

CHALLENGES TO INDIA'S LAND BORDER MANAGEMENT: A CALL FOR AN ALL OF GOVERNMENT APPROACH

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'A border is a real or artificial line that separates geographic areas. Borders are political boundaries. They separate countries, states, provinces, counties, cities, and towns. A border outlines the area that a particular governing body controls. The government of a region can only create and enforce laws within its borders...'

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'When goods do not cross borders, soldiers will'

Frederic Bastiat (1801-1850), Prominent French economist, thinker and Member of the National Assembly

Introduction

Borders are expressions of national sovereignty. Disputes over these have been at the root of most conflict throughout human history. Borders have been created, redrawn or removed altogether based on the outcome of political and military engagements between nations, mainly through the use of force supplemented with diplomacy, or through a mix of compromise and consensus. Borders could be open, controlled or fortified; they can alternatively be classified as hard (fenced and guarded), or soft (open with regulations). Equally there are many

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instances of unsettled or contested borders with both sides putting up conflicting claims. These conflicts have given rise to de facto borders that separate the respective rival militaries. As of today it is only the India Nepal border which does not require any travel documents for people crossing over from either side. Travel from India to Bhutan requires either a valid passport or voters card. Even the US Canada border requires documents.¹

The fallout of 21st Century globalisation, has brought additional challenges for border management – security related, economic, climate induced and humanitarian. This necessitates an all encompassing and nuanced approach of nations towards management of borders at land and sea. In this regard, Frederic Bastiat's 19th century observation quoted above is extraordinarily prescient. However, the challenge of preventing any erosion of national sovereignty remains. Thus depending on respective inter state relations, a degree of control over entry and exit of people, goods and services at a border will always need to be exercised.

Prior to 1947, India was one political whole where economic, cultural and ethnic commonalities were drivers for movement of people, goods and services across this integrated landmass. Hastily imposed and artificial post partition borders on this previously united entity have led to unceasing conflict and tension. The legacy of unsettled borders with Tibet has resulted in similar outcomes. Consequently, issues of delimitation, demarcation and delineation continue to bedevil relations with most of India's neighbours. Borders cut across villages, and even houses of inhabitants of common ethnicity, giving rise to piquant situations². Against this background and to bolster its position as '*primus inter pares*' in South Asia, India cannot apply the security related template alone for managing its different borders. ***An inclusive 'all of government approach', catering for aspects ranging from the military and security related to the geopolitical, economic and attendant aspects of border policy is mandated, to arrive at sound, mutually acceptable and progressive solutions.*** Such an approach has helped solve knotty issues earlier – resolution of the maritime dispute with Bangladesh after detailed consultations between all stakeholders including the Indian Navy is a case in point.

Outline Responsibilities for Border Management

India shares land borders with Pakistan (3323 Km), China (3488 Km), Nepal (1751 Km), Bhutan (699 Km), Bangladesh (4096.7 Km) and Myanmar (1643 km)³. Its border with Afghanistan through Pakistan Occupied Kashmir (POK) abutting the Wakhan Corridor extends 106 Km⁴. Each border has its own singular characteristics of terrain, climate, vegetation, population density, ethnicities and state of economic and infrastructural development including communications on either side. The Border Management Division of the Ministry of Home Affairs (MHA) has deputed one border guarding force (BGF) to guard each border. Thus the Border Security Force (BSF) is responsible for the India Pakistan and India Bangladesh borders, the Indo Tibetan Border Police (ITBP) for the entire Northern Border with Tibet / China, the Sahastra Seema Bal (SSB) for Nepal and Bhutan borders, and the Assam Rifles (AR) for the India Myanmar border⁵. However in the case of Pakistan and China, there are different categories of borders with each country, as amplified in succeeding paras.

