Chapter II

INDIA’S STAND ON CROSS BORDER TERRORISM

Throughout 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 included and was the first physical expression of a linear boundary. Japanese Sakai, which meant crest of divide or water parting, was probably the first example of use of natural features as a boundary.¹

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 associated with defence arrangements and often wars. For most parts of the world in the past, especially in Europe, boundary disputes and boundary determination were the major causes of international conflicts. 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 resolutions 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.

2.1 INDIA’S LAND BORDERS – AN EVOLUTION

Historically, India’s boundaries extended over a vast geographical area stretching from the Himalayan Mountain ranges in the North to the Indian Ocean in the south including the territory between the Strait of Horniuz and the Strait of Malacca.² South Asia is distinctive: Stephen Cohen classifies it as an independent geopolitical region not within a geo-strategic 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

---

² Ibid.
Burma and Indo – China by lower but 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 subcontinent 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 boundaries have been subject to constant changes and by 6th century B.C sixteen kingdoms or tribal republics had come into being in Northern India and jostled for more territory. In classical antiquity there was 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 28th to the 7th parallel North latitude and from 68 to 80 degree longitude (This is 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.

Alexander the Great of Macedonia attacked from the North-Western direction in 326 B.C after crossing the Hindukush Mountains defeated Porous on the banks of the Jhelum River and extended the territory up to the plains of Punjab. The Kingdom of Magadha, situated in the middle Ganges region, expanded into a vast empire covering three quarters of India—from present Kashmir to Mysore, from Afghanistan to Bangladesh. The Kushans controlled sectors of the Silk Route that was the crucible of lucrative trade between the Indian, Persian, Chinese and Romani Empires as well as the highway for the outward spread of Buddhism.

The contours of India’s land boundaries further changed with the thrust of Islam which came from the Turkish people of Central Asia, newly converted to Islam and the Persian culture. For 200 years the new Muslim rulers of Delhi defended borders and

---

3 Surjit Man Singh (1998), Geographic settings, New Delhi, p.4.
4 Ibid
5 B.L Sukhwal (1991), India: A Political Geography, New Delhi, p.23.
6 Ibid.
7 Supra note 3.
staved off Mongol attacks, which had devastating effects on China, Persia, Russia and Eastern Europe.  

2.1.1 The British Raj and Independent India

British motivations for expansion stand out as economic gains, culture mission, and considerations of military–political security. The later included perceptions of threat were not only from various Indian powers, but from Burma, Nepal, France, Russia and Germany. These threat perceptions spurred the British to establish direct and indirect control over the land and sea routes to India as well as the strategic outposts of the subcontinent.

Subsequently, at the time of partition in 1947, Sir Cyrill Radcliff, assisted by two boundary commissioners, demarcated boundaries between India and Pakistan (i.e. east and west). The boundaries so demarcated are devoid of any natural and geographical features and continue to be afflicted with unsettled border disputes till date. Sir Radcliff did not deal with the boundary of J&K between India and Pakistan because it was a princely state— not under British India had the option of remaining independent.

The evolution of the threat perception in India over the centuries has stressed on the geographical unity of the sub-continental land mass, the importance given to internal and external threats and the resources available to tackle them. External threats have been assessed to arise over time from raiders and plunderers to nations seeking a place under the British imperial sun. There were various concrete ways in which rulers attempted to higher their control over their boundaries, and thus to clarify the division between their spheres of authority and those of neighbouring rulers. All the major invasions, except those by the Europeans, came through the north western passes of the Hindukush. This explains why the Mughal emperors, notably Akbar and B. Aurangzeb, expended so much energy and treasure to secure these passes against later invaders. The geographical reality influenced their strategic thinking.

---

8 Id.
9 Ibid, 6.
2.1.2. Present Geo–Strategic Scenario

In the present scenario, India faces threat from all the countries with which it has its land borders, in one or the other form. The form of threat through varies from purely military to a combination of military and non–military. India has land borders with Pakistan, China, Nepal, Bhutan, Myanmar and Bangladesh, out of which two are nuclear powers one is Pakistan and the other is China.\textsuperscript{12}

India has a total of 15,106.70 Kms. of land border running through 92 districts in 17 States and a coastline of 7,516.60 Kms. touching 13 States and Union Territories (UTs). India also has a total of 1,197 islands accounting for 2,094 Kms. of additional coastline. All Indian states in the country, barring Madhya Pradesh, Chhattisgarh, Jharkhand, Delhi and Haryana, have one or more international borders or a coastline; and thus can be regarded as frontline States.\textsuperscript{13}

2.1.3. Stretch of Indian Land Borders

The length of India’s land borders with neighboring countries is as under.\textsuperscript{14}

<table>
<thead>
<tr>
<th>Name of the country</th>
<th>Length of the border</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>4,096.70 Kms</td>
</tr>
<tr>
<td>China</td>
<td>3,488 Kms</td>
</tr>
<tr>
<td>Pakistan</td>
<td>3,323 Kms</td>
</tr>
<tr>
<td>Nepal</td>
<td>1,751 Kms</td>
</tr>
<tr>
<td>Myanmar</td>
<td>1,643 Kms</td>
</tr>
<tr>
<td>Bhutan</td>
<td>699 Kms</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>106 Kms</td>
</tr>
</tbody>
</table>

These borders comprise a vast variety of terrain encompassing deserts, plains, hills, mountains, high altitude and riverside areas.

\textsuperscript{12} Prakash Singh, “Border Management”, (July 2, 2001), \textit{BSF Journal} 11.

\textsuperscript{13} The Ministry of Home Affairs Report, Border Management Department, Defence India \url{www.mapsofindia.com/india.../india-defence.html - India}, (accessed on September 10, 2009).

\textsuperscript{14} Ibid.
2.1.4. Main Border Contact Points.

