



India's Border Management

Select Documents

Editor
Pushpita Das



Institute for Defence Studies and Analyses
New Delhi





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Foreword

India has extremely complex borders. It has 14818 kilometers of land borders and a coast line of 7516.6 kilometers. All states except Madhya Pradesh, Chattisgarh, Jharkhand, Delhi and Haryana have an international border or a coast line. 92 of India's 593 districts are border districts in 17 states. Indian borders run through plains, hills and mountains, deserts, riverine territories and marshes. Managing such a diverse border is a complex task but vital from the point of view of national security.

The terrorist attack in Mumbai on 26 November 2008 brought out starkly that despite a number of measures taken by the government in recent years to strengthen border security, the terrorists could use the gaps in the borders to perpetrate their heinous acts. The attacks re-emphasised, *inter alia*, the need for better border management. India's land and sea borders as well as air space continue to remain vulnerable.

Managing the borders is difficult for several reasons. Some of our maritime boundaries are still unsettled. Land borders are not fully demarcated. Sections of our borders are based on artificial boundaries and not based on natural features. Border guarding forces are often under resourced and ill-equipped. They are also used for purposes other than border guarding. Intelligence gathering, intelligence sharing and intelligence coordination are imperfect. Institutional mechanisms for coordinating intelligence gathering, sharing and intelligence coordination are weak.

India's neighbourhood is in turmoil. Several of India's neighbours are undergoing political and economic instability. India also has continuing border disputes with several of its neighbours. Uncertain borders not only raise bilateral tensions but also facilitate cross border infiltration, illegal migration, smuggling and crime.





Illegal migration has emerged as one of the major national security challenges.

The Group of Ministers undertook a thorough review of border management issues and made several recommendations in 2001. Many of these recommendations are being implemented. One of the major recommendations was the setting up of a separate Department of Border Management within the Ministry of Home Affairs. This has been done. Yet other major recommendations like the early settlement of our maritime borders and the demarcation of land boundaries has not yet been fully implemented. The GoM had strongly recommended the principle of “one border one force” for better accountability. It emphasized the imperative of not deploying the border guarding forces for law and order duties and counter insurgencies. It made some recommendations specific to better management of India-Pakistan, India-Nepal and other borders. It lamented the neglect of maritime borders and island territories and made recommendations to strengthen coast guard and police. As a result of these recommendations border management has got more attention but the Mumbai terrorist attacks have once again shown that a lot more needs to be done to improve border management.

In the last two years India has built several thousand kilometers of fences on India-Bangladesh and India-Pakistan borders. Border guarding forces have been augmented. Several thousand crores of rupees have been spent on their modernization and expansion. The Government has announced a policy of setting up 13 modern integrated check posts to improve border management. It is, however, clear that managing borders is likely to be prove a long and complex task. Despite best intentions and efforts fool proof borders are unlikely to materialize in the short term. Technology will play a major role in improving border management. We may have to learn how other large countries manage their borders.



The IDSA has devoted considerable attention to the problem of border management. Its scholars have visited different sections of the borders to gain familiarity with the problems of border management. Dr. Pushpita Das has been looking at the problem of border management for several years now. She has published a number of scholarly articles based on her field visits and interviews. She has compiled the present volume titled *India's Border Management: Select Documents*, which brings together various official documents pertaining to border management. The volume includes extracts from the Annual Report of the Ministry of Home Affairs, Ministry of Defence, and, Ministry of Surface Transport and Highways. It also has a report on illegal migration to Assam and extracts from a report of the Parliamentary Standing Committee on multi-purpose identity card scheme. The documents included in this compilation are primary source material for researchers wishing to carry out research on India's border management problems. Dr. Das has written a comprehensive introduction in which she has not only summarised the features of the Indian borders but also the problems of border management.

It is hoped that this volume will be found useful by academicians and policy makers alike.

New Delhi
April 2010

Arvind Gupta
Lal Bahadur Shastri Chair
IDSA



Acknowledgements

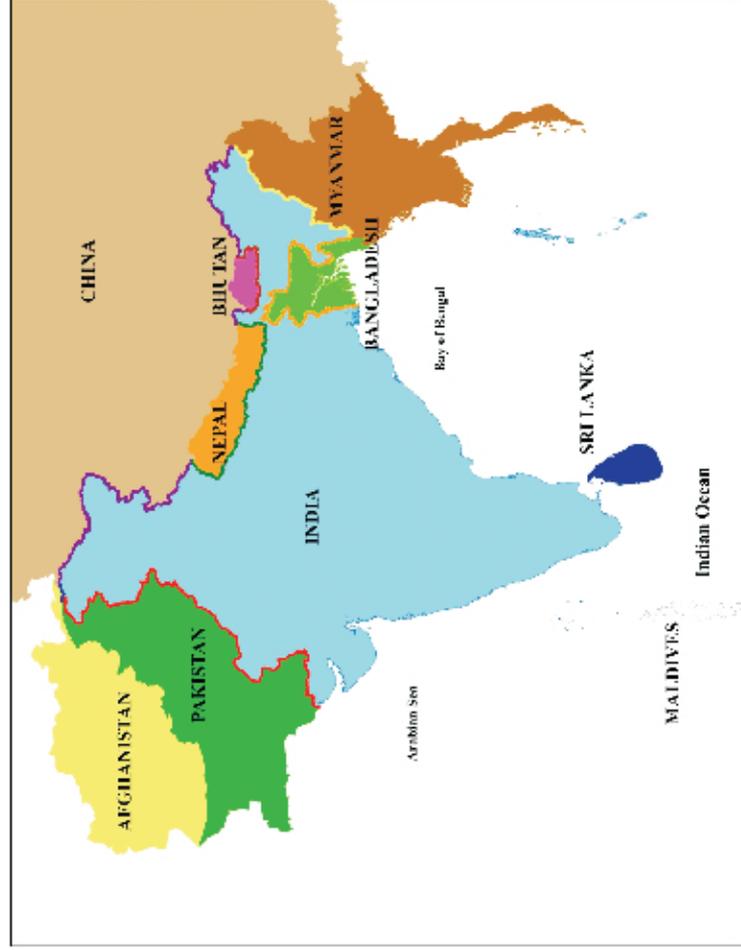
The author thanks Dr. Arvind Gupta, Lal Bahadur Shastri Chair, IDSA and Cluster Coordinator, Internal Security Cluster, for suggesting the idea for this volume and for his constant support and encouragement. She also extends her thanks to the anonymous referee for the useful comments and suggestions, Vivek Dhankar for preparing the maps for the book, Vaijayanti Patankar for the initial layout and formatting, and Vivek Kaushik for putting the book through its paces.

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April 2010

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India's International Borders and Coastline





Introduction

The evolution of boundaries in the Indian subcontinent has a long historical legacy, which often has been a source of tension and conflict between neighbours. Before 1947, the Indian subcontinent was a single geographical unit comprising present-day India, Pakistan, Nepal, Myanmar, Bangladesh and Sri Lanka, and marked by political, social and economic 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 hastily 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 through the year. The India-Myanmar boundary is draped with lush tropical forests with its





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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

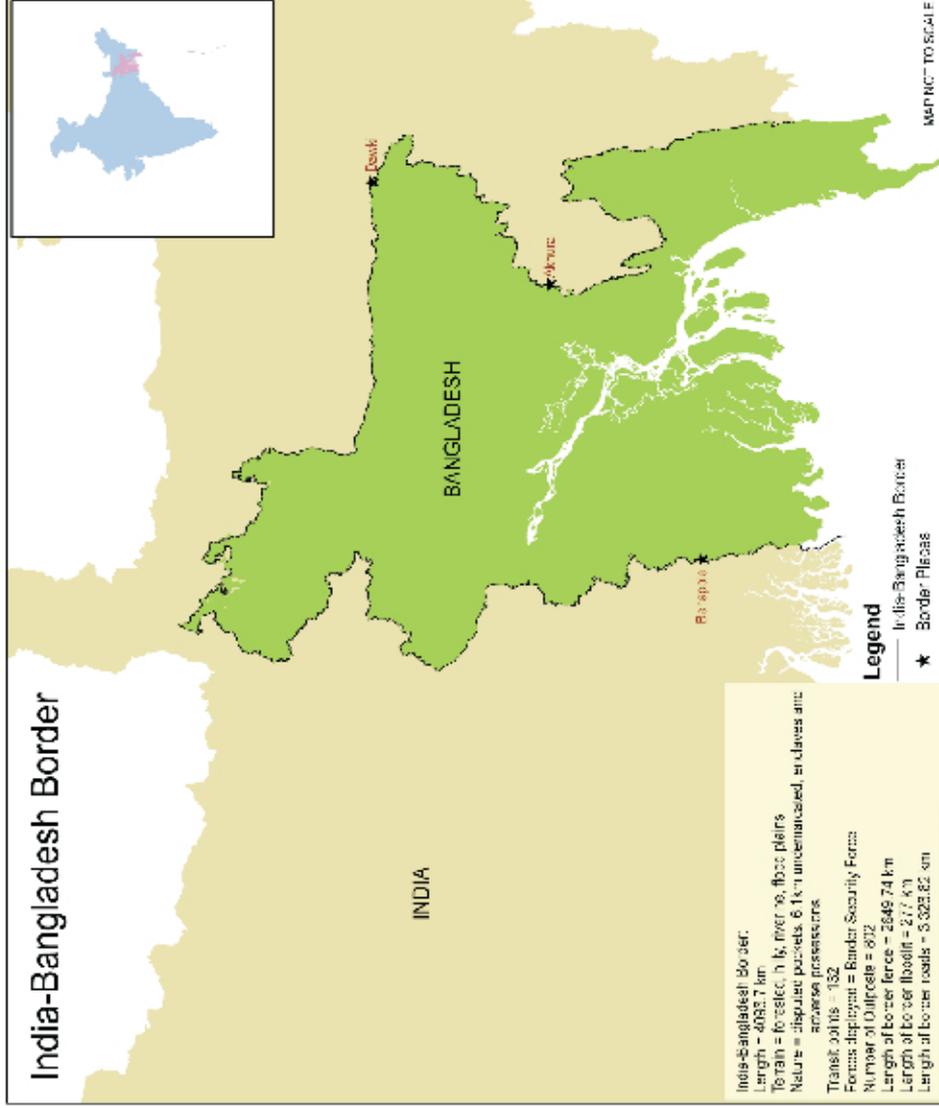
Each of India's borders has its own specific problems. Following is a brief description of the problem which afflicts various borders.

Indo-Bangladesh Border

To begin with, the India-Bangladesh (formerly East Pakistan) border 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 Radcliff 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.

Shortly after the Radcliffe award, disputes arose during the interpretation and implementation of the award. These were relating to the boundary between Rajsahi and Murshidabad, Daulatpur and Karimpur, the Patharia Hill Reserve Forest, and the course of the Kusiya river. For adjudication and final

India-Bangladesh Border



India-Bangladesh Border:

Length = 4032.7 km

Terrain = forested, hilly, river, no flood plains

Nature = disparate pockets, 6 km unenclosed, 414 kms are
strategic infrastructure

Transit points = 132

Force deployed = Border Security Force

Number of Outposts = 872

Length of border fence = 2646.74 km

Length of border floodlit = 277.4 km

Length of border roads = 5323.62 km

Legend

— India-Bangladesh Border

★ Border, Please

MAP NOT TO SCALE

settlement of these disputes the *Indo-Pakistan Boundary Disputes Tribunal* was set up in December 1949 under the chairmanship of Algot Bagge. Interestingly, in most of the cases such as the Kusiara River boundary and the Patharia Forest boundary, the Tribunal upheld the Radcliffe award. Regarding the boundary between Rajsahi and Murshidabad, the Tribunal decided that the district boundary should constitute the land boundary and for the riverine boundary, the mid-stream of the main channel of the Ganges as it was during the Radcliffe award, should be considered. Regarding the Karimpur-Daulatpur boundary, the Tribunal stated that the boundary line should follow the mid-channel of the Mathabhanga river.

However, because of the nature of the boundary some old disputes persisted and new disputes arose leading to renewed tensions between India and Pakistan. Prominent among them were the Hilli, Berubari Union No. 12, 24-Parganas-Khulna and 24-Parganas-Jessore boundary, Bholaganj, Piyain and Surma rivers, Feni river and Cooch-Bihar enclaves. To address the boundary disputes and to reduce tensions between the two countries, the *Nehru-Noon Agreement on India-East Pakistan Border* was signed in New Delhi on September 10, 1958. This was followed by a series of other agreements. The disputes were, however, far from settled. In 1974, three years after the liberation of Bangladesh, the then prime ministers of India and Bangladesh, Indira Gandhi and Sheikh Mujib-ur-Rahman, inked an agreement to settle the land boundary issue. *Inter alia*, the *Indira-Mujib Agreement* laid down the methods for demarcating various disputed stretches of the India-Bangladesh boundary. Under the agreement, India retained the southern half of South Berubari Union No.12 and the adjacent enclaves and Bangladesh retained Dahagram and Angorpota enclaves. India also promised to lease in perpetuity a 178 metres x 85 metres corridor, "Tin Bigha" to Bangladesh to connect Dahagram with Panbari Mouza. According to the agreement, the adverse possessions in areas already demarcated were to be exchanged within six months of the agreement.



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But even after so many years, the enclaves and adverse possessions have not been exchanged. At present, there are 111 Indian enclaves in Bangladesh and 51 enclaves of Bangladesh in India. India does not have access to these enclaves in Bangladesh, and hence, no administrative set-up to provide facilities like police stations, courts, schools, roads, hospitals, banks, markets, etc. to their residents could be established. The residents of these Indian enclaves are also excluded from periodic Census surveys and elections. In many instances, anti-social elements and insurgents misuse the absence of police forces and take shelter in these enclaves. As regards adverse possessions, 38 patches of Indian land measuring 2953.72 acres and 4.5 bighas are in adverse possession of Bangladesh and 50 patches of Bangladeshi land measuring 3340.5 acres are in adverse possession of India. Under the Land Boundary Agreement of 1974 between India and Bangladesh, both the countries are committed to exchange the enclaves and cede the adverse possessions.

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, which submitted its report in 2001, put the figure at 15 million, with 300,000 Bangladeshis entering India illegally every month. This illegal migration has changed the demographic profile of many border states, which has resulted in separatist movements. A former Governor of Assam had highlighted the problem of illegal migration in his *Report on illegal migration*, submitted to the President of India on November 8, 1997.

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 trans-border crimes.

Smuggling of cattle has become a serious concern. Truckloads of cattle from Haryana, Rajasthan, Uttar Pradesh and Madhya Pradesh are shipped to the India-Bangladesh border everyday ostensibly for grazing purposes. From here, these cattle are smuggled into Bangladesh. Generally, average price of a buffalo is Rs. 2000, but once it crosses the international border, its price increases to Rs. 5000. Interestingly, the Bangladesh government levies custom duties on these smuggled cattle at the rate of Rs. 420 per cattle. Thus, a buffalo which would normally cost Rs. 2000 in India would cost Rs. 5420 after it is smuggled. No doubt, cattle smuggling has become so lucrative for the smugglers and Bangladesh government. The Border Security Force (BSF) on an average seizes about 1, 00,000 cattle per year. And it is estimated that the Indian government is losing Rs. 10560 crores to cattle smugglers. 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.



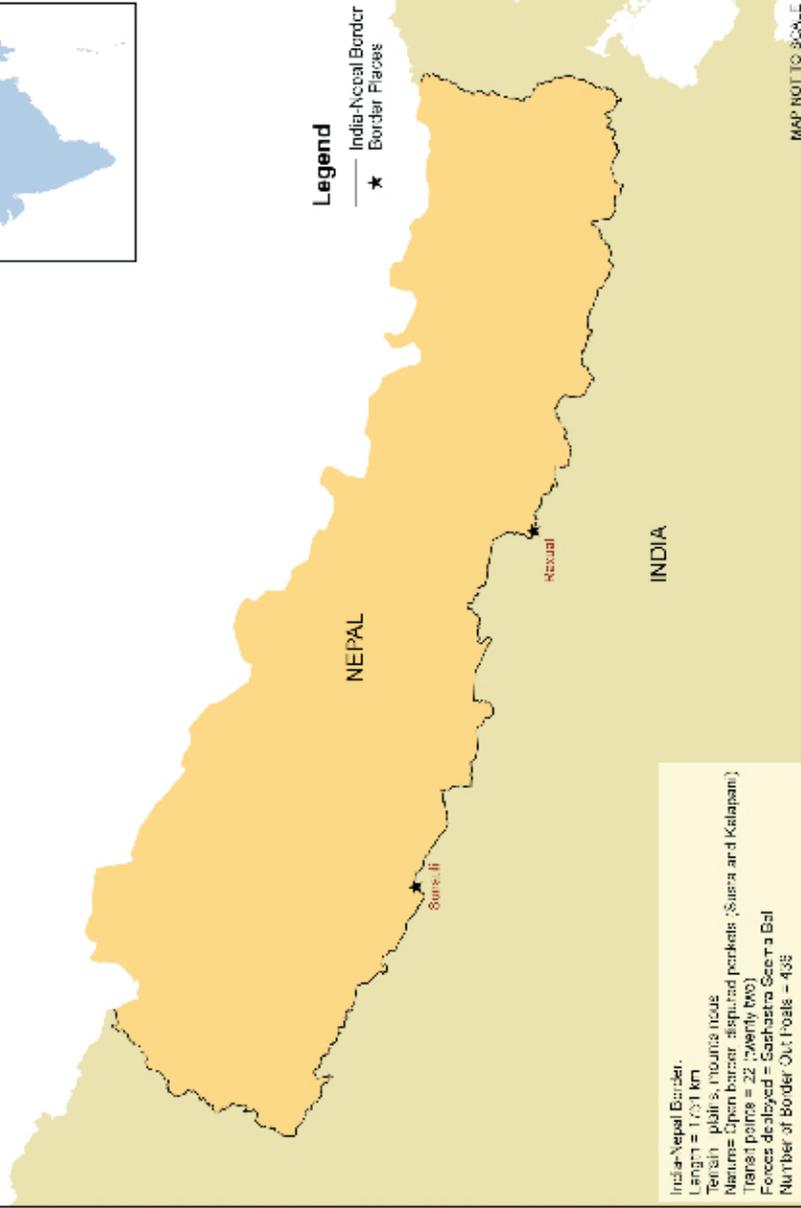
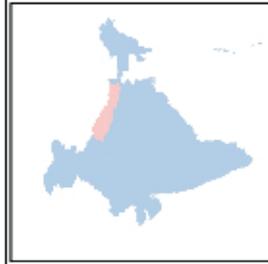
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Indo-Nepal Border

India and Nepal have 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. Although there is a general perception that the Indo-Nepal border has always allowed unrestricted movement, it has been argued that the concept of an open border started only after signing of the Treaty of Sugauli in 1815. Under the Treaty of Sugauli, Nepal ceded Sikkim, along with territory west of river Kali and east of river Teesta. However, some territory in Terai was restored to Nepal after the revision of the treaty in 1816. Further in 1865, the British India government returned additional territory to Nepal in recognition of its support to the British government during the 1857 revolt. After the restoration of *Naya Muluk* to Nepal, the India-Nepal border was finally settled.

During colonial times, the British had an interest in keeping the border open for two reasons. Firstly, impressed by the fighting skills of the Gurkhas, the British wanted to recruit them into the Indian Army. Secondly, Nepal was seen as a market for finished goods from India. To achieve these objectives, it 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 countries are free to enter the other's territory from any point on the border, while the movement of goods is allowed along 22 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, in turn, facilitated greater economic interdependence and political

India-Nepal Border



ties. There is no denying the fact that an 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 concerns.

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 submergence, destruction and removal of border pillars and encroachment into no-man's land by people from either side add to the problem. Allegations of excesses such as intimidation, and forcible grabbing of land by either side along the disputed border also surface from time to time. The disputed border has created 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 Asom (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. 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.



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These adverse consequences of an open border have led from time to time to demands for its closure.

Indo-Bhutan Border

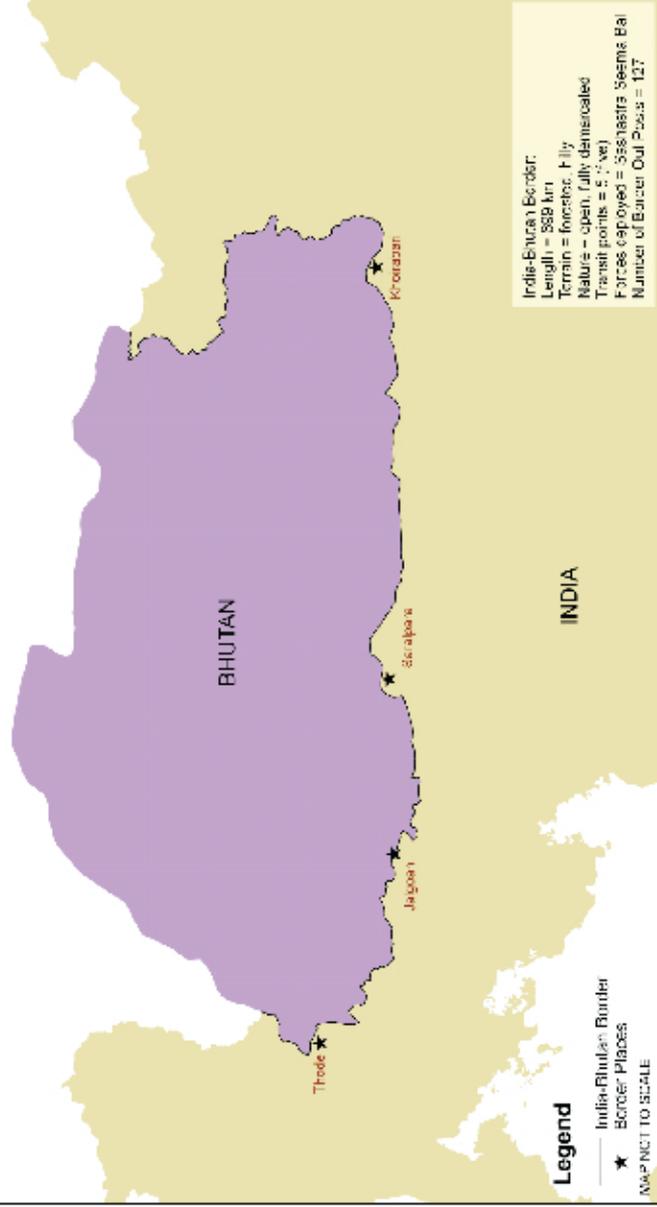
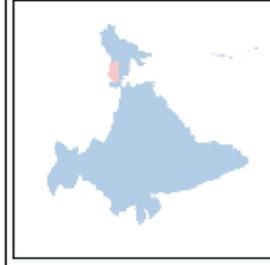
India and Bhutan share a 669 km long boundary. The boundary is demarcated except along the tri-junction with China. The process of demarcation of the India-Bhutan border started in 1961 and was completed in 2006. Like with Nepal, India's boundary with Bhutan is also an open boundary.

The border was peaceful till Indian insurgent groups such as the Kamtapur Liberation Organisation (KLO), United Liberation Front of Asom (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. Chinese made goods, Bhutanese cannabis, liquor and forest products are major items smuggled into India. Livestock, grocery items and fruits are smuggled out of India to Bhutan.

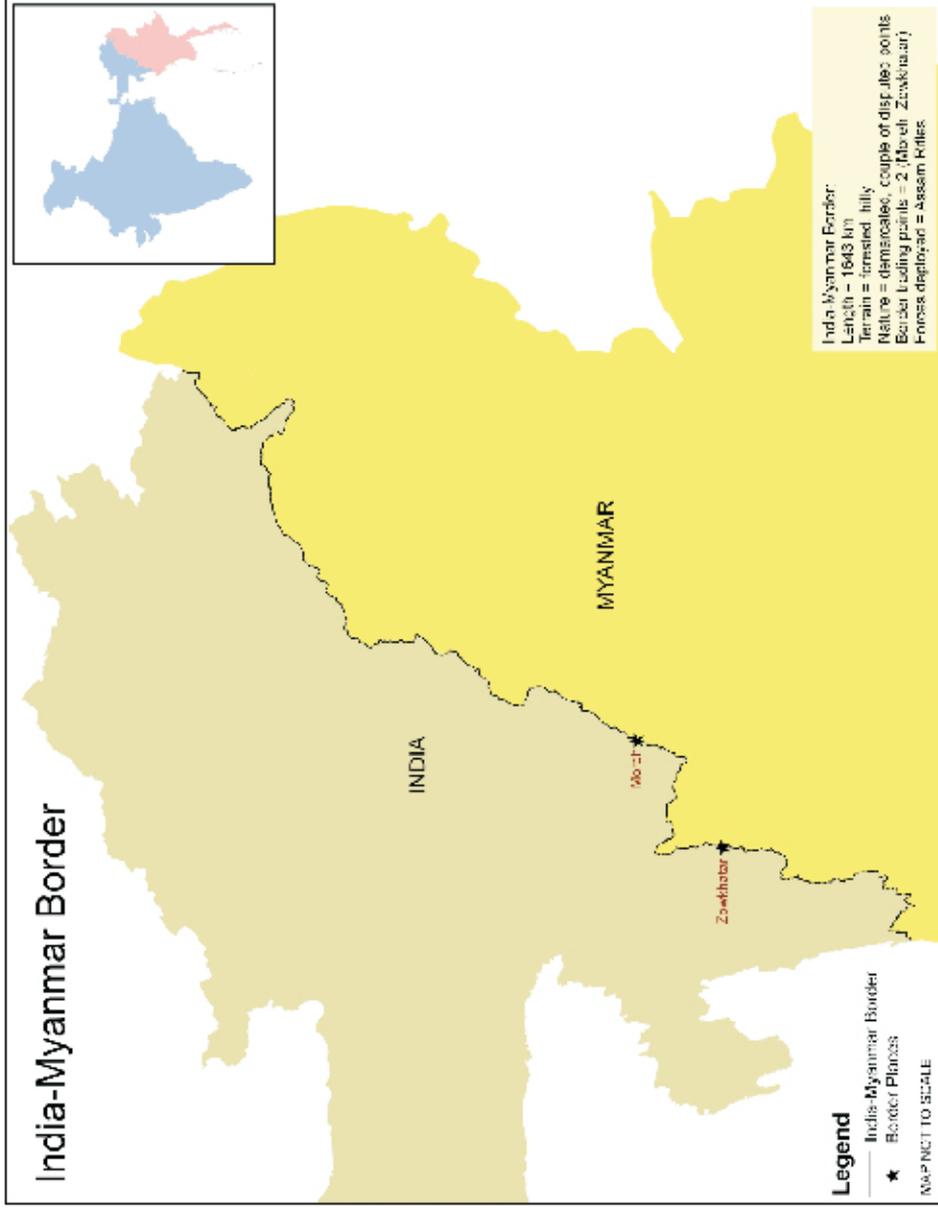
Indo-Myanmar Border

India-Myanmar boundary stretches for 1643 km. The boundary was demarcated in 1967 under an agreement signed by both countries. However, numerous earlier treaties and acts had affected the alignment of portions of the boundary and formed much of the basis of the new agreement. To begin with, the Treaty of Yandaboo of 1826 negated Myamarese influence on Assam, Cachar, Jaintia and Manipur and pronounced the Arakan mountain range as the boundary between British India and

India-Bhutan Border



India-Myanmar Border



Myanmar. An Agreement was negotiated in 1834, which returned Kubaw valley to Myanmar. In 1837, the Paktai Range was accepted as the boundary between Assam and Myanmar. In 1894, the Manipur - Chin Hills boundary was demarcated, and in 1896 Col. Maxwell redemarcated the Pemberton - Johnstone line, placing thirty-eight pillars on the ground. These pillars were referred to in the 1967 agreement. The Lushai Hills-Chin Hills boundary was demarcated in 1901 with minor alterations in 1921 and 1922. 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



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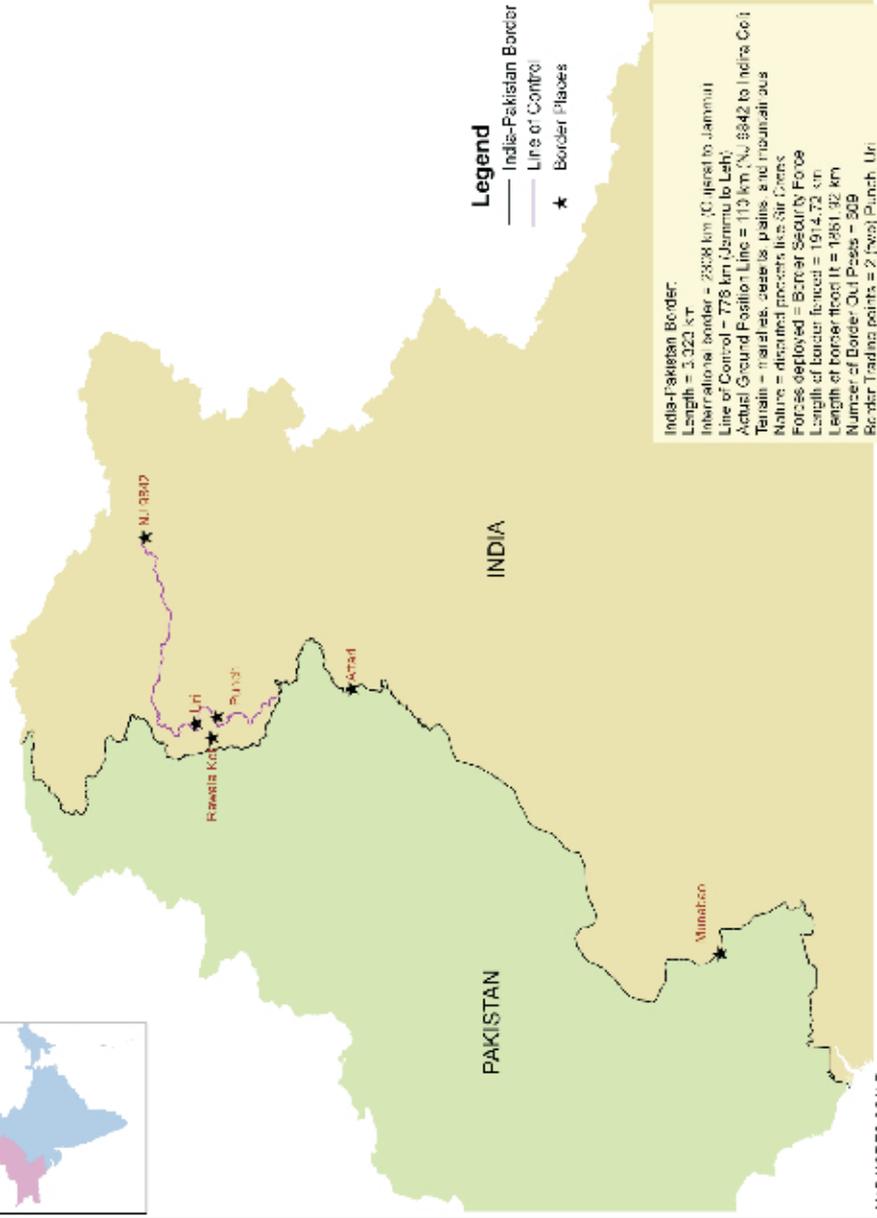
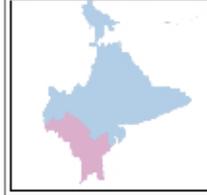
Council of Nagaland (NSCN), the United National Liberation Front (UNLF), the Peoples Liberation Army (PLA), and others have established bases in Myanmar. When pursued by the Indian security forces, these insurgents cross the poorly guarded border and take shelter in these bases. The Indian government has been requesting the Myanmar government to take action against the Indian insurgents, but the Myanmar government appears either unwilling or incapable of flushing them out of its territory.

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 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.

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 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 NJ 9842 to Indira Col in the North. The LoC and the AGPL has

India-Pakistan Border



Legend

- India-Pakistan Border
- - - Line of Control
- ★ Border Places

India-Pakistan Border:

Length = 3,023 km
International border = 2,938 km (Cajalpur to Jammu)
Line of Control = 778 km (Jammu to Ladh)
Actual Ground Position Line = 113 km (N. 8842 to India Ceil)
Terrain = mountainous, deserts, plains, and mountainous
Nature = divided into 6 parts, 5 in India
Force deployed = Border Security Force
Length of border fence = 19,14.73 km
Length of border fence II = 1,881.82 km
Number of Border Out Posts = 509
Border Trading points = 2 (two) Punch, Uri

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.

Like the Bangladesh boundary, the India-Pakistan boundary also does not follow any geographical barrier. It runs 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 *bawala* 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.

India-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 popularly 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.

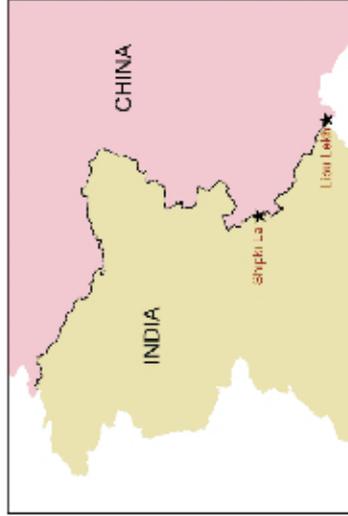


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India and China had never shared a common boundary till, China “liberated” Tibet in 1950. It was then that the hitherto India-Tibet boundary was transformed into an India-China boundary. Since 1954, China started claiming large tracts of territory along the entire border such as Aksai Chin in Jammu and Kashmir, Bara Hoti, Sanchamala and Lapthal 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.

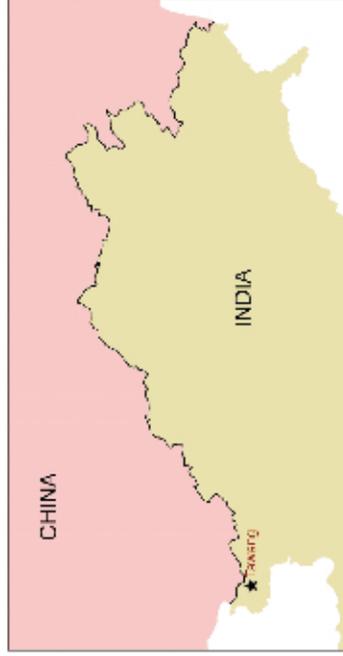
The rapprochement between the two countries in 1976 enabled India and China to initiate High Level border talks in 1981 to find a solution to the vexed problem. After eight rounds, the talks broke down in 1987 because of the Sumdorong Chu incident. In 1988, following Prime Minister Rajiv Gandhi’s visit to China, the Joint Working Group (JWG) was set up to look into the border problem. In 1993, the Agreement on the Maintenance of Peace and Tranquillity along the Line of Actual Control (LAC) was signed and the India-China Expert Group of Diplomatic and Military Officers was set up to assist the JWG. In 1996, the Agreement on Confidence Building Measures (CBMs) in the Military Field along the LAC was signed. The JWG has held 14 rounds of talks between 1988 and 2003. In 2003, two special representatives (one each from India and China) were appointed to find a political solution to the border dispute. Till 2009, these two special representatives had held 13 rounds of talks, but it seems they have not made much headway. 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.

India-China Border



India-China Border:
Length = 3488 km
Nature = Disputed border
Terrain = mountainous
Border trading points = 3 (Thusi) Shyok La
Lipu La, Nathu La
Forces deployed = Indo Tibetan Border Police

Legend
— India-China Border
★ Border Places



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 through the gaps in the mountain ranges. These gaps were the trade and migration routes through which people 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 three designated areas along the India-China border through which border trade takes place; these are Lipulekh, Shipki La and Nathu La. The volume of trade in these trading points is not large. However, large scale smuggling of Chinese electronic and other consumer goods take place through these border points.

Border Trade

Both regular bilateral trade and border trade takes place between India and its neighbours. At present there are 132 notified land custom stations on the borders with different countries. Along the India-Nepal border, there are 22 designated land custom stations through which trading takes place, but volume of traffic is higher in Raxual and Sunauli land custom stations. Similarly, along the India-Bangladesh border, there are 32 land custom stations spread over the states of West Bengal, Meghalaya, Assam, Tripura and Mizoram. Petrapole in West Bengal is one of the most important land customs stations with Bangladesh. There are 5 land custom stations along the Indo-Bhutan border for regular trade. India-Pakistan has one land customs station at Attari.

Border trade between India and its neighbours was initiated with the objective to allow the people living in the border areas to trade their products for essential items. Though trading was carried on by local people for a long time, the division of the subcontinent



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and subsequent strained relations disrupted local trade. But this trend was gradually reversed and presently border trade takes place along all the land borders of India.

Border trade between India and China resumed in 1992-93, when two mountain passes at Shipki La in Himachal Pradesh and Lipu Lekh in Uttarakhand were opened following the signing of the *Memorandum on the Resumption of Border Trade* in December 1991, *Protocol on Entry and Exit Procedures for Border Trade* in July 1992 and another Protocol in September 1993. In June 2003, a MoU was signed between the two countries to resume border trade between Sikkim and Tibet through Nathu La. According to the border trade agreements of 1991, 1992 and 2003, both the countries agreed to trade in 44 items (29 from export list and 15 from import list).

Border trade along the India-Myanmar border is carried on from two posts viz. Moreh in Manipur and Zowkhatar in Mizoram corresponding to Tamu and Rih in Myanmar. Border trade between India and Myanmar started after the signing of an Agreement on Border Trade in 1994 and its subsequent operationalisation in 1995. Under the 1994 trade agreement, only 22 items were included in the trading list.

Pakistan also restarted border trade with India. The India-Pakistan border trade started in October 2008. Border trade between the two countries takes place through Poonch-Rawalakote in Jammu region and Uri-Muzafarabad in Kashmir region. According to the Agreement only 21 items could be traded along the border. Along the Poonch-Rawalakote route, Tuesdays and Wednesdays have been fixed for weekly cross-LoC trade.

The success of border trade depends among other things on infrastructure and duration for trading. Although most trading posts are connected with fairly good roads, they remain vulnerable to landslides, insurgency, bad maintenance, etc. Also, trading through the border pass in the high mountains is restricted only to the summer months i.e. between June and November. Other

infrastructure like storehouses, rest houses, parking, banking, and other facilities are extremely poor in these trading marts. To top it all, items that can be traded are extremely small and most of these are agricultural and animal products.

Challenges to Coastal Security and Island Territories

In addition to the land boundaries, India also has a coastline of 7516.6 km. The coastline is highly indented with numerous creeks, rivulets and streams along with inhabited and uninhabited islands, sandbars, and mangrove forests. These water channels, most of which are interconnected and run deep inside the land, render the coastline porous and hence vulnerable to cross-border infiltration, smuggling, and arms and drugs trafficking. Existence of mangrove forests, sandbars and uninhabited islands along the coast provide ideal hideaways for infiltrators, criminals and contraband. In recent years, the use of sea by terrorists to carry out attacks as was seen during the 1993 Mumbai serial blasts and the November 2008 attack on Mumbai, have also added a new dimension to the vulnerability of the coastline.

The matter is made worse by the existence of several high value targets such as oil refineries, atomic power plants, space stations, ports and naval bases along the coastline. While it is obvious that these installations would face a conventional threat from Pakistan in the event of war, there are growing worries about non-conventional threats as well as terrorist attacks, sabotage, etc., which could potentially inflict massive damage. For example, if terrorists were to attack a very large crude carrier carrying several million barrels of crude oil and seriously damage it resulting in a massive oil spill, the environmental and economic losses would be immense. It would not only lead to the destruction of marine life in the affected area but also disrupt maritime traffic. If such an accident were to take place near a port, it would shut that apart from causing massive damage to life and material. The 2002 attack on a crude oil tanker MV Limburg off the Yemeni coast, which killed a crew man and spilled several thousand barrels of oil, bears testimony to the fact that such an attack is not merely an alarmist scenario but a serious possibility.

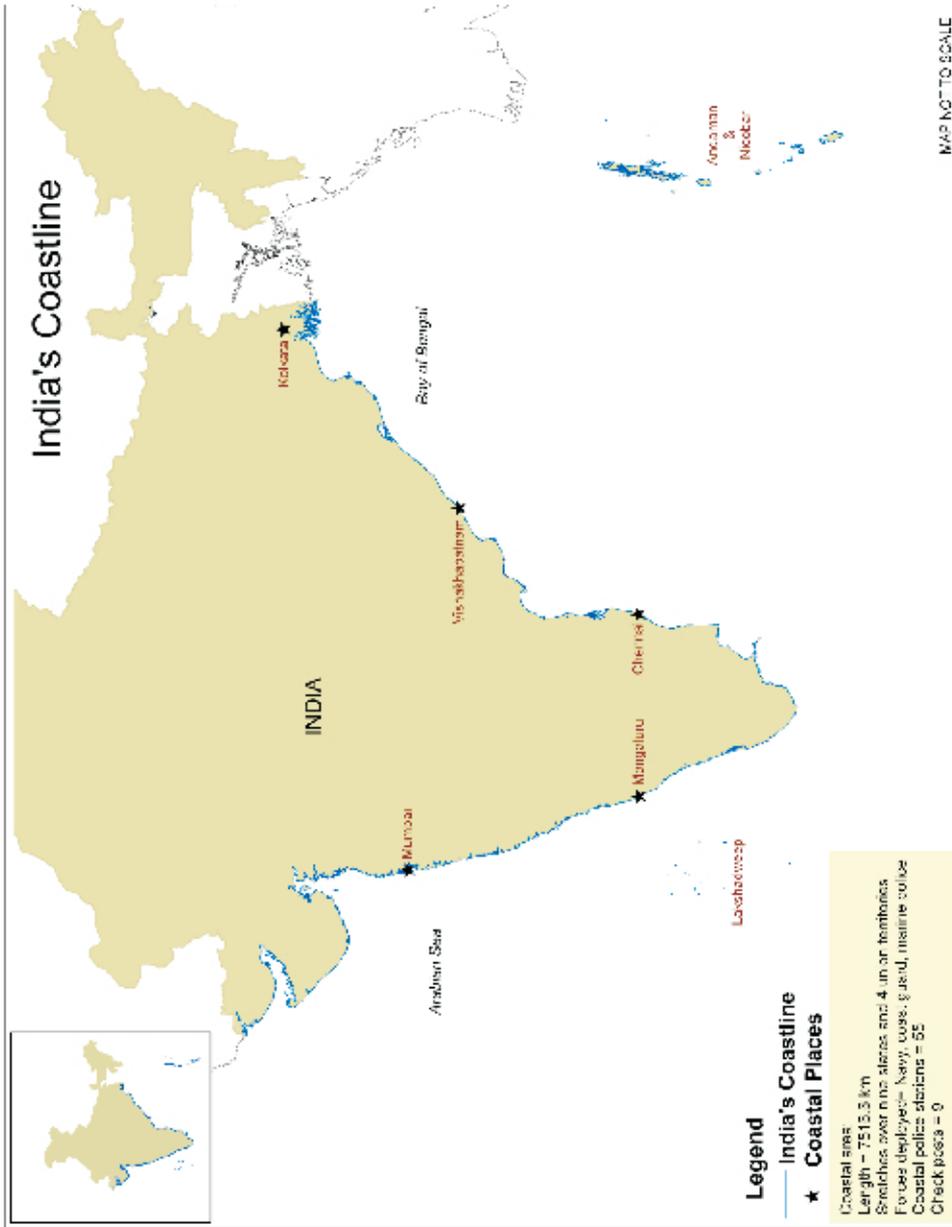


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Straying of both Indian and Pakistani fishermen into each other's territorial waters and their subsequent arrests has also been a perennial source of concern. It is feared that some at least of the arrested fishermen could be recruited by Pakistan's Inter Service Intelligence (ISI) and used as agents against India and use their boats to sneak in arms, explosives and operatives into India. Since these boats have Indian make and registration number, they could easily evade attempts by Indian security agencies to track them. This is what seems to have happened when the Coast Guard let off the Kuber in which the terrorists travelled in November 2008. It is important to note that the sophistication, and determination of criminals and terrorists are far greater than before and the consequences of their activities have become that much graver.

India also has Island Territories in its eastern and western seaboard viz. Andaman and Nicobar Islands and Lakshadweep. The nature and location of these Island Territories necessitate their proper security. Andaman and Nicobar comprise 572 islands, but only 36 of them are inhabited, whereas ten of the 36 islands of Lakshadweep archipelago are inhabited. Their strategic location, i.e. proximity to the important Sea Lanes of Communication (SLOC) and Southeast Asian and African countries coupled with considerable distance from the mainland add to the Island Territories vulnerabilities. In recent years, intelligence reports have suggested that many uninhabited islands are being misused by terrorist groups and criminal gangs as transit points for smuggling arms and narcotics. Reports have also suggested that the Lashkar-e-Taiba is increasingly using the uninhabited islands off Lakshadweep as launching platforms for attacks against India. In addition, instances of piracy in the Malacca straits have increased manifold.

Internal disturbances in India's neighbouring littoral countries also make the security scenario of the Island territories extremely grim. The Andaman and Nicobar islands have seen large scale influx of illegal migrants from Bangladesh, Sri Lanka (Tamils) Myanmar, Thailand, and Indonesia. Besides, the Indian Ocean has been a



theatre of intense rivalries between great powers, mostly extra-regional powers. China, in recent years has been quite active in the Indian Ocean region. With an objective to contain its potential adversary (read India) in the region, China has helped Myanmar to construct a naval base at Haingyi and set up listening posts in Coco Island, close to Andaman and Nicobar. It has also helped Pakistan, Bangladesh and Sri Lanka to built ports, which could be utilised by China during adverse times.

Government's Response

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



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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.

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 and ironing out conflicts with neighbours.

Guarding the Borders

Beginning in 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 Sahastra 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.

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. Presently, the India-Pakistan border has 609 BOPs, Indo-Nepal border 436 BOPs, Indo-Bhutan border 127 BOPs and, the Bangladesh border 802 BOPs. 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 instance, 509 additional BOPs will be raised along the India-Pakistan and India-Bangladesh border (383 along Indo-Bangladesh border and 126 along Indo-Pakistan border).

For securing the riverine and creek areas along the India-Bangladesh and India-Pakistan borders, the water wing of the BSF is deployed. Nine floating BOPs are deployed along the India-Pakistan border and 7 along the India-Bangladesh border. 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 as force multipliers for greater surveillance.

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Border patrolling along Indo-Pakistan Border

Regulation of the Borders

Effective regulation of the movement of people and goods is the hall mark 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 effectual means of preventing illegal ingress and egress of people and goods. In this regard, in the mid-80s, Government of India decided to build fences along the Indo-Pakistan border to prevent the infiltration of terrorists and smuggling in the Punjab sector. According to the *2008-09 Annual Report of the Ministry of Home Affairs*, 1914.72 km of the India-Pakistan border has been fenced. The success of fencing along this border inspired the Government of India to raise similar fences along the India–Bangladesh border as well. Nearly, 2649.74 km of fencing has so far been completed along the Indo-Bangladesh border. The government has also decided to build 10 km of fence along the Indo-Myanmar border.

A project to flood light these fences has also been undertaken to enhance the operational effectiveness of the border guarding force. Along the Indo-Pakistan border 1861.92 km of the fence has been floodlit. Similarly, floodlighting of the Indo-Bangladesh border is also underway. 277 km of the fence is floodlit and flood lighting of the remaining 2840 km will be completed by 2011-12. For easy and fast mobility of the border guarding forces along the border, border roads are being constructed. By 2007, 3326.82 km of road has been built along the Indo-Bangladesh border. Statistics reveal that construction of fences and greater vigil along the Indo-Bangladesh border has been quite successful in reducing the number of illegal migrants from Bangladesh. In 2000, a total of 10,076 persons were apprehended, which increased to 14,012 in 2004, but it gradually decreased to 9,682 in 2006 and 5,957 in 2008. Till June 2009, only 2,540 persons were apprehended while trying to illegally crossing over to India.

Constructing fences along the borders is, however, not an easy task and is fraught with hurdles. Acquisition of land is a long-drawn process. Local administrative bodies and other agencies



Border fencing along India-Bangladesh Border

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Flood lighting along Indo-Pakistan Border

are less cooperative and there is inordinate delay. Curiously, in many instances, the respective state governments and vested political interests have also tried to stall the fencing process, since for instance, the Bangladeshi migrants are perceived as vote banks. Local people, whose land fall behind the fence have been vehemently protesting against the construction of fences as they fear that over the years they might have to forfeit their agricultural land falling beyond these fences. The BDR had also raised serious objections to fencing within 150 yards of the border. In its view, the fence is a 'military wire obstacle' and hence a violation of the jointly agreed 1975 Border guidelines. The *126th Report of the Standing Committee Home affairs* presented in Rajya Sabha on April 26, 2007 also made similar observations.

Another step 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 (MNICs). The union government launched a pilot project for the issuance of MNIC in 20 selected sub-districts of 12 states and a Union Territory covering a population of 31 lakhs in November 2003. 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. The *124th Report of the Standing Committee Home affairs, presented in Rajya Sabha* on March 20, 2007 after reviewing the progress of the pilot project expressed disappointment at the slow pace of its implementation. In spite of difficulties, the Government appears determined to issue MNIC to its citizens. On November 4, 2008, an Empowered Group of Ministers (EGOM) headed by then External Affairs Minister, Shri Pranab Mukherji, approved the establishment of a Unique Identity Authority for all residents of the country.

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). According to the *2007-08 Annual Report of the Home Ministry*, 13 new ICPs at major entry points on the land borders will be set up at a total estimated cost of Rs. 734 crore; seven of which would be along the Indo-Bangladesh border, four along the Indo-Nepal border, and one each along the Indo-Myanmar and Indo-Pakistan borders. 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.

Development of Border Areas

Border areas remain inaccessible and underdeveloped due to 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 and economic infrastructure, promotion of participation in development, eliminate sense of alienation, and instilling a sense of security



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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 *Annual Report of Home Ministry* states that an amount of Rs. 635 crores has been released under the BADP by March, 31 2009. 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 *National Highway Development Programme-Phase II*, *National Highway Development Programme-Phase III B* and *Special Accelerated Road Development Programme for the Northeast Region (SARDP-NE)*. The 2007-08 *Annual Report of Ministry of Surface Transport and Highways* in a separate chapter on development of national highways in the Northeastern region lists various projects that are being implemented.

Bilateral Institutional Mechanisms

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's 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,



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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. A similar layered bilateral mechanism with Pakistan Rangers also exists.

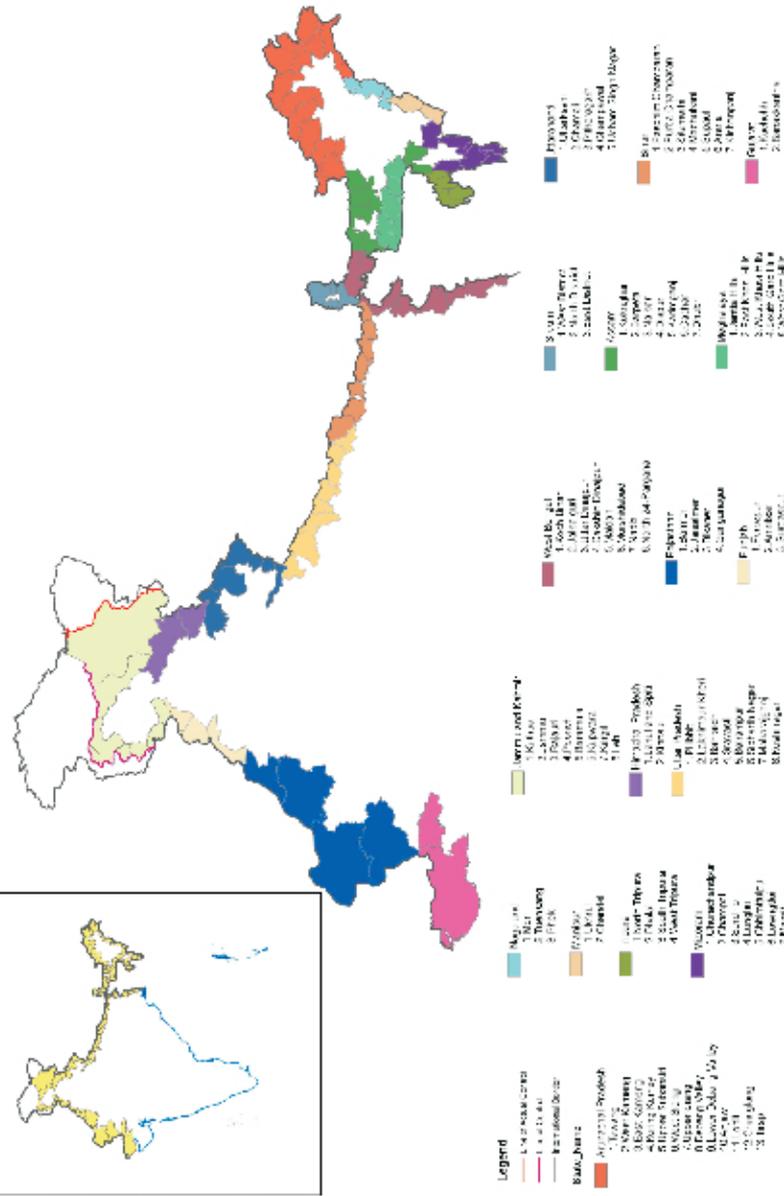
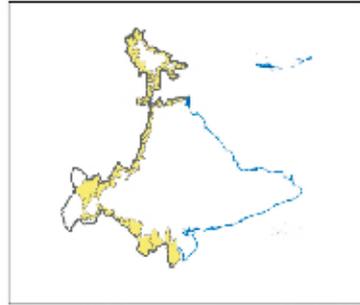
These bilateral mechanisms have been helpful in sensitizing each other about their respective security concerns and formulating strategies for better management of the border.

Securing the Coasts and Island Territories

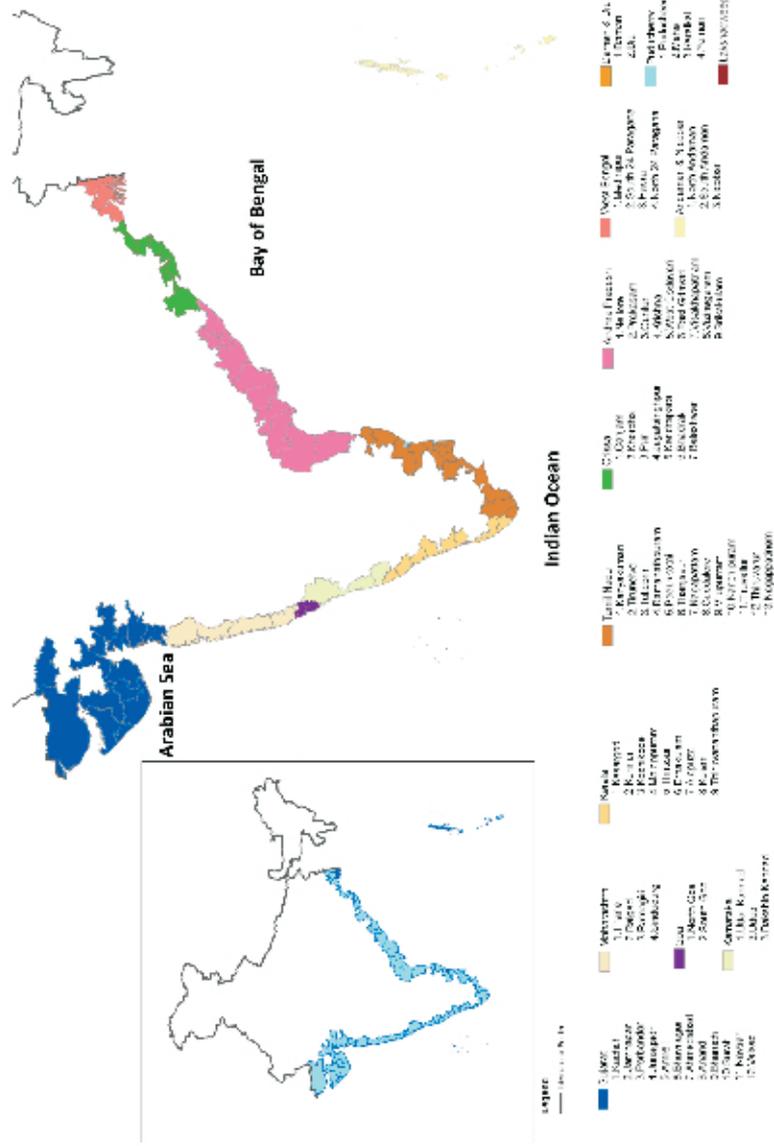
For securing the coast, the government of India has implemented a three layered mechanism. At the outermost layer, the Indian Navy patrols the high seas and carries out aerial reconnaissance with ship-based aircraft. The intermediate layer comprising of the Exclusive Economic Zone (between 12 and 200 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. The scheme envisaged, over a period of five years, the establishment of “73 coastal police stations equipped with 204 boats, 153 jeeps and 312 motor cycles for mobility on coast and in close coastal waters” at a cost of Rs. 37,161.15 lakhs.

According to the *Annual Report of the Home Ministry of 2008-09*, 55 coastal police stations have been made operational in Gujarat, Andhra Pradesh, West Bengal, Goa, Kerala, Maharashtra, Karnataka, Puducherry, Lakshadweep and Daman & Diu. However, these 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. For sea patrolling, boats are to be procured centrally from M/s Goa

India's Border Districts



India's Coastal Districts



Shipyards Limited and M/s Garden Reach Ship Builders and Engineering Limited, Kolkata. Delivery of the boats to various coastal police stations has commenced from the end of 2008. However, these are not adequate.

A separate scheme for strengthening joint coastal patrolling of the coasts of Gujarat and Maharashtra was also undertaken in 2005-06. It envisages the gradual takeover of joint coastal patrolling 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 ports 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. These include:

- expediting the implementation of coastal security scheme



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- speedy delivery of 204 interceptor boats,
- easing of environmental norms for setting up coastal police stations,
- issuance of multi purpose identity cards to all fishermen, seafaring personnel and coastal villages,
- implementation of uniform licensing of fishing boats across the country,
- installation of special transponders and Global Positioning System on registered boats for identification and tracking,
- deployment of commando units of Central Industrial Security Force in all ports,
- constituting unified command for coastal districts to counter terrorist threats from sea.

In addition, the Defence Minister, Shri A.K. Antony also announced the setting up of Joint Operation Centres (JOCs) at Mumbai, Visakhapatnam, Kochi and Port Blair to enhance intelligence gathering, maritime domain awareness and coordination among various security agencies. He also announced a number of steps to strengthen the Indian Navy and Coast Guard by increasing their assets like ships, boats, helicopters, aircraft etc. as well as manpower. According to the Minister, 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 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 off 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 comprise of 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. As part of augmenting coastal security in the entire country, Government of India has provided Andaman and Nicobar with two patrol vessels on priority basis under the Coastal Security Scheme. 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.

Critique

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. These include 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.



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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 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, if 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-Bihar districts have also been demanding a separate state. Such violent campaigns in a sensitive and strategic area do add to the security concerns as apprehensions are raised that such agitations 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.

Conclusion and Recommendations

Given 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



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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.

Here, some recommendations are forwarded for better managing the land borders.

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.

Regulation

- 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.



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- 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.

Bilateral mechanisms

- Strengthen bilateral mechanisms by frequently convening meetings of concerned officials to iron out tensions as well as to resolve border disputes.

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.



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- 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.





