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# INTERNAL SECURITY

**Mains Exam**



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**A Manish Singh Sir's Initiative**

# **INTERNAL SECURITY**

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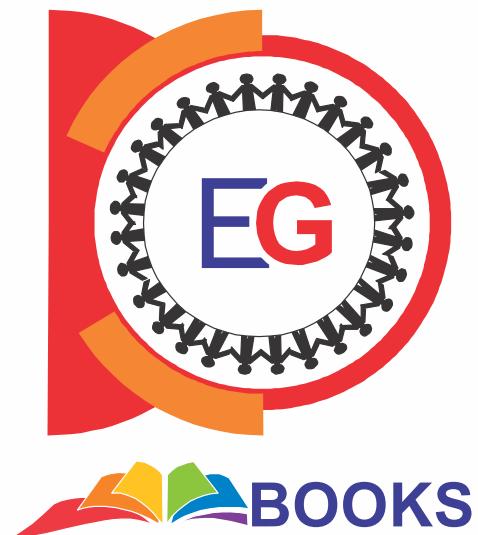
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## **GENERAL STUDIES**

# **INTERNAL SECURITY**

**FOR MAINS EXAMINATION**

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## CHAPTER

# 1

## ISSUES AND CHALLENGES TO INTERNAL AND EXTERNAL SECURITIES

### INTRODUCTION

#### What is Security ?

The Conventional Opinion of security focussed on the application of force at the state level and was therefore a fairly conservative view, hinging on military security. The widely acknowledged view that there is more to security than purely military factors. Recently the definition of security acknowledges political, economic, environmental, social and human among other strands that impact the concept of security. The concern for security of the lowest common denominator of every society, namely the ‘human being’, has resulted in the development of the concept of ‘human security’, which focuses on the individual. Therefore, the definition of security is definitely broad- and is related to the ability of the state to perform the function of protecting the well-being of its people.

Various facets of human development relate also to people’s security: loosely defined as people’s freedom from fear and freedom from want in a broad sense. Human Security relates to much more than security from violence and crime.

#### Human Security Approach

The Human Security came to prominence in the 1994 Global Human Development Report (GDR), which led to a range of literature and initiatives building on the idea. In 2012 the General Assembly (GA) adopted a common definition of the concept.

- The human security approach broadens the scope of security analysis and policy from territorial security to the security of people.
- The 2012 GA Resolution stresses the role of

“Member States in identifying and addressing widespread and cross cutting challenges to survival, livelihood and dignity of their people”. In other words, threat (s) to- and values under threat in – people’s lives are the key starting point of a human security report.

- The 1994 HDR highlighted two major components of human security:
  - (a) ‘Freedom from fear’ and
  - (b) ‘Freedom from want’.

These freedoms, from the preamble to the Universal Declaration of Human Rights, are part of the four human freedoms that President Franklin D. Roosevelt famously referred to in a speech in 1941.

The 1994 HDR was more specific, listing seven essential dimensions of human security: **economic, food, health, environment, personal, community and political**.

#### Internal and External Security: Main Differences

- (i) Internal Security is the security of a country within its borders. This basically implies maintenance of peace and law and order within the country while upholding the sovereignty of the state.
- (ii) External security is the security against the aggression by a foreign country. Providing 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 armed police force, if required.
- (iii) In the Indian context, the Ministry of Home Affairs (MHA) has the nodal responsibility for maintenance of internal security in the country and external security is under the Ministry of Defence.

## Internal Security Divisions of Ministry of Home Affairs: An Overview

### Internal Security Division- I

This division deals with matters relating to internal security and law and order, including anti-national and subversive activities of various groups/extremist organisations, policy and operational issues on terrorism, security clearances, monitoring of ISI activities and Home Secretary-level talks with Pakistan on terrorism and drug trafficking as a part of the composite dialogue process.

### Internal Security Division –II

This Division deals with all matters concerning the Arms Act 1959, Arms Rules 1962, Explosive substances Act 1908 and other related matters; letters of request for mutual legal assistance in criminal matters; National Security Act, 1980 and representations there under; administration of Narcotics control Bureau;

Providing central assistance to victims of terrorist, communal and naxal violence; matters relating to breach of privilege of MPs, etc.

### Types of Threats

- (i) Internal
- (ii) External
- (iii) Internally Aided External
- (iv) Externally Aided Internal

The nature of internal security threat in India is composit nature of all the four threats mentioned above.

### What are Purposes of Internal Security?

The main purpose of internal security are:

- Securing territorial integrity and helps protect sovereignty within the territory of the country.
- Maintaining law and order, peace and tranquillity within the country
- Upholding the principle of rule of law and equality before law
- Ensuring right to freedom as guaranteed by the constitution
- Targeting peaceful coexistence and communal harmony

Recently Internal Security is an astounding study in contrasts. International states men have predicted a "global power shift," with a "transfer of power from West to East," and some have already anointed India as one of the "great powers" of the proximate future. However,

assessments of India's internal security challenges have varied widely over time, often determined by the intensity and lethality of the most recent terrorist outrage of which there has been a continuous string over the past decades. A succession of high-profile terrorist attacks across India outside the areas of chronic terrorist and insurgent conflict through 2008, culminating in the dramatic and devastating attacks in Mumbai on November 26, 2008, thus created an enveloping atmosphere of insecurity in the country, particularly among its vocal urban middle classes, who abruptly saw themselves at great risk.

These general perceptions are in sharp contrast with the actual trajectory of terrorist and insurgent violence in India, which demonstrates clear trends toward the overall diminution of such incidents albeit within a context of enormous and augmenting uncertainty.

### Ranges of Security

Terrorism and insurgency are not the only internal security crises in India, and in the following paras a range of micro fractures that afflict the social and political fabric and challenge the administrative and enforcement apparatus has been laid down.

- By and large, these lesser conflicts including caste and communal conflicts, as well as criminal disruption appear to have attained a measure of stability over the decades.
- While poor governance and declining standards of administration including within the areas of security and justice have been visible across wide areas in India.
- It is also the case that vibrant sectors of the economy have now released vast resources that have fundamentally altered national capacities, which could (though they currently may not) be applied to the resolution of the multiple internal security crises confronting the country.

## EXTERNAL STATE CHALLENGES TO INTERNAL SECURITY

In the realm of security, Globalisation has produced a whole new range of interactive threats and risks. Globalisation has also led to a blurring of the distinction between external and internal threats. While it has enormously benefited many, the unequal and often inequitable process of globalisation has at the same time marginalised large populations, generating a widening

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schism between two emerging worlds. Nowhere is the schism more dramatically manifest than in Asia. South Asia is also the new epicenter of global terror with "Af-Pak" at its core and Bangladesh vying for an honorable mention.

Extreme uncertainty and instability, consequently, afflict all aspects of South Asia's and especially India's enveloping geopolitical context. Briefly, the principal elements that compound destabilisation include:

1. The restructuring of the global geopolitical architecture
2. The release of a variety of violent nationalist and subnationalist movements.
3. An increasing polarisation between "globalising powers" and those that are, or perceive themselves as being, marginalized by globalization stresses that are further aggravated by the inequalities and inequities that characterise contemporary globalisation processes
4. The resurgence of radical political ideologies of mass mobilisation, including religious particularly but not exclusively Islamist extremism, ethnic fundamentalisms, and Maoism, across wide regions.
5. The emergence of "new ways of warfare" specifically terrorism and sub-conventional wars and their adoption by both Nonstate Actors and a number of state entities to secure political goals.
6. The proliferation of technological force multipliers and sophisticated weapons and explosives among Nonstate Groups, facilitated by irresponsible, predatory, and rogue states.
7. Widening areas of escalating environmental, economic, resource, and social stresses.
8. Rising challenges to State Power, the progressive weakening of governments, and widening spheres of non-governance and disorder.

The situation is all the more fraught as a result of enduring demographic trends. Demographic pressures threaten to aggravate political and resource crises, environmental degradation, and the growing intensity of natural disasters, potentially provoking widening resource wars and efforts at aggressive demographic re-engineering, diversionary political brinkmanship, extremist mobilisation, and covert military adventurism.

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## MAJOR CHALLENGES

### A. Wars Within Borders

**Wars Within Borders:** There are three principal streams of conflict presently dominate the Indian internal security scenario:

- (i) Islamist Extremism and Terrorism,
- (ii) Left-wing (Maoist) Insurgency, and
- (iii) Ethnic Fundamentalisms and Militancy.

End of year assessments for 2011 indicated that as many as 254 of India's 640 Districts are afflicted by chronic conflict variables connected with these various threats. In addition to these theaters of chronic extremism, sporadic attacks have also been executed across the length and breadth of the country, principally by Pakistan-backed **Islamist Terrorist Groups**, though now also including at least one attack by an incipient extremist group based in **Hindutva** (the Hindu Right Wing).

The main themes which can be included here includes-

- (a) The Islamist Fasadis
- (b) Role Played by ISI
- (c) The Naxalite Movement - Red Rage
- (d) Ethnic Fundamentalists
- (e) Other Variables Of Internal Security

A description of the above has been laid down in the forthcoming paragraphs:

### A. The Islamist Fasadis

Islamist terrorism, overwhelmingly spawned and supported by Pakistan, finds its principal focus in the north Indian state of Jammu and Kashmir, but has seen progressive expansion through terrorist mobilisation, subversion, and attacks across the country.

India has been confronted with Pakistan-backed Islamist subversion practically since the moment of the twin births of these nations, but it saw an asymmetric escalation after 1988. The result has been unrelenting terrorism in Jammu and Kashmir for two decades now. Gradually, as international pressure to decrease terrorism in Jammu and Kashmir mounted on Pakistan, and as domestic circumstances in the country worsened rapidly, Pakistan's Inter-Services Intelligence (ISI) handlers have found it expedient to increasingly redirect the Islamist Fasadis into areas outside Jammu and

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Kashmir within a wider pan-Islamist ideological framework that dovetails more seamlessly with both the psyche of the extremist groups and the logic of the global jihad. A steady stream of Islamist terrorism and subversion has been sustained in widening thearts across India over the past several years, culminating in the startling attacks in Mumbai in November 2008 which re-emerged in the beginning of 2013, at the blasts of Hyderabad.

### B. Role Played by ISI

The networks and support structures of a multiplicity of Islamist Terrorist Organizations (ITO) operating in India have been painstakingly constructed by the ISI and, backed by enormous flows of financial support from West Asia and affluent expatriate Muslim communities in the West, are engaged in a sustained strategy of "erosion, encirclement, and penetration" that has been substantially documented elsewhere. There is now no doubt that the Mumbai carnage of November 26-29, 2008, was engineered by the Pakistan-based **Lashkar-e-Taiba (LeT)**, which has been permitted to operate openly in Pakistan under the name **Jamaat-lud-Dawa (JuD)** since it is supposed ban in 2002. After five U.S. citizens were killed in the Mumbai attacks, U.S. involvement and pressure on Pakistan has forced apparent action against some visible leaders and the Mumbai accused from the LeT/JuD, although a long process of denial and obfuscation by Pakistan's top leadership and authorities suggest that the group will be allowed simply to reinvent itself under a new name, as it did under the earlier ban.

### HUJI AND SIMI

In addition to the Lashkar formation, the most significant terrorist groups created by the ISI that operate in India include what can be spoken of as the "Harkat Triad," comprising the **Harkatul-Jihad Islami (HUJI)**, the **Harkat-ul-Mujahideen (HuM)**, and the **Jaish-e-Mohammad (JeM)**, each of which is also linked with the **Afghan jihad**, the **Taliban**, and Al Qaeda.

There are a number of other Pakistan-based groups operating in India, playing roles of varying significance in the machinery of Islamist terror that has been assembled over the years, including some that have substantial Indian membership. It is neither possible nor useful here to profile each of these diverse groups, but the most important among these in recent years, the Students

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Islamic Movement of India (SIMI), demands attention. SIMI has been involved in terrorist activities principally as a facilitator for various Pakistan based groups since the 1990s, providing a range of services, such as couriers, safe havens, and communication posts for specific terrorist operations or terrorist cells.

Since September 11, however, SIMI's significance in Pakistan's strategic projections has grown, as Islamabad came under increasing international pressure to dismantle the terrorist networks it had constructed and deployed. Pakistan sought, consequently, to project an increasing proportion of its operations in India as indigenous terrorism, purportedly sparked by discontented Muslims in "Hindu India." SIMI's role in operations increased gradually, with cadres initially joining the various Pakistani groups to participate in collaborative operations and eventually collaborating in the Ahmedabad and New Delhi bombings of July and September 200S, respectively operating independently under the identity of the "**Indian Mujahideen**."

Crucially, however, it remains the case that the top leadership and cadres of SIMI receive safe haven and training in, and resources from, Pakistan, and it is there that they locate their operational command centers and that their capacities have been transformed into an effective and efficient terrorist organization. Nor, moreover, is the emergence of an Indian face of Islamist terrorism a recent phenomenon.

### C. The Naxalite Movement - Red Rage

India's Naxalite movement to which contemporary Indian Maoists directly trace their lineage emerged as a wildfire insurrection in 1967 in the **Naxalbari area** of North Bengal and spread rapidly to other areas before it was comprehensively suppressed by 1973. The movement re-emerged in the **Telengana region** of Andhra Pradesh under the banner of the People's War Group (PWG) in 1980 and with the reorganisation of the Maoist Communist Centre (MCC) in Bihar in the mid 1980s.

The two groups merged to form the Communist Party of India-Maoist (CPI-Maoist) in September 2004. The consolidation of the two most significant Maoist formations in the country (the CPI-Party Unity and the PWG had merged earlier, in August 1998) resulted in augmented capacities to "intensify the People's War in the country."

Importantly, the phase of violence, which is

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ordinarily the point at which the state gains cognisance of the problem, comes at the tail end of a protracted process of mass mobilisation and at a stage where neutralising the threat requires considerable, if not massive, use of force.

Significantly, the CPI-Maoist has established regional bureaus to cover nearly two-thirds of the country's territory. These regions are further subdivided into state, **special-zonal, and special-area committee jurisdictions**, where the processes of mobilization have been defined and allocated to local leaders. There is further evidence of preliminary activity for the extension of operations to new areas including Gujarat, Rajasthan, Himachal Pradesh, Jammu and Kashmir, Tripura, Assam, and Meghalaya, beyond what is reflected in the scope of the various committees.

### **How They Found Sound Ground?**

The Maoist enterprise has secured fertile ground in the administrative and political vacuum that extends over vast areas of India. The vulnerabilities of the Indian state have been compounded by decades of misgovernance in ever-widening areas of the country, and by the steady erosion of the integrity and efficacy of established institutions of administration and justice. Processes of liberalisation and globalisation over the past fifteen years have also unleashed a new and fractious dynamic, provoking or intensifying conflict between the beneficiaries of the new economics and those who have been further marginalised by it.

These structural vulnerabilities of the Indian system have enormously assisted the Maoists in securing their tremendous and cumulative successes despite the occasional reversals, as presently seen in Andhra Pradesh. These successes are, however, underpinned by the extraordinary strategic and tactical coherence of their movement, which remains little understood within the echelons of power in India and within a large proportion of the security establishment itself.

The Maoist interpretation of protracted war clearly recognises the strengths and superiority of the state's present forces and alignments, but recognises equally its vulnerabilities. The Maoists believe that there is at present an "excellent revolutionary situation in India" and have explicitly declared that "the seizure of state power should be the goal of all our activity."

### **Their Strategy**

The main strategy has already contributed to abrupt and

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unexpected violence in a number of cases in the recent past, with the role of **Maoist Provocateurs** often discovered much later after the event. Some of the impeccable causes that were embraced in this cynical strategy include the caste conflict in **Khairlanji** and the escalating tensions and violence over displacement for major industrial or developmental projects, including those in Singur, Nandigram, and Kalinga Nagar, as well as the opportunistic mobilisation in Lalgarh.

These various causes are impeccable. For the Maoists, however, they are an integral component of their strategy of political consolidation, necessarily leading to military mobilisation, with no intrinsic value of their own. Army formation, the Maoists insist, is "the precondition for the new political power," and "all this activity should serve to intensify and extend our armed struggle. Any joint activity or tactical alliances which do not serve the cause of the peoples' war will be a futile exercise."

## **D. Ethnic Fundamentalists**

Ethnicity-based insurgencies are endemic in India's northeast region, with Assam, Manipur, and Nagaland being the worst-affected states. A ceasefire exists between the government and the two principal insurgent groups in Nagaland, and a negotiated solution is being sought to the half century-old insurgency in this state. Lesser insurgencies afflict Meghalaya, Tripura, and Arunachal Pradesh. There is a vast proliferation of ethnic insurgent groupings representing progressively narrower tribal interests. However, the loss of life in the various insurgencies in the region has seen limited fluctuations within a broadly declining trend, with the exceptions of Manipur (currently the worst-affected state) and Assam. In Nagaland, fratricidal turf wars between rival insurgent groups are the principal killers. A majority of the surviving insurgencies in the region are "degraded" large organised criminal operations focusing overwhelmingly on extortion, with little coherent ideological or political content or consistency.

The insurgencies in the region are compounded by, and often sourced in, the demographic destabilisation that has continued virtually unchecked over the past century and has assumed particularly ominous overtones with the redrawing of political maps after India's partition. The border management problem in Northeast India is gigantic.

The Bangladesh border a total of 4,096 kilometer long is by far the most urgent and intractable crisis. Illegal

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migration, the existence of terrorist safe havens across the border, the growth and entrenchment of organised criminal gangs and syndicates with powerful political and communal influence and patronage along this border, and a strengthening network of well-funded institutions for the communal mobilisation of the migrant community particularly through a growing complex of mosques and madarsa (Islamic schools) are some of the dangerous trends that counterinsurgency forces are required to contend with in the region. Regrettably, the state's responses and policies in Northeast India have been characterised by a great deal of conceptual confusion, generating conflicting initiatives that have often proven counterproductive and whose cumulative impact has failed to contain the proliferation of violent political groups across wide geographical areas.

### E. Other Variables of Internal Security

In addition to, and sometimes overlapping with, the specific conflicts that India is currently experiencing, there is also a range of variables that have tremendous conflict potential, although they may only be fittingly or partially realized.

#### 1. Disruptive Development

India's development offers one of the most dramatic studies in contrast. Despite the most extraordinary dynamism in certain thriving sectors of the economy sectors that appear to have challenged the global financial meltdown with an exceptional measure of success the reality amply confirms Michael Rentier's phrase that "scarcity and abundance may very well coexist."

Developmental disjunctions have been dramatically in evidence in the recent past, particularly in the conflicts that have arisen around land acquisition for various industrial and Special Economic Zone (SEZ) projects most prominently in Nandigram and Singur and in farmer suicides, which claimed during 1997-2007 stands at a staggering 182,936 and is attributable principally to the fact that "peasant households in debt doubled in the first decade of the Neoliberal 'economic reforms,' from 26 per cent of farm households to 48.6 per cent," and that "predatory commercialization of the countryside devastated all other aspects of life for peasant farmer and landless workers' provoking "the biggest displacement in our history."

The essential lesson here is that "development" is not a smooth, unidirectional process that benefits all and harms none. Indeed, the processes of development within

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India mirror the broader disfunctions between a globalizing world order and states and societies that are progressively marginalised by or isolated from the processes of globalisation. These disjunctions feed into cycles of local violence and radical mobilisation across the ideological spectrum.

#### 2. Religious Fractures

India has seen a sustained rise in the proportion of minority populations, particularly Muslims. The Muslim population increased by 2.74 per cent between 1961 and 2001, from 10.69 per cent to 13.43 per cent of the population. There is, however, little danger of Hindus being turned into "a minority in their own land," as some Hindu Right organizations claim, since both the Hindu and Muslim populations will attain their replacement levels by 2021 and 2031 respectively, and India's total population is expected to stabilise toward the end of the current century with the Muslim population at 19 per cent of the projected 1.7 billion. Given India's history of Communal Polarisation and violence, however, component shifts and local demographic transformations can have a significant destabilizing impact. This is particularly the case because given the trauma of Partition, recurrent communal rioting, and rising extremism in Indian society and politics have yet to become "socially and emotionally secular," despite constitutional secularism.

#### Muslims Populated States

It is useful to note that over 80 per cent of the Muslim population in India resides in just twelve States and Union territories, and eight States Uttar Pradesh, West Bengal, Bihar, Maharashtra, Assam, Kerala, Andhra Pradesh, and Jammu and Kashmir have current Muslim populations of over 5 million each. Of these states, five have international borders, while the remaining three are coastal states. Recent years have seen a growth of both Muslim and Hindu Chauvinistic organisations, and there is also evidence of rising bigotry within other faiths. Indian Muslims have overwhelmingly resisted continuous efforts at subversion and radicalisation. Nevertheless, given the global spread of militant Islamism, the increasing efforts of hostile neighbors to mobilize Muslims in proxy sub-conventional wars against India, and other patterns of political and criminal exploitation of communal sentiments, fringe elements within the community remain vulnerable to radicalisation and recruitment by terrorist and anti-state forces.

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### Growth of Madarsa

Clearly, areas with heavy Muslim concentrations would have greater vulnerabilities to such extremist mobilization, and such susceptibility would be compounded in those areas that lie along porous borders. The growth of madarsa, particularly in areas where these are substantially foreign-funded, along and on both sides of India's borders, is in this context a matter of deep concern, though only a small minority of all madarsa in the country have been susceptible to radicalization. Migration from Bangladesh, while relatively insignificant in terms of numbers within an all-India context, has also had a major destabilizing impact, both because of the patterns of concentration of growth that it triggers and because of the ethnic and political sensitivities in border regions that it inflames.

Shifts in the communal distribution of population, as well as changing population profiles, create opportunities for the cynical manipulation of communal sentiments for short-term political objectives, and such proclivities contain significant potential for the aggravation of social tensions, greater polarisation, and violence within the existing political context.

### 3. Non-Religious Political Mobilization

Ethnic mobilization in India is the appeal to caste and tribal identity, and this has become an entrenched element within the structural basis of political organisation in the country. The SCs, STs, and OBCs will likely remain central to a great deal of political mobilisation over the coming decades, although it is also the case that emerging political and economic circumstances "may cause elites to downplay or discard the symbolic manipulation" of some of these categories over time. Nevertheless, the intensification of political competition as a result of overall population growth, competition over resources, and the destabilisation of established equations of power between specific caste groups in some areas may result in the continued exploitation of Caste and tribal identities.

### Caste and Tribal Conflicts

Identity conflicts both present and emerging also have the potential to coalesce into other patterns of conflict, such as the mobilization under the Maoist banner, as has already occurred in many states in India's east, where caste and tribal conflicts have been tapped by the spreading Maoist insurgency. Such patterns of conflict, which simultaneously harness **identity and ideology** for mass

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and violent mobilization, could see an extension over the coming decades.

### 4. Population, Environment & Ecology, and Resource Conflicts

Environmental stresses and resource crises as a result of all at once population growth, overexploitation of the natural environment, consequential pollution from the irresponsible utilization of resources, and poor resource and waste management, have significant potential for conflict creation.

- Further, these factors constitute immediate risks in terms of the broader concept of human security, inflicting enormous distress on large populations and directly jeopardizing the country's developmental potential.
- The declining per-capita availability of fresh water is one of the most urgent concerns in this context.

### 5. Urban-Rural Polarization

The poorly managed urbanization is creating new and urgent security challenges. Urban vulnerability to political destabilization, terrorism, organized criminal violence, and administrative disorders has been one of the most underestimated aspects of urban development in India.

It is significant that the rising proportion of the population in urban centers projected to rise from 27.8 per cent in 2001 to 40 per cent in 2020 will not result in any relief in rural India, where the population will increase to 810 million in 2020. As much as 63 per cent of India's population growth in the first quarter of the present century is expected to be in its most undeveloped states, increasing the share of these states in India's population from 40 per cent to 50 per cent.

### Misgovernance

These are the areas that have demonstrated the most rapid growth of disorder and misgovernance in the recent past. Moreover, the more progressive states of South India have "completed the demographic transition" with very low growth rates of population and an increasing age profile. This could provoke massive migration from the north to these states, and such migrants could take with them the culture of lawlessness and violence that afflicts so many of their states of origin. **Ghettoization** has characterized the political economy of urban settlements in India, with ghettos marked by the "concentration of poverty and de concentration of opportunity." Caste, communal, and class ghettos are a consistent feature of most Indian cities and create the specter of the "gated city" in a tense standoff

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between sections of its own people. These broad aspects of the city have given rise to escalating trends in crime and a widening sphere of urban terrorism.

The bigger size of some Indian cities (Delhi, for instance, has a population greater than 171 of the world's 227 countries), the pervasive and insidious contempt for law, the scant regard for municipal regulations, the absolute anonymity provided by the city's chaos and the lack of a centralized and comprehensive identity system, and the indulgent attitudes of officials have contributed to an air of encompassing license and disorder.

## GOVERNMENT ACTION

At the national level, the Ministry of Home Affairs (MHA) is charged with the maintenance of Internal Security and the responsibility of protecting states from "external aggression and internal disturbances" under Article 355 of the Constitution of India. Responsibility for maintenance of "public order" and "police," under List II of the constitution (the State List), is, however, vested in the various state governments. This division of responsibility has created a fragmented system that has contributed enormously to the evasion of responsibility by both the central government and the states, and an enduring neglect of the Internal Security Apparatus.

The Union Government has the constitutional authority to seize control of a state under certain circumstances of a breakdown in public order (Articles 257, 258, 365, and 356), and a national emergency can also be declared under Article 352, if "a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion."

## Decline Internal Security Management

Despite these apparently sweeping powers, there has been a progressive decline in the central government's capacities to influence states on issues relating to Internal Security Management, despite the very significant central outlays supporting police modernisation, the augmentation of state security capacities, and the underwriting of the security related expenditures of the states. The infirmities of the system were highlighted by the recent Group of Ministers' report on internal security, which noted that Constitutional, Legal, and Structural infirmities had eroded the Union Government's authority to deal effectively with any threat to the Nation's Security

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and called for State Governments to deal with grave offences, which have inter-state and nationwide ramifications.

Further, MHA supervises India's principal domestic intelligence agency, the Intelligence Bureau(IBM), which operates across the country through its network of Subsidiary Intelligence Bureaus. IBM also liaises with both Central and State Police Agencies, as well as military intelligence and India's external intelligence agency, the Research and Analysis Wing.

The principal instrument for the projection of a coherent Indian framework of Internal Security Management is the centralized Indian Police Service (IPS), which provides the top leadership cadre for almost all Central and State Police, Paramilitary and Intelligence Organizations.

In addition to the various Central Organization explicitly involved in internal security operations, forces drawn from the 1 million-strong Indian Army can also be called in aid to civil authority to deal with a wide range of emergencies and crises, including maintenance of law and order, maintenance of essential services, disaster relief and other types of assistance. Central forces and organizations, however, are only intended to provide assistance to the internal security apparatus of the states in emergencies though many of the situations originally conceived as emergencies have transformed over time into chronic crises.

## Lack of Sustained Investment

The lack of sustained investment and the neglect of transforming role of the police within a modernizing state system has enormously compromised the capacities, efficiency, and effectiveness of State Police Organizations, Constant political interference and a subordination of legal mandate to partisan political objectives has undermined the ability of the police to deal effectively with internal security problems, a reality that was dramatically demonstrated in the rolling debacle of responses to the Mumbai attacks of November 2008. The infirmity of the States Internal Security apparatuses has resulted in a constant clamor for central assistance and the paramilitary panaceas the deployment of increasing numbers of Central Paramilitary Forces (CPMF) in local disorders across the country. However, there has been no parallel enthusiasm for any alteration of the constitutional scheme to create a more balanced system of sharing

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control over the law and order apparatus.

### **Diagnosing Problems and Way Out**

While the preceding outline of central and state forces and organizations available for Internal Security management creates an illusion of great strength, the reality is that India is afflicted by an acute crisis of capacity. At the qualitative level, political interference and corruption have penetrated every level of police administration recruitments, appointments, transfers, promotions, and the day-to-day functioning of the police. The command and control structures of the state police have been deeply compromised, even as communal and caste considerations further undermine the professionalism and effectiveness of the police forces. The result has been a progressive decline and, in some states, even a collapse of policing. Insufficient investment in policing over decades has also created gross deficits of capacities, even as the quality of manpower and training particularly at leadership levels has declined.

### **Reasons for Poor Performance**

Our Problems are not a consequence of our current failings. They are rooted in the inability of the police and political leadership of our past to anticipate entirely predictable transformations, and to initiate the requisite responses two, three, even five decades ago.

Primitive policing practices are reflected in poor rates of conviction, in deteriorating efficiency and effectiveness, and consequently in a declining respect for the law. This is the essence of the malady.

The direct consequence of the decline in state police formations has been the growing demand for central forces on the first signs of mass violence or disorder. With crises compounding, and despite a continuous enlargement of central forces, these forces are increasingly overstretched, with rising evidence of stress, dilution of standards of training and consequent retraining, and a lack of relief from stressful tours of duty. Discipline and professionalism have inevitably been adversely impacted, even as command and control systems lose their efficacy.

### **The Worsening Tendency**

Worse, the tendency of the authorities to fall back constantly on the Paramilitary forces and the Army for the conduct of major Internal Security Operations further erodes the standing, authority, and legitimacy of the state police with the general public and also contributes to dwindling capacities and confidence levels within the

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police. In protracted Counter Terrorism (CT) and Counter Insurgency (CI) campaigns, the local police, who possess greater familiarity with the terrain and the mindset of the actors involved, as well as infinitely better potential to create intelligence resources in local communities, could be the state's strongest asset. Regrettably, they remain sidelined or in the best of circumstances have played a subsidiary role (with occasional exceptions).

The crisis of the police has been widely and repeatedly recognized at the national level, with numerous national and state police commissions calling for sweeping reforms. Unfortunately, government initiatives in implementing their many recommendations have been worse than tardy. The Supreme Court of India finally intervened in September 2006 with a **seven point directive** to immediately secure compliance on a small set of recommendations by the National Police Commission.

While this decree was widely welcomed both by the police leadership and the country's intelligentsia, a section of opinion suggests that the "cafeteria approach" to police reform i.e., cherry-picking a handful of elements, focusing particularly on political interference, accountability, and specific elements of the organizational structure (such as the separation of law and order from investigative functions) can do little to equip the police for facing the challenges of modern law-and-order management, particularly the rising threat of armed political violence and terrorism.

There is, moreover, at least some disagreement about whether the recommendations of various police commissions retain relevance and validity in the rapidly changing circumstances of the 21st century, with insurgency, sub-conventional warfare, and terrorism and the rising specters of WMD terrorism and cyber-crime and cyber-terrorism increasingly intruding into, if not dominating, any realistic agenda of policing. These deficiencies are compounded further by a Criminal Justice System that teeters on the verge of collapse, with endemic delays marking the judicial process, and convictions, even for heinous crimes, more an exception than the rule. The conviction rate for all violent crime in 2010, for instance, stood at 27.7 per cent.

### **Deficit of Manpower**

Perhaps the most visible and dramatic index of the crisis in policing is the general deficit of manpower in all ranks of the police, both in absolute numbers of sanctioned

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posts and in the numbers of vacancies that exist against such sanctioned posts. As stated above, the army tends to be frequently called "in aid to civil authority" in a multiplicity of crises and has seen protracted deployment in several theaters of terrorism and insurgency. Despite the frequent boast that India has the second-largest standing army in the world, the fact is that the country is acutely under-militarized in terms of its demography and strategic vulnerabilities. Without going into wider issues of the quality offerees available, weaponry, technology, and other factors, it is useful to look at the most basic variable, the ratio of military personnel to population.

### Fighting Insurgencies under Limited Resources

In the past, India's capacity to deal with emergent insurgencies and disorders has relied on the reserve capacity of Central Police Military Force (CPMFs) and the army, which allows a rapid redeployment offerees to tackle any abrupt crisis. However, with a continuous expansion of the theaters of violence and the consolidation of the "protracted war" model of conflict, these reserve capacities are already under severe strain, and there is currently little residual surplus. The augmentation of permanent capacities to deal with any and all projected internal and external security threats is, consequently, an imperative if India's future is to be secured in a planned and ordered trajectory.

### Intelligence Capabilities

As with the larger administrative apparatus in India, there has been a long, slow process of deterioration in India's intelligence capabilities perhaps not in absolute terms, but certainly in terms of capacities lagging well behind the magnitude and pace of emerging challenges. The November 26 attacks in Mumbai were thus blamed by many on apparently conspicuous "intelligence failures," as has been the case in the wake of virtually every major terrorist attack in India. Despite significant successes, India's intelligence coverage is, at best on paper. This is hardly news now. The Kargil crisis of 1999 exposed glaring gaps in India's intelligence capacities and establishments. The Kargil Committee Report commented strongly on this loss of field intelligence and the calamitous impact it had on National Security.

Yet despite urgent efforts to expedite these projects, the gap between capacities and needs has grown over the years. India's intelligence penetration is severely inadequate and overwhelmingly limited to urban areas

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and strategic locations, leaving the vast hinterlands uncovered.

After the September 2008 attacks in New Delhi and the November 2008 attacks in Mumbai, the Union Home Ministry did announce a series of measures, including modernisation plans for the Intelligence Bureau (IB) and the sanctioning of an additional 6,000 personnel in the organisation. Structural impediments continue to hobble the implementation of these measures.

### Imposition of Rule and Law

Endemic infirmity infects the Indian security and justice systems, and there is little public confidence today in the capacities and will of the Central and State Governments to effectively impose the rule of law in the country. With respect to the most significant of Internal Security Challenges specifically, terrorism and insurgency it is useful to outline some elements of the Indian experience.

1. **Crystallization of Political Will and Mandate:** Vacillation and a policy of drift is the default setting of the Indian establishment when confronted with each new crisis. This setting has persisted in many theaters for decades. Each CI-CT success, however, has been preceded by an abrupt even in transient refocusing of political resolve and the communication of a clear set of objectives and necessary mandate to the security leadership. Absent such clarity and commitment, security forces may win numerous battles against terrorists and insurgents but have no capacity to win the war.
2. **Leadership:** Leadership has historically been one of the principal determinants of the outcome of war. The trajectory of Counter Insurgency (CI) responses in Punjab, Tripura, and Andhra Pradesh was closely linked to the transfer of command, and in substantial measure reflected the particular vision, dynamism, and motivation of the incumbent director general of police. During the decisive period of the counterinsurgency campaigns, the top police leadership in these states established a model of leadership from the front, extensively touring areas of insurgent dominance and inspiring the rank and file of the forces by example.
3. **Police-led Response:** Police primacy was the template within which all force disposition took place in each of these theaters, and final

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- responsibility for maintenance of peace and order was vested in the superintendent of police of the particular district. The army, where deployed (the army has no role in the anti-Maoist campaigns in Andhra Pradesh or elsewhere), operated within strategies jointly evolved with the police command, supporting the police, who performed the principal Counter Terrorism (CT) tasks.
4. **Capacity Creation :** The core of the response was the creation of sufficient capacities the "conditions of victory" that were necessary to deal with the challenge. Vast augmentations of police strength in Punjab and Tripura (though not in Andhra Pradesh) and of police capabilities, through training, equipment, weaponry, mobility, fortification of police stations and posts, and crucially orientation, gave the security forces the cutting edge over the insurgent and terrorist forces.
  5. **Intelligence-led Operations:** Tremendous emphasis on creating effective structures of intelligence-gathering and real-time dissemination to response units was the hallmark of each campaign, and is indispensable in any CI-CT War.
  6. **Inter-force Coordination:** Civil, armed, and intelligence wings of the police operated in close coordination with Central Para Military Forces (CPMFs) and the army.
  7. **Capacity Surge:** Surge mechanisms were established for the augmentation of police capacities across the affected areas, ensuring that an emerging deficit was quickly met to guarantee an overwhelming response to any terrorist challenge.
  8. **Security Grids:** Deployment was designed across interlocking layers or grids of general and mission-specific forces, reinforcing existing structures of civil policing.
  9. **Offensive Capabilities:** A progressive transition from defensive to offensive operations was engineered as Security Forces capacities were augmented.
  10. **Containment Across Borders:** Both Punjab and Tripura had major problems with the infiltration of terrorists and insurgents across their borders with Pakistan and Bangladesh, respectively. Both states fenced off these borders and developed effective measures for border management, which included the additional deployment of forces and the creation

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of Village Resistance Parties (VRP) in vulnerable areas, successfully blocking off the movement of infiltrators and generating improved intelligence flows to the forces.

11. **Decentralization:** Counterinsurgency was recognised as a "small commander's war." Consequently, enabling the first responders was the objective of the State Leadership. It was clearly acknowledged that CI campaigns were not amenable to centralized command.
12. **Strategic Gains:** The cumulative impact of these various measures rapidly translated into campaigns based on the classic strategic virtues of endurance, projection, mobility, and dominance.

These campaigns clearly recognized that CI-CT campaigns are principally protracted conflicts and that a tremendous effort of basic capacity-building has to precede any attempts to deal effectively and proactively with existing and emerging challenges. The underpinnings of any such fundamental effort of reconstruction must be a clear and utterly unambiguous statement of a policy perspective on terrorism and insurgency.

The current establishment's assessments and understanding of terrorism are riddled with internal contradictions that yield incongruous, wasteful, and conflicting policy impulses. Unless there is greater conceptual clarity on the nature of the beast, there is little possibility of coherence and efficiency in responses. The institutional apparatus of governance must consequently be equipped to engage in the continuous assessment and analysis of existing and emerging threats, coordinate flows and maximize utilization of available intelligence and resources from a multiplicity of agencies, continuously define policies and protocols for response to each new area or pattern of terrorist activity, and ensure that these are translated into action by the appropriate agency, division, and department of government.

### CI-CT Apparatus

This apparatus must also be backed with a suitable legal mandate and necessary legislation for effective CI-CT Action. Mere legislation, however, will prove ineffective, if not meaningless, within the current and degraded justice system in India, where policing, investigative, and prosecuting agencies lack even minimal means and capacities to execute their responsibilities, where witnesses are routinely intimidated and eliminated in the

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absence of any effective witness protection regime, and where the judicial processes routinely take decades to arrive at a determination a time frame that is entirely irrelevant within a CI-CT calculus.

### CI-CT is a small Commander's War

The role of policy and generalship is to materially and psychologically empower the first responders to deal with all foreseeable contingencies. Centralisation of responses and intelligence networks detracts from the efficiency of the CT response. There must, consequently, be a comprehensive decentralisation of capacities of response. Force capabilities at police stations and police posts, and at the CPMF Company and platoon levels, have to be adequate to respond to every foreseeable eventuality, and the necessary tactical and technological capabilities must be created for immediate responses at this level. The capacities that are thus created must be deployed within the context of established crisis command structures, a clear chain of accountability and detailed systemic and protocol mechanisms that define strategic goals and tactical objectives in the wake of an incident, graded minimal responses, incident priorities, emergency communication systems, and protocols for notification and coordination.

Finally, effective systems for coordination offerees and optimal sharing of intelligence between agencies and departments must be created at the operational level.

### How India Survives and Thrives ?

On the above analysis it clear that India's capacity to secure itself from both external and internal threats is severely deficient, and this deficit is infinitely compounded by infirmities of governance and of the country's social infrastructure. "The harsh truth, is that the weak are never at peace." India's vulnerabilities tempt her enemies both internal and external to repeated and sustained misadventures, and this is the single most critical factor that underpins the major security threats that confront the country.

This dismal picture is, in some measure, balanced out by India's extraordinary growth in the recent past and the economic and political resilience that the country has demonstrated in the face of recurring challenges. Financial resource deficits that threatened the very possibility of resolving the country's many problems are a thing of the past, though a range of other structural impediments persist. There is a real danger, however, that widening spheres of disorder may come to threaten the dynamic

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core on which India's successes and future potential are founded.

Nevertheless, a range of factors constrain the scope of extremism in India and favor although they cannot guarantee broad stability. Critically, while cyclical conflagrations and radicalization on the fringes variously supported by external powers and internal elements remain a reality, extremism fails to secure sufficient traction among the masses to present a coherent and national challenge to the state. The reasons are many. Chief among them is a cultural proclivity to nonviolence, or at least a rejection of extreme violence. The constitutional edifice, for all its political neglect, is extraordinarily inclusive. Democratic processes, imperfect and even occasionally perverse as they are, do create the spaces for the articulation of grievances and the relatively peaceful expression of political discontent. The sheer diversity of the population is a source of manifold frictions, but it also prevents mobilisation on a national scale under any single divisive or extremist banner. These and other structural and cultural factors constrain even radical players from their greatest excesses.