- **Pakistan Stretch.**
  - Wagah, Amritsar – This is made famous in numerous Bollywood movies and the contact entry point for the Buses and Train routes from Amritsar to Lahore.
  - Hussainiwala, Ferozepur – This is made famous by the annual fair held at a Muslim Fakir's grave that sees pilgrims from both sides making a beeline to pay their respects.
  - Aman Setu – This is considered as much revered and embattled bridge in Kashmir.
  - Siachen – This is famous as the world’s highest and coldest battleground.

- **China Stretch**
  - Nathu La pass – This pass is a part of the Silk Route, recorded history by traveler Huen Tsang.

- **Bangladesh Stretch.**
  - Salbagar-Akhaura
  - Karimganj-Suthargadi
  - Petrapole
  - Dauki

- **Nepal Stretch**
  - Sanauli, Gorakhpur district, made famous by Dev Anand, in Hare Rama Hare Krishna.
  - Naxalbari on the Indian side and Dulabari in Nepal

- **Bhutan stretch**
  - Transit from Darang Area

- **Myanmar stretch.**
  - This is made famous as the last route taken by Bahadur Shah Zafar.\(^{15}\)

\(^{15}\) Ibid.
2.2 SENSITIVITY OF LAND BORDERS WITH INDIA

However, five of the six states in South Asia have borders with India, and 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 neighbors. In times of conflict in neighboring countries, this becomes a source of acute tension. A spill over crisis across the borders is not uncommon.\textsuperscript{16}

The problem of cross border terrorism over the last fifty years in India has occurred in three regions \textbf{– Punjab, Kashmir and the North – East}, where people are on the social and physical 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 in India’s internal security.\textsuperscript{17}

North – East India is in a strategically vulnerable geographical situation and is surrounded by countries like China, Myanmar, Bhutan and Bangladesh from three sides. It is linked with the rest of the country by a narrow corridor (20 km wide Siliguri neck). North – East India is anthropologically a paradise, which is inhabited by races of Mongoloid stock, besides Indo – Aryan groups. Barring the Khasis and Jaintias who belong to the Austric linguistic group (now branded as Mon-Khmer cultural groups of Myanmar), almost all hill tribes belong to the Tibetan– Chinese linguistic family and Tibeto – Burman sub family. The non– Aryan population, being prominent in this region, shelter more than 125 major groups each having district cultural traits. In the case of the North- East, terrorism arises from a strong feeling of alienation from the mainstream of northern India plus a conviction, that the central government should be more active in north- eastern affairs.\textsuperscript{18} \textbf{Essentially, their economic backwardness stems from the unexploited natural resources, inadequate infrastructure development, rampant corruption and the strong nexus among politicians, contractors and insurgents in the region.} Economic hardship due to poor and underdeveloped agriculture, alarming mass unemployment problem, rampant corruption, and lack of educational and medical

\textsuperscript{17} N.S Jamwal, ‘Counter Terrorism Strategy’, Strategic Analysis, Vol.XXVII, (2003), pp. 56-78.
\textsuperscript{18} Supra note 16.
facilities, exorbitant prices and shortage of essential commodities in the far flung areas of the North-East forced the promising youth to turn to extremist activities. The employment situation lent an edge to the separatist tendency by creating numerous insurgent outfits in all the States of the North-East.\textsuperscript{19}

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.

The events unfolding as above are the result of a subtle and well planned initiative to encircle India by a nexus of China- Pakistan and Myanmar. They have done so by applying the concept of ‘Engagement after Encirclement’. The strategic encirclement extends from the Karakoram Highway, Aksai Chin, the China- Indian border and Myanmar down to the Bay of Bengal. By doing so, India’s ability to threaten their borders has been diffused.\textsuperscript{20}

2.2.1. Indo-Pakistan Border

The border to be guarded on Indo- Pakistan borders is running along the States of Gujarat, Rajasthan, Punjab and J&K. It is clearly demarcated except for about 900 kms of borders in J&K categorized 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.\textsuperscript{21}

The borders have a variety of problems and issues 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 acute tension.

The Pakistan sponsored border terrorism in Punjab remained active for over a decade broadly, from 1980- 1990. The conflict was caused due to a number of reasons

\textsuperscript{19} Supra note 17 at pp76-78.
ranging from the future of Chandigarh, territorial adjustments with neighbouring States, river water allocations, protection as well as promotion of Sikhism, reducing landholdings over the past few decades which resulted in the progeny of marginal farmers being converted into owners of economically unviable land holdings, and unemployment reaching a new peak in the early 1980s, which gave rise to disgruntled youth who took to militancy. During the period when militancy was at its peak, about 15,000 people died in the militant attacks. Pakistan exploited the dissatisfaction borne out in the State and gave covert and overt assistance for their struggle. External support also came from influential/prosperous members of the community who resided abroad.22

It is true that turbulence in Punjab and Kashmir was a consequence of Indian economic, social and political failures but Pakistan had no right to deliberately fish in troubled waters to exacerbate conditions. Further Pakistan’s terrorists intrusion on Indian land was not only directed against India but had tentacles in several Islamic countries like Algeria, Egypt, Tajakistan and even Xinjiang province of China, which continues to witness terrorist violence from Islamic cadres trained in Pakistan. There was an active ISI programme of using the institution and infrastructure created for operations against the Soviets in Afghanistan to devise Islamist violence in Kashmir and terrorism in Punjab. Specialist training was imparted by supervision specialists from Sudan, Libya, Iran and Pakistan. The weapons and materials provided to militants operating in Kashmir were identical to those provided by the ISI to Mujahideen in Afghanistan.23