The Line of Control (LoC) with Pakistan. The India Pakistan border, delineated by Sir Cyril Radcliffe just prior to partition in 1947 is unambiguous⁶. Accession of the princely state of Jammu and Kashmir extended this border Northwards from Punjab. Pakistan's invasion of Jammu and Kashmir immediately after this event and the subsequent Ceasefire Agreement of Karachi in 1949 gave rise to the Cease Fire Line (CFL) ***which expressly delimited the contested areas between the two nations at that time including the Siachen Glacier⁷ (effectively rendering as meaningless Pakistan's claims to the contrary)***. The CFL subsequently has incorporated realignments after the 1971 war, giving rise to the current LoC in Jammu and Kashmir, defended by the Army. The BSF is also deployed in company strength here, under command of the Army during both peace and war. During peacetime it operates independently from the Jammu sector southwards along the international border (IB) with Pakistan, coming under the Army's command during war. Notwithstanding the current ceasefire, ***a realistic appraisal indicates that with Pakistan's continuing proxy war against India, the LoC will remain heavily militarised - a live border***

where even a small incident can dangerously escalate matters.

Functioning of the five closely monitored crossing points (designated in 2005) is dependent again on the political and security situation prevailing⁸. Incidentally, the United Nations Military Observer Force for India and Pakistan (UNMOGIP) whose mandate to monitor the CFL has long expired also continues to be located in Kashmir.

The Line of Actual Control (LAC) and McMahon Line with China (Tibet). The 1962 war with China resulted in creation of the LAC in Ladakh. Eastwards, other portions of the IB with China lie across Himachal, Uttarakhand and Sikkim. Thereafter the McMahon Line (not recognized by China) defines the border between Arunachal Pradesh and Nyingchi Prefecture in Tibet. The Indian Army is deployed in strength along the LAC. The ITBP is deployed here too. The constantly aggressive Chinese posture the last few years culminating in border clashes in 2020 has resulted in a complete break in any communication across this border, with the Kailash Mansarovar Yatra postponed for the third year in succession⁹ and even routine mail exchanges across the Nathu La in Sikkim suspended. *This situation has been further aggravated by the clash at Yangtse in December 2022. Almost the entire Northern Border is now akin to the LoC where a "No War No Peace scenario prevails, with heavy troop, equipment and infrastructure build up on both sides.*

Border Guarding Mechanisms

Other than the LoC and LAC, the balance of India's borders fall in the open or controlled categories. Here, security threats are more in the arena of the non-conventional, as against purely territorial. These include illegal immigration, trafficking of humans, smuggling of weapons, currency and drugs, movement of insurgents across international boundaries, and others. Most of these threats are aided and abetted by forces inimical to India. The modus operandi of BGFs to guard against these is given in succeeding paragraphs.

Border Outposts (BOPs). BGFs ensure 'area dominance', by deploying BOPs which despatch patrols to cover their areas of responsibility. Essentially defensive in nature, deployment is carried out keeping in mind considerations like task, frontages, ground configuration,

communications, nearby habitations, history of the area, ability for self defense and so on. Additionally, on riverine terrain on the India Bangladesh border the concept of 'Floating BOPs' has been found useful. Where populations reside close to the border, BOPs are performed forward. *Given such a methodology, the dichotomy in the mandate and command and control arrangements of the ITBP vis a vis operational necessity is stark. It is deployed in BOPs for guarding the LAC against non conventional threats which do not exist. Also, it does not come under command of the Army (which shoulders ultimate responsibility) even in the current state of heightened tension when an integrated defensive posture is an operational imperative.* In the case of the India Myanmar border however, the Assam Rifles is deployed in Company Operating Bases (COBs) on a grid system, stretching into the hinterland where it also carries out counter insurgency (CI) operations.

Movement of Goods and Personnel. Movement of goods and services at authorised crossing points is regulated through a number of Integrated Check Posts (ICPs) that provide multiple transit services, Land Customs Stations (LCSs) for goods alone and Immigration Check Posts restricted to people. Considering the importance of trade and transit, it becomes vital to ensure security of these crossing points for unimpeded movement of goods and people. With subcontinental trade increasing yearly (except with Pakistan) boosted by enhanced road and rail connectivity, the number of these check posts continues to increase.

