



## **Institutional Mechanism for Border Security between India-Nepal Borders**

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### ***Abstract:***

Nepal is a landlocked country which is lying between India to the east, west and south and Tibet Autonomous Region of China to the north side of Nepal. As close neighbors Nepal and India both are share unique bond of friendship and cooperation which is characterized through open border and deep rooted people-to-people contacts of kinship and culture. Being an open border there is a long tradition of movement of human and goods which provide the various opportunities to the border people but it makes sometime dangerous to the country because open border is being used for doing illegal activities by the criminals and terrorist that created the challenges for border security and it affected to the national security of two countries. This paper mainly focuses on the importance of border security in terms of national security. It analyse the various governmental and non-governmental institutional mechanism that are working for the border security of India and Nepal. It examines about their roles that playing by them for preventing the border challenges and protects the borders of countries also.

***Keywords:*** Border, Border Security, Institutional Mechanism, National Security

## ***Introduction:***

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. (Kansakar, 2012: 7) The concept of an open border formally began in the 19th century after the delimitation of the India-Nepal boundary in 1816 and the restoration of Naya Muluk in Nepal in 1860 (Border Issues of Nepal, 2010). The British Government kept the Nepal-India border open mainly for two purposes: Firstly, like Maharaja Ranjeet Singh, the English had seen the undying spirit and bravery of the Gurkha and they too recruited them in Indian Army and another reason might be economical, though small but Nepal was a new market for the finished goods of Indian factories. (Pathak, S.K.)

The open border has shown various dimensions of close relations between the people of the two countries and has facilitated better understanding and interdependence. (Warikoo, 2009:125) An open border system provide not only positive relation like friendly relations, mutual understanding and cultural ties among the border inhabitants of the two countries but its misuses by terrorist, insurgents, criminals and anti-India element and anarchic activities for example cross-border terrorism, Border encroachment, trafficking of girls and women, illegal import of Arms, smuggling of goods, machinery, cross-border crime like murder, theft, rape cases, kidnapping, robbery, deforestation and exploitation of medicinal plants and herbs and migration etc. (Jha,2012:71) The social and economic condition of border region is not too good and the poverty of Nepal is the main reason behind it. Due to lack of education and poverty southern border of Nepal has been a fertile region for cross border crime unemployment in youth in Terai contributes to increment of crime. (Upreti, 2021:154)

## ***Conceptual Analysis of National Security:***

The concept of security is as old as the concept of state because the foundation of the state is built on the idea of national security. Thus, the challenges of national security are a significant security concern for international countries, and it is subject to the capabilities of the state to defend themselves. The ability of a state can be proved only when it has the ability to defend itself from external and internal attacks. The subject

of security completely depends on the geostrategic location of the countries, their border, and the boundaries, and the attitude of their neighboring countries. Therefore, it is required to an effective security mechanism for the protection of the borders and national security as well. The role of the security mechanism is always to achieve the national interest and maintain global peace.

National interest is a very important element for a state or nation. So, policymakers have always to keep in their mind about national interest while formulating foreign policy. History is witness that whenever there is talk of national interest and national security in international politics, various challenges like war have arisen there. The concept of national security is much closer to self-preservation and later to group-preservation. In this sense Dr. B.K. Majumdar clearly expresses, “from the paleolithic times man has been fighting and defending himself against nature and wild beasts and with this steady march from barbarism to civilization and the gradual development of intellectual pursuits, he discovered weapons first to defend himself, then to defend his family and class, and finally his own territory and nation.” (Majumdar, 1960: 2)