Indo-Pakistan relations are characterized 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 areas 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 J&K has almost always been more vulnerable than that of any other State in the country. This is the only State which 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 it like all to her Muslim majority parts of the subcontinent. While the dispute originated in 1947 along with many other complex problems that were the product of hasty and badly planned partition, Kashmir dispute is perhaps one of the very few and the most important dispute that has survived over the years in somewhat original form. While India is known to have made innumerable efforts to bury the issue, the efforts for a peaceful and lasting solution of the dispute is still carried out by the Pakistanis. Compared to the Pakistanis, the Kashmiris, being disappointed by the world community’s apathetic attitude has opted, in recent years, for more violent course of action. Pakistan claims that her stand on Kashmir is not motivated by any considerations of territorial ambition, and that she asked for nothing more than the extension to Kashmir of the principle that determined the division of the rest of the subcontinent, the said principle requiring that contiguous Muslim majority areas should be separated from contiguous non-Muslim majority areas to form the two dominions, Pakistan and India respectively. Pakistan demands that India should permit the people of Kashmir to decide their future through an internationally supervised plebiscite. While recognizing that vast majority of the Kashmiri people are the followers of Islam, India justifies her possession of Kashmir on the basis of the Maharaja’s instrument of

---

26 Like India, the State of Jammu and Kashmir also becomes independent on August 15, 1947. Maharaja Hari Singh, then ruler of Jammu and Kashmir, initially did not like to become part of India and Pakistan. He thought of independence. He offered to sign a Stand Still Agreement with both India and Pakistan aimed at continuing the existing relationship pending his final decision regarding the future of the State. However for variety of reasons the Stand Still Agreement was not signed between Kashmir and India. When the people of the State saw that independence has come in India, they raised their heads and demanded the establishment of a responsible government. In the absence of a formal agreement between India and Maharaja, Pakistan interpreted it to mean other that Kashmir would ultimately become part of Pakistan. The people of the State were tired of uncertainty and even there occurred the Poonch Revolt against the authority of Maharaja. The Maharaja now realized that he could no longer hold the Kashmiri people in subjugation through reliance on his army and police. On October 20, 1947 several thousand tribesmen supported by Pakistani army attacked the frontiers of the State. The riders were fast approaching Srinagar. The Maharaja was extremely nervous and he saw his dream of independence shattered. It was the only as a last resort then the Maharaja approached the Dominion of India to accept accession. In order to save his State from ruin, the Maharaja of the State decided to accede to Indian Union and an instrument of accession was signed by him on October 26, 1947, as a result of this, the State of Jammu and Kashmir become part of Indian Union.
accession, the legality and validity of which cannot be questioned, at least of all by Pakistan.

As regards India’s undertaking 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 J&K and not to Pakistan or the UN and as such it does not involve any international commitment as far as the validity of accession is concerned. Still although India was prepared to fulfill 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 the 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 State’s permanent accession to India. This being its people’s voluntary verdict, Kashmir’s accession to India is therefore final, complete, perfect and irrevocable. 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 on Kashmir, the subcontinent has experienced four wars 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 weapons 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, soldier take over, when soldier fail,

---

terrorists take over.\textsuperscript{28} 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 J&K and hence does not recognize even the international border in the Jammu sector. Unsolved border disputed with Pakistan in the area of Sir Creek in Gujrat, the LOC in J&K, AGPL portion in Siachin are the outstanding issues between India and Pakistan on boundary demarcations.\textsuperscript{29}

Pakistan supported terrorism across the border in Kashmir has become more intensified in the post- cold war scenario. Pakistan has been supplying arms to terrorists in Kashmir and continued to do so even after the end of cold war. Pakistan having won the covert war against the Soviets in Afghanistan feels emboldened that if it could win against a super power, terrorism can certainly be a successful strategy against a lesser powerful country like India. Pakistan is in a position to supply a large member of armed militants and insurgents in Kashmir because it is still in possession of weapons supplied by US had supplied arms, ammunitions and equipments worth millions of dollars to Pakistan. About ten thousands of tones of small arms were supplied to Pakistan by America, China, Saudi Arabia, Egypt, Israel, Turkey and Britain.\textsuperscript{30}Portable weapons like automatic rifles, Kalashnikov with rate of fire of 600 rounds per minute, were of highly accurate and lethal nature. It is estimated that atleast 4000 Kalashnikov assault rifles had been supplied to the Inter Service Intelligence and about 900 stinger shoulder fired surface to air missile to the Afghan \textit{Mujahideen} according to the Auditor- General of Pakistan, Rs. 94.90 million was spent by the ISI Director- General in February 1993 for purchase of arms and ammunitions. India has been affected mostly by these developments because Pakistan and Afghanistan became the centre of gravity for terrorism.\textsuperscript{31}

Pakistan is not using terrorism as a last resort but as a shortcut to attain strategic and political objectives. Terrorism in Kashmir through initially(1989) supported by some disgruntled youth, can be defined as cross border or international terrorism because it is

\textsuperscript{28} Jay Millan, “Terrorism as a Military Weapon”, (January- February, 1999), \textit{28 Air University Review}54.
\textsuperscript{30} Ibid
sustained only with external financial support, cross border training campus and sanctuaries. National phenomenon, using mercenaries, organized crime cartels, sophisticated weaponry and into various countries. They operate in an international organized structure which is spread all over the world. Cross border terrorism has exacerbated due to one nation’s terrorist groups not recognizing the boundaries. These terrorist groups try to acquire the legitimacy for religion or ethnic identity. Pakistan tried to project its terrorism as the Kashmiris fight for the right of self determination and uses religious ideological doctrines like ‘Jihad’ by Jihadi to promote terrorism in Kashmir. Thus Pakistan sponsored terrorism in Kashmir is politically motivated and built around religious fundamentalism. Pakistan has been using Islam as a tool of its domestic and foreign policy since its creation. It justifies its claim on Kashmir on the basis of the two nation theory and has been using religious ideology as the basis of terrorism in Kashmir.

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 specifically target 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. In religious terrorism, though the target is the State, the victims are civilian. Jihad has killed more than 100000 people in Kabul and more than 10000 in Kashmir. The objective is to bleed India by thousands cuts to destabilize and dismember it.

