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ADDRESS:
Centre for Advanced Strategic Studies
M.M.D.W. Potdar Complex,
Savitribai Phule Pune University Campus,
Pune – 411 007
Telefax No.: 020-25697516
Email: cfass1992@gmail.com
Website: www.cfass.org.in

Editorial Board

- Air Marshal BN Gokhale, PVSM, AVSM, VM, (Retd) Editor-in-Chief.
- Maj Gen Nitin Gadkari ----------
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Centre for Advanced Strategic Studies
M.M.D.W. Potdar Complex,
Savitribai Phule Pune University Campus,
Pune – 411 007
Telefax No.: 020-25697516
E-mail: cfass1992@gmail.com

Website: www.cfass.org.in

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Air Marshal BN Gokhale (Retd)
PVSM, AVSM, VM
Director, CASS

Centre for Advanced Strategic Studies
Savitribai Phule Pune University Campus
Ganeshkhind Road
Pune 411 007, INDIA

Editor's Note

In a major reform of higher military management, the Cabinet has delineated the role of the chief of defence staff (CDS) as a single-point military adviser to government and responsible for injecting synergy in planning, procurement and logistics across the three services. CDS will be a four-star general with the same pay and perks as the three service chiefs, and head a new department of military affairs within the defence ministry. The latter is mandated to promote jointness in procurement, training and staffing for the services and facilitate restructuring of military commands, including through establishment of joint theatre commands.

CDS will also have direct command over tri-service organisations related to space and cyberspace which are critical to fighting new-age wars, and will be a member of the defence acquisition council chaired by the defence minister and the defence planning committee chaired by the national security adviser. Overall, CDS will have a bird's-eye view of the armed forces. The need for such an integration-oriented post has been felt for two decades, with the Kargil Review Committee highlighting several shortcomings stemming from lack of coordination between the services.

But turf instincts within the armed forces, civil-military tussles and exaggerated apprehensions about the CDS becoming an all-too-powerful position capable of challenging government had delayed the creation of

this post. However, the evolving nature of modern warfare and security challenges finally prevailed over decision-makers. The military can no longer work in silos. For example, when the country is looking to develop a blue water navy fronted by aircraft carrier groups, strict distinctions between naval and air operations no longer apply. Besides, India is a late-comer as over 70 countries like the US, UK, France, Germany and even Sri Lanka have CDS-like posts for integration in military planning and operations.

The appointment of India's first CDS will lay the foundation for a modern, integrated and nimble fighting force. But much work is needed insofar as shedding flab and achieving a better teeth-to-tail ratio for the military is concerned. Actualising joint theatre commands will also require change in mindsets within the services. Since CDS will not exercise any military command over the services, it remains to be seen how assets are combined and optimised on the ground. Nonetheless, CDS clears the decks for deeper operational reforms throughout the forces.

In another major development, the first batch of eight dual-seat JF-17 aircraft was manufactured by the Pakistan Aeronautical Complex (PAC) in collaboration with the China National Aero-Technology Import & Export Corporation (CATIC). Air chief Khan congratulated the PAC and the CATIC on completing the fighter jets in a record time of five months. JF-17 has become a mainstay of the PAF in recent years after US restricted sales of F-16 war planes after the 1990 arms embargo imposed on Pakistan under the Pressler amendment. It is reported to have over 100 JF-17 planes with more in the pipeline.

This issue of CASS Journal contains a wide range of interesting articles. Prof Gautam Sen in his opening article on Research Methodology explains the basics of carrying out research on strategic and military subjects. 'CBRN incident management 'and 'Ballistic missile defence 'are two articles which bring out the tremendous capability of this deadly weapon and its pitfalls. Eleven years have passed since the Mumbai attacks took place but the pace of reforms in our Coastal security still has not picked up momentum. Brig Hemant Mahajan reviews the state of Coastal police in his article. Battle of Hilli was an important landmark of 1971 war. Brig Ghogale gives us a first hand account of this Battle. In the article' Kashmir Gambit', Jayant Umranikar reviews the

situation in the aftermath of abrogation of article 370.In the article on 'Aerospace Commission' the author makes a case for establishment of National Aerospace Commission at the earliest to ensure rapid progress in indigenisation of this strategic and economically important sector. Peoples Armed Police have undergone structural reforms and have become a formidable paramilitary force to support the PLA during war. Article on the subject details the journey of this process. In the last article Capt Smita Gaikwad explores the ramifications of Maoist Movement on Human Rights of Tribals in Dandakaranya.

Wishing all our readers a Happy New Year.

(BN Gokhale)
Air Marshal (Retd)
Director, CASS

Contextualizing Research Methodology For Indian Think Tanks

By Gautam Sen

"The society that separates its scholars from its warriors will have its thinking done by cowards and its fighting done by fools."
– Gen Sir W F Butler, 1889, Afghanistan

Preamble

India is going through a transformation stage in thinking, implementing policies and bridging the gap between the realm of ideas and the domain of public policy making. The hardest act will be to redefine and restructure the way India will be acting in the new world order of the 21st Century. With 202 nation states on the roster of the United Nations, loss of bi-polarity due to the demise of the former Soviet Union, proliferation of nuclear technology and weaponisation of nuclear technology creating multi node nuclear weapon state actors, plus the complexities of globalization whose darker side is the evolution of international terrorism, has made study of security far more complex than what we have known or postulated even in the cold war period. The armed forces as an organization will become even more significant for the nation states to be used to contain internal security problems apart from maintaining the integrity of the nation state from external aggression or project power beyond territorial limits. This entails the nation states to rationalize the purpose of their national power of which one component is the organization called the Armed Forces. Hence we observe that since 1630s, the role of national interest and defining of national interest becomes important to conduct the business of the present

nation state militarily, socially, politically, economically and diplomatically.

The Indian Think Tanks whose number have grown to 280 and is fourth largest in the world with US(1835), China(435), and UK(288)[1] has a challenging task to compliment the national decision makers at all levels. Irrespective of what has been the agenda of the Think Tanks in India enumerated in their individual constitution, in the coming decade each one of them have to contribute through intellectual inputs to safeguard India's National Integrity, National Interest and National Security. This presentation is distinctly catering towards the role of Think Tanks whose primary concern is to supplement the conceptualization of National Interest, National Security and the making of National Security strategy. In essence this presentation will be applicable to Government funded Think Tanks tasked explicitly to provide solutions to safeguard National Integrity, National Interests and National Security. Since expertise nurtured in the think tanks are field specific, one must ponder whether think tanks should accept a value system which will determine the boundaries within which they should work with a tacit assumption that they will never ever pander to the current prevailing moods (eg. The US think tank members are analyzing whether Trump has spoken to Putin or not and what could have transpired between the two). Lest we forget, it is worth recording that the origin of impulses which created think tanks are not very different from those which created Universities.

The purpose of this paper is to highlight the fact that a clear enunciation of the role of think tanks as an independent variable to dictate the epistemology of research methodology and not research methods as a dependent variable.

This paper is not a discourse or meant to teach research methods but to sensitize the necessity to understand the difference between Methods and Methodologies with a view to construct framework of analysis at a conceptual level. Government sponsored think tanks are mostly engaged in policy relevant studies which borders on the periphery of policy orientation and hence are required to incorporate sound theoretical framework and not based on the notion of advocacy or on privileged information. It is true that Theory cannot replace experience and judgement but it catalyzes both. It should also be clear that theory cannot lead to prediction but helps to understand the cause of an event or a phenomenon. (eg. Modi is now a phenomenon in Indian political scenario. No theory could predict what Modi achieved in 2014 or recently in the UP elections.

Definition

There is no available universally accepted definition of Think Tank.

However, suffice to say that public policy related research institutes are basically a 20th century phenomenon and are heavily rooted in a very particular way to the United States culture of research and dissemination of information. Historically, such research centers are social science based and supported by foundations, organizations, private individuals and by the government. The think tanks of today can well be traced to the universities supported at one time by the church. However, chronologically, think tanks first appeared around 1900 A.D. in the modern era and were mainly directed towards an effort to get the scholars, professionals, and corporate managers to bring their expertise to bear on the economic and social problems of the period (Smith 1991).

The concept and practice of Think Tank Think" is not a big or complex issue, for it is already happening in India....."Tank" is the real issue, while the thinking process that. implements the strategies thus formulated from ideas gathered by the organizational "think" process, which really matters when implementing change in an organization which is the very purpose of thinking!!). It is very easy to gather ideas – (the "Think" part of strategic change management) to formulate strategy through the various means your writings have brought out. It is an altogether a different thing for the organization to "Tank" the thinking process i.e. implement the strategies thus formulated from ideas gathered by the organizational "think" process. This is happening very rarely in India.

Perhaps, a somewhat quizzical way of defining what think tanks[2] "ought to do" appeared in a press report suggesting that a think tank could be defined as "an arrangement by which millions of dollars are removed from willing corporation, government and eccentric wealthy, and given to researchers who spend much of their time competing to get their names in print"[3] (Kelly, 1988). Basically, the concept of think tank grew out of the mind fix in the United States that there has been a decline of American competitiveness in traditional industries such as steel, automobiles and textiles and hence worried that the US economy would become subservient to service industries. Despite such thinking, one service industry that is thriving despite adverse economic situation and has become a role model to be followed in many of the developing countries is the non-profit public policy related research institute, commonly dubbed as a think tank.

In the past decade think tank consortiums have become much more diverse and reflect new entrants in the market place of ideas and the changes in such organization's atmospherics. There are three main models of think tanks:

1. University without students
2. Contract researchers

3. Advocacy tanks

However, it must be mentioned that all attempts to mix and match the models was found to be difficult and impractical as some of the think tank managers found over the years. Recently, if one reviews the think tank organization, the Washington directory Capital Source lists 69 organizations under the heading "Think Tank" Interestingly, some of the newer think tanks are extremely small having a staff of one to six and reflect some time the personal agenda of individual entrepreneurs. Many of such organization would not exist formally at all but for the preference of foundations to fund a non-profit organization rather than individual researchers. Such preference to fund a non-profit organization could also be related to researchers, which could revolve around personalities of political and social nature or of political and social ideologies.

What Should Think Tank Do and Do They Matter

Think tanks and research organizations set out to influence policy ideas and decisions - a goal that is key to the very fabric of these organizations. And yet, the ways that they actually achieve impact or measure progress along these lines remains fuzzy and underexplored[4] . It helps those with an interest in think tanks to envision a well-oiled machine, while giving leaders in these organizations tools and tangible metrics to drive and evaluate success."[5]

Categorizing Think Tanks Which Exists Globally:

It is essential to quote from the Think Tank report the world wide spread of 6,500 Think Tanks[6]

North America and Europe

- There are 1931 think tanks in North America (Mexico, Canada and US) of which 1835 are in the United States
- There are 1770 think tanks in Europe
- Close to 55 percent of all think tanks are in North America and Europe
- 90.5 percent of think tanks were created since 1951
- The number of think tanks in the US has more than doubled since 1980
- 31 percent of think tanks were created between 1981 to 1990
- The End of Post WWII consensus & Challenge to the Welfare State contributed to the growth of think tanks on the left and the right of the political spectrum
- Most of the think tanks that have come into existence in the United States since the 1970s are specialized for a particular regional or functional area
- About one quarter of U.S. think tanks (approximately 400 institutions) are

located in Washington, DC
- More than half the think tanks are university affiliated
- The rate of establishment of think tanks has declined over the last 12 years in the United States and Europe

Asia, Latin America, Africa, and the Middle East
- Asia, Latin America, Africa, the Middle East, and North Africa continue to see an expansion in the number and type of think tanks established
- Asia has experienced a dramatic growth in think tanks since the mid-2000's
- Many think tanks in these regions continue to be dependent on government funding along with gifts, grants, and contracts from international public and private donors
- University, government affiliated, or funded think tanks remain the dominate model for think tanks in these regions
- There is increasing diversity among think tanks in these regions with independent, political party affiliated, and corporate/business sector think tanks that are being created with greater frequency
- In an effort to diversify their funding base, think tanks have targeted businesses and wealthy individuals to support their core operations and programs.

Think Tanks in India

In India, research institutes developed in different hues and shapes. They were dependent on the type of funding and the source of funding that they have attracted. It almost appears that research institutes of autonomous nature, which conducted research, related to public policy to politico-military analysis considered themselves as a think tank. This also included some of the institutes of such type funded directly or sometimes indirectly by the government itself at the Centre or even by the State. It is only in the last decade that the corporate sector and the private sector have taken initiatives to fund research institutes obstensively to study those areas, which have a bearing on their business. e.g. the Reliance Group of Industries initiated the formation of Observer Research Foundation (ORF) primarily to study the energy aspect of development and its policy implication. Similarly, TERI has been funded extensively by the TATAs to study the aspect of environment & energy. There is a whole range of institutes which study and involve themselves in areas from science, technology to social mobilization problems, public policy related issue areas including critically examining some of the well-formed ideological doctrines i.e. non-alignment etc.

In the absence of a well-articulated notion of "National Interest" and

the perennial absence of "Strategic Culture", India is standing at the cross roads of the winds of change that is sweeping the very psyche of the Indian nation state. Most of the Government supported think tanks are merely the extension of "Government advocacy" and are more or less being used as event management centers rather than contributing to deeper intellectual introspections required to articulate views to enrich to further the cause of national interest. They also have a major problem of being staffed by area specialists, retired Government servants and academic entrepreneurs which when combined appears to have taken on the role to invest their individual intellectual venture capital in strategic affairs. Hence they are motivated and pushed to produce outputs, which lacks the application of stringent norms of research methodologies and rely on strong opinions backed by advocacy. Hardly any scholars of repute or even those belonging to the younger generations are willing to join the Government think tanks in particular or those, which are even privately funded[7] . The role of the Indian Think Tanks in the Indian context can be seen in the context that India has had experiences of think tanks working on defence and security issues, but there is no accurate measurement of how much they have influenced polices. While in many parts of the world the fusion of think tanks to policy is refined, in India the why, what and how of a think tank role is still an unsettled debate and tends to get lost in the rigmarole of decision-making8 .

"Each nation state in the 21st century has to find and position their own infrastructure to think about their own rationale for public policy making. Whether these institutions can be called by any of the old set of names 'think tank', 'research centres' etc etc. is only a matter of labelling. Even if it is called "siberian monkey' it does not matter as long as the intentions, objectives, roles and purpose are internally defined. Oxford does not have a Department of international relations but the All Souls conducts the finest programs and research on strategic and international affairs while the Department of History at Balliol(established in 1280 AD) has the finest program on Diplomatic, War History, Laws of the War, Human Rights and Peace studies.

Intellectual honesty and the concept of peer review are far from present in India. Nearly four years back, I had the opportunity to do an internal professional audit of the most important autonomous government organization of the country whose Chairman continues to be the Prime Minister himself. Peer Review was one of the first recommendations amongst seven other. Till date nothing has been carried out. More astonishingly, the government finds reputed personalities who have been charged with plagiarism but acquitted due to technical reasons to be awarded the highest of civilian awards. Remember Fred Zacharia was suspended by the CNN for

merely plagiarizing an idea.

Here in India, every high official openly plagiarizes with total impunity every day. The result is that our think tanks are filled with 'lumpen". intellectual community comprising of academic entrepreneurs, area specialists, expatriate diaspora and outsourced international scholars who have decided to use their personal venture capital for matters strategic thinking. I define Lumpen as follows:

"Lumpen proletariat is a term that was originally coined by Karl Marx to describe that layer of the working class that is unlikely to ever achieve class consciousness and is therefore lost to socially useful production. In the Eighteenth Brumaire, Marx rhetorically describes the lumpen proletariat as a "class fraction" that constituted the political power base for Louis Bonaparte of France in 1848. In this sense, Marx argued that Bonaparte was able to place himself above the two main classes, the proletariat and bourgeoisie, by resorting to the "lumpen proletariat" as an apparently independent base of power, while in fact advancing the material interests of the "finance aristocracy". For rhetorical purposes, Marx identifies Louis Napoleon himself as being like a member of the lumpen proletariat insofar as, being a member of the finance aristocracy, he has no direct interest in productive enterprises This is a rhetorical flourish, however, which equates the lumpen proletariat, the rentier class, and the apex of class society as equivalent members of the class of those with no role in useful production."

Till the time the "political will" will not be exerted to get rid of the retired government servants who are comfortably housed in so called think tanks and the leadership of think tanks start functioning beyond "EVENT MANAGEMENT", there is no hope in hell for fresh ideas or innovative methodologies to create new thinking or producing a strategic culture required for India. NSAB is filled with domain experts and the NSC Secretariat neither has a "data scientist" nor a cadre based dedicated research staff. However it will be useful to note what PM Modi said while announcing his decision to replace the Planning Commission with NITI AYOUG[9]. They are:

- Think Outcomes, not Resources
- Think Access, not Incomes
- Think Innovation, not Allocation
- Think Abundance, not Scarcities
- Think Scenarios, not Budget Plans
- Think Governance, not Politics
- Think Future, not Playing Catch-up

The latest observation is about the number of ideologically based think tanks which has emerged between 2004 and 2014 and have slowly and surely been dedicating their work to specific political organizations i.e. the RSS. These eight think tanks already have political patronage and one of them is even situated within the party headquarters[10]. One can't be sure whether the objective behind the spurt in the number of these organizations is to answer the search for right-wing intellectuals, or to shape public opinion towards the right. What is clear is that some of them have definitely begun to shape public policy under the NDA. They are:

- Vivekananda International Foundation
- India Foundation
- Forum for Integrated National Security
- Dr. Shyama Prasad Mookerjee Research Foundation
- India Policy Foundation
- Forum for Strategic and Security Studies
- Public Policy Research Centre
- Centre for Policy Studies

What Then Are the Challenges Before the Indian Think Tanks?

It is interesting to note that both Mohan Guruswami[11] and Rajiv Nainan[12] have put their fingers on the basic modalities under which Indian think tanks operate, flourish and exist, yet they have stopped short of identifying what are the critical conceptual areas in which Indian think tanks ought to contribute. There is no reason as to why Indian think tanks cannot or should not to a certain extent indulge in event management. It is source of advertisement too to project the reputation if not the character of the think tanks in the global arena. What has been lost sight is that most Indian think tanks in Delhi have perfected the art of an "incestuous" relationship amongst each other where you see the same persons like in a musical chair continue to rotate in seminars and events with impunity. Rajiv Nainan writes about the yeomen work done by a particular think tank to further the development of strategic culture and that the peer reviewed article appearing in Journals as assessed by Alexa ranking, outshines many acclaimed think tanks like SIPRI, Chatham House, Carnegie Endowment and IISS. I wonder whether the Social Science Citation Index or Impact Factor evaluation will corroborate Alexa Ranking and if true then how the think tank mentioned is ranked the way it has been done by the "2019 Global Go To Think Tank Index Report".

\Challenges

The following are the main challenges before the Indian think tanks:

- Methodology to define Nationalism
- Methodology to define National Interest
- Constructing National Security Policy Making Prism

Strategizing to counter the crisis of identity in a multi-racial. multi-religious and multi-lingual nation state to counter the problems of terrorism, internal security, migration and religious fundamentalism.

Contextualizing National Interest[13]

History of the Idea of National Interest: The Idea of National Interest (1934), Charles Beard traced the history of the concept of 'national interest' to the sixteenth and seventeenth centuries[14], when modern nation-states began to crystallise. Unsurprisingly, the rise of the nation-state and the use of the term occurred at the same time. Beard found that after the development of the nation-state and the appearance of nationalist sentiments, older terms – the 'will of the prince' and 'raison d'état' – lost their ability to mobilise the public will. They were therefore replaced by references to 'national interests' and 'vital interests'. Other terms[15] used for their mobilizing capacity include 'national honor', 'public interest' and 'general will'[16]. This followed the development of the idea of 'nation'[17], Armstrong (1982) and Smith (1989)).

The early history of 'national interest'[18], according to Joseph Frankel, cannot be traced back much further than the sixteenth century. Earlier societies that were in contact with one another often developed notions of self-interest based upon language, a common political identity, survival, power and wealth, but conceived these notions 'within specific bargaining terms or conflict situations rather than in general terms'[19]

Rosenau argued that the public's stake in international relations increased after World War II and the danger of total war[20]. He suggested that 'national interest' could be used in two distinct senses – one for political analysis and another for political action:

So imprecise is the term that Aaron[21] abandoned the attempt to define it, regarding it as a meaningless, vague formula or a pseudo-theory. He concluded that the national interests pursued by individual states are diverse and not at all permanent. They vary according to context and there is no general agreement even within the state about their nature.

Conceptualizing National Interest

In modern political life, "national interest" has become a common term among politicians and political scientists. In nearly every discussion about changing foreign policy, national interests are treated as accepted facts to support scholars or politicians when they present opinions. But there is no accepted common standard or definition of the concept of

national interest, so the understanding of the role or meaning of national interest is totally different from one user of the term to another. This makes it nearly impossible to reach a consensus when debating foreign policy. In practice, such superficial discussion is meaningless for policy making. A debate without a common definition of national interest can never achieve a meaningful outcome. This type of debate does not help policymakers at all in judging which recommended policy serves national interests better. In theory, such discussion is not scientific because it is not based on a common definition of the term or a common understanding of the concept. It is like a blind person touching part of an elephant and describing the animal based on the sense of touch only, but without any concept of what a whole elephant looks like.

Definition of National Interest: What exactly is national interest? Napoleon had said that he was acting in the interest of France when he initiated his campaign against Russia, and later when he launched his desperate battle at Waterloo. Adolf Hitler justified his expansionist policies, including annexation of Austria and breakup of Czechoslovakia, in the name of Germany's national interest. "Friendly socialist" governments were installed in Poland and other East European countries by Stalin in the name of Soviet Union's national interest. President Bush was acting in America's national interest when he led the war against Iraq on the question of Kuwait's annexation by Iraq. Benazir Bhutto thought that it was in Pakistan's national interest to destabilize the Indian State of Jammu and Kashmir.

Thus, all actions, howsoever, wrong are taken in the name of national interest. We must now try to find an acceptable definition of national interest. The idea of national interest is singularly vague. It assumes variety of meanings in different contexts. The concept of national interest has not been objectively or scientifically defined. However, Padleford and Lincoln observe: "Concepts of national interests are centred on the core values of the society, which include the welfare of the nation, the security of its political beliefs, national way of life, territorial integrity and its self-preservation." According to Robert Osgood, national interest is "state of affairs valued solely for its benefit to the nations." Morgenthau maintains that the main requirements of a nation-state are to protect its physical, political and cultural identity against threat from other states. But, Joseph Frankel writes about aspirational and operation & aspects of national interest. Aspirational (what one expects) aspects include the state's vision of good life and an ideal set of goals to be realised. Put into operation, national interest refers to sum total of its interests and policies actually pursued.

Because the label, "National Interest" is so broad that it is like pin pricks in a black paper with a bright light behind it, shining on a wall. If

you had 1000 pinpricks, then you would have constellations of interests out there.

Therefore, the government tries to narrow the definition of "National Interest" to:

1. Defense
2. National Security
3. Economy
4. Interstate and Foreign Commerce
5. Foreign relations
6. And the state of general national affairs.

One of the good examples that can be set in concrete with national interest is for instance a federal energy policy. Since "energy" is at the root of just about every issue from transportation, national defense, commerce and foreign relations, not to mention national security etc. that it's strategic in nature; energy is a "national interest".

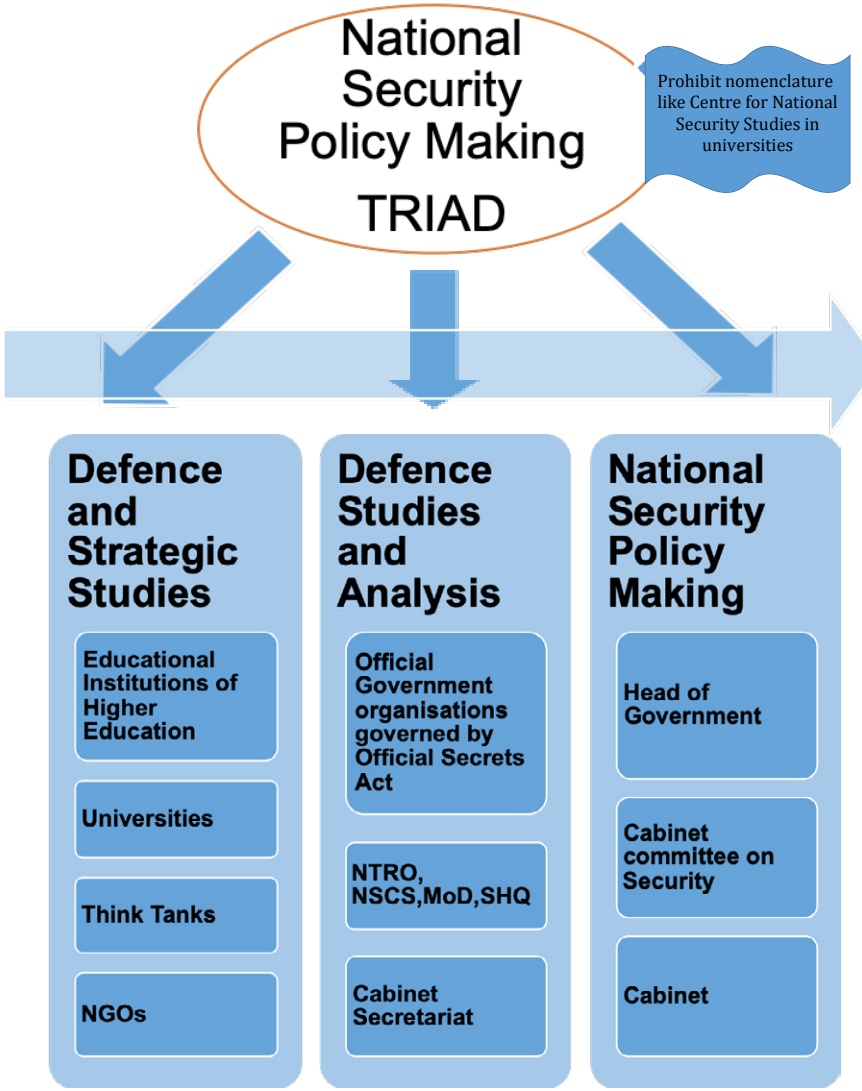
The reason why it is so hard to nail down is that the national interest is so varied and extends into so many corners of our daily lives, it's sometimes hard to define only one area unless its a glaring area. Another area would be defense. The defense of this nation requires a standing military made up of several branches. Therefore it is in our national interest to have a strong and capable military.

