Chapter II

India’s Stand on Cross Border Terrorism

The scourge of terrorism has haunted Indian policy-makers since independence some of these states, mainly the bordering states having different cultural and ethnic composition from the heartland suffered from a real or perceived sense of neglect and misgovernance. Inimical powers exploited this aspect and sowed seeds of sedition and secession amongst some sections of society of these states particularly the states of the North-East, Punjab and Jammu and Kashmir. During history, large and small states have constructed walls and fortifications in their frontier areas. They have been put up in China, Central America, Britain, Denmark, Somalia, Algeria and Vietnam. In Asia the Great Wall of China was built to exclude which could not be include and was the first physical expression of a linear boundary. Japanese Sakai, which meant crest of divide of water parting, was probably the first example of natural features as a boundary. Indias experience in combating terrorism/insurgency in these states has mostly been of finding a military solution to a political problem. Central and State governments have responded with different activities mostly armed within own borders but lacked a coherent counter terrorism policy.

Boundary problems, difficulties and hence border security and defence are universal phenomena. Borders mark the extent of sovereignty which a state can claim in relation to another. As such they are usually linked with defense arrangements and often wars. For most part of the world in the past, especially in Europe, boundary disputes and boundary determination were the major causes of international conflict. Today the problem has reached an alarming proportion in some parts of the world and in particular in Asia where the concern of leaders has been to formulate and implement their foreign policy objectives towards the permanent resolution of these border problems in their interactions. These interactions can either be co-operative or confliction
depending on factors such as relationship between border populations, presence of resources along the borders and of course the nature of regime.

India’s borders comprising a vast variety terrain encompassing deserts, plains, hills and mountain areas by and huge these borders are very porous due to the terrain and ethnic affinities of population on both sides of the borders. Illegal migration, infiltration of anti-national elements, smuggling of arms and drug trafficking are some of the serious problem.

Historically, India’s boundaries extended over a vast geographical areas stretching from the Himalayan mountain ranges in the north to the Indian Ocean in the South including the territory between the strait of Harmuz and the Strait of Malacca.

South Asia is distinctive Stephen Cohen classifies it as an independent geopolitical region not within a geostrategic region; it is big enough to be a sub-continent in its own right. It has been, and is guarded from the Eurasian powers by the massive wall of the Himalayas, from the middle-east by the Hindukush Mountains of the northwest frontiers, and from Burma and Indo-China by lower and heavily forested jagged mountain ranges. India has absorbed many people and endured many invasions, expansions and disintegrations of empires that have shaped its land boundaries. The Indian sub continent of more than one and a half million square miles was considered to be an “intelligible isolate”.

Since the period of “Aryan invasions” and migrations which occurred during the second millennium. India’s land borders have been subject to constant changes and by 6\textsuperscript{th} century B.C sixteen kingdoms or tribal republics had come into being in Northern-India and jostled for more territory. In classical antiquity there is no option of frontiers as linear state borders. Local administrative boundaries certainly did exist and indeed, were often linear marked, by lines of boundary stones or rivers. The Aryan territory in the early Vedic period (about 4500 years ago) seems to have extended roughly from the 26\textsuperscript{th} to the 7\textsuperscript{th} period North latitude and from 68 to 80 degree longitude. (This is
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approximately present day Afghanistan, Pakistan and up to Uttar Pradesh). Territorial boundaries were never fixed because the Aryans were moving in all directions and further extending their colonization.¹

The total length of border to be guarded on Indo-Pak borders is 3223 kms running along the states of Gujarat, Rajasthan, Punjab and Jammu and Kashmir categorised as line of control and AGPL. Pakistan has use convert action in the guise of terrorism as a device of state policy against India. It has recruited, financed, trained, armed and infiltrated terrorists in India and has provided shelter to Anti-Indian elements. India occupies a strategic position in Southern Asia. The mainland coastline is about 5,422 km. If island territories are included, it is 7,600 kms touching 12 states and Union Territories (UTS) along land borders of 14,880 km running through 92 districts in 17 states.² The bordering which have seven countries including, Afghanistan in the Northern part of the state of Jammu and Kashmir (J&k). However at present, the border with Afghanistan falls in the Pakistan Occupied Kashmir (POK). Controls of cross border activities on borders need some of the necessary and strategic heights essential for the protection of the nation. Both external and internal situations of the country are changing at an incredibly fast pace with the developments in nuclear weapons and missiles, growing cross border terrorism. The emergence of non-state actors, the growth of Islamic fundamentalists, the narcotic armaments nexus, illegal migration and left wing extremists gravely impacting upon the security of the state and thus challenge to organization of borders.

India’s national building challenges and internal security are linked with border security and border management. Apart from preventing and containing inter-state conflict on the borders, border security and the border management

involves; thularting illegal border crossing; preventing smuggling of contraband goods like arms, drugs and explosives; and stopping cross border terrorism and infiltration. This had made border management a complicated and challenging task requiring resolute and concerted action on the part of intelligence, administrative. Security and regulatory agencies such as undertaking requires serious and committed political will. Thus, there is a need of necessary to adopt a holistic, multi-disciplinary and integrated approach in formulating a comprehensive strategy towards improvement of border management for national security in terms of war and peace.

Until now land borders management had been of prime importance due to war in the past with Pakistan and China. However current history shows that terror outfits, as a result of global networking, have required advancing techniques and technological capabilities to challenge national security. Consequently, the idea of border security needs a reassessment in the light of mounting non-conventional fear that expose the vulnerabilities of Indian’s land; air space and maritime borders to cross border terrorism.

2.1. Impediments to Effective Border Management

The major encumbrances that have rendered border management ineffective are; lack of understanding among the decision makers about military issues and development of multiple forces in the same area of operation. The absence of coordination amongst military, paramilitary and police force that are involved in border management, has led to lack of accountability towards encroachment. Other issues include poor intelligence due to absence of institutionalized information sharing arrangements; absence of information sharing mechanism among the army, air force and navy; disputed and unsettled boundary issues; porous borders; difficult terrain; insufficient strength in terms of equipment and main power; lack of proactive approach by decision makers; and minimal presence of the coast guard in coastal areas. These difficulties have
kept the borders vulnerable and have, in turn, facilitated problems of infiltration illegal immigration, drugs and arms smuggling, cross border terrorism, counterfeit currency and support to the internal separatist movements by external actors. To overcome the above mentioned impediments, Prime Minister Atal Bihari Vajpayee has constituted a Group of Ministers (GOM), to review the national security system in it’s entirely and in particular to consider the recommendations of the kargil review committee and formulate spacefic proposals for implementation. The GOM was led by then Prime Minister of Home Affairs, I.K, and Adwani. The report came out with significant recommendations to safeguard national security against any army intrusion, entry of narcotics, illegal migration, terrorism and armed smuggling. The GOM decided that some of the recommendations that required greater deliberation should initially be addressed by four task forces, one each in the area of intelligence apparatus, internal security, border management and management of defense. While some recommendations have been implemented, much remains to be done to make border management more effective.³

2.2. The Neighbourhood

The geographical location of the country is not an inconsequential factor in the development of terrorism in the country. Historically South Asia has been viewed as a region of protracted animosity for a variety of reason remaining from political ethno cultural and religious conflicts of various nature, sporadic terrorist activities with cross-border repercussions, illegal trafficking of small arms etc. The region thus, remains politically volatile, with the dubious honour of being able to threaten the peace and stability in areas both within and beyond needless to say repetitive ethno-religious problems in India, particularly in Jammu and Kashmir the Maoists in Nepal.

Terrorist incidents in India constitute almost 75% of the total such incidents worldwide, as for as ‘free’ countries are concerned, and while it might be reasonable to assume that groups based in Pakistan are responsible for a fair number of them, especially those occurring in Kashmir, they cannot be balanced for all of them. Geographic and international factors can only amplify the conditions which may foster terrorism. Therefore the threat of terrorism in India does not come exclusively from the neighbourhood, for, apart from being a country where the divide between the rich and the poor grows wider every day, people also continue to clash on the basis of religion, caste and language.