Appendices





1. List of Border Districts

Sl. No.	District	Borders with	State
1.	Tawang	China/Bhutan	Arunachal Pradesh
2.	West Kameng	China/Bhutan	Arunachal Pradesh
3.	East Kameng	China	Arunachal Pradesh
4.	Kuring Kumey	China	Arunachal Pradesh
5.	Upper Subansiri	China	Arunachal Pradesh
6.	West Siang	China	Arunachal Pradesh
7.	Upper Siang	China	Arunachal Pradesh
8.	Debang Valley	China	Arunachal Pradesh
9.	Lower Debang Valley	China	Arunachal Pradesh
10.	Anjaw	China/Myanmar	Arunachal Pradesh
11.	Lohit	Myanmar	Arunachal Pradesh
12.	Changlang	Myanmar	Arunachal Pradesh
13.	Tirap	Myanmar	Arunachal Pradesh
14.	Mon	Myanmar	Nagaland
15.	Tuensang	Myanmar	Nagaland
16.	Phek	Myanmar	Nagaland
17.	Ukhrul	Myanmar	Manipur
18.	Chandel	Myanmar	Manipur
19.	Churachandpur	Myanmar	Manipur
20.	Champai	Myanmar	Mizoram
21.	Serchip	Myanmar/Bangladesh	Mizoram
22.	Lunglei	Myanmar/Bangladesh	Mizoram
23.	Chhimttuipui	Myanmar	Mizoram
24.	Lawngtlai	Myanmar/Bangladesh	Mizoram
25.	Mamit	Bangladesh	Mizoram
26.	North Tripura	Bangladesh	Tripura
27.	Dhalai	Bangladesh	Tripura
28.	South Tripura	Bangladesh	Tripura
29.	West Tripura	Bangladesh	Tripura
30.	Karimganj	Bangladesh	Assam
31.	Cachar	Bangladesh	Assam
32.	Dhubri	Bangladesh	Assam

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33. Jantia Hills	Bangladesh	Meghalaya
34. East Khasi Hills	Bangladesh	Meghalaya
35. West Khasi Hills	Bangladesh	Meghalaya
36. South Garo Hills	Bangladesh	Meghalaya
37. West Garo Hills	Bangladesh	Meghalaya
38. Koch Bihar	Bangladesh	West Bengal
39. Jalpaiguri	Bangladesh	West Bengal
40. Uttar Dinajpur	Bangladesh	West Bengal
41. Dakshin Dinajpur	Bangladesh	West Bengal
42. Maldah	Bangladesh	West Bengal
43. Murshidabad	Bangladesh	West Bengal
44. Nadia	Bangladesh	West Bengal
45. North 24-Pargana	Bangladesh	West Bengal
46. Kachchh	Pakistan	Gujarat
47. Banaskantha	Pakistan	Gujarat
48. Barmer	Pakistan	Rajasthan
49. Jaisalmer	Pakistan	Rajasthan
50. Bikaner	Pakistan	Rajasthan
51. Ganganagar	Pakistan	Rajasthan
52. Ferozpur	Pakistan	Punjab
53. Amritsar	Pakistan	Punjab
54. Gurdaspur	Pakistan	Punjab
55. Kathua	Pakistan	Jammu and Kahmir
56. Jammu	Pakistan	Jammu and Kahmir
57. Rajauri	Pakistan	Jammu and Kahmir
58. Poonch	Pakistan	Jammu and Kahmir
59. Baramula	Pakistan	Jammu and Kahmir
60. Kupwara	Pakistan	Jammu and Kahmir
61. Kargil	Pakistan	Jammu and Kahmir
62. Leh	PakistanChina	Jammu and Kahmir
63. Lahul and Spiti	China	Himachal Pradesh
64. Kinnau	China	Himachal Pradesh
65. Uttarkashi	China	Uttarahand
66. Chamoli	China	Uttarahand
67. Pithoragarh	China/Nepal	Uttarahand
68. Champawat	Nepal	Uttarahand
69. Udham Singh Nagar	Nepal	Uttarahand
70. Pilibhit	Nepal	Uttar Pradesh

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71. Lakhimpur Kheri	Nepal	Uttar Pradesh
72. Bahraich	Nepal	Uttar Pradesh
73. Sravasti	Nepal	Uttar Pradesh
74. Balrampur	Nepal	Uttar Pradesh
75. Sidharth Nagar	Nepal	Uttar Pradesh
76. Maharajganj	Nepal	Uttar Pradesh
77. Kushinagar	Nepal	Uttar Pradesh
78. Paschim Champaran	Nepal	Bihar
79. Purba Champaran	Nepal	Bihar
80. Sitamarhi	Nepal	Bihar
81. Madhubani	Nepal	Bihar
82. Supaul	Nepal	Bihar
83. Araria	Nepal	Bihar
84. Kishanganj	Nepal	Bihar
85. West District	Nepal	Sikkim
86. North District	Nepal/China	Sikkim
87. East District	China/Bhutan	Sikkim
88. Kokrajhar	Bhutan	Assam
89. Barpeta	Bhutan	Assam
90. Nalbari	Bhutan	Assam
91. Dispur	Bhutan	Assam
92. Darrang	Bhutan	Assam

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2. List of Coastal Districts

Sl. No.	District	State/Union Territory
1.	Kachch	Gujarat
2.	Jamnagar	Gujarat
3.	Porbandar	Gujarat
4.	Junagadh	Gujarat
5.	Amreli	Gujarat
6.	Bhavnagar	Gujarat
7.	Ahmedabad	Gujarat
8.	Anand	Gujarat
9.	Bharuch	Gujarat
10.	Surat	Gujarat
11.	Navsari	Gujarat
12.	Valsad	Gujarat
13.	Diu	Daman & Diu
14.	Daman	Daman & Diu
15.	Thane	Maharashtra
16.	Raigad	Maharashtra
17.	Ratnagiri	Maharashtra
18.	Sindudurg	Maharashtra
19.	North Goa	Goa
20.	South Goa	Goa
21.	Uttar Kannad	Karnataka
22.	Udupi	Karnataka
23.	Dakshin Kannad	Karnataka
24.	Kasargod	Kerala
25.	Kannur	Kerala
26.	Kozhikode	Kerala
27.	Malappuram	Kerala
28.	Thrissur	Kerala
29.	Ernakulam	Kerala
30.	Alapuza	Kerala
31.	Kolam	Kerala
32.	Thiruvananthapuram	Kerala
33.	Mahe	Puducherry
34.	Lakshadweep and Minicoy Islands	Lakshadweep

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35.	Kanyakumari	Tamil Nadu
36.	Tirunelveli	Tamil Nadu
37.	Tuticorin	Tamil Nadu
38.	Ramanathpuram	Tamil Nadu
39.	Podukkotai	Tamil Nadu
40.	Thanjavur	Tamil Nadu
41.	Thiruvavarur	Tamil Nadu
42.	Nagapattinam	Tamil Nadu
43.	Nagapattam	Tamil Nadu
44.	Cuddalore	Tamil Nadu
45.	Vilupurram	Tamil Nadu
46.	Kanchipuram	Tamil Nadu
47.	Tiruvallur	Tamil Nadu
48.	Puducherry	Puducherry
49.	Karaikal	Puducherry
50.	Nellore	Andhra Pradesh
51.	Prakasam	Andhra Pradesh
52.	Guntur	Andhra Pradesh
53.	Krishna	Andhra Pradesh
54.	West Godavari	Andhra Pradesh
55.	East Godavari	Andhra Pradesh
56.	Yanam	Puducherry
57.	Visakhapatnam	Andhra Pradesh
58.	Vizinagaram	Andhra Pradesh
59.	Srikakulam	Andhra Pradesh
60.	Ganjam	Orissa
61.	Khordha	Orissa
62.	Puri	Orissa
63.	Jagatsinghpur	Orissa
64.	Kendrapara	Orissa
65.	Bhadrak	Orissa
66.	Baleshwar	Orissa
67.	Medinipur	West Bengal
68.	South 24 Paragana	West Bengal
69.	Haora	West Bengal
70.	North 24 Paragana	West Bengal
71.	Andaman & Nicobar Islands	Andaman & Nicobar

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3. Border Disputes

China: The entire India-China border is disputed. China does not recognise the McMahon Line. The entire boundary is divided into three sectors. In the western sector, China has occupied Aksai Chin and claims the Chanchenmo valley, the Pangong lake and Spanggur Tso in North Ladakh and a strip of 5,000 sq km in eastern Ladakh. In all it claims an area of approximately 38000 sq. km in this sector. In Middle sector, China claims pockets of territory in Uttarakhand and Himachal Pradesh such as Barahoti, Nilang Jadhang, Sangcha Malla, Lapthal and Shipki Pass. During the boundary talks between the two countries, maps for the middle sectors were exchanged in 2000. In the eastern sector, China claims the entire state of Arunachal Pradesh.

Myanmar: Though the border is fully demarcated, there are few disputed stretches along the border such as border pillar no. 79 in Moreh and few villages such as Malcham.

Bangladesh: Stretches of boundary between India and Bangladesh measuring up to 6.1 km remain undemarcated. These are *Dabikbhata JL 56* (West Bengal), *Muburi Char-Belonia* (Tripura), and *Latbitilla-Dumabari* (Assam). There are 111 Indian enclaves measuring 17,158.13 acres in Bangladesh and 51 Bangladeshi enclaves measuring 7110.02 acres in India. Under the Land Boundary Agreement, India and Bangladesh are committed to exchange these enclaves. There are 38 patches of Indian land measuring 2953.72 acres and 4.5 bighas in adverse possession of Bangladesh and 50 patches of Bangladeshi land measuring 3340.5 acres in adverse possession of India. Both India and Bangladesh are committed to surrender the adverse possessions.

Nepal: There are 54 disputed spots covering an area of approximately 60,000 hectares. Prominent among these are the ones relating to Kalapani (37,840 hectares), Susta (14,860 ha), Mechi (1600 ha), Tanakpur (222 ha), and Pashupatinagar, with both India and Nepal laying claim to some parts of these areas. However, it is reported that only Kalapani and Susta are officially considered as disputed by the two countries

Pakistan: The line of Control (776 km) and actual ground position line (110 km) in Jammu and Kashmir and the Sir creek area of Gujarat are disputed.



Documents







1. Annual Report 2008-09, Ministry of Home Affairs

Chapter III: Border Management

Summary

The Annual Report's chapter on Border Management states that the principle objectives of border management is 'securing the country's borders against interests hostile to the country and putting in place systems that are able to interdict such elements while facilitating legitimate trade and commerce.' The Chapter has five major sections detailing the activities of the Department of Border Management for the year 2008-09. These sections include vigil along the international border, development of integrated check posts (ICPs), construction of border roads, coastal security and border area development programme.

For enhanced vigil along the borders, fences and roads are constructed, floodlights are installed and hi-tech electronic surveillance equipments are being deployed. The Chapter presents a detailed account of fences, floodlighting and roads that have been constructed along the Bangladesh and Pakistan borders during 2008 along with the proposed number of Border Out Posts to be constructed along these borders. It also lists various equipments such as hand held thermal imagers, battle field surveillance radars, direction finders, unattended ground sensors, high power telescope, etc. which are being deployed along the international borders for electronic surveillance.



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For the development of integrated check posts, the Chapter states that the government has approved the setting up of 13 ICPs at major entry points along the Nepal, Bangladesh, Pakistan and Myanmar borders at an estimated cost of Rs. 635 crores. The Chapter also states that the Land Port Authority of India (LPAI) Bill for overseeing the construction, management and maintenance of the ICPs was introduced in the Lok Sabha and then referred to the Parliament Standing Committee. It also provides details of the status of land acquisitions for various ICPs.

To address the issue of poor connectivity of the border areas, the Chapter states that government has undertaken phase-wise construction of 27 road links totaling 804 km along the India-China border with the involvement of Border Road Organisation (BRO), Central Public Work Department (CPWD), National Projects Construction Corporation Limited (NPCC), Himachal Pradesh Road Constructions (HP), Public Work Department (PWD).

For securing the coasts, the government has formulated a Coastal Security Scheme. According to the Chapter, the scheme is being implemented in nine coastal states and union territories from the year 2005-06, and out of 73 coastal police stations 55 stations have been operationalised. It also provides details about the review of Coastal Security and various decisions taken during the review. The Chapter also details the schemes undertaken for strengthening joint coastal patrolling along the Gujarat and Maharashtra coasts.



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After describing the border area development programme, the Chapter lists the guidelines and monitoring mechanism of this programme. It also records various schemes such as setting up of micro hydel projects in J&K, optimum utilisation of waters of eastern rivers of Indus river system and other special initiatives like development of socio-economic infrastructure, people's participation in development, elimination of sense of insecurity and alienation among the border people, etc. An amount of Rs. 635 crore has been allocated under border area development programme during the year 2008-09.



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3.1 India has 15,106.7 km. of land border and a coastline of 7,516.6 km. including island territories. The length of India's land borders with neighbouring countries is as under:

Name of the country	Length of the border (in km)
Bangladesh	4,096.7
China	3,488.0
Pakistan	3,323.0
Nepal	1,751.0
Myanmar	1,643.0
Bhutan	699.0
Afghanistan	106.0
Total	15,106.7

3.2 Securing the country's borders against interests hostile to the country and putting in place systems that are able to interdict such elements while facilitating legitimate trade and commerce are among the principal objectives of border management. The proper management of borders, which is 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.

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

3.4 As a part of the strategy to secure the borders as also to create infrastructure in the border areas of the country, several initiatives have been undertaken by the Department of Border Management. These include expeditious construction of fencing, floodlighting & roads along Indo-Pakistan and Indo-Bangladesh borders, development of Integrated Check Posts (ICPs) at various locations on the international borders of the country, construction of strategic roads along India-China, Indo-Nepal and Indo-Bhutan borders. In addition, various developmental works in the border areas have been undertaken by the Department under the Border Area Development Programme as a part of the comprehensive approach to border management.

Vigil Along The International Borders

Fencing and floodlighting of borders

3.5 Fencing and floodlighting of the border are important constituents of maintaining vigilance along the borders. In order to curb infiltration, smuggling and other anti-national activities from across Indo-Pakistan and Indo-Bangladesh borders, the Government have undertaken the work of construction of fencing, floodlighting and roads along these borders.

Indo-Bangladesh Border (IBB)

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

3.7 The Indo-Bangladesh border is marked by a high degree of porosity and checking illegal cross border activities has been a major challenge. The main problem is of illegal migration from Bangladesh into India. In order to prevent illegal immigration and other anti-national activities from across the border, the Government of India had sanctioned the construction of border

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roads and fencing in two phases. The total length of Indo-Bangladesh border to be fenced is 3,436.56 km.; out of which 2,649.74 km. of fencing has so far been completed and the work of construction of fencing in approximately 787 km. is under implementation. There have been some problems in construction of fencing in certain stretches on this border due to riverine/low lying areas, population within 150 yards of the border, pending land acquisition cases which has led to delay in completion of the project. The project is now expected to be completed by March, 2010.

3.8 In addition, 3,326.82 km. of border roads have also been constructed out of sanctioned length of 4,326.24 km. The phase wise progress of fencing and roads is as under:

FENCING						
Name of State	PHASE-I		PHASE-II		length in km) TOTAL (PH-I + PH-II)	
	Sanct- ioned	Comp- leted	Sanct- ioned	Comp- leted	Sanct- ioned	Comp leted
W. Bengal	507.00	507.00	021.00	686.29	1528.00	1193.29
Assam	152.31	149.29	77.72	70.09	230.03	219.38
Meghalaya	198.06	198.06	272.17	180.19	470.23	378.25
Tripura	-	-	855.97	708.67	855.97	708.67
Mizoram	-	-	352.33	150.15	352.33	150.15
Total	857.37	854.35	2579.19	1795.39	3436.56	2649.74

BORDER ROADS						
Name of State	PHASE-I		PHASE-II		length in km) TOTAL (PH-I + PH-II)	
	Sanct- ioned	Comp- leted	Sanct- ioned	Comp- leted	Sanct- ioned	Comp leted
W. Bengal	1770.00	1616.57	0.00	0.00	1770.00	1616.57
Assam	186.33	176.50	138.70	74.56	325.03	251.06
Meghalaya	211.29	211.29	327.87	200.85	539.16	412.14
Tripura	545.37	480.51	564.12	252.45	1109.49	732.96
Mizoram	153.40	153.06	429.16	161.03	582.56	314.09
Total	2866.39	2637.93	1459.85	688.89	4326.24	3326.82

3.9 277 km. of floodlighting has been completed in West Bengal as a pilot project. Government has decided to undertake floodlighting along a length of 2,840 km. in the states of West Bengal, Meghalaya, Assam, Mizoram and Tripura along Indo-Bangladesh border at an estimated cost of Rs.1,327 crore. The work has been assigned to Central Public Works Department (CPWD), National Buildings Construction Corporation (NBCC) and National Project Construction Corporation (NPCC). The work is scheduled to be completed by 2011-12.

Replacement of fencing constructed under Phase-I

3.10 Most of the fencing constructed under the Phase-I in West Bengal, Assam and Meghalaya has been damaged due to adverse climatic conditions, repeated submergence, etc. The Government of India has sanctioned a project named Phase-III for erection of 861 km. of fencing replacing the entire fencing constructed under Phase-I at an estimated cost of Rs.884 crore.

3.11 The work has been assigned to Central Public Works Department (CPWD), National Buildings Construction Corporation (NBCC) and National Project Construction Corporation (NPCC). So far, 375 km. of fencing has been replaced.

3.12 The works under Phase-III were originally scheduled to be completed by 2007-08. However, the scheduled date could not be adhered to because of the need for realignment of fencing in certain stretches, objections raised by Bangladesh Rifles for construction of fencing within 150 yards, limited working season, difficult topographical features, etc. The works are now expected to be completed by March, 2010.

Indo-Pakistan Border (IPB)

3.13 India shares 3,323 km. [including Line of Control (LoC) in Jammu & Kashmir (J&K) sector] of its land border with



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Pakistan. This border runs along the States of Gujarat, Rajasthan, Punjab and J&K. The Indo-Pakistan border has varied terrain and distinct geographical features. This border is characterized by attempts at infiltration by terrorists and smuggling of arms, ammunition and contraband, the LoC being the most active and live portion of the border.

3.14 A total length of 462.45 km. and 461 km. has been fenced and flood lit respectively in the entire Punjab sector, except some gaps in riverine areas. In Rajasthan sector also, the work of construction of fencing and floodlighting in 1,048 km. and 1,023 km. respectively has been completed except in certain shifting sand dune areas.

3.15 In Jammu sector, the work of construction of 185 km. of fencing has been completed. 176.40 km. of floodlighting works have also been completed and work on 9.96 km. will be undertaken after realignment of fencing.

3.16 The Government had approved a comprehensive proposal for erecting fencing, floodlighting and construction of border/link roads and Border Out-Posts (BOPs) for Border Security Force in the Gujarat sector of the Indo-Pak border. Works of 217 km. of fencing, 202 km. of floodlighting and 241 km. of border roads have been completed so far in this sector out of 340 km. sanctioned. 35 BOPs have also been established out of 70 BOPs sanctioned.

3.17 There has been time overrun in completing the project due to unforeseen circumstances and natural calamities including devastating earthquake in 2001, unprecedented rains and consequential floods in 2003 & 2006. The cost of the project has also increased considerably due to price escalation, increase in the scope of work, upgradation of specifications for roads and electrical works etc. In addition, an expenditure of Rs.223 crore is estimated for upgradation works as per Central Road Research Institute (CRRI) recommendations after the floods in 2006.

3.18 The Cabinet Committee on Security (CCS), in its meeting held on January 5, 2009, considered a proposal for extension of time for completion of fencing/floodlighting and revised cost for completion of the project amounting to Rs.1,201 crore against original sanction of Rs.380 crore. CCS directed that while payment may be made for the works already completed, a detailed proposal for new works should be brought for CCS approval after internal examination.

3.19 In terms of the directions of CCS, an internal review of the proposal was undertaken with CPWD and NBCC. It has been considered pragmatic/appropriate to continue with CPWD and NBCC to complete the remaining and new upgradation works as recommended by CRRI in 2006. Further, it has been felt necessary to have a Supplemental Agreement with the two executing agencies laying down strict conditions which should, inter-alia, contain the clauses that will freeze the cost, fix the new timeline/deadline, stipulate penalties for time and cost overrun etc.

3.20 Accordingly, approval is being sought on the revision of cost for completion of the project amounting to Rs.1,201 crore and extension of time upto financial year 2011-12 or three working seasons from the date of CCS approval whichever is later, for completion of the remaining works, including the new upgradation works.

Shifting of fencing close to the border

3.21 It has been decided to shift 42.855 km. of fencing erected on Jammu International Border and 23.38 km. of fencing and floodlighting in Punjab sector close to the border to facilitate the border inhabitants to cultivate their lands without problems. The work of shifting the fencing and floodlighting has commenced.

The status of progress of fencing and floodlighting on the Indo-Pak border as on March 31, 2009 is indicated below:

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FENCING

(Length in km.)

Name of the State	Total length of border	Total length of border to be fenced	Length of the border fenced so far	Remaining length of the border proposed to be fenced
Punjab	553	461	462.45*	—
Rajasthan	1037	1056.63	1048.27*	—
Jammu International Border	210	186	185	1
Gujarat	508	340	219	121
TOTAL	2308	2043.63	1914.72	122

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

Floodlighting

(Length in km.)

Name of the State	Total length of border	Total length of border to be floodlit	Length of the border floodlit so far	Remaining length of the border proposed to be floodlit
Punjab	553	460.72	460.72	—
Rajasthan	1037	1022.80	1022.80	—
Jammu International Border	210	186	176.40	9.60
Gujarat	508	340	202	138
TOTAL	2308	2009.52	1861.92	147.60

Construction of additional border out posts (BOPs) along Indo-Bangladesh and Indo-Pakistan borders

3.23 There already exist 802 BOPs on Indo-Bangladesh border and 609 BOPs on Indo-Pakistan border for effective domination of these borders. In order to reduce the inter-BOP distance for effective border management, a proposal for construction of additional 509 BOPs (383 along Indo-Bangladesh border and 126 along Indo- Pakistan border) at an estimated cost of Rs.1,832.50 crore has been approved by the Government on February 16, 2009. Construction of these additional BOPs will provide all necessary infrastructures for the accommodation,

logistic support and the combat functions of the BSF troops deployed on Indo-Bangladesh and Indo-Pakistan borders.

3.24 The project is targetted to be completed by 2012-13. The construction work will commence from 2009-10.

Development of Integrated Check Posts

3.25 Existing infrastructure available with Customs, Immigration and other regulatory agencies at the Land Custom Stations (LCSs) is generally inadequate. Support facilities such as warehouses, parking lots, banks, hotels, fuel outlets, etc. are inadequate. Regulatory and support functions in an integrated manner are not available in one complex. There is no single agency responsible for co-ordinated functioning of various Government authorities/service providers.

3.26 To redress this situation, Government have decided to set up 13 Integrated Check Posts (ICPs) at identified entry points on the international land borders of the country through a Plan Scheme in the 11th Plan. The ICPs shall be a sanitized zone with dedicated passenger and cargo terminal providing adequate customs and immigration counters, X-ray scanners, passenger amenities and other related facilities like service stations, fuel stations etc. in a single modern complex equipped with state of the art amenities. An institutional framework viz. Land Ports Authorities of India (LPAI) will be established and charged with the responsibility to undertake the construction, management and maintenance of ICPs. A list of 13 ICPs proposed to be set up is as under:

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PHASE I

Sl. No.	Location	State	Border	Estimated Cost including land acquisition (Rupees in crore)
1.	Petrapole	West Bengal	India-Bangladesh	172.00
2.	Moreh	Manipur	India-Myanmar	136.00
3.	Raxaul	Bihar	India-Nepal	120.00
4.	Attari (Wagah)	Punjab	India-Pakistan	150.00
5.	Dawki	Meghalaya	India-Bangladesh	50.00*
6.	Akhaura	Tripura	India-Bangladesh	60.00*

PHASE II

Sl. No.	Location	State	Border	Estimated Cost including land acquisition (Rupees in crore)
8.	Chandrabangha	West Bengal	India-Bangladesh	64.00*
9.	Sutarkhandi	Assam	India-Bangladesh	16.00*
10.	Kawarpuchiah	Mizoram	India-Bangladesh	27.00*
11.	Jogbani	Bihar	India-Nepal	34.00*
12.	Sunauli	Uttar Pradesh	India-Nepal	34.00*
13.	Rupaidiha/ Nepalganj road	Uttar Pradesh	India-Nepal	29.00*

* Cost yet to be firmed up and the same will vary depending upon the extent of land acquisition.

Land Ports Authority of India (LPAI)

3.27 The Land Ports Authority of India (LPAI) would function as a body corporate under the administrative control of the Department of Border Management, Ministry of Home Affairs. The LPAI will provide better administration and cohesive management of entry points/land ports on border and would be vested with powers similar to those with bodies like the Airports Authority of India. The LPAI Bill was introduced in the Parliament (Lok Sabha) on December 18, 2008 and referred to Parliamentary Standing Committee. Two meetings of the Parliamentary Standing Committee were held. No report has been submitted.

3.28 LPAI Bill will be reintroduced during the Parliament Session to be convened after the formation of the new Government.

Status of land acquisition for ICPs

3.29 Possession of land to the extent of 177 acres and 189 acres has been taken in respect of Raxaul and Jogbani ICPs, respectively. It has also been planned to acquire additional lands to the tune of 68.5 acres for Raxaul ICP. 3.30 For Attari ICP, possession of 120 acres land has been taken on February 24, 2009 and compensation of Rs.33.15 crore has already been paid to the State Government of Punjab. The process of acquisition of 38.34 acres land for Moreh ICP is under way. The process of acquisition of land to the extent of 187 acres and 177 acres for Sonauli and Rupaidiha ICPs, respectively, are also under way. 88 acres of land has been identified for Petrapole ICP and a proposal for the acquisition has been submitted on February 27, 2009. Land acquisition process for other ICPs has been/is being initiated.

Budgetary support for ICPs

3.31 Government have approved Rs.635 crore for setting up of Integrated Check Posts in the XIth Five Year Plan. A



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budget provision of Rs.100 crore in the financial year 2009-10 has been made.

3.32 It has been decided to undertake construction of ICPs with Government funding while authorising the Empowered Steering Committee (ESC)/Land Ports Authority of India to consider and assign non-sovereign functions for development/management in the private sector.

Construction of roads of operational significance in border areas along India-China border

3.33 To redress the situation arising out of poor road connectivity which has hampered the operational capability of the Border Guarding Forces deployed along the India-China border, the Government had decided to undertake phase-wise construction of 27 road links totaling 804 km. in the border areas along the India-China border in the States of Jammu & Kashmir, Himachal Pradesh, Uttarakhand, Sikkim and Arunachal Pradesh at an estimated cost of Rs.1,937 crore.

Preparation of Detailed Project Reports

3.34 The work of construction of 27 ITBP roads has been assigned to BRO (15 roads), CPWD (8 roads), NPCC (2 roads) and HP PWD (2 roads). These agencies were directed to prepare Detailed Project Reports (DPRs) in respect of roads assigned to them.

3.35 Out of 27 roads, DPRs/cost estimates in respect of 24 roads have been submitted by the executing agencies. The work of preparation of DPRs/cost estimates of remaining 3 roads is under progress and is likely to be finalized shortly. The High Level Empowered Committee (HLEC) has approved DPRs/cost estimates of 24 roads amounting to Rs.1,522.37 crore.

Status of forest/environmental clearance

3.36 Since large parts of the approved roads would pass through forest areas, their construction would require diversion of forest land and, therefore, clearance under the Forest Conservation Act, 1980. In addition, diversion of forest land for non-forestry purposes falling under Wildlife Sanctuaries/ National Parks requires prior permission of National Board for Wildlife (NBWL) as well as the Supreme Court before the diversion proposal can be considered under the Forest Conservation Act, 1980.

3.37 Action was accordingly initiated for obtaining forest/ environmental clearance. There are 11 roads, passing through Wildlife Sanctuaries/ National Parks, where wildlife/ environmental clearance would also be required in addition to forest clearance. While the forest clearance in respect of 11 roads has been obtained, other proposal of forest and environmental clearance are at advance stage of consideration with the Supreme Court, Standing Committee, National Board for Wild Life and State Government of Himachal Pradesh and Sikkim.

3.38 Construction work has started in respect of 7 roads. Construction work of 3 roads, where in-principle approval has been obtained, is likely to start from May, 2009 onwards.

Management of Indo-Nepal border

3.39 In order to check anti-national activities on the Indo-Nepal border which is open and porous as also to improve the security along this border, 27 battalions of Sashastra Seema Bal (SSB) have been deployed as the Border Guarding Force. Out of a total 450 BOPs to be established on this border, 436 BOPs have been established so far.

3.40 Bilateral mechanisms in the form of Home Secretary-level talks and Joint Working Group at the level of Joint Secretaries exist between the two countries. In addition, there is a mechanism



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of Border District Coordination Committee Meetings between the district officials of the two countries. These mechanisms serve as platforms for discussing issues of mutual concern like containing cross-border crimes, smuggling, situation arising out of terrorist activities, etc. at national, regional and local levels.

Management of Indo-Bhutan border

3.41 To improve the security environment along this border, 13 battalions of Sashastra Seema Bal (SSB) have been deployed as the Border Guarding Force (BGF). Out of a total 132 BOPs to be established on this border, 127 BOPs have been established so far.

3.42 A Bilateral mechanism in the shape of an India-Bhutan Group on Border Management and Security has been meeting regularly. This mechanism has proved to be very useful in assessing threat perception to the two countries from groups attempting to take advantage of this open border and in discussing ways of improving the security environment in border areas.

Coastal Security

3.43 A supplemental scheme called 'Coastal Security Scheme' is under implementation in the 9 coastal States and 4 coastal UTs since 2005 for strengthening infrastructure for coastal patrolling and surveillance. Under the scheme, assistance has been/is being given to the coastal States of Gujarat, Maharashtra, Goa, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Orissa and West Bengal and the Union Territories of Daman & Diu, Lakshadweep, Puducherry and Andaman & Nicobar Islands to set up 73 coastal police stations, 97 check posts, 58 outposts, and 30 operational barracks, and to equip them with 204 boats, 153 jeeps and 312 motorcycles for mobility on the coast and in close coastal waters. A lump-sum assistance of Rs.10 lakh per police station is also given for equipment, computers and furniture.

3.44 The approved outlay of the scheme is Rs.400 crore for non-recurring expenditure and Rs.151 crore for recurring expenditure for 5 years on fuel, repair and maintenance of boats and training of manpower.

Progress of implementation

3.45 55 out of 73 coastal police stations proposed have been made operational in Gujarat (10), Andhra Pradesh (6), West Bengal (4), Goa (3), Tamil Nadu (8), Kerala (1), Maharashtra (12), Karnataka (5), Puduchery (1), Lakshadweep (4) and Daman & Diu (1). 3.46 The implementation of this scheme is being done by the concerned State Governments/ UT Administrations. A statement of physical and financial progress under the scheme, as on March 31, 2009, is at **Annexure-VII**.

Procurement of boats

3.47 Boats for coastal patrolling by the coastal police stations are being procured centrally by the Ministry of Home Affairs through PSUs viz. M/s GSL, Goa and M/s GRSE, Kolkata under Ministry of Defence. The delivery of 84 boats (5 Tonnes) each costing Rs.105 lakh and 110 boats (12 Tonnes) each costing Rs.215 lakh at a total cost of Rs.324.70 crore is starting from April, 2009. An expenditure of Rs.101.87 crore has been incurred for procurement of boats so far.

3.48 The delivery of the first batch of 24 boats (12 each of 12 tonnes and 5 tonnes) is scheduled to commence from April, 2009, followed by the next batch of 60 Interceptor Boats from October 1, 2009. The entire process of procurement will be completed by September, 2010.

3.49 Coast Guard is imparting training to the State Police personnel in maritime activities. The training is being imparted in the District Headquarters of the Coast Guard.

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Review of Coastal Security

3.50 In the backdrop of the 26/11 terror attack in Mumbai, the coastal security of the country came under thorough scrutiny. Several meetings were, therefore, held in the Ministry of Home Affairs and other concerned Ministries to address coastal security and related issues. The Union Home Secretary undertook detailed review meetings on December 5, 2008, December 18, 2008 and January 21, 2009. Secretary (Border Management), Ministry of Home Affairs convened a meeting on December 29, 2008. Ministry of Shipping, Road Transport & Highways also convened a meeting on December 22, 2008. During these meetings, *inter-alia*, it was decided that coastal States/UTs will carry out vulnerability/gap analysis of their coasts in consultation with Coast Guard and based on these analysis, they will submit their additional requirements in respect of police stations, checkposts, out-posts, vehicles, etc. Thereafter, a comprehensive proposal, to be named as 'Phase-II of the Coastal Security Scheme' will be formulated and approval of the competent authority obtained.

Review of the coastal security by the Cabinet Secretary

3.51 In a meeting held on February 28, 2009, the Cabinet Secretary comprehensively reviewed/discussed issues relating to coastal/maritime security and the follow-up actions taken on the decisions arrived at in several meetings held at different levels in the Government of India following the 26/11 incidents in Mumbai. The meeting was attended by the Union Home Secretary, Deputy National Security Advisers, Defence Secretary, Secretary Shipping, Secretary, Fisheries, Secretary (Border Management), Secretary (West) Ministry of External Affairs, DG NIC, Dy. Chief of the Naval Staff, Registrar General of India, DDG Coast Guard and other senior functionaries of Government of India. The Home Secretaries and Secretaries (Fisheries) or their representatives of nine coastal States and four Union Territories viz. Gujarat, Maharashtra, Goa, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Orissa, West Bengal, Puducherry, Lakshadweep, Daman & Diu and Andaman & Nicobar Islands also participated in the meeting.

3.52 The meeting focused on the implementation aspects and progress vis-a-vis the entire range of issues relating to maritime/coastal security which, inter-alia, included the Coastal Security Scheme, uniform system for registration for fishing and other vessels, uniform system of issuance of ID cards to fishermen, issuance of Identity Cards to the population living in the coastal villages under Multi-purpose National Identity Card (MNIC) scheme on priority, installation of navigational and communication equipments on the fishing vessels. The review of the initiatives in respect of coastal/maritime security has enabled further streamlining of the implementation of timelines and in resolving cross-cutting issues/problems.

Decisions taken

3.53 Following important decisions were taken:

(i) Department of Shipping will put in place a uniform system of registration of all types of vessels, after taking into account the legal aspects in consultation with the coastal States/UTs and Ministry of Law.

(ii) A Group will be constituted by the Department of Fisheries with representatives from NIC, RGI, State Governments of Tamil Nadu and Gujarat to finalize the design and inter-operability of the two types of ID cards viz. ID cards to the fishermen and MNIC cards to the population in coastal villages.

(iii) Additional requirements for Coastal Police Stations and other infrastructure will be finalized by the coastal States/UTs based on the vulnerability and gap analysis in consultation with Coast Guard and will be the basis for formulating Phase-II of the Coastal Security Scheme.

(iv) Nautical Advisor will work out the technical details of the AIS transponders in consultation with the coastal States/UTs, NIC, ISRO, Coast Guard and NTRO.

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3.54 Follow up action on these decisions is being taken by the Ministries/Departments concerned.

Scheme for strengthening joint coastal patrolling off the coast of Gujarat and Maharashtra

3.55 Keeping in view the vulnerability of the Maharashtra and Gujarat coasts to illegal cross border activities, Joint Coastal Patrolling has been introduced off the coasts of Maharashtra and Gujarat. Under this arrangement, patrolling of the close coastal water is being undertaken by a joint contingent of Navy, State Police and Customs. For making the joint coastal patrolling more effective, a scheme has been formulated for providing additional infrastructure to the Coast Guard to enable them to undertake joint coastal patrolling of the close coastal waters in Coast Guard vessels. For this purpose, assistance will be given to Coast Guard to procure 15 interceptor boats suitable for patrolling of the close coastal waters and for setting up 3 Coast Guard Stations (2 in Maharashtra and 1 in Gujarat). The scheme is being implemented jointly by Ministry of Home Affairs by meeting the non-recurring expenditure and Ministry of Defence by meeting the recurring expenditure.

3.56 Land for the Coast Guard Stations at Dhanu, Murud Janjira and Veraval has been offered to Coast Guard by the respective State Governments. So far, total Rs.131.961 lakh have been released to Ministry of Defence for (i) Rs.1.29 crore for one piece of land measuring 4980 sq. mtr. (1.2 acres) for Veraval Station and (ii) Rs.2.961 lakh for Murud Janjira station.

3.57 The Ministry of Defence has signed a contract in March, 2009 for procurement of 15 interceptor boats. As provided in the contract, an advance payment of 10% of the contract value i.e. Rs.28.1232 crore has been released to the Ministry of Defence in March, 2009.

Deployment of hi-tech electronic surveillance equipments on the International Borders

3.58 The need for deployment of a suitable mix and class of various types of hi-tech electronic surveillance equipment like Night Vision Devices, Hand Held Thermal Imagers, Battle Field Surveillance Radars, Direction Finders, Unattended Ground Sensors, High Powered Telescope etc. on the International Borders of the country, to act as a force multiplier for effective border management, has been recognized by the Government. The procurement process was started during 2006-07. 398 Hand Held Thermal Imagers, 45 Battle Field Surveillance Radars, 12 Long Range Reconnaissance and Observation System (LORROS), 9 Spotter Scopes and 94 Passive Night Vision Binocular have been procured/deployed on Indo-Pakistan, Indo-Bangladesh, Indo-China and Indo-Myanmar borders.

3.59 During 2009-10, it is proposed to procure additional Hand Held Thermal Imagers, Passive Night Vision Binoculars, Spotter Scopes and Mobile Surveillance Vehicles.

Border area development programme (BADP)

3.60 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 provide balanced development of border areas through growth and improvement of infrastructure and promotion of a sense of security and well being among the border population. The programme covers 362 border blocks of 94 border districts of 17 States located along the international land border. The programme is a 100% 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.



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Guidelines of BADP

3.61 The Border Area Development Programme (BADP) is being implemented under the guidelines framed by the Planning Commission. The funds are allocated by the Planning Commission annually which 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% over and above the total allocation is also given to States having hilly/desert/Kutchh areas. The funds are an 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. 1st installment comprises of 90% of total allocation of the State and 2nd installment comprises of the balance 10%.

3.62 The Schemes under this programme are prepared by the 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 be taken up under BADP but the expenditure on such schemes should not exceed 10% of the total allocation in a particular year. The funds under BADP are to be used for schemes in the identified border blocks only.

Empowered Committee

3.63 The policy matters relating to the scope of the programme, prescription of geographical limits of areas in the States within which schemes will be taken up, allocation of funds to the States and modalities for proper execution of the programme are laid down by an Empowered Committee constituted under the Chairmanship of the Secretary (Border Management) in the Ministry of Home Affairs

Revision of guidelines of BADP

3.64 A Task Force was constituted earlier under the chairmanship of Shri B.N. Yugandhar, Member, Planning Commission, for revamping the Border Area Development Programme. In accordance with the recommendations of the Task Force, guidelines of BADP were revised in May, 2008. The revised guidelines emphasized the need for participatory planning, convergence of all Centrally Sponsored Schemes with BADP funds, filling up critical gaps in infrastructure, providing livelihood opportunities. In the new guidelines, emphasis has been given on the need for organized work selection, effective monitoring and review of the programme.

3.65 In order to ensure more qualitative implementation of BADP and to ensure implementation of schemes in those villages which are located closer to the border, guidelines of BADP have been further revised on February 19, 2009 and communicated to the State Governments.

3.66 The emphasis is now on specific socioeconomic and infrastructure development of villages falling 'between 0 to 10 km.' from the border. The villages have been arranged in an order from the zero line to 10 km. The village development profile of each and every village is being prepared. All the major developmental infrastructure facilities like pucca road connectivity, electricity, safe drinking water, telephone facilities, primary school building, PDS shop, and community center are being developed in a planned way. Village plan and block plan of each and every village are being prepared. After saturating the villages falling between zero to 10 km from the border, the next set of villages falling between 10-15 Km and 15-20 km. will be taken up for implementing the schemes under the BADP. The State Governments have been directed that ad-hoc projects should not be taken at all. The village plan should be integrated with district plan for the proper and sustainable development of the remote villages. The selection of the projects is, therefore, expected to be more organized and responsive to area needs.



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3.67 In the 11th Plan, the emphasis would be on allocation of more resources from the Centre and dovetailing other on-going schemes and adopting bottom-up area planning approaches, so as to augment the resources and to upgrade infrastructure and socio-economic services. The review and monitoring of BADP is being done at the district level, State level and in the Ministry of Home Affairs. Periodical visits of the officers from the State level and Government of India are being undertaken.

Optimal Utilization of Waters of Eastern Rivers of Indus River System

3.68 Given the importance of Optimal Utilization of Waters of the Eastern Rivers of Indus River System Projects have been taken up under the Border Area Development Programme (BADP) in States of Punjab (03 projects) and Jammu & Kashmir (06 projects) as a special initiative. An amount of Rs.5023.50 lakh [Punjab (Rs.1994.00 lakh) & J&K (Rs.3029.50 lakh)] has been released during the year 2005-06; 2006-07, 2007-08 and 2008-09. Work on two projects (Madhopur & Hussainiwala headwork) in Punjab has been completed and work on third project (Harike headwork) is under progress whereas work on the projects in J&K is going on.

Flow of funds

3.69 An allocation of Rs.635 crore was made during 2008-09 which was entirely utilized. During 2009-10, budget allocation of Rs.635 has been made for BADP. The details of funds allocated and released to the States under BADP during the year 2006-07, 2007- and 2008-09 are as under

India's Border Management

Sl. No.	Name of States	2006-07		2007-08		2008-09	
		Final Allocation	Release	Final Allocation	Release	Allocation	Release (As on 31.03.2009)
1.	Arunachal Pradesh	4498.00	4498.00	6608.00	6608.00	5772.00	7965.62
2.	Assam	2338.34	2338.34	1969.00	1969.00	2470.00	2106.87
3.	Bihar	3119.00	3119.00	3172.00	3172.00	3732.00	3358.80
4.	Gujarat	2096.00	2096.00	2249.7	22249.72	2818.00	2144.48
5.	Himachal Pradesh	1269.00	1269.00	1119.00	1119.00	1297.00	1297.00
6.	Jammu & Kashmir	9793.05	9793.05	10583.00	10583.00	10500.00	10394.88
7.	Manipur	1250.00	1250.00	1244.63	1244.63	1357.00	1533.37
8.	Meghalaya	1313.36	1313.36	1127.80	1127.80	1267.00	1267.00
9.	Mizoram	2262.00	2262.00	2086.00	2086.00	2535.00	2535.00
10.	Nagaland	1577.00	1577.00	1000.00	1000.00	1150.00	2674.47
11.	Punjab	3641.12	3641.12	2173.94	2173.94	2218.00	2218.00
12.	Rajasthan	5731.36	5731.36	7659.00	7659.00	8849.00	8916.23
13.	Sikkim	1566.04	1566.04	1000.00	1000.00	1150.00	1150.00
14.	Tripura	2678.48	2678.48	2282.89	2282.89	2793.00	2604.11
15.	Uttar Pradesh	2231.00	2231.00	2369.15	2369.15	2924.00	2385.52
16.	Uttara-khand	871.00	871.00	1191.82	1191.82	2297.00	1915.90
17.	West Bengal	5765.25	5765.25	10164.05	10164.05	9992.00	9032.75
	Total	52000.00	52000.00	58000.00	58000.00	63121.00	63500.00
						+379.00*	

*Kept reserved for contingencies etc.

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**PHYSICAL AND FINANCIAL PROGRESS UNDER
COASTAL SECURITY SCHEME**

State/UT		Physical Progress				
		Coastal	Police	Stations		
		Sanctioned Nos.	Made operational	Construction complete	Construction in Progress	Construction not yet
Gujarat	Coastal PS	10	10	6	2	2
	Check-posts	25	Nil	Nil	Nil	25
	Out-posts	46	Nil	Nil	Nil	46
Maharashtra	Coastal PS	12	12	-	4	8
	Check-posts	32	9	18	Nil	14
	Barracks	24	Nil	17	Nil	7
Goa	Coastal PS	3	3	-	1	2
Karnataka	Coastal PS	5	5	5	-	-
Kerala	Coastal PS	8	1	1	-	7
Tamil Nadu	Coastal PS	12	8	12	Nil	-
	Check-posts	40	Nil	9	19	12
	Out-posts	12	Nil	2	4	6
Andhra Pradesh	Coastal PS	6	6	6	-	-
Orissa	Coastal PS	5	0	-	2	3
West Bengal	Coastal PS	6	4	-	-	6
	Barracks	6	Nil	Nil	Nil	6
Pondicherry	Coastal PS	1	1	-	-	1
Lakshadweep	Coastal PS	4	4	-	2	2
Damn & Diu	Coastal PS	1	1	-	1	Nil
A&N Islands	Coastal PS	1	1	-	1	Nil
Total	Coastal PS	73	55	30	12	31
	Check-posts	97	9	27	19	51
	Out-posts	58	Nil	2	4	52
	Barracks	30	Nil	17	Nil	13

India's Border Management

Financial		Progress	
(Rs. In lakhs)			
Sl. No.	Name of State/UT	Approved Outlay	Total release of funds as on 30.11.2008
1.	Gujarat	5842.60	816.000
2.	Maharashtra	4092.60	460.800
3.	Goa	1653.50	122.450
4.	Karnataka	2711.90	211.900
5.	Kerala	4356.00	120.600
6.	Tamil Nadu	4408.00	647.000
7.	Andhra Pradesh	3267.00	279.00
8.	Orissa	2722.50	83.370
9.	West Bengal	3353.40	203.900
10.	Puducherry	544.50	44.500
11.	Lakshadweep	936.80	136.800
12.	Daman & Diu	668.35	68.350
13.	Andaman & Nicobar Islands	2604.00	77.788
14.	Sub-total	37161.15	3272.458
15.	Training charges to Coast Guard		136.609
	Payments for Boats		8830.117
	Customs duty for boats		1357.286
	Grand Total	37161.5	13596.470

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2. Annual Report 2008-2009, Ministry of Defence

Chapter VI: Coast Guard

Summary

Coast Guard has been entrusted with the responsibility of ensuring the safety of men and assets at sea as well as along the coast. The chapter on Coast Guard in the Annual Report describes the force's organizational structure, lists its duties and functions and its existing force level. According to the Report, the Indian Coast Guard has 43 ships, 45 aircraft and helicopters, 19 boats/crafts and 23 non-commissioned boats/crafts. One Advanced Offshore Patrol Vessel 'Samrat' has been commissioned and one 90 meter replacement Off-shore Patrol Vessel (OPV) 'Vishwast' was launched on July 4, 2008. One Pollution Control vessel 'Samudra Prabari' along with one IPV (In-shore Patrol Vessel) and two Interceptor Boats have been inducted into the fleet. According to the XIth plan, the Coast Guard is also procuring 27 more aircraft including 4 Dorniers, 3 Chetak helicopters, 14 twin engine helicopters and 16 light helicopters

The Chapter also lists various achievements of the Coast Guard such as commissioning of ICGS Sankalp, ICGAE Porbandar, launching of first replacement OPV 'Vishwast', affiliation of ICGAS Daman with Maratha Light Infantry (MLI) Regiment, commissioning of 6th AOPV, etc.

The chapter also provides details of various overseas deployments, operations and exercises that Coast Guard undertook during the year 2008-09. According to the Report, the Coast Guard had deployed ICGS Veera at Muscat, Bandar Abbas, and Abu Dhabi. The Coast Guard organised a two day conference on "International Maritime Search and Rescue" from March 11 to 12, 2008, in which 22 international delegates participated. Also, on May 8, 2008, the seventh meeting of the National Search and Rescue Board was held at Goa, in which presentations were made on "Report on SAR Activities 2007-08" and "Low Cost Distress Alert Transmitter (DAT) system" developed by ISRO for fishermen.



India's Border Management

In the end a table detailing the achievements of the Coast Guard in terms of contraband seized, lives saved and oil spill incidents responded to is also provided.





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The Indian Coast Guard has a force level of 43 ships, 45 aircraft and helicopters, 19 boats/craft and 23 noncommissioned boats/craft in its fleet

6.1 The Indian Coast Guard came into being on February 1, 1977 on the approval of Cabinet Committee on Parliamentary Affairs to set up an interim Coast Guard Organisation under Naval Headquarters with an Officer on Special Duty of the rank of Vice Admiral as the head, pending the approval of the Plan for Coast Guard Organisation. The Coast Guard was commissioned as an independent service on August 19, 1978 under the Coast Guard Act, 1978.

6.2 Since its inception, the Coast Guard has acquired a wide range of capabilities both surface and airborne to undertake the assigned tasks during peace time and to supplement the efforts of Indian Navy during war.

6.3 **Organisation:** The command and control of the Coast Guard lies with the Director General of Indian Coast Guard, at New Delhi. The Organisation has three Regional Headquarters at Mumbai, Chennai and Port Blair. The three Regional Headquarters exercise command and control in the waters adjoining the entire coastline of India, through 11 Coast Guard District Headquarters.

6.4 **Duties and Functions:** The duties of Coast Guard are as follows:-

- (a) Ensuring the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in Maritime Zones.

- (b) Providing protection to fishermen including assistance to them at sea while in distress.
- (c) Taking such measures as are necessary to preserve and protect the maritime environment and to prevent and control marine pollution.
- (d) Assisting the customs and other authorities in anti-smuggling operations.
- (e) Enforcing the provisions of such enactments as are for the time being in force in the maritime zones.
- (f) Such other matters, including measures for the safety of life and property at sea and collection of scientific data, as may be prescribed.

6.5 **Existing Force Level:** The Indian Coast Guard has a force level of 43 ships, 45 aircraft and helicopters, 19 boats/craft and 23 non-commissioned boats/craft in its fleet to carry out regular surveillance of the Maritime Zones of India and the areas of interest. One Advanced Offshore Patrol vessel 'Samrat' constructed by M/s Goa Shipyard Limited (GSL), Goa has also been commissioned. The first 90 meter replacement Off-shore Patrol Vessel (OPV) 'Vishwast' was launched on July 4, 2008 at M/s Goa Shipyard Ltd and is also likely to be commissioned. The other new additions to the Coast Guard force include one Pollution Control Vessel- 'Samudra Prahari', one IPV (In-shore Patrol Vessel) and two Interceptor Boats. The 2nd Pollution Control Vessel being built by M/s ABG Shipyard Ltd. Surat was launched on March 27, 2009. In addition in the XI plan the procurement of 27 more aircraft including 4 Dorniers, 3 Chetak helicopters is at various stages. In view of current security scenario Government has approved the procurement of 14 twin engine helicopters and 16 light helicopters. To overcome immediate shortage of aircraft inventory, Indian Coast Guard is progressing the procurement of 8 twin engine helos on dry lease and 12 fixed wing aircraft on wet lease.

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Important Milestones and Achievements

6.6 **Commissioning of ICGS Sankalp:**

The Advanced Offshore Patrol Vessel 'ICGS Sankalp' was commissioned by Raksha Mantri on May 20, 2008.

6.7 **Commissioning of ICGAE Porbandar:**

The Coast Guard Air Enclave, Porbandar was commissioned by Raksha Rajya Mantri on June 12, 2008.

6.8 **Launching of first replacement OPV:**

The first 90 meter replacement OPV 'Vishwast' was launched on July 4, 2008. This vessel is being constructed at M/s. GSL, Goa and likely to be commissioned shortly.

6.9 **Affiliation of ICGAS Daman with Maratha Light Infantry (MLI) Regiment:**

ICGAS Daman is the first ICG unit in the history of the service to be affiliated to an Army Regiment. ICGAS Daman has a memorial for the victory of Jangi Paltan of Maratha Light Infantry who captured the Air Field of Daman from Portuguese and subsequently liberated Daman on December 19, 1961.

6.10 **Launching of Opy, ICGS Vishwast:**

The first of the three OPVs under construction at M/s GSL Goa, CGS Vishwast was launched on July 4, 2008. It is designed to be propelled by MTU engines delivering 18000 KW of Power making the vessel traverse extended ranges of 4500 NM at a cruising speed of 12-14 knots. Besides being capable of providing pollution response and external fire fighting, the ship will be equipped with state of the art Integrated Platform Management System for machinery and bridge controls.

6.11 **Commissioning of 6th AOPV:** Sixth AOPV of Indian Coast Guard, ICGS Samrat was commissioned by Raksha Mantri on January 21, 2009. The ship was built by M/s Goa Shipyard Ltd at Goa. The ship has an overall length of 105 mtrs and propulsion by 2 MAN main engines to achieve a maximum speed

of 23.5 knots. The ship has endurance to sustain at sea for 25 days with an economical speed of 12 knots. The ship is fitted with CRN – 91 guns and can also provide pollution response operation at sea.

6.12 Launching of 2nd Pollution Control Vessel (ABG Yard 222):

The 2nd PCV being built by M/s ABG Shipyard Ltd, Surat was launched on March 27, 2009. The overall length of the vessel is 94 mtrs (approx). The vessel can achieve a maximum speed of 20.6 knots. The endurance of PCV is 6000 NM at cruising speed of 12–14 knots.

International Cooperation

6.13 Overseas Deployment:

(i) ICGS Veera with integral helo was nominated as part of 1TS for Overseas deployment to Muscat, Bandar Abbas, and Abu Dhabi from March 24, 2009 to April 11, 2009.

(ii) International Maritime Search and Rescue Conference (IMSARCON):

The SOLAS convention stress upon establishment of an international search and rescue (S&R) plan responsible to the needs of maritime traffic for the rescue of persons in distress at sea and to promote cooperation among S&R organisations around the world. With this as the backdrop, the Indian Coast Guard conducted two days conference on “International Maritime Search and Rescue” from March 11 to 12, 2008 at New Delhi. The presentation of papers by experts from 16 countries and international organizations followed by the ensuing discussions evoked keen response and interactions between participants. The conference was inaugurated by Raksha Mantri on March 11, 2008 at Vigyan Bhavan, New Delhi. Overall, 22 international delegates attended the conference.

(iii) NMSARB Meeting:

The seventh meeting of the National Search and Rescue Board was held at Goa on May 8, 2008. Presentations were made in the

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meeting on “Report on SAR Activities 2007-08” and “Low Cost Distress Alert Transmitter (DAT) system” developed by ISRO for fishermen. The SAR Report presentation was followed by presentation of SAR Award to MV Scan Brasil for her promptness in responding to a distress alert by MV Gerudu Empire in October 16, 2007 thereby significantly contributing in saving 12 lives. The ESSAR SAR award for the year 2007 was presented to Coast Guard Ship Kasturba Gandhi for Search and Rescue of eight crew from a Merchant Trawler in extreme adverse weather conditions and for carrying out Medical Evacuation from Merchant Vessel Nova Sea.

6.14 Operations:

Indian Coast Guard ships and aircraft are always ready for providing assistance to the crew/vessels when in distress at sea and assist the customs and other authorities in anti-smuggling operations. The vast sea area of 2.01 million sq. kms in our Exclusive Economic Zones is regularly kept under vigil to keep the poachers at bay. The details of major operations of Coast Guard are shown in Table 6.1.

Table 6.1

Sl. No.	Achievements	Since Inception	From January 1, 2008 to March 31, 2009
(i)	Contraband seized	503.159 cr	5.5 lakhs
(ii)	Poaching trawler apprehension	1055 boats 10037 crew	128 boats 802 crew
(iii)	Smuggling vessel apprehension	120 boats 731 crew	14 boats 16 crew
(iv)	Search and Rescue(SAR) Missions	1297	103
(v)	Search and Rescue Sorties	2460	159
(vi)	Lives Saved	4815	623
(vii)	Oil spill incidents responded	57	-
(viii)	Oil spill incidents out of country	01	-

Coast Guard Ships and Aircraft Undertake Various Search and Rescue Operation and were instrumental in saving 623 lives at sea.

3. Annual Report 2007-08, Ministry of Surface Transport and Highways

Chapter V: Development of National Highways in North-Eastern Region

Summary

The Annual Report has chapters on the 'Development of National Highways in the Northeastern Region' and 'Border Roads Organisation'. The former states that 10 percent of the total allocation is earmarked for the region. The total length of the national highway network in the region including Sikkim is 6880 km and their development and maintenance are entrusted to BRO, PWDs and NHAI. The chapter provides details of the schemes undertaken by the government to develop and maintain the national highways in the region during the year 2007-08.

There are two major schemes-National Highway Development Programme (NHDP) Phase III and Special Accelerated Road Development Programme-North East (SAPRD-NE)-being undertaken in the region. Details of length of National Highways and state roads in the North eastern states under NHDP Phase-III and SARDP-NE are provided in the annexure.

The Chapter states that the government has undertaken a series of projects to develop and improve the road network in the region. For example under Economic Importance (EI) and Inter State Connectivity (ISC) schemes, the 228 projects amounting to Rs. 215.77 crore are being carried out in the region. Under the Central Road Fund (CRF), Rs. 511.53 crore has been provided for 196 works for the improvement of state roads. Also, to construct national highways, Rs. 447.11 crore was sanctioned to undertake ninety projects under the NH (O) scheme. State wise details of the works being undertaken in the Northeast under the schemes during the year 2007-08 is also presented in the chapter.



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Chapter VII: Border Roads Organisation

Summary

The chapter on Border Roads Organisation (BRO) describes the history, functions and achievements of the organisation. The BRO started its operations in May 1960 with two projects-Tuskar and Beacon in East and West respectively. Currently it has thirteen projects. It not only builds road in the border regions but also develops road network in interior states like Bihar, Maharashtra, Chhatisgarh, etc. Apart from constructing general Staff roads in the border areas, the BRO also builds roads entrusted to it by both the Central and state governments. Some of its achievements include building an alternate route to Leh, improvement of the North-South and East-West road in Tsunami affected Anadaman and Nicobar Islands, etc.

Chapter V: Development of National Highways in North-Eastern Region

The Department has been paying special attention to the development of NHs in the North-Eastern region and 10 per cent of the total allocation is earmarked for NE region. The total length of National Highways in North-East, including Sikkim, is 6880 km and these are being developed and maintained by three agencies - the state PWDs, BRO and NHAI. Of the total length of 6880 km, about 3336 km is with the BRO and 2844 km is with the respective state PWDs. The remaining length of 700 km is with NHAI.

5.1.2 The details of National Highways and their development & maintenance works taken up under various schemes during the year 2007-08 (up to February 2008) in the North-East region are given below:

- | | |
|--|----------|
| (i) Length under NHDP Phase-III | 1051 km. |
| (ii) Length of National Highways under SARDP-NE: | |
| Phase A | 1889 km. |
| Phase B | 1957 km. |

5.1.3 Details of length of National Highways in the North Eastern states under NHDP Phase-III are given at **Annex-IV**.

5.1.4 State-wise details of length of NHs, state roads under SARDP-NE under Phase A and Phase B are given at **Annex-V** and **VI** respectively.

5.1.5 Under the ISC & EI scheme, 32 projects amounting to Rs. 215.77 crore are under progress.

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5.1.6 Under the CRF, 196 works amounting to Rs.511.53 crore have been taken up for the improvement of state roads.

5.1.7 Ninety-Eight works costing Rs.447.11 crore sanctioned under NH (O) are under progress.

5.1.8 State-wise details of works in the Northeast are given below.

Arunachal Pradesh

5.1.9 As of 29 February 2008, five improvement works amounting to Rs.20.62 crore are in progress. So far, a length of 30 km out of total length of 32.6 km with state PWD has already been improved and in the balance length the work is in progress. 5.1.10 Under the CRF, 41 works for the improvement of state roads amounting to Rs. 143.16 crore have been taken up so far.

5.1.11 Under the ISC & EI scheme, four works costing Rs. 46.71 crore are in progress. In addition, one work at an estimated cost of Rs. 25.00 crore has been approved in principle during 2007-2008.

5.1.12 Under SARDP-NE phase-A 32 km of NH 153 has been approved for implementation to 2-lane.

Assam

5.1.13 As on 29 February 2008, thirty three improvement works costing Rs. 134.73 crore, including 11 improvement works amounting to Rs. 87.34 crore sanctioned during the current year are in progress.

5.1.14 A length of 678 km connecting Silchar to Srirampur via Lumding-Daboka-Nagaon-Guwahati in Assam has been entrusted to NHAI as part of East West corridor under NHDP

Phase-II. Entire length of East-West corridor in Assam has been awarded except 31km between Udarband and Harangajo for which DPR for realignment is in progress and four laning works are in different stages of progress. 18 km of Guwahati by pass has been completed.

5.1.15 Under the CRF, seventy-seven works amounting to Rs. 238.53 crore have been taken up so far for the improvement of state roads.

5.1.16 Under the ISC & EI scheme, ten works costing Rs. 21.67 crore are in progress and three works at an estimated cost of Rs. 13.25 crore have been approved in-principle during current year 2007-2008 under ISC.

5.1.17 Government has given approval for implementation of four laning of NH-37 from Nagaon to Dibrugarh (315 km) on BOT (Annuity) basis and two laning with paved shoulders of single lane stretches of NHs of 734 km in state of Assam under Phase 'A' SARDP-NE.

Manipur

5.1.18 As on 29 February 2008, twenty improvements works costing Rs.100.22 crore, including work on three bridges costing Rs. 9.79 crore are in progress.

5.1.19 Under the CRF, twelve works costing Rs. 31.43 crore have been taken up. In addition, one proposal under E&I scheme has been approved in principle costing Rs. 8.94 crore during the current year 2007-2008.

Meghalaya

5.1.20 As on 29 February 2008, twenty seven improvement works amounting to Rs. 124.13 crore are in progress.

5.1.21 Twenty works amounting to Rs. 48.82 crore have been



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taken up so far under CRF. In addition, bridgework at an estimated cost of Rs. 4.29 crore is in progress under the centrally sponsored scheme of roads of economic importance and inter-state connectivity.

5.1.22 Government has given approval for implementation of 4-laning of NH-40 from Burapani to Jorabat and 2-lane Shillong bypass on BOT (Annuity) basis. Government has also given approval for implementation of 10 km Jawai Bypass & improvement of 54 km of NH 40 & 44 in Shillong city portion alongwith flyovers, under phase A of SARDP-NE.

Mizoram

5.1.23 As on 29 February 2008, eleven improvement works of the value of Rs. 53.39 crore are in progress. 5.1.24 Under the CRF, ten improvement works amounting to Rs. 32.64 crore have been taken up. In addition, two works amounting to Rs. 28.16 crore are in progress under the ISC & EI scheme. Two works at an estimated cost of Rs. 27.90 crore have been approved in principle under the EI scheme during the current year 2007-2008.

5.1.25 Under SARDP-NE phase-A, 102 km of NH - 54 & 154 has been approved for implementation of 2-laning.

Nagaland

5.1.26 As on 29 February 2008, ten improvement works costing Rs. 48.49 crore are in progress.

5.1.27 Twelve works amounting to Rs. 33.06 crore have so far been taken up for the improvement of state roads under the CRF. In addition, three works at an estimated cost of Rs. 20.34 crore are in progress under the ISC scheme. Four works amounting to Rs. 62.76 crore have been approved under the EI scheme and are under progress. Two works amounting to Rs. 21.49 crore and Rs. 24.02 crore under EI and ISC scheme respectively have been sanctioned during 2007-08.

5.1.28 Government has approved implementation of 80 km of 4-laning of NH-39 from Dimapur to Kohima on BOT (Annunity) under phase A of SARDPNE.

Sikkim

5.1.29 Twenty works of the value of Rs. 18.43 crore have been taken up for the improvement of state roads under the CRF. Eight works costing Rs. 77.93 crore are in progress under ISC & EI scheme. In addition, two works at an estimated cost of Rs. 14.93 crore have been sanctioned during 2007-2008 under the EI Scheme.

5.1.30 Government has approved implementation of 80 km of 2-laning of NH-31 A from Sivoke to Gangtok on BOT (Annunity) under phase A of SARDPNE.

