



Jurisdiction Enhancement of BSF

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Why in News

Recently, the **Ministry of Home Affairs** has issued a notification to widen the jurisdiction of **Border Security Force (BSF)** for **seizure, search and arrest up to 50km from the international border** in Assam, West Bengal and Punjab.

Key Points

- **About the Order**
 - This notification **replaces a 2014 order under the BSF Act, 1968**, which also covered the States of Manipur, Mizoram, Tripura, Nagaland and Meghalaya.
It also specifically mentions the **two newly created Union Territories- J&K and Ladakh**.
 - The violations for which the BSF carries out search and seizure include **smuggling of narcotics, other prohibited items, illegal entry of foreigners and offences punishable** under any other Central Act among others.
 - After a suspect has been detained or a consignment seized within the specified area, the BSF **can only conduct “preliminary questioning”** and has to **hand over the suspect to the local police within 24 hours**.
The BSF does not have the powers to prosecute crime suspects.

- **Issues Involved**

- **Public Order vs Security of State: Public order**, which connotes public peace, safety and tranquility, is primarily the responsibility of a State Government (**Entry 1, State list**).

However, when there is a serious public disorder which threatens the **security or defence of the State** or of the country itself (**entry 1 of Union list**), the situation becomes a matter of concern for the Union Government also.

- **Weakening Spirit of Federalism:** Without obtaining the concurrence of the state government, the notification amounts to encroachment on the powers of the states.

The Punjab Government has asserted that this notification is Centre's **encroachment under the guise of security or development**.

- **Affecting Functioning of BSF:** Policing in the hinterland is not the role of a border guarding force, rather it would **weaken the capacity of the Border Security Force** in discharging its primary duty of guarding the international border.

Constitutional Viewpoint on Deployment of Armed forces in States

- Under **Article 355**, the Centre can deploy its forces to protect a state against “**external aggression and internal disturbance**,” even when the state concerned does not requisition the Centre's assistance and is reluctant to receive central forces.
- In the case of a state's opposition to the deployment of armed forces of the Union, the right course for the Centre is to first issue directives under Article 355 to the state concerned.
- In the event of the state not complying with the directive of the Central government, the Centre can take further action under **Article 356 (President's Rule)**.

BSF

- The BSF was raised in **1965, after the India-Pakistan war**.
- It is one of the **seven Central Armed Police Forces** of the Union of India under the administrative control of the Ministry of Home Affairs (MHA).

Other Central Armed Police Forces are: **Assam Rifles (AR), Indo-Tibetan Border Police (ITBP), Central Industrial Security Force (CISF), Central Reserve Police Force (CRPF), National Security Guards (NSG) and Sashastra Seema Bal (SSB)**.
- The 2.65-lakh force is deployed along the **Pakistan and Bangladesh borders**. It is deployed on Indo-Pakistan International Border, Indo-Bangladesh International Border, **Line of Control (LoC)** along with Indian Army and in **Anti-Naxal Operations**.

- It has an air wing, marine wing, an artillery regiment, and commando units.
 - BSF has been defending **Sir Creek in Arabian Sea and Sundarban delta** in the Bay of Bengal with its state of art fleet of Water Crafts.
 - BSF has an instrumental role in helping state administration in **maintaining Law and Order and conducting peaceful elections.**
 - BSF has been crusading against natural calamity to save precious human lives as and when warranted.
- It contributes dedicated services to the **UN peacekeeping Mission** by sending a large contingent of its trained manpower every year.
- It has been termed as the **First Line of Defence of Indian Territories.**

Way Forward

- **Consent of State is Desirable:** Given the security condition in India's neighbourhood, the existing relationship between the Union armed forces and the State civil authorities do not require any change.

However, before the Union Government deploys its armed forces, it is desirable that the State Government should be consulted, wherever feasible.
- **State Becoming Self-Reliant:** Each State Government may work out, in consultation with the Union Government, short term and long-term arrangements for strengthening its Armed Police.

The objective will be to become largely self-reliant in the matter of Armed Police so that the assistance of the Union armed forces will be necessary only in cases of very severe disturbances.
- **Regional Arrangement:** A group of neighbouring States may, by consensus, have a standing arrangement for the use of the Armed Police of one another in case of need.

The **Zonal Council** would be the best forum for achieving consensus of the States within a zone for devising such an arrangement.
- **Police Reforms:** It is high time for carrying out much needed **Police reforms** as highlighted by various committees and judgment.

Source: TH