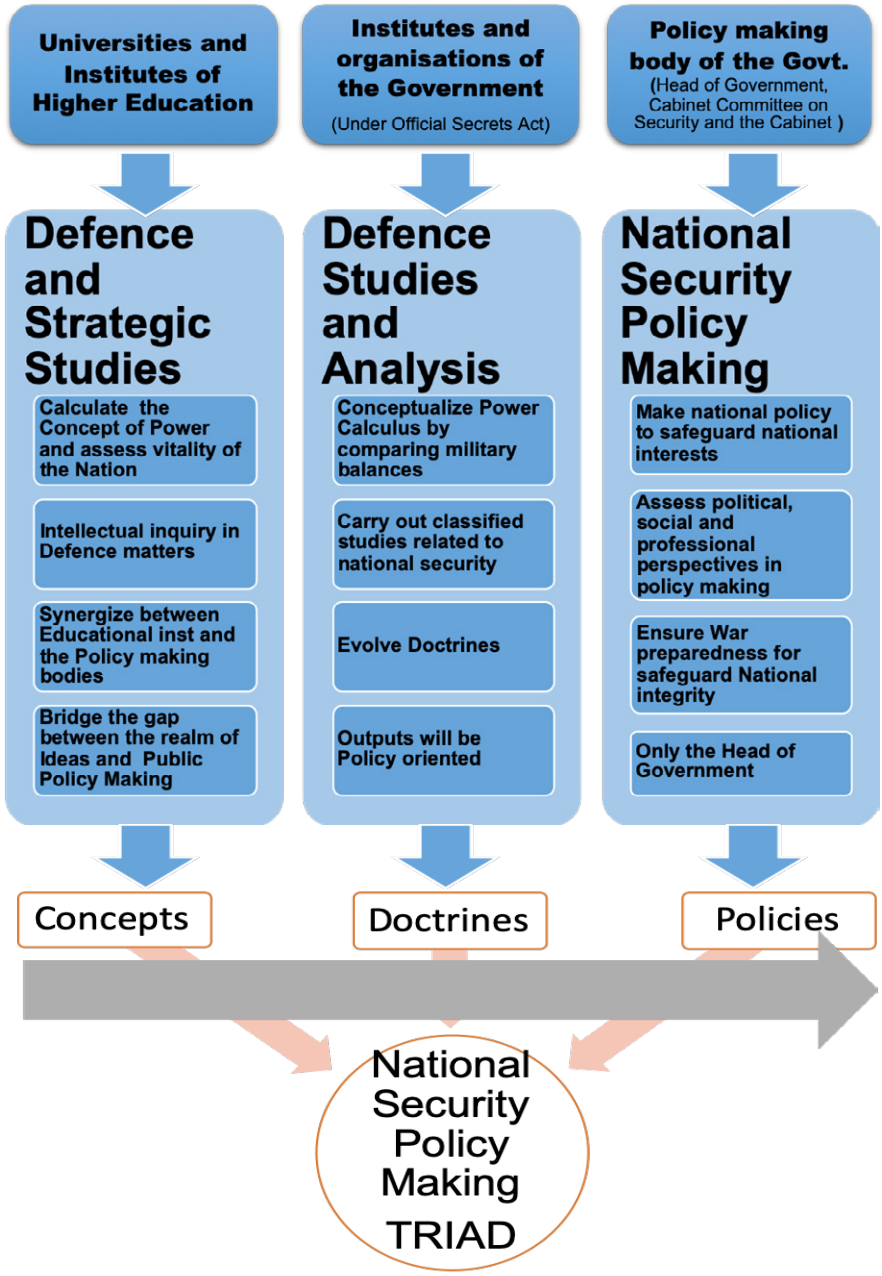
The National Security Policy Making Prism: The Indian Context

Even to date, India does not have a declared Defence policy but only guide lines. This is recorded in the Parliamentary proceedings when Shri Narasimha Rao as Prime minister and holding charge of the Defence portfolio stated in the Parliament that "we do not have an official document called India's Defence Policy but we have guidelines". Nothing has changed since that statement made in the Parliament in 1995.

Strengthening the National Security architecture will be possible if the TRIAD of Defence and Strategic Studies, Defence Studies and Analysis and National Security Policy Making become interdependent organically, intellectually, professionally and systemically[22]. It also needs to be emphasized that "doctrine" as a term is loosely used. Doctrine is the crystallization of concepts that in due course has the potential to yield policies. Also there is an urgent need to compile suitable lexicons of terms to be used in the domain of Security and Strategic Studies. If India has to play its rightful role in global politics as a major power, then it is essential for her to develop world class human resources specialized in National Security Affairs. The schematic flow chart is given below.

THE INDIAN CONTEXT: CONSTITUTING THE TRIAD




Universities and Institutes of Higher Education
Institutes and organisations of the Government
(Under Official Secrets Act)
Policy making body of the Govt.
(Head of Government, Cabinet Committee on Security and the Cabinet)
Defence and Strategic Studies
Calculate the Concept of Power and assess vitality of the Nation
Intellectual inquiry in Defence matters
Synergize between Educational inst and the Policy making bodies
Bridge the gap between the realm of Ideas and Public Policy Making
Defence Studies and Analysis
Conceptualize Power Calculus by comparing military balances
Carry out classified studies related to national security
Evolve Doctrines
Outputs will be Policy oriented
National Security Policy Making
Make national policy to safeguard national interests
Assess political, social and professional perspectives in policy making
Ensure War preparedness for safeguard National integrity
Only the Head of Government
Concepts
Doctrines
Policies
National Security Policy Making TRIAD

Conclusion

In this paper we have tried to discuss the macro contours to Contextualizing Research Methodology which may be considered as appropriate for Indian Think Tanks. The challenges before the Indian nation state are not only the issues related to development, ensuring equality, providing inclusiveness and stable political economy but the development of soft power to confront the complex issues of strategic and military diplomacy, critical thinking and creation of a culture of protest to ensure that the decision makers imbibe the methodology of governing to administer and not resort to administering to govern. It is in this vital area of transformation that the Indian think have much to contribute by providing a platform to debate in the transparent atmosphere of freedom to think normatively and be a partner in governance of the largest democracy of the world. We hope that all institutions who aspire to be labeled as think tank consider the enormity of the responsibility that that has been reposed on them by the Indian democracy. Great democracies create great traditions of debate so that the Indian think tanks can act to bridge the gap between the realm of ideas and the domain of public policy making. That is the way for India to develop a robust strategic culture which has remained un-addressed even after 75 years of gaining independence.

(Endnotes)

1 END NOTES

McGann, James G., "2018 Global Go To Think Tank Index Report" (2017).TTCSP Global Go To Think Tank Index Reports. 12., p.26 http://repository.upenn.edu/think_tanks/12, accessed 16 March 2017.

Countries with the Largest Number of Think Tanksumber of Think

1 United States 1835
2 China 435
3 United Kingdom 288
4 India 280
5 Germany 195
6 France 180
7 Argentina 138
8 Russia 122
9 Japan 109
10 Canada 99
11 Italy 97
12 Brazil 89
13 South Africa 86
14 Sweden 77
15 Switzerland 73
16 Australia 63
17 Mexico 61
18 Iran 59
19 Bolivia 59
20 Israel 58
21 Netherlands 58
22 Spain 55
23 Romania 54
24 Kenya 53
25 Belgium 53

2 R Gopalaswami writes that "The concept and practice of Think Tank is not what it is popularly perceived or described in the literature , as "out-of-the-box" thinking by a set of people within and outside organizational boundaries, whose papers are read by strategists and strategic administrators/managers at Apex Levels of institutions. Actually, "Think" is not a big or complex issue, for it is already happening in India....."Tank" is the real issue, which really matters when implementing change in an organization (that is the very purpose of thinking!!). It is very easy to gather ideas (the "Think" part of strategic change management) to formulate strategy through the various means your mails have brought out. It is an altogether a different thing for the organization to "Tank" the thinking process i.e implement the strategies thus formulated from ideas gathered by the organizational "think" process. This is happening very rarely in India. Real, sustainable change (

and I speak from actual experience at strategic levels in Government and Government-owned high-tech industry) occurs when the Think process and Tank process become two sides of the same coin as a single unified process guided at apex levels of the organization. Then really effective strategic change management takes place and goals and objectives of the whole Think Tank process are attained in a seamless manner (almost!! and there are ways to cater with unexpected disruptions in the change processes) ,

3 Kelley, 1988.

4 See "What Should Think Tanks Do?: A Strategic Guide to Policy Impact Paperback" – July 31, 2013 by Andrew Dan Selee

5 See "Do Think Tanks Matter?", Second Edition: Assessing the Impact of Public Policy Institutes Paperback – September 1, 2009 by Donald E. Abelson

6 McGann, James G., "2016 Global Go To Think Tank Index Report" (2017).TTCSP Global Go To Think Tank Index Reports. 12., p. 8. http://repository.upenn.edu/think_tanks/12, accessed 16 March 2017.

7 Guruswami on Think Tanks in India writes that in India, think-tanks are not really places where thinking is done. They are mostly talk shops where retired bureaucrats and generals shoot the breeze. Discussions are usually full of the "I think", and "I believe" stuff New Delhi is already so full of. Few research. Even fewer can write. Frankly, I am surprised that three of our think-tanks actually figure in the top 100. Most of India's think-tanks are in Delhi, not surprisingly, as the national capital region (NCR) has the most number of retired officials still anxious to serve the nation. And this service often pays off with jobs in government on a rehire basis. The top think-tanks in Delhi are government supported and funded. The security think-tanks like Centre for Land Warfare Studies (CLAWS), Centre for Air Power Studies (CAPS), National Maritime Foundation (NMF) and Institute for Defence Studies and Analyses (IDSA) are adjuncts of the Services and the ministry of defence. Most of the time they function as lobbyists for the Service headquarters that funds them. The government appoints the head of IDSA. The United Service Institution of India (USI) is not a think-tank, but from time to time fancies itself as one. The economics area think-tanks such as Indian Council for Research on International Economic Relations (ICRIER), ICAER, etc. derive their funding largely from the government and multilateral bodies. The prestigious Centre for Policy Research (CPR) located in New Delhi's posh Chanakyapuri, was originally funded by the Ford Foundation but now largely self supports itself doing mostly government projects.

8 RAJIV NAINAN

Sunday, 17 August 2014 | Uttam Kumar Sinha / Rajiv Nayan | in Agenda

9 MODI ON NITI AYOG

S. Raghotham | August 24, 2014, 06.08 am IST

http://www.deccanchronicle.com/140824/commentary-op-ed/article/planning-commission-replacement-%E2%80%98new-body-new-soul-new-thinking%E2%80%99

10 RSS THINK TANKS

http://www.catchnews.com/india-news/eight-rss-think-tanks-that-are-competing-for-the-intellectual-space-1440703010.html

8 RSS think tanks that are competing for intellectual space in Delhi In the decade that it took the BJP to come back to power at the Centre, the Sangh Parivar appears to have been busy setting up an intellectual factory in Delhi.

At least eight think-tanks have been established in the national capital from 2004 and 2014, all supported by prominent members of the BJP and its fountainhead, the RSS.

While some of them make no effort to hide their ideological affiliation and some do, all of these organisations dabble in public policy.

Here's a look at these think-tanks.

01Vivekananda International Foundation:Founded in 2011, VIF claims to be "an independent, non-partisan institution that promotes quality research and in-depth studies and is a platform for dialogue and conflict resolution". A lot has already been reported on how the NDA government has handpicked many names associated with VIF in the past year

02India Foundation:The latest in the series, India Foundation was founded only in 2014. It claims to be "an independent research centre focussed on the issues, challenges and opportunities of the Indian polity". It also strives to bring out 'Indian nationalistic perspective' on various issues and says that its vision is to be "a premier think tank that can help understand the Indian civilisational influence on our contemporary society". Like VIF, India Foundation, too, is deeply connected with the NDA government.

03Forum for Integrated National Security:Established in 2004, FINS describes itself as an 'apolitical think tank' that believes 'a secured nationhood can provide peace and prosperity to citizens',

'keeping national security at its core'. Its secretary generals are Seshadri Chari, an old RSS hand and BJP national executive member, and advocate Bal Desai. The organisation is said to be promoted by influential RSS leader Indresh Kumar.

04Dr Syama Prasad Mookerjee Research Foundation: Set up in 2008, the SPMRF professes to be a forum "committed to the nationalist ideological vision and thoughts of Dr Syama Prasad Mookerjee and Pandit Deendayal Upadhyay" that "strives to strengthen and to uphold issues and positions in tune with India's national interest."

05India Policy Foundation: Established in 2008, IPF describes itself as a not-for-profit think-tank engaged in "high quality research, influential thought leadership, educated debates and policy recommendations to issues of national importance for India". It also "aims to strengthen democracy and egalitarianism", with "utmost adherence to national interest".Its honorary director,

06Forum for Strategic and Security Studies: Set up in 2010, FSSS claims to be an "independent, non-profit making, non-political institution" that provides "a platform for research, analysis, option formulation and evaluation of national security policies of, and security relationships between, states, particularly those in South Asia and the Asia Pacific region".

07Public Policy Research Centre: Established in 2011 and fully launched in October 2013, PPRC honestly declares that it is a "unique initiative supported by the Bharatiya Janata Party (BJP)" to address "the emerging challenges of 21st century".

08Centre for Policy Studies:.The centre was established in 1990 and its trustees include RSS economic ideologue S Gurumurthy, former RSS ideologue KN Govindacharya and senior BJP leader Balbir Punj. It claims to be "an institute for research and study aimed at comprehending and cherishing the essential civilizational genius of India, and to help formulate a polity that would allow the Indian genius to flourish and assert itself in the present day world".

11 Guruswami on Think Tanks in India

12 See Sunday, 17 August 2014 | Uttam Kumar Sinha / Rajiv Nayan | in Agenda

13 The two succeeding parts on National Interest and National Security Policy Making has been grafted from my latest book "National Interest and National Security Policy Making Prism for India" being released by CLAWS in April 2017.

14 I have abridged this section from my reading on National Interest available at http://hass.unsw.adfa.edu.au/timor_companion/fracturing_the_bipartisan_consensus/national_interest.php

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16 A Smith, The Origin of Nations, Ethnic and Racial Studies, Vol. 12., No. 3 1989.

17 B Anderson, Imagined Communities, Verso, London, 1991, pp.36-46.

18 J Frankel, National Interest, Pall Mall, London, 1970.

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20 J. Rosenau, 'National Interest', in Sills D (ed), International Encyclopedia of the Social Sciences, Crowell Collier and Macmillan, New York, 1968.

21 R. Aron, Peace and War, Weidenfeld and Nicholson, London, 1966.

22 Gautam Sen, op., cit.

Professor Gautam Sen is concurrently Adjunct Professor at National Institute of Advance Studies, Bangalore, Distinguished Visiting Fellow, Centre for Land Warfare Studies, Delhi, , Visiting Professor, Perspective Policy Foundation, Delhi, Member Accreditation Advisory Committee, MHRD, and Member Governing Council, Centre for Advance Strategic Studies, Pune. Professor Sen was formerly Sawarkar Professor of Strategic Studies (1981-2007), Head Department of Defence Studies (1981-2001), Director Post Graduate Studies (1993-2001) Director Board of Colleges & University Development (2001-2004) Founder Director National Centre of International Security and Defence Analysis (NISDA,2002-2007) all at the University of Pune, He was Director General and Member Board of Trustees, Indian Institute of Education, Pune (2006-2011). Air Marshal Subroto Mukherjee Chair of Excellence, USI, Delhi(2018-19) He has been a Visiting Professor at Madras University, Gujrat Vidyapith, Goa University, Institute of Social and Economic Change, Bangalore and UGC Visiting Professor at Gorakhpur University. Fellow of IISS, London, Jean Monnet Fellow, European University Institute, Florence. Sen presently lives in Pune & Bangalore, Address: B-304 Twin Towers, Survey No. 164+165, Near Wireless Colony, Aundh, Pune, 411007, Maharashtra; Email: sgautam42@gmail.com; Mob: +91-98-905-92888

PROF GAUTAM SEN

Professor Gautam Sen's Research and Teaching interests are in the interdisciplinary areas of Strategic Studies, International Security, International Relations, Peace and Conflict Studies, Business Management Studies and in the broad field of Education to integrate them with Public Policy Making. He continues to teach in all these areas in various Universities and Business Management Schools. Presently he is Member Board of Trustees, Indian Institute of Education(IIE), an Adjunct faculty of Goa University Centre for Latin American Studies, Visiting Professor at the Management Institute of Learning and Excellence, Pune, Chairman, Faculty Committee for Research and Training of the Centre for Education Studies, IIE, Pune and Chief Editor of The Indian Journal of Education and Social Change.

Gautam Sen, Born 11 October 1942, Educated in Amritsar, Punjab. Commissioned in Indian Army in 1962 in Gorkha Regiment. Was Officer Instructor IMA and General Staff Officer at Amy Headquarters, Granted Premature retirement in 1974. Post Graduate studies(1974-79) in Canada and the United States. Ford International Fellow at Massachusetts Institute of Technology and Harvard University. Sawarkar Chair of Defence and Strategic Studied, University of Pune, UoP(1981-2007), Head, Department of Defence and Strategic Studies,UoP for 20 years, Director Board of College and University Development, UoP, Director National Centre of International Security and Defence Analysis, UoP for 5 years, Director Post Graduate Studies,UoP for 8 years, Member Board of Trustees at the Indian Institute of Education(IIE 2006-2016),and Honorary Director General IIE.Chairman of various UGC Committees, Member of 10th Five year Plan Committee of the UGC, Member of Committees of ICSSR, Department of Electronics etc and many other organizations of the Government of India. UGC Visiting Professor, Gorakhpur University, Visiting Professor, Symbiosis Institute of Telecom Management (2000-2011), Adjunct Professor of Strategic Studies, University of Madras and of Peace Studies at Gujarat Vidyapith. Twice Fellow International Institute of Strategic Studies, London, Jean Monnet Fellow at the European University Institute, Florence, Italy. Sponsored by the Ministry of External Affairs, Government of India and the United States Education Foundation in India to lecture in American Universities. Sen has taught post graduate courses over three decades and successfully guided PhD and M.Phil students and evaluated PhD theses of students in India and abroad He has authored four Books and innumerable articles in reputed scholarly journals, news papers on Strategic and Defence affairs.

CBRN Incident Management

By Col (Dr) Ram Athavale

Chemical, Biological, Radiological and Nuclear (CBRN) security is a matter of grave concern for many nations today. CBRN security in India is still in its early stages. There is a need to look at it from a broader perspective of internal and regional security challenges that manifest in the form of CBRN terrorism, among others.

CBRN emergencies occur as a result of occupational exposure, fire, explosion, release of toxicants, and warfare, and are caused either by ignorance, negligence, incompetence, accident, or malicious intention. Such incidents would result in a larger population in a state of panic and fear, affecting their health and morale. The impact is multipronged - physical, psychological, economical, and social. CBRN threats can be natural or manmade. It is the Manmade threats that are of concern and need to be addressed.

The March 2018 nerve agent poisoning of Sergei and Yulia Skripal in the UK and the public poisoning of Kim Jong Nam at a crowded Kuala Lumpur airport terminal in February 2017 raises fears of similar large scale threats to general unassuming public. The paranoia created/generated shall have many repercussions.

In most developing nations, including India, issues like poverty, lack of health infrastructure, conflict situations, unstable governments, lack of good educational facilities, ignorance of or inability to provide adequate safety measures and rampant corruption at all levels are issues that take precedence. Public health and personal hygiene are either ignored or not followed due to lack of funds, resources and institutional support.

Growing industrialisation, increased imports of chemicals and machinery, coupled with lack of or non-stringent regulations on customs, safety and transportation of these leads to huge gaps in securing these assets. Waste management of toxic and hazardous substances is another key shortcoming. Awareness of CBRN threats and risk mitigation measures is necessary at all levels. There is an urgent need to educate and train all concerned stakeholders in CBRN risks and threats and the need to adopt risk mitigation measures.

Present Structure and Mechanism

On 23 December 2005, the Government of India enacted the Disaster Management Act 2005, which envisaged the creation of the National Disaster Management Authority (NDMA), headed by the Prime Minister, and the State Disaster Management Authorities (SDMAs) supervised by respective Chief Ministers, to spearhead and implement a holistic and integrated approach to Disaster Management in India.

The NDMA is mandated to deal with all types of disasters, natural and man-made (including CBRN disasters). Whereas, other such emergencies including those requiring close involvement of the security forces and/ or intelligence agencies such as terrorism (counter-insurgency), law and order situation, serial bomb blasts, hijacking, air accidents, mine disasters, ports and harbour emergencies, forest fires, oil field fires, and oil spills will continue to be handled by the extant mechanism i.e., National Crisis Management Committee, the Government of India has earmarked nodal ministries for CBRN disasters and incidents as under :

Biological Disasters - Ministry of Health and Family Welfare
Chemical Disasters - Ministry of Environment, Forests & Climate Change
Radiological and Nuclear Disasters - Atomic Energy Commission

The NDMA has issued 22 Guidelines for various types of disasters (natural and manmade) and their management. These include CBRN related guidelines as under:-

- Guidelines for Nuclear attack disaster.
- Guidelines on Chemical Disaster (Industrial)
- Guidelines for Chemical Disaster (Terrorism)
- Guidelines on Medical Preparedness and Mass Casualty Management
- Guidelines for Biological Disaster
- Guidelines for Psycho-Social Support
- Guidelines for Incident Response System

CBRN Related Acts and Laws

India is party to the Convention on the Prohibition of the

Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC), and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC). We have also joined many protocols and agreements towards effective non proliferation and misuse of dual use goods.

While there is no overarching law which covers CBRN as a whole and addresses all related aspects, there is a gamut of administrative, regulatory and legal arrangements obtaining in India which aid CBRN risk mitigation. These acts and laws complement the Disaster Management Act 2005, Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (The WMD Act 2005) and the Chemical Weapons Act 2000 towards effective CBRN Incident Management in India. In fact India has a very comprehensive coverage of legal instruments for all aspects of CBRN incident prevention, control, response and mitigation. Primary ministries and agencies that control these acts are:

- Ministry of Environment, Forests and Climate Change (MoEF&CC)
- Ministry of Health and Welfare
- Ministry of Commerce and Industry
- Ministry of Earth Sciences
- Ministry of Mines
- Ministry of Science and Technology
- Ministry of Chemicals and Fertilizers
- Department of Atomic Energy (DAE) & Atomic Energy Regulatory Board (AERB)
- Department of Biotechnology (DBT)
- Department of Revenue and Customs

Much work has been done in the field of Radiological and Nuclear safety and security. Even disease control is quite effective in India. However, India does not have a National Registry of Chemicals and has not completely implemented the Global Harmonised System (GHS) of Classification and Labelling of Chemicals.

Government Initiatives for Combating WMD Disasters

The Indian Government has given reasonable thought to disaster management aspects relating to CBRN threats. It has instituted a number of measures to deal with CBRN disasters. Salient ones are:-

- Enunciated standard operating procedures (SOPs) to deal with terrorist attacks involving CBRN Weapons right down to District and Municipal levels. These SOPs provide for preparedness in terms of identification of potential targets, formation and training of specialist response teams,

training of fire service and state police personnel etc. SDMAs and DDMAs have also developed their own SOPs for response to CBRN Incidents (including CBRN Terrorism incidents).

- Earmarked twelve battalions of the Police (CRPF, CISF, BSF, ITBP and SSB) as the National Disaster Response Force (NDRF). Four more have been sanctioned by the Government. NDRF Battalions are nominated first responders for CBRN disaster/terrorist strikes. One team of 45 personnel from each Battalion is specifically trained and equipped for response during CBRN emergencies.
- States have been asked to raise their own State Disaster Response Force (SDRF) to be the First Responders at State level and augment the NDRF when so required.
- The Government has, with the help of Bhabha Atomic Research Centre (BARC), set up 23 Radiation Emergency Response Centres (RERCs) in different parts of the country to deal with any nuclear and radiation emergencies.
- Guidelines issued by NDMA for accidental or Terrorism incidents concerning CBRN weapons/agents.

Core trainers of these NDRF CBRN teams have been specially trained by the Indian Army at Faculty of CBRN Protection, College of Military Engineering (CME), Pune and various other CBRN establishments in India and abroad. Presently, most of the CBRN Training for Central Police Organisations (CPO) is conducted at National Industrial Security Academy (NISA) Hyderabad.

Gap Analysis

The first question that is asked when we mention CBRN risk mitigation and prevention as regards India is, Are we prepared? Listed below are the main shortcomings that ail India's optimal preparation for CBRN incidents.

- Acceptance and Awareness - The fundamental weakness is the lack of understanding (and belief) about the likely occurrence of CBRN incidents by policy makers and administrators. Municipal officials turn a blind eye to CBRN situations and a very cursory interest is shown by District and State administration, primarily due to lack of awareness.
- National CBRN Strategy and Plan - Till date, India does not have a National CBRN Strategy to prevent, respond and mitigate CBRN threats. There is no over-reaching document that governs India's national policy to prevent or deal with CBRN incidents.
- Institutional Shortcomings - The establishment of NDMA has been a pioneering effort by the Government. However, its organisation lacks a department to deal exclusively with CBRN incidents. Further, the States

too do not have a structure for CBRN disasters and incidents.

- Response Mechanism - Delayed execution of response protocols by various response agencies – Operational understanding, equipment woes (outdated and inadequate), low footprint and transportation logistics.
- Inadequacy of Incident Command Mechanism – forces reporting to verticals. Incident Command System and Unified Command guidelines need validation on ground through practices.
- Near zero understanding and lack of basic training for the Local Police- Local police are a citizen's first responders for any crisis. Today the local police have not even basic understanding of CBRN threats and immediate mitigation measures. They even do not know whom to contact in a CBRN incident. More often than not, the local fire brigade may be called in. This takes up lot of time and the proverbial 'Golden hour' may elapse before any credible response is initiated.
- Social responsibility - The gross lack of awareness at Government and administration levels percolates to common citizen. In my opinion, the actual first responder is the victim and persons next to the victim. There is a need to educate students and working class on basics of CBRN incident mitigation.

Enhancing CBRN Security

Keeping the many shortcomings and weaknesses in mind, there is a dire need of changing and revising the Governance structure, nodal agencies for CBRN Crisis and Consequence management and response mechanics for CBRN incidents.

- Developing a National CBRN Strategy and Plan: There is a need to have a clear National CBRN Strategy aligned to and drawn from the National Security Strategy. The CBRN Strategy shall spell out desired objectives to be achieved with broad timeframes. These objectives when matched with mapped existing capabilities and capacities shall draw out the gaps and shortcomings. Based on the same a multi stakeholder multi faceted National CBRN plan can be developed.
- CBRN Incident Management Structure: The present structure is grossly inadequate for effective CBRN preparedness and needs refinement and enhancement. We need to enact and constitute Nodal agencies for CBRN Crisis and Consequence Management. It is recommended to merge some existing bodies like the NCTC and Internal Security Cell under the MHA into a National Internal Security Authority (NISA) to deal with, among other threats, CBRN Crisis management. The existing National Disaster Management Authority (NDMA) should be the CBRN Consequence management agency.

- Enforcement of Laws and Protocols: While we have the best of laws, enforcement is weak and porous. India needs to strengthen its enforcement mechanism by strict oversight and rooting out of corrupt practices.
- Proliferation Prevention and Border Control: We need to understand the role of Customs, Excise and Border security agencies in CBRN non proliferation. These agencies have a major task of proliferation prevention and must be trained in detection of hazardous shipments, toxic threats, dual use goods and measures to respond to such threats.
- CBRN Security for Critical Infrastructure and High Visibility Events: This is an area of concern and needs to be carefully planned and executed. As of today very little attention is paid to CBRN security of important Government buildings, critical infrastructure and also to high visibility events like sports extravaganzas, religious mega events and major public events.
- Industrial and Logistics Security: This is another weak area. Industrial security, pilferage prevention and appropriate waste disposal need to be re-examined. Strict oversight and inspections at various levels need to be diligently enforced. Safety and security measures need to be imposed and regular practices and mock drills in liaison with District/Municipal authorities need to be planned.
- Response Essentials: Attention needs to be given to training and optimal equipping of response forces, on their SOP refinement and actions on ground. Today. Other than the twelve teams of NDRF, very few agencies are trained to respond to a CBRN incident. All Critical Infrastructure, major SEZ and Industrial areas need to constitute On-Site response mechanisms in terms of trained teams and appropriate equipping. There is a need to standardize such training so as to achieve right coordination amongst various responders in a CBRN incident situation.
- Societal Response and Community Participation: The victims in a CBRN incident would be the society. There is a dire need for the population at large to understand CBRN risks and threats and be ready to take small yet effective immediate mitigation steps. Developing a CBRN Security Culture and the establishment of Citizen Emergency Response Teams (CERTS) are means to enhance citizen awareness and participation in CBRN risk mitigation.
- Embracing Emerging CBRN Technologies: Emerging technologies are a force multiplier in preventing and effectively responding to a CBRN incident. The young generation needs to bring in newer technologies in the CBRN field to good use. This would help prevent casualties and save

precious lives. Use of robotics, drones, unmanned ground vehicles and artificial intelligence need to be aptly integrated in existing prevention and response mechanics.