The above statement proves that the state does not sacrifice its national interest of self-preservation because there state outcomes of self-preservation naturally. Thus, the behavior of a state is mostly based on the two principles of diplomacy and military strength. (Gokhle, 1984:57) Most of the ancient and modern politico-military thinkers said that diplomacy and war are the two primary aspects of the state for its protection which is used as an instrument in terms of national security. Both are using by the states for their own national interest. It is proven in history that most of the states use diplomacy to protect their national security, but when it fails, a war situation arises there; and after the war involved, states use diplomacy to safeguard their national interest and to establish peace through bilateral treaties. Whatever it means to say that, when diplomacy fails war begins and as war ends, diplomacy begins. In the 4<sup>th</sup> century B.C., a great politico-military thinker Kautilya emphasized the importance of diplomacy and said that “a king who understands true implications of diplomacy conquers the whole earth.” (Dikshitar, 1999:300)

In modern times, the development of weapons and the competition of armament have played an important role in giving birth to the war because it works to inculcate the spirit of supreme power among the nations. Thus, the countries are making themselves more potent as much than others in international politics. They strengthen their military power to determine the security capability of the countries. (Edward, 1948: 495)

B.N. Shrestha highlighted the importance of border with national security “for an independent country failing to protect its boundary is equal to failure in protecting its national security.” Border security is always a critical issue that covers the multi-dimensional aspect of economic, social, cultural, and security. When borders are not regulated and protected, the country dipping into a mess of conflict, crises, and smuggling which causes the destruction of the countries in long run. (Upreti, 2021:153)

### ***Geostrategic Significance of Nepal:***

Geostrategic location of Nepal is very significant for India from a security point of view. Its northern border is connected to China, and its east, south, and west border are surrounded by India. Nepal and India both are sharing an open border. Its geostrategic significance arises from two factors mainly. First, from a political perspective, Nepal's position linking the two landmasses of India and China have given to it's a unique buffer status enjoyed by few countries in the world. Second, from a commercial perspective, its control of the two vital passes Kuti and Kerong, in the central Himalayas enabled Nepal to monopolize the trans-Himalayan trade from the ancient period to the turn of this century. (Upreti, 1991:1)

Nepal always played as a strategic buffer between India and China, but during the British period, China occupies the entire territory of Tibet, and on the other hand, British India also extended its power beyond the Himalayas and in this situation, Tibet played a buffer zone. After capturing over the territory of Tibet, China's border was extended up to the Nepalese frontier. Thus, Nepal became important for India because of 500-mile long Nepal-Tibet border, which was also a natural defense line of India, had now been unveiled. Therefore, it was natural for India to be concerned about its security because there was much possibility to infiltrate through the Himalayan passes of the northern part of Nepal. India shares an open border with Nepal, so if Nepal came under the influence or occupation of China or any other power, a crisis could have arisen for

the entire Indo-Gangetic plain. So this way, Nepal contributes a significant strategic role to the security of the northern part of India. In this context, former Prime Minister Jawaharlal Nehru highlighted the statement in parliament on 6<sup>th</sup> December 1950 that “Apart from our sympathetic interest in Nepal, we are also interested in the security of our own. From time immemorial, the Himalayas have provided us with a magnificent frontier, of course; they are no longer as imposable as they used to be. But they are still fairly effective. We cannot allow that barrier to be penetrated because it is also the principal barrier to India.”(Singh, R.P., 2010: 1289)

Generally, Nehru believed that the Himalayas are a primary defence line between India and Nepal, and its security was the duty of both countries. Hence in view of those circumstances, the treaty of peace and friendship was signed by two countries in 1950. The purpose of this treaty was to make a stronger relationship between both countries through acknowledging historical values and stabilizing peace in the region.

As K.V. Rajan, former Indian ambassador to Nepal observed that “the treaty basically offered economic opportunities in India for Nepalese nationals against Nepalese assurances that security concerns would be respected. The international and regional situation during the 1950s, when the treaty was signed, was wholly different from what it is today. The world was then reeling under the cold war. The international community was divided into three blocks of capitalist, communist, and non-aligned nations. India, as a newly independent country with a weak military and troubled by internal disturbances, was suspicious of the Chinese adventurism in Tibet. It was also apprehensive of the Communist influence in Nepal. India was also perturbed by the Chinese claim that Tibet is China’s palm and Nepal, Bhutan, Sikkim, Ladakh and NEFA are five fingers. With the palm already under the Chinese grip, the security of other Himalayan countries was endangered. The Chinese annexation of Tibet changed the strategic significance of Nepal. India decided to strengthen its northern frontier by taking Nepal into confidence.”(Manhas & Sharma, 2014:1)