Tripura

5.1.31 Nine works amounting to Rs. 33.52 crore have been taken up under the CRF for the improvement of state roads. Three works costing Rs.14.89 crore under Economic Importance (EI) scheme are in progress.

5.1.32 Government has approved tendering of entire 330 km of NH 44 from Churaibari to Sabroom via Agartala on EPC basis under phase A of SARDPNE.

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Annexure-IV
[Para 5.1.3]

**LIST OF STRETCHES UNDER NHDP-III IN NORTH EAST
REGION TOTAL LENGTH IS 1051 KM**

ASSAM

Sl No.	NH No.	Stretch/ Corridor	Length (km)
1	36	Doboka- Assam/Nagaland Border	124
2	44	Assam/Meghalaya Border to Assam/Tripura Border	116
3	52	Baihata Charali-Banderdewa	314
4	52A	Banderdewa -Assam/Arunachal Border	9
5	54	Silchar –Assam/Mizoram Border	50
			613

ARUNACHAL PRADESH

1	52A	Itanagar-Assam /Arunachal Border	22
			22

MANIPUR

1	39	Nagaland / Manipur border-Imphal	112
			112

MEGHALAYA

1	44	Shillong(excluding Shillong bypass-Assam Meghalaya Border)	136
			136

NAGALAND

1	39	Kohima- Nagaland /Manipur Border	28
2	36	Assam/Nagaland Border to Dimapur	
			28

Annexure-V
[Para 5.1.4]

LIST OF STRETCHES UNDER SARDP-NE PHASE A

S. No.	State	Scope of work	Category of road	Road Length (in Km)
1	Assam	Improvement of existing 2-lane NH-37 from Nagaon-Dibrugarh to 4-lane.	NH	315
2	Meghalaya	Construction of new Shillong By-pass connecting NH-40 & NH-44 (2- lane)	NH	50
3	Meghalaya	Four laning of existing 2-lane road stretch from Jorabat to Barapani on NH-40.	NH	62
4	Nagaland	Four laning of Dimapur to Kohima Road including Dimapur/Kohima Bypass on NH-39	NH	81
5	Sikkim/ West Bengal	2 laning with paved shoulders of W. Bengal existing NH-31A from Sevoke to Gangtok	NH	80
6	Assam	Improvement of existing single lane road stretches on NH-36, 51, 52, 53, 54, 61,152, 153 & 154 to double lane with paved shoulders, including Silchar bypass	NH	576
		Total	NH	1164
7	Manipur/ Nagaland	Two laning of State road from Maram to Paren to provide connectivity of Manipur State with Nagaland State	State road	116
8	Arunachal	Improvement of road from Lumla to Pradesh Tashigong	State Road	36*

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8	Arunachal	Improvement of road from Lumla to Pradesh Tashigong via Dudunghar (Indo-Bhutan road)	State Road	36*
		Total State road		152
9	Sikkim	Double laning of existing single lane Border Road from Gangtok to Nathula	GS road	87
		Total	GS road	87
		Total (I)		1403
10	Tripura	Four laning of NH-44 from Churaibari to Sabroom	NH	330
11	Manipur, Meghalaya, Mizoram & Assam	2- laning of NH- 44, 53, 54 & 154, including Jowai bypass in Meghalaya	NH	180
12	Meghalaya	Improvement of existing 2 lane Barapani - Shillong section of NH-40 and flyovers in Shillong city	NH	54
13	Assam & Arunachal Pradesh	Re-alignment and improvement to 2-lane with paved shoulders of NH-37 from Dibrugarh to Rupai and improvement of Stilwell road and NH-38 to 2-lane with paved shoulders	NH	161
		Total	NH	725
14	Arunachal Pradesh	Improvement / 2-laning of Taliha-Tato and Migging-Bile inter basin roads	State road	176
		Total	State road	176
		Total (II)		901
		Grand Total		2304

Sl. No.	Category of road	Scope/ Section of road	State	Tentative Length (km)
I. National Highways				
1	NH- 44A	2 laning/ realignment of NH-44A from Km 11.500 to 130	Mizoram	119
2	NH- 44A	2 laning/ realignment of NH-44A from Manu to Tripura/Mizoram Border.	Tripura	110
3	NH- 44E	2 laning of Nongstoin- Shillong section of NH-44E	Meghalaya	83
4	NH- 52	2 laning of Jonai- Sitapani section	Arunachal Pradesh	335
5	NH- 54	2 laning of NH-54 from Aizawl to Tuipang section	Mizoram	380
6	NH- 54A	2 laning of NH-54A from Lunglei- Theriat section	Mizoram	9
7	NH- 54B	2 laning of NH-54B from Zero point to Saiha section	Mizoram	27
8	NH- 61	2 laning of Assam/ Nagaland border to Kohima section	Nagaland	234
9	NH- 62	2 laning from Assam/Meghalaya border to Baghmara	Meghalaya	96
10	NH- 150	2 laning of Ukhrul to Yaingangpokpi section of NH-150	Manipur	92
11	NH- 150	2 laning from Kohima to Nagaland/Manipur border	Nagaland	132

12	NH- 155	2 laning of Mokokchung to Jessami section	Nagaland	340
			Total (I)	1957
II. Strategic roads				
13	Indo-Myanmar road	Improvement /2 laning from Vijaynagar-Miao road	Arunachal Pradesh	157
14	Indo-Myanmar road	Improvement /2 laning from Miao-Jairampur road	Arunachal Pradesh	32
15	Indo-Myanmar road	Improvement /2 laning from Jairampur(NH-153) - Lalpul Bridge	Arunachal Pradesh	9
16	Indo-Myanmar road	Improvement /2 laning from Lalpul Bridge-Manmao road	Arunachal Pradesh	32
17	Indo-Myanmar road	Improvement /2 laning from Manmao-Changlang road	Arunachal Pradesh	44
18	Indo-Myanmar road	Improvement /2 laning from Changlang to Khimiyang road	Arunachal Pradesh	35
19	Indo-Myanmar road	Improvement /2 laning from Khimiyang - Sangkuhavi road	Arunachal Pradesh	33
20	Indo-Myanmar road	Improvement /2 laning from Sangkuhavi-Lazu road	Arunachal Pradesh	40
21	Indo-Myanmar road	Improvement /2 laning from Lazu-Wakka road	Arunachal Pradesh	75

22	Indo-Myanmar road	Improvement / 2 laning from Wakka- Khanu road	Arunachal Pradesh	21
23	Indo-Myanmar road	Improvement / 2 laning from Khanu - Konsa road	Arunachal Pradesh	30
24	Indo-Myanmar road	Improvement / 2 laning from Konsa-Panchao road	Arunachal Pradesh	29
25	Indo-Myanmar road	Improvement / 2 laning from Panchao – Nagaland Border road	Arunachal Pradesh	25
26	State road	Improvement / 2 laning from Yingkiong to Bishing(Porgo via Gette-Pugging-Likor-Paling-Jido) road	Arunachal Pradesh	160
27	State road	Improvement / 2 laning from Zido-Singha road	Arunachal Pradesh	94
28	State road	Improvement / 2 laning from Pango-Jorging road	Arunachal Pradesh	90
29	State road	Improvement / 2 laning from Sarkam point-Singa via Eko-Domping road	Arunachal Pradesh	125
			Total (II)	1031
III. State/ GS roads				
30	ODR	2 laning of Yupia- Pappu road	Arunachal Pradesh	10
31	MDR	2-laning of Alternative route between Barak Valley (Shchar) - Guwahati road via Harangajao- Turuk	Assam	285
32	MDR	2 laning of Golaghat- Rangajan road	Assam	7

33	MDR	2 laning of Diphu-Manja road	Assam	16
34	MDR	2 laning of Haflong-Jatinga road	Assam	8
35	MDR	2 laning of Dhubri-Gauripur road	Assam	8.5
36	RR	2 laning of Baska-Bamara road	Assam	25
37	SH	2 laning of Morigaon-Jagi road	Assam	23
38	SH	2 laning of Barpeta-Howly road	Assam	12
39	SH	2 laning of Goalpara-Solmari road	Assam	6.5
40	SH	2 laning of Kokrajhar-Karigaon road	Assam	18
41	SH	2 laning of Tamenglong-Khonsang road	Manipur	40
42	SH	2 laning of Pallel Chandel road	Manipur	18
43	SH	2 laning of Nongstoin-Rongjeng-Tura road	Meghalaya	201
44	ODR	2 laning of William nagar to Nengkhra road & other road (2 side connectivity with respective length of 14 & 8 km)	Meghalaya	22
45	SH	2 laning of Lunglei - Demagiri road	Mizoram	92
46	MDR	2 laning of Champai - Thau road	Mizoram	30
47	MDR	2 laning from Pfutsero-Zhamai road	Nagaland	18

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48	MDR	2 laning from Athibung- Kheima	Nagaland	55
49	MDR	2 laning of Phek - Pflutzero road	Nagaland	79
50	MDR	2 laning of Longleng- Changtongya road	Nagaland	35
51	MDR	2 laning of Tamli- Merangkong road	Nagaland	50
52	ODR	2 laning of Peren- Kohima road	Nagaland	96
53	New	New alternative highway from Melli to Singtam	Sikkim	27
54	SH	2 laning of Gyalshing- Singtam road	Sikkim	80
55	SH	2 laning of Tarku- Namchi road	Sikkim	32
56	SH	2 laning of Legship- Jorethang road	Sikkim	26
57	MDR	2 laning of Kailasahar- Kumarghat road	Tripura	26
58	GS road	2 laning of Seppa- Neechipu road	Arunachal Pradesh	96
59	GS road	2 laning of Koloriang- Joram road	Arunachal Pradesh	158
60	GS road	2 laning of Yingkiang- Pangin road	Arunachal Pradesh	86
61	GS road	2 laning of Anini- Meka road	Arunachal Pradesh	235
62	GS road	2 laning of Hawaii- Hawa Camp road	Arunachal Pradesh	126

65	GS road	2 laning of Ziro- Pahumara road	Arunachal Pradesh/ Assam	124
66	GS road	2 laning of Lekabali- Daporizo road	Arunachal Pradesh/ Assam	222
67	GS road	2 laning of Champai- Seling road	Mizoram	150
68	GS road	2 laning of Zunheboto- Chakabama road	Nagaland	128
69	GS road	2 laning of Mon- Tamlu road	Nagaland	50
70	GS road	2 laning of Gangtok- Mangam road	Sikkim	68
71	State road	Improvement of road from Kukital to Sabroom	Tripura	310
			Total (III)	3445
			Total (I+II+III)	6433

Chapter-VII

Border Roads Organisation

The Border Roads Organization (BRO) is a road construction executive force, integral to and in support of the Army. It started operations in May 1960 with just two projects (i.e), Project Tusker (renamed Project Vartak) in the East and project Beacon in the West. It has now grown into a 13-project executive force, supported by a well-organized recruiting /training center and two well equipped Base Workshops for overhaul of plant/equipment and two Engineer Store Depots for inventory management.

7.1.2 The BRO has not only linked the border areas of the North and North-East with the rest of the country, but has also developed the road infrastructure in Bihar, Maharashtra, Karnataka, Rajasthan, Andhra Pradesh, the Andaman and Nicobar Islands, Uttarakhand and Chhattisgarh.

Function of the BRO

7.1.3. The BRO was tasked to construct and maintain roads in the border areas, classified as General Staff (GS) roads, in keeping with defence requirements. GS roads are developed and maintained through funds provided by the Border Roads Development Board (BRDB), through the Department of Road Transport and Highways.

7.1.4. Besides GS roads, the BRO also executes Agency Works, which are entrusted to it by other Central Government Ministries and Departments. Works entrusted by Public Sector Undertakings, State Governments and other Semi-Government Organizations are executed as Deposit Works. Over the years, the BRO has diversified into the construction of airfields, permanent steel and prestressed concrete bridges, accommodation projects and tunnels.



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Important Milestones

- The entrustment of the construction of 8.80 km long Rohtang tunnel, related access roads to its portals and a 292 kms long Alternate Route to Leh, at an approximate cost of Rs 1355.82 crore has opened a new chapter in the recognition of the diverse capabilities of the Organisation. The construction works have progressed as per target. Length of approach road to South Portal of Rohtang tunnel is 11.750 km and to the North Portal is 0.975 km. Formation and pmt works have been completed and surfacing works are nearing completion. The target date of completion of Rohtang Tunnel is March 2014. Eight firms have been enlisted on global basis for the issue of tender. Construction of tunnel is proposed to be commenced in 2008.
- The BRO has been entrusted with the four-laning of a stretch of NH-1A from Jammu-Vijaypur as part of NHDP's North-South corridor, on behalf of the NHAI. The initial cost of this project was estimated for Rs 83.88 crore and revised cost of this project due to variation order approved for Rs. 101.48 crore. Extension of time for PDC by 30 May 2008 for highway works and 30 Sep 2009 for bridge works has already been asked from NHAI. Approval is still awaited.
- Part of Phase 'A' of Special Accelerated Road Development Programme for North-East (SARDP-NE) has been entrusted to BRO. The work involves construction of new roads and improvement of existing roads to double lane standards under the phased programme. The current status for widening of 483.227 kms roads with a rough cost of Rs 1619 crore under Phase 'A' with PDC 2008-09 and preparation of DPR for the roads under Phase 'B' 3431 kms with PDC 2013-14 have been entrusted to BRO. The works have commenced in the year 2006-07.
- BRO has been entrusted to take up the rehabilitation works of North-South Road (36.45 km) and East-West Road from

km 10 to 41 (31 km) in Tsunami affected areas of Andaman and Nicobar Island. The work commenced in April 2006. Formation work in cutting and filling is completed up to km 21.00 & km 11.00 respectively; surfacing work of GSBC & WBM completed up to km 8.00 and BT km 1.00. An over all physical progress of work is 20.08%. The PDC of the work is March 2009.

- Under the Re-construction plan for Jammu & Kashmir announced by the Prime Minister, the up gradation of 94 km long Srinagar-Uri (NH1A), up gradation of 17.25 km long Uri-LoC road, double laning of 265 km long Batote-Kishtwar-Anantnag (NH-1B), double laning of 422 km long Srinagar-Leh road via Kargil (NH-1D), Construction of Nimu – Padam –Darcha 290 km and widening of 14.14 km long Domel-Katra (NH-1C) has been entrusted to BRO. The approximate cost of these works is Rs. 2308.81 crore. These works are scheduled to be completed by 2012.

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4. Land Port Authority of India Bill, 2008

Summary

The Land Port Authority of India Bill, 2008 provides for the establishment of the Land Port Authority of India (LPAI) for the development of and management of facilities for cross-border movement of passengers and goods at designated points along the international border.' The Bill has six chapters. Chapter 1 provides various definitions of the terms used in the Bill.

Chapter 2 deals with the constitution of the Authority. It states that the Authority will consist of a Chairperson, a member each from Planning and Development and Finance, nine members (ex officio) appointed by the Central government representing the Ministries of Home Affairs, External Affairs, Revenue, Commerce, Road Transport and Highways, Railways, Defence, Agriculture and Cooperation and Law and Justice, a state representative where the integrated check posts are located, one each representatives of traders and workers appointed by the Central government and other representatives for functional purposes. The Chapter also lays out conditions for the disqualification of members, their terms of office, eligibility of their re-appointment, meetings and appointment of other officers.

Chapter 3 of the Bill describes the functions of the Authority and responsibilities and powers of other agencies. The LPAI will be responsible for the development, management and maintenance of facilities for cross border movement of people and passengers, for which it has to construct and install necessary infrastructure such as roads, terminals and other concerned buildings, residential buildings, hotels and restaurants, facilities for money exchange, insurance, gadgets for communication and security and scanning, etc. For the security of the integrated check posts respective border guarding forces will be

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responsible. Other agencies such as Customs, immigration, quarantine shall coordinate with the LPAI.

Chapter 4 states that all assets, rights, powers, authority, borrowings, liabilities, etc. which were hitherto with the Central government would vest on the LPAI. The LPAI shall be competent to enter into or perform any agreement or contract necessary for the discharge of its duties. The contract will be made with the Chairperson or such person who is empowered by the Authority. The chapter also deals with guarantee to be operative, compulsory acquisition of land for the Authority and mode of executing contracts on behalf of the Authority.

Chapter 5 of the Bill deals with the finance, accounts and audit of the Authority. The Authority with prior approval of the Central Government can levy fees and other charges for cargo handling, warehousing, parking and other facilities provided by it. The Authority will be provided with finances by the Central government for efficient discharge of its duties. The Authority shall establish its own fund. The Authority is permitted to have a reserve fund for expanding existing facilities or bad or doubtful debts, depreciation, etc. Rest of the amount, as net profit, should be returned to the Central government. The Authority shall also prepare a balance statement of its programmes in the beginning of the financial year for approval of the government. The chapter also states that the Authority should maintain proper accounts and other relevant records and prepare annual statements. The accounts of the Authority shall be audited annually by the Comptroller and Auditor General of India.

Chapter 6 deals with miscellaneous issues such as submission of annual report, authentication of orders and other instruments of Authority Officers and employees of the Authority to be public servants, protection of action taken in good faith, custody and disposal of lost property, power of Central government to supersede Authority, power of Central government to issue directions, power to make rules, power to make regulations, rules, regulations



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and notifications to be laid before Parliament, power to remove difficulties. The chapter also has sections on the objects and reasons for introducing the Bill. The Bill was introduced under article 117(1) and considered under 117 (3) of the Constitution in Lok Sabha. A separate section describes the functions of all the clauses of the Bill. The financial and legislative powers of the Authority along with the concerned clauses are separately highlighted in the Bill.

TO BE INTRODUCED IN LOK SABHA

Bill No. 74 of 2008

CLAUSES

THE LAND PORTS AUTHORITY OF INDIA BILL, 2008

ARRANGEMENT OF CLAUSES

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PRELIMINARY

1. Short title and commencement.
2. Definitions.

CHAPTER II
THE LAND PORTS AUTHORITY OF INDIA

3. Constitution of Authority.
4. Disqualification for office of member.
5. Term of office and conditions of service of members.
6. Vacation of office of members.
7. Eligibility of member for re-appointment.
8. Meetings.
9. Vacancies, etc., not to invalidate proceedings of Authority.
10. Officers and other employees of Authority.

CHAPTER III
FUNCTIONS OF AUTHORITY

11. Functions of Authority.
12. Responsibilities and powers of other agencies.



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CHAPTER IV
PROPERTY AND CONTRACT

13. Assets and liabilities to vest in Authority.
14. General effect of vesting of undertakings in Authority.
15. Guarantee to be operative.
16. Compulsory acquisition of land for Authority.
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CHAPTER V
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19. Power of Authority to charge fees, rent, etc.
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22. Allocation of surplus funds.
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CHAPTER VI
MISCELLANEOUS

26. Submission of annual report.
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28. Authentication of orders and other instruments of Authority.
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31. Custody and disposal of lost property.
32. Power of Central Government to supersede Authority.
33. Power of Central Government to issue directions.
34. Power to make rules.
35. Power to make regulations.
36. Rules, regulations and notifications to be laid before Parliament.
37. Power to remove difficulties.

India's Border Management

TO BE INTRODUCED IN LOK SABHA

Bill No. 74 of 2008

THE LAND PORTS AUTHORITY OF INDIA BILL, 2008

A

BILL

to provide for the establishment of the Land Ports Authority of India for the development and management of facilities for cross border movement of passengers and goods at designated points along the international borders of India and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Land Ports Authority of India Act, 2008.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of the Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.



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2. In this Act, unless the context otherwise requires,—

- (a) “Authority” means the Land Ports Authority of India constituted under section 3;
- (b) “Chairperson” means the Chairperson of the Authority appointed under clause (a) of sub-section (3) of section 3;
- (c) “immigration check post” means any port or place of departure on the land as notified under the Foreigners' Act, 1946;
- (d) “integrated check post” means any land port, as the Central Government may, by notification in the Official Gazette, specify;
- (e) “land customs station” means any place notified as such by the Central Government, under clause (b) of sub-section (1) of section 7 of the Customs Act, 1962 for the clearance of goods imported or to be exported by land or inland water;
- (f) “land port” means an area on the international borders of India including portions of national highways, State highways and other roads, notified as land customs station or immigration check post under the Customs Act, 1962 or the Foreigners' Act, 1946, and includes railways, with facilities for clearance and transport of passengers and goods across the borders of India;
- (g) “notification” means a notification published in the Official Gazette; (h) “prescribed” means prescribed by rules made under this Act; and
- (i) “regulations” means regulations made by the Authority under this Act.

CHAPTER II
THE LAND PORTS AUTHORITY OF INDIA

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be constituted an Authority to be known as the Land Ports Authority of India.
- (2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued.
- (3) The Authority shall consist of—
- (a) a Chairperson;
 - (b) a Member (Planning and Development) and a Member (Finance);
 - (c) not more than nine members, ex officio, to be appointed by the Central Government from amongst the officers, not below the rank of the Joint Secretary to the Government of India, representing the ministries or departments of the Government of India dealing with Home Affairs, External Affairs, Revenue, Commerce, Road Transport and Highways, Railways, Defence, Agriculture and Cooperation, Law and Justice;
 - (d) the Chief Secretary or his nominee of the respective State where the integrated check posts are located;
 - (e) the representatives, one each of traders and workers to be appointed by the Central Government, may be co-opted on case-to-case basis, wherever necessary; and 31 of 1946.



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- (f) such other representatives as the Central Government may co-opt for functional purposes.
 - (4) The Chairperson and the members referred to in clause (b) shall be appointed by the Central Government and shall be whole-time members.
 - (5) The Chairperson shall be chosen from among persons who have special knowledge and experience in the field of transport, industry, commerce, law, finance or public administration.
4. A person shall be disqualified for being appointed as a member if, he—
- (a) has been convicted and sentenced to imprisonment for an offence, which, in the opinion of the Central Government, involves moral turpitude; or
 - (b) is an undischarged insolvent; or
 - (c) is of unsound mind and stands so declared by a competent court; or
 - (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
 - (e) has in the opinion of the Central Government such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member.
5. (1) Subject to the provisions of section 6, every whole-time member shall hold office for a period of five years from the date on which he assumes office or till he attains the age of sixty years, whichever is earlier:

Provided that the Central Government may —

- (a) terminate the appointment of any whole-time member, after giving him notice of a period of not less than three months or, in lieu thereof, on payment of an amount equal to his salary and allowances, if any, for a period of three months;
 - (b) terminate at any time the appointment of any member who is a servant of the Government.
- (2) The other conditions of service of the members shall be such as may be prescribed. (3) Any member may resign his office by giving notice in writing for such period as may be prescribed, to the Central Government and, on such resignation being notified in the Official Gazette by that Government, such member shall be deemed to have vacated his office.
6. The Central Government shall remove a member if, he—
- (a) becomes subject to any of the disqualifications mentioned in section 4: Provided that no member shall be removed on the ground that he has become subject to the disqualification mentioned in clause (e) of that section, unless he has been given a reasonable opportunity of being heard in the matter; or
 - (b) refuses to act or becomes incapable of acting; or
 - (c) is, without obtaining leave of absence from the Authority, absent from three consecutive meetings of the Authority; or
 - (d) in the opinion of the Central Government, has so abused his position as to render his continuance in office detrimental to the public interest:

Provided that no member shall be removed under this clause unless he has been given a reasonable opportunity of being heard in the matter.



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7. Any person ceasing to be a member shall, unless disqualified under section 4, be eligible for re-appointment.

8. (1) The Authority shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations.

(2) The Chairperson, or, if for any reason, he is unable to attend any meeting of the Authority, any other member chosen by the members present at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the Chairperson, or in his absence the person presiding, shall have and exercise a second or casting vote.

9. No act or proceeding of the Authority shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Authority; or

(b) any defect in the appointment of a person acting as a member of the Authority;

or

Officers and other employees of Authority.

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

10. (1) For the purpose of enabling it to efficiently discharge its functions under this Act, the Authority shall appoint such number of officers and other employees as it may consider necessary: Provided that the appointment of such category of officers, as may be specified, shall be subject to the approval of the Central Government.

- (2) Every officer or other employee appointed by the Authority shall be subject to such conditions of service and shall be entitled to such remuneration as may be determined by regulations.

CHAPTER III
FUNCTIONS OF AUTHORITY

11. (1) Subject to the provisions of this Act, the Authority shall have powers to develop and manage the facilities for cross border movement of passengers and goods at designated points along the international borders of India.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Authority may—

(a) plan, construct and maintain roads, terminals and ancillary buildings other than national highways, State highways and railways, at an integrated check post;

(b) plan, procure, install and maintain communication, security, goods handling and scanning equipment at an integrated check post;

(c) provide appropriate space and facilities for immigration, customs, security, taxation authorities, animal and plant quarantine, warehouses, cargo and baggage examination yards, parking zones, banks, post offices, communication facilities, tourist information centres, waiting halls, canteen, refreshment stalls, public conveniences, health services and such other services, as may be deemed necessary;

(d) construct residential buildings for its employees as well as residential accommodation for staff deployed at integrated check posts;

(e) establish and maintain hotels, restaurants and restrooms;



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(f) establish and maintain warehouses, container depots and cargo complexes for the storage or processing of goods;

(g) arrange for postal, money exchange, insurance and telephone facilities for the use of passengers and other persons at integrated check posts;

(h) make appropriate arrangements for watch and ward at various sensitive installations and provide for regulation and control of plying of vehicles, entry and exit of passengers and goods with due regard to the Custom laws and the security;

(i) ensure prevention and control of fire and other hazards and other facilities as deemed necessary;

(j) regulate and control the plying of vehicles, and the entry and exit of passengers, transportation workers, handling agents, clearing and forwarding agents and goods at the integrated check post with due regard to the law, security and protocol of the Government of India;

(k) co-ordinate and facilitate the working of agencies who have been engaged to undertake various activities at the integrated check posts, in accordance with the respective law, for the time being in force;

(l) develop and provide consultancy, construction or management services, and undertake operations in India and abroad in relation to an integrated check post;

(m) form one or more companies under the Companies Act, 1956 or under any other law relating to companies for efficient discharge of the functions imposed on it by this Act;

(n) take all such steps as may be necessary or expedient for, or may be incidental to, the exercise of any power or the discharge of any function conferred or imposed on it by this Act;

- (o) set up joint ventures for the discharge of any of the functions assigned to the Authority; and
 - (p) undertake any other activity at the integrated check post in the best commercial interests of the Authority.
- (3) In the discharge of its functions under this section, the Authority may consult such ministry or department of the Government of India or of the State Government as it deems necessary, and shall have due regard to the development of land port services and to the efficiency, economy and safety of such service.
- (4) Nothing contained in this section shall be construed as—
- (a) authorising the disregard by the Authority of any law for the time being in force; or
 - (b) authorising any person to institute any proceeding in respect of duty or liability to which the Authority or its officers or other employees would not otherwise be subject to.
12. (1) The respective border guarding forces deployed at the borders of India shall be responsible for security around an integrated check post.
- (2) The Authority may, whenever considered necessary so to do for ensuring the peace and security at an integrated check post, seek the assistance of armed force, Central para military force or State police.
- (3) The Customs, immigration, quarantine and other officials shall co-ordinate with the Authority for the effective discharge of its functions.
- (4) Notwithstanding anything contained in any provisions of this Act, the Customs, immigration, quarantine officials, the border guarding forces and the police shall discharge their functions in accordance with the law for the time being in force.

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CHAPTER IV
PROPERTY AND CONTRACT

13. (1) On the date of notification issued under clause (d) of section 2, all such assets, rights, powers, authorities and privileges and such property movable and immovable, real or personal, corporeal or incorporeal, present or contingent, of whatever nature, including lands, buildings, machinery, equipments, works, workshops, cash balances, capital, reserves, reserve funds, investments, tenancies, losses and book debts and all other rights and interests arising out of such property, as immediately before the issue of that notification, were in the ownership or possession of the Government of India in any of the land port, as the Central Government may, in such notification, specify, shall vest in the Authority and such vesting shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting.
- (2) The notification under sub-section (1) shall be issued only after the concurrence of the concerned ministries or departments of the Government of India, in case where such properties are owned or controlled by such ministries or departments.
14. All contracts, agreements and working arrangements subsisting immediately before the date of notification issued under clause (d) of section 2, and affecting the land ports shall be of full force and effect as regards the Authority.
15. Any guarantee given for or in favour of land customs stations or immigration check posts with respect to a loan, lease or finance shall continue to be operative in relation to such stations or check posts which have been vested in the Authority by virtue of this Act.
16. Any land required by the Authority for the discharge of its functions under this Act shall be deemed to be needed for a public purpose and such land may be acquired for the

Authority under the provisions of the National Highways Act, 1956 or any other law for the time being in force.

17. Subject to the provisions of section 18, the Authority shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.
18. (1) Every contract on behalf of the Authority, shall be made by the Chairperson or such officer of the Authority as may be generally or specially empowered in this behalf by the Authority and such contracts as may be specified, in the regulations, shall be sealed with the common seal of the Authority: Provided that no contract exceeding such value or amount as the Central Government may, by order fix in this behalf, shall be made unless it has been previously approved by the Central Government: Provided further that no contract for the acquisition or sale of immovable property or for the lease of any such property for a term exceeding thirty years and no other contract exceeding such value or amount as the Central Government may, by order fix in this behalf, shall be made unless it has been previously approved by the Central Government.
- (2) Subject to the provisions of sub-section (1), the form and manner in which any contract shall be made under this Act shall be such as may be provided by regulations.
- (3) Any contract which is not in accordance with the provisions of this Act and the rules and regulations made thereunder shall not be binding on the Authority.

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CHAPTER V
FINANCE, ACCOUNTS AND AUDIT

19. The Authority may with the previous approval of the Central Government, determine and charge such fees or rent, not being a statutory levy under any other Act, as may be provided by regulations, separately for each integrated check post,—
- (a) for the cargo handling, warehousing, parking of trucks or for any other service or facility offered in connection with transport operations;
 - (b) for the parking of passenger vehicles and other amenities given to the passengers and visitors; and
 - (c) for the availing of facilities and other services provided by the Authority.
20. The Central Government may, after the appropriation made by Parliament by law in this behalf,—
- (a) provide any capital that may be required by the Authority for the discharge of its functions under this Act or for any purpose connected therewith on such terms and conditions as that Government may determine;
 - (b) pay to the Authority, on such terms and conditions as the Central Government may determine, by way of loans or grants such sums of money as that Government may consider necessary for the efficient discharge of its functions under this Act.
21. (1) The Authority shall establish its own fund and all receipts of the Authority shall be credited thereto and all payments by the Authority shall be made therefrom.

(2) The Authority shall have the power, subject to the provisions of this Act, to spend such sums as it thinks fit to cover all administrative expenses of the Authority or for purposes authorised by this Act and such sums shall be treated as expenditure out of the fund of the Authority.

(3) All moneys standing at the credit of the Authority which cannot immediately be applied as provided in sub-section

(2), shall be—

(a) deposited in the State Bank of India or any such Scheduled bank or banks or other public financial institutions subject to such conditions as may, from time to time, be specified by the Central Government;

(b) invested in the securities of the Central Government or in such manner as may be prescribed.

Explanation.—In this sub-section, “Scheduled bank” has the same meaning as in clause (e) of section 2 of the Reserve Bank of India Act, 1934.

22. (1) The Authority may, from time to time, set apart such amounts as it thinks fit, as a reserve fund or funds for the purpose of expanding existing facilities or services or creating new facilities or services at any integrated check post or increase of expenditure from transient causes or for purposes of replacement or meeting expenditure arising from loss or damage due to any natural calamity or accident or meeting any liability arising out of any act of omission or commission in the discharge of its functions under this Act:

Provided that the Authority shall also have the power to establish specific reserves for specific purposes:

Provided further that the sums set apart annually in respect of each or any of the specific and general reserves and the aggregate at any time of such sums shall not exceed such



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limits as may, from time to time, be fixed in that behalf by the Central Government.

- (2) After making provision for such reserve fund or funds and for bad and doubtful debts, depreciation in assets and all other matters which are usually provided for by companies registered and incorporated under the Companies Act, 1956, the Authority shall pay the balance of its annual net profits to the Central Government.
23. The Authority shall, before the commencement of each financial year prepare a statement of the programme of its activities during the forthcoming financial year as well as financial estimate in respect thereof and submit it for the approval of the Central Government.
24. (1) The Authority may, with the consent of the Central Government or in accordance with the terms of any general or special authority given to it by the Central Government, borrow money from any source by the issue of bonds, debentures or such other instruments as it may deem fit for discharging all or any of its functions under this Act.
- (2) The Central Government may guarantee in such manner as it thinks fit, the repayment of the principal and the payment of interest thereon with respect to the loans taken by the Authority under sub-section (1).
- (3) Subject to such limits as the Central Government may, from time to time, lay down, the Authority may borrow temporarily by way of overdraft or otherwise, such amount as it may require for discharging its functions under this Act.
25. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the profit and loss account and the balance-sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be audited annually by the Comptroller and Auditor- General of India and any expenditure incurred by him in connection with such audit shall be reimbursed to him by the Authority.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor- General has in connection with the audit of Government accounts and, in particular shall have the right to demand the production of books, accounts, connected vouchers, documents and papers and inspect any of the offices of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

CHAPTER VI MISCELLANEOUS

26. (1) The Authority shall, as soon as may be, after the end of each financial year, prepare and submit to the Central Government in such form as may be prescribed, a report giving an account of its activities during that financial year and the report shall also give an account of the activities which are likely to be undertaken by the Authority during the next financial year.

(2) The Central Government shall cause such report to be laid before both Houses of Parliament, as soon as may be, after it is submitted.



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27. The Authority may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Authority, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act, (except the powers under section 35) as it may deem necessary.
28. All orders and decisions of the Authority shall be authenticated by the signature of the Chairperson or any other member authorised by the Authority in this behalf and all other instruments executed by the Authority shall be authenticated by the signature of an officer of the Authority authorised by it in this behalf.
29. All officers and employees of Authority shall, while acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
30. No suit, prosecution or other legal proceeding shall lie against the Authority or any member or any officer or other employee of the Authority for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or regulation made thereunder.
31. Subject to such regulations as the Authority may make in this behalf, the Authority shall provide for securing the safe custody and restoration of any property which, while not in proper custody, is found on any premises belonging to the Authority or under its overall control.
32. (1) If, at any time, the Central Government is of opinion—
 - (a) that on account of a grave emergency, the Authority is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently defaulted in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of default the financial position of the Authority or the administration of an integrated check post has deteriorated; or

(c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (b), the Central Government shall give a reasonable opportunity to the Authority to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority, shall until the Authority is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

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(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may,—

(a) extend the period of supersession for such further term not exceeding six months, as it may consider necessary, or

(b) reconstitute the Authority by fresh appointment and in such case the members who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before both Houses of Parliament at the earliest opportunity.

33. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

(3) The Central Government may, from time to time, issue

directions to the Authority regarding the discharge of any functions by it under the clauses of sub-section (2) of section 11 and the Authority shall be bound to comply with such directions.

34. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the other conditions of service of members of the Authority under sub-section (2) of section 5;

(b) the period of notice as may be given by any member to resign his office under sub-section (3) of section 5;

(c) the manner in which the Authority may invest the funds under clause (b) of sub-section (3) of section 21;

(d) the form in which the annual statement of accounts shall be prepared by the Authority under sub-section (1) of section 25;

(e) the form in which a report giving an account of its activities shall be prepared and submitted by the Authority to the Central Government under sub-section (1) of section 26; and

(f) any other matter which is to be, or may be, prescribed.

35. (1) The Authority may, with the previous approval of the Central Government, make regulations not inconsistent with this Act and the rules made thereunder for the purpose of giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the time and places of meetings of the Authority and the



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procedure to be followed for transaction of business including the quorum at such meetings under sub-section (1) of section 8;

(b) the conditions of service and the remuneration of officers and other employees to be appointed by the Authority under sub-section (2) of section 10;

(c) the contracts which are to be sealed with the common seal of the Authority under sub-section (1), and the form and manner in which a contract may be made by the Authority under sub-section (2) of section 18;

(d) the fees and rent to be charged by the Authority under sub-section (1) of section 19;

(e) the custody and restoration of lost property and the terms and conditions under which lost property may be restored to the persons entitled thereto under section 31.

36. Every rule and regulation made or notification issued under this Act shall be laid, as soon as may be, after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation or notification, as the case may be, or both Houses agree that the rule, regulation or notification, as the case may be, should not be made, the rule, regulation or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, regulation or notification.

37. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions

not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

- (2) Every order made under this section shall as soon as may be after it is made, be laid before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

There are several designated entry and exit points on the international borders of the country through which cross-border movement of persons, goods and traffic takes place. Good border management is mandated by India's security concerns and, to this end, it is important to put in place systems, which address security imperatives while also facilitating trade and commerce. Existing infrastructure available with Customs, Immigration, other regulatory agencies and auxiliary services at these designated entry and exit points are generally not sufficient. The regulatory and support functions are also not available either under one roof or in any integrated manner. There is no single agency responsible for coordinated functioning of various Government authorities and service providers.

2. It is, therefore, proposed to establish Integrated Check Posts at entry and exit points on the international land borders of the country through a Plan scheme. The Integrated Check Posts shall be a sanitised zone with dedicated passenger and cargo terminals comprising adequate customs and immigration facilities, security and scanning equipments, health and quarantine facilities, passenger amenities like waiting areas, restaurants, rest rooms, duty-free shops, parking, warehousing, container yards, offices of transport and logistics companies, banks and financial services, dormitories for drivers, and all related facilities like service stations and fuel



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stations in a single complex equipped with state-of-the-art modern amenities.

3. The Land Ports Authority of India Bill, 2008 aims to establish the Land Ports Authority of India to undertake the construction, management and maintenance of Integrated Check Posts. The Authority would, inter alia, plan, develop, construct, manage and maintain Integrated Check Posts, regulate the functions of various agencies working at such Check Posts, coordinate with various ministries and departments concerned of the Government of India and other agencies for regulating the entry and exit of passengers and goods and establish necessary service facilities.

4. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI; P. CHIDAMBARAM.
The 8th December, 2008.

PRESIDENT'S RECOMMENDATION UNDER
ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 11012/9/2006-BM.V/ICP, dated the 8 December, 2008 from
Shri P. Chidambaram, Minister of Home Affairs to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the Land Ports Authority of India Bill, 2008 to provide for the establishment of the Land Ports Authority of India for the development and management of facilities for cross border movement of passengers and goods at designated points along the international borders of India and for matters connected therewith or incidental thereto, recommends introduction of the Bill under article 117(1) and its consideration under article 117(3) of the constitution in Lok Sabha.

Notes on clauseS

Clause 1 provides for short title of the Bill, its commencement and application. It provides that the Bill shall apply to all integrated check posts where facilities for cross border movement of passengers and goods at designated points along the international borders of India are operated or intended to be operated.

Clause 2 defines the various expressions used in the Bill.

Clause 3 seeks to constitute the Land Ports Authority of India and provides for its composition.

Clause 4 provides for disqualification for being appointed as a member to the Authority.

Clause 5 provides for the term of office and conditions of service of members of the Authority.

Clause 6 deals with the removal of members of the Authority on the grounds mentioned in sub-clauses (a) to (d) of that clause.

Clause 7 deals with the eligibility condition for a member for his re-appointment to the Authority.

Clause 8 seeks to make provisions for the meetings of the Authority for transaction of its business and the quorum at such meetings.

Clause 9 lays down the circumstances, which shall not invalidate the proceedings of the Authority.

Clause 10 seeks to provide for appointment of officers and other employees of the Authority.

Clause 11 provides for the functions of the Authority. The



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Authority shall, inter alia, plan, develop and manage the facilities for cross border movement of passengers and goods at designated points along the international borders of India. Sub-clause (2) of this clause enumerates in detail the various functions to be performed by the Authority.

Clause 12 provides for the responsibilities and powers of other agencies such as the respective border guarding forces, Customs, immigration, quarantine and other officials, etc., who shall coordinate with the Authority for the effective discharge of its functions at the integrated check post.

Clause 13 seeks to make provisions for vesting in the Authority such undertakings as may be notified by the Central Government in the Official Gazette. Sub-clause (2) of this clause provides that the concurrence of concerned ministries and departments of the Government of India shall be obtained before issuing the notification under sub-clause (1) in case where such properties are owned or controlled by such ministries or departments.

Clause 14 provides for the general effect of vesting of the undertakings as regards the Authority, before the date of notification issued under sub-clause (d) of clause 2.

Clause 15 lays down that any guarantee given for or in favour of land customs stations or immigration check posts with respect to a loan, lease or finance shall continue to be operative in relation to such stations or check posts which have been vested in the Authority.

Clause 16 provides that any land acquired by the Authority for discharge of its functions under the Bill shall be deemed to be needed for a public purpose and the same may be acquired for the Authority under the provisions of the National Highways Act, 1956 (48 of 1956) or any other law for the time being in force.

Clause 17 empowers the Authority to enter into and perform any contract necessary for the discharge of its functions under the Bill.

Clause 18 seeks to provide for the mode of executing contracts on behalf of the Authority.

Clause 19 seeks to empower the Authority with the previous approval of the Central Government, to charge such fees or rent other than a statutory levy being charged under any other Act by providing in the regulations separately for each integrated check post.

Clause 20 empowers the Central Government to provide additional capital to the Authority for the discharge of its functions on such terms and conditions as the Central Government may determine and also to pay to the Authority by way of loans or grants such sums of money as the Central Government may consider necessary.

Clause 21 provides that the Authority shall have its own fund, and all its receipts shall be credited thereto and all the payments shall be made therefrom. Sub-clause (3) of this clause also provides that all moneys standing at the credit of the Authority which cannot immediately be applied shall be deposited in the State Bank of India or any such scheduled bank or other public financial institution as may be specified by the Central Government.

Clause 22 seeks to provide for reserve fund or funds for purposes of expanding existing facilities or services or creating new facilities or services at any integrated check post or increase of expenditure from transient causes or for purposes of replacement or for meeting expenditure arising from loss or damage due to any natural calamity or accident or meeting any liability arising out of any act of omission or commission in the discharge of functions of the Authority under the Bill. It also empowers the Authority to establish specific reserves for specific purposes.



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Clause 23 seeks to provide that the Authority shall prepare and submit to the Central Government before the commencement of each financial year, a statement of the programme of its activities during the forthcoming financial year as well as financial estimates in respect thereof for approval.

Clause 24 seeks to empower the Authority to borrow with the consent of the Central Government, money from any source by the issue of bonds, debentures or such other instruments as it may deem fit for discharging all or any of its functions under this Bill. The clause also lays down that the loans borrowed by the Authority may be guaranteed by the Central Government for the repayment of principal and payment of interest thereon.

Clause 25 provides for the audit of the accounts of the Authority annually by the Comptroller and Auditor-General of India.

Clause 26 seeks to provide that the Authority shall prepare and submit to the Central Government after the end of each financial year, a report giving an account of its activities during that financial year and the report shall also give an account of the activities which are likely to be undertaken by the Authority during the next financial year. The report so submitted by the Authority to the Central Government shall be laid before both Houses of Parliament.

Clause 27 seeks to empower the Authority to delegate to the Chairperson or to any other member or to any officer of the Authority such of its powers and functions under the Bill, except the power to make regulations, as it may deem necessary.

Clause 28 seeks to provide for authentication of the orders and other instruments of the Authority.

Clause 29 provides that the officers and employees of the Authority while acting or purporting to act in pursuance of the provisions of the Bill or of any rule or regulation made thereunder, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Clause 30 seeks to protect the Authority or any member or any officer or other employee of the Authority for anything done in good faith or intended to be done in pursuance of the Bill.

Clause 31 seeks to provide for securing the safe custody and restoration of any property which while not in proper custody, is found on any premises belonging to the Authority or under its overall control, subject to such regulations as the Authority may make in this behalf.

Clause 32 lays down the circumstances in which the Authority may be superseded by the Central Government. The clause further empowers the Central Government to extend the period of supersession for such further term not exceeding six months as it may consider necessary.

Clause 33 seeks to empower the Central Government to issue directions to the Authority on questions of policy and the Authority shall be bound to comply with such directions.

Clause 34 seeks to provide for making of rules for carrying out the provisions of the Bill. The matters in respect of which rules may be made by the Central Government are enumerated in detail in sub-clause (2) of this clause.

Clause 35 seeks to confer powers on the Authority to make regulations not inconsistent with this Bill and the rules made thereunder for giving effect to the provisions of this Bill with the previous approval of the Central Government. The particular matters with respect to which regulations may be made are enumerated in sub-clause (2) of this clause.

Clause 36 provides for laying of every rule, regulation and notification under the Bill, before each House of Parliament.

Clause 37 seeks to empower the Central Government to make orders, not inconsistent with the provisions of this Bill, for removal of any difficulty in implementation of the provisions



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of the Bill, within two years from the date of commencement of the Bill. It further provides that every such order made by the Central Government shall be laid before each House of Parliament.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Land Ports Authority of India for the development and management of facilities for cross border movement of passengers and goods at designated points along the international borders of India and to perform the functions specified in clause 11.

2. Clause 20 of the Bill provides for the payment of additional capital and loans or grants to the Authority by the Central Government. Payment of additional capital, and loans or grants to the Authority will depend on the future requirements of the Authority in the context of its development plans. The expenditure that may have to be incurred by the Central Government from the Consolidated Fund of India on this account cannot be estimated at present. However, on the basis of proposals made in the 11th Five Year Plan, an expenditure of Rs. 635 crores is likely to be incurred during the said period on capital projects to be executed by the Authority.

3. Clause 24 (2) provides that the Central Government may guarantee in such manner as it thinks fit, the repayment of the principal and the payment of interest thereon with respect to loans taken by the Authority under sub-section (1). While the quantum of liability likely to arise out of such guarantees cannot be estimated at this stage, the consideration of such guarantees shall be governed by the provisions of Fiscal Responsibility and Budget Management Act and Rules and other Government Rules relevant to the subject as applicable from time to time.

4. The Bill, if enacted and brought into operation, will not involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED
LEGISLATION

Clause 34 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The matters, with respect to which rules may be made, have been detailed in sub-clause (2). The matters *inter alia*, relate to the other conditions of service of members of the Authority, period of notice required to be given by any member to resign his office, the manner in which the Authority may invest its funds, the form in which the Authority shall prepare the annual statement of accounts and also the form in which a report giving an account of its activities shall be prepared and submitted to the Central Government.

2. Clause 35 of the Bill empowers the Authority to make regulations not inconsistent with the Bill and the rules made thereunder, for the purpose of giving effect to the provisions of the Bill, with the prior approval of the Central Government. The matters with respect to which the Authority may make regulations have been detailed in sub-clause (2). The matters, *inter alia*, relate to providing for the time and places of meetings of the Authority and the procedure to be followed for the transaction of business including quorum at such meetings, the conditions of service and the remuneration of officers and other employees appointed by the Authority, the contracts which are to be sealed with the common seal of the Authority and the form and manner in which a contract may be made by the Authority, the fees and rent to be charged by the Authority for the services and facilities offered by it, the custody and restoration of lost property and the terms and conditions under which lost property may be restored to the persons entitled thereto. Clause 36 provides that every rule and regulation made or notification issued under the Bill shall be laid before each House of Parliament.

3. The matters in respect of which rules and regulations may be made are essentially matters of detail or procedure. The delegation of legislative power is, therefore, of a normal character.



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to provide for the establishment of the Land Ports Authority of India for the development and management of facilities for cross border movement of passengers and goods at designated points along the international borders of India and for matters connected therewith or incidental thereto.

Shri P. Chidambaram, Minister of Home Affairs)

5. Border Area Development Programme (BADP); Revised Guidelines (2008), Ministry of Home Affairs

Summary

The revised guidelines for Border Area Development Programme (BADP) were formulated in 2008. The document informs that BADP was started in the Seventh Plan to develop infrastructural requirements of the border people along the western border. Subsequently, in the Eight and Ninth Plans, the programme was extended to all international borders covering seventeen states. The main aim of the programme is comprehensive development of the border areas. The BADP is fully funded by the Central government and grants are allocated on the basis of the length of the international border, population of the border blocks and area of the border blocks. The BADP was transferred from Planning Commission to Department of Border Management under Ministry of Home Affairs.

According to the revised guidelines, BADP schemes should be designed to take care of the special needs of the border people with emphasis on remote areas. The state government is required to devise an Annual Plan that accords priority to villages near the international border. All centrally sponsored schemes and BADP should converge for filling critical gaps in infrastructure and providing livelihood, state government should earmark resources for border area planning, surveys should be conducted to ascertain the gaps in physical infrastructure. Greater participation of grassroot institutions and local population in formulating the scheme should be ensured.

State governments should prepare village and block level plans, which would form part of the District plan. Major points such as development of basic as well as social infrastructure, attraction of investments, ensuring economies of scale and value addition to local produce and increase the stake of the State governments in development of border areas should be kept in mind while formulating plans. Further, smaller projects as well as maintenance of the infrastructure would be funded by the state government whereas large projects would be funded under BADP. A list of schemes which could and could not be taken under BADP is provided. Spending under security related schemes

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should not exceed 10 percent of the allocation. An Empowered Committee under the chairmanship of Secretary (border management) would formulate policies regarding B.ADP. Individual schemes for each State would be cleared by the Screening Committee headed by State's Chief Secretary.

Both the Central and State governments along with paramilitary forces, voluntary agencies and Panchayati Raj Institutions/District Councils/Territorial Councils can execute the schemes under the B.ADP. The State governments will closely monitor the schemes taken under the B.ADP and send them to the Ministry of Home Affairs on a quarterly basis. "Management Information System (MIS)" with village as a basic unit will be developed for generating required reports for policy decisions.

1. Introduction:

1.1 Development of border areas is a part of the comprehensive approach to Border Management. The Border Area Development Programme (BADP) was started during the VII Five Year Plan (FYP) with the twin objectives of balanced development of sensitive border areas in the Western region through adequate provision of infrastructure facilities and promotion of a sense of security amongst the local population. The programme was revamped during the VIII FYP and extended to states, which have an international border with Bangladesh. The nature of the BADP was changed from a schematic programme with emphasis on education to a state level programme with emphasis on balanced development of border areas. During the IX FYP, the programme has been further extended to states, which border Myanmar, China, Bhutan and Nepal. The BADP at present, covers all the seventeen states, which share an international land border with India's neighbouring countries.

1.2 In the XI FYP, the emphasis would be optimal utilization of funds allocated by the Centre, dove-tailing of other on-going schemes and adopting a bottom-up planning approach, so as to augment the resources and upgrade the infrastructure and socio-economic services on lines recommended by the Task Force on comprehensive development of Border Areas.

2. Coverage:

2.1 The BADP would cover 362 border blocks, which are located along the international border and come under 96 border districts of 17 States viz Arunachal Pradesh, Assam, Bihar,



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Gujarat, Himachal Pradesh, Jammu & Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Rajasthan, Sikkim, Tripura, Uttar Pradesh, Uttarakhand and West Bengal.

2.2 The border block will be the spatial unit for the programme and all the schemes should be implemented within the border blocks only.

2.3 Under BADP the activities should be first taken up in the villages/hamlets, which are closer to the border. Once the States Governments are satisfied that a minimum level of development in terms of infrastructure, civic amenities, essential services, livelihood etc has taken place, they could move to the villages deeper inside. State Government should make the Annual Action Plan in such a way that villages/hamlets closer to the border are given priority. The villages/hamlets dislocated due to construction of fencing, roads and flood lighting on the border and those, which fall between fencing and zero lines, should be given top priority. Rural areas should be given priority over the urban areas.

3. Objective:

3.1 The main objective of the BADP will be to meet the special developmental needs of the people living in remote and inaccessible areas situated near the international border and to bridge the divide in the physical and social infrastructure of such areas. The aim is to transform the border areas by ensuring multifaceted development and to saturate the border areas with all the essential infrastructure through convergence of schemes and participatory approach.

4. Guiding principles of planning:

4.1 As recommended by the Task Force on comprehensive development of border areas, Border Management in the changed context has to be seen as serving the best interests of the nation and the border areas should have a high standard of living to

serve as a demographic buffer. The infrastructure should not only cater to current needs but also include scope for further expansion.

4.2 The border area plan i.e. village/block level plan should be a part of the comprehensive District plan based on the following cardinal principles:

- (i) Planning and implementation on participatory basis by Panchayati Raj Institutions/Autonomous Councils/Other local bodies.
- (ii) Convergence of all Centrally Sponsored Schemes with BADP funds for filling critical gaps in infrastructure and for providing livelihood opportunities to the local population.
- (iii) Implementing the process of decentralized planning as given in the Report of the Expert Group on Planning at the Grassroots Level (Ministry of Panchayati Raj, 2006).
- (iv) Preparation of a participatory plan for border villages and blocks by the respective States keeping in view the instructions of the Planning Commission prescribed for the formulation of District Plans.
- (v) Earmarking of due share of State resources in the process of border area planning.
- (vi) Carrying out baseline surveys in remote border villages in order to assess the gaps in physical and social infrastructure and felt needs of the border population. A strategic assessment should be made and appropriate strategy evolved.
- (vii) Development of Schemes through consultation with the community PRIs, district councils, traditional councils and district planning committees (DPCs) and giving due priority to the needs of population living closest to the border.

5. Preparation of Action Plan:

5.1 Preparation of village and block level plans as part of District plan would be a comprehensive and time bound approach incorporating the following:

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- (i) Saturation of border areas with all essential infrastructure and ensuring the convergence of schemes of the State Governments and the flagship schemes of Government of India.
- (ii) The development of basic infrastructure may be followed side by side with investments in social infrastructure, namely education, health, drinking water, sanitation etc.
- (iii) Initiating projects for the development of infrastructure on a mega scale, which include construction of border highways, link roads, extension of railway services and air links network of transmission lines for power, communication infrastructure etc.
- (iv) Infrastructure and services may be provided in such a way that these attract investments locally and from outside. This would require strengthening of banking facilities (NABARD/ Rural/Cooperative banks) and increasing the stake of the community. The community may be involved in sharing of 10-15% of the cost of social infrastructure, as far as possible.
- (v) Such of those projects and schemes, which act as a trigger for multifaceted activities in the border area may be selected. Minor irrigation, warehouses, storages, rural marketing, processing of local produce, education, sports and tourism schemes may be explored.
- (vi) To ensure economies of scale, it would be necessary to adopt the area specific approach and ensuring value addition to the local produce, taking into account the availability of local raw material traditional expertise etc.
- (vii) The stake of the State Government in development of border areas should be increased by way of investments, ownership and commitment.

5.2 The village/block level plans should be prepared strictly as part of the District Plan as per the prescribed guidelines of the Planning Commission. A base line survey should be conducted for each border village/block and a base line expenditure plan also finalized for each border block specifying source of funds from the State's financial resources, funds under Centrally

Sponsored Schemes and the BADP allocations. The releases under BADP for the Annual Action Plan from the financial year 2009-10 onwards would be conditional subject to meeting these requirements by the State Governments. Accordingly, the State Governments will prepare comprehensive plans for border areas i.e. village and block wise by converging all the Centrally Sponsored Schemes (CSS) and State Government's Schemes with BADP and showing the fund share of each component.

6. Selection of Schemes:

6.1 The desired levels of development in border areas cannot be achieved by tinkering with the existing programme and the allocations. The smaller schemes, which are for the direct benefit to specific villages, need to be addressed by the State Government under their normal developmental initiatives. On the other hand, funding of larger projects/ schemes would be funded under BADP. Schemes, which address problems such as inadequacies relating to provision of essential needs, strengthening of the social infrastructure, filling up of critical gaps in the road network etc. may be taken up under the programme. Emphasis must be laid on schemes for employment generation, production oriented activities and schemes, which provide for critical inputs in the social sector.

6.2 Normally the infrastructure raised under BADP should be maintained by the State Governments out of their own resources. However, State Governments, wherever necessary, may keep a provision not exceeding 15% of the allocation made to the State for maintenance of assets created under the BADP subject to the condition that such expenditure can be made only after three (3) years from the date of issue of completion certificate in respect of the asset.

6.3 An illustrative list of schemes, which can be taken up under BADP, is at Annexure-I. An illustrative list of schemes not permissible under BADP is at Annexure-II. Schemes of the development nature can also be taken up under BADP by Border

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Guarding Forces (BGFs)/local police. However, expenditure on such schemes should not exceed 10% of the total allocation in a particular year. (10% of the funds earmarked out of the allocation of the States will be in addition to the funds the security forces are allocated for civic action programme from other sources) A list of permissible and non-permissible schemes to be taken up under security related scheme is at Annexure-III.

6.4 The focus will be on the effectiveness of the programme and overall development of border areas so that border areas become equally developed as other parts of the country. Therefore, in order to enhance the effectiveness of the programme the institutional arrangements for planning and staffing of the planning and implementing departments in border blocks need to be strengthened. The staff engaged in this field should be properly trained and their orientation towards the special need of the border areas must be facilitated. For this purpose, the State Governments can reserve an amount of 1 % (subject to a maximum of Rs. 25 lakh) for the purpose of monitoring, training of staff at block level and evaluation of the BADP.

7. Empowered Committee:

7.1 The policy matters relating to the scope of the programme, prescription of geographical limits of areas in the States within which schemes will be taken up, allocation of funds to the States and modalities for proper execution of the programme will be laid down by an Empowered Committee constituted under the Chairmanship of the Secretary (Border Management) in the Ministry of Home Affairs. The Committee, among others, will comprise the Secretary, Department of Expenditure, Adviser (MLP), Planning Commission, Additional Secretary, Department of Border Management, Additional/Special Secretary & FA (Home), Ministry of Home Affairs, Chief Secretaries of all 17 BADP States as its members and Joint Secretary(K), Joint Secretary(NE) in the Ministry of Home Affairs alongwith Joint Secretary(DONER) as Special Invitee. Joint Secretary (Border Management) will be the Member Secretary

of the Committee. The Committee may invite the representatives (not below the rank of I.G.) of the Border Guarding Forces (BGFs), where necessary, to discuss the security related schemes. Constitution of the Committee is at Annexure-IV. The Committee shall meet, at least, twice in a financial year. The Committee is empowered to relax the guidelines as may be necessary from time to time, if required and also take appropriate decisions for arriving at a formula for allocation of funds to States.

8. Screening Committee:

8.1 Subject to such general or special directions as may be given by the Empowered Committee, individual schemes for each State will be approved by a Screening Committee chaired by the Chief Secretary of the State. The Screening Committee will also include representatives of the Ministry of Home Affairs, Department of Border Management, representative of the Border Guarding Force, if any, operating on the State border, Planning Commission of India, State Planning Secretary, Secretaries in Departments of Home, Finance, Rural Development and Tribal Development of the State and Secretary in nodal Department as Convener. The State Chief Secretary may co-opt such members in the Screening Committee where considered necessary.

8.2 The Screening Committee may execute the schemes through any of the executing agencies mentioned in the following Para. The Screening Committee shall meet at least once in a year preferably before March in order to finalize the schemes for the following year and assess the progress of schemes under the programme. The notice for the meeting as well as the agenda should be sent in advance. The schemes/projects once approved by the State Level Screening Committee (SLSC) and included in the Action Plan for a particular year and concurred by the Ministry of Home Affairs, Govt, of India shall ordinarily be not changed. However, the same will be considered with the prior approval of the SLSC and the Ministry of Home Affairs, Govt, of India in exceptional circumstances.

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8.3 State Government will furnish the Annual Action Plan of BADP as approved by the State Level Screening Committee (SLSC) to the Ministry of Home Affairs, Department of Border Management, Government of India latest by May every year in the Proforma given at Annexure-V, Annexure-V (a) and Annexure-V (b). The information called for in Proforma at Annexure-V(a) and Annexure-V(b) should be furnished along with the Annual Action Plan.

9. Project Executing Agencies:

9.1 To provide flexibility, schemes under the BADP can be executed by any of the following agencies:-

- (i) State Government;
- (ii) Central Government;
- (iii) Central Para-Military Forces (CPMFs) located in the state;
- (iv) Voluntary Agencies (Voluntary Agencies would comprise of local NGOs/ Self Help Groups which are not receiving foreign aid/assistance and engage local population for carrying out BADP works). NGO should be approved by Central/State Government.; and
- (v) Panchayati Raj Institutions/ District Councils/ Traditional Councils

9.2 Due emphasis should be given to effective involvement of local people/local institutions/Voluntary agencies in order to inspire mutual trust and confidence between the Government and the people. State Governments may also include the elected councils/Autonomous District Councils as one of the implementing agencies in their areas and the State Governments may continue to monitor & review the progress made by these councils in execution of the schemes.

10. Flexibility in Execution of Programme

10.1 Because of the difficult terrain, the programmes are generally not completed as per the time schedule by the State executing agencies. It may, therefore, be necessary to involve the

border guarding forces in execution of such schemes, which directly benefit the area of their deployment. It may also be considered to involve non-Governmental organizations, give contractual assignments, out source the services and to explore the franchise system. This may be resorted to only where the State Government agencies will not be in a position to complete the projects because of manpower or other constraints. Such measures can be adopted by the State Level Screening Committees on the recommendations of the District Magistrate/ Nodal Department and thereafter with the approval of the Ministry of Home Affairs.

10.2 State Government may also consider exploring the possibility of partnership between the government and the community having a joint stake in the services. It will help in improving the quality of work and delivery of public services.

11. Funds Flow:

11.1 The Border Area Development Programme will continue to be a 100% centrally funded programme. Funds will be provided to the States as Special Central Assistance for execution of approved schemes on a 100% grant basis and allocated amongst the 17 beneficiary States on the basis of (i) length of international border (ii) population of border blocks and (iii) area of border blocks. Each of these criteria will be given equal weightage. Besides 15% weightage will be given to hilly, desert and Rann of Kutchh areas because of difficult terrain, scarcity of resources and the relatively higher cost of construction.

