

INTERNAL SECURITY ISSUES IN INDIA: A CONTEMPORARY PERSPECTIVE

Dissertation submitted to National Law University and Judicial Academy, Assam

in partial fulfilment for award of the degree of

MASTER OF LAWS/

ONE YEAR LL.M. DEGREE PROGRAMME

Submitted by

Reshab Murmu

SM0222022

LL.M. 2022-2023

Supervised by

Dr. Amol Deo Chavhan

Associate Professor of Law



National Law University and Judicial Academy, Assam

(June 2023)

CERTIFICATE

This is to certify that RESHAB MURMU has completed his dissertation titled **“INTERNAL SECURITY ISSUES IN INDIA: A CONTEMPORARY PERSPECTIVE”** under my supervision for the award of the degree of MASTER OF LAWS/ ONE YEAR LL.M DEGREE PROGRAMME of National Law University and Judicial Academy, Assam.



Date: 30th June, 2023.

Dr. AMOL DEO CHAVHAN

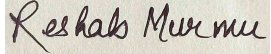
Associate Professor of Law

National Law University and Judicial Academy, Assam

DECLARATION

I, RESHAB MURMU, do hereby declare that the dissertation titled “**INTERNAL SECURITY ISSUES IN INDIA: A CONTEMPORARY PERSPECTIVE**” submitted by me for the award of the degree of MASTER OF LAWS/ ONE YEAR LL.M. DEGREE PROGRAMME of National Law University and Judicial Academy, Assam is a bona fide work and has not been submitted, either in part or full anywhere else for any purpose, academic or otherwise.

Date: 30th June, 2023.



RESHAB MURMU

SM0222022

National Law University and Judicial Academy, Assam

CONTENTS

ACKNOWLEDGEMENT	i
TABLE OF CASES	ii
TABLE OF STATUTES	iii
TABLE OF ABBREVIATIONS	iv
1.INTRODUCTION.....	1
INTRODUCTION.....	1
STATEMENT OF PROBLEM.....	2
LITERATURE REVIEW	2
LIMITATIONS OF THE STUDY	5
AIMS AND OBJECTIVES	5
RESEARCH QUESTIONS.....	6
RESEARCH DESIGN	7
2. CONCEPT OF SECURITY	9
THE TRADITIONAL CONCEPT OF SECURITY	9
BACKGROUND TO THE EMERGENCE OF THE 'NEW SECURITY THINKING'	10
NON-CONVENTIONAL SECURITY THREAT	13
HUMAN SECURITY	17
.....	T
THE CONCEPT OF HUMAN SECURITY(HUMAN DEVELOPMENT REPORT).....	18
CONCEPT OF HUMAN SECURITY (UNDP)	19
HUMAN SECURITY (INDIAN SCENARIO).....	21
COMPREHENSIVE NATIONAL SECURITY.....	28
THE CHANGING CONCEPT OF SECURITY (INTERPRETATIONS).....	29
3.THE SOCIO-ECONOMIC COMPLICATIONS IN INDIA AND THE THREATS TO INTERNAL SECURITY.....	33

ECONOMIC SECURITY	33
UNEMPLOYMENT.....	36
SCs, STs AND WORK FORCE	41
FINANCIAL FRAUDS- WEAKING THE ECONOMY.....	42
INSTANCES OF FRAUDS INTHE BANKING SECTOR.....	51
SOCIAL SECURITY	55
.....S	
OCIETAL IMPLICATIONSOF ETHNICITYON SOCIAL SECURITY IN	
INDIA.....	57
THE NORTH EAST ETHNIC PROBLEM	60
MAOIST INSURGENCY-SECURITY THREAT IN INDIA	64
RESEARCHER IN CONCLUSION MADE THE FOLLOWING	
OBSERVATIONS	69
4. CROSS-BORDER TERRORISM AND MIGRATION AS	
A SOCIAL SECURITY THREAT	71
INTRODUCTION.....	71
SECURITY AND TERRORISM- THE INHERENT LINK BETWEEN THE	
TWO.....	73
KINDS OF TERRORISM	75
CAUSES OF TERRORISM.....	77
RELIGIOUS FUNDAMENTALISM.....	81
4.2.4 THE RISE OF RADICAL ISLAM.....	82
TERRORISM AND GLOBALISATION.....	85
COMMUNICATION AND TERRORISM.....	86
CYBER TERRORISM	87
STATE SPONSERED TERRORISM	88
BIO-CHEMICAL AND NUCLEAR TERRORISM.....	90
MANIFESTATIONS OF GLOBAL TERRORISM IN INDIA.....	92
DRUG TRAFFICKING AND NARCO TERROSIM IN INDIA	93

CAUSES FOR NARCO TERRORISM	94
CONSEQUENCES OF DRUG ABUSE IN INDIA	95
PROLIFERATION OF LIGHT WEAPONS.....	96
MIGRATION AND STATE SECURITY- AN INDIAN PERSPECTIVE.....	98
INDIAN RESPONSE TO THE PLIGHT OF THE ARAKANESE REFUGEES	99
INTROSPECTION INTO INDIA'S RESPONSE.....	100
THE TAMIL REFUGEES OF SRI LANKA	101
ILLEGAL MIGRANTS FROM BANGLADESH	104
CONCLUSION	107
5. CONCLUSION AND WAY FORWARD.....	110
CONCLUSION	110
JUDICIAL PRONOUNCEMENTS	117
WAY FORWARD.....	122
BIBLIOGRAPHY	v

ACKNOWLEDGEMENT

First and foremost, I am extremely grateful to my supervisor Dr. Amol Deo Chavhan for his invaluable advice, continuous support, and patience during my Master's Program. Their immense knowledge and plentiful experience have encouraged me in all the time of my academic research and daily life, had she not been available for such support my dissertation would have been incomplete.

Finally, I would like to express my gratitude to my parents and my friends. Without their tremendous understanding and encouragement in the past few years, it would be impossible for me to complete my study.

Finally, I would also like to thank the Librarian, Officials, System Administrator, and staff of the NLUJA library, Guwahati for their help and cooperation in making available the relevant materials required for the study. I would also like to appreciate my university friends for helping me in completing my dissertation work in time.

Date: 30th June, 2023



RESHAB MURMU

UID: SM0222022

National Law University and Judicial Academy, Assam

TABLE OF CASES

1. *Anuradha Bhasin v. Union of India.*
2. *Ex. Armymen's Protection v. Union of India and Ors.*
3. *Harshad S. Mehta & Ors v. The State of Maharashtra.*
4. *Manohar Lal Sharma v. Union of India.*
5. *Mohammad Ajmal Amir Kasab v. State of Maharashtra.*
6. *Naga People's Movement of Human v. Union of India.*
7. *Shreya Singhal v. Union of India.*

TABLE OF STATUTES

INDIA

1949 - Banking Regulation Act

1950 - Constitution of India

1958 - Armed Forces (Special Powers) Act

1967 - Unlawful Activities (Prevention) Act

1980 - National Security Act

1999 - Foreign Exchange Management Act

2002 - The Prevention of Terrorism Act

2013 - Companies Act

2016 - Insolvency and Bankruptcy Code

2019 - The Criminal Law (Amendment) Act

CONVENTIONS

The Base Erosion and Profit Shifting (BEPS)

The Basel Committee on Banking Regulations and Supervisory Practices

The Council of Europe Convention

The Egmont Group of Financial Intelligence Units (FIUs)

The Financial Action Task Force (FATF)

The Organisation for Economic Cooperation and Development (OECD)

The United Nations Convention against Illicit Traffic

The United Nations Convention against Transnational Organised Crime

The Vienna Convention

TABLE OF ABBREVIATIONS

AFSPA - Armed Forces (Special Powers) Act, 1958
BEPS - Base Erosion and Profit Shifting
CBI - Central Bureau of Investigation
CPOSA - Conservation of Foreign Exchange and Prevention of Smuggling Activities Act
CRPF - Central Reserve Police Force
DRI - Directorate of Revenue Intelligence
ESMA - Essential Services Maintenance Act, 1968
FATF - Financial Action Task Force
FCRA - Foreign Contribution (Regulation) Act
FIUs - Financial Intelligence Units
IB - Intelligence Bureau
IBC - Insolvency and Bankruptcy Code, 2016
IT Act - Information Technology Act, 2000
NIA - National Investigation Agency
NSA - National Security Act, 1980
PMLA - Prevention of Money Laundering Act, 2002
POTA - Prevention of Terrorism Act, 2002
R&AW - Research and Analysis Wing
SC/ST Act - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
UAPA - Unlawful Activities (Prevention) Act, 1967
UNCITC - United Nations Convention against Transnational Organised Crime
UNCITT - United Nations Convention against Illicit Traffic
VC - Vienna Convention
WMD - Weapons of Mass Destruction
WTO - World Trade Organization

CHAPTER 1

INTRODUCTION

INTRODUCTION

National security remains a top priority for countries worldwide. Traditionally, it referred to protecting a country's territorial borders from external aggression, safeguarding national interests in foreign policy, and preventing a nuclear holocaust.¹ However, since the 1980s, scholars have advocated for a broader definition of security, while others preferred to maintain a realist perspective, particularly during the Cold War. Recent events, including as the dissolution of the USSR, the September 11 terrorist attacks in the United States, and the unilateral invasions of Afghanistan and Iraq, have demonstrated the limitations of depending entirely on modern weaponry to safeguard a nation in the present global power system. Consequently, the global and regional security situation has substantial consequences for the security of India and its population. Therefore, this dissertation aims to examine the emerging non-conventional security threats India faces, which are primarily internal security issues.

In the 21st century, many countries, including India, have faced significant internal security threats, particularly related to socio-economic issues. India is plagued by various socio-economic challenges, such as poverty, food insecurity, and unemployment, which have given rise to social security threats, including ethnic conflicts, communalism, regionalism, and caste-based violence that cut across economic lines. In the era of globalization, states have become vulnerable to the consequences of decisions and activities of other states and non-state actors. For instance, migration of refugees from other states and terrorist activities are examples where state security has been impacted by the policies and decisions of other states or non-state actors, such as terrorist organizations. Additionally, the researcher has examined emerging environmental threats India is facing today, such as pollution, global warming, and resource degradation. The depletion of groundwater reserves and

¹ 'Economic Aspects of Security' (2003) OSCE <https://www.files.ethz.ch/isn/28846/pub08_en.pdf> accessed 10 April 2023

food shortages are other factors analysed by the researcher in the context of the country's rising population. Various environmental disasters can ultimately lead to economic problems, including poverty, which can trigger social upheavals.

Corruption at various levels of the government has led to inadequate handling of social issues such as gender problems and trafficking. The research not only addresses internal problems but also examines the impact of external factors such as cross-border migration and cyber-crime. The study also involves an analysis of public policy in this context.

STATEMENT OF PROBLEM

Internal security is a critical concern for any nation, and India, as a fast-growing and diverse democracy, faces several security challenges. In the twenty-first century, India has witnessed a significant rise in the number of internal security issues that threaten its social, economic, and political stability. The country's internal security challenges range from terrorism, insurgencies, communal violence, cyber threats, and organized crime, economic and social security threat, to name a few. The Indian government has taken several steps to counter these issues, but the effectiveness of these measures remains a matter of debate. The problem is exacerbated by the absence of efficient coordination between multiple security agencies and the inadequate use of current technologies. Therefore, this study aims to examine the internal security challenges in India in the twenty-first century and identify the gaps in the existing security architecture to provide recommendations for a more robust and effective internal security framework.

LITERATURE REVIEW

1. **Kanti P. Bajpai and Harsh V. Pant** in their book **India's National Security: A Reader (Critical Issues in Indian Politics)** Discusses crucial themes in Indian politics, including the topic of national security. It is written by two of the nation's foremost authorities on the national security system, who have received international recognition for their work. The remainder of the book is devoted to a discussion of the significant security concerns facing the nation today.

It is organised into four sections, each of which elaborates at length on distinct aspects of the same topic. The writers discuss several concerns, such as

insurgency, nuclear issues, terrorism, defence programmes, and strategic stability, with which the country has struggled for a considerable amount of time. The book provides extensive information on the internal security measures adopted by the Indian government to safeguard our nation. The history of nuclear concerns has been covered, beginning in 1947 and encompassing the 1998 nuclear testing, as well as the country's interaction with its neighbours over these issues. Special attention has been placed on insurgency and terrorism, the domestic threat, and India's response to these issues. The book concludes with a list of defence reforms and policies that the nation should adopt and execute.

2. **P.R. Chari and Sonika Gupta** in their book **Human Security in South Asia: Gender, Migration and Globalisation** argues for a security paradigm that goes beyond the usual realm of military threats to encompass those that lie outside of it. Non-military dangers are embedded in the nation's social, economic, ecological, and political decisions, yet they are usually overlooked throughout the decision-making process. Frequently, these challenges endanger the nation's economic growth, social fibre, and political stability. This book examines the non-military dangers posed by poor governance, competition for energy resources, migration, the negative impacts of globalisation, and gender discrimination. It argues that by failing to sufficiently safeguard its citizens from various aspects of non-military threats, the state jeopardises their overall security. The military and non-military dangers cannot be considered separately. In the absence of a thorough awareness of both military and non-military security challenges, the security of South Asian nations will be compromised.

3. The neo-realist approach to human security has been advocated by 'structural' or neo-realists such as **Barry Buzan** in his seminal work **People, States and Fear: An Agenda for International Security Studies in The Post Cold War Era. Harvester, 1991**. The "straitjacket" martial attitude to security that dominated the Cold War rhetoric, according to Buzan, was "simplistic" and contributed to the underdevelopment of the notion. In addition to military threats, he subsequently expanded it to encompass political, economic, social, and environmental dangers. Although Buzan studies security from the three

viewpoints of the international system, the state, and the person, he finds that the most significant and effective supplier of security should continue to be the sovereign state. His approach is the most comprehensive evaluation of human security from a state-combined vantage point that is currently accessible (as originally proposed in a similar form by Clausewitz).

4. Studying Non-Traditional Security In Asia: Trend and Issues. Rolf Emmers, Mely Cabaero Anthony, and Amitav Acharya (eds.), 2006. This book contends that the security issues facing Asia now transcend traditional security aspects and tend to be more diversified than anything the area has ever encountered. Issues such as contagious illnesses, illegal drug trafficking, irregular migration, environmental degradation, financial instability, and natural disasters are increasingly viewed as critical security concerns. These problems endanger the national sovereignty and territorial integrity of nation-states, as well as the welfare and security of their respective societies and individuals. This volume examines current trends and research directions in non-traditional security in Asia through a series of essays. It is organised around research initiatives conducted by several research institutes in the region, displaying their most significant discoveries and highlighting their significance for the field of non-traditional security studies.

5. International Security: An Analytical Survey, Michael Sheehan, December, 2004, Lynne Rienner Publishers. Michael Sheehan gives a masterful examination of the many viewpoints that scholars have taken in defining security, one of the most contentious concepts in international relations, and asks if a synthesis is conceivable that both broadens and deepens our knowledge of the idea. Sheehan begins by describing the classical realism approach of Morgenthau and Carr and their neorealist progeny's concepts. The author then examines how the economic security approach encompasses both defence economics and human security from poverty and hunger, as well as how environmental security ties the environment and security in a fundamental challenge to the international political order. Next, he addresses the various postpositivist perspectives on security, all of which derive from fundamentally different worldviews than that of realism, and explains the spectrum of feminist

thought on security, the ideas of the critical security school, and the central concerns of postmodern security theory. In conclusion, he reveals his own understanding of security and argues for a postpositivist theory that links human liberation, justice, and peace.

LIMITATIONS OF THE STUDY

Scope: The study's focus is limited to non-traditional security threats in India and their relationship with traditional notions of security. Therefore, it may not provide an extensive analysis of the entire spectrum of security threats that India faces.

Data availability: The availability and accessibility of data on non-traditional security threats in India may be limited, which may impact the accuracy and comprehensiveness of the analysis.

Time constraint: The study is limited by time constraints, and it may not be possible to cover all relevant literature, case studies, and policy documents comprehensively.

Generalization: The study focuses only on India and may not be generalizable to other countries or regions.

RESEARCH METHODOLOGY

As to the methodology adopted, the work will be based on the doctrinal method and historical in depth understanding of the background issues, along with a textual analysis of data. The Researcher will also make an attempt to use the tools of political sociology and comparative politics.

