TUJS) in 1971, followed by the Tripura National Volunteers (TNV) in 1981. The National Liberation Front of Tripura (NLFT) was formed on March 2, 1989 and its armed wing, the National Holy Army and All Tripura Tiger Force (ATTF) were formed in July 1990. NLFT seeks to secede from India and establish an independent Tripura state. NLFT is currently proscribed as a terrorist organisation in India. The two outfits came up with secessionist agenda, disputed the merger of the kingdom of Tripura with the Indian Union, and demanded sovereignty for Tripura, along with deportation of illegal migrants, the implementation of the Tripura merger agreement and the restoration of land to the tribal people under the Tripura Land Reform Act, 1960.

Between 1990 and 1995, the insurgency remained low-key. But it grew in extent and magnitude between 1996 and 2004 and then started waning. The success of the insurgency during the initial stages was due to the advantages of the rough, rugged terrain, and the porous and extensive trans-border corridors with Bangladesh. Safe havens in Bangladesh, logistic support from the then supportive Bangladesh establishment and the external intelligence agencies based there, and networking with potential insurgent outfits aided it. A build-up of weapons, explosives and wireless communication systems, and extortion and 'levies', went into the making of the volatile insurgency.

This high voltage insurgency and an orgy of violence disrupted civic life and communications, and led to the closure of many educational and financial institutions, threatening the authority of the State. The state government took on the problems in a strategic and resolute manner under the visionary leadership of Chief Minister Manik Sarkar. It formulated a multi-dimensional and fine-tuned strategy to respond creatively to the situation. The control mechanism was subsumed in counter-insurgency operations intent on swift area domination and ascendancy, as well as psychological operations and confidence building measures. An accelerated development thrust, management of the media, civic action programmes of the security forces, and the political process were additional factors.

Tripura scripted a story of triumph over insurgency and conflict-resolution, and demonstrated that insurgency was not an insurmountable phenomenon. What was needed to tackle it was a well-crafted, multi-dimensional strategy, resolute will, right vision and direction, honest and credible leadership, creative responses to the challenge and the growth and socio-economic-infrastructure dispensation to all sections of society. Also, the well calibrated and humane combat operations combined with psychological approach to the issues ensured that the local population was not alienated.

► 4.2.6 Arunachal Pradesh

The people of the three eastern districts of Arunachal Pradesh, namely Tirap, Changlang and Longding, live in perpetual fear due to the presence of cadres of the two NSCN factions in the area, who resort to kidnapping, extortion and factional feuds. These three districts are part of NSCN-IM's projected State of Nagalim (Greater Nagaland).

Apart from these two Naga outfits, ULFA-I has strong presence in the region. ULFA-I cadres use the Lohit, Changlang and Tirap districts for infiltration into Myanmar, where the base camps of the outfit are located. The outfit uses these areas extensively for temporary transit camps while on the move as well as to escape counter insurgency operations in Assam.

Meanwhile, another emerging concern is the presence of CPI-Maoist cadres in the state. Movements of CPI-Maoist cadres had been reported from the Lohit and Lower Dibang Valley districts of Arunachal Pradesh.

The presence of the 53,000 strong Chakma and Hajong refugees in Arunachal Pradesh as well as influx of other foreigners, have also raised concerns among locals from time to time. According to All Arunachal Pradesh Student's Union (AAPSU) memorandum to former President Pranab Mukherjee, 'The illegal settlement of Chakma and Hajong refugees has resulted in marginalisation of indigenous tribes in the eastern-most part of Arunachal, while in the western part of the state, the Tibetans, Bhutanese and Nepalese are exerting their dominance over indigenous tribes and in central part of the state, there is a floating population of Bangladeshis which has created tension among various local tribes.'

Traditionally, the south-western districts of Tirap and Changlang, in the proximity of Nagaland, have been a happy hunting ground for both factions of the NSCN. While the Khaplang faction (NSCN-K) made its first inroads into the virgin territory in the early 1990s, the NSCN-IM faction soon made its move and carved out separate areas of influence in the district. In recent times, both the districts have witnessed occasional factional clashes between the outfits. Both outfits are known to run wide extortion network in these districts.

Arunachal Pradesh has also been used as a transit route by the ULFA. While the movement of the ULFA cadres between the eastern-most districts of Assam and the outfit's facilities in the Sagaing division in Myanmar through Arunachal Pradesh can be traced back to the late 1980s, the state's strategic importance for the ULFA has grown manifold after the outfit's December 2003 ouster from Bhutan, following a military crackdown. The outfit's dependence on its 28th battalion headquartered in Myanmar, for its hit and run activities in Assam, has become almost irreversible. There has, however, been a setback for the ULFA after two of the main strike units of the group's 28th battalion entered into a ceasefire agreement with the government in June 2008, diminishing the outfit's fire power to a great extent. ULFA cadres traversing the Assam, Arunachal Pradesh and Myanmar route had set up transit camps and safe houses in the Manabhum Reserve Forest spread over 1, 500 square kilometres in the Lohit district.

► 4.2.7 Assam

After Nagaland, Assam is the most volatile state in the region. Beginning in 1979, the indigenous people of Assam demanded that the illegal immigrants who had emigrated from Bangladesh to Assam be detected and deported. The movement led by All Assam Students Union began non-violently with satyagraha, boycotts, picketing, and courting arrests.

Those protesting frequently came under police action. The election conducted in 1983 was opposed by the movement's leaders. The election led to widespread violence. The movement finally ended after its leaders signed an agreement (called the Assam Accord) with the central government on August 15, 1985.

Under the provisions of this accord, anyone who entered the state illegally between January 1966 and March 1971 was allowed to remain but was disenfranchised for 10 years, while those who entered after 1971 faced expulsion. A November 1985 amendment to the Indian citizenship law allows non-citizens who entered Assam between 1961 and 1971 to have all the rights of citizenship except the right to vote for a period of 10 years.

There are several organisations that advocate the independence of Assam. The most prominent among these is the United Liberation Front of Asom (ULFA). Formed in 1979, the ULFA has two main goals: independence of Assam and establishment of socialist government.

The ULFA has carried out several terrorist attacks in the region targeting Indian military and non-combatants. The group assassinates political opponents, attacks police and other security forces, blasts railroad tracks, and attacks other infrastructure facilities. The ULFA is believed to have strong links with the NSCN and Naxalites.

It is also believed that they carry out most of their operations from Bhutan. Because of ULFA's increased visibility, the Indian government outlawed the group in 1986 and declared Assam a troubled area. Under pressure from New Delhi, Bhutan carried a massive operation to drive out the ULFA militants from its territory.

Backed by the Indian Army, Thimphu was successful in killing more than a thousand insurgents and extraditing many more to India while sustaining very little casualties. The Indian military undertook several successful operations aimed at countering future ULFA terrorist attacks, but the organisation continues to be active in the region. In 2004, ULFA targeted a public school in Assam, killing 19 children and five adults.

On March 14, 2011, militants of the Ranjan Daimary led faction ambushed the BSF patrolling party on the way from Bangladoba in Chirang district of Assam to Ultapani in Kokrajhar, killing eight jawans. Recently, Paresh Barua, leader of ULFA (anti-talks), has been arrested and sentenced to death in Bangladesh.

Of late, Maoists have been engaged in recruitment, training and extortion activities in upper Assam (Tinsukia and Dibrugarh) and Arunachal Pradesh.

The Central Government also gave special administrative autonomy to the Bodos in the state. However, the Bodos demanded a separate Bodoland, which led to a clash between the Bengalis, the Bodos, and the Indian military, resulting in hundreds of deaths.

Kamatapur Liberation Organisation

The Kamtapur Liberation Organisation is a militant organisation based in north-east India with an objective to carve out a separate Kamtapur nation from India. The proposed state is to comprise six districts in West Bengal and four contiguous districts of Assam centering Cooch Bihar (Present day districts of Bengal). There has been a series of movements since the early of the 20th century for the cultural and political recognition of the Kamatapuri identity. However, very little attempt had been made to preserve and document the art, culture, history, and literature of Kamatapur and the Kamatapuris

Bodoland Issue and the National Democratic Front of Bodoland (NDFB)

Bodos, the largest plains tribe of Assam started an armed struggle for a separate state in the mid-1980s. This armed struggle led to ethnic cleansing of the non-Bodos along the north bank of the Brahmaputra. The Bodoland Autonomous Council (BAC) Accord was signed in 1993 and the Bodoland movement became more violent during the later part of the 1990s. In February 2003, the Bodoland Territorial Council (BTC) Accord was signed to end the one-and-a-half decade long Bodo movement. This was opposed by non-Bodos including Bengali speaking Muslims who have emigrated from Bangladesh. Non-Bodos allege that they have often been subjected to assaults, intimidations, killings, abductions and extortions by the Bodo militants and elements.

The heart of the Bodo problem is the ancient rivalry between the ancient Bodo tribes settled for ages on the northern banks of eastern Brahmaputra and the relatively recent arrival of Bengali-speaking immigrants. The Bodos speak their own language. There have been cycles of violence between the Bodos and the Bengalis came from Bangladesh and took over Bodo lands because of their agricultural skills.


But the Bodos' demand for statehood had only distanced the non-Bodos from them. The creation of BTC in the face of a series of protests by non-Bodos is a pointer. The Bodos, who have already been outnumbered in BTAD, view the alarming rise in Muslim population—Bengali-speaking Muslims to be precise—as a potential threat. The Muslims are scattered partly on forest land and largely on the sandbars.

One of the negative fallouts of the present situation in the Bodo Territorial Areas District (BTAD) areas has been the idea of an exclusive 'ethnic territorial homeland'. The BTC, as an ethnically oriented territorial council, has failed to provide security to people other than the Bodos.

The Bodoland Territorial Council (BTC)

The 2008 violence against ‘outsiders’ occurred in the aftermath of the 2003 Bodo Accord which committed to safeguard Bodo language, land, socio-cultural rights, and ethnic identity. The Accord clearly stated that an autonomous self-governing body will be constituted, known as BTC within Assam in order to “fulfill the economic, educational, and linguistic aspirations and the preservation of land-rights socio-cultural and ethnic identity of the Bodos”. Despite these provisions, the Bodos continue to feel insecure with regard to their land, ethnic identity and language vis-à-vis the minority communities.

The area under the BTC jurisdiction is called the Bodoland Territorial Area District (BTAD). BTC constitutes 70 per cent of Non Bodo people who are against the creation of Bodoland. They are demanding cancelling villages having less than 50 per cent Bodo people from BTC.

The BTAD consists of four new contiguous districts  Kokrajhar, Baksa, Udalguri and Chirang covering an area of 27,100 km² (35 per cent of Assam).

The main provisions of the Memorandum of Settlement (MoS) relate ‘to creation of the BTC, an autonomous self governing body within the State of Assam and under the provisions of the Sixth Schedule of the Constitution of India to fulfill economic, educational and linguistic aspirations, socio-cultural and ethnic identity of the Bodos; and to speed up the infrastructure development in BTC area’. The BTC comprises of 3, 082 villages in four districts. The BTC has 40 elected representatives and the Assam Government would nominate six more. Of the elected representatives, 30 seats are reserved for tribals, five for non-tribals and the remaining five are open for general contest.

The National Democratic Front of Bodoland (NDFB)

NDFB is an armed separatist outfit which seeks to obtain a sovereign Bodoland for the Bodo people in Assam, India. It is designated as a terrorist organisation by the Centre. NDFB was formed in 1998. It claims to be a representative of the Bodo people, who form around 10% of Assam’s population. The main grievances of the group are the under-development in the region and the influx of immigrants. It aims to address these issues by seceding from India, and establishing a sovereign Bodoland.

The group carried out several attacks on civilians in Assam, targeting non-Bodo civilians as well as the security forces. In May 2005, it signed a ceasefire with the Centre, but some of its factions continue to indulge in militancy. In May 2014 32 people were killed, many others injured and thousands were rendered homeless in two districts of Assam after recent attacks by militants belonging to the anti-talks IK Songbijit faction of NDFB-S. The Assam government handed over the probe to NIA. It is allegedly the Bodos’ fear of losing political clout that led to the latest wave of attacks on immigrants in BTAD in Assam.

Karbi Anglong Issue

Karbi Anglong district is the largest amongst the 27 administrative districts of Assam. Diphu town is the administrative headquarters of the district. Karbi Anglong is one of the country’s 250 most backward districts (out of a total of 640). It is one of the 11 districts in Assam currently receiving funds from the Backward Regions Grant Fund Programme (BRGF). A number of indigenous people reside in this district. The Karbis are the most prominent amongst them. Other indigenous people residing in this district include the Dimasas, the Rengmas the Kukis, the Garos, the Tiwas, the Khasis, Hmars, the Mizos and the Chakmas.

There were violent clashes between the ethnic insurgent Karbi People’s Liberation Tigers (KPLT) and the Rengma Naga Hills Protection Force (RNHPF) in Karbi Anglong district of Assam in December 2013 and January 2014. Over 3,000 people from the Karbi and Rengma Naga tribes were forced to leave their homes.

The KPLT is a breakaway faction of the ethnic insurgent Karbi Longri N.C. Hills Liberation Front (KLNLF). The KLNLF is demanding a separate State comprising two hill districts—Kabri Anglong and Dima Hasao. KLNLF is now engaged in talks with the Centre and the State government. When the KLNLF signed the Suspension of Operation agreement with the Centre and the Assam government, about 20 cadres of the outfit parted ways and formed the KPLT in 2010. The KPLT has been demanding the creation of self-ruled homeland for the Karbi people.

The RNHPF was formed in 2012 for protection of the Rengma Nagas from KPLT attacks. The outfit has been demanding creation of a regional council for the Rengma Nagas of Karbi Anglong.

Issue of National Register of Citizens (NRC)

Assam has had the issue of Bangladeshi immigrants since long time. The Assam student agitation of 1980s was mainly centered on this issue of foreigners. Assam has seen waves of migration, first as a colonial province and then as a border state in independent India.

NRC is an exercise first carried out in 1951 to enumerate the citizens, their houses and holdings. It is an official record of all the legal citizens of a State in respect of each village showing the houses or holdings in a serial order and indicating against each house or holding the number and names of persons staying therein. Over the years there has been a demand from the indigenous Assamese groups to update the NRC.

Assam Accord 1985

Post the Assam agitation against foreigners and the subsequent Assam accord signed in 1985 between the Centre and the All Assam Student Union, the citizenship Act 1955 was amended.

According to the accord, all foreigners who had entered Assam between 1951 and 1961 would be given full citizenship, including the right to vote. Those who had done so after 1971 were to be deported. The immigrants who came between 1961 and 1971 were to be denied voting rights for 10 years but would be given all others rights of citizenship. That's how the base year of 1971 considered for the NRC came about.

Current Update

The NRC of Assam is being updated to weed out illegal migration from Bangladesh and other neighbouring countries. Recently Assam released the final draft of National Register of citizen which included 1.9 crore names out of a total applicant size of 3.29 crores. The final draft NRC list was published on July 30 in which names of 2.89 crore of the 3.29 crore people were included. The names of about 40 lakh people did not figure in the list.

Impact

The question of what will be the status of these 40 lakh individuals who would have lost Indian citizenship with no recourse has remained unanswered. The immediate consequence is that they will lose their Right to Vote. The biggest fallout of NRC updating could be India's relations with Bangladesh which have always been on a turmoil.

This would be hazardous for the internal security of the country given the political and social unrest, it would bring in Assam and a large section of people out of the NRC can become a vulnerable target for the insurgent groups in Assam.

4.3 FACTORS RESPONSIBLE FOR INSURGENCY IN THE NORTH-EAST

The factors responsible for insurgency in the North-east are given below:

- ◆ Feeling of alienation and deprivation among the tribal population

- ◆ Similar ethnicity across the border on Myanmar side
- ◆ Porosity of the border with Myanmar due to difficult terrain
- ◆ Change in demographic pattern due to infiltration from across the border
- ◆ Disconnect with the other parts of India and fellow Indians
- ◆ Widespread corruption among the ruling elite
- ◆ Lack of visionary leadership among the tribal communities
- ◆ Lack of development and basic amenities
- ◆ Easy availability of arms and ammunition
- ◆ Political support from various factions
- ◆ Instability in Myanmar
- ◆ Proximity to Golden triangle ensures funding for separatist/secessionist organisations via support to illegal drug smuggling.

Many of our neighbouring countries are being used by insurgent groups for shelter and training. Naga groups and Assam-based insurgency groups operate from Myanmar, militant groups of Meghalaya and Tripura from Bangladesh. Arms are also procured from across China. Their main source of funding is extortion and arms and drugs smuggling.

4.4 GOVERNMENT'S RESPONSE TO NORTH-EAST EXTREMISM

A composite strategy is being followed by the Centre in the North-east. It includes holding peace talks with those who abjure violence and dealing strictly with violent activities. The Centre has signed ceasefire and suspension of operations (SOO) with most of the insurgent groups (numbering 17-18) in the region. The Centre has steadily pursued the policy of talks/negotiations with any outfit, which agrees to forego the path of violence and come forward for peace talks within the constitutional framework of India.

The basic guiding principles of Government have been:

- ◆ Special schemes for development for the North-east
- ◆ Special packages for infrastructural development of the North-east
- ◆ Proportionate use of force
- ◆ Dialogue and negotiations
- ◆ Structural changes to give political autonomy
- ◆ Decentralisation and protection of tribal rights
- ◆ Improving road and rail connectivity in entire region
- ◆ Look East Policy viz-a-viz the North-east
- ◆ Business summits to attract investment in the North-east
- ◆ Exhibitions and seminars

Some of the major developmental initiatives taken for North-East region are:

- ◆ In October 1996, the then Prime Minister announced "New Initiatives for North Eastern Region" and stipulated that at least 10% of the Budget(s) of the Central Ministries/Department will be earmarked for the development of North Eastern States.

- ◆ The Centre had decided to create the Non-Lapsable Central Pool of Resources for the north eastern states and Sikkim from the year 1998-99 onwards.
- ◆ The Department of Development of North Eastern Region (DoNER) was created in 2001 and was accorded the status of a full fledged ministry on May 2004. The ministry is mainly concerned with the creation of infrastructure for economic development of India's, North-Eastern region.
- ◆ Special category status since 11th Plan: In order to mobilise financial resources, a policy decision was taken to earmark at least 10% of the Plan Budget(s) of the Central ministries/departments for development of the north eastern states. And earmark at least 10% of the gross budgetary support (GBS) for the north eastern states.
- ◆ In 1971, North Eastern Council was set up by an act of Parliament. It was restructured in 2002 as the regional planning body for the north eastern region.
- ◆ Social and Infrastructure Development Fund (SIDF)— Finance Minister's Package for NER, 2008-09
- ◆ Monitoring of mandatory expenditure of 10% of Gross Budgetary Support (GBS) for the north eastern region by the 51 non-exempted Central Ministries/Departments.
- ◆ Plan Scheme of 'Advocacy & Publicity' and Plan Scheme of 'Capacity Building & Technical Assistance (CB&TA)'
- ◆ Asian Development Bank assisted North East State Roads Investment Programme and World Bank assisted North East Rural Livelihood Project (NERLP)
- ◆ North East Industrial Investment and Promotion Policy, 2007
- ◆ Border Area Development Project (BADP)
- ◆ Hill Area Development Programme in the North-east .

4.5 ACT EAST POLICY

India's Act East Policy focuses on connecting projects, cooperation in space, science and technology and people-to-people exchanges which will act as spring board for regional integration and prosperity via this policy by promoting economic cooperation, cultural ties and developing strategic relationship with countries in the Asia-Pacific region.

The North-east is not just a gateway to South-East Asia but is an extended corridor for growth, progress and prosperity of India. The North-east, particularly Manipur, is a physical and strategic partner of India's AEP while enhancing connectivity by land, air and sea to transforms corridors of connectivity into corridors of economic cooperation.

Some of the major projects include Kaladan Multi-modal Transit Transport Project, The India-Myanmar-Thailand Trilateral Highway Project, Rhi-Tiddim Road Projects, Border Haats, etc.

On the civilisation front, Buddhist and Hindu links could be energised to develop new contacts and connectivity between people.

On strategic issues, India has increasing convergence on security interest with key partners both in bilateral and multilateral format.

4.6 NORTH-EAST INSURGENTS AND THEIR FOREIGN LINKS

The biggest foreign link of North-east insurgents are believed to be with Myanmar. India has a long international border shared by four states, Arunachal Pradesh, Nagaland, Manipur and Mizoram, with

Myanmar. Difficult terrain and ethnic linkages of population on both sides of the border make it easy for the Indian insurgent groups/underground groups (IIGs/UGs) in the movement across the border as well as establishing camps, including training of fresh recruits, weapon procurement and their transfer to India.

Usually arms are procured from arms market in Thailand and finally brought to these four states.

The diplomatic and political initiative with the Myanmar Government has yielded some results and Myanmar Government has signed a ceasefire agreement with NSCN(K) and given a deadline to METI insurgents of Manipur. But, because of their ethnic proximity and political compulsions, these groups have relocated themselves closer to the border which makes it easy for them to carry out attacks on Indian security forces.

With the cooperation of the Bangladesh Government, many IIGs (Indian insurgent groups) have been pushed out of Bangladesh. Therefore, these groups have now concentrated more in these four states.

► 4.6.1 Other North-eastern Neighbours

Apart from Myanmar, Bangladesh has been used by North-east insurgent groups as a hide-out, especially in the Chittagong hills. However, after the takeover of the Sheikh Hasina Government, it is on the decline and many members of such groups have been arrested and handed over to India.

Nepal is being used as a hideout and transit to other countries adjoining China. Kathmandu airport is the transit point. Bhutan is also used by many of the Assam based underground groups like ULFA and NDFB. There are inputs which suggest moral support of the Chinese to the north-east insurgent groups.

► 4.6.2 Free Movement Regime (FMR)

India shares a 1,643 km long border with Myanmar that passes through four states of Arunachal Pradesh, Nagaland, Manipur and Mizoram. The formation of Myanmar as a separate state in 1935 and decolonisation of the sub-continent in 1947 divided ethnic communities living along the Indo-Myanmar border.

These communities, particularly Nagas, found the newly created boundary to be inconsistent with the traditional limits of the region they inhabited. And they felt a deep sense of insecurity because they became relegated to the status of ethnic minorities on both sides of the border.

To address their concerns and enable greater interaction among them, the Indian and Myanmar governments established the Free Movement Regime (FMR), which allowed Nagas to travel 16 kilometres across the border on either side without any visa requirements.

Free movement regime is being misused by militants and trans-border criminals who smuggle weapons, contraband goods and fake Indian currency notes. Taking advantage of the free-movement regime, occasionally they enter India, commit crimes and escape to their relatively safer hideouts.

In January 2018, the Union Cabinet had approved agreement (Memorandum of Understanding) between India and Myanmar on land border crossing to enhance economic interaction between people of two countries. To give it shape, the Centre had asked four border states with Myanmar to distribute “border pass” to all the residents living within 16 km from the border which constitutes of about 3 lakh people living in 250 villages. The agreement has been deferred twice in the past seven months by the Myanmar government citing domestic compulsion as a reason.

The agreement will facilitate movement of people on basis of valid passports and visas which will enhance economic and social interaction between two countries. It will facilitate regulation and harmonisation of already existing free movement rights for people ordinarily residing in border areas of both countries. It will also give boost to economy of North East and leverage geographical connections with Myanmar to boost trade and people to people ties. It will also safeguard traditional rights of largely tribal communities residing along border which are accustomed to free movement across land border.

4.6 COUNTER-TERRORISM—STEPS BEING TAKEN/REQUIRED

Multi-pronged approach is required.

- ◆ Communication and connectivity
- ◆ Infrastructure improvement
- ◆ Talks with insurgent groups
- ◆ Co-ordination between central forces and state forces resulting in a much better tactical response
- ◆ Stringent law and fast criminal justice system for quick disposal of terrorist attack cases
- ◆ Zero-tolerance policy towards violence
- ◆ Greater cultural interaction with the rest of the country
- ◆ Socio-economic development that includes a holistic inclusive development
- ◆ Presence of government to be felt everywhere
- ◆ Decentralisation with alertness
- ◆ Improving administrative efficiency
- ◆ Pro-people governance
- ◆ Setting up High Courts in Manipur, Meghalaya and Tripura
- ◆ Coping up with regional aspirations

4.7 KEY ISSUES

► 4.7.1 Feeling of Alienation/Racial Discrimination Amongst Residents of North-East

- ◆ They feel that they are not treated at par with other citizens of India.
- ◆ They feel that their culture is not promoted and properly highlighted in the right perspective in the rest of the country.
- ◆ They also feel that because of their distinct facial features they are compared to the Chinese and other similar ethnic communities. The recent murder of a North-east student in Delhi has again highlighted this sensitive issue. The government has seized the issue and has formed a special committee headed by an MP from the North-east to see how such discrimination can be avoided.

► 4.7.2 AFSPA (Armed Forces Special Power Act)

AFSPA is an act enacted in 1958 which gives power to Army and Central Armed Forces to carry out search and arrest without warrant and use force if required in areas declared as disturbed by the home ministry.

(Full AFSPA Act is given in Annexure I of the book)

It is in force in Assam, Jammu and Kashmir, Nagaland, Manipur (except the Imphal municipal area). In Arunachal Pradesh, only the Tirap, Changlang and Longding districts plus a 20-km belt bordering Assam come under its purview. And in Meghalaya AFSPA is confined to a 20-km area bordering Assam.

Although the Indian armed forces have been working in very arduous conditions but sometimes, due to stress, their behaviour also comes under the scanner. In the process, some innocent people may have suffered but the Army has also paid a heavy price through the loss of its soldiers and officers in guerrilla attacks.

There has been a long and continuous demand from the North-east that the special powers given to the Armed Forces in the North-east and AFSPA should be withdrawn. Irom Sharmila Chanu was on hunger strike for over 15 years on this single issue.

It is true that, at times, security forces are accused of alleged human rights violations but with so many insurgent groups active in the whole of North-east, the removal of AFSPA now is not advisable. If the armed forces are deployed without the power of search and seizure, then their deployment is meaningless. Therefore, there is a need to continue with AFSPA but the forces must also be wary of human rights violations and must be accountable for their actions and behaviour towards the public.

Recently, Supreme Court has ordered the re-investigation of more than 1,500 cases against the Armed Forces in Manipur. Many people are missing, disappeared or are feared dead due to actions of Indian Armed forces. The Supreme Court has stated that AFSPA does not provide blanket immunity to the Armed Forces. The Supreme Court has also commented recently that infinite AFSPA is indicative of failure of the Army and the Indian Government.

- ◆ Recently, the Union Home Ministry delegated the powers to repeal AFSPA to respective states in the North-east.
- ◆ Tripura and Meghalaya have totally repealed AFSPA from their states. This is a great step towards peace and stability in the north eastern region.
- ◆ Currently, AFSPA is in place (in North-east) in the following areas as of January 1, 2019:
 1. State of Nagaland
 2. State of Manipur (except Imphal valley)
 3. Jurisdiction of eight police stations of Arunachal Pradesh
 4. State of Assam.

There is a need for initiating a meaningful dialogue with all the stakeholders as far as the removal of AFSPA is concerned . Only after taking the Army and the Central Armed Police Forces on board, a gradual removal of AFSPA may be considered where condition is peaceful and stable for a sufficient period of time on the lines of Manipur which had in August 2004 repealed the AFSPA from 20 square km area in capital Imphal following a series of violent protests to strike down the AFSPA.

► 4.7.3 Bodo–Muslim Clashes of 2012

The Bodos have been fighting for separate Bodoland since 1986 under NDFB and ABSU. This was opposed by non-Bodos including Bengali speaking Muslims who have emigrated from Bangladesh.

In July 2012, there were communal clashes between Bodos and Muslims, which claimed many lives and displaced more than four lakh people. The violence initially started from Kokrajhar and Chirag and spread to all districts of Bodoland and lower Assam. Bodo organisations upped the ante on the illegal immigration issue demanding updating of citizens verification of Muslims and their citizenship status.

The violence in 2012 followed ethnic tensions between the indigenous Bodo people and Bengali-speaking Muslims. While the Muslims state that they are descendants of East Bengali Muslims brought to Assam during the British Raj, local communities allege that the Muslim population has increased, boosted by refugees from the erstwhile East Pakistan prior to the Indo-Pakistani War of 1971 and by subsequent illegal migration from Bangladesh.

The situation was further vitiated due to circulation of certain provocative SMSs, MMS and internet based messages triggering exodus of North-East people from the southern states of Andhra Pradesh, Tamil Nadu, Karnataka and Kerala under the fear of being attacked by Muslims.

As a counter to this, the Muslim students' organisations came together on one platform under United Muslims Front for People's Rights (UMFPR).

► 4.7.4 Exodus of Rohingya Muslims from Myanmar

Rohingya Muslims live in north of Rakhine state of Myanmar and their population is about 8-9 lakh. They have not been recognised as citizens by Buddhist dominated Myanmar. They face persecution in Bangladesh and Thailand as well.

The exodus of Rohingya Muslims started after riots between ethnic Rakhine Buddhists and Rohingya Muslims in northern Rakhine state of Myanmar in June 2013. Violence between Muslims and Buddhists broke out again in late October. It resulted in at least 80 deaths, displacement of more than 20,000 people, and burning of thousands of homes. The outburst of fighting brought the total number of displaced since the beginning of the conflict to 1,00,000. Rohingyas have also suffered enforced segregation, are not allowed to leave their settlements, and are the subject of a campaign of commercial boycott led by Buddhist monks with serious threats against those who trade with Muslims. The UN has described the Rohingyas as among the 'world's most persecuted minorities.

Over the past few years, the number of Rohingya Muslims coming into India has increased considerably. Most of them are reportedly taking shelter in Muslim-dominated areas in the country.

According to observers, the refugees have nothing in common with the Indian Muslims apart from their religion. Their way of life is completely different and hence they do not adjust too well over here.

The rising Buddhist-Muslim tensions originating in Myanmar are causing political repercussions at the regional level, raising India's security concerns.

The LeT is believed to be recruiting Rohingyas, offering to help them to seek revenge against the Buddhists through terrorist acts. The Union Home Ministry has decided to conduct a fresh census on the Rohingya Muslims following these reports.

LeT and Jamaat-ud-Dawah created an outfit known as Difa-e-Musalman Arakan [Burma]. This outfit was assigned to tie-up with Islamic organisations in Myanmar and Bangladesh. There are several other terror groups that are involved with the Rohingyas. While the Rohingyas are receiving funds from Saudi Arabia, weapons are apparently being sourced from Thailand.

There are sizeable Rohingya populations in Aligarh in Uttar Pradesh, in Andhra Pradesh, Maharashtra and even Jammu and Kashmir. Rohingya refugees are often seen protesting in Delhi outside the United Nations Human Rights Commission asking for UN refugee status.

It is believed that the terror attack in and around Mahabodhi temple in Bodh Gaya on July 7, 2013, was targeted at international Buddhist tourists to avenge the killings of Rohingya Muslims in Myanmar.

Rohingya (Recent Development)

Since August 25, 2017, more than 7,00,000 Rohingya refugees have fled violence and persecution in Rakhine State, Myanmar. Over a million are now displaced in Bangladesh causing a major humanitarian crisis.

The Home Ministry has labelled them "illegal immigrants", and has accused them of posing a "national security threat", and pushed for their deportation in an affidavit submitted to the Supreme Court. The country is already fighting insurgencies in northern Kashmir and in its north eastern states and this could further act as fuel to the fire.

The government opted a stringent policy of deportations of the Rohingyas and termed it as an administrative decision involving diplomatic and other considerations including an overwhelming consideration of national interest.

But rights groups criticised the ruling. Human Rights Watch said that "deporting these men will place them at severe risk of torture and abuse". Amnesty International said their deportation "violates customary international law".

Article 19 of the Indian Constitution is only available to the citizens of India- right to reside and settle in any part of India and is not available to the Rohingyas.

- ◆ Rohingyas cannot claim the residence on legal grounds, as India is neither a signatory to the 1951 Convention relating to the Status of Refugees nor the **1967 Protocol Relating to Status of Refugees** and thus provision of non-refoulement does not extend to immigrants.
- ◆ Moreover, **Foreigners Act of 1946** , statutorily empowers the Central government to deport a person who is an illegal immigrant.
- ◆ Furthermore, the Centre asserted that immigrants would pose an adverse impact upon Indian citizens as it would deprive the Indian citizens of their legitimate share in the employment sector, subsidized housing, medical and educational facilities. The resource crunch might culminate in hostility towards immigrants resulting into an inevitable social tension and law and order problems.

Security Threat

- ◆ The government's affidavit said there was an organised influx of illegal immigrants from Myanmar through agents and touts facilitating illegal immigrants/Rohingyas into India via Benapole-Haridaspur (West Bengal), Hili (West Bengal), Sonamura (Tripura), Kolkata and Guwahati.
- ◆ Inputs from security agencies indicate the indulgence of Rohingyas in fund mobilisation through hawala channels, human trafficking and procurement of fake Indian identity documents.
- ◆ Intelligence report highlighted the symbolic assertion of ISI and ISIS with Rohingyas, which can stir communal violence and destabilise the Buddhist centric north east region.

India should still seek to engage both Bangladesh and Myanmar to find a resolution to the current humanitarian crisis while at the same time engage in proactive patrolling of the India-Bangladesh and India-Myanmar International border.

► 4.7.5 Inner Line Permit

The Inner Line Permit system (ILP) is a special pass or permit or quasi visa that is required by Indian citizen to enter the protected/restricted area of state for a limited period. It was introduced by then British India government to protect indigenous tribal people from encroachment into their areas by outsiders. Later, they used it as an instrument to advance the commercial interest. In this case, protected area/restricted area under ILP regime is notified by the Union Government and ILP is issued by state governments under the Bengal Eastern Frontier Regulation, 1873. This permit or quasi visa regime is presently operational in three north eastern states viz. Arunachal Pradesh, Mizoram, Nagaland.

Lately there have been demands from Manipur, Meghalaya etc, to implement Inner line permit system and also to implement NRC.



PROBABLE QUESTIONS BASED ON THIS CHAPTER

1. 'Invariably, identity crisis lies at the core of most forms of extremism in India's North-east.' What are the various identity factors which fuel extremist tendencies in the north-eastern states of India? What could be done to resolve the identity crisis?
2. How did a porous border with Myanmar give an impetus to insurgency in the North-east?
3. What are the main factors responsible for extremism in the North-east?
4. How has the Government of India responded to insurgency in the North-east?

5. 'The continuation of AFSPA is a classic example of a Victorian era law to deal with modern era problem.' Discuss the circumstances which necessitate AFSPA and suggest changes in the Act to assuage people's sentiments.
6. How far are India's internal security challenges linked with border management, particularly in view of the long porous borders with most countries of South Asia and Myanmar?(UPSC 2013)
7. The north eastern region of India has been infested with insurgency for a very long time. Analyse the major reasons for the survival of armed insurgency in this region.
8. There has been lot of debate regarding providing refugee status to Rohingyas. Discuss both sides of the issue and Justify your viewpoint
9. Mary Kom has given a big impetus to sports in Manipur. Do you think it can be used solve the problem of insurgency
10. Write a short note on each model that deals with the issue of extremism:
 - (a) Tripura Model
 - (b) Mizoram Model



5.1 WHAT IS LEFT-WING EXTREMISM (LWE) OR NAXALISM (AS IT IS POPULARLY CALLED)?

The term 'Naxal' derives its name from the village Naxalbari of district Darjeeling in West Bengal, where the movement originated in 1967 under the leadership of Charu Majumdar, and Kanu Sanyal and Jangal Santhal. It refers to the use of violence to destabilise the state through various communist guerrilla groups.

Naxalites are far-left radical communists who derive their political ideology from the teachings of Mao Zedong, a Chinese revolutionary leader. They have been operating in various parts of the country since the early 1970s. At various points of time, different areas of the country have been seriously affected due to overt violence resorted to by Naxalite groups active in those areas.

Former Prime Minister Manmohan Singh described Naxalism as the most significant threat to internal security being faced by the country today. The threat has existed since long though there have been many ups and downs.

► 5.1.1 Philosophical Background of Naxalism/Maoism/LWE

History has been witness to repeated occurrence of violence against the ruling elite mostly by the peasant class motivated by leftist ideologies. The ideological basis for these violent movements was provided by the writings of Karl Marx and Friedrich Engels . This ideology is commonly called **Communism/Marxism** . This was later supported by Vladimir Lenin and *Mao Tse-tung* (Mao Zedong). Leftist ideologies believe that all existing social relations and state structures in an elitist/capitalist society are exploitative by nature and only a revolutionary change through violent means can end this exploitation. Marxism advocates removal of the capitalist bourgeois elements through a violent class struggle.

Maoism is a doctrine that teaches to capture state power through a combination of armed insurgency, mass mobilisation and strategic alliances. Mao called this process, the ‘Protracted Peoples War’. The Maoist ideology glorifies violence and, therefore, the ‘bearing of arms is non-negotiable’ as per the Maoist insurgency doctrine. Maoism fundamentally considers the industrial–rural divide as a major division exploited by capitalism. Maoism can also refer to the egalitarianism that was seen during Mao’s era as opposed to the free-market ideology.

Maoism’s political orientation emphasises the ‘revolutionary struggle of the vast majority of people against the exploiting classes and their state structures’. Its military strategies have involved guerrilla war tactics focused on surrounding the cities from the countryside, with heavy emphasis on political transformation through mass involvement of the lower classes of society. ‘ **Political power grows out of the barrel of a gun**’ is the key slogan of the Maoists. They mobilise large parts of the rural population to revolt against established institutions by engaging in guerrilla warfare. Maoism is no longer an ideological movement. Maoists are now creating a fear psychosis and denying democracy and development to tribals.

Unlike the political mass movements with violent underpinnings in the border areas, Naxalites do not seek to secede from the Indian Union to establish a sovereign independent state of their own but their aim is to capture political power through armed struggle to install the so called ‘people’s government’.

► 5.1.2 Phases of Naxalism

Maoists spread their ideology very systematically and in a phased manner as follows—

1. Preparatory Phase— Detailed survey of new areas identifying important people, important public issues on which masses can be mobilised.
2. Perspective **Phase**— Mobilisation through frontal organisations— staging demonstration against government/administration based on local public grievances.
3. Guerrilla Phase— Converting the public movement into violent guerrilla warfare.
4. Base Phase— Here the Maoists try to establish their base and change the guerrilla zone into a liberated zone.
5. **Liberated Phase**— Establishment of people's government.

5.2 EVOLUTION OF NAXALISM IN INDIA

The spread and growth of Naxalism in India can broadly be divided into three phases or stages. The three stages have been described below.

► **5.2.1 First Stage**

The Naxalite movement began in May 1967 in the three police station areas, Naxalbari, Khoribari and Phansidewa, of Darjeeling district in West Bengal. In November 1967, left-wing extremists from the whole country founded the 'All India Coordination Committee' in Kolkata. In May 1968, the committee was renamed as 'All India Coordination Committee of Communist Revolutionaries' (AICCCR). It declared four ideological aims:

1. Protracted people's war in accordance with Mao's teachings
2. Adapting to guerrilla warfare tactics
3. Establishment of rural revolutionary base areas
4. Encircling the cities as well as abstaining from parliamentary elections

AICCCR founded the revolutionary party CPI Marxist-Leninist (ML) in 1969, that was based on Maoist ideology. Soon, the Naxalite movement spread to many parts of the country, especially West Bengal, Odisha, Bihar and Andhra Pradesh. Their main followers were peasants and adivasis, or tribals, who often experienced discrimination and exploitation from state authorities. Also, several young unemployed people and students got attracted to the Naxal ideology. The period 1970 to mid-1971 was the peak period of violent activities by Naxalites. A joint operation of police and army in 1971 in the worst affected areas in West Bengal, Bihar and Odisha led to the arrest and death of almost all the top leaders of the movement. Charu Mazumdar was caught and died in 1972 in police custody. The movement faced a severe blow during emergency when around 40,000 cadres were imprisoned in 1975.

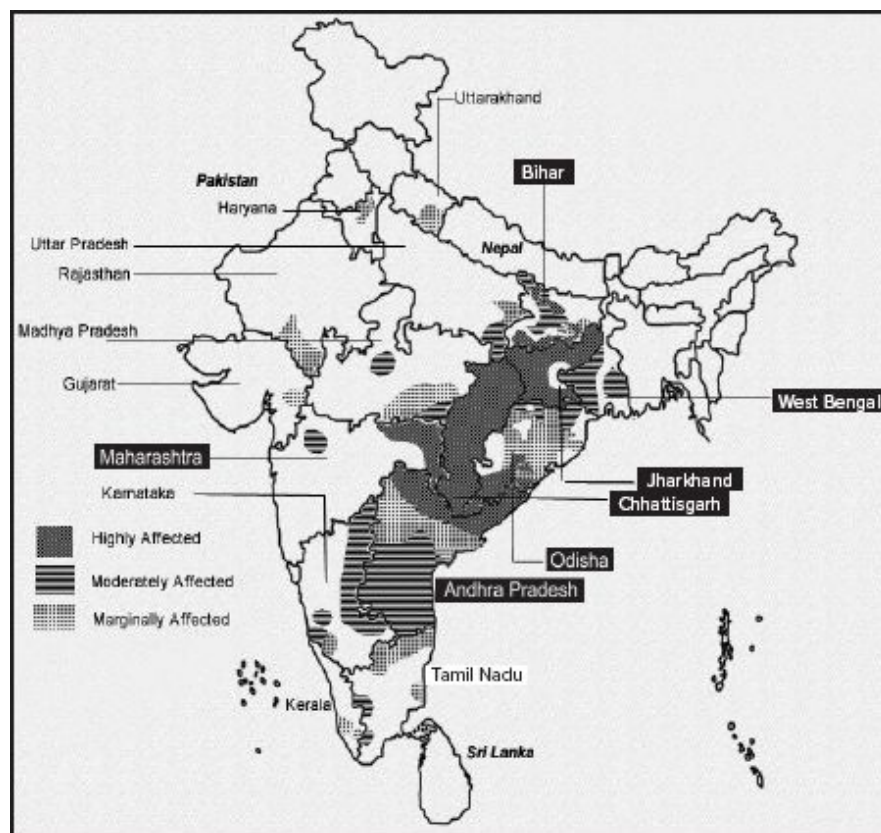
► 5.2.2 Second Stage

The movement arose again in a more violent form after the Emergency. It continued to widen its base as per the strategy of 'protracted war'. Their base grew from West Bengal to Bihar to Odisha and also to Andhra Pradesh and Chhattisgarh. CPI(ML) was converted into People's War Group (PWG) in 1980 which had its base in Andhra Pradesh and struck heavy casualties among police personnel. PWG was banned by the Andhra government in 1992 but it continued its activities. Simultaneously, the Maoist Communist Centre of India (MCCI) grew in strength in Bihar and carried out large scale attacks on landlords and other upper caste outfits. The Naxal movement continued to grow at a steady pace across many parts of the country.

► 5.2.3 Third Stage

In a significant development in 2004, the People's War Group (PWG), operating in Andhra Pradesh, and the Maoist Communist Centre of India (MCCI), operating in Bihar and adjoining areas, merged to form the CPI (Maoist). Over 13 left-wing extremist (LWE) groups are currently operating in the country. The CPI (Maoist) is the major left-wing extremist outfit responsible for most incidents of violence and killing of civilians and security forces, and has been included in the Schedule of Terrorist Organisations along with all its formations and front organisations under the Unlawful

Activities (Prevention) Act, 1967. After the formation of CPI (Maoist), Naxal violence has been on the rise since 2005. Estimated to be 40,000 strong, the Naxalites have been a strain on the country's security forces and a barrier to development in the vast mineral rich region in eastern India known as the 'Red Corridor'. It is a narrow but contiguous strip passing through Jharkhand, Chhattisgarh and Odisha. In fact, at the peak of the Maoist movement in Nepal, Naxal influence was seen to be spreading from 'Tirupati to Pashupati'. The worst affected areas of the Maoist influence include approximately 30 districts of seven states namely Chhattisgarh, Odisha, Maharashtra, Andhra Pradesh, Jharkhand, Bihar and West Bengal. Most of these areas fall in the Dandakaranya region, which includes areas of Chhattisgarh, Odisha, Maharashtra and Andhra Pradesh. CPI (Maoist) has stationed some battalions in the Dandakaranya region. Local panchayat leaders are often forced to resign and the Maoists hold regular Jan Adalat. They have been running a parallel government and parallel judiciary in these areas.



Extent of Spread of Naxalism

But violence alone cannot be the only yardstick to measure Maoist expansion. Maoists are also expanding in terms of indoctrination and consolidation. They are also trying to spread their ideology in the Bheel and Gond tribes dominated area—the ‘Golden Corridor’ stretching from Pune to Ahmedabad—various social groups and marginalised sections like Dalits and minorities through active association with their grievances against the state. According to latest information released by MHA, Naxals have made their presence felt in new areas such as few districts in Kerala. Maoists have also made their presence felt in western Odisha, Upper Assam and Lohit in Arunachal Pradesh while they faced huge setbacks in Jangalmahal area of West Bengal and Kaimur and Rohtas districts of Bihar.

The movement’s capacity to challenge the state has also increased enormously considering the incidents of violence and casualties resulting from them. The biggest incident was when they ambushed a whole CRPF Company in April 2010 in Dantewada of Chhattisgarh and killed 76 CRPF armed personnel, showing the extent of their strategic planning, skills and armament.

In 2013, the left-wing extremist movement made international headlines when they killed 27 people, including some high-level politicians, in Sukma district of Chhattisgarh.

► 5.2.4 Changes in the Red Corridor

The Red Corridor is the region in the eastern, central and western part of India that experiences considerable Naxalites insurgency. Recently, the Ministry of Home Affairs (MHA) has undertaken a comprehensive exercise in consultation with the states to review the effected districts and redraw the Red Corridor. It was found that the LWE situation in the country has been improving consistently and is now well under control. As a result, in April 2018, the contours of the Red Corridor have been redrawn .

State-wise extent of LWE violence during 2010 to 2017

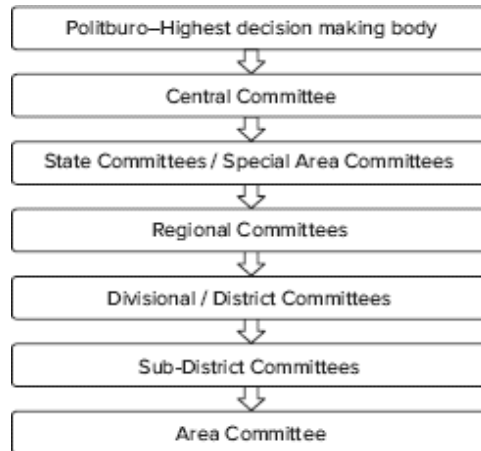
State	2010		2011		2012		2013		2014		2015		2016		2017	
	Incidents	Deaths	Incidents	Deaths	Incidents	Deaths	Incidents	Deaths	Incidents	Deaths	Incidents	Deaths	Incidents	Deaths	Incidents	Deaths
Andhra Pradesh	100	24	54	9	67	13	28	7	18	4	35	8	17	6	26	7
Bihar	307	97	316	63	166	44	177	69	163	32	110	17	129	28	99	22
Chhattisgarh	625	343	465	204	370	109	355	111	328	112	466	101	395	107	373	130
Jharkhand	501	157	517	182	480	163	387	152	384	103	310	56	323	85	251	56
M.P.	7	1	8	0	11	0	1	0	3	0	0	0	12	2	3	1
Maharashtra	94	45	109	54	134	41	71	19	70	28	55	18	73	23	69	16
Odisha	218	79	192	53	171	45	101	35	103	26	92	28	86	27	81	29
Telangana	NA	NA	NA	NA	NA	NA	8	4	14	5	11	2	7	0	5	2
Uttar Pradesh	6	1	1	0	2	0	0	0	0	0	0	0	0	0	0	0
West Bengal	350	258	92	45	6	0	1	0	0	0	0	0	0	0	0	0
Others	5	0	6	1	8	0	7	0	8	0	10	0	6	0	1	0
TOTAL	2213	1005	1760	611	1415	415	1136	397	1091	310	1089	230	1048	278	908	263

Shrinking Corridor

- ◆ In 2015, the total number of LWE affected districts was 106 districts in 10 states (Red Corridor). However, over the last few years, a number of districts have been carved into smaller districts and new states have been formed, which resulted in the same geographical area of the 106 districts being spread over 126 districts in 11 states by 2017.
- ◆ 44 out of 126 districts affected by LWE in the country were removed from the list of Naxal-hit areas as the Government found that these districts are either no longer under the influence of Maoists or have been reduced to a negligible presence. Out of the remaining only 58 districts have reported violence in 2017.

5.3 PARTY STRUCTURE

CPI (Maoist) is the main party now after the merger of various Naxalite groups in 2004. M Laxman Rao/Ganpati is the Secretary General of the party. The organisational structure of CPI (Maoist) is as follows:



It operates through Peoples Liberation Guerrilla Army (PLGA). PLGA has three kinds of forces:

1. Basic force (Gathering of intellectuals)
2. Secondary force (Area committee plus guerrilla squads)
3. Main force (Structured on battalion/platoon format like the armed forces, and an intelligence unit)

As on date, the strength of PLGA is around 8,000-9,000 while Jan Militia is around 38,000. Usually 40-50 per cent of the total cadres consist of women.

5.4 AIMS AND OBJECTIVES AND MODUS OPERANDI OF THE NAXALITES

The aim of the Naxalites is to destroy the legitimacy of the state and to create a mass base, with a certain degree of acceptability. The ultimate objective is to attain political power by violent means and establish what they envisage as 'The India People's Democratic Federal Republic'. The Naxalites predominantly attack the police and their establishments. They also attack certain types of infrastructure, such as rail and road transport and power transmission, and also forcibly oppose execution of development works like critical road construction. Naxalite activity is also manifesting itself through various civil society and front organisations on issues such as SEZ policy, land reforms, land acquisition, displacement, etc., with the objective of expanding their mass base and acquiring support of some intellectual elite.

While impeding development works and challenging state authority, the Naxalites simultaneously try to derive benefit from the overall under-development and sub-normal functioning of field institutions such as police stations, tehsils, development blocks, schools, primary health centres and anganwadi centres, which administer and provide services at the ground level and also reflect the state presence and writ.

► **5.4.1 Frontal Organisations of LWE (Left Wing Extremists)**

The Maoists use their front organisations, like the Revolutionary Democratic Front, Peoples Democratic Front of India, Democratic Student Union and other student groups from left wing institutions to generate people's sympathy through persistent pursuance of propaganda on issues of human rights violations by the security forces. Maoists take help from left leaning civil society groups, human rights groups, national and international media and other students groups for mass mobilisation. They exploit the sluggish judicial system to get away from legal conviction and punishment.

► **5.4.2 Guerrilla Warfare**

The Maoists use guerrilla warfare tactics. Guerrilla warfare is a form of irregular warfare in which a small group of combatants, such as armed civilians or irregulars, use military tactics including ambushes, sabotage, raids, petty warfare, hit-and-run tactics, and extraordinary mobility to fight a larger and less mobile traditional army.