Many different interests groups in India use terror as a tool to get their aims across to the government at different levels including but not limited to separatist movement in the north eastern states. However, to be accurate about the appropriate usage of term, the Indian government take care to distinguish what is believed to be extremism from terrorism thus far going by governmental fulmination. The term terrorism is applied quite possibly unintentionally to the violent activities perpetrated by either Muslim actors or groups, while nalaxities are said to carry out extremism.4

3.3. Strengthening the Combat Arm

India is strategically located in relation to both continental Asia as well as the Indian ocean region, India geographical and topographical diversity, especially on its borders poses unique challenges for our armed forces in termed of both equipment and training. India as a nation-state requires a potent, agile and responsive national security apparatus that can meet the demands of its size, strategic location and the prevailing security environment. India shares about 15,000 km of its land borders with seven countries. With 7,600 km of coastline, India has a maritime boundary with five countries these realities exgerbate the

4. Manoharan, Gurmeet Kanwal N, “India’s War on Terror”, Kalpana Shukla, Ansari Road Daryagang, 2010, p 17
problems of Governance especially due to external abetment of terrorism internal divisive forces and other destabilising activities.

India’s security concerns are vast, varying from peace, economic development and social justice, to preservation of strategic autonomy and sovereignty of the country. India has six major religions, 52 major tribes, 6,400 castes and sub-castes with 1,654 minor /major languages. As per the terrorism index of vulnerability for 186 countries (April 2007) Pakistan is at no. 3, United States at no 4, Philippines at no. 5, Afghanistan at no. 6, Iran at no. 8, India at no. 9, the United Kingdom and Sri Lanka at no. 10. Terrorism is a dynamic phenomenon with an ever changing dimension, scope and intensity of violent action. Tackling terrorism would need a holistic approach with due integration of all players/numbers and articulation of comprehensive policies that can adequately grapple with challenges arising from an unstable but rising economy, growing ethno-religious divides, lack of education or rise of educated unemployment to the accommodation of an increasing number of deprived and marginalised.5

While reviewing the security apparatus and associated organisations, it would also be necessary to address the policies and functioning of Indians political philosophy, police, legal system, bureaucracy and crime control establishments, including intelligence. In order to ensure peace and stability, it is imperative to optimally manage the combat forces and agencies responsible for peace and stability. Although India has reformed its higher defense organisation and management, there is lack and integration of coordination.6

In the new age of terrorism, India’s security is not only dependent on the government of India and its various branches but on every single citizen of the country, in India or living abroad. It is our absolute duty to know, be aware of the use, our resources to help these agencies in order to help protect this

country. We have need to manage our resources and strengthen our entire system to safeguard the interest of every single Indian citizen, irrespective of his religious belief, colour, education, status, social motivation and language. Leaders should take interest in matters related to national security through structured briefings, informal interactions, workshops, seminars and debates during parliamentary sessions.\(^7\)

To date, as per the Minister of Home Affairs (MHA), there are thirty four organisations which are responsible for disrupting actions in India. The number is continuously on the rise and this excludes the sleeper cells and internationally organised groups. The model of terrorism is not free from error. It encourages a top-down approach to the processing of information. It leads policy-makers to defend on a defined set of assumptions about terror acts and their perpetrators. As a result, they believe they can remain unconcerned with understanding what a contradictory and confusing set of circumstances is, in truth, in such a scenario, policy-makers are liable to rely on metaphors and analogies that they make plain sense of what might otherwise be difficult to comprehend.

Therefore, although terrorism has been a national security problem right since the 1980s and has only worsened since the turn of the century, successive government of the centre have done little to combat it, insofar as crafting a concrete counter-terrorism strategy and or doctrine is concerned. Terrorism has been, for the most part, treated as a law and order problem. Therefore, every time a major attack takes place, the centre promises to send more security forces for the region, not realising, or ignoring, the fact that they are playing right into the hands of the perpetrators by thinning out and exhausting their forces. At the juncture, it merits mention that the government of the day has gone on record in admitting its understanding of certain new characteristics of terrorism, insofar as its global, and more often than not, non-state character is concerned, and the India is a part of the trajectory of attacks occurring internationally. However the

\(^7\) Manoharan, Gurmeet Kanwal N, Op cit, pp 140-41.
security authorities have, either by action or in action. Not entirely come to terms with the phenomenon of “new terrorism” and hence, the action that they have taken thus far has been found lacking.  

The primary difficult with regard to terrorism legislation in India is that law and order is legislated at the state government level, and state governments, traditionally, bridle against central government directives. At the level of the central government terrorist threat intelligence is and disseminated by a joint adequate committed that lacks the time resources and adequate expertise to process and prioritise such material. The domestic intelligence service of the centre, the intelligence bureau, is constitutionally and legally handicapped, and there is a gross lacuna in coordination between the intelligence bureau and the research and analysis wing (which is the external arm of intelligence). Both guard their respective turf zealously, and prefer to deal unilaterally with the political leadership rather than with each other, or, for that matter, with the joint intelligence committee an unfortunate circumstance since, had it not been for these ego and administrative clashes, many terrorist attacks could have been avoided.

2.4. The Military Warfare Model

War can be briefly defined as armed conflict between two or more parties, nations or states. The days when international lawyers could claim that the term war only applied to armed conflict between states have surely long gone. The twentieth century and opening years of the new century are replete with example of internal wars of all kinds-civil wars, ethnic and tribal wars, religious wars and insurgencies. In common usage the term war is widely used to refer to any conflict relating to war or with the characteristics.

In a search to maximise physical force, man learned the importance of moral force. And in the search for the best means to generate and sustain moral force in combat, man arrived at a military organisation permits physical force to be concentrated into combat formations that for responsive to the will of a single commander.

Is the coalition against terrorism involved in a war against the Al-Qaeda network? It would see absurd to deny it. Al-Qaeda leader, declared war on the U.S and its allies President George W. Bush declared “war on terror” after the 9/11 attacks. We can hardly claim that the term war is being used purely metaphorically in this context. The 9/11 attacks more people than the pearl harbour bombing. U.S, British and other troops have been fighting Al-Qaeda militants in Afghanistan, Iraq, Yemen and other countries. It is a different kind of war, asymmetrical war in which one cannot judge success as failure in terms of battlefield victories or the numbers of tanks destroyed or captured. The enemy is large unseen, hiding among the civilian environment in cities around the world.

Wars are violent physical struggles; it stands to reason that the side enjoying greater physical force will always emerge victorious. If we measure physical force in terms of the size of the armed forces and the quality of its equipment, then determining which side will win an armed conflict can be reduced to a simple mathematical formula. Yet history is replete with examples of physically weaker military power defeating stronger ones.

However it is one thing to recognise is that the struggle against Al-Quada terrorism has some of the characteristics of war, albeit a new kind of warfare. It is quite another to adopt the military warfare model as the framework for democratic and international response if the military are accorded the dominant role in formulating counter-terrorism strategy. In some aspects the military warfare model is a tempting route for democratic governments especially in circumstances where the terrorist have access to significant conventional
weaponry or even some WMD, and when armed forces deployed against than have superior firepower, are well trained, experienced and of proven effectiveness in counter terrorism roles. The military warfare model appears to often some important additional advantages.

There is at the strategic level, the much greater danger of military overreaction undermines the values of the rule of law and protection of human rights, which democracies have a duty to uphold. Moreover it would be a mistake to assume that large scale abuses of human rights by military forces are confined to former communist regimes that had never had experience of working as operative democracies. Plenty of examples, can be found of extreme right military regimes that seized power in weak and decaying democracies where dreadful atrocities against the civilian population were being committed by the armed forces. The role of the Argentina Junta of Generals, who conducted the notorious ‘dirty war’ against the left in the 1970s and early 1980s, was marked by particularly cruel crimes against human rights. E.g, many trade unionist university teachers and other suspected of left-wing learning were thrown into prison and in many cases tortured and murdered. For years the mothers of the ‘disappeared’ as they become known have mounted demonstrated in Buenos Aires pleading desperately for information about their children. We know that in some cases victims of the dirty war were flown by helicopter out to sea and dropped into the ocean.

Another particularity cruel human right crime involved seizing the children of people who were regarded as ‘enemies’ or ‘subversives’ by the regime, directing them to be brought up by members of the military and officials of the generals regime and to be inducted in the doctrines of the ‘national security’ ideology of the regime, a practice reminiscent of some of the actions of the Nazi regime in Germany in the second world war.