Pakistan resorted to the strategy of cross border terrorism because it appeared to be a more cost–effective option. It was a low–cost option that has greater chances of success. It also does not involve the risk of conventional was as it is fought on the victim’s territory. It appears that due to these advantages the option of proxy war through

---

32 Ibid.
33 Jihadi – The concept of jihadiis have been debated, over the centuries by a number of Islamic theologians. Some of the Sufi thinkers have emphasized the importance of a higher Jihad against one’s lust, but in the perception of the militants groups it is incumbent on every Muslim to fight war against the infidels and the unbelievers. Unlike other terrorists their goals are definable in distinct political terms; the goals of the jihadiis are no less than to establish “Islam” over the globe and especially to liberate regions which were once ruled by Muslims.
terrorism has increasingly replaced the option of conventional war in South Asia. It enables Pakistan to keep the conflict at low costs, less intense and at low level to avoid the possibility of full-fledged conventional war. Lieutenant General Chandra Shekhar, Vice Chief of Army staff, explained that proxy war is a low-cost and no-case option but best suited to promote Pakistan’s geo political, diplomatic and military interest, not only to wrest Kashmir but also to gain forward strategic depth. Pakistan’s main objective is to keep India involved in protracted ‘proxy war’ to degrade India’s conventional superiority through a process of strategic fatigue.

In order to understand the rationale behind cross border terrorism in J&K and other parts of India, reference of some active terrorist organizations is necessary. There are various terrorist organizations operating in State of J&K, having their own objectives. This trend is of great concern to humanity in its fight against terrorism. Some of the organizations which are actively working in Kashmir are:

- Al-Umar Mujahideen: Deadly group of downtown, Srinagar. Founded by Mustag Zargar. Struggling to gain prominence.
- Al-Barq: Founded in 1994 and seen as the armed wing of Peoples Conference. Founded by Abdul Ghani Lone. Non Existent. (Mr. Lone was killed in Srinagar on May 21, 2002)
- Harkat-ul-Mujahideen: Pan-Islamic group formed in 1993. This is also known as Harkut-ul-Ansar and Al Faran. Very active and ruthless.

---

35 Ibid.
- **Al Badr**: Formed in 1999 and mainly composed of foreign mercenaries. Operates from border areas under the direct control of Inter Services Intelligence.

- **Hajib-ul-Mujahideen**: A militant group of ethnic Kashmiris. Wants an honourable settlement of the Kashmir issue.


Among these organizations, two important organizations, Harkut-ul Mujahideen and Lashkar-e-Tayeba (LET) are provided for waging an irrational war called as Jihad against thousands of innocent Kashmiris. Earlier known as the Harkat-ul-Ansari, Harkat-ul-Mujahideen was designated has a Foreign Terrorist Organizations (FTO) by the US government in October 1997. This is an Islamic militant group based in Pakistan operates primarily in Kashmir. Its leader Fazlur Rehman Khalii has been linked to Bin Laden and signed his ‘Fatwa’ in February 1998 calling for attacks on US and Western interests. Harkut-ul-Mujahideen operates terrorist training camps in eastern Afghanistan and suffered causalities in the US. Missle strikes on Bin Laden associated training camps in Kowst in August 1998. Fazulur Rehman Khalil subsequently said that his organization would take a revenge on US. It conducted a number of operations against Indian troops and civilian targets in Kashmir and is linked to the Kashmir militant group. Al-Farhan that killed and kidnapped five western tourists in Kashmir in July 1995; one was killed in August 1995, and the other four reportedly were killed in December of the same year. Maulana Masood Azhar, organization ideologue freed in January by India in return for hostages on a hijacked Indian Airlines plane, has vowed to recruit half a million men to fight Indian rule in Kashmir,” we are going to organize a 500,000 Mujahideen force to fight against Indians”, Masood Azhar told thousands of his supporters. Azhar said the force would be recruited from all over Pakistan. The parent organization of Lashker-e-Tayeba is Markaz Ad- Da’wah Wal Irshad which claims to be committed to Islamic education and jihad. It also claims that thousand of its militants are fighting the Indian security forces and 600 have been killed during encounters with the security forces. The

---


head of the Lashkar, the so called Ameer Markaz is Hafiz Mohammad Saeed. At a congregation in Muridke near Lahore, Lashkar leaders spewed venom against India and the US. For instance, “addressing the annual congregation one of the leaders said that “the next target is New Delhi”. Lashkar is probably the strongest jihadi organization today. As with all such organization, it is supported by various agencies within Pakistan.39

According to Indian Intelligence agencies, terrorist training camps in Pakistan training North- West insurgents get patronage and protection from both Pakistan and Afghanistan. The crisis situation in Kargil40, was managed by India’s restraint and American diplomacy, which led to ceasefire and status quo in Kashmir, Pakistan however continues its policy of cross border terrorism in Kashmir post Kargil, the ISI is trying to expand its network to execute its network to execute its plans. During the war, a large number of Pakistani trained militants and agents were reported to have been pushed into the Indian side of the LOC. Pakistan continued to support Taliban in Afghanistan due to vested interests. Kashmir is the prime mover behind Pakistan’s policy towards Afghanistan. On October 12, 1999, Musharraf staged a coup against Nawaz Shariff because the latter was portrayed as having betrayed the cause of Islamic Jihad in Kashmir. The military coup after Pakistan’s withdrawal from Kargil suggests that Pakistan’s army and religious leaders do not want Indo-Pakistan relations to normalize. Pakistan’s army has flourished on an anti India stand. It intends to continue during so