Parties that exploit narrow caste mobilisation find it necessary to progressively widen their caste base as their electoral successes open up a larger regional or national platform. Similarly, even where some state agencies have colluded with extremist elements constitutional checks and balances do eventually reassert themselves to bring offenders to some measure of justice

### Conclusion

Being a vast country India, there are so many perpetual problems that give leverage to weakening countries strengths. contradictions will not simply vanish in the proximate future. The state's natural responses to crises have historically been sluggish, incoherent, vacillating, and uncertain. The lack of a strategic culture is widely recognised. Nevertheless, deep national, psychological, and civilizational reserves manifest themselves in the face of catastrophic emergencies. Indeed, India has an extraordinary record of defeating a number of the most virulent insurgencies and terrorist movements and of exhausting and outlasting the country's many adversaries. Harnessing complex national reserves to adopt coherent national perspectives and policies remains a crucial challenge, but it is clear, especially in the wake of the November 26, 2008, attacks in Mumbai and the rising challenge of the Maoist insurgency, that the national

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leadership now recognizes the core imperatives of response.

Successes in certain spheres especially in the realms of economic growth and globalization over the past decade and a half have also fed a surge in confidence, a relative augmentation of competence, and the launch of a wide range of initiatives intended to address the country's cumulative deficits. While the initial impact has been limited, this combination of factors is expected to snowball

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once it secures a certain critical mass. Crucially, with a vibrant (and sometimes raucous) democracy, substantially non doctrinaire economic perspectives, progressive engagement with modernity and a globalizing order, and a culture of tolerance and pragmatism, the Indian people have positioned themselves on the right side of history. This reality, above all else, warrants the expectation that India, despite a degree of policy incoherence and iterative cycles of failure, will not only endure but flourish.





## CHAPTER

# 2

## AN INTRODUCTION TO TERRORISM

### INTRODUCTION

Terrorism now a day has became a global phenomenon, but all attempts is the past for arriving at an internally accepted definition of terrorism have proved useless. According to some observers, this ambivalence is primarily due to two reasons:

**Firstly**, a 'terrorist' in one country maybe viewed as a 'freedom fighter' in another;

**Secondly**, it is known that some States resort to or encourage various kinds of criminal acts, clandestinely, through their own agencies or hired agents to subvert or to otherwise destabilize another lawfully established government or in extreme cases get important political or governmental personalities of another State assassinated.

- History is replete with instances of acts of this nature. Hence, there is an obvious lack of political will, if not resistance to any universally acceptable definition of terrorism.
- While Member-States of the United Nations have not arrived at a consensus regarding the definition of terrorism; the UN's 'academic consensus definition' given by Alex P. Schmid is perhaps the most widely accepted one.
- According to him, "terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby - in contrast to assassination - the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators.

- Threat and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought". The short legal definition proposed by Schmid to the United Nations Crime Branch (1992) is that Act of Terrorism = Peacetime Equivalent of War Crime.

### Definition of Terrorism

**League of Nations Convention (1937):** Describes terrorism as "all criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public".

Article 2(1) of the UN General Assembly's Draft Comprehensive Convention on International Terrorism (fifty-fifth session, 2000) provides that;

Any person commits an offence within the meaning of this Convention if that person, by any means, unlawfully and intentionally, causes:

- (a) Death or serious bodily injury to any person; or
- (b) Serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or the environment; or
- (c) Damage to property, places, facilities, or systems referred to in paragraph I(b) of this Article, resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or abstain from doing an act.

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Schmid himself had, however, wondered - after listing out 109 different definitions of 'terrorism' in his monumental survey, 'Political Terrorism: A Research Guide' - whether that list contained all the elements necessary for a good definition. However, some illustrative definitions are produced below, which would contribute to an understanding of the issues involved in terrorism.

### Provision : Understanding Terrorism

The General Assembly Resolution 51/210 contained a provision describing terrorism. It maintained that "criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a **political, philosophical, ideological, racial, ethnic**, religious or any other nature that may be invoked to justify them".

On March 17,2005 a UN Panel described terrorism as any act "intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organisation to do or abstain from doing any act".

By distinguishing terrorists/terrorism from other types of criminals and other forms of crime, Bruce Hoffmann argues that terrorism is :

- Ineluctably political in its aims and motives.
- Violent - or, equally important, threatens violence.
- Designed to have far-reaching psychological repercussions beyond the immediate victim or target.
- Conducted by an organization with an identifiable chain of command or conspiratorial cell structure (whose members wear no uniform or identifying insignia) and
- Perpetrated by a sub-national group or non-state entity.

### Relevant Aspects of Terrorism

By and large, these factors cover the relevant aspects of terrorism which are necessary for understanding the phenomenon of terrorism. However, for formulating a definition of terrorism which could be used for legal purposes, it is necessary to look at the constructs adopted by various other States. The definition of terrorism proposed by the "Secretary General" of the UN in September 2005 was accepted by France. According to

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him, terrorism is "any act meant to injure or kill the civilians and the non-combatants, in order to intimidate a population, a government, or an organisation and incite them to commit an act against the perpetrators or on the contrary stop them from doing so".

According to the United Kingdom Terrorism Act, 2000, terrorism means the use or threat of action where the use or threat is designed to influence the government or to intimidate the public or a section of the public and is made for the purpose of advancing a political, religious or ideological cause, and that;

- (a) involves serious violence against a person,
- (b) involves serious damage to property,
- (c) endangers a person's life, other than that of the person committing the action,
- (d) creates a serious risk to the health or safety of the public or a section of the public, or
- (e) is designed seriously to interfere with or seriously to disrupt an electronic system.

### History of Terrorism

Terrorism is as old as the Roman Empire and it existed in some form or the other, be it the Zealots in Judea or the Assassins in the 11th to 13th century with religion being a strong motivating factor behind terrorist activities until the French Revolution.

In fact, the term "terrorism" originated from the Reign of Terror (Regime de la Terreur) of 1793-94.

Following the World War Second, there was a shift in the nature and locale of terrorist activities around the world. The focus of terrorist activities shifted from Europe to the Middle-East, Africa and Asia with the emergence of various nationalistic and anti-colonial groups in these regions, notably in Israel, Kenya, Cyprus, Algeria, Palestine and Malaya. The first major act of terror, considered as the most deadly and spectacular terrorist operation till then, was carried out by the Jewish Irgun (then led by Menachem Begin) when the King David Hotel in Jerusalem was bombed in July 1946, killing nearly a hundred people.

**Left-Wing Extremism**, based on their belief that terrorism is the only strategy of revolutionary movement for the weak in the Third World (e.g. in Malaysia, Vietnam etc.), surfaced in Europe and elsewhere as well, especially since the late 1950s. The Red Army Faction in West Germany (also known as the Baader-Meinhof Group), the

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Red Army Faction of Japan, the Weathermen and Black Panthers in the USA, the tupamaros of Uruguay and several other left-extremist terrorist groups sprang up during the 1960s in different parts of the world, including Naxalites and Maoists in India.

The Irish Republican Army (IRA), traced its origin to the period around 1919-21. Its later incarnation, known as the Provisional Irish Republican Army was formed in 1969 and has carried out extensive terrorist attacks not only in Northern Ireland but in England as well. A historic peace settlement was arrived at through the **Good Friday Agreement of 1998** between the contending Irish groups and the UK Government.

International terrorism today is marked by the large number of transnational terrorist groups, mostly motivated by the Islamist fundamentalist ideology with Osama-bin-Laden's Al-Qaeda at the forefront, and the Taliban in Afghanistan as its close ally. The rapid rise of the Taliban during the anti-Soviet militant movement was made possible largely because of extensive patronage by USA's, CIA and Pakistan's ISI, with billions of dollars in cash and in kind having been poured into the region via Pakistan.

For a few years in the recent past, it looked as though the Taliban was effectively decimated in the wake of the 'war against terror' waged in Afghanistan by the USA in collaboration with its allies. But during the past couple of years' the Taliban appears to be fast regaining their lost ground. This is already having serious security implications not only in Afghanistan but also in Pakistan and India.

## Terrorism In India

Terrorism as an offence does not figure in the Indian Penal Code (IPC) of 1860 as amended from time to time. In India, the first special law which attempted to define terrorism was the Terrorist and Disruptive Activities Prevention (TADA) Act, 1987, which was followed by the Prevention of Terrorism Act, 2002 (POTA). With the repeal of the latter in 2004, the Unlawful Activities Prevention Act, 1967 was amended to include the definition of a 'Terrorist Act'.

The Terrorist and Disruptive Activities (Prevention) Act, 1987 mentions that "whoever with intent to overawe the Government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or lethal

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weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature in such a manner as to cause, or as is likely to cause, death of, or injuries to, any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community, or detains any person and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act, commits a terrorist act."

### Prevention of Terrorism Act, 2002

According to the Prevention of Terrorism Act, 2002, a terrorist is whosoever—

- (a) With intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature or by any other means whatsoever, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community or causes damage or destruction of any property or equipment used or intended to be used for the defense of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies, or detains any person and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act;
- (b) is or continues to be a member of an association declared unlawful under the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), or voluntarily does an act aiding or promoting in any manner the objects of such association and in either case is in possession of any unlicensed firearms, ammunition, explosive or other instrument or substance capable of causing mass destruction and commits any act resulting in loss of human life or grievous injury to any person or causes significant damage to any property, commits a terrorist act".

Further, according to POTA, a Terrorist Act also includes the Act of raising funds intended for the purpose of terrorism.

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From the above, it is evident that while the laws of some countries (e.g. the USA, Canada, the UK and Australia) speak of the intention behind the terrorist Act being for the purpose of advancing a 'political, religious or ideological cause', the Indian laws have avoided any such intention or purpose being incorporated to define or describe a terrorist Act. The definition of terrorism is an important aspect of the legal framework to deal with terrorism.

### Types of Terrorism

Terrorists are motivated by different goals and objectives. Depending on the objectives of the group/groups, the nature of terrorism also differs. The major types of terrorist operations commonly identified globally include:

#### Ethno-Nationalist Terrorism

Terrorism motivated by ethno-nationalist and separatist aspirations became prominent only after the World War Second and dominated the **terrorist agenda** around the world for more than 50 years until religious terrorism came to occupy the centre stage.

Ethnic Terrorism can be defined, according to Daniel Byman, as deliberate violence by a subnational ethnic group to advance its cause. Such violence usually focuses either on the creation of a separate State or on the elevation of the status of one ethnic group over others. Tamil Nationalist groups in Sri Lanka and insurgent groups in North East India are examples of ethnonationalist terrorist activities.

#### Religious Terrorism

Present day Terrorist activities around the world are motivated largely by religious imperatives. According to Hoffman, the practitioners of terrorism motivated either in whole or in part by a religious imperative consider violence as a divine duty or a sacramental act. It embraces different means of legitimisation and justification compared to other terrorist groups, and these distinguishing factors make religious terrorism more destructive in nature.

#### Ideology-Oriented Terrorism

Any ideology can be used to support the use of violence and terrorism. Ideology-oriented terrorism is generally classified into two; **Left-wing** and **Right-wing terrorism**.

##### (a) Left-wing Terrorism

Violence against the ruling elite mostly by the peasant class motivated by what are called Leftist Ideologies have

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occurred time and again in history. However, the ideological basis for the left and subsequent violent movements was provided by the writings of **Marx** and **Engels**. This was supported by the writings and speeches of later communists like Lenin and Mao Tse-tung (Mao Zedong). Leftist ideologies believe that all the existing social relations and state structures in the capitalist society are exploitative in character and a revolutionary change through violent means is essential. Examples of leftist ideologies that have resorted to the use of terror are numerous. These include; the Red Army Faction or Baader Meinhof Gang in the former West Germany, the Red Brigades in Italy, the 17 November Movement in Greece, the Shining Path of Peru, Peoples Revolutionary Army and the Motoneros of Argentina. The Maoist groups in India and Nepal are the most easily identifiable groups closer home.

##### (b) Right-Wing Terrorism

Right Wing groups generally seek to maintain the **status-quo** or to return to some past situation that they feel should have been conserved. Sometimes, groups espousing Rightist Ideologies might assume ethnic/racist character too. They may force the Government to acquire a territory or to intervene to protect the rights of an 'oppressed' minority in a neighboring country (i.e ; the Nazi Party in Germany).

Violence against migrant communities also comes under this category of terrorist violence. It is to be noted here that religion can play a supportive role to rightist violence. Examples of these are: Nazism in Germany, Fascists in Italy, white supremacy movements in the US known as Ku Klux Klan (KKK), the Green Jackets of Denmark in the 1980s etc.

Right Wing Hindu fanatics pose a more constant danger of destabilisation of Indian Politics and Society Malegaon Blast, Samjhauta Express, Gomring, Mecca Masjid, Ajmer Sharif Dargah Blast.

### State-Sponsored Terrorism

State-sponsored terrorism or warfare by proxy is as old as the history of military conflict. Walter Laqueur notes that such established practices existed in ancient times; in the Oriental empires, in Rome and Byzantium, in Asia and Europe. However, state-sponsored terrorism on a massive scale reappeared in international politics in the 1960s and 1970s, and today along with religious terrorism, state-sponsored terrorism has considerably altered the nature of terrorist activities around the world.

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In recent times, some countries have embraced terrorism as a deliberate instrument of foreign policy. One distinction of state sponsored terrorism from other forms of terrorist activity is that it is initiated to obtain certain clearly defined foreign policy objectives rather than grabbing media attention or targeting the potential audience. Given this character, it operates under fewer constraints and causes greater casualty on the target (Hoffman, 1998).

In a costbenefit analysis, state-sponsored terrorism is the most effective means of terrorism from the perspective of the perpetrator. State-sponsored terrorism was widely employed in Central Asia in the 19th century. Russians supported their fellow **Slavs in the Balkans**. **Bulgaria** used the Macedonian Revolutionary Terrorists against Yugoslavia after World War First. The Western powers under the auspices of the US supported all kinds of nationalist and anti-communist rebels throughout the Cold War. The Soviet Union was no different in its operations during this period. Countries like Iran, **Iraq**, **Sudan**, **Libya** **North Korea** have been engaged in sponsorship of political violence of different nature in their 'enemy' countries. India has been facing this problem from Pakistan since Independence.

## Narco-Terrorism

Narco-terrorism is an interesting concept, which can fall in the category of either 'Types of Terrorism' or 'Means of Terrorism', depending on how it is defined.

The term was first used in 1983 by the former President of Peru, Belaunde Terry to describe campaigns by drug traffickers using terrorist methods such as the use of car bombs, assassinations and kidnapping against the anti-narcotics police in Coloumbia and Peru.

Though, initially used in the context of drug trafficking related terrorism in South America, the term has come to be associated with terrorist groups and activities around the world and more so in the Central and South-East Asia. Narco-terrorism has been defined by the Canadian Security Intelligence Service as 'the attempt by narcotics traffickers to influence the policies of the Government by systematic threat or use by violence'. However, it is also possible to view narco-terrorism as a means of terrorism or at any rate as a means of funding terrorism. As the term itself suggests, narco-terrorism combines two criminal activities; drug trafficking and terrorist violence. Narcoterrorism is motivated mainly by economic reasons as it helps the terrorist organisations

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raise huge sums of money with minimum cost for their activities. Thus the political, ideological, religious and the ethno-nationalist motives generally associated with this type of Terrorism.

## Means of Terrorism

The traditional tactics used by terrorists are attacks on persons and property using weapons, bombs, LEDs, grenades, landmines etc, apart from hostage-taking, hijacking and forcible take-over of buildings, especially Government/public buildings. These could be classified as conventional means of terrorism. In addition, there is increasing resort to suicide attacks and kidnapping. Besides, there are looming threats of terrorists acquiring Weapons of Mass Destruction (nuclear, chemical or biological) and of cyber terrorism as well as environmental terrorism.

## Environmental Terrorism

While ecoterrorism is in protest against the destruction of the natural environment, environmental terrorism is the premeditated damage caused to the natural world for example during the Gulf War of 1991 when Saddam Hussein ordered the detonation of more than 1000 oil wells which engulfed Kuwait in smoke.

## Weapons of Mass Destruction (WMD)

Weapons of Mass Destruction (WMD) are weapons that can inflict heavy and indiscriminate damage on a given target. Nuclear, Chemical and Biological Weapons are the commonly identified weapons of mass destruction. Although, the term WMD has been in use for a long time, the possibility of acquisition of such weapons by terrorist organisations, the perceived Iraqi possession of it and the US led war on Iraq brought (WMD) into focus. The NATO Glossary of Terms and Definitions defines WMD as a weapon that is capable of a high order of destruction and of being used in such a manner as to destroy people, infrastructure, or other resources on a large scale. Most of these definitions consider (WMD) as nuclear, biological and chemical weapons (NBC).

## Chemical Weapons

A chemical attack could be the release of toxic gas caused by attacking an industrial facility, or releasing a chemical that has been stolen from its legitimate users to inflict heavy damage on the enemy (Archer, 2005). Chemical weapons are different from conventional weapons or nuclear weapons as the destructive effect of chemical weapons are not primarily due to any explosive force.

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- According to the Chemical Weapons Convention signed in 1993, any toxic chemical, regardless of its origin, is considered as a chemical weapon if it is used for purposes that are prohibited.
- Toxins such as ricin, botulinum toxin, nerve agents, lewisite, sarin etc are examples to this.
- Aum Shinrikyo's attack with Sarin in a Tokyo subway is the most notable example of a chemical weapons' attack in recent times.
- Very recently, **Al-Qaeda** claims to have acquired chemical weapons that can cause serious damage to its potential enemies.

**Nuclear Weapons:** The designing engineering skills and equipment needed to build the simplest form of nuclear weapon, a "gun" style bomb using Highly Enriched Uranium (HEU) - are not particularly complex; any well organized-group can develop such a weapon. However, what makes it difficult for terrorist organisations and non-State actors is the nonavailability and the complicated process and the cost involved in enriching uranium. Although, there are no accounts of terrorist attacks using nuclear weapons, there are clear indications that from the late 1990s onwards, **Al-Qaeda** has constantly been trying to acquire it with the help of different State agencies.

**Biological Weapons:** It is a relatively new form of terrorist activity that has emerged as a result of the advancements in biotechnology being accessible to terrorist groups. The American Center for Disease Control and Prevention, (ADP) defines bio-terrorism attack as "the deliberate release of viruses, bacteria, or other germs (agents) used to cause illness or death in people, animals, or plants".

These natural agents are changed to "increase their ability to cause disease, make them resistant to current medicines, or to increase their ability to be spread into the environment." These are spread though air, water or food. Terrorists use biological agents "because they can be extremely difficult to detect and do not cause illness for several hours to several days."

## Cyber-Terrorism

The term 'cyber-terrorism' is of very recent origin in comparison to other forms of terrorist activities. Although, different scholars and agencies have tried to define the term, a commonly accepted definition is yet to evolve. Dorothy Denning's testimony before the Special Oversight

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Panel on Terrorism has been a major reference point on the subject. In her words, cyber-terrorism is the convergence of terrorism and cyberspace. It is generally understood to mean unlawful attacks and threats of attacks against computers, networks, and the information stored therein when done to intimidate or coerce a government or its people in furtherance of political or social objectives.

### FBI : Cyber Terrorism a Criminal Act

According to the Federal Bureau of Investigation (FBI), cyber-terrorism is a criminal act perpetrated by the use of computers and telecommunications capabilities, resulting in violence, destruction and/or disruption of services to create fear by causing confusion and uncertainty within a given population, with the goal of influencing governments or people to conform to a particular political, social, or ideological agenda.

Rod Stark defines "cyber terrorism" as 'the purposeful or threatened use of politically, socially, economically or religiously motivated cyber warfare or cyber-targeted violence, conducted by a non-state or state-sponsored group for the purposes of creating fear, anxiety, and panic in the target population, and the disruption of military and civilian assets.'

Thus, cyber-terrorism is the most advanced means of terrorist strategy developed with the advancement in information and communication technologies that enables terrorists to carry out their operations with minimum physical threat to themselves.

Peter Flemming and Michael Stohi identify two components of cyber-terrorism:

- (a) **Computer technology as a facilitator of terrorism:** It is used for political propaganda, terrorist recruitment and financing, intra and inter-group communication and coordination, intelligence gathering etc. This enables the terrorist groups to maintain anonymity in routine activities and tactical operations, and also carry out their operations in a cost-effective manner.
- (b) **Computer technology as a specific component of terrorist weapons or targets:** This includes computer technology based attacks or threats on public utilities and transportation, commercial institutions and transnational corporations, individuals, political or ethnic

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groups, security forces, nation-states or for that matter any 'perceived enemy'.

Cyber-Operations and Cyber-Terrorism points out the outcome of cyber attacks in four categories:

- (i) **Loss of Integrity**- Unauthorized changes made to the data or IT system can result in inaccuracy, fraud or erroneous decisions that bring the integrity of the system under suspicion.
- (ii) **Loss of Availability** : An attack on a mission-critical IT system makes it unavailable to the end users.
- (iii) **Loss of Confidentiality** : The consequences of unauthorized disclosure of information ranges from loss of public confidence to national security threats.
- (iv) **Physical Destruction** : Ability to create actual physical harm or destruction through the use of IT systems.

## Suicide Terrorism

The most ominous aspect of the 'emerging terrorist, tactics is "suicide terrorism". The first manifestation of this tactic in recent times took place when US Marine barracks in" Beirut were attacked by a vehicle borne suicide bomber in 1984. It was not 'long before the LTTE started resorting to the same tactic. An LTTE cadre drove a truck filled with explosives into the Sri Lankan Army camp at Nelliady in Jaffna on July 5, 1987 the beginning of LTTE's suicide bombing campaigns.

Thereafter, the; Deputy Defence Minister of Sri Lanka Ranjan Wijeratne was assassinated in 1990 by LTTE terrorists in a suicide mission. The assassination of Shri Rajiv Gandhi took place on May 21,1991 which brought into focus the capability and ruthless brutality of LTTE in suicide terrorism. Since then, there have been several instances of suicide attacks by the LTTE the most notable of which was the killing of the Sri Lankan President Premadasa in 1993.

**Jehadi** terrorists took to suicide terrorism in the 1990's. In Kashmir, the first suicide attack by the **Fedayeen** was on July 13 1991 on a Border Security Force Post. The attack on the J&K Legislative Assembly complex in October 2001, was also a suicide attack in which the driver of the explosive laden vehicle which rammed through the gate was killed. Since then, the **Fedayeen** had been involved in attacking the Indian Parliament in 2001 nearly leading to a face-off between India and Pakistan, in storming the

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Akshardham Temple in Gujarat in 2002, and in an abortive attempt at Ayodhya in July 2005, There have been numerous other **Fedayeen**, attacks within Jammu & Kashmir, mostly on the premises of the Police and Security Forces.

- It is important to note that the term 'Fedayeen' does not exactly mean a suicide terrorist in the sense that his death is not vital or inevitable 'for the success of the mission he undertakes. However, in many of these operations, the **Fedayeen** have taken on the Armed Forces against almost impossible, odds knowing fully well that, they had little chance of returning alive.
- A majority of the Fedayeen who have operated in Jammu & Kashmir have been Pakistanis several of whom had fought in Afghanistan against the Soviets in the 1980's. Many Kashmiris argue that the reason why very-few local people volunteer for suicide attacks is because of the Sufi Islamic traditions of this region which embody peace and tolerance. There have been only, three acts-of-suicide" terrorism in the 'hinterland of India outside Jammu & Kashmir in recent times.
- The first two were the Rajiv Gandhi and Beant Singh assassinations.
- The third one took place outside the Special' Task Force Office in Hyderabad in 2005.

## Major Recommendations on Terrorism by Administrative Reforms Commission (ARC)

### 1. Need for a Comprehensive Anti-Terrorist Legislation

A comprehensive and effective legal framework to deal with all aspects of terrorism needs to be enacted. The law should have adequate safeguards to prevent its misuse. The legal provisions to deal with terrorism could be incorporated in a separate chapter in the National Security Act, 1980.

### 2. Definition of Terrorism

There is need to define more clearly those criminal acts which can be construed as being terrorist in nature. The salient features of this definition should interalia include the following:

- (i) Use of firearms, explosives or any other lethal substance to cause or likely to cause damage to life and property and essential infrastructure including installations/establishments having military significance.

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- (ii) Assassination of (including attempt thereof) public functionaries. The intent should be to threaten the integrity, security and sovereignty of India or overawe public functionaries or to terrorise people or sections of people.
- (iii) Detention of any person or threat to kill or injure any person to force the government to act or abstain from acting in a particular manner.
- (iv) Providing/facilitating material support, including finances, for the aforesaid activities.
- (v) Commission of certain acts or possession of certain arms etc. by members or supporters of terrorist organizations which cause or are likely to cause loss of life, injury to a person or damage to any property.

### 3. Bail Provisions

#### Regarding grant of bail, the law should provide that:

- (i) 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 the Court gives the Public Prosecutor an opportunity of being heard;
- (ii) Where the Public Prosecutor opposes the bail application of accused to release on bail, no person accused of an offence punishable under this Act or any rule made thereunder shall be released on bail until the Court is satisfied that there are grounds for believing that the accused is not guilty of committing such offence.  
Provided that after the expiry of a period of one year from the date of detention of the accused for an offence under this Act, the provisions of sub-section (i) of this section shall apply,
- (iii) A Review Committee should review the case of all *detenus* periodically and advise the prosecution about the release of the accused on bail and the prosecution shall be bound by such advice.

### 4. Period of Detention (Remand) During Investigation

For terrorist and other related offences, it should be provided that Section 167 of the CrPC shall apply subject to the modification that in sub-section (2), the references to "fifteen days", "ninety days" and "sixty days", wherever they occur, shall be construed as references to "thirty days", "ninety days" and "ninety days" respectively.

### 5. Confession Before a Police Officer

Confession before the police should be made admissible

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as recommended in the Report on Public Order. But this should be done only if comprehensive police reforms are carried out. Till such time, confessions should continue to be made before judicial magistrates under Section 164 CrPC.

### 6. Presumptions Under the Law

The following legal provisions should be included regarding presumptions: If it is proved -

- (i) That the arms or explosives or any other dangerous substance were recovered from the possession of the accused and there is reason to believe that such arms or explosives or other substances of similar nature, were used in the commission of such offence; or that by the evidence of an expert the fingerprints of the accused, or any other definitive evidence were found at the site of the offence or on anything including arms and vehicles used in connection with the commission of such offence the Court shall draw adverse inference against the accused.
- (ii) If it is proved that the accused rendered any financial assistance to a person accused of, or reasonably suspected of, an offence of terrorism, the Court shall draw adverse inference against the accused.

### 7. Review Committee

A statutory **Review Committee** should be constituted to examine each case registered, within 30 days of its registration. The Review Committee should satisfy itself that a *prima facie* case has been made out by the investigation agency. This Committee should review each case every quarter.

### 8. Special Courts

Provisions for constitution of **Special Fast Track Courts** exclusively for trial of terrorism related cases may be incorporated in the law on terrorism. Other specific provisions related to such Special Courts may also be incorporated. Such Courts may be set up as and when required.

### 9. Possession of Arms etc.

Provision for penalising unauthorised possession of certain specified arms and ammunition in notified areas and unauthorized explosive substances, weapons of mass destruction and biological or chemical substances of warfare in notified as well as non-notified areas, may be incorporated in the law on terrorism.

### 10. A Federal Agency to Investigate Terrorist Offences

- (a) Creation of a specialised Division in the CBI to

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- investigate terror offences must be done.
- (b) It should be ensured that this Division of the CBI is staffed by personnel of proven integrity and who are professionally competent and have developed the required expertise in investigation of terrorism related offences. The autonomy and independence of this agency may be ensured through a laid down procedure of appointment and assured fixed tenure for its personnel.

## 11. Measures Against Financing of Terrorism - Anti-Money Laundering Measures

- (a) The Prevention of Money-laundering Act (PMLA) may be suitably amended at an early date to expand the list of predicate offences to widen its scope and outreach.
- (b) The stage at which search and seizure action may be taken under the PMLA may be advanced in cases involving wider ramifications. Adequate safeguards may also be put in place in such cases.
- (c) It may be examined whether institutional coordination mechanisms between the Directorate of Enforcement and other intelligence collecting and investigating agencies, could be strengthened and some provisions of the PMLA delegated to them by the Enforcement Directorate.
- (d) The financial transaction reporting regime under the Financial Intelligence Unit (FIUIND) may be extended to cover high risk sectors such as realestate. There is also need to strengthen the capacity of FIUIND to enable it to meet future challenges.
- (e) It would be useful to utilize the platform provided by the Regional Economic Intelligence Councils (REICs) for increased coordination among various investigation agencies in cases which are suspected to be linked with money laundering. Further, owing to the complexity of cases involved, the FIU-IND, apart from disseminating agency specific information, should furnish overall region-centric information to the Central Economic Intelligence Bureau (CEIB) for disseminating it to the respective REICs with a view to expanding the information regime.

## 12. Measures Against Financing of Terrorism - Measures to Block the flow of Funds for Financing Terrorist Activities

- (a) The new Legal Framework on terrorism may incorporate provisions regarding freezing of assets,

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funds, bank accounts, deposits, cash etc. when there is reasonable suspicion of their intended use in terrorist activities. Such actions may be undertaken by the investigating officer with the prior approval of a designated authority, subject to adequate safeguards. These provisions may be incorporated in a separate chapter in the National Security Act, 1980.

- (b) A specialized cell may be created in the proposed National Counterterrorism Centre drawing upon expertise from the Union Ministries of Finance and Home Affairs and the Cabinet Secretariat for taking concerted action on the financial leads provided from information gathered by various sources. Further, different investigation agencies dealing with financial transactions may setup anti-terrorist finance cells within their organizations to augment the efforts of intelligence agencies involved in Counterterrorism activities.
- (c) For speedy investigation into the financial aspects of specific cases/group of cases related to terrorist activities, dedicated teams may be formed within the agencies charged with the responsibility of investigating into offences related to terrorism. This may be accomplished by inducting officers having specialization in different aspects of financial investigation for short periods, say three to six months. A protocol for achieving this may be arrived at between the concerned Union and State Ministries/Departments to facilitate such capacity building and strengthening the effectiveness of the counter-terrorist measures.

## 13. Role of Citizens, Civil Society and Media in Combating Terrorism- Education

- (a) NCERT has proposed a scheme to encourage and support institutions, voluntary agencies and NGOs etc, engaged with school education for promotion of Education for Peace within the country. These initiatives need to be encouraged with necessary funds and other material support.
- (b) The feasibility of extending the scheme to religious schools also needs to be examined. Role of Citizens, Civil Society and Media in Combating Terrorism- Media.
- (a) The potential of media in spreading education and awareness needs to be tapped to build the capacity of citizens in dealing with any public disorder, particularly terrorist violence.

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- (b) Media should be encouraged to evolve a self regulating code of conduct to ensure that publicity arising out of terrorist attacks does not help the terrorist in their anti-national designs.

## 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. It is anti-National Act.

### 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 fifties can be considered as a classical example of insurgency. It is Law Breaking Act.

### 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. It is also a law Breaking Act.

### Conclusion

Development, stability, Good Governance and the rule of law are inextricably linked and any threat to peace poses an obstacle to the objective of sustainable development of the country. Terrorism not only subverts the political and social climate but also threatens the economic stability of the country, undermines democracy and even deprives ordinary citizens of their fundamental rights, including their right to life.

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Terrorists do not belong to any religion or faith or community. Terrorism is an attack on democracy and the civilized society by a violent few who resort to targeted killing of innocent citizens in pursuit of their evil designs. In some respects, terrorism is more damaging than an act of war against the nation because terror acts often target innocent civilians apart from the symbols of the State terrorists have targeted women and children in public parks, commuters during rush hours on suburban trains, shoppers in a crowded market, community gatherings on religious occasions. Furthermore, terrorism today has acquired newer and more dangerous dimensions threatening international peace and stability worldwide with the use by terrorist groups of modern communication systems, and state of the art technology combined with global linkages with organized crime, drug trafficking, counterfeit currency and money laundering. That is why international cooperation is necessary in the fight against terror, India has been one of the worst victims of terrorism but our society has shown tremendous spirit and resilience in the wake of repeated and wanton terrorist attacks by maintaining communal harmony and social amity. It is time however for the nation to gear itself to counter terror in a more coherent and proactive manner and not rely on the patience of its citizens to outlast and defeat terrorists and their supporters.

The anti-terrorism strategy must recognise that terrorist acts not only ruin innocent lives, but also divide our society, create discord among people and cause lasting damage to the fabric of the society. Unlike 'chemotherapy' in cancer treatment which destroys both good and bad cells, a strong anti-terrorism response has to be focussed and well directed against the antinational elements. In addition to sustained and stringent action by the security agencies against terrorists and anti-national activities, civil society can also play a major role both in preventing terrorist activities and in countering the ideology of terrorism. Cooperation by the citizens and by the media is equally vital in the fight against terrorism. Thus a multi-pronged approach encompassing legal and administrative measures combined with good governance, inclusive development, a vigilant media and an alert citizenry can defeat terrorism in any form.



## CHAPTER

# 3

## MILITANCY IN JAMMU AND KASHMIR

### INTRODUCTION

Jammu & Kashmir is the only state which has its own constitution. Although, the accession of the state came to prominence in October 1947, making on Internal part of India, the states constitution came in 1956. Under **Article 370** of the constitution of India makes certain special provisions pertaining to the legislative relations between the Union of India and State of Jammu & Kashmir. It has been given a special category since 1990, which gives the state the benefit of 9 : 10 pattern in terms of central assistance for plan schemes.

It is understood that the issues relating to Jammu & Kashmir have both external and internal dimensions. The external dimension is wrapped in geopolitical strategy the dimension involving a matrix of linkages with China, Afghanistan, Russia and above all Pakistan. Both the dimensions, indeed are inter-related.

But the recent trends of Military in the state in the current decade bring out clearly the decline but recently the unrest and the incidents stone throwing and curfew continued since 3 month and causality more than, 50 civilians have taken new dimension. This will be discussed in the end of the summary.

### Background

Jammu and Kashmir was the largest princely state emerged in 1947, having nearly 77 per cent Muslim populations, 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, low
- to the north of Jammu province lies Kashmir valley, which includes Muslims and significant population of Hindu Kashmiri pandits.

- To the east of the valley, the hills area of Ladakh was predominantly Buddhist.
- The last two are the regions of Gilgit and Baltistan. These two regions were very thinly populated with mostly Shia Muslims.

### Instrument of Accession and Referendum

On 15<sup>th</sup> August, 1947, keeping in view 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 expected for an **Independent, Sovereign** and completely neutral state.

- But the popular will of the people of Kashmir under the leadership of Sheikh Abdullah was to join India.
- Sheikh Abdullah consistently refuted to 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.
- 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 insisted on accession. Finally, on 26<sup>th</sup> October, the Maharaja acceded to India by signing the '*Instrument of Accession*' and also agreed to appoint Abdullah as head of the State's administration.
- As per this Instrument of Accession, except for Defence, Foreign Affairs Finance and

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- Communications, the Indian Parliament needs the State Government's concurrence for applying all other laws.
- In 1951, the UN 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 Observe 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.

## Matter of Line of Control (LOC)

Pakistani troops withdrawal from the northern areas, collectively called as Pakistan occupied Kashmir (PoK) by India- and its reintegration with the rest of J&K has 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 Argeement*' that followed the war, India and Pakistan agreed to convert this line into a permanent border between the two countries. Even 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**.

## Militancy : Low Intensity War (Proxy war)

### Beginning of Insurgency

The two main Indo-Pak wars in **1956** and **1971**, Pakistan resorted to the tactics of Low Intensity Warfare (LIW) 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 last eighties.
- This low- intensity war between the two counties

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continues even today in the name of Jehad. It is a perpetual cause of worry to India.

- In July 1988, as series of demonstrations, strikes and attacks took place.
- In 1989, as 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.
- The insurgency was largely started by Afghan mujahedeen 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 to organise militancy in Kashmir. Its main demand was independence of Kashmir.
- 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).
- 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.

### Present Situation

The elections organised 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

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- protesters in Srinagar since the summer of 2008 when Amarnath land transfer became a Contentions issue and youth 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.
  - Compared to 2012, there has been almost a six-fold increase in the number of times protesters resorted to stone-pelting on security forces in 2013. The number of security personnel injured in such incidents has increased more than three times. Fidayeen attacks re-emerged in 2013 after a lull of three years.

## Low Intensity War Tactics Adopted By ISI?

Low intensity war is a tactic involving long and protracted struggle 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

## The Proxy War in J&K: Method

1. To continue/project malicious campaign from Pakistan and PoK to mar India's image in print and electronic media.
2. To facilitate infiltration of terrorists from across the border and keep Indian security forces constantly engaged in fighting terrorists.
3. To attack the secular foundation of the state and support fundamentalist Islamic activities and ensure exodus of Hindus from the Valley;
4. The Kashmir issues highlighted globally at every forum and paint India as persecutor of Muslims.
5. To increase terrorist activities in **Muslim dominated** districts of Jammu region.
6. To change the low Intensity War to High intensity War at an appropriate time and term it as war of independence for longer period.

## Development- Oriented Programmes in Kashmir

In 2004, Prime Minister Manmohan Singh had initiated a reconstruction plan (PMRP) with an outlay of Rs 24,000 crore. This was mainly in Infrastructure, Power and transport. Other programmes are:

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- Newly developed rail network to connect the valley.
- The project '**UDAAN**', a 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.
- Rs 900 crore worth road infrastructure development program 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 Rs 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:
  1. Capital investment subsidy @ 15 percent of the total investment in plant and machinery subject to ceiling of Rs 30 lakh. However, MSMEs would be eligible for capital investment subsidy @ 30 percent of the investment of plant and machinery subject to ceiling of Rs 3 crore and Rs 1.5 crore for manufacturing and service sector, respectively, to all new and existing industrial units on their substantial expansion.
  2. 3 percent interest on the average of daily working capital loan to all new units for a period of 5 years from the date of commencement of commercial production.
  3. Central Comprehensive Insurance Subsidy with 100 Percent reimbursement of premium to all new and existing units on their substantial expansion for a period of 5 years from the date of commencement of commercial production.

## MAJOR ISSUES: ARTICLE, 370

### Should Article 370 be Removed or Amended?

#### Article 370 (C)

This Article specifies that except for **Defence, Foreign, Affairs, Finance and Communication** (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 Governments 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 370.
  - 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 Order, 1954, which came into force on **14<sup>th</sup> May, 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/debatable.

### 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** carry.

- 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 argument against abrogation of **Article 370** carries :

- Abrogation will have serious consequences. It will encourage secessionists to demand plebiscite which lead to internationalisation of the issue of J&K.
- The contention of Article 370 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.

#### View

It can be argued that abrogation of the Article 370 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.

#### Is Referendum Viable?

In the existing scenario, a referendum will be fruitless as a lot has changed in the last 65 years, including the **Demography of Kashmir** as about four lakh Kashmir pundits were displaced forcibly in the nineties. 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.

#### Ceasefire Violations by Pakistan

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.

#### Strategy Regarding the Rehabilitation and Resettlement of the Kashmiri Pandits?

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.

Prime Minister Manmohan Singh in 2008 announced a special package for return and rehabilitation of Kashmiri migrants to the valley. The package includes housing, transit, accommodation, scholarship, employment and waiver of interest rates.

## CHAPTER

# 4

## INSURGENCY : NORTH-EAST

### INTRODUCTION

The issue of Insurgency is the most challenging task to overcome. It is the major security threat for the nation. Over the changing time and the change in socio-economic and political dynamic of the country, many changes have been taken place. We will study all the emerging and prevailing conditions of the north-east from past to the recent time.

The North-East Division gained prominence under the Ministry of Home Affairs keeping its view on the developmental and security issues. Unlike other parts of the country the North-East holds an important position shares borders with other countries like Bangladesh, Myanmar, and China. The Geographical diversity, Socio-Economic development and historical factors such as language ethnicity, tribal rivalry, magnetism, country over local resources and widespread feeling of exploitations and alienations has resorted in a fragile security situation in the North-Eastern States. This created violence and diverse demands by various Indian insurgent.

### Historical Background

Before Independence there are over 100 tribal groups residing in the entire north-east region of India. They have a rich cultural heritage with a variety of language and customs. During the British period, they constituted an overwhelming areas they inhabited. Non-tribals had not penetrated these areas to any significant extent. The British gave a special administrative status to these areas. Outsiders were not allowed to acquire land in the tribal areas.

British 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. 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. 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.