Historically terrorism has often been a auxiliary method or weapon in a wider war military and parliamentary forces have frequently used systematic
terrorism against civilians populations as a means of trying to break the will and morale of the enemy’s population. Repressive regimes resort to the use of this weapon almost instinctively because they use it to suppress dissent within their own borders and even among their exiles living overseas.¹⁰

In attempting to fight international organised crime national judiciary and police systems clearly labour under some major disadvantaged. Their jurisdiction begins and ends at their national borders. In a world of sovereign states, all of which tend to regard matters of security and law and order as internal responsibilities. It may be difficult, if not impossible, to secure concerted multilateral action. The intelligence agencies and police of one country may be unwilling to share their information either another country, e.g on the grounds that the intelligence may be leaked or source compromised. Even where a mutual desire for judicial and police cooperation exists, there may be insuperable problems caused, for example, by major differences in criminal codes and procedures or the absence of an extradition agreement. A major fundamental obstacle is that a government will very often peace its overriding priority on protecting its perceived strategic and economic interests. If these interests are seen to be placed at risk by a proposed judicial or police action, the latter are likely to be subordinated to the perceived requirements of national security\national interests.

The obstacles to international judicial and police cooperation appear to present formidable problems in the context of efforts to combat international crime. This has led to the search for shortcuts or for alternative remedies, such as adopting an entirely militarised response, or some form of economic sanctions or covert action. The more effective way of dealing with these problems, however, is to address the weaknesses of the criminal justice response at both national and international levels. Considerable scope can be found for enhancement of law, organisation, leadership and training and

resourcing of national police and judicial organisations. National system are the building blocks of a more effective international response; hence, such improvements have are added value. But the really urgent needs are to strengthen cooperation in the criminal justice field at the international level. Historically experience suggests that this cooperation can just be achieved by more creative international institution buildings (for example, of EU levels) and not by simply waiting for national systems to converge, which may take centuries. If the international system of states fails to develop its capacity to respond to the escalation on international organised crime, criminal activity may soon for outstrip the capability of the international system to contain it.

However, there is also abundant recent evidence that the military can play an invaluable role in assisting the democratic state, response to international organised crime. Outstanding examples would be the hostage rescue operations by Israel and British Special Forces against terrorist gangs and Entebbe and the Iranian embassy siege, respectively. In both cases, the hostage commandos had the firepower and techniques to carry out operations that were beyond the capability of police units.\textsuperscript{11}

Since the beginning of the 1990s, India has been witness to acts of terrorism in some form or the other. Particularly in the last six to seven years, the geographical reach, as well as the number of victims of terrorism, have increased manifold. The attack and hostage situation of 26/11 was only the latest in this series. Terrorism is not an end in itself but only a means of achieving larger ends. It is also defined as proxy war by other means waged by a country that perceives itself to be inferior to its adversely in conventional warfare capabilities.

Many have argued that civil society is both an instrument and victim of terrorism. The former means that terrorism finds its justification in civil society. While there is no dispute over the second idea, the former proposition is

\textsuperscript{11} Jaber, Hala, “Terror Reborn in Fallujah Ruins”, Sunday Times, 18 December 2005, p 24
objectionable. By its very definition, civil society is supposed to give space for the expression of alternate voices and areas. And if there are possible in a healthy civil society who is interested in studying the factors and circumstances under which terrorism perpetrates, it should not be taking on amounting to the justification of terrorism. On the contrary, the presence of debate in civil society can be used, in a constructive manner, to root out the causes that lead to dissent that eventually turns into terrorism. However, for this to happen, state organ urgently need to get over the sense of unease with the critical use role of civil society. The state must begin accept the criticism that emanates from civil society in a positive, constructive manner.¹²

The face of battle John Keegan describes the use of organisational compulsion and coercion in the battles. For instance he describes how friendly cavalry was used to coerce friendly infantry at waterloo. From the moment of first military formation appeared on some forgotten, ancient battlefield what ultimately determined victory was the ability to maintain unit cohesion longer than the enemy. The instant a combat unit began to break up, its combat power rapidly dwindled to nothing and victory was virtually assured for the side remaining in act. As technology improved the means of war, military organisation became increasingly large unit, but the late 18th or early 19th century, the military organisation encompassed the entire-nation state. Consequently – victory was determined not only by the cohesion of the armed forces, but of the nation-states as well. Organisational compulsion has carried forward through the centuries and operative even in today’s military organisation. The destroying a nations cohesion is one of the major objectives of military, revolutionary and state sponsored terrorism for the movement, however, it is important to understand the dynamic process of develop and sustaining morale force and cohesion in military units this will provide a

foundation for understanding the principles behind the use of force in a terrorist manner.\textsuperscript{13}

India has remained a victim of cross-border terrorism since gaining its independence from the British. Pakistan’s propensity for using non-state actors as proxies to fight its war goes back to 1947 and the founding of the Pakistani state, and had continued to the present. Pakistan is not alone promoting these acts, “but what makes it unique and worthy of attention is the dominance of these tools and the near exclusivism of their issue in its relations with India.”\textsuperscript{14}

Under India’s quasi-federal constitution, the responsibility of maintaining law and order is part of a state list. The centre government in New Delhi provides the state with financial support, profession help, and training and shared collective intelligence, but the responsibility for immediate actions and follow-up for any law and order incident rests with the state police. Thus, whenever act of violence is perpetrated in any city of India, the first to inspect the scène is the local police of that state. However these forces can adequately deal with crime and law and order situations, but cannot fight an armed insurgency without assistance from the central government.

An important set of agencies responsible for fighting terrorism in India are the intelligence organizations. India has numerous intelligence agencies. A major agency utilized for gathering cross-border information is the research and analysis wing (RAW) - the external intelligence agencies. The intelligence bureau (IB), a division of the home affairs ministry, is responsible for collecting intelligence information inside India. Joint committee analyses intelligence information collected from RAW, IB and military intelligence agency that provide tactical information in general and during counterinsurgency operations. There also exist the intelligence operations. There also exists the

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\item \textsuperscript{13} Hanle, Donald I, “Terrorism the Newest Face of Warfare, Pergamon Brassey’s”, Macmillan publishing Company 866 Third Avenue New York 10022, 1989, p 21.
\item \textsuperscript{14} Asthana, Vandana, “Cross Border Terrorism in India; Counterterrorism Strategies and Challenges”, Department of Government and International Affairs Eastern Washington University, University of the Programme in arms Control, Disarmament, and International Security, June 2010, p 3
\end{itemize}
intelligence director general of the armed forces whose purpose is to gather and collect tactical intelligence during counterterrorism operations such as may be carried out in Jammu and Kashmir. The North-Eastern and elsewhere, a newly formed defense intelligence agency coordinate’s intelligence imputes from the army navy and air force. It interacts, with all important ministries dealing with national security, the IB and RAW.

In most cases, during the terrorist attack the local administration and policy try to take control of the situation at first the army’s role in counterterrorism operations comes in only as a last resort, except in Kashmir under the armed forces special powers act, 1990. The Indian army has special privileges and is at the front in counterinsurgencies operations in Kashmir and the North-East. It has strength of about 1.1 million people (the military balance 2006). When the army plays the lead role, as in Kashmir, the police retain control of their forces and support the operations. For example, in the case of Kashmir a unified headquarters has been established under the Chief Minister to coordinate all activities of the army, police and intelligence agencies. The armed force is under the control of the central government and is by far the disciplined, efficient and organised force in the country.\(^{15}\)

India has been facing threat of cross border terrorism since independence, when Pakistan sponsored Azad Kashmir forced comprising of local militia of POK and FATA attacked in Jammu and Kashmir in 1947. The very fact that India shares its border with many nations, it makes its task of internal and external security more difficult the ethnic mix of population also adds fuel to the fire, when ideology and aspiration of all religion in India are not met concurrently but the government. This has been seen in Punjab terrorism in 1990, followed by Assam and Jammu and Kashmir problem in 1990 and now as Maoism in state of Chhattisgarh, Bihar and Andhra Pradesh, west Bengal and Orissa.