► **5.4.3 Powerful Propaganda Machinery**

Naxalites have very powerful propaganda machinery which is active in all major towns as well as in the national capital. They even have their supporters in the media. These NGOs and activists wage a non-stop propaganda war against any government step that aims to check the Naxalite movement. As a matter of strategy, Naxalites try to be on the right side of the media all the time. They have their sympathisers everywhere who raise a hue and cry in the name of human rights against police action on the Maoists. These media groups are conveniently silent when Naxalites kill innocent people.

► 5.4.4 Tactical Counter Offensive Campaign (TCOC)

Maoists carry out violent activities called ‘Tactical Counter Offensive Campaign’ (TCOC) which runs from March to early monsoon in July. Maoists usually resort to TCOC every year to put the security forces in disarray so that they can go on a recruitment drive. The aim of TCOC is to exhibit and consolidate their (Maoists) strength, by carrying out violent operations. Going by the past experience, the rebels have launched a number of deadly attacks against security forces during the TCOC period.

► 5.4.5 Fresh Strategy of Maoists

A fresh strategy of Maoists is to expand outside forests into the urban areas, win over non-peasant classes and other social groups, seize leadership of ongoing local struggles, intensify mine warfare, militarise the Jan Militia, force the dispersal of police resources by launching attacks outside its strongholds, establish organisational bases in towns adjoining guerrilla zones and harden its stance downtrodden on abductions.

► 5.4.6 Urban Naxalism

Usually it is believed that the Naxalite/Maoist movement is a movement of the masses and it grows in the most undeveloped parts of the countries which have no roads, infrastructure, telecommunication means, etc. that’s why its major stronghold are areas like Dandkarayna (area bordering Chhattisgarh, Andhra and Orissa), which is devoid of all kinds of development even after 70 years of independence. But urban Naxalism has always been part and parcel of the Maoists strategy which uses ‘Front Organisations’ mainly in urban areas to mobilise certain targeted sections of the urban population, recruit intellectual revolutionaries, raise funds for insurgency and create urban shelters for underground cadres.

These organisations are generally manned by ideologues that include academicians and activists, mostly operating under the garb of human rights NGOs that are internally linked to CPI (Maoist) party structure but maintain separate identities in an attempt to avoid legal action.

Such organisations are also adept at using the legal processes and also attempt to malign the state institutions through a concerted and systematic

propaganda and disinformation campaigns to further their cause. These ideologues have kept the Maoist movement alive and are in many ways more dangerous than the cadres of the PLGA.

The arrest of five major ideologues in 2018 has brought urban Naxalism in the forefront, though raising many eyebrows in the so called intellectual circles.

Police carried out synchronised raids in five states at the homes of prominent civil and human rights activists and intellectuals, whom the Maharashtra Police and intelligence officials have called “urban Naxals” and arrested five of them including national secretary of PUCL Sudha Bhardwaj and Supreme Court lawyer Arun Ferreira in the Bhima-Koregaon violence case. They were arrested under the Unlawful Activities (Prevention) act.

Urban Naxalism is not an overnight grown phenomenon, rather it's a part of an elaborate strategy of CPI(M). In 2004, its document titled ‘Urban Perspective: Our Work in Urban Areas’ defined the Urban Naxalism strategy. The strategy emphasises on mobilising industrial workers and urban poor, establishing front organisations, building ‘tactical united fronts’ of likeminded organisations including the students, middle class employees, intellectuals, women, dalits and religious minorities.

Frontal organisations supporting ‘Urban Naxalism’ are active in a number of cities, including Delhi, Mumbai, Kolkata, Chandigarh, Ranchi, Hyderabad, Nagpur and Pune.

Way Forward

- ◆ Ministry of Home Affairs suggests that the strategy to tackle Left-Wing Extremist (LWE) challenges must include plans to tackle ‘Urban Naxalism’. the state must initiate legal action against the Maoist front organisations.
- ◆ A separate budget should be provided to counter the growing Naxal footprint in cities.
- ◆ Initiating legal proceedings against the ideologues including academicians and activists often resulted in negative publicity for enforcement agencies due to effectiveness of the Maoist propaganda

machinery. There is a need to address the issue through systematic, protracted and persistent efforts.

5.5 LINKS WITH OTHER TERRORIST ORGANISATIONS AND FOREIGN COUNTRIES

The CPI (Maoist) has close fraternal ties with many North-east insurgent groups, especially the RPF/PLA of Manipur and National Socialist Council of Nagaland (NSCN-IM) for sourcing arms. Most of these outfits have linkages with external forces inimical to India. The CPI (Maoist) has also frequently expressed their solidarity with the Jammu and Kashmir terrorist groups. These ties are part of their ‘strategic united front’ against the Indian State. The CPI (Maoist) also has close links with foreign Maoist organisations in Philippines (Communist Party of Philippines), Turkey, etc.

The above outfit is also a member of the ‘Coordination Committee of Maoist Parties and Organisations of South Asia’ (CCOMPOSA), which includes 10 Maoist groups from Bangladesh, India, Nepal and Sri Lanka. The CCOMPOS cited its chief aim as resisting not only US imperialism and globalisation, but also the ‘centralised’ Indian state and its internal repression of minority people. It also targeted the alleged expansionist designs of India in South Asia backed by US imperialism. In 2006, CCOMPOSA at its Fourth Conference in Nepal reiterated its anti-India stand and reaffirmed its commitment to spread protracted people’s war to capture state power through violent means in South Asia.

► 5.5.1 Sources of Funding and Linkages with Organised Crime

The main source of funding of the left wing extremist movements is extortion from government projects as well as from corporate companies working in their areas of influence. Most of the time, it is in the form of protection money. Sometimes they resort to kidnapping and killings also to terrorise the rich people so that they give financial help easily. Left wing extremism is most intense in areas rich in natural mineral resources, such as coal, iron, bauxite, manganese, nickel and copper. Odisha and Jharkhand alone account for more than half of the country’s coal reserves. Coal is by far India’s largest energy resource. Therefore, it provides them enough scope for extortion.

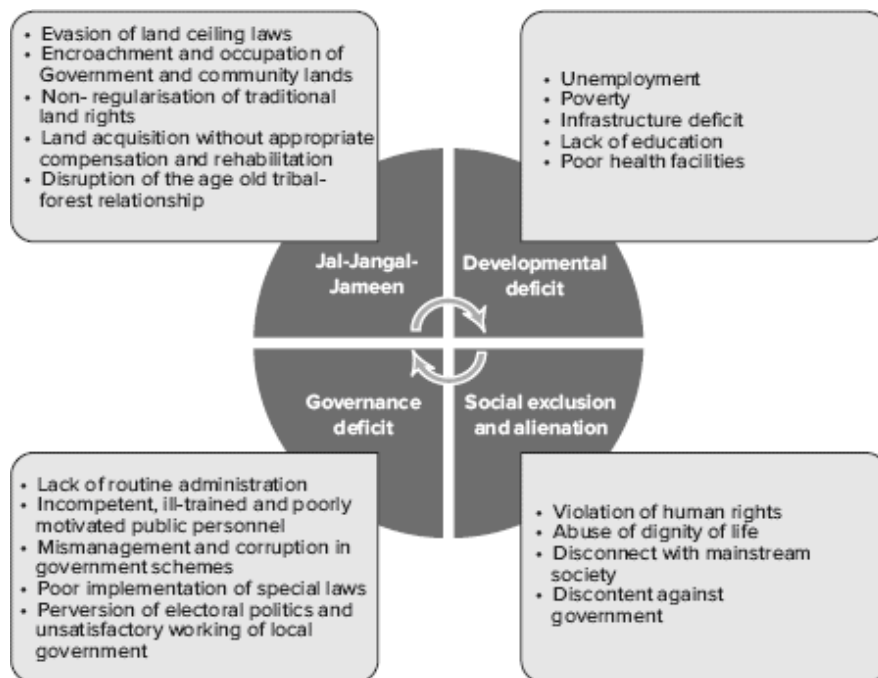
5.6 NAXALITES ARE NOT REALLY THE MESSIAHS OF THE DOWNTRODDEN

From their ideology, it appears that Naxalites are fighting for the rights of poor people and want to establish a people's government, while the facts are quite contrary. Social uplifting of the downtrodden is not their real aim, rather it is political power. They study the local problems and issues and use them as fodder to foster their end game which is clearly the seizure of power through violent means.

Maoists have vested interest in keeping poverty alive because it enables them to expand their territory. They don't allow district administration to do any development work like building roads and improving electricity and water supply in the areas. The local population very soon realises that they have been used by the Naxalites and their social and economic issues take a back seat while the battle for supremacy emerges as the prime motto of the Maoists. But, at times, it is too late and the locals are forced to support them.

5.7 FACTORS RESPONSIBLE FOR RISE OF NAXALISM

It is ironical that even after 66 years of Independence, many remote areas, which are otherwise rich in mineral resources, are yet to see any sign of development. This situation, combined with many other socio-economic problems, has contributed towards the rise of Naxalism in India. These factors can be broadly categorised as follows:



5.8 FIGHT AGAINST NAXALISM

Under India's Constitution, issues of law and order have traditionally been the responsibility of the states, rather than the Centre. Till 2006, the affected states were mainly taking on the Red Corridor. Andhra Pradesh had even succeeded in curbing Naxalism to a large extent.

In 2006, after the Prime Minister's declaration of the Naxal problem as the biggest challenge to internal security, many new steps were taken. This included creation of a separate division in the Home Ministry (Naxal management division) and appointment of an expert committee headed by D Bandopadhyay by the Planning Commission in 2006.

The expert committee underscored the social, political, economic and cultural discrimination faced by the scheduled castes/scheduled tribes (SCs/STs) across the country. The committee established the lack of empowerment of local communities as the main reason for the spread of Naxalism. It further stated that state bureaucracy had failed miserably in delivering good governance in Naxal affected areas. It recommended a tribal friendly land acquisition and rehabilitation policy.

Former Prime Minister Manmohan Singh admitted in 2009 that the government's efforts at containing the Naxalites had not been up to the

desired level. After this, the worst affected states launched a large-scale offensive that involved deployment of heavy troops in the worst affected areas. This operation was codenamed Operation Greenhunt. Recently the CRPF has launched 'Bastariya Battalion' for Anti-National Operations.

► 5.8.1 Governments Approach to Deal with LWE

The government has realised that the issues of good governance, development, regular functioning of critical field institutions and public awareness are also important in dealing with left-wing extremism. Therefore, its approach has accordingly changed to deal with Naxalite activities in the areas of security, development, administration and public perception in a holistic manner.

'Police' and 'public order' being state subjects, action with respect to maintenance of law and order lies primarily in the domain of the concerned state governments. The Centre, however, closely monitors the situation and coordinates and supplements their efforts in several ways to deal with the LWE problem. These include, providing Central Armed Police Forces (CAPFs) and Commando Battalions for Resolute Action (CoBRA), sanction of India Reserve (IR) battalions, modernisation and upgradation of the State Police under the umbrella scheme for 'Modernisation of Police Forces' (MPF scheme), reimbursement of security related expenditure under the Security Related Expenditure (SRE) scheme, strengthening of Special Intelligence Branches/ special forces of the states and fortification of police stations under the Special Infrastructure Scheme(SIS). They are also providing helicopters for anti-LWE operations, assistance in training of state police through Ministry of Defence, Central Police Organisations and Bureau of Police Research and Development, sharing of intelligence, facilitating inter-state coordination, community policing and civic action and assistance in development work through a range of schemes of different central ministries.

The underlying philosophy is to enhance the capacity of state governments to tackle the LWE menace in a concerted manner. The Centre has adopted an integrated and holistic approach to deal with left-wing extremism by addressing the areas of security, development and promoting good governance simultaneously. To achieve this, a National Policy and Action Plan has been put in place adopting a multi-pronged strategy in the areas of

security, development, ensuring rights and entitlements of traditional dwellers/tribals etc. with focused attention on 106 LWE affected districts in 10 states and particularly in 35 most affected LWE districts in seven states.

► **5.8.2 Important Schemes for States Affected by Left-wing Extremism**

In order to holistically address the LWE problem in an effective manner, the Government formulated National Policy and Action Plan in 2015 adopting multi-pronged strategy in the areas of security, development, ensuring rights and entitlement of local communities etc.

- ◆ **Security Related Expenditure (SRE) Scheme:** This Scheme has been extended by the Government on September 27, 2017 as a subscheme of the Umbrella Scheme Modernization of Police Forces for a period of three years till 2020. Under the Security Related Expenditure (SRE) Scheme, the Central Govt. reimburses to the state governments of 11 LWE affected States Security Related Expenditure of 90 districts relating to training and operational needs of security forces, ex-gratia payment to the family of civilians/security forces killed in LWE violence, compensation to left-wing extremist cadres who surrendered in accordance with the surrender and rehabilitation policy of the State government concerned, community policing, security related infrastructure for village defence committees and publicity materials.
- ◆ **Special Central Assistance (SCA) for 30 most LWE affected districts:** This scheme has been approved by the Government on September 27, 2017 as a sub-scheme of the 'Modernisation of Police Forces' for a period of three years i.e. from 2017-18 to 2019-20. The main objective of the scheme is to fill the critical gaps in public infrastructure and services, which are of emergent nature. ₹ 775 crore has already been released by the Government of India to the most LWE affected districts.
- ◆ **Special Infrastructure Scheme, along with construction of fortified police stations in the LWE affected states:** On regular demand of the LWE affected states, the Government has approved this scheme as a sub-scheme of the, 'Modernisation of Police Forces' for a period of three years i.e. from 2017-18 to 2019-20.

- ◆ **Scheme of Fortified Police stations:** The Ministry had sanctioned 400 police stations in 10 LWE affected states. Of these 393 of PSs have been completed.
- ◆ **Assistance to Central Agencies for LWE Management Scheme:** This scheme has been approved by the Government on 27.09.2017 as a subscheme of “Modernization of Police Forces” for a period of 3 years i.e. from 2017-18 to 2019-20. Under the scheme, assistance is provided to Central Agencies (CAPFs/IAF etc) for strengthening of infrastructure and hiring charges for helicopters.
- ◆ **Media Plan:** This scheme was approved by the Government on September 27, 2017 as a subscheme of the “Modernisation of Police Forces” for three years i.e. from 2017-18 to 2019-20. The Maoists have been misguiding and luring the innocent tribals/local population in LWE affected areas by their so-called poor-friendly revolution through petty incentives or by following their coercive strategy. Their false propaganda is targeted against the security forces and the democratic setup. Therefore, the Centre is implementing this scheme in LWE affected areas. Under the scheme activities like Tribal Youth Exchange programmes organised by NYKS, radio jingles, documentaries, pamphlets etc. are being conducted.
- ◆ **Road Requirement Plan-I (RRP-I) for LWE affected areas:** This scheme is being implemented by Ministry of Road Transport & Highways for improving road connectivity in 34 LWE affected districts of eight states i.e. Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Uttar Pradesh. This scheme envisaged construction of 5,422 km road length in LWE affected states, of which 4,652 km roads have been completed by April 30, 2018.
- ◆ **Road Connectivity Project for LWE affected areas (RRP-II):** The Centre approved this scheme on December 28, 2016 for further improving road connectivity in 44 districts of nine LWE affected states. This scheme envisages 5,412 km roads and 126 bridges at an estimated cost of ₹ 11,725 crores. Ministry of Rural Development is the nodal ministry for this project.
- ◆ **LWE Mobile Tower Project:** To improve mobile connectivity in the LWE areas, the Centre on August 20, 2017 approved installation of

mobile towers in LWE affected States and 2,335 mobile towers have been installed in Phase-I. Phase-II of the project has been approved by the Centre, under which 4,072 mobile towers, involving an expenditure of ₹ 7,330 crore, will be installed in LWE affected States.

- ♦ **Aspirational District:** The Ministry of Home Affairs has been tasked with the monitoring of Aspirational districts programme in 35 LWE affected districts.
- ♦ **Civic Action Programme (CAP):** This scheme has been approved by the Centre on September 27, 2017 as a subscheme of the “Modernisation of Police Forces” for a period of three years i.e. from 2017-18 to 2019-20. CAP in LWE affected areas is being implemented since 2010-11 to bridge the gaps between Security Forces and local people through personal interaction and bring the human face of SFs before the local population. The scheme has been very successful in achieving its goal. Under the scheme, funds are released to the CAPFs, deployed in LWE affected areas, for conducting various civic activities in the welfare of the local people.

The NITI Aayog has started the ‘Aspirational Districts’ programme for development in the most backward districts of India. Many left-wing affected districts will benefit from this initiative.

Meanwhile, the Home Ministry has brought some changes in its civic action programme. It has now adopted an ‘individual-oriented’ approach rather than a ‘project-oriented’ approach as this will help in bridging the gap between locals and security personnel more efficiently. Under the project christened ‘Winning Hearts and Minds’, the Central Reserve Police Force and the Border Security Force, who have till now been spending funds on small projects and development activities which included building small bridges and roads, implementing drinking water and irrigation schemes, etc., can now spend ₹ 20 crore per annum, on welfare activities directed at individuals and families under the revised guidelines.

Roshani Scheme (Ministry of Rural Development) It is a placement-linked skill development scheme targeting 50,000 rural men and women, mostly the tribal population, in 24 worst affected districts. It emphasises on special efforts to proactively cover the particularly vulnerable tribal groups (PVTGs) on a priority basis.

National Policy and Action Plan, 2015

- ◆ Security related measures include assistance to LWE affected states by providing CAPF BUs, helicopters, UAVs, construction of fortified police stations, funds for modernisation of State Police forces, arms and equipment, training assistance, sharing of intelligence etc.
- ◆ **Development related measures:** Apart from flagship schemes of the Central Government several initiatives have been taken for development of LWE affected areas. These include focused schemes for development of roads, installation of mobile towers, skill development, improving network of banks and post offices, health and education facilities, particularly in the 35 worst affected districts.
- ◆ Rights and Entitlements related measures.

SAMADHAN

It is a strategy of MHA to frame short term and long term policies to tackle LWE.

It includes:

- S — Smart Leadership
- A — Aggressive Strategy
- M — Motivation and Training
- A — Actionable Intelligence
- D — Dashboard Based KPIs (Key Performance Indicators) and KRAs (Key Result Areas)
- H — Harnessing Technology
- A — Action plan for each Theatre
- N — No access to Financing

► 5.8.3 Administrative Hurdles in Dealing with Left Wing Extremism

1. Poor infrastructure, lack of communication and shortage of trained manpower are key problems in fighting with Maoists.

2. Due to lack of infrastructural growth, there is clear absence of routine administration in these areas which allows Maoists to run camps, collect taxes and extort money from all industries and infrastructure companies working in their area. Thus, Maoists conduct a virtual parallel government. The Dandakaranya region straddles different states and gives the Maoists a distinct advantage.
3. Interstate boundaries are fissures which are being exploited by Maoists. There is poor coordination among various state police forces. The inter- state trijunctions are the worst affected.
4. There is also lack of professionalism and proper understanding between central forces and state police.
5. Differences in policies of state governments regarding surrenders, talks and policing strategy are also exploited by the Maoists. Pressure in one state allows easy movement into another. It happened during Operation Greyhound which was very successful in Andhra Pradesh. It almost eliminated Naxalites in the state but they made an easy escape to adjoining states like Chhattisgarh, Maharashtra and Odisha. Had the operation been supported by all these states at that time, Naxalism would at least have been eliminated in the Dandakaranya region.
6. Besides this, since many rebels are recruited from among the tribals, they have a built-in advantage over the security forces. Even though government forces outnumber the rebels and have greater resources at their disposal, they frequently fall prey to devastating attacks in remote areas.
7. The state police is poorly equipped and trained and is short of manpower, while the central forces apparently lack commitment and motivation.

Strengths of Maoists

- (a) Public support (eyes, ears and EW)
- (b) Familiar with terrain (Jungle terrain). Effective navigation skill during day and night
- (c) Effective cross-country mobility.
- (d) Tough, agile with hunter's instinct and highly motivated.

- (e) Adept in snatching Arms and ammunition from the security forces.
- (f) Skillful in preparing and employing Traps and IEDs.

Constraints of Security Forces while fighting Maoists

- (a) Living and fighting in unfamiliar terrain and in relative inhospitable condition.
- (b) Uncertainty of when, where and how the next action will occur.
- (c) Observation of the aftermath of atrocities of Naxals.
- (d) Difficulty to distinguish Naxalite from local population.
- (e) Prolonged separation from the families or perceived neglect of the families.
- (f) Encountering IEDs and getting ambushed.

5.9 THE WAY FORWARD

Naxalism is not merely a law and order issue. The phenomenon of Naxalism is directly related to under-development. It is not a coincidence that the tribal areas are the main battleground of left-wing extremism today. Exploitation, artificially depressed wages, inadequate employment opportunities, lack of access to resources, under-developed agriculture, geographical isolation, lack of land reforms, all contribute significantly to the growth of the Naxalite movement. All these factors have to be taken into consideration as we evolve solutions for facing the challenge. History tells us that masses do not want to associate with non-violent people. They are generally peace loving. It is only due to circumstances that they are forced to adopt a path of violence.

Naxalism is not the problem; rather it is the symptom of a problem. Why doesn't Naxalism flourish in the markets of Gujarat, the fields of Punjab or in the IT parks of Gurgaon and Hyderabad? Why is Maoist ideology succeeding in Nepal when it is failing in China? The answer is obvious. In the places that left wing extremism succeeds, people are relatively poor, they face oppression from various segments of society, and the government is indifferent to their plight with little prospects of things getting better in the future. Left-wing extremism fails when the reverse is true.

To eliminate Naxalism, it is not enough to eliminate their leaders, imprison their rank and file or arrange for mass surrenders of men and weapons. You do all of that and you can still fail; new leaders will rise, the cadres will return and weapons are easy enough to get.

To truly eliminate Naxalism, we must undercut their *raison d'être*, their reason for existence. While their methods may be abhorrent, most of their goals (apart from overthrowing the government) are not. Therefore, the government must fulfil their goals for them. If they have nothing to fight for, they will not fight.

Electricity and running water are virtually non-existent in remote areas of the Red Corridor. The absence of basic necessities has produced opportunities for the Naxalites to provide services to local residents, such as irrigation systems. The infrastructure that does exist has long been a target of the Naxalites: power plants, schools, and phone and rail lines have all been attacked. This gives credence to the Centre's assertion that security needs to be established before development can come. This is a contentious issue among affected states, which argue that the Naxalites would be able to attract fewer new recruits if basic needs are met on a more acceptable basis.

The fight against Naxalism has to be long and persistent. There must be multi-pronged composite strategy to deal with it. Developmental initiatives should follow security forces' action closely. Otherwise, success of security operations will not sustain for long.

We can broadly divide the strategy as follows:

► 5.9.1 Development Strategy

The following steps should be taken to wean away the masses from the influence of Naxalism:

1. Special focus on political security and accelerated socio-economic development in a holistic manner
2. Better infrastructure like roads, electricity and communication in core Naxal areas. For implementing large infrastructure projects, particularly road networks that are strongly opposed by the extremists or are used to extort funds from local contractors, the use of

specialised government agencies like the Border Roads Organisation in place of contractors may be considered as a temporary measure.

3. Political parties must strengthen their cadre base in Naxal areas so that potential youth can be weaned away from the path of Naxal ideology
4. Affirmative action by state
5. Decentralisation and participative democracy
6. Coordination among different departments of state to ensure holistic development
7. Coordination between police and different state departments
8. Coordination and implementation of schemes of different central ministries, especially the Integrated Action Plan for 82 districts and Road Requirement Plan for 34 districts.
9. Coordination and implementation of various development schemes, flagship programmes and distribution of titles under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in left-wing extremism affected states.
10. Special efforts are needed to monitor the implementation of constitutional and statutory safeguards, development schemes and land reforms initiatives for containing discontent among sections vulnerable to the propaganda of violent left extremism.

► 5.9.2 Security Strategy

Those who are hardcore ideologues and whose only purpose is to overthrow the state have to be dealt sternly with the policy of bullet-for-bullet. We have to wean away peace loving common people from the hardcore Naxalites as these people do not want development. They use underdevelopment and governance deficit as a means to achieve their selfish goals. Operation Greyhound of Andhra Pradesh has shown a professional way to handle the Naxal menace.

Some broad points of security strategy are given as follows:

1. Professional dominance by security forces

2. **Centre-state cooperation:** Centre and states should continue with their coordinated efforts where the Centre should play a supportive role with state police forces taking the lead. Primacy of state police at all levels augmented state police strength, upgradation and capacity building of local state police
3. Increasing the number of security forces in the strongholds of the Naxals
4. Local police infrastructure should be developed with more thanas, chowkis, posts and battalions. Thanas and chowkis should be strategically located and well-functional
5. Modernisation of weapons and technical equipment
6. Improvement of communication systems and electronic surveillance systems
7. Special training to police personnel
8. Formation of specially trained special task forces on the pattern of the Greyhounds in Andhra Pradesh
9. Special emphasis on strengthening of local intelligence units of the affected states
10. Since it is an inter-state problem, the states should adopt a collective approach and pursue a coordinated response to counter it
11. Promote local resistance groups on lines of 'village defence committees' (VDC) in Jammu and Kashmir
12. Inter-state police coordination, especially in Dandakaranya region
13. Better command, control and coordination between state and central forces
14. Tightening of control on availability of explosives
15. Posting of competent and motivated police officers in LWE affected areas and subsequent incentives for choice postings and suitable reward packages.

► 5.9.3 Psychological Operations

The following measures should be implemented:

1. **Build trust:** Winning a psychological war against the Maoists remains an unfinished task. To bridge this trust deficit, civil society must join hands with the government in realising the villagers' right to development.
2. Effective and persistent psychological operations must be launched to delegitimise the movement
3. Media and public perception management
4. Administration to engage with public at large, civil society, NGOs to restore people's faith and confidence in the government machinery

► 5.9.4 Other Measures

The following measures should additionally be implemented:

1. **Choke funding:** The nexus between illegal mining/forest contractors and transporters and extremists which provides the financial support for the extremist movement needs to be broken through establishment of special anti-extortion and anti-money laundering cell by state police. The doors for peace talks should always be open
2. There should be genuine attempt to win the hearts and minds of the people
3. Time-bound conviction of arrested cadre must be ensured through vital reforms in criminal justice system
4. Effective surrender and rehabilitation policy ensuring proper safety and care of their families
5. Better adherence to the law legislated for protection and development of tribals

► 5.9.5 A Few Success Stories in the Fight Against Naxalism

1. Story of Sandesh (Bihar)

Sandesh block in Bihar has seen gradual elimination of Naxalites. Sandesh comes under Bhojpur district. There are 11 panchayats under the block. A grassroots' view of the end of Naxal dominance in panchayats of Sandesh block would be illuminating. Naxalism in Bihar started from two blocks of

Bihar. Sandesh was one of them. The other adjoining block was Sahar. The most important factor which proved instrumental in dismantling Naxal dominance was the Panchayat elections initiated in Bihar. In the panchayat elections of 2000, six panchayats had Maoist mukhiyas. The second panchayat elections were held in 2006. It was the first important signal of the growing unpopularity of Maoists in the villages. It also created a significant distance between the Maoist leaders and the local community. The process of social cohesion against the Maoists started in many panchayats of Sandesh block. This new attitude of the social order forced sympathisers of Naxalites to mend their ways or leave the villages. Social pressure forced many Naxalites to switch over to farming and shed off their association with Naxal outfits. Gradually, Sandesh block grew relatively free from Naxal violence.

2. The Aasdwar Project in Jehanabad (Bihar)

There are many initiatives started by the Bihar government to curb Naxal movement in Jehanabad district which remained in the news for Naxal violence for more than two decades. One such is the Aasdwar Project in Jehanabad district. The scheme is currently underway in five Naxalite affected panchayats of the district. These are Sikariya, Sewanan, Mandebigha, Surungpur-Bhawanichak and Jamuk, all in Sadar block. Villages under these five panchayats are witnessing a flurry of development activities on a war footing. The state government has come out with a liberal package of welfare schemes under Aasdwar, including construction of cement lanes, drains, chaupals and link roads worth ₹ 29 crore.

Other works include construction of buildings for schools and Aanganwadi centres, culverts and individual toilets. The Centre has also taken some affirmative action in respect of forest rights (Forest Act 2008), displacement (R&R Policy), livelihoods (NREGA), etc. The people, at large, seem to have embraced the state's Aasdwar programme in a big way. So, as this case study amplifies, Naxalism can be defeated and eliminated by the process of development and a new social order but the change has to come from within.

3. AP Greyhounds Model

Andhra Pradesh had shown a model for controlling Naxalism. Though the 'Greyhounds' Naxal fighting force was its main element, infrastructure

development and effective surrender and rehabilitation policy have also proved effective. The model was so successful that all the Naxalite leaders were forced to leave Andhra Pradesh and try new hideouts in Odisha, Chhattisgarh and Maharashtra.

Key elements in the Andhra Pradesh model

- ◆ Effective surrender and rehabilitation policy
- ◆ Culture of police leadership
- ◆ Infrastructure development
- ◆ Sound knowledge of local terrain
- ◆ Grass roots involvement in anti-Naxal operations
- ◆ Incentives to police for good work
- ◆ Superior intelligence, coordination and assessment
- ◆ Operations based on local intelligence

5.10 KEY ISSUES

► **5.10.1 Intellectual Support to Naxalism**

Influential intellectuals regularly support Naxalism in the name of advocating an egalitarian society, human rights and tribal rights. They condemn security forces for human rights violation but surprisingly adopt a noble silence when Naxalites brutally kill security forces, politicians and common people. It clearly reflects their double standards. They should also understand that use of violent means cannot be supported to achieve a noble cause in a democratic set-up. Although it has become a disturbing fact that resorting to violent agitation is the preferred strategy for aggrieved citizens to articulate their grievances as compared to constitutional methods of democratic agitation. Rather than supporting Naxals blindly, these intellectuals should encourage Naxals to fight elections, to join mainstream society and to learn the art of give and take of democratic bargaining without aggression. Instead of supporting the violence by Naxals blindly, intellectuals should also

condemn Naxals' opposition of developmental projects in underdeveloped areas.

The recent JNU issue is also related to the above discussion. Candidates are advised to take a balanced view and not support Naxal violence in any way as it is against constitution and against democratic means.

► 5.10.2 What was Salwa Judum and why it Failed?

Salwa Judum was a movement in the Bastar area of Chhattisgarh which assumed the form of mass movement against the atrocities committed by Naxalites. It literally means 'collective problem solving platform' and it gained momentum because people got fed up with Naxalites' intimidation and extortion. The administration claims that it was spontaneous, peaceful and a voluntary case of public uprising against the Maoist movement. The Naxalites never wanted the Salwa Judum movement to succeed in Bastar because they were hounded by the 'Greyhounds' force of Andhra Pradesh and Bastar was their biggest bastion. They established their people's government in *Dandakaranya Zone* (which is a cluster in the remotest corner of the five adjoining states of Chhattisgarh, Odisha, Andhra Pradesh, Madhya Pradesh and Maharashtra). This is an area of immense strategic and geopolitical importance for Naxalites. They adopted some counter strategies against Salwa Judum. Firstly, the leadership of this movement was branded anti-people and some key leaders were executed. Secondly, the entire propaganda machinery in favour of the Naxalites was ordered to throttle Salwa Judum movement in its infancy. Soon, the movement was discredited on many counts. It was shown that it was a proxy police movement and the police was recruiting children forcibly. It is believed that in 2006, more than 100 villagers involved in the movement were killed by the Naxalites. Finally, in May 2013, senior Congress leader Mahendra Karma, who had supported the movement, was killed mercilessly. Surprisingly, the so-called human rights activists and intellectual supporters of Naxalites were silent on this killing. With no support from any quarter to counter this propaganda, the Salwa Judum movement was killed in its infancy.

Far from being a solution, Salwa Judum caused more problems than it solved. Levels of violence went up and there were gross human rights violations. The Supreme Court banned the Salwa Judum. The Supreme Court

argued that the responsibility of protecting the people was the responsibility of the Indian State. The state cannot give up that responsibility by simply giving arms to people and asking them to fight for their own security.

► 5.10.3 Should Army be Deployed Against Naxals?

The army is trained to fight against an enemy country. Fighting with our own people is not the job of the Army. In fact, the Army is employed to protect its own people. It would be very difficult for the army to distinguish innocent people from hardcore Naxalites. The Army is a symbol of national pride. We must ensure that the image of the army is not affected. So, Naxalism has to be fought by the police and other para military forces.

Also, a complete armed solution is not the only answer to Naxalism. We should give more emphasis on effective administration, development and growth of the affected areas. As of now, it is not advisable to deploy Indian Army against Naxals. However, air support from army can be taken not for air strikes but for evacuation, supply, medical aid, etc.



PROBABLE QUESTIONS BASED ON THIS CHAPTER

1. Should army be deployed in left-wing extremism affected areas? Justify your answer.
2. How much intellectual support to Naxalism is justified?
3. What are the basic features of Operation Greyhound?
4. What are the aims and objectives of Naxalites? Are they really the messiahs of downtrodden as they claim to be?
5. What are the factors responsible for the rise of Naxalism?
6. Naxalism is the outcome of failure of governance. Justify your viewpoint.
7. Jal-Jungle-Jameen are the root of Naxal problem. Elaborate the statement.
8. Tackling urban Naxalism is equally important in fight against Naxalism. Explain.

9. Analyse the impact of government policies adopted in last 10 years to solve the Naxal problem.



UN Secretary General Kofi Annan once proclaimed, '*No one in this world can be comfortable or safe when so many people are suffering and deprived*'. Therefore, suffering and deprivation due to under-development are bound to have implications on issues of internal security.

Simply speaking, there are several areas in the country where crucial elements of survival, like food, shelter and clothing, are a luxury for people and these areas also lack basic infrastructure like roads, drinking water and electricity. In such cases, there is economic insecurity leading to crime and other anti-social activities.

6.1 MAJOR COMPONENTS OF DEVELOPMENT

Major components of development are:

1. **Economic development:** Employment, per capita income, industrial development
2. **Social development:** Gender equality, women empowerment, pluralism, respect for diversity, education of children, social security, etc.

3. **Political development:** Democracy, political rights, civil liberties
4. **Human development:** Health, education, human rights, life with dignity and self-esteem
5. **Infrastructure development:** Transport, communication, highways, rail network, telephone connectivity, cyber broadband network
6. **Sustainable development:** Ecological safety, environmental protection, biodiversity preservation
7. **Administrative development:** Good governance, time bound delivery of public services, public participation in government, transparency, accountability, pro-people governance.

An imbalance between different components of development, can lead to problems and even extremism.

For e.g., in tribal areas, if development is only understood as opening of mines and development of roads/rails, without investing in social infrastructure such as building hospitals and schools, tribals may feel exploited. This feeling of anger and neglect may be used by Naxals to recruit tribals into their fold.

6.2 FACTORS RESPONSIBLE FOR SPREAD OF EXTREMISM

The factors responsible for the spread of extremism are:

1. **Jal-Jangal-Jameen:** Disruption of age-old tribal–forest relationship, violation of traditional land rights, land acquisition without appropriate compensation and rehabilitation
2. **Economic:** Unemployment, poverty, infrastructure deficit like poor transport, lack of health facility, lack of education, communication and electricity, rising gap between rich and poor
3. **Social:** Social inequality, discrimination, denial of human rights, abuse of dignity of life
4. **Political:** Lack of people's participation in government

5. **Governance deficit:** Lack of routine administration, complete absence of government machinery in remote areas, poor implementation of laws, mismanagement and corruption in government schemes
6. **Ethnic**
7. **Geographical**
8. **Historical**

The first three factors are development deficit related factors that directly cause extremism. The fourth and fifth factors are not the root causes but give impetus to the already existing extremist feelings and are thus used by extremists to propagate their nefarious designs. The sixth, seventh and eighth are not related to development at all and they have their roots in history, geography and ethnicity and have been explained in detail in earlier chapters.

► **6.2.1 Development-linked Factors Applicable to India for Spread of Extremism**

For terrorism to grow in a particular area, there needs to be some fertile breeding ground. Poverty, unemployment and lack of development provide that fertile ground. Terrorism needs an ideology which could be in the name of religion, race and region or the Marxist ideology of egalitarian society. Combined with fertile ground and ideologies, lack of administration resulting in governance deficit along with political factors is used by hardcore ideologues to brainwash and radicalise the youth. Therefore, lack of development has direct as well as indirect linkages with extremism.

1. Jal-Jangal-Jameen Issues (Disruption of Age-old Relationship)

Tribals may feel alienated if a specific model of development is imposed upon them, without their consent. Such an imposition of 'modern' model of development upon 'primitive' tribals, is one of main factors why Naxals are able to garner support from tribals of central India.

For centuries, tribals have a natural co-existential relationship with their natural habitat, i.e. forests. But modern legislations and governance in the last century considerably altered this age-old relationship. The Forest Act, 1927 and the Forest Conservation Act, 1980 along with stringent Supreme Court orders and developmental activities like mining, power projects and industrialisation have taken away sources of their basic livelihood. The most important being the Forest Conservation Act, 1980. As per the Act, their traditional rights have been curtailed and they can no longer make a livelihood out of their habitat (forests). As a result, their old livelihood has been taken away and has not been replaced by the fruits of new development. They have access to neither the basic infrastructure (transport, communication and electricity), nor the consequent economic development which could provide them employment and rid them of poverty. This has resulted in a feeling of despair and deprivation among the tribals. Therefore, they are vulnerable to recruitment by extremist ideologues. They should have been given fair share in profit and royalty of mining and industries. The tribal population has thus been fertile ground for recruitment for the left wing extremists. Coupled with poor governance and other social and political factors they have easily been converted into hardcore followers of the naxalite movement.

2. Economic Issues

Poverty, unemployment and lack of education continue to be portrayed as fundamental drivers of extremism. Poverty and unemployment are often blamed for creating feelings of hopelessness and desperation. Poor economic conditions foster lack of opportunities, resulting in a limited number of options for gainful employment. The unemployment pushes the youth towards the lure of extremist ideas. It is not surprising that the hotbeds of terrorism today—Afghanistan, Yemen, Somalia, Pakistan, Indonesia—happen to be some of the poorest and most corrupt countries in the world. Poverty and unemployment resulting in anger, resentment, despair and sense of injustice are a volatile combination in the minds of young men and women. These young minds can be manipulated to pick up arms. Individuals from higher income groups of society are more likely to have a range of economic activities available to them and are less likely to

engage in terrorist activities. High levels of unemployment and higher gap between the rich and the poor also increases the potential for terror organisations to recruit educated, unemployed youth who are capable of carrying out more effective and brutal attacks.

3. Social Issues

High levels of social fragmentation, perception of exclusion and marginalisation in some segments of society act as push factors for extremism. Relative deprivation and frustrated expectations for economic improvement and social mobility are also major drivers of extremism.

“In the north eastern region of India, many tribals support the cause of extremism because they feel their cultural identity is under attack, due to migrants from other parts of the country or from outside the country.”

4. Political Issues

Political factors are also an indirect cause for spread of extremism. In places where human rights and democratic values are lacking, disaffected groups are more likely to opt for a path of violence. Extremism also flourishes due to severe restrictions on civil liberties and political rights. Civil liberties include freedom of expression, association, movement, and the press; freedom of, and from, religion; the right to due process; protection for individuals against unwarranted use of state power; and protection for minorities against potential encroachment on their fundamental rights that may result from majority rule. Political rights refer to the existence of rules and mechanisms (e.g., free and fair elections) that enable individuals and communities to affect governmental decision-making, and to participate in political processes more generally. These political factors are used by terrorist groups to brainwash educated unemployed youths to their ideology.

5. Governance Deficit

Ungoverned or poorly governed places may enable extremists to establish sanctuaries or safe havens. Poorly governed places may also create passive or active support for extremists among communities that feel ignored by the government. Where no government agency is able to provide for security

and the rule of law, extremists may be able to impose their own order, and they may be able to extract money or recruits from the population.

Regarding the link between extremism and governance, stable democracy manages conflicts effectively by being open to political feedback about what is not working in the country, and by responding with remedial measures. But unfortunately, in India, over the years, the government has not been proactive in this regard. It ignored the legitimate grievances of the tribals of the North-east and Dandakaranya region. A society that does not respect principles of good governance, that is not transparent or accountable, and that does not respect the rule of law, finds it difficult to achieve sustainable development. Because the link between good governance and conflict is apparent, development is also tied to conflict and terrorism. Good governance is necessary to achieve sustainable development and to avoid, or at least manage, conflicts including terrorism.

6. Tri-junction Theory

According to this theory, areas situated around the tri-junction of borders of three states have the problem of governance-deficit. These areas lack transport, communication and other infrastructure. Dandakaranya—the worst affected Maoist area in the country is a perfect example of tri-junction theory.

Conclusion Terrorism has to have some basis, some ideology or some utopian goal so that a romantic illusion can be created in the minds of some sections of people, especially the younger generation. Sometimes, they use genuine issues like poverty, unemployment, etc. as a tool to attract masses to their cause. Many well meaning, liberal intellectuals fall prey to their propaganda without understanding the true nature of their doctrine which glorifies violence and believes in annihilation of all the people who are not with them. Sometimes, they create false issues by which their support base can be consolidated. But the underlying factor which fuels these movements is the visible lack of economic and social development. This is the basis of the insurgency movements in the North-east or left-wing extremism in the country.

However the link between extremism and underdevelopment is not universal. J&K is an example where extremism is not because of underdevelopment but is due to historical and geographical reasons.

6.3 POSITIVE IMPACT OF SOCIO-ECONOMIC DEVELOPMENT ON REDUCING EXTREMISM

Social and economical development policies can contribute to peace and stability. The sections of society benefitted with development may start working to inhibit local support to extremists. It can discourage terrorist recruits. Many terrorist organisations attract new members from communities in which terrorism is generally considered a viable response to perceived grievances. Some terrorist groups also offer recruits financial incentives and additional family support. Social and economic development policies can help to reduce the pools of potential recruits by reducing their perceived grievances and providing the members of these communities with viable alternatives to terrorism. The ability of development policies to curb terrorism depends on their implementation. The most successful social and economic development policies are those that are

1. Developed in consultation with community leaders,
2. Are based on needs and assessments that address the specific requirements of targeted communities, and
3. Are accompanied by disbursement mechanisms that ensure proper fiscal management and non-partisanship.

Social and economic development policies can be used as a ‘stick’ to discourage terrorism. Development assistance can be made conditional on the absence of violence, thus discouraging support for terrorists.

We have successful examples of Tripura, Mizoram and other parts of the North-east where the spread of extremism ideology has been contained after robust and holistic development of these areas.

6.4 CONSTITUTIONAL AND LEGAL SAFEGUARDS FOR TRIBAL POPULATION

1. The **Fifth Schedule** states briefly that all scheduled areas of the country which are forest reserves and inhabited by scheduled tribes are to be administered by the governors of the states by appointing tribal advisory councils from among the tribal community of a particular forest reserve or a scheduled area. But, this has not happened in India. In this vacuum, these forests have been leased for mining, thereby displacing the tribal communities.
2. The **Ninth Schedule** of the Constitution deals with the fact that cultivable land which over thousands of years had come under the ownership of upper castes should be acquired by the government and redistributed among India's landless peasantry. Since land revenue was a state subject, the states were to legislate land ceiling laws and implement them by acquiring farmlands from landlords and redistributing them to landless farmers who for centuries worked on the lands of the landowners. Only three states, Jammu and Kashmir, West Bengal and Kerala, implemented the land ceiling laws legislated by all the states by 1955. In West Bengal, the *jotedars* — as the landlords are called there—tried to manipulate the land records and deceive landless farmers and the government. This resulted in an uprising in a village called Naxalbari led by the Communist Party of India, Marxist-Leninist (CPI-ML), a faction of the Communist party. In Kerala, land ceiling was successfully implemented in the non-hilly districts and this has prevented the Maoist Naxalites from organising a revolution there.
3. Politically, the **PESA (Panchayats Extension to Scheduled Areas) Act, 1996** gives radical governance powers to the tribal community and recognises its traditional community rights over local natural resources. It not only accepts the validity of 'customary law, social and religious practices, and traditional management practices of community resources', but also directs the state governments not to make any law which is inconsistent with these. Accepting a clear-cut role for the community, it gives wide-ranging powers to Gram

Sabhas, which had hitherto been denied to them by the lawmakers of the country.

The ground reality, however, is still quite different and PESA has mostly been reduced to a paper tiger. The two fundamental responsible factors are the mindset of the government functionaries who are contemptuous of the tribal community and the existing state government laws and provisions that negate the PESA Act.

PESA Act is for rural areas, but a similar legislation for urban scheduled areas was never debated and enacted. State governments are taking advantage of this to give speedy clearances to mining and industries in tribal areas. Their modus operandi is simple: they upgrade rural panchayats in scheduled areas to urban panchayats to bypass PESA which mandates village council's approval for such projects.

In the past few years, more than 600 village panchayats, many of them in scheduled areas, have been converted into urban local bodies, and these areas have major industrial investment proposals.

4. **Forests Rights Act, 2006** recognises and vests the forest rights of occupation to the Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act is an important instrument for improving the livelihoods of people dependant on forests by securing land rights. Before this Act came into force, there were nearly 40 lakh tribal people not possessing legal status to their lands. "The full benefits of Forest Rights Act cannot be enjoyed by the tribals on the ground as of yet. This is because it is the Forest department which administers the FRA and tribals often complain of the forest dept's 'anti-tribal mindset'."

Some of the major concerns regarding implementation of this Act are related to high rate of rejection of claims, very little progress in the recognition of community rights and habitat rights of Particularly Vulnerable Tribal Groups (PVTGs), convening of Gram Sabha meetings at the Panchayat level, insistence of particular form of evidence, claimants not being informed about rejection of claims and inadequate awareness.

5. **Prevention of Atrocities on SC/ST Act, 1989** was brought into force with effect from January 30, 1990 with the main objective ‘to prevent the commission of offences of atrocities against members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto’.
6. **New Land Acquisition Act (The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013)** regulates land acquisition and provides laid down rules for granting compensation, rehabilitation and resettlement to the affected persons in India. The Act has provisions to provide fair compensation to those whose land is taken away, bring transparency to the process of acquisition of land to set up factories or buildings, infrastructural projects and assured rehabilitation of those affected. The Act establishes regulations for land acquisition as a part of India’s massive industrialisation drive driven by public-private partnership. “The new Land Acquisition Act is a pro-people and progressive piece of legislation. However, many state governments have diluted provisions of this act, in order to attract private investors and foreign companies. In an attempt to increase the ‘Ease of doing Business’, the rights of tribals and farmers are being sidelined’.

6.5 WHAT SHOULD BE DONE?

Our mission should be to end left wing extremism by ending extreme poverty and rampant unemployment. Anger, resentment, and despair are a volatile combination in the minds of young men and women who see little hope for escaping their situation. The goal of development is to eradicate poverty, promote inclusion and social justice, to bring the marginalised into the economic and global mainstream. Building of capacity is the essence of development and is a long-term process. The following are some of the steps required:

1. Sensitisation to local context and customs, and addressing the critical needs of conflict-affected communities
2. Giving more emphasis to topics like community development, governance, service delivery, human rights, and political grievances
3. Effective implementation of protective legislation
4. Intense dialogue, so as to arrive at conclusions
5. Improved infrastructure and large investment in infrastructure
6. Protecting tribal rights
7. Employment opportunities through tax holidays to investments in those areas
8. Ensuring social security, livelihood security
9. Food security and education
10. Land reforms and equitable distribution of infrastructure projects
11. Constructive dialogue with extremists
12. Prosperity for all people
13. Anti-corruption efforts
14. End of political marginalisation, social discrimination, cultural humiliation, violence by state functionaries, human rights abuses, and social oppression
15. Ensuring minimum wages and proper implementation of labour laws.



PROBABLE QUESTIONS BASED ON THIS

CHAPTER

1. What are the linkages between development and the spread of left wing extremism? Explain with suitable examples.
2. Is underdevelopment the sole reason for the rise of extremism?

3. Imbalanced development can also lead to rise of terrorism. Discuss.
4. Development without sustainability and inclusivity can give rise to terrorism. Comment.



7.1 SECULARISM—INDIAN CONTEXT

India is a multi-religious, multi-ethnic and multi-cultural pluralist society. Unity in such diversity is the uniqueness of the Indian society. The Indian Constitution is a precious document of lasting value that preserves the composite culture and promotes the essence of Indian polity. The Constitution through its Preamble, Fundamental Rights and Directive Principles has created a secular state based on the principle of equality and non-discrimination. The Supreme Court has included 'secularism' in its doctrine of basic structure which cannot be amended even by the Parliament.

The Indian model of secularism means equal treatment and equal respect for all religions by the State to endorse communal harmony and religious tolerance. It is derived from the doctrines of '*Sarva Dharm Sambhav*' and '*Sarva Dharm Sadbhav*'. Unlike the western model of secularism, which envisions complete separation of religion and state, the Indian model is based on non-discrimination and equal participation by the State in all religions.

7.2 HISTORICAL BACKGROUND

The seeds of the present communal violence were sown in the aftermath of the freedom struggle and the Partition. The partition of Bengal on communal lines by Lord Curzon in 1905 can be considered as an attempt by the British to communalise Indian society and the political structure. The formation of Muslim League in 1906, and the introduction of separate electorates on communal lines in 1909 through the Morley-Minto reforms and the creation of Hindu Mahasabha in 1915 is believed to be the beginning of modern day communalism in India. The two-nation theory adopted by the Muslim League led to the division of this country into two separate sovereign nations. The Partition resulted in displacement of nearly 14 million people along with estimated loss of life of 2-3 million people. The violent nature of the partition created an atmosphere of mutual hostility and suspicion between Hindus and Muslims.

After partition, India has seen recurrent communal riots in different parts of the country. A rise in fundamentalist feelings occurred due to the Shah Bano case in 1986 and Ayodhya events of 1990s. On one hand, there was a growing feeling of fear among Muslims. On the other hand, Hindus opposed the so called pseudo-secularists and appeasement policies of successive governments. After 1992, post Ayodhya riots spread almost all over the country. Mumbai even witnessed bomb blasts. Again the Godhra and post Godhra riots of 2002 further disturbed communal harmony in the country. In 2013, communal clashes in Muzaffarnagar and adjoining districts of western Uttar Pradesh have further vitiated the atmosphere. The Ministry of Home Affairs' data on communal violence nationwide reveals that there has been a decline in communal incidents from 2008 till 2011 but a sharp increase was recorded in 2012 and 2013. The year 2013 saw more deaths due to communal riots than the entire three-year period of 2010–2012. Uttar Pradesh alone accounted for 35 per cent of the communal incidents across the country in 2013.

Recent years have seen a growth of both Muslim and Hindu chauvinistic organisations. Though Indian Muslims have, by and large, resisted continuous efforts at radicalisation, but due to political and criminal exploitation of communal sentiments, fringe elements within the Muslim

community remain vulnerable to mobilisation, recruitment and radicalisation by hostile anti-India forces that have always been looking to wage a proxy sub-conventional war against India.

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7.3 FACTORS RESPONSIBLE FOR COMMUNAL RIOTS

The following factors are responsible for communal riots.