CBRN threats, both accidental and intentional, loom large over India. It is but a matter of time that these may manifest in our midst. It is imperative that we prepare for such threats in earnest and empower ourselves, the polity, administration, law enforcement and public at large, to prevent and respond optimally to these. Wake up calls have been ringing around the world and in a subtle manner in India. So let us wake up and take proactive action.

Col (Dr) Ram Athavale

The writer is a Veteran Army Officer with extensive experience in varied assignments (Command and General Staff) in his three decade military service. He commanded an Armoured Regiment and has experience in Counter Insurgency and Tri Service operational areas. Col Athavale has been a Key Adviser to the Government of India on CBRN Security. He has been a Key CBRN Expert for the EU CBRN Risk Mitigation Centres of Excellence initiative and advised eleven Governments of Eastern and Central Africa on CBRN risk mitigation matters. A Visiting Faculty at select universities, prolific writer and a CBRN subject speaker in international seminars and conferences, he holds PhD in CBRN Security and Incident Management. He has recently authored a pioneering book titled "Toxic Portents" on 'CBRN Incident Management in India'. Presently he is a freelance CBRN Risk Mitigation, Incident Management and Security Consultant based at Pune, India. His personal website www.chebiran.com gives more information.

Status of States and Marine Police In Coastal Security After 11 Years

By Brig H H Mahajan

It is imperative that the Police force is adequately strengthened with manpower and assets to function efficiently. For effective coastal security management, the involvement of coastal States and Union Territories is necessary. States should encourage recruitment of fishermen in the marine police force by spotting and nourishing talented individuals in the fishermen community.

The security forces went on a high alert on 22 September 2016 after local students reported that masked persons armed with guns were sighted in the coastal village near Uran on the outskirts of Mumbai. The IN, a team of the Force One, the Anti-Terrorist Squad, Maharashtra Police, Navi Mumbai police, Mumbai police, and other agencies were engaged in a joint operation to nab them before any security breach. According to a report, five-six persons in Pathani suits were sighted and appeared to be carrying weapons and backpacks. Some other reports claimed that they were attired in military uniforms.

The news spread like wildfire in Uran and nearby areas, resulting in the closure of schools and colleges for the rest of the day. The entire town of Uran went on a spontaneous shutdown. A similar high alert was sounded in Mumbai with armed police taking positions at various points in south Mumbai, including near the Gateway of India and Girgaum Chowpatty. All coastal police stations from Palghar to Goa had been alerted to keep a lookout for any suspicious activities.It later turned out to be a false alarm.

The 11th anniversary of 26/11 terror attack on 26Nov 2019 on Mumbai is the right time to review the status of coastal security in the country. This article will analyse the challenges to India's coastal security, role of marine

police and what else can be done to improve their efficiency further.

Current Scenario

Since last 11 years, the Indian government undertaken a number of proactive measures to restructure coastal security and push the defensive perimeter further away from the coast into the seas. The focus was on building national maritime domain awareness (NMDA) grid via a number of organisational, operational and technological changes. It has set up the National Command Control Communication Intelligence (NC3I) network that hosts the Information Management and Analysis Centre (IMAC).

Few Positive Developments

Trials for transponder system for sub 20 metre boats have been successful. They will be introduced in service in a phased manner.

The Indian Coast Guard has been given powers under the Coast Guard Act to board, search any vessel and arrest people for offences within the maritime zone of the country, it was announced on 05 Dec 19.

Earlier, the maritime security agency did not have the power to board any vessel passing through India's Exclusive Economic Zone (EEZ) to 'Visit, Board, Search and Seize' suspicious vessels within India's EEZ and its continental shelf.

The notification states that under the Coast Guard Act, 1978, the central government authorises "every member of the Coast Guard" to "visit, board, search and seize vessel, or arrest any person, or seize any artificial island or any floating or moored object or any underwater object including any maritime property involved or suspected to be used in the commission of any offence..."

Before this notification, the Coast Guard used provisions of the Customs Act and the Narcotic Drugs and Psychotropic Substances Act and other relevant acts to board and seize vessels in the EEZ.

However, it did not have the necessary legal backing and many cases would fall flat in the court. There was also a legal loophole using which the vessel companies could sue the Coast Guard for detaining ships without any authorisation.

Earlier, its officials would seize drugs, detain offenders and hand them over to agencies like the local police, Directorate of Revenue Intelligence and the Narcotics Control Bureau. The vessels would be handed over to the port authorities.

Back Ground

The marine police was raised under the Coastal Security Scheme

(CSS) in 2005-06 with the objective of strengthening the patrolling and surveillance infrastructure along the coasts. Since law and order is a state subject, the responsibility of raising the marine police force was given to the coastal states. The Centre, on its part, provided financial assistance for the construction of marine police stations and supplied interceptor boats for patrolling purposes. Most coastal states did not show any enthusiasm in implementing the scheme. Many even requested the Centre to shoulder the entire responsibility for coastal security since they themselves did not have adequate resources for this purpose.

A marine police station is like any other police station, whose jurisdiction additionally extends into the sea, up to 12 nautical miles that is India's Territorial waters.

The main factors considered were:-

(a) Length of the coast line;
(b) Position of the existing and proposed marine police stations;
(c) Density and distribution of fishing villages/landing points;
(d) Infrastructure and equipment available with resource agencies;
(e) Density of the Coastal population; and
(f) Strategic location of each coastal state.

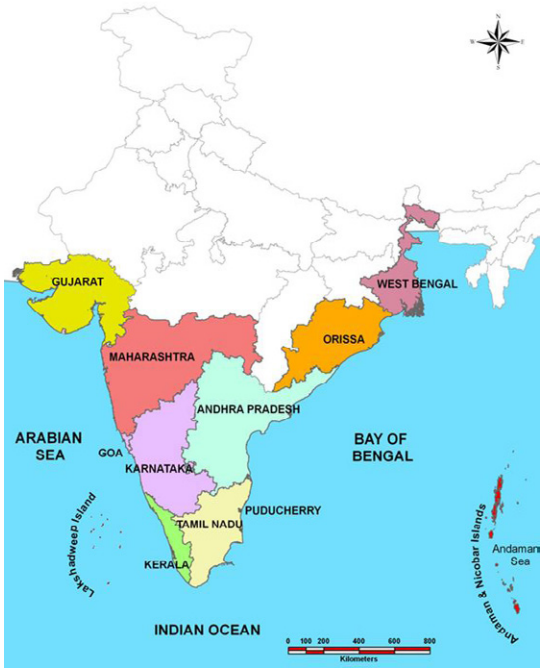
Based on the study, a total of additional 131 coastal police stations and 180 boats had been worked out for the second phase of CSS w.e.f. 01 April, 2011.

Objectives of Police CSS:

- To provide an additional line of defence in the coast line of the country.
- To prevent the intrusion of militants and anti national elements into the country through sea.
- To prevent smuggling (in/out) of essential commodities, arms, ammunition, explosives, narcotics, and any other valuable items through sea.
- To prevent human trafficking.
- To prevent collusion between some fishermen and smugglers/militants to commit unlawful acts in the country.
- To obtain community participation in Coastal Security.
- To collect intelligence in all above matters.
- To co-ordinate with other agencies such as State Police, IN, ICG, Fisheries Department, Customs etc., to improve quality of Coastal Policing.
- To help the District Administration in the Coastal Districts in Disaster

Management.

- To handle Law and Order situations which may erupt due to clashes between various communities/groups both on shore/off shore.
- To effectively impose ban on monsoon trawling, fishing as per the law of the land.
- To protect marine environment and handle environment issues like oil spills, pollution in Territorial Waters through co-ordination with other agencies.
- To protect the maritime interest of the country.



The tasks of the personnel assigned to marine Police stations include conduct of vessel boarding, search and seizure (VBSS) operations wherever necessary; the investigation of all criminal cases registered by the marine police authorities or handed over by other relevant agencies; intelligence collection so as to preclude the unauthorised entry of vessels or persons; and, maintaining surveillance over all land-based as well as seaborne public transport and residential places, to avoid their misuse for unlawful acts. The marine police are also tasked with the organisation and coordination of search, salvage, rescue operations, as also with the creation of environmental awareness, enforcing legislation, ensuring safety and security, and communicating with fishermen and other agencies to assist in disaster-management.

Border States such as Gujarat, West Bengal, Tamil Nadu sharing land and/or sea borders with neighbouring countries face more challenges in security in areas such as harassment of fishermen, human trafficking, smuggling, infiltration by terrorists etc.

The Challenges

The Indian coast line is roughly formed by 43%-sandy beaches,11% rocky shores including cliffs,46% mud flats/marshy areas. In this type of terrain patrolling either in sea or by land is challenging. There are about 4000 fishing towns and 1914 traditional landing centres. There are many non-traditional landing centres also. Generally a policeman/home guard is posted here to monitor the move of fishing vessels.

While the challenges to Western coasts are smuggling of narcotics, arms, ammunition, explosives ,infiltration by terrorists, terror attacks, illegal trade etc the challenges to Eastern coasts are illegal Bangla deshi migration, smuggling of arms, ammunition for Maoists.

The landing points of ships or trawlers are vulnerable, and therefore, there is a need to keep an account of persons onboard and those alighting ashore.

Maharashtra accounts for highest landing points with 728 within a coastal length of 652.6 kms. It is followed by Kerala with 157 landing points within the coastal length of 569.7 kms. Karnataka and Goa are placed at third and fourth position, respectively, and have 74 and 58 landing points with 280 and 114 km coastal length respectively.

Area of Responsibility, Organization, Strength,Equipment,Weapons,Tactics

The marine police is helped by state Home Guards and Special Police Officers. Police stations in the depth areas of coastline, state reserve battalions/India Reserve Battalions also help the Marine police, when required. Earlier the marine police had many types of boats. Now marine police have been allocated five and 12 ton patrol boats for patrolling at sea.

Today we have 204 marine police stations, 58 outposts, 97 check points, 429 boats mostly five and 12 ton patrol boats. The police have 303 jeeps, 554 motor cycles for patrolling on land. The strength of marine police is more than 12,000.The police are authorised weapons like rifles, light machine guns, sten machine carbines. Police conduct joint exercises with Indian Navy (IN), Indian Coast Guard (ICG) to improve coastal security.

The major ports are guarded by CISF and while the 183 minor ports are guarded by CISF/Police/Private security companies.

Marine police duties require special skills for sea faring and sea combat, ability to handle boats etc. Presently, the marine police force is manned by personnel derived from the central pool of the state police. These personnel are deputed to Marine police stations after a basic training of one month imparted by the coast guard. Marine police in some states are manned by men over 40 years of age. Shortage of technical staff for

running and maintaining the boats is another weakness. Although the state governments have implemented the policy of recruiting ex naval and ICG personnel to the posts of technical staff, the response has not been very encouraging. Low salary, lower designation and short term contracts offered by the state governments have discouraged many retired naval and ICG personnel.

Resources Available To Marine Police and State Wise Scan Progress Of Coastal Security

Gujarat

Gujarat has acquired 61 all types of surveillance speedboats, 22 Marine police stations to guard its 1214.70-km coastal belt.

Daman and Diu

The Territory does not have any classified major or minor port. Daily patrolling is being carried out at the rate of 4 to 5 hours daily. Presently suitable jetties with electrical supply, fuel supply, and fresh water supply are not available in both the districts of UT of Daman and Diu. Further, proper dredger of channel/navigational marking to navigate the coastal boats is not available.

Maharashtra

Resources

Maharashtra state for a coast line of 720 kms has 1000 kms of creek which are being kept under surveillance. Keeping long creeks under surveillance is a challenge.Maharashtra has acquired surveillance 42 all types of speedboats and 19 Marine police stations to guard its coastal belt.

CAG report exposes holes in coastal security-Maharashtra

Maharashtra has five districts of Greater Mumbai, Raigad, Ratnagiri, Sindhudurg and Thane as coastal districts. A report of the CAG which has

pointed glaring loopholes in coastal security of Maharashtra.The report pointed out deficiencies in planning for the scheme, delays in construction of marine police stations and check posts, and Infrastructure and manpower shortage.

The boats to be used for patrolling were underutilised; with districts like Ratnagiri reporting just 8.47% utilisation. The report added that the five coastal districts had a manpower shortage of 40.02% posts with the gap in deployment of technical staff for boat operations being 51.21%. The highest shortfall of non-technical staff was at 65.85% in Mumbai.

The CAG report noted that the Marine police does not have jetties of their own. "Consequently, the patrolling boats are anchored either at jetties owned by the Maharashtra Maritime Board (MMB) or the jetties owned by the private operators. As such, there remained the risk of breach of confidentiality of police operations.

The report also stressed on the need for a boat movement token system and pointed to problems in the issue of biometric identity cards to fishermen for facilitating their identification. The CAG report is critical of boat patrolling along the coastline. It also found a major delay in the construction of Marine police stations with delays of up to 48 months.

Maharashtra's Coastal Security has improved

While the State Fisheries Department had registered fishing boats, nearly 72,000 biometric cards had not been distributed till November 2016. 1,40,132 have been given a card. 91 sea wardens, who were to be deployed at an equal number of vulnerable points identified by the police department, were also not in place.

As a result, nearly 25,496 vessels arriving at and leaving the shores are not being given a mandatory token. This is leading to chaos and confusion with the police not being able to identify whether the same fishermen who sailed off are returning to the shore.

"To ensure coastal security, there is an urgent need of deployment of wardens, along with distribution of biometric cards. "Besides, the notified landing points and all other non-notified points need to be put under CCTV surveillance to monitor boarding and landing."

The government has bought 57 speedboats, in addition to its existing fleet of 17 fibre boats. Police stations and check posts have been constructed and 1,004 additional posts sanctioned. Some 1,604 policemen have been trained.

90% of the Fishing Trawlers Now Colour Coded

Maharashtra Govt is installing CCTVs at entire coastline. With

the fishermen not abiding with the request of colour coding their boats, a proposal to offer 50 per cent subsidies to those fishermen who abide by the rule was made in 2015.Within a year, 90 per cent of the boats in Maharashtra water limits are now colour coded, making the task for the coastal security agencies to secure the coast line easier.

The boats are allowed in the sea for a stipulated period, with they being colour coded monitoring them becomes easier. Fishing trawlers are required to follow the colour band prescribed in their jurisdiction.

Goa

Goa has acquired 13 surveillance speedboats to guard its vast 105-km coastal belt. Besides, the state also has seven different marine police stations.

The State has already received two serious ISIS threats with intelligence input's revealing that the targets were tourist destination.

The state now has four more marine police stations. Two new jetties besides new vehicles and four new interceptors will give more teeth to the state's police force. The police department has already acquired 20 door frame metal detectors and 40 hand-held metal detectors. The Goa police have recruited another batch of 850 home guards even as the state already has 700 more home guards working voluntarily in different units of the police department.

Goa government has now mandated fish landings only on notified jetties as a security measure to avoid any anti-national activity at these river inlets. The Government has decided to make it mandatory for the fishing canoes and other vessels to land the fish only on notified ramps or jetties. The notification has exempted traditional fish landing sites on the shorelines used for ages from the ban. In order to avoid inconvenience to the fishing industry, the government has already notified 28 fish landing jetties and ramps across the state which are in addition to the traditional ones.

Karnataka

Karnataka has acquired 27 surveillance speedboats to guard its vast 320-km coastal belt. Besides, the state also has 20 different marine police stations. The state has 17 islands.

Karnataka has 5.93 lakh hectares of inland water resources, 8,000 hectare of brackish water. The State has 17,927 fishing boats and trawlers with 3.28 lakh people being employed in the fishing industry.

Tamil Nadu

Tamil Nadu has acquired various types of 44 surveillance speedboats to guard its vast coastal belt. Besides, the state also has 42 different Marine police stations.

Tamil Nadu has a coast line of 1076 kms, has 591 fishing villages in 13 coastal districts; has 400 landing points; has 3 major ports; has 7 non major ports. There are recurring fishermen disputes between Tamil Nadu and Sri Lanka. TheTamilNadu government has proposed to create a separate cadre of Coastal Security Home Guards in the Police Department. As many as 200 persons were recruited to work exclusively in the Coastal Security Home Guards.

Puducherry

U.T. of Puducherry comprises of four enclaves . The coastal areas of these four enclaves are: Puducherry (35 kms.); Karaikal (21 kms.);Mahe (1.5 kms.) and Yanam (no coastal area) only back waters of Godavari river of about 12 kms.

Andhra Pradesh

Andhra Pradesh has acquired 48 all types of surveillance speedboats with 21 Marine police stations to guard its 973.70-km coast.

Andhra Pradesh with a long coastline and dotted with a number of minor and major ports is vulnerable to such attacks. Based on specific intelligence inputs, the worrying factor for the police is the recruitment drive by ISI and other Islamist organisations. Popular Front of India (PFI), an organisation with pan-Islamic ideology having influence in the districts of Kurnool, Guntur, Nellore, Kadapa and Chittoor, was trying to spread its wings to other districts in the State.

The State government, is on the job to strengthen the counter-intelligence set-up.This apart, a regular monthly meeting between the police and the IB at the district level is being conducted."What is required is an efficient intelligence gathering network and multi-agency cooperation.

Odisha

Odisha has a 476.7-km length of coastline .Odisha has acquired 44 surveillance speedboats, with 18 marine police stations to guard its coastal belt. This apart, the State has about 630 fishing villages along the coast and Bangladesh migrants are present in most of these villages. The poor security infrastructure along the coast is exemplified by under-staffed and ill-equipped marine police stations.

The state's coastline looks vulnerable

The arrest of increasing number of Bangladeshis infiltrators in Odisha and a well-calibrated effort by terrorist outfits to send the Bangldeshi through sea and rail route to Odisha have created headache for security agencies. Although Odisha is not new to the Maoist insurgency and infiltration from Bangladesh, terrorism certainly has been the latest shocker.

The setting up of police stations along the coastal territory might give one a sense of security but ground realities tell a different story. In case of places such as Talchua, where the terrain is challenging, the time to reach the place from the district headquarters could be around four hours. It lies in proximity to the Bhitarkanika Wildlife Sanctuary and lacks proper road connectivity.

The government should try to improve infrastructure and facilities at the existing ones, besides offering training to personnel.

(a)Terror cloud over coastal security- The arrest of terrorist Abdul Rahman from Cuttack has put the contentious issue of security along the state's coastline back in focus. Rahman was arrested for allegedly making recruitments for the Al Qaida in the Indian Subcontinent. The cleric, who used to run a madarsa near Tangi, also had links with terror modules in several countries, including Saudi Arabia, Dubai, Pakistan and the UK.

The three marine police stations at Jamboo, Talchua and Tantiapala in Kendrapara district, one of the worst-hit by infiltration from Bangladesh, have turned into mere signboards.The threat to the coast, thus, remains high.

(b) CAG Report finds Odisha's Marine police Stations Foundering-Huge shortage of manpower, lack of interceptor boats, poor infrastructure and inadequate training for the police personnel in Odisha's marine police stations may be leaving a gaping hole in State's coastal security, a draft CAG report has found.

West Bengal

West Bengal 's coastline presents a variety of security concerns, such as smuggling of arms and explosives, infiltration and other criminal activities. Absence of physical barriers and presence of vital industrial and defence installations near the coasts also enhance their vulnerability to illegal cross-border activities.

Three districts- East Midnapore, South 24-Parganas and North 24-Parganas- are connected with the neighbouring country by rivers and the Bay of Bengal. These three districts have over 156 km of coastline manned by only six Marine police stations which are inept to tackle any emergency.

The coastal area in West Bengal includes the Sunderban area bordering Bangladesh. Problems being faced in maintaining Coastal Security.The following problems are being faced:–

(a) High cost of POL to run the Interceptor Boats;
(b) There are no petrol pump dealers in the remote area;
(c) Shortage of Technical Manpower to run the boats as response to working in remote areas has not been upto expectation; and
(d) Paucity of land led to delayed construction.

India and Bangladesh share a 4,095-km border, of which 180 km is riverine. Under the first phase of a coastal security scheme, six police stations have come up in Digha Mohana, Talpatighat, Haldibari (Sunderbans), Maipith, Frezerganj and Hemnagar. The process is on for setting up eight more Marine police stations under the second phase at areas such as Junput, Mandarmoni, Nayachar, Gangasagar, Gobardhanpur, Jharkali, Harwood Point and Diamond Harbour.The state is flooded with Bangladeshis infiltrating both from land route and sea. While Assam is busy detecting illegal migrants with the help of National Population Register West Bengal seems to be sitting over the problem because of vote bank politics.

Despite Vigil, No Let-up in Bangla Influx: Despite tight security and frequent mock drills on waterways, the influx of Bangladeshis into coastal villages has posed a serious threat to public safety and a challenge to police.

There is no visible improvement in checking the influx of Bangladeshis nationals into the coastal villages of the district.Police have appealed to the councillors of municipalities and sarpanches of panchayats of the district to share information about outsiders who are residing in their localities.

Improvements since 2014-19

Hovercraft To Boost Coastal Security On East Coast: The hovercraft fitted with state-of-the-art navigation and communication equipment and

medium-range armament will keep vigil along Odisha, Andhra Pradesh and West Bengal coasts. The craft is designed for high speed interceptions, close-coast patrol, maritime operations, search and rescue operations and maritime surveillance.West Bengal /Odisha Government's commitment to guard its vulnerable coastline has come in for scrutiny as it has not been able to give a go ahead to sanction of manpower for the nine marine police stations.

Central Marine Police Force not required for Coastal Security

Many coastal States and Union Territories have been asking for a centrally funded marine police force to address the shortfall of manpower in Marine police stations.

The very suggestion for raising a CMPF reflects the reluctance of the coastal States and Union Territories to shoulder the responsibility of coastal security. However, almost all coastal States and Union Territories, have implemented the scheme only half-heartedly. They justify their apathy by citing inadequate resources and the lack of threat perception from the sea.

Despite the lackadaisical attitude of the State Governments and the poor performance of the marine police across all the coastal States and Union Territories, prudence dictates that coastal security is every body's responsibility. Creating a new organisation, such as the proposed CMPF, is bad solution. Because, the CMPF would not only add another agency to the already crowded coastal security architecture but it would also introduce problems of coordination and turf wars.

Raising a new CMPF and wasting resources on their training and equipment is also neither necessary nor advisable given that the country already has a central organisation to protect the coast – the ICG.

It is time the Indian Government should strengthen existing organisations to enhance coastal security.

National Marine Police Training Institute (MPTI)

The Government of India has approved the setting up of MPTI to be located at Pindara Village, District: Devbhoomi Dwarka, in the State of Gujarat, in view of its overwhelming advantages. Department of Border Management, the MHA is establishing the Institute. .

Marine Police Stations To Probe Cases Within EEZ

The Home Ministry has issued a gazette notification, invoking the Territorial Waters, Continental Shelf, EEZand Other Maritime Zones Act, 1976, and said the 10 police stations located on both east and west coasts can investigate any offence committed

by any person within the MZI. This was done on 14 Jun, 2016. They are Navibandar coastal police station(PS) (Gujarat), Yellow Gate PS (Maharashtra, and Daman and Diu), Harbour coastal security PS (Goa), Mangalore coastal security PS (Karnataka), Fort Kochi coastal PS (Kerala and Lakshadweep), B5 Harbour PS (Tamil Nadu and Puducherry), Gilakaladindi PS in Machilipatnam (Andhra Pradesh), Paradeep marine PS (Odisha), Nayachar coastal PS (West Bengal), and Central Crimes Station, Port Blair (Andaman and Nicobar Islands).

Recommendations : What Else Can be Done

To ensure that the coastline does not remain porous, construction of the remaining police stations, check posts and operational rooms in jetties should be completed without further delay.

- The police operations required confidentiality and using common jetties for patrolling boats either jetties owned by the Maritime Board or by the private operators might cause the risk of breach.
- Most of the States find it difficult to maintain Interceptor Boats despite having AMC with Boat Suppliers due to lack of support.While AMC is framed, respective states must be consulted.
- Police can gain the expertise to confidently handle Inflatable Crafts from IN, ICG.It is better to go for metallic hull instead of FRP hull as FRP hulls can be easily damaged in a hostile environment while dealing with smugglers, terrorists. Marine police must be citizen-friendly for result oriented coastal surveillance.
- It is incumbent upon the respective state governments to recognize the severity of sea-borne threats and take effective steps to augment the capabilities of the marine police.Most of the States find it difficult to recruit the right candidates from Ex IN and Ex ICG personnel to man the Interceptor Boats; they even prefer Ex Border Security Force (Water Wing) personnel. Encouraging recruitment of retired IN, ICG, Army engineers, EME personnel in the marine police is required .A separate cadre for marine police officered by state police officers should be raised as early as possible .
- States should encourage recruitment of fishermen in the marine police force by spotting and nourishing talented individuals in the fishermen community.
- State governments could also raise a separate cadre for marine police along the lines of a short service commission officered by state Police officers.
- States should also concentrate on the issue of training the marine police.
- All the states want the fuel costs incurred for Coastal Security to be

borne by the Government of India.

- Most of the States find it difficult to verify Biometric Cards carried by the boat crew at sea as Marine police is not having card readers; biometric card readers or other means of verifying the identity cards must be provided.
- Most of the States find it difficult to carry out their operations only with Interceptor Boats; in addition they also prefer to have Gemini (Inflatable) boats, all terrain vehicles.
- The Andaman and Nicobar Islands require larger vessels as they face monsoon from May to October and most of the times the sea is rough; smaller vessels are unsuitable during rough seas.
- Separate communication channel is needed to communicate with IN, ICG in addition to Channel 16 VHF. Channel 16 VHF is a channel for emergency messages.
- Unmanned Aerial Surveillance, Electronic Surveillance is needed in uninhabited islands, marshy lands. Suitable UAV bases, maintenance aspects will have to be catered for. UAVs which can land like helicopters on appropriate IN/ICG ships will have to be developed as they will be more cost effective than a helicopter.
- When Interceptor Boats are supplied to States, 100% seaworthiness must be complied and necessary certification must be obtained from Indian Register of Shipping (IRS).
- Installation of GPS/transponders must be mandatory for all fishing boats/other vessels operating on the coast. Light weight storage batteries will have to be developed as power source. This will help to monitor the movement of suspicious vessels.
- Karnataka and Andhra Pradesh recruit Coastal Security Home Guards from fishermen community. Andhra Pradesh also train their police at State Institute of Fisheries Technology (SIFT) in navigation, seamanship in addition to the training provided by IN and ICG.As the work of CSG is similar to the IN/Coast Guard, incentives like sea duty allowance, free food at sea must be provided.

Conclusion and Way ahead

The police department in the states, overburdened with work, do not have sufficient staff to carry out the various security duties. Duties involve attending courts, carrying out bandobasts, supervising VIP security, interrogation and investigating cases, maintaining law and order and helping curb crime. What is needed is apolitical /professional review d of VIP security and implementation of the same by mustering political will.

The police force in the states is in need of modernization. The

state police needs to prepare its own manual and acquire a lie detector and brain mapping device. There is also a need to establish a forensic science laboratory to put an end to the delays in crime detection and investigation. The modernization of police force is a continuous process.

A circular on compulsory usage of uniform while on duty has compelled the police to attend duty on time, which has brought about discipline in the police force.

Induction of hovercrafts, use of UAV, creating a network of intelligence through fishermen, should be done at the earliest.