\(^{15}\) Ibid p 5
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India shares ethnic, religious and cultural affinities with its neighbours and in times of conflict, certain portion of tension flows inward in form of state sponsored terrorism. Since these states can unleash the terrorist activities in different capacity, they may use their own directed recruited and controlled terror squads, or may choose to work through proxies and client movements, across the border. The terrorist menace from across the border is supported financially and materially by the government and institutions of the countries. Therefore there are number of problems which poses a serious challenges to the national security of India, unless immediate measures by border areas are taken without peaceful border with its neighbours, India can hardly play its legitimate role in global affairs.

India is emerging as economically military strong state in both continental Asia as well as the Indian Ocean region. In the present scenario, India faces a great threat from all the countries with which it has borders, in one or the other form. The form of threat varies from pure military to a combination of military and non military. Today india faces more security threat from Pakistan than any of its neighbours, because of multiple conflicts since 1947, partition on issues like Jammu and Kashmir, water sharing, Sir Greek etc. Pakistan has not accepted regional supremacy of India and undertaken many military and terrorist actions to destabilise India since independence.16

There are a lot of confusions between many interrelated terms such as dissidents, guerrillas, separatists, revolutionaries, radical nationalists and terrorists there is thread of use of violent means for radical transformations in all these categories. The 20th century has been various forms of violence, disorders and radical transformations.

Igor Primoratz has rightly distinguished terrorism from martyrdom in the following words. When the indirect but really important, aim is to force

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16 Rawat, Col. Rajendra, “Challenges of Cross Border Terrorism in India”, Scholars Voice; A New Way of Thinking, Volume, 2, No. 1, 1 January-June 2011, pp 1-2.
someone to do something they otherwise not do, when this is to be achieved by intimidation, when intimidation is affected by using violence against innocent people by killing, maiming, or otherwise severely harming them-or by threatening to do so, then the indirect strategy is that of terrorism. This understanding places us in a better position to understand the strategy of terrorism.

The imperialist struggle for power, the world wars, struggle for independence and cold war. Everyone believed that post-cold war environment would provide a sustainable peace. What emerged in the form of new terrorism in the last decade or so is a most direct non-military threat which shattered the faith that peace depends only on interstate relations. In the contemporary world, terrorist groups have emerged as the most powerful non state actors that can endanger national, regional and international security.  

2.5. Terrorism and Security Threats

India needs to consider the military option seriously. This would not enhance the deterrence in place against such attacks, but would ensure that the state-Jihad nexus is constricted. The state element would likely be more sensitive to the likely hurt that India could inflict military and therefore exercises restrain over Jihadi impulses. Under India’s federal constitution, the responsibility for policing and maintenance of law and order is that of the individual states. the central government in New Delhi can only give them advice, financial help, training and other assistance to strengthen their professional capabilities and share with them the intelligence collected by it. 

The asymmetry between the India and neighbouring countries, porous boundaries linkages between terrorist-insurgent groups and underworld mafia have aggravated the problem in the region. ‘cross border terrorism’, which is a more popular expression in South Asia, on its strictest sense, equated with the

proxy war by a sponsoring state which gives that state the advantage of denying its role.

India is very sure that terrorist activities of Pakistan will extend far beyond the confines of Jammu and Kashmir will cover all parts of the country. There is credible information of ongoing plans of terrorist groups in Pakistan to carry out fresh attacks.

So from India perspective Pakistan is sponsoring terrorism in Kashmir while for Pakistan India divided Pakistan by creation of Bangladesh and perpetuating ‘state terrorism’ against the Kashmir people of denying independence. If India wants to assert itself globally in international politics and power game, it must control such misadventures from Pakistan. India is growing nation and in few years from now it will be an international power to reckon with for which it must concentrate in economic, trade, infrastructure and agriculture development but as same time keep Pakistan under check and well humoured.

India has having the same kind of misperceptions with Bangladesh, Sri Lanka, and Nepal that is perhaps the reason; India is the worst recipient of terrorist activities. This to insurgent terrorism India is facing the security threat at various levels.

- In the last two decades India has spent enormous amount of resources in fighting terrorism. According to the estimates of the Minister of Home Affairs, in Jammu and Kashmir alone over 35,000 innocent people have lost their lives. The terrorist organisations supported by Pakistan the Harkatul-Mujahidin and the Lashker-Toiba has proclaimed their objective as the merger of Jammu and Kashmir with Pakistan and as liberation of Muslims living in other parts of India. Now the international Islamic terrorist who have abandoned their base in Afghanistan after the U.S attack influence the struggle in Kashmir. That is why terrorism in India does not only pose threat to security but also diverts the valuable sources
from urgent development programme, which is not affordable to a
developing country.

- Pakistan’s large scale infiltration in Jammu and Kashmir and the presence
  and activities of a large number of Pakistani mercenaries, many of them
  ex-servicemen, the army has a more active, permanent and leadership role
  in counter-terrorism operations here.

These acts of terrorism and violence are not limited to Kashmir only. Other
insurgent groups in India, earlier Khalistan and now nationalist - socialist
council of Nagaland, United Liberation Front of Assam, Liberation Tiger of
Tamil Eelam (LTTE), and movement of free bodoland are also indirectly
supported by terrorist organisations. This makes terrorism in South Asia ... “the
unique and lethal mix of a virulent and vigorously propagated ideology; the
movement of experienced cadres across threats that span the entire world, and
the access to and destructive potential of contemporary weapons and
information technologies”’. India is facing severe challenge to national
integration by activities of insurgent groups in various parts of the country. Not
just India but even Nepal and Sri Lanka are playing the cost of violence
disturbances. The activities of these interlinked organisations have become the
bottleneck of the security dilemma of the region.

India has to understand that there is a need to collectively address this
problem through military means, bilateral diplomacy and international political
support. At the same time India has to ensure that internal stability especially
religious one is maintained and support of all religious groups in strengthen to
fight the cross border terrorism.18

2.6. Role of Army and Paramilitary Forces

The national intelligence community consists of the internal intelligence
agency the external intelligence agency, the defence intelligence agency that

18. Ibid p 325
was set up and intelligence directorate general of the armed forces. The IB collects terrorism related intelligence inside the country and RAW does it outside. The DIA and the Intelligence directorates general of the armed forces essentially collect tactical intelligence during their counter-terrorism operations in areas such as Jammu and Kashmir, Nagaland etc. where they are deployed.

As mentioned earlier the presence of the army in strength has proved a major deterrent against the armed with a civil population in congested towns should be studiously avoided. The paramilitary can certainly tackle the situations without the army’s assistance. The deployment of paramilitary posts within towns is educational institutions or other such places not only eats away essential strength but creats frequent problem with the locals-such a deployment has resulted in constant friction between the public and paramilitary units and has led to avoidable clashes.

The central industrial security force, responsible for physical security at airports and sensitive establishments, the national security guards, a specially trained intervention force to terminate terrorist situations such as hijacking, hostage-taking, etc.

The Central Reserve Police Force and Border Security Force units as they are organised currently are quite unsuitable for breaking up mass protests or hartals. All they can do is to open fire assassination a large number of people. The young children who see these actions or young man who face such situations are hardly likely to make good citizens or remain loyal to India. The common man who does not know the difference between the army and paramilitary believes that a reign of terror has been let loose on them by the ‘army’. This has for reaching ramifications beyond the present situation, as the army will continue to be around in Jammu and Kashmir long after the paramilitary have moved away. It is important that the army image, which is clean, should not be spoiled by using troops for.... tasks along with paramilitary units. Coming back to the employment of paramilitary forces, an objective
analysis of its present role would indicate that they are being put under undue pressure without any change for rest or reaction. It would suggest duplication of command is responsible for such a situation; they should be under centralised control of a special DG placed here.