1. **Historical factors:** The history of Partition and the two-nation theory have generated a deep sense of communalism and lack of mutual trust among both the communities. It discouraged a harmonious association and peaceful co-existence.
2. **Political factors:** Divide and rule policy practised by the British and the subsequent vote-bank politics followed by Indian political parties after Independence have added to the divide between the communities. Lack of liberal, progressive and modern attitude in both communities has also weakened the cause of communal harmony.
3. **Educational factors:** There is lack of modern education among a large section of Indian society. A majority of Indians failed to adopt a scientific and technological approach and hence are reluctant to adopt liberal, progressive values.
4. **Socio-economic factors:** Due to their educational backwardness, Muslims have not been represented sufficiently in public services, industry and trade, etc. Their economic status is very low, which causes the feeling of relative deprivation and such feelings contain the seeds of communalism.
5. **Psychological factors:** Psychological factors play an important role in the development of communalism. Both communities have perceived grudges against each other. There is a sort of fear psychosis amongst Muslims, leading to communal ill-feelings. Muslims say that Muslim youth are falsely arrested in anti-terror cases. This was the case in the Malegaon Bomb blast case and many other cases. Thus, Muslims have grown fearful of state institutions.

6. **Identity crisis or identity factors:** There is a feeling that Muslims are reluctant to join the national mainstream. Most of them do not enthusiastically participate in secular nationalistic politics and insist on maintaining their separate identity.
7. **Cultural factors:** Orthodox members of both communities feel that they have a distinct entity with their own cultural pattern, personal laws and thought processes. There are strong elements of conservatism and fundamentalism among both the communities.
8. **The ISI factor:** It is widely believed that the ISI is directly encouraging and promoting communalism by instigating hard core fundamentalist elements of Indian Muslim community. It is also believed that vulnerable youth are trained by ISI to destabilise India's internal security by spreading communal venom.
9. **Influence of international Pan-Islamic Jihadi movements:** Pan-Islamic movements have also been mobilising anti-India Jihadi sentiments in the context of the Kashmir issue and the Gujarat riots.
10. **Demographic factors:** Demographic changes in Assam, West Bengal and the Kashmir Valley create opportunities for manipulation of communal sentiments for short-term political objectives.
11. **Social media factors:** Negative impact of social media in spreading rumours, disinformation, hate-campaign and fanning violence.
12. **Organised criminal involvement:** Underworld criminals like Dawood Ibrahim, Chhota Shakeel, etc. are believed to have a key role in acting as agents of vested interest in instigating communal riots. There is also lack of political and social consciousness towards building a harmonious, coexistent society. We also need to build a nationalistic consciousness where the nation is above everything else.
13. **Lack of strong action:** Lack of strong and decisive action by police and allegations of biased or delayed action by them are also a cause. Real perpetrators are rarely punished and there is lack of fear of law that could prevent them from instigating communal riots.

► 7.3.1 Immediate Flash Points for Riots

There are many causes why communal riots flare up:

1. Gender offences : Offences like sexual harassment, rape, elopement with girls/boys of other community. Hindu organisations attribute such elopement and marriages as part of a conspiracy, namely 'love jihad'.
2. Land disputes: Disputes over ownership of land belonging to graveyards, construction of new place of worship, unauthorised construction, claims and counter claims over old constructions at places of worship as well as demolition.
3. Religious festivities : During celebration of Holi, Eid, Moharram, etc. many local disputes arise between the two communities which have a potential to flare up.

► 7.3.2 Fake News

Fake news is a deliberate lie or a half truth circulated with the intention to mislead or cause harm to a section of people. The fake videos currently circulating in the Kashmir Valley (originating from both sides) show gruesome attacks on the Army as well as inhuman repression of the civilians in order to rouse passion and inflame communal atmosphere. With the arrival of the new and highly sophisticated fake videos, the situation can quickly go out of control and lead to large scale mob violence including mob lynching.

Measures to Combat Fake News

- (i) Robust surveillance and compliance mechanism to ensure healthy accessible content to people. Source of news should be verified.

Reporting: People should have the opportunity to report illicit content through flagging, and definite steps should be taken to see its credibility. Also people involved in this should be scrutinised

- (ii) Social media can also be used to increase the awareness in people to ensure equality, end of discrimination on any grounds and ensure harmony

- (iii) It should be the ethical responsibility to work in close connection with the concerned authority and share data at times of crisis for reasons of national security and public order.

Government Steps

In the wake of fake news spread over WhatsApp, the government has been pushing WhatsApp to find a technology solution to trace the origin of messages that can help crimes like mob lynching emanating from fake news.

WhatsApp has responded to the Government's response by bringing in few new features to control the damage done by fake news.

► 7.3.3 Mob Lynching

Lynching is a form of violence in which a mob, under the pretext of administering justice without trial, executes a presumed offender, often after inflicting torture and corporal mutilation. The term lynch, law refers to a self-constituted court that imposes sentence on a person without due process of law.

Government Initiatives

1. SC orders states to designate officer of SP rank as nodal officer in every district to prevent mob violence.
2. Centre, states to broadcast radio, TV and online messages and warning that lynching and mob violence shall invite serious consequences.
3. FIR must against persons spreading such fake/irresponsible messages.
4. Police or district administration's failure to comply with SC directions will be deemed deliberate negligence.
5. State to draw up compensation scheme for lynching with provision for interim relief to victim next of kin within 30 days.
6. Lynching cases to be tried by fast tracks courts in each district and preferably concluded in six months.

Recent Incidents of Tripura

Three separate lynching cases were reported from Tripura—all on the suspicion of being child-abductors. The incidents took place in three different districts of Tripura. The victims were a woman, a hawker from Uttar Pradesh and a man hired by the Tripura government to fight rumour mongering.

Following the incidents of lynching, Tripura DGP A K Shukla said, “It has been noticed that SMS, WhatsApp and social media platforms such as Facebook, Twitter and YouTube are being widely used for transmission of fake images and videos as well as text messages which have potential to incite violence in the state at a larger rate.”

► 7.3.4 Cow-Vigilantism

Even since, the Government imposed a ban on the sale and purchase of cattle for slaughter at animal markets across India, under Prevention of Cruelty to Animals statutes (May 26, 2017), it sparked a new wave of cow vigilantism in the country. Though the Supreme Court, suspended the ban on the sale of cattle in its judgment in July 2017, several innocent Muslims were killed in such mob attacks. These incidents are usually appearing to be sporadic in nature and often a spontaneous response from the Hindutva forces who are generally furious over the reports of cow smuggling and slaughter. Vigilante groups who disguise themselves as cow-protectors/gau-rakshaks have been arrested for various instances of mob-lynching.

7.4 THE WAY FORWARD

The following measures need to be implemented to curb the menace of communal violence:

1. **Taking pride in our heritage:** The feeling of nationalism should be inculcated in the mind of people by reminding them about the glorious moments of freedom struggle wherein Hindus, Muslims and Sikhs were united in the fight against the British to safeguard the interests of the country.

2. **Impartial administration and police:** Most riots persist for longer periods because people feel that the administration/police is not impartial. Changing this perception is most crucial for stopping riots. Perceived political interference in administration during communal violence must be eliminated. The directives of police reforms given by the Supreme Court should be adopted by state governments in letter and spirit. A fixed tenure of District Magistrate/Deputy Commissioner and Superintendent of Police, SHO and Field Officers will make a big difference.
3. **Policy of zero-tolerance towards violence:** Government policy and practices should be firm and strict in this regard. It should not be affected by vote-bank politics. Police must take immediate, strong and effective action against those who indulge in violence irrespective of their community. There is an urgent need of not just an effective civil administration but also a speedy judiciary. Strict bail provisions must be made in cases of communal violence on the lines of the NDPS Act.
4. **Peace committees:** Peace committees should be mandatory in every area. It should include secular and visionary people from all communities. People with high social standing like doctors, philanthropists and social workers must be engaged with such peace committees. Meetings of peace committee should be organised regularly. The district administration should engage actively with such committees to promote communal harmony.
5. **Win people's hearts through media and civil society:** The faith of common people in the local police should be restored with the help of civil society, NGOs and media. Community policing and beat-constable system is also helpful in gathering intelligence and grass-roots information.
6. **Sensitise police towards feelings of minorities:** The minority community at large views the police as communal and biased against them. Police must be sensitised to feelings of minorities and build trust.
7. **Holistic development of minority communities:** There should be a sincere effort to ensure that employment and skill development

opportunities are available in the economic, educational and social spheres for the minority communities. Efforts should be made for bringing them in the mainstream of Indian society. Mainstreaming of minorities via increased representation—Minority communities are woefully under-represented in Government services. According to the Sacchar Commission, number of Muslim civil servants at Central level is below 2 per cent. Thus, increasing the representation of minorities in State institutions, through education programmes and affirmative action, will help increase faith and build trust of minorities in the impartiality of the state.

8. **Impart liberal values:** The Centre should impart liberal values in our society through our education system. Soft skill development training should be provide to police and administration personnel.
9. **Strong legal action:** The police should take adequate steps to identify in advance potential trouble makers and make timely use of preventive sections of law. Those inciting communal feelings must be punished. Provocative speeches by religious leaders in public and media must be dealt with strictly and strong legal action should be taken against them.
10. **Positive utilisation of social media and mass media for awareness:** The misuse of social media and mass media should be prevented. Efforts should be made through mass media for changing the attitude of people towards other communities. People must be made aware of the evils of communalism. The government should sponsor movies promoting communal harmony and secularism.
11. **Proper checks and balances on social media:** Rumours/hate propaganda can be prevented through control of bulk SMSes in times of communal tension. In 2018-19, the Centre summoned officials of social media giants such as Facebook and WhatsApp to discuss methods by which these platforms could be misused by communal and anti-social elements.
12. **Ban on contesting elections:** People charge sheeted in cases of communal violence should be banned from contesting elections.
13. Special fast track courts to deal with communal riot cases and bail norms must be strict.

14. **Manpower shortage issue in police:** The number of policemen per one lakh people in India is only 130. The minimum United Nations norm is 220. This gap should be filled.
15. A fair representation of marginalised section of society in police and other security forces.
16. Capacity building of police and implementation of police reforms.
17. Identification of miscreants and action against provocateurs.
18. Videography of riots and strict legal action against rioters.
19. Creation of sources in communally sensitive areas.
20. Preventing community based ghettos in urban areas.
21. Formulating counter-radicalisation and de-radicalisation policies.



PROBABLE QUESTIONS BASED ON THIS

CHAPTER

1. What are the fundamental reasons for the rise of communal feelings in a society? Explain this with suitable examples in the context of India.
2. Is communalism the biggest threat to the country's unity? Explain with relevant examples.
3. What measures would you suggest for curbing communal violence and establishing a progressive, liberal and peaceful society in India?
4. Fake news has emerged as the latest challenge for the Internal security apparatus. Discuss.
5. Mob violence is increasing day by day. Enumerate steps to be taken to curb mob violence.



8.1 WHAT IS THE MEANING OF ‘ORGANISED CRIME’?

Organised crime means *‘a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing serious crimes or offences to obtain, directly or indirectly, financial or other material benefit’*.

It manifests in many forms. Organised crime can be further classified into two categories, viz , traditional organised crime and non-traditional (modern) organised crime.

Traditional organised crime includes illicit liquor trade, betting, gambling, kidnapping, extortion, prostitution rackets, robbery, blackmailing, sand mafia, mining mafia, contract killing, pornography, etc.

Non-traditional organised crime includes transnational crime like money laundering, pumping fake Indian currency notes (FICN), *hawala* transfer, cybercrime, hacking, human trafficking, arms smuggling, drugs smuggling, etc.

8.2 WHAT IS TRANSNATIONAL ORGANISED CRIME?

As per UN Convention, transnational organised crime comprises

- ◆ A group of three or more persons that was not randomly formed;
- ◆ Existence of such a group for a period of time;
- ◆ Acting in concert with the aim of committing at least one crime punishable by at least four years' incarceration;
- ◆ In order to obtain, directly or indirectly, a financial or other material benefit.

Since most 'groups' of any sort contain three or more people working in concert and most exist for a period of time, the true defining characteristics of organised crime groups under the UN Convention are their profit-driven nature and the seriousness of the offences they commit. The following table defines organised crime and terrorism and compares traditional versus modern versions.

	Traditional	Modern
Organised crime	Based on power over local communities	Based on expansion of global markets
	Family organisation	Networks of entrepreneurs
Terrorism	Based on support in oppressed communities	Based on sympathisers in several countries
	Military model of top-to-bottom organisation	Networks of ideologically committed operatives

► 8.2.1 Link Between Organised Crime and Terrorism

Terrorists engage in organised crime to support themselves financially. Drug trafficking, money laundering, FICN, supari killing and extortion are the main organised crimes by which terrorists generate money.

Organised crime groups and terrorists often operate on same network structures. Terrorists thrive under the cloak of transnational organised crime groups. Both organised crime groups and terrorist groups operate in areas with little governmental controls weak enforcement of laws and open

borders. Both often use similar means of modern technology to communicate.

These groups may provide smuggled arms and explosives to terrorist groups in exchange for drugs or diamonds, etc. Terrorist groups make use of smuggling networks established by organised crime to move operatives around the world. Criminal groups also provide money laundering services. Terrorist groups controlling the terrain tax drug traffickers in return for protection.

Organised crime and terrorism thrive on ineffective governance, poor checks and balances. They have developed a symbiotic relationship. But neither are all terrorist acts organised crime, nor are all organised criminal acts terrorism; in most developed countries, organised crime thrives with little or no terrorist activities, and in most developing countries, terrorism exists along with varying levels of organised criminal activity.

► 8.2.2 Major Differences Between Organised Crime and Terrorism

The differences between them rest on means and ends. Terrorism aims to overthrow the existing government by altering the status quo. Organised crime, on the other hand, aims to form a parallel government (parallel economy) while co-existing with the existing one; any change in the status quo is only circumstantial or a by-product and born out of convenience rather than zealous revisionist policy. Secondly, terrorism primarily uses violent means, whereas organised crime prefers to be non-violent notwithstanding the odd resort to belligerence. Third, terrorism is driven purely by political objectives despite sometimes resorting to exploitation of regional, national and religious sentiments to achieve their ends; conversely, economic objectives are the operational determinants of organised crime.

8.3 DIFFERENT TYPES OF ORGANISED CRIMES

Different types of organised crime include:

- ◆ Narcotics trafficking

- ◆ Arms trafficking
- ◆ Human smuggling
- ◆ Gold smuggling
- ◆ Fake currency
- ◆ Kidnapping and extortion
- ◆ Contract killing/supari killing
- ◆ Cyber crime
- ◆ Money laundering
- ◆ Maritime piracy
- ◆ CBRN smuggling (Chemical, Biological, Radiological and Nuclear Defence)
- ◆ Trading in human body parts
- ◆ Infiltration of illegal businesses

It is worth mentioning that the first five activities in the above list are more prone to have terrorist linkages.

8.4 WHAT ARE THE LINKS BETWEEN TERRORISM AND ORGANISED CRIME AND HOW ARE THEY RELEVANT IN THE INDIAN CONTEXT?

More than ever before, groups engaged in terrorism and organised crime operate together. These relationships have helped terrorist groups to be less dependent on state sponsors, and on their domestic and international supporters. The 1990s, especially the second half, witnessed a number of terrorist groups learning from criminal networks. Operating through the cover of sympathetic organisations in Europe and North America, many Asia-Pacific terrorist groups generate huge revenues from video and CD piracy, business in phone cards and credit card scams.

While organised crime involves many activities, its linkages with terrorism stem from illegal trafficking of drugs, arms and human beings,

fake currency and money laundering. Terrorist groups, whether indigenous or sponsored by outside states, need arms and money for their fight against the security forces. Organised crime needs a client and couriers who can smuggle drugs, arms and human beings across countries and regions.

In India, the linkage between the two exist at national and transnational levels. At the national level, both terrorists and those involved in organised crime are within India. At the international level, collaboration exists between transnational syndicates and terrorists from inside and outside India.

► 8.4.1 Link Between Terrorism and Organised Crime in the North-east

In India's North-east, almost all militant groups run a parallel government or have their areas of influence and are involved in collecting money directly from the people. Much of the government funds reach the militants indirectly due to mal-governance. Government officials in conflict zones are either threatened or bribed to award contracts to individuals patronised by the militant groups. Contracts apart, essential commodities like rice and fuel reach the militant groups directly which are then sold to the public at much higher prices. This phenomenon, though unnoticed in other parts of India, is a clear example of the linkage between organised crime and terrorism inside India.

Extortion, kidnapping, contracts and black marketing still fall short of financing the nefarious activities of the militants. This is where transnational drugs and arms syndicates come into play. Terrorist organisations, especially in the North-east, mobilise funds by becoming couriers of illegal drugs and arms, and at times even human beings, from one point to another within the country. Some of the infamous entry points from South-east Asia include Moreh and the entire Chittagong Hill tracts, especially Cox's Bazaar. Initially, international criminal syndicates had their own network; however, with these routes being taken over by various terrorist groups in the north eastern states, the syndicates have started using them instead of bribing them to let their consignments get through.

► 8.4.2 Link between Terrorism and Organised Crime in Kashmir

In Kashmir, the linkage between terrorists and organised crime exist at a different level. Unlike the North-east, reliance on funds from extortion and other related means is minimal. There is no parallel government in Kashmir and government resources do not reach militant hands. However, external funds compensate for inadequate internal mobilisation. External funds reach the militant organisations fighting in Kashmir through various means. For instance, enormous funds mobilised in Pakistan and other Muslim countries, especially in the Gulf, are channelled through various organisations in Pakistan to Kashmir. Markazdawaal Irshad, for example, mobilises funds from inside and outside Pakistan to support its militant wing, Lashkar-e-Taiba. Besides, external funds are also routed through select organisations and individuals in Kashmir, which finally reach the militants. Money laundering plays a significant role. Hawala transactions take place swiftly and effectively. Besides, it is also believed that the ISI uses drug money to fund militant activities in the state.

Another significant relationship between organised crime and terrorism, especially in Kashmir, is through the spread of counterfeit currency, FICN. Terrorists are the main couriers of Indian counterfeit currency inside Kashmir, which then spreads all over India. Even guides for the militants from across the border are paid with counterfeit money. In fact, when some of the ‘indigenous’ militants were also paid with counterfeits, it resulted in squabble between them and the so-called guest militants.

► 8.4.3 Link between Terrorism and Organised Crime in the Rest of India

Besides Kashmir and the North-east, sporadic incidents in other parts of India, like the Mumbai blasts, for instance, have exposed the connection between terrorism and organised crime. This is distinct from the traditional linkages flourishing between organised crime syndicates and local criminals.

Bombay Blast

Bombay Blast 1993 was a classical example of organised crime cartel's planning and executing terrorist activities. The 1993 Bombay bombings were a series of 13 bomb explosions that took place in Bombay on Friday, March 12, 1993. The coordinated attacks were the most destructive bomb explosions in Indian history. The single-day attacks resulted in over 350 fatalities and 1,200 injuries.

The attacks were coordinated by Dawood Ibrahim, don of the Bombay-based international organised crime syndicate named D-Company. Dawood Ibrahim was the mastermind behind these blasts. He is involved in all kind of organised crime cartels like drugs smuggling, gold smuggling, Supari killing, match-fixing etc.

Linkages between terrorism and organised crime came to the limelight for the first time in India with in Bombay blast. Communal tension led to terror activities first time in India. First time revenge of riots was taken in the form of terror attacks.

Dawood Ibrahim

Dawood Ibrahim is the most powerful Mumbai mafia 'don', with a countrywide network and extensive linkages abroad. He is a classic example of organised crime mafia. He is one of the most powerful gangsters involved in transnational crimes, including narcotics smuggling, extortion and contract killing. It is believed that he lives in Pakistan and Dubai with support from ISI, though ISI denies it.

Dawood Ibrahim was believed to control much of the hawala system, which is the commonly used unofficial system for transferring money and remittances outside the view of official agencies. He is currently on the wanted list of Interpol for cheating, criminal conspiracy and organised crime syndicate. He was No. 3 on the Forbes' World's Top 10 most dreaded criminals list of 2011, rising from the fourth position in 2008.

According to the United States, Dawood Ibrahim maintained close links with al-Qaeda's Osama Bin Laden. As a consequence, the United States declared Dawood Ibrahim a "global terrorist" in 2003 and pursued the matter before the United Nations in an attempt to freeze his assets around the world and crack down on his operations. The US administration

imposed several sanctions on Ibrahim and his associates. Indian and Russian intelligence agencies have pointed out Ibrahim's possible involvement in several other terror attacks, including the November 2008 Mumbai attacks.

Currently, the primary activities of this gang are extortion, contract killing, film financing, match-fixing, drug trafficking, smuggling gold and computer parts and illicit trade in arms and ammunition. The Dawood gang has been supplying arms both to criminals and terrorists.

► 8.4.4 Link between Terrorism and Money Laundering

Terrorist groups have begun to lay a premium on gaining domestic respectability, as also international acceptance, for their goals. Accordingly, such groups have gradually tended to distance themselves from visibly illegitimate businesses and to invest in legitimate businesses such as investment in share market, capital market, IPL spot-fixing, etc. Specifically, with regard to organised crime, terrorist groups have taken advantage of existing laws to further their own agenda of establishing a transnational network. Irrespective of who does it, it is not a criminal offence in most countries to generate funds through businesses and raise funds through charities. A large proportion of 'dirty money' can be traced to proliferating narcotics cartels, alien smuggling networks, etc. But law enforcement agencies find it more difficult to detect *clean-clean* money (money which is both generated and transferred legally) as compared to *dirty-clean* money (money generated from criminal operations and 'laundered'). The former has certain legitimacy and no illegal hooks attached. With governments allocating significant resources to combat money laundering, it is becoming difficult for terrorist groups to rely on criminal proceeds. The latest United Nations Conventions on (a) the Suppression of the Financing of Terrorism, and (b) Transnational Organised Crime will make money laundering even harder.

In order to evade the police dragnet, terrorist groups are consequently developing and maintaining clean money sources. Accordingly, the future scenario is likely to see rag-tag/groups-in-transition utilising 'dirty-clean money routes' and sophisticated groups using 'clean-clean money routes'. Emerging trends in organised crime indicate that most groups with a

national reach are involved in illegitimate businesses, e.g., narcotics and alien smuggling, abduction, extortion, etc. At the other end, a majority of the groups with a global reach are involved in legitimate/quasi-legitimate businesses, e.g., manufacturing, CD/ video piracy, etc.

► 8.4.5 Link between Terrorism and Drug Trafficking

Heroin from the Golden Crescent (Afghanistan, Iran and Pakistan) and Golden Triangle (Myanmar, Laos and Thailand) feeds the Asia-Pacific region with major transit routes to Europe and North America.

The increase in consumption within the region has also contributed to regional insecurity because of the terrorist-criminal nexus. While organised crime groups that are often linked to terrorist groups control narcotics distribution, many terrorist and guerrilla groups control the territories where the narcotics are cultivated or refined. The Taliban regime controlled parts of Afghanistan where heroin was produced and taxed the cultivators as also the transporters of opium. Furthermore, the threat posed by narcotics to health, economic, and law and order spheres in the region is on the increase.

Narcotic trafficking is a major source of revenue for terrorists and organised crime networks, particularly groups with trans-state reach. As much as armed ethnic groups in Myanmar control the flow of narcotics from Myanmar, armed Islamic groups tax and control organised crime networks regulating the flow of narcotics from Afghanistan. Organised crime, already prevalent in the Far East and South-east Asia, has gained a prominent foothold in the cities of South Asia since the mid-1990s. Organised crime networks in Japan, Hong Kong and China have also made greater inroads in the West. With South Asia increasingly moving towards a market economy, it is likely that organised crime will take deeper roots.



8.5 THE FUTURE OF THE LINK BETWEEN TERRORISM AND ORGANISED CRIME AND HOW THEY CAN BE BROKEN

With the loss of state sponsorship for terrorism, terrorist groups need to pursue different means of financing, mainly through arms and drugs trafficking. Terrorist dependence on organised crime for financial viability and organisational survival will increase in the near future. Structurally, terrorist groups will increasingly mirror organised crime groups. Terrorist groups will rapidly move in search of new opportunities to generate funds. Dependent on the financial opportunities available, both sources and methods of generating revenue will differ from one another. With state-sponsors distancing themselves, terrorist groups will either develop robust organised crime components or work closely with organised crime groups. While the bulk of the terrorist groups will retain their political leanings, the potential for a few terrorist groups to degenerate into pure criminal groups will, nevertheless, increase.

To effectively combat international terrorism, state response will have to factor in the nexus between terrorists and organised crime.

Among the principal responses to regulating these existing and emerging threats are:

- ◆ Develop exceptionally good military and intelligence expertise to neutralise terrorist groups. The approach of punishing individuals, but permitting groups that have perpetrated violence to exist, is highly counter-productive.
- ◆ Develop arrangements with states to disrupt terrorist support networks and assist states by sharing intelligence and exchanging personnel to fight transnational terrorist networks.
- ◆ Terrorist groups can be effectively crushed only at an early stage. The failure to fight efficiently, legitimately and ethically—especially against an ethnically and religiously empowered group—can lead to indiscriminate violence, which can favour the terrorists. With time, most conflicts can gather momentum generating substantial popular support. In such instances, a political solution over a military solution should be considered.
- ◆ Often, devolving regional autonomy or power sharing has been the most effective strategy. But, it works primarily in the formative phases of a conflict. The process requires close supervision, particularly during the implementation phase.
- ◆ A politico-military approach should be evolved to politically isolate a group in order to stem support and recruits, and to simultaneously offer political and economic incentives and to militarily pressurise it to join the mainstream. Often, links with foreign groups, state sponsors, or diaspora-support can provide the confidence to fight on. Transnational networks make such groups more resilient.
- ◆ Stringent law like TADA, MCOCA, Gangster Act, etc. to tackle organised crime.
- ◆ While some of these threats can be resolved unilaterally by states, most require bilateral and multilateral arrangements.
- ◆ Some of the threats can be regulated at the sub-regional and others at the regional level.

- ◆ Some of the threats are new, others are old, but have assumed a renewed dimension. Therefore, new institutions capable of delivering multi-pronged responses are essential to regulate extant and emerging threats.

8.6 UN CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME AND THE PROTOCOLS

UNTOC is the guardian of the United Nations Convention against Transnational Organised Crime (Organised Crime Convention) and the three Protocols (Trafficking in Persons, Smuggling of Migrants and Trafficking of Firearms) that supplement it.

This is the only international convention, which deals with organised crime. It is a landmark achievement, representing the international community's commitment to combating transnational organised crime and acknowledging the UN's role in supporting this commitment. The adoption of the Convention at the 50-50 session of the General Assembly of the United Nations in 2000 and its entry into force in 2003 also marked a historic commitment by the international community to counter organised crime.

The Organised Crime Convention offers states which are party to the convention, a framework for preventing and combating organised crime, and a platform for cooperating in doing so. These states have committed to establishing the criminal offences of participating in an organised crime group, money laundering, corruption and obstruction of justice in their national legislation. By becoming parties to the UNTOC, these states also have access to a new framework for mutual legal assistance and extradition, as well as a platform for strengthening law enforcement cooperation. States have also committed to promoting training and technical assistance to strengthen the capacity of national authorities to address organised crime.

8.7 MONEY LAUNDERING

The process of creating the appearance that large amounts of money obtained from serious crimes, such as drug trafficking or terrorist activity, is from a legitimate source is called money laundering . The process of making ‘dirty money’ look like ‘clean money’ is referred to as money laundering.

Money laundering is a crucial step in the success of drug trafficking and terrorist activities. The connection between money laundering and terrorism may be a bit more complex, but it plays a crucial role in the sustainability of terrorist organisations. Most people who financially support terrorist organisations do not simply write a personal cheque and hand it over to a member of the terrorist group. They send the money in roundabout ways that allow them to fund terrorism while maintaining anonymity. On the other end, terrorists do not use credit cards and cheques to purchase the weapons, plane tickets and civilian assistance; they need to carry out a plot. They launder the money so that authorities cannot trace it back to them and foil their planned attack. Interrupting the laundering process can cut off funding and resources to terrorist groups.

The basic money laundering process has three steps:

- ◆ **Placement:** At this stage, the launderer inserts the dirty money into a legitimate financial institution. This is often in the form of cash bank deposits. This is the riskiest stage of the laundering process because large amounts of cash are pretty conspicuous, and banks are required to report high-value transactions.
- ◆ **Layering:** Layering involves sending the money through various financial transactions to change its form and make it difficult to follow. Layering may consist of several bank-to-bank transfers, wire transfers between different accounts in different names in different countries, making deposits and withdrawals to continually vary the amount of money in the accounts, changing the money’s currency, and purchasing high-value items (boats, houses, cars and diamonds) to change the form of the money. This is the most complex step in any laundering scheme, and it’s all about making the original dirty money as hard to trace as possible.

- ♦ **Integration:** At the integration stage, the money re-enters the mainstream economy in a legitimate-looking form—it appears to come from a legal transaction. This may involve a final bank transfer into the account of a local business in which the launderer is ‘investing’ in exchange for a cut of the profits. At this point, the criminal can use the money without getting caught. It’s very difficult to catch a launderer during the integration stage if there is no documentation during the previous stages.
- ♦ **Round Tripping:** A new and major route through which money is laundered in India is via ‘Round-tripping’. In this process, the black money generated in India is transferred to tax-haven countries. Tax-haven countries are those countries which have very weak corporate laws and no/very low tax rates. Then a company is set up in the tax haven with the black money. This black money is now shown as ‘white money’ and sent back into India as ‘foreign investment’. The profits earned in India with this investment are taken back to the tax heaven without paying any taxes in India. This is because such investment is exempt from taxation under ‘Double Taxation Avoidance Agreement’. This method of money laundering makes use of loopholes in the capital/stock markets and investments are made via P-Notes (Participatory Notes). Journalist Paranjoy Guha Thakurta has exposed this new method of money laundering through documentary called—
‘A Thin Dividing Line’.

► 8.7.1 The Effects of Money Laundering

Criminals launder anywhere between \$500 billion and \$1 trillion worldwide every year. The global effect is staggering in social, economic and security terms.

Social Effects

On the socio-cultural end of the spectrum, successfully laundering money means that criminal activity actually does pay off. This success encourages criminals to continue their illicit schemes because they get to spend the profit with no repercussions. This means more fraud, more corporate

embezzling (which means more workers losing their pensions when the corporation collapses), more drugs on the streets, more drug-related crime, law-enforcement resources stretched beyond their means and a general loss of morale on the part of legitimate business people who do not break the law and do not make nearly the profits that the criminals do.

Economic Effects

The economic effects are on a broader scale. Developing countries often bear the brunt of modern money laundering because the governments are still in the process of establishing regulations for their newly privatised financial sectors. This makes them prime target. Other major issues facing the world's economies include errors in economic policy resulting from artificially inflated financial sectors. Massive influx of dirty cash into particular areas of the economy that are desirable to money launderers create false demand, and officials act on this new demand by adjusting economic policy. When the laundering processes reaches a certain point or if law-enforcement officials start to show interest, all that money suddenly disappears without any predictable economic cause and that financial sector falls apart.

Some problems on a more local scale relate to taxation and small-business competition. Laundered money is usually untaxed, meaning the rest of us ultimately have to make up the loss in tax revenue. Also, legitimate small businesses cannot compete with money laundering front businesses that can afford to sell a product far cheaper because their primary purpose is to get clean money, not earn profit. They have so much cash coming in that they might even sell a product or service below cost.

► 8.7.2 Trade-based Money Laundering (TBML)

Financial Action Task Force (FATF) defines **Trade Based Money Laundering (TBML)** as the process of disguising the proceeds of crime and moving value through the use of trade transactions in an attempt to legitimise their illicit origins. In simpler terms, TBML is the process of transferring/moving money through trade transactions. In practice, this can

be achieved through the misrepresentation of the price, quantity or quality of imports or export.

The basic techniques of trade-based money laundering include:

1. **Over-invoicing and ‘under-invoicing’ of goods and services:** Money laundering through the over-invoicing and under-invoicing of goods and services, which is one of the oldest methods of fraudulently transferring value across borders, remains a common practice today. The key element of this technique is the misrepresentation of the price of the good or service in order to transfer additional value between the importer and the exporter. Over-invoicing of exports is one of the most common trade-based money laundering techniques used to move money. This reflects the fact that the primary focus of most customs agencies is to stop the import of contraband and ensure that appropriate import duties are collected.
2. **Multiple-invoicing of goods and services:** Another technique used to launder funds involves issuing more than one invoice for the same trade transaction. By invoicing the same good or service more than once, a money launderer or terrorist financier is able to justify multiple payments for the same shipment of goods or delivery of services. Unlike over-invoicing and under-invoicing, it should be noted that there is no need for the exporter or importer to misrepresent the price of the good or service on the commercial invoice.
3. **Over-shipment and under-shipment of goods and services:** In addition to manipulating export and import prices, a money launderer can overstate or understate the quantity of goods being shipped or services being provided. In the extreme case, an exporter may not ship any goods at all, but simply collude with an importer to ensure that all shipping and customs documents associated with this so called ‘phantom shipment’ are routinely processed. Banks and other financial institutions may unknowingly be involved in the provision of trade financing for these phantom shipments.
4. **Falsely described goods and services:** In addition to manipulating export and import prices, a money launderer can misrepresent the

quality or type of a good or service. For example, an exporter may ship a relatively inexpensive good and falsely invoice it as a more expensive item or an entirely different item. This creates a discrepancy between what appears on the shipping and customs documents and what is actually shipped. The use of false descriptions can also be used in the trade in services, such as financial advice, consulting services and market research. Generally, cases of over-invoicing or under-invoicing primarily designed to gain a tax advantage are considered customs fraud as also other manifestations as above.

► 8.7.3 Prevention of Money Laundering Act (PMLA)

PMLA is a criminal law which came into force on July 1, 2005. Under the Act, money laundering linked to the predicate scheduled offences is liable for punishment. There are 156 offences in 28 different statutes which are scheduled offences under PMLA. Once the agency concerned with a predicate scheduled offence registers a case, Enforcement Directorate takes up investigations under PMLA to ascertain the proceeds of crime generated from the predicate offence booked by the Law Enforcement Agency. In case a prima-facie case of generation of proceeds of crime and laundering is made out, PMLA provides for seizure and attachment of laundered properties. The action of seizure and attachment is required to be adjudged by the Adjudicating Authority under PMLA.

The persons, both natural and legal entities, who are accused of the offence of money laundering linked to the scheduled offence, can be prosecuted in Special Courts. PMLA provides for rigorous imprisonment of minimum three years which can extend up to seven years and a fine of up to ₹ 5 lakh on conviction by the Court of persons who have been accused of the offence of money laundering. The conviction can extend up to 10 years if the offence of money laundering is linked to narcotic trafficking. The property attached under PMLA can be confiscated by the Adjudicating Authority after the conviction by the Court of the accused in the trial for scheduled offence.

In terms of PMLA, the tainted proceeds, if found parked overseas, can also be restituted through mutual legal assistance after the collection of such

evidence through the process of Letter of Requests with the foreign administration. PMLA also sets out the procedure for reciprocal arrangements with contracting states for seizure, attachment and confiscation of assets found lying overseas. India has signed the Mutual Legal Assistance Treaty (MLAT) with 26 countries and by virtue of the provisions of PMLA, the Centre is fully armed with legal measures to get the tainted assets repatriated back to the country on conviction of persons accused of money laundering. Till the conviction, the assets traced overseas can be requested to be seized or frozen by foreign jurisdictions.

Section 12 of PMLA requires financial sector entities (banking companies, financial institutions and intermediaries) to verify the identity of their clients, maintain records and report suspicious/cash transactions (STR/CTR) to FIU-IND. Director, FIU-IND is empowered to conduct inquiry and impose sanctions against financial sector entities for non-compliance with Section 12. Financial Intelligence Unit India (FIU-IND) conducts analysis of information received under PMLA and, in appropriate cases, disseminates information to relevant intelligence/enforcement agencies, which include Central Board of Direct Taxes, Central Board of Excise and Customs, Enforcement Directorate, Narcotics Control Bureau, Central Bureau of Investigation, intelligence agencies and regulators of financial sector.

It may be seen that under both the acts, i.e. FEMA and PMLA, investigation is initiated against specific persons, both natural and legal, and such action is initiated on the basis of specific information.

8.8 **BLACK MONEY**

There is no uniform or accepted definition of ‘black’ money. Several terms are in use, such as ‘black money’, ‘black income’, ‘dirty money’, ‘black wealth’, ‘underground wealth’, ‘black economy’, ‘parallel economy’, ‘shadow economy’, ‘underground’ or ‘unofficial’ economy. If money breaks laws in its origin, movement or use, and is not reported for tax purposes, then it would fall within the meaning of black money. The broader meaning would encompass and include money derived from corruption and other illegal ways—to include drug trafficking,

counterfeiting currency, smuggling, arms trafficking, etc. It would also include all market based legal production of goods and services that are concealed from public authorities for the following reasons:

- ◆ To evade payment of taxes (income tax, excise duty, sales tax, stamp duty, etc);
- ◆ To evade payment of other statutory contributions;
- ◆ To evade minimum wages, working hours and safety standards, etc.; and
- ◆ To evade complying with laws and administrative procedures.

There are three sources of black money—crime, corruption and business. The ‘criminal’ component of black money would normally include proceeds from a range of activities, including racketeering, trafficking in counterfeit and contraband goods, forgery, securities fraud, embezzlement, sexual exploitation and prostitution, drug money, bank frauds and illegal trade in arms. The ‘corruption’ component of such money would stem from bribery and theft by those holding public office, such as by grant of business, bribes to alter land use or to regularise unauthorised construction, leakages from government social spending programmes, speed money to circumvent or fast-track procedures, black marketing of price controlled services, etc.

► 8.8.1 Recovery of Black Money

There is a legal framework regulated by the Reserve Bank of India for the opening of bank accounts overseas by Indian residents and for outward or inward remission of funds through authorised channels.

The existing legal framework for dealing with illicitly generated funds transferred overseas and measures for the attachment and repatriation of such illegal assets to India and provision for penalties for offenders are:

- ◆ **Under the Prevention of Money Laundering Act, 2002 (PMLA)** , money laundered out of predicate scheduled offences can be attached and seized and individuals and other legal entities found to have indulged in money laundering can be prosecuted. PMLA provides for imprisonment of minimum of three years (which can be extended up to seven years) and a fine of up to ` 5 lakh, and the

tainted proceeds parked overseas can be recovered through Mutual Legal Assistance Treaties. India has such treaties with 26 countries.

- ◆ **Under the Foreign Exchange Management Act, 1999 (FEMA)** , cases relating to contravention in foreign exchange transactions by Indian residents can be adjudicated with penalty up to a maximum of three times the amount involved. Further, FEMA empowers the confiscation of the amounts lying abroad and directing their repatriation.
- ◆ Under both statutes (FEMA and PMLA), investigation is taken up against specific persons, both natural and legal, and on the basis of specific information.
- ◆ **Section 105A of the CrPC** provides for reciprocal arrangement and procedure for attachment and forfeiture of properties generated from the commission of an offence. Where such properties are situated overseas and treaty arrangements exist between Government of India and the other country, Letter Rogatories can be issued to a court/authority of the other country for execution of such an order.
- ◆ Under the **Income Tax Act** also, income earned and not disclosed is taxable and also subject to penalty and interest, as well as prosecution. The amount recovered may even exceed the entire undisclosed income.

► **8.8.2 Strategy to Tackle Black Money**

The strategy to tackle black money includes:

- ◆ Preventing generation of black money
- ◆ Discouraging use of black money
- ◆ Effective detection of black money
- ◆ Effective investigation and adjudication
- ◆ Regulated use of large denomination

► **8.8.3 SIT Recommendation on Black Money**

The SIT was formed in 2014 by the Supreme Court to curb the menace of black money.

These are the recommendations of (fifth SIT) on Black Money:

1. Complete ban should be imposed on cash transactions above ` 3,00,000. There should be specific provision in the Act that cash transactions in cash above threshold limit shall be deemed as illegal, invalid and punishable under law.
2. If there is cash withdrawal of more than ` 3,00,000 from any bank, then bank should consider it as a suspicious activity and should report to FIU and the concerned Income-tax department.
3. Maximum limit on cash holding may be fixed between ` 10 to 15 lakhs.
4. All banks including cooperative banks may be directed to notify any income or withdrawals of more than ` 3,00,000 to the Director General of Income Tax (Investigation), Authorities of the State and to the FIU.
5. Appropriate steps may be taken for amending the Black Money (Undisclosed Foreign Income and assets) and Imposition of Tax Act, 2015, by incorporating the provision that undisclosed foreign income and assets would vest in the Union of India.
6. Before investing any amount or purchasing any property outside the country, the assessee must inform the concerned jurisdictional Commissioner of Income Tax Department of the State.

Supreme Court can anytime form an SIT to investigate any future matters related to black money and SIT would be required to further suggest how to curb it.

8.9 MAHARASHTRA CONTROL OF ORGANISED CRIME ACT (MCOCA), 1999

Maharashtra Control of Organised Crime Act, 1999 (MCOCA) is a law enacted by Maharashtra in 1999 to combat organised crime and terrorism.

The preamble to MCOCA says that ‘the existing legal framework, i.e., the penal and procedural laws and the adjudicatory system, are found to be rather inadequate to curb or control the menace of organised crime. The Government has, therefore, decided to enact a special law with stringent and deterrent provisions including, in certain circumstances, power to intercept wire, electronic or oral communication to control the menace of organised crime. Unlike normal law, the confessions before senior police officers are admissible, not only against the accused giving the confession but also against the other accused in the same case. There is no provision for granting anticipatory bail for six months to the accused.

MCOCA puts a bar on soft liberal bail provisions. Under MCOCA, ‘not bail but jail’ is the controlling principle. Police can file charge sheet within 180 days instead of the 90 days time limit in normal cases. There are measures in MCOCA which ensure protection of witnesses, like keeping the identity and address of the witness secret, and the witness need not be produced in court.



PROBABLE QUESTIONS BASED ON THIS

CHAPTER

1. What do you understand by transnational organised crime?
2. What is the interconnection between terrorism and organised crime?
3. What are the main differences between terrorism and organised crime?
4. How is terrorism thriving under the cloak of organised crime in the north eastern part of India?
5. Write a short note on Money Laundering and Prevention of Money Laundering Act (PMLA).
6. What is black money and how to tackle the menace of black money?
7. Discuss the impact of demonetisation and terrorism.





9.1 WHAT IS CYBER SECURITY?

Cyber security can be defined as the protection of systems, networks and data in cyber space. It refers to the preventative methods used to protect information from being stolen, compromised or attacked.

Cyber security is a complex issue that cuts across multiple domains and calls for multi-dimensional, multi-layered initiatives and responses. It has proved to be a challenge for governments because it involves various ministries and departments. It is more difficult primarily due to the diffused and varied nature of the threats and the inability to frame an adequate response in the absence of tangible perpetrators.

Cyber space has expanded dramatically in its brief existence due to rapid development of information technology (IT) and commercial applications associated with it. Advances in information and communications technologies have revolutionised the scientific, educational and commercial infrastructures developed by the government. The IT infrastructure has become an integral part of the critical infrastructure, which supports national capabilities such as energy, power grids, telecommunications, emergency communication systems, financial systems, defence systems,

space, transport, land records, public essential services and utilities, law enforcement and security and air traffic control networks, to name a few. All these infrastructures increasingly depend on relay data for communication and commercial transactions. The operational stability and security of critical information infrastructure is vital for the economic security of the country.

The evolving nature of the telecommunications infrastructure poses further challenges. The expanding wireless connectivity to individual computers and networks is making determination of physical and logical boundaries of networks increasingly difficult. The increasing inter connectivity and accessibility to computer based systems that are critical to the country's economy are adding to the risk.

9.2 CYBER THREATS

Cyber threats vary from simple hacking of an email to waging a war against a state. Cyber threats can be classified broadly into two categories:

1. Cyber crime: against individuals, corporates, etc.
2. Cyber warfare: against a state

► 9.2.1 Cyber Crime

Use of cyber space, i.e. computer, internet, cellphone, other technical devices, etc., to commit a crime by an individual or organised group is called cyber crime. Cyber attackers use numerous vulnerabilities in cyber space to commit cyber crime. They exploit the weaknesses in the software and hardware design through the use of malware. DoS attacks are used to overwhelm the targeted websites. Hacking is a common way of piercing the defences of protected computer systems and interfering with their functioning. Identity theft is also common. The scope and nature of threats and vulnerabilities is multiplying with every passing day.

Cyber crimes may be divided into two categories:

1. Crimes that Target Computers Directly

They include:

- ◆ Spreading computer viruses
- ◆ Denial-of-service (DoS) attack is an attempt to make a machine or network resource unavailable to its intended users. It temporarily or indefinitely interrupts or suspends services of a host connected to the internet.
- ◆ Malware (malicious code) is software used to disrupt computer operation, gather sensitive information, or gain access to private computer systems. It can appear in the form of code, scripts, active content, and other software. Malware is a general term used to refer to a variety of forms of hostile or intrusive software, for example Trojan Horses, rootkits, worms, adware, etc.

2. Crimes Facilitated by Computer Networks or Devices, the Primary Target of which is Independent of the Computer Network or Device

This can take many forms as listed below:

- ◆ Economic fraud to destabilise the economy of a country, attack on banking transaction system, extract money through fraud, acquisition of credit/debit card data, financial theft and intellectual theft of property
- ◆ Impairing the operations of a website or service through data alteration, data destruction
- ◆ Spreading pornography
- ◆ Copyright infringement
- ◆ Cyber stalking, outraging modesty of women, obscene content to humiliate girls and harm their reputation
- ◆ Threatening e-mail
- ◆ Assuming fake identity, virtual impersonation
- ◆ Breach of right to privacy

- ◆ Misuse of social media in fanning intolerance, instigating communal tensions and inciting riots. Posting inflammatory material that tends to incite hate-crimes (Even former Prime Minister Manmohan Singh expressed deep concern on misuse of social media in sparking off communal sentiments in September?)
- ◆ Information warfare
- ◆ Phishing scams

► 9.2.2 Key Terms of Cyber Attack

- ◆ **Phishing:** Phishing is the act of attempting to acquire information, such as usernames, passwords and credit card details (and sometimes, indirectly, money) by masquerading as a trustworthy entity in an electronic communication. Communications purporting to be from popular social websites, auction sites, banks, online payment processors or IT administrators are commonly used to lure unsuspecting public. Phishing emails may contain links to websites that are infected with malware. Phishing is typically carried out by email spoofing or instant messaging.
- ◆ **Vishing (Voice Phishing):** The term is a combination of ‘voice’ and ‘phishing’. When phishing is done with the help of telephonic system, it is called vishing.
- ◆ **Tabnabbing:** Tabnabbing is one of the latest phishing technologies. It takes advantage of tabbed browsing(which uses multiple open tabs) that a user uses and silently redirects the user to the affected site. This technique operates in reverse to most phishing techniques as it does not directly take the user to the fraudulent site, but, instead, phishers load their fake page in one of the open tabs.
- ◆ **Whaling:** Several recent phishing attacks have been directed specifically at senior executives and other high profile targets within businesses, and the term whaling has been coined for these kinds of attacks.
- ◆ **Ransomware:** Where all the information/data of the computer is hacked and the hacker demands certain amount of money in

exchange for access to your own data. If ransom is not paid, then the data is deleted forever. e.g. Petya virus, Wannacry virus

- ◆ **Spoofing:** A spoofing attack is a situation in which one person or program successfully masquerades as another by falsifying data and thereby gaining an illegitimate advantage. The purpose of this is usually to fool programmes, systems or users into revealing confidential information, such as user names and passwords, to the attacker.
- ◆ **Zombies:** A zombie is a computer connected to the internet that has been compromised by a hacker, computer virus or trojan horse. It can be used to perform malicious tasks under remote direction. Botnets of zombie computers are often used to spread email spam and launch denial-of- service attacks. Most owners of zombie computers are unaware that their system is being used in this way. Because the owner tends to be unaware, these computers are metaphorically compared to zombies.
- ◆ **Botnets:** A botnet is a collection of internetconnected programs communicating with other similar programs in order to perform tasks. Botnets sometimes compromise computers whose security defences have been breached and control conceded to a third party. Each such compromised device, known as a 'bot', is created when a computer is penetrated by software from a malware (malicious software) distribution.
- ◆ **Pharming:** It is an attack to redirect a website's traffic to a different, fake website, where the individual's information is then compromised.
- ◆ **Drive-by:** These are opportunistic attacks against specific weaknesses within a system.
- ◆ **MITM:** 'Man in the middle attack' is an attack where a middleman impersonates each endpoint and is thus able to manipulate both victims.
- ◆ **Spam:** The unsolicited sending of bulk email for commercial purposes, is unlawful in some jurisdictions. While anti-spam laws

are relatively new, limits on unsolicited electronic communications have existed for some time.

► 9.2.3 Cyber Warfare and Cyber Terror

It is said that future wars will not be like traditional wars which are fought on land, water or air. Snowdens revelations have shown that cyber space could become the theatre of warfare in the 21st century.

While there is no agreed definition of cyber warfare but ‘when any state initiates the use of internet based invisible force as an instrument of state policy to sabotage and espionage against another nation, it is called cyber war’. Attacking the information systems of other countries for espionage and for disrupting their critical infrastructure may be referred as cyber warfare. It includes hacking of vital information, important webpages, strategic controls and intelligence.

The attacks on the websites of Estonia in 2007 and of Georgia in 2008 have been widely reported. Although there is no clinching evidence of the involvement of a state in these attacks, it is widely held that in these attacks, non-state actors (for example, hackers) may have been used by state actors. Since these cyber attacks, the issue of cyber warfare has assumed urgency in the global media.

When an organisation, working independently of a nation state, operates terrorist activities through the medium of cyber space, it is generally called cyber terror.

An example of cyber war was USA’s Stuxnet virus, which hacked Iran’s nuclear enrichment programme.

Special Features of Cyber War Compared to Traditional War

1. **Independent theatre of war:** The development of the internet and low-cost wireless communication is the contemporary equivalent of what airplanes were a hundred years ago. Their use in economic, social and political transactions has increased at a rate that far exceeds the growth in airplane use over the last century. These technologies already play an important part in military operations in the traditional spheres of land, sea, air and the newer one of space.

There are signs that they have been used for aggressive purposes by some states. There is also ample evidence of their use by criminals and terrorist groups. It is only a matter of time, like air power a hundred years ago, before cyber space becomes an independent theatre of war.

There is one important nuance in the treatment of cyber space as a fifth potential theatre of war, along with land, sea, air and space. The use of cyber space depends on physical facilities like undersea cables, microwave and optical fibre networks, telecom exchanges, routers, data servers, and so on. Protecting or attacking these is in the domain of the traditional arms of the military. Cyber space is about attacks that compromise the capability to use these facilities—they cannot be prevented by the security services in isolation.