Apart from this, the Researcher will also make use of Primary source materials like Official documents, Government records and administrative records, interviews, as well as Secondary sources like newspaper articles and journals.

AIMS AND OBJECTIVES

The aim of this study is to provide a comprehensive analysis of the internal security issues in India in the twenty-first century and identify the gaps in the existing security architecture.

Objectives:

1. To examine the evolution of the notion of security in the international system from traditional sources of threat to non-traditional sources of threat.
2. Identify the most significant non-traditional security risks in India and analyse how they constitute a threat to the security of the state.
3. To investigate the ways in which social, economic, and environmental issues escalate to the level of security threats in India and propose preventive measures.
4. To investigate the connection between International Relations and the conventional and non-traditional evolution of security in the international system.
5. analyse if non-traditional security risks in India are supplanting or supplementing traditional ideas of security using the instance of non-traditional security threats in India.

RESEARCH QUESTIONS

In the main, the work would try to answer the following questions.

1. What are the most pressing security concerns for the Indian state?
2. What are the most significant non-traditional security risks to the Indian government?
3. In compared to traditional military threats emerging from across the border, do non-traditional security challenges provide a greater challenge to the Indian government?
4. In what ways are the Non-Traditional Security Threats more severe and dangerous than the Traditional Security Threats?
5. What are the primary causes of the escalation of non-traditional threats against the Indian state? Are they solely national concerns, or have foreign influences affected them in any way?
6. What actions has the Indian government taken to tackle the problems posed by non-traditional security threats, and how effective have they been?

RESEARCH DESIGN

The Research contains the following Chapters.

Chapter- I: INTRODUCTION.

Brief introduction to the research that has been carried out, along with Statement of Problem, Aims and Objectives, Limitation of Study, Research Methodology, Literature Review, Research Questions.

Chapter-II: THE CONCEPT OF SECURITY.

The chapter discusses the historical development of the concept of security, from traditional to non-traditional, especially after the Cold War period. During this period, the security concept expanded to encompass social, economic, and environmental aspects.

Chapter- III: THE SOCIO-ECONOMIC COMPLICATIONS IN INDIA AND THE THREATS TO INTERNAL SECURITY.

The chapter focuses on the internal security threats that India faces, including economic security threats such as poverty, unemployment, food insecurity, and displacement caused by development. These economic factors can lead to social security threats such as ethnic conflicts, regionalism, and communalism. Additionally, caste-related issues in India lead to problems such as caste wars, political issues with reservation, and the practice of honour killings. The chapter also examines corruption, the criminalization of politics, and violence against women and children as other significant threats to India's internal security.

Chapter- IV: CROSS-BORDER TERRORISM AND MIGRATION AS A SOCIAL SECURITY THREAT.

This chapter examines social security threats in India that are exacerbated by external factors, including the policies and decisions of neighbouring countries and non-state actors. The discussion includes terrorism and its various forms, such as cyber terrorism, the proliferation of small arms, and drug trafficking that leads to drug abuse among Indian youth. These factors are shown to be major contributors to social security threats within the country. Additionally, the chapter covers the challenges posed by refugee

problems and illegal migration from neighbouring countries and the related social problems that arise from these issues.

Chapter- V: CONCLUSION AND WAY FORWARD

This chapter will mention a wholesome pointer of all the conclusions in the preceding chapters and it will also attempt to suggest a few way forwards taking into consideration a few Judicial pronouncements.

CHAPTER 2

CONCEPT OF SECURITY

Globally, security is a top priority on national agendas. It demands vast resources, including the loss of life, liberty, and property, the defence of which justifies the existence of the state in the first place. In just a few nations has the predicted peace dividend occurred. However, the end of the Cold War has contributed to a re-evaluation of security, particularly among the ideological conflict's primary actors. The desire of policymakers in expanding the scope of security in the post-cold war era has fuelled the debate within the academic community about how security should be defined. Since the early 1980s, several academics have advocated for a more inclusive definition. Others have argued the opposite; they accept at best a restricted expansion of the notion, preferring to retain it inside the confines of realism, the prevailing paradigm for this subject area, particularly during the Cold War.

The dictionary definitions of security contain ambiguous references to concepts such as being shielded from danger, experiencing safety, and being free of uncertainty. In this context, it is possible to cite Baldwin's interpretation, wherein he revises Arnold Wolfer's well-known discourse on security. Wolfer posited that security, in an objective sense, denotes the absence of threats to acquired values, while in a subjective sense, it signifies the absence of fear regarding potential attacks on these values. Baldwin, however, modifies this definition to encompass a reduced likelihood of harm befalling acquired values.²

THE TRADITIONAL CONCEPT OF SECURITY

The traditional understanding of Security was primarily associated with military aspects and focused on external threats. The understanding of threats was limited to armed conflicts, with the sources of threat being perceived as originating solely from external borders. The prioritisation of territorial integrity and sovereign independence emerged as the prevailing principles within the discourse on security. The state assumed the role of the referent subject/object in matters of security, while security itself became oriented

² David A. Baldwin, *The Concept of Security* (Cambridge University Press, 1997) 13

towards threats. Nevertheless, the notion became widely accepted in the context of national security. This represents the conventional or traditional security paradigm.³

The paradigm in question is deeply rooted in the intellectual traditions of Political Realism, which conceptualises the international system as anarchical. According to this perspective, states are compelled to employ coercive measures against one another in order to attain their political goals. Realist scholars, including Stephen Walt and Patrick Morgan, firmly assert the state's central role in providing security. They express opposition towards both the horizontal and vertical expansion of the concept of national security.⁴They maintain a singular emphasis on military challenges to national security. According to Stephen M. Walt", *The main focus of security studies... is the phenomenon of war...Accordingly security studies may be defined as the study of the threat, use, and control of military force.*"⁵Patrick Morgan also agreed with Walt when he said, *"It is important to confine the concept of security to physical safety from deliberate physical harm inflicted internationally, i.e., across national boundaries."*⁶

In recent times, there has been a notable surge in the emergence of various issues and theoretical developments within the field of International Relations. These include the rise of Constructivism and Post Modernist approaches to security, which have vehemently criticised the traditional notion of "State Security" upheld by Realists, Neo Realists, and Neo Liberals. Prior to delving into an analysis of the New Security concept in the post-Cold War era, it is pertinent to provide a concise overview of the Realist, Neo Realist, and Neo Liberal Security concepts.

BACKGROUND TO THE EMERGENCE OF THE 'NEW SECURITY THINKING'

The perception of security during the Cold War era was primarily centered around the geopolitical dynamics between the major powers. However, there were those who questioned this association between international security and the US-Soviet relationship. Hedley Bull highlighted the ethnocentric nature of security thinking,

³ Humayun Mohammad Kabir and Salauddin Taher Abu Ahmed, *Ethnicity and Human Security in Bangladesh and Pakistan* (The University Press Limited, Dhaka, 2014) 10

⁴ Humayun Mohammad Kabir and Salauddin Taher Abu Ahmed, *Ethnicity and Human Security in Bangladesh and Pakistan* (The University Press Limited, Dhaka, 2014) 11

⁵ Stephen M. Walt, *The Renaissance of Security Studies* (Sage, 1991) 211

⁶ Patrick M. Morgan, *Liberalist and Realist Security Studies at 2000: Two Decades of Progress?* (Cass, London, 2000)

pointing out that the focus on national security studies often resulted in equating the security of these powers with that of the entire international system. Consequently, researchers exploring the economic interdependencies among nations were often marginalized as their work was considered less significant in the realm of security, often referred to as “low politics.”⁷

Although the breakdown of bipolarity and the emergence of economic concerns in the security agenda began before the conclusion of the Cold War, it was only in the early 1980s that a comprehensive discussion on the definition of security gained momentum. Multiple factors contributed to the emergence of the New Security Thinking.

One significant factor was the heightened fear of an impending nuclear conflict, as the Arms Race escalated. This raised questions about the compatibility between the proliferation of armaments and the actual strengthening of security.

Secondly, in the 1980s, the deployment of nuclear weapons in the name of national security created a sense of security for many. However, this approach to national security reached its peak when the Reagan administration introduced the Strategic Defense Initiative, which acknowledged that the state could no longer guarantee the safety of its citizens within its own borders. Critics of the realist school of strategic thought argued that the state’s pursuit of military security actually resulted in the insecurity of its citizens, who were effectively held hostage by the concept of nuclear deterrence. Therefore, as the tensions between major powers rapidly de-escalated towards the end of the 1980s, an opportunity arose to expand the security agenda and incorporate concerns that had been highlighted since 1945.⁸

Thirdly, these changes sparked numerous theoretical challenges to the realist paradigm, ensuring that new definitions of security and strategies for achieving it would be more contentious than their predecessors. This growing discourse on security challenges led to significant reconsideration not only of the epistemological foundations upon which

⁷ Hedley Bull, *The Control of the Arms Race: Disarmament and Arms Control in the Missile Age* (Praeger for the Institute for Strategic Studies, 1961) 44

⁸ Hedley Bull, *The Control of the Arms Race: Disarmament and Arms Control in the Missile Age* (Praeger for the Institute for Strategic Studies, 1961) 45

the traditional concept of security was built but also of the fundamental principles of the discipline as a whole.

In the current reassessment of security, the economic and ecological dimensions are being integrated into the concept, whereas during the Cold War, the emphasis was primarily on the military aspects of security for the major powers. The vulnerable position of developing countries (the South) and the evolving security perspectives of developed nations (the North) have allowed for a shift in understanding security in terms of economic vulnerabilities. As a result, debates have emerged about a new international order that encompasses a wide range of issues, including the trade-offs between economic, military, and ecological security, as well as the potential for global economic instability stemming from the decline of United States hegemony.⁹ Therefore, the reassessment of security is intertwined with the ongoing “third debate” in the field of international relations, which challenges the theoretical foundations of the discipline as a whole. Critics argue that the basic assumptions of realist analysis must be fundamentally reevaluated in order to develop a more contemporary understanding of security. Conversely, opponents of realism contend that a state-centric analysis, focusing solely on political and military aspects of security, is inadequate in a world where various security threats originate internally rather than externally. These non-military security risks occasionally render the concept of territorial security obsolete, highlight the insufficiency of state-centric approaches, and underscore the importance of responsibilities held by domestic non-state actors and the international community.

In this new context, definitions of security centered solely on the state and military dimensions appear excessively narrow and fail to address the challenges posed by non-state actors and non-military threats. Consequently, the post-Cold War era has witnessed a global re-evaluation and reorientation of the concept of security, with the aim of making it more inclusive in meaning and substance.

⁹ Jaap de Wilde, Barry Buzan, and Ole Waever, *Security: A New Framework for Analysis* (Lynne Rienner Pub., 1998) 2,5

NON-CONVENTIONAL SECURITY THREAT

The post-cold war security discourses seem to be taking place at two levels depending on the views in favour of or against widening and deepening concepts of security or for/ against shifting the focus away from state centric conceptions:

- a. Traditional security against non-traditional security and
- b. Within the non-traditional security trend itself.

Within the inclusive approach, there are those who conceptualize security in a vertically extended sense. These thinkers known as the ‘deepeners’ are willing to vertically expand the level of analysis, by considering the security of the individuals as well as groups and communities along with that of the state. Political thinkers like Rothstein, Kaufmann, Walter and Snyder, Valentino etc. belong to this group of new security thinking.¹⁰

The ‘wideners’ like Gleditsch, Barry Buzan, Dalby on the other hand, accept the idea of horizontal expansion by recognizing political, economic, social and environmental issues. However, there are some realists who tend to persist in their conventional views. These realists, who are also staunch traditionalists, opposed the horizontal and vertical extension of the national security idea.¹¹ They keep their focus strictly on military threats to the security of states on grounds that inclusion of too many issues would lead to the overcrowding of the concept and thus would render it incoherent and without any analytical or policy relevance. They further stress that military power still has its uses. The inclusivists respond to this critique by disaggregating security into several sectors, for instance, military, political, economic, societal, and environmental ones, and setting rigorous criteria of securitization.¹²

The concept of ‘new security thinking’ has undergone significant development, resulting in a broadened understanding of security in the 1990s. This expansion can be categorised into four distinct dimensions. The concept exhibits horizontal expansion,

¹⁰ Chaim Kaufmann, ‘Possible and Impossible Solutions to Ethnic Civil Wars’ (1996) 20 *International Security* <<https://doi.org/10.2307/2539045>> accessed 14 April 2023

¹¹ Simon Dalby, ‘Security, Modernity, Ecology: The Dilemmas of Post-Cold War Security Discourse’ (1992) <<http://www.jstor.org/stable/40644733>> accessed 14 April 2023

¹² Jaap de Wilde, Barry Buzan, and Ole Waever, *Security: A New Framework for Analysis* (Lynne Rienner Pub., 1998)

encompassing various domains such as military, economic, social, environmental, and “human security.”

The distribution of power and influence extends in various directions, encompassing national states, international institutions, regional or local governments, non-governmental organisations, public opinion, the press, and abstract forces such as nature or the market.¹³

Within the non- traditional security paradigm, there are those who hold the view that states are only history specific political formations. As such, they tend to offer a counter- nation- state discourse that discards the metaphysics of domination and control. Ken Booth, for example, has equated security with ‘emancipation’ in an attempt to give a radical definition of the same. He argues that “emancipation is the freeing of people (as the individuals and groups) from the physical and human constraints which stop them from carrying out what they would freely choose to do...Emancipation, not power or order, produce true security...” He further argued that, “Human security is ultimately more important than state security. It thereby helps to dislodge the state as the primary referent: as a result, states become the means and not the ends of security.”¹⁴ Thus, redefining security along these lines would need a transformation of the state itself. Imtiaz Ahmed, for example, argues that the nation-state itself must be reformed in order to guarantee the safety of everybody.¹⁵ Dalby’s opinion can be referred to in this context, where he states that, “alternative conceptions of security must focus on reforming the state system...” He further contends that, “separating security from state security opens up space for constructive interactions between people across boundaries, eroding the possibilities of constructing security in terms of exclusionist identity.”¹⁶

In light of the above explanations, Human Security refers to the security of the human person or the security of the people. Human security is one of the most recent

¹³ Ken Booth, ‘Security and Emancipation’ (1991) 17 *Review of International Studies* 313

¹⁴ Ken Booth, ‘Security and Emancipation’ (1991) 17 *Review of International Studies* 115, 119

¹⁵ Imtiaz Ahmed, "Rethinking National Security: The Issue of Refugees in Bangladesh-India Relations" (1997-1998) 56

¹⁶ Simon Dalby, ‘Security, Modernity, Ecology: The Dilemmas of Post-Cold War Security Discourse’ (1992) <<http://www.jstor.org/stable/40644733>> accessed 14 April 2023

neologisms in the sub-field of non-traditional security. The discourse on human security has risen to the forefront as a result of the issues listed below.

The first factor can be attributed to the emergence of newer types of threats that affect ordinary people and the non-combatants a lot more than they do to the state. As a result, the surging concerns for human beings have become a definite value in the current security discourse. As a result, the Critical Theorists and the Peace Researchers since the 1970s started highlighting the need for addressing people's needs and concerns.

Secondly, in the post-Cold War age of wars and conflicts, the state is viewed as the violator of the safety and well-being of its own inhabitants.

Thirdly, a state is sometimes incapable of defending itself against some of the most recent challenges to its own people.

Fourth, there is a dire need for rearticulating the responsibilities of the state vis-à-vis its own citizens.

Fifth, there is also the need for refocusing the post-Cold War security debate on ordinary people's needs and concerns.

In political science, the term lacks a universally acknowledged or authorised definition despite its expanding usage in political research and practise. While traditional security issues are well-defined and strictly guarded, there is no consensus on what non-traditional security is, what it covers, and what it excludes. Non-traditional security threats, however, are defined by Mely Caballero-Anthony as "threats to the survival and well-being of peoples and states that arise primarily from nonmilitary sources, such as climate change, cross-border environmental degradation and resource depletion, infectious diseases, natural disasters, irregular migration, food shortages, people smuggling, drug trafficking, and other forms of transnational crime."

Non-traditional security risks encompass factors beyond military, political, and diplomatic conflicts, which pose a potential threat to the survival and progress of a nation-state and humanity at large. When examining non-traditional security risks in comparison to conventional security threats, it is evident that certain characteristics can be observed from a definitional perspective.