39 Ibid
40 Pakistan intrusion in Kargil was a desperate attempt on the part of it to capture Kashmir in the year 1999 in which Pakistan failed in its attempt. In mid 1999, Islamic fighters from Pakistani in Kashmir infiltrated and took control of the Kargil range overlooking the highway in Indian Kashmir connecting Srinagar to Kargil and Leh in the east. Their objective was to sever the main Srinagar- Leh road which runs north south in Indian Kashmir. Had they succeeded, they could have effectively cut the Indians held Kashmir in two, since south of this highway, the inhospitable Zanskar range prevents any communication between Kashmir proper and Ladakh. Pakistanibacked forces made great gains initially. However, India deployed a massive force, to dislodge the infiltrators. At the same time, fears of the Kargil war turning into a nuclear war, provoked the U.S president Bill Clinton to pressure Pakistan to retreat. The conflict ended with the withdrawal of Pakistani backed forces, with some irregular allegedly being left stranded in the Kargil Peaks, and India reclaiming control of the peaks which they now patrol and monitor at considerable cost. It was claimed that Kargil infiltration was ordered by the Pakistani Army without clearance of the civilian government. Prime minister Sharif was blamed by the Army for forcing them to withdraw though the withdrawal order was also seen as a escaperoute for the military which was ill- equipped to deal with the operation’s political fallout and this was a significant factor in the overthrow of the civilian government by the Army Chief, General Pervez Musharraff, who is actually responsible for Kargil operation.
otherwise it might loose the power vantage it enjoys in Pakistan. In other words, the army does not want the political solution of the Kashmir problem.\textsuperscript{41}

Pakistan continues its strategy of cross border terrorism as it neither leads to conventional war nor an escalation of the situation nor yet keeps India constantly engaged in interval squabbles that impact its socio-economic and political conditions. Clearly cross border terrorism is and 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 order to camouflage its real intent, Pakistan is using the plea of supporting Kashmir’s cause for self determination and trying to Malign India’s image by projecting the Indian Army’s actions as violation of human rights in Kashmir.\textsuperscript{42} By resorting to terrorism under the grab of Kashmir’s movement of self determination, Pakistan has sought to internationalize the issue to get it resolved in its own favour.

Pakistan has been indulging in the nefarious games of cross border terrorism against India from its inception by exploiting the sensitivities of India’s religious and cultural communities. There are number of training camps in POK in which terrorists are trained and sent inside J&K. Direct accessibility of the borders allows insurgents groups tactical flexibility. Some technological developments enabling quick passage of info, transfer funds, underworld criminal gang’s links with terrorist groups have changed the focus and tenor of border security.\textsuperscript{43} It is also worthwhile to mention that terrorists and subversive elements are using soft borders of India touching countries like Nepal and Bangladesh to enter India.

Pakistan has used covert action in the guise of terrorism as an instrument of State policy against India. It has recruited, trained, financed, armed and infiltrated terrorists in India and has provided sanctuary to anti-Indian elements. Despite global outcry against terrorism and not withstanding a string of confidence building measures adopted by two governments, Pakistan has not yet dismantled the terror infrastructure in the territory under its control. This infrastructure is continued to be used by Pak-ISI to recruit, train

\textsuperscript{41} R.S. Siwach, ‘U.S Strategy to Counter Global Terrorism’, Mainstream, (December 6, 2003).
\textsuperscript{43} Ibid.
and finance terrorists and infiltrate them into India. Strategies of ISI are to intensify proxy war operations, espionage, destabilizing the economy of the country by circulation of fake currency notes and raising the pitch of high voltage disinformation campaign to discredit India’s security forces for alleged violation of human rights.\textsuperscript{44}

North-East India is in a strategically vulnerable geographical situation and is surrounded by countries like China, Myanmar, Nepal, Bhutan and Bangladesh from three sides. It is linked with the rest of the country by a narrow corridor (20 km wide Silliguri neck). North-East India is anthropologically a paradise, which is inhabited by races of Mangoloids stock, besides Indo- Aryan groups. Barring the Khasis and Jaintias who belong to the Austric Linguistic group (now branded as Mankhmer cultural groups of Myanmar), almost all hill tribes belong to the Tibetan – Chinese linguistic family and Tibeto- Burman sub-family. The non- Aryan population, being prominent in this region, shelter more than 125 major groups each having distinct cultural traits. In the case of the North- East, terrorism arises from a strong feeling of alienation from the mainstream of northern India plus a conviction, that the central government should be more active in north- eastern affairs. Nagas argue that Clause 9 of the Hydari Agreement promised them the option of freedom. Essentially, their economic backwardness stems from the unexploited natural resources, inadequate infrastructure development, rampant corruption and the strong nexus among politicians, contractors and insurgents in the region. Economic hardship due to poor and underdeveloped agriculture, alarming mass, unemployment problem, rampant corruption, lack of educational and medical facilities, exorbitant prices and shortage of essential commodities in the far flung areas of the North – East forced the promising youth to turn to extremist activities.\textsuperscript{45} The employment situation lent an edge to the separatist tendency by creating numerous insurgents outfits in all the States of the North- East. In the case of Assam and Tripura, unabated infiltration of Bangladesh nationals into these two States with the ulterior motive of upsetting the demographic balance first, and then swallowing up big chunks of territory has the blessings of Dhaka.\textsuperscript{46} According to the group of Ministers Report of February 2001,

\textsuperscript{46} Ibid.
“illegal migration from across the borders has continued for over five decades, today, we have 15 million Bangladeshis, which has implications to national security.”

2.2.2. Indo-Bangladesh Border

India shares a long boundary with Bangladesh (earlier East Pakistan). The Indo-Bangladesh border, which came 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 Bengalis 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.

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-India agenda. There are about 127 training camps sponsored by ISI functioning in Bangladesh under the patronage of Jamait-e-Islami, Harkut-ul-jamait-e-islami, and Islamic Morcha. These training camps co-ordinates with the activities of Lashkar-e-tayeba, Jaish-e-Mohammad and Al-Qaida. These insurgents target trunk routes, railway 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. Bangladesh has been used by insurgent groups in the north east like United Liberation Front of Assam and Nationalist Socialist Council of Nagaland, who crossed the border and started getting training in Bangladesh from 1992 onwards.