2. An undefined space (no specific areas): The defence of cyber space has a special feature. The national territory or space that is being defended by the land, sea and air forces is well defined. Outer space and cyber space are different. They are inherently international even from the perspective of national interest. It is not possible for a country to ignore what is happening in any part of this space if it is to protect the functionality of the cyber space relevant for its own nationals. Moreover, a key part of this space, the global internet system, is still under the control of one country. Hence, national defence and international cooperation are inevitably intermeshed. This means that a country's government must ensure coherence between its security policy and the diplomatic stance taken by it in multilateral and bilateral discussions on matters like internet and telecom governance, human rights related to information freedoms, trade negotiations on infotech services, and so on.
3. Disguised **attackers**: There is another feature of cyber space that complicates the design of security structures and policies compared to the other theatres of conflict. In cyber space, it is very easy for an attacker to cover his tracks and even mislead the target into believing that the attack has come from somewhere else. This difficulty in identifying the perpetrator makes it difficult to rely on the capacity to retaliate as a deterrent.

- No contact war: The evolution of technology impacts the nature of
4. conflict and war. Amongst the recent aspects of conflict is 'no contact war' wherein there is no 'physical' or 'kinetic' action across borders.

A future world war will most likely be a cyber war. Which will not be like traditional wars which were fought on territorial borders or in air space.

► 9.2.4 Dark Web & Bitcoin and Linkage to Terror Financing

Bitcoin (฿) is a cryptocurrency, a form of electronic cash. It is a decentralised digital currency without a central bank or single administrator that can be sent from user-to-user on the peer-to-peer bitcoin network without the need for intermediaries.

Transactions are verified by network nodes through cryptography and recorded in a public distributed ledger called a blockchain. Bitcoin was invented by an unknown person or group of people using the name Satoshi Nakamoto and released as open-source software in 2009. Bitcoins are created as a reward for a process known as mining. They can be exchanged for other currencies, products, and services. Research by the University of Cambridge estimates that in 2017, there were 2.9 to 5.8 million unique users using a cryptocurrency wallet, most of them using bitcoin.

Bitcoin is something that one cannot earn and can't be physically touched. It was initially created with a good intention but now its being rampantly used by terrorists all across the world for the ill purposes.

Dark web is defined as the web lying below the surface. Think of an iceberg and what you see above is Twitter, Facebook, YouTube, surfing websites, Gmail, etc. This is easily accessible but is not the entire chunk of the internet. There is an entire chunk of internet is hiding under the surface but you cannot see it because of the hidden IP address. These are the people who attempt to hack email accounts and their activities are very hard to track on the internet.

Planning 9/11 cost \$500,000 inclusive of the pilot training but the damage incurred was \$3-5 trillion dollars. The hard cash is almost a thing of past in the virtual world and governments are still trying to formulate and create legislation to govern this area. The Financial Action Task Force(FATF) is an

intergovernmental organisation which has set out very clear guidelines for financial industry to regulate the movement of currency.

9.3 SNOWDEN REVELATIONS

Edward Joseph Snowden is an American computer professional, former employee of the Central Intelligence Agency (CIA) and former contractor for the National Security Agency (NSA).

He hogged international limelight when he disclosed to several media outlets thousands of classified documents. Snowden's release of classified material has been described as the most significant leak in US history. The US Department of Justice charged Snowden with espionage.

Snowden's leaked documents uncovered the existence of numerous global surveillance programmes; many of them run by the NSA with the cooperation of telecommunication companies and European governments. The massive extent of NSA's spying, both foreign and domestic, was revealed to the public in a series of detailed disclosures of internal NSA documents. In 2013, the existence of the 'Boundless Informant' was revealed, along with the PRISM electronic data mining program, the XKeyscore analytical tool, the Tempora interception project, the MUSCULAR access point and the massive FASCIA database, which contains trillions of device-location records. In the following year, Britain's Joint Threat Research Intelligence Group was revealed, along with the Dishfire database, Squeaky Dolphin's real-time monitoring of social media networks and the bulk collection of private webcam images via the Optic Nerve program.

The disclosures have fuelled debates over mass surveillance, government secrecy and the balance between national security and information privacy.

Modus Operandi of Widespread Cyber Snooping by National Security Agency (NSA)

Basically, three major players were used by the NSA:

- ◆ Different nations

- ◆ Domestic/foreign agencies
- ◆ Private players within and outside the USA

Data was collected through:

- ◆ Telecom operators from Global Optic Fibre Network
- ◆ Servers of US-based internet giants like Google and Microsoft
- ◆ Hardware manufacturers like Cisco and Juniper
- ◆ Large scale malware operations and Firewall
- ◆ Off the air components, including Wi-Fi, GSM, CDMA and satellite signals in alliance with Australia, New Zealand and South Africa
- ◆ Taps placed on undersea cables in South America, North of Africa and the Indian Ocean
- ◆ Monitoring international payments, banking transactions
- ◆ iPhones, Blackberry and Android operating system

Vulnerability of Indian Cyber Space

Documents leaked by Snowden indicate that much of the NSA surveillance was focused on India's domestic politics and its strategic and commercial interests, exposing India's vulnerability to cyber snooping in all sectors. India was fifth among the targeted countries. The US has had a major influence on the development of cyber space by virtue of the fact that much of the initial infrastructure and use was centered in that country and it continues to be a major force in its development and use. The US has thus been in a position to fend off periodic attempts to challenge its supremacy, and those times when it could not, it has been forced to shed some of its control.

► 9.3.1 Impact of Snowden Revelations

1. It will pave the way for the 'Internet Governance Era'. Microsoft recently allowed foreign customers to have their personal data stored on servers outside America. Hence, the consequence of Snowden's

leaks is that countries and companies would erect borders of sorts in cyberspace.

2. Following the shocking revelations about governments' widespread monitoring of global communications, it is clear that all facets of the cybersecurity world have been indelibly changed, from ordinary people having their eyes opened to what is really going on, to governments becoming ever-more distrustful of each other.
3. Some experts believe the technical details contained in documents leaked by Snowden had weakened the security situation in western countries, decreasing the level of security in the US and UK in particular. They feel the leaks were a 'gift' to allow terrorists to 'evade us and strike at will'. It is being said that as fallout of the revelations, al-Qaeda has changed the way it communicates.
4. One of the biggest impacts Snowden has had on the world is that his leaks have led to an acceleration of cyber arms race around the world.

There is a greater awareness among the masses about the right to privacy. People have become conscious. Even Barack Obama, former President of USA, conceded that those leaks triggered a passionate and welcome debate about American snooping.

9.4 THREAT TO INDIA'S CYBER SPACE

Revelations from the 'Cambridge Analytica' scandal show how democracies across the world—USA, UK, EU and even India, are vulnerable to cyber manipulation. It is also clear from Snowden's revelations that India's cyber space is almost unprotected. Till now, we only have very basic security features. We have started considering advanced features only after the Snowden revelations. All our vital institutions, installations and critical infrastructure need to be protected from cyber attacks.

The future war will target crucial areas such as:

- ◆ Defence installations

- ◆ Sensitive documents related to both internal and external security
- ◆ Communication networks, including satellites
- ◆ ATC management
- ◆ Railway traffic control
- ◆ Financial services
- ◆ Premier institutions of science, technology and research

► **9.4.1 Critical Infrastructure (CI) and Critical Information Infrastructure (CII)**

In general, critical infrastructure (CI) can be defined as:

‘Those facilities, systems, or functions, whose incapacity or destruction would cause a debilitating impact on national security, governance, economy and social well-being of a nation.’

It broadly includes the following sectors:

- ◆ Energy
- ◆ Transportation (air, surface, rail and water)
- ◆ Banking and finance
- ◆ Telecommunication
- ◆ Defence
- ◆ Space
- ◆ Law enforcement, security and intelligence
- ◆ Sensitive government organisations
- ◆ Public health
- ◆ Water supply
- ◆ Critical manufacturing
- ◆ E-governance

Across the world, critical information infrastructure (CII) is broadly defined as including ‘those networks which are interrelated, interconnected

and interdependent'. In India, the guidelines would initially include information and communications, transportation, energy, finance, technology, law enforcement, security and law enforcement, government, space and sensitive organisations.

Critical Information Infrastructure (CII) are those ICT infrastructure upon which the core functionality of critical infrastructure is dependent.

India's new guidelines are an extension of the legislative recognition under the IT Act 2000. Section 70 of the Act defines critical information infrastructure (CII) as:

'Those computer resource and incapacitation or description of which, shall have debilitating impact on national security, economy, public health or safety.'

CII is highly complex, distributed, interconnected and interdependent.

Threats to CII

Threats to CII are classified as:

- ◆ **Internal threat:** It is defined as 'one or more individuals with the access and/or inside knowledge of a company, organisation or enterprise that would allow them to exploit the vulnerabilities of that entity's security, systems, services, products or facilities with the intent to cause harm'.

Insider betrayals cause losses due to IT sabotage, fraud and theft of confidential or proprietary information. This may be intentional or due to ignorance.

- ◆ **External threat:** This threat arises from outside of the organisation, by individuals, hackers, organisations, terrorists, foreign government agents, non-state actors, and pose risk, like crippling CII, espionage, cyber/electronic warfare, cyber terrorism, etc.

Threat may be caused by individuals, including disgruntled or former employees, rivals (industrial espionage), hackers, script kiddies, crackers, cyber criminals (organised as well as unorganised), cyber mercenaries, terrorist groups (cyber jihadis), non-state actors and hostile states.

Effects of cyber attacks on CII :

- ◆ Damage or destruction of CII
- ◆ Disruption or degradation of services
- ◆ Loss of sensitive and strategic information
- ◆ Widespread damage in short time
- ◆ Cascading effects on several CII

9.5 STEPS TAKEN BY THE GOVERNMENT OF INDIA

The following steps have been taken by the Centre:

- ◆ The government has identified a list of critical computer infrastructure which need special protection against cyber attacks. Included in this list are networks related to national security, defence, banks, stock markets, power grids, railways and airlines, weather and many others.
- ◆ A national policy on cyber security was framed in 2013.
- ◆ A National Critical Information Infrastructure Protection Centre (NCIIPC) is in the process of being set up to create a fool-proof firewall around these networks.
- ◆ The creation of NCIIPC is just one of the many ideas being implemented as part of the Framework for Cyber Security that was recently approved by the Cabinet Committee on Security.
- ◆ A multi-agency National Cyber Coordination Centre to make assessment of cyber threats and share information with stakeholders is also being set up.
- ◆ A Centre of Excellence in Cryptology, the science of encrypting data, is being established at the Indian Institute of Statistics in Kolkata.
- ◆ Attacks on Indian networks have come mainly from computers based in 20 countries, including the US, UK, Germany, France, Brazil, Poland and the Netherlands. One such attempt was to jeopardise the Delhi Commonwealth Games in 2010. Hackers had

tried to get into the computer systems to tamper with the timers and scoring machines.

- ◆ The government had come up with a 'roadmap on cyber security', which has laid stress on collaboration between the government and private sector in this area.
- ◆ As a follow-up to that, the government has set up three cyber-forensic laboratories in Bangalore, Pune and Kolkata in association with the software industry group NASSCOM. Nine more such laboratories are planned in partnership with state governments.
- ◆ A cyber crisis management plan has already been put in place, with state governments as an integral part.
- ◆ CERT-In, or Computer Emergency Response Team (India), the nodal agency to deal with such crisis is being replicated on a smaller scale for specific sectors.
- ◆ The defence establishment has already set up a sectoral CERT for itself. Railways and the power sector are also planning to have a CERT of their own.
- ◆ In pursuit of protection of critical sectors of the Indian economy, India has launched FIN-CERT, for India's financial sector.

(i) Cyber Surakshit Bharat Initiative

- ◆ It has been launched by Ministry of Electronics and Information Technology (MeitY), in association with National e-Governance Division (NeGD) and industry partners, to strengthen Cybersecurity ecosystem in India.
- ◆ It is first public-private partnership of its kind and will leverage the expertise of the IT industry in cybersecurity.
- ◆ The founding partners include leading IT companies such as Microsoft, Intel, WIPRO. Its knowledge partners include Cert-In, NIC, NASSCOM and consultancy firms Deloitte and EY.
- ◆ It will be operated on three principles of awareness, education and enablement.

- ◆ It aims to spread awareness about cybercrime and build capacity of Chief Information Security Officers (CISOs) and frontline IT staff across all government departments.
- ◆ It will include series of workshops on the best practices and enablement of the officials with cybersecurity health tool kits to manage and mitigate cyber threats.

► 9.5.1 National Cyber Security Policy 2013

The Department of Electronics and Information Technology (DeitY) under the Ministry of Communication and Information Technology, Government of India released the National Cyber Security Policy 2013 to build a secure and resilient cyber space for citizens, businesses and government.

The mission of this policy is to (1) protect information and information infrastructure in cyberspace, (2) build capabilities to prevent and respond to cyber threat, (3) reduce vulnerabilities and (4) minimise damage from cyber incidents through a combination of institutional structures, people, processes, technology and cooperation.

The objectives of this policy are defined below.

Objectives

1. To create a secure cyber ecosystem in the country, generate adequate trust and confidence in IT systems and transactions in cyberspace and thereby enhance adoption of IT in all sectors of the economy
2. To create an assurance framework for design of security policies and for promotion and enabling actions for compliance to global security standards and best practices by way of conformity assessment (product, process, technology and people)
3. To strengthen the regulatory framework for ensuring a secure cyberspace ecosystem
4. To enhance and create national and sectoral level 24x7 mechanisms for obtaining strategic information regarding threats to ICT infrastructure, creating scenarios for response, resolution and crisis

management through effective predictive, preventive, protective, response and recovery actions

5. To enhance the protection and resilience of India's critical information infrastructure by operating a 24x7 **National Critical Information Infrastructure Protection Centre (NCIIPC)** and mandating security practices related to the design, acquisition, development, use and operation of information resources
6. To develop suitable indigenous security technologies through frontier technology research, solution oriented research, proof of concept, pilot development, transition, diffusion and commercialisation leading to widespread deployment of secure ICT products/processes in general and specifically for addressing national security requirements
7. To improve visibility of the integrity of ICT products and services by establishing infrastructure for testing and validation of security of such products
8. To create a workforce of 5,00,000 professionals skilled in cyber security in the next five years through capacity building, skill development and training
9. To provide fiscal benefits to businesses for adoption of standard security practices and processes
10. To enable protection of information while in process, handling, storage and transit so as to safeguard privacy of citizen's data and for reducing economic losses due to cyber crime or data theft
11. To enable effective prevention, investigation and prosecution of cyber crime and enhancement of law enforcement capabilities through appropriate legislative intervention
12. To create a culture of cyber security and privacy enabling responsible user behaviour and actions through an effective communication and promotion strategy
13. To develop effective public private partnerships and collaborative engagements through technical and operational cooperation and contribution for enhancing the security of cyberspace

14. To enhance global cooperation by promoting shared understanding and leveraging relationships for furthering the cause of security of cyberspace
15. To encourage all organisations, private and public, to designate a member of senior management as Chief Information Security Officer (CISO), responsible for cyber security efforts and initiatives
16. To encourage all organisations to develop information security policies duly integrated with their business plans and implement such policies as per international best practices. Such policies should include establishing standards and mechanisms for secure information flow (while in process, handling, storage and transit), crisis management plan, proactive security posture assessment and forensically enabled information infrastructure
17. To ensure that all organisations earmark a specific budget for implementing cyber security initiatives and for meeting emergency response arising out of cyber incidents
18. To provide fiscal schemes and incentives to encourage entities to install, strengthen and upgrade information infrastructure with respect to cyber security
19. To prevent occurrence and recurrence of cyber incidents by way of incentives for technology development, cyber security compliance and proactive actions
20. To establish a mechanism for sharing information and for identifying and responding to cyber security incidents and for cooperation in restoration efforts
21. To encourage entities to adopt guidelines for procurement of trustworthy ICT products and provide for procurement of indigenously manufactured ICT products that have security implications

Main Features

The main features of the National Cyber Security Policy 2013 include:

1. To promote adoption of global best practices in information security and compliance and thereby enhance cyber security posture
2. To create and maintain testing infrastructure and facilities for IT security product evaluation and compliance verification as per global standards and practices
3. To create awareness of the threats, vulnerabilities and consequences of breach of security among entities for managing supply chain risks related to IT (products, systems or services) procurement
4. To foster education and training programmes both in formal and informal sectors to support the nation's cyber security needs and build capacity
5. To establish cyber security training infrastructure across the country by way of public private partnership arrangements
6. To establish institutional mechanisms for capacity building for law enforcement agencies
7. To promote and launch a comprehensive national awareness programme on security of cyberspace
8. To sustain security literacy awareness and publicity campaign through electronic media to help citizens to be aware of the challenges of cyber security
9. To create a thinktank for cyber security policy inputs, discussion and deliberations
10. To develop bilateral and multi-lateral relationships in the area of cyber security with other countries
11. To enhance national and global cooperation among security agencies, CERTs, defence agencies and forces, law enforcement agencies and the judicial systems
12. To create mechanisms for dialogue related to technical and operational aspects with industry in order to facilitate efforts in recovery and resilience of systems, including critical information infrastructure

Assessment of National Cyber Security Policy (NCSP) 2013

- ◆ Security risks associated with cloud computing have not been addressed.
- ◆ There is also a need to incorporate cyber crime tracking, cyber forensic capacity building and creation of a platform for sharing and analysis of information between public and private sectors on continuous basis.

► 9.5.2 National Critical Information Infrastructure Protection Centre (NCIIPC)

The Centre is setting up the National Critical Information Infrastructure Protection Centre (NCIIPC) which will function as a specialised unit under the National Technical Research Organisation (NTRO). Under Section 70A of the IT Act, NCIIPC, under NTRO, is being declared as the nodal agency for protection of critical information infrastructure of India.

NCIIPC, under its mandate from Section 70A(2) of IT Act, is responsible for all measures including research and development for protection of critical information infrastructure.

NCIIPC's vision is 'To facilitate safe, secure and resilient information infrastructure for critical sectors of the nation'.

NCIIPC's mission is 'To take all necessary measures to facilitate protection of critical information infrastructure from unauthorised access, modification, use, disclosure, disruption, incapacitation or destruction through coherent coordination, synergy and raising information security awareness among all stakeholders'.

Functions [C]

The functions of NCIIPC include:

1. Identification of critical sub-sectors
2. Study of information infrastructure of identified critical sub-sectors
3. Issue of daily/monthly cyber alerts/advisories
4. Malware analysis

5. Tracking zombies and Malware spreading IPs
6. Cyber forensics activities
7. Research and development for smart and secure environment
8. Facilitate CII owners in adoption of appropriate policies, standards, best practices for protection of CII
9. Annual CISO Conference for critical sectors
10. Awareness and training
11. 24X7 operation and helpdesk

NTRO has identified 17 sub-sectors initially and has started activities for seven sub-sectors and organisations named below:

- ◆ Air traffic management (ATM), civil aviation (Transportation)
- ◆ Power grid (Energy)
- ◆ MTNL
- ◆ NSEI
- ◆ BSNL
- ◆ Railways
- ◆ SBI

Each organisation/ministry in critical sector should nominate a Nodal Officer (CISO) for interaction with NCIIPC. CISO will be the point of contact for NCIIPC.

► **Role and Responsibilities of Chief Information Security Officer (CISO)**

CISO responsibilities include, but are not limited to:

- ◆ Build an information security culture
- ◆ Assist senior management in the development, implementation and maintenance of an information security infrastructure
- ◆ Develop, communicate and ensure compliance with organisational information security policy, standards and guidelines

- ◆ Ensure regulatory and standards compliance
- ◆ Develop a security awareness and training programme
- ◆ Periodically conduct internal audit to check compliance with organisational security policy, standard and guidelines
- ◆ Risk management
- ◆ Incident management
- ◆ Business continuity management
- ◆ Assist senior management in acquisition of products, tools and services related to information and related technology

► **9.5.3 National Telecom Security Policy (NTSP)**

NTSP has been formulated with a view to build-in the security features in the systems, services, technologies, equipment, devices and software rather than being an add-on feature. It is a structured policy to deal with issues related to the requirement of the security agencies and to secure the telecom network in the country. It deals with the four broad issues of communication assistance to security agencies, security of communication, information and data, security of telecom network and disaster management. NTSP puts emphasis on indigenisation of sophisticated telecom equipment so that they could be produced and installed in secure environment with all checks and balances.

9.6 LEGAL FRAMEWORK

► **9.6.1 Information Technology Act 2000 (Amended in 2008)**

The Information technology Act 2000 consists of 94 sections segregated into 13 chapters. The Act was amended in 2008 and now has 124 sections. Salient features of the IT Act are as follows:

1. The Act provides legal recognition to e-commerce, which facilitates commercial e-transactions.

2. It recognises records kept in electronic form like any other documentary record. In this way, it brings electronic transactions at par with paper transactions in documentary form.
3. The Act also provides legal recognition to digital signatures which need to be duly authenticated by the certifying authorities.
4. Cyber Law Appellate Tribunal has been set up to hear appeal against adjudicating authorities.
5. The provisions of the IT Act have no application to negotiable instruments, power of attorney, trust, will and any contract for sale or conveyance of immovable property.
6. The Act applies to any cyber offence or contravention committed outside India by a person irrespective of his/her nationality.
7. As provided under Section 90 of the Act, the State Government may, by notification in 'Official Gazette', make rules to carry out the provisions of the Act.
8. Consequent to the passing of this Act, the SEBI had announced that trading of securities on the internet will be valid in India, but initially there was no specific provision for protection of confidentiality and net trading. This lacuna has been removed by the IT (Amendment) Act, 2008.

► 9.6.2 Offences under the IT Act

Sec-65. Tampering with Computer Source Documents

Whoever knowingly or intentionally conceals, destroys, or alters any computer source code used for a computer, computer program, computer system or computer network, when the source code is required to be kept or maintained by law, shall be punishable with imprisonment up to three years, or with fine which may extend up to ₹ 2 lakh, or with both.

Sec-66. Hacking with Computer System

1. Whoever with the intent of cause or knowing that is likely to cause, wrongful loss or damage to the public or any person destroys or

deletes or alters any information residing in a computer resource or diminishes its value or utility or affects it injuriously by any means, commits hacking.

2. Whoever commits hacking shall be punished with imprisonment up to three years, or with fine which may extend up to ₹ 2 lakh, or with both.

Sec-66-A Sending Offensive Messages through Communication Service, etc. (Introduced Vide Amendment in 2008)

Any person who sends, by means of a computer resource or a communication device,

- (a) Any information that is grossly offensive or has menacing character; or
- (b) Any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, or ill will, persistently makes by making use of such computer resource or a communication device, or
- (c) Any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages shall be punishable with imprisonment for a term which may extend to three years and with fine.

(Above section 66A of the IT Act has been repealed by the Supreme court .)

66-B Dishonestly receiving stolen computer resource or communication device -Imprisonment up to three years and/or fine up to ₹ 1 lakh

66-C Identity Theft-Imprisonment of either description up to three years and/or fine up to ₹ 1 lakh

66-D Cheating by Personation by using computer resource—
Imprisonment of either description up to three years and/or fine up to ₹ 1 lakh

- 66-E Violation of Privacy—Imprisonment up to three years and/or fine up to ₹ 2 lakh
- 66-F Cyber Terrorism—Imprisonment extend to imprisonment for life
- 67 Publishing or transmitting obscene material in electronic form On first Conviction, imprisonment up to three years and/or fine up to ₹ 5 lakh On Subsequent Conviction—imprisonment up to five years and/or fine up to ₹ 10 lakh
- 67-A Publishing or transmitting of material containing sexually explicit act, etc... in electronic form On first Conviction imprisonment up to five years and/or fine up to ₹ 10 lakh On Subsequent Conviction—Imprisonment up to seven years and/or fine up to ₹ 10 lakh
- 67-B Publishing or transmitting of material depicting children in sexually explicit act etc., in electronic form On first Conviction imprisonment of either description up to five years and/or fine up to ₹ 10 lakh on subsequent conviction— Imprisonment of either description up to seven years and/or fine up to ₹ 10 lakh
- 67-C Intermediary intentionally or knowingly contravening the directions about Preservation and retention of information—Imprisonment up to three years and fine
- 68 Failure to comply with the directions given by Controller—Imprisonment up to two years and/or fine up to ₹ 1 lakh
- 69 Failure to assist the agency referred to in sub section (3) in regard interception or monitoring or decryption of any information through any computer resource—Imprisonment up to seven years and fine
- 69-A Failure of the intermediary to comply with the direction issued for blocking for public access of any information through any computer resource—Imprisonment up to seven years and fine
- 69-B Intermediary who intentionally or knowingly contravenes the provisions of sub-section (2) in regard monitor and collect traffic data or information through any computer resource for cybersecurity.—Imprisonment up to three years and fine
- 70 Any person who secures access or attempts to secure access to the protected system in contravention of provision of Sec. 70—Imprisonment of either description up to 10 years and fine

- 70-B Indian Computer Emergency Response Team to serve as national agency for incident response. Any service provider, intermediaries, data centres, etc., who fails to prove the information called for or comply with the direction issued by the ICERT.—Imprisonment up to one year and/or fine up to ₹ 1 lakh
- 71 Misrepresentation to the Controller to the Certifying Authority—Imprisonment up to two years and/ or fine up to ₹ 1 lakh.
- 72 Breach of Confidentiality and privacy—Imprisonment up to two years and/or fine up to ₹ 1 lakh
- 72-A Disclosure of information in breach of lawful contract—Imprisonment up to three years and/or fine up to ₹ 5 lakh.
- 73 Publishing electronic Signature Certificate false in certain particulars—Imprisonment up to two years and/or fine up to ₹ 1 lakh
- 74 Publication for fraudulent purpose—Imprisonment up to two years and/or fine up to ₹ 1 lakh.

► 9.6.3 Personal Data Security Bill

Security of personal data has become a big issue in recent times. So much personal data is stored in various social platforms makes it more vulnerable for misuse. Recently the database of Marriott International hotel chain was hacked and the personal detail of 50 crore guests was stolen. This emphasises the need for having a personal data bill.

A committee was formed under supreme court justice , B N Srikrishna to draft the Personal Data Protection bill, in 2018

What is Personal?

The bill defines “personal data” as:

“...data about or relating to a natural person who is directly or indirectly identifiable, having regard to any characteristic, trait, attribute or any other feature of the identity of such natural person, or any combination of such features, or any combination of such features with any other information;

It goes on to define “sensitive personal data,” which includes anything that reveals or relates to crucial information like financial details or passwords,

to gender and even caste.

What are your rights?

The bill proposes four rights that every citizen would have over his/her data:

Right to confirmation and access: Every citizen can ask companies to confirm if any of his/her data has been used for any processes, and also share details of what data was used and for what purpose.

Right to correction, etc: Indian citizens can ask companies to correct any inaccurate, misleading or incomplete personal data they have.

Right to data portability: Every Indian can ask companies to share details of his/her personal data that has been generated while he/she was using a service or goods.

Right to be forgotten: A person can restrict a company from using data he/she had shared earlier. This right does not make it mandatory for companies to delete such data altogether

9.7 INTERNATIONAL COOPERATION IN CYBER SECURITY

► 9.7.1 Budapest Convention on Cybercrime, 2001

- ◆ This convention of the council of Europe is the only binding international instrument on this issue.
- ◆ It is the first international treaty on crimes committed via the internet and other computer networks and deals with issues such as infringements of copyright, computer-related fraud, child pornography and violations of network security.
- ◆ It aims to pursue a common criminal policy, especially by adopting appropriate legislation and fostering international police as well as judicial cooperation.
- ◆ It provides for procedural law tools to make investigation of cybercrime and securing of e-evidence in relation to any crime more effective.

- ◆ It is supplemented by a “Protocol on Xenophobia and Racism” committed through computer systems.

► **9.7.2 Global Centre for Cybersecurity**

- ◆ It has been launched by the World Economic Forum (WEF) with its headquarter in Geneva.
- ◆ It will function as an autonomous organisation under WEF. It will serve as laboratory and early-warning think tank for future cybersecurity scenarios and help to build a safe and secure global cyberspace.
- ◆ Its aim is to establish first global platform for governments, businesses, experts and law enforcement agencies to collaborate on cybersecurity challenges and work towards an appropriate and agile regulatory framework on cybersecurity.
- ◆ It will draw on WEF’s government and industry support to work towards more secure cyberspace through multistakeholder approach.

► **9.7.3 Global Conference on CyberSpace**

This conference is held since 2011 biennially. The participants include governments, civil society, private sector and the theme is cooperation in cyberspace and enhancing cyber capacity building. India hosted the Global Conference on Cyberspace in 2017

► **9.7.4 ‘Commonwealth Cyber Declaration’ at the Commonwealth Summit 2018**

This is the world’s largest and most geographically diverse inter-governmental commitment on cyber security cooperation.

Commonwealth Heads of Government, commit to:

- (i) A cyberspace that supports economic and social development and rights online
- (ii) Build the foundations of an effective national cyber security response

(iii) Promote stability in cyberspace through international cooperation

It was signed in UK in April 2018.

9.8 SOCIAL MEDIA

Social media refers to internet based communication among people who create, share and exchange their ideas, photos, videos and information on virtual cyber platform. Its reach and popularity among people has rapidly increased over the last few years, primarily due to a sharp rise in the number of internet users and cell phone users. It is claimed that people spent more than 20 per cent of the time spent on internet on social media. Nearly 20 crore people use internet in India. It is likely that it will soon overtake US as far as number of internet users is concerned. People freely exercise their right to express on social media as well as they get access to faster information and knowledge. Knowledge is power. Information is power. Social media includes Facebook, Twitter, Youtube, blogs, new microblogging sites, etc.

► 9.8.1 How is Social Media different from Traditional Media?

Social media is a new form of media. It is different from traditional media in the following ways:

1. It rapidly passes information to its users. It is distinct from traditional media because it provides real time communication of information. Information on social media is widely spread within a very short time so its impact is much far than traditional print and electronic media and also far than traditional modes for communication, like telephone, postal and face-to-face communication.
2. Traditional print media and electronic media are controlled by big media houses. Their control is limited to a selected few. So they exercise their monopoly by influencing the masses, elections and politics through modified distorted version of news items. But social media is in the hands of people. It cannot be controlled by any individual or any group. So, social media has broken the monopoly

of big media houses. Social media has ensured a greater transparency in traditional media. In fact, electronic media and print media are also becoming available on social media now.

3. Traditional media provides one-way communication. It only provides information to users but people discuss and debate on current issues, important policies, etc. on the social media. So, social media has not only enhanced transparency and accountability of the government, it has also made our democracy more participatory. It has developed a culture of debate that is the most important requirement for strengthening any democracy.

► 9.8.2 Negative Usage of Social Media

The negative usage of social media includes:

- ◆ Instigating Riots
- ◆ Spreading Misinformation
- ◆ Terrorism, anti-national activities
- ◆ False opinion building
- ◆ Addiction
- ◆ Inciting communal violence

► 9.8.3 Positive Usage of Social Media

The positive usage of social media includes:

- ◆ Social awareness
- ◆ Cheapest and fastest form of communication
- ◆ Spread of social activism like movements against corruption and sexual harassment, etc.
- ◆ Promoting a culture of debate and discussion
- ◆ Breaking the monopoly of big media houses
- ◆ Participatory democracy

9.9 KEY ISSUES

Since the last 2-3 years, a debate has been going on regarding use/misuse of social media. On the one hand are the issues of freedom of expression and right of privacy, while on the other, are the issues of hurting religious sentiments, promoting hatred, enmity between different classes and groups, causing annoyance, criminal defamation etc. We know that there has to be a fine balance between the two, while freedom of expression envisaged in the Constitution is the right of individual but we have to exercise it within the limits of law and we have to see that we don't hurt others feeling which creates law and order problems for the administration. We have to take care of the rights of others also.

Two instances that got highlighted in the recent past are given below:

1. The arrest of two women over a comment on Facebook sparked off widespread anger in India. One of the women, in her Facebook post, had criticised the shutdown of Mumbai after the death of politician Bal Thackeray, while the other had 'liked' the comment. The women accused of 'promoting enmity between classes' were later released on bail. It sparked a nationwide debate of Section 66-A of IT Act 2000. The chairman of the Press Council of India Markandey Katju, also criticised the arrests. Later, the charges against the girls were withdrawn by the Government.
 2. Aseem Trivedi, a cartoonist, was arrested on the charge of putting seditious cartoons on Facebook. Although his cartoons were related to corruption and the failure of the Parliament to deal with corruption, he faced serious allegations of insulting the national emblem, the Parliament, the flag and the Constitution through his anti-corruption cartoons. In January 2012, a case of sedition (Section 124A of the Indian Penal Code) was filed against him in the Beed District Court, Maharashtra. Additional charges were brought against him by the Maharashtra Police in Mumbai for insulting India's national symbols, under the State Emblem of India (Prohibition of Improper Use) Act 2005. He was arrested in Mumbai on September 9, 2012 on charges of sedition, related to the content of his work. This also faced lot of criticism by media.
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PROBABLE QUESTIONS BASED ON THIS

CHAPTER

1. Explain the following terms:
 - (a) Phishing
 - (b) Tabnabbing
 - (c) Whaling
 - (d) Spoofing
 - (e) Zombies
 - (f) Botnets
2. What are the basic features of the National Cyber Security Policy 2013?
3. What are social networking sites and what security implications do these sites present?
4. What is CII and how is it important for cyber security of India?
5. What are the salient features of NCIIPC?
6. What are the implications of Snowden revelations on cyber security of India?
7. What is a cyber war? How is it different from a traditional war?
8. What are social networking sites and what security implications do these sites present? (GS 3 2013)
9. Cyber warfare is considered by some defense analysts to be a larger threat than even alQaeda or terrorism. What do you understand by Cyber warfare? Outline the cyber threats which India is vulnerable to and bring out the state of the country's preparedness to deal with the same. (GS 3 2013)
10. Considering the threats cyberspace poses for the country, India needs a "Digital Armed Forces" to prevent crimes. Critically evaluate the National Cyber Security Policy, 2013 outlining the challenges perceived in its effective implementation. (GS 3 2015)

11. Use of internet and social media by non-state actors for subversive activities is a major security concern. How have these been misused in the recent past? Suggest effective guidelines to curb the above threat. (GS 3 2016)
12. Data security has assumed significant importance in the digitised world due to rising cyber-crimes. The Justice B N Srikrishna Committee Report addresses issues related to data security. What, in your view, are the strengths and weaknesses of the Report relating to protection of personal data in cyber space? (GS 3 2018)



10.1 CHALLENGES OF BORDER SECURITY

Borders are the visible symbols of a country's sovereignty, unity and integrity. They are seen as a symbol of national pride. There are three distinct sets of borders at the international level:

- ◆ Land borders
- ◆ Maritime boundaries
- ◆ Airspace

Border management in the present world order is a complex proposition. The transgressor is always on the lookout for soft gaps on land, along the coast or if need be, from the air. The 1995 Purulia incident demonstrated our vulnerability from the air. It is therefore necessary to adopt a holistic approach to border management.

Managing borders is difficult for several reasons. Some of our maritime boundaries are still unsettled. Land borders are not fully demarcated. Sections of our borders are based on artificial boundaries and not natural features.

10.2 INDIA'S LAND BOUNDARIES WITH HER IMMEDIATE NEIGHBOURS

India shares approx. 15,000 kilometres of boundary with her immediate neighbours, namely Pakistan (3,323 km), China (3,488 km), Nepal (1,751 km), Bhutan (699 km), Myanmar (1,643 km) and Bangladesh (4,096 km). India's boundary with each of her neighbours runs through a variety of ecological milieus, each with its own unique setting and associated problems. For example, the India-Pakistan border areas are spread across extreme climatic conditions, given that the boundary runs from the hot Rann of Kutch to the Thar Desert in Rajasthan to the cold Himalayas in Jammu and Kashmir. Similarly, in the north, the India-China boundary runs along one of the loftiest mountain ranges covered with snow all through the year. The India-Myanmar boundary is draped with lush tropical forests with myriad undergrowths. The Indo-Bangladesh boundary has to cope with the ever-shifting riverbeds in the region. These diverse ecological and climatic conditions create immense hurdles for extending the security and administrative reach in these border areas. Coupled with this, the man-made nature of these boundaries also throws up serious issues, such as border disputes, porous borders, continuance of trans-border ethnic and social ties, etc. Together, they pose a serious challenge to the effective management of the borders. Let's examine each of our borders with our neighbouring countries.

► 10.2.1 Indo-Pakistan Border

The India-Pakistan boundary is categorised under three different heads:

- ◆ **Radcliff Line:** This is 2,308 km long stretches from Gujarat to parts of Jammu district in Jammu and Kashmir.
- ◆ **Line of Control (LoC):** This line is 776 km long and runs along the districts of Jammu (some parts), Rajouri, Poonch, Baramula, Kupwara, Kargil and some portions of Leh.
- ◆ **Actual Ground Position Line (AGPL):** This is 110 km long and extends from NJ 9842 to Indira Col in the North.

The LoC and the AGPL have seen constant tensions with border skirmishes and firing between the armies, and border security forces constantly guarding boundaries of both the countries. The LoC has been vulnerable to constant infiltration by foreign terrorists, Kashmiri separatists and Pakistani army regulars for long.

Like the Bangladesh boundary, the India-Pakistan boundary also does not follow any geographical barrier. It runs through diverse terrain like deserts, marshes, plains and snow clad mountains, and winds its way through villages, houses and agricultural lands, making it extremely porous. Porosity of this border has facilitated various illegal activities, such as smuggling, drugs and arms trafficking, and infiltration. Heroin and fake Indian currency are the two predominant items of smuggling along this border. Other items include saffron, textiles and mercury, which are smuggled from Pakistan. The villagers adjacent to the border are alleged to be involved in smuggling in a big way. Money laundering is also quite rampant along the border. A large scale hawala network is flourishing in Punjab, especially in Ludhiana. In addition, the border population has also been subjected to hostile propaganda by Pakistan, designed to mislead and sway their loyalties. The Sir Creek area, due to its peculiar terrain, makes the movement of border guarding forces very difficult and thus provides scope for illegal fishing in the creeks.

A discordant political relationship, three-and-a-half wars and Pakistan's material support for secessionist militants in the border states of Punjab and Jammu & Kashmir compelled India to harden its international border with Pakistan. An inward-looking economy and the absence of an imperative for regional economic integration also resulted in restricted movement of people and goods across the border. However, in the past decade or so, an emergent Indian economy coupled with both countries' desire to engage themselves constructively paved the way for softening the border and the India-Pakistan border gradually opened up for increased trade and travel. Moreover, inadequate manpower, lack of resources and inadequate cooperation from Pakistan make management of the border difficult. As a result, India has to continuously balance the imperatives of maintaining the border as a barrier against cross-border terrorism with softening it to enable the regulated flow of trade and travel.

► 10.2.2 Indo-China Border

The entire Sino-Indian border (including the western LAC, the small undisputed section in the centre, and the McMahon Line in the east) is 4,056 km long and traverses five Indian states: Jammu and Kashmir, Uttarakhand, Himachal Pradesh, Sikkim and Arunachal Pradesh. On the Chinese side, the line traverses the Tibet Autonomous Region. The demarcation existed as the informal cease-fire line between India and China after the 1962 conflict until 1993, when its existence was officially accepted as the 'Line of Actual Control' in a bilateral agreement.

China is in occupation of approximately 38,000 sq. kms of Indian territory in Jammu and Kashmir. In addition, under the so-called China-Pakistan "Boundary Agreement" of 1963, Pakistan ceded 5,180 sq. kms. of Indian territory in Pakistan Occupied Kashmir to China. China claims approximately 90,000 sq. kms. of Indian territory in Arunachal Pradesh and about 2000 sq. kms. in the Middle Sector of the India-China boundary. Beijing has stated that it does not recognise Arunachal Pradesh.

The border between China and India has never been officially delimited. China's position on the eastern part of the border between the two countries is consistent. Not a single Chinese government recognises the "illegal" McMahon Line. For China, the McMahon Line, stands as a symbol of imperialist aggression on the country. The so-called Arunachal Pradesh dispute is China's most intractable border issue. Because the gap between the positions of China and India is wide, it is difficult for both nations to reach consensus. The area of this disputed region is three times that of Taiwan, six times that of Beijing and 10 times that of the Malvinas islands, disputed by Britain and Argentina. It is flat and rich in water and forest resources.

Arunachal Pradesh is the only issue which has a potential for conflict between India and China. If ever India and China go to war one day, it will be on this issue. India considers recurring Sino-Indian border clashes a potential threat to its security. Since the war, each side continued to improve its military and logistics capabilities in the disputed regions. China has continued its occupation of the Aksai Chin area, through which it built a strategic highway linking Xizang and Xinjiang autonomous regions. China

had a vital military interest in maintaining control over this region, whereas India's primary interest lay in Arunachal Pradesh, its state in the North-east bordering Xizang Autonomous Region.

► 10.2.3 Indo-Bangladesh Border

India shares the longest border (4,096 km) with Bangladesh. Bangladesh borders the Indian states of West Bengal in the west and north, Assam and Meghalaya in the North-east, and Tripura and Mizoram in the east. The boundary was drawn by 'Bengal Boundary Commission'. Instead of following natural barriers, it meanders through villages, agricultural lands and rivers, rendering the border extremely porous with many disputed pockets. Undemarcated stretches, existence of enclaves (chhitmohols), and adverse possessions are cause of constant friction between the border guarding forces of India and Bangladesh.

In 1974, three years after the liberation of Bangladesh, the then prime ministers of India and Bangladesh, Indira Gandhi and Sheikh Mujib-ur-Rahman, inked an agreement to settle the land boundary issue. The Indira-Mujib Agreement laid down the methods for demarcating various disputed stretches of the India-Bangladesh boundary. Under the agreement, India retained the southern half of enclaves and Bangladesh retained the other half.

The Enclave bill pending in Parliament needs to be discussed in detail. At present, there are 111 Indian enclaves in Bangladesh and 51 Bangladeshi enclaves in India. Since India does not have access to these enclaves, it has not been possible to establish administrative set-up to provide facilities like police stations, courts, schools, roads, hospitals, banks, markets, etc. for the residents. A major consequence of the porous border is the ease with which it is crossed illegally. The trend of illegal migration from Bangladesh into India has continued since independence. Various 'push' factors, such as poverty, political upheavals, religious persecution, demographic pressures and environmental crises, and 'pull' factors, such as availability of land, employment opportunities, medical care and education, have contributed to the large-scale influx of Bangladeshis into India. The porosity of the border also allows Indian insurgents to cross over to Bangladesh and other neighbouring countries for asylum.

Porous border, lack of economic opportunities, poverty and underdevelopment, attitude of the people towards petty crimes, laxity in vigilance, alleged nexus between criminals and police and border guarding forces all contribute to the escalating trans-border crimes.

Smuggling of cattle has become a serious concern. Truckloads of cattle from Haryana, Rajasthan, Uttar Pradesh and Madhya Pradesh are shipped to the India-Bangladesh border everyday, ostensibly for grazing purposes. From here, these cattle are smuggled into Bangladesh. The Border Security Force (BSF) regularly seizes cattle. Along with cattle, smuggling of arms and other essential items, such as sugar, salt and diesel, human and narcotics trafficking, counterfeit Indian currency, kidnapping, and thefts are quite common along this border.

The Enclaves Issue

At present, there are 111 Indian enclaves in Bangladesh and 51 Bangladeshi enclaves in India. Since India does not have access to these enclaves, it has not been possible to establish administrative set-up to provide facilities like police stations, courts, schools, roads, hospitals, banks, markets, etc. for the residents.

The prime ministers of India and Bangladesh signed a Land Boundary Agreement in 1974 to exchange all enclaves and simplify the international border. In 1974 Bangladesh approved the proposed Land Boundary Agreement, but India did not ratify it. In 2011 the two countries again agreed to exchange enclaves and adverse possessions. A revised version of the agreement was finally adopted by the two countries when the Parliament of India passed the 119th Amendment to the Indian Constitution on May 7, 2015. Inside the main part of Bangladesh, there were 111 Indian enclaves (17,160.63 acres), while inside the main part of India, there were 51 Bangladeshi enclaves (7,110.02 acres). In respect of adverse possessions, India received 2,777.038 acres of land and transferred 2,267.682 acres to Bangladesh. Under the agreement, the enclave residents could continue to reside at their present location or move to the country of their choice.

► 10.2.4 Indo-Nepal Border

As close neighbours, India and Nepal share a unique relationship of friendship and cooperation characterised by open borders and deep-rooted people-to-people contacts of kinship and culture. There has been a long tradition of free movement of people across the borders. Nepal has an area of 1,47,181 sq. kms. and a population of 29 million. It shares a border of over 1850 kms in the east, south and west with five Indian States—Sikkim, West Bengal, Bihar, Uttar Pradesh and Uttarakhand—and in the north with the Tibet Autonomous Region of the People's Republic of China.

The India-Nepal Treaty of Peace and Friendship of 1950 forms the bedrock of the special relations that exist between India and Nepal. Under the provisions of this Treaty, the Nepalese citizens have enjoyed unparalleled advantages in India, availing facilities and opportunities at par with Indian citizens. Nearly 6 million Nepali citizens live and work in India. Sashastra Seema Bal (SSB) is the border guarding force for Indo-Nepal border.

There are many points of dispute, mostly a result of the constantly shifting courses of the turbulent Himalayan rivers (especially Kalapani and Susta). The submergence, destruction and removal of border pillars and encroachment into no-man's land by people from either side add to the problem. Allegations of excesses, such as intimidation and forcible grabbing of land by either side along the disputed border, also surface from time to time. The disputed border has created unease not only between the two countries but also among their local populations. Unrestricted migration over the years has produced territorial pockets dominated by people originating from the other country.

An open border allows easy access to terrorists and insurgents. In the late 1980s, Sikh and Kashmiri extremists sneaked into India via Nepal. ULFA, NDBF and KLO have misused the open border in the past. Earlier, reportedly, Maoists often escaped into India when pursued by Nepalese security agencies. Apart from insurgents and terrorists, many hard-core criminals pursued by Indian and Nepalese security forces escape across the open border. ISI, LeT and other terrorist organisations are continuously using Nepal as a transit route and are also operating from soil of Nepal. They are taking advantage of the open and porous border.

The New Issue of Madhesis

A new Constitution was promulgated in Nepal on September 20, 2015. It has failed to satisfy the Madheshis and Tharus who constitute 70 per cent of the Terai population. This led to a violent Madheshi agitation in Nepal, especially in the Terai region due to which life in the region had been paralysed. Their main demand is—“proportional political equity of a highly populated Madhesh in Kathmandu” The negotiations over the last one month indicate that the Madhesi Morcha may now agree to the proposal to form a committee to submit its recommendations on demarcation issues.

► 10.2.5 Indo-Myanmar Border

The boundary was demarcated in 1967 under an agreement signed by both countries. However, numerous earlier treaties and acts had affected the alignment of portions of the boundary and formed much of the basis of the new agreement.

The location of the Indo-Myanmar border throws up many challenges for its effective management. Though the boundary is properly demarcated, there are a few disputed pockets. The rugged terrain makes movement and overall development of the area difficult. The internal dynamics of the region in terms of clan loyalties of the tribal people, inter-tribal clashes, insurgency and trans- border ethnic ties also adversely affect the security of the border areas. There is practically no physical barrier along the border either in the form of fences or border outposts and roads to ensure strict vigil. Close ethnic ties among the tribes, such as Nagas, Kukis, Chin, etc., who live astride the border, help insurgents in finding safe haven in Myanmar.

The location of the boundary at the edge of the ‘golden triangle’ facilitates unrestricted illegal inflow of drugs into India. The smuggling of arms and ammunition, precious stones and Chinese made consumer items finds its way into India illegally. Red Sanders, ATS (amphetamine type stimulant), grocery items, bicycle parts, etc. are smuggled from India. Human trafficking is also rampant along the border. The provision of allowing the tribal communities of both countries to travel up to 16 km across the border

without any passport or visa called 'Free Movement Regime' has also contributed to increased smuggling in the region.

India is constructing to seal its 1,624-kilometre (1,009 mile) long border with Burma. India hopes to curtail cross-border crime, including goods, arms and counterfeit Indian currency smuggling, drug trafficking, and insurgency. Indian Army's Assam rifles has been deployed there for border guarding.

On June 9, 2015, The Indian Army carried out a surgical strike at two locations on the Indo-Myanmar border, pre-empting a terror attack and inflicted heavy damage on the militants.

The Indian Army's counter-attack came five days after 18 of its soldiers were massacred in Manipur's Chandel district by militants drawn from various groups, including NSCN-Khaplang and Kanglei Yawol Kanna Lup (KYKL).

► 10.2.6 Indo-Bhutan Border

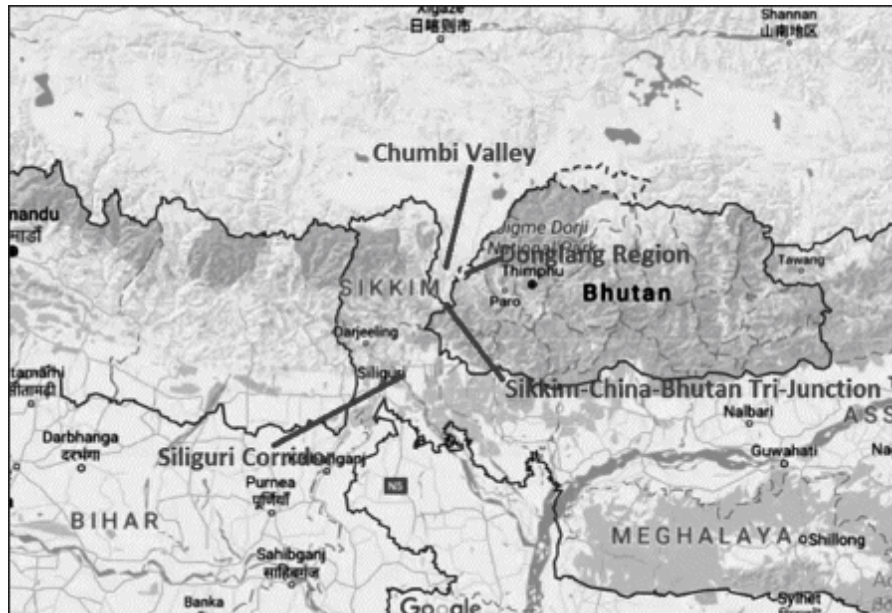
The Bhutan-India Border is the international boundary between the Kingdom of Bhutan and the Republic of India. The border is 699 km long, and adjoins the Indian states of Assam (267 km), Arunachal Pradesh (217 km), West Bengal (183 km), and Sikkim (32 km).

The Treaty of Peace between Britain and Bhutan demarcated the border in 1865, following the Bhutan War. The boundary was further detailed and refined in the 1973-1984 period through talks between Bhutan and India. Remaining disputes have been minor and concern part of the border with Arunachal Pradesh, and the region between Sarbhang and Geylegphug.

The border between Bhutan and India is the only land access into entering Bhutan, as the border with China is completely closed. The single entry point for foreign nationals is between the towns of Jaigaon in the West Bengal and Phuntsholing, in south west bhutan.

The Indian government deploys 12 battalions of Sashastra Seema Bal (SSB), and 132 border posts, to guard the border on its side. The bilateral Indian-Bhutan Group Border Management and Security has been established to collaboratively assess and secure the border between the two countries.

The boundary is demarcated except along the tri-junction with China, where the boundary is open. Recently India helped in maintaining the territorial integrity of Bhutan from advancing Chinese troops during the Doklam standoff.