There are many positives which have evolved because of on the job learning. The infrastructure has improved. The down time of boats is reduced. The intelligence generated is better than many other stake holders. The seamanship now is of much better quality. The tenures are long enough. All 204 Marine police stations on the Indian coastline have been operationalized. "A total of 118 coastal security exercises have been conducted since 2009.The security forces have carried out a total 166 coastal operations based on intelligence inputs so far.

Government on March 1, 2015 decided to give impetus to steps for coastal security with a whopping 18-fold increase in allocation in Union budget to secure the country's coastline.

Installation of GPS/transponders for all fishing boats/other vessels operating in the coast must be completed at the earliest. Creating National Coastal Security Corps (NCSC) like National Cadet Corps (NCC) will help. Marine Police must be citizen-friendly for result oriented coastal surveillance. Joint man ship among all stake holders is the only way forward.

There is tremendous scope for International Joint man ship. Some of the areas of cooperation are MDA cooperation, intelligence sharing, sharing modus operandi pirates, terrorist, technology, best practices. Centre for lessons learnt, cross attachment with each other, joint exercises during high threat periods will benefit all. Seminars can be organized for experience Sharing, evolving legal regime and rules for private security.

Regrettably, past experience has shown that implementation remains tardy and inefficient, leaving many gaps which the terrorists have exploited. It can only be hoped that the biggest gap in India's security – the inefficiency of administration – will be overcome this time around, and that a measure of urgency will attend the implementation of current plans for a stronger coastal security system.

The ISI and Pakistan Army in particular is actively involved in aiding and abetting various fault lines in the Indian society. The need of the hour is joint man ship between IN , ICG , Police , Intelligence agencies and various Government ministries . The glass is more than half full but we still have

miles to go to achieve full proof coastal security.

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Coastal Security Scheme Phase II

"My wife must have fallen in here... those air bubbles indicate she's still talking"

STATE-WISE COMPONENTS OF COASTAL SECURITY SCHEME (PHASE-I)

Sl. No.	Name of State/UT	Coastal Police Stations	Vessels	Jeeps	Motor Cycles	Check Post	Out-post	Barracks	Rigid Inflated Boats
1.	Gujarat	10	30	20	101	25	46	–	–
2.	Maharashtra	12	28	25	57	32	–	24	–
3.	Goa	3	9	6	9	–	–	–	10
4.	Karnataka	5	15	9	4	–	–	–	–
5.	Kerala	8	24	16	24	–	–	–	–
6.	Tamil Nadu	12	24	12	36	40	12	–	–
7.	Andhra Pradesh	6	18	12	18	–	–	–	–
8.	Odisha	5	15	10	15	–	–	–	–
9.	West Bengal	6	18	12	12	–	–	6	–
10.	Puducherry	1	3	2	3	–	–	–	–
11.	Lakshadweep	4	6	8	8	–	–	–	–
12.	Daman and Diu	1	4	3	5	–	–	–	–
13.	A&N Islands	–	10	18	20	–	–	–	–
	TOTAL:	73	204	153	312	97	58	30	10

COASTAL SECURITY SCHEME (PHASE-II)

State-wise Physical Component

Sl. No.	Name of State/UT	Costal Police Stations	Boats/ Vessels	Boats/ Vessels	Number of Jetties	Four-Wheelers	Motor Cycles	Remarks
			12 Ton	Others				
1.	Gujarat	12	21	10 (5 Ton)	5	12	24	–
2.	Maharashtra	7	14	–	3	7	14	–
3.	Goa	4	4	–	2	4	8	–
4.	Karnataka	4	12	–	2	4	8	–
5.	Kerala	10	20	–	4	10	20	–
6.	Tamil Nadu	30	–	20 (19 mtr)	12	30	60	–
7.	Andhra Pradesh	15	30	–	7	15	30	–
8.	Odisha	13	26	–	5	13	26	–
9.	West Bengal	8	7	–	4	8	16	–
10.	Daman and Diu	2	4	–	2	2	4	–
11.	Lakshadweep	3	6	12#	2	3	6	–
12.	Puducherry	3	6	–	2	3	6	–
13.	A&N Islands	20	–	10 LV 23#	10	20	20	10** MPOC
	TOTAL:	131	150	75	60	131	242	–

Brig Hemant Mahajan YSM (Retd),

Chair Professor,Swatantryaveer Sawarkar Chair in Defence Studies.

Brig Hemant Mahajan is a prolific writer and speaker on all aspects of National Security. He is M Sc., M Phil in Defence Studies. He joined IMA Dehradun in July 1973 and passed out as a Commissioned Officer on 15 June 1975.He has served extensively in Counter Insurgency Operations in Jammu & Kashmir, Punjab and North East and has taken part in all important operations undertaken by the Army since 1975 till 31 Jan 2009. He has been appointed as independent member of security commission of Union Territory Div, Daman, Dadra, Nagar Haveli for two years.

HILLI – A Battle To Remember

By Brig Prakash Ghogale, VSM

Introduction

The Battle of Hilli is the most famous and savagely fought battle of the 1971 Indo-Pak conflict in the Eastern Sector. The Army Commander Eastern Command, Lieutenant General JS Aurora, PVSM, has stated "this was the bloodiest battle in the then East Pakistan."

In mid November 1971, Lieutenant General Aurora, in an exclusive address to our battalion, said that there was every likelihood of an all out war with Pakistan and that we were on the threshold of history. He had specially chosen 8 Guards to lead the Indian campaign into East Pakistan, also adding that the result of the attack would have a great bearing on future operations since the overall aim was to cut off the waistline Hilli-Gaibanda. He further said that we are likely to face stiff resistance in view of high level of preparedness and morale of enemy and to fight bravely.

East Pakistan

20 Mountain Division was commanded by Major General Lachhman Singh Lehl, VrC, a hero of the 1947 Indo-Pak war. 202 Mountain Brigade,which was part of 20 Mountain Division, was assigned the task of capturing Hilli, a strategic border town in East Pakistan. The Brigade Commander of 202 Mountain Brigade was Brigadier Farhad Bhatti, VSM, erstwhile courageous Commanding Officer of 4 Grenadiers of Asal Uttar fame. 8 Guards was tasked to capture Morapara which was part of North Hilli, with 5 Garhwal Rifles as reserve. 22 Maratha Light Infantry was the other unit in the Brigade. For the attack on Morapara, a medium regiment

less a battery, two field regiments, a light battery and a squadron of T-55 tanks were in support. Lt Colonel Shamsher Singh was the Commanding Officer of 8 Guards and Major SK Chaudhuri, the Second in Command.

Hilli was partly in India and partly in Pakistan, with the Pakistani railway line running north - south. 202 Mountain Brigade was located in Trimohininear Hilli, and its units carried out extensive training and recce of the Pakistani defences. The enemy 205 Infantry Brigade in the Hilli complex was led by Brig TajammulHussain Malik. According to Pakistani Columnist, Col NiaziTi, "The fortifications here were a classic example of defence in the history of modern warfare."

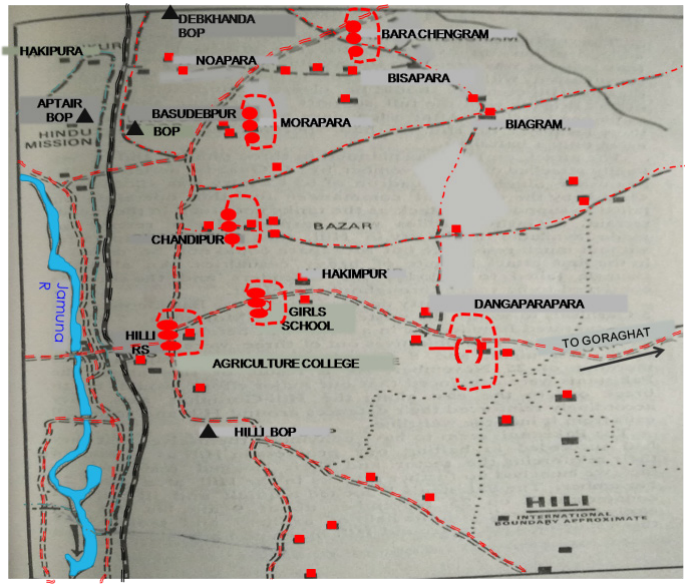
Enemy Dispositions

As per intelligence available, Hilli Defences were held by the famous "Bawanjas" 4 Frontier Force, the erstwhile pre-partition Regiment of our then Army Chief, General Sam Manekshaw,MC.

Morapara was the stronghold of the Pakistani defences in Hilli and all other defences in Hilli were based on it. Solid bunkers had been constructed

using railway tracks and sleepers and were sited for all round defence. Water logged and overgrown paddy fields were all around and fortifications were strengthened by mines, booby traps and barbed wire. Large numbers of machine guns were deployed; some on top of houses and trees, and the ponds and marshes were imaginatively incorporated into this impregnable fortress. The enemy was very well entrenched, knew that we were coming and was waiting.

The enemy defended area was well integrated. Every inch of ground had been defended; houses were converted into shell-proof pill boxes. It was going to be a battle of attrition between the Guards and the Bawanjas. Appreciated enemy dispositions are as shown on the sketch below.



Appreciated Enemy Deployment

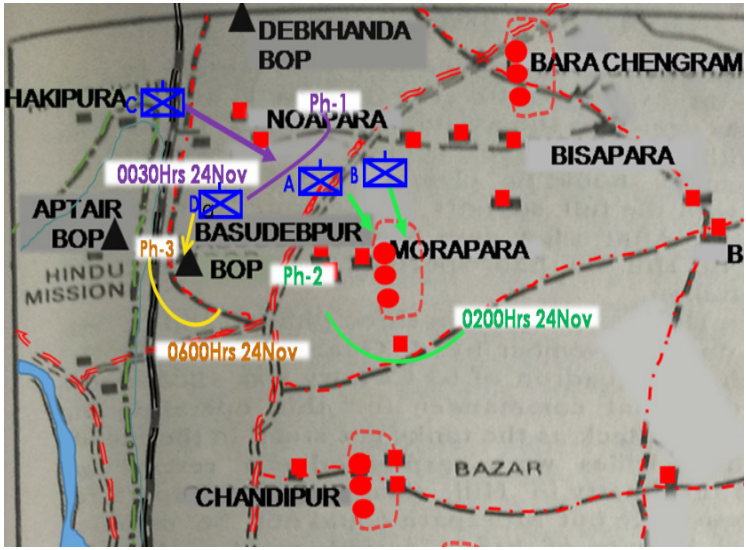
Plan of 202 Mountain Brigade

202 Mountain Brigade tasked to clear Hilli had on its orbat 8 Guards, 22 Maratha Light Infantry, 5Garhwal Rifles and 16 Rajput.The Brigade was allotted 38 Medium Regiment(less Battery), 97 and 100 Mountain Regiment, 118 Light Battery,'A' Squadron 63 Cavalry (By First Light), Platoon 75 Field Company ex 235 Engineer Regiment. 8 Guards was tasked to lead the initial attack with 5 Garhwal Rifles as reserve.

Attack Plan

Based on intelligence available the plan of attack of 8 Guards was as follows:-

Phase 1: Capture of Noaparaby 0030 hrs 24 November 71 by "C" Coy.
Phase 2 : Capture of Morapara by "A" and "B" Coy by 0200 hrs 24 November 71.
Phase 3: Capture of Basudeopur BOP by "D" Coy by 0600 hrs 24 November 71.



Attack Plan of 8 GUARDS

The Battle of Morapara

D Day, after being postponed umpteen times finally arrived! It was the fateful night of 23-24 November 1971 when the Guards moved in for the assault. Prior to the midnight attack on 23 November, artilleryhad begun their bombardment from the afternoon itself. It felt as if an earthquakewas occurring. Yet, later it was found that only an odd bunker on the objective had collapsed due to artillery fire. We moved in from the North and 'B' Company secured Ghasuria as the firm base. 'C' Company under Major PP Singh captured Noapara, north of Morapara,with few casualties as it was lightly held.

Ataround 1 am, under the cover of artillery bombardment, the assault led by 'A' and 'B' Companies commenced. Murderous machine gun fire was coming from well entrenched defences as the troops approached the objective. The right assault 'A' Company Commander, Major HemantManjrekar, led from the front exhorting his men to follow him. He was at the head of his

company having negotiated mines, wire obstacles, booby traps in waist deep water.Hit by a machine gun burst, he continued forward and lobbed a grenade in the enemy bunker destroying it before another burst got him in the head. If 'A' Company covered itself with glory, the man responsible was Manjrekar! He was found on the objective facing Morapara with his one arm raised towards the heavens, bearing testimony to the valour of this prince among soldiers. Regretfully, although recommended for the highest gallantry medal, he received no award! Motivation levels of 'A' Companycan be gauged from the fact that all its three officers were killed on the objective.

Seeing Manjrekar attain martyrdom, his brave operator, Lance NaikSrilal joined Second Lieutenant Shamsher Singh Samra, commanding the left assault platoon. Samra was at the enemy defences, when he came under machine gun fire and received a burst on the right chest. Unmindful of his wound, he charged the bunker lobbing a grenade and destroying the gun. He had earlier confided to me "My ambition in this war is to pull out an MMG from a Paki bunker." True to form, he neared another enemy bunker and was about to pull out the gun, when he got a burst again. He tried to remove the pin from his grenade to lob into the bunker when he was mortally wounded. He was found at the bunker that he successfully neutralized, with a sten gun in one hand and a primed grenade in the other! His dream to pull out a Machine Gun remained unfulfilled, but in the eyes of his comrades, he remains immortal! Samra deservedly won a posthumous MahaVir Chakra! A number of individuals from 'A' Company were mortally wounded; among them were Havildars Kailashnath Tewari and Manbhal Upadhyay who were wounded but continued to fight hand to hand with determination and later succumbed to their injuries. It was evident that this company had borne the brunt of enemy fire.

'B' Company was the left assault company and veered off to further left. Captain SK Bansal took over the company after the Company Commander was evacuated and along with Subedar Raj Bahadur Singh and NaibSubedar Mohammed Nayeemled the assault with a lot of courage and fortitude. Bahadur, hit by a fragmentation mine, continued the assault and silenced a heavy machine gun. He continued leading his men but eventually succumbed to his injuries. Nayeem, despite being wounded exhorted his men and was ultimately killed. However, along with Bansal, they had cleared a part of the objective and managed to get a tenuous hold on it. Raj Bahadur Singh was decorated with a posthumous Vir Chakra; Bansal was awarded a Mention-in-Dispatches, while the courageous Nayeem did not get any award despite being recommended. Junior leadership was at its very best; as leaders fell, others sprang up and took up their place and joined in the fierce hand to hand combat.

Assessment of the situation in the fog of battle is indeed tricky. "Cometh the Hour, cometh the Man!" It was now the youngest officer of 'the battalion, Second Lieutenant Parmanand Guptaof "A" Company who rose to the occasion. Srilal, the Radio Operator, spoke to the Commanding Officer who ordered him to get hold of Gupta, collect remnants of the troops and to assault. With 'B' Company pinned down, and briefed by Srilal, Gupta, with maturity and sangfroid beyond his years, reorganized elements of his company and in concert with Subedar Dallu Prasad launched an audacious attack. He cleared two bunkers before he got a burst. It was a tragic end to the indomitable courage shown by this youngster, who was found leaning on a tree with bullets riddled all over him. The bravery displayed by him was amazing! He too went unsung and unrecognized despite being recommended for an award. Srilal, moving from trench to trench came across individuals speaking in Urdu. He immediately fired a burst killing three Pakistanis. Another brave soldier who redeemed himself with his audacity was Naik Ram Din Singh who also made the supreme sacrifice.

Launch of Reserve Company

Since the leading companies at Moraparawere facing stiff resistance and considering the number of casualties, the Commanding Officer carried out re-assessment and appreciated that the defences were held much more strongly than the earlier assessment. Thus he took the decision to launch 'D' Company under the unassuming Major KK Rao. Rao, although wounded initially, continued to lead his gallant comrades. As he destroyed a bunker, he was struck by a machine gun burst. The courageous officer refused to be evacuated andsuccumbed to his injuries while urging his men forward. He was awarded the Sena Medal posthumously for his gallantry. Captain Vishnu Sharma took over the reins of the company and put up a dogged fight throughout the night, holding on to his part of the objective that had been captured. He was awarded a Vir Chakra.

One of the most spirited actions was fought by Lance NaikRam Ugrah Pandey of 'D' Company, who destroyed three machine gun bunkers with grenades and a rocket launcher respectively before he was mortally wounded. He was the second posthumous winner of the MahaVir Chakra. There were others from 'D' company who emulated his example, notably Lance NaikMahadeo Singh and Company Havildar Major Harpal Singh. The hand to hand combat continued throughout the night of23-24 November.

Attack on Basudeopur Border Outpost

At dawn on 24 November, the Brigade Commander, Brigadier Bhatty, seeing the heavy resistance faced by 8 Guards, decided to attack Basudeopur

BOP, adjacent to Morapara, with a company of 5 Garhwal Rifles. The brave Garhwalis fought with grit, duly capturing the objective after suffering heavy casualties.

Change in Attack Plan and Cancellation

Considering the delay in achievement of task allotted, the Brigade Commander explored the feasibility of carrying out a day light attack on Morapara with reserve battalion 5 Garhwal Rifles. However, considering the number of casualtiesalready suffered in the night attack and the orientation time required for the newly inducted Squadron of 69 Armoured Regiment(PT-76), the attack was called off.

Situation at Morapara on 24-25 November

On Mid-day 24 November, the situation was uncertain with 'D' Company running out of ammunition and the enemy continuing with intense shelling. The heavy T-55 tanks got bogged down in the paddy fields and were thus not able to provide valuable support. At this stage both adversaries having faced heavy casualties over a 42hrs non-stop battle, broke contact.

All assaulting companies organized themselves at Noapara to re-launch attack. Throughout day 24 November, a stalemate continued, characteristic of an infantry battle involving highly motivated, die-hard and determined combatants. The situation could have gone either way. On night 24-25 November, probing actions on the enemy were carried out with vigorous patrolling and raids. All attempts to breakthrough from the north and west failed. However, by first light 25 November, Second Lieutenant KSR Jain's columnof 'C' Company secured a foothold on the East of Morapara. Seeing this opportunity, the Commanding Officer launched'C' Company underMaj PP Singh followed by rest of the Battalion and the objective wasfinally capturedby 1000hrs.

The enemy counter attack came immediately and was repulsed supported by artillery and tank fire of the newly inducted light PT 76 tanks of 69 Armoured Regiment. The casualties strewn on and around the objective told its own story and reflected the intensity of the bitter battle. A glorious chapter had been written in the history of this valiant battalion.

As John Donne says "Death be not proud!"

The defences at Morapara were heavily fortified which included 72 bunkers. The entire area was developed into an obstacle belt and held by company (plus 2) supported by elements of Recce and Support Battalion. The Brigade Commander who visited the defences was surprised to see such heavy fortification.

Officers and Men of 8 GUARDS after capture of MoraparaDefences

From Left to Right :Capt PT Ghogale(the author-without helmet), Lt Col Shamsher Singh, Maj PP Singh and Second Lieutenant KS Roy Jain

Actions of 22 Maratha Light Infantry and 5 Garhwal Rifle

On night 25-26 November, 22 Maratha LI staged forward to Noapara and on 26 morning there was a loud explosion in front of their 'B' Company. One of the JCOs of the Company had his leg blown off and the Company Commander MajDadkar along with his Medical Orderly immediately left their trench in order to retrieve the JCO. Elements of enemy counter attack force which were in vicinity opened automatic fire and killed both MajDadkar and theMedical Orderly.MajDadkar was awarded a well-deserved Vir Chakra for his self-sacrifice.

Capture of Debkhanda BOP

This BOP was located north of Hilli and the Brigade Commander now tasked 5 Garhwal Rifles to capture it.'D'Company commenced assault on the position,but due to heavy resistance and flanking fire, were forced to firm in. Hence, 'B' Company under MajRanjit Singh was moved to clear

the enemy in the flanking position which was interfering with the attack. MajRanjit was wounded and had to be evacuated. 'B' Coy,now under Second Lieutenant JJS Rane and 'C' Company patrol under Second Lieutenant VK Puri cleared the positions with heavy losses. In this action the Commanding Officer Lt Col Subash Chandra was hit by a bullet in the knee and had to be evacuated and thereafter Maj MS Thapa assumed command. Debkhanda BOP was finally captured on 05 December71. Both Second Lieutenant JJS Rane and Second Lieutenant VK Puri laid down their lives with the former being awarded a Vir Chakra.

Second Battle of Hilli

While 202 Mountain Brigade was engaged in Hilli, namely 66 Mountain Brigade and 340 Mountain Brigade sidestepped Hilli and were able to capture depth position of Pirganj by 07 December. 202 Mountain Brigade was tasked to clear the rest of the Hilli complex and accordingly the second Battle of Hilli started on 09 December71.

Capture of Bisapara and BaraChengram

22 Maratha LI was given the task to capture Bisapara and BaraChengram on 09 December. The Commanding Officer Lt Col VR Swaminathan tasked 'C' and 'D' Company to capture Bisapara and BaraChengram respectively. 'C' Company secured their objective without any hitch since they were very few Pakistanis who were easily over powered. 'D' Company under Major S Patil met with stiff resistance and captured the position with good leadership and overwhelming firepower.11 Pakistan soldiers were captured in this operation.

Defence of Morapara

During the sixteen odd days 8 Guards spent holding the Morapara defences after its capture, the enemy repeatedly pounded us with machine gun, artillery, mortar and recoilless gun fire. We continued holding the defences, even though there was an offer from the Division to relieve us. This decision of the Commanding Officer enabled the capture of the balance of Hilli Complex and facilitated the unit's further march towards Rangpur and Dinajpur! 75 Field Platoon of 235 Engineer Regiment commanded by Captain KK Paul with Havildar Ram Bahadur and our Pioneerplatoon cleared mine fields and booby traps at night courageously assisting us in our patrolling activity and recovery of our martyred personnel.Second in Command Maj SK Chaudhuri ensured that each and every fallen comrades' body was recovered and duly cremated.

Action of 8 Guards on 10-11 December 1971

8 Guards was tasked to clear the enemy from Chandipur, Hakimpur and Dangapara and thus clear the axis. 'C' Company under Maj PP Singh with Second Lieutenant KS Roy Jain in the lead cleared Chandipur and Hakimpur with bold action. Dangapara, which was fairly strongly occupied was captured by 'D' Company under Maj SS Saini by infiltrating through sugarcane fields. Thus the entire Hilli complex was cleared of enemy.

Casualties in Hilli

As per Pakistani records, their casualties in the entire Battle of Hilli were 1 Officer, 6 JCO's and 100 Other Ranks. 8 Guards casualties in the battle included 70 killed, including 4 Officers, and 2 JCO's including one Other Rank each from 38 Medium Regiment and 235 Engineer Regiment. A total of 130 were wounded including 6 Officers, 4 JCO's, of which 2 were from Artillery and 1 Other Rank from 235 Engineer Regiment. The Battle of Morapara itself accounted for about 50 killed and almost a hundred wounded. 22 Maratha LI suffered 1 Officer, 2 JCO and 23 Other Ranks killed while from 5 GarhwalRifles, 2 Officers, 1 JCO and 15 Other Ranks made the supreme sacrifice. While the number of casualties suffered by JCOsand Other Ranks from both sides were almost similar, there was a quantum difference in the number of officer casualties.It brings out the stark difference in the style of officer leadership in the opposing armies and reminds me of the daring of Israeli Officers in the Arab-Israel War of 1967!

As per their records, Pakistanis thought that three battalions had attacked them on the night of 23-24 November, first at 0100 hours, second at 0130 hours and third on the morning of 24 November. In reality, the first assault was by 'A' and 'B' Companies, the second by 'D' Company and the third at dawn on 24 November, was on BasudeopurBOP by a company of the Garhwalis. Imagine the ferocity of the attack if the enemy felt the way they did! Kamran, the captured Pakistani officer, also confirmed that they thought 2 battalions had attacked at midnight 23November.

While visiting the Military Hospital, General Lehl was told by a wounded Guardsman, "Do check how Guardsmen were lying dead at Morapara.All would be facing the enemy". Lehlin his book "Indian Sword Strikes in East Pakistan" says "How right he was! No wonder 8 Guards fought so well."

Gallantry Awards

It may not be widely known that the Pakistani Company Commander holding Morapara; Muhammad Akramwas posthumously awarded the Nishan-e Haider, the highest gallantry award in the Pakistani Army! Even General Manekshaw wrote a letter to the Pakistani Army Chief

complimenting on the fight put up by his old regiment in Hilli! Second Lieutenant Mohammed Salim Khan received Sitar-e-Jurat and Brigade Commander Malik received the Hilal-e-Jurat, the only captured Pakistani Brigadier who was later promoted.

8 Guards was awarded 3MVCs(including the Commanding Officer for leadership in battle), 2VrCs,1SM and 7Mention in Dispatches including four from Artillery. They also received Theatre Honour and Battle Honour and were selected as one of the three units to participate in the Republic Day Victory Parade on 26 January 72. Their contingent was also given the honour of presenting the first Guard of Honour to the newly established Amar JawanJyoti at the India Gate.

22 Maratha LI was awarded 1VrC and 2 Mention in Dispatches and Theatre Honour.

5 Garhwal Rifles was awarded 3VrCs,3SMs and 7Mention in Dispatchesand Theatre Honour and Battle Honour.

Analysis

The Battle of Hilli is a famous battle; however there is some controversy surrounding it. There is, therefore, a need to put it in proper perspective. The Commanding Officer made the best decision under the circumstances. An analysis of the battle brings out the following points:-

(a) Enemy dispositions were not in consonance with the intelligence available. Whereas we were informed that Morapara was held by one Platoon; in actual fact it was held by a Company plus 2 Platoons reinforced by elements of Recce and Support Battalion and supported by tanks ex 29 Cavalry and Artillery.

(b) There was opposition to the plan of the Army Commander from the Corps Commander as well as the Division Commander since Hilli was likely to be strongly held. However, the Army Commander permitted the use of only one Battalion for the attack with the rider that tanks to be used only if case the enemy does so.

(c) It is said that 8 Guards attacked frontally. Frontal would have been across the Railway line and Jamuna River. In the South was the Hilli town and therefore the only direction of attack was from the North.

(d) It is often said that the Commanding Officer should have put his foot down and not agreed to attack against such highly fortified defences. I want to ask those who put forward this question "If you were the Commanding Officer and if your Battalion was selected out of the entire Division for this task, would you refuse??"

(e) Incorrect grouping of armour was one of the main reasons for the large number of casualties. Armour advisers should have carried out correct

appreciation of the tank going and ensured that a Squadron ex 69 Armoured Regiment(PT-76) was allotted instead of a Squadron ex 63 Cavalry(T-55) which got bogged down in the marshy paddy fields and was unable to provide fire support. PT-76 provided valuable support with their amphibious capability.

(f) Junior Leadership was its best. As one fell, another took over. A story related by Brig RD Palsokar of the GuardsRegiment and Commanding Officer of PW camp at Gwalior post the war is worth recounting. As per him, a platoon of 4FF was interned in his camp as PWs. A Platoon Havildar of 4FF seeing his Guardsuniform narrated to him the sheer ferocity of assault of 8 Guards on night 23-24November on Morapara held by them as part of Company plus defences. Further, he said that a Sikh soldier leading the assault was 50 yards ahead of his troops. That officer had to be the one and only Second Lieutenant Shamsher Singh Samra, MVC(P). Only after he was shot down that they realized that he was an officer seeing his epauletts.Brig RD Palsokarsaid that the assertionof 4 FF Platoon Havildar added shine to his Guardsaccoutrement.