In recent months, there has been addition to the terrorism set-up. A multi-disciplinary centre on counter-terrorism, headed by a senior IB officer, with in the IB, expected to be patterned on the CIA’s counter terrorism centre. Offices of various agencies responsible for intelligence collection and terrorism operations will work under a common umbrella and be responsible for joint analysis of the intelligence flowing in from different agencies and co-ordinate follow-up-action.19

2.7. Sensitivity of Land Borders with India

There are five or six states in South Asia which have borders with India, this has resulted in inevitable complications since all the states are in their infancy and in several cases the boundaries are not yet firmly settled. India, which looms large as the centre piece shares ethnic religious and cultural affinities with all its neighbours. In times of conflict in neighbouring countries, this becomes a source of acute tension. A spill over crisis across the borders is not uncommon.20

The problems of cross border terrorism over the last fifty years in India has occurred in three regions- Punjab, Jammu Kashmir and North East where people are on physical and social fringes of india. Language, religion and the feeling of alienation set these people apart from the people of the heartland of the country. All the three are concentrated at the outer limits of India adjoining

a neighbouring country that has the desire and the ability to create problems to India’s internal security.\textsuperscript{21}

\textbf{2.8. Land Border Security}

According to the MOD, the length of India’s land borders with its neighbours is Bangladesh: 4,351 km; China: 4,056 km; Pakistan: 3,224 km; Nepal: 1,751 km; Myanmar: 1,643 km; and Bhutan: 700 km. The dynamic nature of the problems concerning borders is brought out by the manner in which the sensitivity of Indo-Nepal and Indo-Bhutan borders has changed over a period of time. These borders which have been open were once peaceful and trouble free. However with the increasing activities of the ISI in Nepal and frequent movement of Assam militants into Bhutan, the nature of the borders has changed completely.\textsuperscript{22}

\textbf{2.8.1 Indo-Bangladesh Border}

India shares a long boundary with Bangladesh (Earlier East Pakistan) which is highly issue the porous of the issue of border management has been a very important one. The Indo-Bangladesh border, which comes into existence after India’s partition in 1947, gave rise to many questions as to the interpretation and implementation of the boundary so drawn. Millions of Bengali in erstwhile East Pakistan fled across the borders to India in 1971 to escape the atrocities of an invading Pakistan army. Since the mid 1990s Chakmas from the Chittagong hill tracks have south asylum across the border to avoid genocide by Bangladesh security forces. The Indo-Bangladesh border is a long one and heavily inhabited and the inhabitants have a common history of growth, culture, language and rich heritage. The serious problem is the manifestation of this fact. The problem of the border management on this border

\textsuperscript{22} Manoharan, Gurmeet Kanwal N, Op.cit, p 115.
is not just the one of securing the borders but of doing so without causing harm to the economic interest of the people, long dependent on mutual trade and various other forms of interdependence.\textsuperscript{23}

There is the most serious problem is the illegal migration of Bangladesh people to India. Even the partition a number of immigrant’s cultivators, primarily Muslims came into Assam from Mymensingh district in 1930 and 1940s. There is the main problem across the border is atrocities on the Hindu minority in Bangladesh. There is also illegal cross-border activities take place at the behest of the Pakistani ISI, which has also spread its nefarious activities into Bangladesh. Therefore India will need to build cooperation with Bangladesh with diplomatic level.

Some of the indications of illegal immigrants available from the Indian census of 1981 are that early 40 lakhs people originally from Bangladesh, including 20 lakhs in Assam are in India. Since the change of regime in 2001, Bangladesh national party government came to power with the support of fundamentalist parties like Jamait - e - Islami and Islamic Oikya jote which have an anti-Indian agenda.\textsuperscript{24}

There are about 12 to 15 Muslim terrorist organisations worked in the area. These organisations desire to spread Islamic fundamentalist in the Bangladesh. The two Harkat-ul-Mujahideen (HUM) and Harkat-ul-Jihad (HUI) are directly by the Pakistani Inter Service Intelligence. These two are the mainly fanatical in their ideas. The members of the Harkat ul-Jihad-al-Islami (HUJI), which operates in together in Bangladesh and Pakistan and they attacks in the city of India in current years.

According to the Indian Intelligence Agencies, there are about 127 terrorist training camps sponsored by ISI functioning in Bangladesh under the patronage of Jamait-e-Islami, Harkat-ul-Jamait-e-Islami and Islamic Morcha.

\textsuperscript{24} Ibid
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Most of the important training camps in the Dhaka, Chittagong, sylet, Habiganj, and Shelpur. Cox bazaar in Chittagong district is used for the trans-shipment of weapons and explosives these training camps co-ordinates with the activities of Lashker-e-Tayeba, Jaish-e-Mohammad and Al-Qaida. These insurgents target trunk routes, railways tracks, bridges, telephone exchanges, power stations etc. Safe heavens have been offered to insurgents in lieu of an assurance that no harm is to be caused to Bangladeshis in India.\(^{25}\)

Bangladesh has been used by insurgent groups in the North-East like United Liberation front of Assam and Nationalist Socialise council of Nagaland, who crossed the border and started getting training in Bangladesh from 1992 onwards.\(^{26}\)

The notoriously porous India-Bangladesh border is referred to as the “problem area”. The main security concerns in India from Bangladesh are illegal migration, smuggling of contraband goods and trans-border movement of insurgents. While expression concerns about illegal migration from Bangladesh, union home Minister P. Chidambaram has admitted illegal migration as a major challenge to homeland security.\(^{27}\)

Recently, religion too has become cause for concern in the Northeast, Islamist militancy has starting consolidating itself since Bangladesh infiltration remains unchecked and illegal immigration continues to be a sensitive issue, misused for political purposes. Presently, the Border Security Force (BSF) is in charge of manning the Indo - Bangladesh borders. There have been frequent clashes between the BSF and the erstwhile Bangladesh Rifles (BDR) over encroachment, enclaves and adverse possessions. The border forces are left to


\(^{27}\) The Times of India, 10 February 2009, “Bangladesh Has no Business to Be in India”
deal with the problems on a day-to-day basis due to the political and diplomatic failures in resolving the issue.  

2.8.2 Indo-China Border

India and China shares a long border, punctuated by Nepal and Bhutan. There are a huge number of disputed regions lie along this border including Aksai Chin in the western region which is close to Xinjiang, Tibet and Arunachal Pradesh in the eastern sector. India and China are neighbours and their borders are common for thousands of kilometres. India has been a great supporter of the Chinese revolution since long. When India becomes independent two years before China, India had developed very good relations with China. But unfortunately there was Indo-China war in the year 1962 for the border disputes. This made the relations between India and China bitter. The Chinese leadership tried to exploit the Indo-Pakistan and Indo-Nepal lack of cordiality to its advantage and gave assistance to Pakistan even in the manufacturing of nuclear bomb and tried to do harm to the Indian interests. But the new Chinese leadership which has emerged in the post Mao period has been quite pragmatic and has kept the border dispute in the background and is making sincere efforts to improve Indo-China relations. In the 1990s Sino-Indian relations were strained mainly due to the territorial issue and the Chinese annexation of Tibet. Pakistan has been successful in drawing China closed which multiplied India’s problems. The military lies between China and Pakistan have oppressed since India was targeted as a common enemy. With the end of the cold war, China is accommodating to the changes in the international sphere.

China had helped anti-government groups in Indias North-East in the past. However there are no reports that suggests continues Chinesease support to the North-East militant groups. There are intelligence reports presently which

suggests owing to the current Bangladeshi governments policy to control and eliminate operations of the Indian militant groups. There are various leaders like ULFA an outward organisation have crossed over into China via Bhutan and established contact with the Chinese army.

Along with other terrorist’s aspiration for regional and global supremacy have facilitated a conciliatory approach in its relationship with the Asian countries including India. But the detonation of the nuclear device by India in 1998 and the ‘China threat’ resulted in strong reactions in China, which was evident from the way it mobilised world opinion against Indies nuclear weapon status. Inherent in China anxiety is the military capability of India which it perceives to be an attempt to catch up with China and upset the strategic balance in the region. Line of actual control continued to be the de facto international boundaries for both the countries though till 1970 China gained some Indian territory and claimed large tracts of Indian territory which was also claimed by India. The disputed areas in India-China border are about 125,000 sq. km out of which 90,000 is in the eastern sector, 200 in the middle sector and 33000 in the western sector. In 1993, when the peace and tranquility agreement was signed this was helpful towards reaching a solution to the Sino-Indian border dispute.29

Following the agreements, regular meetings were held between the soldiers on both sides, a hot line link between the two countries was set up, an agreement to maintain peace and security on both side of Line of Actual Control (LAC) was signed. An accord was signed for the partial demilitarization of the disputed border of 4500 km. Both the countries endorsed that neither and China “shall use force against the other by any means and seek unilateral military support.”30

Although presently there is no account that suggests any direct infiltration or terrorist activities taking place from the China border, prospective future

30. Ibid
infiltration from the eastern border cannot be ruled out. Despite the touch terrain that makes mobility difficult, future threats may arise, particularly in a situation where extremist organisations manage to acquire a strong toehold. Security will remain fragile principally because of the disputed borders and because of the harsh weather conditions that keeps this sector unmanned and porous.