### INDIA POST-INDEPENDENCE

After Independence, the Government of India 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 decentralization. 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 comfortability and in harmony with the rest of the country, problems developed in other tribal areas which were part of Assam administratively. In the mid-fifties, 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

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by the policy of Assimilation in government jobs and other professions, like doctors, traders, etc.

## 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.

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.

Secessionist Movements developed in Nagaland and Mizoram. Nagaland was granted statehood in 1963 itself, while Mizoram became a state in 1987.

## Recent 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. Government has signed ceasefire and Suspension of Operations (SoO) with most of the insurgent groups in the region.
- 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.

## Nine Points Agreement

- The Governor of Assam made 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.

## Internal Security

- There was a ten years guarantee of these provisions of the end of which the Nagas could choose between extending the agreement or a new agreement.
- They were also promised unification of Naga territories from nearby districts into the Naga Hills District. However, the Constituent Assembly refused to ratify this accord.

## Emergence of the Secessionist Movement

Government of India started the integration of Naga areas with the state of Assam, and India as a whole After Independence. The hardliners led by A. Z. 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 Government of India sent the army to Nagaland in early 1956 to restore peace and order.
- 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 peoples faith in democratic values enshrined in our constitution. Non-violent means were seen with greater hope in the rest of India.

## Terrorist Groups Operating in Nagaland

**Nationalist Socialist Council of Nagaland (NSCN):** The Nationalist Socialist Council of Nagaland (NSCN) is a Naga nationalist groups operating in Northeast India. The main aim of the organization is to establish a sovereign state, "Nagaland" unifying all the areas historically inhabited by the Naga people in North-East 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.

## **Internal Security**

- 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 of India and Northern Burma which the organization 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 organization.

### **Recent Developments**

- NSCN-Isiac Muviah (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.

### **1. 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. They live in the plains, while Nagas and Kukis live in the hill districts.
- Separatist insurgency began in 1964; Manipur was made a separate state in 1972.
- Currently there are, 34 groups, including non-violent ones that demand independence from India. In 1999, some of these groups coalesced into an alliance organization 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.
- The situation is further complicated because insurgent groups are not united for the same causes.
- The Nagas wish to annex part of Manipur and merge with a greater Nagaland or Nagalim, which is in

## **An effort of Team EG**

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.

### **2. Mizoram**

The 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:
  - (i) Firstly, 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.
  - (ii) 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
  - (iii) Thirdly, the moderating influence and pressure of the Mizo civil society, especially the women who had been the most aggrieved the affected during the periods of violence.

In June 1986, the Government of India 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.

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

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Integration with the mainland is proceeding in its own pace. 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 Mizo, 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.

### 3. Meghalaya

It is least affected by insurgency in the north-east region. 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 remains among the native tribal population. The main extremist groups operating in Meghalaya are :

- (i) **Garo 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.
- (ii) **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 Operating Agreement between the Government and ANVC has been in force since July 23, 2004.
- (iii) **Hynniewtrep National Liberation Council (HNLC):** HNLC is a militant organization 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.

It is worth noting that these tensions are mainly due

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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. Tripura

Tripura witnessed a surge in terrorist activities in the 1990s. The area under control of the **Tripura Tribal Areas Autonomous District Council (TTAACD)** 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 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 Tripuri state.
- The era during 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.

### 5. 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

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of NSCN-IM's projected State of Nagalism (Greater Nagaland).

- Apart from these two Naga outfits, ULFA-I has strong presence in the regions. 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.
- 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 President Pranab Mukherjee, 'The illegal settlement of Chakma and Hajong refugees has resulted in marginalization 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, here 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 factions clashes between the outfits. Both outfits are known to run wide extortion network in these districts.
- There has, however, been a setback for the ULFA after two of the main strike units of the group's 28<sup>th</sup> 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.

## 6. Assam

Assam demanded that the illegal immigrants who had emigrated from Bangladesh to Assam be detected and

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deported. The Movement led by All Assam Students Union (AASU) 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 15<sup>th</sup> August, 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 ten 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 ten years.
- 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.
- On 14 March, 2011, militants of the Ranjan Daimary led faction ambushed the BSF patrolling party on the way from Bangladeba in Chirang district of Assam to Ultapani in Kokrajhar, killing 8 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.

## National Democratic Front of Bodoland (NDFB)

In the mid-1980s, Bodos, the largest plains tribe of Assam started an armed struggle for a separate state. Armed,

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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.
- 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.
- But the Bodo's 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 in 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 ideas 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.

## Bodoland Territorial Council (BTC)

The 2008 violence against 'outsiders' appeared 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-a-vis the minority communities.

- (i) 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.
- (ii) The BTAD consists of four new contiguous

## Internal Security

districts – Kokrajhar, Baksa, Udalguri and Chirang covering an area of 27,100 km<sup>2</sup> (35% of Assam).

- (iii) 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.

## Karbi Anglong Issues

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 eleven 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.
- 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.
- When the KLNLF signed the Suspension of Operation agreement with the Centre and the Assam governments, about 20 cadres of the outfit parted ways and formed the KPLT in 2010. The KPLT in 2010. The KPLT has been demanding the creation of self-ruled homeland for the Karbi people.

## Factors led to Insurgency

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

- (i) Feeling of alienation and deprivation among the tribal population.
- (ii) Similar ethnicity across the border on Myanmar side.
- (iii) Porosity of the border with Myanmar due to difficult terrain.

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- (iv) Change in demographic pattern due to infiltration from across the border.
- (v) Disconnect with the other parts of India and fellow Indians.
- (vi) Widespread corruption among the ruling elite.
- (vii) Lack of visionary leadership among the tribal communities.
- (viii) Lack of Development and basic amenities
- (ix) Easy availability of arms and Ammunitions.
- (x) Political support from various factions.
- (xi) Instability in Myanmar.

## **Government's Response to North-East Extremism**

Mixed Policy adopted by Government in the North East. It includes holding peace talks with those who abjure violence and dealing strictly with violent activities. Government has signed ceasefire and suspension of operations (SOO) with most of the insurgent groups (numbering 17-18) in the region.

Government 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 :**

- (i) Special Schemes for development for North-East.
- (ii) Special packages for infrastructural development of North-East region.
- (iii) Proportionate Use of Force.
- (iv) Dialogue and Negotiations.
- (v) Structural Changes to give Political Autonomy.
- (vi) Decentralisation and Protection of Tribal Rights.
- (vii) Improving Road and Rail Connectivity in Entire Region.
- (viii) Look East Policy viz-a-viz North-East region.
- (ix) Business Summits to Attract Investment in North-East region.
- (x) Exhibitions and Seminars.

Some of the major development 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 per cent of the Budget(s) of the Central Ministries/Department will be earmarked for the

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development of North Eastern States.

- The Government of India 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 Ministry of Development of North Eastern Region (MDONER) 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 11<sup>th</sup> plan: In order to mobilize financial resources, a policy decision was taken to earmark at least 10 per cent of the Plan Budget(s) of the Central Ministries/departments for development of the North Eastern states. And earmark at least 10 per cent 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 per cent of Gross Budgetary Support (GBS) for the North Eastern Region by the 51 non-exempted Central Ministries/ Departments.
- Plan Schemes of 'Advocacy & Publicity' and Plan Scheme of 'Capacity Building & Technical Assistance (CB & TA)'.
- Asian Development Bank assisted North East State Roads Investment Programmes and World Bank assisted North East Rural Livelihood Project (NERLP).
- North East Industrial Investment and Promotion Policy, 2007.
- Border Area Development Project (BAPD).
- Hill Area Development Programme in the North East Region.

## **Foreign Links**

India has a long international border shared by four states, Arunachal Pradesh, Nagaland, Manipur and Mizoram, with Myanmar. Difficult terrain and ethnic linkage 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,

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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.
- 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 Group) have been pushed out of Bangladesh. Therefore, these groups have now concentrated more in these four states.

## Other North-Eastern Neighbours

Apart from Myanmar, Bangladesh has been used by North-east insurgent groups as a hide-out, especially in 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.

## Steps: Counter Terrorism

Communication and Connectivity.

- Stringent law and fast criminal justice systems for quick disposal of terrorist attack cases.
- Presence of government to be felt everywhere.
- Infrastructure improvement.

## Internal Security

- Decentralization with alertness.
- Coping up with regional aspirations.
- Talks with Insurgent Groups.
- Pro-People Governance.
- Co-ordination between central forces and state forces resulting in a much better tactical response.
- Zero-tolerance policy towards violence.
- Setting up High Courts in Manipur, Meghalaya and Tripura.
- Greater Cultural Interaction with the Rest of the Country.
- Improving Administrative Efficiency.
- Socio-economic development that includes a Holistic Inclusive Development.

## Should Armed Forces Special Power Act (AFSPA) be Repealed?

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 power given to the armed forces in the Northeast and AFSPA should be withdrawn. **Irom Sharmila Chanu** has been on hunger strike for 10 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 development is meaningless. Therefore, there is a need to continue with AFSPA but the forces must also be wary of human right violations and must be accountable for their actions and behaviour towards the public.



## CHAPTER

# 5

## EXTREMISM AND NAXALISM

### INTRODUCTION

In recent days India has come to prominence as a nuclear weapons state and has also as one of the fastest growing economies in the world. So far Internal Security is concerned India faces multiple challenges on its Internal Security front. Kashmir and North East have been long. Standing unresolved Problem areas, but more recently the problem of hinterland is most challenging task Naxalism has now spread over 223 districts of the country.

#### Emergence of Naxal Movement

The Communist Party of India or CPI was formed on December 25, 1925, at a conference held in Kanpur. The ideal of this party was to introduce Communist Revolution in India.

- During 1946, the Communist Party India ( CPI) succeeded to some extent in mobilizing the people on the principle of armed struggle in Telangana Uprising (1946-51). Almost in the same time and on same Ideological basis, a militant movement, took place in Bengal by the Kisan Sabha (peasants front of Communist Party of India), which we know as Tebhaga Movement. Following the Indo-China war (1962), serious difference emerged within the CPI as to whether support India (where the government was Pro-Soviet) or China ( a socialist country). The **Ideological Dogfight led to a major split in CPI and with this, the CPI ( Marxist) was born in 1964.** The present CPI was now known to be a pro-Soviet Party and the CPI (M) decided to fight elections in West Bengal in 1967. Shortly after the election, CPI, CPM ( M), Bangla Congress and 8 other parties including the All India Forward Block came together to form a

front called United Front to come into power and dislodge Congress from power for the first time in west Bengal.

#### Naxalbari and Naxalism

The insurgency at Naxalbari was led by the young CPI (M) leaders Charu Majumdar and Kanu Sanyal. To maintain law and order, the CPI ( M) led government ordered police action against the Naxalites. Police opened fire on villagers and firing killed 9 adults and 2 children. The movement is suppressed by heavy handed approach and subsided in 72 days, but it gained tremendous support from the 'communist revolutionaries' belonging to the state units of the CPI (M). This was the birth of Naxalism in India.

#### Development of Naxalism in phases

##### First Phase

- During 1968, the movement re-emerged in a larger form in the northern parts of Andhra Pradesh. Here the guerrillas seized property, killed landlords and engaged in acts of terror.
- In 1971, the movement started losing momentum. In 1972, Mazumdar died in custody and this was almost end of Naxalite movement in West Bengal.
- The movement proved to be an inspiration for those who were interested in achieving social justice through violence. After death of Charu Majumdar, the CPI (ML) again split into various factions led separately by Vinod Mishra, Mahadev Mukherjee, santosh Rana, Chandra Pulla Reddy, Tarimela Nagi Reddy, Appalsuri, and others. Thus, from its beginning till late 1980s, the Naxal Movement saw numerous splits and few mergers. But this was the period of spread of the ideology of Naxalism.

## Aman Singh Sir's Initiative

- In those days, the movement had ideological, moral, financial and intellectual backing from China. In due course, the Naxal movement spread in several states.

### Second Phase

- During 1980, Kondapalli Seetharamaiah separated from the CPI (ML) and founded the Communist Party of India (Marxist-Leninist) (People's War Group, PWG), in the Karimangar district of Andhra Pradesh. Then, in 1992, Muppala Lakshmana Rao (alias Ganapathy) ousted Kondapalli Seetharamaiah and assumed the post of general secretary of the PWG.
- After that there were significant mergers and consolidation of various Naxalite factions in the country, most notable among them is the formation of State Committees in States like Kerala, Haryana and Punjab.

### Third Phase

- Third phase of Establishment of Maoist Communist Centre of India (MCCI) was formed.
- In 2004, the People's War Group, operating in Andhra Pradesh and MCCI, operating in Bihar and adjoining areas, merged resulting in the formation of the largest and most lethal Naxalite outfit in India, known as CPI (Maoist). At that time, it had an estimated strength of 9,500 armed men and women.

### Factors led to Growth of Naxalism

- The Naxal affected areas are tribal dominated districts in the interiors of the state where the administrative development has not reached. The discontent among the population of these areas is on the matters of **rights to lands, forests, mining, development and the caste based discrimination**.
- Naxalism is the outcome of a number of factors related to political and economical in nature as explained below:

#### (i) Political Factors

- Origin of the movement coincided with the formation of the first United Front Government in West Bengal (1967) with CPI (M) as its main constituent.
- It was influenced with the Political Ideology of **Chinese Communist Party** and Mao Zedong. They used slogans such as "China's path is our path; China's Chairman is our Chairman". However, this ideological inclination to China faded away later.

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- Today, the Naxalite groups are no more having the same perceptions. However, their commitment to Maoism remains as it was earlier.
- The Naxalbari movement began as an armed peasants uprising. Grievances remained one of the most important factors that led to such uprisings.
- Inability of the legitimate political authority in India to provide avenues for structural upliftment of the deprived sections of society in the affected states.

#### (ii) Economic Factors

- Problem of poverty and economic inequality and underdevelopment in the naxal affected regions.
- Skewed distribution of land and economic growth.
- Encroachment of forest lands by and wealth controlled by contractor-politician nexus.
- Entry of mining companies in Tribal lands and forests, posing threat to the livelihood of the tribals.
- Globalization accused to have led many MNCs making inroads in tribal areas owing to their resource richness. The benefits of the resource exploitation are not passed on to the tribals.
- Well knitted linkage between the illegal mining industry in Chhattisgarh and Jharkhand which results in a lucrative source of earning for the Naxal leadership and cadres.
- The tribal villages lack medical facilities, no schools, low literacy, and high poverty.
- They formulate their cadre base of tribals, lower caste from India's poorest communities, Naxalite movement is supported by the grievances of the tribals and the dalits.

### Major Issues of Naxals/Maoists

- Caste/Gender based exploitation which includes victimization of Adivasi women, sexual exploitation of women living in Salwa Judum, Recruitment of teenage girls as special police officer and Exploitation of low caste women by upper caste males.
- The Maoists use the Babri mosque demolition, Gujarat riots and other such events to call up the minorities to unite against the fascist Hindus. They give unequivocal support to Kashmiris, Nagas, ULFA and Meiteis.
- The Maoists point to the farmer suicides in **Vidarbha**, Andhra Pradesh etc. Maoists programme induces

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- signing off the peasants debts, restoration of farm subsidies, investment in irrigation, proper prices of farm produce and ban on **Multi-National Companies**.
4. Maoists keep the special Economic zones (SEZ) on top of their agenda. SEZ, according to them is a treacherous policy to snatch the land of the people and hand it over to MNCs.

### Ideology behind Left Wing Violence.

The Naxals are far left Radical Communists that support the political ideology of Maoism. It was widely applied as the **Political and Military** guiding ideology of the Communist Party of China till 1977-78.

- It played attention for the advancement of people's social and economic life by establishing a classless society through armed revolution, rooted in the anti-imperialist struggle and supported armed revolution in order to achieve political transformation.
- Maoism (Naxalism) is based on the principles of Mao Ideology to achieve a similar transformation in India.
- Ideologically, the whole movement of Naxalism or Maoism or Left Wing Extremism (LWE) is a hodgepodge of Marxism, Leninism and Maoism (MLM).

They follow the Theory of Contradiction whereby contradiction between the great masses and feudal system can be ended only by the New Democratic Revolution (NDR). The contradictions are:

- Between the idealist outlook and the materialist outlook of the world
- Between Proletariat and Bourgeois
- Between Labour and Capital
- Between Feudalism and Common masses

## Special Economic Zones (SEZ)

### Maoists Party Programme

The Maoists declared their programmes are:

1. To declare that Indian Independence in 1947 was a **Fake Independence**
2. Armed Struggle is the path to seize political power by encircling from countryside to countrywide.
3. Chinese path of armed struggle has to be followed.
4. Maoist forces of south Asia should be united to overthrow the Indian State.

5. **Women, Dalit, Minority and Nationality** question is essentially a class question.
6. Boycott of Elections
7. New democracy will be people's democracy, ultimate goal is to establish a people's Democratic Federal Republic of India (PDFRI).

### Red Corridor (PDFRI)

1. One of the foremost purpose of the Naxal Movement is to establish an alternative state structure in India by creating a '*red corridor*'.
2. The term Red Corridor has been used for the entire naxal-infested region in India that includes **Chhattisgarh, Odisha and Jharkhand** as well as parts of **Andhra Pradesh, Bihar, West Bengal and Maharashtra**.
3. It is almost contiguous from India's border with Nepal to the northern fringes of Tamil Nadu. However, Red Corridor is actually a contiguous strip that runs from the southern tip of Chhattisgarh to Central Jharkhand—the two key theatres of naxal violence.
4. Three states Viz. **Chhattisgarh, Odisha and Jharkhand** give the naxals an easy movement and safe passage. They are formidable around Odisha's heavily-forested Naupada district, while have reasonable support base among the local population along the Chhattisgarh-Odisha border, right up to Jharkhand's Gumla district.

### Government Initiatives

The Government of India has adopted various initiatives to tackle growing menace of Naxalism in the country can be summarized under the following points:

- Development of Centre police of Military Force CPMF, IR, Cobra Battalions for Eradication of Naxalites.
- Integrated Action Plan (IAP)
- Modernization of Police Force Scheme
- Security Related Expenditure (SRE) of scheme, special Infrastructure Scheme (SIS)
- Training for state police by Army, Fortified police Stations.
- Intelligence sharing, Inter-state coordination and Unified Commands.
- Assistance in development works, various development programmes and schemes, Civil Action Plans
- No dialogue with Naxalites unless they abjure violence
- Surrender policies by State Governments.

## A manish Singh Sir's Initiative

### Major Response to Tackling Naxalism

1. **Unified Command** : In 2006, the prime Minister advocated a coordinated effort under a Unified Command structure to deter Naxalism. In 2010, a Unified command has been set up in the States of Chhattisgarh, Jharkhand and odisha, which are the most affected States. Besides, West Bengal Government has also set up Unified Command.
2. **Security Related Expenditure (SRE)**: This scheme funds are provided for meeting the recurring expenditure relating to insurance, training and operational needs of the security forces, who surrender in accordance with the surrender and rehabilitation policy.
3. **Special infrastructure Scheme (SIS) Scheme** : scheme tries to cater to the critical infrastructure gaps for better mobility for the police/security forces by upgrading existing roads/tracks in inaccessible areas. Central Scheme for assistance to civilian Victims/ family of victims of Terrorist, Communal and Naxal Violence. This scheme is to assist families of victims of Terrorist, Communal and Naxal Violence. An amount of Rs. 3 lakh is given to the affected family under the scheme.
4. **Integrated Action Plan (IAP)**: It is being implemented in 82 selected Tribal and Backward Districts for accelerated development. The aim of this initiative is to provide public infrastructure and services. The activities taken up include construction of school Buildings, Anganwadi Centres, Drinking Water Facilities, Rural Roads, Panchayat Bhawans or Community Halls, godowns or PDS shops, livelihood activities, skill development, Minor Irrigation Works, Electric Lighting, Health Centres/Facilities, Ashram Schools, Toilets, etc.
5. **Roads Requirement Plan for LWE Areas** to improve road connectivity in 34 extremely LWE affected districts in 8 states Viz. Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Uttar Pradesh.
6. Scheme of Fortified Police Stations.
7. Civic Action Programme; Financial grants are sanctioned to CAPFs to undertake civic action in the affected states. Objectives is to build bridges between the local population and the security forces.
8. Military principle that if the enemy is surrounded

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from all four flanks, his fighting spirit doubles, as there would be no scope of an escape. But if a flank is deliberately left open, the fighting capabilities would diminish by half, since his mind would be engaged in exploring the possibilities of an escape.

### Saranda Action Plan

Saranda Action Plan a rural livelihood development plan for naxal hit areas of under developed region i.e., Saranda Region in West Singhbhum District, Jharkhand. It was launched by government of India in 2011 with Minsitry of Rural Development as the implementing agency.

### Key Features of Saranda Action Plan

1. Distribution of solar Lamps, Bicycle , Transistors, and Musical Instruments to all the 7000 families of adivasis living in the region. Installation of 200 hand-pumps in the villages.
2. To bring all the 7000 families under BPL (Below Poverty Line) scheme and IAY (Indira Awaas Yojana).
3. Under Forest Right Act, to distribute land pattas up to 4 hectares and old age pension to the eligible families and persons, respectively.
4. Provide security cover to the local population and development initiatives with armed forces like CRPF and Army with cooperation from local police stations.
5. Payment of MGNREGS wages in Saranda directly to villagers by cash against the usual practice of using banks and post offices.

### ROSHNI : An Initiative to Tackle Naxalism

The Ministry for Rural Development has launched a new skill development scheme called Roshni for rural youth from 24 most critical left-wing extremism affected districts in the country on June 8, 2013.

- It aims at Skilling and Placement of 50,000 youth from 24 selected naxal affected districts.
- **Cost** : Rs. 100 crore over the next 3 years, will be shared jointly by the centre and state government in the ratio of 75:25
- **Districts Targeted** : Six districts each from Jharkhand and Odisha, five from Chhattisgarh, two from Bihar and one each from Andhra Pradesh, Uttar Pradesh, West Bengal, Madhya Pradesh and Maharashtra.
- Monitoring and coordination of the programme will be done by national level agencies.
- At least 50 percent of the candidates covered under the scheme shall be women and special efforts will

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- be made to proactively cover particularly Vulnerable Tribal Groups on a priority basis.
- Beneficiaries aged b/w 18-35 years with requisite aptitude depending upon the trade or job requirements are to be selected as per the Participatory Identification of poor.
  - Training will be imparted through public-private and public-public partnerships.

## Latest Development on Security Issues

### Red Corridor

The Red Corridor is a region in the east of India that experiences considerable Naxalite – Maoist insurgency.

- The 106 districts that span 10 states – Bihar, Jharkhand, Andhra Pradesh, Maharashtra, Odisha, Telangana, West Bengal, Madhya Pradesh and Chhattishgarh – are described as those affected by Left Wing Extremism (LWE) and constitute the Red Corridor.

### Redrawing of Red Corridor

The Union Government is set to reduce the number of Maoist-affected districts by about a fifth. The considerations on which the government has examined the districts with LWE features are:

- Their violence profile.
- An assessment of the kind of logistical and other support provided to armed Maoist cadres by their sympathizers and “over ground workers”, and
- The kind of positive changes brought about by development work that these districts have seen.

### RESTRAINING ORDER: What the Supreme Court said in the Judgment

- Every death in a disturbed area, be it of a common person or insurgent, should be thoroughly enquired into by the CID at the instance of the NHRC.
- Not every armed person violating prohibitory order in a disturbed area is an enemy.
- Even if enquiry finds the victim an enemy, a probe should look into whether excessive or retaliatory.
- Even if enquiry finds the victim an enemy, a probe should look into whether excessive or retaliatory force was used.
- No Concept of absolute immunity for an Army personnel who commits a crime.

“There is a qualitative difference between use of force in an operation and use of such deadly force that is akin to using a sledgehammer to kill a fly — Supreme Court

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### Financial and Security assistance to LWE districts

- LWE affected districts get financial and security-related assistance from the centre. For example, each district gets minimum Rs. 30 crore under the security Related Expenditure scheme of the Home Ministry.
- Other schemes such as the Special Infrastructure Scheme, Integrated Action Plan and civic action programme also add to the state’s coffers.

### Impact of exercise

- The state governments fear that once LWE districts are removed from the list, the financial aid given to them will stop.

### Comprehensive Convention on International Terrorism

Comprehensive Convention on International Terrorism (CCIT) is a draft proposed by India in 1996 that has yet to be adopted by the UN general assembly. The original draft that was tabled in 1996 and discussed until April 2013 includes amongst key objectives:

- To have a universal definition of terrorism that all 193-members of the UNGA will adopt into their own criminal law. No good terrorist or bad terrorist.
- To ban all terror groups and shut down terror camps regardless of their stated objectives,
- To prosecute all terrorists under special laws, and
- To make cross-border terrorism an extraditable offence worldwide.

### Opposition to CCIT

- **US and Its allies:**
  - (i) Concerns over definition of terrorism.
  - (ii) The U.S. has been worried about the application of the CCIT to its own military forces especially with regard to interventions in Afghanistan and Iraq.
- **latin American countries**
  - (i) Concerns over international humanitarian laws and Human rights begin ignored.
- **OIC countries**
  - (i) The OIC feels that the convention will be used to target Pakistan and will restrict the rights of self determination groups in Palestine, Kashmir and elsewhere in the World.

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### Change in draft to accommodate concerns of the Countries

- India has made changes to the draft that will clarify that the activities of armed forces during an armed conflict will not be governed by the present convention.
- India agreed to insert the word "people" when speaking of rights, in order to "acknowledge the right of self-determination".

### Supreme Court Judgement on Extrajudicial Killings

The Supreme Court ruled in a recent judgement that the armed forces cannot escape investigation for excesses in the course of the discharge of their duty even in "disturbed areas".

- The judgment came on a plea by hundreds of families in the north-eastern state of Manipur for a probe by a special investigation Team into 1,528 cases of alleged fake encounters involving the Army and the police.
- The court has sought tabulated details on 62 specific cases in which there is some evidence that the deaths involved were not genuine operational casualties but extrajudicial killings or fake encounters.
- The court has acknowledged that additional powers have been given to the armed forces to deal with terrorism effectively. However, it also make clear that this cannot be an excuse for extrajudicial killings.
- A through enquiry should be conducted into "encounter" killings in disturbed areas because the "alleged enemy is a citizen of our country entitled to all fundamental rights including under Article 21 of the Constitution.

### Impact of Judgement

- Human rights activities have hailed the historic judgement of the Supreme Court.
- It may give momentum to the demand for the repeal of AFSPA as a necessary step to end impunity.

Demand for repeal of AFSPA as a necessary step to end impunity.

### Demand for Repeal of AFSPA

- The Justice Verma Commission has said in unequivocal terms that security persons who rape women should be judge under the same act that applies to the civilians.

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- In 2005 the Jeevban Reddy Commission said that AFSPA should be repealed and the clauses that are required should be included in other Acts.
- Mr. R.N. Ravi, former head of the Intelligence Bureau for the North East is on record that AFSPA is the biggest obstacle to peace in the region. (For more on AFSPA refer to January-2015/ may-2015 Months vision Current Affairs).

### Defence Communication Network

- India first integrated defence communication network was today launched here enabling the army, air force, navy and the Special Forces Command to share situational awareness for a faster decision-making process.

### Features

- It is a strategic, highly secure and scalable system with a pan-India reach including Andaman and Nicobar Islands and Ladakh.
- It will have high quality voice, video and data services and is capable of working on terrestrial as well as satellite mode of communication and has also been fixed onboard different military vehicles.
- It is made by HCL and is a proof of strength of here Indian Industry and has reaffirmed the emphasis of the government on make in India programme.

### Conclusion

Naxalism is one of the biggest threats to India's security, says a global body which has ranked it as low as 143 among 162 countries in its peace index. At the same time, the report by Institute for Economics and Peace (IEP) also explained sporadic conflict with its neighbours threatens its external security. The country's diverse population and the recent emergence of Telangana have also resulted in several "pockets of ethnic conflict", it said, adding India scores poorly on the political Terror Scale- scoring "4 out of 53 (with 5 representing total state of suppression) thus further nurturing the ground for "political strife". As it is stated in the report, the economic impact of containing and dealing with the consequences of India's levels of violence was estimated to cost the national economy USD177 billion in 2013.

This is equivalent to 3.6 per cent of India's GDP, or USD145 per person. Corruption is rampant in Indian politics- as indicated by India's low rank of **143 out of 162** on the Global peace Index (GPI) and India has seen no

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significant change in peace since last year and it has fallen in its rank by two places since last year and it has fallen in its rank by two places in this year's Index.

It has also come to light that the Maoist insurgency movement which boasts about 20,000 armed rebels is one of the strongest internal threats to India with attacks being carried out on security officers and civilians alike. In concurrence,

India is ranked number 4 out of 159 countries in the Global Terrorism Index.

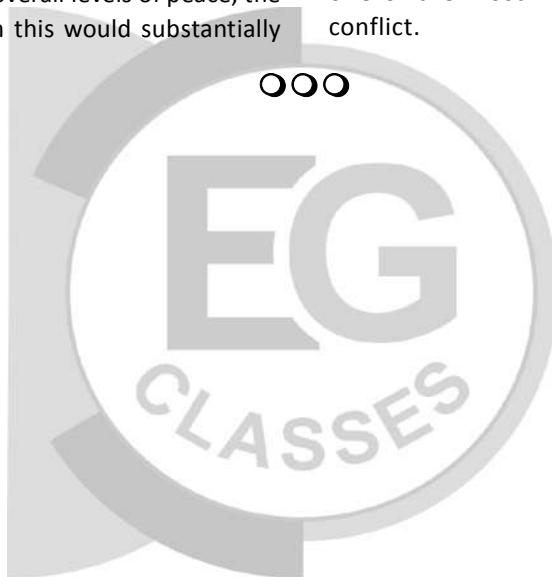
India's spending on defence was amongst the highest in the world, the report attributed this spending mainly on strained relations between India and its neighbours-Pakistan, China and Bangladesh.

If India could improve its overall levels of peace, the dividend that would flow from this would substantially

## **An effort of Team EG**

improve the country's economic growth rates. This can be achieved by a renewed government focus on building the underlying qualities that create and sustain peaceful societies such as low levels of corruption well-functioning government and equitable distribution of resources," said Steve Killelea, IEP founder and Executive Chairman.

For the first time in the country's history, a special squad of women troops has been deployed deep inside jungles to undertake active and prolonged operations against Naxalites. With the induction of these CRPF commandos in their trademark camouflaged 'Khaki' uniform, India has become one of those few countries to deploy women personnel in live combat situations in one of the most violent and high threat theatres of conflict.





## CHAPTER

# 6

## LINKAGES BETWEEN DEVELOPMENT AND SPREAD OF EXTREMISM

### INTRODUCTION

UN Secretary General Kofi Annan once said, *No one in the 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 there are numerous 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.

The analysis of roots of discontent, unrest and extremism have revealed that the causes are varied depending on characteristics of an area; **social, economic and cultural background**; a history of networking out solutions to lingering structural problems; and ineffective application of ameliorative steps undertaken since Independence and more so since the mid-sixties of the last century.

- Dissent movements, including the extremist Naxalite movement, are not confined to difficult hilly and forested areas but cover large contiguous tracts in the plains. They are not limited to dryland areas of recurring crop failures but extend to areas which is irrigated by major irrigation systems, as in the state of Bihar. The causes are, therefore, complex.
- The intensity of unrest resulting in extremist methods and effort to resolve issues through violent means as a challenge to state authority is in response to the gathering of unresolved social and economic issues for long durations. It creates the impression that policy making and administration responds to

extreme means. The more recent development is in the emergence of CPI (Maoist) after the merger and consolidation two powerful naxalite streams in September, 2004.

- This new formation, since its inception, is defining the official understanding of the extremist phenomenon of the level of the State as well as the Union Government. This has appeared in the public perception as a simplistic law-and-order face-off between the official coercive machinery and this more radical extremist political formation.
- The social consequence results, then, in undermining instruments of social and economic amelioration as well as processes of democratic exchange to resolve persisting issues. This is the crux of the problem.
- The factors of peoples discontent and their support for the extremist, especially the violent Naxalites, can thus be listed below:
  - (1) Land Related Factors
  - (2) Displacement and Forced Evictions
  - (3) Livelihood Issues
  - (4) Social Oppression
  - (5) Issues Arising out of Mal-governance
  - (6) The Issue of Policing

### 1. Land Related Factors

The origin of the popular slogan "land to the tiller" is in absentee landlordism, where the landlord would merely take the lion's share of the produce without contributing anything to the production of the crop. It was in this context that the freedom fighters demanded that the one who tills the land must own it, and the post-independence government was committed to it.

## A manish Singh Sir's Initiative

Absentee landlords do exist even today, but today's land relations are much more complex. So though the aspiration of "land to the tiller" continues to be given, the focus of the Extremist movement is trying to provide land, whether the land of landlords or government land, to the landless.

- In occupying landlords' land, the Extremists have not taken law as their reference point.
- It is not the ceiling-surplus land of the landlords that they have sought to put in the possession of the landless. Rather, they have targeted landholders whose holding is sizeable as they see it, or who are otherwise oppressive or cruel in their conduct, or hostile towards the Extremist movement, even if they are not big landlords.
- Such landholders have in many cases been driven away from the villages and their land sought to be put in the possession of the landless poor. On some occasions, led by armed Naxalite cadre, the poor have sought to march on to the land and plant red flags in it, in symbolic occupation of the land.
- However, in many cases, the police have intervened, filed criminal cases against such landless poor, including cases under TADA/POTA when those Acts were in force, and ensured that the poor do not enjoy the land on the ground that they are encroachers. Where the landholder feels too threatened to come back and take possession of the land, the land remains fallow.
- But all said and done, considering the central place the slogan of "land to the tiller" has in Extremist politics, their attempt at redistribution of private land has been meagre.
- If the Government can get over these unnecessary qualms, it should be possible to devise legal means appropriate to each instance to ensure that the landless get the land.

## 2. Displacement and Forced Evictions

Internal displacement caused by irrigation/mining/industrial projects, resulting in landlessness and hunger, is a major cause of distress among the poor, especially the adivasis. It is well known that 40 per cent of all the people displaced by dams in the last sixty years are forest-dwelling adivasis. Other forms of distress have added to this unconscionable figure.

- The law and administration provides no succour to

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displaced people, and in fact often treats them with hostility since such internally displaced forest-dwellers tend to settle down again in some forest region, which is prohibited by the law.

- The Extremist movement has come to the aid of such victims of enforced migration in the teeth of the law.

Considering the widespread phenomenon of internal displacement in the country, it is time the Government devised a policy to provide minimal security to such displaced populations.

- Their immediate problems are shelter and livelihood. In the absence of any policy in this regard, they are prey to all manner of exploitation.

## 3. Livelihood Issues

The **Minimum Wages Act** remains an act on paper in much of rural India. Agricultural labour is governed by the Act but the minimum wage rates under the Act are not implemented, except where the prosperity of the farmers and the demand for labour makes it unavoidable. In the areas of their activity, it is reported that Extremists have ensured payment of decent wage rates, though they have not usually gone by the statutory minimum wage rates.

- The rates they have ensured are sometimes higher and sometimes lower than the statutory rate. Their orientation to rights is in general not governed by statutory entitlement but what they regard as just and fair, taking all factors that they believe to be relevant into consideration.
- There are also large areas of labour not governed by the Minimum Wages Act. This includes categories where there is no discernible employer, which is for this reason included in the category of self-employment.
- Since the Extremists are in any case not bothered whether or not there is a law governing the right they are espousing, they have intervened and determined fair wage rates in their perception in all labour processes in their areas of influence. This includes wages for washing clothes, making pots, tending cattle, repairing implements, etc.
- Extremists have secured increases in the rate of payment for the picking of tendu leaf which is used for roiling beedies, in the forest areas of Andhra Pradesh, Chhattisgarh, Orissa, Maharashtra, and Jharkhand. This was a very major source of exploitation of adivasi labour, and while the Government knowingly ignored it, the Extremists put an effective end to it.

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The exploitation was so severe that the rates have over the years increased up to fifty times what the **tendu patta** contractors used to pay before the Naxalites stepped in. It is therefore necessary for the State to provide for Minimum Support Price (MSP) for all types of minor minerals and forest produce and institutionally efficient procurement systems.

Enjoyment of common property resources as a traditional right by cattle herds, fishing communities, toddy tappers, stone workers, has become vulnerable due to the appropriation of these resources by the dominant sections of society or by the others with their support. The Extremists have tried to ensure the protection of this right wherever they are active.

- This is an area where there is in general no legislative protection at all of traditional rights, though some States have some policies which tend in that direction, Legislative protection of an umbrella nature should be considered by the Central Government.
- The Equal Remuneration Act which mandates payment of equal wages for men and women for work requiring the same skill and effort is another law that is observed exclusively in the breach. The Extremists too have not paid much attention to ensuring payment of equal wage for the sexes but it is without doubt a source of discontent.

## 4. Social Oppression

The fight against the social oppression that the *dalits* and the lower caste among the Other Backward Classes (OBCs) have been regularly subjected to is perhaps the most significant among the issues used by the Naxalite movement. Besides taking up and resolving individual issues, the movement has given confidence to the oppressed to assert their equality and demand respect and dignity from the dominant castes and classes.

Impolite forms of address that the *dalits* were subjected to, and the prohibition in the matter of wearing clean clothes and footwear in the presence of upper castes, or while passing through their localities, and the compulsion to address them as dora or malik and other such oppressive practices, have by and large been brought to an end in their areas of work. The everyday humiliation and sexual exploitation of labouring women of **dalit** communities by upper caste men is another form of oppression that has been successfully fought. Forced labour (begari and vetti chakri) by which the toiling castes

## An effort of Team EG

had to provide their caste obligations free to the upper castes was also put an end to in many parts of the country, especially the Telangana districts of Andhra Pradesh.

'**Begar**', or Forced Labour in all its forms is also prohibited by the Constitution under Article 23. The Bonded Labour System (Abolition) Act was enacted in the year 1976 to give concrete form to its prohibition.

**The Act** is, however, concerned only with debt bondage and not all forms of forced labour. There is no law penalising forced labour in other forms. Therefore, it flourished in the most medieval forms in the Telangana district in Karimnagar, and it took a major upsurge led by the Naxalites in the late seventies and early eighties of the last century to put an end to it.

Apart from the concrete issues undertaken by the Extremists against social oppression, the fact that the cadre and also most of local leaders of the Naxalite organisations consist of poor villagers of castes looked upon as lowly has endowed the oppressed with much strength.

A sense of powerlessness is a characteristic of the psychological make up of oppressed classes. The typical Naxalite cadre, however, is a confident (most probably gun-wielding) teenager from those very classes. To see young boys and girls of their own villages and their own class/caste active in the Extremist movement, and wielding power over the 'big' men of the village and the high and mighty *tahsildar* has given a sense of empowerment to the oppressed that has inestimable value.

This indeed was one of the benefits that the Panchayati Raj system was expected to give the oppressed communities, but with the empowerment of the local bodies as envisaged by the 73rd Amendment to the Constitution remaining a mere promise in most States, and with the cooptation of the leaders generated by the Panchayat Institutions in the corrupt political system, the hope has been largely belied. A very genuine empowerment of the local bodies and of the representatives of the oppressed communities within the system alone can fill this need.

## 5. Issues Arising Mal-Governance

Dissatisfaction with improper and often mal-governance created anger among the suffering population. The Extremists exploited the situation for their own political gain by giving the affected persons some semblance of relief or response. Thereby they tend to legitimise in the eyes of the masses their own legal or even illegal activities.

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In the initial stages, the Extremist movement took advantage of the presence of forest department personnel in the *adivasi* areas, and gave some relief to the *adivasis*. The uncertain existence of *adivasis* in the forests has resulted in tremendous power of harassment in the hands of forest department personnel. To pick, edible forest produce but not to undertake cultivation of the same produce in the forests.

It is permissible to gather dry twigs and logs of uprooted trees but not to cut standing timber. It is permissible to graze cattle in the forests, but it should be ensured that the cattle do not nibble at the nurseries of the forest department. In some States timber can be gathered for house construction but not for any other purpose. Quite apart from the injustice of the restrictions, the dividing line between what can be done and what cannot is often so slight that there is considerable ground

### The People's Court

The Extremist Movement has provided a mechanism (usually described as a 'Peoples Court') whereby these disputes are resolved in a rough and ready manner, and generally in the interests of the weaker party. It has the two elements of speed and effectiveness.