"For the foot soldiers, there's a Thin Red Line
Which divides the sane from the mad
-Rudyard Kipling

(g) The assaulting troops after clearing Noapara easily, felt that Morapara would also be a cake walk. In the bargain when they came across the cattle fence, instead of cutting it as per drill, they were shaking it vigorously with booby traps going off and commencement of murderous fire from the enemy, resulting in heavy casualties.

(h) When bullets fly overhead, there is a different man altogether! While those who boasted before the war were found to be wanting, quiet and unassuming individuals like Second Lieutenant PN Gupta and some others fought valiantly sacrificing their life for the motherland.

(i) Communication played an important role. While one of the leading companies lost contact since the operator was killed, the other company maintained contact due to the bravery and resourcefulness of the signal operator Lance/NaikSrilal who moved from one fallen officer to another and so on, thus maintaining contact with the Commanding Officer.

(j) Combat ratio was inadequate; prime example being approximately two

Companies assaulted almost two Companies at Morapara and also at some other locations.

(k) While Artillery did a commendable job in putting down the head of enemy, acting as a great morale booster and destruction of some defences; there was only one bunker out of the 72 at Morapara which had collapsed since they were reinforced with railway tracks and sleepers.

Conclusion

In war, it is leadership which makes the difference between success and failure. Our proven dictum is that officers lead from the front. There is no doubt about that! However, spare a thought for the valiant men who followed their officers into the valley of death so to say. What went through the minds of that band of wonderful soldiers when their commanders said "Follow Me!" What was their motivation? Why were they so inspired? What made them put aside their family attachments and bravely march into the jaws of death? Was it similar to what we youngsters boasted before the war about our need to teach the Pakis a lesson! The aftermathof a battle can be debilitating when one remembers comrades who have been part one's life and who are no more.

At Morapara, there were some tense moments as we crossed the FUP andlarge number of enemy machine guns deployed on the flanks opened up. It was then that the Manjrekars,Samras, Guptas and Raj Bahadurs achieved sublimity! They, in the highest tradition of the Army, stood their ground standing tall in the hail of murderous fire. Reason enough for them to follow in their leaders' footsteps?! A feeling of melancholy gets the better of me as the martyrs faces appear fleetingly before me; quite a few were my Commando Platoon colleagues.

This Battle speaks volumes of the tenacity and fortitude of our men that despite heavy odds and fighting a protracted battle over 42 hours, 8 Guards came out victorious. We suffered mind boggling casualties, which possibly would have been reduced had the PT-76 tanks fetched up earlier. As a later day Armoured Brigade Commander, I am aware of the limitations of T - 55's in riverine terrain.

The units in Hilli received many awards; but there were countless others who fought valiantly, unsung and unheralded being deprived of deserved recognition.

"In War, the soldier gets no reward
But honour – that of the Regiment"
-Brig Desmond Hayde, MVC of Dograi

The Battle of Hilli may well be considered a classic example of sheer guts, sacrifice and determination to win against all odds by a gallant band of soldiers of a highly motivated unit. The Indian Army had got the better of the enemy's "best" for time immemorial. This Battle was for years staged at the Indian Military Academy, Dehradun, primarily to motivate the Gentlemen Cadets.

The souls of the martyrs' will rest in peace secure in the knowledge that their deeds have indeed been showcased for posterity and to serve as an inspiration to future generation of soldiers.

"From The Rising Of The Sun To The Setting
We Shall Remember Them!"
-Julian Grenfell, DSO

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The Kashmir Gambit

By Jayant Umranikar

Bobby Fischer was an eccentric genius, a chess grandmaster who won 'the Game of the Century' when he was 13 years old and the International chess Championship in 1972 in what is known as 'the Match of the Century.' Bobby's unorthodox moves would surprise his opponents as they seemed to be random and un-coordinated till the end-game. In the hindsight, it seems as if another grandmaster had planned the moves leading to the change in the status of J&K.

It may sound far-fetched but the first move in the game, seemed to be the much-maligned demonetization. In retrospect, it was not an economic move but a political one; demonetization seems to have depleted the coffers of many political parties, especially the regional outfits, leading to the electorally spectacular rise of the BJP. It culminated in a huge victory in 2019 parliamentary elections and gains in Rajya Sabha.

Intelligence reports suggest that demonetization had also caused disruption in terrorist funding and in 'daily wages' paid to stone -pelters in J&K. The surgical strikes after Uri and Balakot terrorist attacks stood out in comparison to the lack of response to 26/11 terror attack in 2008 and ensured that national security and nationalism dominated the election-narrative. After this successful opening gambit, the Modi-2.0 government in 2019 was now, numerically, in a position to fulfil its longstanding assurance in the election manifesto, of changing article 370.

However, there were many other moves undertaken before the actual end game began.

- The J&K assembly elections of 2014 had given 28 seats to PDP and

25 to BJP. The shrewd alignment with PDP to form the government gave BJP double advantage – an insight into the governance of J&K and a chance to neutralize the popular, separatist base of PDP. By the time BJP withdrew support to Mufti government, (June, 2018) their opportunistic alliance had eroded PDP's popular base to an extent that the ex-CM, Mehbooba Mufti lost the parliamentary election of April-May 2019 from her home seat! The Black Queen had fallen. (Since the BJP had moved first, as per the game of chess, their opposition has been described as black; there is no other reason).

- The unexpected fall of the J&K government spread disarray among separatists ranks and traditional political, dynastic parties that could offer no alternative government leading to dissolution of the assembly and imposition of Governor's rule. Concerted action against known separatists and terror-financiers opened up the opposition flank and the Governor - the Centre's rook - got freedom to move far and wide against the terrorists as well as their sympathisers, using a massive build-up of troops in J&K.
- In June, the Centre hinted at delimitation of Assembly and Parliamentary constituencies in J&K to ensure equitable representation to all regions, especially, Jammu & Ladakh. The last delimitation exercise had been held in 1992-95. In 2002 Farooq Abdullah, the then CM, had arbitrarily amended the state's constitution to prevent any delimitation exercise till 2026, obviously to keep the political power within the Kashmir valley having 96% Muslim population. Hence, the state did not participate in the nationwide delimitation exercise of 2008.

The new delimitation could change political power equations, if

1. The anomalies in the size of constituencies (assembly and parliamentary) get corrected,
2. Gujjars, Bakerwals and Gaddies who were given Scheduled Tribe status in 1991 and form 11 per cent of the state's population, get political reservation,
3. Refugees from West Pakistan settled in the state, mostly in Jammu, get voting rights,
4. The exiled Kashmiri Pundits return to J&K,

The representation of Jammu could rise substantially and the party controlling Jammu assembly seats could vicariously control J&K assembly.

- On August 2, 2019 a landmine with Pakistan markings and one M-24 American sniper rifle with a telescope, were found on the Amarnath pilgrimage route. In view of the intelligence alerts, the pilgrims and

tourists were advised to "immediately" leave Kashmir.

With induction of additional troops, the Centre had castled the state of J&K before the crucial move of August 5, 2019 when President Kovind issued a constitutional order superseding the 1954 Presidential order and making all the provisions of the Indian constitution applicable to J&K. Following the resolutions passed with huge majority in both houses of the parliament, the President issued a further order on 6 August declaring all the clauses of Article 370 except clause 1 to be inoperative.

In addition, the Jammu and Kashmir Reorganization Act was passed by the parliament, dividing the state of J&K into two union territories, viz., Union Territory of J&K and Union Territory of Ladakh by 31 October 2019, transferring the control of the previous J&K state to the Union government through the office of the Lt-Governor.

As per Article 3 of the Indian Constitution, the Parliament can legislate to alter the boundaries of any state, change the name, etc. The proviso of consulting the state is non-binding on Parliament. After ascertaining the views of the state, (presently, under the Governor's rule) Parliament can do so by law.

- On external front, foreign visits of the PM Modi to Bangladesh, Gulf and Arab states brought about greater understanding of Indian position on Kashmir and of financial benefits of aligning with an emerging economic power. Conferment of national awards on Modi by UAE and Saudi rulers, immediately after the changes in Art 370, denied the traditional Islamic space to Pak diplomacy. The Black King, Pakistan, had little room left for maneuver.

UNGA 2019

Pakistan's propaganda machine worked overtime criticizing changes in J&K status prior to 74th session of the United Nation General Assembly (UNGA), especially the curfew and communications blackout imposed in Kashmir. Pak PM, Imran Khan delivered a Kashmir-centric speech, breaking protocol, time limit, decorum and sanctity of the UNGA to warn the world of a nuclear war over Kashmir.

In contrast, Indian PM Narendra Modi addressed the UNGA on development but warned the world of the menace of terrorism. He urged for a united stand against terrorism and countries harboring terrorism (Pakistan?).

While exercising the right of reply to Khan's speech, Indian representative called it "hate speech" and "brinksmanship." She accused Khan of hypocrisy and representing "a medieval mindset." She pointed out that Pakistan was home to 130 UN designated terrorists and 25 terrorist

entities proscribed by the UN and hence on the FATF grey list.

Pakistan's nuclear bluff was called and it got isolated universally, failing to win the support of 16 members of the UN Human Rights Council (UNHRC) to present a resolution on the Kashmir issue. No country except Turkey and Malaysia, brought up Kashmir in a formal statement at UNGA.

Legal Position

While the world reaction to the changed status of J&K has been muted, we may also examine if the Constitutional orders issued by the Indian President on J&K and later ratified by both the Houses of Parliament, were constitutional.

Disputed territory?

After Pak-sponsored tribal invasion, the J&K acceded to India on Oct 26, 1947 through an accession instrument identical to all other princely states. Other states executed supplementary instruments ceding all powers, territory and adopted Indian Constitution but J&K limited accession only to communications, defense, external affairs and ancillary matters. Accession is an act of state and no organ of the Indian state can reopen the issue of accession. Unfortunately, the then, Indian leadership accepted the accession provisionally, subject to a promised plebiscite.

On 1 January 1948, India took the Kashmir matter to the UN Security Council, under Article 35 of the UN Charter which draws attention to matters endangering international peace. India approached the UN complaining about aggression on her territory but simultaneously promising to hold a plebiscite to confirm whether that territory was Indian! Effectively, our leadership made Kashmir a disputed territory by

- accepting the accession provisionally,
- internationalizing it and
- subsequently, endorsing territorial status quo during the Shimla Agreement (July, 1972) and by calling J&K a bilateral issue,giving Pakistan a status better than that of an aggressor and occupier.

UN Resolution 47 on Kashmir

Adopted on April 21, 1948, this resolution had two parts. The second part contained the Security Council's non-binding recommendations for restoring peace and conducting a plebiscite.

- Pakistan was asked to use its "best endeavors" to secure the withdrawal of all tribesmen and Pakistani nationals, to end to the fighting in the state.

- India was asked to "progressively reduce" its forces to the minimum level required for keeping law and order.
- India was asked to form a coalition cabinet and appoint a UN nominated Plebiscite Administrator to ensure a free and impartial plebiscite.

Thus, the UN gave Indian presence legitimacy while asking Pakistan to vacate aggression before the plebiscite. This precondition was never met by Pakistan which in fact ceded a part of occupied territory ('Trans-Karakoram' or 'Shaksgam' Tract) to China in 1963. By then, China had occupied Aksai Chin (1962) rendering the plebiscite impossible.

Introduction of Article 370

This was drafted in Part XXI of the Constitution titled 'Temporary, Transitional and Special Provisions.' Itmentioned that besides the subjects covered by the 'Instrument of Accession,' other articles of the Indian Constitution that gave powers to the Central Government would be applied to Jammu and Kashmir only with the concurrence of the State's constituent assembly. It gave special status to J&K with a separate constitution, a state flag and internal administrative autonomy.

While moving the article in the Indian Constituent Assembly (then article 306A), on Oct 17, 1949, GopalaswamiAyyangar (Rajya Sabha member and Central Cabinet Minister for Kashmir Affairs) had argued that Kashmir was not yet ripe for integration; India had been at war with Pakistan over J&K and though there was a ceasefire, the conditions were still "unusual and abnormal." Part of the State was in the hands of "rebels and enemies."

The Constituent Assembly of J&K, after its establishment, could recommend the articles of the Indian constitution that should be applied to the state or abrogate the Article 370 altogether. Since the Constituent Assembly dissolved itself without recommending the abrogation of Article 370, the article was deemed to have become a permanent feature of the Indian Constitution, as implied by various rulings of the Supreme Court of India and the High Court of J&K, the latest of which was in April 2018.

This article, along with Article 35A, decreed that the J&K state's residents live under a separate set of laws relating to citizenship, ownership of property and fundamental rights, unlike residents of other Indian states; Indian citizens from other states could not purchase land or property in J&K. The actual article is as follows;

Art. 370. Temporary provisions with respect to the State of Jammu and Kashmir.

(1) Notwithstanding anything contained in this Constitution,
(a) the provisions of article 238 shall not apply now in relation to the state of Jammu and Kashmir;
(b) the power of Parliament to make laws for the said state shall be limited to—
(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and
(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.
Explanation [1950 wording]: For the purpose of this article, the Government of the State means the person for the time being recognized by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948;
Explanation [1952 wording]: For the purpose of this article, the Government of the State means the person for the time being recognized by the President on the recommendation of the Legislative Assembly of the State as the Sadr-i-Riyasat (now Governor) of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office.
(c) the provisions of article 1 and of this article shall apply in relation to that State;
(d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify:
Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State:
Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.
(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second provision to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is

convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

The above interpretation governed Indian decisions on J&K till 1957.

Presidential orders

When Article 370 was originally created, only two articles of the Indian Constitution applied to J&K. Later, in exercise of powers, as conferred by clause (1) of article 370, many Presidential orders were issued with the concurrence of the J&K Government.

Presidential Order of 1950

The Constitution (Application to J&K) Order, 1950, came into force on 26 January 1950 along with the Constitution of India. It specified the subjects and articles of the Indian Constitution that corresponded to the Instrument of Accession as required by the clause b(i) of the Article 370.

Thirty-eight subjects from the Union List were mentioned as matters on which the Union legislature could legislate for the State. Some articles of the Indian Constitution were extended to J&K with changes agreed by the state government.

In all, "235 articles of the Indian Constitution were considered inapplicable to J&K, 9 were partially applicable, and 29 were applicable in a modified form".

Dr. Ambedkar had felt that the Article 370 as it stood in 1951, denied democratic rights to the people of J&K, in the name of safeguarding state autonomy.

Presidential Order of 15 November 1952

Issued at the request of the state government to abolish the monarchy of J&K, it amended the Article 370, replacing the phrase "recognized by the President as the Maharaja of Jammu and Kashmir" by "recognized by the President on the recommendation of the Legislative Assembly of the State as the Sadr-i-Riyasat".

The Legislative Assembly elected Karan Singh, the acting Prince Regent, as the new Sadar-i-Riyasat.

Presidential order of 14 May 1954

The next Presidential order was brought to formalize the 1952 Delhi Agreement between the J&K and Indian Governments but on 8 August 1953, Sheikh Abdullah was dismissed by the Sadar-i-Riyasat Karan Singh and Bakshi Ghulam Mohammad was appointed as prime minister in his place. Abdullah and his colleagues were arrested and imprisoned.

On 6 February 1954, the Constituent Assembly, having 60 of the original 75 members, unanimously adopted the recommendations of its Basic Principles Committee and the Advisory Committee on Fundamental Rights and Citizenship given below;

While preserving the internal autonomy of the State, all the obligations which flow from the fact of accession and also its elaboration as contained in the Delhi Agreement should find an appropriate place in the Constitution. The Committee is of the opinion that it is high time that finality in this respect should be reached and the relationship of the State with the Union should be expressed in clear and precise terms.

Based on these recommendations, the Presidential order of 1954 was. issued by then President Rajendra Prasad on the advice of the Jawaharlal Nehru's Cabinet. The Parliament was not consulted.

- Indian citizenship was extended to the 'permanent residents' of J&K (formerly called 'state subjects'). Simultaneously, the Article 35A was added to the Constitution, empowering the state to legislate on the privileges of permanent residents regarding immovable property, settlement in the state and employment.
- The fundamental rights of the Indian constitution were extended to the state. However, the State was empowered make laws on preventive detention for the purpose of internal security that were exempt from human rights challenges for twenty-five years. The State's land reform legislation (for acquiring land without compensation) was also protected.
- The jurisdiction of the Supreme Court of India was extended to the State.
- The Central Government was given power to declare national emergency in the event of external aggression; for internal disturbances, emergency could be declared only with the State concurrence.

In addition, the following provisions not covered in Delhi Agreement were also implemented:

- The Centre - State financial relations were placed on the same footing as the other States. The State's custom duties were abolished.

- Decisions affecting the disposition of the State could be made by the Centre only with the consent of the State Government.

Other Presidential Orders (1955–2018)

Thereafter, forty-seven Presidential orders were issued between 11 February 1956 and 19 February 1994, applying various other provisions of the Indian Constitution to J&K, with the 'concurrence of the State Government' and without any Constituent Assembly. Some Presidential orders were issued under President's rule when there was "no Kashmir government at all" (Jill Cottrell; expert on Constitutional / International / Comparative Laws). The concurrence in this instance was given by the Governor and that was upheld by the Supreme Court of India in 1972.

This way, 94 of the 97 subjects in the Union List were applied to J&K besides 260 of the 395 Articles of the Constitution of India. All of these orders had been issued as amendments to the Presidential Order of 1954. The then Home Minister, Gulzarilal Nanda (1963–1966) stated that the terms for the "special status" granted to J&K in Article 370 included a "very simple" process to amend, by an Executive Order of the President of India, whereas the powers of all other states could only be amended by the "normal process of (constitutional) amendment …….. subject to stringent conditions". He described Article 370 asa tunnel through which "a good deal of traffic has already passed and more will".

Autonomy of J&K

The subjects for legislation in the Indian constitution are divided into a 'Union List' (96 subjects), a 'State List' (66),and a 'Concurrent List'. The Union List includes defense, military and foreign affairs, major transport systems, banking, stock exchanges and taxes, etc. The State List has prisons, agriculture, industries and certain taxes, where States can legislate. The Concurrent List, includes criminal law, marriage, bankruptcy, trade unions, professions and price control on which both the Centre and States may legislate.

In case of conflict, the Union legislation takes precedence. The 'residual power', to make laws on matters not specified in the Constitution, also rests with the Union.

In the case of J&K, the 'Union' and the 'Concurrent' Lists were initially governed by the Instrument of Accession but were extended with the concurrence of the State Government. However, unlike the rest of India, the 'residual powers' continued to rest with the State rather than the Union.

Overall, ninety-four of the ninety-seven items in the Union List applied to J&K but the provisions of the CBI, and preventive detention

did not apply. Of the 'Concurrent List', twenty-six of the forty-seven items applied to J&K but the State had exclusive right to legislate on marriage and divorce, infants and minors, transfer of property other than agricultural land, contracts and torts, bankruptcy, trusts, courts, family planning and charities, etc. The right to legislate on elections to state bodies also rested with the State. The Central Election Commission had no role in J&K.

The following Acts passed by Indian Parliament have been extended to Jammu and Kashmir over a period of time.

- All India Services Act
- Border Security Force Act
- Central Goods and Services Tax Act, 2017
- Central Laws (Extension to Jammu And Kashmir) Act, 1956
- Central Laws (Extension to Jammu And Kashmir) Act, 1968
- Central Vigilance Commission Act
- Essential Commodities Act
- Haj Committee Act
- Income Tax Act
- Integrated Goods and Services Tax Act, 2017
- Negotiable Instruments Act
- The non-applicability of National Human Rights Commission (NHRC) Act citing Article 370 was set aside by the courts in 2010.

J&K Constitution

Article 370 allowed J&K to have a separate constitution thathad some interesting elements.

It solemnly resolved, 'in pursuance of the accession of this State to India which took place on the twenty sixth day of October, 1947,to further define the existing relationship of the State with the Union of India as an integral part thereof……'

Its Preamble and Article 3 stated that the State of J&K is and shall be an integral part of the Union of India. Article 5 stated that the executive and legislative power of the State extend to all matters except those for which Parliament has power to legislate for the State under the provisions of the Constitution of India.

Besides, the state gave special privileges to the permanent residents in matters such as residence, property, education and government jobs, which were denied to others. Article 35A of the Indian constitution protected any state law from human rights challenges, based on the Indian constitution.

Education and employment rights

The state officials of J&K have issued "permanent resident certificates" that discriminate by gender. The certificates issued to females are marked "valid only till marriage". Women married to Indian non-residents of Kashmir, were denied new certificates essential to acquire immovable property, education or employment within the state. Thus, the autonomy and special status granted to J&K made it possible to subvert standards of human rights.

Women's rights

In 2004, the J&K Legislative Assembly passed the Permanent Residents (Disqualification) Bill that deprived daughters of the state's permanent residents of all their native-born rights and privileges if they marry someone who is not the subject of Kashmir. This was a "violation of Kashmiri women's fundamental rights under the Indian Constitution" as the bill discriminated citizens by their gender. Apparently, this law was created to "protect the ethnic identity" of the people of J&K". The bill was supported by the National Conference Party and Peoples Democratic Party, but challenged by the Indian National Congress party.

Calls for abrogation of Article 370

In 2014, the BJP's general election manifesto had pledged to integrate the state of J&K into the Union of India. After the BJP won the elections, the Rashtriya Swayamsevak Sangh (RSS) called for the abrogation of Article 370. Former Sadar-i-Riyasat Karan Singh called for an integral review of Article 370.

However, in October 2015, the High Court of J&K ruled that the Article 370 cannot be "abrogated, repealed or even amended" as Article 370, clause (3) conferred power to the State's Constituent Assembly to recommend to the President on the matter of the repeal of the Article. Since the Constituent Assembly did not make such a recommendation before its dissolution in 1957, Article 370 has taken on the features of a "permanent provision" despite being titled a temporary provision in the Constitution.On 3 April 2018, the Supreme Court of India gave a similar opinion declaring that Article 370had acquired a permanent status. It stated that, since the State Constituent Assembly has ceased to exist, the President of India would not be able to fulfil the mandatory provisions required for its abrogation.

In 2019, as part of BJP manifesto for the 2019 general election, the party again pledged to integrate the state of J&K into the Union of India. On May 24, 2019, the Election Commission (EC) officially declared that the BJP had secured 303 seats and the BJP-led National Democratic Alliance (NDA) had bagged 354 seats in the 17th Lok Sabha.

Presidential order of 2019

On 5 August 2019, Home Minister Amit Shah announced in the Rajya Sabha that the President of India had issued The Constitution (Application to Jammu and Kashmir) Order, 2019 (C.O. 272) under Article 370, superseding the Constitution (Application to Jammu and Kashmir) Order, 1954.

This Order read down Article 370, i.e., the Article 370 had not been abolished (which required more detailed procedure) but acquired provisions that, inter alia, superseded the "Constitution (Application to J&K) Order, 1954". The Modi government used the power under Article 370(1) to amend Article 367.

The order stated that all the provisions of the Indian Constitution applied to Jammu and Kashmir now. In effect, this meant that the separate Constitution of Jammu and Kashmir stood abrogated.

The President had issued the order with the "concurrence of the Government of State of Jammu and Kashmir." *

The Order also added clause (4) with four sub-clauses to Article 367 under "interpretations";

1. The Indian Constitution will be construed as applying to Jammu and Kashmir;
2. The phrase "Sadar-i-Riyasatacting on the aid and advice of the Council of Ministers" shall be construed as the "Governor of Jammu and Kashmir".

*(In the 1972 case Mohd Maqbool Damnoo vs State of Jammu and Kashmir (1 SCC 536), the petitioner had challenged the constitutionality of interpreting and replacing the Sadar-i-Riyasat with the Governor of the state. The Supreme Court of India held that the "Governor is the successor to the Sadar-i-Riyasat and is able to give the State Government's concurrence to any amendments under Article 370")

3. The phrase "State government" shall include the Governor.
4. In proviso to clause (3) of article 370 of the Constitution, the expression «Constituent Assembly of the State referred to in clause (2)" shall read "Legislative Assembly of the State".

In the past, manyPresidential Orders under Article 370 had been issued when the state was under President's rule and the Union governments considered the "concurrence of the state government" to mean the Governor's concurrence.

(When Rajiv Gandhi was the PM, the President of India had issued an

order under Article 370, on 30 July 1986, extending Article 249 of the Indian Constitution to J&K in order to empower Indian Parliament to legislate on matters in the State List after obtaining a Rajya Sabha resolution. The then Governor Jagmohan gave concurrence on behalf of the state government as the state was under President's rule.)

After placing the Presidential Order 2019 before the Rajya Sabha, Home Minister Amit Shah moved a resolution recommending that the President issue an order under article 370(3) rendering all clauses of Article 370 inoperative.

(In 2016, the Supreme Court had stated that Article 370 would continue to be in force until changes take place in reference to sub-clause (3) of this Article. The government used this sub-clause to amend the provisions.)

This resolution was adopted by both houses of the parliament and the President issued Constitutional Order 273 on 6 August 2019 replacing the text of Article 370 with the following:

Art 370. All provisions of this Constitution, as amended from time to time, without any modifications or exceptions, shall apply to the State of Jammu and Kashmir notwithstanding anything contrary contained in article 152 (where 'State' does not include J&K) or article 308 (where 'State' does not include J&K) or any other article of this Constitution or any other provision of the Constitution of Jammu and Kashmir or any law, document, judgement, ordinance, order, by-law, rule, regulation, notification, custom or usage having the force of law in the territory of India, or any other instrument, treaty or agreement as envisaged under article 363 or otherwise.

Change of status of Jammu and Kashmir

On 5 August 2019, the Home Minister Amit Shah also introduced the J&K Reorganisation Bill, 2019 in the Rajya Sabha to convert J&K state into two separate union territories, namely Union Territory of Jammu and Kashmir and Union Territory of Ladakh. The former was proposed to have a legislature whereas the latter was proposed without it.

By the end of the day, the bill was passed by Rajya Sabha with 125 votes in its favour and 61 against (67%). The next day, the bill was passed by the Lok Sabha with 370 votes in its favour and 70 against it (84%). The bill became an Act after it was signed by the President.

The two union territories have come into existence on 31 October 2019.

Conclusion

Besides rewriting the Article 370, the President's Order

- amended Article 367, drawing its authority from Article 370(1).
- abrogated the entire Constitution of Jammu & Kashmir.
- As per the Order;
- The Legislative Assembly (LA) of J&K is deemed to be the Constituent Assembly (CA) of J&K.
- Consultation with LA becomes the Consultation with CA.
- Since the LA of J&K is dissolved, the Governor of J&K is deemed to be the representative of LA of J&K (equivalent to CA).
- Hence, the recommendation of the Governor is taken to be the consent of the CA to abrogate the Constitution of J&K and to bring about the changes in Article 370 to make entire Constitution of India applicable to state of J&K.
- The requirement mandated by Article 3 that altering the shape of a State should be done only after referring the Bill for views of the State Assembly, has been fulfilled as the Governor was consulted.

Going by the previous chain of events, there are umpteen number of precedents in the history of J&K where the Governor has acted as the CA. The Presidential Order cannot be faulted on the letter of the Law though the on spirit of the Law there could be various partisan interpretations. Besides, all the changes were brought about by following parliamentary procedures. About 2/3rd of the Indian parliamentarians passed the changes to Article 370.

A petition has been filed in the Supreme Court against the Presidential order by which Article 370 was withdrawn from J&K, seeking direction to declare it "illegal and unconstitutional". The petition has been filed by a Kashmiri lawyer, Shakir Shabir, claiming that the presidential order amending Article 367 was unconstitutional and void as it resulted in the scrapping of Article 370 that could not have been done in the manner in which it was done.

Although the matter is being heard by the Supreme Court, it has shown no urgency, possibly implying that the changes had, prima facie, legal justification. While hearing the matter on September 30, 2019 the judges postponed it, noting that they had no time to hear so many matters, "We have a Constitution Bench case (Ayodhya) to hear." When the matter was placed before a Constitution Bench on October 1, the Bench again postponed the hearing.