11.2 Before the commencement of the financial year, the Department of Border Management in the Ministry of Home Affairs would convey the quantum of funds allocated to the States during the next year under the BADP. A list of schemes proposed to be executed within the ceiling communicated, would have to be sent to the Department of Border Management for release of funds to the State. The State Government will forward the schemes, duly approved by State Level Screening Committee (SLSC), in the Proforma at Annexure-V.

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11.3 Funds will be released to States in two installments - the first installment of 90% to be released on receipt of the schemes approved for the year (based on block level plans) by the State Level Screening Committee and the balance 10% when 70% of the funds released during the preceding year have been utilized. Funding for the subsequent year will be based on confirmation of expenditure and receipt of approved list of schemes

11.4 Funds should be released by the State Governments to the implementing agencies within 15 days of receipt from Government of India.

11.5 The 1st installment of 90% of the allocation of the State, will be released to the State only after furnishing of Utilization Certificates (UCs) for the entire amount released in the previous years except the preceding year;

11.6 If there is a shortfall in furnishing the UCs for the amount released during the previous years, except the preceding year, the same would be deducted from the release of the 1st installment.

11.7 The 2nd installment of the remaining 10% of the allocation of the State, will be released to the State only after

- (i) Furnishing of UCs to the extent of not less than 70% of the amount released during the previous year; and
- (ii) Furnishing of Quarterly Progress Reports (Physical & Financial) up to the quarter ending September, (i.e. 2nd quarter of the current financial year).

11.8 To the extent of submission of pending UCs pertaining to the previous years, deduction, if any, made in the release of 1st installment for non-submission of UCs will be made good at the time of release of 2nd installment

11.9 State Governments are required to have a separate budget head for the programme. As per directions of Government of India, Ministry of Finance parking of funds at any level is strictly prohibited.

12. Monitoring and Review:

12.1 The State Government would closely monitor the implementation of the works/schemes being undertaken under the BADP. They must carry out inspections from time to time so as to ensure quality and timely completion of the works. The reports of the inspections carried out by the officers of the State Government should be sent to the Ministry of Home Affairs on quarterly basis.

12.2 Periodical monitoring of the schemes will be done by the Department of Border Management and a review of the programme will be made at least twice a year by the Empowered Committee.

12.3 Quarterly progress reports (Proforma at Annexure-VI) should be submitted scheme-wise to the Department of Border Management giving actual physical and financial achievements. The quarterly progress reports should be sent as soon as possible latest by 15th day of closure of the quarter so as to enable Department of Border Management to recommend the release of Special Central Assistance. The year-wise consolidated utilization certificates should be sent in the prescribed Proforma (GFR-19A) of the General Financial Rules (Proforma at Annexure-VII) within one month of the closure of the financial year.

13. Inspection of BADP Works

13.1 Besides, monitoring and reporting of the programme, inspection is very crucial. Programme monitoring system should be institutionalized. Each border block should be assigned to a high-ranking State Government Nodal Officer who should regularly visit the block and take responsibility for BADP schemes. The District Magistrates should also inspect the projects being carried out in their district from time to time. A half -yearly report should be sent to the Ministry of Home Affairs indicating the number of inspections conducted and highlighting the



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important achievements/lacunae pointed out in the reports of the inspecting officers.

13.2 The inspection of works would also be carried out by the officers of Government of India, Department of Border Management as and when considered necessary. Third party inspection should also be commissioned by the States for an independent feed back on the quality of work and other relevant issues.

14. Introduction of Management Information System(MIS):

14.1 An appropriate "Management Information System (MIS)" will be developed by treating villages as the basic unit. The MIS will be web enabled for regular up-date by the respective States. The system would be designed in such a way that the required reports are generated for policy decision so that mid stream corrections are made wherever required. The National Informatics Centre (NIC) is preparing an appropriate MIS on BADP with the inputs of States and the same will be made available to all concerned.

14.2 Information & communication technology would be used along with an imaginative media policy to ensure that information related to the programme is made available to all stake holders. Local culture and dialects may be used as far as possible so as to make the local population feel part of the developmental initiatives under the BADP.

6. Annual Report 2006-07, Directorate of Revenue Intelligence, Ministry of Finance

Chapter I: Trends in outright Smuggling (Commodity-Wise)

Chapter II: Trends in Smuggling (Commodity-Wise)

Summary

The Annual Report of the Directorate of Revenue Intelligence contains two chapters on 'trends in outright smuggling'. The first chapter discusses the commodities which are smuggled and the second chapter presents a sector wise smuggling pattern. These include narcotic drugs and psychotropic substances, foreign and Indian currency, fake Indian currency notes (FICN), gold, gold jewellery and diamonds, arms and ammunition, flora and fauna.

Prominent among the narcotic drugs and psychotropic substances smuggled are heroin, hashish, mandrax, amphetamine type stimulants (ATS), and Ketamine. Heroin is smuggled into India from Pakistan and Myanmar, whereas hashish is primarily smuggled from Nepal. Mandrax is smuggled from South Africa and ATS from Hong Kong. Ketamine, which is essentially a veterinary anesthetic, is smuggled out of India to East Asia and Europe. The chapter provides details about the seizure of these substances in the country in year 2006-07. US and certain West Asian currencies are smuggled out of India through big and small airports. Money is also laundered through hawala and manipulation of values in international trade transactions. FICN, which are printed in Pakistan, are smuggled through India-Pakistan, India-Nepal and India-Bangladesh borders. Apart from Delhi and border towns, FICN are smuggled to Bangalore, Kerala and Hyderabad. Sporadic incidences of smuggling of gold and diamond is reported. Arms and ammunition are smuggled from Pakistan, Bangladesh and Myanmar. Maritime route is also used to smuggle arms and ammunition. Indian explosives are smuggled from India to Nepal. As far as flora is concerned, red Sanders wood is smuggled out of India, especially to Singapore and Malaysia.

According to the report, both land and sea borders are vulnerable to smuggling.

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The India-Pakistan border is vulnerable to smuggling of narcotics mainly heroin, arms and ammunition and FICN. The multiplicity of routes, ready market and thin presence of law enforcement agencies makes the Indo-Nepal ideal for smuggling of ganja, hashish, urea, sugar, industrial explosives, herbs, vegetable ghee, cardamom, betel nuts, gutkas and FICN. Through the India-China border, Chinese clothes, electronic gadgets, cosmetics, toys, blankets, etc. are smuggled in. India-Myanmar border is vulnerable to the smuggling of ATS, arms and ammunition, Mynamarese precious stones, Teak, red sanders and Chinese made consumer goods. Traditionally, rice, sugar, kerosene, cotton sarees, biris, medicine, cattle and ganja were smuggled along the Indo-Bangladesh border. But now heroin, arms and ammunition and FICN are also smuggled through the border.

Historically, India's west coast has been vulnerable to smuggling. However, with the economic liberalization, smuggling gold and other commodities has lost allure. Fish, drugs and arms and ammunition are increasingly being smuggled through this coast. East coast has remained relatively free from smuggling activities. Airports and internal container depots are also ideal areas for smuggling. Items being smuggled from these places are digital cameras, mobile phones, computer parts, pharmaceuticals, electronic goods and jewellery.

Chapter I: Trends in outright Smuggling (Commodity-Wise)

(I) Narcotic Drugs and Psychotropic Substances:-

Heroin

The most significant development on the drugs front was a marked increase in the smuggling of heroin across the Indo-Pakistan border as evidenced by increased seizures. The number and quantum of seizures as well as the size of individual consignments indicate that trafficking in this sector is already well beyond the multi kilogram levels.

Investigations as well as intelligence inputs point to a complex network of Pakistan and India based operatives who are active in both smuggling the drug across the border as well as in its transport to major destinations such as Delhi. Payment methods range from hawala to straight forward physical currency transfers across the border. The major recipients in India are Nigerian groups who operate major trafficking routes to West Africa, Europe and the U.S. through a variety of modes including passengers, post parcels etc.

Heroin also continued to be smuggled into the North Eastern States from Myanmar but the quantities here are significantly lower than on the Indo-Pakistan border and intended largely to supply local demand. There were no reports of heroin moving from the North-East either to other parts of India or to destinations abroad. Illicit domestic production of heroin, particularly in MP and Rajasthan from opium diverted from the licenced crop remains a cause of concern. Purity levels here are however substantially lower than in Afghanistan/ Pakistan. This indigenous



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heroin is both distributed domestically and is also trafficked across the land border to Bangladesh and through the Southern Tamil Nadu coast to Sri Lanka. The most significant interdiction on the Indo-Sri Lankan sector during the year was a single seizure of 62 Kg by the Customs near Tuticorin. While the international Airports in Mumbai and Delhi, the southern Tamil Nadu coast and the Indo-Bangladesh border remained the main staging points for the outbound smuggling of heroin; smaller consignments were also moved sporadically from the Chennai and Trivandrum Airports destined mainly for Sri Lanka and the Maldives.

Hashish

The year registered a sharp decline in seizures of Hashish from 27,360 Kg in 2004-05 to 12,310 Kg in 2005-06. This is accounted for primarily by reduced arrivals from Nepal, where trafficking routes were disrupted on account of disturbed conditions in the country.

Domestically, high quality Hashish continued to be produced in Himachal Pradesh, Kashmir and the Western Ghats in Kerala. Expatriate communities particularly, Israelis, are deeply entrenched in the illicit trade in Hashish in Himachal Pradesh. Many of them have gone “native” and married local women. These expats are also the principal source of supply for expats in Goa, especially during the winter tourist season.

Mandrax

The illicit manufacture and export of Mandrax, a synthetic psychotropic substance has always constituted a major challenge for drug law enforcement in India. 2005-06 however saw a sharp decline in seizures, predicated primarily on ‘recent’ law enforcement successes in neutralizing major trafficking gangs and dismantling illicit production facilities. There were indications however of certain old organizations trying to regroup and new ones emerging. South Africa, which has always been the traditional destination for Mandrax from India, is once again a wide open

market after its disappointing experience with supplies from China. There is consequently, a marked possibility of new illicit production facilities being established in India to supply South African demand. Developments on this front will need to be carefully watched.

Amphetamine Type Stimulants (ATS)

There were unsubstantiated reports backed by some small seizures during the year of plans to manufacture the Amphetamine type stimulants in India but these could not be validated. Certain China and Hong Kong based crime groups have evinced an interest in this area including sourcing raw material from India.

Ketamine

A disturbing development on the drugs front is the emergence of India as a major source of Ketamine for East Asia. Ketamine is essentially a veterinary anesthetic. Its abuse results in what are described as “out of body”, “or near death” experiences. The abuse of Ketamine has been spreading rapidly in the “rave party” scene in East and South East Asia and also in Europe and the United States. Ketamine is generally smuggled out of India by air from Mumbai, Chennai, Trivandrum and other Airports. A number of significant seizures of Ketamine sourced to India were reported during the year from China, Hong Kong, Malaysia etc. including a single seizure of over 1010 Kg in China. There is a growing concern in these countries about the need for India to act effectively against the trafficking of Ketamine. While the DRI has provided the requisite support to authorities in these countries in investigating these cases, law enforcement in India is handicapped by the fact that Ketamine is nether scheduled under the NDPS Act nor prohibited/ restricted for export.

A summary of Important / significant narcotics seizure made by the DRI and the field formations is given below:-

1. On 24.04.2005, DRI, Guwahati seized 2300.10 Kg of ‘Manipuri Origin Ganja’ from a truck at Jorabat.

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2. On 16.07.2005, DRI (Hqrs), New Delhi intercepted one Indian woman at the Domestic Airport, New Delhi and seized 11.224 Kg of 'Heroin' concealed in tins labeled 'Hunts Tomatoes Whole' and 'Panda Brand Oyster Sauce' etc.
3. On 20/21.07.2005, DRI (Hqrs), New Delhi seized 19.924 Kg 'Heroin' from a Nigerian national.
4. On 27.07.2005, DRI, Patna seized 50 Kg of 'Hashish' from a Jeep near the Ramgarhwa Railway crossing.
5. On 01.08.2005, DRI, Lucknow seized 389 Kg of 'Hashish' from a truck on the Lucknow-Kanpur Road. The 'Hashish' was concealed in a specially fabricated cavity in the ceiling of the truck. Three persons were arrested.
6. On 02.08.2005, DRI (Hqrs), New Delhi seized 19.138 Kg of 'Heroin' from a truck on the Delhi- Karnal G.T. Road. Two persons were arrested.
7. On 05.09.2005, DRI, Guwahati intercepted three trucks at Kaliabhomrah Bridge. The trucks were manned by 12 men dressed in army fatigues armed with 8 AK series weapons, 12 Rounds of live ammunition and 10 spare Magazines. All the three trucks were painted Olive Green to pass off as an army convoy. Rummaging of the trucks resulted in the recovery of 9208.6 Kg of 'Ganja'.
8. On 13.09.2005, Customs, IGI Airport, New Delhi intercepted three Nigerian passengers who had arrived from Kabul (Afghanistan) by Flight IC-844 and recovered 17.620 Kg of 'Heroin' concealed in Sandals, Folders and Books. All three were arrested.
9. On 23.09.2005, DRI, Delhi Zonal Unit, New Delhi apprehended an African origin person at Shakarpur, Delhi. Search of his bag resulted in the recovery and seizure of 7.006 Kg of 'Brown Powder/ Granules' suspected to be 'Heroin'. The person was arrested.
10. On 23.10.2005, DRI (Hqrs), New Delhi intercepted two Nigerian nationals at Nizamuddin Railway Station and seized 20.856 Kg of 'Heroin' concealed in 66 car shock absorbers. In follow up action on 24.10.2005, the officers of DRI, Mumbai apprehended a Nigerian national at Mumbai Central Railway Station and seized 13.8 Kg of 'Heroin' similarly

- concealed in car shock absorbers
11. On 23.11.2005, DRI (Hqrs), New Delhi seized 5.022 Kg 'Heroin' from two persons who arrived at the New Delhi Railway Station from Ludhiana by the Malwa Express.
 12. On 22.12.2005, Trichy Customs Commissionerate seized 62.8 Kg. of 'Heroin' from FRP Fishing Boat at Panjal Seashore, Tirunneveli, Tamil Nadu. The 'Heroin' was being smuggled to Sri Lanka. Two persons were arrested.
 13. On 09.01.2006, DRI, Chennai recovered and seized 55 Kg of 'Khat' from an export consignment declared to contain 'fresh assorted vegetables' booked for Toronto at Chennai Air Cargo Complex, Chennai.

Khat is the leaves and young shoots of "**Catha Edulis**", an evergreen shrub, generally grown in East Africa and the southern parts of the Arabian Peninsula. The active ingredients in Khat are **Cathine and Cathinone** which produce a stimulant effect similar to amphetamine when the green parts of the plant are ingested. Cathine and Cathinone are listed as Psychotropic Substances under the NDPS Act, 1985 as amended vide Sl.No. 77 and Sl. No. 94 of the list of Psychotropic Substances. Khat is a stimulant which produces exaltation, alertness, loquacity, laughter, euphoria etc. in humans. Khat from Kenya was smuggled as Personal Baggage to Mumbai from where it was airlifted as Cargo to Chennai concealed in a consignment of vegetables for export to Canada. ***This seizure was the first of its kind in India.***

14. On 11.02.2006, DRI, Guwahati recovered and seized 3045.4 Kg 'Ganja' from a truck near Jorabat. The 'Ganja' was concealed in specially made chambers between the drivers' cabin and the body of the truck.
15. In February, 2006, on the basis of intelligence passed on by DRI, Mumbai, a consignment of 165 Kg of "Pseudo ephedrine" a precursor chemical used in the manufacture of Methamphetamine/Amphetamine, shipped from Mumbai as Vanilla Flavored Essence was seized in Mexico City.

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16. On 12.03.2006, DRI (Hqrs), New Delhi apprehended one Nigerian national at New Delhi and seized 5 Kg of 'Heroin' from him. \
17. On 27.03.2006, DRI, Trivandrum seized 20.5 Kg of 'Ketamine' from a Kualalumpur bound passenger at Trivandrum Airport.
18. On 30.03.2006, DRI, Delhi Zonal Unit seized 10 Kg of 'Heroin' from a car in Amritsar.

(II) Foreign and Indian Currency:-

Customs offences invariably involve trans-national fund transfers whether by way of Hawala or through the manipulation of banking documents, or through straightforward currency smuggling. Apart from these, the manipulation of values in international trade transactions is now recognized as a insignificant money laundering tool. All these areas consequently remained a major priority for the DRI during the year. Indian and foreign currency, particularly the US Dollar and certain West Asian Currencies continued to be smuggled out of India, not only through the major Airports, but also increasingly through smaller Airports such as Hyderabad, Ahmedabad, Goa and Calicut. The popular modus operandi included passenger baggage and post and courier parcels. Currency smuggling out of India, apart from financing in bound smuggling also has linkages with payments connected with under invoiced imports and over invoiced exports. A number of cases were detected during the year evidencing Hawala Transfers in settlement of differential payments arising from misdeclared import and export values. Investigations threw up a complex web of transactions involving fictitious and front entities and bank accounts, non existent commercial transactions to cover deposits and withdrawals from banks and "convenience" accounts abroad through which large payments were channeled.

Significant currency seizures

1. On 12.04.2005, DRI, Chennai seized US dollars 79,200 (equivalent to Indian Rs. 34.13 lakhs) from two Mauritius bound

- passengers at Chennai International Airport.
2. On 21.05.2005, DRI, Mumbai seized assorted foreign currency equivalent to Rs. 32.87 lakhs from a Singapore bound passenger at CSI Airport, Mumbai.
 3. On 01.11.2005, DRI, Bangalore seized assorted foreign currency and Indian Currency collectively equivalent to Rs. 69.19 lakhs from four Frankfurt bound passengers at Bangalore International Airport. These currencies were meant to make payments to suppliers of undervalued second hand machinery.
 4. On 18.11.2005, DRI, Mumbai seized Indian Currency amounting to Rs. 69.94 lakhs from a Dubai bound passenger. The checked in baggage from which the Indian Currency was recovered did not belong to this passenger but a Gulf Air Check-in Counter staff who had checked-in the said passenger had affixed a baggage tag with this passenger's name on the suspect bag which actually belonged to another passenger.
 5. On 06.12.2005, DRI, Mumbai intercepted and examined baggage in the make up area of Oman Air at Mumbai Airport which resulted in the recovery and seizure of Indian Currency amounting to Rs. 1.06 crores.
 6. On 29.12.2005, DRI, Hyderabad seized Indian currency amounting to Rs. 51 lakhs and 'assorted foreign currency' equivalent to Rs. 3,64,493/- at Rajiv Gandhi International Airport, Hyderabad.
 7. On 08.01.2006, Mumbai Customs seized assorted foreign currency equivalent to Rs. 1,25,22,750/- from a Sharjah bound passenger at CSI Airport, Mumbai.
 8. Hawala as well as manipulated banking transactions running into the tens of crores were detected in the course of investigation into commercial fraud cases.

(III) Fake Indian Currency Notes (FICN):-

The smuggling of fake Indian Currency notes has acquired a greater geographical spread. While in the past such smuggling was largely confined to the Indo-Pakistan and Indo-Nepal borders, the India- Bangladesh border is now becoming increasingly vulnerable.

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Intelligence inputs indicate that counterfeit Indian Currency printed in Pakistan is moved to Bangladesh either directly or through Dubai and then brought across the porous Indo-Bangladesh border. Intelligence also indicates the smuggling of FICN to destinations in South India such as Bangalore, Hyderabad and Kerala. Transactions in counterfeit currency are fairly profitable. The rate (per Rs. 100) on the India-Pakistan border is around Rs. 35, which goes up to around Rs. 40 in Delhi and Rs. 45-50 in the district and mofussil areas where chances of detection are perhaps lower. These rates are however

flexible and depend upon quality, availability and negotiating strengths at particular points of time. There are reports of the circulation of FICN in denominations of Rs. 100/- and Rs. 500/- in the State of Tripura and in the Indo-Bangladesh border areas of Karimganj and Cachar Districts. FICNs are also smuggled from Bangladesh into India mainly into the Districts of Coochbehar, Malda, Murshidabad and Nadia in West Bengal.

Certain Mumbai based operators are reported to be placing orders on Dubai based operators for supply of FICN. FICN is then smuggled into India through the Indo-Bangladesh land border and delivered at Kolkata. These fake notes are thereafter brought to Mumbai by rail and pushed into circulation. Smuggling of FICN has also been reported across the Indo-Pak Border. This currency is primarily intended for Delhi and parts of Western U.P. A recent seizure of FICN in denominations of Rs.50 and Rs.100 by the State Police in Gujarat indicates the circulation of FICN in small quantities in Gujarat.

(IV) Gold/Gold Jewellery and Diamonds:-

With the progressive reduction in rates of duty and an increasingly liberal import regime, organized smuggling is no longer a cause of concern. However, there are sporadic cases of gold smuggling through passengers and by concealment in unaccompanied baggage.

Some significant seizures of gold/ gold jewellery

1. On 17.11.2005, DRI, Mumbai seized 17.059 Kg. of assorted gold jewellery valued at Rs. 1 crore (approx.), which was concealed behind the panel of a door of a refrigerator. (Gold jewellery concealed behind refrigerator door panel)
2. On 12.04.2005, Customs, CSI Airport, Mumbai seized 'Diamonds' weighing 623.13 Carats valued at Rs. 31.65 lakhs concealed inside 'Thailand Yellow Pages Directory' from a courier parcel declared to contain 'Documents'.
3. On 15.06.2005, Mumbai Customs seized diamond studded gold jewellery and diamonds valued at Rs. 26.08 lakhs and foreign currency equivalent to Rs. 1.93 lakhs from a Dubai bound passenger.
4. On 13.08.2005, Customs, CSI Airport, Mumbai intercepted one lady passenger who had arrived from Dubai by Air India Flight No. AI-716. Examination of her handbag resulted in the recovery and seizure of 'gold jewellery' totally weighing 13,210 grams valued at Rs. 68.69 lakhs.

(V) Arms and Ammunition:-

Available intelligence suggests that small arms in limited quantities are being smuggled into India from Pakistan. The Indo-Bangladesh and Indo-Myanmar borders are also sensitive in this respect. Intelligence also suggests that the maritime route is being used to smuggle arms into Mumbai and the under world is involved in these operations. Seizures of Industrial explosives of Indian origin from several places in Nepal indicate the smuggling of such materials from India to Nepal. There are reports that surplus arms belonging to the Maoist insurgents in Nepal are finding their way to the Mumbai underworld.

Some important/ significant seizures of arms and ammunitions

1. On 19.05.2005, on the basis of specific intelligence indicating the possibility of fire arms being concealed in a container, the

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officers of DRI, Mumbai detained a container at JNPT on 20.05.2005. The Police authorities in the meanwhile acting upon specific intelligence broke the Customs seal on the said container and recovered 37 foreign made revolvers/ pistols and over 1200 rounds of ammunition concealed inside drums of grease. The said arms and ammunition were seized on 21.05.2005 under the Arms Act by the Police.

2. On 11.01.2006, DRI, Calicut effected a seizure of 'firearm parts/accessories' valued at Rs.1.5 lakhs from a passenger who arrived from Singapore. On enquiries, he stated that he had brought these goods for two arms dealers in Ernakulam & Coimbatore. Inquiries initiated against the arms dealers resulted in the seizure of firearm parts/accessories smuggled earlier of a market value of Rs. 1.10 lakhs.

(VI) Flora & Fauna (Prohibited goods under cites)

(a) Red Sanders

The smuggling of Red Sanders Wood from India to South East and East Asia has emerged as a significant area of concern. During 2003-04, the Directorate of Revenue Intelligence had seized 151 MTs of Red sanders wood valued at Rs.6 crores (approx.) in the illegal market in India. During 2004-05, 347 MTs of Red Sanders valued at Rs.13.88 crores (approx.) was seized. During 2005-06, the smuggling of Red Sanders continued and 449.375 MT of Red Sanders valued at Rs. 17.98 crores was seized. Some new trends noticed are that now cut to size pieces of Red sanders and semi finished parts of musical instruments are also being smuggled. These seizures have been made at several ports (including dry ports) in India such as Cochin, Pune, Chennai, Tuticorin, Kolkata and Ahmedabad. In most of these cases, the cargo was destined to Singapore. In some cases, containers containing illegally exported red sanders wood from India had to be called back to India from Singapore and Malaysia.

Red sanders is a species endemic to the Rayalaseema Region (Cuddapah, Kurnool, and Chittoor) and parts of Nellore District in the State of Andhra Pradesh in India. This species is in high demand for its characteristic wavy grains and is used for making musical instruments and certain medicaments. Red sanders wood has a huge market in Singapore and Malaysia.

In terms of the Export-Import Policy, all items of plants included in Appendix I and Appendix II of the Convention on the International Trade in Endangered Species (CITES) of flora and fauna are prohibited and therefore, not permitted to be exported. Red Sanders is included in Appendix II of CITES.

Significant seizures of Red Sanders

1. On 05.04.2005, DRI, Mumbai seized 20.75 MTs of 'Red Sanders Logs' valued at Rs. 83 lakhs from a container recalled from Dubai. The 'Red Sanders Logs' were concealed behind 'Urad Dal'.
2. On 20.04.2005, DRI Mumbai seized 25.96 MTs of 'Red Sanders' valued at Rs. 1.04 crores from a container recalled from Malaysia. The 'Red Sanders' was concealed behind 'Suji' packed in gunny bags
3. On 23.05.2005, DRI, Chennai seized 15.290 MTs of 'Red Sanders logs' valued at Rs. 62 lakhs from an export container declared to contain 'Natural Slate Stone Multi Grey'.
4. On 29.07.2005, DRI, Mumbai seized 'Red Sanders' weighting 25.420 MTs valued at Rs. 1.91 crores from a container recalled from Malaysia. 'Red Sanders' had been smuggled to Malaysia in the guise of Indian Maize.
5. On 06.08.2005, DRI, Mumbai seized 31.190 MTs 'Red Sanders' valued at Rs. 2.34 crores (approximately) from three export containers.
6. In Sept, 2005 on the basis of intelligence about the smuggling of 'Red Sanders' through Kolkata/ Haldia Port in the guise of high value garments/carpets purportedly exported from Nepal and covered under forged documents, DRI, Kolkata

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seized 51.760 MTs 'Red Sanders' from two containers at Haldia Dock destined for Malaysia. The goods declared were "Boy's Denim wearing apparel" and "Hand knitted cotton carpet goods". In follow-up action, 18.130 MTs 'Red Sanders logs' were also seized from the storage premises of the exporter. The total value of the seized 69.890 MTs of 'Red Sanders' works out to be Rs. 2.80 crores (approximately).

7. On 27.09.2005, on the basis of an intelligence that a consignment of 'Red Sanders' would be attempted to be smuggled to Malaysia in the guise of 'Hessian Bags' through JNPT, Nhava Sheva, DRI, Mumbai identified the containers at CWC-Buffer Yard, Nhava Sheva. On examination, the container was found to contain 'Red Sanders' logs of various sizes. The 'Red Sanders' weighing 37.890 MTs valued at Rs. 2.84 crores was seized under the Customs Act, 1962.
8. On 28.10.2005, DRI, Kolkata seized 70.14 MTs of 'Red Sanders' valued at Rs. 2.81 crores from a container called back from Singapore and declared to contain 'Die Cast Components of Aluminum (Cable Cleats)'. On the basis of information provided by the DRI, Hong Kong Customs seized 58 MTs of 'Red Sanders' from three containers shipped to Hong Kong earlier using the same modus operandi.

Seized Red Sander Wood Logs

9. On 05.11.2005, DRI, Mumbai seized 20.6 MTs of 'Red Sanders' valued at Rs. 1.5 crores at JNPT. In follow up action, the officers of DRI, Mumbai further seized a total quantity of 49.89 MTs of 'Red Sanders' valued at Rs.3.74 crores at Nhava Sheva Docks on 08.11.2005 and at Pune on 10.11.2005. Thus a total 70.490 MTs of Red Sanders Wood valued at Rs. 5.24 crores (EMV) was seized in this case.
10. On 07/08.02.2006, DRI, Mumbai seized 26.440 MTs of 'Red Sanders' valued at Rs.1.98 crores from two export containers said to contain 'Hessian Bags'.
11. On 25.03.2006, DRI, Tuticorin seized 1.650 MTs of 'Red

Sanders' valued at Rs. 49.50 lakhs from an export consignment, declared to contain 'Gypsum Boards'. The 'Red Sanders' was concealed in cavities created by cutting the inner portion of the Gypsum Board.

Holistic approach to combat the smuggling of Red Sanders:

As countering the trafficking of 'Red Sanders' requires concerted action against illegal felling, storage, transportation and export, the Directorate has been working to develop a coordinated strategy in consultation with State Govts and the Ministry of Environment and Forests. As a result an inter disciplinary group headed by the DGRI has been set up at the national level, backed by regional groups headed by the respective Additional Directors General, DRI. These groups include representatives from the Ministry of Environment and Forests, the DGFT and state governments.

Typical modus operandi

Exporters procure the 'Import Export Code' of a non existent firm and after filing the Shipping Bill, approach the shipping line for containers to stuff export goods. These containers are stuffed with 'Red Sanders' and kept in a private godown. Thereafter, the exporter, who has already procured another empty container paints out the number of the container and pastes a paper sticker with the number of the container obtained from the shipping company. This container is then stuffed with the declared goods. After completing Customs formalities, the legitimate container is diverted and brought back to the private godown and replaced by the container containing 'Red Sanders' logs which is sent to the port for export on a truck, the number of which has also been changed to tally with the number of the truck which transported the original container stuffed at the CFS. The exporter also procures Customs and Shipping liner seals, bearing the same numbers as the seals affixed at the CFS after customs examination.

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CHAPTER II

Trends in Smuggling (Commodity-Wise)

(I) LAND BORDERS

(i) Indo-Pak Border

India's land border with Pakistan stretching over 2896 Kms. across the states of Jammu & Kashmir, Punjab, Rajasthan and Gujarat is sensitive to the smuggling of narcotic drugs mainly Heroin, arms & ammunition and FICN into India. India is primarily a transit country for Heroin sourced to Afghanistan. Heroin and fake Indian currency continue to dominate the smuggling scene on the Indo Pak border. Smuggling by residents of border villages is suspected despite the fencing and regular patrolling. Considering the continued widespread opium cultivation in Afghanistan, the trafficking of Heroin across this border is not likely to abate. Attari, Amritsar and its adjoining areas, Hoshiarpur, and Jammu & Kashmir are particularly vulnerable in this regard. Large scale hawala operations are being run at Ludhiana, New Delhi, Jullundhar and Amritsar. Smuggling of Saffron, Textiles and Mercury from Pakistan is also suspected.

(ii) Indo-Nepal Border

The 1800 Kms. Indo-Nepal border straddling the states of Uttaranchal, Uttar Pradesh, Bihar, West Bengal and Sikkim is currently extremely active and vulnerable. The porous nature of this border coupled with the traditional friendly relations between Nepal and India, constitute an ideal environment for exploitation by unsavory elements. Smuggling across this border ranges from small scale individual enterprise to large commercial consignments. The multiplicity of routes, the ease with which the border can be crossed, the existence of ready markets on both sides of the border, and the relatively thin presence of law enforcement on the ground, compound the problem of countering this activity effectively. At the organised level, the major modus operandi include:

- (a) the diversion of imports in transit through India for Nepal.
- (b) The movement of retail consignments across the border which are then aggregated at convenient locations for further transportation to consumption centres.
- (c) The smuggling of prohibited goods such as Red Sanders from India to Nepal for ultimate export to third countries through Calcutta as misdeclared goods of Nepalese origin. A major impediment in countering the smuggling of third country goods from Nepal to India is Nepal's continuing import of such goods far in excess of its requirements at very low rates of duty. This creates an obvious arbitrage opportunity arising from the differential rates of duty in the two countries. The commodities particularly susceptible to smuggling across the Indo-Nepal border are:
 - (a) Ganja and Hashish from Nepal into India.
 - (b) Urea and Sugar from India to Nepal.
 - (c) Industrial explosives from India to Nepal.
 - (d) Different types of Herbs from Nepal to India.
 - (e) Vegetable Ghee and small cardamom from Nepal to India.
 - (f) Betel nuts of third country origin from Nepal to India.
 - (g) Other third country origin goods from Nepal to India.
 - (h) Gutka in small quantities from India to Nepal.
 - (i) Fake Indian currency notes (FICN) from Nepal to India.

(iii) India-China Border

The remoteness of the India-China border, the inhospitable terrain and its distance from major consumption centers have generally acted as a disincentive to large scale smuggling. There were however some cases of the border trade agreement being misused by outside parties through local proxies to import large consignments of silk duty free. Places like Miao in Arunachal Pradesh are also vulnerable to smuggling though not on a very large scale. Across the border from Laddakh in Tibet, the Chinese have set up large markets in places such as Demchuk which obviously cater to India. Interestingly, all transactions in these areas in Indian Rupees. Intelligence also suggests that Chinese



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goods such as clothes, shoes, cosmetics, electronic gadgets, toys, blankets and batteries bearing fake labels are brought into Nepal through the Kodari route on the Nepal-Tibet border and then smuggled into India.

(iv) India-Bhutan Border

Traditionally considered fairly quiescent, the Indo-Bhutan border came into salience during 1997-98 with a large seizure of Foreign Currency. Intelligence corroborated by seizures indicates the increasing smuggling of ganja of Bhutanese origin into India through Rawta and Baihata Charali in the Kamrup region of Assam. Smugglers have also begun to exploit the border to smuggle gold into the North East. There are in addition, reports that smuggled goods of Chinese origin such as jackets, footwear and blankets etc. are brought to Indian market towns such as Tawang and Bomdila in Arunachal Pradesh through mule tracks from Bhutan. The smuggling of Bhutanese cannabis and liquor into India and the smuggling of livestock, grocery items and fruits in small quantities in the opposite direction has been evidenced through a number of seizures.

(v) India-Myanmar Border

The Indo-Myanmar border runs over 1630 Kms. along the states of Manipur, Mizoram, Arunachal Pradesh and Nagaland. This is in a sense an open border as the ethnic people on both sides are permitted to travel across the border upto certain limits, in relaxation of the normal passport and visa regime. This factor has a bearing on effective enforcement, which is compounded by the activities of local insurgent groups. Heroin and ATS in small quantities, Myanmarese precious stones, Teak and consumer goods of Chinese origin are the popular items of smuggling from Myanmar into India. In the reverse direction flow grocery items, bicycle parts, and sporadically precursor chemicals such as ephedrine and acetic anhydride. There are also reports of the smuggling of Red Sanders wood across the Indo-Myanmar border as operatives look for new routes consequent to the

heightened alert at the major ports. Reports also continue to indicate the smuggling of arms and ammunition from Myanmar into India. Smuggling on this border is largely through carriers who use foot tracks known only to locals across the dense forest and hill terrain. The border trade at Moreh also facilitates the entry of third country origin goods into India. Markets in major towns on and near the border are awash in Chinese goods. Goods intended for destinations further afield are generally first stored in the Barak valley in Assam and Jiribam in Manipur. While traditional commodity smuggling across the Indo-Myanmar border is largely in the hands of local carriers and their principals, the smuggling of Red Sanders and precursors is orchestrated by groups based in Kolkata and South India who use the border only as a convenient crossing point. Large scale Hawala and currency transfers are also associated with these transactions.

(vi) Indo-Bangladesh Border

The Indo-Bangladesh border stretching over 2653 Kms along the states of Assam, Tripura, Meghalaya and West Bengal is in most part an unfenced border and illegal cross border movement through various routes is common. Such movement which is facilitated by traditional, ethnic, linguistic and cultural linkages has also become a factor in transborder smuggling. Traditionally; rice, sugar, kerosene, salt, cotton sarees, biris, medicine, cattle, livestock and ganja move from India to Bangladesh through the porous borders of Tripura, the Karimganj region of Assam, Meghalaya and West Bengal; while electronic goods, readymade garments, fish etc. are smuggled in the reverse direction.

There have been some volatile additions to this traditional mix in recent years. There is credible information, backed by seizures – indicating the trafficking of Heroin from India to Bangladesh from where it is reportedly smuggled to third countries. This includes both Heroin produced illicitly in India's opium growing areas as well as Heroin sourced to Pakistan/ Afghanistan. There is a clear Heroin trafficking corridor from M.P. and Rajasthan through U.P. and Bihar to Kolkata from where consignments



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are dispatched to Bangladesh across the West Bengal border. Bangladesh has also emerged as a major staging point for the smuggling of FICN into India. Counterfeit Indian Currency printed in Pakistan is sent to Bangladesh either directly or through Dubai and then smuggled to Kolkata across the land border from where it is dispatched to cities such as Mumbai. FICN routed through Bangladesh is also reportedly in circulation in the states of Tripura, West Bengal and the Barak valley in Assam. Among the routes exploited for the smuggling of FICN are the areas near Karimganj, **Kailashbazar** and Dharamnagar in Northern Tripura.

(II) MARITIME BORDERS

(i) West coast

India's West coast which runs for 3300 Kms along the states of Gujarat, Maharashtra, Goa, Karnataka and Kerala was historically the epicenter of sea borne smuggling into India. However with the progressive liberalisation of the economy, the dismantling of trade barriers and the reduction in tariffs, physical commodity smuggling has largely lost its allure. The squeezing of profit margins resulting in a drastic upward revision of the success-seizure equation has rendered enterprise smuggling increasingly less viable and compelled operators to look for other pastures and other modus operandi. They have found this in containerized traffic which is largely cleared unexamined, in courier consignments where the need for expedited clearances reduces the chances of discovery and in the smuggling of high value consumer goods, diamonds etc. through the baggage route. Many of them have also diversified into pure Commercial Fraud using misdeclaration, forgery and document manipulation to either evade duties or to claim ineligible entitlements. Notwithstanding this, the west coast remains vulnerable. This vulnerability arises from its geographical location, the enormous volume of maritime and fishing traffic which is extremely difficult to monitor and the capabilities of entrenched criminal organizations to exploit their infrastructure for criminal purposes. There have been credible

reports, although not backed by actual seizures, of large drug consignments from Pakistan being unloaded in remote reaches of the coast-line to be picked up later for onward transportation to third countries. These include Heroin from Afghanistan destined for Male and Sri Lanka. The possibility of arms and explosives being smuggled through this coast is also very real, considering particularly our historical experience.

(II) East coast/ Indo-Sri Lanka

India's Eastern littoral comprising Tamil Nadu, Andhra Pradesh, Orissa and West Bengal has always been relatively less vulnerable to smuggling than the Western Coastline. Smugglers operating the Hong Kong, Singapore, India sector generally preferred the air route to regular maritime cargo with the result that 'landings' on the eastern sea board were rare. This was in sharp contrast to the west where almost all major smuggling, was almost by definition sea borne. Ultimately, perhaps, the difference is explained by the close nexus between the Mumbai, Karachi and Dubai underworlds and the readiness of the sea faring communities which operated the dhow trade between India and West Asia to be recruited as their foot soldiers. There was no parallel to this on the East Coast. There were no reports of significant contraband landings on the East Coast during the year. The only 'active' sector on the eastern coastline was the southern Tamil Nadu coast near Tuticorin. This sector has, in recent years, emerged as the principal staging point for Heroin shipments from India to Sri Lanka. The continuing vulnerability of the area was demonstrated by a number of seizures including a seizure of nearly 62.8 Kg of Heroin by the Customs, near Tuticorin. Small boats are used to smuggle out Heroin which is then delivered to Sri Lankan boats in international waters. The drug syndicates operating in this sector have developed extensive networks in places such as Chennai, Bangalore and Mumbai as well as in source areas in Madhya Pradesh and Rajasthan. Accounts are settled by Hawala Transfers through Dubai/ Mumbai Chennai.



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(III) AIRPORTS

The major, as well as some secondary Airports continued to be exploited for the smuggling of drugs, currency and other contraband. Smugglers operating through the air routes have developed remarkable flexibilities and contacts which enable them to move rapidly from one Airport to another based on an assessment of the risks of discovery. A multiplicity of modus operandi are used including concealment on the person and baggage, courier consignments, substitution of cargo and baggage, use of the transfer of residence rules, unaccompanied baggage etc. While Mumbai and Delhi Airports accounted for a major proportion of contraband seized during the year, a number of other Airports such as Chennai, Bangalore, Hyderabad and Trivandrum also reported significant seizures. Mumbai remained the gateway Airport for the export smuggling of Mandrax, particularly to South Africa. Both Mumbai and Delhi Airports were also exploited by West African drug traffickers for the export trafficking of Heroin. Traffickers have increasingly started using women particularly from the North East as carriers, quite obviously to elude profiling parameters. Chennai remained susceptible to inbound courier traffic from Singapore with certain well entrenched groups controlling operations. A series of seizures however compelled a change of tactics and carriers started routing themselves through Colombo and disembarking at Airports such as Trivandrum. Colombo based contacts finance these couriers for purchases in Singapore and accounts are settled either through Hawala or by manipulating the values of regular imports/ exports. Chennai and Trivandrum also reported the outbound trafficking of drugs to Colombo and Male with a significant seizure of Ketamine also being effected at Trivandrum Airport. Contraband being smuggled in through the Airports constitutes a fair miscellany including goods such as digital/ video cameras, mobile phones, computer parts and pharmaceuticals, electronic goods, jewellery etc. The export smuggling of Indian and foreign currency as well as inbound smuggling of contraband has proliferated to minor Airports such as Hyderabad, Lucknow, Amritsar and Cochin with all of them reporting significant detections.

(IV) INLAND CONTAINER DEPOTS

The proliferation of Inland Container Depots (ICDs) and Container Freight Stations which is intended to facilitate genuine trade has also opened up opportunities for the criminally inclined. ICDs are being exploited not only to perpetrate commercial fraud but also for outright smuggling. This is underlined by a number of detections made during the year. Lack of properly trained staff continues to plague the smaller ICDs. Some of the markers to identify potential violations are:-

- (a) Imports/ Exports of goods which are not relevant to the economy of the region.
- (b) Importers/ Exporters from distant places, particularly the metros routing consignments through such ICDs for no apparent reasons.
- (c) First time/ new importer/ exporter without a track record.
- (d) Deliberate routing of goods through a particular ICD particularly when this is not logistically necessary.

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7. Extracts from the 126th Report of the Standing Committee on Home Affairs, presented to the Rajya Sabha on April 26, 2007

Chapter III: Schemes, Policies and Programmes of the Ministry

Summary

The Standing Committee discussed the civic action programme of the Border Guarding Forces, Coastal Security Scheme and Indo-Bangladesh Border fencing and provided their observations and recommendations.

While making a presentation on the various civic welfare programmes being carried out by the border guarding forces, the Ministry of Home Affairs (MHA) stated that the results have been satisfactory. However, doubts were expressed by the Committee regarding the capability of the border guarding forces to carry out all the welfare schemes. It was suggested that interactions with the border communities could be handled by organizations such as Nehru Yuva Kendra and the border guarding forces could act as facilitators. It was concluded by the committee that the various welfare schemes launched in the border areas are important and if they are implemented properly they would infuse confidence among the border population and help in generating a lot of goodwill.

Regarding the Coastal Security Scheme (CSS), it was pointed out that the projection for the year 2007-08 was double the amount which was actually allocated. A detailed presentation on the present status of the CSS in terms of buildings, checkpoints, outposts, manpower, training, procurement of patrol boats, operationalisation of the coastal police stations and release of funds was made by the MHA. It was stated that some state governments like those of Kerala and Tamil Nadu have proposed that cost of the manpower should be borne by the Central government. The MHA assured that it will look into the matter. The Committee observed that there is greater risk of infiltration from the coastal belts and the scheme needs to be implemented in

India's Border Management

right earnest. For this, greater cooperation of the state governments is required and the Ministry may impress upon the states to take early action.

To prevent illegal migration through the Indo-Bangladesh border, fences are being constructed along the border. The MHA had stated that along 300 km of the border, which is within 150 yards of the international border, fencing could not be carried out due to the objections of the Bangladesh Rifles. The MHA also revealed that Rs. 120.07 Crore remained unspent as work under Phase II could not be completed. The Committee took serious note of the money being unspent and suggested that the work of fencing has to be completed on time so that Phase III could be started as soon as possible. The Committee also expressed serious concern about the problems faced by the people residing along the border. The Committee suggested that the Government may hold consultations with Bangladesh to resolve the problem. It further suggested that the government should endeavour to build the fence nearer to the border instead of 150 yards away. In case it is not possible the Government may buy the land within this 150 yards to relieve people from further problems.



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CIVIC ACTION PROGRAMME OF BORDER GUARDING FORCES

8. People living in India's International borders, particularly on land borders, face myriad problems like difficult terrain, harsh living conditions and lack of access to public amenities. Their problem is worsened by thinly spread out administration and inadequate social and economic infrastructure. In some areas the problem of frequent shelling from across the border has also been felt. The Group of Ministers on Reforming the Internal Security System while acknowledging the fact noted that "concerted efforts are being made by our hostile neighbour through allurements, subversive propaganda and promotion of religious fundamentalism to generate a feeling of alienation among the border population." It had recommended *inter alia* that the "Border Guarding Forces (like Assam Rifles, ITBP and BSF) may be involved in execution of community welfare schemes like holding of medical camps, construction of school buildings and water harvesting structures, building sports facilities etc. where local institutions are weak."

8.1 The Ministry informed the Committee that pursuant to the recommendations of the Committee the Border Guarding Forces were proposed to be involved in execution of community welfare schemes. Funds have been regularly allotted from financial year 2002-03 towards that end. The allocation of funds to different CPMFs in the last three years is as under:-

TABLE-XVI**(Rs. in Lakhs)**

Year	Funds allotted/Area of work			
	SSB (Indo-Nepal & Indo-Bhutan Borders)	BSF (Indo-Pak and Indo-Bangladesh Borders)	ITBP (Indo-Tibet & Indo-China Borders)	AR (Indo-Mynamar Border)
2004-05	88.25	30.00	15.00	245.00
2005-06	142.85	110.00	106.50	211.65
2006-07	171.00	110.00	105.00	200.00

8.2 While making a presentation on the Civic Action Programme of the Border Guarding Forces the officers of the Ministry stated that under village infrastructure facilities, drinking water, repairs and upgradation of community buildings (Schools, Community Halls etc.), improvement in roads and tracks and village lighting through utilization of non-conventional sources of energy are carried out. Other activities carried out under the programme include educational activities, health and sanitation, empowerment of border population and other activities like sports, tree plantation, and assistance during natural calamities etc.

8.3 It was also stated that the scheme had been beneficial in the development of village infrastructure, empowerment of border population in border areas as a counter to allurements from across the border, gaining goodwill of the border population, control in border related crimes and ingress, through local intelligence and integration of the youth in border districts into the national mainstream.

8.4 The Committee, had presented its 123rd Report, on the Sashastra Seema Bal (SSB) Bill, 2006. During the examination of the Bill, a basic question arose before the Committee about 'Stay Behind Role' performed by the erstwhile Sashastra Seema Bal. The Committee in that report recommended:



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“... the erstwhile role of the SSB should be clearly spelt out in the statute. It is, however, apprehensive of the fact as to how effectively the uniformed force would perform the ‘Stay Behind Role’ so efficiently performed by its non-uniformed wing. The Committee, therefore, recommended that the Government should consider this aspect in the light of the sensitivities of the border areas. It is the considered view of the Committee that love, affection and esteem of the people cannot be gained by bullets but by benevolence. Winning hearts and minds of the people is far more important than combatised action. The Committee apprehended that the proposed combatisation of the non-combatised wing may prove counter-productive due to lack of developmental and welfare activities.”

8.5 The basic question which again arose before the Committee was whether the Civic Action Programme being undertaken by the Border-Guarding Forces was being effectively carried out and handled by the uniformed Forces. Doubt also arose about the capability of uniformed personnel in carrying out the Civic Action Programme as effectively as the non-uniformed persons can perform.

8.6 Agreeing with the views of the Committee, the Home Secretary informed it that some of the activities which were being undertaken by the Forces would be re-looked. He stated that activities involving establishing communication with people in the border areas could be handled by organizations such as Nehru Yuva Kendras. He also felt that the BGFs should play the role of facilitators.

8.7 The Committee feels that Civic Action Programme in the border areas is a very important task. If undertaken well, it will infuse confidence among the border area populace, develop infrastructure there and promote the feeling of national integration. For all these to happen, the people should have confidence in the persons who are undertaking such activities. However, people are sceptical about the uniformed personnel. The Committee therefore recommends that the implementation

of Civic Action Programme by the BGFs need to be re-looked in its entirety.

COASTAL SECURITY SCHEME

10. A Coastal Security Scheme launched in 2005 has been formulated for strengthening infrastructure, patrolling and surveillance of country's coastal areas. It aims to check and to counter illegal cross-border activities and criminal activities using coast or sea. The scheme is being implemented in all the nine coastal States and four Union Territories from the year 2005-06. Under the scheme, assistance has been given to the coastal States and UTs to set up 73 coastal police stations which will be equipped with 204 boats, 149 jeeps and 318 motorcycles for mobility on coast and in close coastal water.

10.1 As per the presentation made by the AS & FA, MHA, the projection made for BE 07-08 is Rs. 4563.79 crore whereas actual allocation is Rs. 2495.35 crore which is half the amount projected for Coastal Security, IR Battalions; surveillance etc.

10.2 Explaining the present status of the scheme, the Ministry have stated as under:

“(a) Buildings for the police station, checkpost, outpost etc.:
Work on construction of buildings has commenced in Gujarat and Orissa. In other States, it is in various stages like taking over the land and preparation of estimates.

(b) Manpower:
Under the scheme, manpower is to be provided by the States and UTs. Manpower for the executive posts has been sanctioned by all the States except by Government of Tamilnadu. Manpower for the technical posts for boats has been sanctioned by the Governments of Gujarat, Maharashtra, Karnataka, Kerala, Andhra Pradesh and West Bengal. Proposals for sanction of manpower are under consideration of the Governments of Tamil Nadu (both executive and technical posts), Goa and Orissa (technical posts for boats).

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In the case of Union Territory Administrations, proposals for sanctioning manpower are under consideration of Ministry of Home Affairs.

(c) Training:

As an interim arrangement, Coast Guard is imparting training to marine police personnel in Coast Guard district Headquarters for a duration of 4 weeks including a week long on job training in Coast Guard ships. 416 marine police personnel have undergone training so far. More batches are under going training. Coast Guard has also offered to take trained marine police personnel for further on job training in coastal patrolling in Coast Guard ships for 15 days.

A Committee under Secretary (Border Management) has been constituted on 28th December, 2005 to examine various aspects of training of marine police including setting up of a marine police training establishment to meet the long term training requirements.

(d) Procurement of patrol boats:

Boats for coastal patrolling by the coastal police stations will be procured centrally by Ministry of Home Affairs. Technical specifications of the boats have been finalized. M/s Goa Shipyard Ltd (GSL) Goa and M/s Garden Reach Shipbuilders and Engineers Ltd (GRSE), Kolkata have been nominated to construct and deliver the boats to the States on the western and eastern coasts respectively. A Price Negotiation Committee (PNC) has been constituted under Joint Secretary (PM), MHA to arrive at a negotiated price for the boats. The PNC has held discussions on 15th November, 2006, 4th January, 2007 and 2nd March, 2007. The price negotiations are in progress.

(e) Operationalisation of coastal police stations:

Anticipating delay in procurement of boats and construction of police stations buildings, the State Governments were advised to make coastal police stations operational with existing arrangements and trained manpower. So far 27 coastal police stations have

been made operational in Gujarat(10), Goa(3), Karnataka(2), Kerala(1), Andhra Pradesh(6), West Bengal(4) and Puducherry (1).

Modalities are also being finalized to commence coastal patrolling from the police stations which have been made operational.

(f) Release of funds:

For construction of buildings and purchase of vehicles, equipment etc., Rs. 13.04 crore and Rs. 10.87 crore were released to the States and UTs in 2005-06 and 2006-07, respectively.

Views of State Governments

Governments of Kerala and Tamilnadu have proposed that the cost of manpower under the scheme may be met by the Central Government. Governments of Gujarat, Kerala and Puducherry have proposed that setting up of more coastal police stations and upgradation of existing police stations in the coastal areas may also be considered under the scheme.

Modus operandi

The scheme envisages setting up of coastal police stations and providing them with mobility on the coast and in close coastal waters for effective patrolling and surveillance of the coastal areas. The police personnel in the coastal police stations are given training by Coast Guard in maritime activities to enable them to carry out patrolling in the sea upto 2-3 nautical miles from the coast initially. For coastal patrolling, Coastal police stations will function in close coordination with the Coast Guard Stations.

Institutional arrangements for coordination of intelligence at District level between coastal police stations and Coast Guard and other agencies will also be made. Standard Operating Procedure (SOP) for the coastal police stations is also being prepared in consultation with the various agencies.”

10.3 The Home Secretary during the course of the presentation has stated that out of 73 police stations, 20 have become

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operational. Wherever, they have not become operational for any reason, effort was being made to use trawlers in consultation and coordination with the State Governments so that in those particular areas which have been earmarked as police stations, patrolling activities could go on. He further added that the States would require to bear the manpower cost. In this regard some States requested that manpower expenses should also be borne by the Ministry of Home Affairs. He assured the Committee to look into this aspect of manpower expenditure.

10.4 The Committee feels that as there is a greater risk of infiltration from coastal belts, the scheme needs to be implemented in the right earnest. This requires co-operation of all the States. However, the Committee is constrained to note that some of the States have not yet sanctioned the manpower. The Ministry may impress upon the State Governments concerned to take early action in the matter. The Committee also recommends that the process of acquiring boats may be completed at the earliest, as they are an essential component for coastal security surveillance. In regard to the request of some State Governments to the Centre to meet manpower cost, the Centre may hold consultations and take a final view in the matter at the earliest.

INDIA-BANGLADESH BORDER FENCING WORKS

13. The India-Bangladesh border passes through West Bengal (2,216.7 Km.), Assam (263 km.), Meghalaya (443 km.), Tripura (856 km.) and Mizoram (318 km.). The stretch consists of plains, hills and jungles with hardly any major obstacles. The area is heavily populated and cultivated extensively up to the border. The India-Bangladesh border is also marked by a high degree of porosity and, therefore, checking illegal cross border activities has been a challenging proposition. The main problem is of illegal migration from Bangladesh into India.

13.1 In order to prevent illegal infiltration and other anti-national activities from across the border, the Government of

India sanctioned erection of fencing in two phases. The Ministry in its Annual Report has mentioned that total length of Indo-Bangladesh border to be fenced is 3,286.87 km. Out of this 2,455.80 km of fencing has so far been completed. A Pilot Project for flood lighting along 277 km of Indo-Bangladesh border has also been completed.

13.2 Public Sector Undertakings viz. National Building Construction Corporation (NBCC), National Projects Construction Corporation Limited (NPCC) and Engineering Projects (India) Limited (EPIL) have been engaged to complete the work expeditiously in addition to the existing agencies namely, Central Public Works Department (CPWD), Border Roads Organisation (BRO), Assam Public Works Department and Tripura Public Works Department.

13.3 The Ministry in its replies to questionnaire has stated that in approximately 300 km long Indo-Bangladesh border, fencing is required to be constructed within 150 yards from the border due to constraints of the terrain and habitations. In these stretches, fencing work has not been undertaken due to objections by Bangladesh Rifles. It was further stated that this matter has been taken up with the Government of Bangladesh.

13.4 It has also been decided by the Government to replace the entire 854 km of fence constructed under Phase-I in West Bengal, Assam and Meghalaya, as most of the fence has been damaged due to adverse climatic conditions, repeated submergence etc. The replacement work has already commenced in the States of Assam and West Bengal.

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**Budgetary provisions related to Indo-Bangladesh
border Fencing Works**

TABLE-XVIII

(Rs. in crores)

Non-plan	Actuals 2005-06	BE 2006-07	RE 2006-07	BE 2007-08
Erection of barbed wire fencing	437.31	424.00	463.00	444.00

13.5 On having cursory look on the budgetary provisions relating to Indo-Bangladesh border works it has been found that RE 2006-07 was increased to Rs. 463.00 crore from Rs. 424.00 crore at BE 2006-07. But there has been decrease in BE 2007-08 as compared to RE 2006-07 as the Phase II fencing project will end by March, 2007 except in Mizoram Sector, riverine and other problematic stretches. During 2007-08, Phase III work i.e, replacement of phase I fencing in Assam, Meghalaya and West Bengal and also Phase II work in Mizoram will be taken up.

13.6 The Ministry have also informed the Committee that there is an unspent balance of Rs. 120.07 crore under the construction of Indo-Bangladesh Border works. The Home Secretary, during the course of his evidence, stated that the Ministry are also concerned to note that the allocations that had been projected could not be made use of to the fullest extent because they were not able to complete the Phase-II.

13.7 The Committee takes a serious note of the fact that the allocations are not being spent. Besides the Ministry are also likely to take up Phase-III of the fencing work. The Committee strongly recommends that the physical and financial targets may be achieved well in time and Phase-II may be completed at the earliest so that Phase-III may be commenced as soon as possible.

13.8 As regards construction of fencing 150 yards away from the Border is concerned, the Home Secretary has stated that there are certain areas where certain difficulties are being experienced. The general proposition is that the fencing would be 150 yards away from the Border. In this regard, the Government was facing problems from both the sides. Some State Governments have objected to this because on the other side of the fencing, there are orchards and farming, and in some areas, people are also residing. In many of the areas, this 150 yards is closer to the Border where objection has been raised by Bangladesh Rifles. The Home Secretary explaining the reason for this condition of 150 yards away from the Border stated that there was an unsigned agreement since 1975 between Bangladesh and India. The unsigned agreement was that for 150 yards, there would be no defence structure. Though 'fencing' is not a defence structure, Bangladesh has been insisting that India cannot build even fencing within 150 yards of the Border. It was also agreed that because of this condition, a large number of villages and cultivable land are there on the other side of the fence. Gates are also there which are opened as frequently as possible.

13.9 The Committee is very much concerned about the problems being faced by the people residing at the Border areas. It is a fact that there are properties of the Border people where agricultural activities are carried out and in some areas, people are also residing in this 150-yard of area. The Committee is anguished to note that people face lot of problems under the current dispensation and no solution has been found so far for this problem. The Committee recommends that the Government may hold discussion with Bangladesh in consultation with the Ministry of External Affairs for a settlement of the problem. In consultation with all concerned, the fencing may be taken nearer to the border instead of 150 yards away from the border. In case it is not possible the Government may buy the land within this 150-yard of the Border so that the people who have properties within the 150 yards may not face problems any more. The Ministry of Home Affairs may hold discussions with all concerned, including the Ministry of External Affairs and find a permanent solution at the earliest.



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**OBSERVATIONS/CONCLUSIONS/
RECOMMENDATIONS-
AT A GLANCE**

**CIVIC ACTION PROGRAMME OF BORDER
GUARDING FORCES**

The Committee feels that Civic Action Programme in the border areas is a very important task. If undertaken well, it will infuse confidence among the border area populace, develop infrastructure there and promote the feeling of national integration. For all these to happen, the people should have confidence in the persons who are undertaking such activities. However, people are sceptical about the uniformed personnel. The Committee therefore recommends that the implementation of Civic Action Programme by the BGFs need to be re-looked in its entirety.

(Para 8.7)

COASTAL SECURITY SCHEME

The Committee feels that as there is a greater risk of infiltration from coastal belts, the scheme needs to be implemented in the right earnest. This requires co-operation of all the States. However, the Committee is constrained to note that some of the States have not yet sanctioned the manpower. The Ministry may impress upon the State Governments concerned to take early action in the matter. The Committee also recommends that the process of acquiring boats may be completed at the earliest, as they are an essential component for coastal security surveillance. In regard to the request of some State Governments to the Centre to meet manpower cost, the Centre may hold consultations and take a final view in the matter at the earliest.

(Para 10.4)

INDIA-BANGLADESH BORDER FENCING WORKS

The Committee takes a serious note of the fact that the allocations are not being spent. Besides the Ministry are also likely to take up Phase-III of the fencing work. The Committee strongly recommends that the physical and financial targets may be achieved well in time and Phase-II may be completed at the earliest so that Phase-III may be commenced as soon as possible.

(Para 13.7)

The Committee is very much concerned about the problems being faced by the people residing at the Border areas. It is a fact that there are properties of the Border people where agricultural activities are carried out and in some areas, people are also residing in this 150-yard of area. The Committee is anguished to note that people face lot of problems under the current dispensation and no solution has been found so far for this problem. The Committee recommends that the Government may hold discussion with Bangladesh in consultation with the Ministry of External Affairs for a settlement of the problem. In consultation with all concerned, the fencing may be taken nearer to the border instead of 150 yards away from the border. In case it is not possible the Government may buy the land within this 150-yard of the Border so that the people who have properties within the 150 yards may not face problems any more. The Ministry of Home Affairs may hold discussions with all concerned, including the Ministry of External Affairs and find a permanent solution at the earliest.

(Para 13.9)

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8. Extracts from the 124th Report of the Standing Committee Home Affairs, presented to the Rajya Sabha on

March 20, 2007

Chapter III: Multipurpose National Identity Cards Scheme

Summary

Chapter 3 of the 124th Report of the Standing Committee deals with the Multipurpose National Identity Card (MNIC). The Committee expressed disappointment at the slow pace of progress of the scheme and urged the Government to complete the pilot project within a specific time. It was noted that the pilot project of issuing MNICs, which started in November 2003, could not be implemented on time because of various difficulties faced at every step. Some of these hurdles include novelty of the project, unavailability of data and specific information about persons, cumbersome and tedious process of verification and shortage of manpower to execute the project in various states. The Committee however hoped that since various MNIC centres are linked and networked with the Registrar General of India's office, the project would be finished by 2007-08.