It should be noted that despite the war between India and China in 1962, mutual suspicion and traditionally rivalry, India is one of the very few countries, apart from the USA and Russia, with whom China has formalised a dialogue mechanism on counter-terrorism. India and China have even conducted joint anti-terror exercises. The first such military exercise (“hand-in-hand, 2007”) was held at Kunming in the Yunnan province of China in December 2007. Another exercise was held in the mountainous terrains of Belgaum, Karnataka, in which China troops from the IST company of the infantry battalion participated in the joint military exercise. Such endeavours can be a stepping stone for building mutual trust and strategic partnership.

However, the borders between India and China remain susceptible to cross-border terrorism and infiltration is the border are porous and not clearly demarcated the border peace and tranquillity agreement (1993) and the agreement on confidence building measures in the military field (1996) between India and China were expected to reduce the operational commitments of the army from having to permanently man the difficult LAC with China31.

But little progress has taken place. The line of control with China offers an illustrative example of the lack of coordination in border management. In order to prevent the future security threats arising from Cross-Border terrorism and infiltration the government has recommended that the borders must be clearly demarcated. It is important to put up toll pylons or pillars at a distance of about one or two kilometers without prejudice to the position of either side on

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their respective claim lines which can withstand the harsh weather conditions. This will help both the countries to prevent the movement of terrorists, infiltrators and illegal imports across either side of the border.

2.8.3 Indo-Pakistan Border

The international boundary between India and Pakistan is referred to as international border. The international border goes across Punjab, Rajasthan and Gujarat on the Indian side and the Punjab and sindh provinces on the Pakistan side. The line of control separates Indian administered Jammu and Kashmir from Pakistan Occupied Kashmir (POK). Pakistan is also involved in other territorial disputes with India on Siachen Glacier and Sir Greek.

The border to be guarded on Indo-Pakistan borders is running along the states of Gujarat, Rajasthan, Punjab and Jammu and Kashmir. It is clearly demarcated except for about 900 kms of borders in Jammu and Kashmir categorised as Line of Control (LOC) and Actual Ground Position Line (AGPL) which divides the state, held of India and Pakistan-further helps it to threaten the security of the state.

The security concerns on the Indo-Pakistan border include issues related to infiltration, inadvertent crossings, smuggling of arms and ammunition and illegal construction on both sides of the international border.

The borders have a variety of problems and issue and need a comprehensive focus for durable settlement. At many places the social contours of the border are mercilessly cut across and divided into various ethnic groups. In time of conflict in neighbouring countries this becomes a source of actual tension.

Indo-Pakistan relations are characterised by existence of number of bilateral disputes some of them rooted in historical past such as Kashmir issue.

Others in current dynamics of bilateral issues viz, Baglihar Dam dispute Pakistan continues to occupy illegally large area of Kashmir and lays claim over whole state of Jammu and Kashmir. Both countries have sections at both the ends of the borders which are yet to be settled.

The situation in the state of Jammu and Kashmir has almost always been more vulnerable than that of any other state in the country. This only state that Pakistan has never accepted to be a part of India. It is the only Muslim majority state of India which Pakistan believes should have belonged to like all to her Muslims majority parts of the subcontinent.

Pakistan continues its strategy of Cross Border Terrorism as it neither leads to conventional war nor as escalation of the situation nor yet keeps India constantly engaged in internal squabbles that impact its socio-economic and political conditions. Cross Border Terrorism is an effective strategy that gives an added advantage to the sponsoring country by giving it an option of denying its role if international reaction becomes too hot for it to bear in orders to camouflage its real intent. Pakistan is using to plea of supporting kashmir cause for self determination and trying to Malign Indias image by projecting the Indian army’s action as violation of human rights in kashmir.\(^\text{35}\)

As regards Indians undertaken to ascertain the Kashmir through a plebiscite, India claims that she promised to do so long before the dispute was referred to the UN Security Council. Hence, it was a promise to the people of Jammu and Kashmir and not to Pakistan or the UN and as such it does not involve any international commitment as for as the validity of accession is concerned. Still although India was prepared to fulfil her promise to the people of Kashmir; the holding of a plebiscite was constantly obstructed by Pakistan’s refusal to withdraw her troops from such parts of state which were under her illegal occupation. In these circumstances, India had no alternative but to let the Kashmiri decide their future through a duly elected representative body. The

Constituent Assembly having meeting on 17 November, 1956, confirmed the states permanent accession to India. This being its people voluntary verdict, Kashmir’s accession to India is therefore final, complete perfect and irrevocable.\textsuperscript{36}

Pakistan of course does not accept the arguments advanced by India, and her attitude thereon is generally shared by most other members of the UN.

Due to India Pakistan conflict in Kashmir, the subcontinent has experienced four walls and continues to face proxy war, low intensity conflict and limited war, Pakistan having failed to grab Kashmir despite fighting wars resorted to the strategy of terrorism. Not only have the conventional wars proved quite expensive but also the chances of achieving political objectives through wars have diminished due to the development of nuclear weapon and the possible international reaction. The three wars between India and Pakistan, although ended without settlement of dispute, proved Indian conventional superiority which convinced Pakistan that it could never achieve its mission in Kashmir through conventional warfare. Since conventional war has lost its utility as a tool of foreign policy, nations, particularly military weaker nations, try other means to achieve their objectives. Therefore, Jay Millan defined “terrorism” as a substitute of overt warfare. According to him when diplomats fail, solider take over, when solider fail, terrorist take over.\textsuperscript{37} This view is quite suitably applicable in case of Pakistan’s strategy in Kashmir. Pakistan continues to illegally occupy Kashmir and lays its claim over the whole state of Jammu and Kashmir and hence does not recognise even the international border in the Jammu sector. Unsolved border disputed with Pakistan in the area of Sir Greek in Gujarat, the Line of Control in Jammu and Kashmir, AGPL partition in Siachen are the outstanding issues between India and Pakistan on boundary demarcations.\textsuperscript{38}

\textsuperscript{36} Ibid. P 25.
\textsuperscript{37} Millan, Jay, “Terrorism as a Military Weapon”, January February 1998, 28 Air University Review 54
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Pakistan sponsored terrorism across the border in Kashmir become more intensified in the post - cold war scenario. Pakistan has been supplying arms and ammunitions to terrorists in Kashmir and continued to do so even after the end of cold war. Pakistan having won the convert war against the soviets in Afghanistan feels emboldened that if it could win against a super power, terrorism can certainly is a successful strategy against a lesser a powerful country like India. Pakistan is in a position to supply a large number of armed militant and insurgents in Kashmir because it is still in possession of weapon supplied by us have supplied arms, ammunitions and equipment worth millions of dollars to Pakistan.\(^{39}\)

The Indias border with Pakistan is manned by the border security force except for the Line of Control in Jammu and Kashmir, Which is the responsibility of the army. The responsibility of the arm is to ensure the physical integrity of the Line of Control against the encroachment by the Pakistan army and to minimise trans-line of control infiltration by armed terrorists, usually aided and abetted by the Pakistan army and the ISI.

The main objective of Pakistan’s sponsored terrorism across the border in Kashmir is to use violence to affect the psychology of India so that it gets exhausted and surrenders. Pakistan sponsored terrorism is a well-planned strategy. They specially targeted political leaders of institutions to malign the creditability of a government. The main aim of Pakistan’s proxy war against India is to ensure that the Indian army and central paramilitary forces remain engaged in counter insurgency and internal security operations in Kashmir. The organisations Harkat-ul-Mujahideen and Lashkar-e-Tayeba are provided for waging an irrational war called as Jihad against thousands of innocents of Kashmir. Pakistan has been indulging in the nefarious game of cross border terrorism against India from its inception by exploiting the sensitive of India’s religious and cultural communities. There are various training camps in

\(^{39}\) Ibid.
Pakistan occupied Kashmir in which ‘Kashmiri youths are trained and sent Jammu and Kashmir. Pakistan also used covert action in the guise of terrorism as instrument of state policy against India. Pakistan has recruited finance and infiltration terrorists in India and has provided anti-Indian elements.\(^{40}\)

India needs to keep up the international pressure on Pakistan and stress upon initiatives on the floor of the United Nations and beyond to specify and ban terrorist and Jihadi outfits that are operating within and out of Pakistani territory, especially the ones that are the prime accused in the Mumbai 20/26 attacks. Pakistan should be held accountable for terrorist networks operating from its soil.