- Justice and fairness are however often disputed.
- In particular, use of force disproportionate to the issue involved is fairly common.
- Those who are not loyal to the Extremists often do not attend the Peoples Court at all.
- It is attended only by loyalists who agree with the conclusion indicated and the resolution proposed by the Extremists.
- Many times the consultation with the people is a mere formality.
- It is the Extremist armed squad that decides the matter.
- While some sort of justice is attempted to be done in disputes arising from economic inequalities/ exploitation, decisions in other matters (particularly the matrimonial disputes for instance), have often been characterised by a degree of crudeness, highhandedness and even brutality. Nevertheless these People's Courts, however imperfectly, have met some unmet demands of the community.
- Society must evolve a tradition of resolution of disputes by the local community in full knowledge of all the tangible and intangible, the express and the implicit aspects of the problem, and in a manner that inspires faith in its impartiality. Elected *Nyaya Panchayats* may be an alternative which should be explored with diligence and sincerity.

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for arbitrary action by the enforcer of the restrictions. Wherever there is a basis for discretion on the part of government officials, forest personnel have had to be appeased in different ways to avoid harassment. It was only after the Extremists entered the picture that the *adivasis* got protection from this harassment, which was well known to the administration but was normally ignored.

In the matter of resolution of disputes among the people and finding redressal, the contribution of the Extremist movement has been significant. There is in general no administrative or judicial mechanism in our country for resolution of day-to-day conflicts and disputes. The people have been traditionally taking these disputes to local dispute-resolution mechanisms. In the best case the entire community sits and hears the dispute. This is usually the case in tribal villages. Outside the tribal areas, a dispute within a caste is usually at any rate among tightly knit communities decided by the caste panchayat. The caste panchayat itself may function democratically or under the dictates of a group of elders. Disputes between persons of different castes are decided by the two sides getting their respective caste elders (or persons they trust) to sit together. In some places disputes are commonly taken to the dominant person or persons in the village, whether or not justice is done. Sometimes there is a compulsion that all disputes must be brought to the village landlord, where the dispensation of justice is usually in favour of the strong. All told, the need of a quick, fair and effective dispute resolution mechanism remains need of the hour.

### 6. The Issue of Policing

Efficient and impartial policing is an important requirement of good administration. But the fact is that the weaker sections of the people do not have much faith in the police. They have no faith that justice will be done to them against the powerful. Nor do they trust that the police will take interest in doing their duty where the poor alone are involved, because the poor do not have the wherewithal to make it worthwhile. Often it is as frustrating an experience to go to the police station as a complainant as it is fraught with danger to go as a suspect. Women who go to a police station to complain of sexual abuse or domestic harassment are made painfully aware of this fact. Here lies one of the attractions of the Extremist movement. The movement does provide protection to the weak against the powerful, and takes the security of, and justice for, the weak and the socially marginal seriously.

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Even-handedness may still be a problem since instances where one party to an offence has influenced the Extremist cadre are not unknown, but at least they have the satisfaction of being taken seriously. The other problem when the Extremists interfere in providing security for one against another in society is that the level of violence they use tends to be on the high side. They tend to resort to severe corporal punishment, including capital punishment.

However, the Extremist Movement itself brings further police repression on the poor as a matter of State policy. Any agitation supported or encouraged by the Extremists is brutally suppressed without regard to the justice of its demands. In such matters, it becomes more vital in the eyes of the administration to prevent the strengthening or growth of Extremist influence than to answer the just aspiration. Often any individual who speaks out against the powerful is dubbed a Extremist and jailed or otherwise silenced.

The search for Extremist cadre leads to severe harassment and torture of its supporters and sympathisers, and the kith and kin of the cadre.

What is to be pointed out here is that the method chosen by the Government to deal with the Extremist phenomenon has increased the people's distrust of the police and consequent unrest.

Protest against police harassment is itself a major instance of unrest, frequently leading to further violence by the police, in the areas under Extremist influence. The response of the Extremists, at least the *Maoists*, has been to target the police and subject them to violence, which in effect triggers the second round of the spiral.

Rural policing under the *Panchayat system* in the pattern of the old **Bengal Rural Police Act 1913** might be tried in these areas.

The Rights and Entitlements of the people underlying these issues find expression in the Constitution, the laws enacted by the various Governments and the policy declarations. The administration should not have waited for the Extremist Movement to remind it of its obligations towards the people in these matters. But at least now that the reminder has been given, it should begin rectifying its own deficiencies. It should be recognised that such a responsibility would lie upon the Indian State even if the Extremists were not there, and even in regions where the Extremist movement does not exist.

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## RESOLVING THE PROBLEM

Under this segment, the international aspects has been included which are of utmost significance in the Indian context too. The following in this regard can be useful-

- (1) Social and Economic Development Policies Can Weaken Local Support for Terrorist Activities.
- (2) Social and Economic Development Can Discourage Terrorist Recruits.
- (3) Inadequately Funded Social and Economic Policies Are Likely to Inflate Expectations and Renew Support for Terrorism.
- (4) The Ability of Development Policies to Inhibit Terrorism Depends on their Implementation.
- (5) Social and Economic Development Policies can be Used as a "Stick" to Discourage Terrorism.
- (6) Social and Economic Development Policies do not Eliminate Terrorism. A brief description of the above has been laid down below:

### **1. Social and Economic Development Policies Can Weaken Local Support for Terrorist Activities**

Social and Economic development policies can contribute to the expansion of a new middle class in communities that have traditionally lent support to terrorist groups. In many cases, this section of the population has recognized the economic benefits of peace and, as a result, has worked to inhibit local support for terrorist activities. In Northern Ireland, for example, a new middle class (and business elite) has emerged that has directly benefited from the development programs. Members of this particular demographic sector have formed important mediation networks to reduce violence between supporters of militant Protestant groups and those sympathetic to the cause of the Real Irish Republican Army (RIRA). Commercial interest groups have also acted as a brake on Republican and Loyalist violence, discouraging the retaliatory riots and attacks that traditionally occur during Northern Ireland's tense marching season.

### **2. Social and Economic Development Can Discourage Terrorist Recruits**

Various 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

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potential recruits by reducing their perceived grievances and providing the members of these communities with viable alternatives to terrorism.

For example, two development projects in the southern Philippines Asparagus and Banana production have been particularly effective in providing economic alternatives to communities that have traditionally lent a high degree of support to local terrorist groups. In the latter case, private investment has resulted in almost 100 per cent employment and transformed an area previously known as "the killing fields of Mindanao" into a largely peaceful community. Of course, not all terrorist recruits come from poorer communities. Depending on the region and the nature of the conflict, terrorists can just as easily come from the middle or upper classes as from the poorer sections of society. In several countries, extremist groups recruited across the class spectrum, with general support from local communities. In several instances, however, among other motivating factors, inductees were attracted to the financial opportunities that were provided by terrorist organisations.

### 3. Inadequately Funded Social and Economic Policies

For social and economic policies to be effective, they need to be funded according to the relative size, geography, and needs of targeted communities. If development initiatives lack sufficient financial support, they are likely to act as a double-edged sword, erroneously inflating the hopes and aspirations of local communities. When these expectations are not met, there is a high chance that social and economic policies will backfire, triggering resentment and renewed support for terrorist violence,

### 4. The Ability of Development Policies to Inhibit Terrorism

The most successful social and economic development policies are those that are -

1. Developed in consultation with community leaders;
2. Based on needs assessments that address the specific requirements of targeted communities; and
3. Accompanied by disbursement mechanisms that ensure proper fiscal management and nonpartisanship. Governments should look after the issues involved.

### 5. Social and Economic Development Policies "Stick" to Discourage Terrorism

Development assistance can be made conditional on the

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absence of violence, creating a useful "stick" to discourage support for terrorists. For example, Israeli authorities have frequently closed off Israel to Palestinian commuters in response to surges of violence from militant groups. Similarly, as a punitive measure for increases in terrorism, the Israeli government has withheld tax revenue due to the PA. To a certain extent, these policies have been instrumental in triggering Communal Pressure against such groups as the **Palestinian Islamic Jihad** and **Hamas** to limit their attacks.

Overuse of this tool, however, carries the risk of negating the overall positive effect of development policies. Indeed, Israeli authorities have used the closure tool so often that it has cost the Palestinian economy more than twice the amount of development aid channelled to the area since 1993. This outcome has caused many Palestinians to view the peace process as detrimental, rather than beneficial, to their interests, welfare, and security.

### 6. Multi-pronged Approaches Needed to eliminate Terrorism

Although, Social and Economic Development when properly supported and implemented can inhibit terrorism, development alone cannot eliminate it. Development is most effective when it is incorporated into a multipronged approach that includes wider political, military, and community-relations dimensions. These qualifications aside, there is a noteworthy potential for development policies to reduce the threat of terrorism.

### 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.

- (i) It can discourage terrorist recruits. Many terrorist organizations attract new members from communities in which terrorism is generally considered a viable response to **perceived** grievances.
- (ii) 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

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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 :

- Developed in consultation with community leaders
- Are based on needs and assessments that address the specific requirements of targeted communities, and
- 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.

There are successful examples of Tripura, Mizoram and other parts of the robust and holistic development of these areas.

## 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. Regrettably, this has not happened in India.
2. **The Ninth Schedule** of the constitution deals with 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.
  - Regrettably, only three states, Jammu and Kashmir, West Bengal and Kerala, had 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

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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 organizing a revolution there.
- 3. **Politically, the PESA, (Panchayats Extension to Scheduled Areas) Act, 1996** gives radical governance power to the tribal community and recognizes 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 give 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 provisional 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 speeds 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.
- There are 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**, Recognizes 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 dependent on forests by securing land rights.

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- Before this Act came into force, there were nearly forty lakh tribal people not possessing legal status to their lands.
  - 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 30<sup>th</sup> January, 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, brings transparency to the process of acquisition of land to set up factories or buildings, infrastructural projects

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and assured rehabilitation of those affected.

The Act establishes regulations for land acquisition as a part of India’s massive industrialization drive by public-private partnership.

## Conclusion

Government should have to examine critically to recognize that dissent or expression of dissatisfaction is a positive feature of democracy, that unrest is often the only thing that actually puts pressure on the government to make things work and for the government to live up to its own promises. However the Right to Protest, even peacefully, is often not recognized by the authorities and even non-violent agitations are met with severe repression. Greater scope and space for democratic activity will bring down the scale of unrest, as it would create confidence in governance and open channels for expression of popular discontent. What is surprising is not the fact of unrest, but the failure of the State to draw right conclusions from it.

While the **Official Policy Documents** of the Government recognize that there is a direct correlation between what is termed as extremism and poverty, or take note of the fact that the implementation of all development schemes is ineffective, or point to the deep relationship between tribals and forests, or that the tribals suffer unduly from displacement, the governments have in practice treated unrest merely as a law and order problem. Therefore, it is important to change this mindset and bring about congruence between **policy** and **implementation**. There will be peace, harmony and social progress only if there is equity, justice and dignity for every one.



## CHAPTER

# 7

## COMMUNAL VIOLENCE

### INTRODUCTION

Communal violence refers to people belonging to two different-religious communities mobilized against each other and carrying the feelings of hostility, exploitation, social discrimination and the targets of attack are the members of the 'enemy' community. In Communal Violence leadership is missing link. It could be better explained that communalism is an act of hatred, enmity and revenge.

India is a multi-religious, multi-ethnic and multicultural 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, 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 Parliament.

It is basically derived from the doctrines of 'Sarva Dham Sambhav' and 'Sarva Dharm Sadbhav'.

### BACKGROUND OF COMMUNAL VIOLENCE

The roots of the present communal violence were sown in the aftermath of the freedom struggle and 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 Muslims League founded 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 1914 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. Partition resulted in displacement of nearly 14 million people 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 1885 and Ayodhya events of 1990s.
- 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 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.  
(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 accounted for 35 percent of the communal incidents across the country in 2013.

### Factors Leading to Communal Riots

The following factors are responsible:

- **Historical Factors:** Partition and the two-nation theory have generated a deep sense of

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- communalism and lack of mutual trust among both the communities. It distended a harmonious association and peaceful co-existence.
- **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.
  - **Educational Factors (Lacks of Consciousness):** Lack of modern education among a large section of Indian society. A majority of Indians failed to adopt a scientific and technological approach, hence are reluctant to adopt liberal, progressive values.
  - **Socio-economic Factors:** Lack of education backwardness breeds, the Muslims have not been represented sufficiently in public services, industry and trade, etc. Their economic status is very low. This causes the feeling of relative deprivation and such feelings contain the elements of communalism.
  - **Identity Crisis or Identity:** 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.
  - **Psychological Factors:** It plays 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. These lead to communal ill-feelings.
  - **Cultural Factors:** orthodox (fundamentalist) 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.
  - **Pan-Islamic Jehadi Movements:** Pan-Islamic movements have also been mobilizing anti-India Jehadi sentiments in the context of the Kashmir issue and the Gujarat riots.
  - **Demographic Factors :** Demographic changes in Assam, West Bengal and the Kashmir valley create opportunities for manipulation of communal sentiments for short-term political objectives.
  - **Organised Criminal Involvement:** Underworld criminals like Dawood Ibrahim, Chhota Shakeel, etc.

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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.

- **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.
- **The ISI Factor:** It is believed that the ISI is directly encouraging and promoting communalism by instigating hard core fundamentalist elements of Indian Muslims Community.
- **Social Media Factors:** Negative impact of social media in spreading rumours, disinformation, hate-campaign and fanning violence.

## Why Communal Riots Flare Up?

The reasons below:

- **Gender Offences:** Offences like eve teasing, molestation, rape, elopement with girls/boys of other community. Hindu organisation attribute such elopement and marriage as part of a conspiracy, namely 'love Jihad'.
- **Land Disputes:** Disputes over ownership of land belonging to graveyards, construction on new place of worship, unauthorized construction, claims and counter claims over old construction at places of worship as well as demolition.
- **Religious Festivities :** During festivities of Holi, Eid, Moharram, etc. Many local disputes arise between the two communities which have a potential to flare up.

## Salient Features: Communal Violence Bill, 2005

Provision of the above Bill was about declaring a area as Communally Disturbed. As per provisions of the Bill, if the state government was of the view that communal violence is taking place in one or more areas of the state, which can pose a danger to the **secular fabric**, integrity, unity or internal security of India; then the state government can declare that area in question as "communally disturbed area".

- Once that is done, the district magistrate or the competent authority appointed by the state government can take measures such as regulating assembly, directing persons to deposit their arms, searching premises etc. to control communal violence.

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- Apart from this, the Bill also provided for double punishment as per other laws.
- The Bill empowered the state government to establish special courts to try the offences related to communal violence.
- For rehabilitation, the Bill provided creation of Communal Disturbance Relief and Rehabilitation Councils (CDRRC) at national, state and district levels. It also made provisions that such district levels. It also made provisions that such district level council shall pay at least 20 per cent of total compensation as immediate compensation to victims.
- However, this Bill failed to become an Act. The most important reason was that it was more tilted towards the post-violence scenario and not about checking the violence in the first place. Further, there were ambiguities regarding declaring the communally disturbed area and the state government officials were given unprecedented powers without any accountability.

Further some provisions overlapped with the Criminal Procedure Code and some even violated the provisions of the constitution and other status. Overall, the 2005 bill was held to be against the federal principle enshrined in the constitution.

## **Provisions of the 2011, Bill**

It incorporates acts which may result in injury to persons or property, if such acts are directed against persons on the basis of their affiliation to any groups, and if such an act destroys the secular fabric of the nation. Sexual assault, hate propaganda, torture and organised communal violence included.

- The Public servants were made punishable for failing to discharge their stated duties in an unbiased manner.
- The duties of the public servants also include duty to provide protection to victims of communal violence.
- There is a provision to establish a National Authority for Communal Harmony, Justice, and Reparation (NACHJR) and State Authorities for Communal Harmony, Justice, and Reparation (SACHJRs). These would prevent acts of communal violence, incitement to communal violence, contain the spread of communal violence, and monitor investigations into acts of communal violence.

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- Central and State governments given authority to intercept any messages or transmissions if they feel that such messages may lead to communal violence.
- The public officials liable to be prosecuted for offences under the Bill. The state government would need to grant sanction for such prosecution within 30 days.
- The states are required to set up Human Rights Defender of Justice and Reparations' in every district. The Human Rights defender will ensure that those affected by communal and targeted violence are able to access their rights under existing laws.
- There are several obligations of the states towards victims, such as the establishment of relief camps, ensuring proper facilities, medical provisions and clothing for those within such camps, etc.

## **Opposition of the 2011 Bill: Grounds for being Bill Deferred by the Government**

The 2011 Bill sought the fundamental changes in how the present system of governance deals with the violence against minorities. The Bill has religious minorities at its heart, though it also deals with SCs and STs. The major flaws in the Bill are as follows:

- The Bill defines that the term "group" against which communal violence occurs stands to be a linguistic or religious minority. So, what would happen if there is a communal violence by the minority against the majority? Although, a democracy must protect its minorities from violence, but there are several regions in India where otherwise majorities are minorities and otherwise minorities are majorities. The bill projects as of only minority is vulnerable to communal violence, thus is anti-majority. Thus, no member of the majority community can ever be a victim.
- Second contention is with the creation of the National Authority under the Bill at the Central level. This has been seen as an attempt to curtail the jurisdiction of the states as any direction issued to the state authority by the National Authority is binding.
- In the Bill, 'hate propaganda' is an offence against minority community and not otherwise. The law makes only members of the majority community culpable and discriminates on the basis of a religious or caste. The definition of the hostile environment

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is not clear, to which acts would precisely fall under the ambit of this Act.

- The Bill makes the public officials liable for riots against minorities. It says that if the “communal and targeted violence” against minorities’ takes place, it will automatically be assumed that the civil servant in charge of law and order has not exercised “lawful authority vested in him or her under law” and he or she “shall be guilty of dereliction of duty”.
- It seems to be a welcome move because often public officials wait and act as per the orders of their political masters. By making it clearly their own responsibility, the bill seeks to strengthen the civil servants against the politician. But this is only half truth.

Thus, overall, the Bill has many flaws. In February 2014, the government was forced to abandon plans to introduce this Bill. The notable points from the debate which led to deferral of the Bill are as follows:

- The Bill was mainly opposed on the ground that “Law and Order” is a state subject and central government has absolutely no jurisdiction in bringing such a bill. As pointed out by Arun Jaitley of BJP, the bill is entirely beyond the legislative competence of Parliament.
- This was countered by Kapil Sibal of UPA by saying that if it is a state-sponsored communal activity, then it is not a law and order issue.
- The Bill includes provisions on what sort of action should be taken against state government officials who fail to prevent riots, and provides guidelines for the maintenance of public order.
- There are exclusively state subjects and this within the domain of the state executive. The opposition claimed that the government is willing to pass this bill just before elections to win the Muslims votes.
- The Bill assumes that only members of a minority can be targeted during a riot, that the majority community will never be victims. This provision was revised but then it drew censure from chief ministers such as Jayalalitha, who claimed that the bill would give “unfettered powers” to human rights bodies at the centre and state, allowing them to issue orders to the State Government.

## Measures to Curb Communal Violence

- **Revealing our Heritage:** The feelings of nationalism should be inculcated in the minds of people by

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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 interest of the country.

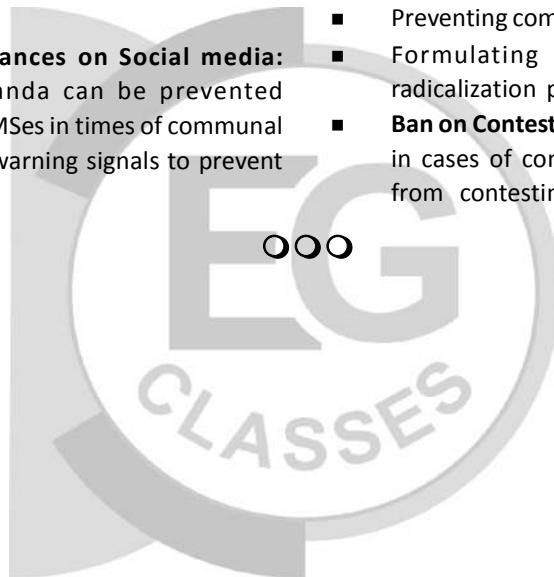
- **Impartial Police Administration:** Most riots persist for longer periods because people feel that the administration/police is not impartial. Changing this perception is most crucial for stopping riots. Perceived political interference in administration during communal violence must be eliminated. The directives of police reforms given by the Hon. 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.
- **Policy of zero-tolerance:** Government policy and practices should be firm and strict in this regard. It should not be affected by vote-bank politics. 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 Narcotic Drugs and Psychotropic Substances Act (NDPS) Act.
- **Peace Committees:** They 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 organized regularly.
- **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.
- **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.
- **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.
- **Impact Liberal Values:** Government should impact liberal values in our society through our education system. Soft skill development training should be

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- provided to police and administration personnel.
- **Strong Legal Action:** The police should take adequate steps to identify in advance potential trouble makers and make timely use of preventive Provocative speeches by religious leaders in Public and media must be dealt with strictly and strong legal action should be taken against them.
  - **Positive Utilization of Social Media and Mass:** 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. Government should sponsor movies promoting communal harmony and secularism.
  - **Proper Checks and Balances on Social media:** Rumours/hate propaganda can be prevented through control of bulk SMSes in times of communal tension. Need to evolve warning signals to prevent communal flare ups.

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- **Special fast track courts :** To deal with communal riot cases and bail norms must be strict.
- **Manpower Shortage Issues In Police:** The number of policeman per one lakh people in India is only 130. The minimum United Nations norm is 220. This gap should be filled.
- **A fair representation of marginalized section of society :** In police and other security forces.
- Capacity building of police and implementation of police reforms.
- Identification of miscreants and action against provocateurs.
- Videography of riots and strict legal action against rioters.
- Creation of sources in communally sensitive areas.
- Preventing community based ghettos in urban areas.
- Formulating counter-radicalization and de-radicalization policies.
- **Ban on Contesting Elections :** People charge sheeted in cases of communal violence should be banned from contesting elections.





## CYBER SECURITY AND ROLE OF SOCIAL MEDIA

### INTRODUCTION

The term “Cyber” refers to space. Cyber Security referred to Information Technology Security, focuses on protecting networks and data programme preventive methods against unauthorised access, to save it from destruction.

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.

### What is Cyber Security?

Cyber security is a typical interrelated issues that cuts across multiple domains and calls for multi-dimensional, multi-layered initiatives and responses. It has proved as a challenge for governments because it involves various ministries departments defence, space, finance etc. It is difficult primarily due to the diffused and varied nature of the threats and the inability to structure adequate response in the absence of tangible perpetrators.

### Expansion of Cyber Space

Cyberspace has expanded dramatically since its existence due to rapid development of Information Technology (IT) and commercial applications associated with it. Advancement 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 expanding inter-connectivity and accessibility to computer based systems that are critical to the country's economy are adding to the risk.

### What are 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 main categories:

1. **Cyber Crime:** Against individuals, corporates, etc.
2. **Cyber Warfare:** Against a state

### Cyber Crime

Use of computer, internet, cellphone, other technical devices, etc in Cyber Space., to commit a crime by an individual or organised group is known as Penetrating cyber crime. Cyber attackers use numerous vulnerabilities in cyberspace to **commit cybercrime**. They exploit the weaknesses in the software and hardware design through the use of **malware**. Denial of Services (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.

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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 major categories:

### 1. Crimes Directly Target Computers

These includes:

- 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

Economic frauds 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 Prime Minister Manmohan Singh expressed deep concern on misuse of social media in sparking off communal sentiments in September)
- Information Warfare
- Phishing Scams

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### What is Cyber Warfare and Cyber Terror?

It is anticipated that future wars will not be on the pattern of conventional wars which are fought on land, water or air. Snowden Revelations have shown that Cyberspace could become the theatre of warfare in the 21st century.

There is no accepted view over standard 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*'. It is accepted attacking the information systems of other countries for espionage and for disrupting 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 "Terrorism".

### Features of Cyber War Compared to Traditional War

#### 1. Independent Theatre of War

The development of the internet and cost effective 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 instrument 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 cyberspace becomes an independent theatre of war.

**Prevention:** There is one important nuance in the treatment of cyberspace as a fifth potential theatre of war, along with land, sea, air and space. The use of cyberspace 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. Cyberspace, as an independent theatre of war, is

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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 cyberspace has a special feature. The national territory is being defended by the land, sea and air forces is well defined. Outer space and cyberspace are different and 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 cyberspace relevant for its own nationals.

- Moreover, a key part of this space, the Global Internet System (GIS), 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 cyberspace that complicates the design of security structures and policies compared to the other theatres of conflict. In cyberspace, it is very easy for an attacker to cover his tracks and even mislead the target into believing that the attack has 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. This difficulty in identifying the perpetrator makes it difficult to rely on the capacity to retaliate as a deterrent.

### 4. No Contact War

The evolution of technology impacts the nature of conflict and war. Amongst the recent aspects of conflict is '**no contact war**' wherein there is no 'physical' or 'kinetic' action across borders.

- Future World War will most likely be cyber war.

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Future war will not be like traditional wars which were fought on territorial borders or in air space.

- 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.

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 programme, the XKeyscore analytical tool, the Tempora interception project, the MUSCULAR access point and the massive FASCIA database, which contains trillions of device-location records.

### Modus Operandi of Widespread Cyber Snooping by National Security Agency (NSA)

There are three major players were used by the NSA:

- Different Nations
- Domestic/Foreign Agencies
- Private Players within and outside the USA

### Data Collected

- 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

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### Vulnerability of Indian Cyber Space

**Edward Snowden** indicated 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's rank among the targeted countries is 5th. The US has had a major influence on the development of cyberspace by virtue of the fact that much of the initial infrastructure and use was centred in that country and it continues to be a major force in its development and use. US keeps the 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.

### Significance of Snowden Revelations

1. It will pave 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 Edward Snowden's NSA leaks is that countries and companies would erect borders of sorts in cyberspace.
2. 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. 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 major 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 President of USA, Barack Obama, conceded that those leaks triggered a passionate and welcome debate about American snooping.

### Threat to India's Cyber Space

Considering India's situation with US, India's cyber space is almost unprotected. Till now, we only have very basic

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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 like:

- 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

### 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.

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### New Guidelines: IT Act, 2000

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 identified 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 datas. This may be intentional or due to ignorance.

**External Threat:** It arises out 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 (cyberjehadis), 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

### Steps Taken by the Government of India

#### The following steps have been taken by the Government of India:

- The government has identified a list of critical computer infrastructure which need special protection against cyber attacks, and networks related to national security, defence, banks, stock markets, power grids, railways and airlines, weather and many others.

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- 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.
- 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 tried to jeopardise the Delhi Commonwealth Games in 2010.
- The government had geared up with a 'roadmap on cyber security', that has laid stress on collaboration between the government and private sector in this area.
- 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 (CCMP) 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.

### National Cyber Security Policy (NCSP), 2013

Department of Electronics and Information Technology (DIT) under the Ministry of Communication and Information Technology, Government of India started 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,

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- (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 given below.

## Objectives of NCSP, 2013

- 1. Creating 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. Creating an assurance framework for design of security policies and for promotion and enabling actions for compliance to Global Security Standards (GSS) and best practices by way of conformity assessment (product, process, technology and people)
- 3. Strengthening the regulatory framework for ensuring a secure cyberspace ecosystem
- 4. Creating 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. Enhancing the protection and resilience of nation'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. Developing 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. Improving visibility of the integrity of ICT products and services by establishing infrastructure for testing and validation of security of such products
- 8. Creating a workforce of 5,00,000 professionals skilled in cyber security in the next 5 years through capacity building, skill development and training
- 9. Providing fiscal benefits to businesses for adoption of standard security practices and processes
- 10. Enabling 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. Enabling effective prevention, investigation and prosecution of cyber crime and enhancement of law enforcement capabilities through appropriate legislative intervention
- 12. Creating a culture of cyber security and privacy enabling responsible user behaviour and actions through an effective communication and promotion strategy
- 13. Development effective public private partnerships and collaborative engagements through technical and operational cooperation and contribution for enhancing the security of cyberspace
- 14. Enhancing global cooperation by promoting shared understanding and leveraging relationships for furthering the cause of security of cyberspace
- 15. Encouraging 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. Encouraging all organisations to develop Information Security Policies Duly (ISP) 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. Ensuring that all organisations earmark a specific budget for implementing cyber security initiatives and for meeting emergency response arising out of cyber incidents
- 18. Providing fiscal schemes and incentives to encourage entities to install, strengthen and upgrade information infrastructure with respect to cyber security
- 19. Preventing occurrence and recurrence of cyber incidents by way of incentives for technology

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- development, cyber security compliance and proactive actions
20. Establishing a mechanism for sharing information and for identifying and responding to cyber security incidents and for cooperation in restoration efforts
  21. Encouraging entities to adopt guidelines for procurement of trustworthy ICT products and provide for procurement of indigenously manufactured ICT products that have security implications.

## Features of NCSP, 2013

The main features of the National Cyber Security Policy 2013 are:

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 think tank 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

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of systems, including critical information infrastructure.

## Overview of National Cyber Security Policy (NCSP) 2013

- Security risks associated with Cloud Computing have not been addressed.
- There is also an emergent 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.

## National Critical Information Infrastructure Protection Centre (NCIIPC)

The Government is establishing 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 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:-** The functions of NCIIPC covers:

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,

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- 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 7 sub-sectors and organisations given 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: 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

## National Telecom Security Policy (NTSP)

NTSP has been formulated with a view to built in the security features in the systems, services, technologies,

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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 focus is on indigenisation of sophisticated telecom equipment so that they could be produced and installed in secure environment with all checks and balances.

## Electronic System and Design and Manufacturing (ESDM) Sector Policy

### Electronics Industry

At the current rate of growth, domestic production can cater to a demand of USD 100 billion in 2020 as against a demand of USD 400 billion and the rest would have to be met by imports. This aggregates to a demand supply gap of nearly USD 300 billion by 2020. Unless the situation is corrected, it is likely that by 2020, electronics import may far exceed oil imports. This fact goes unnoticed because electronics, as a 'meta resource' forms a significant part of all machines and equipment imported, which are classified in their final sectoral forms, for example, automobiles, aviation, health equipment, media and broadcasting, defence armaments, etc.

### Technological Change

Our electronic age is characterised by high velocity of technological change. Consequently, the lifecycle of products is declining. As a result, the value of design and development in the product has increased quite significantly. Given India's growing strength in chip design and embedded software, the increasing importance of design in product development has potential to make India a favoured destination for Electronic System and Design and Manufacturing (ESDM).

- There is an urgent need for domestic production and design of electronic equipment.
- India is one of the fastest growing markets of electronics in the world. There is potential to develop the ESDM sector to meet our domestic demand as well as to use the capabilities so created to successfully export ESDM products from the country. The National Policy on Electronics aims to address the issue with the

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explicit goal of transforming India into a premier ESDM hub.

- The strategies include setting up of a National Electronics Mission with industry participation and renaming the Department of Information Technology as Department of Electronics and Information Technology (Deity).

## Security Implications

The policy may create an indigenous manufacturing ecosystem for electronics in the country. It will foster the manufacturing of indigenously designed and manufactured chips creating a more cyber secure ecosystem in the country. It will enable India to tap the great economic potential that this knowledge sector offers. The increased development and manufacturing in the sector will lead to greater economic growth through more manufacturing and consequently greater employment in the sector.

ESDM is of strategic importance as well. Not only in internal security and defence, the pervasive deployment of electronics in civilian domains such as telecom, power, railways, civil aviation, etc. can have serious consequences of disruption of service. This renders tremendous strategic importance to the sector. The country, therefore, cannot be totally dependent on imported electronic components and products.

The policy proposes the following strategies:

- (a) **Creating Ecosystem for Globally Competitive ESDM Sector:** The strategies include provision of fiscal incentives for investment, setting up of electronic manufacturing clusters, preferential market access to domestically manufactured electronic products, setting up of semiconductor wafer fabrication facilities, industry friendly and stable tax regime. Based on Cabinet approval, a high level empowered committee has been constituted to identify and shortlist technology and investors for setting up two semiconductor wafer manufacturing fabrication facilities.
- (b) **Promotion of Exports:** The strategies include aggressive marketing of India as an investment destination and providing incentives for export.
- (c) **Human Resource Development:** The strategies include involvement of Private Sector, universities and institutions of learning for scaling up of requisite capacities at all levels for the projected manpower demand. A

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specialised institute for semiconductor chip design is also proposed.

- (d) **Setting up Standards:** Developing and mandating standards to curb inflow of sub-standard and unsafe electronic products by mandating technical and safety standards which conform to international standards.
- (e) **Cyber Security:** To create a complete secure cyber ecosystem in the country, through suitable design and development of indigenous appropriate products through frontier technology/product oriented research, testing and validation of security of products.
- (f) **Strategic Electronics:** The strategies include creating long-term partnerships between domestic ESDM industry and Strategic Sectors for sourcing products domestically and providing Defence Offset obligations for electronic procurements through ESDM products.
- (g) **Research and Development:** Creating ecosystem for vibrant innovation and R&D in the ESDM sector, including nanoelectronics. The strategy includes creation of an Electronic Development Fund.
- (h) **Electronics in Other Sectors:** The strategy includes supporting and developing expertise in electronics in the following sectors of economy: automotive, avionics, light emitting diodes (LEDs), industrial, medical, solar photovoltaic, information and broadcasting, telecommunications, railways, intelligent transport systems and games and toys.
- (i) **Handling e-waste:** The strategy includes various initiatives to facilitate environment friendly e-waste handling policies.

## Legal Framework Under IT Act, 2000-08

**Information Technology Act 2000** comprises of 94 sections segregated into **13 chapters**. The Act was amended in 2008 which has now 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.

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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.

## Offences Under the IT Act

### Tampering with Computer Source Documents

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 two lakh rupees, or with both.

### Sec-66. Hacking with Computer System

1. Whoever with the intent to 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 two lakh rupees, or with both.

### 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,

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- (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.

## International Cooperation in Cyber Security

### NETmundial Conference 2014

Sao Paulo in Brazil hosted a two-day conference in April, 2014 on internet governance. It included representatives from nearly 180 countries. Its theme was 'Global Multi-stakeholder Meeting on the Future of Governance'.

A global discussion on Net governance tried to bring the vision of multiple stakeholders in line with democracy. India took this opportunity to highlight US dominance of the internet and press for equal rights and say for all nations on matters related to Internet governance and cyber security. India lamented the lack of truly representative and democratic nature of the existing systems of internet governance, including the management of critical internet resources, and called for cyber jurisprudence to ensure security of the cyberspace.

### Three Major Issues are Cause of Concern

1. Should internet governance be carried out through a multilateral model or multi-stakeholder model? The multilateral model involves primarily Governments. UN is operated by this model. On the other hand, multi-stakeholder model recognises that Civil Society Groups, Internet Users and Corporates have a say as well. Russia, India and China were in favour of multilateral model. 'Civil society' and Western countries are more inclined towards a multi-stakeholder set-up. While a multi-stakeholder option seems like the more reasonable and politically correct choice, it begs the question:

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- Who are these civil society groups, who do they claim to represent, and how do we know that they simply haven't been hijacked by corporate interests?
2. **The second issue** is the question of internet fragmentation of the internet. Western countries and Civil Society Groups (CSG) fear that as countries such as India and Russia reduce their reliance on American infrastructure, they will shatter the global unity of the internet and impose barriers that will hinder connections between users in different countries. While this fear is real, it also shuts us off to looking at a different type of Balkanisation; one where we reduce dependence on surveillance-tinged, Silicon Valley-based services while promoting local and secure digital infrastructure.
- In India, these fault lines are already being drawn, for better or worse: The Election Commission recently aborted a potential partnership with Google, for voter facilitation services, on the grounds of 'national security'. Government officials are slowly starting to shun Hotmail and Gmail as well. Technology start-ups like Wonobo, a Google Street clone, are starting to receive Government backing.
3. **Third issue** is '**net neutrality**' or the principle that telecom companies should treat all internet content equally as it flows through their cables and pipes. If net neutrality is abandoned, internet service providers would be allowed to prioritise certain types of traffic, leading to disastrous consequences.
- On most of these issues, and a few others such as intellectual property, NET mundial has scored poorly, mostly because vested interests often take root when the global community has to strive for 'rough consensus'. The conference's outcome document takes soft stances on validating the multistakeholder model and condemning surveillance. Net neutrality, for instance, is relegated to a 'point of future discussion'.
- The proposal for a decentralised internet assumes significance in the wake of Edward Snowden's WikiLeaks revelations of mass surveillance in recent months.
- The US has had a major influence on the development of cyberspace by virtue of the fact that much of the initial infrastructure and use was centred 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

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challenge its supremacy, and those times when it has been forced to shed some of its control.

Bowing to the demands of Brazil and other nations following revelations last year of its massive electronic surveillance of internet users, the United States has agreed to relinquish oversight of the Internet Corporation for Assigned Names and Numbers (ICANN), a non-profit group based in California that assigns internet domain names or addresses. The revelations by former NSA analyst, Edward Snowden, brought worldwide calls for the United States to reduce its control of the internet, created 50 years ago to link the computers of American universities to the US defence industry.

## 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.

## 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

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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.

## Negative Usage of Social Media

### The Negative usage of Social Media Covers

- Riots
- Misinformation
- Terrorism, Anti-national Activities
- False Opinion Building
- Addiction
- Inciting Communal Violence
- Inciting Caste Riots Gender Issues
- Issues on Sedition
- Issue on Intolerance

## Positive Usage of Social Media

The positive usage of social media covers:

- 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

## Key Terms used for of Cyber Attack

**Phishing:** This Phishing is the act of attempting to acquire information, such as usernames, passwords and

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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.

**Vishmg (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.

**Spoofing:** A spoofing attack is a situation in which one person or programme successfully masquerades as another by falsifying data and thereby gaining an illegitimate advantage. A spoofing attack involves one programme, system or website successfully masquerading as another by falsifying data and thereby being treated as a trusted system by a user or another programme. 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:** It is a collection of internetconnected programmes communicating with other similar programmes in order to perform tasks.

This term Botnets sometimes compromise

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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:** The expanded term '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.

## 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 criticized 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 criticized the arrests. Later, the charges against the girls were withdrawn by the Government.

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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.

## First National Conference of Investigating Agencies

The Union Home Minister inaugurated the First National Conference of investigating agencies. The conference was being organised by the Bureau of Police Research and Development (BPR&D) in coordination with National Investigation Agency (NIA).

### Objective

the conference is aimed at providing a platform for the country's different law enforcement agencies to come together and discuss a coordinated strategy to tackle crime.

### Highlights of Home Minister Speech

- Crime control has basically two dimensions: **Prevention and detection.** Prevention is the best remedy since crime is nipped in the bud. However once the crime is committed, quality of investigation is the foundation on which detection is based.
- As per the National Crime Records Bureau, **the conviction rate of the crimes is very low**, that is why Quality of investigation is crucial in ensuring justice for the victims and punishment for the offender.
- Government has taken various steps to improve the quality of investigation.
  - (i) In case of general crime, the government has revamped the Crime and Criminal Tracking Network Systems (CCTNS) project for complete computerization of the working of police and extended it to court, Jail, prosecution and forensic laboratories.

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- (ii) **Women safety:** To investigate the crime against women, dedicated Investigative Units on Crime against Women (IUCAW) are being established in 564 districts of India.
- (iii) **Crime against SC/ST:** Government has strengthened Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act by amending it in 2014 and by this amendment, a new category of offences has been added.

### Cyber Crime Cases

- Central Government has established Indian Cyber Crime Coordination Centre (I4C) at National Level to deal with all types of cyber-crime.
- The I4C can be utilised for investigation of Cyber-Crime including Child Pornography and Online Abuse.
- I4C will act a nodal point in fight against Cyber Crime and also as Early Warming System for law Enforcement Agencies.
- It will also set up a platform for victims to lodge Cyber Crime Complaints.

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### Challenges of Social Media

- Due to widespread use of internet based Social Media by terrorist, we are facing new threats.
- To face these challenges, the present capabilities of specialised organisation like Indian Computer Emergency Response Team (CERT-IN), Centre for Development of Advanced Computing (C-DAC) need to be strengthened.

### Cyber Crimes

The number of cybercrime cases registered in India has risen by 350 per cent in the three-year period from 2011 to 2014, according to a joint study by PwC and Association.

- In the past, attacks have been mostly initiated from countries such as the U.S., Turkey, China, Brazil, Pakistan, Algeria, Turkey, Europe, and the UAE.
- However, with the growing adoption of the Internet and smart-phones, India has emerged "as one of the favourite countries among cyber criminals".