OBSERVATIONS/RECOMMENDATIONS

Para 14.2

The importance of the Multi-purpose National Identity Card Scheme (MNICs) in a country like India with thousands of kilometres of porous International Border and with the large presence of illegal immigrants posing a grave threat to the internal security, need not be overemphasized. The Committee is, however, disappointed at the pace of implementation of the pilot project. If the pilot project itself is taking such a long time, preparation of MNICs for all the citizens may take several more years. The Committee, therefore, urges upon the Government to accord high priority to the Scheme and accelerate completion of the Pilot Project within a specific time frame rather than dragging it endlessly. The Committee is confident that based on the experience gathered in the implementation of the Pilot Scheme for the last two and a half years, the Government would be in a position to evolve time bound action plan for implementation of the scheme at the national level.

ACTION TAKEN

The pilot project was initiated in November 2003 to be completed in one year. However, actual implementation has taken far longer due to difficulties encountered at almost each and every stage due to following reasons:

- a) this is the first time that such a project has been undertaken in the country.



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- b) no precedent is available for such a complex project involving both processes and technology.
- c) unavailability of data entry operators in regional languages.
- d) difficulties in capturing of photographs and finger biometrics, specially for persons who stay outside for employment, study etc.
- e) power was not available. Diesel Generator sets were to be arranged from far off places.
- f) validation of individual data for correct spellings of names and other attributes.
- g) very cumbersome and tedious process of verification of citizenship; individuals were not found at their place of residence.
- h) weak document base for determining citizenship of individuals in rural areas, specially for agricultural labourers, landless labourers, married females etc.
- i) unavailability of officials from State Government for this work.

Following has been the physical and financial progress of the Project so far:

- 1) Out of the total Budget of Rs. 19.89 crore allocated during the financial year 2005-2006, total expenditure of Rs. 3.39 crore was incurred. The major expenditure would be on identity (smart) cards which would be incurred after the cards are prepared and distributed. This is expected to be done in the current year i.e. 2006-2007.
- 2) Steps are underway for completion of the pilot project without delay. The progress on different items of work relating to Pilot Project on Multi-purpose National identity Cards has been as follows:-
 - a) Field data collection through house-to-house enumeration of specified items of information of each individual for preparation of population register completed.
 - b) Data entry in electronic format completed.

- c) Verification of Citizenship Status by verification team - 98.32% (Except in Assam).
 - d) Data correction 98.22%.
 - e) Verification of evidences for citizenship from official records and preparation of eligibility report on citizenship status by Chief Vigilance Officer (CVO) - 89%.
 - f) Declaration of citizenship by Sub District Registrar of Citizen Registration (SDRCR) - 83% (under progress)
- 3) Technical issues The production and distribution of identity (smart) cards will be done through the consortium of Central Public Sector Undertakings (CPSUs) which has given their proposal. The revised estimates for the Pilot Project have been prepared based on this and are awaiting approval of the Committee on Non-plan Expenditure (CNE).

The Hardware/Software for the MNIC centers have been installed in all the centers. Database of Population Register have been loaded in 19 MNIC Centres. Integration of software prepared by BEL and NIC has been completed and loaded at all 19 MNIC centers. Networking and linking of the MNIC Centre with RGI office has been done through BSNL except at two centers of J&K and one centre at Nautanwa, UP. The software for counter operation for addition/deletion through births & deaths and change in names, addresses, marital status etc. has been developed and tested.

COMMENTS OF THE COMMITTEE

The Committee notes the progress made in the pilot project of MNIC. However, the Committee feels that much more progress was expected on the project. Now that the networking and linking of MNIC Centres with RGI Office has been done and that the software also developed there should not be any more scope for delay in completion of the project. The Committee hopes that the pilot project would be completed during 2007-2008.

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9. Extracts of the 123rd Report on Sashastra Seema Bal Bill 2006, presented to the Rajya Sabha on February 27, 2007

REPORT

Summary

The Report primarily discusses the Sashastra Seema Bal Bill of 2006, which was introduced to provide a constitution, charter of duties and responsibilities to the newly formed border guarding force. Following the recommendation of the principle of 'one border one force' of the Group of Ministers' Report on Reforming National Security System, the Sashastra Seema Bal (SSB), which was earlier known as the Special Service Bureau and hitherto deployed especially in the Northeast, was redeployed along the Indo-Nepal and Indo-Bhutan borders as border guarding force. The SSB was raised in 1963 with the objective to motivate and train border population staying behind the border. The Committee observed that the previous role of the SSB remains relevant and therefore it needs to be spelt clearly in the statute. Winning of hearts and minds which was carried on by the non-combatised wing of the force was extremely important.

Since the SSB has been made the Lead Intelligence Agency for the Indo-Nepal and Indo-Bhutan borders, the Committee observed that it is the civil component of the force which would be more effective. Therefore, the Committee recommended that the Government may consider retaining the non-combatised wing of the Force permanently. It however observed that since the combatised wing of the force has become more important following its transformation into a border guarding force, the career avenues of the personnel of the non-combatised wing might be adversely affected. The Committee, therefore, recommended a review of their promotional avenues at par with the combatised wing.

The Committee also observed that the definition of 'enemy' was deficient and therefore it should be made comprehensive by including persons indulging in illegal and contraband activities under its scope. On the issue of enrolment of

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non-citizens for a limited period, the Committee observed that it would not be in interest of the country. For better utilization of the funds under the Border Areas Development Programme (BADP), the Committee recommended the Ministry of Home Affairs (MHA) to reexamine the issue earmarking a specific distance from the international border for the application of BADP. For uniformity in recruitment procedure in SSB, the Committee recommended that the standard norms for recruitment applicable to other border guarding forces should be implemented for SSB also. The Committee also agreed with the MHA that different border guarding forces should have different names as their history and the area of their operations are quite different from each other. The Committee recommended that changes and modifications as suggested by the Committee must be brought in corresponding Acts for other border guarding forces. It also recommended that the MHA may bring forward necessary changes suggested in the Bill.



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SPECIAL SERVICE BUREAU

HISTORICAL PERSPECTIVE

The Special Service Bureau (SSB) was raised in 1963 under the Ministry of External Affairs in the backdrop of the Chinese aggression of 1962 and pursuant to the philosophy that security of the borders was not the responsibility of armed forces alone and that it also requires a well-motivated and trained border population. The SSB came under the Prime Minister's Secretariat on January 1, 1965 and subsequently it was transferred to Cabinet Secretariat on September 1, 1965. The organization was initially functional in the region of the then North East Frontier, North Assam, North Bengal, hills of Uttar Pradesh, Himachal Pradesh and Jammu. Subsequently, its activities were extended to other border areas in Manipur, Tripura, Meghalaya, Sikkim, Rajasthan, Gujarat, Mizoram, South Bengal, Nagaland and some areas of Kashmir valley. In January, 2001, on transfer of the Special Service Bureau from Cabinet Secretariat to Ministry of Home Affairs, it was assigned the new role of a border guarding force on Indo-Nepal and Indo-Bhutan Borders. The name of Special Service Bureau was changed to Sashastra Seema Bal (SSB) with effect from 27th March, 2004.

ROLE IN EARLIER SET UP

1.1 The role of SSB in its earlier set up was to inculcate a sense of security and spirit of resistance amongst the border populace, promoting national awareness and security

consciousness among the people of the border areas, generating mass support in the border areas through National Integration Programmes and welfare activities, organizing and preparing border population to resist enemy and perform 'Stay Behind' role during invasion/occupation and countering enemy propaganda through psychological war operations and awareness campaigns.

CHANGE IN ORGANIZATIONAL STRUCTURE

1.2 The organizational structure and sphere of responsibility of the SSB have undergone a qualitative change since its inception in 1963. On January 15, 2001, the administrative control of the SSB was transferred to the Ministry of Home Affairs, in pursuance of the recommendations of the Group of Ministers (GoM) on reforming the National Security System. The GoM recommended the principle of 'one border one force' for better accountability and also recommended the necessity of comprehensive border management including management of Indo-Nepal and Indo-Bhutan Borders. Accordingly, the Ministry of Home Affairs entrusted to the SSB the role of guarding Indo-Nepal Border stretching over 1751 kms. w.e.f. June 19, 2001 with the following objectives, namely:

- (i) to promote a sense of security among the people living in the border area;
- (ii) to prevent trans-border crimes and unauthorized entry into or exit from the territory of India; and
- (iii) to prevent smuggling and any other illegal activities.

1.2.1 On June 29, 2001, SSB was declared as a Lead Intelligence Agency (LIA) for Indo-Nepal Border. On March 12, 2004 the Ministry of Home Affairs further assigned the task of guarding Indo-Bhutan Border to the SSB, stretching over 699 kms. The SSB seeks to achieve these objectives by policing the border through Armed Combatised Wing, which is being restructured by the Ministry of Home Affairs into 41 Battalions of 7 Companies each.

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1.2.2 After transfer of SSB to MHA, both the uniformed and non-uniformed wings of the Force are functioning. However, as per the policy decision of the Ministry of Home Affairs, the Area Wing (non-uniformed) component of the SSB shall be phased out systematically on account of promotion or retirement etc. and vacancies arising thereof shall be filled up by the corresponding combatized personnel on the base posts. For the purposes of governance of the non-uniformed civilian component the same shall continue to be dealt with under the relevant Central Government Rules till they are phased out.

1.2.3 The Government now feels it necessary that a comprehensive legislation be enacted on account of the following factors on the lines of similar law enacted for the Indo-Tibetan Border Police (ITBP).

- (i) to lend statutory backing to the organisation and clothe it with a separate and independent identity at par with other Border Guarding Forces (BGFs);
- (ii) to dispense with the existing arrangement of extending selective applicability of the provisions of the CRPF Act, 1949 to SSB personnel and to introduce uniformity by enacting a separate comprehensive legislation for the SSB;
- (iii) to reinforce superintendence, guidance and control for effective operational efficiency and management of the organization to achieve its organizational objectives as a BGF; and
- (iv) to pave way for cohesive organizational structure as also to provide for a set of rules, methods and procedures in matters of discipline and performance.

SALIENT FEATURES OF THE BILL

2. The Sashastra Seema Bal Bill, 2006 (Annexure-I) seeks to regulate the Sashastra Seema Bal inter alia with the following salient features:

- a) Creation of SSB as an armed force of the Union with provision for control, direction and service conditions of the personnel;
 - b) Bringing under purview of the proposed Bill all persons appointed (whether on deputation or in any other manner) in the Force, namely;
 - (i) Officers and subordinate officers; and
 - (ii) Under-Officers and other personnel so enrolled.
 - c) Constitution of the SSB Force Courts and provision for the powers, processes and procedures to be followed, and the penalties which can be imposed. Death penalty has also been stipulated for certain grave categories of offences.
3. The Bill introduced in the Rajya Sabha on 28 July 2006 and pending therein, was referred to the Department-related Parliamentary Standing Committee on Home Affairs on 3 August 2006 for examination and report.

PRESENTATION AND DISCUSSIONS

4. The representatives of the Ministry of Home Affairs made a presentation before the Committee on 20 September 2006. Further, oral evidence of Home Secretary was recorded on 9 January 2007.

4.1 The Special Secretary and the concerned Joint Secretary in the Ministry made presentation/observations on the history of the force, its complete makeover from its previous role to its present mandate and also on the highlights of the provisions of the Bill.

THE ISSUES

5. During the presentation and oral evidence of Home Secretary, the following points emerged on which the Committee deliberated. The Ministry's response thereto and Committee's observations on each point are as follows:-

RELEVANCE OF INITIAL ROLE:



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6. As already explained earlier, the role of SSB has changed from a 'stay behind role' in the event of external aggression to a 'Border Guarding Force' after it has come under the administrative control of the Ministry of Home Affairs in 2001.

6.1 Pursuant to the acceptance of the recommendations of the Group of Ministers (GoM) on Reforming National Security System, administrative control of the SSB was transferred from the Cabinet Secretariat to the Ministry of Home Affairs with effect from 15.1.2001. Accordingly, the Ministry of Home Affairs (MHA) has entrusted the SSB with the task of guarding Indo-Nepal Border stretching over 1751 kilometres in the States of Uttaranchal, Uttar Pradesh, Bihar, West Bengal and Sikkim and Indo-Bhutan Border stretching over 699 kilometres in the States of Sikkim, West Bengal, Assam and Arunachal Pradesh and also designated it as the Lead Intelligence Agency (LIA) in the areas of deployment.

6.2 The Committee understands that the Padmanabhaiah Committee recommended for continuation of the organisation's motivational role for security preparedness in border areas where the SSB enjoyed goodwill and popular support. However, this does not find place in the present Charter of Duties of the SSB.

6.3 On the relevance of the original role of the Force i.e. 'Stay Behind Role', the Home Secretary stated that the specific mention of that role has been omitted from the Charter of Duties of the SSB. The SSB has now been reorganized. He however added that despite omission of the 'Stay Behind Role' in the Charter of the Force, as and when required, it may be asked to perform its original functions like motivating and morale boosting of the border populace, providing medical and educational aid and helping them in a variety of other ways. The Home Secretary observed that it is a very sensitive area and the people in and without uniform perform all these functions.

6.4 The Home Secretary agreed with the unanimous view of the Committee that the original role of the SSB should be clearly spelt out. He agreed that there is a need for appropriately clarifying the 'Civic Action Programme' of the SSB. He assured the Committee that the 'Civic Action Role' of all the BGFs including the SSB would be formalized by executive orders.

6.5 The Committee takes note of the fact that the role of the erstwhile SSB was inter alia to promote national awareness and security consciousness among the people of the border areas. The Committee feels that the original role of SSB is relevant even to this day. The Committee accordingly recommends that the erstwhile role of the SSB should be clearly spelt out in the statute. It is however apprehensive of the fact as to how effectively the uniformed force would perform the 'Stay Behind Role' so efficiently performed by its non-uniformed wing. The Committee, therefore, recommends that the Government should consider this aspect in the light of the sensitivities of the border areas. It is the considered view of the Committee that love, affection and esteem of the people cannot be gained by bullets but by benevolence. Winning hearts and minds of the people is far more important than combatised action. The Committee apprehends that the proposed combatisation of the non-combatised wing may prove counter-productive due to lack of developmental and welfare activities. The SSB has been declared as a Lead Intelligence Agency (LIA) for Indo-Nepal and Indo-Bhutan Borders. Presently, the main tasks of LIA are being carried out in the field formations of SSB by the civil components (non-uniformed) which are receiving applauses from all the quarters concerned which is possible because the civil component enjoys the love and affection of the masses and are carrying benevolent activities for the border populace. The Committee recommends that the Government may consider retaining the non-combatised wing permanently. Since the Home Secretary has agreed to include the Civic Action Programme in the role of SSB, the non-combatised wing can be better utilised for the Civic Action Programme.



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COMBATISED VS. NON-COMBATISED WINGS:

7. There is a role-reversal for combatised and non-combatised personnel of the Force. Earlier, the non-combatised wing was the main wing and the combatised wing was supporting it. Now, being the Border Guarding Force (BGF), the combatised force is the main wing while the non-combatised force is being phased out. Some Members were concerned about the future of the non-combatised wing.

7.1 On a query as to whether the promotional avenues of the non-combatised force are likely to be affected, the Ministry in its written reply stated that consequent upon shifting of administrative control of SSB from Cabinet Secretariat to MHA and subsequent change in the role of SSB, the Force has been recognized as a BGF, which has led to the reorganization of the Force for rationalisation of command structure. Despite the decision to phase out the non-combatised cadres, they are being allowed promotions within their own cadre as hitherto. It has been further stated that in order to ensure that the promotion of non-combatised personnel do not suffer as a result of rationalization of the posts in SSB, the Government has already decided to give an opportunity to willing/eligible civilian personnel to opt for combatisation. Remaining civilian personnel would continue in their respective grades and enjoy the existing perks/promotional avenues.

7.2 On a query as to whether the officers of the SSB are happy with the changed role, the Additional Director-General, SSB stated that, by and large, the officers of the Force are happy to get combatised. When this offer was given, a large number of medical cadre, which was earlier non-combatised, have opted and have put on their uniform. Many more persons, particularly from engineering and para-engineering cadres as well as the veterinary and para-veterinary cadres, which are non-combatised, want to get combatised because they gain in terms of leave, various allowances such as uniform allowance, etc. Accordingly, they are now in the process of being given that option. Many

officers are very keen that this should be done at the earliest. The Home Secretary further added that though the option for being combatised is given, others will not be retrenched or thrown out of service. They will continue till the time they reach their superannuation. But, there will be no fresh recruitment in non-combatised or civilian component of the force because that role has got merged into the present configuration.

7.3 The Committee is of the view that with the enactment of the Bill, the complexion of the Force is going to undergo a metamorphosis. This phase is very crucial for the personnel working in the non-combatised wing. The Committee is given to understand that, despite a positive picture depicted by the Home Secretary and the Additional Director-General of the SSB, the decision to phase out the non-combatised Force has badly affected their morale and caused disenchantment. The Committee, therefore, recommends that the civilian cadres should be reviewed immediately to facilitate their promotional avenues at par with the combatised wing. They should continue to be allowed to work with dignity and honour without any adverse impact on their career prospects, whether they opt for the combatised wing or not.

DEFINITION OF 'ENEMY'

8. The Committee found that the definition of the term 'enemy' as contained in the Bill was deficient inasmuch as it does not include illegal migrants and needed to be re-looked. A view was also expressed that the activities of agencies such as ISI and the fake currency racketeers and related activities needed to be brought under the scope of the definition.

8.1 The Home Secretary agreed that the definition of 'enemy' was deficient and needed to be reconsidered. He, however, felt that bringing 'illegal migrants' within the scope of the definition would not be appropriate as it would involve humanitarian aspects and some international covenants to which India was a signatory.



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8.2 The Committee recommends that the definition of 'enemy' may be made more comprehensive bringing persons involved in illegal and contraband activities under its scope.

ENROLMENT OF NON-CITIZENS IN SSB

9. The Bill provides for enrolment of a non-citizen for a limited period in the Force with the approval of the Central Government. The Committee was at a loss to understand the rationale of this provision, particularly when there is no such provision in the Acts of BGFs.

9.1 The Ministry in the written reply stated that the draft SSB Bill, 2006 had been framed on the basis of the Indo-Tibetan Border Police Force Act, 1992 in which enrolment has been defined in Clause 6 which is as follows: “**6. Enrolment - The persons to be enrolled to the Force, the mode of enrolment, and the procedure of enrolment shall be such as may be prescribed.**”

In the process of finalization of the Draft Bill, a thorough examination of the instant clause was conducted and it was observed that Clause 6 of the ITBP Act, 1992 provided a scope for enrolment of non-citizens as per policy of the Government of India in vogue which envisaged that citizens of Nepal and Bhutan can be appointed to posts in the Central Government.

9.2 In this context the Ministry of Home Affairs in its written response further stated as under: “In view of the deployment of the SSB on the Indo-Nepal and Indo-Bhutan Border, it was considered appropriate not to induct citizens of Nepal and Bhutan in SSB contemplating that such enrolment may create problems in the effective vigil of these borders. Taking into consideration the above-said administrative aspects and that no such provision exists in the BSF Act, 1968 and the ITBP Act, 1992, it was felt necessary to incorporate an additional sub-clause to Clause 6 in the Draft SSB Bill, 2006 as below:

'(2) A person other than a citizen of India shall not be enrolled in the Force except with the approval of the Central Government, granted for a limited period, having regard to the special services required in the interest of the security of Borders of India'.

It is worthwhile to mention that the aforesaid addition to the Clause was made with an intention to exercise an administrative check on recruitment of non-citizens, simultaneously keeping the possibilities of such enrolment through specific permission of the Central Government for a limited period. It is an exception and not the rule.

However, there is no objection even if the Clause of recruiting/enrolling non-citizens for a limited period is deleted.”

9.3 The Home Secretary, during the course of his oral evidence, appreciated the concerns of the Members of the Committee. He assured the Committee that the Government will have a fresh look at the clause.

9.4 The Committee feels that enrolling of non-citizens, though for a limited period, would not be appropriate in the interest of security of the borders of India. Such services could also be taken from non-citizens without enrolling them. The Committee recommends that clause 6 (2) may be re-looked.

NEED FOR DIFFERENT FORCE NOMENCLATURE:

10. Some Members were of the view that though there are different BGFs known by different names guarding different stretches of the country's borders, basically, their function was the same. A view emerged in the Committee that instead of numerous BGFs on different Borders, there could be one common BGF, by whatever name called, indicating clearly the border that is being guarded by the force like BGF (Nepal), BGF (Pakistan), BGF (Bangladesh), etc.

10.1 On this, the Home Secretary responded that India has 15000 kilometres long land border and about 7000 kilometres



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coastal border. In this land border of 15,000 kilometres, different Forces are at different stretches. BSF guards Pakistan and Bangladesh Borders, whereas ITBP is on the China Border. SSB has been given the task to guard Nepal and Bhutan Borders. The sensitivities of each border are different in nature. He further elaborated that the sensitivities involved with Nepal and Bhutan are different from that of Myanmar, Bangladesh or even from Pakistan. The training given, the sensitization, the equipment are all done considering the nature of the Force and the border involved. They become specialist officers manning the particular border which is very essential.

10.2 The Home Secretary also stated that in addition to the sensitivities of the Border, 'cadre management' is an important issue. The Forces are already so huge that if they are merged together, it becomes a monolithic Force of about four lakh. This will create innumerable problems. Further, all the Forces are very old and many are older than SSB. Assam Rifles is the oldest Force; SSB, ITBP are older than BSF. Each Force has its own pride and they want to retain that. The Home Secretary, therefore, stated that it would be better to maintain the status quo.

10.3 The Committee agrees with the views of the Ministry.

DEPUTATION OF IPS OFFICERS:

11. Clause 3 provides that the person appointed, whether on deputation or in any other manner, will be subject to this Act. One of the Members raised a query as to whether the IPS officers who come on deputation to SSB would be governed by this Act or would be regulated by the All-India Services Conduct Rules.

11.1 Clarifying the issue, the Home Secretary stated that as per the guidelines of Department of Personnel and Training, deputation is with the consent of the individual. No officer is sent on deputation to another place without obtaining his consent. If an IPS officer gives his consent that he is willing to go to the SSB, for all practical purposes, he will be subjected to the regime

of this Act. He further stated that the provision is also there in ITBP Act and is functioning well. The Home Secretary added that as regards those who are already serving in SSB on deputation, their consent will again be taken before the Act comes into force. He also assured the Committee to examine inclusion of such a provision in BSF & CRPF Acts also.

11.2 The Committee notes the clarification given by the Home Secretary. The Committee recommends that provisions similar to Clause 3 of the present Bill may be introduced in other Acts also.

BORDER AREA DEVELOPMENT PROGRAMME (BADP)

12. A Member expressed concern over proper utilization of funds meant for BADP. He felt that practically the BADP fund is entrusted to State Governments and in turn it is allocated under MLA Local Area Development Fund, which is utilised in the district headquarters for constructing school buildings, roads, etc. The fund thus does not reach the people actually targeted.

12.1 The Home Secretary, while replying to this issue, assured the Committee that the issue will be examined in the Ministry so that instead of the districts there would be some kind of specification i.e., a distance earmarked from the international border for application of the BADP.

12.2 The Committee therefore recommends to the Ministry to reexamine the issue expeditiously.

WEIGHTAGE IN THE RECRUITMENT

13. It was felt by some Members that weightage should be given to people residing in border areas in recruitment in BGFs who, being familiar with the topography, are better acclimatized and more suited for such forces.

13.1 Responding to this issue, the Home Secretary replied that recruitment to BGFs is made in the following manner: 20 per



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cent from the area being guarded, 20 percent from the militancy affected areas and 60 per cent from the rest of the country. All the forces have been instructed accordingly.

13.2 The Committee recommends that the standard norms of recruitment in BGFs should be strictly followed.

DIFFICULTIES IN GUARDING BORDERS IN BIHAR

14. SSB faces difficulties in effective guarding of some areas in Indo-Nepal border in Bihar due to intermittent floods in the riverine areas and non availability of mobile phone services in such areas due to prohibition of installing mobile phone towers upto 10-12 kms from border.

14.1 The Home Secretary replied that a policy decision has been taken in the Ministry to increase the numbers in the existing forces and provide for mobile patrolling, mobile surveillance through good border road network. As regards prohibition in installing mobile phone towers, the Home Secretary stated that as a policy, within 10 kms of the borders, particularly for sensitive borders, such installations are not encouraged due to security reasons. He stated that Nepal Border is a porous one and certain groups are operating there. Infiltration has also been noticed on several occasions. Hence establishing telelinks would involve little hazard. However, he assured that if in a particular area, facilitation is required with certain checks, it would be looked into.

14.2 The Committee notes the reply of the Ministry.

CLAUSE-BY-CLAUSE CONSIDERATION

15. The Committee took up clause-by-clause consideration of the Bill in its sitting held on 9 January 2007 and took decisions as under:

CLAUSE 2

15.1 Clause 2 seeks to define the various expressions used in the Bill.

15.1.1 Sub-clause (1) (i) of the clause defines 'enemy' and reads: "Enemy includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to this Act to take action".

15.1.2 The Committee adopts the clause subject to its recommendation in para 8.2.

CLAUSE 3

15.2 Clause 3 seeks to specify the persons subject to the proposed legislation.

15.2.1 The Committee adopts the clause without any change.

CLAUSE 4

15.3 Clause 4 seeks to provide for the constitution of the Sashastra Seema Bal.

15.3.1 The Committee adopts the clause subject to its observations/ recommendations contained in para 6.5.

CLAUSE 5

15.4 Clause 5 seeks to provide for the general superintendence, direction and control of the Force and appointment of officers of the Force.

15.4.1 The Committee adopts the clause without any change.

CLAUSE 6

15.5 Clause 6 deals with enrolment of persons to the Force.

15.5.1 The Committee adopts the clause subject to its recommendation made in para 9.4.

CLAUSES 7 TO 156

15.6 The Committee adopts the clauses without any change.

CLAUSE 1, The Enacting Formula and the Title



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15.7 Clause 1, the enacting formula are adopted without any change and the title is adopted with some consequential change, namely, “2006” to be substituted by “2007”.

GENERAL OBSERVATION/MODIFICATIONS

16. Certain improvements/modifications have been suggested in some provisions of this Bill. Similar changes are also required to be made in the corresponding Acts for other forces such as BSF Act, ITBP Act. The Committee recommends that the Ministry may bring forward necessary changes in those Acts at the earliest.

OBSERVATIONS/CONCLUSIONS/ RECOMMENDATIONS AT GLANCE

RELEVANCE OF INITIAL ROLE:

The Committee takes note of the fact that the role of the erstwhile SSB was inter alia to promote national awareness and security consciousness among the people of the border areas. The Committee feels that the original role of SSB is relevant even to this day. The Committee accordingly recommends that the erstwhile role of the SSB should be clearly spelt out in the statute. It is however apprehensive of the fact as to how effectively the uniformed force would perform the 'Stay Behind Role' so efficiently performed by its non-uniformed wing. The Committee, therefore, recommends that the Government should consider this aspect in the light of the sensitivities of the border areas. It is the considered view of the Committee that love, affection and esteem of the people cannot be gained by bullets but by benevolence. Winning hearts and minds of the people is far more important than combatised action. The Committee apprehends that the proposed combatisation of the non-combatised wing may prove counter-productive due to lack of developmental and welfare activities. The SSB has been declared as a Lead Intelligence Agency (LIA) for Indo-Nepal and Indo-

Bhutan Borders. Presently, the main tasks of LIA are being carried out in the field formations of SSB by the civil components (non-uniformed) which are receiving applaus from all the quarters concerned which is possible because the civil component enjoys the love and affection of the masses and are carrying benevolent activities for the border populace. The Committee recommends that the Government may consider retaining the non-combatised wing permanently. Since the Home Secretary has agreed to include the Civic Action Programme in the role of SSB, the non-combatised wing can be better utilised for the Civic Action Programme.

(Para 6.5)

COMBATISED VS. NON-COMBATISED WINGS:

The Committee is of the view that with the enactment of the Bill, the complexion of the Force is going to undergo a metamorphosis. This phase is very crucial for the personnel working in the non-combatised wing. The Committee is given to understand that, despite a positive picture depicted by the Home Secretary and the Additional Director-General of the SSB, the decision to phase out the non-combatised Force has badly affected their morale and caused disenchantment. The Committee, therefore, recommends that the civilian cadres should be reviewed immediately to facilitate their promotional avenues at par with the combatised wing. They should continue to be allowed to work with dignity and honour without any adverse impact on their career prospects, whether they opt for the combatised wing or not.

(Para 7.3)

DEFINITION OF 'ENEMY':

The Committee recommends that the definition of 'enemy' may be made more comprehensive bringing persons involved in illegal and contraband activities under its scope.

(Para 8.2)



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ENROLMENT OF NON-CITIZENS IN SSB:

The Committee feels that enrolling of non-citizens, though for a limited period, would not be appropriate in the interest of security of the borders of India. Such services could also be taken from non-citizens without enrolling them. The Committee recommends that clause 6 (2) may be re-looked.

(Para 9.4)

NEED FOR DIFFERENT FORCE NOMENCLATURE:

The Committee notes the clarification given by the Home Secretary. The Committee recommends that provisions similar to Clause 3 of the present Bill may be introduced in other Acts also.

(Para 11.2)

GENERAL OBSERVATION/MODIFICATIONS

Certain improvements/modifications have been suggested in some provisions of this Bill. Similar changes are also required to be made in the corresponding Acts for other forces such as BSF Act, ITBP Act. The Committee recommends that the Ministry may bring forward necessary changes in those Acts at the earliest.

(Para 16)

10. Extracts of the Sashashtra Seema Bal Bill, 2006

Summary

The Sasbastra Seema Bal Bill of 2006 has 11 chapters. Chapter 1 provides a short title of the Bill, definitions for various terms mentioned in the Act, the duties of the persons subject to this Act. Chapter 2 has fifteen clauses, describing the constitution of the Sasbastra Seema Bal, general superintendence, direction and control of the Force and appointment of officers of the Force, enrolment of persons to the Force, tenure of service, etc., of members of the Force, restrictions on the rights of members of the force to form associations and on their freedom of speech, etc, and remedy of aggrieved persons including officers.

Chapter 3 deals specifically with offences under the legislation and the penalties necessary for the maintenance of discipline, good order and efficiency of the Force. It also describes various civil offences triable by the Force Court. The chapter has a total of thirty four clauses. Chapter 4 lays down various punishments to be meted out to the members of the Force if found guilty by the Force Court. It also discusses certain minor punishments for offences under the proposed legislation without the intervention of a Force Court. It also authorizes a commanding officer of and above the rank of Commandant to proceed against any person other than an officer or subordinate officer and award one or more punishment as specified.

Chapter 5 discusses deductions that may be made from the pay and allowances of officers and other persons subject to the proposed legislation. Chapter 6 deals with arrest and proceedings before trial. The clauses of the chapter also provide for appointment of Force police officers and defines their functions and duties. The Force police officers are intended to serve as the internal police of the Force. Chapter 7 describes the Force Courts. The Force shall have three kinds of Force Courts, namely General Force Courts, Petty Force Courts and Summary Force Courts, for the trial of offences under the legislation. It also describes the powers to convene Force Courts, composition and powers of the Force Courts.



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Chapter 8 deals with the procedure of the Force Court. In particular, clause 99 seeks to apply provisions of the Indian Evidence Act, 1872 to all proceedings before a Force Court. Chapter 9 of the Act describes the confirmation and revision of findings and sentence of Force Courts. Chapter 10 deals with the execution of sentences, pardons, remission or suspension of such sentences, etc. Chapter 11 lays down the powers and duties of members of the Force, protection of acts of members of Force, powers of the Central Government to make rules. It also deals with the provisions of existing Sasbastra Seema Bal.

THE SASHASTRA SEEMA BAL BILL, 2006

A

BILL

to provide for the constitution and regulation of an armed force of the Union for ensuring the security of the borders of India and for matters connected therewith.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

CHAPTER - I

PRELIMINARY

1.

- (1) This Act may be called the Sashastra Seema Bal Act, 2006.
- (2) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint.

2.

- (1) In this Act, unless the context otherwise requires,
 - (a) "active duty", in relation to a person subject to this Act, means any duty as a member of the Force during the period in which such person is attached to, or forms part of, a unit of the Force:
 - (i) which is engaged in operations against any enemy, or
 - (ii) which is operating at a picket or engaged on patrol or other guard duty along the borders of India, and includes duty by such person during any period declared by the Central Government by order as a period of active duty

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- with reference to any area in which any person or class of persons subject to this Act may be serving;
- (b) "battalion" means a unit of the Force constituted as a battalion by the Central Government;
 - (c) "civil offence" means an offence which is triable by a criminal court;
 - (d) "civil prison" means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894, or under any other law for the time being in force;
 - (e) "commanding officer" means a commandant or any officer for the time being in command of the unit or any separate portion of the Force to which such person belongs or is attached to and discharging his functions under this Act or the rules made thereunder;
 - (f) "criminal court" means a court of ordinary criminal justice in any part of India constituted under the Criminal Procedure Code, 1973;
 - (g) "Deputy Inspector-General" and "Additional Deputy Inspector-General" means respectively a Deputy Inspector-General and an Additional Deputy Inspector-General of the Force appointed under section 5;
 - (h) "Director-General" and "Additional Director-General" mean respectively the Director-General and an Additional Director-General of the Force appointed under section 5;
 - (i) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to this Act to take action;
 - (j) "enrolled person" means an under-officer or other person enrolled under this
 - (k) "Force" means the Sashastra Seema Bal;

- (l) "Force Court" means a Court referred to in section 76;
- (m) "Force custody" means the arrest or confinement of a member of the Force under section 69;
- (n) "Inspector-General" means the Inspector-General of the Force appointed under section 5;
- (o) "Judge Attorney-General", "Additional Judge Attorney-General", "Deputy Judge Attorney-General" and "Judge Attorney" means respectively the Judge Attorney-General, an Additional Judge Attorney-General, a Deputy Judge Attorney-General and a Judge Attorney of the Force appointed under sub-section (2) of section 95;
- (p) "member of the Force" means an officer, a subordinate officer, an under-officer or other enrolled person;
- (q) "notification" means a notification published in the Official Gazette;
- (r) "Offence" means any act or omission punishable under this Act and includes a civil offence;
- (s) "officer" means a person appointed or in pay as an officer of the Force, but does not include a subordinate officer or an under-officer;
- (t) "prescribed" means prescribed by rules made under this Act; (u) "rule" means a rule made under this Act;
- (v) "subordinate officer" means a person appointed or in pay as a Subedar Major or Inspector or Sub-Inspector and Assistant Sub-Inspector of the Force;
- (w) "superior officer", when used in relation to a person subject to this Act, means
 - (i) any member of the Force to whose command such person is for the time being subject in accordance with the rules;
 - (ii) any officer of a higher rank or class or of a higher grade in the same class, and includes, when such person is not an

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officer, a subordinate officer or an under-officer of higher rank, class or grade;

- (x) "under-officer" means a Head Constable of the Force;
- (y) "unit" includes
 - (i) any body of officers and other members of the force for which a separate authorised establishment exists;
 - (ii) any separate body of persons subject to this Act employed on any service and not attached to a unit as aforesaid;
 - (iii) any other separate body of persons composed wholly or partly of persons subject to this Act and specified as a unit by the Central Government.
- (2) All words and expressions used and not defined in this Act but defined in the Indian Penal Code, the Army Act, 1950 or the National Security Guard Act, 1986, shall have the same meanings respectively assigned to them in that Code or those Acts.
- (3) In this Act, references to any law not in force in the State of Jammu and Kashmir shall be construed as references to the corresponding law in force in that State.

3.

- (1) The following persons appointed (whether on deputation or in any other manner) in the Force shall be subject to this Act, wherever they may be, namely:
 - (a) officers and subordinate officers; and
 - (b) under-officers and other persons enrolled under this Act.
- (2) Every person subject to this Act shall remain so subject until repatriated, retired, released, discharged, removed or dismissed from the Force in accordance with the provisions of this Act and the rules.

CHAPTER II

CONSTITUTION OF THE FORCE AND
CONDITIONS OF SERVICE OF THE MEMBERS
OF THE FORCE

4.
 - (1) There shall be an armed force of the Union called the Sashastra Seema Bal for ensuring the security of the borders of India and performing such other duties as may be entrusted to it by the Central Government.
 - (2) Subject to the provisions of this Act, the Force shall be constituted in such manner as may be prescribed and the conditions of service of the members of the Force shall be such as may be prescribed.
5.
 - (1) The general superintendence, direction and control of the Force shall vest in, and be exercised by, the Central Government and subject thereto and to the provisions of this Act and the rules made in this behalf, the command and supervision of the Force shall vest in an officer to be appointed by the Central Government as the Director-General of the Force.
 - (2) The Director-General shall, in the discharge of his duties under this Act, be assisted by such member of Additional Directors-General, Inspectors-General, Deputy Inspectors-General, Additional Deputy Inspectors-General, Commandants and other officers, as may be appointed by the Central Government.
6.
 - (1) The persons to be enrolled to the Force, the mode of enrolment and the procedure for enrolment shall be such as may be prescribed.

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- (2) A person other than a citizen of India shall not be enrolled in the Force except with the approval of the Central Government, granted for a limited period, having regard to the special services required in the interest of the security of borders of India.
7. Every member of the Force shall be liable to serve in any part of India as well as outside India.
8. No member of the Force shall be at liberty,
 - (a) to resign his appointment during the term of his engagement; or
 - (b) to withdraw himself from all or any of the duties of his appointment, except with the previous permission in writing of the prescribed authority.
9. Every person subject to this Act shall hold office during the pleasure of the President.
10. Subject to the provisions of this Act and the rules, the Central Government may dismiss or remove from the service any person subject to this Act.
11.
 - (1) The Director-General, or any Additional Director-General or Inspector-General may dismiss or remove from the service or reduce to a lower grade or rank any person subject to this Act other than an officer.
 - (2) An officer not below the rank of Deputy Inspector-General or any prescribed officer may dismiss or remove from the service any person under his command other than an officer or a subordinate officer of such rank as may be prescribed.
 - (3) Any such officer as is mentioned in sub-section (2) may reduce to a lower grade or rank any person under his command except an officer or a subordinate officer.

- (4) The exercise of any power under this section shall be subject to the provisions of this Act and the rules.
12. A subordinate officer, or an under-officer or other enrolled person who is retired, discharged, released, removed or dismissed from the service shall be furnished by the officer, to whose command he is subject, with a certificate in Hindi or English language setting forth
- (a) the authority terminating his service; (b) the cause for such termination; and
- (c) the full period of his service in the Force.
- 13.
- (1) No person subject to this Act shall, without the previous sanction in writing of the Central Government or of the prescribed authority,
- (a) be a member of, or be associated in any way with, any trade union, labour union, political association, or with any class of trade unions, labour unions or political associations; or
- (b) be a member of, or be associated in any way with, any society, institution, association or organisation which is not recognised as part of the Force or is not of a purely social, recreational or religious nature; or
- (c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bona fide discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation. If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

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- (2) No person subject to this Act shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed.
- 14.
- (1) Any person subject to this Act other than an officer who deems himself wronged by any superior or other officer may complain to the officer under whose command he is serving.
- (2) When the officer complained against the officer to whom any complaint should, under sub-section (1), be preferred, the aggrieved person may complain to such officer's next superior officer.
- (3) Every officer receiving any such complaint shall make as complete an investigation into it as may be possible for giving full redress to the complainant, or when necessary, refer the complaint to a superior authority.
- (4) The Director-General may revise any decision made under any of the foregoing sub-sections, but, subject thereto, such decision shall be final.
15. Any officer who deems himself wronged by his commanding officer or any other superior officer and who, on due application made to his commanding officer or such other superior officer, does not receive the redress to which he considers himself entitled, may complain to the Director-General or the Central Government through proper channel.

CHAPTER III OFFENCES

16. Any person subject to this Act who commits any of the following offences, namely:
- (a) shamefully abandons or delivers up any post, place or guard, committed to his charge or which it is his duty to defend; or

- (b) intentionally uses any means to compel or induce any person subject to this Act or to any other law relating to military, naval, air force or any other armed force of the Union to abstain from acting against the enemy or to discourage such person from acting against the enemy; or
- (c) in the presence of the enemy, shamefully casts away his arms, ammunition, tools or equipment or misbehaves in such manner as to show cowardice; or
- (d) treacherously holds correspondence with, or communicates intelligence to, the enemy, terrorist or any person in arms against the Union; or
- (e) directly or indirectly assists the enemy or terrorist with money, arms, ammunition, stores or supplies or in any other manner whatsoever; or
- (f) in time of active operation against the enemy or terrorist, intentionally occasions a false alarm in action, camp, quarters, or spreads or causes to be spread reports calculated to create alarm or despondency; or
- (g) in time of action leaves his commanding officer or other superior officer or his post, guard, picket, patrol or party without being regularly relieved or without leave; or
- (h) having been captured by the enemy or made a prisoner of war, voluntarily serves with or aids the enemy; or
- (i) knowingly harbours or protects an enemy, not being a prisoner; or
- (j) being a sentry in time of active operation against the enemy or alarm, sleeps upon his post or is intoxicated; or
- (k) knowingly does any act calculated to imperil the success of the Force or the military, naval or air force of India or any forces co-operating therewith or any part of such forces, shall, on conviction by a Force Court, be liable to suffer death or such less punishment as is in this Act mentioned.

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17. Any person subject to this Act who commits any of the following offences, namely:
- (a) is taken prisoner or captured by the enemy, by want of due precaution or through disobedience of order, or wilful neglect of duty, or having been taken prisoner or so captured fails to rejoin his service when able to do so; or
 - (b) without due authority holds correspondence with, or communicates intelligence to, the enemy or any person in league with the enemy or having come by the knowledge of any such correspondence or communication, wilfully omits to disclose it immediately to his commandant or other superior officer, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.
18. Any person subject to this Act who commits any of the following offences, namely:
- (a) forces a safeguard, or forces or uses criminal force to a sentry; or
 - (b) breaks into any house or other place in search of plunder; or
 - (c) being a sentry, sleeps upon his post or is intoxicated; or
 - (d) without orders from his superior officer leaves his guard, picket, patrol or post; or
 - (e) intentionally or through neglect occasions a false alarm in camp or quarters, or spreads or causes to be spread reports calculated to create unnecessary alarm or despondency; or
 - (f) makes known the parole, watchword or countersign to any person not entitled to receive it; or knowingly gives a parole, watchword or a countersign different from what he received, shall, on conviction by a Force Court,

- (i) if he commits any such offence when on active duty, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and
 - (ii) if he commits any such offence when not on active duty, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.
19. Any person subject to this Act who commits any of the following offences, namely:
- (a) begins, incites, causes or conspires with any other person to cause any mutiny in the Force or in the military, naval or air force of India or any forces co-operating therewith; or
 - (b) joins in any such mutiny; or
 - (c) being present at any such mutiny, does not use his utmost endeavours to suppress the same; or
 - (d) knowing or having reason to believe in the existence of any such mutiny, or of any intention to mutiny or of any such conspiracy, does not, without delay, give information thereof to his commanding officer or other superior officer; or
 - (e) endeavours to seduce any person in the Force or in the military, naval or air force of India or any forces co-operating therewith from his duty or allegiance to the Union, shall, on conviction by a Force Court, be liable to suffer death or such less punishment as is in this Act mentioned.
- 20.
- (1) Any person subject to this Act who deserts or attempts to desert the service shall, on conviction by a Force Court,

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- (a) if he commits the offence when on active duty or when under orders for active duty, be liable to suffer death or such less punishment as is in this Act mentioned; and
 - (b) if he commits the offence under any other circumstances, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.
- (2) Any person subject to this Act who knowingly harbours any such deserter shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.
- (3) Any person subject to this Act who, being cognizant of any desertion or attempt at desertion of a person subject to this Act, does not forthwith give notice to his own or some other superior officer, or take any steps in his power to cause such person to be apprehended, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.
- (4) For the purposes of this Act, a person deserts,
- (a) if he absents from his unit or the place of duty at any time with the intention of not reporting back to such unit or place, or who, at any time and under any circumstances when absent from his unit or place of duty, does any act which shows that he has an intention of not reporting to such unit or place of duty;
 - (b) if he absents himself without leave with intent to avoid any active duty.
21. Any person subject to this Act who commits any of the following offences, namely:
- (a) absents himself without leave; or
 - (b) without sufficient cause overstays leave granted to him; or

- (c) being on leave of absence and having received information from the appropriate authority that any battalion or part thereof or any other unit of the Force, to which he belongs, has been ordered on active duty, fails, without sufficient cause, to rejoin without delay; or
 - (d) without sufficient cause fails to appear at the time fixed at the parade or place appointed for exercise or duty; or
 - (e) when on parade, or on the line of march, without sufficient cause or without leave from his superior officer, quits the parade or line of march; or
 - (f) when in camp or elsewhere, is found beyond any limits fixed or in any place prohibited, by any general, local or other order, without a pass or written leave from his superior officer; or
 - (g) without leave from his superior officer or without due cause, absents himself from any school or training institution when duly ordered to attend there, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.
22. Any person subject to this Act who commits any of the following offences, namely:
- (a) uses criminal force to or assaults his superior officer; or
 - (b) uses threatening language to such officer; or
 - (c) uses insubordinate language to such officer; shall, on conviction by a Force Court,
 - (i) if such officer is at the time in the execution of his office or, if the offence is committed on active duty, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and
 - (ii) in other cases, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as in is this Act mentioned:

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Provided that in the case of an offence specified in clause (c), the imprisonment shall not exceed five years.

23.

- (1) Any person subject to this Act who disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office whether the same is given orally, or in writing or by signal or otherwise, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.
- (2) Any person subject to this Act who disobeys any lawful command given by his superior officer shall, on conviction by a Force Court,
 - (a) if he commits such offence when on active duty, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and
 - (b) if he commits such offence when not on active duty, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

24. Any person subject to this Act who commits any of the following offences, namely: (a) being concerned in any quarrel, affray or disorder, refuses to obey any officer, though of inferior rank, who orders him into arrest, or uses criminal force to, or assaults, any such officer; or
- (b) uses criminal force to, or assaults any person, whether subject to this Act or not, in whose custody he is lawfully placed, and whether he is or is not his superior officer; or
 - (c) resists an escort whose duty it is to apprehend him or to have him in charge; or
 - (d) breaks out of barracks, camp or quarters; or

- (e) neglects to obey any general, local or other order; or
 - (f) impedes the Force Police referred to in section 75 or any person lawfully acting on his behalf, or when called upon, refuses to assist in the execution of his duty a Force Police or any person lawfully acting on his behalf, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in the other clauses, to ten years, or in either case such less punishment as is in this Act mentioned.
25. Any person having become subject to this Act who is discovered to have knowingly given at the time of enrolment false information to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.
26. Any officer or subordinate officer who behaves in a manner unbecoming of his position and the character expected of him shall, on conviction by a Force Court, be liable to be dismissed or to suffer such less punishment as is in this Act mentioned.
27. Any person subject to this Act who commits any of the following offences, namely:
- (a) if guilty of any disgraceful conduct of a cruel, indecent or unnatural kind; or
 - (b) maligns, or feigns, or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity; or
 - (c) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or that person, shall, on conviction by a Force Court, be liable to

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- suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.
28. Any officer, subordinate officer or under-officer, who uses criminal force to or otherwise ill-treats any person subject to this Act, being his subordinate in rank or position, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.
- 29.
- (1) Any person subject to this Act who is found in a state of intoxication, whether on duty or not, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to six months or such less punishment as is in this Act mentioned.
- (2) For the purposes of sub-section (1), a person shall be deemed to be in a state of intoxication if, owing to the influence of alcohol or any drug whether alone, or any combination with any other substance, he is unfit to be entrusted with his duty or with any duty which he may be called upon to perform or, behaves in a disorderly manner or in a manner likely to bring discredit to the Force.
30. Any person subject to this Act who commits any of the following offences, namely:
- (a) when in command of a guard, picket, patrol, detachment or post, releases without proper authority, whether wilfully or without reasonable excuse, any person committed to his charge, or refuse to receive any prisoner or person so committed; or
- (b) wilfully or without reasonable excuse allow to escape any person who is committed to his charge, or whom it is his duty to keep or guard, shall, on conviction by a Force Court, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to ten years

or such less punishment as is in this Act mentioned, and if he has not acted wilfully, to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

31. Any person subject to this Act who commits any of the following offences, namely:
 - (a) unnecessarily detains a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation; or
 - (b) having committed a person to Force custody fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within forty-eight hours thereafter, to the officer or other person into whose custody the person arrested is committed, an account in writing signed by himself of the offence with which the person so committed is charged, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to one year or such less punishment as is in this Act mentioned.
32. Any person subject to this Act, who, being in lawful custody, escapes or attempts to escape, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.
33. Any person subject to this Act who commits any of the following offences, namely:
 - (a) commits theft of any property belonging to the Government, or to any Force mess, band or institution, or to any person subject to this Act; or
 - (b) dishonestly misappropriates or converts to his own use any such property; or
 - (c) commits criminal breach of trust in respect of any such property; or

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- (d) dishonestly receives or retains any such property in respect of which any of the offences under clauses (a), (b) and (c) has been committed, knowing or having reasons to believe the commission of such offences; or
 - (e) wilfully destroys or injures any property of the Government entrusted to him;
- or
- (f) does any other thing with intent to defraud, or to cause wrongful gain to one
person or wrongful loss to another person, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.
34. Any person subject to this Act who commits any of the following offences, namely:
- (a) commits extortion; or
 - (b) without proper authority exacts from any person money, provisions or service, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.
35. Any person subject to this Act who commits any of the following offences, namely:
- (a) makes away with, or is concerned in making away with, any arms, ammunition, equipment, instruments, tools, clothing or any other thing being the property of the Government issued to him for his use or entrusted to him; or
 - (b) loses by neglect anything mentioned in clause (a); or
 - (c) sells, pawns, destroys or defaces any medal or decoration granted to him, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend,

in the case of the offences specified in clause (a), to ten years, and in the case of the offences, specified in the other clauses, to five years, or in either case such less punishment as is in this Act mentioned.

36. Any person subject to this Act who commits any of the following offences, namely:
- (a) destroys or injures any property mentioned in clause (a) of section 35, or any property belonging to any Force mess, band or institution, or to any person subject to this Act; or
 - (b) commits any act which causes damage to, or destruction of, any property of the Government by fire; or
 - (c) kills, injures, makes away with, ill-treats or loses, any animal entrusted to him, shall, on conviction by a Force Court, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned; and if he has acted without reasonable excuse, to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.
37. Any person subject to this Act who commits any of the following offences, namely:
- (a) makes a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false; or
 - (b) in making a complaint against any person subject to this Act makes any statement affecting the character of such person, knowing or having reason to believe such statement to be false, or knowingly and wilfully suppresses any material facts, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

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38. Any person subject to this Act who commits any of the following offences, namely:
- (a) in any report, return, list, certificate, book or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes, or is privy to the making of, any false or fraudulent statement; or
 - (b) in any document of the description mentioned in clause (a) knowingly makes, or is privy to the making of, any omission, with intent to defraud; or
 - (c) knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters or makes away with any document which it is his duty to preserve or produce; or
 - (d) where it is his official duty to make a declaration respecting any matter knowingly makes a false declaration; or
 - (e) obtains for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.
39. Any person subject to this Act who commits any of the following offences, namely:
- (a) when signing any document relating to pay, arms, ammunitions, equipment, clothing, supplies or stores, or any property of the Government fraudulently leaves in blank any material part for which his signature is a voucher; or

- (b) refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.
40. Any person subject to this Act who commits any of the following offences, namely:
- (a) being duly summoned or ordered to attend as a witness before a Force Court, wilfully or without reasonable excuse, makes default in attending; or
 - (b) refuses to take an oath or make an affirmation legally required by a Force Court to be taken or made; or
 - (c) refuses to produce or deliver any document in his power or control legally required by a Force Court to be produced or delivered by him; or
 - (d) refuses, when a witness, to answer any question which he is by law bound to answer; and
 - (e) is guilty of contempt of the Force Court by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court,
- shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.
41. Any person subject to this Act who, having been duly sworn or affirmed before any Force Court or other court competent under this Act to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

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42. Any officer, subordinate officer or an under-officer who, having received the pay of a person subject to this Act unlawfully detains or refuses to pay the same when due, shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.
43. Any person subject to this Act who is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and discipline of the Force shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.
44. Any person subject to this Act who commits any of the following offences, namely:
 - (a) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority; or
 - (b) by defiling any place of worship, or otherwise, intentionally insults the religion, or wounds the religious feelings of, any person; or
 - (c) attempt to commit suicide, and in such attempt does any act towards the commission of such offence; or
 - (d) being below the rank of subordinate officer, when off duty, appears without proper authority, in or about camp, or in or about, or when going to, or returning from, any town or bazaar, carrying a rifle, sword or other offensive weapon; or
 - (e) directly or indirectly accepts or obtains, or agrees to accept, or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the

enrolment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the service; or

- (f) commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving,

shall, on conviction by a Force Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

45. Any person subject to this Act who attempts to commit any of the offences specified in sections 16 to 44 (both inclusive) and in such attempt does any act towards the

commission of the offence shall, on conviction by a Force Court, where no express provision is made by this Act for the punishment of such attempt, be liable,

- (a) if the offence attempted to be committed is punishable with death, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and
- (b) if the offence attempted to be committed is punishable with imprisonment, to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

46. Any person subject to this Act who abets the commission of any of the offences specified in sections 16 to 44 (both inclusive) shall, on conviction by a Force Court, if the Act abetted is committed in consequence of the abetment and no express provision is made by this Act for the punishment of such abetment, be liable to suffer the punishment provided for that offence or such less punishment as in this Act mentioned.

47. Any person subject to this Act who abets the commission of any of the offences punishable with death, under

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- sections 16, 19 and sub-section (1) of section 20 shall, on conviction by a Force Court, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.
48. Any person subject to this Act who abets the commission of any of the offences specified in sections 16 to 44 (both inclusive) and punishable with imprisonment shall, on conviction by a Force Court, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as in this Act mentioned.
49. Subject to the provisions of section 50, any person subject to this Act who at any place in or beyond, India commits any civil offence shall be deemed to be guilty of an offence against this Act and, if charged therewith under this section shall be liable to be tried by a Force Court and, on conviction, be punishable as follows, namely:
- (a) if the offence is one which would be punishable under any law in force in India with death, he shall be liable to suffer any punishment, assigned for the offence, by the aforesaid law and such less punishment as is in this Act mentioned, and
- (b) in any other case, he shall be liable to suffer any punishment, assigned for the offence by the law in force in India, or imprisonment for a term which may extend to seven years, or such less punishment as is in this Act mentioned.
50. A person subject to this Act who commits an offence of murder or culpable homicide not amounting to murder

against, or of rape in relation to, a person not subject to this Act shall not be deemed to be guilty of an offence under this Act and shall not be tried by a Force Court, unless he commits any of the said offences

- (a) while on active duty; or
- (b) at any place outside India; or
- (c) at any place specified by the Central Government by notification, in this behalf.

CHAPTER IV PUNISHMENT

51.

- (1) Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by Force Courts according to the scale following, namely:
 - (a) death;
 - (b) imprisonment which may be for the term of life or any other lesser term but excluding imprisonment for a term not exceeding three months in Force custody;
 - (c) dismissal or removal from the service; (d) compulsory retirement from the service;
 - (e) imprisonment for a term not exceeding three months in Force custody;
 - (f) reduction to the ranks or to a lower rank or grade or a place in the list of their rank in the case of an under-officer;
 - (g) reduction to next lower rank in case of an officer or subordinate officer: Provided that no officer shall be reduced to a rank lower than the one to which he was initially appointed;
 - (h) forfeiture of seniority of rank and forfeiture of all or any part of the service for the purpose of promotion;

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- (i) forfeiture of service for the purpose of increased pay or pension; (j) fine, in respect of civil offences;
 - (k) severe reprimand or reprimand except in the case of persons below the rank of an under-officer;
 - (l) forfeiture of pay and allowances for a period not exceeding three months for an offence committed on active duty;
 - (m) forfeiture in the case of person sentenced to dismissal from the service of all arrears of pay and allowances and other public money due to him at the time of such dismissal;
 - (n) stoppage of pay and allowances until any proved loss or damage occasioned by the offence for which he is convicted is made good.
- (2) Each of the punishment specified in sub-section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.
52. Subject to the provisions of this Act, a Force Court may, on convicting a person subject to this Act of any of the offences specified in sections 16 to 48 award either the particular punishment with which the offence is stated in the said sections to be punishable or, in lieu thereof, any one of the punishments lower in the scale set out in section 51 regard being had to the nature and degree of the offence.
53. A Force Court may award in addition to, or without, any other punishment, the punishment specified in clause (c) of sub-section (I) of section 51 or any one or more of the punishments specified in clauses (f) to (n) of that sub-section.
54. When on active duty an enrolled person has been sentenced by a Force Court to imprisonment whether combined with dismissal or not, the prescribed officer

may direct that such person may be retained to serve in the ranks, and such service shall be reckoned as part of his term of imprisonment.

55. Punishments may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of a Force Court in the manner stated in sections 56, 58 and 59.
- 56.
- (1) Subject to the provisions of section 57, a commanding officer of and above the rank of commandant may, in the prescribed manner, proceed against a person subject to this Act, other than an officer or a subordinate officer, who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, namely:
 - (a) imprisonment in force custody up to twenty-eight days;
 - (b) detention up to twenty-eight days;
 - (c) confinement to the lines up to twenty-eight days; (d) extra guards or duties;
 - (e) deprivation of any special position or special emoluments or any acting rank; (f) severe reprimand or reprimand;
 - (g) fine up to fourteen days' pay in any one month;
 - (h) deductions from his pay and allowances of any sum required to make good any loss or damage occasioned by the offence for which he is punished.
 - (2) If any unit, training centre or other establishment of the Force is being temporarily commanded by an officer of the rank of Second-in-Command or Deputy Commandant, such officer shall have full powers of a commanding officer specified in sub-section (1).
 - (3) Subject to the provisions of section 57, a Deputy Commandant or an Assistant Commandant, commanding a company or a detachment or an outpost, shall have the

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power to proceed against a person subject to this Act, other than an officer or a subordinate officer, who is charged with an offence under this Act and award such person to the extent prescribed, one or more of the punishments specified in clauses (a) to (d) and (h) of sub-section (1) provided that the maximum limit of punishment awarded under each of the clauses (a), (b) and (c) shall not exceed fourteen days.

- (4) A subordinate officer not below the rank of Sub-Inspector who is commanding a detachment or an outpost shall have the powers to proceed against a person subject to this Act, other than a subordinate officer or an under-officer, who is charged with an offence under this Act and award such person to the extent prescribed, one or more of the punishments specified under clauses (c) and (d) of sub-section (1) provided that the maximum limit of punishment awarded under clause (c) shall not exceed fourteen days.

57.

- (1) In the case of an award of two or more of the punishments specified in clauses (a), (b), (c) and (d) of sub-section (1) of section 56, the punishments specified in clause (c) or clause (d) shall take effect only at the end of the punishment specified in clause (a) or clause (b).
- (2) When two or more of the punishments specified in clauses (a), (b) and (c) of sub-section (1) of section 56 are awarded to a person conjointly, or when already undergoing one or more of the said punishments, the whole extent of the punishments shall not exceed in the aggregate forty-two days.
- (3) The punishments specified in clauses (a), (b) and (c) of sub-section (1) of section 56 shall not be awarded to any person who is of the rank of an under-officer or was, at the time of committing the offence for which he is punished, of such rank.

- (4) The punishment specified in clause (f) of sub-section (1) of section 56 shall not be awarded to any person below the rank of an under-officer.
58. (1) An officer not below the rank of Inspector-General may, in the prescribed manner, proceed against an officer of or below the rank of Commandant who is charged with an offence under this Act and award one or more of the following punishments, namely:
- (a) forfeiture of seniority, or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion for a period not exceeding one year, but subject to the right of the accused previous to the award to elect to be tried by a Force Court;
 - (b) severe reprimand or reprimand;
 - (c) deduction from pay and allowances of any sum required to make good any proved loss or damage occasioned by the offence of which he is convicted.
- (2) An officer not below the rank of Additional Deputy Inspector-General may, in the prescribed manner, proceed against a person of or below the rank of Subedar-Major or Inspector who is charged with an offence under this Act and award one or more of the following punishments, namely:
- (a) forfeiture of seniority, or in the case of any of them whose promotion depends upon the length of service, forfeiture of service for the purpose of promotion for a period not exceeding one year, but subject to the right of the accused previous to the award to elect to be tried by a Force Court;
 - (b) severe reprimand or reprimand;

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- (c) deduction from pay and allowances of any sum required to make good any proved loss or damage occasioned by the offence of which he is convicted.
- (3) An officer not below the rank of Commandant may, in the prescribed manner, proceed against a person of or below the rank of Subedar-Major or Inspector who is charged with an offence under this Act and award any one or both of the following punishments, namely:
 - (a) severe reprimand or reprimand;
 - (b) deduction from pay and allowances of any sum required to make good any proved loss or damage occasioned by the offence of which he is convicted.

59.

- (1) In every case in which punishment has been awarded under section 58, certified true copies of the proceedings shall be forwarded, in the prescribed manner, by the officer awarding the punishment to the prescribed superior authority who may, if the punishment awarded appears to him to be illegal, unjust or excessive, cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.
- (2) For the purpose of sub-section (1), a "superior authority" means:
 - (a) any officer superior in command to such officer who has awarded the punishment;
 - (b) in the case of punishment awarded by Director-General, the Central Government.

60.

- (1) Whenever any weapon or part of weapon or ammunition, forming part of the equipment of a unit, is lost or stolen, a commanding officer not below the rank of the Commandant of that unit may, after making such enquiry as he thinks fit, impose such collective fine as may be prescribed, upon the subordinate officers, under-officers and

CHAPTER XI
MISCELLANEOUS

153.