Upgraded Border Fencing. Patrolling is carried out astride the fencing put up at most parts of the Bangladesh and Pakistan borders, and in a very limited portion on the Myanmar border. The MHA envisages that the India Pakistan and India Bangladesh borders will be completely fenced by 2022¹⁰. These fences are floodlit and in certain areas of Punjab and Jammu, electrified. As part of its 'smart fencing' concept, the MHA has completed two pilot projects of the Comprehensive Integrated Border Management System (CIBMS), one each on the above mentioned borders covering a total of 71 Km¹¹. The CIBMS *'involves deployment of a range of state-of-the-art surveillance technologies — thermal imagers, infra-red and laser-based intruder alarms, aerostats for aerial surveillance, unattended ground sensors that can help detect intrusion*

*bids, radars, sonar systems to secure riverine borders, fibre-optic sensors and a command and control system that shall receive data from all surveillance devices in real time...*¹². The CIBMS seeks to overcome challenges posed by riverine terrain, swamps, creeks and inhospitable areas that hinder physical movement, to finally cover a total of 1855 km across both borders, in multiple patches. It needs to be mentioned that fencing across the India Bangladesh border has come about after overcoming multiple challenges – the hostile attitude of Bangladesh amidst a history of illegal immigration, hurdles in land acquisition and opposition from villagers who feared that their agricultural land beyond the fence would be lost to them¹³.

Emerging Challenges to Border Management

Impact of Technology. Terrorists and anti national elements have utilised technology in a big way to enable surveillance, execution of attacks and logistics support across the border. As per Director General BSF, the force has been “bombarded” by the onslaught of drone flights from across the Pakistan border on the western front, and instances of the aerial vehicles bringing drugs, arms and ammunition have more than doubled in 2022¹⁴. Consequently the BSF has had to upgrade its forensic capabilities to analyse chipsets from downed drones, ‘..successfully obtaining flight paths, launching and landing points, timings, GPS (global positioning system) coordinates and even messages exchanged..’¹⁵. ***A sobering demonstration of the potential of drones for kinetic strikes was the terror attack on Jammu airport in June 2021 using two small drones carrying explosive charges.*** Though deduced later that the attack had been launched from Indian soil¹⁶, it has resulted in induction of anti drone equipment, depth patrolling and deeper BSF – state police coordination. Supply of food and medicines to infiltrated terrorists via drones is another threat. The BSF is now deploying ‘laser-equipped anti-drone technology and anti-drone guns along the Intentional Border (IB) with Pakistan at 30 spots in Punjab’¹⁷. ***Given issues of air space management and air defence, anti drone operations become another area where detailed coordination between BSF, state police forces and the Army is a ‘sine qua non’.***

Challenges of Enhanced Jurisdiction. In October 2021 the Central Government amended the jurisdiction of the BSF, empowering it to conduct searches, make arrests and seizures upto a uniform distance of 50 km from the international borders¹⁸. This rectifies a lacuna in West Bengal, Punjab and Assam, states having high population density in border regions, where these provisions were restricted to just 15 km from the border (unlike in others where these went up to 80 km, now reduced to 50 km. This jurisdiction however pertains only to powers under the Passports Act and specific sections of the Code of Criminal Procedure (CrPC), with a view to check illegal migration and crime¹⁹. It does not include prosecution of offenses. While such a notification is long overdue, ***issues like cooperation of the local population, interfacing with the local civil administration and sensitivities of state police need to be factored in for successful execution.*** More so, since the scale of deployment is huge - there are 1078 BOPs on the India Bangladesh border alone ²⁰, (in addition to the floating variety, three of which were inaugurated in May 2022)²¹. ***Thus, mutual understanding between various uniformed forces and civilian hierarchy at the ground level for smooth functioning and withstanding myriad pressures is mandatory for effective management.***