## SECURITY CHALLENGES AND THEIR MANAGEMENT IN BORDER AREAS

### INTRODUCTION

The borders of the countries are visible identity of a Country's Sovereignty, Unity and Integrity. Borders are also a symbol of national pride. Securing the border of a country a cause grave concern. This shows the real legitimacy. The proper management of borders, which is vitally important for national security, presents many challenges and includes coordination and concerted action by administrative, diplomatic, security, intelligence, legal, regulatory and economic agencies of the country to secure the frontiers and subserve its best interests.

In present World perspective border management is the present world order is complex proposition. Managing border is difficult for several reasons. Some of our maritime boundaries are still unsettled. Land is not fully demarcated, sections, the borders are based on artificial boundaries and not natural features.

### Background

The evolution of boundaries in the Indian subcontinent has a long historical legacy, which often has been a source of tension and conflict between neighbouring countries. Before 1947, the Indian subcontinent was a single geographical unit comprising presentday India, Pakistan, Nepal, Myanmar, Bangladesh and Sri Lanka, and marked by political, social, economic and cultural unity. People and goods were free to move anywhere in the subcontinent unhindered by barriers. However, political and administrative compulsions led to the division of the subcontinent and the eventual break-up of its social and economic unity as well. States based on religious and ethnic identities were carved out from this single geographical unit. Boundaries hostile drawn to give shape

to the new political entities did not follow any distinct physical feature.

These superimposed lines cut across ethnic, social and economic communities, severing social and economic ties among the people straddling these new borders. Consequently, people of the same village often found themselves citizens of two different countries separated by a line. Their livelihoods were severely threatened by the disruption of trade as barriers were erected in the way of the smooth flow of cargo and passengers.

Like all boundaries in South Asia, India's boundaries are also man-made. India shares 14,880 kilometres of boundary with Pakistan (3323 km), China (3488 km), Nepal (1751 km), Bhutan (699 km), Myanmar (1643 km), and Bangladesh (4096.7 km). India's boundary with each of its neighbours runs through a variety of ecological milieus, each with its own unique setting and associated problems. For example, India-Pakistan border areas are spread across extreme climatic conditions given that the boundary runs from the hot 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 throughout the year.

**The India-Myanmar boundary:** Draped with lush tropical forests with its myriad undergrowths. The Indo-Bangladesh boundary has to cope up 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.

## CHALLENGES TO BORDER MANAGEMENT

The topography of Indian land and its connectivity of bordering regions touching other countries. Each of India's borders connected to other regions created a typical Geopolitical Scenario of the country has its own specific problems. Following is a brief description of the problem which afflicts various borders.

There are three distinct sets of borders at the International level :

- (i) Land Borders
- (ii) Marine Borders
- (iii) Airspace

### 1. Indo-Bangladesh Border

The India-Bangladesh (formerly East Pakistan) border shares the largest border (4,096 km) was drawn by the Bengal Boundary Commission chaired by Sir Cyril Radcliffe. The Commission submitted its report to the Governor General on August 12, 1947. While delineating the India-East Bengal boundary, Cyril Radcliffe noted that the province of Bengal provided very few, if any, satisfactory natural boundaries. The border was thus drawn on the basis of Old District Maps. This made the boundary circuitous. 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 (chhit-mohols), and adverse possessions have been causing constant friction between the border guarding forces of India and Bangladesh.

A major consequence of a 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 political upheavals, religious persecution, demographic pressures, 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. Although there is an acknowledgement of this fact, there are no authoritative estimates of the number of such illegal migrants. Estimates vary from between 4 and 5 million to 10 and 14 million. The Task Force on Border Management headed by Shri Madhav Godbole put the figure at 15 million, with 300,000 Bangladeshis entering India illegally every month. This illegal migration has changed the demographic profile of

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many border states, which has resulted in separatist movements.

- The porosity of the border also allows Indian insurgents to cross over to Bangladesh and other neighbouring countries for asylum. Presently, the United Liberation Front of Assam (ULFA), the All Tripura Tiger Force (ATTF), the National Liberation Front of Tripura (NLFT), and the National Democratic Front of Bodoland (NDFB) as well as several other insurgent outfits from the Northeast have bases in the Chittagong, Khagrachari, and Sylhet districts of Bangladesh. According to reports, there are 97 hideouts/camps of Indian insurgent groups in Bangladesh.
- It is also reported that as many as 77 Indian insurgents/criminals figuring in Interpol Red Corner Notice are being harboured by Bangladesh. Porous border, lack of economic opportunities, poverty and underdevelopment, attitude of the people towards petty crimes, laxity in vigilance, nexus between criminals and police and border guarding forces all contribute to escalating transborder crimes.
- Smuggling of cattle has become cause for concern. Cattle from Haryana, Rajasthan, Uttar Pradesh and Madhya Pradesh are shipped to the India-Bangladesh border. From here, these cattle are smuggled into Bangladesh.
- 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 rampant along the India-Bangladesh border. The BSF regularly seized the cattle.

### 2. Indo-Nepal border

Indo-Nepal border has shared an open border since 1950. The conception of such a border can be found in the Treaty of Peace and Friendship that the two countries signed that year. Provisions in the treaty, wherein citizens of both countries are given equal rights in matters of residence, acquisition of property, employment and movement in each other's territory, provide for an open border between the two countries.

During colonial period, the British had an interest in keeping the border open for two reasons.

- (i) **Firstly**, impressed by the fighting skills of the Gurkhas, the British wanted to recruit them into the Indian Army.
- (ii) **Secondly**, Nepal was seen as a market for finished goods from India. To achieve these objectives, it

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was necessary to provide unrestricted cross-border movement for both goods and people, and hence the idea of an open border. Independent India also followed the British tradition of an open border with Nepal.

The open border between the two countries has facilitated close social, cultural, and economic exchanges and led to a special relationship between the two countries. People from both the countries are free to enter the other's territory from any point on the border, while the movement of goods is allowed along designated transit points. The unrestricted movement of people across the border over the centuries has led to the development of well-entrenched socio-cultural linkages. These linkages have, facilitated greater economic interdependence and political ties. The open border has been a great facilitator of strong and unique bilateral relations. At the same time, it has given rise to many irritants and problems that raise serious threat to the security of country.

- There are many points of dispute along the Indo-Nepal border, mostly a result of the constantly shifting courses of the turbulent Himalayan rivers.
- Prominent among these are the ones relating to Kalapani and Susta. The disputed border has created lots of unease not only between the two countries but also among their local populations.
- An open border allows easy egress to terrorists and insurgents.
- In the late 1980s, Sikh and Kashmiri terrorists sneaked into India-via-Nepal. In later years, many insurgent groups from the North East, such as the United Liberation Front of Assam (ULFA), the National Democratic Front of Bodoland (NDFB), and the Kamtapur Liberation Organization (KLO), also misused the open border.
- In recent years, it has been reported that many terrorists have sneaked into India through the porous and poorly guarded Indo-Nepal border. Earlier, Maoists reportedly 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.
- These anti-national elements indulge in illegal activities, such as smuggling of essential items and fake Indian currency, gun-running, and drugs and human trafficking.

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- Unrestricted migration over the years has produced territorial pockets dominated by people originating from the other country. The net effect of such migration, in extreme cases, is the clamour for a 'homeland', as was witnessed in the hill district of Darjeeling adjoining the Indo-Nepal border. A similar situation might arise in Madhesh region of Nepal. These adverse consequences of an open border have led from time to time to demands for its closure.

## 3. Indo-Bhutan Border

India and Bhutan share a 669 km long boundary. The boundary is demarcated except along the trijunction with China. The process of demarcation of the India-Bhutan border started in 1961 and was completed in 2006. Like with Nepal, India's boundary with Bhutan is also an open boundary.

The Indo-Bhutan border was peaceful till Indian insurgent groups such as the Kamtapur Liberation Organisation (KLO), United Liberation Front of Assam (ULFA) and National Democratic Front of Bodoland (NDFB) established camps in the southern districts of Bhutan. Taking advantage of the open border, these insurgents would sneak into Bhutan after carrying out extortions, killings and bomb blasts. This problem has been effectively dealt with during the Bhutanese Government's 'Operation All Clear', which saw the destruction and uprooting of all insurgent camps in Bhutanese territory.

However, stray insurgent incidents such as extortion and killings are still carried out by the surviving members of ULFA along the border areas. Smuggling and trafficking are also rampant along the border. Livestock, grocery items and fruits are smuggled out of India to Bhutan. Chinese made goods, Bhutanese cannabis, liquor and forest products are major items smuggled into India.

## 4. Indo-Pakistan Border

India shares 3323 km long and complicated boundary with Pakistan. The India-Pakistan boundary is categorised under three different heads.

- **The first** is the international boundary also known as the 'Radcliff line'. It is 2308 km long and stretches from Gujarat to parts of Jammu district in Jammu and Kashmir.
- **The second** is the Line of Control (LoC), or the Cease Fire Line, which came into existence after the 1948 and 1971 wars between India and Pakistan. This line

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- is 776 km long, and runs along the districts of Jammu (some parts), Rajouri, Poonch, Baramula, Kupwara, Kargil and some portions of Leh. and
- **The Third** is the Actual Ground Position line (AGPL), which is 110 km long and extends from North Jammu 9842 to Indira Col in the North. The LoC and the AGPL has been a scene of constant tensions with border skirmishes and firing between the armies and border guarding forces of both countries.
  - The LoC has been vulnerable to constant infiltration by foreign terrorists, Kashmiri separatists and Pakistani army regulars for long.
  - Similar to the Bangladesh boundary, the India-Pakistan boundary also does not keep any geographical barrier. It goes through diverse terrain like deserts, marshes, plains, 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, textile, 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.

### 5. Indo-Myanmar Border

India-Myanmar boundary stretches for 1643 km. The boundary was demarcated in 1967 under an agreement between both countries.

Under the **Government of India Act of 1935**, Myanmar was separated from India, but the resolution of the border between them was left to the newly independent governments. At the time of independence, the boundary between India and Myanmar was partially disputed, particularly the position of Moreh along with a

few villages. Since relations between the two countries were extremely cordial, the disputed nature of the boundary did not cause major concern to either of them. However, the rise of insurgency and subsequent violation of the boundary by both insurgents and security forces of both countries forced India and Myanmar to negotiate a Settlement of the Boundary on 10 March 1967.

- The location of the Indo-Myanmar boundary throws up many challenges for the effective management of the boundary. Though the boundary is properly demarcated, there are a few pockets that are disputed. The rugged terrain makes movement and the overall development of the area difficult.
- The internal dynamics of the region in terms of the clan loyalties of the tribal people, inter-tribal clashes, insurgency, transborder 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.
- Insurgents make use of the poorly guarded border and flee across when pursued by Indian security forces. Close ethnic ties among the tribes such as **Nagas, Kukis, Chin**, etc., who live astride the border help these insurgents in finding safe haven in Myanmar. These cross-border ethnic ties have facilitated in creation of safe havens for various Northeast insurgent groups in Myanmar.
- As a result, various insurgent groups such as the National Socialist Council of Nagaland (NSCN), the United National Liberation Front (UNLF), the Peoples Liberation Army (PLA), and others have established bases in Myanmar.

The location of the boundary at the edge of the "**golden triangle**" facilitates the unrestricted illegal flows of drugs into Indian territory. Heroin is the main item of drug trafficking. The bulk of heroin enters India through the border town of Moreh in Manipur. It is reported that the local insurgent groups are actively involved in drugs and arms trafficking. 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

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the Tribal Communities of both countries to travel up to 40 km across the border without any passport or visa has also contributed to increased smuggling in the region.

## 6. Indo-China Border

India and China share a 3,488 km long boundary. Unfortunately, the entire boundary is disputed. The line, which delineates the boundary between the two countries, is called the **McMahon line**, after its author Sir Henry McMahon. In 1913, the British-India Government had called a Tripartite Conference, in which the boundary between India and Tibet was formalised after a discussion between the Indian and the Tibetan plenipotentiaries. A Convention was adopted on April 27, 1914, which resulted in the delimitation of the Indo-Tibetan boundary. This boundary is, however, disputed by China which terms it as illegal.

- India and China had never shared a common boundary till, China "liberated" Tibet in 1950. It was then that the hitherto India- Tibet boundary was transformed into an **India-China Boundary**.
- Since 1954, China started claiming large tracts of territory along the entire border such as **Aksai Chin** in Jammu and Kashmir, Bara Hoti, Sanchamala and Laphthal in Uttarakhand and the entire Arunachal Pradesh. In 1957, China occupied Aksai Chin and built a road through it.
- This episode was followed by intermittent clashes along the border, which finally culminated in the border war of 1962.
- The boundary, which came into existence after the war, came to be known as Line of Actual Control (LAC). It is a military held line.
- Meanwhile, China has hardened its position on the border issue and has started laying claims on areas which were thought to be settled as for example the finger area in Sikkim. As regards border management, the India-China border throws up only a few challenges. There is hardly any circulation of people or goods between the two countries through the border. The Himalayan range which lies astride the boundary has prevented any large scale trans border interactions between people residing on either side of the border. Few intermittent interactions, nonetheless did take place though the gaps in the mountain ranges. These gaps were the trade and migration routes through which people

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and goods flowed. Some tribes like Monpas, Sherdukpens, Membas, Khambas and Bhutias had social and cultural ties with people across the border.

- Many other tribes also frequented the markets of Tibet to buy and sell products, but all these stopped after the 1962 war. Presently, there are only few designated areas along the India-China border through which border trade takes place; prominent among these are LipuLekh, Shipki La and Nathu La. The volume of trade in these trading points is not large.

## Burgeoning Threats

Due to the proclivity of India's neighbours to exploit India's nation-building difficulties, the country's Internal Security Challenges are inextricably linked with border management. The challenge of coping with long-standing territorial and boundary disputes with China and Pakistan, combined with porous borders along some of the most difficult terrain in the world, has made effective and efficient Border Management a national priority.

However, due to the lack of understanding of such military issues among the decision-making elite, India's borders continue to be manned by a large number of military, paramilitary and police forces, each of which has its own ethos and each of which reports to a different central ministry at New Delhi, resulting in almost no real coordination in managing the borders.

## Security Hazard

External threats to India's security are not the only border management issue dealt with at present by the national security apparatus. India's rate of growth has far outpaced that of most of its neighbours and this has generated problems like mass migrations into India. Other threats and challenges have also emerged. The border security scenario is marked by, increased cross-border terrorism; infiltration and ex-filtration of armed militants; emergence of non-state actors; nexus between narcotics traffickers and arms smugglers; illegal migration; left-wing extremism; separatist movements aided and abetted by external powers; and, the establishment of *madrasas*, some of which are potential security hazards.

## THE RESPONSE OF GOVERNMENT

Indian Government had been formulating various schemes for managing these diverse challenges, the concept of

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border management entered 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, in April 2001 the Government of India 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 of the Task Force, which was presented in 2001, is the first comprehensive document on Border Management. 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 problems, the GoM broadly recommended that concerted efforts be made to settle border disputes and demarcate the borders at the earliest opportunity. It also recommended that a 'Department of Border Management' be created under the Ministry of Home Affairs, which would focus solely on border issues.
- To enforce accountability, the Report recommended that one border guarding force should be deployed in each stretch of the border and it should not be distracted from its principal task and deployed for other internal security duties. It also recommended the establishment of a Marine Police Force, strengthening of Coast Guard and setting up of an apex institution for coordinating various maritime issues.
- The Report also recommended accelerated development of infrastructure along the border, especially to wean away the border population from illegal activities.

## Internal Security

Since then, the Government of India has been actively involved in implementing its recommendations. The approach as employed by the Government towards managing the borders has four important elements, viz. **guarding, regulation, development of border areas**, and constituting bilateral institutional mechanisms for resolving disputes with neighbours.

### 1. Guarding the Borders

In the early years of 2001, different border guarding forces were deployed in different borders.

- 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 guarding the India-Pakistan international border
- The BSF has deployed 47 battalions out of which 14 battalions are deployed for guarding the LoC.
- Along the India- Bangladesh border 80 BSF battalions are guarding the international border. The SSB has deployed 27 battalions for guarding the Indo-Nepal border and 13 battalions for the Indo- Bhutan border. Approximately, 49 battalions of the ITBP guard the India-China border and the AR has deployed 46 battalions along the India-Myanmar border. The Government plans to raise additional battalions of border guarding forces. In all, 29 new battalions of BSF, 37 of the SSB, and 10 of ITBP will be raised.

### 2. Surveillance

For managing the borders effectively, it is important to have better surveillance. Surveillance is carried out by conducting regular patrols by the Border Guarding Personnel. To house these border guarding personnel, to send regular patrols and to interact with the nearby villages, Border Out Posts (BOP) have been set up all along the borders. It is important to note that the inter-BOP distances along various borders are far greater than the recommended 2.5 km. To rectify this, the Government has announced its intention to create additional BOPs along the various international borders.

For securing the riverine and creek areas along the India- Bangladesh and India-Pakistan borders, the water

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wing of the BSF is deployed. Floating BOPs function as mother ships from where patrolling vessels are sent for regular patrolling of the creeks and rivers. These BOPs also serve as checkpoints and help maintain effective vigil along the international borders. 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 (BGF) as force multipliers for greater surveillance.

### 3. Regulation of the Borders

Effective regulation at its execution of the movement of people and goods is the hallmark of Good Border Management, for this, the government has to facilitate legitimate travel and trade, while at the same time preventing illegal migration, smuggling and infiltration of insurgents and terrorists. Building barriers is an effective means of preventing illegal ingress and egress of people and goods. Constructing fences along the borders is however, not an easy task and is fraught with hurdles. Another step in to prevent illegal migration and detection of those already staying in India is to prepare a national register and issue multi-purpose national identity cards. It was expected that the production and distribution of cards would be completed by June 2007. However, due to many difficulties encountered at almost each and every step (like baseline-survey, verification of citizenship status and updating the database), the implementation of the project has taken longer than expected.

For providing better facilities to legal movement of passengers and goods across the borders, the Government of India had decided to construct Integrated Check Posts (ICPs). For the implementation of the decision.

The Land Port Authority of India Bill was introduced and passed in 2008, which provides for the establishment of these ICPs.

### 4. Development of Border Areas

Border areas remain inaccessible and underdeveloped due to (Topographical Structure) difficult terrain and lack of facilities like 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 Union Government initiated the Border Area Development Programme (BADP) in 1987 to provide adequate social

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and economic infrastructure, promotion of participation in development, eliminate sense of alienation, and instilling a sense of security among the border people. BADP schemes comprise of development of community-based infrastructure like 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.

**Security related schemes** are also taken up under the BADP. However, expenditure on such schemes does not exceed ten per cent of the total allocation.

- Schemes like construction of BOPs, building link roads to BOPs, construction of offices/residential complexes for the border guarding forces are taken up. The funds are allocated according to the length of the border, population of the border block, and area of the block. Department of Border Management under the Ministry of Home Affairs monitors the implementation of the BADP along with the respective State Governments.
- Northeast 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 Northeast region and suggest suitable projects for its development, the Government constituted the L.C. Jain Committee and the High level Commission under the Chairmanship of S. P. Shukla in the 1990s.
- The High level Commission in its report titled Transforming the Northeast 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 **Border Management Area National Highway Development Programme (NHDP) Phase II**, **National Highway Development Programme-Phase III B** and **Special Accelerated Road Development Programme** for the

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Northeast Region (SARDP-NE).

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To facilitate bilateral dialogue on matters of mutual concern regarding Border Management, the Government of India has constituted a system of institutionalized 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 side take place regularly.

National Level Meetings (NLMs) and Sectoral level Meetings (SLM) also take place under Home Secretary and 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 Indo-Bangladesh border several bilateral mechanisms with BDR exists such as Company Commander level meeting, Commandant level meeting, Sector Commander level meeting, Inspector General BSF-Deputy Director General BDR level meeting, Nodal officer level meetings and Director General BSF-Director General BDR level Border Coordination Conference.

## 6. Coasts & Island Territories

For securing the coast, the government of India 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 of the Exclusive Economic Zone (EEZ) (between 12 and 200 nautical miles) is patrolled by the Coast Guard. And the territorial waters

are patrolled by the Coastal Police. On the recommendation of the Task Force, the Indian government launched the coastal security scheme in 2005-06. However, there 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.

A separate scheme for strengthening Joint Coastal Patrolling (JCP) of the coasts of Gujarat and Maharashtra was also undertaken in 2005-06. It envisages the gradual takeover of Joint Coastal Patrolling (JCP) by the Coast Guard from the Indian Navy.

- For this purpose, the Coast Guard was sanctioned three stations in Maharashtra and additional interceptor boats.
- In reality, because of delay in land acquisition none of the three Coast Guard Stations has been constructed. For keeping track of fishing vessels, the State Governments of Maharashtra and Gujarat have made it mandatory for all the fishing vessels to install Global Positioning System (GPS) and high frequency wireless system. These equipments help the fishing vessels in ascertaining the international borders and remain within the Indian territory. Despite this, incidences of straying of fishing vessels into Pakistani territory have not abated.
- The fishermen deliberately cross the international border in search of a good catch.

Major parts of the country have been made International Ship and Port Security (ISPS) Code compliant. These ports are guarded by the CISF (Central Industrial Security Force) personnel. Vessel Traffic Management System (VTMS) and Automated Identification System (AIS) aimed at improving the security of the Port by monitoring the movement of vessels have also been installed in these ports. To differentiate between local people and foreign elements, various coastal states have issued identity cards to all villagers residing along the coast.

- Following the Mumbai terror attacks, the government has also announced a series of measures for strengthening Coastal Security of the country which has been discussed under Coastal Security system topic.
- In addition, the setting up of Joint Operation Centres (JOCs) at Mumbai, Visakhapatnam, Kochi and Port

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Blair to enhance intelligence gathering, maritime domain awareness and coordination among various security agencies was also announced. The Navy will have a new specialised force called '**Sagar Prahari Bal'** comprising 1000 personnel for protecting naval assets and bases on both East and West coasts and the Island territories.

- Along with this, 80 **Fast Interception Crafts (FIC)** will be procured for sea front patrolling by this force. A new Regional HQ will also be set up in Gujarat under the newly created post of Commander Coast Guard (COMCG) North-West, to look after surveillance of the coast of Gujarat. These are, no doubt, welcome steps at enhancing the coastal security of the country.
- For the security of the Island Territories, the Indian Government has set up a joint command in Andaman and Nicobar called the Andaman and 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 and Nicobar Islands. Over the years, the force level and assets of the ANC have been gradually augmented. The flotilla of ANC comprises four fast vessels, few amphibious warfare vessels, large patrol vessels and maritime patrol craft. Andaman and Nicobar also have a dedicated Marine Police Force, which was raised in 1957 to secure the coast of the Island territory.
- Government of India has provided Andaman and Nicobar with two patrol vessels on priority basis under the Coastal Security Scheme (CSC). Additional police outposts and issuance of identity cards to the inhabitants of the Islands has been initiated to increase vigil and security along the coasts. Similarly, for Lakshadweep, the Government of India earmarked Rs. 936 Lakhs for setting up four coastal police stations. Also the Indian Navy and Coast Guard have increased their vigil in and around the archipelago.

## **COASTAL SECURITY AND ITS MANAGEMENT**

India has a coastline of 7,516.6 km, bordering the mainland and the islands with the Bay of Bengal in the East, the Indian Ocean on the South and the Arabian Sea on the West.

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There are nine States viz. Gujarat, Maharashtra, Goa, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Odisha and West Bengal and four Union Territories (UTs) viz. Daman & Diu, Lakshadweep, Puducherry and Andaman & Nicobar Islands situated on the coast.

### **1. Security Concern of the Coast**

India's long coast line presents a variety of security concerns that include landing of arms and explosives at isolated spots on the coast, infiltration/exfiltration of anti-national elements, use of the sea and offshore islands for criminal activities, smuggling of consumer and intermediate goods through sea routes etc. Absence of physical barriers on the coast and presence of vital industrial and defence installations near the coast also enhance the vulnerability of the coasts to illegal cross border activities.

### **2. Present Coastal Security System**

There is a multi-tier arrangement for protection and maritime security of the country involving the Indian Navy, Coast Guard and marine police of the coastal States and UTs. The surveillance on the high seas is carried out along the limits of Exclusive Economic Zone (EEZ) by the Navy and the Coast Guard. In the territorial waters, the Coast Guards protect the Indian interests with Coast Guard vessels and aerial surveillance by Coast Guard aircrafts. Close coastal patrolling is done by the State Marine Police. The State's jurisdiction extends upto 12 nautical miles in the shallow territorial waters.

### **3. Coastal Security Scheme Phase-I**

Keeping in view the vulnerability of the coasts to the activities of criminals and anti-national elements, a Coastal Security Scheme Phase-I was formulated. The Scheme was approved in January, 2005 for implementation in 5 years from the year 2005-06. Coastal Security Scheme Phase-I stands completed on 31.03.2011.

#### **Objectives of the Scheme**

The objectives of the Coastal Security Scheme Phase-I were to strengthen the infrastructure for patrolling and surveillance of coastal areas, particularly shallow areas close to the coast, to check and counter any illegal cross border activities and criminal activities using the coast or sea.

#### **Features of the Scheme**

The scheme provided assistance in the form of grant to

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all the Coastal States and UTs -

- (a) To set up Coastal Police Stations (CPS), check posts, out posts,
- (b) To equip the coastal police stations with manpower trained in maritime activities,
- (c) To procure vehicles and boats for mobility on the coast and close coastal waters,
- (d) Whole assistance of Rs lakh per coastal police station for equipment, computer system, furniture, etc.,
- (e) For meeting recurring expenditure for a period of 6 years on repairs and maintenance for the patrol boats;
- (f) For meeting the training requirements of the Marine Police Personnel (MPP);
- (g) States and UTs to provide the manpower, contract was signed in March 2008 by these vendors with the Government for supply of 110 (12 Ton) and 84 (5 Ton) boats.

Under the scheme, manpower for the marine police personnel including technical crew for the boats is provided by the States and UTs. The process of filling up the posts is underway. Coast Guard is meeting the training requirements of the marine police personnel in the Coast Guard District Headquarters (CGDH). So far, more than 2,346 police personnel have been imparted training by the Coast Guard.

Annual Maintenance Contract (AMC) has been signed by MHA, on behalf of Coastal States/UTs, with the Government of India Undertaking shipbuilders (GSL and GRSE) initially for a period of four years for maintenance of boats supplied under Coastal Security Scheme Phase-I. Regional Maintenance Units (RMU) have been set up by GSL and GRSE by deploying local personnel for maintenance of boats.

- Strengthening of Joint Coastal Patrolling of Gujarat and Maharashtra Coast under Operation SWAN.
- A scheme was formulated for implementation in 6 years with effect from 2005-06 for creating additional infrastructure for Coast Guard to ensure intensive patrolling and surveillance of the close coastal areas of Gujarat and Maharashtra.
- Under the scheme, Coast Guard is to procure 15 Interceptor Boats and set up 3 Coast Guard Stations in Dhanu and Murud Janjira in Maharashtra and Veraval in Gujarat. These assets

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are in addition to the infrastructure available with the Coast Guard in this area of operations.

### Approval for Scheme

Approved outlay of scheme is Rs 342.56 crore for non-recurring expenditure, which is being met by MHA. Recurring expenditure including manpower is being met by the Ministry of Defence (MoD). The implementation of the scheme has been extended upto 31.03.2014 by the Government. The scheme has been transferred in totality in March 2011 to the Ministry of Defence for further implementation.

### 4. Initiatives After 26 / 11 Mumbai Incidents

Subsequent to the terrorists attack in Mumbai on 26/11, the entire coastal security scenario of the country has been thoroughly reviewed by the Government of India. Several high-level meetings were held in Cabinet Secretariat, Ministries of Home Affairs, Defence, Shipping and Fisheries, etc. to review the Costal Security arrangements of the country and to address various related issues. During these meetings several important decisions were taken, which are given below:

#### (a) Formulation of Coastal Security Scheme (Phase-II)

- a) The Coastal States/UTs were asked to carry out vulnerability/gap analysis in consultation with Coast Guard to firm up their additional requirements for formulation of Phase-II Scheme of the Coastal Security.

After getting detailed proposals from the Coastal States/UTs, Coastal Security Scheme (Phase-II) has been approved.

- b) The scheme is being implemented over a period of 5 (five) years starting from 01.04.2011 with a total financial outlay of Rs 579.91 crore, through 9 coastal States and 4 UTs.
- c) A lump sum assistance of Rs.15 lakh Per Costal Police Station is also being given for surveillance equipment, computer systems and furniture.

#### (b) Comprehensive Security Plan for Andaman & Nicobar Islands

Andaman & Nicobar Administration has submitted a comprehensive security plan of Andaman & Nicobar Islands after consulting Coast Guard, Navy and other stakeholders, for implementation for a period of 8 years, in three phases 2012-2015, 2015-2017 and 2017-2020.

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Andaman & Nicobar has divided the comprehensive security plan in two parts.

- Under Part A, they have placed the items which are already approved under Phase II of coastal security scheme.
- Under Part B, they have included the items which will be taken up in the state plan of Andaman & Nicobar Islands separately, with other concerned ministries or UT division of MHA.
- The comprehensive security plan for Andaman & Nicobar has been approved.

### **(c) Registration of Boats**

All the fishing/non-fishing boats plying in Indian waters will be registered under a uniform system. The Department of Shipping is the nodal department in this regard. Two notifications, one for amending the Merchant Shipping (Registration of Fishing Vessels) rules alongwith revised format for registration, and another, for notifying the list of registrars, have been issued by Ministry of Shipping in June 2009. States/UTs are taking follow-up actions in this regard.

### **(d) Installation of Transponders on the Boats**

All type of boats are being fitted/ provided with navigational and communication equipments to facilitate vessel identification and tracking. The Department of Shipping is the nodal Department for this matter too. The Director General (Shipping) has issued two circulars to ensure that all types of vessels including fishing vessels, other than fishing vessels of less than 20 mtr. categories, are installed with AIS type B transponders for the purposes of identification and tracking. The coastal States/UTs are taking necessary steps for compliance of these circulars.

### **(e) Issuance of ID Cards to Fishermen**

Fishermen are being issued ID cards which are related to a single centralized data-base. Department of Animal Husbandry, Dairying & Fisheries (DAHD & F), as nodal agency, is taking necessary actions in this regard, in consultation with all concerned. Ministry of Agriculture has, on 11.12.2009, launched a Central Sector Scheme on 'Issuance of Biometric Identity cards to coastal fishermen'. A Consortium of three Public Sector Undertakings (PSUs) led by Bharat Electronics Limited (BEL) has been identified for the work of digitization of data, card production and issuance.

### **(f) Multipurpose National Identity Cards (MNICs) to the Coastal Population**

Registrar General of India (RGI), MHA, is working on a

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project for issuance of Multipurpose National Identity cards (MNICs) to the population in the coastal villages, as a part of its project of creation of National Population Register (NPR) in the coastal States/UTs and issuance of identity (smart) cards to the usual residents of these villages who are above the age of 18 years. It has been decided to implement this project in two phases.

- (i) Phase I** - 3,331 villages on the coastline (In Andaman & Nicobar Islands, all the villages and towns to be covered in Phase -I)
- (ii) Phase II** - Towns/cities and other villages on the coastline along with 2011 census.

The Cabinet approval for the scheme has been obtained. For the first time, direct data collection methodology has been proposed to be undertaken for the project. This is being done with the assistance of central PSUs namely BEL, ECIL and ITI jointly through the State, District and village level functionaries.

## **5. Port Security**

The security of 12 major ports of the country is being looked after by the CISF. These major ports are also subject to periodical security audit by the Intelligence Bureau. However, no security norms for the 187 minor ports of the country have so far been evolved. Ministry of Shipping has constituted a working group in July, 2009 for standardization of ports security. The working group was mandated to draft the broad guidelines and prescribe uniform security standards for the ports.

The working group has submitted its report which is under consideration in the Ministry of Shipping.

- (a) National Committee for Strengthening Maritime and Coastal Security Against Threats from the Sea** : A 'National Committee for strengthening maritime and coastal security against threats from the sea' has been constituted by the Cabinet Secretariat in the month of August, 2009, under the Chairmanship of Cabinet Secretary. The Committee consists of representatives of all the concerned Ministries/ Departments/Organisations in the Government of India as well as Chief Secretaries/Administrators of the Coastal States/UTs.
- (b) Setting up of Joint Operation Centres for Sharing Intelligence** : Ministry of Defence (MOD) has created Joint Operation Centres (JOCs) for sharing of intelligence among various agencies. These Centres have been set up at Mumbai, Visakhapatnam, Kochi

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and Port Blair under the charge of existing Naval Commander-in-Chief as the Commander-in-Chief Coastal Defence. The JOCs are jointly manned and operated by the Navy and Coast Guard with inputs from the concerned Central and State agencies.

(c) **Raising of Sugar Prahar Bal :** A special force named as Sagar Prahar Bal (SPB) comprising of 1,000 personnel has been raised by the Navy for force protection, security of naval bases and co-located Vulnerable Areas (VAs) and Vulnerable Points (VPs). MoD has accorded sanction of manpower for the SPB. The SPB will cover all Commands.

Personnel have been positioned and patrolling has commenced using hired boats. Procurement of 80 Fast Interceptor Crafts (FICs) is in process in MoD.

(d) **Finalization of SOPs for all Coastal States and UTs :** The Standard Operating Procedures (SOPs) for all coastal States and UTs have been finalized and issued by Indian Coast Guard.

(e) **Joint Coastal Security Exercise :** Joint Coastal security exercises like 'Sagar Kavach' have been very useful and have ushered in an era of synergy in joint operations. Modalities have been worked out to disseminate the lessons learnt in each exercise for the benefit of all other coastal States/UTs. The joint coastal security exercises are conducted biannually. The lessons learnt are being communicated to all stake-holders to fill the gaps.

(f) **Coordination Among Various Agencies :** As regards coordinated approach to Maritime Security, the Cabinet Committee on Security, in its meeting on 16.02.2009, considered a proposal of MoD for strengthening the maritime security of the country, which was formulated after due consultation with all the concerned Ministries including Ministry of Home Affairs. It was decided therein that the Indian Navy would be designated as the authority responsible for overall maritime security which includes coastal security and offshore security. The Indian Navy assisted by Coast Guard, State Marine Police and other Central and State Agencies for coastal defence of the nation.

The Indian Coast Guard has been additionally designated as the authority responsible for Coastal Security in territorial waters including areas to be patrolled by Coastal Police. The Director General, Coast Guard is

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designated as Commander Coastal Command and is responsible for overall coordination between Central and State Agencies in all matters relating to Coastal Security. These decisions are being implemented by the MoD.

## CRITIQUE OF BORDER MANAGEMENT

Proper management of borders is essential for National Security and neglect of any of its aspects can seriously jeopardise the defence of the country. In this respect, the Government of India, over the years, has taken various measures, which have helped in managing the problems afflicting each border quite commendably.

- The GoM Report of 2001 also provided pertinent recommendations in this direction.
- Though, the Government of India accepted these recommendations and has even begun to implement them, many problems still persist at the ground level.
- Lack of coordination between various central and state agencies, uncooperative state government departments, hostile local population, vested interests, lack of political will and strained neighbourly relations. It is therefore imperative that due consideration should be given to these hurdles and adequate measures formulated to find a way out.
- It can be said without doubt that one area where the government needs to focus more is on Centre-State relations. Most of the problems of implementation of any plan or programme stem from their mutually divergent perceptions and hence uncooperative attitude towards each other.

Further, the Government of India also needs to take into account many ground realities while implementing any scheme because a blanket application of norms for every border does not achieve desired results. For example, according to the GoM Report, inter- BOP distance should be 2.5 to 3 km. But in those areas which are infested with insurgents and have difficult terrain or in those areas which are prone to infiltration, such wide gaps between BOPs could adversely affect proper guarding of the borders.

One of the factors of vital importance for border management is to have a well trained and dedicated border guarding force, which also has warm and friendly

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relations with the local population. Presently, it is observed that Government does not have a robust holistic training programme for the border guarding personnel, which is necessary for sensitising the security personnel towards the cultural nuances of every border area and help elicit better cooperation from the local population. Proper training and incentives are essential for keeping the morale of the border guarding personnel high.

Besides, there are many hotspots along these borders whose inherent socio-cultural and political dynamics could throw up serious challenges for border management in future. Some of these are Moreh along the Indo-Myanmar border, the Siliguri corridor along the Indo-Nepal and Indo-Bhutan borders and Sir Creek area along the Indo-Pakistan border. Moreh in Manipur is a flourishing border trading post and also an important route for drug trafficking. This town also boasts of a multi-ethnic population. Unfortunately, over the years, it has witnessed serious ethnic clashes between insurgent groups such as National Socialist Council of Nagaland (Issac-Muivah) [(NSCN (I-M))], Kuki National Liberation Front (KNLF), and United National Liberation Front (UNLF) belonging to the Naga, Kuki and Meitei groups.

The prime objective of these clashes is to gain control over the border trade and drug trafficking. Therefore, in these clashes are not prevented, they might have a spill over effect over the entire border, which would render it difficult to manage.

The Siliguri corridor, a 22 km wide area, linking the Northeast with rest of India has also been witnessing severe unrest. The demand for a separate Gorkhaland and Kamtapur has made the entire area extremely vulnerable. Gorkhas, residing in the three sub-divisions of West Bengal, viz. Darjeeling, Kalimpong and Kurseong, have been agitating for a separate Gorkhaland since independence. Their agitation turned violent in the 1980s under the leadership of Subhash Ghising's Gorkha National Liberation Front (GNLF) which led to damage of life and property. After the establishment of the Gorkha Autonomous Hill Council it was believed that the problem has been solved, but in 2008, the agitation was revived once again under the aegis of Gorka Mukti Morcha led by Bimal Gurung. In addition, the Kamtapuris residing in the Siliguri, Jalpaiguri and Cooch-Behar districts have also been demanding a separate state. Such violent campaigns in a sensitive and strategic area to add to the security concerns as apprehensions are raised that such agitations

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could lead to increasing violation of the international boundary by the militant elements.

Similarly, the Sir Creek area, which is yet to be demarcated, could emerge as another problem area. This stretch of the international border had witnessed armed clashes between India and Pakistan in the 1960s. And in the present times, it is reported that because the land border is sealed off by fencing, this area is increasingly used by terrorists and other anti-national elements to sneak into Indian territory. To make matters worse, marshy terrain of the area makes it extremely difficult for the BSF personnel to exercise proper vigil over the area.

This is a massive commitment that is costly in terms of manpower as well as funds, as the deployment areas are mostly in high altitude terrain, and needs to be reduced gradually.

## **Issues for Better Border Management**

Ideally, border management should be the responsibility of the Ministry of Home Affairs during peacetime. However, the active nature of the LoC and the need to maintain troops close to the LAC in a state of readiness for operations in high altitude areas, have compelled the army to permanently deploy large forces for this task.

While the BSF should be responsible for all settled borders, the responsibility for unsettled and disputed borders, such as the Line of Control (LoC) in J&K and the Line of Actual Control (LAC) on the Indo-Tibetan border, should be that of the Indian Army. The principle of 'single point control' must be followed if the borders are to be effectively managed. Divided responsibilities never result in effective control. Despite sharing the responsibility with several para-military and police forces, the army's commitment for border management amounts to six divisions along the LAC, the LoC and the AGPL in J&K and five divisions along the LAC and the Myanmar border in the eastern sector.

## **Reducing Deployment of Armed Forces**

The real payoff of a rapprochement with the Chinese would be the possibility of reducing the army's deployment on the LAC. To some extent, the advances in surveillance technology, particularly satellite and aerial imagery, can help to maintain a constant vigil along the LAC and make it possible to reduce physical deployment as and when modern surveillance assets can be provided on a regular basis to the formations deployed forward.

■ Similarly, the availability of a larger number of

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- helicopter units will enhance the quality of aerial surveillance and the ability to move troops to quickly occupy defensive positions when it becomes necessary.
- However, these are both costly ventures and need to be viewed in the overall context of the availability of funds for modernization.
  - The deployment patterns of Central Police organizations (CPOs) are marked by ad hoc decisions and knee-jerk reactions to emerging threats and challenges, rather than a cohesive long-term approach that maximises the strength of each organization.
  - G. P. Bhatnagar has identified the following lacunae: deployment of multiple forces in the same area of operations; lack of any doctrinal concepts; designed for a 'fire fighting' approach rather than a 'fire prevention' or proactive approach; based on a strategy of 'reaction and retaliation' rather than on holistic response to a situation, resulting in stress and decision-making problems at the functional level; wastage of energy and efforts; and, lack of coordination and synergy between the security management organizations.