### 2.8.4 Indo-Nepal Border

Nepal shares its borders with the Indian states of Uttaranchal, Bihar, Uttar Pradesh, west Bengal and Sikkim.

Like most of the countries of the world, the existence of Nepal had been recognised even before the international boundaries had been fully and finally established. Nepal is found in the ancient history of both China and India. Nepal India boundary has a recent origin and its present boundary demarcation and delimitation took place after the Anglo-Nepal war of 1814-16.

The Indo-Nepal borders is unique in the sense that people of both the countries can cross it from any point, despite the existence of border check posts at several locations. There are six transit points for a third country trade with Nepal, for which entry and exit visa is required to cross the border.\(^{41}\)

The porous Bihar-Nepal border makes it easy for unlawful activities to take place along the border areas. Before the formation of the Maoist government in Nepal, the Bihar police had arrested various Nepali Maoists in the border areas. The Maoists had established their training camps in the forests


of Bagha in the west Champaran district which has emerges as a safe haven for the Nepalese insurgents.

As the whole length of the border except police does not patrol and check the posts or paramilitary or military forces of either Country, illegal movements of the goods and people is a common feature on both sides of the India-Nepal border. There has not been any formal treaty between Nepal and India on Nepal-Sikkim boundary after the independence of India. And even after the annexation of Skim with India in 1975. It is to be noted that Nepal has not yet formally recognised the annexation of Sikkim by India and at the same time India has not sought recognition from Nepal.42

There is no denying of the fact that it is not unusual from the practical point of view to have illegal smoking of goods, trafficking of girls to brothel in Indian cities, trafficking in narcotic drugs, arms and ammunition and movement of criminals and terrorist across the border. The most serious adverse impact of open and uncontrolled Nepal - India border has been in the form of growing and anti-social and lawless activities. The ever increasing crimes along the border have been a major concern for both the governments since early nineteenth centuary. However, the policy of open border has rather enhanced such activities. The unrestricted movements across the border has indeed been responsible all sorts of criminal, anti-social and illegal activities such as robbery, theft, murder, smuggling of goods to evade custom duties, narcotic drugs trafficking, trafficking of girls, arms smuggling of archaeological arts and artic rafts and manuscript, kidnapping for ransoms, etc. Since 1980s, Nepal - India border has developed into a thorough passage for the cross border movement of terrorist. In view of growing terrorism in Uttar Pradesh - Tarai border in Nepal. There is a demand for the sealing of the Nepal India border. When Nepali political leaders and intellectuals raised their voice for controlling

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and regulating the movement of people across the border, their counterparts in India termed the Nepalese concern as an anti-Indian stand. In recent years, there has been sudden spurt in crimes such as theft, robbery, kidnapping and murder on both sides of the borders well as increase in terrorist activities on the Indian side. Open border has provided safe passage to criminals and terrorists. It has been alleged that criminal elements have been harboured and provided protection by the political leaders and influential persons on either side of the border. Apart from tampering with the Nepal India border by the local people in the Indian side. The Indian government itself has been involved in violating the norms of international border. The Maoists of Nepal with the help of the Pakistani ISI have well-established linkage with Indian Left Extremist (LWF) organisations with the communist party of India (Maoists) and the members of the revolutionary movement. India alleges that the ISI is using the Pakistan Embassy in Kathmandu to indulge in Anti-Indian activities.43

2.8.5 Indo-Myanmar Border

Myanmar shares common borders with five countries: Bangladesh 193 km, China 2185 km, India 1463 km, Laos 235 km, and Thailand 1800 km. India dominates Myanmar’s western borders: its 1930 km long coastline dominates the eastern arch of the Bay of Bengal, leaning on to the Malacca strait. Thus Myanmar provides China to shortest land and sea access to South Asia, just as it provides convenient external land and sea communication options to India’s landlocked northern states.44

During the British colonial period Myanmar was administered as a part of British India till 1935. Till the end of the World War II, Indian traders, professionals and administrators had followed the British to work in Myanmar.

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The Indian freedom movement inspired the freedom struggle in Myanmar. After Liberation of Indian economy from 1992 onwards, India started looking at the lucrative markets of ASEAN regions as part of the ‘look East policy’. Following the admission of Myanmar as a member of association of South East Asian Nations (ASEAN) in 1996 its importance in furthering India trade with ASEAN increased. Development of the seven Northeastern states has remained stagnant resulting in the alienation of sections of society and encouraging the growth of intruders across the border. Development of land and sea links for through Myanmar could end their isolation and wean them away from insurgency. Some of the insurgents groups like the National Socialist Council of Nagaland (NSCN) and ULFA operate from sanctuaries in Myanmar.45

Better relations and coordination’s with the regime in Myanmar could put an end to the operation of such across the border activities. Myanmar’s abundant reserves of natural gas waiting to be exploited, could help India in meeting its ever increasing demand for energy resources as the economy keeps growing at a fast pace. Myanmar has a great deal of strategic significance for both India and China. Over the last two decades the Chinese has built very close economic, political, military and development relations with Myanmar. Myanmar’s role providing China a shorter access route to Indian Ocean and South Asia is going to the crucial in the strategic scene of South Asia. The Chinese has used the geophysical advantage they enjoy to gain access to Myanmar’s mineral and natural gases resources. Following a policy of non-interference in internal affairs of the country, China has become the main supplier of arms of Myanmar. This has enabled the military junta in power to beat the western sections for democracy going under the leadership of Aung Sunn kyi since 1990.46

45. Ibid.
India has embarked on a policy of building closer relations with Myanmar to counter the Chinese influence and facilitate the growth of trade and commerce with ASEAN as part of its look East policy. It is financing road and port development projects in Myanmar which would improve connectivity of India’s North Eastern states and help their development. India has also been selectively arming Myanmar despite the military regime’s dismal record in human rights and governance. With a friendly regime in Myanmar, India hopes to evict Indian insurgents groups from sanctuaries in Myanmar. The military regime has welcomed these efforts to broaden in relationship with India and ASEAN countries in the interest of its own strategic security.47

2.8.6 Indo-Bhutan Border

Nepal and Bhutan are separated by a wide stretch of Indian Territory, Darjeeling district of west Bengal state and Sikkim state. Being a landlocked, mountainous country, Bhutan’s trade routes and access to sea pass through India and it is thus largely dependent on the latter for its economic security. While Bhutan has diversified its political and economic relations and had attained a good level of socio-economic development, the reality of its position and shares borders with India means that destabilising elements from external sources continue to pose threats to its stability. These have been evident from the spillover effects of military from Assam, and of cross border economic migration driven by regional poverty.

Bhutan and India have no open borders. In reality, the first place of asylum for the Bhutanese refugees in India. However because of the open border between Nepal and India could easily enter into Nepal via Indian Territory. Under international convention, it is the responsibility of India to settle them in India by establishing refugees represents different Nepalese ethnic and caste groups, but it does not mean that they have directly migrated to

47. Ibid.
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Bhutan from Nepal. Lots of them have migrated from different parts of eastern and north eastern India as well. Nearly 100,000 Bhutanese refugees are resettled in the camps in Jhapa and Morang districts. Though they live in the closed camps with barbed wire fencing, their movements outside are not restricted, and they are also able to cross the barbed wire fencing easily. This had affected the natural, social and economic environment of the surrounding areas, because they are engaged in illegal cutting of trees in the government forests, are engaged in business and work as cheap labour thereby affecting the business and employment of the local community.48

In the 1990s the, ULFA and National Democratic Front of Bodoland (NDFB) established several camps in the forests on the Indo-Bhutan border in return for their support in terrorising the Nepali speaking Lhotshampas to leave Bhutan. The linkage with several officers and personal of the Royal Bhutan Army (RBA) and police helped them sustain as they provided the rebel groups of the Northeast with rations, logistic support as well as aid and contacts for many laundering. The illicit establishment of camps by the ULFA, NDFB and the Kamtapuri Liberation Organisation (KLO) militant outfits in the dense jungles of South-East Bhutan has been a matter of great concern and the security threat for Bhutan. In addition to hampering business and implementation of development activities in many parts of the country the presence of these militants was a potential cause of affecting the friendly relations enjoyed by Bhutan and India.