- (1) The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations as may be specified in the order, any member of the Force may exercise or discharge such of the powers or duties under any Central Act as may be specified in the said order, being the powers and duties which, in the opinion of the Central Government, an officer of the corresponding or lower rank is by such Central Act empowered to exercise or discharge for the said purposes.
- (2) The Central Government may, by general or special order published in the Official Gazette, confer or impose, with the concurrence of the State Government concerned, any of the powers or duties which may be exercised or discharged under a State Act by a police officer upon a member of the Force who, in the opinion of the Central Government, holds a corresponding or higher rank.
- (3) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that



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the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

154.

- (1) In any suit or proceeding against any member of the Force for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.
- (2) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.
- (3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding (whether civil or criminal) which may lawfully be brought against any member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of any provision of this Act or the rules, shall be commenced within three months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceeding.

155.

- (1) The Central Government may, by notification, make rules for the purpose of carrying out the provisions of this Act.

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for
- (a) the manner of constitution of the Force and conditions of service of its members under section 4;
 - (b) superintendence, direction and control of the Force under section 5;
 - (c) the persons to be enrolled to the Force, mode of enrolment and procedure thereof under section 6;
 - (d) the authority, to whom resignation to be submitted and the permission for withdrawal from duty to be obtained from, under section 8;
 - (e) the dismissal, removal and reduction in rank of persons under sections 11; (f) the authority and other matters required to be prescribed under section 13; (g) the amount and the incidence of fine to be imposed under section 60;
 - (h) the manner and extent of deductions from pay and allowances and the authority therefor under section 66;
 - (i) the procedure of investigation of an offence and the manner and period of detention of persons under section 70;
 - (j) the manner of making the report by the commanding officer in respect of delay in convening Force Court under section 71;
 - (k) the authority to appoint the court of inquiry and the manner of appointment thereof under section 74;
 - (l) the manner of convening Force Courts under section 76;
 - (m) the persons by whom an accused may be defended in a trial and appearance of such persons under section 91;
 - (n) the recruitment and conditions of service of the Judge Attorney-General, Deputy Judge Attorney-General, Additional Judge Attorney-General and Judge Attorney under section 95;

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- (o) the officer to annul proceedings of the Force Court under section 132; and
 - (p) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be, or may be, made by the rules.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

156.

- (1) The Sashastra Seema Bal in existence at the commencement of this Act shall be deemed to be the Force constituted under this Act.
- (2) The members of the Sashastra Seema Bal in existence at the commencement of this Act shall be deemed to have been appointed or, as the case may be, enrolled as such under this Act.
- (3) Anything done or any action taken before the commencement of this Act in relation to the constitution of the Sashastra Seema Bal referred to in sub-section (1), in relation to any person appointed or enrolled, as the case may be, thereto, shall be as valid and as effective in law as if such thing or action was done or taken under this Act:

Provided that nothing in this sub-section shall render any person guilty of any offence in respect of anything done or omitted to be done by him before the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

The Special Service Bureau (SSB) was raised in 1963 under the Cabinet Secretariat in the back drop of Chinese aggression. The organisation was initially functional in the region of the then North East Frontier, North Assam, North Bengal, hills of Uttar Pradesh, Himachal Pradesh and Jammu. Subsequently, its activities were extended to other border areas in Manipur, Tripura, Meghalaya, Sikkim, Rajasthan, Gujarat, Mizoram, South Bengal, Nagaland and some areas of Kashmir valley. In January, 2001, on transfer of the Special Service Bureau from Cabinet Secretariat to Ministry of Home Affairs, the Special Service Bureau was assigned with the new role of border guarding force on Indo-Nepal and Indo-Bhutan Borders. The name of Special Service Bureau was changed to Sashastra Seema Bal with effect from 27th March, 2004. Considering the nature and purpose of the Force and experience gained during the last four decades, it has been felt that the Force should be regulated by a separate self-contained statute which will provide for its special needs of efficiency and discipline.

2. As the Sashastra Seema Bal is charged with the guarding of the Indo-Nepal and Indo-Bhutan borders, the Bill seeks to ensure that the standards of efficiency and discipline of the Force are of a high order.

3. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 23rd, May, 2006.

SHIVRAJ PATIL.

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Notes on clauses

Clause 2 defines the various expressions used in the Bill.

Sub-clause (1)(a) of this clause defines 'active duty'. Broadly speaking, according to this definition, a member of the Force will be on active duty during the period he is attached to, or forms part of, a unit of the Force

- (i) which is engaged in operations against an enemy, or
- (ii) which is operating at a picket or engaged on patrol or other guard duty along the borders of India, and includes duty by such person during any period declared by the Central Government by Order as a period of active duty with reference to any area in which any person or class of persons subject to this Act may be serving;

Certain offences such as under clauses 18, 22 and 23 are punishable more severely when committed on active duty. The definition is modelled on the definition of 'active duty' in the Indo Tibetan Border Police Force Act, 1992.

Clause 3 specifies the persons subject to the proposed legislation.

Clause 4 provides for the constitution of the Sashastra Seema Bal.

Clause 5 provides for the general superintendence, direction and control of the Force and appointment of officers of the Force.

Clause 6 deals with enrolment of persons to the Force.

Clause 7 provides that members of the Force shall be liable to serve in and outside India.

Clauses 8 to 12 deal with tenure of service, etc., of members of the Force.

Clause 13 seeks to impose certain restrictions on the rights of members of the force to form association and on their freedom of speech, etc.

Clauses 14 and 15 provide for remedy of aggrieved persons including officers.

Clauses 16 to 48 provide for offences under the legislation and the penalties therefor, for the various acts prejudicial to the maintenance of discipline, good order and efficiency of the Force.

Clauses 49 and 50 seek to provide that all civil offences committed by the members of the Force within or beyond India shall be deemed to be the offences under the proposed legislation and shall be triable by a Force Court. Exception under section 50 has, however, been made in respect of the civil offences of murder, culpable homicide not amounting to murder and rape in relation to civilians where such offences are committed by the members of the Force while not on active duty.

Clause 51 lays down the various punishments which may be awarded by Force Courts.

Clause 52 enables a Force Court to take into account the nature and degree of the offence committed and to award to the person convicted of any offence under clauses

16 to 48 the punishment prescribed by the relevant provision or alternative punishment lower in the scale under clause 51.

Clause 53 sets out the punishments which may be awarded in combination by a Force Court.

Clause 54 provides that enrolled person sentenced on active duty by a Force Court to imprisonment whether combined with dismissal or not, may be retained to serve in the ranks and such service shall be reckoned as part of his term of imprisonment.

Clauses 55 to 59 deal with imposition of certain minor punishments for offences under the proposed legislation without the intervention of a Force Court. Clause 56 seeks to authorise a commanding officer of and above the rank of Commandant to proceed in the prescribed manner against any person other than an officer or subordinate officer and award one or more punishments specified therein. Clause 57 imposes certain limitations in respect of award of these punishments. Clause 58



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authorises an officer not below the rank of Inspector-General to proceed in the prescribed manner against an officer of or below the rank of Commandant and award one or more punishments specified in the clause. Clause 59 provides for review of proceedings under clause 58 by the prescribed authority in the prescribed manner.

Clause 60 provides for imposition of collective fines in case of loss or theft of weapons or ammunition of a unit upon the subordinate officers, under-officers and men of such unit considered to be responsible for the loss or theft. To avoid abuse, it has been provided that the power can be exercised only by an officer not below the rank of Commandant of a unit.

Clauses 61 to 68 provide for deductions that may be made from the pay and allowances of officers and other persons subject to the proposed legislation.

Clauses 69 to 74 deal with arrest and proceedings before trial. Clause 69 provides that any person charged with an offence under the proposed legislation may be taken into Force custody under the order of a superior officer but an officer who is engaged in a quarrel, affray or disorder may be ordered into Force custody by even an officer inferior in rank. Clause 70 provides for the action that has to be taken after arrest. The charge against every person taken into Force custody must be investigated within forty-eight hours unless investigation within that period is impracticable having regard to the public service. In case of delay the matter has to be reported to superior authorities. Clause 71 provides that in every case where any person who is not on active duty remains in Force custody for a longer period than eight days without a Force Court being convened for his trial, a special report giving reasons for the delay should be made by the commanding officer and a similar report should be forwarded at intervals of every eight days until a Force Court is convened or such person is released from custody. Clauses 72 and 73 provide for assistance of magistrates, police officers and other civil authorities in the

matter of apprehension and arrest of persons accused of offences under the proposed legislation and deserters from the Force. Clause 74 provides for inquiry into absence without leave of a person subject to the proposed legislation.

Clause 75 provides for appointment of Force police officers and defines their functions and duties. The Force police officers are intended to serve as the internal police of the Force.

Clause 76 provides for three kinds of Force Courts, namely General Force Courts, Petty Force Courts and Summary Force Courts, for the trial of offences under the legislation.

Clauses 77 to 86 deal with convening of Force Courts, the composition of Force Courts and their powers.

Clause 87 provides that a person subject to the proposed legislation who has been acquitted or convicted of an offence by a Force Court or a Criminal Court or who has been dealt with under clause 56 or clause 58 (relating to imposition of minor punishments by certain officers) shall not be liable to be tried again by a Force Court or dealt with under the said clauses. It thus prohibits a second trial in respect of the same offence.

Clause 88 prescribes a three-years period of limitation for trial of all offences under the proposed legislation except the offences of desertion and mutiny.

Clause 89 deals with the liability of a person who has ceased to be subject to the proposed legislation after the commission of an offence thereunder.

Clause 90 provides for the continued application of the proposed legislation during the term of sentence.

Clause 91 deals with place of trial.

Clauses 92 and 93 deal with choice of forum for the trial of offences in respect of which both a Force Court and a Criminal Court have concurrent jurisdiction.



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Clauses 94 to 118 deal with the procedure of Force Courts. In particular, clause 99 seeks to apply provisions of the Indian Evidence Act, 1872 to all proceedings before a Force Court.

Clauses 119 and 120 make provision for tendering of pardon to accomplice and trial of such persons not complying with conditions of pardon. These clauses are on the lines of the provisions, in this regard, contained in the Code of Criminal Procedure, 1973.

Clauses 121 to 132 deal with confirmation and revision of findings and sentence of Force Courts.

Clauses 133 to 152 deal with execution of sentences of Force Court, pardon of persons convicted by such courts, remission or suspension of such sentences, etc.

Clause 153 provides for powers and duties conferrable and imposable on members of the Force. This clause empowers the Central Government to direct exercise of such powers and discharge of such duties by members of the Force as are exercisable or dischargeable by an officer of the corresponding or lower rank under any Central Act. This clause also empowers the Central Government to confer or impose, with the concurrence of a State Government, any powers or duties under the State Act upon the members of the Force of corresponding rank.

Clause 154 provides for protection of acts of members of Force.

Clause 155 deals with the powers of the Central Government to make rules.

Clause 156 provides that the existing Sashastra Seema Bal shall be deemed to be the Sahastra Seema Bal constituted under the proposed legislation and makes the necessary and saving provisions in regard to persons appointed to the existing Sashastra Seema Bal and as to actions taken and things done in relation to the constitution of the existing Sashastra Seema Bal.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of the Sashastra Seema Bal. Clause 5 provides for appointment of certain officers of the Force. Clause 6 provides for enrolment of persons to the Force. Clause 75(1) deals with appointment of officers of the Force and clause

95 deals with appointment of Judge Attorney-General and other officers of Force Court.

2. The Sashastra Seema Bal in existence at the commencement of this Act shall be deemed to be the Force constituted under clause 4 of the Bill.
3. All expenses incurred in connection with the administration of this Force would be met from the Consolidated Fund of India. As the Force is already in existence, no additional expenditure of a non-recurring nature is likely to be involved when the Bill is enacted and brought into force. The expenditure on the administration of the Force during 2005-2006 was of Rs. 612.92 crores.
4. No expenditure of a non-recurring nature is involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 155 of the Bill empowers the Central Government to make rules for carrying into effect the provisions of the proposed legislation. The matters in respect of which such rules may be made include the constitution, governance, command and discipline of the Force, the appointment and conditions of service (including deductions from pay and allowances) of members of the Force, the convening, constitution, adjournment, dissolution and sitting of Force Courts, the procedure to be followed by such Courts and other matters relating thereto, the constitution,



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procedure and practice of courts of inquiry, recruitment and conditions of service of Judge Attorney-General and other officers of his set-up, etc.

2. The matters in respect of which rules may be made under clause 155 are essentially matters of detail or procedure and are merely ancillary to the proper implementation of the legislation. The delegation of legislative power is thus of a normal character.



RAJYA SABHA

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BILL

to provide for the constitution and regulation of an
armed force of the Union for ensuring the security of
the borders of India and for matters connected
therewith.

(Shri Shivraj Vishwanath Patil, Minister of Home Affairs)

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AS INTRODUCED IN THE RAJYA SABHA

BILL NO. LXII OF 2006

THE SASHASTRA SEEMA BAL BILL, 2006

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Chapter V: Border Management

Summary

The chapter on Border Management in the Group of Ministers' (GoM) Report states that proper border management is vital for national security and it should be viewed in its widest sense implying coordination and concerted action by political, administrative, diplomatic, security, intelligence, legal, regulatory and economic agencies of the country to secure the borders. The Chapter details the problems of border management, which include undefined borders (both maritime and land border), porosity, multiplicity of border guarding forces (BGF) on the same border, repeated withdrawal of large number of BGF for internal security, counter-insurgency and other duties, lack of institutional arrangement for intelligence sharing, illegal migration, smuggling, and vulnerability of coastal areas and airspace.

The GoM recommended that the Government should resolve all outstanding border problems and demarcate all land and maritime boundaries. For this, an official level standing steering committee may be set up. They also recommended the establishment of a Border Management Department under the Ministry of Home Affairs under the Home Secretary. The principle of 'one border one force' may be adopted. The BGF needs to be differentiated from Central paramilitary Forces and Central Police Organisations as they have distinct functions. The BGF should not be withdrawn from the borders except under exceptional circumstances. The BGF also should be entrusted with the responsibility of preventing illegal migration, smuggling, infiltration and collection of intelligence. For effective execution of these tasks, the BGF may be conferred with the powers under the Customs Act and the Criminal Procedure Code (CrPC). Whenever the Army is given the charge of a border, the BGF should work under the overall command of the Army.

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The GoM also made specific recommendations for different borders like the Indo-Pakistan, Indo-Nepal, Indo-Bhutan, Indo-Bangladesh and Indo-Myanmar borders. For example, the GoM recommended enhancement of vigilance along the Rajasthan and Gujarat border. They also recommended the augmentation of resources of the Border Security Force (BSF), Police and Customs to meet the challenges of the coastal and creek areas of Gujarat. The GoM recommended the upgradation and strengthening of police stations along the Indo-Nepal border. Immigration Check Points should be increased along the borders and demarcation of the border should be completed. For prevention of smuggling along the Indo-Bangladesh border, the GoM recommended joint operations conducted by the state police, Customs and BSF and formalizing cross-border trade. The guidelines for setting up of joint check posts between BSF and Bangladesh Rifles (BDR) should be established. For prevention of smuggling along Indo-Myanmar border, the GoM recommended that trade should be regulated through one gate at Moreh and free movement of tribals with head loads should be restricted. For Indo-Bhutan border, the GoM recommended the setting up of basic infrastructure such as communication, health, education, etc along with revamping of Police, intelligence and administrative arrangements on both sides of the border.

For securing the coasts, the GoM recommended the setting up of Marine Police Force, strengthening of Coast Guard, introduction of Vessel Traffic Management System, establishment of Port Authority of India to plan, coordinate and regulate the activities of all ports, installation of Global Position System in all boats operating from Gujarat, tightening of laws and procedures relating to detention and prosecution of poachers and confiscation of boats, and establishment of an apex body for management of maritime affairs. For safeguarding the airspace, the GoM recommended enhanced surveillance through radar, aerostats and air borne warning and control system, unmanned aerial vehicles, etc. They also recommended induction of trained manpower for aircraft recognition and identification and the networking of all radars within a flight information centre for real time information.

For the identification of illegal immigrants, the GoM recommended the issuance of Multi Purpose National Identity Cards and the launching of Prevention of Infiltration of Foreigner scheme. For development of the border areas, the GoM recommended that a composite plan should be formulated for border

India's Border Management

area developmental activities. The outlay for Border Area Development programme (BADP) should be enhanced to Rs. 2000 crores in the tenth five year plan. At least 15 per cent of the total outlay under BADP should be entitled to the BGF for undertaking security related works. Participation of people in the border areas should be encouraged for keeping vigil of the borders and reporting any illegal activities. For this, a village volunteer force may be created.



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- 5.1 India has 14,880 kms of land border running through 92 districts in 17 States and a coastline of 5,422 kms touching 12 States and Union Territories (UTs). India also has a total of 1197 islands accounting for 2094 kms of additional coastline. There are 51 Bangladeshi enclaves (area involved 7,110.02 acres) in India and 111 Indian enclaves (area involved 17,158.13 acres) in Bangladesh. In fact, barring Madhya Pradesh, Chhattisgarh, Jharkhand, Delhi and Haryana, all other States in the country have one or more international borders or a coastline and can be regarded as frontline States from the point of view of border management.
- 5.2 The proper management of borders is vitally important for national security. Different portions of our extensive borders have a variety of problems specific to them, which have to be appropriately addressed. These problems have become aggravated in recent times with Pakistan's policy of cross border terrorism, along with its intense hostile anti-India propaganda designed to mislead and sway the loyalties of border population. The intensification of cross border terrorism, targetted to destabilize India, has thrown up new challenges for our border management policy.
- 5.3 The term border management must be interpreted in its widest sense and should imply co-ordination and concerted action by political leadership and administrative, diplomatic, security, intelligence, legal, regulatory and economic agencies of the country to secure our frontiers

and subserve the best interests of the country. Looked at from this perspective, the management of borders presents many challenging problems.

- 5.4 The dynamic nature of the problems concerning management of borders is brought out by the manner in which the sensitivity of India-Nepal border has changed over a period of time. This border, which has been an open one, was once peaceful and trouble-free. However, with the increasing activities of Pakistan's Inter-Services Intelligence (ISI) in Nepal, the nature of the border has changed completely. These security concerns need to be addressed urgently.
- 5.5 The concept of border security has undergone a sea change with the growing vulnerability of the coastline and also of the airspace. In response to the gradual expansion and strengthening of security, so far, mainly along what has long been perceived as a sensitive land border, the transgressor is already on the look out for soft gaps, either on the land or along the coast and if need be, from the air. The Purulia incident of 1995 has already demonstrated our vulnerability from the air. The transgressors, with unprecedented money power, access to latest technology, organisational strength, manoeuvrability and scope for strategic alliances with other like-minded groups, can select their theatre of action for surprise strikes. While land borders have from time to time received Government's attention primarily because of the wars with Pakistan and China and the problems of insurgency, illegal migration from Bangladesh and smuggling activities, the same cannot be said of our coastal areas or of our airspace. It is necessary to adopt a holistic approach in formulating a comprehensive strategy towards improvement of border management.
- 5.6 The offensive agenda of Pakistan's ISI to promote international terrorism and subvert India is expected to intensify. The J&K cauldron is expected to continue.

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

- 5.7 In recommending an in depth review of the management of our borders, the Kargil Review Committee had in mind only our land borders. The GoM, however, felt that the scope of such a review should be wider and apart from including the land borders, should also include management mechanisms designed to help ensure the safety of our coastal areas and airspace. In undertaking this exercise, the GoM was assisted by a multi-disciplinary task force under Dr Madhav Godbole. Based on the report of the task force and the ensuing deliberations, the GoM have made a series of recommendations in this chapter designed to better manage our borders, our coastline and our airspace.
- 5.8 Problems of Border Management. Some of the main problems currently afflicting the management of our borders may be listed as follows:-
- (a) Some of our maritime boundaries are still undefined and much of our land borders are not demarcated on the ground. The disputed and unsettled nature of our boundaries has made them a source of tension and made their policing much more difficult.
 - (b) Since many of our borders are man-made artificial boundaries and not based on natural features such as rivers, watersheds etc, they are extremely porous and easy to cross.

- (c) Multiplicity of forces on the same borders has inevitably led to the lack of accountability as well as problems of command and control.
- (d) Border Guarding Forces need to be distinguished from central police organisations. Being more akin to the Army and different from central police organisations which are called in aid of civil power from time to time, they need to be appropriately strengthened both in terms of equipment and manpower.
- (e) The repeated withdrawal, in large numbers, of para-military forces from border guarding duties for internal security and counter insurgency duties has led to a neglect of the borders. These forces have also been unable to perform optimally due to cannibalisation of battalions and even companies.
- (f) Lack of institutionalised arrangements for sharing and co-ordination of intelligence at various levels and particularly at the field level, is a primary weakness in proper management of borders. The present tendency on the part of each agency to guard its turf, even at the cost of compromising national security interests, needs to be deprecated and put down sternly.

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(h) Illegal migration from across our borders has continued unabated for over five decades. We have yet to fully wake up to the implications of the unchecked immigration for the national security. Today, we have about 15 million Bangladeshis, 2.2 million Nepalese, 70,000 Sri Lankan Tamils and about one lakh Tibetan migrants living in India. Demographic changes have been brought about in the border belts of West Bengal, several districts in Bihar, Assam, Tripura and Meghalaya as a result of large-scale illegal

migration. Even States like Delhi, Maharashtra and Rajasthan have been affected. Such large-scale migration has obvious social, economic, political and security implications. There is an all-round failure in India to come to grips with the problem of illegal immigration. Unfortunately, action on this subject invariably assumes communal over-tones with political parties taking positions to suit the interest of their vote banks. The massive illegal immigration poses a grave danger to our security, social harmony and economic well being.

(i) Smuggling of different consumer and intermediate goods, trafficking in drugs and narcotics etc. flourish through large parts of our border. For clandestine cross border transit, communities of professional couriers have come up in the villages and towns close to our land borders and maritime coasts. The Pak ISI is also reportedly involved in encouraging these activities. Drug couriers are allowed



passage on condition of collecting and reporting trans-border intelligence. Trained saboteurs and terrorists are prevailed upon to carry drugs for sustenance and operational expenses from the sale proceeds. Passage to couriers of contraband is often conditional to carrying and delivering of arms and ammunition. Smugglers are given assistance and facilities, in exchange of services for organising infiltration of terrorists and saboteurs and landing of explosives, arms and ammunition. A smuggler-drug trafficker-militant nexus engaged in anti-national activities has emerged.

- (j) India's long coastline and coastal areas have remained largely unprotected and unguarded. The presence of the Coast Guard is minimal. For a country of our size, the Coast Guard must be a strong and vibrant organisation. There is also need for a greater clarity in the role of the State Governments vis-à-vis the Coast Guard in so far as shallow water surveillance of the coasts is concerned.
- (k) The arms drop over Purulia in West Bengal some years ago was a rude reminder of the ever-expanding arc of international and cross-border terrorism and the activities of the anti-national elements.

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 This once again highlights the need for utmost vigilance on the country's airspace.

Recommendations

- 5.9 Keeping in view the aforesaid problems and to improve the management of India's land boundaries, as well as its coastal and airspace security, the GoM has made a series of recommendations, as outlined in the succeeding paragraphs.
- 5.10 Concerted action needs to be initiated at the earliest by the Government to urgently take up the demarcation on



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the ground of our land boundaries and the settlement of our maritime borders with our neighbours. For this purpose an official level standing steering committee may be set up. Apart from the representatives of the concerned Central Ministries, the concerned State Government may also be represented thereon. A Group of Ministers, specially appointed for the purpose, may periodically and at least once in a quarter, review the progress of work in this behalf.

5.11 In order to pay focussed attention to the issues pertaining to border management, it would be desirable to create a separate Department of Border Management within the Ministry of Home Affairs (MHA) under the overall charge of the Home Secretary. The question of augmenting the strength of officers and staff would be taken up in the due course.

5.12 At present there are instances of more than one force working on the same border and questions of conflict in command and control have been raised frequently. Multiplicity of forces on the same border has also led to lack of accountability on the part of the forces. To enforce the accountability, the principle of 'one border one force' may be adopted while considering deployment of forces at the border.

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5.13 Border Guarding Forces need to be distinguished from other CPMF and the Central Police Organisations because of their distinctive functions. It is imperative that the Border Guarding Forces are not deployed in the States to deal with internal disturbances, law and order duties and counter insurgency operations. Withdrawal of Border Guarding Forces for such duties limits their capabilities to guard the borders effectively. While there may be exceptional circumstances where it may be necessary to utilise the services of Border Guarding Forces for performing law and order/counter-insurgency duties, as a rule, these forces should not be withdrawn from the borders.

5.14 The Border Guarding Forces will also have the responsibility bearing on internal security like preventing illegal immigration, carrying out anti-smuggling activities, checking infiltration, collection of intelligence etc.

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Therefore, for effective execution of these duties on the border, the ITBP and the Assam Rifles should be conferred with powers under the Customs act and Criminal Procedure Code (Cr.PC), as in the case of the BSF. Whenever a border is placed under the charge of the Army, directly under it or through Border Guarding Forces placed under its operational control, it would be the responsibility of the Army to perform these and allied duties.

Indo-Pakistan Border

- 5.15 Consequent to the fencing/floodlighting of the Indo-Pakistan border and the development of patrolling tracks there is need to review the tactical deployment of the Border Guarding Forces and patrolling arrangements. Notwithstanding the fact that much of the Indo-Pakistan border has been fenced and provided with floodlighting, it remains vulnerable to smuggling activities and clandestine contact with anti-India elements. This, together with Pakistan's efforts to rekindle terrorism in Punjab, leaves no room for complacency and calls for maintenance of utmost vigilance on this border.
- 5.16 Security and checking arrangements at Attari need to be strengthened, in the context of the fact that the Samjhauta Express is being used for gunrunning and drug trafficking. Similar arrangements are needed to ensure foolproof security checks, in respect of buses that ply between India and Pakistan.
- 5.17 As in the case of Punjab, so too in the case of Rajasthan, the MHA must take suitable action to step up vigilance, as there is not only gunrunning and drug trafficking across the Rajasthan border but also infiltration of terrorists.
- 5.18 The harsh living conditions in many parts of the Rajasthan Gujarat border, particularly the desert and the Rann of Kutch, adversely influence the morale of the personnel posted in the area. Special attention needs to be paid on a

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Indo-Nepal Border

- 5.27 There is an urgent and important need to entrust the policing of the Indo-Nepal border to the ITBP, which is already deployed on the Western border from Ladakh to Lipu Lekh Pass. A number of steps may also be taken to strengthen policing on this border as follows:-
- (a) The existing [...] police stations in the border areas should be suitably upgraded and strengthened with sufficient number of trained personnel for crime investigation and intensive village surveillance.
 - (b) The [...] border district police headquarters should have sufficient trained personnel for adequate intelligence work and providing police support to assist Department of Revenue Intelligence (DRI)/Customs in organizing anti-smuggling raids/ambushes.
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(d) Immigration Check Posts (ICPs) should be increased to cover all transit points. All ICPs should have Land Customs Stations (LCS) integrated with them with adequate facilities for the integrated posts to function from. Computers linked to Kolkata customs should be provided to ensure efficient recording of all movement of material and personnel, including those from third countries. This will also help in cargo profiling.

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(f) At present all vehicles registered in India require a pass clearance at the Nepal border check post while entering Nepal. A similar system should be introduced for vehicles of Nepal registration entering India as reciprocal measures. The MEA and the MOST may take suitable action.

(g) The preventive activities of the customs on the Indo-Nepal border should be integrated under the DRI. It would be desirable to form a unified/joint command for co-ordination of intelligence, as well as for operational activities. The co-ordination may take place at appropriate levels and at suitable locations.

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The MHA should take further necessary action in consultation with the State Governments, intelligence agencies and Department of Revenue. The MHA should



also work out the financial implications and obtain necessary approvals, as funds will have to be provided to the State Governments in respect of some of the measures.

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5.29 To further improve bilateral relations, expeditious action should be taken on following points:-

- (a) Demarcation of the border should be completed and the Joint Working Group should meet more frequently.
- (b) Scope for co-operation in border area development should be enlarged.
- (c) The agreement on mutual legal assistance should be finalised.

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Indo-Bangladesh Border

- 5.30 One of the major problems afflicting the India-Bangladesh border is the smuggling of a wide range of goods. It is a matter of concern that organised criminal gangs and syndicates with powerful political and communal influence and patronage have cropped up at different places on the border. It is important to remove the factors which promote organised criminal activity in the border areas involving the local population on a large scale and closer co-operation needs to be established between the BSF and the Bangladesh Rifles (BDR) to work out strategies to deal with organised criminal activities in these areas. It is also necessary to evolve and execute joint operations by the State law and order machinery and the BSF. It may also be worthwhile to pursue diplomatically, the need for more effective concerted action to tackle organized crime by the border guarding forces of the two countries.
- 5.31 It is necessary to involve all law enforcement agencies including the Customs in formalising day to day working arrangements and for ensuring co-ordinated action amongst them at the ground and the State levels.
- 5.32 There should be renewed efforts to formalise cross border trade between India and Bangladesh to curb large-scale smuggling. A Joint Expert Group has already been set up, and Foreign, Home and Commerce Secretaries' level talks are pursuing this objective vigorously.
- 5.33 Notwithstanding the friendly ties between India and Bangladesh, much of the illegal cross border activities take place at the behest of the Pak ISI which has also spread its tentacles in that country. This is an area where concerted diplomatic action needs to be taken. The MEA may take diplomatic initiatives in this direction.
- 5.34 There is an urgent need for addressing the problems arising out of inadequate immigration and custom facilities on this border with a view to rectifying the existing

shortcomings and inadequacies. The MHA and the MEA to take necessary action.

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5.36 The joint Indo-Bangladesh guidelines for border authorities 1975 has laid down clear and precise rules and procedures, to guide the two forces employed to look after a common border. The guidelines also envisage the establishment of joint check posts to help the nationals of both countries to use main channel of the river wherever the boundary, runs through the mid-stream of a river. The guidelines for setting up of joint check posts between the BSF and the BDR should be implemented. If necessary, the matter should be given definite shape through diplomatic efforts.

5.37 The responsibility for repair and maintenance of boundary pillars on the Indo-Bangladesh border has been placed on the respective border district authorities of the two countries. This has led to poor maintenance and also avoidable delays in the repair of boundary pillars.

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At present the MEA operates the budget grant for repair and maintenance of boundary pillars. It was considered whether the MHA which is in charge of the guarding of the international borders should also operate the budget head for repair and maintenance of boundary pillars instead of the MEA. After detailed consideration, it was felt that this should continue to be maintained by the MEA. The matter should, however, be examined further in the MHA



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in consultation with the State Governments and the Border Guarding Force in this case the BSF - as also with the MEA and if a change is considered desirable, this may be again placed before the Government for a decision.

Indo-Myanmar Border

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5.39 Free movement across the Indo-Myanmar border has been the practice from times immemorial due to the ethnic and cultural similarity in the areas adjoining the border. [.....]* The issue of free movement regime/border movement was discussed last during the 6th India-Myanmar national level talks held in July 1999.

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5.40 Illegal trade activities in a variety of contraband items flourish at Moreh on the Indo-Myanmar border. In order to check these practices, the following measures may be adopted:-

- (a) Trade should be regulated only through one gate.



- (b) Border fencing should be undertaken in the area of Moreh.
 - (c) Free movement regime should be restricted to tribals moving with head loads, comprising authorised local produce.
 - (d) A composite checkpoint should be located at Moreh comprising representatives from Customs, Immigration authority and National Narcotics Control Bureau, with the State police providing protection.
 - (e) The number of check-posts established on NH-39 from Moreh to Imphal should be reduced. These should be composite check-posts of all concerned agencies.
 - (f) [.....
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 - (g) To arrest the ongoing illegal trade, items of third country origin may be brought under the provisions of the India-Myanmar Trade Agreement or under the clearance of the third country origin goods, vide Luggage Rule 1944. The quantum of free baggage also needs to be determined for the passengers.
- 5.41 It would be desirable to establish additional trading points in Tirap and Changlang District of Arunachal Pradesh, Nagaland, Manipur and Mizoram. Border trade with Myanmar is expected to not only lead to economic upliftment but also wean away the populace from insurgency.
- 5.42 The Planning Commission is considering the construction of a road running roughly parallel to the Indo-Myanmar border along its entire length. The implementation of this project needs to be expedited.



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5.43 The boundary issue with respect to the area of Molcham needs to be resolved bilaterally between the Surveyor Generals of the two countries. Periodic survey and inspection of boundary pillars, by both sides, will help to obviate any encroachment.

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5.45 There is a need for raising of additional forces with the Assam Rifles for performing counter insurgency duties and border management related activities. It is noted that the additional force requirements of Assam Rifles as assessed by an Inter Ministerial Group have already been approved by the CCS.

Indo-Bhutan Border

5.46 The border areas on both sides of the Indo-Bhutan border do not have basic infrastructure such as communications, roads, health, education, drinking water facilities etc. These areas are often used as sanctuaries by the insurgent groups of the North East particularly the United Liberation Front of Assam (ULFA) and the National Democratic Front of Bodoland (NDFB). Police, intelligence machinery and administrative arrangements on both sides of the border need to be strengthened so as to ensure regular and effective monitoring of the activities of insurgent groups along the border. This matter requires a careful re-look as a means to promote better border management.

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5.47 It is imperative that measures including strengthening the arrangements on our international borders in the East, including Bhutan, are set in motion urgently to regulate the large scale movement of Bhupalis from Bhutan to India. The MEA should take necessary action in concert with State Governments.

5.48 Settlements of Bangladeshis are coming up along either side of the Indo-Bhutan border. Many of them are reportedly seeking jobs and employment in the Bhutanese territory, in the garb of Indian citizens. This is another reason to closely monitor the Indo-Bhutan border.

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5.50 In the immediate future much more attention must be paid to the problem of anti-India insurgent groups operating from Bhutan. An effective and capable counter insurgency network, to adequately cover all important roads, both land and riverine, connecting India and Bhutan, is necessary. The BSF should be entrusted with this task. [.....
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Maritime Borders and Island Territories

- 5.51 Little has been done over the years to understand or take action to create the infrastructure for the protection of India's vast coastal areas. The new regime of the oceans enacted under United Nations Convention on the Law of the Sea (UNCLOS), in 1982 has greatly expanded India's jurisdiction as a coastal state, through the concept of the Exclusive Economic Zone (EEZ) and Continental Shelf. With an extensive coastline and numerous Island territories, India is endowed with an EEZ of 2.013 million sq kms. After the delimitation of the continental shelf, the sea area of responsibility of maritime agencies will increase to 2.9 million sq kms, which would be almost equal to India's entire landmass.
- 5.52 The policy for maritime shipbuilding and acquisition should aim at increasing the share of Indian bottoms ferrying Indian trade from the present low of 27-30 per cent to atleast 50 per cent in the next five years. Efforts are also required to be made to augment the Indian coastal fleet to the projected one million GRT in the next 2-3 years. It is noted that while the MOST concurs in this assessment, it has indicated that efforts to generate policy support on these lines have so far not met with success and that fiscal and policy concessions may be required.
- 5.53 A Vessel Traffic Management System (VTMS) needs to be installed in approaches to ports and channels to effectively monitor and control movements of ship entering/leaving ports or channels. In principle, VTMS should be installed in all major ports and Andaman and Nicobar (A&N) Islands. In addition, the proposal for VTMS schemes for the Gulf of Kutch and our offshore oil platforms, should be expedited.
- 5.54 The issue and accounting procedures of the maritime landing certificate should be made more stringent so that the same cannot be misused after persons issued with it have been deported. The Customs/ Immigration facilities

at Jamnagar/Bedi Port may also be strengthened. Clear cut instructions should be issued by DG, Shipping on the issue of Seaman's Cards. The cards should be made tamper-proof, affixed with a photo and laminated.

- 5.55 The laws and procedures relating to detention and prosecution of poachers and confiscation of boats need to be tightened. The concerned Ministries/Departments of the Government of India should consider setting up Maritime Courts or alternatively, giving powers of prosecution and detention to the Coast Guard and to the proposed Marine Police.
- 5.56 Coast Guard. In view of the very close functional relationship between the Navy and the Coast Guard and the requirement for co-ordination between these two maritime forces in both peace and war, the Coast Guard budget may be shifted from the Department of Revenue to the Civil Estimates of the MoD. While Navy-Coast Guard synergy is essential, in order to ensure that the latter continues to function as an independent and distinct force, for administrative purposes, the DG Coast Guard may report to the Defence Secretary, rather than to the Chief of Naval Staff.
- 5.57 The Coast Guard should take steps to recruit more men to make good its personnel shortages. The issue of improvement of pay and allowances and promotional avenues, ration scales, etc. for the Coast Guard, should be taken up with the next pay commission. In order to enable the Coast Guard to perform its functions efficiently and to grow up as an independent service equipped to fulfill its multifarious responsibilities, particularly in the management of maritime zones, the following measures may be implemented by the MoD:-
- (a) The Navy and the Coast Guard may set up Joint Operations Rooms at regional levels.
 - (b) During joint operations, the command of the tactical situation should at all times remain with the Navy.



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- (c) Compatibility between the Navy and the Coast Guard in terms of weapons, equipment and training must be ensured.
- (d) Coast Guard may induct hovercraft, suitably equipped ships/craft and aircraft in a phased manner.
- (e) Coast Guard should set up a coastal station at Jakhau.

5.58 Marine Police. Noting that a Marine Police Force has already been raised in the A&N Islands, the GoM felt that it was desirable to set up a Specialised Marine Police in all Coastal States and island territories. This should be in the form of Coastal Police Stations and the police force should be appropriately trained and equipped inclusive of weapons and boats for the nuances of maritime functioning. The State Marine Police should interact with the Coast Guard and pursue legal cases pertaining to their area of responsibility. The MHA, in consultation with the State Governments, should bring a detailed proposal for establishing the proposed Marine Police before the CCS, after working out the financial implications.

5.59 The following measures may be taken to improve effective patrolling of the coastal areas:-

- (a) Strengthen the BSF Water Wing in Gujarat and West Bengal.
- (b) The placing of orders for Floating BOPs for the BSF may be expedited.

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(d) The existing police stations, outposts and infrastructure, both in terms of manpower and equipment, should be augmented. The MHA and the MoD in consultation with the State Governments concerned should take necessary action, after working out the financial implications.



- 5.60 Sanction of Rs.924.3 crores for the Navy for enhancement of offshore security in the Bombay High region and Rs.1410 crores for the Navy and Coast Guard, as recommended by them in the joint Navy-Coast Guard Paper, for more effective surveillance of the EEZ may be expedited. The MoD in consultation with Ministry of Finance should take necessary action for allocation of funds and speedy implementation of the scheme.
- 5.61 The Navy's War Watching Organisation may be integrated into the surveillance and reporting chain of the country. Fishermen watch groups may also be set up in each of the coastal states on similar lines to Gujarat.
- 5.62 The following measures may also be taken to strengthen the security of the A&N Islands:-
- (a) All the forces deployed in these islands, including the Coast Guard and the Air Force, should be placed under the operational command of the Fortress Commander to adhere to the unified command concept.
 - (b) Additional Offshore Patrol Vessels (OPVs) with Integral helicopters and Fast Attack Craft (FAC) should be inducted.
 - (c) [.....].*
 - (d) [.....].*
 - (e) The induction of an India Reserve Battalion, which has been sanctioned for these islands, should be expedited.
 - (f) Infrastructure for operating long range maritime aircraft from Port Blair should be set-up expeditiously.

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5.63 There is a need for integrated and clear communication network for effective command and control of the forces of diverse Services. Communications using SATCOM/ HF/V/UHF with a suitable security modem should be standardized for the three Services and Coast Guard. In addition, the Union Territory (UT) Police should also introduce suitable secrecy devices for their wireless communications. The MoD should take action as regards the three Services and Coast Guard and the MHA for the UT Police.

5.64 The ingress of illegal Bangladeshi and Sri Lankan migrants, etc. from Kolkata, Chennai and Vishakhapatnam to the A&N Islands should be stopped, by undertaking the following measures:-

- (a) Strict verification procedures should be enforced.
- (b) Contractual labour on completion of their term of contract should be immediately made to leave the A&N Islands.
- (c) Immediate measures should be taken to deport illegal immigrants.

5.65 It may be ensured that Myanmarese infiltrators, who were held in jail, are repatriated directly to Myanmar on completion of their jail terms. The MHA and the MEA should take necessary action.

5.66 With a view to thwart poaching and other undesirable activity in the A&N Islands, the local fishermen and entrepreneurs may be encouraged to establish a vibrant fishing industry. In order to bring the island territories into the mainstream, special development programmes should be undertaken, to motivate the youth who should

also be given better representation in the Armed Forces. Selected youth should be taken on all India tours.

5.67 The Lakshadweep Islands have a tremendous potential for tourism, which should be exploited to boost their economy and to generate employment. The MHA should take necessary action in consultation with Ministry of Tourism. A Marine Police Force should also be expeditiously raised in these islands.

5.68 Specific measures as follows may be taken in the Sir Creek area in Gujarat :-

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5.69 The Coast Guard and the BSF should regularly patrol our side of the Sir Creek Mouth area and the Sir Creek area respectively. An action plan is under preparation. Approval of the action plan may be expedited, after working out the financial implications.

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- 5.71 Fishing craft operating on the Gujarat coast should be encouraged to use hand held GPS (Mobile), so as to avoid crossing over the maritime boundary with Pakistan. The MHA should take necessary action and advise the State Government accordingly.
- 5.72 An apex body for management of maritime affairs should be formed for institutionalized linkages between the Navy, Coast Guard and the concerned Ministries of the Central and the State Governments. The MoD should take necessary action to constitute the apex body.
- 5.73 Naval and Coast Guard representation should be made mandatory on major Port Trusts and State Maritime Boards, Maritime State Development Councils and Studies such as the Port Vision 2020 to ensure their effective interaction with coastal regulatory bodies and port authorities.
- 5.74 Steps may be taken to ratify the Search and Rescue Convention without any delay. Legislation may also be promulgated making ship position reporting and promulgation of dangerous cargo compulsory when transiting through the country's EEZ.
- 5.75 The Flag Officer Offshore Defence Advisory Group (FODAG) may be redesignated as the Advisor Offshore Security and Defence to the Government of India. The MoD and the MOST should take necessary action.
- 5.76 Carrying of Inmarsat terminal 'C'/HFSSB, VHF trans-receiver and GPS equipment on all sailing vessels over 100 tons GRT should be made compulsory.
- 5.77 The following steps should be implemented :-
- (a) All maps should be converted into vectorized digital maps.
 - (b) A Port Authority of India may be established to plan, co-ordinate and regulate the activities of all ports.
 - (c) Naval Hydrographic Department has submitted a draft base line system for the entire coast including Andaman

and Lakshadweep islands. These are the base lines from which the limits of territorial sea, contiguous zone, EEZ and continental shelf are measured. The same needs to be promulgated at the earliest.

- 5.78 With the Government allowing off shore joint ventures consequent upon liberalisation for exploration of national resources, foreign firms are collecting much sensitive data. A legal mechanism needs to be established to ensure that foreign firms operating in Indian EEZ, as part of such joint ventures or independently, do not collect sensitive marine or other data. The legal and practical implications in this regard should be considered by the Ministry of Law, Ministry of Petroleum and Natural Gas and the MoD.

The Border Guarding Forces

- 5.79 The BSF has over the years become a very 'large force'. Accordingly it is desirable that it should have two wings each under the charge of an Additional DG, one for guarding the Western borders designated as BSF (West) and the other for guarding Eastern borders designated as BSF (East).
- 5.80 To ensure quick decisions in critical security related matters, it is necessary to evolve procedures and methods to cut down unnecessary delays. It is noted that a High-level Empowered Committee had been earlier set up to approve proposals relating to fencing of the Western and the Eastern borders. The scope of the Highlevel Empowered Committee may be suitably amended, to include all areas requiring urgent attention of the Government.
- 5.81 At the time of the BSF's inception it was envisaged that one battalion should be provided as reserve to cater to the requirement of rest, relief, collective training and annual change over. The Reserve Battalion is a necessary component of the overall strength and therefore should be sanctioned at the rate already approved by the



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Committee of Secretaries. MHA should work out the financial implications of implementing this recommendation and process the same, for approval.

- 5.82 A number of proposals have been drawn up with a view to strengthen the BSF Water Wing. These are intimately connected with securing the riverine and creek borders and need to be sanctioned at an early date. The MHA should work out the financial implications and move expeditiously for sanction.
- 5.83 The water wing of the BSF does not have adequate repair and maintenance facilities for its marine craft. The existing facilities for maintenance and repair in Indian Navy and private yards need to be assessed and wherever possible, such facilities should be fully utilised.
- 5.84 Keeping in view the enlarged role that the Water Wing is now required to perform for safeguarding the riverine borders and the creeks, the recruitment rules in respect of the personnel belonging to this Wing of BSF, should be finalized expeditiously.
- 5.85 In order that the Assam Rifles may be able to play its role effectively, it should be placed under the complete control of the MHA. The DG, Assam Rifles should be selected and appointed by the MHA and report to it directly. As stated earlier, since the issues, especially in regard to the officering of the Assam Rifles, seamless interface with the Army, logistics etc., are complex, the MHA in consultation with the MoD should set-up a group to go into the details of the modalities and phasing of transference of Assam Rifles from the Army to the MHA.

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India's Border Management

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5.88 Effective vigilance machinery should be set up immediately in each of the Border Guarding Forces. The set up should be headed by an IPS officer in the rank of IG to be brought on deputation and he should report directly to the head of the force.

5.89 The special and vital responsibilities devolving on the supervisory levels in the Border Guarding Forces in toning up the overall ethical and integrity standards within the force should be stressed upon.

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- 5.91 There is a need to recruit more personnel from within the areas of deployment of the various forces, as they would be able to withstand weather and difficult living conditions better than the people from other parts of the country. The percentage of recruitment in the ITBP and the Assam Rifles from the areas of deployment should be higher than the present level. At the same time, increasing the percentage of recruitment beyond a reasonable limit would affect the national character of the Border Guarding Forces. The MHA may take a decision on the quantum of increase in percentage of recruitment of personnel from the areas of deployment, keeping this in view.
- 5.92 The directly recruited officers of the BSF and the ITBP are put through their basic training in their respective academies. After initial training, it would be advantageous if they are attached to the Army units in the field areas for a period of at least two months for practical training before they are sent on posting. This will enable them to acquire additional skills necessary for their day to day working as well as help in integrating them with the Army whenever circumstances so require.
- 5.93 The question of reducing the colour service of Army personnel and their absorption in CPMFs/State police, is a complex subject. While the Army desires a younger age profile, so do the CPMFs. There are divergent views on the subject. It is, therefore, felt that the entire matter should be considered by a committee comprising the Cabinet Secretary, Chief of Army Staff, Home Secretary, Defence Secretary and Secretary Expenditure who would submit their considered recommendations in the matter for the government's consideration.
- 5.94 Proper training of personnel is very important. Special requirements of each Border Guarding Force based on its role, the terrain in which it is deployed and such other related factors will have to be built into the training facilities in each of them. The following steps may be taken in this direction:-

- (a) A larger number of officers and Junior Commissioned Officers (JCOs) should be seconded for training courses run by the various Army Training Institutions in field tactics and weapons as also leadership at various levels.
 - (b) The training facilities available to all the three Border Guarding Forces should be broadly on par.
 - (c) A review may be carried out as to whether the existing training centres in the Border Guarding Forces are adequate for the performance and to ensure quality and whether the trainees' training quality is optimum in basic training. The review should also lay down the yardstick for instructors for various categories and levels of training.
 - (d) Generous training allowances should be given to the instructors to attract the best available talent to the training centres.
 - (e) A scheme of taking Army instructors on deputation, for employment in the training institutions of the Border Guarding Forces should be worked out.
 - (f) The facilities available in each training institution should be made full use of by all the Border Guarding Forces. The MHA should take necessary action including working out the financial implications.
- 5.95 Consequent to the recommendations of the Fifth Pay Commission, the post of Naik has been abolished. It is desirable to encourage development of leadership, at the operational and ground level, and also to provide better promotional opportunities at the lower ranks. Therefore, the rank of Naik should be reintroduced in the three Border Guarding Forces. The MHA should work out the financial implications and process the same for approval of the Government.
- 5.96 Presently, there are many ad-hoc arrangements for deployment of personnel at various levels. Work is being managed by withdrawing personnel from battalions and



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attaching them to various formations throughout the force. This affects the operational capability of the force. A time bound review of the pending proposals arising out of the attachments be undertaken and formal solutions found so that the attached personnel are restored to their units.

5.97 It is desirable to facilitate the integration of the Border Guarding Forces with the Army whenever the situation so demands. This would necessitate that the Border Guarding Forces should be equipped with weapons at par with the infantry or related units of the Army, when deployed on similar tasks. The MHA should take further action.

5.98 The Reserve Battalion is a necessary component of the overall strength of a Border Guarding Force and therefore, should be sanctioned at the rate already approved by the Committee of Secretaries in the case of the BSF. A number of other measures also need to be taken with a view to improve the capability and morale of the Border Guarding Forces, to deal with their border responsibilities in an effective manner. These are as follows:-

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(b) Continuation of employment beyond the age of fifty years in the Border Guarding Forces should be dependent upon every individual in the Force fully satisfying the prescribed standards of physical fitness and medical category. The BSF has framed appropriate rules for this purpose and the same are being enforced. It may be desirable for the other Border Guarding Forces also to follow suit.



- (c) It is necessary for the Border Guarding Forces to introduce and strictly adhere to pre-determined performance appraisal procedures in respect of their personnel at different levels. The 'Self Assessment' criteria evolved by the BSF appears to be adequate for the purpose and may also be adopted by the ITBP and the Assam Rifles.
- (d) There should be adequate delegation of both administrative and financial powers to all levels from the head of the Force downwards. While powers should be delegated to the maximum extent, required guidelines for exercise of the delegated powers should also be issued.
- (e) There is no justification for differences to exist any longer in the matter of supply of rations in kind and other allowances when Border Guarding Forces personnel are posted to areas, similar to the ones where the Army personnel get such entitlements. The existing differences may be removed.
- (f) The ration money allowance for recruits in the Border Guarding Forces should be increased to Rs.853 per month, in order to fulfill new entitlement to at least 3850 calories of food per day.
- (g) In large sections of the border areas, the Border Guarding Force personnel do not get any fresh vegetables or other routine items of rations. As a result, the men in such places have to manage with whatever little they get. Supply of rations in kind, needs to be introduced on a priority basis so that the personnel posted in remote and hard areas do not face undue hardships.
- (h) The different ranks in the Border Guarding Forces have been authorized housing at different scales. The present norms described for achieving housing satisfaction are low. Even this is not available in all the forces. This has a telling effect on the health and morale of the forces. The following steps may be taken in this regard :-

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- (i) Housing projects in ITBP, BSF and Assam Rifles may be implemented on priority basis with the help of loans from HUDCO.
- (ii) The percentage of married accommodation available to the other ranks and JCOs may be increased from 14% at present to 25%.
- (iii) Separated family housing accommodation projects should be implemented and this should cover at least 25% of personnel in each category in all the Border Guarding Forces and should be taken up on a priority basis.
- (i) Welfare measures play an important role in keeping the forces at an optimum level of functioning. The personnel posted in border areas face severe problems on account of drinking water shortages, lack of medical and educational facilities, facilities for communication with families etc. A fresh detailed look should be taken at the whole range of welfare measures, which are essential to keep the morale of the Border Guarding Forces high. Some of the immediate steps required to be taken are as follows:-
 - (i) Action should be initiated to remove all existing gaps and inadequacies in the matter of fresh water supply in all places, particularly at places like Vigokot.
 - (ii) There should be a provision for keeping at least one trained medical assistant in each BOP and one medical officer with each company, at least in inaccessible areas.
 - (iii) Adequate provisions for rotational and leave reserves should be made and this should not be diverted for any other purpose.
 - (iv) The INMARSAT mini M telephones must be provided at least in the remote and inaccessible outposts, which will in course of time pay for themselves.
 - (v) Provision for adequate compensation and ex-gratia payment in cases of death and loss of limbs should be

considered. Adequate educational facilities should be developed for the benefit of the children of the Border Guarding Forces.

- (vi) Time spent on airlifts for medical emergencies should not be counted against the normal time allotted as per present practice. Evacuation through airlifting should be readily and invariably available without the constraint of the time allotment system. Also, allotment of air transport time should be increased to improve the supervision of remote and inaccessible BOPs.
- (j) Considering the importance of the efficient functioning for the overall national security and given the enormous expenditure incurred on maintaining the Border Guarding Forces, it is important that the performance of these forces is assessed annually. This assessment should be based on parameters determined through mutual discussion between the Border Guarding Forces and the MHA.
- (k) It is imperative that systems, procedures and methods are built into the Border Guarding Forces so that leadership qualities are ingrained in the various levels of the forces in the normal course at all times and in all situations. This aspect of force management should be looked at in depth and in a dispassionate manner and wherever there are gaps, efforts should be made to find workable solutions.
- (l) There should be a very well defined tenure policy for each of the Border Guarding Forces which should be known to every member of the Force. It is desirable that a "Board of Officers" be set up within each Force to ensure that the tenure policies are scrupulously implemented. The MHA should work out suitable proposals and measures in regard to the above.

Infiltration and Smuggling of Narcotics, Arms and Weapons

- 5.99 Smuggling of different consumer and intermediate goods has been a bane of Indian economy for over four decades.



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Narcotic trafficking, mainly in opiates and cannabis products, has however been a much older activity. For clandestine crossborder transit and landing ashore, communities of professional couriers have come up. The land borders, except in certain areas, are looked after by Border Guarding Forces. In the case of coastal areas even though certain measures have recently been initiated in certain stretches on Tamil Nadu and Gujarat coasts, there are serious weaknesses in the remaining coastal borders. Since our vulnerability to infiltration and smuggling from the coastal areas has increased, a matching security system along the shoreline has become over-due.

5.100 Serious indications of strategic alliances of organisations hostile to India with one or more trans-national criminal syndicates require that the premier intelligence agencies of India should expand their capabilities and coverage to include the local and regional activities of such organisations. Preventive security arrangements are also essential against pre-judicial activities in the territorial water and transgressions of air space. The MoD and the MHA should take necessary action in consultation with the State Governments wherever required.

5.101 All matters relating to border management and security should be brought under the co-ordinated over-seeing and strategy-developing responsibility of a Department of Border Management within the MHA as recommended earlier. There should be a Standing Committee with all the heads of the concerned executive and intelligence organisations as members attached to the Department of Border Management proposed to be created. It should monitor, co-ordinate and over-see border management. Further in each of the States touching the land border and the seacoast, there should be State level Standing Committee and Joint Task Forces. The MHA should take necessary action in consultation with the MoD, the MEA and the State Governments.

- 5.102 Each of the participating organisation in the Standing Committee mentioned in preceding Para should have a cell in their respective headquarter for strategic studies in their respective areas and circulation of output. Such cells with sufficient resources and inputs are particularly important for the Narcotics Control Bureau (NCB) and the DRI who have mandates to co-operate and liaise with international and friendly foreign organisations in the areas of narcotics control and smuggling control the world over. The MHA should take necessary action.
- 5.103 Organisations like the NCB have a very onerous task in containing narcotics trafficking. The capabilities of NCB, for the development of dissemination of both strategic and operational intelligence, should be upgraded.
- 5.104 The main task for interception, including that for drugs and contraband, has to be taken up by the forces/agencies present on the borders, such as the BSF, ITBP, Assam Rifles, Customs, Coast Guard and local police. The executive agencies stationed along the border should be appropriately mandated and motivated, with priorities for each stretch of the border laid-down from time to time. This would have major financial implications and MHA may work out the details and come up with specific proposal for improving the effectiveness of these forces in consultation with the Ministry of Finance and the MoD.
- 5.105 Units of different organisations stationed at the same point on the border should be encouraged to form and function as a Joint Task Force. The actual participation of different organisations in any operation would depend upon the requirement of the situation. The MHA may take necessary action.

Co-ordination of Border Area Intelligence

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5.108 Border Fencing. Construction of the border fence in Punjab and Rajasthan has helped in checking illegal infiltration from across the borders in these areas. However, border fencing is not the panacea for all the problems afflicting efficient and effective management of the border. It should not be looked at in isolation but as a means of effective border management. It is one of the physical components forming part of the overall measures to make the border secure to the maximum extent possible. It is essential that a holistic approach involving a wide variety of measures be considered while evolving a strategy for improved border management. To improve effectiveness of the fence, the following measures need to be adopted:-

- (a) There should invariably be a jeepable road parallel and close to the fence and care should be taken to see that it is not eroded over a period of time due to rain and weather.
- (b) In certain fenced areas, gaps exist where rivers, even small ones, intervene and where bridges have been constructed over the water channels etc. Such places offer sufficient scope for intrusion and there is a need to introduce additional obstacles in such areas.
- (c) Habitation/cultivation should not be allowed, in the area between the fence and the border, and this area should be kept sanitised. This would involve relocation of families/villages.
- (d) Flood lighting should be done in all fenced border areas in order to augment the capacity of the border force personnel to thwart attempts at infiltration and smuggling.
- (e) In order to satisfy the minimum requirement of ensuring a secure border, it is desirable to convert all single fence into double fence with concertina coils, one over the other, in the space between the two rows of fences, in as many places as possible. The MHA should examine the issues relating to border fencing including construction of parallel

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roads, flood lighting, rehabilitation of border population in detail and prepare a comprehensive note for the consideration of CCS within six months. The MHA should also work out the financial implications in consultation with the Ministry of Finance and the State Governments.

5.109 Safeguarding the Sanctity of Indian Air Space. The incident of arms dropping by a foreign aircraft over Purulia on December 17, 1995 created consternation all over the country. The incident highlighted the shortcomings in the air space management and in particular the Air Traffic Control System in allowing unauthorised aircraft to intrude into Indian air space. The following steps are essential, in order to enable us to overcome these deficiencies :-

- (a) The Indian Air Force must enhance its lower level air defence surveillance capability, through procurement of additional Low Level Transportable Radars.
- (b) Additional radars, aerostats and Airborne Warning and Control System aircraft may be inducted to enhance surveillance of the Indian air space.
- (c) The procurement of Integrated Air Command and Control System must be expedited.
- (d) The integration of all national radar resources of the Army, Navy and civil radars must be progressed at a faster pace.
- (e) Measures must be adopted to counter the threat of intrusion from Unmanned Aerial Vehicles (UAVs).
- (f) The required communication links would have to be provided, for effective integration of multiple radar sensors into a centralised command and control structure.
- (g) The procedures for reporting flights of unidentified aircraft over Indian territory need to be reviewed.
- (h) Dedicated training of personnel at all levels in aircraft recognition and identification should be conducted at regular intervals.

- (i) Air space management of coastal and island territories needs to be revamped in terms of surveillance and air defence assets. There is a need to integrate civil/Indian Air Force resources for their optimum utilisation in this direction.
- (j) All the radars within a Flight Information Centre must be networked and real time information made available to the Joint Field Organisation.
- (k) All major civil aerodromes and joint user aerodromes under the control of Indian Air Force, Navy and Coast Guard should be manned by civil as well as military controllers.
- (l) Civil and military Air Traffic Controllers should be trained during peacetime so that they are conversant with each other's operating procedures, in order to handle air traffic expeditiously and safely.
- (m) The Aeronautical Fixed Telecommunication Network should cover all important military air traffic centres.
- (n) All future Air Route Surveillance Radars to be procured by Airport Authority of India should be Primary Radars. The MoD should work out the financial implications and take action to process the proposal for approval of the Government. It would be the responsibility of the Defence Secretary to co-ordinate action between the civil and military set-up on utilisation of Indian air space.

Illegal Immigration

5.110 Illegal migration has assumed serious proportions. There should be compulsory registration of citizens and non-citizens living in India. This will facilitate preparation of a national register of citizens. All citizens should be given a

Multi-Purpose National Identity Card (MPNIC) and non-citizens should be issued identity cards of a different colour and design. This should be introduced initially in

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the border districts or may be in a 20 Kms border belt and extended to the hinterland progressively. The Central Government should meet the full cost of the identity card scheme. Many people from the neighbouring countries [.....]* are tempted to cross over to India in search of better job opportunities. In order to prevent illegal migration in future, a `Work Permit for Foreigners` scheme may be introduced, [.....].* A proposal for introduction of multi-purpose identity cards to all citizens and compulsory registration of nationals and non-nationals in the country is already under the consideration of the Central Government.

- 5.111 The Illegal Migrants (Determination by Tribunal) Act, 1983 (IMDT Act) was enacted for facilitating effective action against illegal migrants. Ironically, it served the opposite purpose of retarding the deportation of illegal migrants. The IMDT Act should, therefore, be repealed and action taken against illegal migrants uniformly under the Foreigner's Act. It is noted that a proposal to repeal the IMDT Act is already under consideration of the Government.
- 5.112 For effective action against the illegal migrants, Residence Records of villages in the border districts should be prepared and regularly updated. This will allow easy identification and detection of illegal immigrants, until such time as the scheme of registration of all nationals and non-nationals is introduced.
- 5.113 Indian Census primary data can easily help in the detection of illegal immigrants. This information can be a useful tool in establishing the status of illegal migrants. However, since census primary data is confidential in nature, this matter needs to be further discussed with the Registrar General of India and the Ministry of Law.
- 5.114 The Prevention of Infiltration of Pakistani (PIP) Scheme was introduced in 1962 to deal with the immigration of

foreigners from the then East Pakistan (now Bangladesh). The name of the scheme was subsequently changed to Prevention of Infiltration of Foreigners (PIF). Under the scheme, watch posts, patrol posts and check posts were set up in Assam.