Initially, it is important to note that these challenges have the potential to impact both governmental institutions and civilian populations. Furthermore, these challenges can emerge from various non-state human and natural factors, wherein the hazards may stem from specific behaviours exhibited by individuals or social collectives rather than official actions. Therefore, it can be observed that the rise of non-traditional issues is characterised by a higher level of unpredictability. Furthermore, the enhanced mobility and expanded range of activities among individuals contribute to the accelerated dissemination and proliferation of their impacts within contemporary society.

The SARS (Severe Acute Respiratory Syndrome) outbreak of 2002-2003 and the Great Recession which began in 2008 are examples of how the indirect consequences of such concerns can result in enormous economic losses for a region or the entire world.¹⁷

Richard H. Ullman presented the most exhaustive description of the idea of non-traditional security in his innovative 1983 paper. According to him, national security should not be construed in the 'limited' sense of defending the nation against military attacks from beyond its geographical borders. Such a perception was, for him, "doubly misleading and therefore doubly dangerous", because it "draws attention away from the non-military threats that promise to undermine the stability of many nations during the years ahead. And it presupposes that threats arising from outside a state are somehow more dangerous to its security than threats that arise within it." Ullman prefers to characterise a national security threat as; "*an action or sequence of events that threatens drastically and over a relatively brief span of time to degrade the quality of life for the inhabitants of a state, or threatens significantly to narrow the range of policy choices available to the government of a state or to private, nongovernmental entities (persons, groups, corporations) within the state.*" For the sake of an extensive analysis, six main categories of non-traditional security can be distinguished: international terrorism, transnational organised crime, environmental security, illegal migration, energy security, and human security.

¹⁷ Mely Caballero-Anthony, *An Introduction to Non-Traditional Security Studies: A Transnational Approach* (SAGE Publications, 2016)

HUMAN SECURITY

The emergence of the concept of Human Security can be attributed to a growing dissatisfaction with the prevailing notions of security and progress that were prevalent in the 1960s, 1970s, and 1980s. During the mid-1970s, the Multi National World Order Models Project (WOMP) in the field of International Relations, which is primarily concerned with security studies, drew attention to the matter of individual well-being and security. However, the concept of Human Security can be traced back to a series of studies conducted by a multinational and independent committee consisting of renowned leaders, intellectuals, and scholars. During the 1980s, two additional autonomous commissioners were established. The initial one was the International Development Issues Commission, led by Willy Brandt, which released the renowned “North-South report” in 1980. In the introduction of the report, Brandt stated, “Our Report is founded upon the seemingly fundamental shared interest that humanity desires to persist, and one could argue, is morally obligated to do so.”¹⁸ This statement not only presents conventional inquiries regarding peace and conflict, but also addresses the challenges of addressing global food insecurity, widespread suffering, and significant inequalities in living standards between affluent and impoverished populations.

The Common Security Report, authored by the Independent Commission on Disarmament and Security Issues under the leadership of Olof Palme, posited that the United States poses a significant risk to global peace and security. The concept of common security necessitates the provision of dignified and peaceful living conditions for individuals, encompassing access to sufficient sustenance, employment opportunities, and an environment free from poverty and destitution.¹⁹ Subsequent to these endeavours, there emerged comparable initiatives such as the Stockholm Initiative on Global Security and Governance in 1991. This initiative advocated for the notion of “Common Responsibility in the 1990s,” acknowledging the existence of security challenges beyond political rivalries and armament. It emphasised a broader understanding of security, encompassing threats arising from developmental

¹⁸ Lawrence H. Officer, ‘The Journal of Developing Areas’ 15, (1981)
<<http://www.jstor.org/stable/4190952>> accessed 17 April 2023

¹⁹ Independent Commission on Disarmament and Security Issues, *Common Security: A Blueprint for Survival* (Simon and Schuster, 1982) 172

shortcomings, environmental deterioration, unsustainable population growth and migration, as well as insufficient progress towards democratic governance.²⁰

Four years later, in its report *Our Global Neighbourhood*, the Commission on Global Governance reiterated the Stockholm Initiative's security language. Although the recommendations of these commissions were the forerunners of Human Security thinking, it wasn't until the 1994 United Nations Development Program Report that a human security viewpoint was expressed explicitly.

The conceptualization of human security and the nature of the debate surrounding it are contingent upon the perspectives of various entities, including countries, organisations, individuals, scholars, analysts, states, societies, power dynamics, the international system, security referents, and the imperative to address the suffering of individuals. In this analysis, we will examine the strategies employed by the United Nations Development Programme (UNDP) as outlined in the Human Development Report, as well as those implemented by Canada, Japan, and the Commission on Human Security (CHS).

THE CONCEPT OF HUMAN SECURITY (HUMAN DEVELOPMENT REPORT)

The economist Mahbub-ul-Haq, known for his significant contributions to the development of the Human Development Index (HDI) and his subsequent involvement in the creation of the Humane Governance Index (HGI), played a pivotal role in the conceptualization of the latter index. In the scholarly article titled "New Imperatives for Human Security," Haq presents his strategic approach as outlined in his work published in 1994. Haq offers a straightforward answer to the inquiry of "security for whom?" Human security is constituted by individuals and people rather than states and nations. Consequently, he contends that the world is "entering a new era of human security" in which the entire idea of security will shift significantly. In this new definition, security will be linked with the security of individuals, and not only the security of their nations, or "security of people, not simply territory." Elsewhere, he argues more normatively, "We must create a new idea of human security that is mirrored

²⁰ Stockholm Initiative on Global Security and Governance, *Common Responsibility in the 1990's: The Stockholm Initiative on Global Security and Governance* (Prime Minister's Office, Stockholm, Sweden, 1991)

in the lives of our people, not in the armaments of our nation.” Haq was not precise about the values that must be preserved when he formulated this new notion, but he did declare that individual safety and well-being in a broad sense were the most important values. Human security relates primarily to the safety and well-being of “all the people everywhere - in their homes, at their jobs, on their streets, in their communities, and in their environment,” whereas the traditional conception of security emphasises territorial integrity and national independence as the most important values that must be protected.²¹

CONCEPT OF HUMAN SECURITY (UNDP)

The section on human security in the 1994 UNDP Human Development Report coincides with the publication of the Haq monograph in the same year. The document, referred to as “Redefining Security: The Human Dimension” (hereinafter referred to as “the Report”), purports to offer a comprehensive alternative to traditional security approaches and a crucial contribution to human development. The Report addresses the inquiry of “security for whom?” by making reference to traditional notions of security. The traditional understanding of security encompassed the protection of territorial boundaries from external attacks, safeguarding national interests in international relations, and ensuring global security to prevent the occurrence of a nuclear catastrophe. The phenomenon is primarily associated with nation-states rather than individuals.²² Accordingly, the Report asserts, similar to Haq’s perspective, that the focal point of human security is the individual or the person. The Report substantiates its assertion by citing the foundational declaration of the United Nations, which initially defined security as encompassing “freedom from fear,” freedom from want,” and the equitable consideration of both regions and individuals, as implied by this distinction. Furthermore, the Report delineates seven “components” or, using our designated terminology, seven discrete values of human security; economic security, food security, health security, environmental security, personal security, communal security, and political security.²³

²¹ Mahbub ul Haq, ‘New Imperatives of Human Security’ (UNDP, 1994) 1

²² UNDP’s Human Development Report (1994)

²³ Humayun Mohammad Kabir and Salauddin Taher Abu Ahmed, *Ethnicity and Human Security in Bangladesh and Pakistan* (The University Press Limited, 2014) 19

The Report examines security values in two separate sections. The discourse commences with a sequence of introductory statements pertaining to fundamental principles that prioritise the security, welfare, and respect accorded to individuals in their day-to-day existence. The distinction made in the Report pertains to human security and its related concept, human development. It posits that human development encompasses a wider scope, involving the expansion of individuals' options, while human security implies the ability of individuals to exercise these options in a secure and unrestricted manner. Furthermore, human security entails a reasonable level of assurance that the opportunities available to individuals presently will not be entirely compromised in the future. In addition to experiencing a sense of agency and confidence regarding future prospects, it is imperative that individuals possess the necessary skills and resources to be self-sufficient. This entails the ability to meet fundamental needs and generate personal income.²⁴

In addition to the aforementioned generalisations, the Report delineates seven “components” of human security, which can be understood as seven distinct values: health security, environmental security, personal security, communal security, and political security, as per our terminology.

- i. Economic security refers to the state in which an individual is able to access a fundamental level of income, which may be derived from gainful employment or provided through a social safety net.
- ii. Food security pertains to an individual's access to food, which is determined by their possessions, income, or employment status.
- iii. Health security encompasses an individual's freedom from various illnesses and debilitating conditions, as well as their ability to obtain necessary healthcare services.
- iv. Environmental security encompasses the preservation and protection of the natural elements, including land, air, and water, which are essential for sustaining human habitation.

²⁴ Humayun Mohammad Kabir and Salauddin Taher Abu Ahmed, *Ethnicity and Human Security in Bangladesh and Pakistan* (The University Press Limited, 2014) 129

- v. The concept of personal security pertains to an individual's state of being free from crime and violence, with a particular emphasis on the protection of vulnerable groups such as women and children.
- vi. Community security encompasses the preservation of an individual's cultural integrity and the promotion of harmonious relations among different communities within their living environment.

Lastly, political security refers to protection against infringement of human rights. The Report purports to differentiate between two categories of dangers, namely, First, localised dangers are those that appear to pose a unique danger to distinct cultures or parts of the world and to vary according to their level of economic development and physical location. Second, global- when the hazards are of a global character since "threats inside countries quickly cross-national borders."²⁵

HUMAN SECURITY (INDIAN SCENARIO)

It is widely acknowledged that numerous security challenges encountered globally in the 21st century are rooted in factors such as poverty, underdevelopment, inequality. It also includes environmental degradation, climate change, pandemics. Illegal migration, human smuggling, drug trafficking, and conflicts arising from inadequate governance and state failure. While these concerns have been previously acknowledged, they are progressively gaining international and interconnected significance due to the advancement of globalisation. Furthermore, these risks have a significant impact on the safety and welfare of individuals in a direct and profound manner, despite the apparent stability of the current international order composed of various nations. Hence, it is imperative for the global community to reassess the conceptualization of security and determine the most effective means to attain it. In light of contemporary global dynamics, it is imperative to adopt a comprehensive perspective on security that prioritises the well-being and agency of individuals, surpassing the traditional notion of national security.²⁶ Consequently, the concept of human security has undergone a significant transformation when compared to the traditional understanding or framework of security that was prevalent in numerous societies. As stated earlier, India

²⁵ Humayun Mohammad Kabir and Salauddin Taher Abu Ahmed, *Ethnicity and Human Security in Bangladesh and Pakistan* (The University Press Limited, 2014) 230, 234

²⁶ Amitav Acharya, 'Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism, and Rule-Making in the Third World' (2011) 55 *International Studies Quarterly*

is a country characterised by its rich diversity, encompassing numerous ethnic groups. India presents a unique scenario wherein diverse communities have successfully preserved their distinct identities. Societal stratification occurs as a result of various factors, including but not limited to caste, creed, class, religion, and community, leading to divisions within the population. Certain social groups often encounter marginalisation and perceive themselves as being disadvantaged within society. Although discrimination still exists, some groups have become more vocal about their issues and have been successful at getting elected leaders to submit their cases to the highest legislative authorities. In the realm of economics, various welfare programmes are being implemented with the aim of ensuring economic and social equity for individuals who are economically disadvantaged and marginalised within society. Various demographic groups have gained increased awareness of their legal rights and entitlements, thereby facilitating their ability to assert their demands for the provision of human security. By implementing a variety of policies and programmes, the government takes measures to ensure equitable distribution of resources among its citizens. At present, the organisation is actively involved in providing comprehensive care and support to its residents.

While certainly not an entire list, human security contains elements related to politics, economy, society, culture, community, and the natural environment. In order to evaluate the student's progress, these factors will be carefully studied.

Political Security: The state has a significant portion of the responsibility for assuring the public's safety and making certain that the appropriate resources are in place to deal with any emergency that may arise. Since its independence, India's territorial integrity has been rigorously protected. India's strategic location has made it exposed to attacks from several directions. Numerous and intermittent tests have been administered to the nation's ability to maintain its unity. The northern and north-eastern sides of India have been particularly susceptible, and insurgent and terrorist organisations have continuously attempted to destabilise the country. There exist multiple challenges that must be addressed in order to successfully accomplish this task. The state's ability to effectively address adverse events often proves inadequate. In isolated regions where insurgent or militant organisations operate, government officials regularly fail to fulfil their responsibilities, and law enforcement forces face major difficulties in maintaining

order. In particular, areas that are prone to Naxalite (Maoist) violence sometimes give rise to the formation of alternative administrations. In addition, the prevention of the growth of small guns, drug trafficking, and trafficking in general is a significant challenge. Many scholars argue that human development is crucial for ensuring human security, as it leads to a reduction in inequalities and an improved provision of basic necessities. The presence of availability serves as a security measure that mitigates the potential increase in crime rates. Hence, it is imperative for policymakers to consider the implementation of policies that safeguard the welfare of the entire population.

Economic Security: Despite ongoing economic inequities, attempts to address the disparity between the affluent and the impoverished have largely proven inadequate. Poverty poses a significant barrier to the economic progress of India. The anticipation was that the implementation of economic liberalisation would effectively address the impending economic challenges. Nevertheless, India's implementation of a liberalisation programme and its subsequent measures have led to an exacerbation of the socioeconomic disparity between the privileged and the underprivileged segments of society. Indeed, the proliferation of extreme left-wing ideology and the subsequent rise in violence can be attributed to economic disparities and prejudice. The magnitude of this threat has escalated to unmanageable proportions due to the government's ineffectiveness in addressing it. This violence is predominantly economic in nature, and its occurrence and scope are expected to increase in the foreseeable future. The concept of economic independence is essential to enhancing economic security. Tadjbakhsh and Chenoy argue that attaining success in economic development, especially in the context of human development characterised by equitable growth, decreases the likelihood of conflict situations and the propensity to engage in war motivated by greed. When a population is empowered and provided with opportunities for personal and human development, greed and economic factors can no longer be the solitary motivations for engaging in warfare. This phenomenon holds particular significance within nation-states, particularly during periods when conflicts within a state take precedence over inter-state conflicts.²⁷ Armed conflicts impose supplementary burdens on a country's economy, thereby exacerbating losses and diminishing gains.

²⁷ Saskia Tadjbakhsh and Anuradha Chenoy, *Human Security: Concepts and Implications* (1st ed., Routledge, 2007) 113

Food Security: The ability to provide for one's own nutritional needs is an essential component of human existence. When a person's fundamental requirements in the context of a society are not satisfied, the individual is subjected to severe and far-reaching repercussions as a result of the unmet need. Poverty, hunger, and the assurance of having enough food to eat are all intricately connected to one another. Hunger is a symptom of a disease called food deprivation, which in turn leads to a decline in one's general health. In addition to this, it hampers a person's capacity to perform well in their professional activities and to pursue a successful career in their chosen field. Malnutrition is linked to a decrease in an individual's immunological response to illnesses and has the potential to have long-term, detrimental consequences on an individual's overall health. It is a factor that contributes to the prevalence of hunger, poverty, and illness, and it also reduces the ability and effectiveness of individuals. The supply of food is a key requirement for the progression of human development; conversely, denial of this demand leads to impeded human growth. Providing food is a vital necessary for the development of humans. If this reasoning is disregarded, the relevance of development is diminished, as nourishment is a necessary condition for human existence and development is a necessity for both. Because of this, less effort is put into making considerable progress when the very question of whether or not one will continue to exist is at stake. In addition, this circumstance raises questions over the capability of the state to complete its role of providing individuals with vital requirements. The ability of a society to provide for its own nutritional needs is an issue of critical significance. However, we must keep in mind that this is a tremendous endeavour that demands immense dedication in order to be successful. Efforts are currently being undertaken to pass legislation that guarantees the protection of this basic right for all individuals. There are millions of individuals in India who are malnourished and suffering from hunger.

As a result of the lofty objectives to alleviate hunger and poverty, the work becomes even more crucial.