47 Ibid.
49 Ibid.
50 Ibid
One of the most serious and longstanding problems is illegal migration of
Bangladeshi nationals to India. Even prior to partition, a substantial number of
immigrant’s cultivators, primarily Muslims, came into Assam from Mymensingh district
in the 1930s and 1940s. Another main problem across the border is atrocities on the
Hindu minority in Bangladesh. These atrocities forced Hindu families to migrate to India
in waves since the creation of East Pakistan. There is urgent need to take action to protect
the country’s religious minorities from terrorist attacks and harassment. The atrocities
committed against nearly 30 million minorities including about 20 million Hindus. The
atrocities have resulted in the decline of the Hindu population from 24 percent in 1947 to
10 percent as of now.\textsuperscript{53} An analysis of population growth of Hindus in Bangladesh
reveals that the decadal growth rate has been 3.1 percent for 1974, 9.3 percent for 1981
and 5.8 percent in 1991, which is far below average 24 percent growth rate of Hindus in
the subcontinent. If this (24 percent) decadal growth rate is to be applied in case of
Bangladeshis, the Hindu population should have been approximately 14.7 million while it
is 10.5 million as per the census. Obviously, these have illegally crossed through the
porous borders and settled in India.\textsuperscript{54}

According to Indian intelligence agencies, terrorist training camps in Bangladesh
training North- East insurgents get patronage and protection from the Bangladesh Army.
Most of the important camps are in Dhaka, Chittagong, Sylet, Habiganj, Mymensingh,
Rangamati, Khagrachari, Bandarban, Sherpur, Moulvi Bazar, Netrakona and Sunamganj
districts. Cox bazaar in Chittagong district is used for the trans- shipment of weapons and
explosives. Intelligence sources put the figure of terrorist training camps in Bangladesh
as 130 (43 of them are for the National Liberation Front of Tripura- NLFT). There are
several ‘joint camps’ that involve the NSCN (IM), NSCN (Khaplang), United Liberation
Front of Assam (ULFA), National Democratic Front of Bodoland (NDFB), NLFT, All-
Tripura Tiger Force (ATTF), People’s Liberation Army (PLA) and United National
Liberation Front (UNLF), for example, ATTF and ULFA cadres operate from camps in
Khagrachari and Satchari in Habiganj districts. An NDFB-NSCN (I-M) training centre
exists at Alikadam in Bandarban district. While ULFA has 24 camps, mostly in Dhaka,

\textsuperscript{53} Ibid.
\textsuperscript{54} Ibid.
Sylhet, Khagrachari, Maulavi Bazar and the Chittagong Hill Tracts (CHT), the NLFT’s camps are located mostly in CHT and Khagrachari. The ATTF is active in Maulvi Bazar, Habiganj and Comilla. The evidence is based on electronic and technical intelligence.\(^{55}\)

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. Today, most of the problems are the manifestation of this fact. The problem of border management on this border 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. Being on the extreme corner of the country, the border areas have remained underdeveloped and were economically and politically ignored for a long time. The negligence by the mainland forced the people of the border area to indulge in and depend on the traditional systems for their survival and this gave rise to cross border movements.

2.2.3. Indo-China Border

India and China are neighbours and their borders are common for thousands of kilometers. India has been a great supporter of the Chinese Revolution since long. When India became 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 had been successful in drawing China closer which multiplied India’s problems. The military ties between China and Pakistan have progressed since India was targeted as the common enemy. With the end of the Cold war, China is accommodating to the changes in the international sphere. Along with other factors its aspirations 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 mobilized world opinion against India’s nuclear weapon status. Inherent in China’s 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 boundary 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 the India-China border are about 125,000 sq.km out of which 90,000 is in the eastern sector, 2000 in the middle sector and 33,000 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. Following the agreement, regular meetings were held between the soldiers on both sides, a hotline link between the two countries was set up, an agreement to maintain peace and security on both sides of the 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 India nor China “shall use force against the other by any means and seek unilateral military support”. The agreement has its significance in forging a new relationship between both the countries; a ‘constructive co-operation’ though it does not indicate total dispersal of troops from the border or a constructive discussion on ending the dispute, which is the core to improve relationship between both the countries.

China’s military and economic support to Pakistan an Myanmar in the form of nuclear and military assistance, development of airfields, roads and equipping the armies with Chinese – made weaponry send across the borders are issues which are of great concern to India’s national security and border management.

2.2.4. Indo-Nepal Border

Like most of the countries of the world, the existence of Nepal had been recognized even before the international boundaries had been fully and finally established. Mention of Nepal is found in the ancient history of both China and India.

---

57Ibid.
Nepal- India boundary has a recent origin and its present boundary demarcation and delimitation took place after the Anglo- Nepal war of 1814- 16. Nepal-India border is unique in the world 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. The number of check posts at several locations. The number of check posts meant for carrying out bilateral trade is 22. However, only at six transit points out of them, the movement was permitted to nationals of third countries, who require entry and exit visa to cross the border. 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 Sikkim with India in 1975. It is to be noted that Nepal has not yet formally recognized the annexation of Sikkim by India. And, at the same time, India has not sought recognition from Nepal.

There is no denying of the fact that it is not unusual from the practical point of view to have illegal smuggling 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 century. However, the policy of open border has rather enhanced such activities. The unrestricted movement across the border has indeed been responsible for 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 terrorists. 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 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 a sudden spurt in crimes such as theft, robbery, kidnapping and murder on both sides of the border as well as an 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 harbored 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 boundary.  