The recent nomination of the Central Reserve Police Force (CRPF) as the national-level counterinsurgency force should enable the other central para-military forces (CPMFs) like BSF and ITBP to return to their primary role of better border management, as recommended by the Task Force on Border Management constituted by the Group of Ministers (GoM) formed to review major issues pertaining to the management of national security after the Kargil conflict. The task force led by former Home Secretary, Madhav Godbole, has made several far-reaching recommendations.

The task force studied steps needed to improve border management and suggested measures for appropriate force structures and procedures to deal with the entry of narcotics, illegal migrants, terrorists and arms. It also examined measures to establish closer linkage with the border population to protect them from subversive propaganda to prevent unauthorised settlements and to initiate special developmental programmes. The recommendations of the task force have been accepted by the GoM and are being implemented in phases. While some action has been taken, clearly, much more needs to be done to make border management more effective.

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### Recommendations for Better Management of Land Borders

Here, some recommendations are forwarded for better managing the land borders. For Guarding Identify sensitive areas along the border and increase the number of border posts in these areas. Also augment the strength of the border guarding personnel in sensitive border out posts.

- Train the border guarding forces and equip them with modern gadgets and weapons for better surveillance of the border. Install alarm systems to detect breach of fence and respond quickly.
- Ensure the availability of adequate numbers of personnel for Border Guarding Duties all the time. Improve the working and living conditions of the border guarding personnel to boost their morale.
- Ensure better coordination among all agencies involved in border management such as the border guarding forces, Customs, intelligence agencies, and state police.
- Sensitise the people living along the borders and encourage them to work as 'eyes and ears' for the border guarding forces. Enlist local people in the border guarding force as they are aware of the terrain and language of the areas.

### Regulations

- Install alarm systems to detect breach of fence and respond quickly. Do not allow human habitation or cultivation in the intervening area between the border and the fence. They obstruct the line of vision.
- Legalise trade in essential items to prevent smuggling. Open markets near the border where people can buy and sell goods without paying any duties.
- Issue multipurpose identity cards to the people residing along the borders to distinguish between Indian citizens and illegal migrants.

### Development

- Work towards all round development of the border areas to wean away the border people from illegal activities as well as to dispel the feeling of alienation in them.
- Ensure greater participation of the border population in their economic development.
- Strengthen bilateral mechanisms by frequently convening meetings of concerned officials to iron out tensions as well as to resolve border disputes.

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### Coastal Security

- As far as coastal security is concerned, while the government has initiated a number of schemes to safeguard the creek and coastal areas, many areas of concern still remain. A major challenge for the border guarding forces is the widening gap between the sanctioned and existing infrastructure and manpower. Delays in the release of funds by the government hinder their efforts to strengthen their capabilities.
- Address manpower shortage for the coastal police by recruiting retired Coast Guard and Navy personnel.
- Enlist people from coastal villages in the Coastal Police Force. Their seafaring experience is likely to be an asset.
- Consider incentives such as special allowances and insurance to overcome the reluctance of police personnel to carry out coastal patrolling.
- Legalise trade in essential items to prevent smuggling. Open markets near the border where people can buy and sell goods without paying any duties.
- Issue multipurpose identity cards to the people residing along the borders to distinguish between Indian citizens and illegal migrants,
- Impart extensive and specialised training to the Coastal Police personnel to change their indifferent attitude towards coastal security.
- Impose steep fines on fishermen found violating the international boundary. On repeated violation, cancel the licences of offending fishing boats.

The Home Ministry has extended the jurisdictional limits for notified police stations from the existing 12 nautical miles to 200 nautical miles.

- Following 26/11 terror attacks, Coast Guard was made responsible for securing Indian territorial waters extending up to 12 nautical miles (about 22 Km) from the shore, and new coastal police stations had been proposed to maintain security up to five nautical miles from the shore.
- The new limits of 2000 nautical miles for land police will now add greater depth to the patrolling.
- New change will allow greater say to local police while dealing with cases of smuggling and terrorism along India's 7,516 km long coastline.

## An effort of Team EG

### Appendix A- Border area Development Programme (BADP)

The Department of Border Management, Ministry of Home Affairs has been implementing a Border Area Development Programme (BADP) through the State Governments as a part of a comprehensive approach to Border Management with the aim to meet the special developmental needs of the people living in remote and inaccessible areas situated near the international border and to saturate the border areas with the entire essential infrastructure through convergence of Central/State/BADP/ Local schemes and participatory approach and to promote a sense of security and well being among the border population.

- The programme covers 358 Border Blocks of 96 Border Districts of 17 States located along the international land border.
- The programme is a 100 per cent centrally sponsored scheme. Funds are provided to the States as a non-lapsable Special Central Assistance (SCA) for execution of projects relating to infrastructure, livelihood, education, health, agriculture and allied sectors.

#### Guidelines of BADP

The BADP is being implemented under the guidelines framed by the Planning Commission. The funds, which are allocated by the Planning Commission annually, are re-allocated to the Border States taking into consideration

- (i) length of International Border (km.);
- (ii) Population of the border block and
- (iii) Area of the border block (sq. km.).

Weightage of 15 per cent over and above the total allocation is also given to States having hilly/desert/Kutchh areas. The funds are additive to normal Central assistance and are allocated for addressing the special problems faced by the people of the border areas. Funds are released to the States in two installments i.e. 1st installment of 90 per cent amount of total allocation of the State and 2nd installment of the remaining 10 per cent amount of the allocation.

The Schemes under this programme are prepared by State Government and approved by the State Level Screening Committee headed by the Chief Secretary of the State and executed by the agencies of the State Government.

Security related schemes can also be taken up under BADP but the expenditure on such schemes should not exceed 10 per cent of the total allocation in a particular year. The funds under BADP are to be used for schemes in the identified border blocks only.

**CONCLUSION**

Seeing the the difficult terrain and complex socio-economic milieu along the borders, coupled with unhelpful neighbours, effective management of India's international borders is quite a challenging task. Problems like smuggling, drug and human trafficking, illegal movement of people, goods, insurgents, and criminals across the border, tensions between the border guarding forces of the two countries,

etc., have further added to this challenge. These issues not only make the border areas insecure but also create frictions between neighbours. Although, larger constraints like lack of political will, vested interests and lack of coordination between Centre and State Governments and sensitising neighbours would require considerable time and concerted efforts to mitigate, smaller issues if handled properly, could definitely be resolved.



## CHAPTER

# 10

## VARIOUS SECURITY FORCES & AGENCIES, THEIR MANDATE

### INTRODUCTION

The Nature of Indian Constitution adopted the various Federal features for the scheme of Government in India, the nature of the Constitution of India Mandates Law and Order as a Subject of under state list, therefore extensive policing works lie with the states and UT's of India.

At the Federal Level, Various Agencies are part of the Home Affairs, under Union Ministry and **dispense the duties of the states.**

Megacities (Metropolis) are operated by Senior Police Officers are Members of the Indian Police Services (IPS), IRS etc.

### Safeguard by Constitution

The Constitution also authorizes the central government to maintain whatever forces are necessary to safeguard national security. Under the terms of the constitution, Central Police forces can be legally detailed to assist the states but only if so requested by the state governments.

In practice, the central government has largely observed these limits. In isolated instances, the central government has deployed its armed police units to protect central government institutions over the protest of a state government.

During the Emergency of 1975-77, the constitution was amended (effective 1 February 1976) to permit the central government to dispatch and deploy its Central Armed Police Forces without regard to the wishes of the States. This action proved unpopular, and the use of the Central Police Forces was controversial.

After the Emergency was lifted, the constitution was amended in December 1978 to make deployment of central Police Forces one again dependent on the consent

of the state government. According to apologists for the central government, this amendment prevented the government from sending in Central Armed Police Forces to protect the Babri Masjid (Babri Mosque) in Ayodhya, Uttar Pradesh, in December 1992.

### ALL INDIA SERVICES AND RELATED AGENCIES INSTITUTIONS

Under this segment the following are below-

1. Indian Police Service
2. Sardar Vallabhbhai Patel National Police Academy (Svp Npa), Hyderabad
3. North Eastern Police Academy, Umsaw, Shillong

#### 1. Indian Police Service

The Indian Police Service (IPS) is one of the three All India Services constituted under **Article 312** of the Constitution of India. The IPS officers provide senior level leadership to Police Forces both in the States and at the Centre. The all India character of the Service gives its members a unique advantage of handling specific problems in the States within the overall perspective of National Unity and Integrity. The Ministry of Home Affairs (MHA) is the cadre controlling authority in respect to IPS officers. It is responsible for all policy decisions related to the Service, including cadre structure, recruitment, training, cadre allocation, confirmation, empanelment, deputation, pay and allowances, disciplinary matters, etc.

The Service is Organized into 24 State cadres/Joint cadres. There is no separate cadre for Union Government. In every cadre a 'Central Deputation Reserve' is built-in for sending the officers on deputation. The structure of

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each cadre is jointly reviewed by Government of India in consultation with the concerned State Government after every 5 years.

### 2. Sardar Vallabhbhai Patel National Police Academy (SVP NPA), Hyderabad

Sardar Vallabhbhai Patel National Police Academy (SVPNPA) is the premier police training institution of the country. It has world class police training facilities. It is mandated with the task of preparing leaders for the Indian Police through training of newly recruited IPS officers and senior officers and to be a Centre of research for studies on police subjects.

In view of the challenges to security faced by the Nation and on the directions of the Union Home Minister, the Academy started the **Special Tactics Wing (STW)** in the year 2009, The Special Tactics Wing imparts training to officers from the State Police and Central Armed Police Forces on Counter Terrorism and Counter Insurgency Tactics. The Academy is also conducting inservice courses for senior civil servants. The Academy takes special efforts for sensitizing newly recruited officers as well as senior officers on matters relating to gender, weaker section and religious minorities. In view of the amendment to the IPS (Pay) Rules, Mid Career Training is mandatory for IPS Officers for their promotion.

### 3. North Eastern Police Academy, (NEPA) Shillong

The North Eastern Police Academy (NEPA) was established in 1978 at Barapani near Shillong, to cater to the Police Training Requirements of the North-Eastern States. NEPA was transferred to the Ministry of Home Affairs from the Ministry of Development of North East Region (DONER) in April, 2007 to have professional inputs. NEPA conducts both induction and in-service courses for the Police Personnel of NE States at various levels. It also conducts several workshops/seminars, etc. on police related topics.

#### Unarmed Combat Training

Since transfer to this Ministry in April, 2007, their infrastructure is being upgraded to meet the requirements of North-Eastern (NE) States in Police Training. To meet their man-power requirements, Outdoor Trainers from Central Armed Police Forces (CAPF) have been provided to NEPA on attachment/deputation basis.

With consistent efforts of the Ministry of Home Affairs, NEPA now caters to the training needs of not only

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the North-East States but also the rest of India. NEPA now invites nominations from all the States for the in-service training courses on policing subjects.

### CENTRAL ARMED POLICE FORCES (Related Agencies Institutions)

There are six Central Armed Police Forces (CAPFs) namely Border Security Force (BSF), Central Industrial Security Force (CISF), Central Reserve Police Force (CRPF), Indo-Tibetan Border Police (ITBP), Sashastra Seema Bal (SSB) and National Security Guards (NSG) and one Central Paramilitary Force (CPMF) i.e. Assam Rifles (AR) under the Ministry of Home Affairs. AR, BSF, ITBP and SSB are the 'Border Guarding Forces' while CRPF assists the State Governments/UT Administrations in matters related to maintenance of Public Order and is also trained and equipped for assisting them in internal security/counter insurgency duties.

#### Specialized Wings

The Rapid Action Force (RAF) and Commando Battalion for Resolute Action (CoBRA) are specialized wings of the CRPF to deal with riots and left wing extremism respectively.

Central Industrial Security Force (CISF) provides security and protection to vital installations, Public Sector Undertakings (PSUs), airports, industrial buildings, museums, Government buildings, etc.

National Secuerity Guard (NSG) is a specialized force for counterterrorism and anti-hijacking operations. It is also entrusted with the task of securing high risk VIPs.

#### Under this segment the following Forces exist.

1. Assam Rifles (AR)
  2. Border Security Force (BSF)
  3. Commando Battalions For Resolute Action (COBRA) in CRPF
  4. Indo-Tibetan Border Police Force (ITBP)
  5. National Security Guard (NSG)
  6. Sashastra Seema Bal (SSB)
  7. Counter Insurgency And Anti Terrorism (CIAT) Schools
  8. Central Academy For Police Training, (CAPT) Bhopal
  9. Raising Of India Reserve Banks (IRBs) And Specilized India Reserve Banks (SIRBs) In States
- A brief description of the above has been given below-

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### Women in the CRPF

The CRPF has three battalions staffed entirely by women. The first battalion No. 88 was raised in 1986 with its headquarters at New Delhi. The second battalion 135 came into existence in 1996 at Gandhinagar, Gujarat. The third battalion, Number 213 is located at Ajmer, Rajasthan.

### The Green Force

Another specialized outfit of the CRPF is the Green Force. The force has been able to effectively check environmental degradation and sustain the regeneration of local flora and fauna. Every year Green Force Personnel plant hundreds of thousands of trees in various parts of the country.

### Commando

CRPF Commando specialize in counter-terrorism, reconnaissance, and sabotage and have the honor of being the most elite among the forces. They undergo extremely rigorous training for years sometimes, before they are ready and when they are done with the training, they can be easily classified among the toughest and most competent men in the forces.

### 1. Assam Rifles (AR)

"Guardians of the Dawn" also known as 'Friends of the North-East People', Assam Rifles, raised initially as 'Cachar Levy' in 1835, is the oldest Central Para Military Force in the country with its Directorates General (DG) headquarters at Shillong. The Force is completely deployed in the North-East and functions under the operational control of the Ministry of Defence. The Force has the dual role of maintaining internal security in the North-Eastern Region and guarding the Indo-Myanmar Border. It has two Inspectorate General Headquarters, nine Sector Headquarters, forty six Battalions (Bns.), one Training Centre and School, three Maintenance Groups, three Workshops, one Construction and Maintenance Company and a few Ancillary Units with a total strength of 66,411.

### 2. Border Security Force (BSF)

Border Security Force (BSF) was formed in 1965 as a Specialized Border Guarding Force to guard the international borders with the erstwhile Pakistan (East and West Pakistan) in place of multiple State Police Forces. Its peacetime role is to instil a sense of security among border population and prevent transnational crimes. During wartime, it acts as the first line of defence and assists Army in fighting the war.

## An effort of Team EG

Headquartered in Delhi, its field formations include 2 Special Directors General (SDG's) Headquarters, 13 Frontiers and 43 Sector Headquarters, **Water Wing** and Air Wing. Its Operational responsibility is spread over 6,386.36 km. of International Border with Pakistan and Bangladesh. It is also deployed on the Line of Control (LoC) in J&K under the operational control of the Indian Army. BSF, over a period of time, has developed the skills for undertaking diverse tasks of Border Management, Counter Insurgency Operations, Internal Security and Anti-Naxal Operations. BSF has been deployed in many UN Missions in the past, and its current foreign engagements are deployment in UN Missions at Haiti and Congo.

To address the changing security scenario, the MHA plans to modernise the force to make it capable of effectively discharging assigned duties and to improve their combat capabilities. Sanctions have been given for procuring State of the Art Weapons, Special Equipments, Surveillance Devices, Fuel Efficient Vehicles, improvised version of Water Crafts, various Bomb Detection and Disposal Equipments, Communication and Information Technology gadgets. BSF **Intranet Prahari Project (IPP)**, an ERP project, covering 237 geographical locations and Automating major office functionalities i.e. Operations, Human Resource Management, Finance, Inventory Management and office workflow management was launched by the Union Home Minister on 05.01.2012. The project is backed up with a State-of-the-art Data Centre and a separate Disaster recovery centre.

### 3. Commando Battalions for Resolute Action (COBRA) in CRPF

In 2008, the Government approved the raising of 10 Battalions of a specialised Force named COBRA in the CRPF over a period of three years, from 2009-10 to 2010-11. The COBRA Battalions are being trained and equipped for commando and guerilla/jungle warfare type of short and intelligence based quick operations, and are to be located mainly in the areas affected by Left Wing Extremism. Like RAF, these Battalions have been organized on unattached pattern under the supervision of an Inspector General. To facilitate the Force to take spot decisions, an officer of the rank of Assistant Commandant has been provided at Team level (each Battalions has 18 teams) and an officer of the rank of **Deputy Commandant** has been provided at the Company level.

To provide training to the personnel of the COBRA Battalions there are 2 Counter Insurgency and Anti

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Terrorism (CIAT) Schools at Silchar (Assam) and Shivpuri (Madhya Pradesh). Proposals for creation of 1 more CIAT School at Belgaum and I COBRA School of Jungle Warfare and Tactics (CSJWT) is under active consideration of the Government.

### 4. Indo-Tibetan Border Police Force (ITBP)

Indo-Tibetan Border Police Force (ITBP) was came to existence with 4 Service Battalions in the wake of India-China conflict in 1962. Presently it has 45 Service Battalions assisted by 4 Specialized Bns. with a total strength of 70,523. It is deployed from the northwestern extremity of the Indo-China border up to the tri-junction of India, China and Myanmar covering 3,488 km. of mountainous terrains. The force is deployed at altitudes ranging from 9,000 ft. to 18,600 ft.

In order to cover the existing gaps along Indo-China border and to enhance surveillance capabilities of the Force, the Government of India has approved the restructuring proposal of the Force which is to be implemented in a phased manner, In order to ensure timely supply and distribution of arms & ammunitions, Vehicles, clothing, ration, equipment & other stores, a Sub-Depot has been established in North-East region. Besides this, the Government of India has sanctioned 03 Recruit Training Centres (RTCs) which are functioning at Sivaganga (Tamil Nadu), Kimin (Arunachal Pradesh), Karera (Madhya Pradesh) and one CIJW School functioning at Mahidanda (Uttarakhand).

### 5. National Security Guard (NSG)

National Security Guard was formed in 1984 as a Central Contingency Force for combating terrorist activities with a view to neutralising serious threats posed by Anti-National Elements. A Bill for the creation of this Organization was introduced in Parliament in August, 1986 and after receiving the assent of the President of India on 22.09.1986, the NSG was formed as an Armed Force of the Union of India,

The NSG is a 100 per cent deputation Force and all personnel are posted on deputation from Army, CAPFs, State Police and other such Organizations. NSG Commandos are trained in high-risk tasks like counter-hijacking and Counterterrorist Operations. They are also assigned the task of providing mobile security protection to designated very high-risk VIPs.

The primary task of the Force is to engage and

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neutralize terrorist threats in specific situations and to undertake counter hijack and hostage rescue missions. Since its inception, NSG has conducted numerous operations so far including the operation at **Akshardham** Temple, Ahmedabad and at Hotel Taj, Hotel Oberai-Trident and Nariman House in Mumbai during the terrorist attack in November 2008. In accordance with the decision of the Government of India, NSG commandos are also performing duties as **Sky Marshals** to cover designated domestic and international flights. In addition to its operational tasks, the Force provides training on special commando action, bomb disposal (BD) techniques and VIP security to personnel of the Armed Forces, CAPFs/State Police and Security Force personnel of friendly neighboring countries. In Delhi, NSG commandos are kept on alert at fixed locations to meet any contingency. These commandos are also deployed for special security coverage on occasions of national importance like Republic Day and Independence Day celebrations and also during the visit of foreign dignitaries and Heads of States/Governments.

### National Bomb Data Centre (NBDC) Under NSG

NSG maintains the National Bomb Data Centre (NBDC) at Manesar and conducts Post Blast Studies in various parts of the country, mostly on requests from the State authorities. It maintains a data bank on explosives and incidents of blasts, for use by the Security Forces in the country. The Centre regularly interacts with other Bomb Data Centres of the world.

It also deploys Post-Blast Study teams on requisition by the State authorities for carrying out an in-depth investigation and analysis of bomb blast incidents. Anti-sabotage check by NSG teams was conducted during important occasions like the Republic Day celebrations, etc.

Post Mumbai incident of 26/11, four Regional Hubs of NSG have been operationalized at **Mumbai, Hyderabad, Chennai and Kolkata** to reduce the reaction time. The raising of infrastructure at the Regional Hubs is almost complete, only some residual work to be accomplished soon. Further, 600 acres of land has been acquired for establishment of Regional Centre at Hyderabad and construction is underway

### 6. Sashastra Seema Bal (SSB)

The Special Service Bureau (SSB) was formed in early 1963 in the wake of India-China conflict of 1962 to build up the

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morale and capability in the border population against threats of subversion, infiltration and sabotage from across the border. It became a border guarding force in 2001 under the Ministry of Home Affairs and was rechristened 'Sashastra Seema Bal' with an amended charter. It has been given the border guarding responsibilities along the Indo-Nepal and Indo-Bhutan Borders.

## **Central Police Forces Canteen System (CPFCS)**

A Central Police Forces Canteen System (CPFCS) has been launched by the Government based on Market Model and envisages own regional depots in remote areas, to provide a wide range of consumer goods to personnel of the forces including ex-personnel and their families at convenient locations on least possible rates without compromising on quality. Efforts are being made to persuade the States to grant Value Added Tax (VAT) exemption to the CPFCs as has been done for the Army Canteens and at present it is operational in thirteen States.

## **Prime Minister's Scholarship Scheme**

The CAPFs personnel, while performing their extremely tough duties, stay away from their families for years and are not in a position to fulfill their family commitments. Their children get deprived of the requisite paternal support. Considering this, Prime Minister's Merit Scholarship Scheme has been introduced to encourage higher technical and professional education for the **wards** and **widows** of in-service and ex-CAPF personnel. Under this Scheme, the scholarships for pursuing education in the field of Medicine, Engineering, Information Technology, etc. are being awarded.

## **Central Armed Police Forces (CAPFs) Development**

CAPFs are deployed in aid of the Civil Power on the request of the State Governments and Union Territories to maintain Law and Order and the security duties. These Forces have been playing a key role in the overall management of the internal security situation in the country. They are utilised to conduct fair and peaceful Assembly Elections as well as Bye-Elections in various States in India.

On the recommendation of Naxal Management Division of Ministry of Home Affairs, CAPFs Battalions are deployed in the LWE affected States for assisting the State Governments in Anti Naxal Operations. Besides, on the request of various State Governments, CAPFs/RAF were provided to them from time to time for law and order duties.

## **An effort of Team EG**

## **7. Counter Insurgency and Anti-Terrorism (CIAT) Schools**

Keeping in view to providing training to police personnel on tackling the menace of Left Wing Extremism/Terrorism, the Government has set up Counter Insurgency and Anti Terrorism (CIAT) Schools under a Centrally Sponsored Scheme during the **11th Five Year Plan**.

Presently three Central Detective Training Schools (CDTSs) are functioning under the aegis of Bureau of Police Research and Development (BPR&D) in Chandigarh, Hyderabad and Kolkata. These CDTSs provide training to the Police personnel on Advance Scientific Methods in crime investigation. Police Officers from the foreign countries also participate in the course. As three schools are not sufficient to meet the requirements of the States, two more CDTS have been approved. One CDTS will be established at Ghaziabad, Uttar Pradesh.

## **8. Central Academy for Police Training, (CAPT) Bhopal**

Central Academy for Police Training at Bhopal with an outlay set up of RS 47.14 crore for providing training to the trainers of the State Police, as the State Police is not having sufficient trainers who can train in the latest techniques to combat the newly emerging challenges to internal security.

This Academy would also provide training to the direct recruit Dy. SPs and also conduct in-service and specialised training to Dy. SPs/additional SPs of the States who at present do not have training facilities of appropriate standards. 400 acres of land has been provided by Government of Madhya Pradesh.

## **9. India Reserve Battalions (IRBS) and Specialized India Reserve Battalions (sirbs) in States (SIRBS)**

Keeping view to strengthening the capabilities of the States, and reducing their dependence upon CAPFs to deal with various types of law and order and internal security situations, a scheme of raising India Reserve Battalions (IRBs) in the States was introduced in 1971.

Main objective is apart from creating a well trained Armed Police Force (APF) in the States and lessening the dependency of States on CAPFs is also that, in the event of requirements elsewhere in the country, IRBs could be deployed outside the State also. Considering the response of the States

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in terms of actual raising of Sanctioned battalions, the level of financial assistance has been progressively stepped up.

In order to help in implementing the various development projects in the Naxal Areas and to ensure development of basic infrastructure like Roads, School, Primary Health Centres and Anganwadi etc. the Cabinet Committee on Security has approved raising of 10 Specialized IR Battalions and to convert 03 already sanctioned IR BnsBattalions into SIR Battalions.

## OTHER POLICE ORGANISATIONS (Related Agencies/Institutions)

Under this segment the following can be listed-

1. Bureau Of Police Research And Development (BPR&D)
2. National Crime Records Bureau
3. Central Finger Print Bureau
4. Directorate Of Forensic Science Services
5. National Institute Of Criminology And Forensic Science (NICFS)
6. Central Forensic Science Laboratory (CFSL), CBI
7. Directorate Of Coordination, Police Wireless (DCPW)
8. Narcotics Control Bureau (NCB)
9. International Obligations/Cooperation

A brief description of the above has been laid down given below-

### 1. Bureau of Police Research and Development (BPR&D)

It was set up in 1970 to identify the needs and problems of Police in the country, undertake appropriate research projects and studies and to suggest modalities to overcome the same. It was also mandated to keep abreast of latest developments in the fields of science and technology, both in India and abroad, with a view to promoting the use of appropriate technology in police work. Over the years, this organization has been entrusted with the responsibility of monitoring the training needs and quality of training in States and Central Police Organisations, assisting States in modernization of police forces and correctional administration.

### 2. National Crime Records Bureau

The National Crime Records Bureau (NCRB) was set up in 1986 to function as a clearing house of information on

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crime and criminals including those operating at national and international levels so as to assist the investigators and others by linking crime to the perpetrators, collection and processing of crime statistics and finger prints, coordinate, guide and assist the State Crime Record Bureaux (SCRB) and provide training to police officers. NCRB endeavours to empower the Indian Police with Information Technology and Criminal Intelligence to enable them to effectively and efficiently enforce the law & improve public service delivery. This is achieved through coordination with Police Forces at National & International levels, upgradation of crime analysis technology and developing IT capability and IT enabled solutions.

### National Projects

#### Crime and Criminal Tracking Network & System (CCTNS)

The Crime and Criminal Tracking Network and Systems (CCTNS) project is a mission mode project under the National e-Governance Plan being implemented by the Ministry of Home Affairs (MHA). The project aims at creating a comprehensive and integrated system and a nation wide networked solution for connecting more than 15,000 Police Stations and nearly 6,000 higher offices in 28 States and 7 UTs of the country for sharing of real-time crime and criminal information.

#### Colour Portrait Building System (CPBS)

This software has been developed to provide facility for construction of portraits of criminals and kidnapped/missing persons on the basis of the description provided by the victim or the witness.

#### Counterfeit Currency Information System (CCIMS)

Counterfeit Currency Information System (CCIMS) maintains data on Fake Indian Currency Notes (FICN).

The information regarding fake currencies recovered by 19 different branches of RBI throughout the country and seized by Police in States/UTs are maintained in CCIMS database. Reports based on different parameters like denomination, series and number can be generated by using this application.

#### Talash Information System (TIS)

Talash Information System (TIS) has been developed for matching of missing, kidnapped, wanted, traced, arrested, unidentified persons and unidentified dead bodies. The system is operational in the NCRB Headquarters and queries received from Police are processed. Once CCTNS becomes operational, State/UT police would be able to

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instantly match missing/kidnapped persons with traced, unidentified persons and unidentified dead bodies. General public would be able to query on the citizen portal services and get instant response on missing, kidnapped, traced, unidentified persons and unidentified dead bodies.

### **Fire Arms Co-ordination System**

Fire Arms Co-ordination System helps in coordination of stolen and recovered fire arms and is used mainly by Law Enforcement Agencies. A vital role has been played by NCRB in this field. An intensive programme has been launched for training the State Police Officers in various aspects of crime records management including finger prints and technical training on computers and computer centre management.

### **3. Central Finger Print Bureau**

The Central Finger Print Bureau (CFPB) came into being in the year 1955 in Kolkata. The CFPB is an apex body in the country which co-ordinates, guides, monitors and provides technical support to the State Finger Print Bureaus, as well as investigating agencies and International Organizations in all matters related to the Finger Print Science.

The Bureau maintains Finger Print Records of National & International criminals. It undertakes Examination of Questioned Documents involving disputed Finger Prints received from various agencies for furnishing expert opinion thereupon. The CFPB also conducts the annual 'All India Conference of Directors of Finger Print Bureaus.

CFPB has done pioneering work in automation of finger prints at national level using "Automated Fingerprint Identification System" (AFIS). The software has been named as "Fingerprint Analysis & Criminal Tracing System" (FACTS). It is a computerized system of matching fingerprints on the basis of ridge-characteristics.

### **4. Directorate of Forensic Science Services**

Forensic Science is a subject dealt under the Union List of the **7th Schedule of the Constitution of India** at serial number 65 (Central List). Directorate of Forensic Science Services (DFSS) under the Ministry of Home Affairs is the apex body for forensic science in the country.

The Organisation administers the work of three Central Forensic Science Laboratories (CFSLs) at **Kolkata, Hyderabad and Chandigarh** and the three new Central Forensic Institutes at Pune, Bhopal and Guwahati. This organisation is playing a crucial role in the development of Forensic Science in the country. Government of India

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has approved the setting up of three Hi-Tech Central Forensic Institutes (CFIs) at Bhopal, Pune and Guwahati.

### **5. National Institute of Criminology and Forensic Science (NICFS) (LOKNAYAK JAIPRAKASH)**

The National Institute of Criminology and Forensic Science is a pioneering Institution for advancement of Criminology and Forensic Science through training and research and was set up in 1972. It was subsequently renamed as "Loknayak Jayaprakash Narayan National Institute of Criminology and Forensic Science" in 2003.

It is a premier institution for training of senior functionaries of the **Criminal Justice System** in the twin fields of Criminology and Forensic Science, as well as for research related to these fields. Since 2011, judicial officers of foreign countries have also started coming for training.

### **6. Central Forensic Science Laboratory (CFSL), CBI**

The Central Forensic Science Laboratory (CFSL), (CBI) New Delhi was set up in the Year 1968 as a scientific department to provide scientific support and services to the investigation of crime. The Laboratory is located at New Delhi.

Besides this, the CFSL has **Scientific Aids Unit** located at CBI Branch in Chennai. The Central Forensic Science Laboratory, CBI, New Delhi today is one of the few comprehensive Laboratories in the country with 10 fully equipped Divisions. The CFSL (CBI), New Delhi has been accredited by the National Accreditation Board for Test & Calibration Laboratories (NABL) under the Department of Science & Technology, Govt. of India, New Delhi, as per Quality System conforming to **ISO IEC 17025** and the National Accreditation Board for Test & Calibration Laboratories (NABL) 113.

### **7. Directorate of Coordination, Police Wireless (DCPW)**

The Directorate of Coordination Police Wireless (DCPW) is the Nodal Advisory Body to the Ministry of Home Affairs for the Police Telecommunication in the country and for laying down technical specifications for communication equipment to be inducted in the police forces in the country.

It also acts as a nodal agency for coordinating various police communication services of States/UTs/ CAPFs. DCPW is also a central distributing authority for cipher documents/

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devices being used by State Police Organisations. DCPW is a member of advisory body for frequency allocation to Wireless Planning and Coordination Wing (WPC) of the Department of Communication and IT. The Directorate operates a round the clock Interstate Police Wireless (ISPW) Network through its 31 stations in all States capitals/UTs for delivering emergent messages pertaining to law and order. This Directorate also imparts training for police communication personnel of various ranks of States/UTs/ CAPFs in operational/technical/cipher disciplines through its training institute i.e. Central Police Radio Training Institute (CPRTI) situated in New Delhi.

The Directorate has an established High Frequency (HF) communication network at its Interstate Police Wireless (ISPW) stations located in all State capitals and UTs. These stations have handled emergency messages pertaining to Law & Order very efficiently. The Directorate also has an extensive network of Very Small Aperture Terminals (VSATs) spread over the entire country and extending connectivity to all District/State head quarters and national capital Delhi through its satellite based network namely Police Network (POLNET). This satellite based network has been actively involved in facilitating communication among various State Police/CAPFs. Also, a disaster management hub is being operated by DCPW at Siri Fort, New Delhi.

## **8. Narcotics Control Bureau (NCB)**

The Narcotics Control Bureau (NCB) is the National Nodal Agency (NNA) created under the Narcotics Drugs and Psychotropic Substances Act, 1985 for combating illicit trafficking in narcotic drugs and psychotropic substances. NCB is also responsible for coordination with various ministries, other offices and State/ Central enforcement agencies with regard to drug law enforcement and also in respect of matters relating to drug abuse.

The NCB is also responsible for implementation of the international obligations under various UN Conventions 1961, 1971, 1988 (to which India is a signatory) against illicit trafficking of narcotics drugs and psychotropic substances. It also provides assistance to concerned authorities in various countries to facilitate universal action for prevention and suppression of illicit trafficking in narcotics drugs and psychotropic substances.

NCB with its Headquarters at New Delhi has three Regional Deputy Director General offices i.e. Northern Region at Delhi, South Western Region at Mumbai, Eastern Region

## **Internal Security**

at Kolkata, 13 Zonal Units, 12 Intelligence Cells and 5 Cells at NCB Headquarters. Besides, there is an Enforcement Unit also for discharging various functions of the organization.

## **International Obligations/Cooperation**

The Charter of the Narcotics Control Bureau includes implementation of the obligations under the various international conventions to which India is a signatory. NCB also renders assistance to the concerned authorities in foreign countries and concerned international organisations with a view to facilitating coordination and universal action for prevention and suppression of illicit traffic in narcotics drugs and psychotropic substances.

Drug trafficking and abuse has assumed global proportions. International cooperation is one of the most potent tools in this common fight. To achieve this objective, India has entered into agreements both bilateral and multilateral, Multilateral Legal Assistance Treaty (MLATs) and Joint Working Group (JWGs) with various countries. It is also an active participant in various international forums both regional like SAARC (South Asian Association for Regional Cooperation) and SDOMD (SAARC Drug Offences Monitoring Desk) and inter-regional CND (Commission for Narcotic Drugs), HONLEA (Heads of Natural Drug Law Enforcement Agencies), IDEC (International Drug Enforcement Conference), ADEC (Asia-Pacific Operational Drug Enforcement Conference), ADLOMIC (Anti Drug Liaison Officials Meeting for International Conference) etc.

To enhance bilateral cooperation, NCB/Government of India has entered into bilateral agreements for mutual cooperation for reducing demand, and preventing illicit trafficking in narcotics drugs, psychotropic substances and precursor chemicals with 23 countries. The NCB/Government of India has also signed MoU on narcotic drugs related matters with various countries. The agreements envisage assistance in exchanging information to identify, suppress and prevent the criminal activities of International Drugs Syndicates engaged in the illicit traffic of Narcotic Drugs and Psychotropic Substances.

## **REFORMS IN POLICE SYSTEM**

### **(Recommendations of ARC)**

The future police organisation and functioning should address the emerging challenges in a competent, honest, humane and fair manner. Piece-meal attempts must give way to a comprehensive and holistic approach. Interest

## **Internal Security**

of the State must be balanced by protection and promotion of constitutional values, respect for human rights, and recognition of victim's rights. The police of the future should focus much more on crime investigation and prosecution.

### **Centralised Control**

Centralised, hierarchical control should yield place to functional specialisation, local accountability and a citizen-centric approach. Hierarchical relationships and a culture of unquestioned obedience should be balanced by horizontal linkages and focus on tasks and teams. Given the awesome power of the police and its authority to use force when needed, an intricate web of institutions needs to be created to enforce accountability and prevent abuse of authority or obstruction of justice.

### **Key Features**

The key features of Police Reform envisaged are outlined here, and the figure given below illustrates the reforms, linkages and relationships proposed by the Administrative Reforms Commission (ARC).

- Investigation of crimes (except offences entailing a prescribed punishment of, say, three years prison term or less) would be entrusted to a separate, fully autonomous, elite, professional, investigation agency in each state.
- This agency and the prosecution wing, would be managed by an Independent Board headed by a retired High Court Judge, and appointed by a high powered collegium.
- Crime investigation will be completely insulated from partisan influences and political control.
- It will be a highly professional, well equipped, adequately staffed corps of officers, with its units at the district and sub-district levels. Officers of this agency cannot be transferred to other police agencies.
- An independent prosecution wing, staffed by serving trial judges on deputation, special prosecutors appointed from time to time, and public prosecutors appointed for a renewable five year term would function under the supervision of the same Board, and work in close coordination with the crime investigation agency.
- The police station (a part of the law and order police), would be the first point of contact for citizens.

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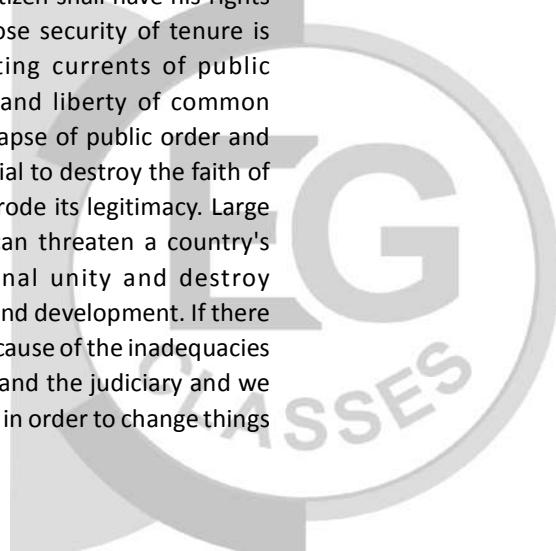
- All crimes (entailing prescribed punishment of less than three years imprisonment) would be investigated by the law and order police, and more serious offences will be transferred to the independent Crime Investigation Agency.
- There would be effective mechanisms for coordination between local police, crime investigation agency, and riot control (law and order) police.
- A system of local courts would ensure speedy justice through fair, but summary procedures (covering cases entailing prescribed punishment of up to one year).
- These local courts would be an integral part of the independent judiciary and would function under the full control of the High Court and Subordinate Courts.
- Many functions which need not be discharged by the police directly - service of summons, escort and general duties, etc. - would be outsourced or transferred to appropriate agencies.
- Duties under special laws would be transferred progressively to the concerned departments.
- Local police (under local authorities), in addition to investigation of petty crimes, would attend to other local police functions including traffic management and minor local law and order maintenance.
- More police functions would be progressively brought under the supervision of local governments.
- There would be a strong forensic division, with well-equipped laboratories in each district, to support the Crime Investigation Agency (and other police agencies). The Forensic division would be under the control of a Board of Investigation.

The rest of the police (excluding crime investigation and local police) would constitute the law and order agency. The Commission envisages ultimate transfer of most police functions along with the personnel to the local governments over a period of time. Metropolitan cities with over one million population can be entrusted with some of these duties immediately. Until the local police are transferred to local governments, the law and order agency would continue to supervise all local police stations. This agency would be headed by a police officer and supervised by an autonomous State Police Performance and Accountability Commission. As law and order cannot be fully insulated from the political

executive, this Commission would have both official representatives and independent members and the elected government would have a legitimate say in decisions to the extent required for effective maintenance of law and order, and democratic accountability.

### **CONCLUSION**

Maintenance of Public Order and the Rule of Law is a key sovereign function of the State, as important in its own way as defending the nation from external aggression or maintaining the unity and integrity of the nation State. "**It is through the rule of law**", wrote Harold Laski, "that we have sought to avoid not merely the obvious dangers of unfettered executive discretion in administration, we have sought also to ensure that the citizen shall have his rights decided by a body of men whose security of tenure is safeguarded against the shifting currents of public opinion". By putting the lives and liberty of common citizens at risk, the possible collapse of public order and of the rule of law has the potential to destroy the faith of citizens in its government and erode its legitimacy. Large scale violence and disruption can threaten a country's social fabric, endanger national unity and destroy prospects for economic growth and development. If there is a failure of public order, it is because of the inadequacies of the legislature, the executive and the judiciary and we need to address them holistically in order to change things for the better.





## CHAPTER

# 11

## MONEY LAUNDERING AND ITS PREVENTION

### INTRODUCTION

Money Laundering involves transferring money for crime that appears to come from legitimate sources. Laundering Money enables criminals to disguise their Criminal activities and enjoy benefits of their Crimes, including investing their profits for future criminal activity.

Money laundering is the generic term used to describe the process by which criminals disguise the original ownership and control of the proceeds of criminal conduct by making such proceeds appear to have derived from a legitimate source.