The border was peaceful till Indian insurgent groups such as KLO, ULFA and NDBF established camps in the southern districts of Bhutan though these were flushed out later. Taking advantage of the open border, these insurgents would sneak into Bhutan after carrying out extortions, killings and bomb blasts. Smuggling and trafficking are also rampant along the border. Chinese made goods, Bhutanese cannabis, liquor and forest products are major items smuggled into India. Livestock, grocery items and fruits are smuggled to Bhutan.

10.3 COASTAL SECURITY AND ISLAND TERRITORIES

Water channels, most of which are interconnected and run deep inside the land, render the coastline porous and hence vulnerable to cross-border infiltration, smuggling and arms and drugs trafficking. Existence of mangrove forests, sandbars and uninhabited islands along the coast provide ideal hideaways for infiltrators and criminals. In recent years, the use of sea by terrorists to carry out attacks, as was seen during the 1993 Mumbai serial

blasts and the November 2008 attack in Mumbai, have also added a new dimension to the vulnerability of the coastline.

The matter is made worse by the existence of several high value targets such as oil refineries, atomic power plants, space stations, ports and naval bases along the coastline. There is growing worry about non-conventional threats as well as terrorist attacks, sabotage, etc., on such targets which could potentially inflict massive damage.

Straying of both Indian and Pakistani fishermen into each other's territorial waters and their subsequent arrests has also been a perennial source of concern. It is feared that at least some of the arrested fishermen could be recruited by Pakistan's Inter Service Intelligence (ISI) and used as agents against India and their boats could be used to sneak in arms, explosives and operatives into India.

Since these boats have Indian make and registration number, they could easily evade attempts by Indian security agencies to track them. This is what seems to have happened when the Coast Guard let off the 'Kuber', the vessel in which the terrorists travelled in November 2008.

Strategic location of the island territories, i.e. their proximity to the important Sea Lanes of Communication (SLOC) and Southeast Asian and African countries, coupled with considerable distance from the mainland add to their vulnerability. In recent years, intelligence reports have suggested that many uninhabited islands are being misused by terrorist groups and criminal gangs as transit points for smuggling arms and narcotics. Internal disturbances in India's neighbouring littoral countries also make the security scenario of the island territories extremely grim. The Andaman and Nicobar islands have seen large scale influx of illegal migrants from Bangladesh, Sri Lanka (Tamils), Myanmar, Thailand and Indonesia. Besides, the Indian Ocean has been a theatre of intense rivalries between great powers, mostly extra-regional powers.

10.4 CHALLENGES TO MANAGING OUR BORDERS

The challenges include:

- ◆ Confronting the challenges to the unity and integrity of India

- ◆ Upholding our sovereignty
- ◆ Defending our territorial jurisdiction
- ◆ Preventing infiltration and illegal movement across the border
- ◆ Inculcating a sense of safety and freedom among people living in border areas
- ◆ Checking trafficking of all kinds (arms, humans, drugs)
- ◆ Controlling the trafficking in Fake Indian Currency Notes (FICN)
- ◆ Prevention of smuggling of goods like cattle, gold etc

10.5 TECHNIQUES OF EFFECTIVE BORDER MANAGEMENT

The following techniques would help in managing and securing the borders:

- ◆ Building of fences and erecting floodlights
- ◆ Creating effective Border outposts (BoP)
- ◆ Stepup infrastructure development, like roads
- ◆ Effective patrolling and building of observation post towers
- ◆ Building of naka/machan
- ◆ Equipping the security forces with night vision technologies
- ◆ Installation of CCTV and thermal imaging equipment

► 10.5.1 The CIBMS (Comprehensive Integrated Border Management System)

Following the Pathankot terrorist attack the MHA sanctioned the implementation of CIBMS to establish an integrated border security system providing all round security even in adverse climatic conditions. The CIBMS is touted as a more robust and integrated system that is capable of addressing the gaps in the present system of border security by seamlessly

integrating human resources, weapons, and high-tech surveillance equipment.

It has three main components:

- (a) new high-tech surveillance devices such as sensors, detectors, cameras, ground-based radar systems, micro-aerostats, lasers as well as existing equipment for round-the-clock surveillance of the international border;
- (b) an efficient and dedicated communication network including fibre optic cables and satellite communication for transmitting data gathered by these diverse high-tech surveillance and detection devices; and
- (c) a command and control centre to which the data will be transmitted in order to apprise the senior commanders about the happenings on the ground and thus providing a composite picture of the international border.

A composite picture would help senior commanders analyse and classify the threat and mobilise resources accordingly to assist the field commander in his response. The purpose of the CIBMS is to eventually replace manual surveillance/patrolling of the international borders by electronic surveillance and organising the BSF personnel into quick reaction teams to enhance their detection and interception capabilities. Other factors such as power back up, training of the BSF personnel in handling the sophisticated equipment, and maintenance of the equipment are incorporated into the CIBMS project.

The use of high-tech equipment as an integrated instrument for border security has been experimented in various countries. Many, including the United States, have tried high-tech solutions for securing their borders, but with mixed results.

10.6 THE KARGIL REVIEW COMMITTEE REPORT AND ITS OBSERVATIONS ON BORDER MANAGEMENT

The concept of border management assumed greater importance in the government lexicon only in the wake of the Kargil conflict of 1999, and the

subsequent report submitted by the Kargil Review Committee. Based on the recommendations of the Review Committee, the Government of India, in April 2001, set up a 'task force' on border management under the chairmanship of Madhav Godbole. This task force was part of a Group of Ministers (GoM) constituted to review the national security system as a whole and the recommendations of the Kargil Review Committee in particular. The task force's objective was to 'consider measures for border management and, in particular, to consider the recommendations of the Kargil Review Committee in this regard and formulate specific proposals for the GoM's consideration'.

The report observed that the country's borders cannot be effectively managed because of certain inherent problems, such as their disputed nature, artificiality and porosity, which according to it give rise to multiple problems like illegal migration, smuggling, drugs trafficking, and trans-border movement of insurgents. In addition, the multiplicity of forces employed to guard the same border, their repeated withdrawal from the borders for other duties, the lack of adequate infrastructure along the border, etc., prevent them from efficiently guarding the border. To address these vital issues the GoM recommended:

- ◆ Concerted efforts are to be made to settle border disputes and demarcate the borders at the earliest opportunity
- ◆ 'Department of Border Management' be created
- ◆ One border guarding force should be deployed on one border and it should not be distracted from its principal task and deployed for other internal security duties
- ◆ Establishment of a marine police force, strengthening of Coast Guard and setting up of an apex institution for coordinating various maritime issues
- ◆ Accelerated development of infrastructure along the border, especially to wean away the border population from illegal activities

India's neighbourhood is in turmoil. Several of India's neighbours are undergoing political and economic instability. India also has continuing border disputes with several of her neighbours. Uncertain borders not only raise bilateral tensions but also facilitate cross-border infiltration, illegal

migration, smuggling and crime. Of these, illegal migration has emerged as one of the major national security challenges.

The Group of Ministers undertook a thorough review of border management issues and made several recommendations in 2001. Many of these recommendations are being implemented. One of the major recommendations was the setting up of a separate Department of Border Management within the Ministry of Home Affairs which has been done. Yet, other major recommendations like the early settlement of our maritime borders and the demarcation of land boundaries has not yet been fully implemented. The GoM had strongly recommended the principle of 'one border one force' for better accountability. It emphasised the imperative of not deploying the border guarding forces for law and order duties and counter insurgencies. It made some recommendations specific to better management of India-Pakistan, India-Nepal and other borders. It lamented the neglect of maritime borders and island territories and made recommendations to strengthen coast guard and police. As a result of these recommendations, border management has got more attention but the Mumbai terrorist attacks have once again shown that a lot more needs to be done to improve border management.

In the last two years, India has built several thousand kilometres of fences on India-Bangladesh and India-Pakistan borders. Border guarding forces have been augmented. Several thousand crores of rupees have been spent on their modernisation and expansion. The Centre has announced a policy of setting up 13 modern integrated check posts to improve border management. Technology will play a major role in improving border management. We may have to learn how other large countries manage their borders.

Approach to Border Management

The approach as employed by the Centre towards managing the borders has four important elements, viz. (a) guarding, (b) regulation, (c) development of border areas, and (d) constituting bilateral institutional mechanisms for resolving disputes and ironing out conflicts with neighbours. We shall examine each one of the above elements.

► 10.6.1 Guarding

The BSF has been assigned responsibility for the India-Pakistan and India-Bangladesh borders, Assam Rifles (AR) for the India-Myanmar border, the Indo-Tibetan Border Police (ITBP) for the India-China border, and the Sashastra Seema Bal (SSB) for the India-Nepal and India-Bhutan borders.

For managing the borders effectively, it is important to have better surveillance. Surveillance is carried out by conducting regular patrols by the personnel guarding our borders. To house these personnel and to send regular patrols and to interact with the nearby villages, border out posts (BOP) have been set up all along the borders. The inter-BOP distances along various borders are far greater than the recommended 2.5 km.

For securing the riverine and creek areas along the India-Bangladesh and India-Pakistan borders, the water wing of the BSF is deployed.

In addition, several electronic surveillance equipment like Night Vision Devices, Hand Held Thermal Imagers, Battle Field Surveillance Radars, Direction Finders, Unattended Ground Sensors, High Powered Telescope, etc. are used by the border guarding forces as force multipliers for greater surveillance.

► 10.6.2 Regulation

Efficient regulation of movement of people and goods is the hallmark of an effective border management strategy. For this, the government has to facilitate legitimate trade and travel while simultaneously checking illegal migration, infiltration of insurgents and terrorists and prevent smuggling. Building barriers is an effective means and for this fencing is employed but it is not an easy task. Some problem areas are:

- ◆ Acquisition of land
- ◆ Inordinate delay due to non-cooperation by local bodies
- ◆ In many instances, vested interests and state governments try to halt the process due to vote bank politics by illegal migrants

Another method of regulation is issuance of multi-purpose national identity cards and construction of Integrated Check Posts (ICPs) to facilitate legal trade and movement.

► 10.6.3 Development of Border Areas

Border areas remain inaccessible and underdeveloped due to difficult terrain and lack of facilities such as proper roads, educational institutions and hospitals. Lack of economic opportunities makes the border population more susceptible to take up smuggling and trafficking. Keeping in mind these problems, the Centre initiated the 'border area development programme' (BADP) in 1987 to provide adequate social and economic infrastructure, promote participation in development, eliminate sense of alienation, and instil a sense of security among the border people. BADP schemes comprise development of community-based infrastructure such as forestry, pasture land, fishery ponds, floriculture parks, community centres, mobile dispensaries, mini marketing yards, etc. Over the years, the nature of the programme has changed from a schematic one with emphasis on education to a state-level programme with emphasis on balanced development of border areas. Grass-root level institutions such as panchayati raj institutions, district councils/traditional councils are encouraged to participate in deciding the priority schemes for their areas.

North-east India, which shares 98 per cent of its borders with Bhutan, China, Myanmar and Bangladesh, has been plagued by insurgency and under-development. Its strategic location as a gateway to South East Asia has propelled the government to undertake various developmental programmes in recent years. To study the situation of the North-east and suggest suitable projects for its development, the Centre constituted the L C Jain Committee and the high level commission under the chairmanship of S P Shukla in the 1990s. The Commission in its report titled 'Transforming the North-east' noted the inadequate infrastructure in the region and strongly advocated the need to develop them, especially road networks. Consequently, a series of schemes were initiated to develop the road network in the region. Among these, the three most important schemes are National Highway Development Programme Phase II, National Highway Development Programme Phase III B and Special Accelerated Road Development Programme for the North-east Region (SARDP-NE) 2007-2008.

► 10.6.4 Constituting Bilateral Institutional Mechanisms

To facilitate bilateral dialogue on matters of mutual concern regarding border management, the Government of India has constituted a system of institutionalised interaction through the meetings of home secretaries, area commanders of border guarding forces and the joint working group on border management. For instance, to discuss issues of insurgency and smuggling along the Indo-Myanmar border, foreign office consultations (FOC) at the level of Foreign Secretary on the Indian side and Deputy Foreign Minister on Myanmar's side take place regularly.

National level meetings (NLMs) and sectoral level meetings (SLM) also take place under the Home Secretary and the Joint Secretary of the Ministry of Home Affairs, respectively. The primary objective of these meetings is 'to maintain peace and tranquillity all along the border' and to attain this objective, the two sides have agreed to 'prevent inadvertent violations of each others' territories by their security forces' and also to 'monitor and curb effectively all illegal and negative activities such as trans-border movement of insurgents, narco-traffickers and others involved in nefarious activities'. Border liaison meetings (BLMs) take place between local Area Army Commanders at designated places every six months.

The Surveyor Generals of India and Myanmar also meet to discuss the work plan for joint inspection, repairs, restoration and maintenance of boundary pillars on the border. India has also constituted similar institutional mechanisms with Bangladesh, Pakistan, Nepal and Bhutan. On the Indo-Bangladesh border, several bilateral mechanisms with BGB (Border Guards of Bangladesh) exist, such as Company Commander level meeting, Commandant level meeting, Sector Commander level meeting, Inspector General BSF–Deputy Director General BGB level meeting, Nodal officer level meetings and Director General BSF–Director General BGB level Border Coordination Conference. A similar layered bilateral mechanism with Pakistan Rangers also exists.

These bilateral mechanisms have been helpful in sensitising each other about their respective security concerns and formulating strategies for better management of the border.

10.7 SECURING THE COASTS AND ISLAND TERRITORIES

► 10.7.1 Coastal Security in Brief

For securing the coasts, the Centre has implemented a three- layered mechanism. At the outermost layer, the Indian Navy patrols the high seas and carries out aerial reconnaissance with ship-based aircraft. The intermediate layer comprising the Exclusive Economic Zone (between 12 and 200 nautical miles) is patrolled by the Coast Guard. The areas around the land-sea interface are patrolled by the Coastal Police. On the recommendation of the Task Force, the Centre launched the coastal security scheme in 2005-06. The scheme envisaged the establishment of 73 coastal police stations equipped with 204 boats, 153 jeeps and 312 motorcycles for mobility on coast and in close coastal waters over a period of five years.

Coastal police stations do not have adequate trained manpower, nor sophisticated arms or patrol boats. The personnel deployed in these police stations are reluctant to undertake sea patrolling. They complain of sea sickness, lack of proper training and absence of high speed patrol boats.

Following the Mumbai terror attacks, the Centre has also announced a series of measures for strengthening coastal security of the country. These include:

- ◆ Expediting the implementation of coastal security scheme
- ◆ Speedy delivery of 204 interceptor boats
- ◆ Easing of environmental norms for setting up coastal police stations
- ◆ Issuance of multi-purpose identity cards to all fishermen, sea ferrying personnel and coastal villages
- ◆ Implementation of uniform licensing of fishing boats across the country
- ◆ Installation of special transponders and global positioning system on registered boats for identification and tracking
- ◆ Deployment of commando units of Central Industrial Security Force (CISF) in all ports
- ◆ Constitution of a unified command for coastal districts to counter terrorist threats from the sea

For the security of the Island Territories, the Centre set up a joint command in the Andaman & Nicobar Islands, called the Andaman & Nicobar Command (ANC), comprising personnel of the Army, the Navy, the Air Force and the Coast Guard. Among other responsibilities, the ANC is also mandated to look after the defence of Andaman & Nicobar Islands.

► 10.7.2 India's Maritime Security: Challenges and Management

India has a vast coastline extending more than ₹ 7,500 km with nearly ₹ 1,200 islands and a large EEZ (exclusive economic zone.) of about 2 million sq. km. The anticipated addition of 1.2 million sq. km of continental shelf would make India's total seabed area equal to that of its land mass.



The Indian Ocean, through which much of the world's ships transit, is distinguished by a land rim on three sides. Maritime access to the region is possible only through certain choke points leading to and from the Arabian Sea and the Bay of Bengal and from the southern Indian Ocean. India flanks the first two regions and has a central position overseeing the third. Its peninsular feature provides a natural reach across wide sea spaces in all directions, extended by the islands of the Andaman & Nicobar and Lakshadweep island group.

India's central position in the Indian Ocean Region (IOR), dominating the main International shipping lanes (ISL), gives it a distinct advantage, it places the outer fringes of the IOR and most 'choke points' almost equidistant from India, thereby facilitating reach, sustenance and mobility of its maritime forces across the region. India is therefore well positioned to influence the maritime space, promote and safeguard its national interest across its maritime domain. The vastness of maritime domain demands a significant amount of resources and investment to ensure its security against challenges emanating from the traditional and non-traditional threats.

Challenges The greatness of India's maritime domain with its distinctive geography and shift of global maritime focus from Atlantic-Pacific combine to Indo-Pacific continuum has thrown numerous challenges to its security. These challenges cover the entire range of threats from traditional and non-traditional sources.

Traditional Threats The traditional threats emanate from the nation states, it may involve issues like maritime border disputes, claims of maritime resources, strategic interests etc. Presently we face these threats from Pakistan, China and Sri Lanka.

Non-Traditional Threats These are the threats from the non-state actors which impact the economy, society, and politics of the concerned states. These include piracy, terrorism, trafficking, environmental issues, natural disasters etc.

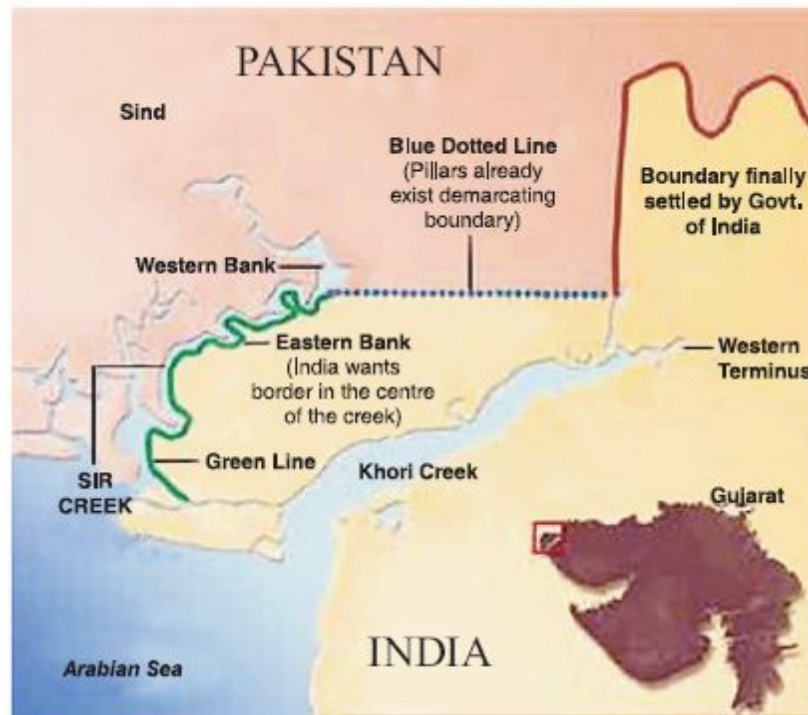
Traditional Threats

India-Pakistan The main concern between India and Pakistan is the dispute of Sir Creek. It is a 96 km stretch of estuary in the marshes of Rann of Kutch, opening into the Arabian Sea, which separates India's Gujarat and Pakistan's Sindh.

The long standing disputes hinges on the actual demarcation:

1. From the mouth of Sir Creek to the top of Sir Creek

2. From the top of Sir Creek eastward to a point on the line designated on the western terminus.
3. Demarcation of maritime boundary between India and Pakistan in the Arabian Sea.



Sir Creek Area on the Indo Pak Border

The disputed region of Sir Creek has very little strategic or military significance but the region is rich in fishing resources, considered to be one of the largest fishing ground in Asia. The region is expected to be rich in hydrocarbon and shale gas with immense economic potential. If boundary gets defined it would help in determining the maritime boundaries which will further decide the limits of EEZ and Continental shelf.

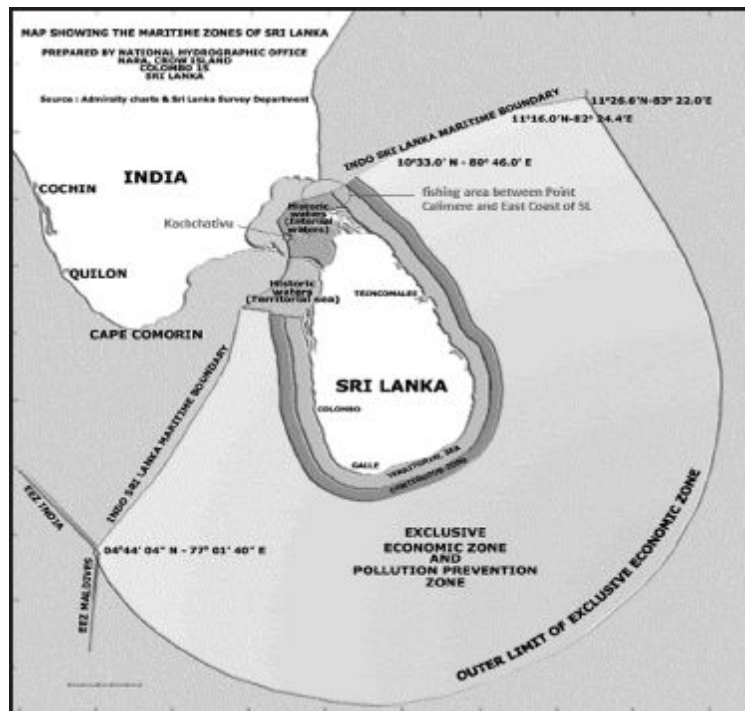
In 1965 a dispute in this region contributed to the full-fledged war between India and Pakistan. Later 'Indo-Pak western boundary case tribunal' was set up to resolve the dispute. The tribunal upheld 90 per cent of India's claim to the entire Rann leaving the boundary to the south unresolved. Since 1969 there have been eight rounds of 'composite dialogue group' held without any breakthrough. Since neither side has conceded any ground, India has proposed for the demarcation of maritime border first as per the provisions

of ‘Technical aspects of laws of sea’ (TALOS). However, Pakistan first wants the dispute to be resolved, taking it for international arbitration, which India has flatly denied citing it a purely bilateral issue.

With both the countries unable to agree on the exact boundary, the differences flow into the Arabian Sea creating a vast stretch of disputed waters, where fishermen’s misery, terrorists’ design and global drug syndicates’ interests are all converging. There are indications that this area could be the world’s most active bed for drug trading.

India-Sri Lanka

India and Sri Lanka have settled maritime boundary demarcation. However, there are few issues still left having direct bearing on the livelihood of the people residing there. Geographically India and Sri Lanka are very close to IMB e.g. the Palk Strait is just 22 nautical miles (nm) of water that separates the Indian Coast from the Sri Lankan Coast. This proximity results in the encroachment into each other’s territory by fishermen unknowingly resulting into arrests/detention, attacks etc.



India-Sri Lanka Maritime Border

In 1974, India agreed to Sri Lanka's sovereignty over a small barren island in the Palk bay area, named "Katchatheevu" with some safeguards to Indian fishermen. However, the Sri Lankan government argues against the fishing rights of Indian fishermen in these waters where they have been fishing traditionally. The grant of "Katchatheevu" has endangered the Indian fishermen's right over the rich fishing waters. Whenever Indian folks stray into the Sri Lankan waters around the island, it leads to skirmishes and incidents.

The period after the defeat of LTTE has seen increased incidences of Indian fishermen coming into conflict with their counterparts in Sri Lanka and also with Sri Lankan Navy. There have been allegations of use of excessive force and even firearms to prevent fishermen from poaching.

India-China

In the context of security challenges from China to India, the maritime dimension is a relatively new factor. The rapid growth of both economies led to increased demand of energy and raw materials, which are transported by sea. Both the economies are focusing on the sea lanes for the uninterrupted transportation of their trades and energy supply. Thus, the Indian Navy has newfound commitments in the South China Sea whereas PLA Navy made forays into the Indian Ocean. If we follow the trade routes of China, 40 per cent of her oil imports transit the Strait of Hormuz whereas 82 per cent of her oil imports pass through the Malaccan Strait. Both these strategic shipping lanes are well within the reach and dominance of Indian and US navies. This reality is forcing China to make her presence visible in the Indian Ocean through her 'string of pearls policy' in which she seems to encircle and constrict India.

The String of Pearls

It is a geopolitical theory on potential Chinese intentions in the Indian Ocean region. It refers to the network of Chinese military and commercial facilities and relationships along its sea lines of communication, which extend from the Chinese mainland to Port Sudan. The sea lines run through several major maritime choke points such as the Strait of Mandeb, the Strait of Malacca, the Strait of Hormuz, and the Lombok Strait as well as other

strategic maritime centres in Pakistan, Sri Lanka, Bangladesh, Maldives, and Somalia. The term as a geopolitical concept was first used in an internal US Department of Defence report, “Energy Futures in Asia”. The term has never been used by official Chinese government sources, but it is often used in Indian media.

The emergence of the String of Pearls is indicative of China’s growing geopolitical influence through concerted efforts to increase access to ports and airfields, expand and modernise military forces, and foster stronger diplomatic relationships with trading partners. The Chinese government insists that China’s burgeoning naval strategy is entirely peaceful in nature and is only for the protection of regional trade interests. An analysis by *The Economist* also found the Chinese moves to be commercial in nature. Although it has been claimed that China’s actions are creating a security dilemma between China and India in the Indian Ocean, that has been questioned by some analysts, who point to China’s fundamental strategic vulnerabilities.

Non-Traditional Threats

Maritime Terrorism Terrorism in general has changed the security scenario and has left no frontiers untouched, be it land, space or sea. In Indian perspective, terrorism in particular, has had a major impact on maritime security preparedness. The 1993 Mumbai serial blasts and 26/11 attack are glaring examples of how vulnerable sea routes can be used to infiltrate man and material to target the land. The targets may be soft civilian assets like commercial hubs, population centres, transits, industrial centres, ports, ships as well as conventional military targets of strategic importance and offshore oil facilities or nuclear power plants.

Threats from Sea to Land

In 1993, the explosives used for Mumbai serial blasts reached western shores of India in boats via sea routes. The 26/11 attack was carried out by a group of terrorists who infiltrated through our porous maritime border.

Threats from Land to Sea

In early 2000s al-Qaeda bombed US naval ship USS Cole, killing 17 on board. In 2003 the three Iraqi oil terminals were attacked in the Persian Gulf by explosive laden speed boats. In 2014 al-Qaeda militants tried to seize a Pakistani naval frigate to target US Navy vessels on northwestern Indian Ocean.

Smuggling

The high seas are outside the jurisdiction of any single state or agency, hence there is always a reduced scope for the monitoring these areas. The non-state actors involved in the unregulated activities of trafficking/smuggling exploit this opportunity. With Golden Crescent on its left and Golden Triangle on its right India is under constant pressure of unregulated movements at sea for trafficking of narcotics and arms. The traffickers/smugglers follow the modus operandi of trans-shipment of consignments on the high seas into local crafts, which then mingle with fishing activities offshore and can land at any of the myriad landing points ashore. The threat of nuclear material being smuggled in/from our neighboring states is also an alarming dimension to this problem.

Piracy

Piracy is the oldest form of maritime security threat. It targets trade, putting the economy of the concerned state and lives of the people on board at risk, restricting the freedom of using sea routes for economic growth.

Historically the waters of Gibraltar, straits of Malacca, Gulf of Aden, Madagascar and the English Channel are the most vulnerable routes for pirate raids. The narrow channels with funnel shipping into predictable routes create opportunities for pirates. In the last two decades Indian Ocean Region (IOR) has witnessed increased economic activities owing to increased demand of energy from China and India and their increased trade. This has lured the pirates into this region.

In recent years, Gulf of Aden and Somali based piracy has spread across Arabian Sea within 500 nm of India's mainland. Strong action from our Navy and Coast Guard pushed them away. Since 2008, Gulf of Aden is being patrolled by our naval ship and helped in escorting more than 3,000 merchant ships and nearly 25,000 Indian and foreign seafarers.

Illegal, Unreported and Unregulated Fishing (IUU)

IUU is a manifestation of human greed with an assumption that marine resources are an unlimited gift of nature. But it has been realised that marine living resources, although renewable, are not infinite and need to be managed on a sustainable basis. IUU carries the risk of seriously damaging or even destroying living resources, marine environment, bio-diversity and future livelihood of the coastal populace.

As per the 2005 report of FAO (Food & Agriculture Organisation of UN) 75 per cent of fishery resources in south-western Indian Ocean have been finished to their limits while the remaining 25 per cent have been harvested beyond ecological sustainment. It is affecting India as it impacts food and related economic security as well as livelihood of the Indian fishing community. The prevailing tension between fishermen of India and Sri Lanka in Palk Bay is due to differently perceived claims on fishing area and employment of different fishing methods. Similarly Indian and Pakistani fishermen are subjected to detention by each other's maritime and law enforcing agencies if they transgress into each other's areas in the pursuit of big catch.

Climate Change

Climate change has manifested in alteration of seasonal temperatures and weather patterns the world over. It has its influence on maritime security with potentially major effects on the future. These are impacts on living resources, possible inundation of low lying coastal areas and islands, the loss of national territory etc.

The current trend of natural disasters such as tropical cyclones, tornadoes, floods, coastal and marine inundation may get exacerbated with climatic changes. We must set our priorities right to prepare ourselves to respond in an effective manner.

India's Maritime Security Management

Historically India's seafaring traditions and maritime capabilities, which took it to the shores of south-east Asian countries in the east and shores of Persia, Mesopotamia and Rome on the west, are not documented. When we

look into the south-east Asian countries like Malaysia, Indonesia, Thailand we find them greatly influenced by Indian culture, language and architecture. Even their dietary habits depict remarkable influences of India. This is visible across the length and breadth of these regions and it could reach there only through centuries of intense maritime interactions. It is an empirical proof of the seafaring activities and maritime traditions nurtured by a succession of royal dynasties that flourished on India's eastern seaboard up to the 13th century. Similarly Indian marines from the west coast were trading with Persia, Mesopotamia and Rome as far back as 2000-3000 BC.

The last millennium of 'sea-blindness' by our rulers and the post-independence 'lack of strategic direction' coupled with financial restraint brought our maritime security preparedness to an alarmingly low level. It is only during the last two decades that some factors and incidences forced India to focus on its maritime security management. These are given below:

1. After the opening of economy in 1990, India witnessed escalation in the international trade and energy requirement. As most of the international trades are carried overwhelmingly by sea, it assumed a prime concern to maintain stability at sea as well as to secure the shipping lanes of the sea from various sorts of threats.
2. The rise of China as a military and economic power with her arrogant attitude can any time lead to a confrontation with India. The geographical position of India in Indian Ocean Region gives her a chance to balance China's upper hand in air power and infantry. India needs to be prepared at sea to leverage her geographical advantage.
3. India realised its weakness in the marine domain, only after the 1993 Mumbai serial blasts and 26/11.
4. The steady GDP growth post liberalisation is generating resources/funds for implementation of delayed projects of Indian navy.

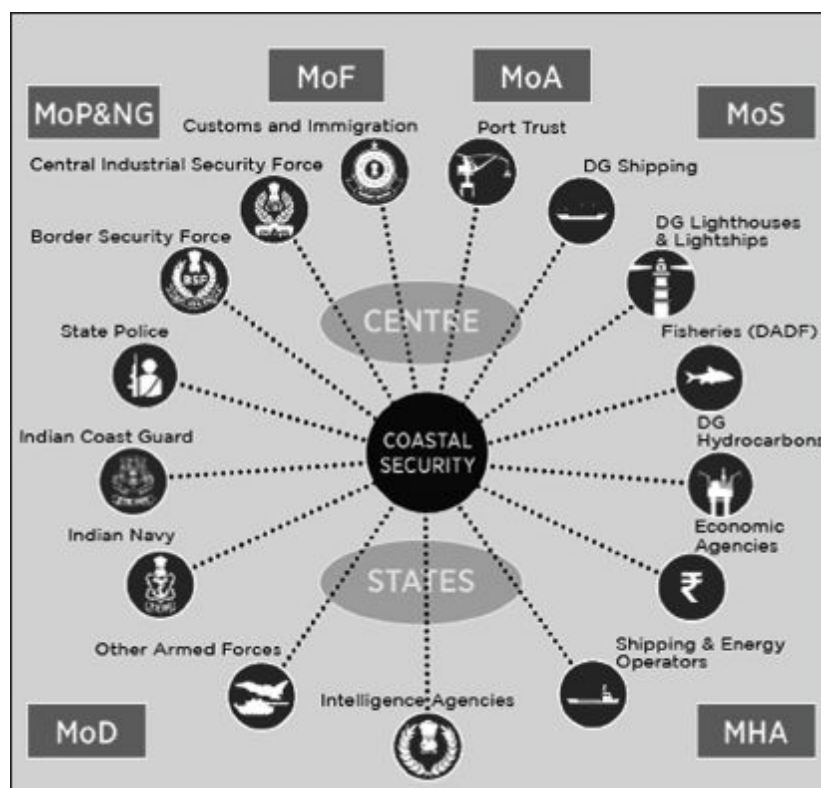
Managing Challenges

The 26/11 attack made the Indian government realise the three basic lacunas in the Indian maritime security:

- I. The porosity of its coastline
- II. Inadequacy in the surveillance of its maritime domain, and
- III. Lack of co-ordination among various agencies playing role in maritime security.

To plug these loopholes the coastal and offshore security apparatus has accordingly evolved with an increased role of Indian Navy as the central agency with the Coast Guard in support along with the state police and other security agencies. The measures taken by the Centre are mentioned below:

- ◆ Integration of all maritime stakeholders including several states/UTs and central agencies into a new coast line security mechanism, National committee on strengthening maritime and coastal security (NCSMCS), under the cabinet secretary.
- ◆ Naval commander-in-chief was designated as the Commander-in-chief, coastal police.
- ◆ The director general, Coast Guard was re-designated as commander, coastal command, and was given the responsibility of overall co-ordination of central and state agencies in matters of coastal security.
- ◆ Sagar Prahari Bal/ocean strike unit created by the Indian Navy was aimed at protection of naval bases and other areas.
- ◆ Sagar Suraksha Dal an informal group of fishermen and trained volunteers of coastal areas are used for surveillance and intelligence gathering.
- ◆ Issue of ID cards to all fishermen and over 2 lakh registrations of fishing vessels to facilitate their identification and tracking.



Agencies Involved in Coastal Security

- ◆ For securing the coastline police of all coastal states/UTs, their administrations, Indian navy, MHA and other central ministries are working in co-ordination. The proposal for coastal security scheme Phase I and Phase II, formulated on the basis of vulnerabilities/gap analysis carried out by the coastal states/UTs in consultation with coast guard has also been approved.

Coastal Security Scheme Phase I and II

Approved in January 2005 for implementation in five years with an extension of one year, this scheme stands completed in March 2011. Phase II was approved on September 24, 2010 for implementation from April 1, 2011 for the next five years. These schemes made provisions for addition of following infrastructures.

Sr. No.	Project	Phase I	Phase II
1	Coastal police station	73	131
2	Check posts	97	

3	Boats	204	180
4	Four wheelers	153	131
5	Motor cycles	312	242
6	Rubber inflated boats	10	35

A special provision of 60 jetties with upgradation of the existing ones has been made in CSS Phase II. Some key projects of CSS Phase II have been initiated over the last one-and-a-half year.

- ◇ Fast patrol vessels—14
- ◇ Interceptor boats—20
- ◇ Offshore patrol vessels—07
- ◇ Fast interceptor crafts—02
- ◇ Coast Guard maritime patrol aircraft—06
- ◇ Coastal surveillance radars—120
- ◇ Sensors for Directorate of Lighthouses and Light ships
- ◇ Procurement of light helicopters for surveillance and reccee—06
- ◆ Indian navy has established four JOCs (JOINT OPERATION CENTRES) at Mumbai, Kochi, Visakhapattanam and Port Blair resulting in good coordination, synergy and understanding among stakeholders.
- ◆ The Indian navy has now set up the National Command Control Communication Intelligence (NC3I) that hosts the information management and analysis centre (IMAC). The focus is on building national maritime domain awareness (NMDA) grid via a number of organisational, operational and technological changes. This network connects 51 radar stations (20 Navy and 31 Coast Guards) located along the coasts and the island territory. It will collate, fuse, and disseminate critical intelligence and information about suspicious activities and movements at sea.
- ◆ The Indian government is in talks with 24 countries for exchanging information on shipping to reinforce the NMDA.

- ◆ For the security of island territories, the Indian government has set up a joint operation centre on the Andaman & Nicobar Islands, Andaman & Nicobar commands comprising personnel of Indian Navy, the Army, the Air force and the Coast Guard.

NC3I Project

India is looking to tie-up with as many as 24 countries for exchange of merchant shipping data, even as its naval intelligence network to track ships in real time has now finally become a reality six years after 26/11.

The outreach to the 24 countries, spread from Africa's east coast to well beyond the Malacca Strait, is being led by national security adviser. Though this will take time to fructify, the government is now all set to give the final nod to the national maritime domain awareness (NMDA) project to bolster multi-agency coordination and augment ongoing efforts to strengthen maritime and coastal security.

The overall endeavour is to enable the country to keep track of both conventional and unconventional threats in its primary area of geopolitical interest across the Indian Ocean Region and “neutralise” them if required.



A major step towards this will be the inauguration of the central hub of National Command Control Communication Intelligence (NC3I) network, which can track 30,000-40,000 ships on a daily basis.

Taking feeds and inputs from multiple sources ranging from coastal radars to satellites, the Information Management and Analysis Centre (IMAC) at Gurgaon will fuse, correlate and analyse them to assess threats at sea. It's

very easy to guard land borders through fencing, electronic devices and pickets. But at sea, there is no such luxury. The NC3I network will alert us to unusual or suspicious movements and activities at sea.

The bigger plan is to go for the NMDA project, which is now awaiting clearance from the Cabinet committee on security. The NC3I will be the heart or backbone of the NMDA project.

While Navy and Coast Guard are behind the NC3I network, the NMDA project will bring all stakeholders —the several Union ministries dealing with maritime affairs as well as coastal states and Union Territories—on the same grid.

It will then be much easier to intercept a fishing boat like Kuber, which was used by Ajmal Kasab and nine other terrorists to reach Mumbai and unleash havoc during the 26/11 strikes. The carnage exposed the lack of critical connectivity between intelligence agencies and security agencies.

As per the blueprint, state monitoring centres in coastal states/UTs will act as nodes for the NMDA project, while a shipping hub and fisheries monitoring centre will also be established. The four existing joint operations centres at Mumbai, Kochi, Vizag and Port Blair, set up in the aftermath of 26/11, will also be upgraded.

Few Definitions Related to Maritime Security

Internal waters The term refers to all waters landward of the baseline (e.g. low water line) and all harbours. Any law in force in the country, including the common law, shall also apply in its internal waters and airspace above its internal waters. The right of innocent passage does not exist here.

Territorial waters The sea within the distance of 12 nm from the baseline. Any law in force in the country, including the common law, shall also apply in its internal waters and airspace above its internal waters. The right of innocent passage shall exist here. Submarines and other underwater vessels are required to navigate on the surface and show their flag.

Contiguous zone This zone refers to the sea beyond territorial waters but within a distance of 24 nm from the baseline. Within this contiguous zone

and airspace above it, the country shall have the right to exercise all powers to prevent contravention of any fiscal law or any customs, immigration or sanitary law and to make such contravention punishable.

Exclusive economic zone It is a term for the sea beyond the territorial waters but within a distance of 200 nm from the baseline. This zone is subjected to any other laws the country shall have, in respect of all natural resources, the same rights and powers it has in respect of territorial waters.

10.8 AIR SPACE SECURITY, CHALLENGES AND MANAGEMENT

The changing scenario of security threats and challenges forces a nation to secure all its frontiers. Secured airspace is one of the layers of defence along with ground and marine based security preparedness, necessary to crush any threat coming from the space or targeting this area.

Before entering into security aspects of airspace we must have a clear idea of what airspaces encompasses. Airspace is the area of the atmosphere above the territory of the state. The second decade of the 20th century saw an increase in the international use of aircrafts for carrying passengers, cargo and military assets and this led to the question of air sovereignty. The Paris Convention (1919) was the first of its kind to bring some clarity to the definition of air space and airspace sovereignty. Later in 1944 the Chicago convention of international civil aviation, established a UN agency named International Civil Aviation Organisation (ICAO) for coordinating and regulating use of airspace. Presently ICAO has 191 member states including India. Both these conventions are considered milestone in airspace management.

“Every state has inclusive sovereignty over their airspace directly above its territory including its territorial waters.”

► 10.8.1 Few Definitions in Airspace

Controlled airspace It is defined as airspace of defined dimensions within which air traffic control measures are provided.

Uncontrolled airspace In uncontrolled airspace all kind of flights are permitted where all participating flights can receive flight information services, if required.

Prohibited area The prohibited area is generally defined in airspace keeping national security concerns in mind and sometimes environmental concerns. Within this space the flights are not permitted at any time or under any circumstances.

Restricted area A restricted area is airspace of defined dimensions above the land area or territorial waters of a state within which the flight of aircrafts is restricted in accordance with specific conditions.

Danger area It may be quite a large portion of airspace within which artillery practices, missile firing and other activities may take place and so the flight of aircrafts is restricted.

We can see that such zones restrict the airspace to a very limited corridor for civil aviation traffic. As the restricted areas and the danger areas generally remain inactive for much of the time after their notification, a concept of Flexible Use of Airspace (FUA) has been evolved to optimise the use of airspace for commercial purposes as well.

► 10.8.2 Indian Airspace

Indian airspace is a great three-dimensional space of 40 million cu. km covering the Indian mainland, islands and its territorial waters under its umbrella. Factors like our hostile neighbours, increased air traffic owing to economic liberalisation and need to keep an eye on trade routes make our airspace management important and challenging. Indian airspace, like any other airspace, has limited space left for civil aviation traffic and most of the airspace are marked prohibited, restricted or danger zone. Though these zones have their security significance but economic and commercial aspects need to be addressed with effective management of our airspace with increased investment in surveillance and other security measures. The European concept of FUA is being incorporated in managing our airspace for its efficient use for commercial exploits.

► 10.8.3 Security Challenges

The security challenges to Indian airspace are highlighted by the infamous Purulia Arms drop case of 1995, followed by shooting down of a Pakistan Air Force's surveillance aircraft killing all 17 on board in 1998. Besides these, many minor incidences of airspace violation by our neighbouring countries come into light from time to time. The incidents of global ramifications like 9/11 attack on WTC in USA, where civilian aircrafts were used to bring havoc, recent disappearance of Air Malaysia aircraft MH370 and downing of another Malaysian air aircraft MH17 near Ukraine must be kept in mind while planning for Indian airspace management.

► 10.8.4 Measures

To keep our vast airspace secure and manage the air traffic within this space, India needs to upgrade its existing infrastructures and procedures. All the stakeholders of our airspace need to come together to institutionalise airspace management for maintaining air traffic as well as safeguarding its strategic security concerns. Airspace management encompasses measures of air defense carried by Indian Air Force in association with Indian army and Indian navy in certain areas, Air Traffic Services (ATS) provided by Airport Authority of India, Indian Air Force and to some extent by Hindustan Aeronautical Limited (HAL) and limited air defense roles of Indian Army and Indian Navy.

Airspace management comprises the following activities:

- ◆ Regulatory Functions
- ◆ Surveillance
- ◆ Control Mechanism
- ◆ Weapon System and Interceptors
- ◆ Air Traffic Control.

► 10.8.5 Air Defense Identification Zones (ADIZ)

India has established its own ADIZ and procedures for identification, location and control of all the aircrafts within its airspace. There are total six

ADIZs covering Indian Territory namely, North, West, Central, East, South and South- East. ADIZ South also includes airspace over and upto the territorial waters of Lakshadweep Islands.

All aircrafts flying in air space above the Indian Territory, including territorial waters adjacent thereto are required to follow the established ATS routes as promulgated by Notam or Aeronautical information Publication or any other route over which the flight is specifically permitted. Pilots are cautioned not to fly in the air space over Indian Territory within 15 nm of the border of India except when following an ATS or specifically permitted route or when operating to or from any aerodrome situated within 15 nm of border of India. If an aircraft penetrates into/operates within an ADIZ without Air Defense Clearance, strays into a restricted area/prohibited area/danger area or fails to inform the Air Traffic Control Centre about its deviation/intended deviation from the route, it will be liable to interception by fighter aircraft.



PROBABLE QUESTIONS BASED ON THIS **CHAPTER**

1. What are the challenges that border management in India faces?
2. How far are internal security challenges linked with border management?
3. How far are India's internal security challenges linked with border management particularly in view of the long porous borders with most countries of South Asia and Myanmar? (UPSC GS 3 2013)
4. Border management is a complex task due to difficult terrain and hostile relations with some countries. Elucidate the challenges and strategies for effective border management. (GS 3 2016)
5. Management of Indian border disputes—a complex task. (Essay)



11.1 CENTRAL ARMED POLICE FORCES (CAPF s)

There are two types of central security forces, viz., CAPF and CPMF.

CAPFs stand for Central Armed Police Forces. This new terminology was introduced in 2011 on the request of the Army. Presently the CAPF comprises the following eight police forces of the Centre.

- | | | | |
|---------|----------|----------|----------|
| (a) BSF | (b) CRPF | (c) ITBP | (d) CISF |
| (e) SSB | (f) NSG | (g) SPG | (h) RPF |

The first six, viz. , BSF, CRPF, ITBP, CISF, SSB and NSG are under the administrative control of the Ministry of Home Affairs (MHA), while the SPG is under the Cabinet Secretariat and the RPF is under the Ministry of Railways. They all are headed by senior IPS officers. Most of the higher posts in these five are filled through deputation by IPS officers. These forces assist and report to MHA. Earlier they were known as Central Paramilitary Forces (CPMF). Out of these five, BSF, SSB, ITBP are border guarding forces while the CRPF is for internal security and election duties.

CRPF also provides security to major critical installations of the country. NSG is the commando force meant for counter terrorism but also looks

after high risk VIP security. SPG is for proximate security of PM and ex-PM while RPF guards railway property and ensures passenger safety.

► 11.1.1 Border Security Force (BSF)

The Border Security Force (BSF) is a border guarding force. It was established on December 1, 1965. Its primary role is to guard India's international borders with Pakistan and Bangladesh during peacetime and prevent trans-border crime. BSF is headed by an IPS officer and is under the administrative control of the Ministry of Home Affairs (MHA). The Indo-Pakistan war of 1965 demonstrated the inadequacies of the existing border management system and led to the formation of the Border Security Force as a unified central agency with the specific mandate of guarding India's international boundaries with Pakistan. The BSF had trained, supported and formed a part of 'Mukti Vahini'. It also played an important role in the liberation of Bangladesh.

The BSF has a strength of 2,50,000 personnel in 186 battalions. Some of its battalions are also deployed with CRPF in the Naxal affected region of Dandakaranya and Jammu and Kashmir. The air wing of the BSF also played a constructive role in the relief work in Uttarakhand during the Kedarnath disaster in 2013.

Two battalions of the BSF, located at Kolkata and Guwahati, are designated as the National Disaster Response Force (NDRF).

Role of BSF During Peacetime

During peacetime, the BSF is associated with the following:

- ◆ To promote sense of security among the people living in the border areas
- ◆ To prevent trans-border crimes, unauthorised entry into or exit from the territory of India
- ◆ To prevent smuggling and any other illegal activities on the border
- ◆ Anti-infiltration duties
- ◆ To collect trans-border intelligence

Role of BSF in Times of War

During the war, BSF is responsible for:

- ◆ Holding ground in assigned sectors
- ◆ Limited aggressive action against the Central Armed Police Force or irregular forces of the enemy
- ◆ Maintenance of law and order in enemy territory administered under the Army's control
- ◆ Guarding of prisoners of war camps
- ◆ Acting as guides to the army in border areas
- ◆ Assistance in control of refugees
- ◆ Provision of escorts
- ◆ Performing special tasks connected with intelligence, including raids

► 11.1.2 Central Reserve Police Force (CRPF)

The CRPF is the largest Central Armed Police Force in the country. It came into existence as the Crown Representative's Police on July 27, 1939. After India's independence, it became the Central Reserve Police and since then, the Force has achieved remarkable growth in strength and capabilities. It has a strength of 234 battalions (Bns) including raising and underraising Bns. At present, CRPF has 195 executive Bns, two Disaster Management Bns, four Mahila Bns, 10 RAF Bns, five Signal Bns, 10 Commando Bns for Resolute Action (COBRA Bns), one Special Duty Group, one Parliament Duty Group (PDG) and 40 Group Centres and other allied institutions and training centres. CRPF has also raised three NDRF battalions to assist during natural calamities and disasters. It functions under the aegis of the Ministry of Home Affairs (MHA) of the Government of India. The CRPF is headed by an IPS Officer.

Role The CRPF's primary role lies in assisting the State/Union Territories in police operations to maintain law and order, contain insurgency and carry out anti-Naxal operations. The CRPF also plays an important role in conducting elections across the country. Besides, it also provides security at

some of the vital installations and buildings, including the shrine of Mata Vaishno Devi in Jammu, and other religious shrines.

Some specialised formations of CRPF are as follows:

1. **The Rapid Action Force (RAF):** It is a specialised 10 battalion wing of CRPF. It was formed in October 1992 to deal with communal riots and related civil unrest. It is a specialised force with multi-ethnic composition and better mobility for swift action to control communal riots.
2. **Commando Battalions for Resolute Action (COBRA) Bn:** There are 10 specialised battalions named COBRA and these battalions became operational during 2008-09. They are trained and equipped for commando operations especially against left-wing extremism and are capable of undertaking intelligence based quick operations.
3. **Special Duty Group (SDG) and Parliament Duty Group (PDG):** SDG is an elite CRPF unit tasked to provide armed protection to SPG protected places. It comprises personnel drawn from various units of CRPF. SDG members are trained in combating nuclear and bio-chemical attacks, rescue operations and behavioural management. PDG is also an elite CRPF unit tasked to provide armed protection to the Parliament House. The creation of the PDG was mooted in the aftermath of the 2001 Parliament terror attack. It comprises 1,540 personnel drawn from various units of CRPF. PDG members are also trained in combating nuclear and bio-chemical attacks, rescue operations and behavioural management. The PDG has distinct units of security personnel, communications experts, quick reaction teams and medical staff.

► 11.1.3 Indo-Tibetan Border Police (ITBP)

The ITBP (Indo-Tibetan Border Police) is a border guarding force. It is headed by an IPS officer and is under the administrative control of the Ministry of Home Affairs (MHA). ITBP was established on October 24, 1962 for security along India's border with the Tibet Autonomous Region of China. It was raised with four service battalions in the wake of Indo-China conflict in 1962. Presently, battalions of ITBP are deployed on border

guarding duties from Karakoram Pass in Ladakh to Diphu La in Arunachal Pradesh, covering 3,488 km of the Indo-China Border. Manned border posts are at altitudes as high as 21,000 feet in the western, middle and eastern sectors of the border. ITBP is a mountain trained force and most of the officers and men are professionally trained mountaineers and skiers.