Health Security: The maintenance of good health is a fundamental component of human development and the preservation of life. Ensuring the health of all members of society necessitates the assurance from both the state and local communities. Basic health institutions in the majority of Indian villages are found to be inadequately

equipped to effectively address even minor health concerns. The availability of healthcare services for the general population is severely inadequate in numerous regions, with rural areas experiencing particularly dire circumstances. A significant proportion of individuals residing in urban slums and unsanitary conditions face financial constraints that prevent them from accessing essential healthcare services. The private sector is predominantly driven by financial gain and may not adequately address the healthcare requirements of economically disadvantaged populations. Although private institutions are allowed to offer healthcare services to the underprivileged, the implementation of this programme has been notably slow. The prevailing trend encompasses a dearth of comprehension among the rural population regarding widely implemented initiatives such as immunisation for mothers and children, maternal healthcare, and infant mortality rates. The implementation of necessary modifications is imperative within this sector to ensure the protection of individuals' well-being.

Environmental Security: The capacity to satisfy one's own dietary requirements is one of the fundamental elements that define what it is to be human. When a person's essential requirements in the context of a society are not supplied, the individual will be subjected to severe and far-reaching repercussions as a result of the unmet need. These repercussions will be a direct outcome of the unmet need. Poverty, hunger, and a lack of confidence in one's ability to consistently obtain an adequate supply of food to consume are all closely tied to one another. An illness known as food deprivation, which in turn leads to a loss in one's general health, is characterised by hunger as one of its symptoms. In addition to this, it hinders a person's ability to perform effectively in their professional activities and to pursue a successful career in the sector that they have chosen to work in. Malnutrition is associated to a reduction in the immune response that an individual has to infections, and it has the potential to have long-term implications that are damaging to an individual's general health. It is a factor that contributes to the predominance of hunger, poverty, and disease, and it also leads to the reduction of an individual's capacity and effectiveness. The availability of food is an essential factor in the evolution of human development; on the other hand, failure to meet this need results in stunted human development. It is very crucial for the growth and development of people to have access to food. If this line of thinking is neglected, then development loses some of its significance, because sustenance is a required condition for human existence, and development is a necessity for both nourishment

and development. When the very question of whether or not one will continue to exist is at risk, less effort is put into achieving great advancement as a result of this. In addition, this condition raises doubts concerning the capabilities of the state to fulfil its function of supplying essential necessities for its citizens, which the state is tasked with doing. It is of the utmost importance for a civilization to be able to meet its own dietary requirements, as this presents a significant challenge. However, we must not lose sight of the fact that this is a massive undertaking that calls for a significant amount of commitment in order to be successful. At present time, efforts are being made to pass laws that will guarantee the preservation of this fundamental right for all people. Millions of people in India are malnourished and go hungry every day. India has a serious problem with hunger.

Individual and Community Security: The protection of the individual is widely acknowledged as the primary objective of human security. This entails safeguarding against any manifestation of violence that jeopardises the personal safety of an individual. This requires tackling extra non-conventional security difficulties including food shortages, poverty, displacement, and similar worries in addition to protecting against other types of violence that may develop in situations like terrorist attacks or conflicts. As previously covered in the prior Units, there is a close relationship between the concepts of human security and human rights and development. It covers the area of communal security in addition to addressing personal security issues. Most often, communities work together to combat dangers by working against them as a whole. The aforementioned dangers come from regular occurrences and endanger people's safety as well as the integrity of their communities.

In the context of India, the categorization of vulnerable populations encompasses both minority groups and, more specifically, individuals who experience higher levels of deprivation across various segments of society. These groups encompass caste and tribal communities, as well as women and children. The concerns surrounding women, children, and marginalised groups, whether based on religion or language, have a broader global relevance. However, the specific challenges faced by tribal communities and individuals from lower socioeconomic backgrounds are more specific to the context of India. These groups are integral components of the societal framework and are susceptible to the manifestation of structural violence. Moreover, poverty and hunger

indiscriminately affect individuals experiencing economic deprivation, rendering them highly susceptible within the societal framework. These individuals find themselves grappling with the very systems that have perpetuated disparities across multiple dimensions. Moreover, a significant division exists, primarily observed in rural regions. The marginalised communities frequently encounter social stratification and inequity, rendering them the most disadvantaged segments within society. These marginalised groups lack access to vital social and economic resources, and their discrimination stems primarily from the unequal stratification of society based on caste, class, and religion. The prolonged period of isolation experienced by this group has rendered them susceptible at their very essence.

The issue of violence against women is widespread across nations, constituting a global concern. Crimes against women are prevalent in both rural and urban areas, rendering women as the most susceptible demographic within society. Women are disproportionately affected by acts of violence in all circumstances. Children have emerged as a particularly vulnerable demographic due to their frequent engagement in domestic labour and their susceptibility to human trafficking. In the context of India, the condition of women presents a contrasting portrayal. On one hand, women are making progress in various domains such as professional executive roles, political leadership, environmental activism, social work, and as trailblazing reformers and business leaders. On the other hand, there is a decline in the status of women. On the contrary, the condition of women residing in rural regions of India is characterised by a distressing state, primarily attributed to a dearth of educational opportunities and a limited comprehension of their entitlements and obligations. Despite the implementation of legislation aimed at improving their circumstances, these initiatives have not yet yielded positive outcomes. Children have also experienced adverse consequences due to significant levels of inadequate education and engagement in child labour within various industries such as businesses and hotels. The primary objective of the Right to Education legislation is to ensure equal opportunities for individuals to obtain education, thereby enhancing their overall well-being and societal outcomes. Individuals employed as domestic assistants are also included within the demographic of individuals who face insufficient access to education, employment opportunities, and workplace safety measures. The aforementioned are the notable obstacles that necessitate attention and resolution.

COMPREHENSIVE NATIONAL SECURITY

In regard to the notion of National Security, the term “comprehensive” appears to have been used in two senses: including solely non-military dangers to the state. Second, the inclusion of both military and non-military threats against non-state security-related entities. The Japanese introduced the concept of Comprehensive National Security, sometimes known as state security, as a component of their state ideology in the 1980s. The concept of broadening the scope of national security was to encompass dangers from non-state actors and natural catastrophes in addition to inter-state warfare and military threats. India’s Kanti Bajpai, like the Japanese government and several South East Asian intellectuals, has maintained a state-centric perspective on national security. According to him, the idea of comprehensive security encompasses both military and non-military dangers to the state. The Human Security Index, including qualitative and quantitative inputs, is his most significant contribution to the conception of human security. This use of this index along the same lines as the Human Development Index and the Humane Governance Index developed by Mahbub-ul-Haq enables the identification of problem areas for each country and is thus a valuable instrument for solving human security issues.

However, Bajpai’s views have been challenged by many scholars like Pervaiz Iqbal Cheema, who states that “the notion of comprehensive security implies abilities to defend against external as well as internal threats; prevent disintegration that may have been commenced by internal strife; growth of power and prosperity accompanied by improved quality of life, and abilities to maintain desired level of peace and security.” He also states that “a comprehensive definition of national security must take into account external and internal threats as well as threats emanating from economic insecurity and inequalities.”²⁸ However, in spite of the criticisms, Kanti Bajpai’s views are relevant in this context where he stated, “Human security relates to the protection of the individual’s personal safety and freedom from the direct and indirect threats of violence. The promotion of human development and good governance, and, when necessary, the collective use of sanctions and force are central to managing human security. States, international organizations, non-governmental organizations, and other

²⁸ Parvaiz Iqbal Cheema, ‘Economic Trends, National Security and Defense Spending in Pakistan’ (1997) 139,140

groups in the civil society in combination are vital to the prospects of human security”, he writes.²⁹ Upreti discerned that the challenges to security are both internal as well as external which have to be given equal importance so as to give full security to individuals, communities as well as to the state. Internal and external security may bring strength and energy to one another; consequently, a holistic approach to national security is required.³⁰

The concept on comprehensive national security has several other benefits, both academic and real- life ones. The utility of the same lies in the fact that it possesses the ability to hold all the security dynamics in a single framework. Thus, it becomes possible to capture the permanent and the evolutionary threats to the state and its people, thus weathering the vicissitudes of seasonality in security thinking. Such a security concept also helps overcome the apparent dichotomy between traditional and non-traditional security thinking. Such a comprehensive framework also facilitates the devising of appropriate national policies in response to security threats and vulnerabilities.³¹

THE CHANGING CONCEPT OF SECURITY (INTERPRETATIONS)

Mahbub-ul- Haq, in an introductory speech in the Seminar stated that, “...we are still fighting the battles of tomorrow with the concepts of yesterday.” He further commented in view of the rising Human Rights issues within a country, “...It is time to recognize that most conflicts are now within nations, not between nations.” Haq also showed the four ways in which the concept of Security has undergone a change in the post-Cold War era:

First, Security of both people and land.

Second, the protection of persons in addition to states.

Third, Security via development rather than through the use of armaments.

²⁹ Parvaiz Iqbal Cheema, ‘Economic Trends, National Security and Defense Spending in Pakistan’ (1997) 82

³⁰ B.C. Upreti, ‘Comprehensive Security: A View From the Western Region’ (2002) 180,181

³¹ V.R. Raghavan, ‘Introduction’ in Delhi Policy Group, Comprehensive Security in South Asia, Seminar Proceedings (New Delhi, 2001) accessed 22 April 2023

Fourthly, Protection of everyone wherever, “in their homes, in their jobs, in their streets, in their communities and in their environment.”

In the post-Cold War era, alternative security methods shifted the emphasis from the State to the person and from a military-centric to a people-centric security paradigm.

However, Barry Buzan called for expanding the security agenda to include the individual as a security reference while maintaining the realist roots of the security concept. Even Buzan’s idea of Global Security was consistent with the Realist view, in which the security of the state took centre stage. Buzan’s Global and National Security is distinctive in that it has been characterised by Human Security and emphasised Individual Security as a major priority.

Barry Buzan, who traditionally belonged to the English School, which is reputed to take a more pluralistic approach to International Relations, has an intriguing approach to Security because he examines it from every angle, i.e., from the macro to the micro, and also addresses the social aspect of Security. This infinitely complex micro/macro method is of the utmost importance for comprehending how to handle what Buzan refers to as the “National” Security Problem.³² Buzan expanded his Security analysis and gave his readers with a more in-depth grasp of Security’s complexities; he then applied this knowledge to modern issues such as the War on Terror.

In his study *People, States, and Fear*, Buzan covered the three degrees of security in detail. Political, military, economic, societal, and environmental issues are also discussed in the essay “New Patterns of Global Security in the Twenty-First Century.” Therefore, the beginning of the twenty-first century marks the beginning of a variety of internal security concerns that have posed a threat to the security of states, including India. Thus, the paper seeks to identify and assess the significant internal security challenges that provide a formidable challenge to Indian policymakers. Using the aforementioned studies by Barry Buzan and Mahbub-ul-Haq as theoretical reference points, a classification of the same was developed. The subsequent chapters will focus on some of the most significant Socio-Economic and Political Security concerns, which emerge as “Internal Security Threats” due to their complex effects within the nation.

³² Khadija Haq (ed.), ‘Human Security for South Asia’ Economic Growth with Social Justice: Collected Writings of Mahbub ul Haq (2017) <<https://doi.org/10.1093/oso/9780199474684.003.0029>> accessed 22 April 2023

While researching individually on various security vulnerabilities, the researcher recognised that these principles cannot sufficiently handle each issue alone. Rather, each element is carefully and tightly interconnected, producing a web. For instance, unemployment, an issue in the economic sector, can lead to anger among jobless youths, which might produce “security concerns” in other sectors, such as the social sector, in the form of ethnic conflict, terrorist activities, violence against women and children, etc. In the form of terrorism, insurrection, or ethnic unrest, it can become a significant danger element.

According to Mahbub- ul - Haq, there are now three levels at which Human Security may be addressed: universal, global, and individual. Without global understanding and agreements, no nation can preserve its people’s security, i.e. safeguard Individual Security. Thus, the study demonstrates that the inability of the state to provide security to diverse groups results in insurgencies, militant movements, and terrorist actions, which risk community and personal security, which in turn threatens the state’s internal security. In addition, the thesis attempts to demonstrate that the policies and actions implemented by neighbouring nations and non-state actors constitute a significant danger to the internal security of a country by serving as a catalyst, therefore exacerbating specific socioeconomic security challenges within the country.

The researcher would also want to outline the fundamental distinctions between security and Human Security ideas.

Initially, it is important to note that the realist and human security perspectives exhibit fundamental differences in their evaluation of security threats and approaches to achieving security objectives. The former perspective delineates security threats as encompassing organised violence between states, weapons of mass destruction, and internal armed conflict. Conversely, the latter perspective expands the scope of security threats to include environmental pollution, hunger, poverty, violent social and political conflict, economic imbalances, drugs, organised crime, and discrimination based on gender, religion, and race. According to the realist perspective, the state assumes the role of the primary provider of security, whereas the Human Security approach diverges from this viewpoint by not attributing exclusive security provision to the state. On the other hand, it has been argued that the state can pose a threat to security, as exemplified by the numerous occurrences of Developmental Displacements in India.

Such foreign forces have repercussions in India as well. Under this category, the researcher emphasised two difficulties, namely the problem of terrorism and the problem of Migration from neighbouring countries, which exacerbates the current problems of terrorism, migration, and other socio-economic security challenges in India.

Second, the temptation to prioritise personal security over state security or to pit the two against one another is unnecessary and unlikely to be either logically or practically beneficial or significant. The two security methods can be considered as interdependent and mutually beneficial. State security and human security are components of a single biological whole and, as such, must be evaluated through the prism of all-encompassing security concepts. In the final analysis, topics such as economic security, environmental security, political security, etc. tend to come within the categories of state security, human security, or both. Such an idea transcends realist limitations and restrains the expansionist inclination of critical theorists to conceptualise human security, which was initially a normative concern and now demands to be firmly included into a nation-security state's agenda.

Due to the complexity of the twenty-first century, the notion of 'security' can no longer be regarded unidimensional. Rather, it has grown multidimensional, with professionals in the subject, policymakers, and national elites paying more attention to non-traditional dangers emanating from non-state actors and global society, but the state has remained the object of security or the entity to be defended.

CHAPTER 3

THE SOCIO-ECONOMIC COMPLICATIONS IN INDIA AND THE THREATS TO INTERNAL SECURITY

ECONOMIC SECURITY

Economic security forms an important part of the sectoral approach to security, which aims at the detailed analysis of the various sectors of security apart from state and military security, which forms the crux of the traditional security approach. This approach marks a digression from the traditional approach by recognizing the various sectors of security like political, social economic and environmental etc. However, one of the main drawbacks of this method is the absence of a single analytical approach and the case of the economic security is no exception to this. This was reflected in the words of Neuman and Wolff when they stated, “no clear definition of what is meant by that phrase seems to have emerged.”³³

Although there has always been an inherent link between economics and national security, it was always subordinated to politics and its importance was only limited to the writings of great scholars like Adam Smith, who discussed the link between “defence” and “opulence” in his famous book ‘The Wealth of Nations’.³⁴

It was not until the Cold War years that this sector received some importance and emerged on the western policy agenda during the economic and political shock in the year 1973 due to the oil embargo of the Organization of the Petroleum Exporting Countries (OPEC).³⁵

Thus, the economic dimension was reinterpreted in the post- Cold War Years and underwent a sea change from the traditional approaches to security, where the economic dimension is seen as one of the key criteria by which great powers are defined. The same views of the Traditional approach were also echoed in Barry Buzan’s definition

³³ Richard Carl Neu and Charles Wolf Jr., *The Economic Dimensions of National Security* (RAND Corporation, 1994) 11

³⁴ Michael Sheehan, *International Security: An Analytical Survey* (Viva Books) 211

³⁵ Michael Sheehan, *International Security: An Analytical Survey* (Viva Books) 212

when he declared that “economic security concerns access to the resources, finance and markets necessary to sustain acceptable levels of welfare and state power.”³⁶

Nevertheless, the issue of economic security has consistently remained a crucial and pressing matter for developing nations, which have historically endured the consequences of colonial domination and exploitation. After the process of decolonization, it became crucial for leaders in the Third World to prioritise economic development and the establishment of state legitimacy as their primary national policy agenda. Simultaneously, the Soviet Union’s accomplishment in attaining consistent economic growth amidst the Depression Years, as well as its resilience in withstanding the detrimental consequences of the Second World War, propelled the momentum of its strategy for state-controlled economic development. Nevertheless, the role of the state has experienced a significant shift in light of the widespread adoption of a free market economy in contemporary society. While the state continues to uphold its duty in the realm of economic regulation, its foremost focus lies in the administration of the economy and the pursuit of optimal outcomes in three key areas:

Growth: Aims at attracting foreign investment and technology and promotion of infrastructural development. At the same time the state has to accommodate the provision of incentives for enhancing growth and competitiveness in key sectors.