### MONEY LAUNDRI

The processes by which criminally derived property may be laundered are extensive. Though, criminal money may be successfully laundered without the assistance of the financial sector, the reality is that hundreds of billions of dollars of criminally derived money is laundered through financial institutions, annually.

The nature of the services and products offered by the financial services industry (namely managing, controlling and possessing money and property belonging to others) means that it is vulnerable to abuse by money launderers.

There are many ways to launder money, some of which are sophisticated and complicated. The most common examples include "Smurfing" or structuring, Currency, Smuggling, exchanging transactions, purchasing assets, and gambling.

### Elements of Money Laundering

Money laundering offences have similar pattern globally. There are two key elements to a money laundering offence:

- (i) The necessary act of laundering itself i.e. the provision of financial services; and
- (ii) A requisite degree of knowledge or suspicion (either subjective or objective) relating to the source of the funds or the conduct of a client.

The act of laundering is committed in circumstances where a person is engaged in an arrangement (i.e. by providing a service or product) and that arrangement involves the proceeds of crime. These arrangements include a wide variety of business relationships e.g. banking, fiduciary and investment management.

The requisite degree of knowledge or suspicion will depend upon the specific offence but will usually be present where the person providing the arrangement, service or product knows, suspects or has reasonable grounds to suspect that the property involved in the arrangement represents the proceeds of crime.

In some cases the offence may also be committed where a person knows or suspects that the person with whom he or she is dealing is engaged in or has benefited from criminal conduct.

Different jurisdictions define crime predating the offence of money laundering in different ways. Generally the differences between the definitions may be summarised below:

- (i) Differences in the degree of severity of crime regarded as sufficient to predicate an offence of money laundering. Example in some jurisdictions it is defined as being any crime that would be punishable by one or more years imprisonment. In other jurisdictions the necessary punishment may be three or five years imprisonment; or

2. Differences in the requirement for the crime to be recognized both in the country where it took place and by the laws of the jurisdiction where the laundering activity takes place or simply a requirement for the conduct to be regarded as a crime in the country where the laundering activity takes place irrespective of how that conduct is treated in the country where it took place.

In practice almost all serious crimes, including, **drug trafficking, terrorism, fraud, robbery, prostitution, illegal gambling, arms trafficking, bribery and corruption** are capable of predating money laundering offences in most jurisdictions.

### Objective Behind Laundering

The objective of the criminalisation of money laundering is to take the profit out of crime. The rationale for the creation of the offence is that it is wrong for individuals and organisations to assist criminals to benefit from the proceeds of their criminal activity or to facilitate the commission of such crimes by providing financial services to them.

### The Process of Money Laundering

- The processes are extensive and has illicit sources. Generally speaking, money is laundered whenever a person or business deals in any way with another person's benefit from crime. That can occur in a countless number of diverse ways.
- Traditionally money laundering has been described as a process which takes place in three distinct stages.
  - (a) Placement, the stage at which criminally derived funds are introduced in the financial system.
  - (b) Layering, the substantive stage of the process in which the property is 'washed' and its ownership and source is disguised.
  - (c) Integration, the final stage at which the 'laundered' property is re-introduced into the Legitimate Economy.

This three-staged definition of money laundering is highly simplistic. The reality is that the so called stages often overlap and in some cases, for example in cases of financial crimes, there is no requirement for the proceeds of crime to be 'placed'.

### Methods of Money Laundering

Money laundering often occurs in three steps:

- **First**, cash is introduced into the financial system by some means ("placement"),
- **The second** involves carrying out complex financial transactions in order to camouflage the illegal source ("layering"), and
- The **final step** entails acquiring wealth generated from the transactions of the illicit funds ("integration").

Some of these steps may be omitted, depending on the circumstances; for example, non-cash proceeds that are already in the financial system would have no need for placement.

Money laundering takes several different forms although, most methods can be categorised into one of a few types. These include "bank methods, smarting also known as structuring, currency exchanges, and double-invoicing".

- **Structuring:** Often known as "smarting", is a method of placement by which cash is broken into smaller deposits of money, used to defeat suspicion of money laundering and to avoid anti-money laundering reporting requirements. A sub-component of this is to use smaller amounts of cash to purchase bearer instruments, such as money orders, and then ultimately deposit those, again in small amounts.
- **Bulk Cash Smuggling:** Physically smuggling cash to another jurisdiction, where it will be deposited in a financial institution, such as an offshore bank, with greater bank secrecy or less rigorous money laundering enforcement.
- **Cash-Intensive Businesses:** A business typically involved in receiving cash will use its accounts to deposit both legitimate and criminally derived cash, claiming all of it as legitimate earnings. Best suited is a service business. As such business has no variable costs, it is hard to detect revenues-costs discrepancies. Examples are parking buildings, strip clubs, tanning beds or a casino.
- **Trade-Based Laundering:** Under- or over-valuing invoices in order to disguise the movement of money.
- **Shell Companies and Trusts:** Trusts and shell Companies Disguise the true owner of money. Trusts and corporate vehicles, depending on the jurisdiction, need not disclose their true, beneficial, owner.

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- **Round Tipping:** Money is deposited in a Controlled Foreign Corporation offshore, preferably in a Tax haven where minimal records are kept, and then shipped back as a FDI, exempt from taxation.
- **Bank Capture:** Money Launderers or criminals buy a controlling interest in a bank, preferably in a jurisdiction with weak money laundering controls, and then move money through the bank without scrutiny.
- **Casinos:** An individual will walk in to a casino with cash and buy chips, play for a while and then cash in his or her chips, for which he or she will be issued a check. The money launderer will then be able to deposit the check into his or her bank account, and claim it as gambling winnings.
- **Real Estate:** Real estate may be purchased with illegal proceeds, then sold. The proceeds from the sale appear to outsiders to be legitimate income. Alternatively, the price of the property is manipulated; the seller will agree to a contract that under-represents the value of the property, and will receive criminal proceeds to make up the difference.
- **Black Salaries:** Companies might have unregistered employees without a written contract who are given cash salaries. Black cash might be used to pay them.
- **Fictional Loans:** Fictional loans are raised to cover up the **black money**.

## Enforcement Agencies Involved

Anti-Money Laundering (AML) is a term mainly used in the financial and legal industries to describe the legal controls that require financial institutions and other regulated entities to prevent, detect and report money laundering activities. Anti-money laundering guidelines came into prominence globally as a result of the formation of the Financial Action Task Force (FATF) and the promulgation of an international framework of anti-money laundering standards.

### About FATF

It was formed in 1989 by the G7 Countries, the FATF is an Intergovernmental Body whose purpose is to develop and promote an international response to combat money laundering. The FATF Secretariat is housed at the Headquarters of the OECD in Paris.

### FATF's Function

FATF's three primary functions with regard to money laundering are:

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1. Monitoring members' progress in implementing anti-money laundering measures.
2. Reviewing and reporting on laundering trends, techniques and countermeasures.
3. Promoting the adoption and implementation of FATF anti-money laundering standards globally.

In October 2001, FATF expanded its mission to include combating the financing of terrorism. FATF is a policy-making body, which brings together legal, financial and law enforcement experts to achieve national legislation and regulatory AML and CFT reforms. Currently, its membership consists of 34 countries and territories and two regional organizations.

In addition, FATF works in collaboration with a number of International Bodies and organizations. These entities have observer status with FATF, which does not entitle them to vote, but permits full participation in plenary sessions and working groups.

FATF has developed 40 Recommendations on money laundering and 9 Special Recommendations regarding terrorist financing. FATF assesses each member country against these recommendations in published reports. Countries seen as not being sufficiently compliant with such recommendations are subjected to financial sanctions.

## Criminalizing Money Laundering

The elements of the crime of money laundering are set forth in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 and The United Nations Convention against Transnational Organized Crime.

A brief note on the above has been laid down below—United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988:

- This Convention provides comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals.
- It provides for international cooperation through, for example, extradition of drug traffickers, controlled deliveries and transfer of proceedings.
- The United Nations Convention against Transnational Organized Crime: The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November

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2000, is the main international instrument in the fight against transnational organized crime.

- It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003.
- The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Countries must become parties to the Convention itself before they can become parties to any of the Protocols.

## THE EGMONT GROUP

The Egmont Group provides as an international network fostering improved communication and interaction among Financial Intelligence Units (FIUs). Egmont Group is named after the venue in Brussels where the first such meeting of FIUs was held in June of 1995.

The goal of the Egmont Group is to provide a forum for FIUs around the world to improve support to their respective Governments in the fight against money laundering, terrorist financing and other financial crimes.

### This support includes:-

- Expanding and systematizing international cooperation in the reciprocal exchange of financial intelligence information;
- Increasing the effectiveness of FIUs by offering training and personnel exchanges to improve the expertise and capabilities of personnel employed by FIUs;
- Fostering better and secure communication among FIUs through the application of technology, presently via the Egmont Secure Web (ESW); and
- Promoting the establishment of FIUs in those jurisdictions without a national anti-money laundering/terrorist financing program in place, or in areas with a program in the beginning stages of development.

## Internal Security

### Financial Intelligence Unit (FIU)

Financial Intelligence Unit - India (FIU-IND) was set by the Government of India vide O.M. dated. 18th November 2004 as the Central National Agency responsible for receiving, processing, analyzing 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 the global efforts against money laundering and related crimes.

### Functions of FIU-IND

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. In brief the functions of FIU-IND are-

1. **Collection of Information:** Act as the central reception point for receiving Cash Transaction reports (CTR) and Suspicious Transaction Reports (STR) from various reporting entities.
2. **Analysis of Information:** Analyze 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 data base 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.

## Scenario in India : Legal Framework

### Prevention of Money Laundering Act, 2002

The Prevention of Money Laundering Act, 2002 (PMLA) forms the core of the legal framework put in place by India

## Internal Security

to combat money laundering. PMLA and the Rules notified there under came into force with effect from July 1, 2005 . Director, FIU-IND and Director (Enforcement) have been conferred with exclusive and concurrent powers under relevant sections of the Act to implement the provisions of the Act.

- The PMLA and rules notified thereunder impose obligation on Banking Companies, Financial Institutions and Intermediaries to Verify identity of clients, maintain records and furnish information to FIU-IND.
- PMLA defines money laundering offence and provides for the freezing, seizure and confiscation of the proceeds of crime.

## Objective

The objective of this Act is to prevent money laundering and to provide for confiscation of property derived from or involved in money laundering. The Unlawful Activities (Prevention) Act, 1967 (UAPA) is the Legislation to Combat Terrorism and its Financing.

## Important Sections

**Section 3 of PMLA** criminalizes the activity of money laundering as follows:

- "Whoever, directly or indirectly, attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime and projecting it as untainted property shall be guilty of offence of money laundering."
- "Proceeds of crime" is the property derived directly or indirectly as a result of criminal activity relating to an offence included in the Schedule to PMLA.
- **Section 4 of PMLA** lays down the punishment for the offence of money laundering.
- A person who commits the offence of money laundering is liable for punishment of rigorous imprisonment for a term of not less than three years, extending upto seven years as well as a fine up to five lakh rupees.
- The punishment may extend up to ten years if the predicate offence involves drug trafficking. The property derived from or involved in money laundering is also liable for confiscation under PMLA.

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- The predicate offences for PMLA are included in the Schedule to the Act.
- **There are 3 parts of the schedule;**
  - (i) **Part A** incorporates crimes against the state, terrorism, drugs related crimes, and other serious crimes;
  - (ii) **Part B** incorporates crimes against property & individuals, economic crimes, etc.; and
  - (iii) **Part C** includes cross-border crimes.
- There is a monetary threshold of Rs.30 lakh (Rs.3 million) for **Part B of the Schedule**. There are no thresholds for Parts A & C. The Schedule includes 156 offences under 28 different laws.

**PMLA incorporates two different sets of provisions;**

- (a) One relating to maintenance and submission of information to FIU and the
- (b) Second relating to investigations into cases of money laundering and powers of search, seizure, collection of evidence, prosecution, etc.

The Director, FIU-IND is the relevant authority for the purpose of the provisions relating to maintenance of records and filing of information. The Directorate of Enforcement is the authority for the provisions relating to **search, seizure, confiscation of property, prosecution, etc.**

## Legislative Measures, Combating Financing

The Legislative Measures for combating financing of terrorism in India are contained in the **Unlawful Activities (Prevention) Act, 1967 (UAPA)**.

- UAPA Criminalises terrorist acts and raising of funds for terrorist acts. The punishment for such an offence is death or imprisonment for life, if the terrorist act results in death of a person. In other cases, the punishment is imprisonment for not less than 5 years but may extend to imprisonment for life.
- UAPA also makes the act of raising funds for a terrorist organization an offence liable for punishment with imprisonment upto 14 years.
- The scope of terrorist financing under UAPA includes the act of raising or collecting funds or providing funds to any person or attempting to provide funds to a person to commit / attempt to commit a terrorist act.
- UAPA also enables forfeiture of proceeds of terrorism including proceeds held by a Terrorist Organisation or by a terrorist gang.

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- The Act also gives effect to UNSCR 1267 and 1373, enabling freezing, seizing or attaching funds and other financial assets held by designated individuals or The Unlawful Activities (Prevention) Act, 1967 entities. Offences under UAPA are included as predicate offences under PMLA in Part A of the Schedule, without any monetary thresholds.

**Section 17 of UAPA** reads as under: "Whoever, in India or in a foreign country, directly or indirectly, raises or collects funds or provides funds to any person or persons or attempts to provide funds to any person or persons, knowing that such funds are likely to be used by such person or persons to commit a terrorist act, notwithstanding whether such funds were actually used or not for commission of such act, 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 fine."

The above provision makes it clear that it is not relevant whether the funds were actually used for the commission of terrorist acts or not, nor is it necessary that the offence of raising or providing or collection of funds be linked to a particular terrorist Act. The term "terrorist act" is defined in **Section 15 of UAPA**.

**Section 40 of UAPA** criminalizes raising of funds for terrorist organizations listed in the Schedule to UAPA and reads as under:

"A person commits the offence of raising fund for a terrorist organisation, who, with intention to further the activity of a terrorist organisation,

- Invites another person to provide money or other property, and intends that it should be used, or has reasonable cause to suspect that it might be used, for the purposes of terrorism; or
- Receives money or other property, and intends that it should be used, or has reasonable cause to suspect that it might be used, for the purposes of terrorism; or
- Provides money or other property, and knows, or has reasonable cause to suspect, that it would or might be used for the purposes of terrorism. A person, who commits the offence of raising fund for a terrorist organisation under sub-section (1), shall be punishable with imprisonment for a term not exceeding fourteen years, or with fine, or with both".

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- Section 51 of UAPA** allows the Government to freeze, seize or attach funds held by the individuals or entities engaged in terrorism. 35 entities including entities covered under UNSCR 1267 have been declared as terrorist organizations by MHA under UAPA, 1967.
- Sections 12 of PMLA** requires every Banking company, Financial Institution and Intermediary (referred to as reporting entities) to furnish information of prescribed transactions to the Director, FIU-IND and to verify the identity of all its clients in the manner prescribed.
- The reporting entities are also required to maintain and preserve records of transactions and records of identity of clients for a period of ten years from the date of cessation of transactions.
- The relevant Rules prescribe the requirements for maintenance of records and reports to be submitted to PMLA and FIU-IND. The reporting obligations of financial sector entities are summarized at Appendix F.
- Section 13** of PMLA empowers Director, FIU-IND to call for records maintained by a reporting entity and to enquire into cases of suspected failure of compliance with the provisions of PMLA. The Director, FIU-IND is also empowered to impose under Section 13 fine for non-compliance which shall not be less than ten thousand rupees and may extend to one lakh rupees for each failure to comply with PMLA.
- Section 69 of PMLA** enables the recovery of fines imposed by the Director if they are not paid within six months from the date of imposition of fine and the powers of a Tax Recovery Officer under the Income-tax Act, 1961 can be exercised for this purpose.
- The fines so imposed are recovered in the same manner as prescribed in Schedule II of the Income-tax Act, 1961 for the recovery of arrears.

However, with the passage of time and increasing new ways of money laundering adoption made the amendments in act indispensable in few aspects. To fulfill this, amendments were proposed in this act, the major highlights of which has been laid down below-

## The Prevention of Money Laundering Bill, 2011

The Prevention of Money Laundering (Amendment) Bill, 2011 was introduced by the then Minister of Finance, Mr. Pranab Mukherjee in the Lok Sabha on December 27,

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2011. This Bill seeks to amend the Prevention of Money Laundering Act, 2002.

- The Bill proposes to introduce the concept of 'corresponding law' to link the provisions of Indian law with the laws of foreign countries. It also adds the concept of 'reporting entity' which would include a Banking Company, Financial Institution, Intermediary or a person carrying on a designated business or profession.
- The Bill expands the definition of offence under money laundering to include activities like concealment, acquisition, possession and use of proceeds of crime.
- The Prevention of Money Laundering Act, 2002 levies a fine up to Rs five lakh. The Bill proposes to remove this upper limit
- The Bill seeks to provide for provisional attachment and confiscation of property of any person (for a period not exceeding 180 days). This power may be exercised by the authority, if it has reason to believe that the offence of money laundering has taken place.
- The Bill proposes to confer powers upon the Director to call for records of transactions or any additional information that may be required for the purposes of investigation. The Director may also make inquiries for non-compliance of the obligations of the reporting entities.
- The Bill seeks to make the reporting entity, its designated directors on the Board and employees responsible for Omissions or Commissions in relation to the reporting obligations.
- The Bill states that in the proceedings relating to money laundering, the funds shall be presumed to be involved in the offence, unless proven otherwise.
- The Bill proposes to provide for appeal against the orders of the **Appellate Tribunal** directly to the Supreme Court within 60 days from the communication of the decision or order of the Appellate Tribunal.
- The Bill seeks to provide for the process of transfer of cases of the Scheduled offences pending in a court (which had taken cognizance of the offence) to the Special Court for trial. In addition, on receiving such cases, the Special Court shall proceed to deal with it from the stage at which it was committed.
- Part B of the Schedule in the existing Act includes only those crimes that are above Rs 30 lakh or more

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whereas Part A did not specify any monetary limit of the offence. The Bill proposes to bring all the offences under Part A of the Schedule to ensure that the monetary thresholds do not apply to the offence of money laundering. The said bill is still pending in the parliament for approval.

## Measures Preventing Money Laundering

Profit making is the sole purpose of the organised crime. Like any business, the purposes of profit are to enjoy it and re-invest it in future activity. For the organised criminal, however, profit close to the source of the crime represents a particular vulnerability and unless the criminal can effectively distance himself or herself from the crime which is the source of the profit they remain susceptible to detection and prosecution. Hence the need to launder their illicit profits to make them appear legitimate.

The biggest source of illicit profits comes from the **drugs trade** and it was **drug trafficking** that provided the initial catalyst for concerted international efforts against money laundering. The drugs' industry is a highly cash intensive business and "in the case of cocaine and heroin the physical volume of notes received is much larger than the volume of drugs themselves". In order to get rid themselves of this large burden it is necessary to use the financial services industry and in particular, deposit-taking institutions.

### The 'Choke Points'

The Financial Action Task Force (FATF) on Money Laundering has identified certain "Choke Points" in the money laundering process that the launderer finds difficult to avoid and where he is vulnerable to detection. The initial focus has to be on these areas if the war against the launderer is to proceed successfully.

The Choke Points identified are:

- (a) Entry of cash into the financial system;
- (b) Transfers to and from the financial system; and
- (c) Cross-border flows of cash.

The entry of cash into the financial system, known as the "**placement stage**" is where the launderer is most vulnerable to detection. Because of the large amounts of cash involved it is extremely hard to place it into a Bank Account legitimately.

- The system of reporting suspicious transactions to the authorities along with the procedures adopted by deposit-takers are powerful weapons against money launderers.

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- In particular, the emphasis being placed on the importance of deposit-taking institutions 'knowing their customer' can severely curtailed this activity to such an extent that one of the favourite methods for money launderers to 'place' their money is to smuggle the money out of the country.
- There must be penalties attached to the various money laundering offences for the **deposit-taking institutions** and these can be provided for a powerful incentive for reporting suspicions to the concerned agencies.
- However, **cross-border** flows of cash is one of the areas mentioned above where the launderer is vulnerable to detection. A law must be introduced providing he powers for customs and police officers to seize cash being brought into or out, where they have reason to believe that such money represents the proceeds of drug trafficking or is intended to be used in drug trafficking.
- Additionally, the courts should be empowered to order the confiscation of such cash, where they are satisfied, on the balance of probabilities, of the alleged link with drug trafficking.
- These measures overcome the difficulty of custom officers coming across large amounts of cash with no reasonable explanation for their **export/import** but, at the same time, with no hard evidence of links to drug trafficking it allows the detention of the cash pending an investigation.
- Apart from this, the keeping of comprehensive transaction records (part of the procedures) by financial organisations provides a useful audit trail and gives useful information on people and organisations involved in laundering schemes once discovered.

It is important, therefore, to ensure that complacency does not creep into our financial institutions at this stage, now that the measures are in place to deny money launderers open access to these same institutions.

## Steps to Preventing Money Laundering to Terrorist

Recognising the vital importance of taking action to combat the financing of terrorism, the FATF has agreed the following Recommendations, which, when combined with the FATFs Forty Recommendations on money laundering, set out the basic framework to detect, prevent and suppress the financing of terrorism and terrorist acts.

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1. **Ratification and Implementation of UN Instruments:** Each country should take immediate steps to ratify and fully implement the 1999 United Nations International Convention (UNIC) for the Suppression of the Financing of Terrorism.  
Countries should also immediately implement the United Nations resolutions relating to the prevention and suppression of the financing of terrorist acts.
2. **Criminalizing the Financing of Terrorism and Associated Money Laundering:** Each country should also criminalize the financing of terrorism, terrorist acts and terrorist organizations. Countries should also ensure that such offences are designated as money laundering offences.
3. **Freezing and Confiscating Terrorist Assets:** Each country should implement measures to freeze without delay funds or other assets of terrorist, those who finance terrorism and terrorist organizations in accordance with the United Nations Resolutions relating to the prevention and suppression of the financing of terrorist acts.
4. **Reporting Suspicious Transactions :** If financial institutions, or other businesses or entities subject to anti-money laundering obligations, suspect or have reasonable grounds to suspect that funds are linked or related to, or are to be used for terrorism, terrorist acts or by terrorist organisations, they should be required to report promptly their suspicions to the competent authorities
5. **International Cooperation :** Each country should afford another country, on the basis of a treaty, arrangement or other mechanism for mutual legal assistance or information exchange, the greatest possible measure of assistance in connection with criminal, civil enforcement, and administrative investigations, inquiries and proceedings relating to the financing of terrorism, terrorist acts and terrorist organisations.
6. **Alternative Remittances :** Each country should take measures to ensure that persons or legal entities, including agents, that provide a service for the transmission of money or value, including transmission through an informal money or value transfer system or network, should be licensed or registered. We should ensure that persons or legal entities that carry out this service illegally are subject to administrative, civil or criminal sanctions.

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- Each country should also adopt and implement measures, including legislative ones, which would enable the competent authorities to seize and confiscate property that is the proceeds of, or used in, or intended or allocated for use in, the financing of terrorism, terrorist acts or terrorist organizations.
- 7. Wire Transfers :** Each country should take measures to require financial institutions, including money remitters, to include accurate and meaningful originator information (name, address and account number) on funds transfers and related messages that are sent, and the information should remain with the transfer or related message through the payment chain.

Further measures must be taken to ensure that financial institutions, including money remitters, conduct enhanced scrutiny of and monitor for suspicious activity funds transfers which do not contain complete originator information (name, address and account number).

- 8. Non-Profit Organizations:** Apart from the above, the review of the adequacy of laws and regulations should also be taken that relate to entities that can be abused for the financing of terrorism. Non-profit organisations are particularly vulnerable, and countries should ensure that they cannot be misused:
- (i) by terrorist organisations posing as legitimate entities;
  - (ii) to exploit legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset freezing measures; and
  - (iii) to conceal or obscure the clandestine diversion of funds intended for legitimate purposes to terrorist organisations.

## Recent Initiatives : KYC

Money Laundering poses a serious threat to the health of India's financial sector. It is the process by which criminals conceal the origin and ownership of the proceeds of crime, by legitimising illegally obtained money, by channelising surreptitiously through legitimate business channels and integrating those to financial system in a variety of ways like bank deposits, investments or through transfer from one place or person to another.

Financial institutions like Banks, Insurance Companies, Stock Markets, etc. are most vulnerable to

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such intrusion and therefore the need to protect these institutions from the debilitating effect of laundered money. This is intended to be achieved by implementation of Know Your Customers (KYC) policy, and Customer Due Diligence (CDD) guidelines across the financial sector. The Act of money laundering has been criminalised in India through the enactment of the Prevention of Money Laundering Act, 2002. Persons and entities who indulge in or assist in the process or activity connected with the proceeds of scheduled crime as defined under the said Act and in projecting it as untainted property are guilty of the said offence of money laundering under Section 3 of the Act.

- Banks, Insurance and Stock Markets are the easiest targets which most often are used for the concealment and projection of the tainted proceeds.
- The Act, while criminalising the act of money laundering, and prescribing a stringent punishment for the violators & the abettors, under **Section 4**, also prescribes legal requirements to be complied with by the Banking Companies, Financial Institutions and intermediaries for protecting the integrity of the sector.
- To achieve the objective, **Section 12 of the Act**, has cast obligation on the Banking companies, financial institutions to keep watch on suspicious transactions and movement of tainted funds and to bring these to the notice of Financial Intelligence Unit - IND (FIU-IND), for necessary action.

## Objective of the KYC Scheme

The objective of KYC and CDD guidelines is to enable the managers to examine and assess their customer's financial dealings from anti-money laundering perspective, so as to make a proper risk assessment for preventing the tainted money from entering the institution.

Formulation of KYC and CDD Guidelines and procedures specifying the objective of KYC framework by regulators like the RBI, the SEBI and IRDA are designed for appropriate customer identification, and to monitor transactions of suspicious nature. Risk Management and Monitoring Procedures have been specifically stated for having a system at ground level to exercise caution against the transaction suspected to be involving laundered

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money and for its identification and reporting to the FIU-IND through periodic reports.

The recommendations of Financial Action Task Force (FATF), the international watchdog, on Anti Money Laundering, and guidelines issued by Basel Committee on Banking supervision, on Customer Due Diligence (CDD), are the basic parameters, which are required to be adhered to by the countries, for a sustained fight against global threat of money laundering. These standards have become the benchmark for framing Anti Money Laundering laws by the respective countries like the PMLA, legislated and put into operation in India.

- Regulatory authorities on the basis of these guidelines and requirements under PMLA have issued instructions on KYC & CDD, to give proper effect to the said law in the financial sector.
- As per these guidelines, financial institutions should undertake CDD measures, for establishing the identity of the customer by proper verification, particularly when initiating business relation, or carrying out occasional transaction, beyond the applicable threshold limit, or when there is a suspicion of money laundering or terrorist financing, or there is a doubt about the veracity or adequacy of previously obtained customer identification data.
- Such verification, identification should be undertaken for the customer and the beneficial owner by using reliable, independent source documents, data information.
- For legal persons, financial institutions should take appropriate measures to understand the ownership and control structure of such customer, obtaining information on the purpose and intended nature of the business relationship behind such entity.
- Compliance with these standards of KYC and CDD by the financial institutions has been made mandatory through instructions issued by concerned regulators.
- These guidelines are essentially in the nature of filters having been introduced, and being operated at all the important entry points to the economy like bank, insurance, stock market.
- But the success of the KYC and CDD regime will be judged from, how effectively the system has prevented the entry of crime money, rather than from how many cases have been detected after the entry of the laundered money.

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### Strategy Tackling Black Money

FICCI has come up with an analysis titled Widening of tax base and tackling black money. For solving the vexing problem of black money and sent it to the **PM Narendra Modi Government**.

The document identifies the root causes of generation of Black Money in India, sectors where black money generation is prevalent and suggestions to uncover the generation, accumulation and distribution of black money within the Indian economy.

#### Suggestions forming part of the document are as follows;

*Incentivize transactions through credit/debit cards and other banking instruments :*

- It is recommended that Government may provide some incentives so that dealers (particularly of high valued items like jewellery, FMCG etc.) are encouraged to accept payments through credit card/debit card and other banking instruments.
- These incentives could take the form of an additional deduction from income relatable to the transaction value for calculating the tax liability or a reduced Value Added Tax (VAT).

**1. Set-up Central database to store invoices:** It is suggested that a central database be established, to facilitate storing of invoices issued by Fast Moving Consumer Goods (FMCG) companies to small businesses across the country. The database can be then used to effectively monitor the purchases made by these small businesses from FMCGs stores and the corresponding sales reported by them. This will help in detecting any discrepancy in sales reported by small business and probable chain of generation of black money.

**2. Expand the Scope of Presumptive Taxation:** The Government can consider bringing a presumptive profit estimation scheme by incorporating provisions in the income tax law to capture professionals who operate through transaction in cash and stay out of the tax net.

**3. Tax on Agricultural Income:** State Governments be encouraged to usher suitable mechanism (while providing reasonably high level of thresholds to avoid small farmers being burdened) for increasing the scope and quantum of agricultural income tax.

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4. **Refors In Real Estate:** As the registration charges and taxes are dependent on the value of the transaction, buyers under-report the value to avoid paying higher taxes and charges (by making a portion of the payment in cash). This enables the parties involved to declare lower transaction values. Taxes and charges at the time of registration can be split into two parts- a fixed component and a variable component. Irrespective of the reported value of the property a fixed component be paid to civic authorities, while the variable component may be dependent on the current market prices of the property. The market price of a property may be determined by an independent government approved agency. The value of the property reported by the agency may form the basis for calculating the taxes and charges to be paid by the buyer.
5. **Create IT Infrastructure to Track Tax Evasion:** It is imperative to deploy and use robust IT Infrastructure to consolidate and exchange information pertaining to different streams of taxes i.e., Income tax, Service tax, Sales tax, Excise duty, etc. by using common means such as PAN of an assessee. This will facilitate, in tracking cases pertaining to tax evasion resulting in accumulation of black money.
6. **Expand the Provisions of Tax Deduction at Source/ Tax Collection at Source:** It is suggested that the provisions of the Income Tax Act, 1961 be amended to expand the scope of TDS and TCS by including uncovered sectors where black money gets generated.
7. **Enhance Tax Base By Detecting Non-Filers of Income Tax Returns:** To enhance the tax base and augment tax collection, it is pivotal for the government to focus on non-filers and uncover black money in the economy. The Income-Tax (IT) department should implement stronger mechanisms to identify persons who resorted to tax evasion and bring them under the tax net.
8. **Simplify the Tax Structure:** The Government should simplify the tax structure, and possibly reduce tax rates. This would deter tax evasion by leading to reporting of full transaction value. The step would be instrumental to discourage black money generation.

## White Paper on Black Money

A white paper on a subject is issued by the government presumably to give a definitive view on it and inform the

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public of an important issue. The White paper on black money does nothing of the sort.

The Finance Minister tabled the white paper on Black money in the Lok Sabha on May 21, 2012, According to paper, black money is a serious issue because it has a debilitating effect on governance and public policy which then affects the poor disproportionately.

1. The Paper defines black money as: 'assets or resources that have neither been reported to the public authorities at the time of their generation nor disclosed at any point of time during their possession'.
2. Black money can be generated through
  - (i) Illegal activities like crime, drug trade, terrorism and corruption or
  - (ii) Failing to pay dues to the public exchequer in one form or another.
3. The paper provides an overview of how manipulation of financial records and accounting techniques are used to generate black money.
4. Certain sectors are highlighted as being more vulnerable to black money issues. These include land and real estate, bullion and jewellery, financial markets, public procurement, the non-profit sector, informal sector and cash economy.
5. The paper does not provide an estimate of the amount of black money currently generated in India. It cites a lack of uniformity, unanimity or consensus about the best approach to be used to measure black money.
6. The paper highlights the issue of Indian assets held abroad, particularly in Swiss Banks. In 2010, liabilities in Swiss Banks towards India were Rs 7,924 crore and this was 0.13 percentage of Swiss banks' total liabilities.
7. The paper describes the institutions currently in place responsible for dealing with black money issues. These include the Central Board of Direct Taxes (CBDT) the Enforcement Directorate (ED), the Financial Intelligence Unit (FIU-IND) and the central Board of Excise and Customs (CBEC). The Central Economic Intelligence Bureau (CEIB), the National Investigation Agency (NIA), and the High Level Committee (HLC) act as coordinating agencies.
8. The paper also explains the framework the Government of India has employed to tackle black money. It is a five pronged strategy which involves:
  - (i) Joining the global crusade against black money,
  - (ii) Creating an appropriate legislative framework,

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- (iii) Setting up institutions for dealing with illicit money,
  - (iv) Developing systems for implementation, and
  - (v) Imparting skills to personnel for effective action.
9. The Paper stress the need for any long term strategy to be based on public acceptance, political consensus and the commitment to implement it.
10. The Paper proposes a strategy to curb black money generation from legitimate activities based on four pillars.
11. Reducing disincentives against voluntary compliance- this could involve measures like rationalization of tax rates and reducing transaction costs by providing electronic and internet-based services to pay tax.
12. Reforms in sectors vulnerable to generation of black money- the Paper proposes various policy initiatives to prevent black money generation in certain vulnerable sectors of the economy. For instance, in the area of real estate, the Paper proposes deducting tax at source on payments made on real estate transactions. In the cash economy, the Paper recommends that the Government provide tax incentives for use of credit/debit cards.
13. **Creation of effective credible deterrence:** Policies should create enough disincentives for black money generation. The paper believes the introduction of the Goods and Service Tax (GST) will be an important step in this process. Other measures proposed include strengthening the direct tax administration, strengthening of the prosecution mechanism and enhancing exchange of information.
14. **Supportive Measures:** Some of the measures suggested by the paper include creating public awareness and public support, enhancing the accountability of auditors and participating in international efforts.
- With regards to repatriation of money overseas, the paper suggests a onetime partial benefit of immunity from prosecution for voluntary disclosure.

### Questions in Context of Money Laundering

#### What is a Financial Intelligence Unit?

A Financial Intelligence Unit (FIU) is a central agency of a government that

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- Receives financial information pursuant to country's anti-money laundering laws
- Analyzes and processes such information and
- Disseminates the information to appropriate national and international authorities, to support antimoney laundering efforts.

#### What is the main function of FIU-IND?

FIU-IND is the Central National Agency (CNA) of India responsible for receiving, processing, analyzing 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 the global efforts against money laundering and related crimes.

#### Can Fiscal Offences such as tax evasion predicate Money Laundering?

The answer depends upon the definition of crime contained within the money laundering legislation of a particular jurisdiction. Tax evasion and other fiscal offences are treated as predicate money laundering crimes in most of the worlds most effectively regulated jurisdictions.

#### Is FIUIND Another Regulatory Authority?

No it is not FIU-IND is not a regulatory authority. Its prime responsibility is to gather and share financial intelligence in close cooperation with the regulatory authorities including RBI, SEBI and IRDA.

#### What will FIU-IND do with the information received by it?

FIU-IND will process and analyse received financial information disseminate actionable intelligence in appropriate cases to relevant enforcement agencies.

#### How do FIUs Exchange Information with each other?

FIUs exchange information with other FIUs on the basis of reciprocity or mutual agreement and consistent with procedures understood by the requested and requesting party. An FIU requesting information should disclose, to the FIU that will process the request, at a minimum the reason for the request, the purpose for which the information will be used and enough information to enable the receiving FIU to determine whether the request complies with its domestic law.

#### What is Money Laundering?

- Money laundering involves disguising financial assets so that they can be used without detection of the illegal activity that produced them.

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- Through money laundering, the launderer transforms the monetary proceeds derived from criminal activity into funds with an apparently legal source.

### **What is a Money Laundering Offence?**

- Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime and projecting it as untainted property shall be guilty of offence of money laundering.

### **What are Proceeds of Crime?**

Proceeds of crime refers to any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property.

### **What is a Scheduled Offence?**

Scheduled offence means an offence specified under **Part A of the Schedule**, or the offences specified under **Part B of the Schedule** if the total value involved in such offences is **thirty lakh rupees** or more.

### **What is PMLA?**

PMLA is an abbreviation for **Prevention of Money Laundering Act, 2002** which is in force since 1st July 2005. Which notification confers powers under PMLA to Director, FIU-IND? Notification No. 5/2005 dated 1st July 2005 confers certain exclusive and concurrent powers under the Prevention of Money Laundering Act, 2002 to the Director, Financial Intelligence Unit, India.

### **What is the fine for not complying with the obligations under PMLA?**

**Section 13(2)** of the Prevention of **Money Laundering Act, 2002**, empowers the Director, FIU-IND to impose fine on any Banking Company, Financial Institution or Intermediary for failure to comply with the obligations of maintenance of records, furnishing information and verifying the identity of clients. The amount of fine may vary from ten thousand rupees to one lakh rupees for each failure.

### **Can fine imposed under section 13(2) be recovered in the event of default?**

Yes **Section 69** of the Prevention of Money Laundering Act, 2002, provides that where any fine imposed on any person is not paid within six months from the day of imposition of fine, the Director, FIU-IND or any person authorized by him may proceed to recover the amount from the said person in the same manner as prescribed

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in Schedule II of the Income-tax Act, 1961 (43 of 1961) for the recovery of arrears.

### **Whether any civil proceedings can be initiated for furnishing information?**

Not at all, it is provided for in **Section 14** of the Prevention of Money Laundering Act, 2002, that the banking companies, financial institutions, intermediaries and their officers shall not be liable to any Civil Proceedings against them for furnishing information under **clause (b) of subsection (1) of section 12**.

### **Can appeal be filed against the order of Director, FIU-IND imposing fine?**

If any Banking Company, Financial Institution or intermediary is aggrieved by order of the Director, FIU-IND imposing fine, they may prefer an appeal to the Appellate Tribunal.

### **Can Civil Court grant injunction against any action taken by the Director, FIU-IND?**

No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter with which the Director is empowered and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

### **Can Director, FIU-IND issue summons for discovery and Production?**

The Director shall, for the purposes of section 13, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, such as discovery and inspection, enforcing the attendance of any person, examining on oath, compelling the production of records, receiving evidence on affidavits and issuing commissions.

### **What are the roles and responsibilities of various regulators & authorities in the enforcement of PMLA?**

**Section 54** of the Prevention of Money Laundering Act, 2002 empowers and requires various Regulators & Authorities to assist in the enforcement of the Act.

### **What is the legal framework for sharing of information with other authorities?**

**Section 66** of the Prevention of Money Laundering Act, 2002 provides for disclosure of information to other officers, authority Organisation or body.

### **What is the legal framework for exchanging information with foreign countries?**

**Section 56** of the Prevention of Money Laundering Act,

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2002 provides for entering into agreements with foreign countries to enforce provision of **PMLA, 2002** and for exchange of information.

### What is a Banking Company?

Banking Company under PMLA means a banking Company or a co-operative bank to which the **Banking Regulation Act, 1949** applies and includes any Bank or Banking Institution referred to in Section 51 of that Act. Banking Company includes

- (i) All Nationalized Banks, Private Indian Banks and Private Foreign Banks,
- (ii) All Co-operative Banks viz. Primary Co-operative Banks, State Co-operative Banks and Central Cooperative Banks,
- (iii) State Bank of India and its associates and subsidiaries, Regional Rural Banks.

### Which is a Financial institution?

Financial Institution under PMLA means a Financial Institution as defined in clause (c) of Section 45-1 of the Reserve Bank of India Act, 1934 (2 of 1934) and includes a chit fund company, a Co-operative Bank, a housing Finance institution and a non banking financial company. Financial Institution includes:

- (i) Financial Institutions as defined in **Section 45-1 of the RBI Act**. RBI regulates and supervises 8 All-India Financial Institutions namely **EXIM Bank, NABARD, NHB, SIDBI, IFCI Ltd., IDFC Ltd., IIBI Ltd. And TFCI Ltd.**
- (ii) Insurance Companies,
- (iii) Hire Purchase Companies,
- (iv) Chit Fund Companies as defined in the Chit Funds Act.
- (v) Co-operative Banks.
- (vi) Housing Finance Institutions as defined in the National Housing Bank Act such as HDFC.
- (vii) Non-banking Financial Companies as defined in **Section 45-1** of the RBI Act such as private finance companies - motor and general, hire purchase companies, leasing companies, investment companies etc.