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.....]* a revised PIF scheme should be introduced. The following set of changes may be undertaken:-

- (a) A post of Additional SP should be created, to be given exclusive responsibility for the scheme at the district level and to work under the guidance of the District Superintendent of Police.
- (b) Additional deployment of the staff at the police station level.
- (c) For surprise checking, needed staff should be kept at sub-division and district level.
- (d) Quarterly reviews should be undertaken by the District Magistrate and the Superintendent of Police at the district level and half-yearly monitoring of the progress should be done by the Home Secretary of the State.
- (e) Joint annual reviews of the progress made under the scheme at the State level (for West Bengal, Tripura and Assam) between senior officials of the MHA and the concerned State Government.



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- (f) Annual review reports should be submitted for consideration of the State Cabinet and the CCS at the Centre.
- (g) The BSF and other border guarding forces, as applicable, should be involved in these reviews at all levels. This would promote inter-agency coordination and accountability.
- (h) Attractive financial incentive may be given for information leading to deportation of an illegal immigrant.
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- (j) [.....
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Citizenship, Passport, Immigration and Refugee Law

- 5.115 Children born to illegal immigrants living in India are entitled to claim Indian citizenship by virtue of their birth on Indian soil. Therefore, in principle, Indian Citizenship Act should be amended prohibiting acquisition of citizenship rights by the children of illegal migrants born in India before 1 August 1987. This would also meet the stipulations of the Assam Accord. However, as per the advice of the Ministry of Law, the provision can only be introduced with prospective effect. The MHA should take necessary action.
- 5.116 The applications of a large number of persons, who had crossed over to India during Indo-Pak war in 1965, due to persecution in Pakistan, are pending for confirmation of their Indian citizenship. These applications need to be



finalised early after due verification of the antecedents of the applicants. The MHA and the MEA should take necessary action.

5.117 The offences under the Foreigners Act, 1946, are cognizable and non-bailable. The accused persons arrested for committing offences under this Act manage to obtain bail due to the provision of Section 437 of the Code of Criminal Procedure. In order to remove this lacuna, the MHA had introduced a bill in this regard in the Rajya Sabha on July 24, 1998. The passage of the Bill to amend the Foreigners Act, 1946 should be expedited.

5.118 The procedure for issue of visas to Pakistani nationals proposing to come to India needs to be tightened to put a check on undesirable persons coming into the country. Some specific measures, as follows, need to be taken in this regard:-

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(c) Regular reports are being received regarding Pak ISI trying to cultivate the border population on our side. This is being effected through Pak nationals, who visit border

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areas on legitimate Indian visas. Hence, there should be a very restrictive issue of visas to Pakistan nationals, for visiting the sensitive border belts. The MHA and the MEA should take necessary action.

- 5.119 It is desirable to have a single statute dealing with entry into India and exit out of India and providing punishment for those entering and departing from India unauthorisedly. To achieve this, the Passport Act, 1967 and Passport (Entry into India) Act, 1920, could be substituted by one Act. Although, the Ministry of Law had earlier advised that a single statute could not substitute two Acts, the matter may be taken up once again with the Ministry of Law and further action taken according to the advice of that Ministry.
- 5.120 The provisions relating to punishment prescribed for violation of the Passport Act, 1967 and the Passport (Entry into India) Act, 1920 and those involved for facilitating entry of illegal migrants into India should be made stringent. The touts, abetting illegal immigration, should be brought to book as conspirators and abettors. Strict action should also be taken against the connivance of any official. The following additional measures for amending the Act are suggested:-
- (a) A minimum punishment for violation of the law should be provided as one year and maximum punishment should be provided upto five years of imprisonment.
 - (b) Minimum punishment of three years and maximum upto seven years of imprisonment should be prescribed for repeat offenders.
 - (c) Making arrangements for securing or facilitating entry of illegal immigrants into India should be made a penal offence under the Foreigners Act, with imprisonment, which may extend to three years.

- 5.121 Passports are mostly taken by those who are affluent or those who wish to travel abroad for furthering their trade or job prospects. In view of this, there is no reason to subsidise the passport processing costs. The present application fee of Rs.300 for issue of passport may be increased to Rs.1000 to cover processing and other costs and the MHA and the MEA should consider introducing a Pilot Scheme. This may, however, be done in phases. A part of this increase may be reimbursed to the State Government for police verification, which would help in expediting the same. MEA should take necessary action.
- 5.122 At present, passport seekers face considerable delays and harassment in obtaining a Passport. With the globalisation of the Indian economy, increasing affluence and easy international travel, the number of passport seekers has increased manifold. It is, therefore, necessary to reform the existing system for issue of Passports. Among the important steps must be reduction of the work load of processing all applications at the back office of the main Passport office by involving the private sector in the issue of passport applications and ensuring their completion with the help of the applicants and computerized processing of personal data contained in Passport application. The following specific measures may be taken :-
- (a) Passport applications may be made available and receivable through Post Offices and authorized private centers on payment of a prescribed fee. It may be insisted that these documents be sent to the Passport Office for further processing through Speed Post or courier.
 - (b) The work in the Passport Offices should be computerized, with interconnectivity of all the Regional Passport Offices (RPOs).
 - (c) The processing of personal data may be done at the back office or through privatization, with the back offices of RPOs, or authorized private sector sending the relevant



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portion of the application form for police verification direct to the concerned police authorities.

- (d) A passport should be routinely issued if police verification report is not received within the stipulated time and the onus of issue of a passport to a non deserving person due to non-receipt of a police verification report should rest on the police department.
- (e) The State police should be paid Rs.150 for every police verification report received within the prescribed period. This will help in expediting the submission of reports thereby reducing delays in issue of passports. However, increase in police verification charges may be effected by the MEA as and when the application fee gets raised to Rs. 1000.

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5.124 The passport and police authorities need to exercise greater vigilance to prevent corruption in matters relating to police verification and processing of passport applications. The MEA should take necessary action.

5.125 The increased complexity of immigration work necessitates continuity and expertise of the concerned officials. The Bureau of Immigration (BOI) was set up in 1971 for immigration check up and registration of foreigners. However, so far, it has fully taken over immigration work at the Chennai Airport. The BOI should take over immigration at all international airports and other airports handling international traffic by March 2001. For this purpose, the BOI may take police personnel from the concerned State on deputation.



5.126 It is difficult for immigration staff to manually check the immigration and emigration of undesirable persons. Immigration offices should be computerized with the central database at Delhi and inter-connectivity of all immigration offices. This will help in easy verification of information about antecedents of travellers, which is done manually at present. The MHA should take necessary action.

5.127 Most originators of 'Look Out Alerts' do not revise them periodically and, unwanted 'Look Out Alerts' continue to hinder the work in immigration offices. A system of periodic revision or having a sunset period for 'Look Out Alerts' should be introduced. The MHA should take necessary action.

5.128 Advance passenger information system can greatly facilitate immigration clearance. International Airlines may be persuaded to send advance information of their passengers to the immigration office. The MHA should take up the matter with the Ministry of Civil Aviation.

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5.130 The Government may consider holding a comprehensive discussion with agencies like the Law Commission, National Human Rights Commission, State Governments, the Ministries concerned, security agencies and experts on the subject regarding enactment of a refugee law. In doing so it should balance India's security considerations with the humanitarian concern for refugees. The MHA should take necessary action in consultation with the concerned Ministries and State Governments.

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5.131 As soon as the situation becomes more propitious for enacting a law in this regard, a law, for compulsory registration of all Indian national and non-nationals staying in India, should be enacted. This would help in preparing the National Register of Indian Citizens.

Border Area Development Programme (BADP)

5.132 People living on India's international borders, particularly on land borders, face a myriad problems, like difficult terrain, harsh living conditions and lack of access to public amenities. Frequent shelling from across the border, thinly spread out administration and inadequate social and economic infrastructure, makes life difficult in these areas. Concerted efforts are being made by our hostile neighbour through allurements, subversive propaganda and promotion of religious fundamentalism to generate a feeling of alienation among the border population. The remoteness of the local administration, its low visibility, illegal immigration, smuggling of arms, explosives and narcotic substances [.....]

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A number of measures are required to be taken as follows:-

- (a) The Border Area Development Programme (BADP) is a step in the direction of addressing the special needs of the border population. To ensure maximum impact of the programme, the present practice of treating community development block on the border as a unit should be continued. The MHA may take this up with the Planning Commission and the Ministry of Finance.
- (b) Like the Tribal Sub-Plan and Scheduled Castes Component Plan, a Component Plan should also be prepared for border areas so that border population can partake of their share of development resources. Since this has major financial implications, the MHA may take this up with the Ministry of Finance and the Planning Commission for taking necessary action in consultation with the State Governments.

- (c) The outlay of the BADP should be enhanced to at least Rs.300 crores for 2001-2002 and to Rs.2000 crores for the Tenth Five-Year Plan. The MHA may take this up with the Planning Commission and Ministry of Finance.
- (d) A perspective plan for integrated infrastructure development of border blocks should be prepared with a 10-year time span. This plan should be implemented by pooling resources available under BADP, various schemes of the Ministry of Rural Development and State Plan Schemes, including the Rural Infrastructure Development Fund. While preparing this plan, the infrastructure requirements of the defence and paramilitary forces deployed in the border areas should also be factored in. The MHA will initiate this exercise in consultation with the Planning Commission and the State Governments.
- (e) As against Rs.210 crores available annually under the BADP, funds of about Rs.8000 crores are annually available under various schemes of rural development in the Ministry of Rural Development, such as Employment Assurance Scheme, S.J. Gram Smridhi Yojana, Jawahar Gram Swarozgar Yojana, Accelerated Rural Water Supply Scheme, Indira Awas Yojana and the Prime Minister's Gramodaya Yojana. The Ministry of Rural Development should earmark a portion of their funds available under various schemes of normal development for border blocks.

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The Border Guarding Forces like the BSF, ITBP and Assam Rifles have a good presence in almost all the blocks covered under the BADP. The Border Guarding Forces may be involved in execution of community welfare schemes like holding of medical camps, construction of school buildings and water harvesting structures, building



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sports facilities etc., where local institutions are weak. The MHA should take necessary action.

- (g) The existing criteria for determining the quantum of assistance to the States under the BADP may be maintained.
- (h) At present, a maximum of 7% of the programme allocation can be spent on meeting the infrastructural needs of the security forces. Since, this is an area development scheme for benefit of the border population; the allocation for the security agencies cannot be increased substantially. Their entitlement limit should, however, be raised from 7% to 15%. The MHA may take this up with the Planning Commission and the Ministry of Finance.
- (i) It is necessary to involve Gram Sabhas and Block Panchayats, in a participatory mode, in prioritizing investment of resources available under the programme. The Planning Commission may take necessary action in consultation with the State Governments.
- (j) Due to the special nature of the programme, the responsibility for its coordination and supervision should continue to be with the Deputy Commissioner/Collector.
- (k) The community welfare budget of the BSF should be raised to Rs.50 lakh from 2001-2002. The ITBP and the Assam Rifles should also be provided a budget of Rs.25 lakh each annually for welfare activities to benefit the border population. Some of the recommendations have major financial implications and would need consultation with the Planning Commission and Ministry of Finance. The MHA should take necessary action in the matter in consultation with different departments and State Governments, wherever required.

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5.134 Madrasa education is part of a Muslim child's religious tradition. Steps should be taken to encourage these institutions to add inputs on modern education also. Efforts should be made for providing increased facilities for modern education, particularly for the border areas where such facilities are lacking. The Ministry of Human Resource Development is presently administering the Central Sector Scheme for giving financial assistance for modernization of Madrasa education. The scheme should be strengthened and greater publicity given to it. For bringing Madrasas into mainstream with the benefits of the modern education system, the State Governments should provide support for free supply of text books upto the primary school level, training of Madrasa teachers in teaching of mathematics, science and Urdu and other languages etc. A Central Advisory Board may be set up for Madrasa education instead of leaving this critical matter to different State Level Advisory Boards. The Ministry of HRD should take necessary action in this regard.

5.135 Disinformation and Subversive Propaganda.

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.....].* The forces hostile to India have tended to occupy the vacuum created by inadequate reach of national media. We must wake up to the harsh reality of the fact that low intensity conflict/proxy war has been unleashed against us by way of (dis) information aggression. A generation thus grows up fed by propaganda and the mischief of hostile forces and battle for the mind of our people is lost. It is, therefore, necessary to initiate



measures to combat the subversive propaganda and disinformation unleashed against India through a series of measures as identified below :-

- (a) An imaginative media policy and information sharing approach need to be evolved to orient the border population towards national development goals, security concerns and national integration.
- (b) Special plans of Rs.413 crores for NE region and Rs.150 crores for Punjab and Rajasthan for expanding Doordarshan coverage in border areas should be approved early.
- (c) A special plan with an outlay of Rs.94 crore drawn up for augmenting coverage of AIR on the Western border through installation of four High Power Medium Wave transmitters at Kargil, Ambala/Kurukshetra, Gurdaspur/Hoshiarpur and Jaisalmer should be finalized early.
- (d) National electronic media have to address the needs and concerns of border population as they see it and not as we see it. The hiatus between these perceptions need to be bridged. Border areas have a very rich cultural mosaic. The local culture and traditions need to be highlighted in programmes of AIR and Doordarshan. This calls for developing decentralized production system at local level with greater participation of local professionals.
- (e) There is reluctance on the part of the staff of AIR and Doordarshan to serve in the border areas. Existence of many vacancies at critical levels is adversely affecting production and transmission there. These should be filled up expeditiously. High power reviews may be regularly undertaken in this regard. Some incentives should be given to the staff due to the difficult living conditions.
- (f) The broadcasting time for the programmes in local dialects needs to be increased. The difficulties in making programmes in local dialects could be overcome by



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involving local culture groups, NGOs and media professionals.

- 5.136 For combating terrorism and insurgency, quite often security forces are called upon to take tough measures. These measures may some time cause inconvenience and annoyance to the local people. This sense of discontent is exploited by hostile elements to create feeling of ill will against the security forces and the Government. Timely release of information to the media would help in combating such invidious propaganda of the elements hostile to India. Due to the sensitive nature of their duties, the interaction of the officials of the security agencies and security forces with the media should necessarily have to remain restricted. However, specialized officers, properly equipped and trained should be entrusted with imparting information to the media.
- 5.137 The officers of the Defence Services and the Border Guarding Force should be imparted skills in communication and media interaction through specially designed training modules. The MHA and the MoD should take action in concert with the Ministry of Information and Broadcasting.
- 5.138 Expeditious steps should be taken to expand coverage of national electronic media to Pak Occupied Kashmir and to Pakistan. This calls for a change in the mindset of adopting aggressive media posture and giving up existing defensive media posturing. The stakes are too high for any quibbling in this regard. The MHA and the MoD should take action in concert with the Ministry of Information and Broadcasting.
- 5.139 Border Area Vigilance. The concept of Village Volunteer Forces (VVF) helping in border management has a great deal to commend itself and has worked with a good degree of success in areas where it has been tried so far. The following measures should be initiated in order to strengthen the vigilance in our border areas:-

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- (b) The VVF of a border village should be small in size (10 to 20 persons). All members of the force should be put through induction level training in guarding, anti-smuggling and patrolling duties. Depending on the threat perception, they could also be given small arms for the unit as a whole.
- (c) As leadership and motivation training would play a crucial role in the working of the VVF, greater attention should be given to these aspects in training. Leaders carefully chosen from among the village community, should be given proper training in leadership, motivation techniques, handling of small arms and orientation about the working of border guarding and security forces and security concerns. After the induction training, VVF leaders should be annually called up for active duty/attachment for one month with the Border Guarding Force and paid a suitable honorarium during that period. Like the civilians in the Territorial Army having rank, these persons should also be given an honorary rank in the border guarding organization. After observing their work for some time, they could be given weapons for self-defence and for their work in VVF.
- (d) Good induction level training and a month long annual attachment with the border guarding forces would raise their efficiency and leadership qualities.
- (e) The VVF should be associated with the community welfare measures undertaken by the border guarding forces. Likewise, they should be involved in organizing sports meets, fairs, relief measures etc. in the border areas.



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- (f) The border population and the VVF should be co-opted in the border guarding and border vigilance set-up. The MHA should take necessary action in this regard in concert with State Governments. The MHA should also work out the financial implications, as assistance would have to be given to the State Governments and processed for approval of the Government.

**12. Lt. General (Retd) S.K. Sinha,
“Report on Illegal Migration to Assam”
(submitted to President of India),
November 8, 1998**

Summary

The Governor's Report on illegal migration contains five chapters, viz. Introduction, Migration into Assam, Prevention, Deportation, and Conclusion. In the introduction, Sinha highlights the problem of illegal migration and asserts that continued influx of people from Bangladesh has not only led to a demographic transformation of Assam but was a cause for insurgency in the state. Cautioning the government against treating the issue as a regional affair, Sinha argues that illegal migration of Bangladeshis into Assam will have adverse national ramifications.

Chapter 2 of the report traces the history of migration into Assam. According to Sinha, migration into Assam from Bangladesh has continued for a long time. However, during the British days, economic opportunities were the main reason for the people to migrate to Assam, but after independence religious and political persecution of minorities have also led to migration into the state. While discussing the contributory factors for migration from Bangladesh, Sinha asserts that environmental calamities, porous borders, similar ethnic, linguistic and religious population on both sides of the border, corruption and complacency of the Bangladesh government have resulted in large scale influx of Bangladeshis into Assam. High rate of population growth of Assam between 1911 and 1971, as compared to the rest of India, indicates illegal migration into Assam. Also nearly 55 per cent growth rate among Muslims in the state between 1971 and 1991 indicates in-migration of Bangladeshis. Sinha argues that continued illegal migration of Bangladeshis will result in turning districts of lower Assam into Muslim majority areas and in due course of time these districts might demand merger with Bangladesh.

Chapter 3 discusses how to prevent infiltration into Assam. Sinha argues that the continued in-migration of Bangladeshis forced the Government to

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introduce the Prevention of Infiltration from Pakistan (PIP) scheme in 1964. After 1965 war, the Border Security Force (BSF) was entrusted with the responsibility of preventing illegal migration from Bangladesh. Unfortunately, neither the PIP scheme nor BSF have been successful in preventing large scale illegal migration from Bangladesh. He argues that to prevent illegal migration of Bangladeshis, in addition to fencing, vigorous patrolling and addressing the motivating factors behind infiltration are necessary. He also argues that the gaps along the border should be sealed, high and superior quality fences should be built, additional BSF personnel should be deployed, inter Border Out Posts distances should be reduced and all boats plying on rivers should be registered. In addition, all border people should be issued Multi Purposes Identity cards, chars should be handed to the Forest Department, and Bangladesh should be helped to develop economically.

In Chapter 4, Sinha claims that the efforts of the BSF to deport illegal Bangladeshis have not met with any success since India's capabilities for identifying illegal migrants are questionable as also Bangladesh's refusal to accept any illegal migrants. He states that the Illegal Migration Determination Tribunal (IMDT) Act, due to its infirmities, has failed to deliver and therefore should be repealed and replaced by a fair and workable legislation. The new legislation should, however, take into cognizance the legitimate fears of the minority community. He argues that all the illegal migrants who had entered into India after March 24, 1971 will not be deported but they should be identified and denied rights to vote and acquisition of immovable property. This will reduce political patronage for illegal migration.

In conclusion, Sinha says that successive Governments have failed to prevent illegal migration from Bangladesh. This migration, which earlier was primary economic is increasingly carrying security overtones. Sinha argues that to view this issue as a regional affair will have severe national ramifications. Therefore, concrete steps have to be taken to stem the tide of illegal migration.

RAJ BHAVAN
GUWAHATI

D. O. No. GSAG.3/98/
November 8, 1998

Dear Adarniya Rashtrapatiiji,

Large scale illegal migration from East Pakistan/Bangladesh over several decades has been altering the demographic complexion of this State. It poses a grave threat both to the identity of the Assamese people and to our national security. Successive Governments at the Centre and in the State have not adequately met this challenge.

As Governor of Assam, I feel it is my bounden duty, both to the Nation and the State I have sworn to serve, to place before you this report on the dangers arising from the continuing silent demographic invasion. I have also formulated my recommendations for dealing with this issue of vital importance. I earnestly hope that this matter will receive due consideration and suitable action taken to avert the grave danger that has been building up for some time.

With profound regards.

Yours sincerely,

(Lt Gen (Retd) S K Sinha, PVSM)

Shri K R Narayanan,
President of India,
Rashtrapati Bhawan,
New Delhi

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I. Introduction

II. Migration into Assam

III. Preventing Infiltration

IV. Detection and Deportation

V. Conclusion

Appendix: **Summary of Recommendations**

Chapter I

INTRODUCTION

1. The unabated influx of illegal migrants from Bangladesh into Assam and the consequent perceptible change in the demographic pattern of the State, has been a matter of grave concern. It threatens to reduce the Assamese people to a minority in their own State, as happened in Tripura and Sikkim.
2. Illegal migration into Assam was the core issue behind the Assam student movement. It was also the prime contributory factor behind the outbreak of insurgency in the State. Yet we have not made much tangible progress in dealing with this all important issue.
3. There is a tendency to view illegal migration into Assam as a regional matter, affecting only the people of Assam. Its more dangerous dimension of greatly undermining our national security, is ignored. The long cherished design of Greater East Pakistan/Bangladesh, making inroads into the strategic land link of Assam with the rest of the country, can lead to severing the entire land mass of the North East, with all its rich resources, from the rest of the country. This will have disastrous strategic and economic consequences.

4. I have held prolonged discussions about illegal migration with a large number of people in Assam of different background and with different shades of opinion. This has included politicians, leaders of the minority community, journalists, lawyers, Government officials, both serving and retired, social workers and so on. I have also discussed this issue at length with the Indian High Commissioner at Dhaka. Besides, I have extensively toured the border areas of Assam with Bangladesh, visiting a number of land and riverine BOPs of the Border Security Force. Further, I have studied the relevant literature and statistics on this subject. On this basis, I have formulated my views and recommendations contained in this report. Different aspects connected with the illegal migration have been examined. Recommendations have been made for more effectively arresting the ongoing influx of illegal migrants and taking practical steps to soften the adverse fall outs from the large scale infiltration that has already taken place.

Chapter II

MIGRATION INTO ASSAM

Historical Background

1. Illegal migration from Bangladesh into Assam should be viewed against the backdrop of past history, present realities and future designs. Migration into Assam has been taking place from the dawn of history. However, after the British annexed Assam, large scale population movement from the South (Bengal, East Pakistan and now Bangladesh) has been an ongoing phenomenon for over a century. Initially, this movement was for economic reasons only but with the approach of Independence, it started developing both communal and political overtones. After Independence, it acquired an international dimension and it now poses a grave threat to our national security.



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2. The British developed the tea industry in Assam. They imported labour from Bihar and other provinces to work in the tea gardens. The Assamese people living mostly in Upper Assam and cultivating one crop per year, were not interested in working as labour in the tea gardens nor in increasing or expanding land cultivation to meet the additional requirement of food for the large labour population employed in the tea gardens. Therefore, the British encouraged Bengali Muslim peasants from present Bangladesh to move into Lower Assam for putting virgin land under cultivation. This set in motion a movement pattern which despite changed conditions, has been continuing to this day.
3. When Lord Curzon partitioned erstwhile Bengal Presidency in 1905, Assam was a Chief Commissioner's province. It was merged with the new Muslim majority province of East Bengal. This led to tremendous popular resentment in the country and it ushered political awareness, ultimately culminating in India's Independence. In 1911, the British Government annulled the partition of Bengal. Assam was restored its status as a province and was now placed under a Lieutenant Governor. The Assamese fear of losing their identity and being swamped by Bengalis goes back to this merger and even earlier. This fear had been aroused both by the Bengali Hindus dominating the administration and the professions, and the Bengali Muslims altering the demography of the province. The Bengali Muslims were hard working peasants who occupied vacant land and put virgin areas under cultivation. They made a significant contribution to the agricultural economy of Assam.
4. With Constitutional Reforms, the country started advancing towards democracy, which is a game of numbers. The Muslim League now came up with its demand for Partition, on the basis of religion. This added a new twist to this population movement. During Sir Mohammad Sadulla's Muslim League Ministry, a concerted effort was made to encourage the migration of Bengali Muslims into

Assam for political reasons. The Viceroy, Lord Wavell wrote in the Viceroy's Journal, "The chief political problem is the desire of the Muslim Ministers to increase this immigration into the uncultivated Government lands under the slogan of Grow More Food but what they are really after, is Grow More Muslims."

5. When the demand for Partition was raised, it was visualised that Pakistan would comprise Muslim majority provinces in the West and Bang-e-Islam comprising Bengal and Assam, in the East. Mr. Moinul Haque Chowdhary the Private Secretary of Jinnah, who after Independence became a Minister in Assam and later at Delhi, told Jinnah that he would "present Assam to him on a silver platter". Jinnah confidently declared at Guwahati that Assam was in his pocket. The Cabinet Mission Plan placed Assam in Group C with Bengal. Both the Congress High Command and the Muslim League accepted the grouping plan but Lokapriya Gopinath Borodoloi vehemently opposed it. He was supported by Mahatma Gandhi. The grouping plan was foiled and Assam was saved from becoming a part of Pakistan.
6. Partition brought about a sea change in the situation. An international border now separated Assam and East Pakistan. Population movement from East Pakistan continued but it was initially mostly of Hindu refugees, fleeing from religious persecution. Unlike the West, where refugee movement lasted for a few months only, in the case of the East, this spread over several years and is still continuing. Hindu population in East Pakistan started declining steeply. In 1947 it was 27%, by 1971 it got reduced to 14% and by 1991 it was down to 10%. Along with Hindu refugees, Muslim infiltrators continued migrating into Assam for economic reasons. The movement of Hindu refugees into Assam got largely arrested due to anti-Bengali riots and as a result of violence in the wake of insurgency in the State. However, Hindu refugee movement from Bangladesh has continued to Tripura and



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West Bengal. Illegal migrants from Bangladesh into Assam are now almost exclusively Muslims.

7. Failure to get Assam included in East Pakistan in 1947 remained a source of abiding resentment in that country. Zulfikar Ali Bhutto in his book, *Myths of Independence* wrote, "It would be wrong to think that Kashmir is the only dispute that divides India and Pakistan, though undoubtedly the most significant. One at least is nearly as important as the Kashmir dispute, that of Assam and some districts of India adjacent to East Pakistan. To these Pakistan has very good claims."

Even a pro-India leader like Sheikh Mujibur Rahman in his book, *Eastern Pakistan: Its Population and Economics*, observed, "Because Eastern Pakistan must have sufficient land for its expansion and because Assam has abundant forests and mineral resources, coal, petroleum etc., Eastern Pakistan must include Assam to be financially and economically strong".

8. Leading intellectuals in Bangladesh have been making out a case for "labansraum" (living space) for their country. Mr. Sadeq Khan, a former diplomat wrote in *Holiday of October 18, 1991*, "All projections, however, clearly indicate that by the next decade, that is to say by the first decade of the 21st century, Bangladesh will face a serious crisis of labansraum... if consumer benefit is considered to be better served by borderless competitive trade of labour, there is no reason why regional and international co-operation could not be worked out to plan and execute population movements and settlements to avoid critical demographic pressure in pockets of high concentration... A natural overflow of population pressure is there very much on the cards and will not be restrainable by barbed wire or border patrol measures. The natural trend of population over-flow from Bangladesh is towards the sparsely populated lands in the South East in the Arakan side and of the North East in the Seven Sisters side of the

Indian sub-continent". Mr. Abdul Momin, former Foreign Secretary and Bangladesh's first Ambassador to China writing in the same magazine in its issue of November 22, 1991 stated, "The runaway population growth in Bangladesh resulting in suffocating density of population in a territorially small country, presents a nightmarish picture". Urging that along with borderless circulation of goods and commodities there should be borderless competitive trade of labour, he proposed that "if we in Bangladesh ingratiate ourselves with the hill tribes within our borders, our bulging population might find a welcome in adjacent land inhabited by kindred peoples". The views of Jinnah, Zulfikar Ali Bhutto, Sheikh Mujibur Rahman, Sadeq Khan and Abdul Momin have a common thread running through them. No matter how friendly our relations with Bangladesh, we can ill afford to ignore the dangers inherent in demographic invasion from that country.

Contributory Factors

9. Illegal migration from Assam has been taking place primarily for economic reasons. Bangladesh is the world's most densely populated country with a population density of 969 per square kilometre. The growth rate of population in that country is 2.2 per cent and its population is growing at the rate of 2.8 million per year. Each year nearly one third of Bangladesh gets inundated by floods, displacing 19 million people. 70 million people constituting 60 per cent of the population live below the poverty line. The per capita income in Bangladesh is 170 dollars per year, which is much lower than the per capita income in India. The border between India and Bangladesh is very porous.

In these circumstances, the continued large scale population movement from Bangladesh to India, is inevitable, unless effective measures are taken to counter it.

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10. Besides the above considerations, there are other contributory factors facilitating infiltration from Bangladesh. Ethnic, linguistic and religious commonality between the illegal migrants and many people on our side of the border, enables them to find shelter. It makes their detection difficult. Some political parties have been encouraging and even helping illegal migration, with a view to building vote banks. These immigrants are hard-working and are prepared to work as cheap labour and domestic for lower remuneration, than the local people. This makes them acceptable. Moreover, with corruption being all pervasive, corrupt officials, are bribed to provide help. Recently, a racket has been busted in Lakhimpur. Four individuals were found to have been providing forged citizenship certificates and other documents to illegal migrants for the last 14 years.
11. There is no evidence of Bangladesh authorities organising the movement of population but they certainly have made no attempts to prevent it and indeed, may be welcoming it, to ease their problem of bursting population. Thus, there is now even an attempt to cover up this movement. Prime Minister Sheikh Haseena has recently asserted that no Bangladeshi is illegally living in India.

Illegal Migrants

12. Illegal migrants have been defined in Assam Accord as those who infiltrated illegally after 24 December 1971. However, the stream that infiltrated illegally between 1 January 1966 and 24 December 1971 was not to be deported and was to be given Indian citizenship after a lapse of ten years. No doubt, Hindus required special consideration at the time of Partition and had to be treated as refugees, but this cannot be allowed to continue for ever. Post - 1971 Hindu illegal migrants cannot justifiably claim refugee status.
13. No census has been carried out to determine the number of these illegal migrants. Precise and authentic figures are

not available but on the basis of estimates, extrapolations and various indicators, their number runs into millions.

14. Mr. S.C. Mullan, ICS, Census Superintendent of Assam, wrote in 1931, "Probably the most important event in the province during the last twenty five years - an event, moreover, which seems likely to alter permanently the whole future of Assam and to destroy more surely than did the Burmese invaders of 1829, the whole structure of Assamese culture and civilisation - has been the invasion of a vast horde of land hungry Bengali immigrants; mostly Muslims, from the districts of Eastern Bengal sometime before 1911 and the census report of that is the first report which makes mention of the advancing host. But, as we now know, the Bengali, immigrants censused for the first time on their char islands of Goalpara in 1921 were merely the advance guard - or rather the scouts - of a huge army following closely at their heels. By 1921 the first army corps had passed into Assam and had practically conquered the district of Goalpara... Where there is waste land thither flock the Mymensinghians. In fact, the way in which they have seized upon the vacant areas in the Assam valley seems almost uncanny. Without fuss, without tumult, without undue trouble to the district revenue staffs, a population which must amount to over half a million has transplanted itself from Bengal into the Assam Valley during the last twenty-five years. It looks like a marvel of administrative organisation on the part of Government but it is nothing of the sort; the only thing I can compare it to is the mass movement of large body of ants... it is sad but by no means improbable that in another thirty years Sibsagar district will be the only part of Assam in which an Assamese will find himself at home". The Census Report of 1931 has graphically shown the growth of Mymensinghians in the three undivided districts of Goalpara, Kamrup and Nowgong from 1911 to 1931, as follows:-
15. I have quoted the 1931 census report in extenso for three reasons. First, it contains precise figures for migration from

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Bengal into Assam even when this did not involve any movement across international border. Unfortunately, today we have no census report on the basis of which we can accurately define the contours of trans-border movement. Thus we have to rely on broad estimates of theatrical extrapolations to work out the dimension of illegal migration that has taken place from East Pakistan/Bangladesh. Second, Mr. Mullan described this invasion using military terminology which in present geostrategic context, underscores the strategic aspect of the problem. It is unfortunate that to this day, after half a century of Independence, we have chosen to remain virtually oblivious to the grave danger to our national security arising from this unabated influx of illegal migrants. Third, the prophecy that except in Sibsagar District, the Assamese people will not find themselves at home in Assam, is well on its way to becoming true as reflected by the present demographic pattern of Assam.

16. Shri Indrajit Gupta, the then Home Minister of India stated in the Parliament on 6 May, 1997 that there were 10 million illegal migrants residing in India. Quoting Home Ministry/Intelligence Bureau source, the 10 August 1998 issue of India Today has given the breakdown of these illegal migrants by States - West Bengal 5.4 millions, Assam 4 millions, Tripura 8 millions, Bihar 0.5 million, Maharashtra 0.5 million, Rajasthan 0.5 million and Delhi 0.3 million making a total of 10.83 millions.
17. On 10 April, 1992, Shri Hiteshwar Saikia, the then Chief Minister of Assam stated that there were 3 million Bangladeshi illegal migrants in Assam but two days later, he committed a volt face and declared that there were no illegal migrants in Assam. However, one can see for oneself, the large scale infiltration of Bangladeshis that has taken place into Assam. Looking at the population in the border areas of Assam, sometimes one wonders whether one is in Assam or in Bangladesh. Shri E.N. Rammohan, DG. BSF, who is an IPS officer of Assam cadre, in his

report of 10 February, 1997 has stated, "As Additional S.P. in 1968 in Nowgaon, I did not see a single Bangladeshi village in Jagi Road or in Kaziranga. In 1982, when I was posted as DIGP, Northern Range, Tezpur, five new Bangladeshi Muslim villages had come up near Jagi Road and hundreds of families had built up their huts encroaching into the land of the Kaziranga Game Sanctuary". He mentioned that in 1971 the large island of Chawalkhoa comprising 5000 bighas of land was being cultivated by Assamese villagers from Gorukhut and Sanuna and went on the state, "In 1982 when I was posted as DIGP, Tezpur, there was a population of more than 10,000 immigrant Muslims on the island. The pleas of the Assamese villagers to the District Administration to evict those people from the island fell on deaf ears. Any honest young IAS, SDO of Mangaldoi Sub-division who tried to do this, found himself transferred. In 1983 when an election was forced on the people of Assam... the people of the villages living on the banks of the Brahmaputra opposite Chawalkhoa attacked the encroachers on this island, when they found that they had been given voting rights by the Government. It is of interest that Assamese Muslims of Sanuna village attacked the Bengali Muslim encroachers on this island. I am a direct witness to this."

18. The following indicators of the dimension of illegal migration taking place are relevant :-
 - a. Bangladesh census records indicate a reduction of 39 lakhs Hindus between 1971 and 1981 and another 36 lakhs between 1981 and 1989. These 75 lakhs (39+36) Hindus have obviously come into India. Perhaps most of them have come into States other than Assam.
 - b. There were 7.5 lakh Bihari Muslims in refugee camps in Bangladesh in 1971. At the instance of Saudi Arabia, Pakistan was persuaded to accept 33,000 Bihari Muslims. There are at present only 2 lakh Bihari Muslims in refugee camps in Bangladesh. The unaccounted for 5.17 lakhs must

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have infiltrated into India, as there is little possibility or evidence of there having merged into Bangladesh society.

c. In 1970 the total population of East Pakistan was 7.5 crores but in 1974 it had come down to 7.14 crores. On the basis of 3.1% annual population growth rate of that period, the population in 1974 should have been 7.7 crores. The shortfall of 6 million people can be explained only by large scale migration.

19. Assam specific figures of illegal migrants have been worked out from available statistics as follows :-

a. Recent enumeration of electors list in Assam by the Election Commission shows more than 30% increase in 17 Assembly constituencies and more than 20% increase in 40 constituencies between 1994 and 1997. Whereas the All India average growth for a three year period intervening the two intensive revisions in 1994 and 1997, is 7%, the growth in Assam for this period is 16.4%.

b. (b) Relative decadal percentage growth of population of Assam, All India and Bangladesh is as follows :-

Year	Assam	All India	Bangladesh
(i) 1901-1911	16.99	5.75	9.1
(ii) 1911-1921	20.48	-0.31	5.4
(iii) 1921-1931	19.91	11.00	7.06
(iv) 1931-1941	20.40	14.22	17.6
(v) 1941-1951	34.98	21.51	0.1
(vi) 1951-1961	34.95	24.80	29.83
(vii) 1971-1981	23.8	24.66	31.83
(viii) 1981-1991	23.8	23.85	22.00

Explanatory Notes

- i. There was no census in Assam in 1981. The figures indicated have been worked out on the basis of 1971-91 growth rate.
- ii. There was no census in Bangladesh in 1971. It was carried out in 1974. The population grew by 40.4% between 1961-74 and another 21.9% during 1974-81.
- iii. The much higher percentage of growth rate in Assam from 1911 to 1971 over the All India and Bangladesh figures indicate migration into Assam. The All India growth rate for 1921 should be treated as an aberration but even in that decade Assam's growth rate was higher than neighbouring Bengal districts which now constitute Bangladesh.
- iv. The reduced percentage of growth rates for Assam in 1971-91 presents a distorted picture unless one relates it to community-wise percentage of growth in Assam as compared to All India figures. This is shown at sub-para (c) below.

c. Community-wise growth:

Year	Assam		All India	
	Hindus	Muslims	Hindus	Muslims
(i) 1951-1961	33.71	38.35	20.29	25.61
(ii) 1961-1971	37.17	30.99	23.72	30.85
(iii) 1971-1991	41.89	77.42	48.38	55.04

Explanatory Note

The decadal growth rate for both Hindus and Muslims for the period 1951-61 and 1961-71 was higher than their respective All India growth rate, indicating migration of both communities into Assam. However, during the period 1971-91 Hindu growth rate in Assam was much less than the All India figure. Possibly,

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this was due to large scale population movement of non-Assamese Hindus out of Assam during the Students movement and subsequent militancy in the State. In the case of Muslims the Assam growth rate was much higher than the All India rate. This suggests continued large scale Muslim illegal migration into Assam.

- d. Muslim population of Assam has shown a rise of 77.42% in 1991 from what it was in 1971. Hindu population has risen by nearly 41.89% in this period.
- e. Muslim population in Assam has risen from 24.68% in 1951 to 28.42% in 1991. As per 1991 census, four districts (Dhubri, Goalpara, Barpeta and Hailakandi) have become Muslim majority districts. Two more districts (Nowgaon and Karimganj) should have become so by 1998 and one district (Morigaon) is fast approaching this population.
20. The growth of Muslim population has been emphasised in the previous paragraph to indicate the extent of illegal migration from Bangladesh to Assam because as stated earlier, the illegal migrants coming into India after 1971 have been almost exclusively Muslims.
21. 21. Pakistan's ISI has been active in Bangladesh supporting militant movements in Assam. Muslim militant organisations have mushroomed in Assam and there are reports of some 50 Assamese Muslim youth having gone for training to Afghanistan and Kashmir.

Consequences

22. The dangerous consequences of large scale illegal migration from Bangladesh, both for the people of Assam and more for the Nation as a whole, need to be emphatically stressed. No misconceived and mistaken notions of secularism should be allowed to come in the way of doing so.
23. As a result of population movement from Bangladesh, the spectre looms large of the indigenous people of Assam being reduced to a minority in their home State. Their cultural survival will be in jeopardy, their political control

will be weakened and their employment opportunities will be undermined.

24. This silent and invidious demographic invasion of Assam may result in the loss of the geostrategically vital districts of Lower Assam. The influx of these illegal migrants is turning these districts into a Muslim majority region. It will then only be a matter of time when a demand for their merger with Bangladesh may be made. The rapid growth of international Islamic fundamentalism may provide the driving force for this demand. In this context, it is pertinent that Bangladesh has long discarded secularism and has chosen to become an Islamic State. Loss of Lower Assam will sever the entire land mass of the North East, from the rest of India and the rich natural resources of that region will be lost to the Nation.

Chapter III **PREVENTING INFILTRATION** **Early Years**

1. Assam has 262 km border with Bangladesh out of which 92 km is riverine. In 1947 with the emergence of two dominions on the Sub-Continent, India and Pakistan, this became an international border. For the first few years, unrestricted trans-border movement continued in this sector. Bengali Hindu refugees from East Pakistan fleeing from their homes poured across the border seeking asylum. Concurrently, Bengali Muslims too continued to come across the border for economic reasons. There was also some movement of Muslims from Assam into East Pakistan.
2. Whereas in the West, the trans-border movement of refugees from India to Pakistan and vice versa was a deluge which lasted only a few months, in the East the situation was very different. Hindus from East Pakistan (Bangladesh) kept coming across for many years and indeed they still continue to come. Muslims from Assam going to East

- Pakistan were relatively in much less number. The traditional influx of Bengali Muslims into Assam continued unabated. The large scale movement of Bengali population, both Hindus and Muslims into Assam, caused considerable resentment among the Assamese people and there were instances of anti-Bengali riots.
3. Initially, the State Police with its limited resources policed this border but they could not stem the trans-border movement. The large influx into Assam was a matter of great concern. Government of India evolved the PIP (Prevention of Infiltration from Pakistan) scheme, which came into operation in 1964. 159 Watch Posts, 15 Patrol Posts and 6 Passport Check Posts were set up. A Police force of 1914 personnel under a DIG was deployed to check infiltration. After the 1965 war, when the Border Security Force came into being, responsibility for guarding the border was taken over by that Force. The Border organisation set up under the PIP scheme was now deployed in the interior to identify and deport illegal migrants. In 1987 this organisation was augmented by 1280 officers and men provided by Government of India and 806 by Government of Assam, making a total of 4000 personnel. Currently, this organisation is functioning under an Additional DG Police of Assam.
 4. Neither the BSF on the border nor the Border organisation in the interior, could prevent large scale illegal migration from Bangladesh. The border is very porous and the illegal migrants enjoyed political patronage. Efforts to prevent their ingress or to deport them were not very successful. Nevertheless in the first flush as per JIC Paper No 04/95 of 3 January 1995, 1.5 lakhs illegal migrants were pushed back but many managed to re-enter from different points on the border. There were reports of police excesses and high-handedness, as also allegation of harassment of genuine Indian Muslims.

5. The Chief Election Commissioner, Shri S.L. Shakhder told a conference of State Chief Electoral Officers in 1978, "In one State (Assam), the population in 1971 recorded an increase as high as 34.98 per cent, over the 1961 figures and this increase was attributed to the influx of a very large number of persons from the neighbouring countries. The flux has become a regular feature.

I think it may not be a wrong assessment to make, on the basis of the increase of 34.98 per cent between the two censuses, the increase that is likely to be recorded in 1991 census would be more than 100 per cent over the 1961 census. In other words, a stage would be reached when the State would have to reckon with the foreign nationals who may probably constitute a sizeable percentage, if not the majority of the population of the State. Another disturbing factor in this regard is the demand made by the political parties for the inclusion in the electoral rolls of the names of such migrants who are not Indian citizens, without even questioning and properly determining the citizenship status". A few months later a by-election was to be held at Mangaldai in which there were complaints about 70,000 illegal migrants figuring in the voter's list. The people got convinced that illegal migration on a colossal scale had been taking place and this sparked the anti-foreigner's movement in Assam. Government of India forced the 1983 election in Assam on the basis of a defective voters list. This was done on the plea that there was not enough time to revise the electoral rolls before the election. There was widespread violence during this agitation including the infamous massacre of 1700 Bengali Muslims at Nellie by the Lalung tribe.

6. After years of a massive agitation, demanding detection, deletion and deportation of foreigners, the agitators reached a settlement with Government of India. Assam Accord was signed in 1985. Besides other issues agreed

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on, Assam Accord stipulated fencing of the border with Bangladesh, to prevent ingress of illegal migrants.

Border Fencing

7. A border fence may be a fool proof method of preventing infiltration but there is no better way of doing so. To be effective, border fencing has to be supplemented by vigorous patrolling and other measures. The motivating factors behind infiltration must be addressed. If this can be done successfully, then a permanent solution of the problem can be found.
8. Border policing in both Punjab and Assam should prevent trans-border movement of smugglers, militants and infiltrators. In the case of Assam, infiltration has a much bigger and a more dangerous dimension. Despite this, the measures to counter trans-border movement in Assam appear to have been given a lower priority than in Punjab. This is evident from the following facts:-
 - a. The decision to fence the border was taken in 1985 and reflected in Assam Accord but the work on fencing started seven years later in 1992. 13 years have elapsed since this Accord and fencing has not yet been completed. Whereas in Dhubri sector of Assam it is nearly complete, in the Cachar sector only a little over half has been completed.

As against this, fencing in Punjab started in 1988 and was completed in 3 years by 1991.

- b. The quality of fencing in Punjab is superior. It is two feet taller. Observation towers and lighting of the fence have been provided in Punjab, all along the border. In Assam observation towers have been constructed in Dhubri sector only and there are none in Cachar sector. There is no lighting of the fence anywhere in Assam.
- c. The density of troops guarding the fence is higher in Punjab. A BSF battalion in Punjab holds a frontage of approximately 30 kilometres. In Assam, BSF Battalions in

Dhubri sector are deployed over frontages of 70 kilometres and in Cachar sector over a frontage of 40 kilometers.

9. Border fencing in Assam must be completed forthwith on a war footing. In terms of cost outlay, it may not now be possible to provide border fencing of the same height as in Punjab but there must be lighting arrangements for the fence. Observation towers must be provided in Cachar Sector.
10. Additional BSF battalions should be provided in the East with each battalion having a frontage of 30 kilometres. It is understood that one reason for thin deployment of BSF in the East is the fact that 16 battalions are deployed on counter insurgency tasks. Such diversion of forces from border policing to other duties, when the battle against illegal migrants is on, cannot but have adverse effect. The shortage of BSF units must be made up on priority through new raising.
11. The present arrangement of guarding the riverine border with some speed boats and out-broad fitted country boats, is not adequate. There is a need to have floating BOPs on medium watercraft with four to five speed boats attached to them. A proposal for nine medium crafts has been put up by DG BSF. This should be sanctioned soon.
12. All country boats plying on the river near the border must be registered with their registration number marked on them and the registration papers available with the crew for verification, when required.

Other measures

13. Certain other measures are also required to be taken to deal with illegal migration. These are as follows :-
 - a. Our nationals in the border districts and for that matter in the whole State, should be provided multipurpose photo

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- identity card. This task should be completely on high priority.
- b. Effective arrangements must be made for registration of births and deaths in the State.
 - c. The 1950 National Register of Citizens should be updated. Computerisation will facilitate this process. A separate register for illegal migrants (Stateless citizens) should also be maintained.
14. The Brahmaputra is normally 5 to 7 Km wide and during floods has only one water channel. However, in lean season, there are two, three or even more water channels throwing up chars (river islands). Due to changing river configurations, it is difficult to survey the chars. The Bangladeshi Muslims settle on these chars. They are hardy and are prepared to face difficult living conditions, particularly when the chars gets submerged for a few days during floods, which come three to four times in a season. Chickens are put on roofs, cattle herded on platforms above the water level and in emergent situation men and cattle live in boats. This hardy community has been living on chars in the Brahmaputra from Dhubri (near the international border) to Lakhimpur. There are still several chars which are uninhabited. These should be handed over to the Forest Department and notified as forest land. Trees which can withstand 1 to 3 feet of water during the flood season should be planted on them.

Developments in Bangladesh

15. The measures recommended to arrest the influx of illegal migrants may not completely stop their ingress but will certainly go a long way in reducing it to a small trickle. A more lasting and effective solution can come about through economic development in Bangladesh. This will remove the motivation behind trans-border migration. Lately, there have been welcome developments in this regard in Bangladesh. There are signs of the economy

picking up in that country through the unique experiment of Grameen Bank supported by a large amount of international funding and the efforts of the Government and other NGOs. The Grameen Bank has been targeting the women. Its membership has swelled to over 2 million, and of these, 93 per cent are women. It is providing micro-credit loans without any collateral. These run into several billions and they have a record recovery rate of 98 per cent. This is bringing about a perceptible change in the rural areas. Targeting women for economic development provides multi-benefits. It adds to the earning of the family, encourages gender justice, promotes women's education, which acts as a curb on population growth, and liberated women become bulwark against the spread of Islamic fundamentalism. All these benefits suit the interests of India. India should, as far as possible, be prepared to assist in socio-economic development of Bangladesh.

Implementation

16. The various measures recommended to stop illegal migration are non-controversial. No political party or organisation within the country can legitimately protest and demand that these steps should not be taken. Through these measures, we can bring about a sea change in the situation and trans-border migration will become a trickle. If we do not take effective measures to stop this movement and allow trans-border migration to continue unabated, then it may spell the doom of Assam and put our national security in grave jeopardy.

Chapter IV DETECTION AND DEPORTATION Conflicting Viewpoints

1. Measures to stem illegal migration can be undertaken without any controversy but any alternation of status quo

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in regard to detection and deportation of these migrants will result in strident assertion of conflicting viewpoints. The "secular" parties and the minorities do not see any danger from illegal migration. They believe that most of the so called illegal migrants are Bengali speaking Indian Muslims and this issue has been unnecessarily blown out of proportion. They fear that in the garb of deporting foreigners, Indian Muslims will be harassed. Thus they are for the continuance of IMDT Act in its present form. On the other hand, the majority community of Assam and the political parties dubbed as "communal" by the "secularists" have a diametrically opposite viewpoint. They are gravely concerned about the large influx of illegal migrants and want their ingress stopped. They also want that the highly discriminating IMDT Act be repealed forthwith. There appears to be no meeting ground between these opposing views. Notwithstanding this, it is in our national interest to work out a mutually acceptable solution to this burning problem, which not only affects the people of Assam but the entire Nation.

2. The furore raised over the attempt by Maharashtra Government to deport 34 Bangladeshis from Mumbai in accordance with the due process of law, underscored the sharp divide in the country over this issue. The ugly incidents in Calcutta, the stalling of the proceedings of the Parliament and the outraged feelings so strongly expressed in the Press, showed how sensitivities got aroused on this issue. In the past few years, many illegal migrants from different States, including Maharashtra, were being pushed back into Bangladesh - 4895 in 1993, 5782 in 1994, 3612 in 1995, 2791 in 1996, 4222 in 1997 and 1597 upto September 1998. In other words such deportation had been a common feature and no protests were being raised on that account. The point about Government of West Bengal not being given prior information does not hold much water. The deportation had to be effected by a central agency, the BSF. No doubt

the illegal migrants escorted by Maharashtra Police had to transit through West Bengal but for that matter, they had also to transit through other States en route. On that basis, each State Government en route could ask for prior information of their deportation. It is pertinent that during the days of terrorism in Punjab, Policemen from that State had to come to Calcutta and had picked up suspected terrorists without any intimation to West Bengal Government. The protest made about that action was almost mute compared to what happened in the case of the attempted deportation of the Bangladeshis from Mumbai. Understandably there was sharp reaction in Bangladesh. The Bangladeshi Press was highly critical of the designs of the "Hindu fundamentalist Government" in India, trying to throw out innocent Indian Muslims and dump them in Bangladesh. One newspaper went to the extent of demanding that Bangladesh should seek assistance from the USA to deal with India. Prime Minister, Sheikh Haseena, a known friend of India, issued a statement that no Bangladeshi was illegally living in India. Her predecessor, not known to be so friendly towards India, had agreed to a Joint Working Group of India and Bangladesh to be set up for examining the issue of illegal migrants. This had implied acceptance of the existence of this problem, which was now being so summarily dismissed.

Deportation

3. International law does not provide for unilateral deportation in defiance of the views of the country to which the deportation is to take place. With the stand now taken by Bangladesh, it will not be possible for India to deport millions of illegal migrants to Bangladesh. From 1993 to September 1998, the BSF tried to hand over 39,746 illegal migrants to Bangladesh Rifles. The latter accepted only 9,253 and refused to accept 30,493. The acceptance figures by Bangladesh declined from 5799 in 1993 to only 55 in 1998 (upto 30 September). With the

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recent developments in the wake of the attempt to deport 34 Bangladeshi Muslims from Mumbai and the statement of the Prime Minister of Bangladesh, it is unlikely that Bangladesh Rifles will now accept Bangladeshi migrants. Moreover, the bursting population of Bangladesh creates a Malthusian nightmare and is not conducive to that country accepting them. Further, our capability to identify and deport over ten million such people is questionable. In these circumstances, deportation of these illegal migrants is not now a practical proposition.

IMDT Act

4. IMDT Act was enacted at the height of the anti-foreigner's movement in Assam. The large scale violence during the movement including the Nellie massacre, had led to understandable apprehension among the minorities of harassment and victimisation. A large number of illegal migrants had been pushed back in previous years. It is possible that in this process, some genuine Indian citizens had been harassed and pushed back. Be that as it may, the fact is that on the plea of protecting genuine Indian citizens, the IMDT Act was formulated but in practice, it has been found to be primarily serving the interests of the illegal migrants.
5. The Act provided for two individuals living within a radius of 3 kilometers of a suspected illegal migrant to file a complaint accompanied with a deposit sum of Rs.25. The 3 km restriction was modified and now the complainant can be from the same police station area as the individual being complained against. The deposit fee has been reduced from Rs. 25 to Rs. 10. The Police can also suo moto initiate action. Elaborate time consuming procedures have been laid down for screening, for examination by District Tribunals and for appeal to the Appellate Tribunal.
6. Proponents of IMDT maintain that unwarranted fears have been aroused about the large influx of population from Bangladesh when in actual fact their number is very

small. They want to retain this Act at all costs. They feel that otherwise, the minorities would face great hardship and harassment.

7. The opponents of this Act demand its immediate repeal as it is a highly discriminatory legislation applying only to Assam and not to any other State. They argue that such a legislation should not have been on the statute of any sovereign State. It gives freedom to an alien to enter this country, secure in the knowledge that the country he has entered illegally, will have to prove that he is an illegal migrant to deny him citizenship. Under the Foreigners Act which applies to the rest of the country and which is in consonance with the practice followed the world over, it is for the foreigner to prove that he is an Indian national to claim Indian citizenship. The IMDT Act shifts the burden of proof on the complainant or the Police, to establish that the person complained against is a foreigner.
8. This Act caters for an Appellant Tribunal of two retired High Court Judges, sixteen district Tribunals of two retired District/Additional District Judges with supporting staff. The Border organisation of 4000 Policemen processes the cases of alleged illegal migrants. The efforts of these agencies maintained a cost of hundreds of crores to the Exchequer, extending over a period of 15 years, has led to the identification of only 9,599 illegal migrants. Out of these only 1,454 could be deported. These statistics amply establish the futility of continuing with the IMDT Act in its present form.
9. Apart from the conflicting views of the proponents and opponents of the IMDT Act, those working for executing its provisions have been facing difficulties as indicated below:-
 - a. The Tribunals have been starved of funds and resources. Out of 16 District Tribunals only 5 are functioning. The remaining 11 tribunals have only one person each on the bench and as such are non-functional. Salaries and TA



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bills of the staff are not paid in time. Essential facilities, like transport and telephone are lacking and funds are often not available to buy even postage stamps.

- b. The Border Organisation required to process these cases has been encountering difficulties at every step. Often by the time a complaint is received or the Police initiates inquiry against a suspect, that individual shifts to another location and is not traceable. When the individual is available, he insists he is an Indian national and while the Police tries to collect evidence, he often disappears. The process of absconding also occurs at two subsequent stages - before the case is heard by the Tribunal and during the 30 days period allowed to the person to appear to the higher tribunal or face expulsion. Under this Act, the Police does not have the powers of search, seizure or arrest as available under the Foreigners Act. During trial by Tribunals, prosecution witnesses do not appear because there is no provision for paying them their travelling expense.
10. Any move to repeal the IMDT Act is likely to encounter strong opposition from the minorities and their supporters, for vested and opportunistic reasons. Some of these have begun to suggest that to remove the allegation of discrimination connected with this Act, its provisions should be extended to other States. They argue that the Foreigners Act of 1946 is a legacy of the British era and was meant to deal with foreign national who were ethnically and culturally different from Indians. The requirements for dealing with Bangladeshis who have ethnic, cultural, linguistic and religious affinities with our population, are different. This requires a different legislation. This line of argument ignores similarities between the Tamil people of Sri Lanka and of Tamil Nadu or for that matter, the similarities among the people living on either side of the Indo-Nepal border. It is further argued that the meagre number of foreigners detected under the IMDT Act is not due to any infirmities of this Act or in the procedures being followed, but due to the

very small numbers of illegal migrants in the country. This argument flies in the face of all available statistics and other indicators, establishing the presence of a very large number of illegal Bangladeshi migrants in the country.

11. As deportation of such a large number of illegal migrants is no longer a viable option and because of the numerous infirmities in the IMDT Act which have rendered its continuation a wasteful exercise, it is imperative that this Act be repealed. It should be replaced by a more just, workable and fair enactment.

Replacing IMDT Act

The IMDT Act does not exclusively apply to any religious community. It is applicable as much to Bengali Hindus as to Bengali Muslims. Providing asylum to minorities fleeing from their home country was a Partition liability for both India and Pakistan. Yet in Assam no distinction has been made between Hindus and Muslims. Those migrants who came into Assam upto 24 March, 1971 have been given Indian citizenship, irrespective of the religious community to which they belong. However, the ground reality is that of late almost all the illegal migrants now coming into Assam are Muslims.

12. The repeal of IMDT Act and its replacement by another Act, must take into account the legitimate fears of the minorities. They should be assured that the new Act will be fair, just and transparent, leading to expeditious disposal of cases. The following aspects have to be noted :-
 - a. Partition liability of India in relation to refugees from East Pakistan/Bangladesh is only in respect of the minority community of that country. However, this liability should not be extended beyond a reasonable time frame. A quarter of a century is adequate for this purpose. Any Hindu migrant coming to India after 24 March 1971 without valid papers should be classified as an illegal migrant.

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- b. Although India had no Partition liability for East Pakistani Muslims, Assam Accord caters for Indian citizenship being granted to all East Pakistani Muslims who came across illegally between 15 August 1947 and 24 March 1971, with a special provision that those who came between 1 January 1966 and 24 March 1971 would be eligible for this, only after a lapse of ten years of being identified as foreigners.
 - c. As per JIC Paper No. 04/95 of 3 January 1995, even after legitimising pre-1971 illegal migrants, 18% of the population of Assam in 1991 comprises illegal migrants. Since deportation is being ruled out as a viable option, even those, whether Hindus or Muslims, who came in illegally after 24 March 1971, will now not be deported. Thus the scope for harassment gets considerably reduced and the main sting in the whole process gets taken out.
13. Although illegal migrants, who came in after 24 March 1971 will not be deported, they must be identified and after identification denied voting rights and certain other facilities like acquisition of immovable property. A suitable process for doing so which may have acceptability and command credibility should be evolved. This exercise should be completed expeditiously. This process for doing so should be on the following lines:
- a. Ground survey teams each under a Magistrate assisted by the Border Organisation, should extensively tour the areas allotted to them, to identify illegal migrants. To ensure maximum objectivity and freedom from local pressures, political or otherwise, Magistrates from outside Assam be deputed for this task. The survey should be completed in a fixed time frame of a few months. Inducting Magistrates from outside will be on the lines of what happened in 1983 elections, when officers were brought into Assam from different States on temporary deputation.
 - b. Individuals identified as illegal migrants should be allowed the right of appeal before Foreigners Tribunal set up under

the Foreigners Act. This will provide necessary judicial sanctity to this exercise.

- c. Foreigners identity as illegal migrants should be denied voting rights and their children born in India should not automatically become eligible for Indian citizenship. Disenfranchisement may be a big issue for political parties who so assiduously try to build vote banks but is no hardship to the immigrant. The denial of voting rights to these migrants can by no stretch be deemed to be unjust. Over 1 lakh Hindu and Sikh refugees from West Pakistan, who settled in Jammu region in 1947, have to this day, after a lapse of over 50 years, not been given voting rights. However, refugees from West Pakistan who settled in other States were given full citizenship rights and many amongst them became Union Cabinet Ministers and one became Prime Minister.
14. The proposed arrangement should adequately assuage the legitimate fears of the minority community and will also be a humane measure for the illegal migrants. Pre-1971 illegal migrants stand already legitimised and the post-1971 illegal migrants, not now to be deported, will be partially legitimised.
15. The minority community in Assam now comprises nearly 30% of the population and with their tendency to vote as a bloc, they can hardly be considered a minority, in real terms. They have come to acquire a decisive role in Assam's democratic polity, which the majority community with its split votes, cannot match. So far as the majority community is concerned, they may resent the decision not to deport the illegal migrants but in the present circumstances, there is no other alternative. They should get reconciled to it. Illegal migrants upto 24 March 1971 have been made Indian citizens and this has been accepted by them. Illegal migrants of post-24 March, 1971 vintage will not be deported but will be made Stateless citizens. The minority community should appreciate that the repeal of IMDT



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Act and its replacement by a just, fair, transparent and expeditious act will provide adequate safeguards against harassment and victimisation. This will also reduce political patronage for illegal migration and will be yet another disincentive for prospective illegal migrants.