Coupled with SC orders issued in September on habeas corpus (against detention of political leaders) it seems the SC has accepted that national security took precedence over the ideals of civil liberties.

Path ahead:

There is a refrain that contrary to the government claims, the situation in J&K is not normal after the changes in Article 370. This begs the question whether the situation before that could really be described as normal.

Because of the protection given by Article 370, Kashmir had remained socially out of step with the rest of India; progressive legislations on women's rights, domestic violence, child protection and reservations did not apply in Kashmir. No industrialist, non-resident of J&K, could acquire land to set up industries and create jobs. Now, as a normal Union territory, J&K will not suffer from these infirmities.

The reaction of Jamiat-e-Ulema-e-Hind (JUH) to the changed status of J&K given below is very educative:

"It is our belief that the welfare of the people of Kashmir lies in getting integrated with India. The inimical forces and the neighboring country are bent upon destroying Kashmir. The oppressed and beleaguered people of Kashmir are stuck between opposing forces. The JUH stands steadfastly for the unity and integrity of the country and has accorded it paramount importance. As such it can never support any separatist movement rather it considers such movements not only harmful for India but also for the people of Kashmir."

The seventy-year status quo in Kashmir has been changed. Reactions of foreign governments have been understanding but some foreign media have been critical of the political clampdown in the valley, esp., internet shutdown, claiming Human Rights violation. However, Vint Cerf, one of the pioneers of the Net and "chief Internet evangelist" at Google, holds that 'Internet Access Is Not a Human Right'; technology is an enabler of rights, not a right itself.

It must also be appreciated that the clamp-down has protected the most sacred of the human rights - the right to life – while temporarily marginalizing other rights. The sting operation carried out by 'India Today' TV Channel (Dec 3, 2019) has confirmed that the internet clampdown had prevented terror financiers from transferring money to agents-provocateurs, thereby saving Kashmir from major trouble.

Some analysts have also argued that changes in the status of Kashmir have led to its internationalization and re-hyphenation of our ties with Pakistan. As mentioned by EAM, Jaishankar recently,

"This is thinking from the past, reflecting neither the strength of India, the mood of the nation nor the determination of the Government. Uninformed comments abroad on our internal affairs is hardly internationalization. And the reputational and real differences between India and Pakistan put paid to any hyphenation effort. In reality, these fears

are but a thinly disguised advocacy of inaction…….. to legitimize a status quo that has now been overtaken by history ……

A nation that has the aspiration to become a leading power someday cannot continue with unsettled borders, an unintegrated region and under-exploited opportunities."

Importantly, in the aftermath of the changes, Kashmir did not see any violent mass protest. The separatists in the valley or their handlers in Pakistan have dared not indulge in wide-spread adventurism and internationally the governmental responses have been reasonable, except from the traditional human rights violators like China and Turkey. In spite of motivated rumours about healthcare crisis, concentration camps and shortage of essential commodities, the ground situation has been nearly normal. There is normal civilian traffic and in the school examinations there was 99% attendance. Some human casualties were the result of terrorist attacks and not caused by security forces. The rule of law has been generally restored and Panchayati Raj is functional. Being a Union Territory, J&K will now see a more responsive and non-partisan administration. There has to be a concerted campaign to explain the changes to the general public and how they are going to help them.

While the mainstream politics may take more time to normalise, the national efforts should be directed at development and improving the welfare of the people at large, coupled with firm action against deliberate instigators of unrest. Ultimately, it is the people of Kashmir who will checkmate the terrorists and separatists. The move on the Article 370 has merely broken the stalemate in J&K.

Jayant Umranikar

Joined Indian Police Service in 1973. Selected for deputation to Cabinet Secretariat, New Delhi in 1979; specialized in International Communism, Islamic fundamentalism, esp. Pakistan and transnational organized crime/ terrorism; worked as Commissioner, Special Bureau, Mumbai and participated in investigations of the 1993 Mumbai bomb blasts as well as Purulia Arms Drop cases. Since retirement, he writes guest columns on security related and strategic issues in news papers/ journals and participates in TV debates on the topical issues.

Urgent Need to Setup the Indian Aerospace Commission

By Air Marshal Bhushan Gokhale (Retd), PVSM AVSM VM

It was in 1903 that the Write Brothers flew a heavier-than-air manned aircraft to usher in the era of aviation. The subsequent scientific advancements in this field were so rapid that the inherent characteristic of elevation enabled air-travel to compress the dimensions of distances and time. But it can be rightly said that 'while continents are being brought closer by aviation, it is unfortunate that the people are drifting apart'.

Hence within less than a decade of the first manned flight, the Italians had used aircraft in 1910 to drop bombs over the Turkish troops in Libya. British and Germans used aircraft during the First World War for bombing and reconnaissance roles proving that use of this platform would be a game-changer or in military terms known as 'Revolution in Military Affairs (RMA)'.

The Second World War had witnessed rapid technological advancement in aviation including multi-engine bombers, aircraft carriers and also aircraft operating with jet engines. This rapidity of incorporating latest technology into aviation continued thereafter resulting in use of the contiguous medium of Space into launching satellites and landing on the Moon. In just about 116 odd years since the beginning aviation, the quest and competition amongst nations continues to use aerospace for military superiority, air-transportation and for exploiting the frontier of Space.

India too had witnessed the first air-mail courier flight in February 1911, flown between Allahabad and Naini by a French pilot. Sensing

the need of military aviation in the Asian sub-continent, the British had established Indian Air Force in October 1932, which played very important role in both the Burma campaign and in the North West Frontier Provinces during the Second World War. Co-incidentally late JRD Tata flew first commercial civil-air flight also in October 1932 to establish India's first airline, the Tata Airlines to be renamed as Air India when the company became public limited in 1946. During the war the British had established almost 400 plus airfields, few big and a number of smaller ones with just an airstrip for quick refueling halt. With the British and American aircraft needing repair and overhaul facility within the theater of operations, Hindustan Aeronautics Limited (HAL) was established in private sector by Seth WalchandHirachand in 1940 at Bengaluru. At the time of India's independence on 15th August 1947, the country had inherited a number of assets and trained manpower to take advantage of this important sector of national security and economy. Since independence there have been many success stories but unfortunately there are many opportunities, which have also been squandered.

For the Indian aerospace environment, 2019 has been a very important year. The year started with the successful air strike by the Indian Air Force (IAF) on 26th February into Pakistan at Balakot, which has signaled a 'new normal' for the India's national security policy. This was followed on 27th March by Mission Shakti in which, Indian Defence Research and Development Organisation (DRDO) has successfully demonstrated India's ability to accurately shoot down a Low Earth Orbital (LEO) satellite.

On 22nd July 2019, the Indian SpaceResearch Organisation (ISRO) had successfully launched the Chandryan II, which consisted of a lunar orbiter, Vikram lander and Pragya moon rover. This was a unique expedition aimed at landing in the South polar area, which is also the dark side of the moon, not explored by any nation earlier. While the orbiter is functioning well, there was an unfortunate mishap during the landing of Viramon 6th September and hence the mission was partially successful. However, not being deterred by this partial failure, ISRO is once again launching a similar mission to the moon as Chandrayan-3 in November this year itself i.e. November 2019. ISRO has had a spectacular track record of making India one of the4 countries in the world to successfully send a lunar probe known a Chandrayaan-1 in 2008 and an interplanetary orbital space probe around Mars known as Mangalyaan in 2014.

However, the current analysis of Indian aerospace environment will not be complete if we fail to look at two other important elements; first is the Indian Civil Aviation and second is the indigenous design and manufacturing capability often referred to as 'Make in India'.

For the Civil Aviation sector 2019 has been a turbulent year with the country's biggest privately owned airline, Jet Airways has collapsed resulting into not only a big void in the air connectivity but also resulting into unemployment of 40 thousand plus employees. There are internal tussles within some of the other airlines as well. And to top it all, the national flag carrier Air India is making huge losses every year, which is forcing the Government to seriously disinvest and to look for its buyout preferably by an Indian private industry. Incidentally, Air India which was taken over by the Government in 1953 after passing of the Air Corporation Act in the parliament; many other airlines in the region which started in later years like the Singapore Airlines in 1972 and the Emirates in 1985 are way ahead in their asset management and profitability as compared to Air India.

As regards the Civil Aviation sector, India is the world's third-largest domestic and overall civil aviation market. The number of air passengers grew 16.3% annually from 14 million (1.40 crores in 2000–01) to 135 million (13.5 crores in 2015-16, both domestic and international).In spite of the economic slowdown the world over, it is only the Indian aviation traffic growth has been increasing steadily. The Indian aviation market is also estimated to have 800 aircraft by 2020.

India is looking at about 450 to 500 existing airports as potential airport for UDAN-RCS, including 400 airports not in use presently. These are mainly in Tier-II and Tier-III cities. Work on number of these has started with AAI having granted in-principal approval to 19 new airports in December 2017. Travel by civil air is not considered a luxury any more or being used by only the privileged few. The potential for business travel as well as tourism including 'medical tourism' is yet to be utilized in full. This also means more employment opportunities in not only the aviation sector but also in allied sectors of travel, tourism, hospitality et all. His will greatly help in creating jobs, a crying need in ensuring job creation for the large numbers of youth seeking employment.

Other area of disappointment in the Aviation sector is India's inability so far to produce an aircraft, which can be truly called indigenous. Light Combat Aircraft or Tejas has an imported engine, foreign make radar and many other electronic components to name a few. Soon after the war with China in 1962, Hindustan Aeronautics Limited (HAL) which was actually founded by Seth WalchandHirachand in 1940 as a private sector industrywas also made a Defence Public Sector Unit (DPSU) in the 60s. India started well in 1956 to co-produce Hindustan Fighter (HF-24) or Marut, with airframe to be made in India and engines by Egypt. However, the engine project did not succeed and India chose to fit British origin Orpheus engines, which were fitted also on the Gnat aircraft. Almost 150 aircraft were produced

and Marut did well in the 1971 war but was underpowered and heavy on maintenance.As such the project was terminated in the 80s.

The DRDO meanwhile has failed to produce a suitable engine for the HF-24 which is a repeat story of Kaveri engine for the LCA. While HAL made a number of good trainer aircraft like HT-2 and HJT-16 or Kiran, subsequent long gaps in aircraft design and development have resulted into heavy dependence on imports. In recent years HAL has been able to design and produce state of the art helicopters but the engines and many other electronic components in particular, need to be imported. DRDO too has made great strides in Missile technology and radars but has failed to deliver engines and some of the seekers, sensors as well as modern weapons. India continues to be dependent on imported aircraft and weapons making it the third largest importer of arms in the world.

There have been a number of shortfalls in our ability to make an aircraft in India. One of the main reasons for not being able to produce an indigenous aircraft has been long gaps in design and development. After HF-24 there was a hiatus of sorts and it took almost 30 years to initiate the LCA project. Meanwhile, a number of young scientists and other talent left the jobs and joined foreign companies where their talent was welcome. In my opinion if HAL-DRDO combine would have concentrated only on design and development of trainer aircraft, I feel that by now we would have been world leaders in this segment. This way we would have been able to develop an eco-system including Tier-II and Tier-III or SME industries to ensure faster rates of manufacture. We could have then jumped to other types including limited seat commuter aircraft, unmanned aerial vehicles etc. In our quest of making alltypes including helicopters,fighter aircraft and trainers, we have not been able to make a truly Indian made platform. Secondly, aircraft like the MiGs and Jaguars are produced in the CKD/SKD model with odd parts manufactured in India. I remember mentioning to the former Raksha Mantri, late Shri Manohar Parrikar that none of these aircraft assembled in India are bought by the OEM either for their country's air force or for re-export. Third biggest concern has been that HAL has had no competition, with private sector being denied this role till recently.

In order to bring in competition to the monopoly of DPSU like HAL, the recently promulgated Defence Procurement Policies (DPP) has allowed private sector to enter the bidding process, particularly for fighter aircraft and helicopters. The private sector industries have been allowed partnership with manufacturing companies abroad with a proviso that the manufacturing will be done within India and hopefully gain the 'know why' in that process. First such aircraft to be manufactured in India would be C-295, a transport aircraft as replacement for the Avro. This Tata-Air Bus

collaboration has the potential to possibly replace An-32 fleet also as this workhorse of the IAF is also ageing and will need replacement in the next decade or so. This aircraft can serve as a platform for ATR manufacturing in India with redesigning the ramp.

With great strides being made by ISRO on one hand and some, if not all expertise in the defence aviation sector, third major segment missing in the Indian eco-system is the civil aviation manufacturing. For the growing civil aviation sector we are importinglarge numbers of aircraft but have not applied the 'off-set' policy to derive any manufacturing benefits for the country. If we manufacture aircraft and spares within India, it will be a huge contribution to the 'Make in India' Programme. Allied with the civil airliners there are large numbers of corporate aircraft and helicopters, commonly referred to as General Aviation by the Ministry of Civil Aviation (MOCA). This is another huge potential for the Indian industry and for job creation. In addition, there is airport infrastructure, which can add to this wish list of indigenous manufacturing.

In order to take advantage of expertise available in the country in ISRO, DRDO, HAL, private sector, academia and other sectors, there is a need to bring synergy amongst all the stakeholders. It will help in developing common systems especially the electronics, radar, sensors and seekers used by the military aviation, civil aviation as well as the space segment. It will help in 'economies of scale' for industries to participate profitably. Formation of National Aerospace Commission will help in enabling the synergy, design and development as well as manufacturing common systems within India. Many other countries have established such umbrella organisation and have been benefitting in the global markets.

One of the classic examples of such an arrangement is of China which also started their indigenous programmes almost same time as India. China had established Aviation Industry Administration Commission in April 1951 during the Korean War. It soon started designing and producing aircraft initially for their defence needs and now for the civil aviation sector. China has not only stolen a march over India in indigenization but soon it will be one of the largest exporters of aircraft both civil and military as well as the drones or UAVs. In 1956 China has established an overarching commission named China Aerospace Science and Industry Corporation Limited (CASIC) which supervises all the segments of defence, civil aviation and space and has sent lunar landers and also manned flights into space. With their mission 'Made in China 2025', the Chines are well on track to be one of the self-reliant, export oriented aerospace leader in the world.

Soviet Union and now the Russian aviation industry has also worked in such a collaborative manner with a strong aerospace cluster functioning

under newly rebranded state owned conglomerate Rostec. Although USA does not have a formal organisation to ensure synergy amongst the stake holders, the Government does ensure it by periodic combined reviews with strong private industry-academia led cooperation.

Recent steps taken by the Government such as establishment of Indian Defence Space Agency in April 2019 along with the Defence Cyber Agency and Armed Forces Special Operations Division are welcome steps to ensure integrated collaborative approach for the Armed Forces. With direct hand-holding of the Space Commission by PMO, only two other ministries of MoD and MOCA will need to collaborate for the establishment of the National Aerospace Commission.Establishment of National Aerospace Commission at the earliest will go a long way in ensuring rapid progress in indigenisation of this strategic and economically important aerospace sector.

Jai Hind.

Air Marshal BN Gokhale,
PVSM, AVSM, VM (RETD),
Former Vice Chief Of the Air Staff, Consultant to the Principle Scientific Advisor to the Government of India and also to Defence Research & Development Organization (DRDO). Connected with various other important organizations and presently working as the Director of CASS

Ballistic Missile Defense System

By Tanay Bokil

Introduction

Ballistic Missile Defense Systems are a type of missile defense intended to shield a country againstincoming missiles, such asintercontinental ballistic missile (ICBMs) or other ballistic missiles. This technology is very advanced and complex. There are only 7 countries in the world which have this technology and India is one of them.

Countries that have Ballistic Missile Defense System are as follows:

- **United States of America (USA)**
  - Aegis Missile Defense System
  - Terminal High Altitude Area Defense System (THAAD)
  - Patriot Missile system

- **Russian Federation**
  - S-300
  - S-400
  - S-500

- **Israel**
  - Arrow 1
  - Arrow 2

- Arrow 3
- Arrow 4

- **China**
- **France, Italy and UK**
- **Taiwan**
- **India**
- Prithvi Air Defense (PAD)
- Advanced Air Defense (AAD)

The basic concept of Ballistic Missile Defense system is to hit and destroy the incoming ballistic missile launched by the enemy. In lay man's term it is to hit a bullet with a faster bullet. It is a very complex system to develop as there are many different types of military hardware andsoftware which have to be synchronized to perform very meticulous task. Even if one of the military hardware fails to deliver what it is supposed to do then the whole system fails to work.

Ballistic Missile Defense divides its systems into four phases, boost, ascent, mid-course and terminal, each corresponding to a different phase of the threat ballistic missile flight regime. Each phase offers different advantages and disadvantages to a missile defense system, and the geography of each defended area dictates the types of systems that can be employed; thus, the flexible and layered defense approach concept should improve overall defense effectiveness. The more opportunities you have to shoot it down, the better the chance of success.

Different Phases of Missile Launch and BDM's capability to intercept
Boost phase

This is the phase that can intercept all ranges of missiles, but the missile boost phase is only from one to fiveminutes. It is the best time to track the missile because it is bright and hot. The missile defenseinterceptors and sensors must be within close proximity to the launch, which is not alwayspossible. This is the most desirable interception phase because it destroys the missile early inflight at its most vulnerable point and the debris will typically fall on the launching nations'territory.

Ascent phase

This is the phase after powered flight but before the apogee(Highest altitude the missile can attain in its flight before re-entry). It is significantly lesschallenging than boost phase intercepts, less costly, minimizes the potential impact of debrisand reduces the number of interceptors required

to defeat a raid of missiles.

Midcourse phase

This phase begins after the booster burns out and begins coasting in space. This can last aslong as 20 minutes. Any debris remaining will burn up as it enters the atmosphere. Groundbased missile defense systems can defend from long-range and intermediate-range ballisticmissiles in this phase. Mobile elements can defend against medium and short rangedmissiles in midcourse.

Terminal phase

This phase is the last chance to intercept the warhead. This contains the least-desirableInterception Point (IP) because there is little room for error and the interception willprobably occur close to the defended target.

• United States of America (USA)

The United States of America's Missile Defense Agency (MDA) has its origins in the Strategic Defense Initiative (SDI).It was established in 1983 by Ronald Reagan which was headed by Lt. General James Alan Abrahamson. Under the Strategic Defense Initiative's Innovative Sciences and Technology Office headed by physicist and engineer Dr. James Ionson, the investment was predominantly made in basic research at national laboratories, universities, and in industry. These programs have continued to be key sources of funding for top research scientists in the fields of high-energy physics, supercomputing/computation, advanced materials, and many other critical science and engineering disciplines. The funding indirectly supports other research work by top scientists, and was most politically viable to fund within the Military budget of the United States environment. It was renamed the Ballistic Missile Defense Organization in 1993.Then it was renamed the Missile Defense Agency in 2002. The current commander is U.S. Air Force Lt. Gen. Samuel A. Greaves.

In 1993, due to the rapid dissolution of the Soviet Union led, to Bill Clinton focusing on theater ballistic missiles and similar threats, and renaming it the Ballistic Missile Defense Organization, BMDO. With another change to a more global focus made by George W. Bush, in 2003, the organization became the Missile Defense Agency.

The Missile Defense Agency is partially or wholly responsible for the development of several ballistic missile defense (BMD) systems, including the Patriot PAC-3, Aegis BMD, THAAD.

The United States of America has a three tier Ballistic Missile defense network. The systems are as follows:

• Aegis Missile Defense System

The Aegis Ballistic Missile Defense System (Aegis BMD or ABMD) is a United StatesDepartment of Defense Missile Defence Agency program developed to provide missiledefense against short to intermediate-range ballistic missiles. It is part of the United Statesnational missile defense strategy. Aegis BMD (also known as Sea-Based Midcourse) isdesigned to intercept ballistic missiles post-boost phase and prior to re-entry. It is the first line of defense.

• Terminal High Altitude Area Defense System (THAAD)

Terminal High Altitude Area Defense (THAAD), formerly Theater High Altitude Area Defense, is an American anti-ballistic missile defense system designed to shoot down short-, medium,and intermediate-range ballistic missiles in their terminal phase (descent or re-entry) byintercepting with a hit-to-kill approach. The THAAD missile defense concept was proposedin 1987, with a formal request for proposals submitted to industry in 1991.

THAAD was developed after the experience of Iraq's Scud missile attacks during the Gulf War in 1991. During the Gulf War in 1991 some of the Scud missiles were modified and were able to get through the Patriot missile batteries stationed in Saudi Arabia. These were later designated as silk worm. The THAAD's program manager Col. Charles H Driessnack is not new to the field as he was formerly the program manager for Patriot Missile System.The THAAD interceptor carries no warhead but relies on its kinetic energy of impact to destroy the incoming missile. A kinetic energy hit minimizes the risk of exploding conventional-warhead ballistic missiles, and the warhead of nuclear-tipped ballistic missiles will not detonate upon a kinetic-energy hit.

Originally a United States Army program, THAAD has come under the umbrella of the Missile Defense Agency. The Navy has a similar program, the sea-based Aegis Ballistic Missile Defense System, which also has a land component ("Aegis ashore"). THAAD was originally scheduled for deployment in 2012, but initial deployment took place in May 2008. THAAD has been deployed in Guam, the United Arab Emirates, Israel, and South Korea. The THAAD system is being designed, built, and integrated by Lockheed Martin Missiles and Fire Control acting as prime contractor. Key subcontractors include Raytheon, Boeing, Aerojet Rocketdyne, Honeywell, BAE Systems, Oshkosh Defense, and Milton CAT.

• Patriot Missile System

The MIM-104 Patriot is a surface-to-air missile (SAM) system, the primary of its kind used by the United States Army and several allied nations. According to Col. Charles H Driessnack "Patriotis a low tier defense system which has to deal with more than just ballistic missiles like cruise missiles, UAVs, aircrafts". It is manufactured by the U.S. defense contractor Raytheon and derives its name from the radar component of the weapon system. The AN/MPQ-53 at the heart of the system is known as the "Phased Array Tracking Radar to Intercept on Target" which is a ackronym for PATRIOT. The Patriot System replaced the Nike Hercules system as the U.S. Army's primary High to Medium Air Défense (HIMAD) system and replaced the MIM-23 Hawk system as the U.S. Army's medium tactical air defense system. In addition to these roles, Patriot has been given the function of the U.S. Army's anti-ballistic missile (ABM) system, which is now Patriot's primary mission. The system is expected to stay fielded until at least 2040.

Patriot uses an advanced aerial interceptor missile and high-performance radar systems. Patriot was developed at Redstone Arsenal in Huntsville, Alabama. It had previously developed the Safeguard ABM system and its component Spartan and hypersonic speed Sprint missiles. The symbol for Patriot is a drawing of a Revolutionary War-era Minuteman.

Patriot systems have been sold to the Netherlands, Poland, Germany, Japan, Israel, Saudi Arabia, Kuwait, Republic of China (Taiwan), Greece, Spain, United Arab Emirates, Qatar and Romania. South Korea purchased several second-hand Patriot systems from Germany after North Korea test-launched ballistic missiles to the Sea of Japan and proceeded with underground nuclear testing in 2006. Jordan also purchased several second-hand Patriot systems from Germany. Poland hosts training rotations of a battery of U.S. Patriot launchers.

Russian Federation

• S-300

The S-300 (NATO reporting name SA-10 Grumble) is a series of initially Soviet and later Russian long-range surface-to-air missile systems produced by NPO Almaz, based on the initial S-300P version. The S-300 system was developed to defend against aircraft and cruise missiles for the Soviet Air Defence Forces. Subsequent variations were developed to intercept ballistic missiles. The S-300 system was first deployed by the Soviet Union in 1979, designed for the air defence of large industrial and administrative facilities, military bases and control of airspace against enemy strike aircraft. The system is fully automated, though manual observation and operation are also possible. Components may be near the central command post, or

as distant as 40 km. Each radar provides target designation for the central command post. The command post compares the data received from the targeting radars up to 80 km apart, filtering false targets, a difficult task at such great distances. The central command post features both active and passive target detection modes.

The S-300 PMU1 and PMU2 can intercept SRBMs, and the S-300V system are capable of intercepting a multiple IRBM attack by all DF-21 (Dong Fang- 21 Chinese Missile) model IRBMs. The enhanced S-300VM/ VMK is capable of intercepting ballistic missiles with a range of 2,500 km re-entry speeds of 4.5 km/s

The project-managing developer of the S-300 is Almaz-Antey. S-300 uses missiles developed by both MKB "Fakel" and NPO Novator design bureaus (separate government corporations, previously named "OKB-2" and "OKB-8").

The S-300 is regarded as one of the most potent anti-aircraft missile systems currently fielded.This air-defense system has been purchased by Turkey, India, China, Saudi Arabia, and South Korea. Other countries which have also expressed interest include Iran and Belarus.

• S-400

The S-400 Triumf (Russian: C-400, Triumph; NATO reporting name: SA-21 Growler), previously known as the S-300 PMU-3, is an anti-aircraft weapon system developed in the 1990s by Russia's Almaz Central Design Bureau as an upgrade of the S-300 family. It has been in service with the Russian Armed Forces since 2007. The S-400 uses four missiles to fill its performance envelope: the very-long-range 40N6 (400 km), the long-range 48N6 (250 km), the medium-range 9M96E2 (120 km) and the short-range 9M96E (40 km). The S-400 was described by The Economist in 2017 as "one of the best air-defense systems currently made".

This air-defense system has been purchased by Russia, Turkey, India, China, Saudi Arabia, and Belarus. Other countries which have also expressed interest include Iran and Belarus.

• S-500

The S-500 Prometey (Russian: 'Prometheus'), also known as 55R6M "Triumfator-M", is a Russian surface-to-air missile/anti-ballistic missile system intended to replace the A-135 missile system currently in use, and supplement the S-400. The S-500 is under development by the Almaz-Antey Air Defence Concern, initially planned to be in production in 2014 it is currently targeting 2020 for deployment. With its characteristics it will be very similar to the US Terminal High Altitude Area Defense system.

The S-500 is a new-generation surface-to-air missile system. It is designed for intercepting and destroying intercontinental ballistic missiles, as well as hypersonic cruise missiles and aircraft, for air defense against Airborne Early Warning and Control and for jamming aircraft. With a planned range of 600 km (370 mi) for anti-ballistic missile (ABM) and 400 km (250 mi) for the air defence, the S-500 would be able to detect and simultaneously engage up to 10 ballistic hypersonic targets flying at a speed of 5 kilometres per second (3.1 mi/s; 18,000 km/h; 11,000 mph) to a limit of 7 km/s (4.3 mi/s; 25,000 km/h; 16,000 mph). It also aims at destroying hypersonic cruise missiles and other aerial targets at speeds of higher than Mach 5, as well as spacecraft. The altitude of a target engaged can be as high as 180–200 km (110–120 mi). It is effective against ballistic missiles with a launch range of 3,500 km (2,200 mi), the radar reaches a radius of 3,000 km (1,300 km for the EPR 0,1 square meter).

The system will be highly mobile and will have rapid deployability. Experts believe that the system's capabilities can affect enemy intercontinental ballistic missiles at the middle and end portions of flight, but reports by Almaz-Antey say that the external target-designation system (RLS Voronezh-DM and missile defense system A-135 radar Don-2N) will be capable of mid-early flight portion interceptions of enemy ballistic missiles, which is one of the final stages of the S-500 project.

• Israel

The Arrow program was launched in light of the acquisition by Arab states of long ranged surface-to-surface missiles. It was chosen over RAFAEL Armament Development Authority's AB-10 missile defense system since the Arrow was judged to be a more complete concept and have greater range. The AB-10 system was criticized as being merely an improved MIM-23 Hawk, rather than a system designed from the outset for missile interception.