Peculiar Aspects of the India Myanmar Border

- **The Fence Agitation.** Four Indian states of Arunachal Pradesh, Nagaland, Manipur and Mizoram share the 1643 Km long border with Myanmar. Most of this border (save the Northern tri junction with China) had been delimited and demarcated by 1967. Despite this, the boundary today remains only a line, cutting across common ethnicities, cultures, languages and relationships with several tribes living astride it. Recognizing this reality, India and Myanmar instituted the Free Movement Regime (FMR), permitting movement with a border pass, of local tribespeople through designated points upto a distance of 16 Km on either side of the border (reduced from the earlier 40 Km in 2010) for a stay of upto two weeks (movement was suspended due to covid and has yet to resume). However the porosity of the border in certain places in Manipur with movement of traffickers and insurgents, made it necessary to erect a 10 Km long

fence around Border Pillars 79 to 81. As work commenced, there were protests from locals as well as the Myanmar government. A total of four km was constructed before the project was suspended in 2013 after large scale protests²². Work recommenced in 2022 with a total of 5.6 Km completed, only to be suspended again, with villagers stating that the fence '*would take away between one to three km of Manipur's land*'²³. ***Balancing border security against local sentiments in this sensitive border region will remain a challenge even as proposals for extending the fencing in Manipur and other states are examined, with insurgent camps functioning with connivance of state and non state actors.*** The issue is sure to take centre stage once trans border movement, suspended since onset of the covid pandemic is restored.

- **The Impact of Ethnicity.** Increased ethnic strife in Myanmar after the military coup of February 2021 has had its fallout on border management. The Tatmadaw's depredations against ethnic minorities has resulted in a stream of refugees across the open border from Chin state of Myanmar into Mizoram, with whom it shares ethnocultural similarities and historical ties. As of September 2022, Mizoram authorities had registered 30,000 refugees from Chin state (while estimating that the total number was around 40,000) spread out in 60 camps across the state²⁴. Initially in March 2021 the MHA had advised the states bordering Myanmar '*to take appropriate action as per law to check illegal influx from Myanmar into India*', stating that state governments have no powers to grant refugee status to any foreigner with India not being a signatory to the United Nations Refugee Convention of 1951 and its 1967 Protocol²⁵. Since then, MHA appears to have reviewed its stand, possibly appreciating local sentiments. The humanitarian activities of the Mizoram government in this regard have also been cited as an example of '*what a model asylum regime could look like for a country that has not ratified the Refugee Convention 1951 and is only half covered by the UNHCR system*'²⁶. In such a fluid situation, the BGFs face a dilemma, since they require clear directions on tasking and execution. ***The larger issue which can crop up in other contexts however remains - of***

balancing an unwritten and ambiguous refugee policy against inviolable tenets of national security. Also, there could be other contingencies – of climate refugees looking to enter the country from regions devastated by climate change²⁷.

Managing Open Borders. Managing open borders (in the case of Nepal and Bhutan) as against others which are regulated, poses different challenges. India has friendly relations and wide ranging treaties with these strategically important countries. ***Maintaining harmony on the border and shaping peoples' perception through skilled management assume greater importance here, to prevent any incident however small, from vitiating friendly ties.*** The mixed population in border villages where even spouses in a household could have different nationalities necessitates a high degree of situational awareness and access to real time intelligence, in the shadow of the twin menaces of human trafficking and smuggling. The SSB has taken important initiatives such as formation of Border Interaction Teams comprising both men and women constables to gain confidence of the locals, conduct of civic action programs including medical and veterinary camps, and even made satellite imagery available at BOPs to analyse terrain and routes²⁸. However the challenge of identifying hostiles remains, as Chinese and Pakistani nationals in the guise of Bhutanese and Nepalese continue attempts at infiltration²⁹. ***The lure of India's economy and connected opportunities will continue to trigger trans border movement. Border management accordingly has to be objective, real time and dynamic.***

Conclusion

Given the regional geopolitics of South Asia, it would be impractical currently to consider more flexible models of border management, as prevalent in Europe (the Schengen Area), though here too there are calls for tightening border controls³⁰. With conflicts raging in Myanmar and open borders available for exploitation, there is requirement of greater coordination of the civil administrative hierarchy and security forces within India and their counterparts across. There is need for a common policy, inter state coordination with structured and frequent

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consultation between civil and security authorities of the four states bordering Myanmar. Considering the fluidity of the FMR, empowering the Assam Rifles with policing powers on own side of this belt as has been done for the BSF, is worth considering.