ITBP is a multi-dimensional force with primarily five functions:

- ◆ Vigil on the northern borders, detection and prevention of border violations and promotion of the sense of security among the local populace
- ◆ Check illegal immigration and trans-border smuggling
- ◆ Provide security to sensitive installations and threatened VIPs
- ◆ Restore and preserve order in any area in the event of disturbance
- ◆ To maintain peace in the country

The border posts manned by ITBP are exposed to high velocity storms, snow blizzards, avalanches and landslides, besides the hazards of high altitude and extreme cold, where temperature dips up to minus 40 degrees Celsius.

The ITBP has recently taken on a disaster management role. Being the first responder for natural disaster in the Himalayas, the ITBP was the first to establish six (now eight) Regional Response Centres in Himachal Pradesh, Uttaranchal and the North-east. It has carried out numerous rescue and relief operations in various disaster situations, which took place in their areas of responsibility as well as other parts of the country. ITBP has already trained 1,032 personnel in disaster management including 98 personnel in radiological, chemical and biological emergencies.

ITBP commando units also provide security to the embassy and consulates of India in Afghanistan. The force has also been providing security to pilgrims during the annual Kailash Mansarovar Yatra since 1981. ITBP provides communication, security and medical cover to the yatris.

ITBP, being deployed in mountains, has developed the expertise in rescue and relief operations in mountains, which entails specialised skills of very high standard. It is always first in extending rescue and relief in case of

natural calamities. ITBP played a critical role in the relief operation in Uttarakhand in 2013. It conducted a large number of civic action programmes in remote border and terrorist affected areas to provide free and expert medical, health and hygiene care to the civilian population in remote villages.

▮ 11.1.4 Central Industrial Security Force

The CISF provides security cover to 300 industrial units and other establishments located all over India. It was established in the year 1969. It provides security cover to 307 industrial unit including 59 domestic and international airports and fire protection cover to 86 industrial undertakings. Industrial sectors such as atomic power plants, space installations, mints, oil fields and refineries, major ports, the Delhi metro, heavy engineering and steel plants, barrages, fertiliser units, airports and hydroelectric/thermal power plants owned and controlled by the Central PSUs, and currency note presses producing Indian currency are protected by the CISF. In a span of four decades, the force has grown manifold and has a sanctioned strength of 1,33,762 as on December 31, 2012. CISF is headed by an IPS officer and is under the administrative control of Ministry of Home Affairs (MHA). With the globalisation and liberalisation of the economy, CISF has become a premier multi-skilled security agency of the country mandated to provide security to major critical infrastructure installations of the country in diverse regions including terrorist and Naxal affected areas.

The Indian Parliament on February 25, 2009 authorised the provision of Central Industrial Security Force to provide security to private and cooperative establishments across the country for a fee with the passage of the CISF (Amendment) Act, 2008. The Act also provides for deployment of CISF to protect Indian missions abroad and its participation in the UN peacekeeping operations.

The CISF started providing security to the Infosys Bangalore campus in 2009. Infosys Mysore, Reliance Refinery, Jamnagar and the Delhi Metro Airport Express Line are the latest additions to the list of private sector establishments to be placed under CISF cover.

► 11.1.5 Sashastra Seema Bal (SSB)

The SSB (Sashastra Seema Bal) is a border guarding force. SSB is headed by an IPS officer and is also under the administrative control of Ministry of Home Affairs (MHA). Its primary role is to guard India's international border with Nepal and Bhutan. It was formerly known as the Special Service Bureau.

SSB (Special Service Bureau) was set up in early 1963 in the wake of the Sino-Indian War. The primary tasks of the force were to provide armed support for RAW (Research and Analysis Wing) and to inculcate feeling of national belonging in the border population and develop their capabilities for resistance through a continuous process of motivation, training, development, welfare programmes and activities in the then NEFA, North Assam (northern areas of Assam), North Bengal (northern areas of West Bengal), the hills of Uttar Pradesh, Himachal Pradesh and Ladakh.

SSB was renamed as Sashastra Seema Bal in accordance with its new role and came under the administrative control of the Ministry of Home Affairs in 2001. This was done after the Kargil War when the 'one border one force' concept was adopted. SSB was assigned the duty of manning the 1,751 km long Indo-Nepal Border in 2001. In March 2004, it was assigned the task of guarding the 699 km stretch of Indo-Bhutan border along the states of Sikkim, West Bengal, Assam and Arunachal Pradesh. SSB is also the first border guarding force which has decided to recruit women battalions.

SSB is also engaged in counter-insurgency operations in Jammu and Kashmir and anti-naxal operations in Jharkhand and Bihar. It performs internal security duties, i.e. election duties and law and order duties, in different parts of India.

The role of SSB comprises the following:

- ◆ To promote sense of security among the people living in the border areas
- ◆ To prevent trans-border crimes and unauthorised entry or exit from the territory of India
- ◆ To prevent smuggling and other illegal activities

► 11.1.6 National Security Guard (NSG)

The National Security Guard (NSG) is a special force set up in 1984 as a Federal Contingency Deployment Force that has primarily been utilised for counter-terrorism activities and was created by the Cabinet Secretariat under the National Security Guard Act of the Indian Parliament in 1986. It works completely within the Central Armed Police Forces structure. NSG is a 100 per cent deputation force and all personnel posted are on deputation from the Army, CAPs, State police and other organisations. Its primary task is to engage and neutralise terrorist threats in specific situations and undertake counter hijack and hostage rescue missions. They are also assigned the task of providing mobile security protection to VVIPs. The NSG is an elite force providing a second line of defence to the nation. They have played a pivotal role in safeguarding the unity of India and have commendably foiled attempts of anti-national elements to tear apart the social fabric of the country. The NSG has maintained an edge over terrorist outfits in the possession of latest technology. They are considered among the best special operations units in the world. NSG is headed by an IPS Officer and is under the administrative control of the Ministry of Home Affairs (MHA).

The NSG's specific goals include:

- ◆ Neutralisation of terrorist threats
- ◆ Handling hijacking situations in air and on land
- ◆ Bomb disposal (search, detection and neutralisation of IEDs)
- ◆ Engaging and neutralising terrorists in specific situations
- ◆ Hostage rescue

NSG performed Operation Black Tornado and Operation Cyclone to flush out terrorists and rescue hostages after multiple attacks across Mumbai in the 26/11 attack in 2008. Four new NSG hubs were established in Mumbai, Hyderabad, Chennai and Kolkata after this incident.

The National Bomb Data Centre (NBBC) under NSG maintains the National Bomb Data Centre at Manesar and conducts post blast studies in various parts of the country mostly on request from state authorities. It

maintains a data bank on explosives and incidents of blasts which may be of use to security forces.

► **11.1.7 Special Protection Group (SPG)**

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, former Prime Ministers and their immediate family members. The force is under the control of the Cabinet Secretariat.

The force was established in 1985 after the assassination of Indira Gandhi, erstwhile Prime Minister. It provides proximate security to the protected, including protection provided from close quarters, journey on foot, road, rail, aircraft, watercraft or any other means of transport, and includes places of functions, engagements, residence, etc. They comprise ring round teams, isolation cordons, the sterile zone, and the rostrum and access control to the person or members of his immediate family.

► **11.1.8 Railway Protection Force (RPF)**

The Railway Protection Force (RPF) of the Indian Railways is entrusted with the task of protecting the lifeline of the country, namely, the Indian Railways. The strength of RPF is about 65,000.

The duties of the Railway Protection Force include :

- ◆ To engage in all conducive means for the free movement of the railways
- ◆ Protection and safeguarding of railway property
- ◆ Protection and safeguarding of passengers, their belongings and passenger areas

Originally the force was called Watch & Ward and it functioned under the administrative control of railway administration. Later on, this force was renamed as Railway Protection Force and its members were provided with the power to arrest without warrant for the unlawful possession of railway property. The term Railway Property included only the properties owned by the railway administration. In due course of time, the definition for the term Railway Property was extended and it included the properties owned by, or

in the charge of or entrusted with the Railways. The offenders are booked under the Railway Property (Unlawful Possession) Act, 1966 which is shortly known as RP (UP) Act, 1966. Now the Railway Protection Force has a separate administrative system and functions under the general supervision of the Railway Administration.

11.2 CENTRAL PARAMILITARY FORCES (CPMFs)

Central Paramilitary Forces (CPMFs) Assam Rifles and Indian Coast Guard are the main CPMFs after reclassification.

Assam Rifles Assam Rifles is fondly known as ‘Friends of the North East People’. It is the oldest Paramilitary force in the country with its headquarters at Shillong. The force is completely deployed in the North-east and is mandated for dual role of maintaining internal security in the North-east and guarding the Indo-Myanmar border. It is led and head by Army officers. It assists Indian Armed Forces but reports to MHA. It is under administrative control of MHA but operates under Army.

Indian Coast Guard Its mission is the protection of India’s maritime interests and enforcement of maritime law; with jurisdiction over the territorial waters of India, including its contiguous zone and exclusive economic zone. It operates under the Ministry of Defence. After the 2008 Mumbai attacks, the government initiated a program me to expand the ICG force, assets and infrastructure. The force is expected to be tripled between 2010 and 2019 in manpower, vessels and aircraft.

11.3 SECURITY AGENCIES AND THEIR MANDATES

11.3.1 National Security Architecture of India

♦ Cabinet Committee on Security

It is the apex body for executive action on matters of national security chaired by the PM and normally includes the Ministers of

Defence, External Affairs, Home and Finance. It is responsible for political oversight and decision making on national security.

♦ **National Security Council**

It is the top executive body of India which advises the Prime Minister's Office on matters of national security and strategic interests. It was established in November, 1998. It is a three-tier organisational structure consisting of Strategic Policy Group (SPG), National Security Advisor Board (NSAB) and National Security Council Secretariat (NSCS). In November 2018, Ajit Doval, the National Security Advisor, was made the Chairman of SPG.

Both NSC and CCS have a common membership which helps in easier decision making and implementation. The National Security Council (NSC) and National Security Advisor (NSA) advise the Prime Minister's Office on matters of national security.

► **11.3.2 Intelligence Bureau (IB)**

The Intelligence Bureau (IB) is India's internal intelligence agency and reputedly the world's oldest intelligence agency. It was recast as the Central Intelligence Bureau in 1947 under the Ministry of Home Affairs.

Rajiv Jain, the current director of the IB, assumed office in January 2017.

The Bureau comprises employees from law enforcement agencies, mostly from the Indian Police Service (IPS) and the military. However, the Director of Intelligence Bureau (DIB) has always been an IPS officer. In addition to domestic intelligence responsibilities, the IB is particularly entrusted with intelligence collection in border areas, following the 1951 recommendations of the Himmatsinhji Committee (also known as the North and North-east Border Committee). Prior to 1947, this task was entrusted to military intelligence organisations. All spheres of human activity within India and in the neighbourhood are allocated to the charter of duties of the Intelligence Bureau. The IB is used to garner intelligence from within India and also execute counter-intelligence and counter-terrorism tasks.

The Intelligence Bureau reportedly has a lot of successes to its credit, but operations conducted by the IB are rarely declassified. Due to the extreme

secrecy surrounding the agency, there is little concrete information available about it or its activities.

The IB was initially India's internal and external intelligence agency. After the Sino-Indian War of 1962, and later on, India-Pakistan War in 1965, it was bifurcated in 1968 and entrusted with the task of internal intelligence only.

IB is the main coordinating agency regarding counter-terrorism. It coordinates with various states' police all over the country.

The IB has had mixed success in counter-terrorism. It was reported in 2008 that the IB had been successful in busting terror modules. It alerted the police before the Hyderabad blasts and gave repeated warnings of a possible attack on Mumbai through sea before the November 2008 Mumbai attacks.

► 11.3.3 National Investigation Agency (NIA)

The National Investigation Agency (NIA) is a federal agency established by the Indian government to combat terror in India. It acts as the central counter- terrorism law enforcement agency. The agency is empowered to deal with terror related crimes across states without special permission from the states. The Agency came into existence with the enactment of the National Investigation Agency Act, 2008 by the Parliament on December 31, 2008.

NIA was created after the 2008 Mumbai terror attacks as the need for a central agency to combat terrorism were realised. The founding Director-General of NIA was Radha Vinod Raju, and he served till January 31, 2010. He was succeeded by Sharad Chandra Sinha till March 2013 when he was appointed the member of the National Human Rights Commission of India. In July 2013, Sharad Kumar was appointed as the Chief of NIA followed by Y C Modi in 2017.

The Agency has been empowered to conduct investigation and prosecution of offenses under the Acts specified in the Schedule of the NIA Act. A State Government may request the Central Government to hand over the investigation of a case to the NIA, provided the case has been registered for the offenses as contained in the schedule to the NIA Act. The Central

Government can also order NIA to take over investigation of any scheduled offense anywhere in India. Officers of the NIA who are drawn from the Indian Police Service and the Indian Revenue Service have all powers, privileges and liabilities which the police officers have in connection with investigation of any offense. In recent times, the NIA has had big successes in busting an IM module and arresting its key functionaries.

► **11.3.4 Multi Agency Centre (MAC)**

MAC is a multi-agency centre for counter-terrorism whose mandate is to share terrorism related inputs on a day-to-day basis.

Multi Agency Centre (MAC) was created at Delhi and Subsidiary Multi Agency Centres (SMACs) in various states comprising representatives from various security agencies, for streamlining intelligence efforts. Later, the Union Home Minister reviewed the security situation and issued Multi Agency Centre (functions, powers and duties) Order, 2008 on December 31, 2008. MAC-SMAC is functioning since 2002 and has been reoperationalised with effect from 2009. As a follow up of the above order, 24x7 Control Rooms have been set up at Multi Agency Centre (MAC) at New Delhi and the Subsidiary Multi Agency Centres (SMACs) at State Level and at Headquarters of Intelligence Wings of other agencies to ensure timely sharing of information and better co-ordination between intelligence agencies. Daily meetings of Nodal Officers of 25 member agencies are being conducted on every working day. Presently, MAC-SMAC network has 416 nodes spread across the country and connected to MAC HQ at New Delhi. This includes 31 SMAC HQs and 32 SSBs located at state capitals (More details on MAC is given in Chapter 2).

► **11.3.5 National Intelligence Grid (NATGRID)**

The National Intelligence Grid or NATGRID is an integrated intelligence grid that will link the databases of several departments and ministries of the Government of India so as to collect comprehensive patterns of intelligence that can be readily accessed by intelligence agencies. It was first proposed in the aftermath of the terrorist attacks on Mumbai in 2008 and was to be operational in 2013 but is yet to happen.

NATGRID is an intelligence sharing network that collates data from the standalone databases of various agencies and ministries of the Indian government. It is a counter-terrorism measure that collects and collates a host of information from government databases, including tax and bank account details, credit card transactions, visa and immigration records and itineraries of rail and air travel. This combined data will be made available to 11 central agencies—Research and Analysis Wing, the Intelligence Bureau, Central Bureau of Investigation, Financial Intelligence Unit, Central Board of Direct Taxes, Directorate of Revenue Intelligence, Enforcement Directorate, Narcotics Control Bureau, Central Board of Excise and Customs and the Directorate General of Central Excise Intelligence.

Unlike the NCTC and the NIA which are central organisations, the NATGRID is a tool that will enable security agencies to locate and obtain relevant information on terror suspects from pooled data of various organisations and services in the country. It will help identify, capture and prosecute terrorists and help pre-empt terrorist plots.

► 11.3.6 The National Technical Research Organisation

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

The National Technical Research Organisation (NTRO), originally known as the National Technical Facilities Organisation (NTFO), is a highly specialised technical intelligence gathering agency. While the agency does not affect the working of technical wings of various intelligence agencies, including those of the Indian Armed Forces, it acts as a super-feeder agency for providing technical intelligence to other agencies on internal and external security. The agency is under the control of India's external intelligence agency, Research and Analysis Wing, although it remains autonomous to some degree. The Group of Ministers (GOM) headed by the then Deputy Prime Minister L K Advani had recommended the constitution of the NTFO as a state-of-the-art technical wing of intelligence gathering.

Due to security concerns, the recommendations along with such other matters were not made public when the GOM report was published. The organisation does hi-tech surveillance jobs, including satellite monitoring, terrestrial monitoring, internet monitoring, considered vital for the national security apparatus. The NTRO would require over ` 700 crore (\$100 million) to procure different hi-tech equipment from specialised agencies from the world over to become fully functional. Its officials have identified countries from where such gadgets could be procured but refused to reveal them due to 'security and other implications'. The Centre had been working in this direction after the Kargil war in 1999 when the Subrahmanyam Committee report pointed out weaknesses in intelligence gathering in the national security set up. Sources said the road-map for constitution of the National Technical Facilities Organisation was prepared by former president Dr A P J Abdul Kalam in October 2001 when he was the Principal Scientific Adviser. It was subsequently mentioned in the Group of Ministers report on internal security.

Functions

The agency develops technology capabilities in aviation and remote sensing, data gathering and processing, cyber security, cryptology systems, strategic hardware and software development and strategic monitoring.

The National Critical Information Infrastructure Protection Centre, an agency under the control of National Technical Research Organisation, has been created to monitor, intercept and assess threats to crucial infrastructure and other vital installations from intelligence gathered using sensors and platforms which include satellites, underwater buoys, drones, VSAT-terminal locators and fiber-optic cable nodal tap points.

NTRO also has access to data from Technology Experiment Satellite (TES), Cartosat-2A and Cartosat-2B besides two Radar Imaging Satellites namely RISAT-1 & RISAT-2

► 11.3.7 Financial Intelligence Unit – India (FIU-IND)

FIU-IND was set by the Government of India vide O.M. on November 18, 2004 as the central national agency responsible for receiving, processing,

analysing and disseminating information relating to suspect financial transactions. FIU-IND is also responsible for coordinating and strengthening efforts of national and international intelligence, investigation and enforcement agencies in pursuing global efforts against money laundering and related crimes. FIU-IND is an independent body reporting directly to the Economic Intelligence Council (EIC) headed by the Finance Minister.

Functions

The main function of FIU-IND is to receive cash/suspicious transaction reports, analyse them and, as appropriate, disseminate valuable financial information to intelligence/enforcement agencies and regulatory authorities. The functions of FIU-IND are:

1. **Collection of Information:** Acts as the central reception point for receiving Cash Transaction Reports (CTRs), Cross Border Wire Transfer Reports (CBWTRs), Reports on Purchase or Sale of Immovable Property (IPRs) and Suspicious Transaction Reports (STRs) from various reporting entities.
2. **Analysis of Information:** Analyse received information in order to uncover patterns of transactions suggesting suspicion of money laundering and related crimes.
3. **Sharing of Information:** Share information with national intelligence/law enforcement agencies, national regulatory authorities and foreign Financial Intelligence Units.
4. **Act as Central Repository:** Establish and maintain national database on cash transactions and suspicious transactions on the basis of reports received from reporting entities.
5. **Coordination:** Coordinate and strengthen, collection and sharing of financial intelligence through an effective national, regional and global network to combat money laundering and related crimes.
6. **Research and Analysis:** Monitor and identify strategic key areas on money laundering trends, typologies and developments.

► 11.3.8 The Directorate of Revenue Intelligence (DRI)

It is an Indian intelligence agency. The Directorate is run by officers from Central Excise and Customs. The organisation runs on much smaller staff than other intelligence agencies such as IB or state police organisations. Though its early days were committed to combating smuggling of gold, it now also addresses narcotics and economic crimes. DRI routinely makes Fake Indian Currency Note (FICN) seizures, and in May 2012 seized 6.6 kg of heroin worth ` 100 million, and arrested four people.

Charter of Duties of DRI

- ◆ Collection of intelligence about smuggling of contraband goods, narcotics, under-invoicing etc. through sources of India and abroad, including secret sources.
- ◆ Analysis and dissemination of such intelligence to the field formations for action and working on such intelligence, where necessary.
- ◆ Keeping watch over important seizures and investigation cases. Associating or taking over the investigations which warrant specialised handling by the Directorate.
- ◆ Guiding important investigation/prosecution cases. Keeping liaison with foreign countries, Indian Missions and enforcement agencies abroad on anti-smuggling matters.
- ◆ To keep liaison with CBI and through them with the Interpol. To refer cases registered under the Customs Act to the Income Tax Department for action under the Income Tax Act.
- ◆ To keep statistics of seizures and prices/rates etc. for watching trends of smuggling and supply required material to the ministry of Finance and other ministries.
- ◆ To study and suggest remedies for loopholes in law and procedures to combat smuggling.

► 11.3.9 Narcotics Control Bureau (NCB)

The Centre constituted the Narcotics Control Bureau on March 17, 1986. The Bureau, subject to the supervision and control of the Central Government, exercises the powers and functions of the Central Government for taking measures with respect to:

- ◆ Coordination of actions by various offices, state governments and other authorities under the NDPS Act, Customs Act, Drugs and Cosmetics Act and any other law for the time being in force in connection with the enforcement provisions of the NDPS Act, 1985.
- ◆ Implementation of the obligation in respect of counter measures against illicit traffic under the various international conventions and protocols that are in force at present or which may be ratified or acceded to by India in future.
- ◆ Assistance to concerned authorities in foreign countries and concerned international organisations to facilitate coordination and universal action for prevention and suppression of illicit traffic in these drugs and substances.
- ◆ Coordination of actions taken by the other concerned ministries, departments and organisations in respect of matters relating to drug abuse.

The Narcotic Drugs and Psychotropic Substances Act, 1985 which came into effect from the November 14, 1985 made an express provision for constituting a Central Authority for the purpose of exercising the powers and functions of the Central Government under the Act.

The Narcotics Control Bureau is the apex coordinating agency. It also functions as an enforcement agency through its zones and sub-zones. Zones located at Ahmedabad, Bengaluru, Chandigarh, Chennai, Delhi, Guwahati, Indore, Jammu, Jodhpur, Kolkata, Lucknow, Mumbai, and Patna. Sub-zones are located at Ajmer, Amritsar, Bhubaneswar, Dehradun, Goa, Hyderabad, Imphal, Mandsaur, Madurai, Mandi, Raipur, Ranchi and Thiruvananthapuram. The zones and sub-zones collect and analyse data related to seizures of narcotic drugs and psychotropic substance; study trends, modus operandi , collect and disseminate intelligence and work in close cooperation with the Customs, State Police and other law-enforcement agencies.

The National Policy on Narcotic Drugs and Psychotropic Substances is based on the Directive Principles, contained in Article 47 of the Indian Constitution, which direct the State to endeavour to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drugs injurious to health. The government's policy on the subject which flows from this constitutional provision is also guided by the international conventions on the subject.

India is a signatory to the single Convention on Narcotic Drugs 1961, as amended by the 1972 Protocol, the Conventions on Psychotropic Substances, 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

The broad legislative policy is contained in the three Central Acts, viz. Drugs and Cosmetics Act, 1940, The Narcotic Drugs and Psychotropic Substances Act, 1985, and The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988. The responsibility of drug abuse control, which is a central function, is carried out through a number of ministries, departments and organisations. These include the Ministry of Finance, Department of Revenue which has the nodal co-ordination role as administrator of the Narcotic Drugs and Psychotropic Substances Act, 1985 and the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.

► **11.3.10 National Disaster Response Force**

Two national calamities in quick succession in the form of Odisha Super Cyclone (1999) and Gujarat Earthquake (2001) brought about the realisation of the need of having a specialist response mechanism at national level to effectively respond to disasters. This led to the enactment of the DM Act on December 26, 2005. The NDMA was constituted to lay down the policies, plans and guidelines for disaster management.

The DM Act has made the statutory provisions for the constitution of National Disaster Response Force (NDRF) for the purpose of specialised response to natural and man-made disasters. Accordingly, in 2006 NDRF was constituted with eight Battalions (two Bn each from BSF, CRPF, ITBP and CISF). As on date NDRF has a strength of 10 Bns. Each NDRF Bn

consists of 1,149 personnel. Union cabinet has also approved the conversion/upgradation of two Bns from SSB.

The force is gradually emerging as the most visible and vibrant multi-disciplinary, multi-skilled, high-tech, stand alone force capable of dealing with all types of natural and man-made disasters.

The DM Act, 2005 envisages a paradigm shift from the erstwhile response centric syndrome to a proactive, holistic and integrated management of disasters with emphasis on prevention, mitigation and preparedness. This national vision *inter alia* , aims at inculcating a culture of preparedness among all stakeholders.

NDRF has proved its importance in achieving this vision by highly skilled rescue and relief operations, regular and intensive training and re-training, capacity building and familiarisation exercises within the area of responsibility of respective NDRF Bns, carrying out mock drills and joint exercises with the various stakeholders.

- ◆ **Vision of NDRF is to emerge as the most visible and vibrant multi-disciplinary, multi-skilled, high-tech force capable to deal with all types of natural as well as manmade disasters and to mitigate the effects of disasters.** They claim to be the only dedicated disaster response force of the world.

Role and Mandate of NDRF

- ◆ Specialised response during disasters
- ◆ Proactive deployment during impending disaster situations
- ◆ To acquire and continually upgrade its existing training and skills
- ◆ Liaison, reconnaissance, rehearsals and mock drills
- ◆ Impart basic and operational level training to State Response Forces (Police, Civil Defence and Home Guards) vis-à-vis Community—
All NDRF Bns are actively engaged in various:
 - ◇ Community Capacity Building Programme
 - ◇ Public Awareness Campaign
 - ◇ Exhibitions: Posters, Pamphlets, Literatures

▮ 11.3.11 Special Frontier Force

Special Frontier Force (SFF) is a paramilitary special force of India created on 14 November, 1962. Its main goal originally was to conduct covert operations behind Chinese lines in the event of another Sino-Indian War .

The SFF came to be known as ‘Establishment 22’ due to its first Inspector General, Major General (Retd.) Sujan Singh Uban of Indian Army, who used to be commander of the 22 Mountain Regiment during World War II, a Military Cross holder and a legendary figure in the British India Army . Singh commanded the 22nd Mountain Regiment during World War II in Europe and a Long Range Desert Squadron (LRDS) in North Africa.

Based in Chakrata , Uttarakhand, the force was put under the direct supervision of the Intelligence Bureau , and later, the Research and Analysis Wing , India’s external intelligence agency .

▮ 11.3.12 Research and Analysis Wing

The Research and Analysis Wing (RAW) is the primary foreign intelligence agency of India . It was established in September 21, 1968 following the intelligence failures of the Sino-Indian and Indo-Pakistani wars, which persuaded the Government of India to create a specialised, independent agency dedicated to foreign intelligence gathering; previously, both domestic and foreign intelligence had been the purview of the Intelligence Bureau .

During the nine-year tenure of its first Director, Rameshwar Nath Kao , RAW quickly came to prominence in the global intelligence community, playing a role in major events such as the independence of Bangladesh and the accession of the state of Sikkim to India. The agency’s primary function is gathering foreign intelligence , engaging in counter-terrorism , promoting counter-proliferation , advising Indian policy makers, and advancing India’s foreign strategic interests. It is also involved in the security of India’s nuclear programme . Many foreign analysts consider the RAW to be an effective organisation and identify it as one of the primary instruments of India’s national power.

Headquartered in New Delhi, RAW's current chief is Anil Dhasmana . The head of RAW is designated "Secretary (Research)" in the Cabinet Secretariat, and is under the direct command of the Prime Minister and reports on an administrative basis to the Cabinet Secretary of India , who reports to the Prime Minister.

Mandate

The present RAW objectives include, and are not limited to:

- ◆ Monitoring the political, military, economic and scientific developments in countries which have direct bearing on India's national security and the formulation of its foreign policy.
- ◆ Moulding international public opinion and influence foreign governments with the help of the strong and vibrant Indian diaspora.
- ◆ Covert operations to safeguard India's National interests.
- ◆ Anti-terror operations and neutralising terror elements posing a threat to India.

In the past, following the Sino-Indian war of 1962 and due to India's volatile relations with Pakistan, RAW's objectives had also consisted of the following:

- ◆ To watch the development of international communism and the schism between the two big communist nations, the Soviet Union and China. As with other countries, both these powers had direct access to the communist parties in India.
- ◆ To control and limit the supply of military hardware to Pakistan, mostly from European countries, America and more importantly from China.

▮ 11.3.13 Central Bureau of Investigation

The Central Bureau of Investigation (CBI) is the foremost investigative police agency in India. It is under the jurisdiction of the Government of India. The CBI is involved in major criminal probes, and is the Interpol agency in India. It was established in 1941 as the Special Police Establishment, tasked with domestic security. It was renamed the Central

Bureau of Investigation on April 1, 1963. Its motto is “Industry, Impartiality, Integrity”.

Agency headquarters are located in New Delhi, with field offices located in major cities throughout India. The CBI is overseen by the Department of Personnel and Training of the Ministry of Personnel, Public Grievances and Pensions of the Centre, headed by a Union Minister who reports directly to the Prime Minister. While analogous in structure to the Federal Bureau of Investigation in the United States of America, the CBI’s powers and functions are limited to specific crimes by Acts (primarily the Delhi Special Police Establishment Act, 1946).

The CBI established a reputation of India’s foremost investigative agency with the resources for complicated cases, and it was requested to assist the investigation of crimes such as murder, kidnapping and terrorism. The Supreme Court and a number of high courts in the country also began assigning such investigations to the CBI on the basis of petitions filed by aggrieved parties. In 1987, the CBI was divided into two divisions: the Anti-Corruption Division and the Special Crimes Division.

The CBI is headed by a director, an IPS officer with a rank of Director General of Police. The director is selected based on the CVC Act 2003, and has a two-year term.

The amended Delhi Special Police Establishment Act empowers a committee to appoint the director of CBI. The committee consists of the following people:

- ◆ Prime Minister – chairperson
- ◆ Leader of Opposition – member
- ◆ Chief Justice of India or a Supreme Court Judge recommended by the Chief Justice – member

While making recommendations, the committee considers the views of the outgoing director.

The selection committee mentioned above was constituted under The Lokpal and Lokayuktas Act, 2013.

The legal powers of investigation of the CBI are derived from the DSPE Act 1946, which confers powers, duties, privileges and liabilities on the

Delhi Special Police Establishment (CBI) and officers of the Union Territories. The central government may extend to any area (except Union Territories) the powers and jurisdiction of the CBI for investigation, subject to the consent of the government of the concerned state. Members of the CBI at or above the rank of sub-inspector may be considered officers in charge of police stations. Under the Act, the CBI can investigate only with notification by the central government.

CBI and its relationship with State Police

Maintaining law and order is a state responsibility as ‘police’ is a State subject, and the jurisdiction to investigate crime lies with the state police exclusively. With respect to states, the CBI being a Union subject, may investigate:

- ◆ Offences against central-government employees, or concerning affairs of the central government and employees of central public-sector undertakings and public-sector banks
- ◆ Cases involving the financial interests of the central government
- ◆ Breaches of central laws enforceable by the Government of India
- ◆ Major fraud or embezzlement; multi-state organised crime
- ◆ Multi-agency or international cases

CBI can also investigate important cases related to state police with the concurrence of the concerned state government.

► 11.3.14 Enforcement Directorate

The **Directorate General of Economic Enforcement** (Hindi: izoru funs’kky;) is a law enforcement agency and economic intelligence agency responsible for enforcing economic laws and fighting economic crime in India. ^[1] It is part of the Department of Revenue, Ministry of Finance. It comprises officers of the Indian Revenue Service, Indian Police Service and the Indian Administrative Service. The origin of this Directorate goes back to May 1, 1956, when an ‘Enforcement Unit’ was formed, in Department of Economic Affairs, for handling Exchange Control Laws violations under

Foreign Exchange Regulation Act, 1947. In the year 1957, this Unit was renamed as ‘Enforcement Directorate’.

The prime objective of the Enforcement Directorate is the enforcement of two key Acts ^[3] of the Government of India namely, the Foreign Exchange Management Act 1999 (FEMA) and the Prevention of Money Laundering Act 2002 (PMLA).

► 11.3.15 Indian Armed Forces

The Indian Armed Forces are the military forces of the Republic of India. It consists of three professional uniformed services: the Indian Army, Indian Navy, and Indian Air Force. The President of India is the Supreme Commander of the Indian Armed Forces. The Indian Armed Forces are under the management of the Ministry of Defence (MoD) of the Government of India. With strength of over 1.3 million active personnel, it is the world’s third largest military force and has the world’s largest volunteer army.

Headquarters of all the three armed forces—the Indian Army, Indian Navy and Indian Air Force are situated in Delhi.

The Armed Forces have four main tasks:

- ◆ To assert the territorial integrity of India
- ◆ To defend the country if attacked by a foreign nation
- ◆ To support the civil community in case of disasters (e.g. flooding)
- ◆ To participate in United Nations peacekeeping operations in consonance with India’s commitment to the United Nations Charter.



PROBABLE QUESTIONS BASED ON THIS

CHAPTER

1. What do you understand by Central Armed Police Force?
2. What is the mandate of the National Investigation Agency (NIA)?

What is the role of MAC and NATGRID in strengthening internal
3. security?



12.1 DEFINITION OF DISASTER

India is one of the most disaster-prone countries in the world. Its location and geographical features render it vulnerable to a number of natural hazards including cyclones, droughts, floods, earthquakes, forest fires, landslides and avalanches. A disaster is an event that causes sudden disruption to normal life of a society and causes damage to property and lives, to such an extent that normal social and economic mechanisms available to the society are inadequate to restore normalcy.

According to the United Nations, *'Disaster is a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources'*

It is the result of a combination of a number of factors which include:

- ◆ Exposure to natural hazards
- ◆ Existing conditions of vulnerability

- ◆ Insufficient capacity or measures to cope with potential negative consequences
- ◆ Inappropriate management of risks and vulnerabilities

A hazard is a threat, a future source of danger with the potential to cause damage to:

- ◆ **People:** Death, injury, disease and stress
- ◆ **Property:** Damage to property, economic loss, loss of livelihood and status
- ◆ **Environment:** Loss of fauna and flora, pollution, loss of biodiversity

12.2 TYPES OF DISASTERS

Disasters can be classified into two types:

- ◆ Natural disasters
- ◆ Man-made disasters

▸ 12.2.1 Natural Disasters

Natural disasters are caused by:

- ◆ Floods
- ◆ Earthquake
- ◆ Tsunami
- ◆ Drought
- ◆ Cyclone
- ◆ Landslide
- ◆ Avalanche
- ◆ Hurricane
- ◆ Volcano eruption

- ◆ Cold wave
- ◆ Forest Fire

List of major natural disasters is given below-

Family	Main Event	Short Description/ Secondary Disaster
1. Geophysical	Earthquake/Mass movement of earth materials	<ul style="list-style-type: none"> • Landslide following earthquake; • Urban fires triggered by earthquakes; • Liquefaction - the transformation of (partially) water-saturated soil from a solid state to a liquid state caused by an earthquake • Mass movement of earth materials, usually down slopes • Surface displacement of earthen materials due to ground shaking triggered by earthquakes
	Volcano	<ul style="list-style-type: none"> • Surface displacement of earthen materials due to ground shaking triggered by volcanic eruptions • A type of geological event near an opening/vent in the Earth's surface including volcanic eruptions of lava, ash, hot vapour, gas, and pyroclastic material. • Ash fall; Lahar - Hot or cold mixture of earthen material flowing on the slope of a volcano either during or between volcanic eruptions; • Lava Flow • Pyroclastic Flow - Extremely hot gases, ash, and other materials of more than 1,000 degrees Celsius that rapidly flow down the flank of a volcano (more than 700 km/h) during an eruption
	Tsunami	A series of waves (with long wavelengths when travelling across the deep ocean) that are generated by a displacement of massive amounts of water through underwater earthquakes, volcanic eruptions or landslides. Tsunami waves travel at very high speed across the ocean but as they begin to reach shallow water, they slow down and the wave grows steeper.
2. Hydrological	<ul style="list-style-type: none"> • Flood • Landslide 	<ul style="list-style-type: none"> • Avalanche, a large mass of loosened earth material, snow, or ice that slides, flows or falls rapidly down a mountainside under the force of gravity • Coastal erosion - The temporary or permanent loss of sediments or landmass in coastal margins due to the action of waves, winds, tides, or anthropogenic activities • Coastal flood - Higher-than-normal water levels along the coast caused by tidal

changes or thunderstorms that result in flooding, which can last from days to weeks

- Debris Flow, Mud Flow, Rock Fall - Types of landslides that occur when heavy rain or rapid snow/ice melt send large amounts of vegetation, mud, or rock down slope by gravitational forces
- Flash Flood Hydrological - Heavy or excessive rainfall in a short period of time that produce immediate runoff, creating flooding conditions within minutes or a few hours during or after the rainfall
- Flood Hydrological - A general term for the overflow of water from a stream channel onto normally dry land in the floodplain (riverine flooding), higher-than normal levels along the coast and in lakes or reservoirs (coastal flooding) as well as ponding of water at or near the point where the rain fell (flash floods)
- Wave Action: Wind-generated surface waves that can occur on the surface of any open body of water such as oceans, rivers and lakes, etc. The size of the wave depends on the strength of the wind and the travelled distance (fetch).

3. Meteorological	Hazard caused by short-lived, micro-to meso-scale extreme weather and atmospheric conditions that may last for minutes to days	<ul style="list-style-type: none"> • Cyclone, Storm Surge, Tornado, Convective Storm, Extratropical Storm, Wind • Cold Wave, Derecho • Extreme Temperature, Fog, Frost, Freeze, Hail, Heat-wave • Lightning, Heavy Rain • Sand-Storm, Dust-Storm • Snow, Ice, Winter Storm, Blizzard
4. Climatological	Unusual, extreme weather conditions related to long-lived, meso-to macro-scale atmospheric processes ranging from intra-seasonal to multi-decadal (long-term) climate variability	<ul style="list-style-type: none"> • Drought • Extreme hot/cold conditions • Forest/Wildfire Fires • Glacial Lake Outburst • Subsidence
5. Biological	Exposure to germs and toxic substances	<ul style="list-style-type: none"> • Epidemics: viral, bacterial, parasitic, fungal, or prion infections • Insect infestations • Animal stampedes

► 12.2.2 Man-made Disasters

Man-made disasters can be classified as:

- ◆ Nuclear disasters
- ◆ Chemical disasters
- ◆ Biological disasters
- ◆ Pandemic emergencies, epidemic
- ◆ Fire (building, coal, forest, oil)
- ◆ Pollution (air, water, industrial)
- ◆ Deforestation
- ◆ Accidents (road, rail, sea, air)
- ◆ Industrial accidents
- ◆ Riots

- ◆ Hijacking
- ◆ Terrorism

Chemical, Biological, Radiological, and Nuclear (CBRN) hazards rank very high among the human-induced risks .

► 12.2.3 Levels of Disasters

The disaster management and its planning at various tiers must take into account the vulnerability of the disaster-affected area, and the capacity of the authorities to deal with the situation. Using this approach, the High Power Committee on Disaster Management¹ , in its report of 2001, categorised disaster situations into three ‘levels’: L1, L2, and L3. The period of normalcy, L0, should be utilised for disaster risk reduction.

Level-L1: The level of disaster that can be managed within the capabilities and resources at the district level. However, the state authorities will remain in readiness to provide assistance if needed.

Level-L2: This signifies the disaster situations that require assistance and active mobilisation of resources at the state level and deployment of state level agencies for disaster management. The central agencies must remain vigilant for immediate deployment if required by the state.

Level-L3: This corresponds to a nearly catastrophic situation or a very large-scale disaster that overwhelms the state and district authorities.

The categorisation of disaster situations into levels L1 to L3 finds no mention in DM Act 2005. Further, the DM Act does not have any provision for notifying any disaster as a ‘national calamity’ or a ‘national disaster’.

12.3 [Phases of Disaster Management](#)

► 12.3.1 Phase 1: Before the Crisis (Risk reduction)

Preparedness: This is the period when the potential hazard, risk and vulner-abilities can be assessed and steps can be taken for:

1. Preventing and mitigating the crisis, and

2. Preparing for actual occurrence.

Crisis can also be mitigated through various short term measures which either reduce the scale and intensity of the threat or improve the durability and capacity of the elements at risk. For example, better enforcement of building codes and zoning regulations, proper maintenance of drainage systems, better awareness and public education to reduce the risks of hazards, etc. help in containing the damage.

► 12.3.2 Phase 2: During the Crisis (Response)

Emergency Response: When a crisis actually occurs, those affected by it require a speedy response to alleviate and minimise suffering and losses. In this phase, certain ‘primary activities’ become indispensable. These are:

1. Evacuation
2. Search and rescue, followed by
3. Provision of basic needs, such as food, clothing, shelter, medicines and other necessities essential for bringing back the life of the affected community back to a degree of normalcy

► 12.3.3 Phase 3: Post Crisis (Recovery)

1. **Recovery:** This is the stage when efforts are made to achieve early recovery and reduce vulnerability and future risks. It comprises activities that encompass two overlapping phases of rehabilitation and reconstruction.
2. **Rehabilitation:** Includes provision of temporary public utilities and housing as interim measures to assist long term recovery.
3. **Reconstruction:** Includes construction of damaged infrastructure and habitats and enabling sustainable livelihoods.

► 12.4 Elements of Disaster Management

We have described above the three phases of disaster management. Figure 12.1 describes the various aspects of the three phases.

► 12.4.1 Risk Reduction (Enhancing Resilience)

Disaster risk reduction strategies have the potential to save thousands of lives by adoption of simple preventive measures. Lack of coherent disaster reduction strategies and the absence of a ‘culture of prevention’ are the major causes for increasing casualties due to disasters. Disaster risk reduction (disaster reduction) has been defined as the ‘systematic development and application of policies, strategies and practices to minimise vulnerabilities, hazards and the unfolding of disaster impacts throughout a society, in the broad context of sustainable development’.

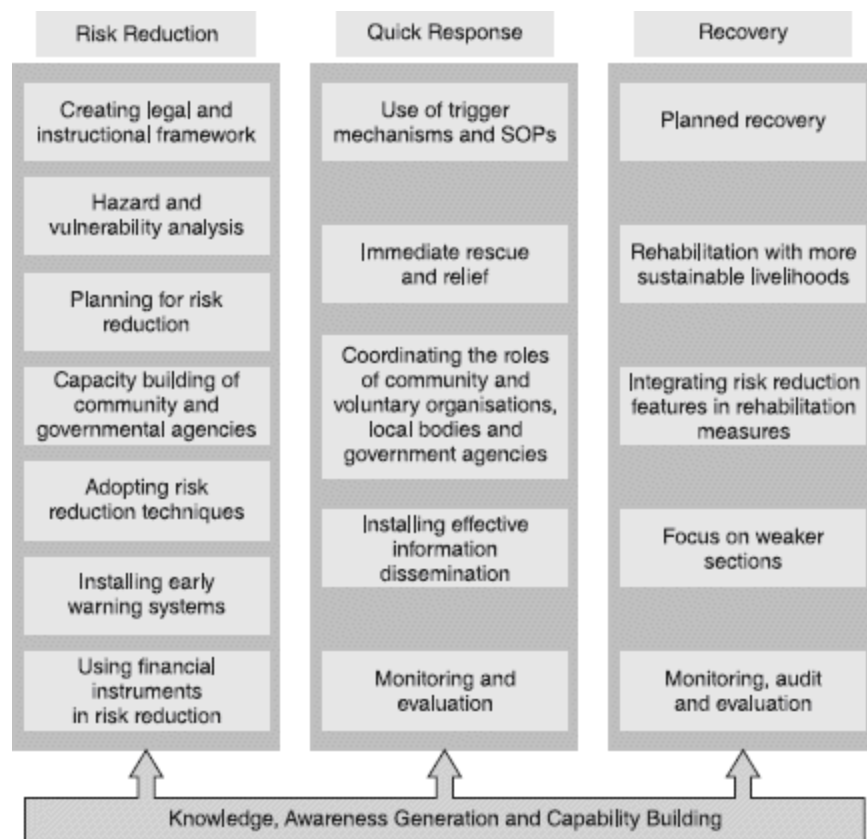


Fig. 12.1 *Elements of Disaster Management*

Disaster reduction strategies include appraisal of likelihood and intensity of hazards and analysis of vulnerabilities thereof to the community. Building of institutional capabilities and community preparedness is the next step. Crucial to all these efforts, however, is the existence of a ‘safety culture’ in societies. Inputs like education, training and capacity building

play a very significant role. It needs to be understood that such preparedness cannot be a 'one time' effort, but is a continuous process.

Knowledge plays an important role in disaster reduction. The traditional knowledge available with the community has to be used along with knowledge acquired through research and past experiences.

The disaster risk reduction framework is composed of the following fields of action:

1. Policies towards risk management
2. Assessment of risk, including hazard analysis and vulnerability
3. Generating risk awareness with the help of mass media and social media
4. Preparation of plans for risk mitigation
5. Implementation of the plan
6. Early warning systems with the help of latest technology relating to data capture transmission, analysis and even dissemination
7. Use of knowledge
8. **Information:** Effective disaster risk management depends on the informed participation of all stakeholders. The exchange of information and easily accessible communication practices play key roles. Data is crucial for ongoing research, national planning, monitoring hazards and assessing risks. The widespread and consistent availability of current and accurate data is fundamental to all aspects of disaster risk reduction.

Mitigation

Mitigation involves:

- ◆ Measures aimed at reducing the impact of disasters
- ◆ Efforts to prevent hazards from developing into disasters altogether
- ◆ Differs from the other phases because it focuses on long-term measures for reducing or eliminating risk

- ◆ It embraces actions taken in advance of a disaster to reduce its effects on a community

Significance of Mitigation A number of special programmes are in operation for mitigating the impact of natural disasters and local communities have developed their own indigenous coping mechanisms. In the event of an emergency, the mobilisation of community action supported by NGOs add strength to the national disaster management capacity.

Despite initiating various disaster mitigation measures, there has been little improvement. Accordingly, India has taken initiatives for linking disaster mitigation with development plans, promoting the application of effective communication systems and information technology, insurance, extensive public awareness and education campaigns (particularly in rural areas), involving the private sector and strengthening institutional mechanisms and international community cooperation.

► 12.4.2 Quick Response

Quick response can save lives, protect property and lessen disruptions caused by crises. This calls for a total and effective response, which must subsume the coordinated response of the entire governmental system as also the civil society. The response should not only incorporate traditional coping mechanisms, which have evolved over the centuries but also involve meticulous planning and coordination. Cumulative experience with crisis management over the years points to an urgent need for putting in place a holistic and effective response mechanism which is professional, result-oriented, innovative and people-centric. Quick response entails the following:

- ◆ This phase includes mobilisation of necessary emergency services and first responders in the disaster area. This is likely to include a first wave of core emergency services, such as fire-fighters, police and ambulance crews. They may be supported by a number of secondary emergency services, such as specialist rescue teams.
- ◆ It entails restoring physical facilities, rehabilitation of affected families/ populations, restoration of lost livelihoods and reconstruction efforts.

- ◆ Retrospectively, it brings to light the flaws in policy and planning with respect to infrastructure, its location, social scheme, etc.

Significance

The significance of quick response can be stated as under:

- ◆ It has immediate mitigation impact and losses can be minimised to a greater degree. According to the estimate of the insurance industry, natural disasters represent 85 per cent insured catastrophe.
- ◆ Thousands of lives lost and millions of people are left weakened each year due to reluctance on part of donors to invest in measures that reduce the impact of disasters. (*World Disaster Report 2002*)
- ◆ Long term resilience of vulnerable communities

Issues

The issues involved are:

- ◆ Coordination among the actors involved (government, civil society and international donor organisation). Recent example is the case of Uttarakhand floods (June 2013) where international organisations found it hard to immediately get government approval to start work.
- ◆ Institutionalisation of disaster response structure at local level.

▮ 12.4.3 Recovery

Recovery is an important phase which involves:

- ◆ In the long-term aftermath of a disaster, when restoration efforts are in addition to regular services, it involves implementation of actions to promote sustainable redevelopment (reconstruction, rehabilitation).
- ◆ It differs from the response phase in its focus; recovery efforts are concerned with issues and decisions that must be made after immediate needs are addressed. Recovery efforts are primarily concerned with actions that involve rebuilding destroyed property, re-employment, and the repair of other essential infrastructure.

- ◆ The recovery phase starts when the immediate threat to human life has subsided. In the reconstruction, it is desirable to reconsider the location or construction material of the property.
- ◆ Community resilience is a key factor in disaster recovery.
- ◆ This phase encompasses three overlapping phases of 3 Rs

Relief: It is the period immediately after the disaster when steps are taken to meet the need of survivors.

Rehabilitation: These are activities undertaken to support the victims' return to normalcy and reintegration in regular community function. It encompasses provision of temporary employment and restoration of livelihood.

Reconstruction: It is an attempt to return communities to improved pre-disaster functioning.

12.5 DISASTER RESPONSE IN INDIA

Over the centuries, local communities have developed their own indigenous survival mechanisms. This rich storehouse of knowledge is a part of our country's legacy. The *Arthashastra* (a treatise on public administration by Chanakya in the 4th century BC), devoted a section to mitigation measures to combat famines. The community is usually the first responder in case of a disaster. Field level response on behalf of the government in rural areas is provided by the nearest police station and the revenue functionary (patwari/patel/talati/karnam etc); in urban areas the response is articulated by agencies like the civic authorities, the fire brigade and the local police station. At present, panchayats do not have the capacity to react institutionally in any effective manner to such situations and it is the district administration which retains the basic responsibility of handling crises situations, with the collector playing a pivotal role.

India is fraught with challenges and unique opportunities for low cost, disaster mitigation interventions that would add value to the existing work carried out by government organisations, NGOs and donors. Devolution and decentralisation have created new challenges for the sector, generating

renewed scope for action at the grass-roots level where disaster preparedness and planning decisions are most effective. There is a vast pool of experienced organisational, technical and scientific resources and disaster related information and knowledge within the region.

India has integrated administrative machinery for disaster management at the national, state, district and sub-district levels. The Central Government supplements the State relief efforts by initiating supportive action. An elaborate procedural mechanism and the allocation of resources to facilitate emergency management operations is outlined in relief manuals and codes backed by the Contingency Action Plan (CAP). The CAP facilitates the relief operations, procedures and focal roles of central ministries and departments. The Crisis Management Group headed by the Cabinet Secretary and consisting of nodal ministries (particularly the Ministry of Home Affairs and Agriculture) oversee response coordination, carry out an assessment and make recommendations for assistance.

State governments have the responsibility to undertake rescue and relief measures in the event of a natural calamity through the State Relief Commissioner, Relief and Rehabilitation Department or the Department of Revenue. District Coordination and Review Committee headed by the Collector involves the participation of related agencies, departments and NGOs.

► **12.5.1 Legal Framework**

The Centre enacted the National Disaster Management Act (NDMA) 2005 on December 26, 2005 to provide for institutional mechanism for drawing up and monitoring the implementation of disaster management plans, ensuring measures by various wings of the government for preventing and mitigating effects of disaster and for undertaking a holistic, coordinated and prompt response to any disaster situation.