The objective of the signing of the treaty was to establish durable peace and friendship between them by recognizing their mutual political, economic and socio-cultural connection and security needs as well. The treaty reinforced the requirement of an open border for promoting the free movement of people and goods across the borders. As article-7 of the treaty stated that “The government of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of

residence, ownership of property, participation in trade and commerce, movement and privileges of a similar nature.” (Ministry of External Affairs, 2021)

### ***Open Border and Border Issues:***

The provision of an open border between India and Nepal facilitates various opportunities on the one side while, on the other hand, it generates numerous problems that are a serious security threat for the two countries. Basically, the provision of an open border connected to the India Nepal through socio-cultural and economic linkages. (Das, 2008:894) Peoples are getting opportunities to trade, education, health care services, employment, entertainment, tourism, etc., from one country to another, but the open border is misusing by terrorists, criminals, smugglers, insurgents, and anti-India elements. The facility of an open border also raises several issues like illegal migration, human trafficking, informal trade, fake currency issues, small arms smuggling, border encroachment issues, mushrooming madrasas culture, smuggling of goods, robbery, thief, kidnapping, murdering, etc. (Das, 2013)

Due to unrestricted borders people can cross the border easily on a daily basis for buying basic needs. The borders peoples who were are living along the border regions are mostly dependent on this movement for their livelihood that provides the economic opportunities and socio-cultural linkages among the peoples of India and Nepal. But there are several problems that have been arising through the provisions of an open border too. An unauthorized migration of peoples and goods is a big problem because many Nepalese people use the border to enter into India and return back again to Nepal every single day to fulfill their requirements without showing any identity card or any other proof. Just like that, numbers of goods also passed through this border without any documents. This helps the criminals to easily access arms and weapons from one country to another. Human trafficking, including women and children, is continuously happening through this border. Most of the women and girls from Nepal are trafficked in the name of the job and forced to work in brothels in India. Territorial disputes are another major issue among the two countries. Due to unclear borderline between the two countries and border encroachment by the peoples have always raising disputes among both countries. There is a number of madrasas that have cropping along the border areas of India and Nepal. The report says

they are funding by various Islamic countries and using for the propaganda of anti-India sentiments. Terrorists and even politicians are also using this porous border to hide after doing criminal acts. The undeveloped border areas and lack of necessary facilities are also forcing the border people to involve in illegal activities also. (Baral & Pyakurel, 2013) All the challenges are a very serious security concern for India and Nepal both, so there are various institutional mechanisms that are working at the border area.

### ***Border Security Institutions:***

India Nepal both are deployed the border police to guard the border-line, and other security forces are also active formally and informally. India has deployed Border Patrol Force like Sashastra Seema Bal (SSB) on the entire Nepal-India borders establishing her armed posts in about three kilometers gap whereas Nepal has deployed Armed Police Force setting her posts in between 15-20 kilometers gap (Baral & Pyakurel, 2013: 6).

Apart from these, Nepal Police and National Investigation department also playing crucial role for tightening the borderline and controlling the checkpoints, smuggling and illegal border crossing. Nepal Police is supporting to the Armed Police Forces. The deployment of security forces at the border areas are working as deterrence. Nepal Army has established border security directorates for the collection of information. The National Investigation Department is also playing a role in collecting, synthesizing and analyzing information related to national security along with border security. The total strength of SSB India is 94000 where 45000 personnel are deployed on Indo-Nepal border. Similarly, out of 37 thousand APF personnel of Nepal, 22000 are deployed in border areas comprising 59% of the total strength that are dedicated to border security. (Upreti, 2021: 156) The aims of both armed police forces are to stop smuggling, prevention of criminals from passing the border, and prevention of girls trafficking, the transaction of fake currencies, arms and amenities and security of customs checkpoints. Despite the increments of the number of the border force in the borderline and tightening the regulation procedures at the checkpoints, smuggling as well as illegal cross-border trade has increased. (K.C., 2019:27)

