Political storm over extension of BSF's jurisdiction

What is the issue?

The recent notification of Ministry of Home Affairs extending the jurisdiction of BSF along the international borders in three states has led to a fresh round of controversy involving the Centre and states.

> *As stated by Sir Ivor Jennings, "India has a federation with a strong centralising tendency".*

What is BSF?

- Border Security Force (BSF) is a specialized centrally controlled force to man the International Border with Pakistan.
- It is one of the five Central Armed Police Forces of the Union of India and is under the administrative control of **Ministry of Home Affairs.**
- Based on the recommendations of the Committee of Secretaries in the wake of the 1965 War, BSF came into existence on 01st Dec 1965.
- BSF has been termed as the First Line of Defence of Indian Territories.
- BSF is deployed at various integrated checkposts of borders with Pakistan and Bangladesh and is handling the security issues in the famous Kartarpur Corridor.

What is the role of BSF?

- **Peace time**
  - Promote a sense of security among the people living in the border areas.
  - Prevent trans-border crimes, unauthorized entry into or exit from the territory of India.
  - Prevent smuggling and any other illegal activity.
- **War time**
  - Holding ground in less threatened sectors so long as the main attack does not develop in a particular sector
  - Protection of vital installations particularly air-fields against enemy commandos/Para troopers or raids.

- Limited aggressive action against Para military or irregular forces of the enemy within the overall plan of the Armed forces.
- Performing special tasks connected with intelligence including raids.
- Acting as guides in an area of responsibility where routes are known.
- Maintenance of law and order in enemy territory administered under the control of the Army.
- Guarding of prisoners of war cages.
- Assistance in control of refugees.
- Anti- infiltration duties in specified area.

What is the jurisdiction of BSF?

- The last notification of Ministry of Home Affairs in 2014 defined the jurisdiction of the BSF.
- It stated that the BSF could operate in the entire states of Nagaland, Manipur, Mizoram, Tripura and Meghalaya without any restrictions.
- In Gujarat, it had jurisdiction up to a depth of 80 km and in Rajasthan up to 50 km.
- In Punjab, Assam and West Bengal, the BSF jurisdiction was up to a depth of 15 km.
- Under the latest notification issued on October 11, 2021,the jurisdiction has been reduced from 80 km to 50 km in Gujarat.
- Also, in Assam, West Bengal and Punjab, the BSF jurisdiction has been extended from **15 km to 50 km** which is seen as an assault on **federalism**.

What is the need for revision of jurisdiction?

- **Punjab** -The threat perception from across the international borders has undergone a sea change in the context of recent developments in the Af-Pak region.
- Radical groups of different shades are attempting to destabilise Punjab where there have been several attempts to drop weapons from drones.
- The seizure of 3,000 kg of heroin that originated from Afghanistan and the killing of five army personnel in Surankote (Jammu and Kashmir) are the recent ones.
- There have been probabilities for Pakistan-sponsored terrorist groups, particularly the Lashkar-e-Toiba and Jaish-e-Muhammad to renew their onslaught in the border states.
- **West Bengal** - Illegal migrants have caused a democratic change in West Bengal.

- **Assam** - Assam faces multiple problems of ethnic insurgencies, smuggling, counterfeit currency, drug trafficking, etc.
- The effectiveness of State police force against the emerging trans-border threats is under suspicion.
- Hence, the Government of India decided to extend the jurisdiction of the BSF in three states.



Does the notification hamper the role of State Governments?

In Indian federation where police and public order are the responsibility of states, "the Union may devise emergency regimes in its Constitution through legislation to override the exclusive autonomy of the states in respect of law and order and policy".

- Section 139 of the **BSF Act** empowers the members of the BSF to discharge certain powers and duties within local limits of the areas specified in the schedule.
- The jurisdiction of the state police has neither been curtailed nor its powers reduced in any manner.
- The BSF will also exercise powers of search, seizure and arrest against those entering India illegally in respect of the **Passport Act 1967, Passport (Entry into India) Act 1920** and specified sections of **Criminal Procedure Code**.
- The BSF would hand over the accused to the local police and the power to register FIR and investigate the case remains with the state police.

Source: The Indian Express

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