► **12.5.2 National Disaster Management Act, 2005**

The Act encompasses the following:

1. The Act calls for the establishment of NDMA, with the Prime Minister of India as chairperson.

2. The Act under Section 8 enjoins the Central Government to constitute a National Executive Committee (NEC) to assist the National Authority. The NEC is composed of secretary-level officers of the Government of India in the Ministries of Home, Agriculture, Atomic Energy, Defence, Drinking Water Supply, Environment and Forests, Finance (expenditure), Health, Power, Rural Development, Science and Technology, Space, Telecommunications, Urban Development and Water Resources, with the Home Secretary serving as the Chairperson, ex-officio. The Chief of the Integrated Defence Staff of the Chiefs of Staff Committee is an ex-officio member of the NEC. The NEC is responsible for the preparation of the National Disaster Management Plan for the whole country and to ensure that it is 'reviewed and updated annually'.
3. All State Governments are mandated under Section 14 of the Act to establish a State Disaster Management Authority (SDMA). The SDMA consists of the Chief Minister of the State, who is the Chairperson, and no more than eight members appointed by the Chief Minister. The State Executive Committee is responsible for drawing up the state disaster management plan and implementing the National Plan. The SDMA is mandated to ensure that all the departments of the State prepare disaster management plans as prescribed by the national and state authorities.
4. The Act directs to establish District Disaster Management Authority (DDMA). The Chairperson of DDMA will be the Collector or the District Magistrate or the Deputy Commissioner of the district. The elected representative of the area is member of the DDMA as an ex-officio Chairperson. The district authority shall act as the planning, coordinating and implementing body for disaster management in the district and take all measures for the purposes of disaster management in the district in accordance with the guidelines laid down by the national and state authorities.
5. The Act provides for constituting a National Disaster Response Force 'for the purpose of specialist response to a threatening disaster situation or disaster' under the Director General to be appointed by the Central Government.

- The Act contains provision for constitution of National Disaster
6. Response Fund and National Disaster Mitigation Fund and similar funds at the state and the district levels.
 7. The Act also provides for specific roles to local bodies, including Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs) in disaster management.

At the district level, the DM Act 2005 provides for the constitution of District Disaster Management Authorities under the chairmanship of the District Magistrate/Collector while the elected representative of the local authority would be the co-chairperson. In those districts where Zilla Parishads exist, the chairman would be the ex-officio co-chairperson of the District Disaster Management Authority.

8. The planning process has been carried down to the sub-divisional, block and village levels. Each village in multi-hazard prone district will have a Disaster Management Plan. The Disaster Management Committee which draws up the plans consists of elected representatives at the village level, local authorities, government functionaries, including doctors/paramedics of primary health centres located in the village, primary school teachers, etc. The plan encompasses prevention, mitigation and preparedness measures. The Disaster Management Teams at the village level consist of members of youth organisations like Nehru Yuvak Kendra and other non-governmental organisations as well as volunteers from the village. The teams are provided basic training in evacuation, search and rescue, first aid trauma counselling, etc. The disaster management committee will review the disaster management plan at least once in a year. It would also generate awareness among the people in the village about the dos and don'ts for specific hazards depending on the vulnerability of the village. A large number of village level disaster management committees and disaster management teams have already been constituted.

Initially the Act was criticised for marginalising non-governmental organisations (NGOs), elected local representatives, local communities and civic groups; and for fostering a hierarchical, bureaucratic, command and control, 'top down' approach that gives the central, state and district

authorities sweeping powers. But overall the disaster response has improved to a large extent after the slow and steady implementation of NDMA,

12.6 INSTITUTIONAL FRAMEWORK

12.6.1 National Level

The overall coordination of disaster management vests with the Ministry of Home Affairs (MHA). The Cabinet Committee on Security (CCS) and the National Crisis Management Committee (NCMC) are the key committees involved in the top-level decision-making with regard to disaster management. The NDMA is the lead agency responsible for the preparation DM plans and the execution of DM functions at the national level. Figure 12.2 provides a schematic view of the basic institutional structure for DM at national level. The figure represents merely the institutional pathways for coordination, decision-making and communication for disaster management and does not imply any chain of command.

In most cases, state governments will be carrying out disaster management with the Central Government playing a supporting role. The central agencies will participate only on the request from the State Government. Within each state, there is a separate institutional framework for disaster management at the state level. The DM Act of 2005 provides for the setting up of NDMA at the national level, and, the SDMA at the state level. The role, composition and the role of the key decision-making bodies for disaster management at national level are briefly described in the Table 12.1. The extent of involvement of central agencies will depend on the type, scale, and administrative spread of the disaster. If the situation requires the direct assistance from the Central Government or the deployment of central agencies, the Centre will provide all necessary support irrespective of the classification of the disaster (L1 to L3).

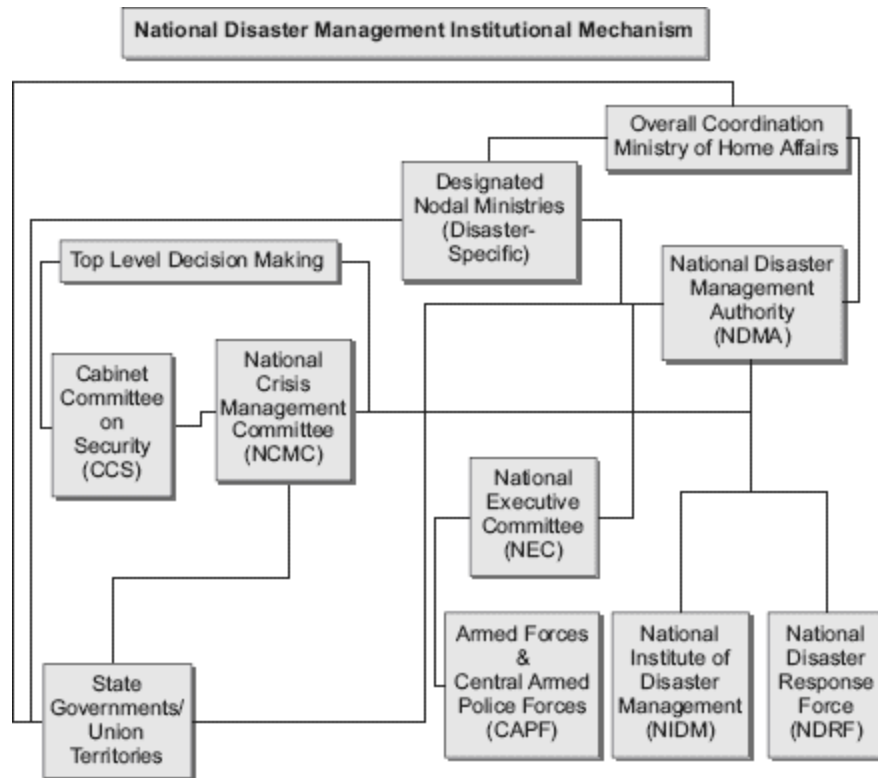


Fig. 12.2 *National-level disaster management—basic institutional framework*

Table 12.1 Key national-level decision-making bodies for disaster management

	Name	Composition	Vital role
1	Cabinet Committee on Security (CCS)	Prime Minister, Minister of Defence, Minister of Finance, Minister of Home Affairs, and Minister of External Affairs	<ul style="list-style-type: none"> • Evaluation from a national security perspective, if an incident has potential security implications • Oversee all aspects of preparedness, mitigation and management of Chemical, Biological, Radiological and Nuclear (CBRN) emergencies and of disasters with security implications • Review risks of CBRN emergencies from time to time, giving directions for measures considered necessary for disaster prevention, mitigation, preparedness and effective response
2	National Crisis Management Committee (NCMC)	<ul style="list-style-type: none"> • Cabinet Secretary (Chairperson) • Secretaries of Ministries/ Departments and agencies with specific DM responsibilities 	<ul style="list-style-type: none"> • Oversee the command, control and coordination of the disaster response • Give direction to the Crisis Management Group as deemed necessary • Give direction for specific actions to face crisis situations
3	National Disaster Management Authority (NDMA)	<ul style="list-style-type: none"> • Prime Minister (Chairperson) • Members (not exceeding nine, nominated by the Chairperson) 	<ul style="list-style-type: none"> • Lay down policies, plans and guidelines for disaster management • Coordinate their enforcement and implementation throughout the country • Approve the NDMP and the DM plans of the respective ministries and departments of Government of India • Lay down guidelines for disaster management to be followed by the different central ministries, departments and the state governments
4	National Executive Committee (NEC)	<ul style="list-style-type: none"> • Union Home Secretary (Chairperson) • Secretaries to the GOI in the Ministries/Departments of Agriculture, Atomic Energy, Defence, Drinking Water and Sanita- 	<ul style="list-style-type: none"> • To assist the NDMA in the discharge of its functions • Preparation of the National Plan • Coordinate and monitor the implementation of the National Policy • Monitor the implementation of the National Plan and the plans prepared by the Ministries or Departments of the Government of India • Direct any department or agency of

	<p>tion, Environment, Forests and Climate Change Finance (Expenditure), Health and Family Welfare, Power, Rural Development, Science and Technology, Space, Telecommunications, Urban Development, Water Resources, River Development and Ganga Rejuvenation,</p>	<p>the Centre to make available to the NDMA or SDMA's such men, material or resources as are available with it for the purpose of emergency response, rescue and relief</p> <ul style="list-style-type: none"> • Ensure compliance of the directions issued by the Central Government • Coordinate response in the event of any threatening disaster situation or disaster • Direct the relevant Ministries/ Departments of the GoI, the State Governments and the SDMA's regarding measures to be taken in response to any specific threatening disaster situation or disaster.
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		The Chief of the Integrated Defence Staff of the Chiefs of Staff Committee, ex officio as members.	<ul style="list-style-type: none"> • Coordinate with relevant Central Ministries/Departments/Agencies which are expected to provide assistance to the affected State as per Standard Operating Procedures (SOPs)
		<ul style="list-style-type: none"> • Secretaries in the Ministry of External Affairs, Earth Sciences, Human Resource Development, Mines, Shipping, Road Transport and Highways and Secretary, NDMA are special invitees to the meetings of the NEC. 	<ul style="list-style-type: none"> • Coordinate with the Armed Forces, Central Armed Police Forces (CAPF), the National Disaster Response Force (NDRF) and other uniformed services which comprise the GoI's response to aid the State authorities • Coordinate with India Meteorological Department (IMD) and a number of other specialised scientific institutions which constitute key early warning and monitoring agencies • Coordinate with Civil Defence volunteers, home guards and fire services, through the relevant administrative departments of the State Governments
5	National Disaster Response Force (NDRF)	Specially trained force headed by a Director General Structured like para military forces for rapid deployment	Provide assistance to the relevant State Government/District Administration in the event of an imminent hazard event or in its aftermath
6	National Institute of Disaster Management (NIDM)	Union Home Minister; Vice Chairman, NDMA; Members including secretaries of various nodal Ministries and Departments of Government of India and State Governments and heads of national levels scientific, research and technical organisations, besides eminent scholars, scientists and practitioners.	<ul style="list-style-type: none"> • Human resource development and capacity building for disaster management within the broad policies and guidelines laid down by the NDMA • Design, develop and implement training programmes • Undertake research • Formulate and implement a comprehensive human resource development plan • Provide assistance in national policy formulation, assist other research and training institutes, state governments and other organisations for successfully discharging their responsibilities • Develop educational materials for dissemination • Promote awareness generation

From time to time, the Centre notifies hazard-specific nodal ministries to function as the lead agency in managing particular types of disasters (see Table 12.2 for current list of disaster-specific nodal ministries notified by GoI) .

Table 12.2 Nodal Ministry for Management / Mitigation of Different Disasters

	Disaster	Nodal Ministry/ Department
1	Biological	Min. of Health and Family Welfare (MoHFW)
2	Chemical and Industrial	Min. of Environment, Forest sand Climate Change (MoEFCC)
3	Civil Aviation Accidents	Min. of Civil Aviation (MoCA)
4	Cyclone/Tornado	Min. of Earth Sciences (MoES)
5	Tsunami	Min. of Earth Sciences (MoES)
6	Drought/Hailstorm/Cold Wave and Frost/Pest Attack	Min. of Agriculture and Farmers Welfare (MoAFW)
7	Earthquake	Min. of Earth Sciences (MoES)
8	Flood	Min. of Water Resources (MoWR)
9	Forest Fire	Min. of Environment, Forests, and Climate Change (MoEFCC)
10	Landslides	Min. of Mines (MoM)
11	Avalanche	Min. of Defence (MoD)
12	Nuclear and Radiological Emergencies	Dept. of Atomic Energy (DAE)
13	Rail Accidents	Min. of Railways (MoR)
14		

	Road Accidents	Min. of Road Transport and Highways (MoRTH)
15	Urban Floods	Min. of Urban Development (MoUD)

► 12.6.2 National Disaster Management Authority (NDMA)

The Government of India established the NDMA in 2005, headed by the Prime Minister. Under the DM Act 2005, the NDMA, as the apex body for disaster management, shall have the responsibility for laying down the policies, plans, and guidelines for disaster management for ensuring timely and effective response to disaster. The guidelines of NDMA will assist the Central Ministries, Departments, and States to formulate their respective DM plans. It will approve the National Disaster Management Plans and DM plans of the Central Ministries / Departments. It will take such other measures, as it may consider necessary, for the prevention of disasters, or mitigation, or preparedness and capacity building, for dealing with a threatening disaster situation or disaster. Central Ministries / Departments and State Governments will extend necessary cooperation and assistance to NDMA for carrying out its mandate. It will oversee the provision and application of funds for mitigation and preparedness measures.

NDMA has the power to authorise the departments or authorities concerned, to make emergency procurement of provisions or materials for rescue and relief in a threatening disaster situation or disaster. The general superintendence, direction, and control of the National Disaster Response Force (NDRF) is vested in and will be exercised by the NDMA. The National Institute of Disaster Management (NIDM) works within the framework of broad policies and guidelines laid down by the NDMA. The NDMA has the mandate to deal with all types of disasters - natural or human-induced. However, other emergencies such as terrorism (counter-insurgency), law and order situations, hijacking, air accidents, CBRN weapon systems, which require the close involvement of the security forces and/or intelligence agencies, and other incidents such as mine disasters, port and harbour emergencies, forest fires, oilfield fires and oil spills will be handled by the National Crisis Management Committee (NCMC).

Nevertheless, NDMA may formulate guidelines and facilitate training and preparedness activities in respect to CBRN emergencies.

► **12.6.3 National Institute of Disaster Management (NIDM)**

As per the provisions of the Chapter-VII of the DM Act, the Government of India constituted the National Institute of Disaster Management (NIDM) under an Act of Parliament with the goal of being the premier institute for capacity development for disaster management in India and the region. The vision of NIDM is to create a Disaster Resilient India by building the capacity at all levels for disaster prevention and preparedness. NIDM has been assigned nodal responsibilities for human resource development, capacity building, training, research, documentation, and policy advocacy in the field of disaster management. The NIDM has built strategic partnerships with various ministries and departments of the central, state, and local governments, academic, research and technical organisations in India and abroad and other bi-lateral and multi-lateral international agencies. It provides technical support to the state governments through the Disaster Management Centres (DMCs) in the Administrative Training Institutes (ATIs) of the States and Union Territories. Presently it is supporting as many as 30 such centres. Six of them are being developed as Centres of Excellence in the specialised areas of risk management - flood, earthquake, cyclone, drought, landslides, and industrial disasters.

► **12.6.4 National Disaster Response Force (NDRF)**

The NDRF has been constituted as per the Chapter-VIII of the DM Act 2005 as a specialist response force that can be deployed in a threatening disaster situation or disaster. As per the DM Act, the general superintendence, direction and control of the NDRF shall be vested and exercised by the NDMA. The command and supervision of the NDRF shall vest with the Director General appointed by the Government of India. The NDRF will position its battalions at different locations as required for effective response. NDRF units will maintain close liaison with the designated state governments and will be available to them in the event of any serious threatening disaster situation. The NDRF is equipped and trained to respond to situations arising out of natural disasters and CBRN

emergencies. The NDRF units will also impart basic training to all the stakeholders identified by the state governments in their respective locations. Further, a national academy will be set up to provide training for trainers in disaster management and to meet related national and international commitments. Experience in major disasters has clearly shown the need for pre-positioning of some response forces to augment the resources at the state level at crucial locations including some in high altitude regions.

► 12.6.5 State Level

As per the DM Act of 2005, each state in India shall have its own institutional framework for disaster management. Among other things, the DM Act, mandates that each state government shall take necessary steps for the preparation of state DM plans, integration of measures for prevention of disasters or mitigation into state development plans, allocation of funds, and establish EWS. Depending on specific situations and needs, the State Government shall also assist the Central Government and central agencies in various aspects of DM. Each state shall prepare its own State Disaster Management Plan.

The DM Act mandates the setting of a State Disaster Management Authority with the Chief Minister as the ex officio Chairperson. Similar system will function in each Union Territory with the Lieutenant Governor as the Chairperson. At the district level, District Disaster Management Authority (DDMA), the District Collector or District Magistrate or the Deputy Commissioner, as applicable, will be responsible for overall coordination of the disaster management efforts and planning. Detailed DMP will be developed, subject to periodic review and revision, at the levels of state, district, towns and blocks (taluka). Figure 12.3 provides schematic view of the typical state-level institutional framework.

► 12.6.6 State Disaster Management Authority (SDMA)

As per provisions in Chapter-III of the DM Act, each State Government shall establish a State Disaster Management Authority (SDMA) or its equivalent under a different name with the Chief Minister as the

Chairperson. In case of other UTs, the Lieutenant Governor or the Administrator shall be the Chairperson of that Authority. For the UT of Delhi, the Lieutenant Governor and the Chief Minister shall be the Chairperson and Vice-Chairperson respectively of the State Authority. In the case of a UT having Legislative Assembly, except the UT of Delhi, the Chief Minister shall be the Chairperson of the Authority established under this section. The SDMA will lay down policies and plans for DM in the State. It will, inter alia, approve the State Plan in accordance with the guidelines laid down by the NDMA, coordinate the implementation of the State Plan, recommend provision of funds for mitigation and preparedness measures and review the developmental plans of the different departments of the state to ensure the integration of prevention, preparedness and mitigation measures. The State Government shall constitute a State Executive Committee (SEC) to assist the SDMA in the performance of its functions. The SEC will be headed by the Chief Secretary to the State Government. The SEC will coordinate and monitor the implementation of the National Policy, the National Plan, and the State Plan. The SEC will also provide information to the NDMA relating to different aspects of DM.

► **12.6.7 District Disaster Management Authority (DDMA)**

As per provisions in Chapter-IV of the DM Act, each State Government shall establish a District Disaster Management Authority for every district in the State with such name as may be specified in that notification. The DDMA will be headed by the District Collector, Deputy Commissioner, or District Magistrate as the case may be, with the elected representative of the local authority as the Co-Chairperson. The State Government shall appoint an officer not below the rank of Additional Collector or Additional District Magistrate or Additional Deputy Commissioner, as the case may be, of the district to be the Chief Executive Officer of the District Authority. The DDMA will act as the planning, coordinating and implementing body for DM at the district level and take all necessary measures for the purposes of DM in accordance with the guidelines laid down by the NDMA and SDMA. It will, inter alia, prepare the DM plan for the district and monitor the implementation of the all relevant national, state, and district policies and plans. The DDMA will also ensure that the guidelines for prevention,

mitigation, preparedness, and response measures laid down by the NDMA and the SDMA are followed by all the district-level offices of the various departments of the State Government.

12.7 NATIONAL DISASTER MANAGEMENT PLAN

The Disaster Management Act, 2005 (DM Act 2005) lays down institutional and coordination mechanism for effective Disaster Management (DM) at the national, state, district and local levels. As mandated by this Act, the Government of India (GoI) created a multi-tiered institutional system consisting of the National Disaster Management Authority (NDMA) headed by the Prime Minister, the State Disaster Management Authorities (SDMAs) headed by the respective Chief Ministers and the District Disaster Management Authorities (DDMAs) headed by the District Collectors and co chaired by Chairpersons of the local bodies. **These bodies have been set up to facilitate a paradigm shift from the hitherto relief-centric approach to a more proactive, holistic and integrated approach of strengthening disaster preparedness, mitigation, and emergency response .**

The National Disaster Management Plan (NDMP) provides a framework and direction to the government agencies for all phases of disaster management cycle. The NDMP is a “dynamic document” in the sense that it will be periodically improved keeping up with the emerging global best practices and knowledge base in disaster management. It is in accordance with the provisions of the Disaster Management Act, 2005, the guidance given in the National Policy on Disaster Management, 2009 (NPDM), and the established national practices.

The NDMP recognises the need to minimise, if not eliminate, any ambiguity in the responsibility framework. It, therefore, specifies who is responsible for what at different stages of managing disasters. The NDMP is envisaged as ready for activation at all times in response to an emergency in any part of the country. It is designed in such a way that it can be implemented as needed on a flexible and scalable manner in all phases of disaster management: a) mitigation (prevention and risk reduction), b)

preparedness, c) response and d) recovery (immediate restoration to build-back better).

The NDMP is consistent with the approaches promoted globally by the United Nations, in particular **the Sendai Framework for Disaster Risk Reduction 2015-2030** . It is a non-binding agreement, which the signatory nations will attempt to comply with on a voluntary basis. India will make all efforts to contribute to the realisation of the global targets by improving the entire disaster management cycle in India by following the recommendations in the Sendai Framework and adopting globally accepted best practices. The four priorities for action under the Sendai Framework are:

1. Understanding disaster risk
2. Strengthening disaster risk governance to manage disaster risk
3. Investing in disaster risk reduction for resilience
4. Enhancing disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation and reconstruction.

The NDMP incorporates substantively the approach enunciated in the Sendai Framework and will help the country to meet the goals set in the framework. By 2030, the Sendai Framework aims to achieve substantial reduction of disaster risk and losses in lives, livelihoods, and health and in the economic, physical, social, cultural, and environmental assets of persons, businesses, communities, and countries. The NDMP has been aligned broadly with the goals and priorities set out in the Sendai Framework for DRR. The plan includes measures that will be implemented over the short, medium, and long-term more or less over the time horizon of the Sendai Framework ending in 2030.

► 12.7.1 Vision

Make India disaster resilient, achieve substantial disaster risk reduction, and significantly decrease the losses of life, livelihoods, and assets - economic, physical, social, cultural, and environmental - by maximising the ability to cope with disasters at all levels of administration as well as among communities.

► 12.7.2 Multi-Hazard Vulnerability

India, due to its physiographic and climatic conditions, is one of the most disaster prone areas of the world. Vulnerability to disasters/emergencies of Chemical, Biological, Radiological and Nuclear (CBRN) origin also exists. Heightened vulnerabilities to disaster risks can be related to increasing population, urbanisation, industrialisation, development within high-risk zones, environmental degradation, and climate change. The DM Act of 2005 and DM Policy of 2009 consider disasters to be natural or human-induced for defining the roles and responsibilities. The human-induced category includes CBRN disasters. Besides, with the natural factors discussed earlier, various human-induced activities are also responsible for accelerated impact and increase in frequency of disasters in the country. The NDMP covers disaster management cycle for all types of hazards faced in India - both natural and human-induced.

► 12.7.3 Reducing Risk; Enhancing Resilience

The role of the central agencies is to support the disaster-affected state or UT in response to requests for assistance. However, the central agencies will play a pro-active role in disaster situations. In the domains of DM planning, preparedness, and capacity building, the central agencies will constantly work to upgrade Indian DM systems and practices as per global trends. The planning framework has arranged the actions envisaged for risk reduction under five thematic areas for action with one of the four priorities for action of Sendai Framework as its dominant feature.

For each hazard, the approach used in this national plan incorporates the four priorities enunciated in the Sendai Framework into the planning framework for Disaster Risk Reduction under the five Thematic Areas for Action:

1. Understanding Risk
2. Inter-Agency Coordination
3. Investing in DRR - Structural Measures
4. Investing in DRR - Non-Structural Measures

5. Capacity Development

For each thematic area for action, the NDMP has identified a set of major themes for undertaking actions within the broad planning framework. For each hazard, themes for action are presented in a separate responsibility matrix assigning roles of centre and state for each of the thematic areas for action. The activities envisaged in the NDMP and the Sendai Framework fall into short/ immediate (within five years), medium (within 10 years), and long-term (within 15 years) categories, which will be implemented in many instances concurrently, and not necessarily sequentially.

► 12.7.4 Response

Response are the measures taken immediately after receiving early warning, anticipating an impending disaster, or post-disaster in cases where an event occurs without warning. The primary goal of response to a disaster is saving lives, protecting property, environment, and meeting basic needs of human and other living beings after the disaster. The immediate focus will be on search and rescue of those affected and to evacuate those likely to be affected by the disaster or secondary disaster that is likely to happen. In the section on response, roles, functions and responsibilities of ministries and agencies that have a key role to play are described. Since contexts, knowledge base, and technologies change, DM plans must be updated periodically to reflect any changes in the key roles envisaged to particular ministries or agencies.

At the national level, the central government has assigned nodal responsibilities to specific ministries for coordinating disaster-specific responses. The NDMA will be coordinating with the relevant nodal ministry. The disaster-specific nodal ministry will ensure liaison with the state government where the disaster has occurred and coordination among various relevant ministries and departments to provide quick and efficient response. The state government will activate the Incident Response Teams (IRTs) at state, district, or the block level as required. The IRTs will coordinate with the state EOC. The SDMA (or its equivalent, CoR, or Dept. of Revenue) will provide technical support to the response.

Different central ministries and departments will provide emergency support to the response effort as per request from the State Government. It may be noted that the SDMA, Department of Revenue or Commissioner of Relief (as applicable) is the nodal agency for coordination of disaster response. The various agencies whose responsibilities are defined in detailed DM plans for the state and district will be responsible specific response measures. The DDMA is the nodal agency for coordination of response at district level supported by other district level agencies. The department wise specific activities at central ministries and state government are summarised in matrix providing clarity to the roles and responsibilities of various agencies.

► 12.7.5 Recovery and Build Back Better

Globally, the approach towards post-disaster restoration and rehabilitation has shifted to one of betterment reconstruction. While disasters result in considerable disruption of normal life, enormous suffering, loss of lives and property, global efforts consider the recovery, rehabilitation and reconstruction phase as an opportunity to Build Back Better (BBB) integrating disaster risk reduction into development measures, and making communities resilient to disasters. BBB is not limited to the built environment and has a wide applicability encompassing the economy, societal systems, institutions, and environment. The Sendai Framework envisages that the stakeholders will be prepared for BBB after a disaster. Existing mechanisms may require strengthening in order to provide effective support and achieve better implementation. Disaster recovery tends to be very difficult and long-drawn out. The reconstruction will vary depending on the actual disaster, location, pre-disaster conditions, and the potentialities that emerge at that point of time. The NDMP provides a generalised framework for recovery since it is not possible to anticipate all the possible elements of betterment reconstruction.

Table 12.3 Major steps of the recovery process and the key processes involved

	Major steps	Process
1	Post-Disaster Needs Assessment and Credible Damage Assessment	<ul style="list-style-type: none"> • Preliminary assessment reports • Compilation and transmittal of damage and loss data • Disaster damage assessments led by government and assisted by humanitarian response agencies, and the initial damage surveys leading to a comprehensive assessment • Quantitative and qualitative baseline for damage, loss, and needs across sectors, blocks (taluk) and districts • Results monitoring and evaluation plan for recovery programme • Select the most appropriate and achievable processes and methodology for conducting early and credible damage and needs assessments
2	Build Back Better (BBB)	<ul style="list-style-type: none"> • High level meetings as well as broad-based, wider vision for build-consultations with experts, civil society, and key stakeholders • Build consensus among the range of stakeholders within and outside government
3	Ensure coherence of BBB with the development programmes and goals	<ul style="list-style-type: none"> • Discussions at top level to align the recovery vision with the government's broader, longer term development goals and growth and poverty reduction strategies
4	Incorporating resilience and BBB in recovery vision	<p>Consultations and background studies on:</p> <ul style="list-style-type: none"> • Disaster resistant physical recovery • Options for fast economic recovery • Gender and equity concerns • Vulnerability reduction • Natural resource conservation and environmental protection • Social recovery
5	Balancing recovery across sectors	<ul style="list-style-type: none"> • Balance public and private sectors BBB programmes • Promote norms for non-discriminatory and equitable asset disbursement among individuals and communities • Prioritise infrastructure reconstruction • Address the recovery of the lives and livelihoods of disaster-affected communities • Show sensitivity to the needs of the affected population with regard to public expectations from recovery
6	Prioritising sectors for recovery	Determine relative importance of various sectors such as housing, water and sanitation, governance, transport, power, communications, infrastructure, environment, livelihoods, tourism, social protection, health, and education.

► 12.7.6 Capacity Development

Capacity development covers strengthening of institutions, mechanisms, and capacities of all stakeholders at all levels. The plan recognises the need for a strategic approach to capacity development and the need for enthusiastic participation of various stakeholders to make it effective. The plan addresses the challenge of putting in place appropriate institutional framework, management systems and allocation of resources for efficient prevention and handling of disasters. The planning needs of capacity development are described for all the four aspects of disaster management:

- (a) Prevention or mitigation to reduce risk from hazards
- (b) Preparedness for response
- (c) Effective response when disaster occurs
- (d) Ability to recover and build back better

Table 12.4 Summary of Broad Capacity Development Themes

Capacity Development Themes	
Key Aspect	Thematic Areas
Prevention or mitigation for disaster risk reduction	<ul style="list-style-type: none"> • Hazards, Risk and Vulnerability Assessment • Human resource development • Institutional strengthening • Launching demonstration projects • Safety education in educational institutions • Improve the awareness and preparedness of stakeholders at all levels • Documenting lessons from previous disasters and ensuring their wide dissemination • Preparing DM plans, regular updating, and mock drills • Institutional arrangements, policies, legal support, and regulatory framework • Developing appropriate risk transfer instruments by collaborating with insurance companies and financial Institutions • Strengthening early warning systems • Mainstreaming of disaster risk assessment, mapping and management into development plans and programmes • Revision of building codes and standards for rehabilitation reconstruction practices both for urban and rural areas • Retrofitting techniques • Rapid visual surveys for safety evaluation of buildings • Training and skill development for masons and other artisans • Reinforce systems to implement, monitor, and enforce regulations for DRR to promote disaster-resistant built environment • Promoting community-based DM taking into account specific needs, regional diversities and multi-hazard vulnerabilities
	<ul style="list-style-type: none"> • Design and implement social safety-net mechanisms, including community-based systems • Disaster resilience of health care systems by integrating disaster risk management into primary, secondary and tertiary health care • Business resilience and protection of livelihoods and productive assets throughout the supply chains, ensure continuity of services and integrate disaster risk management into business models and practices • Preparedness and response plans at all levels • Community-based DRR and DM
Effective preparedness and response	<ul style="list-style-type: none"> • Emergency response capabilities - EOCs, infrastructure, equipment upgrades and adoption of best available technologies • Strengthening of the Fire and Emergency Service through revamping, institutional reforms, and modernisation

	<ul style="list-style-type: none"> • Adoption and adaptation of emerging global good practices • Rigorous training and HRD of first responders • Early warnings, maps/ satellite data/ effective dissemination of information • Table-top exercises, simulations, and mock drills to improve operational readiness of the plans • Rescue equipment at all levels • Systems to provide basic services in emergencies • Housing and Temporary shelters • Medical care for casualties, health care and sanitation • Power and fuel supply management • Transportation systems and network • Logistics and supply chain management • Media relations • Managing the dead, disposal of animal carcasses, and debris • Collection and management of data • Legal services/ support
Recovery and Build Back Better (BBB)	<ul style="list-style-type: none"> • Post-disaster Needs Assessment systems and expertise • Credible damage assessment mechanisms and expertise • Planning capabilities to ensuring coherence of BBB with overall development efforts and goals • Studies and research for incorporating resilience into BBB models • Studies on past disasters and recovery to draw useful lessons

► 12.7.7 Financial Arrangements

The financing of disaster relief has been an important aspect of federal fiscal relations. The primary responsibility for undertaking rescue, relief, and rehabilitation measures during a disaster lies with the state governments. The Union Government supplements their efforts through logistic and financial support. The DM Act 2005 provides the legal framework for disaster management and all related matters, including the financial aspects. The Act envisages the constitution of two types of funds: response and mitigation, which are to be set up at the national, state and district levels. Thus, for disaster response, the Act envisages a National Disaster Response Fund, a State Disaster Response Fund in each State and, within the states, a District Disaster Response Fund in each district. Similarly, the Act envisages a National Disaster Mitigation Fund, State Disaster Mitigation Fund and District Disaster Mitigation Fund for disaster mitigation. Section 47 of the DM Act 2005, pertaining to setting up of the

National Disaster Mitigation Fund, has not been notified by the Government so far. The financing of the entire disaster management cycle will be as per norms set by the Government of India. The disaster risk reduction will be achieved by mainstreaming the requirements into the developmental plans.

► **12.7.8 Scope**

As per the DM Act 2005, the National Plan shall include:

- (a) Measures to be taken for prevention of disasters or the mitigation of their effects
- (b) Measures to be taken for the integration of mitigation measures in the development plans
- (c) Measures to be taken for preparedness and capacity building to effectively respond to any threatening disaster situations or disaster
- (d) Roles and responsibilities of different Ministries or Departments of the Centre in respect of measures of the three aspects mentioned above.

► **12.7.9 Objectives**

Along with the mandate given in the DM Act 2005 and the NPDM 2009, the national plan has incorporated the national commitment towards the Sendai Framework. Accordingly, the broad objectives of the NDMP are:

1. Improve the understanding of disaster risk, hazards, and vulnerabilities
2. Strengthen disaster risk governance at all levels from local to centre
3. Invest in disaster risk reduction for resilience through structural, non-structural and financial measures, as well as comprehensive capacity development
4. Enhance disaster preparedness for effective response
5. Promote “Build Back Better” in recovery, rehabilitation and reconstruction

6. Prevent disasters and achieve substantial reduction of disaster risk and losses in lives, livelihoods, health, and assets (economic, physical, social, cultural and environmental)
7. Increase resilience and prevent the emergence of new disaster risks and reduce the existing risks
8. Promote the implementation of integrated and inclusive economic, structural, legal, social, health, cultural, educational, environmental, technological, political and institutional measures to prevent and reduce hazard exposure and vulnerabilities to disaster
9. Empower both local authorities and communities as partners to reduce and manage disaster risks
10. Strengthen scientific and technical capabilities in all aspects of disaster management
11. Capacity development at all levels to effectively respond to multiple hazards and for community-based disaster management
12. Provide clarity on roles and responsibilities of various ministries and departments involved in different aspects of disaster management
13. Promote the culture of disaster risk prevention and mitigation at all levels
14. Facilitate the mainstreaming of disaster management concerns into the developmental planning and processes.

► 12.7.10 Plan Activation

National Disaster Management Plan (NDMP) remains in operation during all phases of disaster cycle i.e. mitigation, preparedness, response and recovery. However, NEC may activate disaster response system (partially or fully with all support functions activated based on the situation) on the receipt of disaster warning or upon the occurrence of a disaster. The occurrence of disaster may be reported by the relevant monitoring authorities (both National and State) to the NEC by the fastest means. The NEC will activate emergency support functions including the NEOC, scale of which will commensurate with the demand of situation (size, urgency, and intensity of incident).

The activation sequence for national response in the event of a disaster is as given below:

1. The relevant State Government would assume direct responsibility in the event of a disaster.
2. The MHA would assume direct responsibility in case of Union Territories.
3. The response from Central agencies would come into operation when the relevant State Government makes a specific request for Central assistance, financial, logistical, or resources—including transport, search, rescue and relief operations by air, inter-State movement of relief materials, among others.
4. The direct involvement of Central Agencies will apply to those cases where the Gol has primary jurisdiction: organisation of international assistance, response on high seas, and impact assessment of disasters with the assistance of international agencies, and financial assistance from the National Disaster Response Fund.
5. Strengthening Disaster Risk Governance.

12.8 **SENDAI FRAMEWORK**

The NDMP is consistent with the approaches promoted globally by the United Nations, in particular the Sendai Framework for Disaster Risk Reduction 2015-2030 (hereafter “Sendai Framework”) adopted at the Third UN World Conference in Sendai, Japan, on March 18, 2015 (UNISDR 2015a) as the successor instrument to the Hyogo Framework for Action 2005-2015. It is a non-binding agreement, which the signatory nations, including India, will attempt to comply with on a voluntary basis. India will make all efforts to contribute to the realisation of the global targets by improving the entire disaster management cycle in India by following the recommendations in the Sendai Framework and by adopting globally accepted best practices.

The Sendai Framework was the first international agreement adopted within the context of the post-2015 development agenda. Two other major

international agreements followed it in the same year: the Sustainable Development Goals 2015–2030 in September, and the UNCOP21 Climate Change agreement to combat human-induced climate change in December. DRR is a common theme in these three global agreements. The Paris Agreement on global climate change points to the importance of averting, minimising, and addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow onset events, and the role of sustainable development in reducing the risk of loss and damage. These three agreements recognise the desired outcomes in DRR as a product of complex and interconnected social and economic processes, which overlap across the agendas of the three agreements.

Intrinsic to sustainable development is DRR and the building of resilience to disasters. Further, effective disaster risk management contributes to sustainable development.

In the domain of disaster management, the Sendai Framework provides the way forward for the period ending in 2030. **There are some major departures in the Sendai Framework :**

- ◆ For the first time the goals are defined in terms of outcome-based targets instead of focusing on sets of activities and actions.
- ◆ It places governments at the centre of disaster risk reduction with the framework emphasising the need to strengthen the disaster risk governance.
- ◆ There is a significant shift from the earlier emphasis on disaster management to addressing disaster risk management itself by focusing on the underlying drivers of risk.
- ◆ It places almost equal importance on all kinds of disasters and not only on those arising from natural hazards.
- ◆ In addition to social vulnerability, it pays considerable attention to environmental aspects through a strong recognition that the implementation of integrated environmental and natural resource management approaches is needed for disaster reduction.
- ◆ Disaster risk reduction, more than before, is seen as a policy concern that cuts across many sectors, including health and education.

India is a signatory to the Sendai Framework for a 15-year, voluntary, non-binding agreement which recognises that the State has the primary role to reduce disaster risk but that responsibility should be shared with other stakeholders including local government, the private sector and other stakeholders. It aims for the “substantial reduction of disaster risk and losses in lives, livelihoods, and health and in the economic, physical, social, cultural, and environmental assets of persons, businesses, communities, and countries.”

Seven global targets set by the Sendai Framework:

1. Substantially reduce global disaster mortality by 2030, aiming to lower the average per 100,000 global mortality rate in the decade 2020-2030 compared to the period 2005- 2015;
2. Substantially reduce the number of affected people globally by 2030, aiming to lower the average global figure per 100,000 in the decade 2020-2030 compared to the period 20052015;
3. Reduce direct disaster economic loss in relation to global gross domestic product (GDP) by 2030;
4. Substantially reduce disaster damage to critical infrastructure and disruption of basic services, among them health and educational facilities, including through developing their resilience by 2030;
5. Substantially increase the number of countries with national and local disaster risk reduction strategies by 2020;
6. Substantially enhance international cooperation to developing countries through adequate and sustainable support to complement their national actions for implementation of the present Framework by 2030;
7. Substantially increase the availability of and access to multi-hazard early warning systems and disaster risk information and assessments to people by 2030.

► 12.8.1 Integrating Sendai Framework into NDMP

The NDMP incorporates substantively the approach enunciated in the Sendai Framework and will help the country to meet the goals set in the

framework. By 2030, the Sendai Framework aims to achieve substantial reduction of disaster risk and losses in lives, livelihoods, and health and in the economic, physical, social, cultural, and environmental assets of persons, businesses, communities, and countries. The NDMP has been aligned broadly with the goals and priorities set out in the Sendai Framework for DRR. The framework states that to realise this outcome, it is necessary to prevent new and reduce existing disaster risk through the implementation of integrated and inclusive measures that prevent and reduce hazard exposure and vulnerability to disaster, increase preparedness for response and recovery, and thus strengthen resilience. These measures must cover various sectors such as economic, structural, legal, social, health, cultural, educational, environmental, technological, political, and institutional. The plan includes measures that will be implemented over the short, medium, and long-term more or less over the time horizon of the Sendai Framework ending in 2030. The incorporation of four priorities for action under the Sendai Framework into the NDMP is summarised in here for quick reference (Table 12.5).

Table 12.5 Incorporation of Four Priorities for Action Under the Sendai Framework into the NDMP

Sendai Framework for DRR (2015-2030) Priority	
1.	Understanding disaster risk
2.	Strengthening disaster risk governance to manage disaster risk
3.	Investing in disaster risk reduction for resilience
4.	Enhancing disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation and reconstruction

The term **Disaster Management** as used in the NPDM 2009 and the DM Act 2005 document is comprehensive covering all aspects - disaster risk reduction, disaster risk management, disaster preparedness, disaster response, and post-disaster recovery. This document uses the term with the same meaning as defined in the DM Act 2005:

“A continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary or expedient” for the following: 1) Prevention of danger or threat of any disaster, 2) Mitigation or reduction of risk of any disaster or its severity or consequences, 3) Capacity-building, 4) Preparedness to deal with any disaster, 5) Prompt response to any threatening disaster situation or disaster, 6) Assessing the severity or magnitude of effects of any disaster 7) Evacuation, rescue and relief, and 8) Rehabilitation and reconstruction.”

12.9 WHAT IS NEEDED?

We cannot prevent natural hazards, which are endemic to our geology, geography, climate, social and cultural settings, but we can certainly strive to manage crisis more efficiently so that hazards do not degenerate into disasters. With a coherent and meaningful crisis management strategy in place, it is quite possible to visualise our country, despite its manifold hazards, as a place that will eventually be free of all disasters. In the realm of crisis management, announcing a policy, or promulgating a law, or creating an institution is a relatively easy task; the challenge lies in implementing policies to achieve the desired outcomes. Crisis management, a governance issue that is both vital and complex, is at the core of India’s administrative system. The system requires innovative thinking and fundamental changes in order to quicken the emergency responses of the administration and increase the effectiveness of the machinery to meet the crisis situation and enhance crisis preparedness. To that end, it is necessary that the apparatus of crisis management should perform and deliver. What is needed is ushering in a new paradigm in the quality and efficacy of our institutional capacity and delivery mechanisms while, at the same time, ensuring that they are embedded in both the structures of authority and the mechanisms of accountability.

Our aim should not only be having more efficient systems of governance but also innovative ways of capacity building and empowerment of all stakeholders at all levels, including panchayats and the community, strategic applications of science and technology, realisation of a sound

emergency communication network, building safe homes and infrastructure, and learning from research and development, as also from the experiences of handling crisis situations in the past. Each of these tasks is a challenge and calls for careful strategy of planning and implementation coupled with coordinated efforts of a variety of players, both within and outside the governmental structure. Our target should be establishing the synergy and convergence of advances in the technological and knowledge era with our rich socio-cultural practices and indigenous coping mechanisms. Systematic preparedness, early warning, quick response and sustainable recovery have been the cornerstones of approach to disaster management.

► 12.9.1 Institutional Support of Science and Technology Institutions for Disaster Management

Disaster management depends heavily upon the inputs from various science and technology institutions. Major improvements in disaster management efforts may be attributed to developments in science and technology. As crisis management is multidisciplinary in nature, the relevant research is carried out in several sector-wise research and development organisations. The Second Administrative Reforms Commission has recommended that The National Disaster Management Authority, assisted by NIDM, may facilitate a common platform between the science and technology organisations and the users of relevant technologies. Such mechanisms may be made operational both at the Union and State levels.

► 12.9.2 Professionalisation of Disaster Management

Institutional development for disaster management in the country has clearly suffered on account of paucity of professionally qualified personnel. While civil servants and other senior personnel in organisations like the police, armed forces and municipal bodies have provided a leadership role and their leadership will continue to be required, it is time that special attention is paid to the long-felt need to professionalise disaster management in the country.

The best practices in disaster management are the strategies and methods perfected by several developed countries and India can take advantage from

exposure to these practices. It is, therefore, desirable that the possibility of bilateral agreements with foreign governments for exchange of experiences and learning from their documentation and research efforts be fully explored.

► **12.9.3 Use of Mass Media and Social Media**

Mass media plays a very important role in spreading awareness about disasters. Immediately after a major disaster in any part of the world, the curiosity and apprehension among the communities about their own risk is at its maximum. This is an opportune time to carry out public awareness campaigns and use media to focus on generating awareness about the risk the community is exposed to. This could best be achieved through a healthy partnership between the media and the disaster management machinery.

An important input in such awareness generation programmes could be the lessons that have been learnt from disasters in the past or from those in other areas. For this purpose, the details of all such disasters need to be properly documented and kept in the public domain. The District Disaster Management Authorities, the State Disaster Management Authorities and the NDMA should have these details along with the lessons learnt, on their respective websites.

► **12.9.4 Building Community Resilience**

The community is also a repository of knowledge and skills which have evolved traditionally and these need to be integrated in the risk reduction process. It is necessary to educate the community about the entire disaster risk reduction and even to impart skills and assign specific roles to the members of the community, so that the first response from the community is a well coordinated one.

► **12.9.5 Focus on District Disaster Management Plan**

The District Administration should discuss the hazard, risk and vulnerability profile of the district. The Administration should know the vulnerability map of the district, historical profile of various disasters that have happened in the past, their impact on the district and how the district

was able to cope up is the preparedness of the district now? Would the district be able to handle the disaster if it is hit now? What is the present capacity of preparedness of the district administration or DDMA for search and rescue, relief distribution, logistics, ensuring life-line services, providing security and safety to the people, law and order situation, resource mobilisation, etc.? The administration needs to know the answers for all these questions. This would give an idea of the capacity of the district and also give direction to start planning. The administration or DDMA then consolidates the risks of the district and take the level forward.

12.10 KEY ISSUES

12.10.1 The Uttarakhand Tragedy and the Lessons Learnt

Heavy rainfall over three days, June 16-18, 2013, along with a few cloudbursts caused the melting of Chorabari Glacier at the height of 3,800 metres and eruption of the river Mandakini, which led to heavy floods and massive landslides along with heavy boulders near Kedarnath and few other areas of Uttarakhand, including Badrinath and Uttarkashi. It was the worst natural disaster in our country since the 2004 tsunami. The devastation in its wake has been huge but the largest impact has been at the temple town of Kedarnath. It is the downstream region along the Mandakini river. In the midst of the annual pilgrimage season, tens of thousands of people were present at the time of the incident. As a result, nearly 4-6,000 people were feared killed and about a 1,00,000 pilgrims and tourists were trapped in the valley for days because of damaged and blocked roads. The death toll, however, as per official records, is said to be nearly 4,000 only. Entire villages and settlements, such as Gaurikund and the market town of Ram Bada, a transition point to Kedarnath, have been obliterated, while the market town of Sonprayag suffered heavy damage and loss of lives.

The Army, Air Force, Indo-Tibetan Border Police, Border Security Force, National Disaster Response Force, Public Works Department and local administration worked together for quick rescue operations. Several thousand soldiers were deployed for the rescue missions. Helicopters were used to rescue people, but due to rough terrain, heavy fog and rainfall,

manoeuvring them was a challenge. The armed forces and paramilitary troops evacuated nearly one lakh people from the flood ravaged area. Operation Rahat was the name given to the Air Force's rescue operations. Operation Suryahope was the name given to the Army's rescue operations.

Unprecedented destruction by the rainfall witnessed in Uttarakhand was attributed to unscientific developmental activities undertaken in recent decades, contributing to high level of loss of property and lives. Roads constructed in haphazard style, new resorts and hotels built on fragile river banks and more than 70 hydro-electric projects in the watersheds of the state led to a 'disaster waiting to happen' situation. The tunnels built and blasts undertaken for the 70 hydro-electric projects contributed to the ecological imbalance in the state, with flows of river water restricted and the streamside development activity contributing to a higher number of landslides and more flooding. Existing infrastructure has been totally demolished. It has left border villages disconnected which certainly adds to our strategic concerns.

According to a 'Performance Audit of Disaster Preparedness in India', published by the Comptroller and Auditor General of India (CAG: Report No 5 of 2013), the following shortcomings of Uttarakhand were not only published but were taken up with the State Government as well, as a follow up. The main shortcomings pin-pointed by the CAG were:

1. In the state, the frequency and intensity of various disasters had not been identified.
2. State Disaster Management Authority (SDMA), headed by the Chief Minister, although constituted in October 2007, had not formulated any rules, regulations, policies and guidelines. State Executive Committee (SEC) was formed in January 2008 but 'never met since its creation' (this highlights the laxity and indifference). District Disaster Management Authority (DDMA) was constituted in Nainital in December 2007. Since inception, DDMA met only twice (April and May 2011). Thus, the state authorities were virtually non-functional.
3. The State Disaster Management Plan was under preparation and actionable programmes were not prepared for various disasters.

4. We noticed irregularities in the management of State Disaster Response Fund. These included non-investment of funds, which resulted in potential loss of interest of ₹ 9.96 crore during 2007-2012. There were delays ranging from 80 days to 184 days in the release of the Centre's share of funds during 2007-11 and no funds were released in 2011-12 as the State Government did not submit utilisation certificates and annual report of natural calamity.
5. No plan was prepared in the state for early warning. The communication system was inadequate. This resulted in delayed information to vulnerable population.
6. The Hazard Safety Cell of the State Government had so far identified 7,374 buildings in three cities out of which 1,109 buildings were found to be vulnerable to moderate earthquake. These buildings needed to be retrofitted, but no such measures were taken.
7. The Geological Survey of India in June 2008 identified only 101 villages as vulnerable out of 233 disaster affected villages. No measures were taken by the State Government for their rehabilitation, despite a lapse of four years after their identification.
8. The State Government did not sanction any post for the State Disaster Management Authority which affected the establishment of the Management Information System. In the District Emergency Operation Centre (DEOC) at the district level, there was an acute shortage of manpower. In 13 districts, only 66 posts (56 per cent) were filled against sanctioned manpower of 117 (nine posts each in 13 districts), and
9. It was also noticed that no master trainers were trained to impart training to the staff at the district, block and village levels engaged in the prevention and mitigation of disaster management. Medical personnel were also not trained in hospital preparedness for emergencies or mass casualty incident management.

The serious lapses that have been reported are a sad reflection of the state of affairs. It also shows that a lot of commitment, dedication and foresight

is required in a state like Uttarakhand which is prone to almost all kinds of disasters except the threats from coastal areas and high seas.

Even more striking has been the realisation about how precious little has gone in the name of creating awareness and preparing all sections of the society for an eventuality like the June 2013 Uttarakhand disaster.

Besides preparedness, the response during crisis was also too slow. The Uttarakhand Government could not gauge the scale of tragedy in the initial two days. The state government did not have adequate evacuation capabilities. The evacuation work was mainly carried out by the Army, Air Force, ITBP, BSF and NDRF. Search and rescue work also started very late.

Rehabilitation and reconstruction process was also very slow. It was mainly due to two reasons (a) roads and electricity lines were badly damaged so connectivity, communication and electricity services were totally disrupted, and (b) rain did not stop for a few days and so medical aid and food items were not supplied adequately as government machinery was waiting for the rain to stop. Even after October, rehabilitation work was not as per the desired pace.

Role of BSF in Rehabilitation Work

The BSF had adopted 12 villages for rehabilitation work. BSF made temporary bridges like foot bridges, rope bridges, Jhoola Pul (suspension bridge) on mountaineering patterns for connectivity. It helped in medical aid supply and ration supply for community kitchen. BSF jawans conducted rehabilitation work despite rains and heavy odds.