On the issue of human trafficking, very few Non-Governmental Organizations are independently working at the grass-root level. Non Governmental Organization can get funds either from the government agencies or private agencies depending on the acceptance of the project proposals. Some of the well-known Non-Governmental Organizations of Nepal are Sakti Shamuha, WOREC Nepal, ABC Nepal, CWIN, Maiti Nepal, Nawa Jyoti Kendra, and Istri Shakti etc. These NGOs are working at the grassroots levels and in remote villages of Nepal. Non-Governmental Organizations of Nepal are working effectively and actively as compared to the government agencies. Today most of the government agencies are dependent on the NGOs for the fact-findings report and data of the rate of trafficking in Nepal. As per Social Welfare Council 2018, more than 49,000 officially registered NGOs in Nepal. Some unofficial sources claim that the number of NGOs in Nepal may be a little over 83,000 (ICNL, 2017). While NGO Federation of Nepal, 2019 suggested more conservative number which is around 6000. But there is no one credible centralized record of the total number of NGOs in the country. (Dependra, K.C., 2019: 77)

To stop human trafficking, there are a number of laws; ministry and agencies are formed by the Nepal Government like Human Trafficking (control) Act, 1986; National Plan of Action to Control Trafficking, 1998; Trafficking Control Bill, 2002, Human Trafficking and Transportation (Control) Act, 2064 (2007), Human Trafficking and Transportation (Control) Rules, 2065 (2008), Transportation Control Bureau to monitor trafficking, The Human Trafficking Bureau, Central Investigation Bureau, Ministry of Women, Children and Senior Citizens, The Ministry of Home Affairs, Ministry of Labour, Employment and Social Security, Ministry of Foreign Affairs. These laws include all types of advocacies like awareness, rescue, rehabilitation, and reintegration, etc. (Subharwal, Manish & Sanjay Gupta, 2013)

### ***Conclusion:***

Overall, Nepal's national security and internal peace, law and order have been adversely affected by the continuation of the open border system. Terrorists have succeeded in bringing in arms and ammunitions to Nepal from India without any difficulty on the border. Such anti-national destructive activities are happening in large scale because of unrestricted border between the two countries. Both the governments of India and Nepal

have been trying to take certain precautionary measures for the restriction of illegal movement between two countries. Role of security forces like Sashastra Seema Bal from India and Armed Police Force from Nepal have plays vital role to safeguard the country and responsibility of border security.

Women trafficking or girls trafficking for sexual exploitation is a very serious issue in Nepal which is take place from Nepal to India and other countries such as Middle east and western countries also through open border. The roles of NGOs are crucially important because it works for anti-human trafficking issues. They are providing services for rescue, repatriation, rehabilitation and reintegration to them who are victims. They help to stop the girls and women at the border who were trapped under trafficking and return them to Nepal. These NGOs are run various programmes for the survivors and assisting them through provide shelter, food, education, medical treatment, counseling the victims and teach various skills etc. The Government of India adopted a multi pronged, multi dimensional and multi stakeholder approach to combat trafficking for sexual exploitation with a multi faceted strategy of laws, policies, and schemes. In its efforts, Ministry of Women and Child Development (MWCD) works very closely with the Ministry of Home Affairs (MHA), Ministry of External Affairs (MEA) and the Ministry of Labour and Employment. The Ministry has adopted a multipronged approach to prevent trafficking which includes legislative measures; law enforcement; programmes and schemes for prevention of trafficking and for rescue, rehabilitation, reintegration and repatriation of victims of trafficking; training and capacity building; awareness generation; and empowerment of vulnerable groups. Media also plays important role to cover all the issues and influence the public opinion.

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