2.2.5. 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 the 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 shared borders with India means that destabilizing elements from external sources continue to pose threats to its stability. These have been evident from the spillover effects of militancy 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 is 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 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 has 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.\textsuperscript{61} It is also alleged that a lot of Bhutanese refugees have been able to secure Nepalese citizenship through illegal means. Moreover, a lot of the Indians of Nepalese origins have also migrated to Bhutan, and naturally a large numbers of them must be Indians.\textsuperscript{62}

India and Bhutan can be seen to be supportive of each other. While Bhutan has not always voted identically with India over every issue, thereby expressing its own choices, it has maintained a consistent pattern of support to India on many occasions and significant issues. To name a few, these include the vote on the Comprehensive Test Ban Treaty (CTBT), the establishment of Nuclear Weapons Free Zone in South Asia, India’s aspirations to be a permanent member of the UN Security Council, India’s candidature to various international bodies, negotiations in World Trade Organisation (WTO), and the importance of India in the success of South Asian Association of Regional Countries (SAARC).\textsuperscript{63}

India and Bhutan share an extraordinary warm friendship, issues such as the state of relations with China continues to be a cause of some concern to both the countries. Considering the importance of Bhutan’s economic relations with India, the liberalization policies in India and its implications for Bhutan is an additional development to take into account. Recently, the illegal presence of militants using Bhutan as a base and hideout while rebelling against the Indian government resulted in the Bhutanese army taking military action to flush out the insurgents.\textsuperscript{64}

Over the last decade or so, 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 security threat for Bhutan.\textsuperscript{65} In

\textsuperscript{63} Permanand (2007), The Politics of Bhutan, Delhi.
\textsuperscript{64} Supra note 61.
\textsuperscript{65} The ULFA, fighting for the independence of Assam, NDFB, fighting for an independent State of Bodoland, and KLO, fighting for an independent State of Kamtapur had an estimated 1560 militants in 13
addition to hampering businesses 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 consideration of the close ties between Bhutan and India, and recognizing that the militants (despite their actions) are nonetheless Indian citizens from the neighbouring States of Assam and West Bengal, the Bhutanese government repeatedly urged the militants to leave the country peacefully. But in spite of the Bhutanese government having spent almost six to seven years to find a peaceful solution to the problem, it was apparent by the last months of 2003 that the militants had no real intention of leaving Bhutan until their own objectives had been fulfilled. In December 2003, with the talks with the ULFA and NDFB having failed, and the KLO not even responding, the Bhutanese government’s 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 as security forces took over all thirty of the militant’s camps into the second day of offensive, the combing process and the implications of the operations have brought forth the reality, that long spell of peace and tranquility that has been the proud inheritance of the present Bhutanese generation can no longer be taken for granted. Although the operation was considered successful, Bhutan has come into realize the need to be wary of possible repercussions following such action.\textsuperscript{66} Having long kept the military option at bay in consideration of possible retaliation against Bhutanese from the militants as well as their relative’s supporters from Assam, Bhutanese have recently had to be much more cautious than usual while traveling through Indian Territory.

2.2.6. **Indo-Myanmar Border**

Myanmar shares common borders with five countries: Bangladesh 193 km, China 2,185 km, India 1,463 km, Laos 235 km, and Thailand 1,800 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 the shortest land and sea access to South Asia, just as it provides convenient external land

---

\textsuperscript{66} Manorma Kohli (2003), *From Dependency to Independence- A Study of Indo-Bhutan Relations*, New Delhi.
and sea communication options to India’s landlocked northeastern States. During the British colonial period Myanmar was administered as apart 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. The Indian freedom movement inspired the freedom struggle in Myanmar.

After liberalisation of Indian economy from 1992 onwards, India started looking at the lucrative markets of ASEAN region 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’s 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. Better relations and coordination 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 in providing China a shorter access route to Indian Ocean and South Asia is going to be crucial in the strategic scene of South Asia. The Chinese have 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 sanctions for democracy going under the leadership of Aung San Suu Kyi since 1990.

---

68 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 its relationship with India and ASEAN countries in the interest of its own strategic security.\(^\text{70}\)

India’s current Myanmar policy appears to be largely copying the methods adopted by the Chinese. However, India as the largest functional democracy has a larger role to play in encouraging the restoration of democracy in Myanmar. Considering this, India’s relationship should aim at building better economic and developmental relations with the military regime while exploring all avenues to help the military regime and the democratic forces evolve a viable solution to build a democratic society.

However, sacrificing India’s fraternal relations with Myanmar’s democratic forces by itself is unlikely to increase India’s influence as the military regime is using the competing interests of India and China to its own advantage. Apart from the lead it has gained in Myanmar, internationally China has greater economic, political and military clout than India in helping out the military regime. Given this advantage, India is unlikely to replace China’s position as the most influential country in Myanmar under the military regime.

The military regime has been able to weather international sanctions for nearly 20 years. However, as Myanmar’s ties with India and ASEAN countries grow and economic liberalisation touches the younger generation of military officers, we can expect a desire for change among armed forces. Similarly, the student movement holds the potential to take over a leadership role for political rapprochement with the military regime. When these developments come through perhaps there is scope for evolving a democratic society through different from the western concepts but meeting Myanmar’s needs. India and China are indispensable in enabling this process that could stabilize the society in

\(^{70}\text{Ibid.}\)
their strategic neighbourhood. Thus in the interest of India’s strategic security, helping the creation of a stable and democratic regime in Myanmar should be India’s long term policy rather than mere economic goals.

2.3 RIGHT OF SELF DETERMINATION: A CAUSE OF CROSS BORDER TERRORISM IN INDIA

Self determination is one of the most important 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 break up of States. Infact, 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.\(^7^1\)

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.\(^7^2\)

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 is rejected when it is not so. And these ambiguities in self determination have been often proved useful for harassing political support, both by State

\(^{7^1}\) Dr. Shalini Marwaha, “Delimitation of Right of Self determination”, (Chandigarh, Punjab, 2007), 1JUoLS 107.

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 most 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 eliciting world support on the pleas that the people of J&K have been denied the right of self determination.

### 2.3.1 National Integrity

Pakistan sponsored terrorism targets India’s democracy and secular character. The goal of Pakistan promoted border terrorism is to affect India’s **national Integrity**. The secessionist movements in Kashmir and the North- East aimed at independence from the Indian union. Punjab militancy also aimed at disintegration from India and establishment of independent Khalistan.\(^3\) So, it is not only J&K 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 objective the ISI is fully supporting various secessionist groups within India and outside.