The United States and Israel signed a memorandum of understanding to co-fund the Arrow program on May 6, 1986.In 1988 the United States Department of Defense Strategic Defense Initiative Organization (SDIO) placed an order with Israel Aircraft Industries for the Arrow 1 technology demonstrator. The Gulf War, which exposed the controversial performance, of the Patriot missile against Iraqi "Al Hussein" missiles, gave further impetus to the development of the Arrow. It was initially designed to intercept missiles such as the SS-1 "Scud", its "Al Hussein" derivative, the SS-21 "Scarab" operated by Syria, and the CSS-2 operated by Saudi Arabia. The Arrow evolved also with an eye on the advanced missile programs of Iran. Yitzhak Rabin, then Defense Minister of Israel, viewed the emerging

missile threat as one of the most dangerous future threats on Israel's security

The Arrow or Hetz is a family of anti-ballistic missiles designed to fulfill an Israeli requirement for a missile defense system that would be more effective against ballistic missiles than the MIM-104 Patriot surface-to-air missile. Jointly funded and produced by Israel and the United States, development of the system began in 1986 and has continued since, drawing some contested criticism. Undertaken by Israel Aerospace Industries (IAI) and Boeing, it is overseen by the Israeli Ministry of Defense's administration and the U.S. Missile Defense Agency.

The Arrow system consists of the joint production hypersonic Arrow anti-missile interceptor, the Elta EL/M-2080 "Green Pine" early-warning AESA radar, the Elisra "Golden Citron" ("Citron Tree") center, and the Israel Aerospace Industries "Brown Hazelnut" ("Hazelnut Tree") launch control center. The system is transportable, as it can be moved to other prepared sites.

- **Arrow 1**

The Arrow 1 was reportedly a two-stage solid propellant missile, with an overall length of 7.5 m (25 ft), a body diameter of 1,200 mm (47 in), and a launch weight of around 2,000 kg (4,400 lb). It was estimated that the second stage had a length of 2.5 m (8.2 ft), and that it had inertial and command update mid-course guidance, with a terminal infrared focal plane array. The missile was described as being relatively high-speed and manoeuvrable, with thrust vectoring in the both stages. The range capability has been described as around 50 km (31 mi).

- **Arrow 2**

The Arrow 2 is reportedly a two-stage solid propellant missile. It has five versions and it was first deployed on 14th March 2000 at Palmachnik Air Base where it protects the Northern Israeli Air Space.

- **Arrow 3**

The Arrow 3 or Hetz 3 is an exo-atmospheric hypersonic anti-ballistic missile, jointly funded, developed and produced by Israel and the United States. Undertaken by Israel Aerospace Industries (IAI) and Boeing, it is overseen by the Israeli Ministry of Defense's "Homa" administration and the U.S. Missile Defense Agency. It provides exo-atmospheric interception of ballistic missiles (during the space-flight portion of their trajectory), including intercontinental ballistic missiles (ICBMs) carrying nuclear, chemical, biological or conventional warheads. With divert motor capability, its kill vehicle can switch directions dramatically, allowing it to pivot to see approaching satellites. The missile may have a reported flight range of up to 2,400 km (1,500 mi).

• **Arrow 4**

Israel's Defense Ministry and industry developers have begun early work on what could evolve into the Arrow 4, a new missile-intercepting system to defend against much more sophisticated future threats.

• **China**

China tested the FJ ABM in the Cold War but they were ultimately cancelled. The PLA has currently developed the KT series of anti ballistic missiles and also have adopted limited anti ballistic capabilities on the HQ-9, KS series, and HQ-16. China successfully tested its exoatmospheric interception capabilities in a test in 2010 and also in a test in 2013. The anti-missile technology is successful to this day. The BMD system was again tested on 8 September 2017 and was deemed successful.

Four versions of the S-300 are in service, the PMU, PMU1 and PMU2 and the navalised S-300FM Rif. Based on the S-300PMU1, the Rif equips the PLAN's two Type 51C Luzhou air-defence destroyers enabling them to contribute to the protection of a coastal site against SRBM attack. The S-300PMU2 has the best chance of intercepting an SRBM missile as it employs the 48N6E2 missile which has a warhead optimised for destroying ballistic missiles, and better kinematics compared to earlier 48N6 missiles. HQ-9 may have some ABM capability. However, it might be noted that on 11 January 2007 the Chinese successfully performed an anti-satellite missile test using a KT-1 missile with a Kinetic Kill Vehicle mounted. New missiles, the HQ-19, HQ-26, and HQ-29, are being built.

• **France, Italy and UK**

The UK, France and Italy developed a programme called PAAMS (Sea Viper in UK). It was developed to arm the Horizon-class frigate (which was a joint programme by the UK, France and Italy) with the best anti-aircraft missile system in the world. Then the UK dropped out of the frigate programme and instead decided to design and build its own Type 45 destroyer which would still use the PAAMS missile system. France and Italy then decided they wanted to extend the programme to include a ground-launched anti-ballistic missile system. France and Italy then developed SAMPT - a truck-launched anti-ballistic missile system which used PAAMS technology.

• **Taiwan**

Taiwan operates the Sky Bow family of BMD systems. Development of Sky Bow I began in 1981 with deployment beginning in 1993. The Sky Bow II is an improved version of the Sky Bow I. Both the Sky Bow I and Sky

Bow II use a common silo launchsystem.

In 2001 development of the completely new Sky Bow III system began with flight testing commencing in 2009 and deployment soon after. The Sky Bow III has a top speed of Mach 7. A naval variant of the Sky Bow III has also been developed.

In addition to the BMD force the Army operates the Antelope air defence system which has a significant anti-cruise missile capability. The ROCAF also operates imported Patriot PAC-3 batteries.

• India

The Indian Ballistic Missile DefenceProgramme is an initiative to develop and deploy a multi-layered ballistic missile defence system to protect India from ballistic missile attacks.

Introduced in light of the ballistic missile threat from mainly Pakistan, as well as from China, it is a double-tiered system consisting of two land and sea-based interceptor missiles, namely the Prithvi Air Defence (PAD) missile for high altitude interception, and the Advanced Air Defence (AAD) Missile for lower altitude interception. The two-tiered shield should be able to intercept any incoming missile launched from 5,000 kilometres away. The system also includes an overlapping network of early warning and tracking radars, as well as command and control posts.

The PAD was tested in November 2006, followed by the AAD in December 2007. With the test of the PAD missile, India became the fourth country to have successfully developed an anti-ballistic missile system, after United States, Russia, and Israel. The system has undergone several tests but system is yet to be officially commissioned.

The two-tiered BMD System consists of the PAD, which will intercept missiles at exo-atmospheric altitudes of 50–80 km (31–50 mi) and the AAD missile for interception at endo-atmospheric altitudes of up to 30 km (19 mi).

• Prithvi Air Defense (PAD)

The Prithvi Air Defence (PAD) is an anti-ballistic missile developed to intercept incoming ballistic missiles outside the atmosphere (exo-atmospheric). Based on the Prithvi missile, PAD is a two-stage missile with a maximum interception altitude of 80 km (50 mi). The first stage is a Solid fuelled motor while the second stage is Liquid fuelled. It has manoeuvre thrusters which can generate a lateral acceleration of more than 5G's at 50 km (31 mi) altitude. Guidance is provided by an inertial navigation system with mid-course updates from LRTR and active radar homing in the terminal phase. PAD has capability to engage the 300 to 2,000 km (190 to 1,240 mi)

class of ballistic missiles at a speed of Mach 5. PAD is fast enough to hit medium-range ballistic missiles but would struggles against intermediate-range ballistic missile types.

Long Range Tracking Radar (LRTR) is the target acquisition and fire control radar for the PAD missile. It is an active phased array radar called swordfish having capability to track 200 targets at a range of 600 km (370 mi). The PAD missile has also been called Pradyumna.

• Advanced Air Defense (AAD)

Advanced Air Defence (AAD) is an anti-ballistic missile designed to intercept incoming ballistic missiles in the endo-atmosphere at an altitude of 30 km (19 mi). AAD is a single-stage, solid-fuelled missile. Guidance is similar to that of PAD: it has an inertial navigation system, midcourse updates from ground-based radar and active radar homing in the terminal phase. It is 7.5 m (25 ft) tall, weighs around 1.2 t (1.2 long tons; 1.3 short tons) and a diameter of less than 0.5 m (1 ft 8 in).

Anti-Satellite Defense System

Introduction:

Anti-satellite weapons (ASAT) are space weapons designed to incapacitate ordestroy satellites for strategic military purposes. Several nations possess operationalASAT systems.

Question that comes to anybody's mind is "What is a anti-satellite defense system and Why is Mission Shakti so important from National Security perspective?" the answer lies in the space. We all know that satellites orbit the earth. Some of them are used to spy on the designated countries deemed of interest by the countries who have spy satellites e.g. USA, Russia, China, India, Israel, etc.

To counter the threat arising from these satellites, an anti-satellite defense system is necessary.

In 1995, imagery intelligence unit of CIA handed over the images of activities in Pokhran Weapons Test Range from these spy satellites orbiting over India to then USA's government.USA Government then pressured then Indian government to stop the preparations for conducting underground nuclear tests.

Eventually in May 1998 ISRO scientists successfully predicted the over flight of these spy satellites over the Pokhran Range and successfully conducted the underground nuclear tests.

The weapon system developed under mission shakti is specifically designed to target and destroy these satellites.

How it works?

Most of these spy satellites are in Low Earth Orbit (LEO – up to 2000 Km above the sea level. Definition may change with different space agencies). This system can specifically target these spy satellites and destroy them. At the same time protect satellites in orbit by acting as a deterrent to other nations from targeting satellites of the countries which possess this capability.

The development and design of anti-satellite weapons has followed a number of paths. The initial efforts by the US and the USSR were using ground-launched missiles from the 1950s; many more exotic proposals came afterwards.

Countries that have Anti Satellite Defense System are as follows:

• United States of America (USA)

ASATs were generally given low priority until 1982, when information about a successful USSR program became widely known in the west. A "crash program" followed, which developed into the Vought ASM-135 ASAT, based on the AGM-69 SRAM with an Altair upper stage. The system was carried on a modified F-15 Eagle that carried the missile directly under the central line of the plane. The F-15's guidance system was modified for the mission and provided new directional cuing through the pilot's head-up display and allowed for mid-course updates via a data link. The first launch of the new anti-satellite missile took place in January 1984. The first, and only, successful interception was on 13 September 1985. The F-15 took off from Edwards Air Force Base, climbed to 11 613 m (38 100 ft) and vertically launched the missile at the Solwind P78-1, a U.S. gamma ray spectroscopy satellite orbiting at 555 km (345 mi), which was launched in 1979. Although successful, the program was cancelled in 1988.

USA-193 was an American reconnaissance satellite, which was launched on 14 December 2006 by a Delta II rocket, from Vandenberg Air Force Base. It was reported about a month after launch that the satellite had failed. In January 2008, it was noted that the satellite was decaying from orbit at a rate of 500 m (1640 ft) per day. On 14 February 2008, it was reported that the United States Navy had been instructed to fire an RIM-161 Standard Missile 3 ABM weapon at it, to act as an anti-satellite weapon.

• Russian Federation

The origins of the Soviet anti-satellite weapon program are unclear. According to some accounts, Sergei Korolev started some work on the concept in 1956 at his OKB-1, while others attribute the work to Vladimir

Chelomei's OKB-52 around 1959. What is certain is that at the beginning of April 1960, Nikita Khrushchev held a meeting at his summer residence in Crimea, discussing an array of defence industry issues. Here, Chelomei outlined his rocket and spacecraft program, and received a go-ahead to start development of the UR-200 rocket, one of its many roles being the launcher for his anti-satellite project. The decision to start work on the weapon was made in March 1961 as the Istrebitel Sputnik (IS) (lit. "fighter satellite").

The successful flight test of Russia's direct ascent anti-satellite missile, known as PL-19 Nudol, took place 18 November 2015, according to defence officials familiar with reports of the test.

In May 2016, Russia tested the Nudol for the second time. It was launched from the Plesetskcosmodrome test launch facility, located 805 kilometres (500 mi) north of Moscow. Three more launches were reportedly held in December 2016, on 26 March 2018, and on 23 December 2018—the latter two from a TEL. A new type of ASAT missile was seen carried by a MiG-31 in September 2018.

• China

China's anti-satellite (ASAT) program has been under development since 1964. The ASAT program has since been moved from Program 640 to Program 863, the General Armaments Department and the State Administration for Science, Technology and Industry for National Defence (SASTIND, formerly known as Commission for Science, Technology and Industry for National Defense). Since its inception, the ASAT program has made progress on the development of three ASAT capable Systems: direct fire, directed-energy weapon, and microsatellites. Tests of these systems have either been directly acknowledged by the PRC or reported on as ASAT capable. China is pursuing a broad and robust array of counterspace capabilities, which includes direct-ascent anti-satellite missiles, co-orbital anti-satellite systems, computer network operations, ground based satellite jammers, and directed energy weapons.

People's Liberation Army has formed military units and begun initial operational training with counterspace capabilities that it has been developing, such as ground-launched ASAT missiles.

At 22:28 UTCon 11 January 2007, the People's Republic of China successfully destroyed a defunct Chinese weather satellite, FY-1C. The destruction was reportedly carried out by an SC-19 ASAT missile with a kinetic kill warhead similar in concept to the American Exoatmospheric Kill Vehicle. FY-1C was a weather satellite orbiting Earth in polar orbit at an altitude of about 865 km (537 mi), with a mass of about 750 kg (1650 lb). Launched in 1999, it was the fourth satellite in the Feng Yun series. The

missile was launched from a mobile Transporter-Erector-Launcher (TEL) vehicle at Xichang and the warhead destroyed the satellite in a head-on collision at an extremely high relative velocity. Evidence suggests that the same SC-19 system was also tested in 2005, 2006, 2010, and 2013, although none of those events created any long-lived orbital debris.

• India

In April 2012, DRDO's chairman V. K. Saraswat said that India possessed the critical technologies for an ASAT weapon from radars and interceptors developed for Indian Ballistic Missile Defence Programme. On 27 March 2019, India announced the successful launch of the India's first ASAT. The interceptor was able to strike a test satellite at a 300-kilometre (186 mi) altitude in low earth orbit (LEO), thus successfully testing its ASAT missile. The interceptor was launched at around 05:40 UTC at the Integrated Test Range (ITR) in Chandipur, Odisha and hit its target Microsat-R after 168 seconds. The operation was named Mission Shakti. The missile system was developed by the Defence Research and Development Organisation (DRDO)—a research wing of the Indian defence services. With this test, India became the fourth nation with anti-satellite missile capabilities. India stated that this capability is a deterrent and is not directed against any nation. In a statement released after the test, Indian Ministry of External Affairs said that the test was conducted at low altitude to ensure that the resulting debris would "decay and fall back onto the Earth within weeks"

Currently India has military satellites in orbit which need to be protected. They are as follows:

- GAGAN Regional Navigation Satellite system which has military applications: 10 Nos. (4 in LEO (Low Earth Orbit), 3 in GTO (Geo-Synchronous Transfer Orbit), 3 in Backup)
- GSAT-7 RUKMINI – Indian Navy's dedicated communications satellite
- GSAT 7A – Indian Air Force's and Indian Army's Communication Satellite (catering to Airforce – 70% and Army – 30% of the communication requirements)
- RISAT series dedicated all weather spy satellites
- RISAT (Radar Imaging Satellite which use Synthetic Aperture Radar)

Conclusion

The successful testing of Anti-Satellite weapon system under Mission Shakti is a very big achievement. It is part of India's Ballistic Missile Defense program which has been going on for a long time. Thesesystems will act as a deterrent and will protect our cities and space-based military systems.

Tanay Bokil

Tanay Bokil is a strategy consultant in Geopolitical business & finance. Presented several papers in global conferences on global markets, entrepreneurship and engineering. Holds certifications in financial modeling, valuation as well as Oil & Gas management. Diverse experience of working with top management consulting firms, global banks and large engineering companies.

People's Armed Police : Paramilitary Force of China

By Maj Gen S H Mahajan

Background

India has Assam Rifles and the Coast Guard as Para Military forces. In addition, we have Central Armed Police Forces (CAPF) like the ITBP, CRPF, BSF, CISF and SSB. Established in 1982, the People's Armed Police (PAP) is the paramilitary wing of the Chinese Communist Party (CCP) which is a combination of India's Para Military Forces and CAPF, with a primary responsibility for maintaining domestic stability and a secondary role in providing rear area support for the People's Liberation Army (PLA) during wartime. The PAP—with strength of up to a million personnel—also fills a variety of other important roles and missions, such as responding to natural disasters, guarding government compounds, and participating in United Nations (UN) peacekeeping operations around the world. For most of its existence, the PAP was under the dual leadership of the Central Military Commission (CMC) and the State Council, with provincial and

local officials granted significant latitude over PAP deployments in the event of emergencies. Some efforts to centralize authority were made during the 1990s and 2000s, but the basic character of the PAP went unchanged for three decades.

Since the 1930s, the CCP has fielded a paramilitary force to protect the party and, after the establishment of the People's Republic of China in 1949, ensure domestic stability. This force existed under different names, moved between different organizations, and involved a shifting degree of central versus local control. The modern PAP, established on June 19, 1982, was the result of Deng Xiaoping's desire to streamline the military's responsibilities and organizational structure—the PAP's predecessor had been under PLA authority for several years prior to Deng's arrival—and reduce its bureaucratic clout while handing more authority over to local officials. The PAP remained an integral part of China's armed forces, alongside the PLA and the militia, and was ultimately responsible to central party leaders, but actual lines of authority varied over time and across different operating forces within the PAP. Prior to the recent reforms, the PAP was under the dual leadership of the CMC and State Council.

According to the 2006 Defence white paper, the CMC was responsible for "management of officers" (including selection and promotions), organizational structure, training, and political work, while the State Council—via "relevant functional departments," referring principally to the Ministry of Public Security (MPS)—oversaw PAP operations, budgets, size, and composition. Reporting to both the CMC and State Council was PAP headquarters, led by a military region grade commander and a first political commissar who served concurrently as MPS director. PAP headquarters was organized along the same lines as the PLA, with first-level staff, political, and logistics departments and a general office to manage paper flows. One difference was that, unlike the PLA, which established a General Armament Department in 1998, the PAP's equipment bureau remained under the staff department. PAP headquarters had only limited authority over 31 contingents based in the provinces, autonomous regions, and provincial-level cities. Each contingent was composed of detachments, battalions, and companies at the prefecture, county, and township levels, respectively. Prior to 1995, command and management authority over these units was delegated to provincial- and lower level MPS departments, an arrangement cemented by double-hatting MPS chiefs as first political commissars in PAP units at the same level. Spurred by the lessons of the 1989 Tiananmen crisis, in which PAP forces proved ineffective at handling a national crisis, the State Council and CMC issued a directive in March 1995 that placed PAP personnel management under centralized CMC control.

However, local MPS bureaus—and thus provincial leaders and others with oversight of those departments—retained the authority to deploy PAP units within their area of responsibility.

In August 2009, the National People's Congress (NPC) approved the PAP Law, which stated that deployments must strictly adhere to procedures prescribed by the CMC and State Council, but did not provide details on those processes. This autonomy allowed local officials opportunities to use PAP units at their disposal in illicit or egregious ways. Most notably, PAP forces were used to quell protests and other "mass incidents" on many occasions in the 1990s and 2000s. These incidents, which centred on local grievances ranging from labour disputes to environmental concerns, topped 58,000 in 2003, with about 700 of those involving direct clashes with police forces. Some of these involved the use of force by PAP units. For instance, in December 2005, local officials summoned the PAP to quash an uprising in Shanwei, Guangdong, resulting in the death of at least 20 protesters, while in June 2008, local PAP forces clashed with protesters following a similar incident in Wenjian county, Guizhou Province. Use of PAP forces to abet local corruption was also a problem. In 1997, central leadership over the PAP was strengthened with the transfer of 14 mobile divisions from the PLA as part of a 500,000-person downsizing. These divisions, accounting for roughly 150,000 personnel, were at a second-tier level of readiness and thus less able to execute modern combat operations than other units, but could perform basic stability maintenance functions and provide rear area support to PLA units during wartime. Once absorbed into the PAP, they were rebranded as "forces" and geographically dispersed throughout the country. The mobile divisions offered national leaders additional capabilities to address crises such as the 2009 Urumqi riots—and one mobile division was in fact based within Xinjiang—and support events such as the 2008 Olympics. Along with the provincial contingents, the mobile divisions comprised the internal security forces, the largest of the PAP's operational commands.

The Military Balance estimated the overall size of the internal security forces at 400,000 during the 2000s (representing perhaps two-thirds of all PAP forces), though some estimates have run higher, putting the total number at up to 800,000. The internal security forces were also the largest recipient of PAP expenditures, which increased in the 2000s both in absolute terms and as a share of China's domestic security spending. This funding came primarily from State Council coffers (with some contributions from local governments) and was thus not included in China's military budget, although some foreign analysts regarded it as a type of defence spending. Growing budgets allowed the internal security forces

to modernize significantly during the 1990s and 2000s. Provincial units were increasingly mobile and lethal, with many units possessing armoured personnel carriers and military-grade equipment such as anti-tank weapons and Type-05/06 submachine guns. The PAP, like the PLA, also focused on building "new type capabilities" such as helicopters and unmanned aerial vehicles (UAVs), which could be used in tandem with ground patrols to carry out a range of missions. Key developments included the introduction of Z-11WB light attack helicopters, which could provide support for counterterrorism, counternarcotics, battlefield reconnaissance, and other missions; establishment of helicopter units within five provinces as part of a June 2011 CMC and State Council decision; and the proliferation of special operations forces (SOF) capabilities in all of the provinces, as well as the creation of elite commando teams such as the Falcons and Snow Leopards.

Until the most recent reforms, the PAP also included seven other operating forces. However, in practice, none were directly supervised by PAP headquarters. Three were law enforcement services that reported to the MPS: the Public Security Border Defence Force, which conducted surveillance and inspection activities along China's land and sea borders; Public Security Firefighting Force; and Public Security Guards Force, which protected officials as well as visiting dignitaries. Li Zuobiao, a professor at the PAP Academy, assessed that placing Border Defence and other forces under their own command created a system of "horizontal internal relations" that was "not conducive to the long-term construction and sustainable development of the PAP" and advocated centralizing these units under PAP headquarters (a suggestion that was not adopted).Through the Border Defence Force, the MPS also oversaw the China Maritime Police (CMP), which was the largest and best equipped of China's maritime law enforcement forces. Because of this affiliation, CMP personnel wore PAP uniforms, followed PAP ranks, and attended PAP academies. In July 2013, the CMP was merged into a new China Coast Guard (CCG) under the dual leadership of the MPS and State Oceanic Administration, thus ending its direct affiliation with the PAP, though former CMP troops continued to follow PAP customs. The remaining four forces were specialized economic units that had been absorbed from the PLA in the mid-1980s. These included the Gold Force, responsible for securing gold and other mineral resources; Hydropower Force, which managed hydroelectric dams; Forestry Force, responsible for fighting forest fires; and the Transportation Force, which maintained China's national highways. These forces also reported to their own commands, rather than PAP headquarters, and coordinated with relevant State Council departments. China's defence white papers credited these units with a number of accomplishments such as the Three Gorges

Dam and the Sichuan-Tibet highway, which aided China's overall economic growth.

In sum, the PAP developed into a proficient force capable of addressing a range of internal security, law enforcement, and economic challenges over its 35-year history. However, despite occasional reforms, such as the 1995 State Council/CMC directive and the 2009 PAP Law, PAP structure and lines of authority were not fundamentally altered. Several problems and weaknesses persisted, including a fragmented chain of command, excessive authority in the hands of local officials, and missions that extended well beyond ensuring regime security. The reasons for these failures are murky, but likely mirrored the impediments to overhauling the PLA during the same period, such as lack of effective political leadership from Jiang Zemin and Hu Jintao, bureaucratic intransigence, and threats that changes would pose to the interests of corrupt officers and local officials.

Key Changes

Under Xi Jinping's tenure, China has embarked on a series of major reforms to the PAP. These followed, and in some ways complemented, earlier organizational reforms to the PLA. Indeed, while changes to the PLA came first, the breadth of reforms to the PAP—which were unveiled toward the end of 2017 and into 2018—is no less ambitious. Key changes included:-

- restructuring PAP headquarters
- placing the PAP under the sole authority of the CMC and limiting the ability of local officials to deploy PAP units during a crisis
- establishing new mobile contingents, which will provide national leaders with additional rapid response capabilities
- divesting the PAP of certain law enforcement and economic responsibilities, such as border inspections and gold mining
- merging the coast guard—previously under civilian authority—into the PAP, and thus into the military command structure.

These changes raise a number of questions: what goals motivated Xi and other officials to develop such an expansive reform agenda? What political, operational, and bureaucratic challenges will the PAP encounter as it implements the reforms? What implications could the reforms have for China's domestic governance and elite politics, the Chinese armed forces, and for the United States and others in the region? This article explores the key dimensions, drivers, and implications of the PAP reorganization.

Restructuring

China's premier paramilitary force—the People's Armed Police (PAP)—is undergoing its most profound restructuring since its establishment

in 1982.

- Previously under dual civilian and military command, the PAP has been placed firmly under China's military. As chairman of the Central Military Commission, Xi Jinping now has direct control over all of China's primary instruments of coercive power. This represents the highest degree of centralized control over China's paramilitary forces since the Cultural Revolution.
- Local and provincial officials have lost the ability to unilaterally deploy PAP units in the event of civil unrest or natural disasters, but can still request support through a new coordination system.
- The China Coast Guard, which previously reported to civilian agencies, has been placed within the PAP and is thus now part of the military command structure.
- New PAP operational commands, known as "mobile contingents," have been established with a diverse mix of capabilities. They will play a key role in protecting the capital and could be deployed in a Taiwan contingency, among other missions.
- Geographic distribution of mobile PAP units remains skewed to western China, providing rapid reaction capabilities that could be used to repress dissent in Xinjiang and Tibet.

Politically, the reforms reaffirm Chinese Communist Party (and Xi Jinping's) control over the PAP and may reduce the scope for local abuse of power.

- Despite earlier reforms, the PAP's chain of command was convoluted, confusing, and decentralized. These reforms sought to ensure central party control over an organization deemed vital for ensuring the party's security and survival.
- Centralizing command also attempts to bolster the party's legitimacy by reducing the ability of local officials to misapply PAP assets through corruption or overuse of force to handle local grievances.
- A consequence of tighter control, however, could be slower responses to incidents as local officials have to submit requests through PAP channels. In some cases, officials may be reluctant to request PAP support in order to avoid negative attention from senior leaders.
- The reforms place Xi firmly in charge of the PAP, though he will have to exercise authority through trusted agents. The success of continued PAP reforms will depend on elite consensus that centralized management of PAP deployments is desirable.

Operationally, the reforms narrow the PAP's responsibilities to three key areas: domestic stability, wartime support, and maritime rights protection.

- Several law enforcement and economic functions previously under the PAP, such as border guards and gold mining, have been divested and placed within appropriate civilian ministries and localities.
- PAP internal security forces remain focused on domestic security missions, including maintaining stability in western China, guarding government compounds, and disaster relief. PAP units would also be on the frontlines in responding to a major threat to the regime.
- The PAP has also been encouraged to play a stronger role in supporting People's Liberation Army (PLA) combat operations. Key roles could include guarding critical infrastructure and supply lines during wartime. Nevertheless, current PAP-PLA cooperation appears superficial and will remain so if the PAP is not better integrated into the PLA's joint command system.
- Incorporating the coast guard into the PAP could presage stronger integration with the navy in terms of operations, training, and equipment development, but this will require closer institutional cooperation than currently exists.
- The PAP will continue to face capabilities gaps, especially in niche areas such as special operations forces and helicopters. Its ability to close those gaps will depend on its political effectiveness in future budget negotiations.