► 12.10.2 Was the Uttarakhand Tragedy Natural or Man-made?

Undoubtedly, it was a natural disaster which caught the administration and the local people by surprise. But many man-made mistakes compounded the problem. The major ones are given below:

1. No control over the number of tourists and pilgrims reaching Kedarnath. At the time of the tragedy it is believed that there were almost 5-10 times more people than the capacity of roads and towns.

2. Unlimited construction on fragile river beds. River beds are meant for rivers but due to unregulated developmental activities, haphazard constructions took place near river beds to cater to increasing number of tourists. This went on without any proper planning and norms of construction.
3. **Ecological imbalance.** The entire ecology of the region could have been disturbed due to rampant construction of roads, tunnels, dams and use of blast technology for construction.

Perhaps if we had been careful about the above factors, the scale of the tragedy could have been minimised.

► 12.10.3 Social and Emotional Problems Associated with Disasters

While dealing with disasters, we need to be particularly responsive to the emotional and social problems that people experience due to a disaster. Almost 10 per cent of the people affected by the tsunami – potentially half a million people – had mental health problems so severe that they required professional treatment. Psychosocial care deals with a broad range of emotional and social problems and helps in restoring social cohesion as well as independence and dignity of individuals and groups. It prevents pathologic developments and further social dislocations. Normalisation of emotional reaction is an important task in psychosocial care for the survivors of disasters. Emotional reactions such as guilt, fear, shock, grief, vigilance, numbness, intrusive memories, and despair are responses of people experiencing unforeseen disasters beyond their coping capacity. Emotional reactions are normal responses to an abnormal situation. Nearly 90 per cent of survivors of a disaster experience these emotional reactions immediately after the disaster. Psychosocial care is essential for all these people.



PROBABLE QUESTIONS BASED ON THIS **CHAPTER**

1. What are the main phases of disaster management?
2. How can disaster risk be reduced in advance?
3. Write a short note on National Disaster Management Act (NDMA Act) 2005.
4. What is the role of National Disaster Management Authority in disaster management?
5. How can district administration play a significant role in disaster management?
6. Comment on the impact of NDMA, 2005.
7. Examine the suitability and capacity building of NDRF (National disaster relief force) and STRF.
8. What do you understand by enhancing resilience? Where do you place India on this front?



The Armed Forces (Special Powers) Act, 1958

Act 28 of 1958, September 11, 1958

An Act to enable certain special powers to be conferred upon members of the Armed Forces in disturbed areas in the states of ¹ [Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura].

Be it enacted by the Parliament in the ninth year of the Republic of India as follows:

1. Short Title and Extent – (1) This Act may be called ² [The Armed Forces (Special Powers) Act, 1958].
³ [(2) It extends to the whole of State of ⁴ [Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura].
2. **Definitions** – In this Act, unless the context otherwise requires:
 - (a) “Armed Forces” means the military forces and the air forces operating as land forces, and includes any other armed forces of the Union so operating;
 - (b) “Disturbed area” means an area which is for the time being declared by notification under section 3, to be a disturbed area;

- (c) all other words and expressions used herein, but not defined and defined in the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950) shall have meanings respectively assigned to them in those Acts.
3. Power to declare Areas to be Disturbed Areas – If, in relation to any State or Union territory of which the Act extends, the Governor of that State or the Administrator of that Union territory or the Central Government, in either case, if of the opinion that the whole or any part of such State or Union territory, as the case may be, is in such a disturbed or dangerous condition that the use of Armed Forces in aid of the civil powers is necessary, the Governor of that State or the Administrator of that Union territory or the Central Government, as the case may be, may, by notification in the Official Gazette, declare the whole or such part of such State or Union territory to be a disturbed area].
 4. Special Power of the Armed Forces – Any commissioned officer, warrant officer, non commissioned officer or any other person of equivalent rank in the Armed Forces may, in a disturbed area—
 - (a) if he is of opinion that it is necessary to do so for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;
 - (b) if he is of opinion that it is necessary to do so, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;
 - (c) arrest, without warrant, any person who has committed a cognisable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognisable

offence and may use such force as may be necessary to effect the arrest; and

(d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises and may for that purpose use such force as may be necessary.

5. **Arrested persons to be made over to the Police** – Any person arrested and taken into custody under this Act shall be made over to the officer-in-charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest.

6. **Protection to persons acting under Act** – No persecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

7. **Repeal and Saving** – [Repealed by Amending and Repealing Act, 1960 (58 of 1960), First Schedule, sec. 2 (26-12-1960)]

1. Subs. By Act 69 of 1986, sec. 43, for “Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union Territory of Arunachal Pradesh” (w.e.f. 20-2-1987).
2. Subs. By Act 7 of 1972, sec. 3, for “the Armed Forces (Assam and Manipur) Special Powers Act., 1958” (w.e.f. 5-4-1972)
3. Subs. By Act 7 of 1972, sec. 4 (w.e.f. 5-4-1972)
4. Subs. By Act 69 of 1986, sec. 43, for “Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union Territory of Arunachal Pradesh” (w.e.f. 20-2-1987).



Maharashtra Control of Organised Crime Act, 1999 (Maharashtra Act No 30- of 1999) The Act

To make special provisions for prevention and control of, and for coping with, criminal activity by organised crime syndicate or gang, and for matters connected there with or incidental thereto.

WHEREAS it was expedient to make special provisions for prevention and control of, and for coping with, criminal activity by organised crime syndicate or gang and for matters connected therewith or incidental thereto;

AND WHEREAS, the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make law, for the purposes aforesaid.

It is hereby enacted in the Fiftieth Year of the Republic of India as follows:

1. Short title, extent and commencement

- (1) This Act may be called the Maharashtra Control of Organised Crime Act, 1999.

- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall be deemed to have come into force on the February 24, 1999.

2. Definitions

- (1) In this Act, unless the context otherwise requires,-
 - (a) “abet”, with its grammatical variations and cognate expressions, includes—
 - (i) the communication or association with any person with the actual knowledge or having reason to believe that such person is engaged in assisting in any manner, an organised crime syndicate;
 - (ii) the passing on or publication of, without any lawful authority, any information likely to assist the organised crime syndicate and the passing on or publication of or distribution of any document or matter obtained from the organised crime syndicate; and
 - (iii) the rendering of any assistance, whether financial or otherwise, to the organised crime syndicate;
 - (b) “code” means the Code of Criminal Procedure, 1973;
 - (c) “Competent Authority” means the competent authority appointed under section 13;
 - (d) “continuing unlawful activity” means an activity prohibited by law for the time being in force, which is a cognizable offence punishable with imprisonment of three years or more, undertaken either singly or jointly, as a member of an organised crime syndicate or on behalf of such, syndicate in respect of which more than one chargesheets have been filed before a competent Court within the preceding period of 10 years and that Court has taken cognizance of such offence;
 - (e) “organised crime” means any continuing unlawful activity by an individual, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion, or other unlawful means, with the objective of gaining pecuniary

benefits, or gaining undue economic or other advantage for himself or any person or promoting insurgency;

Note 1: The expression “organised” in 2(e) is very important. It means a crime done by a single person in a planned way, as well as, crime committed, with the help of others in an organised way. It presupposes that the criminal, before committing the crime, has obtained complete information regarding the economic as well as social status of the person against whom the crime is committed.

(f) “organised crime syndicate” means a group of two or more persons who, acting either singly or collectively, as a syndicate of gang indulge in activities of organised crime; and

(g) “Special Court” means the Special Court constituted under section 5.

(2) Words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them.

3. Punishment for organised crime

(1) Whoever commits an offence of organised crime shall,

(i) if such offence has resulted in the death of any person, be punishable with death or imprisonment for life and shall also be liable to a fine, subject to a minimum fine of ₹ 1 lakh;

(ii) in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of ₹ 5 lakh.

(2) Whoever conspires or attempts to commit or advocates, abets or knowingly facilitates the commission of an organised crime or any act preparatory to organised crime, shall be punishable with imprisonment for a term which shall be not less than five years but which may extend to imprisonment for life, and shall also be liable to a fine, subject to a minimum of ₹ 5 lakh.

(3) Whoever harbours or conceals or attempts to harbour or conceal, any member of an organised crime syndicate; shall be punishable with

imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to a fine subject to a minimum fine of ₹ 5 lakh.

- (4) Any person who is a member of an organised crime syndicate shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of ₹ 5 lakh.
- (5) Whoever holds any property derived or obtained from commission of an organised crime or which has been acquired through the organised crime syndicate funds shall be punishable with a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine, subject to a minimum fine of ₹ 2 lakh.

4. Punishment for possessing unaccountable wealth on behalf of member of organised crime syndicate.

If any person on behalf of a member of an organised crime syndicate is, or, at any time has been, in possession of movable or immovable property which he cannot satisfactorily account for, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to 10 years and shall also be liable to fine, subject to a minimum fine of ₹ 1 lakh and such property shall also liable for attachment and forfeiture, as provided by section 20.

Organised criminals are undoubtedly hard core criminals. They have no derth of most modern weapons. Extorting money by spreading terrorism in society is their aim. They target elite class of society. Naturally, the money they recover is of unusual proportion. The money is not spent on just causes but to derail state the economy. It is therefore, essential to provide for strictest punishment. Punishment envisaged in the Act is 3 to 10 years of imprisonment which can be extended to life imprisonment. Death penalty can also be imposed on the criminals who kill any one. So also a fine of ₹ 3 or 10 lakh can also be imposed.

It will be interesting to compare the criminals under this Act with criminals under the recently repealed Tada Act. Criminals under both Acts differ in attitude and approach. Criminals under Tada aim at disruptive

activities. They are a threat to the sovereignty of the nation. On the contrary criminals under present law are extortionist.

This law also proposes punishment to those who possess any type of property accumulated through illegal means.

5. Special courts

- (1) The State Government may, by notification in the Official Gazette, constitute one or more Special Courts for such area or areas, or for such case or class or group of cases, as may be specified in the notification.
- (2) Where any question arises as to the jurisdiction of any Special Court, it shall be referred to the State Government whose decision shall be final.
- (3) A Special Court shall be presided over by a judge to be appointed by the State Government, with the concurrence of the Chief Justice of the Bombay High Court. The State Government may also appoint, with the concurrence of the Chief Justice of the Bombay High Court, additional judges to exercise jurisdiction in a Special Court.
- (4) A person shall not be qualified for appointment as a judge or an additional judge of a Special Court, unless he immediately before such an appointment, is a sessions judge or an additional sessions judge.
- (5) Where any additional judge is or additional judges are appointed in a Special Court, the judge of the Special Court may, from time to time, by general or special order in writing, provide for the distribution of the business of the Special Court among himself and the additional judge or additional judges and also for the disposal of urgent business in the event of his absence or the absence of any additional judges.

6. Jurisdiction of Special Court

Notwithstanding anything contained in the Code, every offence punishable under this Act shall, be triable only by the Special Court within whose local

jurisdiction it was committed or as the case may be, by the Special Court constituted for trying such offence under subsection (1) of section 5.

7. Power of Special Court with respect to other offences

- (1) When trying any offence punishable under this Act, a Special Court may also try any other offence with which the accused may, under the Code, be charged at the same trial, if the offence is connected with such other offence.
- (2) If, in the course of any trial of any offence under this Act, it is found that the accused person has committed any other offence under this Act or under any other law, the Special Court may, convict such person of such other offence and may pass any sentence authorised by this Act or, as the case may be, such other law for the punishment thereof.

8. Public Prosecutor

- (1) For every Special Court, the State Government shall appoint a person to be the Public Prosecutor and may appoint one or more persons to be the Additional Public Prosecutor or Additional Public Prosecutors:

Provided that, the State Government may also appoint for any case or group of cases, a Special Public Prosecutor.

- (2) A person shall not be qualified to be appointed as a Public Prosecutor, an Additional Public Prosecutor or a Special Public Prosecutor unless he has been in practice as an advocate for not less than 10 years.
- (3) Every person appointed as a Public Prosecutor or Additional Public Prosecutor or Special Public Prosecutor, under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code, and the provisions of the Code shall have effect accordingly.

9. Procedure and powers of Special Court

- (1) A Special Court may take cognizance of any offence without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence or upon a police report of such facts.
- (2) Where an offence triable by a Special Court is punishable with imprisonment for a term not exceeding three years or with fine or with both, the Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of section 263 to 265 of the Code shall, as far as may be, apply to such trial:

Provided that, wherein the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try in a summary way, the Special Court shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to and in relation, to a Special Court as they apply to and relation, to a Magistrate:

Provided further that, in case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding two years.

- (3) A Special Court may, with a view to obtaining the evidence of any person, supposed to have been directly or indirectly concerned in or privy to an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abetter, in the commission thereof, and any pardon so tendered shall, for the purposes of section 308 of the Code, be deemed to have been tendered under section 307 thereof.
- (4) Subject to other provisions of this Act, a Special Court shall; for the purpose of trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, so

far as may be, in accordance with the procedure prescribed in the Code for the trial before a Court of Session.

Note 3 Criminals under this Act are Special types of criminal and it is not in the interest of society if they move around freely in society.

Therefore, provisions have been made in the Act for Special Court, to expedite their cases. Qualifications, experiences and jurisdiction of these judges can be well compared with judges appointed under the Tada act. The Act made by the state Government has not taken away the powers of the High Court. However, this Court too, when facts are brought before it, can take cognizance of the any offence.

10. Trial by Special Courts to have precedence

The trial of any offence under this Act by a Special Court shall have precedence over the trial of any other case against the accused in any other Court (not being a Special Court) and shall be concluded in preference of the trial of such other case and accordingly the trial of such other cases shall remain in abeyance.

11. Power to transfer cases to regular courts

Where, after taking cognizance of an offence, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for trial of such offence to any Court having jurisdiction under the Code and the Court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

12. Appeal

- (1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgement, sentence or order, not being an interlocutory order, of a Special Court to the High Court.
- (2) Every appeal under this section shall be preferred within 30 days from the date of the judgement, sentence or order.

13. Appointment of competent authority

The State Government may appoint any of its officer, in the Home Department not below the rank of Secretary to Government, to be the Competent Authority for the purposes of section 14.

14. Authorisation of interception of wire, electronic or oral communication

- (1) A police officer not below the rank of Superintendent of Police supervising the investigation of an organised crime under this Act may submit an application in writing to the Competent Authority for an order authorising or approving the interception of wire, electronic or oral communication by the investigating officer when such interception may provide or has provided evidence of any offence involving an organised crime.
- (2) Each application shall include the following information:
 - (a) the identity of the investigative or law enforcement officer making the application, and the head of the department authorising the application;
 - (b) a statement of the facts and circumstance, relied upon by the applicant, to justify his belief that an order should be issued, including-
 - (i) details as to the offence of organised crime that has been, is being, or is about to be committed;
 - (ii) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted;
 - (iii) a particular description of the type of communications sought to be intercepted; and
 - (iv) the identity of the person, if known, committing the offence of organised crime whose communications are to be intercepted;
 - (c) a statement as to whether or not other modes of enquiry or intelligence gathering have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too

dangerous or is likely to expose the identity of those connected with the operation of interception;

- (d) a statement of the period of time for which the interception is required to be maintained. If, the nature of the enquiry is such that the authorisation for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing a probable cause to believe that additional communications of the same type will occur thereafter;
 - (e) a statement of the facts concerning all previous applications known to the individual authorising and making the application, made to the competent authority for authorisation to intercept; or for approval of interceptions of, wire electronic or oral communications involving any of the same persons, facilities or places specified in the application and the action taken by the competent authority on each such application; and
 - (f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.
- (3) The competent authority may require the applicant to furnish additional oral or documentary evidence in support of the application.
- (4) Upon such application, the competent authority may, after recording the reasons in writing, reject the application, or issue an order, as requested or as modified, authorising or approving interception of wire, electronic or oral communications, if the competent authority, on the basis of the facts submitted by the applicant that-
- (a) there is a probable cause for belief that an individual is committing, has committed, or is about to commit a particular offence described and made punishable under sections 3 and 4 of this Act;
 - (b) there is a probable cause for belief that particular communications concerning that offence will be obtained through such interception

- (c) normal modes of enquiry and, intelligence gathering have been tried and have failed, or reasonably appear to be unlikely to succeed if tried or to be too dangerous or is likely to expose the identity of those connected with the operation of interception;
 - (d) there is probable cause for belief that the facilities from which, or the place where, the wire, electronic or oral communications are to be intercepted or be used or are about to be used, in, connection with the commission of such offence, leased to, or are listed in the name of or commonly used by such person.
- (5) Each order by the competent authority authorising or approving the interception of any wire, electronic or oral communication under this section shall specify—
- (a) the identity of the person, if known, whose communications are to be intercepted;
 - (b) the nature, and location of the communication facilities as to which, or the place where, authority to intercept is granted;
 - (c) a particular description of the type of communication sought to be intercepted, and a statement of the particular offence to which it relates;
 - (d) the identity of the agency authorised, to intercept, the communications, and of the person authorising the application; and
 - (e) the period of time during which such interception is authorised, including a statement as to whether or not the interception; shall automatically terminate when the described communication has been first obtained.
- (6) The competent authority shall immediately after passing the order under sub-section (4), but in any case not later than seven days from the passing of the order, submit a copy of the same to the review committee constituted under section 15 along with all the relevant underlying papers; record and his own, findings, etc; in respect of the said order, for consideration and approval of the order by the review committee.

- (7) An order authorising the interception of a wire, electronic or oral communication under this section shall, upon request of the applicant, direct that a provider of wire or electronic communication service, landlord, custodian or other person shall furnish to the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such service provider, landlord, custodian, or person is providing to the person whose communications are intercepted.
- (8) An order issued under this section may authorise or approve the interception of any wire, electronic or oral communication for any period longer than is necessary to achieve the objective of the authorisation, nor in any event longer than 60 days. Such 60 days period shall begin-on the day immediately preceding the day on which the investigative or law enforcement officer first begins to conduct an interception under the order or 10 days after the order is issued, whichever is earlier. Extension of an order may be granted, but only upon an application for an extension is made in accordance with subsection (1) and the competent authority making the findings required by sub-section (4). The period of extension shall be no longer than the competent authority-deems necessary to achieve the purposes for which it, was granted and in no event for longer than 60 days at a time. Every order and extension, thereof shall contain a provision that the authorisation to intercept any event shall be executed as soon as practicable and shall be conducted in such a way or manner as to minimise the interception of communications not otherwise subject to interception under this section and must terminate upon attainment of the authorised, objective, or in any event on expiry of the period of the order. In the event the intercepted communication is in a code or foreign language, and an expert in that foreign language or code is not reasonably available during the interception period, minimisation may be accomplished as soon as practicable after such interception. An interception under this section may be conducted in whole or in part by public servant, or by an individual operating under a contract with the State Government, acting under the supervision of the investigative or law enforcement officer authorised to conduct the interception.

- (9) Whenever an order authorising interception is issued pursuant to this section, the order may require reports to be made to the competent authority who issued the order showing that progress has been made towards achievement of the authorised objective and the need for continued interception. Such reports shall be made at such intervals as the competent authority may require.
- (10) Notwithstanding anything contained in any other provision of this section, an officer not below the rank of Additional Director General of Police who reasonably determines that-
- (a) an emergency situation exists that involves.
 - (i) immediate danger of death or serious physical injury to any person;
 - (ii) conspiratorial activities threatening the security or interest of the State; or
 - (iii) conspiratorial activities, characteristic of organised crime, that requires a wire, electronic or oral communication to be intercepted before an order from the competent authority authorising such interception can, with due diligence, be obtained, and
 - (b) there are grounds upon which an order could be issued under this section to authorise such interception, may authorise, in writing, the investigating police officer to intercept such wire, electronic or oral communication, if an application for an order, approving the interception is made in accordance with the provisions. Of sub-sections (1) and (2) within 48 hours after the interception has occurred, or begins to occur.
- (11) In the absence of an order approving the interception made under sub-section (10), such interception shall immediately terminate when the communication sought is obtained or when the application for the order is rejected, whichever is earlier. In the event where an application for permitting interception is rejected under sub-section (4) or an application under sub-section (10) for approval is rejected, or in any other case where the interception is terminated without an order having been issued, the contents of any wire, electronic or oral

communication intercepted shall be treated as having been obtained in violation of this section.

(12)(a) The contents of any wire, electronic or oral communication intercepted by any means authorised by this section shall, if possible, be recorded on tape or wire or other comparable device. Recording of the contents of any wire, electronic or oral communication under this sub-section shall be done in such a way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of order, or extension thereof, such recordings shall be made available to the competent authority issuing such order and shall be sealed under this direction. Custody of the recordings shall be wherever the competent authority orders. They shall not be destroyed except upon an order of the competent authority and in any event shall be kept for 10 years.

(b) Applications made and orders issued under this section shall be sealed by the competent authority. Custody of the applications and orders shall be wherever the competent authority directs, and shall not be destroyed except on an order of the competent authority, and in any event shall be kept for 10 years.

The competent authority upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the competent authority determines to be in the interest of justice.

(13) Notwithstanding anything in the Code or in any other law for the time being in force, the evidence collected through the interception of wire, electronic or oral communication under this section shall be admissible as evidence against the accused in the Court during the trial of a case.

Provided that, the contents of any wire, electronic or oral communication intercepted pursuant to this section or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in any court unless each party, not less than 10 days before trial, hearing or proceeding, has been furnished with a copy of the order of the competent

authority, and accompanying application, under which the interception was authorised or approved :

Provided further that, this 10 days period may be waived by the judge, trying the matter, if he finds that it was not possible to furnish the party with the above information 10 days before the trial, hearing or proceeding and that the party will not be prejudiced by the delay in receiving such information.

Explanation: For the purposes of this section—

- (a) ‘write communication’ means any aural transfer made in whole or part through the use of facilities for the transmission of communications by the aid of wire, cable or other like connection between (the point of origin and the point of connection, between the point of origin and (the point of reception (including the use of such connection in switching station) and such term includes any electronic storage of such communication;
- (b) ‘oral communication’ means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation but such terms does not include any electronic communication;
- (c) ‘electronic communication’ means any transfer of signs, ‘signals,’ writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system that affects inland or foreign commerce but does not include—
 - (i) The radio portion of a cordless telephone communication—that is transmitted between the wireless telephone hand-set and the base unit;
 - (ii) any wire or oral communication;
 - (iii) any communication made through a tone only paging device; or
 - (iv) any communication from a tracking device; and

- (d) 'intercept' means the aural or other acquisition of the contents by wire, electronic or oral communication through the use of any electronic, mechanical or other device.

15. Constitution of Review Committee for review of authorisation orders.

- (1) There shall be a review committee to review every order passed by the competent authority under section 14.
- (2) The review committee shall consist of the following ex-officio members, namely:
 - (i) the Chief Secretary to Government, Chairman.
 - (ii) the additional Chief Secretary or the senior most Principal Secretary as the case may be, in the Home Department... Member.
 - (iii) Principal Secretary or Secretary and Remembrancer of Legal Affairs, Law and Judiciary Department... Member.
- (3) Every order passed by the competent authority under section 14. placed before the review committee, shall be considered by the review committee within 10 days after its receipt, to decide whether the order, authorising or approving the application under subsection (4) of section 14, for interception or disapproving the interception made under sub-section (10) of that section in emergency situation, passed by the competent authority was necessary, reasonable and justified.
- (4) The review committee, after examining the entire record and holding such enquiry, if any, deemed necessary may, by order in writing. either approve the order passed by the competent authority or may issue order disapproving by the same. On issue of an order of disapproval by the review committee, the interception, if any, already commenced shall be forthwith discontinued. The intercepted communication, if any, in the form of tape, wire or other device shall, thereupon, not be admissible as evidence in any case and shall be directed to be destroyed.

16. Interception and disclosure of wire, electronic or oral communications prohibited

Except as otherwise specifically provided in section 14, any police officer who—

- (a) intentionally intercepts, endeavours to intercept, or procures any other person to intercept or endeavour to intercept any wire, electronic or oral communication;
- (b) intentionally uses; endeavours to use, or procures any other person to use or endeavours to use any electronic, mechanical or other device to intercept any oral communication when-
 - (i) such device is affixed to, or otherwise transmits a signal through a wire, cable, or other like connection used in wire communication; or
 - (ii) such device transmits communications by radio, or interferes with the transmission of such communication;
- (c) intentionally discloses, or endeavours to disclose, to any other person the contents of any wire, electronic or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or oral communication in violation of this sub-section;
- (d) intentionally uses, or endeavours to use, the contents of any wire, electronic or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or oral communication in violation of this subsection; or
- (e)
 - (i) intentionally discloses, or endeavours to disclose, to any other person the contents of any wire, electronic or oral communication, intercepted by means authorised by section 14;
 - (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation under this Act;
 - (iii) having obtained or received the information in connection with a criminal investigation; and

- (iv) with intent to improperly obstruct, impede, or interfere with a duly authorised criminal investigation; or
- (f) intentionally continues the interception of wire, electronic or oral communication after the issue of an order of disapproval by the Review Committee under sub-section (4) of section 15, shall for such violation be punishable with imprisonment for a term which may extend to one year and with fine upto rupees fifty thousand.

17. Special Rules of evidence

- (1) Notwithstanding anything to the contrary contained in the Code, or the Indian Evidence Act, 1872, for the purpose of trial and punishment for offences under this Act or connected offences, the Court may take into consideration as having probative value, the fact that the accused was—
 - (a) on any previous occasion bound under section 107 or section 110 of the Code;
 - (b) detained under any law relating to preventive detention; or
 - (c) on any previous occasion was prosecuted in the Special Court under this Act.
- (2) Where it is proved that any person involved in an organised crime or any person on his behalf is or has at any time been in possession of movable or immovable property which he cannot satisfactorily account for, the Special Court shall, unless contrary is proved, presume that such property or pecuniary resources have been acquired or derived by his illegal activities.
- (3) Where it is proved that the accused has kidnapped or abducted any person, the Special Court shall presume that it was for ransom.

18. Certain confessions made to police officer to be taken into consideration.

- (1) Notwithstanding anything in the Code or in the Indian Evidence Act 1872, but subject to the provisions of this section, a confession made by a person before a police officer not below the rank of the Superintendent of Police and recorded by such police officer either

in writing or on any mechanical devices like cassettes, tapes or sound tracks from which sounds or images can be reproduced, shall be admissible in the trial of such person or co-accused, abettor or conspirator:

Provided that the co-accused, abettor or conspirator is charged and tried in the same case together with the accused.

- (2) The confession shall be recorded in a free atmosphere in the same language in which the person is examined and as narrated by him.
- (3) The police officer shall, before recording any confession under sub-section (1), explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him and such police officer shall not record any such confession unless upon questioning the person making it, he is satisfied that it is being made voluntarily. The police officer concerned shall, after recording such voluntary confession, certify in writing below the confession about his personal satisfaction of the voluntary character of such confession, putting the date and time of the same.
- (4) Every confession recorded under sub-section (1) shall be sent forthwith to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate having jurisdiction over the area in which such confession has been recorded and such Magistrate shall forward the recorded confession so received to the Special Court which may take cognizance of the offence.
- (5) The person from whom a confession has been recorded under sub-section (1) shall also be produced before the Chief Metropolitan Magistrate or the Chief Judicial Magistrate to whom the confession is required to be sent under sub-section (4) alongwith the original statement of confession, written or recorded on mechanical device without unreasonable delay.
- (6) The Chief Metropolitan Magistrate or the Chief Judicial Magistrate shall scrupulously record the statement, if any, made by the accused so produced and get his signature and in case of any complaint of torture, the person shall be directed to be produced for medical

examination before a Medical Officer not lower in rank than of an Assistant Civil Surgeon.

Note 4: These are the most important provisions in this Act. Though the powers have been granted to police to intercept the messages by various methods, the Government has retained with it ultimate reviewing powers. Against the unnecessary harassment of innocent persons, it is made essential in every case to obtain orders from the competent authority. Further, a committee to review every order passed by the competent authority has been provided. It is a precaution carefully provided by the lawmakers to have check at every stage, against the misuse of law. Because, interception of messages is a multi-faceted weapon and any possibility that at some stage it can be misused can not be ignored. Therefore, it is essential to have control over the machinery who are allowed by law to use these methods to obtain information.

19. Protection of Witness

- (1) Notwithstanding anything contained in the Code, the proceeding under this Act may be held in camera, if the Special Court so desires;:
- (2) A Special Court may, on an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, take such measures as it deems fit for keeping the identity and address of any witness secret.
- (3) In particular, and without prejudice to the generality of the provisions of sub-section (2), the measures which a Special Court may take under that sub-section may include,—
 - (a) the holding of the proceedings at a place to be decided by the Special Court;
 - (b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgements or in any records of, the case accessible to the public.
 - (c) the issuing of any directions for securing that the identity and addresses of the witnesses are not disclosed;

(d) that, it is in the public interest to order that all or any of the proceeding pending before such a Court shall not be published in any manner. (4) Any person who contravenes any direction issued under subsection (3) shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to ₹ 1,000.

20. Forfeiture and attachment of property

- (1) Where a person has been convicted of any offence punishable under this Act, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the accused and specified in the order, shall stand forfeited to the State Government, free from all encumbrances.
- (2) Where any person is accused of any offence under this Act, it shall be open to the Special Court trying him, to pass on order that all or any properties, movable or immovable or both belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the properties so attached shall stand forfeited to the State Government free from all encumbrances.
- (3) (a) If, upon a report in writing made by an investigating police officer with the approval of the supervisory officer referred to in subsection (1) of section 14, any Special Court has reason to believe that any person, who has committed an offence punishable under this Act has absconded or is concealing himself so that he may not be apprehended, such Court may, notwithstanding anything contained in section 82 of the Code, publish a written proclamation requiring him to appear at a specified place and at a specified time not less than 15 days but not more than 30 days from the publication of such proclamation.

Provided that, if the investigating police officer concerned fails to arrest the accused, who has absconded or is concealing himself, within a period of three months from the date of registering the offence against such person, the officer shall, on the expiry of the said period, make a report to the Special Court for issuing the proclamation.

- (b) The Special Court issuing a proclamation under clause (a) may, at any time, order the attachment of any property, movable or immovable or both; belonging to the proclaimed person, and thereupon the provisions of sections 83 to 85 of the Code shall apply to such attachment as if such attachment were made under that Code.
- (c) If, within six months from the date of attachment, any person, whose property is, or has been, at the disposal of the State Government under sub-section (2) of section 85 of the Code, appears voluntarily or is apprehended and brought before the Special Court by whose order the property was attached, or the Court to which such Court is subordinate, and proves to the satisfaction of such Court that he did not abscond-or conceal himself for the purpose of avoiding apprehension and that he had not received such notice of the proclamation as to enable him to attend within the specified time therein, such property or, if the same has been sold, the net proceeds of the same and the residue of the property, shall, after satisfying therefore all costs incurred in consequence of the attachment, be delivered to him.

Note 5: Provisions in these sections are of general nature. Persons supplying information or procuring evidence against the offender might be in danger to his life. It is the duty of law to provide them with protection. It is equally essential to observe secrecy about the evidence of these witnesses. For this are will have to be taken that their identity is not disclosed. Provision to this effect has been made in section 19. Provision is also made in section 20 to attach the properly of absconding offender.

21. Modified application of certain provisions of the code

- (1) Notwithstanding anything contained in the Code or in any other law, every offence punishable under this Act, shall be deemed to be a cognizable offence within the meaning of clause (c) of section 2 of the Code and “cognizable case” as defined in that clause shall be construed accordingly.
- (2) Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modifications that,

in sub-section(2)--

(a) the reference to “15 days”, and “60 days” wherever they occur, shall be construed as references to “30 days” and “90 days” respectively;

(b) after the proviso, the following proviso shall be inserted, namely:

“Provided further that if it is not possible to complete the investigation within the said period of 90 days, the Special Court shall extend the said period upto 180 days, on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of 90 days”

(3) Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence punishable under this Act.

(4) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond, unless-

(a) the Public Prosecutor has been given an opportunity to oppose the application of such release; and

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(5) Notwithstanding anything contained in the Code, the accused shall not be granted bail if it is noticed by the Court that he was on bail in an offence under this Act, or under any other Act, on the date of the offence in question.

(6) The limitations on granting of bail specified in sub-section (4) are in addition to the limitations under the Code or any other law for the time being in force on the granting of bail.

(7) The police officer seeking the custody of any person for pre-indictment or pre-trial interrogation from the judicial custody shall

file a written statement explaining the reason for seeking such, custody and also for the delay, if any in seeking the police custody.

22. Presumption as to offences under section 3

- (1) In a prosecution for an offence of organised crime punishable under section 3, if it is proved—
 - (a) that unlawful arms and other material including documents or papers were recovered from the possession of the accused and there is reason to believe that such unlawful arms and other material including documents or papers were in the commission of such offence; or
 - (b) that by the evidence of an expert, the finger prints of the accused were found at the site of the offence or on anything including unlawful arms and other material including documents or papers and vehicle used in connection with the commission of such offence, the Special Court shall presume, unless the contrary is proved, that the accused had committed such offence.
- (2) In a prosecution for an offence of organised crime punishable under sub-section (2) of section 3, if it is proved that the accused rendered any financial assistance to a person accused of, or reasonably suspected of, an offence of organised crime, the Special Court shall presume, unless the contrary is proved, that such person has committed the offence under the said sub-section (2).

23. Cognizance of, and investigation into, an offence

- (1) Notwithstanding anything contained in the Code
 - (a) no information about the commission of an offence of organised crime under this Act, shall be recorded by a police officer without the prior approval of the police officer not below the rank of the Deputy Inspector General of Police;
 - (b) no investigation of an offence under the provisions of this Act shall be carried out by a police officer below the rank of the Deputy Superintendent of Police.
- (2) No Special Court shall take cognizance of any offence under this Act without the previous, sanction of the police officer not below the

rank of Additional Director General of Police.

24. Punishment for public servants failing in the discharge of their duties

Whoever being a public servant renders any help or support in any manner in the commission of organised crime as defined in clause (e) of section 2, whether before or after the commission of any offence by a member of an organised crime syndicate or abstains from taking lawful measures under this Act or intentionally avoids to carry out the directions of any Court or of the superior police officers in this respect, shall be punished with imprisonment of either description for a term which may extend to three years and also with a fine.

25. Overriding effect

The provisions of this Act or any rule made there under or any order made under any such rule shall, have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having the force of law.

26. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or authority of the State Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made there under or any order issued under any such rule.

27. Annual Report of Interceptions

- (1) The State Government shall cause an annual report to be prepared giving a full account of,
 - (i) the number of applications for authorisation of interceptions received by the competent authority from the police department in which; prosecutions have been launched;
 - (ii) the number of such applications permitted or rejected;
 - (iii) the number of interceptions carried out in emergency situations and the number of ex-post-facto authorisations or approvals

granted or rejected in such matters; (iv) the number of prosecutions launched based on such interceptions and, convictions resulting from such interceptions, alongwith an explanatory memorandum giving general assessment of the utility and importance of the interceptions authorised.

- (2) Such annual report shall be laid by the State Government before each House of the State Legislature within three months of the completion of every calendar year:

Provided that, if the State Government is of the opinion that the inclusion of any matter in the annual report would be prejudicial to the security of the State, or to the prevention or detection of any organised crime, the State Government may exclude such matter from being included in such annual report.

28. Power of High Court to make rules

The High Court may, by notification in the Official Gazette, make such rules as it may deem necessary for carrying out the provisions of, this. Act relating to the Special Courts.

29. Power of State Government to make rules

- (1) Without prejudice to the powers of the High Court to make rules under section 28, the State Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session, for a total period of 30 days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Note 6 Law-makers have gone into several minute things before enacting the present law. As there are provisions against any misuse of this Act against innocent persons, there are also stricter provisions against bail being granted to any hard-core criminal on any flimsy ground. Before granting bail the special court will take into account many factors, such as—

- (1) The opportunity must be given to the public prosecutor to oppose the bail;
- (2) The court first must ensure that the accused, if released on bail, shall not indulge in any unlawful activity; and
- (3) The most important factor is that the court must be satisfied that the accused who was arrested for crime under this act, was not on bail for any other crime under this or any other act, when the crime under inquiry was committed.

Section 27 has made it compulsory to submit a detailed annual report on interceptions of messages, to both the houses of legislature secret matters have been allowed to be dropped from such report.

Sections 28 and 29 empower the High Court and the Government to make necessary rules under this Act.

30. Repeal of Mali. Ord. III of 1999 and saving

- (1) The Maharashtra Control of Organised Crime Ordinance 1999 is hereby repealed.
- (2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of this Act.



National Investigation Agency Act, 2008

[No. 34 of 2008]

An Act to constitute an investigation agency at the national level to investigate and prosecute offences affecting the sovereignty, security and integrity of India, security of State, friendly relations with foreign States and offences under Acts enacted to implement international treaties, agreements, conventions and resolutions of the United Nations, its agencies and other international organisations and for matters connected therewith or incidental thereto.

Be it enacted by the Parliament in the 59th Year of the Republic of India as follows:

CHAPTER I PRELIMINARY

Short title, extent and application

1. (1) This Act may be called the National Investigation Agency Act, 2008.

(2) It extends to the whole of India and it applies also—

- (a) to citizens of India outside India;
- (b) to persons in the service of the Government wherever they may be; and
- (c) to persons on ships and aircraft registered in India wherever they may be.

Definitions

2. (1) In this Act, unless the context otherwise requires—

- (a) “Agency” means the National Investigation Agency constituted under section 3;
- (b) “Code” means the Code of Criminal Procedure 1973 (2 of 1974.);
- (c) “High Court” means the High Court within whose jurisdiction the Special Court is situated;
- (d) “Prescribed” means prescribed by rules;
- (e) “Public Prosecutor” means a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor appointed under section 15;
- (f) “Schedule” means the Schedule to this Act;
- (g) “Scheduled Offence” means an offence specified in the Schedule;
- (h) “Special Court” means a Special Court constituted under section 11 or, as the case may be, under section 22; and
- (i) Words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

CHAPTER II NATIONAL INVESTIGATION AGENCY

Constitution of National Investigation Agency

3. (1) Notwithstanding anything in the Police Act, 1861 (5 of 1861.), the Central Government may constitute a special agency to be called the National Investigation Agency for investigation and prosecution of offences under the Acts specified in the Schedule.
 - (2) Subject to any orders which the Central Government may make on this behalf, officers of the Agency shall have throughout India in relation to the investigation of Scheduled Offences and arrest of persons concerned in such offences, all the powers, duties, privileges and liabilities which police officers have in connection with the investigation of offences committed therein.
 - (3) Any officer of the Agency of, or above the rank of Sub-Inspector may, subject to any orders which the Central Government may make in this regard, exercise throughout India, any of the powers of the officer-in-charge of a police station in the area in which he is present for the time being and when so exercising such powers shall, subject to any such orders as aforesaid, be deemed to be an officer-in-charge of a police station discharging the functions of such an officer within the limits of his station.

Superintendence of National Investigation Agency

4. (1) The superintendence of the Agency shall vest in the Central Government.
 - (2) The administration of the Agency shall vest in an officer designated as the Director-General appointed in this regard by the Central Government who shall exercise in respect of the Agency such of the powers exercisable by a Director-General of Police in respect of the police force in a State, as the Central Government may specify in this behalf.

Manner of constitution of Agency and conditions of service of members

5. Subject to the provisions of this Act, the Agency shall be constituted in such manner as may be prescribed and the conditions of service of persons employed in the Agency shall be such as may be prescribed.

CHAPTER III INVESTIGATION BY THE NATIONAL INVESTIGATION AGENCY

Investigation of Scheduled Offences

6. (1) On receipt of information and recording thereof under section 154 of the Code relating to any Scheduled Offence the officer-in-charge of the police station shall forward the report to the State Government forthwith.
 - (2) On receipt of the report under sub-section (1), the State Government shall forward the report to the Central Government as expeditiously as possible.
 - (3) On receipt of report from the State Government, the Central Government shall determine on the basis of information made available by the State Government or received from other sources, within 15 days from the date of receipt of the report, whether the offence is a Scheduled Offence or not and also whether, having regard to the gravity of the offence and other relevant factors, it is a fit case to be investigated by the Agency.
 - (4) Where the Central Government is of the opinion that the offence is a Scheduled Offence and it is a fit case to be investigated by the Agency, it shall direct the Agency to investigate the said offence.
 - (5) Notwithstanding anything contained in this section, if the Central Government is of the opinion that a Scheduled Offence has been committed which is required to be investigated under this Act, it may, suo motu, direct the Agency to investigate the said offence.
 - (6) Where any direction has been given under sub-section (4) or sub-section (5), the State Government and any police officer of the State Government investigating the offence shall not

proceed with the investigation and shall forthwith transmit the relevant documents and records to the Agency.

- (7) For the removal of doubts, it is hereby declared that till the Agency takes up the investigation of the case, it shall be the duty of the officer-in-charge of the police station to continue the investigation.

Power to transfer investigation to State Government

7. While investigating any offence under this Act, the Agency, having regard to the gravity of the offence and other relevant factors, may—
- (a) if it is expedient to do so, request the State Government to associate itself with the investigation; or
 - (b) with the previous approval of the Central Government, transfer the case to the State Government for investigation and trial of the offence.

Power to investigate connected offences

8. While investigating any Scheduled Offence, the Agency may also investigate any other offence which the accused is alleged to have committed if the offence is connected with the Scheduled Offence.

State Government to extend assistance to National Investigation Agency

9. The State Government shall extend all assistance and cooperation to the Agency for investigation of the Scheduled Offences.

Power of State Government to investigate Scheduled Offences

10. Same as otherwise provided in this Act, nothing contained in this Act shall affect the powers of the State Government to investigate and prosecute any Scheduled Offence or other offences under any law for the time being in force.

CHAPTER IV SPECIAL COURTS

Power of Central Government to constitute Special Courts

- 11.** (1) The Central Government shall, by notification in the Official Gazette, for the trial of Scheduled Offences, constitute one or more Special Courts for such area or areas, or for such case or class or group of cases, as may be specified in the notification.
- (2) Where any question arises as to the jurisdiction of any Special Court, it shall be referred to the Central Government whose decision in the matter shall be final.
- (3) A Special Court shall be presided over by a judge to be appointed by the Central Government on the recommendation of the Chief Justice of the High Court.
- (4) The Agency may make an application to the Chief Justice of the High Court for appointment of a Judge to preside over the Special Court.
- (5) On receipt of an application under sub-section (4), the Chief Justice shall, as soon as possible and not later than seven days, recommend the name of a judge for being appointed to preside over the Special Court.
- (6) The Central Government may, if required, appoint an additional judge or additional judges to the Special Court, on the recommendation of the Chief Justice of the High Court.
- (7) A person shall not be qualified for appointment as a judge or an additional judge of a Special Court unless he is, immediately before such an appointment, a Sessions Judge or an Additional Sessions Judge in any state.
- (8) For the removal of doubts, it is hereby provided that the attainment, by a person appointed as a judge or an additional judge of a Special Court, of the age of superannuation under the rules applicable to him in the service to which he belongs shall not affect his continuance as such judge or additional judge and the Central Government may by order direct that he shall continue as judge until a specified date or until completion of the trial of the case or cases before him as may be specified in that order.

- (9) Where any additional judge or additional judges is or are appointed in a Special Court, the judge of the Special Court may, from time to time, by general or special order, in writing, provide for the distribution of business of the Special Court among all judges including himself and the additional judge or additional judges and also for the disposal of urgent business in the event of his absence or the absence of any additional judge.

Place of sitting

12. A Special Court may, on its own motion, or on an application made by the Public Prosecutor and if it considers it expedient or desirable to do so, sit for any of its proceedings at any place other than its ordinary place of sitting.

Jurisdiction of Special Courts

13. (1) Notwithstanding anything contained in the Code, every Scheduled Offence investigated by the Agency shall be tried only by the Special Court within whose local jurisdiction it was committed.
- (2) If having regard to the exigencies of the situation prevailing in a State if,—
- (a) it is not possible to have a fair, impartial or speedy trial; or
 - (b) it is not feasible to have the trial without occasioning the breach of peace or grave risk to the safety of the accused, the witnesses, the Public Prosecutor or a judge of the Special Court or any of them; or,
 - (c) it is not otherwise in the interests of justice, the Supreme Court may transfer any case pending before a Special Court to any other Special Court within that State or in any other State and the High Court may transfer any case pending before a Special Court situated in that State to any other Special Court within the State.
- (3) The Supreme Court or the High Court, as the case may be, may act under this sect/on either on the application of the Central Government or a party interested and any such application shall be made by motion, which shall, except when the applicant is

the Attorney-General for India, be supported by an affidavit or affirmation.

Powers of Special Courts with respect to other offences

14. (1) When trying any offence, a Special Court may also try any other offence with which the accused may, under the Code be charged, at the same trial if the offence is connected with such other offence.

(2) If, in the course of any trial under this Act of any offence, it is found that the accused person has committed any other offence under this Act or under any other law, the Special Court may convict such person of such other offence and pass any sentence or award punishment authorised by this Act or, as the case may be, under such other law.

Public Prosecutors

15. (1) The Central Government shall appoint a person to be the Public Prosecutor and may appoint one or more persons to be the Additional Public Prosecutor or Additional Public Prosecutors:

Provided that the Central Government may also appoint for any case or class or group of cases a Special Public Prosecutor.

(2) A person shall not be qualified to be appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section unless he has been in practice as an Advocate for not less than seven years or has held any post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

(3) Every person appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause («) of section 2 of the Code, and the provisions of the Code shall have effect accordingly.

16. (1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts that constitute such offence or upon a police report of such facts.

- (2) Where an offence triable by a Special Court is punishable with imprisonment for a term not exceeding three years or with fine or with both, the Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code shall, so far as may be, apply to such trial:

Provided that when, in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is not desirable to try it in a summary way, the Special Court shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to, and in relation to, a Special Court as they apply to and in relation to a Magistrate:

Provided further that in the case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding one year and with fine which may extend to ₹ 5 lakh.

- (3) Subject to the other provisions of this Act, a Special Court shall, for the purpose of trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session so far as may be in accordance with the procedure prescribed in the Code for the trial before a Court of Session.
- (4) Subject to the other provisions of this Act, every case transferred to a Special Court under subsection (c) of section 13 shall be dealt with as if such case had been transferred under section 406 of the Code to such Special Court.
- (5) Notwithstanding anything contained in the Code, but subject to the provisions of section 299 of the Code, a Special Court may, if it thinks fit and for reasons to be recorded by it, proceed with the trial in the absence of the accused or his pleader and record the evidence of any Witness, subject to the right of the accused to recall the witness for cross-examination,

Protection of witnesses

17. (1) Notwithstanding anything contained in the Code, the proceedings under this Act may, for reasons to be recorded in writing, be held in camera if the Special Court so desires.
- (2) On an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, if the Special Court is satisfied that the life of such witness is in danger, it may, for reasons to be recorded in writing, take such measures as it deems fit for keeping the identity and address of such witness secret.
- (3) In particular, and without prejudice to the generality of the provisions of subsection (2), the measures which a Special Court may take under that sub-section may include—
- (a) the holding of the proceedings at a place to be decided by the Special Court;
 - (b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to public;
 - (c) the issuing of any directions for securing that the identity and address of the witnesses are not disclosed; and
 - (d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a Court shall not be published in any manner.
- (4) Any person who contravenes any decision or direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to ₹ 1,000.

Section for prosecution

18. No prosecution, suit or other legal proceedings shall be instituted in any court of law, except with the previous sanction of the Central Government, against any member of the Agency or any person acting on his behalf in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

Trial by Special Court to have precedence

- 19.** The trial under this Act of any offence by a Special Court shall be held on day-to-day basis on all working days and have precedence over the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference to the trial of such other case and accordingly the trial of such other case shall, if necessary, remain in abeyance.

Power to transfer cases to regular courts

- 20.** Where, after taking cognizance of any offence, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for the trial of such offence to any court having jurisdiction under the Code and the Court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

Appeals

- 21.** (1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law.
- (2) Every appeal under sub-section (1) shall be heard by a bench of two Judges of the High Court and shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.
- (3) Except as aforesaid, no appeal or revision shall lie to any court from any judgment, sentence or order including an interlocutory order of a Special Court.
- (4) Notwithstanding anything contained in sub-section (3) of section 378 of the Code, an appeal shall lie to the High Court against an order of the Special Court granting or refusing bail.
- (5) Every appeal under this section shall be preferred within a period of 30 days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of 30 days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of 30 days:

Provided further that no appeal shall be entertained after the expiry of period of 90 days.

Power of State Government to constitute Special Courts

22. (1) The State Government may constitute one or more Special Courts for the trial of offences under any or all the enactments specified in the Schedule.

(2) The provisions of this chapter shall apply to the Special Courts constituted by the State Government under sub-section (1) and shall have effect subject to the following modifications, namely —

(i) references to “Central Government” in sections 11 and 15 shall be construed as references to State Government;

(ii) reference to “Agency” in sub-section (1) of section 13 shall be construed as a reference to the “investigation agency of the State Government”;

(iii) reference to “Attorney-General for India” in sub-section (3) of section 13 shall be construed as reference to “Advocate-General of the State”.

(3) The jurisdiction conferred by this Act on a Special Court shall, until a Special Court is constituted by the State Government under sub-section (1) in the case of any offence punishable under this Act, notwithstanding anything contained in the Code, be exercised by the Court of Session of the division in which such offence has been committed and it shall have all the powers and follow the procedure provided under this Chapter.

(4) On and from the date when the Special Court is constituted by the State Government the trial of any offence investigated by the State Government under the provisions of this Act, which would have been required to be held before the Special Court,

shall stand transferred to that Court on the date on which it is constituted.

CHAPTER V MISCELLANEOUS

Power of High Courts to make rules

- 23.** The High Court may, by notification in the Official Gazette, make such rules, as it may deem necessary for carrying out the provisions of this Act relating to Special Courts within its territory.

Power to remove difficulties

- 24. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made, under this section after the expiration of two years from the commencement of this Act.

- (2)** Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make rules

- 25. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

- (2)** In particular, and without prejudice to the generality to the foregoing power, such rules may provide for all or any of the following matters, namely—

- (a)** the manner of constitution of the Agency and the conditions of service of persons employed in the Agency under section 5;
- (b)** any other matter which is required to be, or may be, prescribed.

Laying of rules

26. Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a period of 30 days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

► The Schedule

[See section 2(1)(f)]

- (1) The Atomic Energy Act, 1962 (33 of 1962);
- (2) The Unlawful Activities (Prevention) Act, 1967 (37 of 1967);
- (3) The Anti-Hijacking Act, 1982 (65 of 1982);
- (4) The Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982 (66 of 1982);
- (5) The SAARC Convention (Suppression of Terrorism) Act, 1993 (36 of 1993);
- (6) The Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002 (69 of 2002);
- (7) The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005);
- (8) Offences under—
 - (a) Chapter VI of the Indian Penal Code (45 of 1860) [sections 121 to 130 (both inclusive)]; and
 - (b) Sections 489-A to 489-E (both inclusive) of the Indian Penal Code (45 of 1860).