### 2.3.2 Political Independence

Terrorists 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 organizations, international law, diplomacy or even war works as effectively as terrorism. India is targeted for alleged violation of human rights in Kashmir and the North- East by the national and international human rights 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 US, the latter has sought Pakistan’s cooperation in its war against global terrorism. Pakistan had really no choice given its present economic situation and close relationship with the ruling Taliban in Afghanistan. But US Pakistan cooperation since September 11 has already reduced Pakistan to the status of a client State in a patron- client relationship. The government of India had given unsolicited support in the war against global terrorism.

\(^{3}\) Ibid.
Now, the war against international terrorism, says the US, first will be fought against Osama bin Laden and Afghanistan and later it will be extended elsewhere.

2.3.3. Government Institution

Government institutions in the terrorism affected areas like the judiciary, civil administration; press/media etc. have either ceased functioning, or are forced to tow the pro-militant line. 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 maintain peace in Jammu and Kashmir and elsewhere not only raises the question of human rights violations both nationally and internationally but also creates a 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?

Finally, Pakistan promoted terrorism questions the multi-ethnic and multireligious Indian State’s right to exist. Pluralism itself is under attack, since terrorism, in its latest phase, after Musharraf took power, has been presented as jihad to liberate Kashmir.

2.3.4. National Security

National security embraces not only external security contours, but also internal security, which is equally important. Deployment of forces in Jammu & Kashmir, and North-East to combat militancy and insurgency is at the cost of army’s preparation for war. It is also a drain on the economy forcing the State to divert scarce 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 viewpoint 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 crores of rupees from the development projects to fight it. This aspect is also brought out by the fact that if only 19 committed terrorists could bring about destruction and death of the magnitude of the 9/11 attacks in US< nations need not maintain a standing army at all. Also, it is difficult to identify and separate terrorists.

from civilians and fight them. If the Americans could be led to his position with one single attack, one could easily imagine the effect on ordinary citizens in India of their living with decades of Islamic terrorism.

The threat from terrorism to India’s national security is real and alive. Contemporary terrorism carries out acts of violence mostly as sponsored large-scale operations surpassing all national boundaries. From isolated individual acts, the groups are resorting to mass murders. Other contributions to the changing nature of terrorism are attributable to radical changes occurring in the attitudes of different groups in society towards each other, particularly with regard to attitudes and authority. When participation is denied, authority may be challenged with terrorism as a viable option.

Thus, it can be easily concluded that as far 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 favorite principle of self-determination as it is well defined right these days.

Therefore it is important to understand that self-determination is not one time choice, it is an ongoing process for the achievement of human security and fulfillment of human needs with a broad scope of possible outcomes and expressions suited to different specific situations. We should not reduce such sacramental, basic principle merely as a weapon of political rhetoric.

2.4 CONCLUSION

An analysis of these movements brings out some of the common aspects among them. The secessionist movements occurred in bordering States/regions, have external sponsors/supporters and occurred in the population mix which is culturally and ethnically different from the heartland. The demographic profile in these regions is minority-dominated compared to the rest of the country. As the problem remained confined more or less within the State boundaries, it was allowed to be dealt with by the States which treated insurgency and cross border terrorism-related issues as law and order problems. Each State initially responded with the resources available at its disposal and allowed the situation to grow worse quite fast. The problem has been met with a mix of hard and soft responses from the government and a pro-active national policy to give a clear direction
to the counter-terrorism mechanism is yet to be implemented. National consensus to deal with terrorism, an analysis of insurgencies in India brings out violence, mass support, external assistance and wide publicity, as the common factors for their growth and lack of education, development, employment and religious tolerance produce insurgents. External assistance to terrorism/insurgents has been possible due to the national internal conflicts and weak response. ‘Secularism’ the very foundation of the nation is being questioned. The threat to the nation has very deep-rooted implications, which can be successfully fought if all the issues are addressed jointly and there is consensus to convey a strong message to secessionists. In a democratic set up, consensus on vital issues is a must. India, being a secular, democratic country, cannot fight cross border terrorism effectively without popular support. Within the constitutional and sovereignty framework, all the political parties should raise above the vote bank politics and treat cross border terrorism as a threat to national security. Terrorism threatens the national security of the nation. Territory integrity, political independence, fundamental political institutions and cultural values are the targets of terrorists in India.

Ethnic disharmony, rebel movements and insurgencies threaten approximately one-third of all the present member-countries of the United Nations. It is necessary to correctly perceive the intricacies of the changes taking place in the international order and their repercussions on the political, socio-economic, cultural and ideological components of society so that meaningful strategies can be formulated for the future progress, development, well-being and survival of mankind. As long as terrorism was considered a type of criminal behaviour, counter terrorism was considered a task of the police. This view point was entirely appropriate for incidents of domestic terrorism. Unfortunately, terrorism that India is facing is international terrorism and it has assumed more and more the characteristics of unconventional conflict. Obviously, dealing with international terrorism, especially the state sponsored type calls for radically different responses from those that the police use in handling criminal offenders. In the US war against terrorism, President George W. Bush signed an Executive Order on Terrorist Financing on September 24, 2001 and the US Congress passed the USA-Patriot Act 2001 which deals with terrorist funding among other issues. Further, on September 28, 2001, the Security Council unanimously adopted Resolution 1373 under Chapter VII of
the UN Charter. Its provisions require, among other things, that all member States prevent the financing of terrorism and deny safe havens to terrorists. States also need to review and strengthen their border security operations, banking practices, customs and immigration procedures, law enforcement and intelligence cooperation as well as arms transfer control regulations.

Therefore, keeping in view the welfare and development of people of all the countries, there is an urgent need to check and regulate the free as well as illegal movement of people and good across the unpatrolled open border through intensive research, joint reviews and fruitful dialogues on diverse aspects of open border so that India and its neighbours friendship can be further strengthened.