The aspect of reviewing the mandate and command and control of the ITBP on the LAC has been mentioned earlier. This has to be viewed holistically in light of the fundamental difference between policing a border and defending territory claimed by a hostile neighbour. Preventing further encroachment on grazing grounds in the border villages here again requires a common approach at the political, administrative and military levels. Similar efforts to improve coordination on the border to defeat Pakistan's unabated proxy war which affects all segments of society must continue.

Border policing is a full time 24/7 job. It is tedious, repetitive, time consuming and dangerous. Uninformed policy and consequent actions even in good faith have repercussions on India's relations with its neighbours. An integrated approach with joint civil – security force oversight at all levels is vital. As brought out earlier in this Paper, focussed civil military interaction yields positive results.

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Endnotes

- 1 Though Canada and the USA share the largest undefended border in the world, here too, crossings are permitted only at designated crossing points with respective national immigration authorities advising carriage of documents like valid passports. See Government of Canada <https://travel.gc.ca/destinations/united-states>
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- 3 Government of India, Ministry of Home Affairs Annual Report 2021-22 available at <https://www.mha.gov.in/documents/annual-reports>, Chapter 3, Border Management pp 25
- 4 *ibid*

- 5 Ministry of Home Affairs Annual Report 2021-22 pp 25
- 6 The India Pakistan border drawn in 1947 is sometimes referred to as the 'Radcliffe Line'
- 7 'Siachen dispute needs India and Pakistan to revisit Karachi Ceasefire Agreement' Amit K Paul, The Print 27 July 2022
- 8 Joint Statement, India-Pakistan discussions on opening of crossing points across the LoC, October 29, 2005. Media Centre, Ministry of External Affairs, available at <https://mea.gov.in/bilateral-documents>
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- 10 Govt To Fill All Fencing Gaps On Borders With Pakistan, Bangladesh By 2022: Home Minister Amit Shah' <https://swarajyamag.com/> Jul 17, 2021
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- 13 'India's Approach to Border Management; from Barriers to Bridges' Pushpita Das, Knowledge World Publishers 2021 pp 77
- 14 'Drones from across Pakistan border more than doubled in 2022: BSF DG' Press Trust of India, Nov 13 2022
- 15 ibid
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- 21 'Union Home and Cooperation Minister, Shri Amit Shah, on the first day of his two-day visit to West Bengal, inaugurated the Narmada, Sutlej and Cauvery Floating Border Outposts (BOP) on the Indo-Bangladesh border today to protect inaccessible areas of Sundarbans'. Press Information Bureau (PIB) release dated 05 May 2022
- 22 'India's Approach to Border Management; from Barriers to Bridges' pp 76
- 23 'Fencing work on disputed Myanmar border areas stopped, says Manipur CM Biren Singh' Iboyaima Laithangbam, The Hindu 23 June 2022.
- 24 'Over 40,000 refugees from Myanmar based in 60 camps set up in Mizoram, says Rajya Sabha MP' Vijaita Singh, The Hindu September 25, 2022
- 25 'Stop illegal influx from Myanmar, Centre tells northeastern States' The Hindu 12 March 2021
- 26 'How Mizoram has set up a de facto asylum regime for Myanmar refugees' Angshuman Choudhury The Indian Express 04 October 2022
- 27 'India needs to recognise the rights of climate refugees' Surbhi Arul, India Development Review dated 03 June 2022 on <https://idronline.org>
- 28 Interview with the Director General Sashastra Seema Bal, Shri Kumar Rajesh Chandra on the eve of the 51st Raising Day of Sashastra Seema Bal. YouTube Akashvani AIR 19 December 2020
- 29 'India urges Nepal to check the entry of Chinese, Pak nationals through the border' IANS 30 September 2022
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