### What is an Intermediary?

Intermediary under PMLA inducts following persons registered under Section 12 of SEBI Act-

- (i) Stock Brokers

- (ii) Sub-Brokers
- (iii) Share Transfer Agents
- (iv) Bankers to an Issue
- (v) Trustees to Trust Deed
- (vi) Registrars to Issue
- (vii) Merchant Bankers
- (viii) Underwriters
- (ix) Portfolio Managers
- (x) Investment Advisers
- (xi) Venture Capital Funds
- (xii) Custodian of Securities
- (xiii) Foreign Institutional Investors
- (xiv) Credit Rating Agencies
- (xv) Depositories and Depository Participants
- (xvi) Collective Investment Schemes including Mutual Funds

### What is a Chit Fund Company?

Chit Fund Company means a Company Managing, conducting or supervising, as foremen, agent or in any other capacity, chits as defined in **Section 2 of the Chit Funds Act, 1982**.

### What is a Co-operative Bank?

Co-operative bank shall have the same meaning as assigned to it in clause (dd) of **Section 2** of the Deposit Insurance and Credit Guarantee Corporation Act 1961.

### What is a Housing Finance Institution?

Housing Finance Institution shall have the same meaning as assigned to it in clause (d) of **Section 2** of the National Housing Bank Act, 1987.

### What is a Non-Banking Financial Company?

Non-Banking financial Company shall have the same meaning as assigned to it in clause (f) of Section 45-I of the Reserve Bank of India Act, 1934.

### What are the obligations for maintenance of records under PMLA?

In terms of **Section 12** of the Prevention of Money Laundering Act, 2002, every Banking Company, Financial Institution and Intermediary shall maintain a record of all transactions, the nature and value of which may be prescribed, whether such transactions comprise of a single transaction or a series of transactions integrally connected to each other, and where such series of transactions take place within a month.

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**Name the notification lays down the procedure and the manner of maintenance of records.**

**Rules 3, 4, 5 and 6** of the Rules notified by **Notification No. 9/2005** dated 1st July 2005 as amended by **Notification No.15/2005** dated 13th Dec 2005 specify the procedure and manner for maintenance and retention of records.

### **Which records need to be maintained as per PMLA?**

As per **Rule 3** of the Rules notified by Notification No. 9/2005 every Banking Company, Financial Institution and Intermediary shall maintain a record of, -

- (a) all cash transactions of the value of more than rupees ten lakhs or its equivalent in foreign currency;
- (b) all series of cash transactions integrally connected to each other which have been valued below rupees ten lakhs or its equivalent in foreign currency where such series of transactions have taken place within a month;
- (c) all cash transactions where forged or counterfeit currency notes or bank notes have been used as genuine or where any forgery of a valuable security or a document has taken place facilitating the transactions;
- (d) all suspicious transactions whether or not made in cash.

### **What constitutes a suspicious transaction under PMLA?**

Suspicious transaction mean a transaction whether or not made in cash which, to a person acting in good faith-

- (a) gives rise to a reasonable ground of suspicion that it may involve the proceeds of crime; or
- (b) appears to be made in circumstances of unusual or unjustified complexity; or
- (c) appears to have no economic rationale or bona fide purpose; or
- (d) gives rise to a reasonable ground of suspicion that it may involve financing of the activities relating to terrorism.

### **Whether a transaction can be reported both through CTR and STR**

Yes it can in case it is a cash transaction falling within the prescribed rules and has also an element of suspicious transaction.

### **How does PMLA, 2002 define records?**

Records include the records maintained in the form of books or stored in a computer or such other form as may

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be prescribed.

### **In what form is the information on transaction required to be maintained?**

Rule 5 contained in Notification No. 9/2005 read with **Notification No.15/2005** specify that the banking companies, financial institutions and intermediary shall maintain transactions with their clients both in hard and soft copies in accordance with the procedure and manner as may be specified by the Reserve Bank of India or the Securities and Exchange Board of India or the Insurance Regulatory and Development Authority (IRDA), as the case may be.

### **For how long should the record of transactions be retained?**

The records of all transactions referred to in **Rule 3** contained in **Notification No.9/2005 dated 1/7/2005** are required to be maintained by every banking company, financial institution and intermediary for a period often years from the date of cessation of the transactions with their clients.

Can a Banking Company, Financial Institution or an intermediary be penalised for not complying with the obligations of maintenance of records under PMLA, 2002?

Yes, under **Section 13** of the Prevention of Money Laundering Act, 2002. If the Director, FIU-IND finds that any Banking Company, Financial Institution or intermediary has failed to comply with the obligations of maintenance of records, then, he may levy a fine from ten thousand rupees upto one lakh rupees for each failure.

Is every Banking Company, Financial Institution and intermediary obliged to furnish information under PMLA, 2002 to FIU-IND?

Yes it is Section 12 of the Prevention of Money Laundering Act, 2002, casts an obligation on every Banking Company, Financial Institution and Intermediary to furnish information on all transactions referred to the Rule 3 of the Rules notified by **Notification No.9/2005** to the Director within the time prescribed in Rule 8 contained in **Notification Nos.9/2005** dated 1-7-2005 and 15/2005 dated 13-12-2005.

### **Which Notification Lays Down Procedures and manner for furnishing of information?**

**Rules 7 and 8** of the Rules notified by Notification No. 9/2005 dated 1st July 2005 read with Notification No.15/2005 dated 13th December 2005 and Notification No. 4/2007 dated 24th May 2007 specify the procedure and manner for furnishing information.

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### What type of information is required to be furnished under PMLA?

Every Banking Company, Financial Institution and intermediary is required to furnish information about -

- (a) all cash transactions of the value of more than rupees ten lakhs or its equivalent in foreign currency;
- (b) all series of cash transactions integrally connected to each other which have been valued below rupees ten lakhs or its equivalent in foreign currency where such series of transactions have taken place within a month;
- (c) all cash transactions where forged or counterfeit currency notes or bank notes have been used as genuine or where any forgery of a valuable security or a document has taken place facilitating the transactions;
- (d) all suspicious transactions whether or not made in cash.

### What constitutes a suspicious transaction under PMLA?

Suspicious transaction means a transaction whether or not made in cash which, to a person acting in good faith-

- (a) gives rise to a reasonable ground of suspicion that it may involve the proceeds of crime; or
- (b) appears to be made in circumstances of unusual or unjustified complexity; or
- (c) appears to have no economic rationale or bona fide purpose; or
- (d) gives rise to a reasonable ground of suspicion that it may involve financing of the activities relating to terrorism

### Is there any standard format required to be used by banking companies, financial institutions & intermediaries for furnishing information to the Director, FIU-IND?

Yes, it is Every Banking Company, Financial Institution and intermediary is necessarily required to furnish information to Director, FIU-IND in a standard format prescribed for the purpose by the Reserve Bank of India, Securities and Exchange Board of India (SEBI) or the Insurance Regulatory & Development Authority, as the case may be.

### Who keeps the responsibility to furnish information to Director, FIU-IND?

Every Banking Company, Financial Institution and

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Intermediary is required by **Rule 7** of the Rules notified by Notification No.9/2005 dated 1/7/2005 to designate an officer as Principal Officer for the purpose of PMLA, 2002, who will have the responsibility to furnish the information referred to in Rule 3 to the Director, FIU-IND on the basis of information available with the Banking Company, Financial Institution and Intermediary, as the case may be. A copy of such information shall also be retained by the Principal Officer for the purpose of official record.

### Who is a Principal Officer ?

Principal Officer is an officer designated by a Banking Company, Financial Institution and Intermediary for the purpose of Section 12 of PMLA, 2002. Rule 7 of the Rules notified by Notification No. 9/2005 requires every banking company, financial institution and intermediary to communicate the name, designation and address of the Principal Officer to the Director.

### Are there any time limits prescribed for furnishing information to Director, FIU-IND?

Yes, it is Rule 8 of the Rules notified by Notification No.9/2005 (as amended by Notification No. 15/2005 and 4/2007) prescribes time limit for furnishing information to the Director, FIU-IND. The time limit for furnishing information about cash transactions and integrally connected cash transactions to Director, FIU-IND is 15th day of the succeeding month.

All cash transactions where forged or counterfeit currency notes or bank notes have been used as genuine or where any forgery of a valuable security or a document has taken place facilitating the transactions should be furnished to the Director, FIU-IND not later than seven working days from the date of occurrence of such transactions.

All suspicious transactions have to be furnished to the Director, FIU-IND not later than seven working days on being satisfied that the transaction is suspicious

### Can fine imposed Under Section 13(2) be recovered in the event of default?

Yes it is **Section 69** of the Prevention of Money Laundering Act, 2002, provides that where any fine imposed on any person is not paid within six months from the day of imposition of fine, the Director, FIU-IND or any person authorized by him may proceed to recover the amount from the said person in the same manner as prescribed in **Schedule II** of the **Income-tax Act, 1961 (43 of 1961)** for the recovery of arrears.

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### What is a Data Quality Report (DQT)?

Data Quality Report explains the errors in an electronic report such as data structure errors, mandatory field validation errors, data integrity errors and data sufficiency errors.

### What are the obligations for verifying identity of clients under PMLA?

**Section 12** of the Prevention of Money Laundering Act, 2002, requires every Banking Company, Financial Institution and Intermediary to verify and maintain the records of the identity of all its clients, as prescribed by rule 9 of the Rules notified by Notification No.9/2005 dated 1/7/2005.

### Does PMLA, 2002 or the rules thereunder prescribe any procedures and manner verifying for identity of clients?

Yes. **Rules 9 and 10** of the Rules notified by Notification No. 9/2005 dated 1st July 2005 prescribe procedures & manner for verification and maintenance of the records of the identity of clients.

### When should the verification of identity of clients be undertaken?

Every Banking Company, Financial Institution and Intermediary is required to verify the record of identity and current address or addresses including permanent address or addresses of the client, the nature of business of the client and his financial status at the time of opening an account or executing any transaction with it.

### Who is a Client ?

Client means a person that engages in a financial transaction or activity with a Banking Company, or Financial Institution or Intermediary and includes a person on whose behalf the person that engages in the transaction or activity, is acting. Rule 9 of the Rules notified by **Notification No.9/2005** defines a client to include an individual, a company a partnership firm, a trust on unincorporated associative or a body of individuals.

### What is a Transaction ?

Transaction refers to **deposit, withdrawal, exchange or transfer of funds** in whatever currency, whether in cash or by cheque, payment order or other instruments or by electronic or other non-physical means.

### Possibility to verify the identity of the client it not Possible.

It is not possible to verify the identity of the client at the

time of opening an account or executing any transaction, the Banking Company, Financial Institution and Intermediary shall verify the identity of the client within a reasonable time after the account has been opened or the transaction has been executed.

### Is it mandatory to implement a client identification programme?

Yes it is Every Banking Company, Financial Institution and intermediary is required to formulate and implement a client identification programme that it considers appropriate to enable it to determine the true identity of its clients to meet the requirements of PMLA. A copy of the Client Identification Programme (CIP) is also required to be forwarded to the Director, FIU-IND.

### What is an Officially Valid Document ?

Officially valid document includes a passport, a Driving Licence, Permanent Account Number (PAN) Card, Voter's Identity Card, Aadhar Card issued by the Election Commission of India or any other document as may be required by the Banking Company, or Financial Institution or Intermediary.

### Which documents need to be verified and maintained when the client is an individual?

Following document need to be verified and maintained when the client is an individual:

- (a) One certified copy of an officially valid document containing details of his **permanent address or addresses, current address or addresses**; and
- (b) One copy of his/her recent photograph; and Such other documents including in respect of the nature of business and financial status of the client as may be required by the Banking Company or the Financial Institution or the Intermediary,

### Which documents need to be verified and maintained when the client is a Company?

Following document need to be verified and maintained when the client is an individual:

- (i) Certificate of Incorporation;
- (ii) Memorandum and **Articles of Association**;
- (iii) A Resolution from the Board of Directors and power of attorney granted to its managers, officers or employees to transact on its behalf; and An officially valid document in respect of managers, officers or employees holding an

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attorney to transact on its behalf.

### Which documents needs to be verified and maintained when the client is a partnership firm?

Following document need to be verified and maintained when the client is an individual:

- (i) Registration Certificate;
- (ii) Partnership Deed; and

An officially valid document in respect of the person holding an attorney to transact on its behalf.

### When should the verification of identity of clients be undertaken?

Every Banking Company, Financial Institution and Intermediary is required to verify the record of identity and current address or addresses including permanent address or addresses of the client, the nature of business of the client and his financial status at the time of opening an account or executing any transaction with it.

### In what form is the information on identity of clients required to be maintained?

Rule 10 contained in **Notification No. 9/2005** read with **Notification No. 15/2005** specify that the Banking Companies, Financial Institutions and intermediary shall

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maintain information on identity of clients both in hard and soft copies in accordance with the procedure and manner as may be specified by the Reserve Bank of India or the Securities and Exchange Board of India (SEBI) or the Insurance Regulatory and Development Authority, as the case may be.

### For how long should the record on identity of clients be retained?

The records of all information on identity of clients referred to in Rule 3 contained in **Notification No.9/2005** dated 1/7/2005 are required to be maintained by every Banking Company, Financial Institution and Intermediary for a period often years from the date of cessation of the transactions with their clients.

### What is the fine for not complying with the obligations regarding identity of clients?

As per **Section 13** of the Prevention of Money Laundering Act, 2002, if the Director, FRJ-IND finds that any Banking Company, Financial Institution or Intermediary has failed to comply with the obligations of regarding identity of clients then, he may levy a fine from ten thousand rupees upto one lakh rupees for each failure.

## CHAPTER

# 12

## NUCLEAR TERRORISM & INTERNAL SECURITY

### INTRODUCTION

Nuclear Security covers implementing series of Pre-emptive measures to prevent internal and/or external threats directly or indirectly related to nuclear materials radioactive sources, relevant facilities or their associated activities. In the late 1960s transfers of nuclear materials increased with the growing use of nuclear arsenal. Security was to ensure, stability as the supply of nuclear fuel by preventing the illegal seizure of nuclear material.

Nehru's perspective on nuclear weapons was the only determinant in Indian nuclear policy, *India's nuclear policy was also influenced by India's international security condition as well as by domestic variables such as the vagaries of political change and the influence of bureaucratic elites*. Indeed, India's decision to build a nuclear force was taken only in the late 1980s, much after it had become clear that Pakistan with Chinese technological assistance had made rapid advances in the nuclear weapons programme.

- As for bureaucratic influence, some defence scientists played a key role in keeping the weapons programme alive even when there was no political support or indeed, active opposition, while other bureaucrats were responsible for creating political awareness of India's declining nuclear options.
- Nevertheless, these variables suggest a moderate Indian approach to nuclear weapons and thus reinforce the dominant tendency towards a political rather a military approach to looking at nuclear weapons. They do not suggest any dramatic changes nor rapid advances in India's nuclear weapons programme.

### The Purpose of India's Nuclear Weapons

Indian leaders have generally considered nuclear weapons at best a necessary evil. Prime Ministers Lal Bahadur Shastri and Rajiv Gandhi sought international solutions to avoid committing to nuclear weapons; Prime Minister Morarji Desai shut down the weapons programme for a time.

- Even Prime Minister Atal Vajpayee, who ordered the nuclear tests in 1998, was more ambivalent two decades earlier, siding with Desai in voting against restarting the nuclear weapons program in 1979.
- As a number of analysts have concluded, growing nuclear threats and a progressively **unaccommodating Global Nuclear Order forced New Delhi** to move towards a declared nuclear arsenal in the 1990s.
- This discomfort with nuclear weapons has defined the manner in which India has viewed nuclear weapons.
- Much of the Indian debate about nuclear weapons between the 1960s and the 1990s did not consider how nuclear weapons might be used within the framework of Indian strategy. The arguments and propositions largely revolved around whether India should go nuclear, not what India should do with nuclear weapons. It was only in the 1980s that some Indian strategists such as K. Subrahmanyam and General K. Sundarji started writing about what nuclear weapons might be useful for.
- This also coincided with greater attention among decision-makers to such questions.
- Both Sundarji and Subrahmanyam argued that the kind of bloated nuclear arsenals that the US and the

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Soviet Union developed during the Cold War were unnecessary and wasteful. Nuclear deterrence could be had at far cheaper cost, with a relatively small arsenal. In essence, as Tellis has argued, what Sundarji and Subrahmanyam were suggesting was a view of nuclear weapons that emphasized its political rather than military utility, its deterrence rather than war-fighting capability.

- This view of the political utility of nuclear weapons is also reflected in arguments about nuclear weapons providing political space and strategic autonomy, arguments that former Indian Foreign Minister Jaswant Singh has made. Not surprisingly, the eventual Indian nuclear deterrent emphasized small numbers and a capability to retaliate, rather than building a deterrent force that would have parity with other nuclear powers.

## The Pillars of India's Nuclear Doctrine

The three pillars of India's nuclear doctrine are:

1. No First Use.
2. Credible Minimum Deterrent.
3. Civilian Control (NCA).

All other components of the doctrine survivability, strategic trend, punitive retaliation in rapid response and shift from peace time deployment to fully employable forces' in the shortest-possible time are all strict mathematical derivations of the above three basic principles.

### 1. No-First-Use

The Nuclear Doctrine refers to that India is committed, to a No-first-use of nuclear weapons. The theory of deterrence and no-first-use go together. The first aggressive use of a nuclear weapon will be a confession that deterrence has failed and use of nuclear weapons was the only recourse left. It is globally recognized that nuclear war between two nuclear powers would not lead to any meaningful military decision beyond appalling losses to both sides. In these circumstances no first-use is the most appropriate policy.

### 2. Credible Minimum Deterrent

The concept of Minimum Nuclear Deterrent Will include sufficient survivable and operationally prepared nuclear forces, a robust command and control system, effective intelligence and early warning capability and

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comprehensive planning and training for operations in line, with the no strategy and the will to employ nuclear forces and weapons. The nuclear doctrine envisages a deterrent that has the capability of inflicting destruction and punishment to the aggressor. The principles of credibility, effectiveness and survivability will be central to India's nuclear deterrence. The nuclear doctrine does not quantify the minimum deterrent, It calls for highly effective military capability. The nuclear doctrine stresses upon effective, enduring diverse forces which are based upon a nuclear triad of air-craft, mobile land-based missiles and sea-based assets.

### 3. Nuclear Command Authority (NCA)

On January 4, 2003 India revealed a three line nuclear Command Authority (NCA) to manage its nuclear weapons. This broad frame work was approved in the nuclear doctrine prepared by the National Security Board (NSB) set up after the May 1998 nuclear tests. The NCA comprises of—

- (a) political council
- (b) executive; council and
- (c) strategic forces command.

Political council is headed by the Prime Minister. It is the body which authorizes the use of nuclear weapons. Executive Council is headed by the National Security Adviser to the Prime Minister.

Its function is to provide inputs for decision making by the NCA and to execute the directives given to it by the political council. The executive council may comprise of the chiefs of defense services, the IIC Chairman, the convener of the National Security Advisory Board (NSAB), the cabinet secretaries, heads of intelligence agencies and secretaries of ministers represented in the Cabinet Committed of Security (CCS). The Strategic Force Command (SFC) would be responsible for the administration of the nuclear forces and will be actually tasked with the firing of nuclear weapons SFC is the second line service command after the first one in Andaman and Nicobar Islands was established in 2001.

India's nuclear doctrine is the most responsible doctrine which aims at providing minimum credible deterrent. It is a consensus document which does not limit the country in any way in exercising its nuclear weapon options. It provides complete elasticity in deciding; the number of nuclear weapons India should possess and classifies the emphasis on the that of the

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deterrent. Establishment of the NCA will add credibility to India's nuclear posture. The NCA stands out in its firm, commitment to deterrent stability through civilian control for nuclear weapons. Most significant aspect of India's nuclear doctrine is that it is intimately tied up with continued commitment to total nuclear disarmament. The five major nuclear powers are reluctant to give up their consent over production and deployment of nuclear weapons while denying a similar privilege to other countries.

But the notion that nuclear weapons are political tools is primarily about how India views the usability of nuclear weapons. It does not extend to India's views about how other states, particularly Pakistan, might see nuclear weapons.

## India's Pessimistic Views

In fact Indian views about what nuclear weapons in others' hands might do are highly pessimistic, assuming implicitly that other states might not be as responsible as New Delhi is or has been. India's view on nuclear proliferation is one indicator of this deeply pessimistic view that India has of the possibility of nuclear weapons use by other states. Though India objected to the Nuclear Non-proliferation Treat (NPT). It has seen proliferation itself as a threat to international stability and has repeatedly touted its "exemplary non-proliferation record of four decades and more." Thus the Indian view of the spread of nuclear weapons is fundamentally different from the 'more may be better' arguments of proliferation optimists such as Kenneth Waltz, or even the radical rejection of the concept of non-proliferation by China prior to 1991.

Indian officials do not think that nuclear weapons have stabilized the region; rather they believe that nuclear weapons in Pakistani hands increase the nuclear risk in the region because Pakistan is seen as irresponsible. This fits a larger pattern of contradiction which assumes that other powers, Pakistan in particular, will not be as responsible as India has been.

## India's Missile Defence System

Indian views about missile defenses are a further indication of the contradiction in Indian views about nuclear weapons. If nuclear weapons are essentially political weapons, not usable in fighting wars, the logic of missile defenses seems difficult to understand: clearly missile defenses are needed only if one assumes that nuclear weapons are going to be used. Nevertheless, New

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Delhi has pursued a Ballistic Missile Defence (BMD) system since at least the mid-1990s. India's search for an appropriate BMD system appears linked to the growth of Pakistan's Missile Delivery Capability, including the transfer of Chinese missiles such as the M-11. As with nuclear weapons, the search for a BMD system has continued despite changes of political leadership and ideology in New Delhi. At various times, India has sought the Russian-built S-300, the Israeli-American Arrow, and the US-built Patriot Ballistic Missile Defence Systems. India is also thought to have a domestic BMD system in development, **built around is still under development Akash Surface-to-Air missile (SAM)**.

New Delhi's decade-long search has been unsuccessful possibly because Indian decision-makers have not given sufficient thought to what kind of system India needs. Indeed, it is not clear how missile defenses will fit into the existing Indian nuclear doctrine. India's official nuclear doctrine has made no mention of a missile defence system, and it is unlikely that the war-fighting orientation of missile defenses will sit well with the political/deterrence driven sentiment that dominates the nuclear doctrine.

None of the Indian governments that have been in power since 1995 have given any reason why they want missile defences, though the issue had created dissension among some of allies of the United Progressive Alliance (UPA) Government when it included communist parties because New Delhi has been seeking to buy a US-built system based on the Patriot PAC-3.

Thus India's view of nuclear weapons suggests an element of inconsistency: nuclear weapons are essentially political weapons and unusable militarily by India, but other states might not be as restrained. As a consequence, India both opposes the spread of nuclear weapons and pursues BMDs.

## Changing Nuclear Doctrine

India's nuclear doctrine, in its declaratory form if not in its operational variation, has undergone some changes since it was first announced in August 1999. The 1999 doctrine was produced by the National Security Advisory Board (NSAB), a group of non-governmental experts, and its status was thus somewhat suspect. Indeed, the government formally claimed that the doctrine was not the official doctrine. However, much of what was stated by the NSAB in the "unofficial" Nuclear Doctrine was what

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had already been stated by various government officials, including the Prime Minister, at different times in and out of parliament. The only major difference between the various official statements and what was stated in the NSAB's nuclear doctrine was that the NSAB document discussed the need for a nuclear triad for India, which the government had not acknowledged until then but which was both logical and unsurprising. Thus, the government's coyness about the doctrine was probably unnecessary.

In any case, when some details of the Indian nuclear doctrine were officially released in January 2003 it in many ways stuck to some of the main elements of the 1999 doctrine though there were some important differences.

- The 2003 nuclear doctrine was released as a brief press statement, but it did state the key elements of the doctrine.
- The actual nuclear doctrine is reported to be a much more comprehensive document.
- The main elements of the 1999 doctrine and the changes made in the 2003 version are mentioned.
- The 1999 doctrine suggested a nuclear doctrine that was based on an unspecified minimum force but one which would also be credible and survivable.
- In addition, India would not use nuclear weapons first (no-first use of nuclear weapons or NFU) and will not use of nuclear weapons against non-nuclear countries (Negative Security Assurance or NSA).
- The doctrine emphasized the need for credible nuclear forces that would be able to survive a first strike against it as well as the need for strict political control over nuclear forces.
- The NSAB document also emphasized India's nuclear disarmament objectives. None of these were new: what was new, however, was that the doctrine also talked about a nuclear triad of aircraft, long-range ballistic missiles and submarine-launched ballistic missiles.
- In January 2003, the government released a brief press statement (of just 349 words) that revealed some aspects of the 'official' nuclear doctrine.
- The press statement revealed that many of the elements of the Indian nuclear doctrine was the same as in the 1999 doctrine, but a number of caveats had been added, and some pledges especially that of the NFU and non-use against non nuclear states were new.

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- There were at least three variations of note in the new doctrine. First was the introduction of the notion of 'massive' retaliation to a nuclear attack on India. The 1999 doctrine had only talked of a 'punitive'

## Major Landmark Doctrine

Building and maintaining a credible minimum deterrent.

- A posture of no-first-use: nuclear weapons will only be used in retaliation against a nuclear attack on Indian Territory or on Indian forces elsewhere.
- Nuclear retaliation to a first strike will be massive and designed to inflict unacceptable damage.
- Nuclear retaliatory attack can be authorized by a certain political leadership only through NCA.
- No-use of nuclear weapons against non-nuclear weapon state.
- In the event of a major attack against India or Indian forces anywhere by biological or chemical weapons. India will retain the option of retaliating with nuclear weapons.
- Continuance of strict control on export of nuclear and missile related materials and technology, participation in the **fissile material** cut off treaty negotiations and continued observance of the moratorium on nuclear tests.
- Continued commitment to the goal of a nuclear-free world through global verifiable and no discriminatory nuclear disarmament.

## India's Assured Retaliation Strategy

Though, Indian officials continue to characterize the nuclear doctrine as one of minimum deterrence, it could be characterized it elsewhere as 'assured retaliation'. Minimum deterrence is politically attractive because it suggests limited goals and a responsible attitude towards nuclear weapons.

Though this largely reflects India's approach towards nuclear weapons, the changes that have taken place in the doctrine, especially the dilution of the NFU and NSA pledges and the reference to massive retaliation all suggest that assured retaliation is a better characterization of India's nuclear strategy than 'credible minimum deterrence'.

Assured retaliation includes the NFU pledge, with the problematic caveats noted earlier. It also includes the certainty of retaliation, but there is little indication that such retaliation will take place prior to an enemy attack

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striking India. Indian leaders appear content to wait until an attack has already landed on Indian soil before considering retaliation. In other words, there are no declaratory or operational indicators that suggest that India might adopt either a Launch-on-Warning (LOW) or a Launch-Under-Attack (LUA) posture for its nuclear force. Indeed, Indian nuclear forces are still reportedly kept de-alerted and de-mated, which would obviate LOW or LUA strategies. Such a posture assumes that there will be considerable time between an attack and an order to retaliate because it will be many hours before the various components of India's nuclear forces can be brought together and mated for delivery.

### Weapons: Nuclear Submarine

This might change once India's nuclear submarines assume a strategic deterrent role because India will then have to keep its submarine-based nuclear weapons mated, but it is unlikely that the nuclear submarine component of India's strategic forces would be ready for many more years. Assured retaliation as strategy also includes massive retaliation, though this has certain other well-recognized problems.

First, it is not very credible to threaten massive retaliation under all circumstances. For example, it will be difficult for Indian decision-makers to justify a massive retaliatory attack against Pakistan if Pakistan had only used one nuclear warhead to attack an advancing Indian military column inside Pakistani territory. Though this is an extreme scenario, it is possible to think of other scenarios of a limited Pakistani nuclear use in the context of a military confrontation between India and Pakistan.

The massive retaliation doctrine will then force Indian leaders on to the horns of a dilemma: either stick to the doctrine and launch an unjustifiably large retaliation, or suffer the loss of credibility of not sticking to the doctrine.

Second, massive retaliation might force any potential adversary to also plan a massive attack and potentially a plan a counter-force first-strike as part of a damage limitation strategy. If Pakistan is convinced that India will launch a massive retaliation irrespective of the size of the original Pakistan attack, then Pakistan would have little reason to keep their nuclear first strike limited. After all why keep your first blow limited — and risk losing your own nuclear forces in an Indian retaliation — if New Delhi will in any case retaliate massively ? New Delhi does not appear to recognize that its own choices can affect the choices of potential adversaries, sometimes with negative consequences for India.

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Of course, one potential positive consequence also needs to be kept in mind. If an adversary thinks that India might actually carry out a massive retaliation and that no nuclear war was likely to remain limited to isolated or discrete nuclear exchanges, it could force them to reconsider any offensive plans. The choice for an attacker then would be all or nothing such drastic choices might be unpalatable.

### India's Nuclear Capabilities

India's nuclear capabilities are not known with any certainty. India is thought to have anywhere between 70 and 100 nuclear warheads. These are reportedly kept de-mated, with components in the hands of different agencies. Such a posture ensures greater safety for the nuclear assets and reduces the likelihood of accidents and inadvertent use of nuclear weapons. But there have been murmurs within the armed services about the feasibility of keeping weapons and delivery vehicles separated and about the smoothness and speed of integrating them. Given the sensitivity of the topic, obviously little is known about either the procedures or any problems.

### Nuclear Warheads

India has significant stores of fissile materials, as much as ten tons. This would be sufficient for as many as 1000 warheads if it were all to be used for nuclear warheads. However, most of this stockpile appears intended for feeding India's indigenously built fast breeder reactors. Though, that should eventually yield an even larger stockpile, India is not thought to have enough reprocessing capability to convert this to weapons-grade plutonium.

India's nuclear delivery capability has grown very slowly. Though the Indian guided missile development programme is almost a quarter century old, it has yet to develop a long-range missile capable of targeting all of China. Even the current underdevelopment long-range missile, the Agni-3, has a range of only 3500 kilometers which is too short to target much of China. The Agni-3 has now been tested four times, the fourth test being conducted by the Army as a user trial.

- Nevertheless, it will be some time before the missile is deployed with the Indian strategic forces. The rumors that an even longer range missile, the Agni-5, is under development have now been officially confirmed by senior defence research officials. The Agnis will have a range of more than 5000

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- kilometers, allowing it to target much of China.
- The Agni-5 development is expected to begin shortly, and the first test should happen within two years. India's current ballistic missile and combat aircraft are sufficient, however, for targeting Pakistan, India has a number of missiles including the Prithvi.
  - The **Agni-1** and **Agni-2**, as well as the **Agni-3** for targeting Pakistan. India has a number of combat aircraft too which can be used as delivery vehicle vis-a-vis Pakistan, including the Jaguar, the Mirage-2000 and the Su-30.

## Sea-based Deterrent

India is also developing a sea-based deterrent in the form of a nuclear-powered ballistic missile submarine. The first of these missile submarines, the **Arihant**, has been launched, though it will be some time before the submarine will be ready for sea-trial and even longer before it joins the deterrent force. Two more submarines of the same type are planned. What missile they will carry is unclear, with contradictory reports in the India media. It is also unclear how New Delhi will deal with the command and control issues that are raised by these platforms, including the thorny issue of how to keep these weapons de-mated in a submarine. Indian civilian leaders have consistently emphasized political control over these weapons, but maintaining political control over nuclear weapons in submarines has been a problem for all countries that have opted to put nuclear missiles in submarines.

The most notable aspect of the nuclear weapons capabilities has been their rather slow development. It has taken India a quarter century to develop even intermediate range missiles such as the Agni-3, and it has yet to develop one with intercontinental ranges. Similarly, the number of India's warhead stockpile has grown only very slowly. On the other hand, it is unclear what final state of capabilities India is aiming at, either in terms of the warheads or in terms of delivery vehicles. These decisions have probably not been finalized, and are likely to remain flexible to respond to changing strategic requirements.

## Dangers of Nuclear Terrorism

India has faced many gruesome terrorist attacks, and lost many lives. Each incident raises the bar of lethality in terms of casualties and spread of terror amongst the survivors. Some major militant attacks on India are:

- The March 2006 blasts in Varanasi killing at

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least 15 people; and seven bomb explosions at railway stations and on trains in Mumbai by militants in July 2006 killing more than 180 people.

- February 2007, two bombs exploded aboard a train heading from India to Pakistan. At least 66 passengers, most of them Pakistanis, were burnt to death giving India-Pakistan diplomatic relations a backseat.
- May 2008, seven bombs ripped through the crowded streets of Jaipur, killing approximately 63 People.
- In July 2008, 16 small bombs exploded in Ahmedabad, killing 45 people and wounding 161. Later, the 'Indian Mujahideen' claimed responsibility for the attack July 2008.
- May attack in Jaipur; 11 bomb blasts that detonated in quick succession killed at least 68 people and injured 335 in Guwahati.
- October 2008; between November 26-29, 2008 coordinated bombing and shooting attacks by ten Pakistani gunmen from the Lashkar-e-Taiba (LeT) group killed 166 people in Mumbai.
- India blames the attacks on Pakistan-based militants, and the only surviving gunman confessed they were members of the Lashker-e-Taiba (LeT).
- July 2011, three explosions ripped through Mumbai during the rush hour, in a series of coordinated terrorist attacks killing at least ten people and injuring nearly 60 others.

Although, these incidents have no direct correlation with terrorists and their penchant for nuclear weapons, yet they emphasize the growing level of fatality among the perpetrators of violence. These lethal incidents indicate the changes in the nature of the terror activities perpetrated by the non-state actors.

## Nuclear Terrorism in Indian Scenario

In recent years, the issue of nuclear security appears to have overshadowed the political agenda in several parts of the world including India. The threat of a probable nuclear attack by terrorists is gradually seeking attention and permeating concerns within the political leadership as well as the scientific establishment.

### There are several reasons for this emerging concern:

- **First**, the global debate on nuclear terrorism in the aftermath of the September 9/11 attacks has significantly influenced India's nuclear security discourse.
- **Second**, the evolving strategic ties between the

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- United States and India has led to emerging concerns of New Delhi being the target of Al Qaida, which considers the US and its allies as primary foes.
- **Third**, India's rising apprehensions about nuclear terrorism also stems from the political instability prevailing in the nuclear capable country of Pakistan. The prevailing domestic turmoil coupled with terrorist infested safe havens in several parts of Pakistan Portrays it as a dangerous neighbour to India.
  - Last, increasing reported incidents of loss of fissile material poses serious concern about a potential atomic attack by terrorists. Since 1993, nine trafficking cases involving uranium ore and low enriched uranium (LEU) have been recorded in India, one in Bangladesh and another in Pakistan.

## India's Efforts Countering Proliferation of WMDs

India is cognizant of the challenges posed by proliferation of WMD and their delivery means to its national security and the international order. Based on these considerations, India has taken substantive steps to combat the illicit proliferation of weapons of mass destruction. India recognizes the significance of export controls not only for its own national security but also for the international order.

## Cooperation with International Community

India has thus committed to cooperate with the international community to promote and advance the goals of non-proliferation and international security. As a responsible nuclear power possessing advanced and sensitive nuclear technology and materials.

- India recognizes the critical importance of conscientious handling of its nuclear materials and technology right from its production stage to usage and its safe right from its production stage to usage and its safe and secured disposition.
- Towards that end, India has joined the convention on the Physical Protection of Nuclear Material (CPPNM) and the Convention of Nuclear Safety (CNS) both of which are directed towards the protection of nuclear facilities and safeguards.

## Indian Initiatives

In 2004, India submitted its first report on measures taken to implement the obligations set by UNSCR 1540. India

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played an exemplary role by promulgating an ordinance to amend the "Unlawful Activities Prevention Act" of 1967, which enhanced punishment for any "unauthorized possession of any bomb, dynamite, or hazardous explosive substance capable of mass destruction or biological or chemical substance of warfare."

- Thereafter, India demonstrated consistent adherence to the UNSCR 1540 resolutions by further submitting two more reports to the Security Council in 2006.
- As a responsible nuclear capable state, India refrains from any illicit nuclear activity involving aiding and abetting terrorists.
- Its intentions can be discerned from its Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act of 2005 (WMD Act) which criminalizes any transfer of WMD, missiles specially designed for their delivery, and WMD-usable materials, equipment and technologies; or to transfer fissile or radioactive material for use in terrorist acts.
- In 2010, the Indian Parliament passed the Foreign Trade Act which has broadened the domain of dual-use controls.
- In 2013, India's efforts to further tightening its export controls was made evident by announcing that India's national Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET) list has been updated to be on par with the existing NSG and MTCR lists and are expected to be "more stringent than those practiced by the NSG and MTCR".

## Global Efforts Combating Nuclear Terrorism

### Nuclear Security Summit (NSS), NSS 2010

Forty-seven countries and three international organizations participated in the first Nuclear Security Summit, held in Washington in 2010 at the initiative of President Obama.

- The aim of the summit was to improve worldwide nuclear security by enhancing cooperation and to make concrete agreements aimed at better securing nuclear materials and facilities.

## A manish Singh Sir's Initiative

- The results of the summit were set down in the Washington Work Plan in the form of concrete plans and action points, and the Washington Communiqué, which contains commitments and declarations of intent from the participating countries.

### Washington Communiqué – 2010

- Leaders jointly affirmed the seriousness and urgency of the threat posed by nuclear terrorism.
- The participating countries agree to work to secure all vulnerable nuclear material worldwide.
- The participating countries agreed to shoulder their responsibility for securing nuclear material within their own borders.
- The participating countries agreed to work together as an international community to improve nuclear security.

### National Security Summit (NSS), 2012

Following the summit in Washington in 2010 six new countries 1. Azerbaijan, 2. Denmark, 3. Gabon, 4. Hungary, 5. Lithuania and 6. Romania and one new international organization (interpol) were invited by South Korea to join the NSS.

### Second Summit, 2012

- Fifty-three countries attended the second summit in Seoul in 2012, which built on the goals that had been identified in Washington. New ambitions were added to the Washington Work Plan.
- The participants recognized the need to increase synergy between nuclear safety and security and better protect radiological sources from theft and misuse.
- Radiological sources may not be unable or a nuclear weapon, but they are well suited for making a ‘dirty bomb’, which can release radiation and causes social upheaval.
- The concrete results of the summit were present in the Seoul Communiqué.

### Seoul Communiqué – 2014

The 2014 summit charted the accomplishments of the past four years, identifying which of the objectives set out in the Washington Work Plan and the Seoul Communiqué had not been met and proposed ways to achieve them.

### IAEA Nuclear Security Plan (2014-17)

The objective of the Nuclear Security Plan for 2014-17 is to

## Internal Security

contribute to global efforts to achieve effective security wherever nuclear and other radioactive material is in use, storage and/or transport, and of associated facilities by supporting States upon request, in their efforts to meet their national responsibilities and international obligations, to reduce risks and to respond appropriately to threats.

### In achieving this objective, the Agency will:

- Assist States, upon request, in their efforts to establish effective and sustainable national nuclear security regimes.
- Serve as the focal point for strengthening international cooperation, and for coordination of nuclear security assistance given through regional and bilateral programmes and other international initiatives.
- Enhance global nuclear security efforts by completing international guidance in the Nuclear Security Series and, upon request, supporting its implementation by State.
- Encourage and assist States to adhere to relevant international instruments and support States, upon request, in their efforts to adopt implementing national legislation.
- Build on the progress made during the implementation of the first three Nuclear Security Plans to help States sustain and further improve their national nuclear security regimes.

### Conclusion

India's nuclear policy has evolved gradually rather than dramatically. This is unlikely to change. Indian leaders and the political and administrative system are cautious and risk-averse. And India faces no existential insecurities and is indeed a fairly confident and secure state that dominates its region. Thus, there is little domestic political or international reasons to expect rapid changes in India's nuclear policy. But just as it is cautious in advancing its nuclear weapons arsenal, it will also be cautious in advancing on the nuclear arms control and disarmament agenda. India is unlikely to sign either the CTBT or the FMCT, should they be presented to New Delhi in the next couple of years. On the other hand, India is also unlikely to stage more nuclear tests or hugely increase its nuclear arsenal. Over the next decade, India should be expected to gradually increase the size of its arsenal and make it more robust and reliable, with some 6000 kilometer plus range ballistic missiles and possibly one or two submarines

### **Internal Security**

capable of firing long-range ballistic missiles. India has sought BMDs for over a decade. Though it is possible that India might buy a BMD system or develop one indigenously, it is unlikely that such systems will be deployed in the next few years. India can also be expected

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to campaign vigorously for nuclear disarmament. New Delhi can also be expected to continue to worry about the negation of its conventional military deterrent, but it is unlikely that it will find a solution to this puzzle either in the immediate future.



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