Welfare: The state has to undertake policies to cushion the impact of externally-driven change for the welfare of all (e.g., providing a welfare cushion to those displaced by new technologies or supporting programmes for retraining workers); and

Stability: Basic controls over the volatility of stock markets, foreign exchange transactions and interest rates.³⁷

The state’s capacity to regulate economic activities within its jurisdiction has significantly diminished as a result of the aforementioned tasks’ execution. For instance, the imperative for attracting foreign capital and technology necessitates the adaptation of policies aimed at enticing investors through favourable conditions, such

³⁶ Rajesh M. Basrur, *Security in the New Millennium: Views from South Asia* (India Research Press, 2001) 176

³⁷ Rajesh M. Basrur, *Security in the New Millennium: Views from South Asia* (India Research Press, 2001) 177

as the reduction of taxes, thereby diminishing the state's own resources. Consequently, this creates pressure on the states as they strive to achieve their welfare objectives. As the field of economics becomes more globalised, the extent of a state's control over economic activities beyond its borders is expanding. The global economy has been significantly impacted by the economic downturn in the United States, which commenced in early 2008 following the collapse of Lehman Brothers. The global economic phenomenon has had a significant impact on the Indian economy, resulting in a substantial increase in unemployment among the Indian population. Therefore, India, along with other South Asian nations, continues to grapple with the challenges posed by the emerging dynamics of globalisation. The current phase of globalisation exhibits a lack of concern for the welfare of the impoverished population and does not prioritise employment opportunities. Over the past thirteen years, the economic reforms associated with globalisation have effectively legitimised consumerism, thereby exacerbating socioeconomic inequality. The prevailing trend is the liberalisation of state control over economic affairs.³⁸ The ongoing process of liberalisation is disproportionately benefiting the affluent rather than the disadvantaged individuals who, ideally, should have been the primary beneficiaries of liberalisation.

There is a chance, that the psychological polarization between the rich and the poor might imperil the internal sovereignty of India. Thus, economic reforms and liberalization with external participation have generated social and political tensions within India.

New economic trends and arrangements have not only widened economic disparities but also created imbalances in economic and social progress between different regions.³⁹ Economic disparities have opened up avenues for social insecurities of varied kinds. The primary Economic threats the states face today have been discussed below.

³⁸ Baljit Singh, 'India's Security Concerns: National, Regional and Global' (2004) *The Indian Journal of Political Science* 348

³⁹ Baljit Singh, 'India's Security Concerns: National, Regional and Global' (2004) *The Indian Journal of Political Science* 350

UNEMPLOYMENT

Nature of Unemployment in India:

The majority of unemployment in India can be attributed to structural factors. *(Structural unemployment arises as a consequence of fundamental alterations in the economic structure. There exist additional factors that can contribute to the occurrence of structural unemployment, such as a decrease in demand, disinvestment, and a reduction in the need for manpower. Structural unemployment is an inherent consequence of economic advancement and innovation within a sophisticated industrial economy in contemporary society).* Between the years 1961 and 2001, the population of this country experienced a significant growth rate of approximately 2.15 percent per year. Consequently, there was a substantial increase in the number of individuals entering the labour market in pursuit of employment opportunities. However, it is noteworthy that the corresponding growth in employment opportunities did not consistently match this influx of job seekers due to sluggish economic expansion. Consequently, there has been a rise in the level of unemployment observed between successive plan periods.⁴⁰

Unemployment experienced an upward trend in India during the period of economic reform that was initiated in the 1990s. The phenomenon of employment and unemployment can be elucidated by considering the contribution of labour in the production process, which is contingent upon the utilisation of technology.

The reduction in the share of the agricultural workforce can be attributed to two factors associated with the modernization of the economy. To begin with, it is observed that the rate of food demand growth decelerates as income levels rise, thereby mitigating the demand for food grains.

Furthermore, the utilisation of technology in agriculture at increased yield levels demonstrates significantly reduced labour intensity compared to conventional agricultural practises. During the time frame spanning from 1991 to 2001, there was a notable decline in workforce participation within the agricultural sector at the national

⁴⁰ Planning Commission of India, *Eighth Five Year Plan, 1992-1997*, (Vol. 1) 116

level in India. Specifically, there was a decrease of 9 percentage points, resulting in only 65% to 70% of the overall workforce being engaged in this particular sector.

These substantial shifts in the ability of the agricultural sector to absorb labour were also confirmed by the 55th Round of the NSSO Survey on Employment (1999-2000).

The Unemployment Rate was estimated to be 2.20% according to UPSS and 7.32% according to CDS.

[UPSS: Usual Status relates to the activity status of a person during the reference period of last 365 days preceding the date of survey. The activity status on which a person spent relatively longer time (major time criterion) is considered the Usual Principal Status (UPS). Besides the usual principal activity status, a person could have pursued some economic activity for a smaller period, not less than 30 days. The status in which such economic activity is pursued is the subsidiary economic activity status of that person. If these two are taken together, the measure of Usual Principal and Subsidiary Status (UPSS) i.e., usual status is obtained.

CDS: Current Daily Status (CDS) of a person is determined on the basis of his/her activity status on each day of the reference week using a priority-cum-major time criterion (day to day labour time disposition). Broadly, a person is considered working (employed) for the full day if he/she worked for 4 hours or more during the day.]

In urban areas also the rate of employment growth has declined sharply during the 1990s. Two relatively important forms of urban employment are industrial unemployment and educated unemployment. The study of the NSS Report No. 554 revealed that the unemployment rate for the urban male was as high as 11.5 in the year 1999-2000 which was reduced to 10.0 in 2004- 2005 and has shown a comparative dip to 8.9 in 2011- 2012.⁹ The Eleventh Five Year Plan also identified that despite healthy GDP growth, employment in the organized sector usually declined, leading to frustration among the educated youths who have rising expectations.

The unemployment rate went up between 1993- 94 to 2004-05 from 6.1 % to 7.3% as per the study of the report of the Eleventh Five Year Plan on the basis of Current Daily Status (unemployed on an average in the reference week). It was observed that

unemployment rates for males increased from 5.6 per cent in 1993- 94 to 8.0 per cent in 2004- 05 in rural areas and from 10.5 per cent to 11.6 per cent in urban areas.

The study of the NSS Report No. 554 showed that unemployment among rural men in the age group between 15- 29 showed a rise from 5.1 in 1999- 2000, 5.2 between the year 2004- 2005, 5.5 in 2009-2010 and 6.1 in the 2011-2012.

Upon examination of the NSS Report No. 554, which pertains to the adjustment of the unemployment rate at usual status based on education level within the age range of 15- 29 years for the period of 2011-2012, it was observed that there existed a positive correlation between the level of education attained and the rate of unemployment. The study revealed that the unemployment rate among rural males with primary level education was 3.2, whereas the corresponding rate for urban males rose to 4.8. Surprisingly, the same increased to 15.9 the rural male, who completed a diploma or a certificate course, and 19.1 for the rural male who has completed his graduation and post-graduation. The same in the urban areas were 12.5 and 16.3 respectively.

One possible explanation for the high unemployment rates in India is the lack of job opportunities that meet the standards of educated individuals. This issue has been observed consistently, as indicated by the Fourth Annual Employment and Unemployment Survey Report (2013-2014). According to the report, the All India Unemployment Rate for both urban and rural males with a graduate or postgraduate education increased to 14% and 12% respectively, using the Usual Principal Status Approach. In contrast, the unemployment rate for illiterate and primary-educated individuals decreased to 2%.

Data from the National Sample Survey Office (NSSO) reveals that the unemployment rate is lowest among the illiterate population. This can be attributed to their willingness to accept low-paying jobs. However, educated youth face the highest unemployment rates, suggesting a lack of skill-based employment opportunities in India. This was highlighted in a specific incident in September 2015 when 23 lakh (2.3 million) people applied for 368 peon positions in the state secretariat of Uttar Pradesh. Surprisingly, among the applicants, 255 had Ph.D. degrees, and over two lakhs (200,000) held B.Tech., B.Sc., M.Com., and M.Sc. degrees.

Historically, the unemployment rate in India averaged 7.32% from 1983 to 2013. In 2013, it decreased to 4.90% from 5.20% in the previous year (2012).

The aforementioned data also elucidates the escalating social security risks, such as violence targeting women and children, as well as drug and human trafficking. These issues arise when disenchanted and disheartened young individuals resort to illicit methods for financial gain. According to the report, the prevalence of openly visible unemployment in urban areas gives rise to social tensions that pose a significant risk to the overall stability and cohesion of the existing society. One of the primary factors contributing to the ethnic crisis in Assam during the 1990s was the escalated unemployment rate experienced by the indigenous population residing in the region.

However, according to a survey conducted by the National Sample Survey Organization (NSSO), between 2009- 2010, 36.5 % of the population was gainfully employed but by 2011-2012 the proportion of such workers dipped to 35.4%.⁴¹

Impact of Unemployment:

In addition to its financial ramifications, unemployment engenders a multitude of social consequences, including but not limited to theft, violence, drug abuse, criminal activity, compromised health, and psychological distress. Subsequently, there is a correlation between poverty and both unemployment and inequality. Long-term unemployment has the potential to detrimentally impact both the family unit and society as a whole. The participation rates of women in the South Asian region exhibit considerable variation, with Pakistan recording approximately 16 percent, Bangladesh at 23 percent, and Nepal surpassing with over 78 percent. In India, the proportion of individuals who remain in close proximity is approximately 25 percent. The utilisation of multivariate analysis techniques at the household level, employing National Sample Survey (NSS) data spanning the years 1983-2000, reveals that several demographic factors, including age, childcare responsibilities, and marital status, contribute to the observed low levels of participation.

According to the NSS Report No. 554, it was seen that the rate of unemployment among educated women increased, both at the urban and rural level, with the rise in their

⁴¹ 'Unemployment in India on the Rise, Rural Women Worst Hit' (*The Times of India*, 21 June 2013)

education level. For example, unemployment of the rural graduate and post graduate women were 29.6 while that of the urban women were 23.4. But ironically the unemployment rate was as low as 0.8 among the illiterate rural women and 1.6 among the same category in the urban region. From the demand side it has been argued that cultural mores and the values of status and seclusion in the region prevents higher status households from allowing women to go to work. On the other hand, the supply side postulates the absence of well-paid respectable jobs for educated women.⁴²

According to the findings of the National Sample Survey (NSS), a significant majority of women engaged in domestic work, specifically over 92 percent, report that their involvement in such activities is driven by a sense of compulsion. Of the respondents, more than 65 percent indicate that they engage in domestic work due to the absence of other individuals who can fulfil their responsibilities during their absence. Hence, the confluence of societal norms dictating the domestic role of women and the dearth of suitable employment prospects appears to marginalise a significant number of women from active participation in the workforce.⁴³ According to the 2011 census data, the number of employed women in urban areas is only half that of their rural counterparts. India has one of the lowest rates of female economic activity among all nations. According to available data, Karnataka, Gujarat, and Kerala exhibit the lowest rates of unemployment among urban females.⁴⁴

The absence of financial autonomy renders women susceptible to diverse manifestations of domestic violence. Hence, the relatively low rate of female employment can be seen as a contributing factor to the increasing incidence of crimes against women, thereby presenting a significant social concern that will be further discussed in subsequent sections of this chapter.

⁴² Ahmad Ahsan and Ashish Narain, *India's Employment Challenge: Creating Jobs, Helping Workers* (World Bank, 2010) 38,39

⁴³ Ministry of Labour and Employment and Labour Bureau, *Report on Second Annual Employment and Unemployment Survey* (Vol. 1, 2011-2012)

⁴⁴ 'Census Report of 2011' <<https://censusindia.gov.in/nada/index.php/catalog/42619>> accessed 24 April 2023

SCs, STs AND WORK FORCE

The caste system in India has historically played a significant role in shaping the labour market, as it has been characterised by rigid rules governing the allocation of different occupations. Certain social groups, known as castes and sub-castes, are traditionally associated with specific occupations. For instance, individuals belonging to the Scheduled Castes (SCs) often engage in agricultural labour due to their lack of land ownership. On the other hand, the Scheduled Tribes (STs) have historically resided in forest areas and primarily rely on subsistence farming for their livelihoods. The Shudras were historically designated a position beyond the boundaries of the varna system. Individuals belonging to the Scheduled Tribes (STs) who possess land for the purpose of subsistence agriculture are more likely to engage in agricultural activities. Conversely, individuals from the Scheduled Castes (SCs) and STs who do not possess any land are left with no alternative but to engage in casual labour. Recent empirical findings have indicated that caste plays a substantial role in influencing the limited occupational mobility observed within the Indian labour market.⁴⁵

Hence, it appears that genuine social mobility for the Scheduled Castes (SCs) and Scheduled Tribes (STs) primarily takes place upon their relocation to urban regions. The educated individuals belonging to the Scheduled Castes (SCs) and Scheduled Tribes (STs) who relocate to urban regions possess a notable advantage in securing stable salaried employment opportunities. This advantage stems from the fact that such jobs are primarily concentrated in the public sector, where the government's reservation policies are inclined towards favouring individuals from these marginalised communities.

But, an analysis of occupational groups indicates caste-based occupations have also been noticed within the public sector. For example, the occupations of sweeping and other semi-skilled jobs are mainly performed by them. Apart from this, the educated SC/ST candidates, become victims of selection bias, as selection is many a times motivated against them guided by superstition, class biasness, corruption and bribery.

⁴⁵ 'Labour in India' <https://en.wikipedia.org/wiki/Labour_in_India> accessed on 24 April 2023

FINANCIAL FRAUDS- WEAKING THE ECONOMY

Money Laundering: As per INTERPOL, money laundering refers to the act of concealing or altering the provenance of unlawfully acquired funds in order to create the illusion that they originate from lawful sources. Often, it serves as an element in more grave offences, such as the illicit trade of narcotics, acts of theft, or acts of coercion. This problem has become much more difficult to solve since the introduction of virtual currencies like bitcoin. The problem of illegally obtaining money has taken on a greater degree of significance in the wake of the tragic events that took place on September 11, 2001. The financial source for terrorist activity has been identified. The global presence of international banks has facilitated the ease of transferring and obscuring the source of funds.

Money is also laundered utilising the Round-Trip technique, in which black money is transported from India to tax-haven countries. Then, a business from that nation will return the funds to India as “foreign investment.” Among the best examples of this are Mauritius and Singapore.⁴⁶

Three phases comprise money laundering:

- i. The introduction of money obtained illegally into the legitimate financial system.
- ii. The layering strategy is used to disguise the origin of the funds by utilising a number of different transactions and methods of accounting.
- iii. When integration occurs, the money that has been laundered is transferred out of the legal account and used for unlawful activities.

There are a variety of Money Laundering methods:

1. Structuring is sometimes called “Smurfing.”
2. Bulk Cash Smuggling.
3. Cash-intensive companies.
4. Gambling.

⁴⁶ PTI, ‘Money laundering: 25 people convicted in India till now’ (*The Economics Times*, 9 June 2022) <<https://economictimes.indiatimes.com/news/india/money-laundering-25-people-convicted-in-india-till-now/articleshow/92107517.cms?from=mdr>> accessed 25 April 2023

5. Commerce-based Money Laundering.
6. Tax amnesties.
7. Round tripping.
8. Shell corporations.
9. Black wages.
10. Transactional money laundering.

Hawala and the Laundering of Funds: The term “Hawala”, commonly understood to connote a sense of trust and reliability. Hawala can be characterised as an alternative conduit for the transfer of funds and assets, which circumvents the conventional banking infrastructure. Money laundering is a prohibited practise in India, characterised by its simplicity. The hawala system functions through the transfer of funds without the need for physical transportation. Hawala transactions involve the absence of physical currency transfer. The aforementioned is a remittance system that functions in parallel or as an alternative to conventional financial systems and banks.