Implications

As with the preceding organizational reforms to the PLA, the implementation of the PAP reforms both reflected and deepened Xi's ability to counter bureaucratic resistance and effect practical changes of the sort that eluded Jiang and Hu. The result is that Xi's authority now encompasses all of China's armed forces, though that change should not be exaggerated since he already had control over PAP personnel appointments, political work, and training as CMC chairman, in addition to his direct leadership of the PLA. Nevertheless, as CMC chairman, he is now able to leverage PAP budgets and force structure to solidify his influence within the PAP, has operational authority over the internal security forces and the two new mobile contingents, and oversees the CCG. Given his other responsibilities, Xi must obviously rely on trusted agents within the PAP to formulate and carry out policies in line with his wishes. Aside from strengthening Xi's position, the key political implication will be more effective management over PAP resources and operations. Incidences of corruption may decline as local governments are less able to misuse PAP assets and as the PAP's Discipline Inspection Commission is more empowered to root out malfeasance within the ranks. Assuming that the new coordination system

works as intended, embarrassing cases involving the use of force against civilians could decline (or at least shift to local police forces, where blame can be more easily attributed to local mismanagement) and thus aid the party's domestic legitimacy.

The reforms also brought PAP management into alignment with budgetary authorities: the internal security forces had been primarily funded by the central government and will now be under the tighter operational oversight of central leaders. The restructured internal security forces could be more effective in quelling unrest in Tibet and Xinjiang as well as in ethnic minority areas of Sichuan, Yunnan, and Qinghai. From the perspective of the CCP, this would contribute to stronger social and political control and either deter or enable better responses to mass incidents, especially as specialized capabilities such as helicopters and SOF are added. A more capable PAP presence in Xinjiang would complement, but not replace, other forms of social coercion that the CCP has been developing to manage discontent among ethnic Uighurs. These include augmenting local police forces, increasing use of facial recognition and other surveillance technology, and the opening of "re-education training centres" that international observers have compared to concentration camps. These developments have led to statements of concern by the United Nations as well as human rights advocates. An ancillary benefit of the reforms could be in the area of emergency management. Dispatching the Forestry and Firefighting forces to the State Council Emergency Management Department, for instance, could promote better integration of those functions with other civilian capabilities.

PAP internal security forces will likely continue as first responders in large-scale disasters, although local autonomy over deployments will be curtailed. It is telling that one of the first reported exercises of the 2nd Mobile Contingent was a winter drill in Zhenjiang, Jiangsu, involving PAP transportation units working alongside provincial and municipal units to clear roads. It is also likely that some high-level coordination persists between the PAP and civilian agencies through the National Security Commission, established in late 2013 to improve interagency cooperation. The provincial and mobile contingents may also provide stronger support for PLA combat operations, assuming that the PAP devotes more attention to its wartime support mission and coordination challenges between the PAP and PLA are resolved.

Key PAP roles will include protecting critical infrastructure within China, guarding supply routes, and maintaining social stability (including responding to potential unrest in Beijing and other major cities). Despite the transfer of Border Defence Force units to the State Council, the PAP

may also reinforce China's borders during a conflict involving North Korea and handle an influx of refugees in the event of a North Korean collapse. In comparative context, this mirrors the role that the newly reconfigured Russian National Guard is anticipated to play in the event that Russian territory is threatened during a regional conflict. While the PAP will remain focused on domestic missions, there are also several notable international implications of PAP reform. First is that the PAP is emerging as a valued training and operational partner in the nontraditional security arena. Some of these activities take place within China. As early as 2002, the PAP opened a training centre for foreign police forces engaged in UN peacekeeping operations. In August 2016, the PAP Academy initiated another UN-related course for foreign police forces, with the first class drawn from several African countries. In 2016, the PAP also launched a biennial "Great Wall" counterterrorism forum in which it has brought representatives from many countries to China for discussions and to observe drills. PAP forces have also conducted joint counterterrorism exercises in China, such as a December 2017 event with Russian national guard forces that focused on "jointly cleaning up terrorist groups . . . [including scenarios] such as a bus hijacking." The PAP is also poised to expand its overseas partnerships. One way is through participation in UN peacekeeping operations. The PAP first deployed civilian police to a UN mission in East Timor in 2000 and has participated in subsequent missions in countries such as Liberia, Haiti, and Afghanistan. These activities may continue or even increase as China looks to buttress its international reputation as a "responsible" country. Another avenue is through joint counterterrorism operations with individual countries.

A legal basis was provided in the 2015 Counter-Terrorism Law, which permitted PAP (and PLA) overseas deployments with CMC approval. Recent media reports suggest that PAP assets are pursuing this mandate through joint patrols in Afghanistan and have even opened a forward base in Tajikistan, from which PAP units are attempting to interdict terrorists flowing into Xinjiang. An advantage of using PAP assets is that Beijing can deny official "military" intervention in neighbouring countries; those claims, however, will ring less true now that the PAP is fully under CMC control. Second is that the PAP may be called on to protect Chinese civilians and assets abroad. Overseas protection has become a key security challenge for Beijing in recent years, as illustrated in the evacuations of Chinese civilians from Libya in 2011 and Yemen in 2015. The challenge has increased under Xi's Belt and Road Initiative, which involves Chinese construction activities in unstable regions such as Pakistan's Baluchistan Province.

Beijing has a diverse set of capabilities at its disposal to address this

challenge, including PLA-led noncombatant evacuations, host-country support, and services provided by private security companies, but the PAP also has a role to play. In a narrow sense, the PAP will continue its mission of guarding Chinese embassies and consulates (similar to the role played by U.S. Marine guards). PAP units might also be deployed in some cases, given their training and real-world experience in handling civilian unrest with minimal use of lethal force, which the PLA lacks. Third is safeguarding Chinese maritime interests. Improved coordination between the CCG and PLA Navy will allow Beijing to improve enforcement of territorial claims, protect civilian assets (such as oil rigs and fishing fleets), and intimidate foreign naval and commercial vessels. A sign of increasingly intricate cooperation between the maritime services was the completion of initial joint navy-CCG law enforcement patrols in the Paracels and Senkakus in May and July 2018, respectively. Aside from their value in deterring rival territorial claimants, these patrols allowed naval and CCG personnel to improve interoperability, including practicing specialized terminology. The commander of the joint patrol in the Senkakus stated that "If we discover a foreign military vessel, our navy can immediately deal with it; if we discover foreign fishing vessels violating the law, our coast guard ships can enforce the law." U.S. naval planners thus have good reasons to better understand China's evolving maritime command system.

A practical issue for the United States in this context will be determining whether existing agreements on rules of behaviour for naval forces should be expanded to cover activities of the China Coast Guard. A 2014 U.S.-China agreement provided guidelines for safe encounters between U.S. and Chinese naval vessels based on the 1972 International Regulations for Preventing Collisions at Sea and other international standards. However, with the CCG now fully under the Chinese military, a case could be made that those standards should also apply to CCG vessels (as well as perhaps U.S. Coast Guard vessels when operating under USA military authority). This broader interpretation would mean that incidents could be raised in USA China military engagements such as Military Maritime Consultative Agreement talks. Fourth, though less likely in the near future, is supporting overseas combat operations. For instance, the PAP could be called on to take part in the later stages of a PLA invasion of Taiwan. Unlike the PLA, which has had little combat experience since 1979, PAP personnel have been on the frontlines of armed clashes in Xinjiang and Tibet. Even though the geographic and operational circumstances would be quite different, such "battle-tested" PAP forces might be better suited to maintain order in Taiwan. Such a role, however, assumes that the PLA ground forces are unwilling or incapable of functioning as an occupation force and would likely

require different PAP training and more effective PAP-PLA coordination than currently exists.

Conclusion

India must note that the People's Armed Police has taken an organizational leap forward as part of the larger reforms to China's armed forces. The result is a smaller PAP that is under the firmer grasp of central party leaders and better positioned structurally to accomplish its core missions which includes support to the PLA during war. How durable these reforms prove to be will depend on Xi's continuing grasp on power as well as a consensus among CCP elites that a more centralized PAP is desirable. It is worth considering that the nature of authority over the PAP has fluctuated many times since the 1930s; the pendulum may ultimately swing back toward decentralized management. Local officials, and those wary about an overconcentration of power in the hands of one individual, might support a relaxation of control—or an interpretation of new guidelines that gives flexibility to the localities—but there is little evidence of any such momentum at present. In the absence of a catalytic event, such as a calamity attributed to Xi, the more muscular, centrally managed format of PAP authority appears destined to remain for many years.

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Maj Gen Shishir Mahajan

has seen active service in Jammu & Kashmir having commanded the 4 th Battalion the MARATHA LIGHT INFANTRY and a Mountain Brigade in Assam. For his distinguished service in Counter Insurgency Operations in Assam, he was awarded Vishisht Seva Medal. The General Officer has commanded 23 Infantry Division as part of strike corps on the Western Front. For his distinguished service as Major General Administration of Northern Command he was awarded Sena Medal. He has served as Director Military Affairs at Disarmament and International Security Affairs Division, under the Ministry of External Affairs, Delhi where he was dealing with Arms control of conventional weapons. During this tenure he attended several meetings at UN Conference on Disarmament, Geneva (Switzerland) .Presently he is Deputy Director of Centre for Advanced strategic Studies, Pune .

Ramifications of Maoist Movement on Human Rights of Tribal in Dandakaranya

By Capt. Smita Gaikwad

Introduction

The movement of Maoism, commonly known as Naxalism erupted from 1967 uprising in Naxalbari. Since then, this movement based on violent ideology has seen many ups and downs in different parts of India. Despite that, it sustained and expanded in last fifty two years and consolidated different factions to form CPI (Maoist) in 2014. A classic example of fourth Generation warfare, Maoists tried to control hearts and minds of people by addressing grievances or through coercive means. In this journey of Maoism in India, two generations of Tribal were always on the receiving end from both sides i.e. Maoists and Anti- Maoists. There is a need to analyse ramifications of this Movement on Tribal life in Dandakaranya so that fact-based testimony can be available to assess the objectives and tactics of this movement. This paper is an attempt to prepare such fact based testimony with Universal Declaration of Human Rights (UDHR) as the baseline document. Any form of Terrorism aims destruction of Human rights, rule of Law and Democracy. Counter Terrorism measures are implemented for protection of Human Rights of Common populace. In perception warfare as well, Human Rights is the galvanising factor. In this context, Human Rights is considered as an appropriate dimension to assess impact of banned terrorist Organisations such as CPI (Maoist). UDHR, being the foundation document of most of the International Covenants and Conventions on Human Rights, Articles in UDHR provides comprehensive framework comprising relevant dimensions of Human needs and Human

rights. The source of facts mentioned is primary and secondary both.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages.1

Universal Declaration of Human Rights comprises thirty Articles as common standard of achievement for all people and all Nations. First two Articles are general Articles describing applicability of this Declaration. Article 3 to 21 are about Civil and Political rights , Article 22 to 27 are about Economic , social and cultural rights , Article 28 to 30 are the concluding part highlighting the reasonable restrictions .

Ramifications of Maoist movement on Human Rights of Tribal

Article 1 to 5 - Equality, Non-Discrimination, Right to Life, Liberty, and Security of Person

Article 1 of the UDHR provides an explicit declaration of freedom to all human beings. The Declaration recognises the rights of all human beings, irrespective of their territorial and geographical location. It states that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.Article 2 states that Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3 is about Right to life, liberty and Security of a person. Violence is the tool used by Maoists since inception when mobilisation was being done by CPM through Kisan Sabhas in 1959 in Naxalbari area. The very foundation of Maoist movement is based on Mao's thought that 'Power flows through the barrel of gun '. This thought itself is the root cause for violation of this Article. Threat to life is one of the core reasons why Tribal succumb to Maoist terror in Maoism affected areas. As per statistics from

South Asian terrorism Portal2, the number of fatalities in India because of Maoism from 2005 till Jun 23, 2019 is 3210 civilians, 2036 security personnel, 2976 Maoists. That is indeed substantial number. The fatalities from 1967 till 2005 adds to this and cases not reports are also not part of this statistics. Right to security is a state of being free from danger and threats. Tribal from Maoism affected areas are continuously under threat of Maoist terror. Surrendered Maoists fear that their family members might be killed by Maoists as any Dalam (smallest unit of Maoist armed cadre) member surrendering is considered a bigger threat than a member getting killed. Due to this threat, in some states, surrendered Maoists are provided accommodation in Police premises. When I had interaction with Villagers from Sukma District, it was mentioned by a Tribal that people in village who work forMaoist Jan-militia do not allow movement of people outside the village without their permission. People residing in those areas have to take permission from Maoists Jan militia members even for going to market or to meet relatives. This is violation of right to liberty. Unfortunately, in last forty years the Govt and Police could not change this situation and protect Right to Life and Liberty of Tribal from Maoists in Dandakaranya . There are evidences of change and improvement. However, forty years is too long a time to counter this menace.

Operationalisation of this Article 4, which is about ban of slavery, mentions forced labour as part of slavery . Tribal in Maoism affected areas are completely subject to Maoist terror and prone to servitude. As informed by surrendered Maoists, villagers are forced to cook food for the Maoistdalam sometimes at midnight also. Maoists force villagers to dig and damage newly constructed roads so that Police vehicles cannot pass. Villagers are used as porters to carry loads for Maoist dalam. Some surrendered women shared experiences of sex slavery in dalam by senior leaders. This is violation of Article 4 of UDHR .

Surrendered Maoists mentioned stories of torture and killing by them to terrorise people who do not obey Maoists. Killings are done in very barbaric way. Stories shared by Villagers, reporters on this subject and accessed photos of those dead bodies are horrendous. There are stories of killing and burying of a four month baby while hitting her mother by a wooden plank in Bijapur to cutting body parts of disobedient villagers one by one before completely killing them. Article 5(Ban on Torture) mentions that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Last fifty two years of Maoist movement are all about violation of this Article.

Article 6 to 11 - Equal Protection of the Law, Effective and Fair Judicial

Process

Maoists do not believe in democracy and the judiciary, which is considered as one of the pillars of democracy. They run their own kangaroo courts known as Jantana Adalat (meaning peoples' court). In these courts, accused are forced to accept allegations by Maoists at gunpoint violating Rights assured to Tribal people under Article 6 and 7 of Human Rights . Maoists kill villagers if they question Maoist verdict in Janatana Adalat. Thus, the hearings are not fair and are conducted under threat of gun instead of any monitoring by Law. Maoists are self declared judges of these courts, where rule of Law does not prevail. Only Maoist opinion matters.

Article 7 of UDHR states that all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 10 states that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Maoists trust statements by Jan - militia members blindly and verdicts or punishments are given based on those statements without cross examination. Many innocent villagers have been killed as ' Police informers' just based on Jan Militia members' statement. In recent incident of 2019, YugendraMeshram , a school teacher was killed by Maoists in Gadchiroli stating reason that he was Police Informer . Later , when there were rallies in support of Yugendra Meshram, Maoists released a note stating regret for their action and confessing that Yugendra Meshram was not a Police informer and their 'intelligence input ' was wrong .

Article 8 states that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. In 2016, a lady called Vimla Baghel from Nema village of Sukma District in Chhatisgarh filed FIR against Delhi University professor Nandini Sunder in reference to murder of her husband by Maoists. AISA, student organisations in Chhatisgarh protested in Raipur against the complaint. There were protests against the complaint in Delhi also. Every Individual has right to effective judiciary. Protesting against someone for filing FIR is denying Human and Legal Rights to that Individual.

There are villagers in prison without hearing in court for years. They are accused of working for Maoist organisation. Most of these prisoners are illiterate and do not understand legal process. Exact number of such cases could not be found. Law and required mechanism on free legal aid already exists in India. Despite that, hundreds of Tribal people have to

spend years in jail without required legal help. This projects ineffectiveness and poor implementation of Law which consequently results into Human Rights Violation. Such violations of legal rights can be easily avoided by effective and people centric governance. Maoist Front organisations exploit this situation of Tribal and try to recruit family members of such arrested people promising them legal help. Article 11 says that everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. When tribal people start getting such guarantees for their defence, Maoist movement will ebb further.

Article 12-21Civil and Political Rights

Article 12 on Right to privacy states that no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to protection of the law against such interference or attacks. Article 13 states that everyone has the right to freedom of movement and residence within the borders of each state.

As Maoist movement is facing ebb especially in their recruitment, they force families to send their children to Maoist dalams. This is violation of their right to privacy as their prerogative to decide for their children's future is interfered by Maoists. Maoists organise meetings in villages at night. Villagers have to attend such meetings at untimely hours otherwise they face Maoist ire. Jan Militia members of Maoists reside in villages and do not carry arms or participate in guerilla warfare.They are the logistics support providers and informers of the Maoists. Villagers have to inform Maoist Jan militia membersabout each and every individual visiting their home. They also need to take permission if they want to travel out of their village.IEDs planted by Maoists also restrict movement of villagers. That violates Article 13.Villagers are not allowed to use mobile phones either. This is breach of privacy.

Maoists do not allow Indian flag hoisting in their affected areas. There have been instances when they killed villagers or teachers from schools for hoisting tri-colour which is a symbol of Indian nationality. Article 15 is about Right to Nationality. Everyone has the right to nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. Similarly, hoisting National flag is expression of that Nationality which cannot be denied.

Article 16 on Right to marriage and family states that men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights

as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

As informed by surrendered Maoists, men and women from dalam are not allowed to marry within first one year after recruitment into dalam. Marriage between dalam members and their decision to bear child is harmful for the movement according to Maoists. Most of the Maoists couples surrender for this reason. Men are forced to undergo vasectomy so that women do not get pregnant in dalam. When I interviewed surrendered Maoists, I came across three couples who were not allowed to marry in dalam and they wanted a stable life with family so they escaped from there. Basanti, a surrendered Maoist from Chhatisgarh, stated that immediately after her marriage, her husband was sent to another location and they were not allowed to stay together . When her husband died in one of the operations, she was not even informed. She did not get to attend his last rites. She came to know about it few days later. One surrendered dalam commander mentioned that he did not want to undergo vasectomy. He was avoiding it for quite some time. During one of Maoist meetings, he was bullied and was forced to undergo vasectomy. There have been instances when women were forced to marry for the sakeof movement and were used as caretakers for the leadership. The cases described in letters written by surrendered Maoist Leader Sabhyasachi Panda are also testimony to violation of Article 16 of UDHR.

Article 17 of UDHR is about Right to own property. Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.Maoists believe in equal distribution of land and income irrespective of his or her efforts or contribution or purchasing power. They forcefully take away properties of farmers and redistribute it without consent of the owner. Similarly, the crop-yield grown by farmers and the profits generated are forcefully taken away by Maoists. They call it property of Janatana Sarkar, which is parallel government of Maoists in affected areas.

Article 18 is about freedom of thought and religion. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. Maoists claim that they do not believe in religion. Even the surrendered Maoists, who were interviewed, stated that Maoists do not allow them to follow their religious practices. This movement faced criticism and partial resistance by Tribal for

cultural reasons as well when Maoists tried to resist their cultural practices related to marriage in the past. Freedom of thought is considered as threat by Maoists to their movement. Any voice contradicting their views is not allowed to survive.

Article 19 states that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Maoists resist any narrative which is against them amongst villagers or dalam. They kill or punish tribal or even dalam members if they express opinions against them. When I visited Maoist affected area for interviews, the villagers were hesitant to share opinions or even to speak. They asked whether their names would be disclosed or faces would be exposed in photos or videos. Most shared their thoughts only on condition of anonymity. Even the school children were scared of talking against Maoist. Even a journalist in Chhattisgarh mentioned not to disclose his name or photo. He mentioned that he would speak only if his identity would not be known otherwise he would lose his life. That is the threat level people felt. Maoists obstruct electrification in Maoism affected areas. They fear that electricity would bring TV sets which would result into increased awareness amongst Tribal. Surrendered Maoists from very interior areas mentioned that they never knew the outside world. They could not access information about outside world due to lack of resources. This ignorance was also exploited by Maoists and consequently Tribal population started believing Maoist narrative. Many surrendered Maoists now regret the decision to join Maoism and violence. This is an evidence of consequences of breach of right to information. Government's negligence towards these areas made it easy for Maoists to exploit Tribal people.

Article 20 states that everyone has the right to freedom of peaceful assembly and association and no one may be compelled to belong to an association. Maoists do not allow local people to come together and form social association for any cause as it threatens their control. Leader of a group named Tangiya group from Nema village in Sukma district was targeted by Maoists for mobilising people to stand against Maoists. When a group of college students from Pune, Mumbai, Nasik went to Gadchirolito study Maoism and tribal issues, villagers were threatened and posters were put up by Maoists demanding cancellation of study tour. Maoists ordered villagers not to interact with study tour participants.

Article 21 is about Right to take part in government. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right of equal access to public service in his country. The will of the people shall be the basis of

the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. Maoists threaten villagers not to vote and participate in electoral process. Maoists forcefully made Sarpanch (head of the Village) of the villages in Gadchiroli resign by issuing threats to their lives.

Patru Durge, Deputy Sarpanch of Damranchain Gadchiroliwas killed by Maoists for his participation and efforts towards development of his village by writing to chief minister of Maharashtra for lift irrigation project. People in Dandakaranya, the jungle area affected by Maoism, struggle for basic amenities like bridge over river, roads etc. During rainy season, many parts of this area are cut off due to flooded rivers. Local people cannot access schools or medical facilities. This is breach of Article 21 which says everyone has equal access to public service in this country. Government failsto protect this right of villagers residing in Maoism affected areas. Threats by Maoists worsen it further as they do not let public servants function in that area. Due to Integrated Action plan since 2010, Government's approach toward development is note worthily improving. However, Govt is also responsible for violation of this Article 21 in Maoism affected areas.

A schoolgirl named Ganga from Sukma mentioned that her father was killed by Maoists for implementing government schemes in their village. Her grandfather was a sarpanch and her father was helping him for betterment of village. Surrendered Maoists stated that Maoist leaders are strongly against roadconstruction happening in interiors of Chhattisgarh. They damage and cut newly constructed roads in the Red Corridor area and cause inconvenience to locals. Maoists force tribal people from Maoism affected areas not to participate in elections. They attack teams working for smooth running of elections in the villages.

Article 22 – 27 Economic, Social, and Cultural Rights

Article 22 is about Right to social security. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. This is strongly missing in red corridor. The government fails to ensure social security for the locals. Maoism threatens existence of tribals and their culture. Though they claim that work for tribal pride, reality is exactly opposite. Two generations have suffered because of Maoism. It is difficult to find a smiling face even of a child in that area.

Article 23 states that everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Maoists do not allow villagers from red corridor to choose their employment. Due to lack of employment opportunities, tribals suffer. The youngsters wait for police recruitment desperately as an employment option. In Gadchiroli and Rajnandgaon, Maoists killed youngsters or their families just for applying for police job. In Chhattisgarh, villagers were threatened not to work in mines near Rajnandgaon. The trade union leader was killed by Maoists for his support to the mining company. The local say that they want to work in mining companies as it provides them good employment. Maoists threaten contractors and even burn their equipments if they take government contracts of road construction or any development project. Maoists also threaten villagers if they work as daily labour with such contractors. Maoists also threaten villagers and force them not to work for MNREGA projects. CRPF raised Bastariya Battalion and conducted coaching for village youngsters to prepare for exams. Maoists have badly beaten eight youngsters from Sukma for appearing for coaching and for applying for Bastariya Batallion and killed two youngsters from Dantewada for appearing for this coaching. Maoists stopped weekly markets in Bhejji, Jagargunda (which was India's biggest tamarind market once upon a time). As the markets are closed, tribals lose an opportunity to sell their goods and do not have other source of income. Police started Bhejji market in 2017 with Police protection to sellers. Interestingly, Maoists extort money from Tendupatta contractors, mine operators and some contractors in that area for letting them work in that area.

Article 24 is about right to rest. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. The surrendered Maoists stated that they were not allowed sufficient rest as part of Dalam. If they ask for it, they are mistreated. Similarly, Dalam members are not entitled to any leave and cannot go home without Maoist permission. They cannot even participate in cultural activities in festive seasons. Surrendered Maoists stated that they were not even allowed to attend funerals of their family members. Maoists force villagers to attend meetings at untimely hours in the night violating their right to rest.

Article 25 is about Right to adequate standard of living. Local villagers in the red corridor struggle for basic amenities. They do not get adequate health facilities as doctors hesitate to go to Maoism affected areas due to threat to their lives. Due to Maoism, development opportunities are stalled in this area. As a result of this, villagers struggle for basic needs. Maoists do not want abundance, development, welfare for villagers to happen as it will

end their rule in red corridor completely. Government in the last 60 years failed to ensure adequate standard of living for the local in Red Corridor. In last few years, government is trying to correct the past and provide adequate standard of living. However, Maoists strongly oppose it and create hurdles in development activities. This is breach of Article 25 of local villagers.

Article 26 Right to education states that everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children.

The surrendered Maoists, police and tribals mentioned that Maoists damaged more than 300 schools in Dandakaranya since 2005. Police party used to halt in schools at night while patrolling. Maoists damaged schools by using IEDs or explosives. As informed by tribals and surrendered Maoists, Maoists run schools in interior areas of Dandakaranya to teach violent ideology and promote hatred against India and Indian government. In some parts of the interior rural areas affected by Maoism, Maoists teach their own syllabus to promote Maoism and anti India thought process which is in violation of Article 26 which states that education shall be directed to strengthening of respect for Human Rights and fundamental freedom and promote understanding and tolerance for maintenance of peace.

Parents of the children should have right to choose the kind of education for their wards as per Article 26 of UDHR. However, unfortunately in Maoism affected areas, parents are helpless as their lives will be threatened if they object to the teachings by Maoists in schools. Once a child passes fifth standard, Maoists force them to join dalam and learn war techniques. They take away books from their lives and give guns instead. Maoists have Balsanghatan for children where they are taught Maoist ideology, anti democracy thoughts, information gathering for Maoist movement and use of weapons as well.

Article 27 is about right to participate in cultural life of community. As per article 27, every individual has the right to share in scientific advancement and its benefits. However, Maoists in red corridor do not allow villagers to use cell phones or solar panels. There have been instances when mobile towers have been burnt by Maoists. The government had to struggle

for raising communication towers in this area. Jan Militia in villages in that area, restrict use of mobile phones by the tribal as they fear that information of Maoist movements will be given to police by Villagers. Solar panels distributed to tribal have been either destroyed or taken by Maoists.

Maoists have banned celebrations of cultural festivals of tribals as per their tradition. They make them sing only revolutionaries songs. This is harming the tribal culture of villages in red corridor. Women in Dalam mention that they like getting ready and wearing ornaments as per their traditions. However, Maoists did not let them do it in dalam.

Conclusion

A comprehensive approach is required while considering Human Rights violations in Maoism affected areas. NHRC needs to take suo-moto cognizance of Human Rights situation there. There is a need for periodic audits of Human Rights in that area keeping in view all Articles of Universal Declaration of Human Rights and consequent local laws. It is not sufficient and appropriate to interfere only when certain Human Rights Groups approach NHRC or SHRC in case of Police encounters or Maoists' killings.

(Endnotes)

1 United Nations , https://www.un.org/en/universal-declaration-human-rights/ accessed on Dec 30, 2019.

2 South Asian terrorism Portal , Fatalities Left Wing Extremism , https://www.satp.org/satporgtp/countries/india/maoist/data_sheets/fatalitiesnaxal05-11.htm (accessed on Dec 30, 2019)

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