In December 2003, with the talks of the ULFA and NDFB having failed and the KLO not even responding the Bhutanese government repeated attempts at a peaceful solution came to an end. On the morning of 15 December 2003, the Bhutanese army finally launched military operations to flush out the militants. Even at 67 security forces took over a thirty of the militant’s camps

into the second day of the operations have brought fought the reality that long spell of peace and tranquillity that has been the proud inheritance of the present Bhutanese generation can no longer be taken for granted. In December 2003, as a result of counter-terrorism initiatives between New Delhi and Thimpu, the royal Bhutan army and the special frontier force launched a military campaign against the terrorist outfits in Bhutan. Many terrorist camps were destroyed in the operation. Presently, it is suspected that terrorists are trying to make retaliatory attacks against Bhutan. The BSF shares the responsibility with the SSB in guarding the Indo-Bhutan border. The borders have been relatively quite after the royal Bhutanese army drove out the BODO and ULFA insurgents from its territory some years ago. Presently, the insurgent groups of the Northeast are finding it difficult to maintain their camps under the new Bangladeshi government. It is assessed that some of these terrorist groups are now trying to shift their base on Bhutan.

The Indo-Bhutan border is porous and a major portion remains unguarded by the security personnel on the Bhutanese side, which makes it easy for the insurgent groups to find safe havens in Bhutan. The Bhutanese are now active on the issue of border security as they do not feel any threat from India. In addition, they do not want to create any tension with the Northeastern insurgent groups as the Bhutanese have to cross Assam in order to connect to eastern Bhutan that is divided by the black mountains.

The GOM report suggested that it is important to strengthen police, intelligence machinery and administrative arrangements on both sides of the border to ensure regular and effective monitoring of the activities of insurgent groups along the border and to take adequate measures for an effective and capable counter-insurgency network. It is important to regulate the movement
of Bhutanese along the Bhutan border and check the Bangladeshis, presenting themselves as Indians, seeking jobs and employment in Bhutan.  

2.9. Right to Self-Determination: A Cause of Cross Border Terrorism in India  

Self determination is one of the most as well as the most obscure principles of contemporary international law and practice. Basically, the right of self determination is the right of people to determine its own destiny, to choose particularly, its own political status and its own form of economic, cultural and social development, it is powerful and innovative concept., inspiring and threatening, frequently cited yet rarely defined. As a principle, it has achieved almost universal support, but this support rarely translates into encouragement from the international community for the breakup of states. In fact, statehood and self determination have an ambiguous relationship. On the one hand, self determination supports statehood by giving a rationale for the acceptance of existing state boundaries and leadership. 

In the present day context, the meaning of the right of self determination has changed considerably, now it is not just the right of a nation as a whole but an individual right also. Earlier it was used to apply only to the states under colonial rule but since it is a human right now, can be applied to the people of the states against their parent states. Now this right can be available to every human being who wants to revolt against their parent state. It is something against the norms that this principle being applied to every individual and not to a nation as a whole. The principle should not be applied to bring about the fragmentation of a country or its people.  

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In its present state, self determination has been domesticated to serve the interests of ruling classes. It is a right which has been defended in lofty terms when it is politically advantageous and it rejected when it is not so. And these ambiguities in self determination have been often proved useful for harassing political support, both by state and indigenous, minority groups, seeking to increase their independence. Today, self determination means much more than the right to secede.

In contemporary South Asia, The claimants to self determination against the established states are many but undoubtedly the moist well known is the Kashmir dispute where the favourite argument put forward by Pakistan against India for Kashmir is the right of self determination? It has tried to elicit world support on the pleas that the people of Jammu and Kashmir have been denied the right of self determination.

2.10. National Integrity

Pakistan sponsored terrorism target India’s democracy and secular character. India has been facing threat of cross border terrorism since independence when Pakistan sponsored Azad Kashmir forces comprising of local militia of PAK and FATA attacked Jammu and Kashmir in 1947. The goal of Pakistan promoted border terrorism is to destroy India’s national integrity. The terrorist’s movement in Kashmir aimed at independence from the Indian union. Punjab militancy also aimed at disintegration from India and establishment of independence khalistan.52

India has initiated many dialogues in international for formulation of combined policy and guidelines for combating terrorism India need to especially motivate and convenience USA and China to keep Pakistan under control, so the ISI can be checked for sponsoring and supporting various terrorist groups operating out of Pakistan.

52. Ibid
CHAPTER II

Problems of Cross-Border Terrorism in India

So, it is not only Jammu and Kashmir that Pakistan is aiming at. But the larger design of Pakistan is to ultimately work for the disintegration of India through promotion of terrorism. Towards this object the ISI fully supporting various terrorist groups in India and outside.

2.11. Political Independence

Terrorist operating against India are under the belief that by means of violence they can achieve their goals, and that no instrument of conduct of international relations like international organisation, international law. Diplomacy or even war works as effectively as terrorism. India is targeted for alleged violation of human right in Kashmir and the North-East by the national and international human right watch groups. Continuous fight against terrorism in Kashmir and North-East is expected to weaken the nerves of the Indian government. In present context of terrorist attacks on the U.S, the latter has sought Pakistan’s corporation in its war against global terrorism. Pakistan had really no choice given its present economic situation and close relationship since September 11 has already reduced Pakistan to the status of a client state in a Parton - client relationship. The government of India has given unsolicited support in the war against global terrorism. Now the war against international terrorism, says the U.S, first will fought against Osama Bin Laden and Afghanistan and later it will be extending elsewhere.

2.12. Government Institution

Government institution in the terrorism affected area like the judiciary civil administration; press / media etc. Have either ceased working, or are forced to tow the pro-militant. They were the instant causalities of terrorism. Democracy as a value system is under threat in India as a result of continued cross border terrorism. The constant use of armed forces to keep peace in Jammu and Kashmir and elsewhere not only raises the question of human rights
violations both nationally and internationally but also creates credibility gap between democracy as a value and its practice. Human rights are violated in the process of fighting terrorism. There is always a dilemma—should a government violate human rights to preserve the nation’s integrity or sacrifice integrity to protect human rights.

2.13. National Security

The threat from terrorism to India’s national security is alive real. Contemporary terrorism carries out acts of violence mostly as sponsored large-scale operations surpassing all national boundaries. It is understand that self determination is not one time choice. This is ongoing process for the achievement of individual security and fulfilment of human needs with a broad scope of possible outcomes and expressions suited to different specific situations.

National security embraces not only external security contours, but also internal security, which is equally important. Deployment of forces in Jammu and Kashmir, and North-East to combat militancy and riot is at the cost of army’s preparation of war. It is also a drain on the economy forcing the state to divert scare resources to a non-productive fight to eliminate it. Terrorism is a low cost, high yield, option for the militants and Pakistan. It is conflict of low intensity only from the view point of the perpetrators of conflict. But it brings about maximum destruction and death in India. This is brought out clearly by its prolonged continuation in India and the government diverting and spending and spending crores of rupees from the development projects to fight it. The aspect is also brought out by the fact that if only 19 commitment terrorists could bring about destruction and death of the magnitude of the 9/11 attacks in U.S nations need not maintain a standing army at all. From isolated individual acts the groups are resorting to mass murders. Other contributions to the changing nature of terrorism are attributed to radical changes occurring in the attitude of
different groups in society each other particularly with regard to attitudes and authority when participation is denied authority may be challenged with terrorism as a viable option.\textsuperscript{53}

It can be easily concluded that as for as Kashmir issue is concerned the principle of self determination is a weapon used by Pakistan against India to attract world sympathy when all the issues have failed for Pakistan to claim Kashmir it has chosen the favourite principle of self determination as it is well defined right these days. Self determination is not a time choice but it is an ongoing process for the betterment of human security and fulfilment of human needs with a broad scope of possible outcomes and expressions suited to different specific situations.