One of the factors contributing to the preference for Hawala as a method of money transfer is its comparatively low commission rates. The requirement for identification documents or income declaration is not necessary. Money transfers have evolved into a reliable and efficient method. Hawala providers offer more favourable exchange rates compared to official exchange rates due to the absence of physical cash transfers. In contrast to the substantial documentation demanded by financial institutions, the procedure is characterised by its simplicity and lack of complexity. It serves as the exclusive method for transferring funds that lack proper documentation. The aforementioned network is frequently used worldwide to facilitate the movement of illicit cash in support of activities like terrorism, drug trafficking, and other criminal operations.

Cryptocurrency-The New Hawala: The terrorist incident that occurred in Paris in 2015 exemplified the potential of cryptocurrencies, such as Bitcoin, to provide a high level of anonymity, thereby facilitating the financing of extremist activities. According to a report released by the FATF in Paris, 2015; it was found that specific websites associated with terrorist activities were found to be soliciting bitcoin donations from individuals sympathetic to their cause. Following the implementation of the demonetization initiative by the Government of India in 2016, a substantial increase in

the volume of digital transactions was observed. The emerging Hawala system possesses the capacity to serve as a convenient instrument for terrorists and other illicit actors to acquire financial resources. In order to safeguard the economy and ensure national security, it is imperative to implement suitable regulatory measures for bitcoin.

Influence and Consequences of Money Laundering:

According to research undertaken by the International Monetary Fund, the amount of money laundered is around 2 to 5 percent of the global gross domestic product.

There are social, economic, and political repercussions of money laundering.

- **Social Effects:** The implementation of efficient money laundering practises is likely to contribute to an escalation in criminal activities within the nation. The potential for higher returns may lead to an escalation in fraudulent activities, as well as a surge in the involvement of adolescents. The moral and social standing of a society is compromised when it is exposed to illicit activities, such as drug trafficking, smuggling, corruption, and other forms of criminal behaviour. The accessibility of pharmaceutical products in the marketplace has the potential to undermine the societal balance. The reputation of financial institutions and the market is negatively impacted, resulting in a weakening of “democratic institutions.” This phenomenon involves the transfer of economic power from individuals or entities who have legitimate ownership rights to those who do not possess such rights. The rise in unemployment can be attributed to the competitive disadvantage faced by legitimate businesses in comparison to those enterprises that engage in illicit financial activities.
- **Economic Effects:** The government’s financial loss negatively impacts social services. The economy is getting more volatile as a result of the flood of illegal cash. Induce a financial catastrophe by endangering the economy’s stability and destabilising the national economy. The policy distortion produced by a measurement error and misallocation of resources inhibits overseas investment and encourages tax evasion. This contributes to the volatility of currencies and interest rates and taints legitimate transactions. The laundering of cash affects the amount of tax revenue available to be collected in the economy and, by consequence, government revenue. The economic power is transferred from

those who are morally upright to those who are morally corrupt when the illegal act of money laundering is committed. When law-abiding citizens and the government have their rights infringed upon, it gives criminals the chance to do more unlawful acts. At the local level, organised crime might expand, leading to increasing business expenses.

- **Political impacts:** The government's ability to allocate funds towards development initiatives is influenced, thereby affecting a significant segment of the population that would have otherwise derived advantages from these expenditures. Policy distortion can occur as a result of measurement errors and inefficient allocation of resources. Legislative bodies encounter difficulties when attempting to quantify the adverse economic consequences associated with money laundering in relation to economic growth, as well as its interconnections with various illicit activities such as trafficking and terrorism.

Trade-Based Money Laundering (TBML): The practise of laundering money through commercial transactions by falsifying information about the price, quantity, or quality of imports and exports is referred to as Trade Based Money Laundering (TBML).

Techniques of TBML:

1. Overcharging and undercharging for products and services.
2. Multiple billing for the same products and services.
3. The over- or under-shipment of goods and services.
4. Incorrect information on goods and services.

The present study examines the various challenges encountered in addressing the issue of money laundering:

Predicate-offence-oriented law: The phrase “predicate-offence-oriented law” pertains to a legal structure wherein the resolution of a case under the Act is dependent on the advancement of cases pursued solely by primary agencies, such as the Central Bureau of Investigation (CBI), the Income Tax Department, or the police. The term “predicate offence” is used to describe an offence that serves as a constituent element of a graver offence.

Growth of Technology: The rapid advancement of technology has posed a challenge for enforcement agencies, as they struggle to keep pace with its development.

Non-fulfilment of the purpose of KYC Norms: The non-fulfilment of the purpose of Know Your Customer (KYC) norms is evident in the inability of these norms to effectively address the issue of Hawala transactions, as the Reserve Bank of India (RBI) lacks the regulatory authority to control such transactions. Moreover, the escalating competition within the market compels financial institutions to reduce their vigilance, thereby enabling money launderers to exploit this situation for the purpose of engaging in illicit activities.

Widespread act of smuggling: The prevalence of smuggling is a notable phenomenon in India, characterised by the existence of numerous illicit channels that facilitate the sale of imported consumer goods, including food items and electronics. These goods are regularly traded within the black market.

Lack of comprehensive enforcement agencies: One of the key issues in the current law enforcement system is the absence of comprehensive enforcement agencies. Specifically, the individual divisions within law enforcement agencies that handle various types of crimes such as money laundering, cyber-crimes, terrorist crimes, and economic offences lack effective coordination and collaboration among themselves.

Tax Heaven Countries: Tax haven countries have a historical association with money laundering as a result of their legislation surrounding financial secrecy. At the same time as it forbids the sharing of financial information, this legislation makes it possible to open accounts under a pseudonym and protects users' privacy.

P-notes and money laundering: Participatory Notes (P-Notes) are financial instruments employed by unregistered foreign investors to participate in investments in Indian securities, potentially enabling the occurrence of money laundering activities. Instruments originating from foreign countries are issued with Indian securities as their underlying assets, including shares.

P-Notes are utilised to safeguard the anonymity of investors. According to the central government's 'White Paper' on illicit funds (2012), a considerable portion of Participatory Notes (PNs) is employed by affluent individuals to facilitate the repatriation of undisclosed funds held in foreign jurisdictions back to India. The Special Investigation Team (SIT) assigned with the responsibility of addressing the matter of undisclosed funds has proposed a recommendation to progressively phase out Participatory Notes (P-Notes).

Additionally, it is important to acknowledge that the regulatory authority of the Securities and Exchange Board of India (SEBI) does not extend to trading operations related to Participatory Notes (P-notes). It is important to acknowledge that the Securities and Exchange Board of India (SEBI) requires Foreign Institutional Investors (FIIs) to complete the registration process. However, it is noteworthy that the trading of Participatory Notes (P-notes) among FIIs is conducted without undergoing registration. The utilisation of P-notes has generated concerns in relation to their potential involvement in illicit activities, specifically money laundering.

The present discourse aims to propose a comprehensive framework for the prevention of money laundering-

1. The Statutory Framework

(Refers to the set of laws and regulations that govern a particular area or field.)

- The subject of discussion is the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA).
- The subject of discussion is the Smugglers and Foreign Exchange Manipulators Act of 1976, also known as SAFEMA, which is an act that was enacted in 1973 under the Foreign Exchange Management Act.
- The Prevention of Money Laundering (Amendment) Act (PMLA) of 2012 has incorporated the notion of corresponding law, which establishes a connection between the provisions of Indian legislation and the legal frameworks of foreign nations. In addition, the framework includes the concept of a reporting entity, which encompasses organisations such as banking firms, financial institutions, intermediaries, or people who are involved in defined professional or business activity. A monetary penalty of up to Rs. 5 lakhs were imposed by the Prevention of Money Laundering Act, which was passed in 2002. The amended statute has done away with the cap on the amount that can be contributed. The legislation has introduced provisions for the temporary seizure and forfeiture of assets belonging to individuals, with a maximum duration of 180 days. The authority may exercise this power if it possesses reasonable grounds to suspect the commission of the offence of money laundering. The proposed legislation broadens the scope of the offence of money laundering by incorporating

additional activities such as the concealment, acquisition, possession, and utilisation of illicitly obtained funds.

- The definition of “proceeds of crime” was amended in the PMLA of 2018. The current provision enables the enforcement directorate (ED) to initiate legal action against assets of comparable value situated beyond the national borders. The inclusion of bail provisions in the legislation ensures that bail conditions are uniformly applicable to all offences under the Prevention of Money Laundering Act (PMLA). The proposal is being put forth in response to the recent ruling by the Supreme Court that invalidated the previous stringent provisions.

The inclusion of corporate frauds as scheduled offences under the Prevention of Money Laundering Act (PMLA) enables the Registrar of Companies to report such cases to the Enforcement Directorate for investigation into potential money laundering activities.

Information sharing; The amendment additionally imposes an obligation on the ED to disseminate pertinent details to other agencies.

The amendment facilitates the restoration of confiscated assets to their rightful claimants by granting special courts the authority to do so, even in the midst of ongoing trials. Previously, the restoration of assets was only possible upon the conclusion of the trial.

2. The Institutional Framework

Refers to the structure and set of rules that govern the functioning of an organisation or system.

- The Enforcement Directorate is responsible for the investigation and prosecution of cases under the Prevention of Money Laundering Act (PMLA). The Directorate operates under the administrative jurisdiction of the Department of Revenue for the purpose of carrying out its operations.
- The Financial Intelligence Unit - India (FIU-IND) serves as a central entity responsible for the reception, processing, analysis, and dissemination of information pertaining to potentially illicit financial transactions. Additionally, it plays a crucial role in coordinating and enhancing the collaborative efforts of both domestic and international intelligence, investigation, and enforcement

agencies in combating money laundering activities. The FIU-IND operates as an autonomous entity that maintains a direct reporting line to the Economic Intelligence Council (EIC), which is under the leadership of the Finance Minister.

- Several agencies were established, including the Financial Intelligence Unit, the Combating Financing of Terrorism Cell, and the Terror Funding and Fake Currency Cell.
- The establishment of the United Nations Global Programme Against Money Laundering (GPML) took place in 1997, aiming to augment the effectiveness of worldwide endeavours in countering the act of money laundering. The provision of wide services of technical collaboration to governmental institutions makes the achievement of this goal much more likely. In its efforts to successfully combat money laundering, nations and institutions have access to a broad variety of resources thanks to this initiative, which is comprised of three major areas of activity. Three supplementary conventions have been formally ratified in order to tackle offences related to the illicit practise of money laundering:
 - a. The International Convention for the Suppression of the Financing of Terrorism, established in 1999, is a significant international agreement aimed at combating the financial support provided to terrorist activities.
 - b. The United Nations Convention against Transnational Organised Crime, adopted in 2000.
 - c. The United Nations Convention against Corruption, adopted in 2003.

3. International Coordination

The concept of international coordination refers to the collaborative efforts and cooperation among nations on a global scale. Given that money laundering is a widespread global occurrence, the significance of transnational collaboration cannot be overstated in combatting this nefarious activity.

- The Financial Action Task Force (FATF) is an intergovernmental organisation that was created during the G7 summit held in Paris in 1989. Its primary mandate is to establish international norms and guidelines pertaining to the prevention of money laundering and the counteraction of terrorist financing activities. The Financial Action Task Force (FATF) engages in the practise of designating countries for inclusion on blacklists.

- The Organisation for Economic Cooperation and Development (OECD) has implemented a global initiative that involves numerous countries engaging in the Automatic Exchange of Financial Information.
- The Base Erosion and Profit Shifting (BEPS) initiative has been established as a means for countries to collectively implement essential measures.
- The United Nations Convention against Illicit Traffic aims to combat drug trafficking organisations by focusing on both the overarching objective of countering organised crime and its most vulnerable aspect, namely the financial dimension.
- The United Nations Convention against Transnational Organised Crime is specifically formulated to address the issue of transnational organised crime.
- The Vienna Convention, which took place in December 1988, marked a significant milestone in the global efforts to prevent money laundering. This convention laid the groundwork for the fight against the laundering of illicitly obtained funds by making it a legal requirement for member states to make it a crime to conceal the origin of funds obtained via the sale of illicit drugs.
- The Council of Europe Convention, which was convened in 1990, serves as a framework for establishing a unified policy on the issue of money laundering. Its primary objective is to enhance international cooperation in combating this illicit activity.
- The Egmont Group of Financial Intelligence Units (FIUs) is an informal alliance comprising national FIUs.
- The Asia Pacific group collaborates with nations in the Asia-Pacific region to foster broad regional consensus on the implementation of anti-money laundering policies and initiatives. Its objective is to obtain consensus on the establishment of a long-term regional anti-money laundering organisation.
- The Basel Committee on Banking Regulations and Supervisory Practises has released a set of principles with the objective of promoting a unified approach within the banking industry to prevent the utilisation of banks for the concealment or laundering of illicitly obtained funds.
- India has ratified various international agreements, such as the International Convention for the Suppression of the Financing of Terrorism (1999), the

United Nations Convention against Transnational Organised Crime (2000), and the United Nations Convention against Corruption (2003).

INSTANCES OF FRAUDS IN THE BANKING SECTOR

During the fiscal year 2022, banks documented a total of 9,102 instances of fraudulent activities, which encompassed an underlying amount of Rs 60,389 crore. In comparison, the previous fiscal year, FY21, witnessed 7,358 reported frauds, with a total amount involved of Rs 1.37 lakh crore. In the fiscal year 2019-2020, banks documented a total of 8,702 instances of fraudulent activities, amounting to a sum of Rs 1.85 lakh crore, prior to the onset of the pandemic.⁴⁷

In this analysis, we examine the prominent instances of bank fraud that have impacted India over the course of the last decade. For further details, please refer to the following source:⁴⁸

i. ***The Vijay Mallya fraud case*** involves a prominent individual known as the “King of Good Times,” who has been implicated as one of the foremost perpetrators of bank fraud. The entrepreneur is currently facing financial insolvency. Kingfisher Airlines has accumulated a debt exceeding Rs 10,000 crore from multiple banks, including State Bank of India (SBI), Punjab National Bank (PNB), and Industrial Development Bank of India (IDBI), among others. Vijay Mallya departed from India in the initial months of 2016. State Bank of India (SBI) extended a loan of Rs 1,600 crore to Vijay Mallya out of the total loan amount of Rs 6,900 crore granted to Kingfisher.

The Punjab National Bank possessed a total of 800 crore rupees, while IDBI held 650 crore rupees and the Bank of Baroda had 550 crore rupees. The banks sought permission from a specialised court operating under the Prevention of Money Laundering Act (PMLA) to initiate the sale of specific real estate assets and securities owned by Mallya in order to recoup defaulted loans. The Indian government is actively pursuing the extradition of Vijay Mallya from the United Kingdom to India in order to initiate legal proceedings against him.

⁴⁷ PTI, ‘Number Of Banking Frauds Go Up In FY22: RBI Report’ (*Outlook*, 28 December 2022) <<https://www.outlookindia.com/business/number-of-banking-frauds-go-up-in-fy22-rbi-report--news-248780>> accessed 27 April 2023

⁴⁸ DH, ‘a look at the top bank fraud cases that hit India in the past 10 years’ (*Deccan Herald*, 35 December 2022) <<https://www.deccanherald.com/business/business-news/a-look-at-some-of-the-biggest-bank-fraud-cases-that-hit-india-in-a-decade-1174934.html>> accessed 27 April 2023

ii. ***The Punjab National Bank scam***, considered to be the largest in India with a value of Rs 11,400 crore, involved several individuals including jeweller Nirav Modi, Mehul Choksi, Nishant Modi, Ami Modi, and certain employees of Punjab National Bank. The fraudulent scheme entailed the issuance of deceitful “letters of undertaking” by a subordinate staff member at the bank, with the intention of obtaining short-term loans from international bank branches in order to fulfil payment obligations to sellers. Notably, these transactions were deliberately concealed from the bank’s records, and the bank officials failed to detect the fraudulent activities.