Chapter V

CONCLUSION

1. A silent and invidious invasion of Assam has been taking place for several decades and successive Governments have failed to stem this demographic onslaught. It started as a purely economic movement contributing to the development of Assam's agricultural economy. As Independence approached, it acquired communal and political contours. And today, an international dimension with security overtones has got added to this population movement.
2. Hitherto the intrusion of illegal migrants has generally been looked upon as a local problem affecting only the people of Assam. The myopic view accounts for the more sinister and dangerous aspects being overlooked. The views expressed by Jinnah, Bhutto, Sheikh Mujib-ur-Rahman and the present day intellectuals in Bangladesh cannot be ignored. Assam can provide the much desired lebensraum for Bangladesh. This fact coupled with Assam's geostrategic importance, Bangladesh's bursting population and growing international Islamic fundamentalism, underscore the volatile situation created by this ongoing demographic intrusion from across the border. We must not allow any misconceived notions of secularism to blind us to these realities.
3. Although Bangladeshi illegal migrants have come into several States of India and they are more numerous in West Bengal than in Assam, they pose a much greater threat in Assam than in any other State. If not effectively checked, they may swamp the Assamese people and may

sever the North East land mass from the rest of India. This will lead to disastrous strategic and economic results.

4. Political parties have been underplaying the grave importance of this problem and have been viewing it as something affecting only the Assamese people. Thus an issue of great concern for national security has been made into a partisan affair and a matter of vote banks. It must be lifted above the mire of party politics and viewed as a national security issue of great importance. There is an imperative need to evolve a national consensus on this all important threat facing the Nation.
5. Concrete steps must be taken on war footing to ensure that the borders are as nearly sealed as possible and the unabated flood of infiltration, reduced to a trickle. Concurrently, the highly discriminatory IMDT Act which during the last 15 years has proved to be an exercise in futility, should be repealed. With deportation of illegal migrants to Bangladesh no longer a viable option, a new legislation needs to be introduced which will ensure a just, fair, practical and expeditious approach to detecting illegal migrants and declaring them Stateless citizens without voting rights, and without the right to acquire immovable property.
6. A summary of recommendations is attached as an appendix to this report.

(Lt. Gen. (Retd.) S. K. Sinha, PVSM)
Governor of Assam
Guwahati
8 November, 1998

Appendix
SUMMARY OF RECOMMENDATIONS

1. Awareness should be promoted about illegal migration into Assam being not only a threat to the identity of the Assamese people but what is more, being a grave threat to our national security.
2. Border fencing in Assam should be completed on a war footing. Observation towers and lighting should be provided on the same scale as in Punjab.
3. BSF battalions deployed in Assam should not be given responsibility to hold unduly extended frontages. As in the case of Punjab, BSF battalions should hold a frontage of 30 kilometers.

Additional BSF battalions should be provided for this purpose.
4. Diversion of BSF battalions from the border in Assam for other tasks, when the battle against infiltrators is on, must be scrupulously avoided.
5. All country boats, plying in the river near the border should be registered and their registration numbers marked on them.
6. Medium crafts for floating BOPs with adequate speed boats for the riverine sector, should be made available as early as possible.
7. Multi-purpose photo identity cards should be provided to all our nationals. Districts bordering Bangladesh should be accorded higher priority.
8. Effective arrangements should be made for registration of births and deaths.
9. The National Register of Citizens should be updated and computerised. A separate register of Stateless citizens should also be maintained.

10. Vacant Chars in the river should be handed over to the Forest Department and trees planted on them.
11. As far as possible, we should assist in the process of economic development in Bangladesh. Socio-economic programmes designed to improve the lot of women should be given priority due to its multiple beneficiary spin offs - improving the family's income, women's education curbing population growth and educated women becoming a bulwark against the spread of Islamic fundamentalism.
12. Hindu illegal migrants who have infiltrated after 24 March 1971 should not be given refugee status. They should be treated as illegal migrants.
13. While maximum effort must be made to stem the ingress of illegal migrants, those who have already infiltrated after 24 March 1971 to date, may not be deported.
14. The IMDT Act should be repealed and replaced by a new legislation which should provide for detection for illegal migrants in a just, fair and expeditious manner, with due judicial sanctity accorded to the process. Those identified as illegal migrants should be allowed to stay in the country as Stateless citizens with no voting right nor the right to acquire immovable property.

Survey teams working under Magistrates on deputation from other States assisted by policemen of Border Organisation, should identify illegal migrants in a fixed time frame of short duration. Those identified as foreigners by these teams should be given the right of appeal to tribunals set up under Foreigners Act.

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**13. “Transforming the Northeast”,
High Level Commission Report to the
Prime Minister, Planning Commission,
Government of India,
March 7, 1997**

Summary

Following Prime Minister, H.D. Devegowda visit to the Northeast in 1996, a High Level Commission under the chairmanship of S P Shukla was constituted to recommend measures to make good Infrastructural and Basic Minimum Service Gaps. The Commission submitted its report on March 7, 1997. The Report stated that there are four deficits that confront the Northeast- a basic needs deficit; an infrastructural deficit; a resource deficit; and a two-way deficit of understanding with rest of the country, which compounds other deficits. In terms of per capita state domestic product or other standard indices such as power, road length, hospital beds, the Northeast ranks well below the national average. The need of the hour is to structure new patterns of development. The Report, however, argued that for investments and development security and tranquility in the region is essential.

The Report argued that rapid provision of basic minimum services will help in poverty alleviation while infrastructural development would pave the way for accelerated growth. For this, the Centre has to make considerable increases in outlay and capacity building. This is because the Northeast was uniquely disadvantaged by partition which severed its transportation links with the rest of the country. Secondly, this region witnessed prolonged and multiple insurgencies. Thirdly, it is a resource rich region and finally with better ties developing with China, Myanmar and Bangladesh, the Northeast is no longer seen as 'burdensome'.

The Report stated that the Northeast requires massive development thrust. Its vast bio-diversity should be suitably exploited. The country must help the Northeast to develop, but above all the region must essentially help itself. The Commission argued that administrative and political capacity-building will be necessary to manage the proposed accelerated development. In addition, it recommended proper



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monitoring of the progress of the schemes, transparency and wide public participation. The Commission also recommended the restructuring of the North Eastern Council (NEC) into a more 'purposeful' body. The Commission recommended that a special effort might be made by the Planning Commission to prepare and project a perspective plan, 'Northeast 2015' that offers future vision.

For bridging the basic minimum needs and infrastructural gaps in the Northeast, the Commission provided an exhaustive list of recommendations covering every sector of the economy.



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INTRODUCTION

The Prime Minister's economic package and offer of unconditional talks announced on the occasion of his visit to the Northeast last October has aroused great expectations in the Region. The consequent appointment of a Commission to recommend measures to make good Infrastructural and Basic Minimum Service Gaps and a Committee on stimulating Employment is seen as indicative of serious intent to bring the Northeast on par with the rest of the country within the next five to ten years in a process of poverty alleviation and infrastructural upgradation.

It would be simplistic to believe that development by it self can end insurgency and restore tranquility. Yet it constitutes a most important element in that task and an effective entry point for dealing with complex problems of historical neglect, rapid transition and social change. The extraordinary ethno-geographic and bio-geographic diversity of the Region precludes uniform solutions as different communities' are at varying stages of growth.

The Northeast is divided into discrete plains regions encompassed within hills, with a number of agro-climatic zones within them. It is characterized by heavy precipitation, extremely rich biodiversity, fragile hills, high seismicity, and a drainage pattern marked by lateral valleys in the north and transverse valleys in the south, dissected by huge rivers and raging torrents. All of this renders communication difficult and expensive, especially in view of the neglect of the great waterways that were once major arteries of commerce and culture.

Partition further isolated an already geo-politically sequestered region. It was left with over 4500 km of external frontier with Bhutan, China, Myanmar and Bangladesh but no more than a slender 22 km connection with the Indian heartland through the tenuous Siliguri corridor, the Gateway to the Northeast. The very considerable market disruption, socio-economic distancing and retardation that resulted has not been adequately appreciated or compensated.

The Northeast spreads over a vast expanse of 255,000 sq. Km with a relatively small population of under 40 million today. However, the cultivable area is limited and the land- man ratio has become increasingly adverse. Barring the Imphal Vally and pockets elsewhere, agricultural yields are low while traditional farming with a shrinking jhum cycle has become ecologically unsustainable. Nevertheless, jhum represents a way of life interwoven with collective tribal practices and can be improved. Much land in the hills is owned by the community, not the states, though privatisation and "enclosures" are evident in some places. Urbanisation is generally low, except in Mizoram and Nagaland.

The regional economies are simple, heavily deficit and dependent on the rest of the country for many basic needs. All seven units are special category states whose development plans are almost entirely centrally financed on the basis of 90 per cent grant and 10 per cent loan. The development funding pattern for the special category states accords them built- in preferential treatment. There is no agricultural surplus and limited capital formation and entrepreneurial skills. Assam had seen some development around tea, oil and timber, the region is, however, basically pre-industrial despite a number of saw mills and plywood factories, a few cement plants and other miscellaneous enterprises apart from oil and coal. Handlooms and handicrafts, once the pride of the Northeast, are on the decline but have a considerable potential if given contemporary functionality through design, marketing and other inputs.

The region is bountifully endowed with bio-diversity, hydro-potential, oil and gas, coal, limestone and forest wealth. It is ideally



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suited to produce a whole range of plantation crops, spices, fruit and vegetables, flowers and herbs, much of which could be processed and exported to the rest of the country and worldwide. Markets must be developed and problems of transportation, power, infrastructure, finance and services overcome. Its natural beauty, serenity and rich flora and fauna invite trekking and tourism.

The Northeast tends to be seen as a distant outpost, some kind of land's end. Yet it was until recently a crossroads and a bridge to Southeast and East Asia, with its great rivers ending in ocean terminals at Calcutta and Chittagong.

The recent MOU with Myanmar restoring border trade and the just concluded Ganga Treaty with Bangladesh, however, herald a new chapter. The possible restoration to the Northeast of its erstwhile transit routes and markets and vice versa suggests new opportunities that can be creatively exploited to mutual benefit. New concepts have begun to excite the international imagination: the South Asia Development Triangle, including eastern and Northeastern India, Nepal, Bhutan and Bangladesh, an extension of this within a larger growth quadrant that takes in Myanmar, Thailand, Laos and Southwest China along the old Burma Road and proposed Trans-Asian Highway and Railway; and a Bay of Bengal Triangle with Calcutta and Chittagong at the apex of a vast hinterland stretching down to Sri Lanka on one side and Singapore on the other.

Even as these ideas are nurtured and exploited, the Northeast must be enabled to grow at its own pace and in accordance with its own genius. It cannot be treated merely as a resource region, market dump and transit yard. There is strong resentment over what is seen as an earlier phase of "colonial exploitation" in which its wealth was extracted for others' enrichment. Such a path of development is not advocated. On the contrary, the people of the Northeast must feel that they are equal partners in a process of culturally friendly, equitable and sustainable development. This must be the thrust. Yet delay would be denial.

The Northeast is a latecomer to development. The trauma of

partition, political evolution and reorganisation of Assam along the present state boundaries, and continuing internal adjustments to achieve decentralised sub-state structures such as autonomous councils, punctuated with protest movements and insurgencies, have interrupted progress. The building of new political institutions, with former districts graduating to statehood, has necessarily been a slow process. Traditional institutions were in some cases too soon or somewhat carelessly by-passed for newer structures that are perhaps not always well-suited to the region. Likewise, all-India norms and patterns of administration and planning have been extended to or have sometimes been sought by these units only to prove an embarrassment.

These are not insuperable problems; but they need to be addressed. This can be done by changing from planning for the Northeast to planning with the Northeast for the benefit of the individual units, the region and the country as a whole.

The Northeast has vast potential resources but little or no "plan" resources to-day. It is heavily indebted in spite of high per capita Plan outlays and subventions. Huge establishment costs exceed state revenue collections as government service provides the sole and certainly the principal avenue of employment. This situation cannot be abruptly ended without creating viable alternatives. The paradox is that there is an enormous amount of work to be done but few jobs. Imaginative solutions must be found. Likewise, there have been grievous leakages, partly to underground extortion and "taxation" but also as a result of the breakdown of traditional values and institutions, the bewilderingly rapid changeover from a barter to a monetised economy, and the rise of new elites.

Many of the Northeastern states joined the planning process later than most others. Mizoram did so only in the Seventh Plan while Nagaland has been insurgency-prone since the 1950s. It is often asserted that the Northeastern states were created for good and sound political reasons and not on the basis of economic viability.

It would perhaps help understanding to place the development of the seven Northeastern states in several concentric circles: first



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the local community; next the autonomous councils/states; third, the Northeastern region, in view of the interdependence of the several constituent entities and the overriding reality of a common gateway to the heartland; beyond that the bigger Ganga-Brahmaputra-Meghna (GBM) resource region; and, finally, the larger world of Southeast Asia and Southwest China; the Northeast is indeed India's cultural and economic bridgehead to these fast growing economies.

There are four deficits that confront the Northeast, a basic needs deficit; an infrastructural deficit; a resource deficit, and, most important, a two-way deficit of understanding with the rest of the country which compounds the others. The Northeast has so far depended exclusively on the Centre for development funding. A more rapid pace of the growth would generate larger internal resources. This could perhaps be enlarged through the additionality of private investment, Indian and foreign, within a well-defined framework

In terms of per capita state domestic product or other standard development indices such as power, road length or hospital beds, the Northeast ranks well below the national average. Only in literacy does it stand high. Yet this too can be misleading as vocational training, entrepreneurial skills and the basic grounding in mathematics and science is weak. The school infrastructure is inadequate, including that of trained teachers. Imphal has 28 Intermediate colleges which, in the absence of matching employment opportunities, is adding to problems of educated unemployment, frustration drugs and insurgency. The right overall balance and linkages are missing.

For the same reason, it would be a pity for the Northeast to sprout more and more run of the mill universities, Central or State. What is needed is for the concerned vice-chancellors and the UGC to get together and plan to develop within each of them strong area studies and a few centres of excellence in disciplines and languages relevant to the region.

New patterns of development need to be structured. There are examples of innovation:

Nagaland's village development boards with their common fund and the Nagaland environment protection and economic development (NEPED) programme for introducing upgraded tree farming into the jhum cycle as a starting point for tapping its considerable bio-diversity, Meghalaya's groping towards a new concept of "tribal interest" for acquiring land, as well as its Economic Development Council and plans for reorganising its electricity board; Mizoram's new land use policy; Tripura's smallholder rubber plantations, and Assam's experiments with apex councils and proposals for reinvestment of agricultural income tax by assesseees for approved purposes Each State could learn from the others' experience.

One can envisage other models such as the establishment of special economic zones and EPZs to take advantage of the emerging opportunities of trade with Bangladesh and Myanmar; counter-guarantees to attract investment into the region, the establishment of upper-catchment area authorities in relation to the large dams under consideration; and the application of a special income tax regime for the hitherto exempted tribal areas of the Northeast.

It might also be worth exploring the idea of freezing the disputed areas along Assam's borders with Meghalaya, Arunachal Pradesh, Nagaland and Mizoram for, say, 25 years and developing them with Central assistance into infrastructural and industrial hubs for hills-plains interchange. These could provide sites for airfields, railheads, warehousing, cold storages, market yards, regional institutions, medium/large industry, processing units, and R&R centres for persons displaced by dams and development in the hills

Such innovations could form the basis for creative and cooperative federalism.

The Commission makes bold to suggest such ideas as investment and development can only take place in an environment and security and tranquility even as they promote such an environment. Therefore, while some of these proposals appear to go beyond its strict terms of reference, the Commission nevertheless ventures



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to put them forward as elements of what might be described as basic political needs and building of the political infrastructure.

A POLICY FRAME: FROM DESPAIR TO HOPE

The Commission sees its charter to secure the elimination of backlogs and gaps in basic minimum services and infrastructure in the Northeast not just incrementally but through a quantum leap. These Prime Minister's pronouncements clearly mandate this as a national priority. The task is to end the Region's perceived sense of isolation and neglect and break the vicious circle of economic stagnation and unemployment which feeds militancy and, in turn, hampers investment and the harnessing of its abundant resources.

Rapid provision of basic minimum services will make for poverty alleviation even as infrastructure development paves the way for accelerated growth. The two are interlinked if there is to be human resource development and the translation of mere potential into tangible wealth.

Effecting a quantum jump will require a very considerable increase in outlay and capacity-building to develop and implement programmes and projects with appropriate monitoring mechanisms to preclude leakages and time and cost overruns. Local, State and

Central authorities alike will need to gear themselves to the task and devise more effective norms and systems to ensure results. The Northeastern Council (NEC) will also need radical reorganisation if it is to be a meaningful nodal agency in the new context.

It is for the Planning Commission to determine the exact quantum of funding. However, some might question why the Northeast should be specially favoured when per capita outlays in the Region are already high and all the units are Special Category States with a 90 per cent grant component by way of Central assistance. The reasons are clear.

First and foremost, the Northeast was uniquely disadvantaged by Partition which left its external perimeter with no more than two per cent contiguity with the rest of India. The remaining 98 per cent represents what are often difficult and, until recently, inhospitable international boundaries. No other part of the country, barring J&K, has had to bear a comparable burden with severe market disruption, total isolation and loss of traditional communication infrastructure, all of which has pushed regional costs and prices well above national norms, transport subsidies notwithstanding. This rendered the normal market production processes in the region less attractive and State intervention that much more costly. Fifty years after Independence, partial redressal does not constitute a special favour.

Secondly, no part of the country has been so riven by prolonged and multiple insurgencies that have held development to ransom. The underlying discontents have a strong social and economic background with added trauma as pre-industrial tribal communities inevitably undergo rapid modernisation.

Thirdly, this resource-rich region is truly a national asset. The development of its hydroelectric, oil and gas, coal, bio-diversity and agro-silvicultural potential holds out promise of national solutions through regional development. This in turn will add immeasurably to national security in every respect.

Fourthly, with the recent softening of geo-political rigidities following understandings with China, then Myanmar and, most especially, with Bangladesh, the Northeast is no more burdensome peripheral region somewhere out there, but is poised once again to resume its dynamic role as a bridge to the booming economies of Southeast Asia and Southwest China to mutual benefit. No surprise that proposals to construct a Trans-Asian Highway and Asian Railway have been revived.

The new-found warmth in Indo-Bangladesh relations offers opportunities to both sides that could significantly alter planning priorities and development perspectives. Many options, previously barred, are opening up and hold out prospects of attendant employment and income generating dividends through mutual

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cooperation. The changing contours of economic policy also suggest opportunities for private and foreign investment as well as joint ventures. In view of what some investors might regard as an uncertain security environment, it might be necessary and desirable for the Government to underwrite critical investments with suitable counter-guarantees. If this was done to encourage so-called fast-track energy projects in peaceful and well-developed parts of the country, there is little reason to balk at its selective application in the Northeast.

Table I

BASIC MINIMUM SERVICES

(Rs in crores)

Sector/Slate		Assam	Tripura	Manipur	Arunachal Pradesh	Nagaland	Meghalaya	Mizoram	Total
Housing for Shelterless Poor	Const.	1616.77	450.96	174.06	60.15	258.61	27.00	28.90	2616.51
Rural Connectivity	- Const.	269.20	467.71	797.55*	740.00	85.19	68.25	178.10	2606.00
Safe Drinking Water Supply	- Const.	744.65	306.13	333.01	172.67	142.85	48.42	110.31	1863.04
Elementary Education	- Const.	253.45	61.47	25.22	30.74	10.40	72.73	4.19	458.20
Primary Education	- Salary	583.09	123.34	40.75	21.60	23.04	200.20	8.64	1005.66
Health	Const.	249.31	58.88	26.71	12.52	78.33	11.70	52.06	489.51
P.D.S.	Salary	225.33	40.76	20.70	10.86	-	5.49	41.78	344.92
	Const.	5.00	3.00	-	-	-	-	3.70	11.70
Total:	Const.	1138.38	1348.15	1361.55	1016.08	575.38	228.10	377.32	8044.96
Total:	Salary	813.42	164.10	61.45	32.46	23.04	205.69	50.42	1350.58
TOTAL:		(951.80)	1512.25	1423.00	1048.54	598.42	433.79	427.74	9395.54
GRAND Total									9395.54

Const = Construction and equipment component.

Salary = Salary component for the 9th Plan period

Vide note in the detailed statement relating to Nagaland.

* The Manipur Government proposes to provide connectivity to villages with a population >200 during the 9th Plan period for which it has asked for a provision of Rs.401 crores out of a total requirement of Rs.797 crores.

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Sector	Estimated Investment (Rs crores)	Ninth Plan Requirement (Rs crores)	Remarks
1	2	3	4
INLAND WATER TRANSPORT		174.00	
MISCELLANEOUS		175.00	We have recommended a number of policy initiatives requiring studies and some initial funding as well as certain other programmes in different sectors such as agricultural research, Commodity Boards, Broadcasting, Handloom and Handcraft, design and exhibition facilities, tourism, renovation of cultural sites, Higher Education, external trade, etc. A broad order of magnitude of funds required is indicated.
TOTAL	93619.01	1799542	

Note: 1. For Flood Control and Irrigation, the Statewise break-up is available. For the rest, the sectoral requirements for the Region as a whole are more meaningful.

2. For other infrastructure sectors such as Telecommunication, Broadcasting, Civil Aviation, the requirements are not significantly large and can be accommodated within the respective 9th Plan outlays. Details are to be found in the concerned chapters.

3. ONGC, OIL and Coal India's investments will be coming out of their own resources.

			capacity in the Northeast is of the order of Rs 500-600 crores per annum
IRRIGATION	9065.00	1875.00	
FLOOD CONTROL	1261.00	545.00	
(Short-term measures only)			



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FINALE

The Commission had very limited time at its disposal but would like to acknowledge the

cooperation and assistance it received from the State Governments, NEC, Central Ministries, public undertakings, NGOs and others. Their experience and insights illuminated the way and rendered our task that much easier. Extensive documentation was provided. Tribal leaders, political representatives, academics and the media gave us leads to popular opinion and public concerns.

Field visits were organised by the various administrations and these gave us a glimpse of ground realities and brought home to us the rigours of the terrain, the enormous diversity of the region, and the innate quality and artistry of the people.

We are grateful to one and all for providing us with such a wealth of material and helping us to understand the problems and aspirations of the region. Some of the matters brought to our attention are clearly beyond our competence. We have nevertheless brought some of the more salient issues to the notice of those more directly concerned.

Not all the many proposals placed before the Commission could be accepted or included in our recommendations. This is because some of them were outside our terms of reference or were no more than ideas or generalised propositions that need greater investigation and examination. Others will be included in the 9th Plan in the normal course as extensions of ongoing schemes. Still others have had to be left out as the Commission cannot obviously present a long wish list. We have sought to be selective so as to ensure focus and coherence and have detailed the background to major sectoral themes because of the need to provide context and perspective.

We have avoided pronouncing on a number of complex political, social and technical issues as we lack the necessary mandate and expertise. We have even so thought fit to flag some

of these for further study by appropriate agencies. We hope that the Government will take necessary follow-up action, as continuing innovation and creative thinking is required to progress the future of the Northeast.

The Northeast requires a massive development thrust to make up for lost time and put it on a fast track. It has vast natural resources in its bio-diversity and water wealth. These should be suitably exploited to raise living standards and the quality of life of all the people, with equity and safeguards to prevent degradation of the natural and socio-cultural environment. It is for this reason that the Commission has made certain recommendations that will hopefully contribute to enhancing the rich cultures and essential cultural values that are such a distinctive feature of the Northeast.

True growth must mean human as much as material development. The Northeast has a special aptitude for sport and cultural expression as manifest in its rich tradition of music, dance and crafts. We place emphasis on development of these talents which will foster regional and local pride and confidence through the acclaim that goes with excellence

India is in the midst of a revolutionary transition. Within that, the Northeast is itself in process of radical change. This "revolution within the revolution" has to be managed with great sensitivity and care.

The people of the Northeast cannot remain cocooned and wish to take their places as full and 11 equal partners, contributing to that great enterprise that is Project India. It is right not to want to be swamped by Indians from outside the region, even less by an influx of foreigners. But the region does not need to fear "outsiders" and lapse into "localism". Violence, insurgency and easy money are no solution to any problem, real or imagined. These eruptions, and the bandhs, extortion, kidnappings, leakages, and the sulking and cynical indifference they have engendered in sections of the populace, can only delay and could even deny the pace, progress and prosperity that everybody seeks.



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The country must assist the Northeast to realise its full potential and avail of the emerging opportunities within and around it. Its external boundaries are no more tightly sealed and invite trade and cooperation in forging dynamic new growth triangles. This is no favour, but a recompense for past neglect and the unrequired price the region involuntarily paid for the partition of the country. The development of and tranquility in the Northeast is also a national security interest and can offer regional solutions to national problems.

Ultimately, whatever the Centre does, the Northeast must essentially help itself. The BMS and infrastructural investments proposed may spread over a decade and take time to show results. Certain benefits will of course, start flowing sooner. This programme, taken with the Prime Minister's package and the proposals being made separately by the Committee on Educated Unemployment, will render the Northeast economy more productive and buoyant, more self-reliant and less dependent than it is today. Administrative and political capacity-building will be necessary to manage the accelerated development proposed. Close monitoring, transparency and wide public participation are recommended.

The Commission sees the constituent units of the Northeast both as one and several. The region is a complex mosaic of variegated political, cultural and ethnic elements held together by many common strands and, not least, its geo-political location. It is poised to assume once more its earlier interrupted role as a bridge to lands beyond, to Southeast Asia. It will no longer remain just a remote destination on the Indian periphery.

We have suggested restructuring the NEC to make it a more purposeful body and strengthen the organic developmental link between the Northeast and the rest of the country. Resource mobilisation for implementation of the tasks outlined and investments proposed will place an onerous burden on the Centre. The States too must play their part and ensure a more productive work culture and encourage local accountability in accomplishing what must be done.



India's Border Management

The youth of the Northeast need an alternative to the gun. We recommend that all sections of the 9th Plan bearing on the Northeast be collated and separately published as a "Northeast Plan" for wide dissemination within the region and outside.

Further, a special effort might be made by the Planning Commission to prepare and project a perspective plan, "Northeast 2015" that offers a vision of the future.

The Commission's Report is but a first step along that road.

(S.P. SHUKLA)
Chairman

(B.G. VERGHESE)
Member

(SAEVGHAKA)
Member

(JAYANTA MADHAB)
Member

New Delhi, March, 1997

SUMMARY OF RECOMMENDATIONS

Basic Minimum Services

1. The creation of infrastructure in the elementary education and primary health sectors will be of little use unless an adequate complement of personnel is made available as soon as the structures are complete. This will require advance action, particularly in regard to the recruitment of trained and qualified personnel so that the facilities created are put to use without delay and the stipulated targets are achieved.
2. The State Government should raise resources to the extent of 15 per cent of the allocations made by the Planning Commission for Basic Minimum Services, thereby augmenting total availability. This recommendation was followed while formulating the State Plans for 1996-97.
3. Full details about the schemes to be taken up, their location, estimated expenditure, and those responsible for the works should be suitably published so that local communities and beneficiaries become fully aware of the flow of funds as well as the schedule of implementation. Transparency will ensure greater accountability and prevent leakage.
4. An effective monitoring system will have to be worked out from the block up to State administration with systematic and periodic reviews. The State Plans Division of the Planning Commission should also help the States to set up or strengthen similar units.
5. A mechanism will have to be found to relate credible assurances of maintenance of assets to the release of funds for new schemes. One way could be to stipulate that absence of proof of maintenance of assets already created will result in a proportionate reduction in the funds to be released for new schemes in the following year.

Farm Sector

6. The Assam Government in collaboration with the Centre should prepare a package that gives a new thrust to agriculture in the State. The elements are known They have to be put together with appropriate research, extension and other linkages
7. Cleansing of cooperative overdues to restore credit flows
8. Rapid development in particular of the considerable groundwater resources available alongside other minor and medium schemes in Assam, the Imphal Valley and the Tripura plains.
9. Rejuvenation and strengthening of the Assam Agricultural University, Jorhat, which is in financial distress, though one-time Central assistance as may be assessed by the ICAR.
10. Providing more seats for NE students in post-graduate agricultural institutions elsewhere in the country to ensure an adequate supply of local talent to meet the urgent and expanding scientific needs of the region.
11. A review of agrarian relations in Assam which should include updating land records while ensuring fixity of tenure and fair rents to actual cultivators. An appropriate committee should be appointed to undertake this task within a time bound period.
12. Expeditious action to establish the proposed ICAR Rice Research Institute at Barpeta in Assam.
13. The Nagaland Environment Protection and Economic Development Programme or NEPED's potential for mapping, conserving, developing and exploiting the enormous bio-diversity of the Northeast marks it out as a critical lead programme The necessary funding, manpower development and other support required for its careful evaluation and refinement for replication or adaption elsewhere in the Region must be made available in full measure



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14. Other models of bio-diversity conservation and development that have been suggested or are under trial in other parts of the Northeast also merit support

Horticulture and Plantations

15. As in the case of plains agriculture, the Centre must get together with the states to give a new thrust to horticulture and vegetable gardening. The Himachal model may offer some relevant leads. This will include everything from plant breeding and tissue culture propagation, demonstration, training of manpower, including barefoot extension agents, post-harvest technology, marketing, cold storage, processing and pricing. It should be possible to undertake a status review and evolve a package within six months.
16. The various commodity boards must have a credible presence in the Northeast. Some do have an office in Guwahati and some small representation elsewhere. But this is wholly inadequate. Each of these Boards must set up a full-fledged regional office in the Northeast and well-manned field offices spread over the region. The Silk Board should pay attention to the Northeastern sericultural varieties and also open centres in this region.
17. A suitable framework should be developed for agro-processing through cooperativisation with corporate links where appropriate. Land use policies and voluntary "acquisition" modalities should be evolved consistent with the customary tribal pattern of land ownership and use.
18. It should be ensured that the process of modernisation and development does not subvert the salutary features of the social collectives operating at the grassroots in tribal areas, nor destroy biodiversity through indiscriminate propagation of uniform varieties for the short-term profit of the corporate sector.
19. Rubber and tea, both indigenous to the Northeast, must be defined as "forest species" and permitted to be cultivated on (degraded) forest lands without the

compulsion of undertaking compensatory afforestation in double the area in non- forest lands as required under the Forest Conservation Act Such blanket restraints are inappropriate in a state like Tripura.

20. MOEF should consider the present policy and allow Tripura to use degraded, unclassed, open, government forest land for rehabilitation of tribal families through rubber plantations. Immediately, 5,000 ha of such land should be released during the 9th Plan enabling the State to enlarge the rehabilitation project without insisting on alternative land being brought under compensatory afforestation.
21. The structure, staffing, role and culture of the Northeast Regional Marketing Corporation (NERAMAC) should be critically reviewed so that this and similar institutions are better able to fulfil their intended role. Such a study could be undertaken by one of the IIMs.
22. Mizoram and other states have proposed ambitious schemes for horticultural development. If these are fleshed out and prioritised, they should receive favourable consideration by the Planning Commission for inclusion in the Ninth Plan.

Fisheries and Animal Husbandry

23. The same approach of cooperativisation with corporate links as appropriate could be developed for the fishery and animal husbandry sector Credit must be provided
24. Two expert teams should immediately be set up in each of these sectors to recommend strategies for development including facilities for introducing and adapting known technologies in the region
25. The NDDDB may be asked to suggest how dairying in the region might be promoted.

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Irrigation

26. A special drive should be undertaken to un-block credit and revive the cooperative structure in Assam NABARD, the lead bank and the Northeast Development Finance Corporation (NEDFi) could be requested to concert action in this regard and work out a specific package
27. The ongoing schemes in Assam, Manipur and Tripura must be fully funded and expedited
28. While Assam certainly requires further to augment irrigation, any additional investment must go hand in hand with plans top ensure full utilisation of the potential already created, effective maintenance and suitable revision of water rates so that maintenance costs are at least covered. The same applies to Manipur, Tripura and Nagaland
29. The Tripura projects must be matched with adequate power supply. While we are recommending this, a close watch must be kept to ensure that the energy is actually available when required
30. The Fultertal barrage and irrigation component of the Tipaimukh project should be taken up pari passu with completion of the dam.
31. Investigation of the Bairabi project in Mizoram should be completed expeditiously.
32. The possible adverse impact of the existing agrarian structure in Assam on land water management, including consolidation, should be examined.

Floods

33. The Assam Government, Brahmaputra Board and CWC should consult on inter se priorities as between Assam's short term flood proposals for the 9th Plan and the Pagladiya project for first claim on the PM's flood package. The Commission's own inclination is to support Assam's short term priority plan of around Rs. 500 crores for the

period 1997-2002 for new embankments, anti-erosion works, drainage channels and construction of sluices and raised platforms.

34. Manipur's nine flood control schemes proposed to be completed during the 9th Plan at a cost of Rs. 45 crores should be funded.
35. Early action should be taken on the Northeast flood task force report which, apart from the Pagladiya project, should determine priorities for other flood management and drainage works.
36. Priority funding must go to the maintenance and strengthening of existing flood management works.

Forests

37. The Centre should provide authoritative clarification on the legal issue as to who has final authority to permit bona fide diversion of forest land in the Northeast
38. The terms of reference of the MOEF's high level Committee being limited to routine forest conservation strategies, it would be desirable for the Ministry to initiate a larger exercise aimed at producing a suitable Northeastern forest policy within the framework of the National Forest Policy that takes account of the specific ethos, needs and socio-political context of this region. The Government should constitute a body with strong Northeastern and other expert representation to undertake this task within a specific time frame.

Environment

39. The Brahmaputra Board in conjunction with the Assam Government must be charged with preparing short-term plans for protecting majuli island as best can be. There may be no complete solution, especially in the short or intermediate run, and interim answers could entail infructuous expenditure. As against this must be balanced

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the fortunes of the island's population and the cost of rehabilitating even part of it should there be galloping erosion. Whatever remedies are devised must be implemented by a designated agency.

40. The Loktak Development Authority (LDA) should be strengthened and the National Hydroelectric Power Corporation (which manages the Loktak power project), the LDA and MOEF should concert action to study the impact of the Ithai Barrage and related factors on the phungdi, fisheries, and habitat of the brown-antlered deer and implement ameliorative measures
41. The Centre and the Meghalaya Government should jointly survey the nature, extent and consequences of rat-hole mining in the State and prepare a suitable conservation and restoration scheme Coal India might be asked to plan, supervise and assist in the implementation of a programme of scientific mining

Railways

42. Full funding for expeditious completion of the present clutch of sanctioned projects already under way, including the Bogibeel bridge.
43. The Diphu-Karong and Bairabi-Saireng lines should be taken up in the interests of national integration The Commission accordingly suggests a suitable provision that will enable work to commence during the 9th Plan on these two lines and the Siliguri-New Bongaigaon conversion The construction capability of the Railways may be augmented commensurately.
44. The operating losses on the new lines proposed should be a charge on the general budget
45. There should be a fast and conveniently timed overnight train between Dimapur and Guwahati to enable passengers to connect with air services to and from Delhi and Calcutta

46. Early discussions should be initiated with Bangladesh for linking up the IR and BDR railway systems, particularly in the Karimganj and Agartala sectors India should be prepared to invest on such upgradation as the BDR system might require in order to carry the additional Indian traffic up to Chittagong This also include augmentation of related port capacity These options could offer quicker and more cost-effective solutions to some of the problems of the Northeast
47. India should offer to assist Myanmar which would like to extend its railway along the Chindvvin X'alley, parallel to the Mizoram-Manipur border This would link with the main Yangon-Mandalay rail system and could form pan of the Trans-Asian Railway in which international interest has revived The Government of India was in fact earlier indirectly approached to provide coaching stock up to a value of 8-9 million dollars

Highways

48. In the interest of improved trunk connectivity, the four priority roads recommended by the 1994 Working Group should be developed as national highways These are (I) the 290 km Daboka-Lanka-Lumding-Haflong-Udarband-Silchar highway in Assam; (ii) the 241 km Kohima-Mokokchung-Amguri road providing an alternative connection between Assam and Nagaland, (iii) the 210 km Sairang-Manu highway linking Aizawl to Agartala, and, (iv) the 135 km Agartala-Udaipur-Sabroom highway in Tripura which is already included for upgradation in the PM's package These four new national highways were estimated to cost Rs.600 crores at 1993-94 prices This will have to be reworked Construction should be given over to the DGBR which may be enabled to raise additional task forces.
49. Maintenance of the NH 52 section between Balipara to Jonai should be entrusted to DGBR.

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50. The- following roads should also be given high priority in the 9th Plan proposals for upgradation of roads in the state sector:
- (I) North Guwahati Hajo-Barpeta-North Salmara, Assam (120 km). This will provide an alternative link to North Salmara where it will join NH-31. The existing section of NH-31 between these two points is highly vulnerable to floods and is also affected by militant activities.
 - (II) Dudhnoi-Damra-Nangalbibra-Bagmara-Gasuapara-Dalu, Meghalaya (196 km). This road will connect NH-37 and NH-51 It passes through limestone and coal deposits and is the route for exports of coal to Bangladesh
 - (III) Aizawl-Thenzawl-Lunglei-Tlabung(Demagiri), Mizoram (263 km) Shell limestone deposits in the area between Tuirial airfield and Sailungvar Tlang will be accessed with the construction of this road It will also provide a connection to the Karuphuli waterway through Bangladesh to Chittagong in due course.
51. The other state highways, major district roads and other district roads proposed, including the Arunachal East-West Highway, should be integrated into a regional master plan for roads The States should be given financial and technical support to undertake the preparation of master plans These proposals should thereafter be placed before the Planning Commission for consideration and initiation of approved schemes for the 9th Plan Meanwhile, early action should be initiated on the basis of the recommendations contained in the Report of the Working Group, June 1994
52. Over and beyond this, there is need for a revised regional perspective plan for road development in the Northeast with international linkages. This should be related to and prioritised according to emerging opportunities and strategic requirements and could incorporate the NEC's proposal for a road all along the Indo-Myanmar border from Champhai in Mizoram to Vijoyngar in Tirap, Arunachal Pradesh

53. As in the case of the Railways, Bangladesh might be approached with proposals for a road connection from Agartala to Akhaura and for the construction of a major new highway from Lunglei-Tlabung (Demagiri) in Mizoram to Chittagong This would open up both central and western Mizoram and the Chittagong Hill Tracts for development and tourism The Tlabung (Demagiri) connection will also provide access to the Karnaphuli waterway
54. The DGBR could be tasked to take on a larger role in road development and maintenance and other construction works in the Northeast as it is already engaged in building airfields, hospitals, schools and housing and has established its capability
55. The Rubber Board has constructed a short stretch of rubberised road in Tripura as this surfacing is better able to withstand wear and tear and heavy rain This pilot project should be critically evaluated under varied conditions as the technology could have a bearing on maintenance costs which are very high in the Northeast.

Civil Aviation

56. Guwahati should be made a regional hub for Indian Airlines so that aircraft stationed there can operate services without delays on account of late arrival of aircraft from Calcutta or Delhi because of fog or other weather or technical problems.
57. With the gradual lifting of the restricted area permit regime in the Northeast, and the opening of new trade and tourist opportunities, international flights should operate out of the region to destinations like Dhaka, Chittagong, Mandalay and Yangon in the first instance. Tourist packages could be developed around these services.
58. An integrated plan for the utilisation of the Guwahati international air cargo facility should be prepared by the Ministry of Commerce in consultation with the

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- Northeastern states. Forward planning is essential and responsibility assigned for putting together all the linkages.
- 59 A study should be initiated for inducing short take-off-and- landing (STOL) aircraft into the Northeast circuit in view of the need to connect remote hill areas and provide feeder tourist, services. Hotel operators using these STOL services or charters might work out combined holiday package rates
- 60 The IAF flies air supply and passenger sorties for the civil sector, mostly in Arunachal Pradesh, apart from servicing defence requirements This task was in the early years done by civil nonscheduled operators The Government should examine whether some or all these services could be returned to the civil sector and if it would provide a base load for expanding air taxi services to remote areas, keeping in mind the fact that air supply operations may well decline with the extension of the border road network.

Inland Water Transport

61. High priority should be accorded to IWT in the Northeast and enhanced transit and transshipment arrangement negotiated with Bangladesh along the lines indicated
- 62 The charter and competence of IWAI be enlarged with adequate financial support and a meaningful presence in Guwahati and Silchar. IWAI's 9th Plan outlay of Rs. 134 crores in addition to the spillover requirement amounting to Rs. 40 crores should be met.
63. Close liaison is necessary between the Central Water Commission and Brahmaputra Board on the one hand and the IWAI on the other so that water resource development meshes with the development of waterways.
- 64 The Central Inland Water Corporation (CIWTC) must be strengthened with a strong regional presence. At the same time, private operators should be encouraged to

take up component segments of IWT development and operation. Funding should be provided.

65. Modernised country craft development should be taken in hand to extend services to feeder routes. These should be some agency to study this matter and play a promotional role.
66. There has to be a policy for waterfront development and location of industries to generate traffic. Short navigation canals from such waterfronts or waterways to deepened beels with jetties and production/warehousing facilities around them might be envisaged. Ring embankments could offer flood protection.
67. An R&D facility needs to be developed to undertake studies with regard to types of river craft for different categories of waterways and cargo in the Northeast sector. Safety should be an important factor.

Transport Policy

68. The Planning Commission may immediately commission a transport optimisation study for the Northeast both in terms of capital and operational costs and work out appropriate inter-modal perspectives.
69. A similar study is indicated for international linkages and transit/transshipment arrangements with Bangladesh, Myanmar and Bhutan.
70. There is need to develop a legal frame for these purposes and a standard combined transport document for inter-modal traffic within the country and across international boundaries.

Telecommunications

71. All administrative officers up to the taluka/block level should be provided with a fax connection in view of the difficult terrain and long delays involved in mail communication, especially in Arunachal Pradesh. DOT

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should do so by extending facsimile transmission facilities through the multiple-access radio relay system (MARR) which currently only provides for audio-quality payphone operations. This must be given top priority.

72. The concerned departments should review the possibility of overall cost savings if the requirements of DOT, the Defence and para-military forces, police, AIR, DD and others can be served through common transmission masts, earth stations and other facilities, including shared sites and buildings.
73. Moreh (Manipur) has a separate exchange. This should be provided ISD facilities through VSNL in view of the new cross-border trade opportunities opening up. The same applies to Champhai (Mizoram) and other potential international trade centres. The Northeast's telecommunication links with Dhaka, Chittagong, Yangon, Mandalay and Thimpu should be suitably strengthened.
74. Special connections and links should be provided to designated points within the region as well as to Bhutan and Bangladesh for transmission of rainfall, water discharge and flood data in real time. DOT/VSNL should plan this in consultation with the Ministry of Water Resources in the interests of regional cooperation.

Broadcasting

75. Steps must be taken to ensure that competent staff in requisite strength is posted to the Northeast.
76. A broadcast training facility should be established in the region and could be developed as a department in any of the Central Universities if necessary. This would help bring into being a corps of regional broadcast personnel, both technical and programme/production.
77. Village Low Power Transmitters (VLPTs) should be selectively sanctioned in the other Hill States/regions which are in shadow areas and outside the signal reach of

- Doordarshan. The I&B Ministry should map such areas in consultation with the concerned States
78. Separately, Doordarshan should organise a crash training course for local youths who could at the throw of a switch enable Arunachal VLPTs even now to carry Doordarshan's Itanagar transmission and access the local news bulletin.
 79. Banks should be encouraged to finance local entrepreneurs to extend cable coverage and generate employment
 80. Immediate steps must be taken properly to staff and equip Doordarshan's DDG (NE) in Guwahati so that regional coverage is better planned and serviced.
 81. AIR's community radio network should be expanded in order to cater to the developmental and cultural needs of diverse tribal communities. Appropriate funding and training arrangements should be sanctioned.
 82. The four new radio uplinking stations planned to be established in the Northeast, in addition to the three currently in operation, should be brought on stream at an early date.
 83. AIR Kohima must be allocated a second frequency as it is presented broadcasting in as many as 14 languages/dialects.
 84. AIR should be encouraged to draw on its several tribal music units in the Northeast to establish a few outstanding regional choirs. Doordarshan could likewise support some regional ballet groups including Manipuri and Bihu troupes. The aim should be to create ensembles of international standards as the Northeast has something special to offer and must be institutionally supported to develop its creative talent
 85. AIR's Northeastern music archives are being preserved on hard disc. The collection must be properly catalogued and stored. This project should be separately funded.



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86. Close liaison should be established between the regional units of AIR and Doordarshan and the Northeastern Regional Cultural Centre at Dimapur.

Hydrocarbon Sector

87. Every effort must be made to discover and produce more gas in the Northeast to fulfill the commitments already made and maximise the return on existing investments as in the power sector. Adequate priority must be given to sites and structures that hold out promise of gas.
88. ONGC and OIL should significantly step up their investments in oil and gas exploration in the region
89. We commend the Petroleum Ministry's partnership-in-development proposal to transfer a small part of ONGC and OIL's equity to a Social Development Foundation that would entitle those losing land for oil/gas exploration and production to participate in profit sharing. This could serve as a model for other development sectors in the Northeast where there are special sensitivities about tribal and ownership.
90. The possibilities of a gas/oil exchange and gas grid linkages with Bangladesh may be explored as a part of a wider energy exchange regime in South Asia.
91. In order to expedite the creation of roads and other necessary infrastructure for exploration in remote areas, oil companies should be permitted to undertake these works entirely at their own cost instead of the current practice of their depositing 60 per cent of the cost with the concerned state government and then finding the work delayed or not done as the money goes into the consolidated fund and is not reallocated to the PWD which must execute the job. The latter may be pursued with the States concerned.
92. The lingering controversies over certain aspects of the gas required for the Assam Gas Cracker Project must be

expeditiously resolved at the highest level. This major project should not be allowed to stall any further as Assam will otherwise be required to bear the high opportunity cost of delay Coal

93. Steps should be taken to explore external market opportunities for Northeast coal and an infrastructure plan, including roads and ropeways, developed to exploit emerging opportunities.
94. Coal India should be charged with rehabilitating the private mining industry in Meghalaya in consultation with the State Government and private landowners.

Power

95. Full funding must be provided to on-going power projects to ensure that further cost and time overruns are avoided in this critical sector.
96. The Department of Power should concert action to refine its perspective power development programme for the Northeast, currently under preparation, in consultation with the Brahmaputra Board, NEEPCO, Power Grid Corporation and the concerned States, taking account of all pending and proposed hydel, thermal and gas-based stations on the anvil These projects should be ranked and efforts made to secure funding.
97. System efficiency must be improved by urgent steps to reduce T&D losses and improve PLF. The CEA or Power Grid Corporation should undertake a quick study of critical gaps and linkages within three months with priority funding.
98. A similar expert assessment should be made of the additional generation that can be brought on stream by meeting fuel deficits, whether of gas or coal. Every effort should be made to meet these deficits which will also improve the financial health of the units/agencies concerned. Any modest bridging finance required for this purpose should be provided.

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99. Determination of who should execute the Karbi Langpi, Kameng and Loktak Downstream projects should be speedily resolved to avoid delay and further cost escalation.
100. The proposed power tariff regulatory authority should be brought into being as early as possible, or this might even be done separately for the Northeast as an interim arrangement, as a prelude to reorganisation of the Assam and Meghalaya electricity boards. Consumers would prefer reliable supplies and service to notional subsidies that do not really benefit them.
101. Consideration should be given to corporatising the remaining five electricity departments in the Northeast so that they are insulated from political pressure and patronage in pricing, staffing and forward planning. There has to be a new culture if the huge power potential of the region is to be realised.
102. External funding for power development in the Northeast has dried up barring OECF, and private investors, though interested, are shy because they are unsure about the returns. Efficient SEBs/power corporations can attract commercial borrowing, institutional lending and private investment, Indian and foreign, provided the Government is willing to underwrite these transactions particularly in regard to mega projects. We accordingly recommend that the Centre guarantee these borrowings on suitable terms and conditions related to Northeast realities and opportunities.
103. The Brahmaputra Board should be greatly strengthened commensurate with its transcending role and responsibility in the Northeast. It must have a meaningful presence in all the States, especially Arunachal where it has a major task ahead of it. The necessary funding and personnel should be made available for this purpose.
104. The Brahmaputra Board has sought Rs 50 crores to undertake the Dihang and Subansiri cascade studies. This

should be sanctioned so that DPRs are available and prioritisation per se and investment decisions can be taken well within the 9th Plan period. Some modest additional funding should be earmarked for initiating any necessary pre-investment infrastructure pertaining to these projects.

105. The Brahmaputra Board, and all other water resource and development agencies in the Northeast, must be mandated to the fullest transparency so that public confidence and accountability are both enhanced. Early public hearings and consultation with NGO groups could provide rewarding. Delays in implementing mega projects would be disastrous and it is imperative that compensatory action to mitigate all environmental impacts and ensure protection of bio-diversity is assured.
106. A Barak Valley-Barail Upper Catchment Authority should be legislated and funded through a surcharge on energy generated by the Tipaimukh Project. Similar catchment area authorities should be routinely established as part of all major and medium projects in the Northeast as a means of avoiding traditional catchment-command area tensions and using large dam construction as spearheads for major area development in otherwise sequestered and neglected regions. Tuirial, Tuivai, Ranganadi, Doyang, Kameng and other projects would be immediate candidates.
107. An early inter-state meeting should be convened by the Centre at the highest level to secure full agreement on and approval for the Tipaimukh project which could have a transforming effect on the southern tier of the Northeast. The sum of Rs . 50 crores sought by the Brahmaputra Board for initiating work on the project during the 9th Plan should be made available with the assurance that further funding will be forthcoming to accelerate construction.
108. Since the Tipaimukh Project could also benefit Bangladesh, further design optimization and cost-benefit sharing to mutual advantage should be explored.

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109. Investigations of the twin Chhimptuipui (Kaladan) hydro projects in southern Mizoram should be conducted with an eye to investigating the possibility of navigation down the river to Sirtwe (Akyab) and the sea. The cooperation of the Myanmar authorities should be sought. The Kaladan is reportedly already navigable for a considerable stretch in Myanmar up to Paletwa.
110. Initial planning should be taken in hand to tie the Northeastern and Eastern electricity grids in view of the expected growth of generation in the Northeast and Bhutan. A situation must be avoided such as currently prevails when surpluses in the eastern grid cannot be transferred to the adjacent power-short northern and southern grids. In fact, the Northeastern grid is poised to be and must become the lynchpin in improving the national and regional hydro-thermal mix in the interests of system stability, peaking efficiency, flexibility and improved maintenance.
111. Even in the intermediate period, power generation could become the cash-strapped Northeast's largest source of resource mobilisation. Power planning and implementation of projects to tap the region's hydro/energy potential must, therefore, be seen as an essential element of national power strategy linked to plans for establishing a sub-regional or South Asian energy exchange grid

Industry, Handloom and Handicrafts

112. The National Institute for Design, Ahmedabad, should be invited to play a lead role in establishing design bureaux for a variety of textiles and crafts in the Northeast with special funding. The Handloom and Handicrafts Boards and the HHEC should also be geared to the task.
113. Special emporia and exhibition centres should be established within the region, in the rest of the country and at suitable locations abroad in order to promote the marketing of these wares.

114. Disputed areas along inter-state boundaries in the Northeast should, if possible be declared or treated as development zones with the mutual consent of the parties concerned. They could be used for the development of infrastructure and industrial areas that could attract investment for the production of manufactures for export or for meeting some of the region's consumer requirements
115. Export processing or special economic zones should be established with all necessary infrastructure at suitable locations in the Northeast to attract export industries. Joint ventures could be floated with Bangladeshi and other entrepreneurs to exploit the Northeast and export markets.

Urbanisation and Spatial Planning

116. Master plans be prepared/reviewed for all State capitals, larger towns and potential growth centres with expert assistance. This is all the more necessary in the fragile hills where unregulated construction, high-rises and lack of infrastructure have degraded the urban environment and caused serious traffic and sanitation problems.
117. In cases of urban expansion or potential township development around new airports, railheads, industrial centres and other growth poles such as the Shillong satellite town, Lengpui airport (Mizoram), and Nangalbibra (East Garo Hills), the Government should freeze land prices and any new construction within a given radius. This will ensure urban standards and enable the state to retain the capital appreciation of land through betterment. This will provide a source of funding through regulated sales for approved purposes and preclude land speculation designed to fill private coffers
118. The Imphal Capital plan that has been prepared should be carefully evaluated and funded in phases.
119. The Assam Rifles are reportedly to evacuate the remaining portion of the Kangla Fort premises in the heart of Imphal.

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The Fort is a hallowed Meitei heritage site which should be restored as a centre of Meitei culture and history as may be determined by a special committee. This project should be assisted through a core grant from the Centre

- 120 The same should be done for Gargaon, the ancient Ahom capital near Nazira, and Sibsagar in Assam and other heritage/historic sites. These places recall the pride and glory of the Northeast.

Trade and Transit

121. An inter-ministerial task force be set up to review the entire Northeast border and inter-country trade issue, with particular reference to Bangladesh, Myanmar, Southeast Asia and Southwest China, and to report on trade opportunities, related manufacturing possibilities in the Northeast, required infrastructure and communication links, banking and warehousing facilities, necessary customs and security arrangements and manpower needs.
122. A similar review should be made of Indo-Bangladesh trading possibilities and transit routes in relation to the Northeast and the neighbouring countries and of the transport re-connections or new facilities that might be useful and mutually advantageous to both sides.
123. The Ministry of External Affairs might examine what consular or other offices need to be established in the Northeast to facilitate trade and movement.
124. Serious consideration should be given to establishing one or more export processing/special economic zones to promote external trade from the Northeast.
125. Bangladesh and Myanmar trade and industrial delegations may be invited to visit the region and vice versa.
126. The Commerce Ministry should consider opening an office and setting up one or more permanent exhibitions and showrooms in the region. Travelling railway and steamer

exhibitions might be exchanged between India and Bangladesh with strong Northeastern participation.

127. The Government should commission a study (or a joint study with Bangladesh) of the costs and benefits to both countries from trade and transit, including the use of Chittagong port as an entrepot for the Northeast. This should include the extent of upgradation of infrastructure, if any, required in Bangladesh in various sectors for handling Indian traffic. Indian assistance should be forthcoming for consequent investments.
128. The programmes and related infrastructural requirements under this heading will need to be separately funded. Likewise, it would be desirable to earmark a fund for trade promotion and some suppliers credit to support the Northeast's external trade.

Tourism

129. It would be desirable to establish a Northeast Tourist Development Corporation with core funding to plan and spearhead domestic and international tourism in the region.
130. The new NTDC should sit with the NEC and respective state tourist departments to plan the development of tourist sites and related infrastructure as a basis for marketing integrated tour packages.
131. With Guwahati soon to become an international airport (but without necessarily waiting for that), steps should be taken to evolve special international packages in consultation with travel and tour operators in neighbouring countries like Bangladesh, Bhutan, Nepal, Myanmar and Thailand and further a field, especially Japan
132. The Restricted Areas Permit (RAP) regime has been ended in Assam, Meghalaya and Tripura and should be simplified and relaxed for specified areas elsewhere such as the Imphal Valley.

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133. Inner Line Permits should be readily issued at all major tourist offices, railheads, airports and state entry "gates" along national highways.
134. Low budget tours should be organised for trekkers, campers and young people.
135. The Railways should offer special holiday tour/travel concessions during holiday seasons or festivals for all those visiting the Northeast from a distance of more than, maybe, 300 km from Siliguri. The same facility may be extended to those traveling more than 300 km from their nearest railhead in the Northeast to destinations beyond Siliguri.
136. Charter flights should be permitted for Northeast package tours.
137. Northeast tourism must be well advertised through tourist offices, travel agencies and airlines in all states and abroad
138. Tourist training courses should be started in the region to turn our competent tour operators and guides, hotel staff and other personnel.

Monitoring and Implementation

139. Appropriate monitoring agencies should be established or designated to ensure that speedy and cost-effective implementation as well as the provision of all required linkages. This would vary as between the hundreds of small and scattered BMS programmes and larger and more lumpy infrastructural projects
140. Transparency could be one important means of creating awareness and accountability, especially at the grassroots. All State Governments/departments and Central agencies must be required to inform the relevant public of the programmes initiated and funds provided with data, name of agency, details of contracts, target dates, etc., in the local language/media and/or through village and town meetings and simple publications.

141. Village and district planning boards where they exist, tribal councils, and other credible agencies should be mobilised and placed in programme/ project monitoring committees.
142. East state may be requested to set up a state-level implementation and monitoring committee that could also oversee maintenance. It should preferably be chaired by the Chief Minister and the membership could include some non-officials. These bodies should make a quarterly or half-yearly review of programmes/projects so that timely action can be taken to correct lags, tackle bottlenecks and ensure schedules and quality control.
143. The NEC may consider setting up an evaluation and monitoring cell to receive periodic reports from the states so as to enable it effectively to monitor overall progress in all sectors.
144. The Comptroller and Auditor-General may be requested to consider devising suitable means, whether through a newly-constituted Northeast audit wing or otherwise, to secure a special audit of programmes and projects under the PM's package and all other accelerated development programmes/projects that are being proposed.
145. The Prime Minister may consider ordering a periodic macro review of his Northeast Initiative in consultation with the Northeast Chief Ministers. This will help track progress, assess performance and chart the way forward.

Banking and Finance

146. The banking system in the Northeast must make enhanced efforts to improve the CD ratio.
147. Industrial finance should be considered part of priority sector lending.

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- 148 All-India institutions should consider cross-subsidisation of interest-rates just as Indian Airlines subsidises its Northeastern fares.
- 149 Incentive packages for industry such as the five year tax holiday, transport subsidy and industrial; growth centres have not worked as intended. A more effective package including reintroduction of a capital investment subsidy would be desirable.
150. The recently-established North-Eastern Development Finance Corporation (NFDFi) should be adequately funded by the Government, RBI and all-India financial institutions so that it can perform its assigned role effectively. On its part, NFDFi should endeavour to become a catalyst for development in the region.
151. The expert group on Industrial Development of the Northeastern Region under Dr (Mrs.) I.K. Barthakur, proposed a one-time grant of Rs 20 crores to NFDFi. This was to fund studies in the fields of technology, infrastructure, institutional finance, and marketing in the region. We recommend early action on this recommendation.
152. An inter-disciplinary group should be set up under the Deputy Governor of the Reserve Bank now designated to look after the Northeast to examine how banking and financial institutions norms and procedures may be suitably adapted to respond to the special land laws and other features obtaining in the region.
153. The State Governments, on their behalf, should make a sincere effort to create an investor friendly environment to attract private capital to their states.

Additional Resource Mobilisation

154. The Northeastern States should make a concerted effort to rein in non-plan expenditure and to tap the potential inherent in professional tax, sales tax, motor vehicles tax and agricultural income tax.

155. All Northeastern States or those segments of the tribal population hitherto exempt from income tax should voluntarily accept the principle of a tax on income in accordance with the ability to pay, subject to the proviso that the net proceeds or additionality be credited to a special development fund for the concerned state/DC for a stipulated period of, say, 15 years. The rates of income tax in the region could be marginally lower than the all-India rates in all slabs for an initial period.
156. States should be required to set up upper catchment area authorities to be funded by a surcharge on all new hydro-electric generation. Apart from generating revenue, this could prove cost saving by ensuring widespread participation and cooperation in implementation.
157. Development Area Authorities should be set up around all new infrastructural and other growth centres and empowered to collect a betterment levy on the capital appreciation in land values which constitutes an unearned increment from development.
158. State acquisition and sale of land in urban development projects or grant of leaseholds subject to periodic revision should be mandated as a means of financing development and discouraging land speculation.

North Eastern Development Council

159. All security functions be formally delinked from the NEC which should be detached from MHA and placed under the Planning Commission.
160. The Council should be chaired by a public figure of high standing who should be located in Shillong. Further, he should be an ex-officio Member of the Planning Commission with ministerial rank.
161. The Secretary of the NEC should enjoy the rank of a Secretary to the Government of India.

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162. The NEC should be redesignated the North East Development Council (NEDC) with all concerned Chief Ministers as Members.
163. There is good reason to include Sikkim in the NEDC as it shares similar problems and lies beyond the common Siliguri gateway.
164. It would be desirable to forge a close nexus between the NEDC and the Brahmaputra Board in view of the close planning and development linkages involved.
165. In the interest of better coordination among the various Central Ministries/Departments/Agencies/Public Undertakings concerned with the Northeast, the NEDC should have a central coordination committee in Delhi under the Chairman NEDC and serviced by the Adviser (Northeast) in the Planning Commission.¹⁶⁶ The NEDC should have an NGO Wing as a focal point for liaison and coordination with credible NGOs in the region on development issues including those pertaining to the environment and gender concerns.
167. The example of Meghalaya's Economic Development Council, a strategic policy planning body of political and public figure, industrialists, district council representatives, academics and NGOs, offers a useful model for emulation by other states. A Regional Economic Development Council should be set up under the aegis of the NEDC.

Political Infrastructure

168. The Northeastern Vice-Chancellors and the UGC should together formulate a well-thought out and coordinated programme for the development of higher education in the region. This should lead to the establishment in each university of certain centres of excellence with relevant area studies and language departments. Between them, these Centres should provide a spectrum of disciplines that attracts the best and brightest from the region and the rest of the country

169. The ICSSR and ICHR should be supported to undertake, expedite or strengthen research into and the writing of Northeast history texts for different levels of learning and scholarship.
170. Though matters of security and law and order are beyond the competence of the Commission, it was repeatedly brought home to us that the pace and progress of development and investment is closely related to the security environment. We accordingly flag issues such as additional funding for police housing that were brought to our attention for separate consideration by the appropriate authorities.
171. It is incumbent on all political parties to make everybody aware that peace, development and employment go hand in hand and that whatever be the assistance and support from the rest of the country, the salvation of the Northeast is in hands of its own people
172. All sections of the 9th Plan bearing on the Northeast may be collated and separately published as a "Northeast Plan" for wide dissemination within the region and outside.
173. A special effort might be made the Planning Commission to prepare and project a perspective plan "Northeast 2015" that offers a vision of the future.