A comprehensive investigation conducted by the Central Bureau of Investigation (CBI) has brought to light a fraudulent scheme in which the perpetrators deceived the foreign branches of 30 Indian banks. Prime Minister Narendra Modi and businessman Nirav Modi left India shortly before the revelation of the scam. Mr. Modi, who was incarcerated in London, has recently lodged an appeal against his extradition, a request that has subsequently been rejected.

iii. ***The Winsome Diamonds bank fraud*** involved the acquisition of letters of undertaking by businessman Jatin Mehta’s company, Winsome Diamonds, from Indian banks. This fraudulent activity came to light in 2014. Mehta, along with his spouse Sonia and their offspring Vipul and Surajit, have emigrated from India, thereby incurring a substantial loan default of approximately Rs 7,000 crore. Mehta has been subject to litigation in excess of ten instances.

iv. ***ABG Shipyard fraud case***, the Central Bureau of Investigation (CBI) has levied charges against ABG Shipyard Limited, its former chairman and managing director Rishi Kamlesh Agarwal, Santhanam Muthaswamy, Ashwini Kumar, Ravi Vimal Nevetia, Sushil Kumar Agarwal, and ABG International Pvt Ltd. for the alleged misappropriation of Rs 22,842 crore from the State Bank of India (SBI) and 27 other financial institutions. The loan account was classified as a non-performing asset in July 2016, and instances of fraudulent activity were identified in 2019.

v. ***The Kanishk Gold bank fraud case*** involves allegations of fraudulent activities committed by Kanishk Gold Pvt Ltd, resulting in financial losses of Rs 824 crore to 14 banks, with the State Bank of India leading the group. The Central Bureau of Investigation (CBI) has filed charges against Kanishk Gold Pvt Ltd in relation to this matter. According to media reports, the lawsuit alleges that the owners have been

accused of procuring substantial loans for their business, resulting in harm to the rights and interests of the banks involved. The Enforcement Directorate (ED) in Chennai has undertaken the action of seizing properties valued at Rs 48 crore belonging to Kanishk Gold Pvt. Ltd. The company is registered under the Prevention of Money Laundering Act (PMLA). According to SBI, the estimated amount required to compensate for the losses incurred as a result of the fraudulent activity is approximately Rs 156 crore.

vi. ***The Andhra Bank fraud case*** implicated Sterling Biotech Limited, a pharmaceutical company based in Gujarat, as four of its directors were identified as defaulters in the Rs 8,100-crore bank scam. Nitin Sandesara, Chetan Sandesara, Dipti Sandesara, and Hiteshkumar Narendrabhai Patel were identified as individuals sought by law enforcement authorities in relation to the fraudulent scheme. The company has faced allegations of obtaining loans exceeding Rs 5,000 crore from a consortium headed by Andhra Bank, resulting in the loans being classified as non-performing assets.

vii. ***Rotomac Pen Scam***, the CBI has charged Rotomac Global Private Limited, a company based in Kanpur, along with its promoter Vikram Kothari and other directors, for allegedly engaging in fraudulent activities that resulted in a financial loss of

□
750.54 crore to lenders. The company possesses a cumulative outstanding amount of Rs 2,919 crore owed to a consortium of seven banks, with Bank of India serving as the leading member. The bank had been extending loans to the company since 2002, and in 2015, the account was classified as a non-performing asset (NPA). Mr. Kothari tragically succumbed to his injuries in early 2022 as a result of an accident that occurred within his residence. The individual in question was apprehended in relation to the aforementioned case in the year 2018, subsequently serving a period of incarceration lasting two years. Following this, the individual was released on bail on the basis of health-related considerations.

viii. ***Videocon Case fraud***, an FIR (First Information Report) was lodged against Chanda Kochhar, the former CEO of ICICI Bank, along with her husband Deepak Kochhar and Venugopal Dhoot, the Managing Director of Videocon group. The allegations pertain to purported irregularities in loans extended by the bank to the Videocon group in 2012. The case concerns the period during which Kochhar held the position of CEO at ICICI and approved a loan of Rs 3,250 crore to Dhoot's Videocon Group. According to a whistleblower who possessed ownership stakes in both the bank

and the group, it was alleged that the loan provided to Videocon was influenced by Chanda Kochhar, with the intention of securing a favourable arrangement involving NuPower Renewables and Supreme Energy. These entities are associated with Kochhar's spouse and are engaged in the clean-energy sector.

Bank frauds have the potential to present a substantial menace to the internal security of India for various reasons:

- a. *Economic Stability:* The occurrence of bank frauds has the potential to undermine economic stability through the infliction of financial losses upon individuals, businesses, and the banking sector. Instances of extensive fraudulent activities have the potential to erode public confidence in the banking sector, resulting in diminished levels of investment and hindered economic expansion.
- b. *Money Laundering and Terrorism Financing:* These two are closely linked to bank fraud, as it serves as a means to facilitate the illicit activities by providing a channel for the concealment and legitimization of funds. The utilisation of fraudulent transactions can serve as a means to obfuscate the illicit provenance of funds, thereby posing challenges for law enforcement agencies in their efforts to monitor and deter unlawful activities.
- c. *Cybersecurity Concerns:* The proliferation of digital banking services has given rise to a notable challenge in the form of cybercrimes and online fraud, thereby raising concerns regarding cybersecurity. Sophisticated cybercriminals possess the ability to illicitly obtain access to confidential financial data, thereby jeopardising the security of both individuals and entities. These breaches can result in various far-reaching ramifications, such as the occurrence of identity theft, financial detriment, and the compromise of national security.
- d. *Weakening the Financial Sector:* The destabilisation and compromise of the financial sector are consequences of bank frauds. The potential consequences of these events include the destabilisation and ultimate failure of financial institutions, thereby compromising the overall resilience of the banking system. The potential consequences of financial institution failures extend beyond their immediate impact, permeating various sectors and exerting influence on employment, investments, and the overall economic well-being of the nation.
- e. *Social Disruption:* The occurrence of bank frauds can result in significant socio-economic disruptions, especially for marginalised segments of the population.

Individuals who experience the depletion of their savings or become targets of fraudulent schemes may encounter severe financial devastation, resulting in both social and political turmoil. The aforementioned phenomenon can place significant burdens on law enforcement agencies and give rise to internal security complexities.

f. *Corruption and Organized Crime*: The perpetration of bank frauds frequently entails the presence of corruption and collusion between individuals with insider knowledge and external actors. The existence of corrupt practises poses a significant challenge to governance and institutional integrity, thereby facilitating the proliferation of organised crime networks. The involvement of criminal networks in activities such as drug trafficking, smuggling, and extortion can exacerbate internal security challenges.

In order to address these risks, the Indian government and regulatory bodies are consistently bolstering the existing legal framework, augmenting cybersecurity protocols, fostering financial literacy, and enhancing coordination among law enforcement agencies to identify and pre-empt instances of bank fraud.

SOCIAL SECURITY

The concept of societal security, as articulated by Buzan in his seminal work “States People and Fear” (1983), refers to the enduring preservation of established patterns of language, culture, religious beliefs, national identity, and customs, while also allowing for necessary adaptations.⁴⁹ By emphasising the societal dimensions, this perspective on security underscores the significance of the individual as a foundational element. The concept of society is intricately intertwined with the notion of identity, encompassing the manner in which communities perceive and establish their collective sense of belonging as constituents of a specific social group. According to Ole Waever, a notable transformation in the European security issue emerged following the conclusion of the Cold War. This transformation entailed a shift in the entities that serve as the focal point of the security discourse, moving away from the concept of the “state” and towards that of the “nation.”⁵⁰

⁴⁹ Barry Buzan, *People, States and Fear: The National Security Problem in International Relations* (Lynne Reinner, 1983) 23

⁵⁰ Barry Buzan, *People, States and Fear: The National Security Problem in International Relations* (Lynne Reinner, 1983) 24

Anderson (year) argues that Societal Security primarily revolves around the concept of large, self-sustaining identity groups, which can encompass national, religious, racial, or other forms of groupings. According to Anderson, the concept could alternatively be characterised as “identity security.” Anderson argues that identity communities can be conceptualised as “imagined communities.”⁵¹ While objective elements such as language or geographic location can play a role in shaping one’s identity, the decision to identify with a specific community is ultimately a personal and non-political choice. This choice involves highlighting certain factors over others, often due to the presence of multiple options or external pressures that discourage identification with a particular group. However, societal security can be understood as the examination of cultural identity within the context of security analysis.

India serves as a compelling subject of analysis, as it encompasses a multitude of factors, including language, geographical positioning, religious affiliation, caste system, and notably, ethnic identities. These elements collectively contribute to the development of diverse communities, which, in turn, pose a threat to the nation’s social security.

India, with its diverse range of ethnic groups, is not an exception in this regard. Schermerhorn’s study on ethnic groups in India provides an overview of the diverse ethnic composition within our country. In this study, Schermerhorn identifies and lists ten ethnic groups that are considered ‘minorities’ in India. These groups include Scheduled Castes, Scheduled Tribes, Jains, Jews, Sikhs, Muslims, Christians, Anglo Indians, Parsees, and Chinese. However, the author excludes linguistic minorities from consideration, arguing that the vast number of linguistic groups and their fragmented nature render it impractical to address them as a collective entity within society. Nevertheless, Schermerhorn’s research demonstrates that the presence of ethnic diversity in India is a multifaceted phenomenon that can be attributed, to some extent, to the escalating security challenges faced by the country.⁵² The diverse ethnic composition of India has been evident in the form of majority-minority conflicts, which have presented themselves in various ways. The occurrence of ethnic violence, Maoist insurgencies, and other related phenomena have been subjects of academic inquiry. The

⁵¹ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (revised and extended ed., Verso, 1991) 6,7

⁵² Paul Brass, *Ethnicity and Nationalism* (Sage Publications, 1991) 19

topics to be discussed in this paper are communalism and its implications. The issue of caste. In each of these instances, minority groups that have experienced economic deprivation have subsequently become a significant source of security concerns for the nation.

Consequently, India is currently confronted with a multitude of ethnic uprisings, resulting in a range of complex consequences. The occurrence of an ethnic conflict has resulted in a significant escalation of violence targeting a marginalised minority group. Additional expressions of ethnicity include acts of terrorism and militancy, as well as the emergence of regionalism and the subsequent involvement of regional politics, leading to the fragmentation of the state into multiple divisions. Ethnic conflict gives rise to acts of violence that subsequently lead to forced migration. One additional factor contributing to displacement is the implementation of developmental initiatives by the government. The presence of displaced migrants in different locations has the potential to give rise to identity crises among the pre-existing Bhumiputras, consequently leading to interethnic conflicts. Therefore, it is evident that the aforementioned factors operate in a self-perpetuating cycle, posing a threat to the security of the nation.

Given the interconnectedness of ethnicity and identity crisis, which poses a significant security threat in India, the issue of ethnic crisis has been addressed proactively. Subsequently, comprehensive examinations of additional social security issues will ensue.

SOCIETAL IMPLICATIONS OF ETHNICITY ON SOCIAL SECURITY IN INDIA

India has been significantly impacted by the rise of ethnic nationalism since gaining independence, a period coinciding with the establishment of India and Pakistan as separate nations. The partition of India and Pakistan can be characterised as a perceived validation of the ethnic uniqueness of the two nations. Subsequently, there has been a noticeable rise in the prevalence of secessionist movements within India. India is currently confronted with two security challenges. The first pertains to the transformation of several autonomist movements into secessionist ones, as observed in regions such as the North East, Punjab, and Kashmir. In addition, India encountered a multitude of non-secessionist ethnic movements alongside the secessionist movements. Regardless of the specific characteristics of these movements, they had a detrimental

impact on the cohesion and spirit of the nation, impeding its progress and resulting in the loss of numerous innocent lives. The issue of ethnicity as a significant social security concern in India can be most comprehensively grasped through the perspectives articulated by Urmila Phadnis and Rajat Ganguly;

*“The demand for recognition as ‘nations’ on the basis of ethnic self-determination has symbolized revolt against the state and its power structure. The intra- regional and trans- regional dimensions of such movements have diffused the boundaries of ‘statehood’ and ‘neighbourhood’ on the one hand, and underscored the role of extra- regional forces and factors on the other. Furthermore, the region is also interspersed with groups which, though ethnically distinctive, have not been politically assertive on ethnic terms.”*⁵³

Using a case study of North East India, which has been an important issue in India from the 1990s to the turn of the century, ethnicity as a Social Security danger element has been analysed.

Definition of ethnicity: Ethnicity is a response to injustice, complaints, pressures, dissatisfaction, discontentment, maladministration, corruption, in high places, and poor governance when a tiny minority feels denied access to power bases, etc. Charles Kegley remarked in this regard that “in the industrialised world, terrorism arises frequently when minority groups feel robbed of the democratic liberties and privileges enjoyed by the majority.”⁵⁴

An ethnic group, characterised by the utilisation of cultural symbols such as religion or language, as well as central symbols like territory or colour, can be classified as a “subjectively self-conscious community.” This community determines the inclusion or exclusion of individuals based on diverse criteria, including matters of descent, birth, and kinship. Additionally, this community adopts various rules, such as the implicit adherence to the principles of endogamy and exogamy, to regulate these processes. In conjunction with subjective self-awareness, ethnicity or ethnic identity is also

⁵³ Urmila Phadnis and Rajat Ganguly, *Ethnicity and Nation-Building in South Asia* (Sage Publications, 1989) 18

⁵⁴ Charles Kegley, *New Global Terrorism: Characteristics, Causes and Control* (Prentice Hall, 2003) 66

influenced by the status and recognition derived from belonging to a superior group or a group that is deemed equal to other groups.⁵⁵

Several of these ethnic groups may become active in the region's interest group politics in an effort to improve their socioeconomic standing or to obtain different civic rights and educational opportunities. In addition, these groups can transform into secessionist groups and pose a security risk if they: (a) demand control over the public education system, (b) demand control over a piece of territory within the country, (c) demand a country of their own with full sovereignty, or (d) demand a country of their own with full sovereignty. In the fourth instance, the ethnic group represents ambitions for the attainment of national recognition and status. Insofar as an ethnic group satisfies any of the aforementioned conditions, either inside the state to which it belongs or within its own state, that ethnic group is said to have attained nationality or nationhood.⁵⁶

Thus, the researcher will conduct a case study of the ethnic problem in North East India, where identity crisis and ethnicity have resulted in ethnic uprisings, posing grave challenges to the country's social stability.

Case study of North East India: The North East area includes eight states: Sikkim, Arunachal Pradesh, Assam, Manipur, Meghalaya, Nagaland, and Tripura. It remains the "hottest danger places in South Asia" as the region suffers under a vicious cycle of insurgency movements, violent extremism, ethnic strife, and internal displacement. There are several rebel factions operating in the region, with demands ranging from autonomy to independence.

Thus, terrorism in the North East might be described as 'ethnic upheavals frequently resulting in separatist movements employing terror methods,'⁵⁷ which is mostly attributable to a unique combination of historical, political, and economic conditions.

⁵⁵ Paul Brass, *Ethnicity and Nationalism* (Sage Publications, New Delhi, 1991) 19

⁵⁶ Nathan Glazer and Daniel P. Moynihan (eds.), *Ethnicity: Theory and Experience* (Harvard University Press, Cambridge, Mass., 1975) 7,10

⁵⁷ Ganguly, Rajat and Ray, Taras, *Understanding Ethnic Conflict: The International Dimension* (Addison-Wesley Longman, 1998) 19

THE NORTHEAST ETHNIC PROBLEM

It is a well-established reality that all movements in the North East are a result of an identity crisis and a demographic shift resulting from immigration. This view was exacerbated by the dual function of the educated middle class and the vernacular print media, which generated a “we” and “them” mentality.

The North East issue extends back to the time of the British strategy of Divide and Rule, which resulted in the alienation of outlying ethnic groups at various moments in history. Even throughout the post-independence period, the extreme concentration of political and economic power pursued by the ruling elite contributed to the economic unhappiness of the region’s original population. This was made worse by the regional and national elite’s purposeful use of symbols. Thus, the area continues to be plagued by extensive conflicts in Assam, Manipur, Nagaland, and Tripura.

Manipur: Being the homeland of numerous ethnic groups is fraught with conflict. Due to the conflicts associated with distinct homelands, the state with the most ethnically varied population remains the most troubled in the area. Since these rebel groups continue to be divided along ethnic lines, their opposing demands have exacerbated the situation.

The Nagas’ aspiration for Nagalim (Greater Nagaland in the Naga Majority regions of four districts of Manipur, namely Ukhrul, Senapati, Tamenglong, and Chandel, has stoked tensions among the Manipuris, particularly amongst the Nagas, Meitis, and Kukis.

The most recent outbreak of violence occurred when the Manipur High Court requested that the state government consider granting Scheduled Tribe status to the Meitei tribe, who comprises the majority of the Manipur population. This status would guarantee protection under the Indian Constitution and grant the Meitei greater access to advantages, such as reserved government seats.

Manipur’s Meitei people have long sought this status. Concerns were raised, however, that such a move would exacerbate ethnic differences, notably between the Kuki and Naga Indigenous populations. On May 3, shortly after the court’s announcement, the All Tribal Students Union of Manipur conducted a protest demonstration.

The violence began on the same day as news of the destruction of the Anglo-Kuki War Memorial Gate appeared. This drove Kukis to destroy many Meitei-inhabited villages in Churachanpur, which in turn sparked reprisal by the Meitei, who reportedly set fire to other Kuki-inhabited villages in the Imphal Valley, resulting in multiple deaths.

While the demonstrations may be regarded as the most obvious cause of violence in Manipur, inter-Indigenous community tensions have been on the rise for years in the state. For instance, the present state government's treatment of Indigenous land rights problems has been regarded as targeting Kuki people residing mostly in the hill regions around the capital valley. Efforts to survey restricted forests in the hill areas have resulted in evictions in Kuki communities, despite efforts to limit poppy production.

In the meanwhile, another source of friction is the present disparity in land ownership across Indigenous communities: Meiteis cannot purchase land in the previously described hill regions, although Kukis and other tribal groups may purchase land in the valley.

In addition, the inflow of refugees following the military takeover in neighbouring Myanmar in 2021, particularly those from the Sagaing area who have deep relations with the Kukis, has increased the Meitei Indigenous community's sense of vulnerability. Though the ultimate decision-makers in the violence are those who control the firearms, drugs, and politicians, women and children are the most affected in both groups. In the present war, the identities of several ethnic communities were weaponized to serve the goals of a minority.⁵⁸

Tripura is the only state in India's north- East, which has transformed in recent history from tribal to non- tribal state and has its roots of instability in demographics. There is ample proliferation of terrorist factions in the state like NLFT (National Liberation Front of Assam) and ATTF (All Tripura Tribal Front) are still active in the Northern Tripura adjoining lower Cachar region of southern Assam and Mizoram, which have led the Governor of Tripura to declare certain areas as- Disturbed Areas under the Armed Forces (Special Powers) Act, 1958 as amended in 1972. While two districts of

⁵⁸ Binalakshmi Nepam, Brigitta W. Schuchert, 'Understanding India's Manipur Conflict and Its Geopolitical Implications' (2023) <<https://www.usip.org/publications/2023/06/understanding-indias-manipur-conflict-and-its-geopolitical-implications>> accessed 3 June 2023

Arunachal Pradesh, Tirap and Changlang witnesses overflow of Naga and ULFA insurgents from Nagaland and upper Assam.

Meghalaya is also reeling from the actions of numerous terrorist organisations in the region, which have resorted to violence under the guise of defending the rights of the “original people” against invasion by outsiders and the establishment of separate homelands for the local tribes.

Mizoram remains free from major militant violence ever since the Political Resolution of the insurgency in the state in 1986 except some minor infliction caused by the Bru militants.

The emergence of the Kamtapur Liberation Organization (KLO) in the Siliguri corridor area of India’s north-eastern region in western Assam also poses a significant danger to the region. In contrast to Jharkhand, where the movement was connected with established migrants (sadans), the Kamtapur Movement has targeted Bengalee immigrants who have become Bhumiputras. Tushar Das alias Jibon Singha is demanding a separate state of Kamtapur for the Koch- Rajbongshi community, which consists of six districts of West Bengal- Cooch Bihar, Darjeeling, Jalpaiguri, North and South Dinajpur and Malda- and four contiguous districts of Assam- Kokrajhar, Bongaigaon, Goalpara, and Dhubri.

The geographical location of the area, which is bordered by Bhutan, Bangladesh, and the ULFA-infested zones of Assam, poses a significant security risk for India, as the organisation is affiliated with ULFA and is using the sensitive corridor of Siliguri Corridor as a transit point to cross into Bhutan and then Bangladesh, thereby allowing the ULFA to strengthen its network.⁵⁹

However, the inherent weakness of the movement lies in the fact that the demands have not been tagged with the deprivation- development issues. Although Cooch Bihar and other North Bengal districts present a valid case for a deprivation- based movement, Jalpaiguri remained at a low medium level and Darjeeling at a high medium level on the Human Development Index in 1991. Thus, the Kamtapur ethnicity and language demand could not be tagged with derivational factors.

⁵⁹ Shiva H. Nanda, ‘Crossing the North East Frontiers of Conflict: North East India’ (2009) 28

In addition, the Rajbansi community-based movement was unable to expand its support base due to the fact that it is centred on a language that is only spoken in a few places and has not yet fully matured. Consequently, the campaign has been unable to gain momentum and extend to five districts in North Bengal. Ethnicizing language may be a valid concern, but for the protagonists of Kamtapur to obtain the support of additional social groups and establish a large coalition, they must invent symbols incorporating both regional and developmental difficulties.⁶⁰

Assam, considered the mother of all North-Eastern states, is in instability due to a significant inflow of immigrants from both the Indian subcontinent and Bangladesh. This has led to the creation of a number of rebel organisations supported by India's hostile foreign neighbours. There are around 34 insurgent organisations, with the United Liberation Front of Asom (ULFA) being the most significant.

The Politics of Identity in Assam: The emergence of the Politics of Identity in Assam can be traced to the formation of various socio-cultural organizations, like Bodo Sahitya Sabha, Mising Bane Kiband etc. This identity consciousness was further sharpened by the Medium Movement, 1972 and the Assam Movement 1979- 85.⁶¹ In effect, the politics of identity has become a living phenomenon in Assam, and is responsible for the repeated ethnic movements, like the Assam Movement followed by the Bodoland Movement, which triggered massive political unrest and insecurity in the region.

Bodoland Movement: The Movement, in its first euphoria as a mass movement, demanded the 50/50 division of Assam. It sought independence for Bodoland north of the Brahmaputra River. However, the government declined to award the adjacent forest areas and settlements. The BRSF does not acknowledge the Bodo Accord and remains dedicated to waging armed conflict to secure the Bodos' right to self-determination. On December 20, 2000, The National Democratic Front of Bodoland (NDFB) of the Bodo tribe, with the goal of obtaining an independent Bodoland, North of the Brahmaputra River, resulted in violence in the state, creating a situation of extreme uncertainty. In the Assam districts of Kokrajhar, Bongaigaon, Nalbari, Barpeta, Kamrup, Darrang, and

⁶⁰ Sajal Basu, *Regionalism, Ethnicity, and Left Politics* (Rawat Publications, 2005) 82, 83

⁶¹ Girin Phukon, *Identity and Nation – Building in North East India* (South Asian Publishers Pvt. 2005) 18

Dhemaji, Bodo groups remain active.⁶² In 2008, violence erupted once more in the regions of Udalgiri and Darrang, resulting in 70 fatalities and the displacement of 100,000 people. This was followed by a repeat of violence in 2012 in the districts of Kokrajhar, Chirang, Dhubri, etc., resulting in 114 deaths and 450,000 displaced people.⁶³

ULFA: Similarly, to the Bodo militants, the ULFA leaders rejected the objective of Assamese independence and instead reaffirmed their devotion to the Assamese Swadhikar objective (Self- Determination). ULFA denounced the ‘illegal immigration’ of “foreigners” into Assam, particularly from Bangladesh and to a lesser extent Nepal. Although ULFA did not share the immediate objectives of the Assam Movement, the emergence of ULFA was based on the same theme in the ideology of Assamese sub-nationalism in the 1980s: “the unity of all Indigenous north easterners,” a common concept in a region characterised by substantial immigration.⁶⁴

When the ULFA signed a Memorandum of Understanding with the NSCN (National Security Council of Nagaland), The United Liberation Front of Manipur (UNLMF), and several Burmese groups, the ULFA became a significant security danger to India. According to Indian military intelligence, the goal of these organisations was to create an independent state comprised of north-eastern Indian states and north-western Burmese territory. The signing of the Assam Accord brought an end to the six-year-long political upheaval that had been caused by these organisations in pursuit of their goal.

MAOIST INSURGENCY-SECURITY THREAT IN INDIA

As stated above, although the main reason for the North east militancy is the assertion of ethnic identity, one of the underlying factors that can bring all cases of militancy and terrorism against the state under one common banner is economic deprivation.

The Indian Government has been so bewildered by the proliferation of transnational Jihadi Movements and cross-border terrorism emanating from Pakistan that it has

⁶² ‘A timeline of Bodo-Muslim violence in Assam’ (*FirstPost*, 26 July 2012)
<<https://www.firstpost.com/india/a-timeline-of-bodo-muslim-violence-in-assam-391475.html>>
accessed 5 May 2023

⁶³ *ibid.*

⁶⁴ Sanjib Baruah, *Durable Disorder: Understanding the Politics of North East India* (New Delhi: Oxford University Press, 2005) 152

neglected the issue of the Maoist insurgency, which has gained formidable strength in India. Over 6,000 individuals have perished in the Naxalite conflict over the past two decades, according to estimates. The Indian Prime Minister Manmohan Singh has opted to elevate the security danger posed by the Maoist Movement at the centre of public and government discourse, referring to the issue with considerable worry in 2006 as “our country’s greatest internal security challenge ever.”⁶⁵

Maoist Uprising-Affected Regions:

One may comprehend the Prime Minister’s apprehensions by observing the enormous number of Districts in which the organisation has established a foothold. Today, the Naxalites operate in 60 districts across India, primarily in the states of Orissa (15 affected districts), Jharkhand (14 affected districts), Bihar (seven affected districts), Andhra Pradesh, Chhattisgarh (ten affected districts), Madhya Pradesh (8 affected districts), Maharashtra (2 affected districts), and West Bengal (2 affected districts) (1 affected district). The insurgency is prevalent in West Bengal regions west of Howrah. Specifically, the Jangal mahal and Lalgarh regions are among the most severely afflicted by anti-state violence by Maoist forces.

Causes for the rise of The Maoists:

The inequality and exploitation encountered by the indigenous groups are the underlying factors for the establishment of the Naxalite movement. At the beginning of the Naxal movement, the following concerns comprised the predicament of the victims:

- i. *Zamindari System*- The implementation of the Zamindari system occurred during the period of British administration, wherein a parcel of land was allocated to a Zamindar in return for a monetary compensation to either the firm or the state. The Zamindar abstained from engaging in direct cultivation of the land. He propagated and distributed it until it reached a tribe or an individual engaged in agricultural labour with significant exertion. At every hierarchical stratum, individuals belonging to lower socioeconomic classes or indigenous communities were subject to exploitation, as they were obligated to remunerate a fixed sum to the proprietor of the land.

⁶⁵ Manmohan Singh, ‘PM’s speech at the Chief Minister’s meet on Naxalism’ (PM Speech, 13 April 2006) <<https://archivepmo.nic.in/drmanmohansingh/speech-details.php?nodeid=302>> accessed 6 May 2023

ii. *Status of Tribals*- The government made the decision to designate specific forests as reserved forests with the intention of facilitating conservation efforts, conducting scientific research, establishing sanctuaries, and acquiring land for the construction of dams, roads, industries, and other related purposes. The aforementioned action was executed without intermediaries, resulting in a significant detriment to the indigenous tribes who have resided in these forests for numerous generations. Consequently, the state government, contractors, and lower-level officials effectively exploited the tribal communities, resulting in their diminished social standing as encroachers within forested areas.

iii. *Resettlement and Rehabilitation*- The available evidence pertaining to resettlement and rehabilitation indicates that individuals are rarely provided with compensation for the lands and assets that are acquired from them for diverse objectives. For certain economically disadvantaged families, this has resulted in successive relocations without receiving any form of compensation. This phenomenon has resulted in the impoverishment and social exclusion of individuals. Despite the occurrence of industrialization in the country, the indigenous communities were systematically deprived of educational and training opportunities. As a result, their inability to capitalise on emerging opportunities within the industry led to their continued exclusion. The topic of administration in isolated regions is of significant academic interest. The unique challenges and complexities associated with managing administrative tasks in remote and isolated areas have garnered attention from scholars and Due to severe poverty and lack of oversight, these regions experienced limited development and insufficient connectivity. Despite achieving independence, numerous regions did not undergo agrarian reforms. The detrimental effects of corruption, vote bank politics, and crimes against the Scheduled Castes have significantly undermined the social and economic structure of the community.

iv. *Governance Related Factors*- The prevailing perception was that the primary factor contributing to the power vacuum and the subsequent rise of Maoists among marginalised and impoverished populations was the malfunctioning of government machinery, characterised by inefficiency, corruption, and exploitation. Given the lack of government responsiveness to the socioeconomically disadvantaged population's demand for change, it was a rational course of action to explore alternative avenues.

The feasibility of the mass mobilisation was contingent upon the prevailing disillusionment with the existing system. The Naxals engaged with the local population, understood their grievances, and advocated for their fundamental rights and dignity. They garnered the admiration and esteem of the indigenous population and individuals who were socially and economically marginalised. The regions of Jammu and Kashmir (J&K) and Punjab, in contrast to the other internal security challenges posed by the northeast, emerged as separatist movements. It is important to note that Left Wing Extremism (LWE) does not fall under the category of either separatist movements or internationally sponsored movements. The LWE holds the viewpoint that democracy is unsuitable for the Indian context and seeks to establish a communist state as an alternative. There exists a deficiency in the level of trust and respect towards the Indian Constitution and the democratic structure of governance. The individuals in question strongly support the establishment of a society without social classes and perceive affluent entrepreneurs, farmers, and manufacturers as their opponents. The aim is to dismantle the existing governmental structure through the utilisation of armed guerrilla rebellion and public agitation, resulting in the establishment of a proletarian dictatorship. Globalisation and liberalisation are commonly regarded as potential challenges to the principles and objectives of socialism. It is widely acknowledged that the presence of government is largely absent in the majority of districts affected by Naxalism. Seldom acknowledged are the civil administration departments, encompassing entities such as the police forces, revenue agency, and judicial institutions. The aforementioned development has facilitated the Naxal forces in establishing a parallel governance structure within specific geographical areas. The implementation of Jan Adalats, land distribution, irrigation infrastructure development, and tax collection activities carried out by Maoist cadres serve as evidence of the state government's diminished authority, thereby contributing to the proliferation of Naxalism.

v. *Socio-Economic Inequalities*- Naxal-affected regions experience significant adverse effects in relation to both economic and social inequality. Rich Thakurs and Zamindars perceive individuals living in poverty and tribal communities as lacking dignity, subsequently subjecting them to social exploitation. They are the recipients of various manifestations of social prejudice. Women living in poverty are often perceived as commodities that can be exploited and subjected to mistreatment. The existence of these

societal disparities serves as a catalyst for individuals to engage in violent activities and align themselves with the Naxalist movement. From an economic perspective, there exists a significant disparity between individuals of high socioeconomic status and those of low socioeconomic status. The limited economic opportunities available to young individuals residing in economically disadvantaged regions of the country contribute to the increasing recruitment of individuals by Naxal organisations. Therefore, the primary incentive for individuals to join the Naxals was to secure a satisfactory source of income. The poverty rate in the states of Orissa, Bihar, Chhattisgarh, and Jharkhand, which are affected by the Naxal insurgency, exhibits a notable increase, with over 40 percent of the population residing below the poverty line.

Class and Communalism in India:

Bipan Chandra's quote might be referenced to in order to determine the primary reason for the growth of communalism in India. Primarily, communalism was a result of colonialism, the colonial nature of the Indian economy, colonial underdevelopment, and, more recently, the failure and inability of capitalism to develop the economy and the society. Colonialism supplied the social basis from which communalism emerged and grew... This was especially true of colonialism's effect on the middle classes, which were particularly riven by fear, jealousy, and dissatisfaction.⁶⁶

According to Rajni Kothari, the Indian society is undergoing a composite divide, which she has described in several works and studies as the division between 'two India.'⁶⁷ According to this theory, India's progress and democracy have resulted in a separation between those who have access to power, privileges, resources, and positions and others who are excluded from the dominant techno-economic paradigm that is used to lead the contemporary state. This group consists of the destitute, the untouchables, the tribals, the backward classes, the lower castes, as well as significant portions of religious minorities, including women.

However, it is not necessary that all of them have to be in the same economic strata at the lower end of the poverty line. For example, the atrocities committed on women, cut

⁶⁶ Bipan Chandra, *Communalism in Modern India* (Vikas Publishers, 1997) 34

⁶⁷ Rajni Kothari, *State Against Democracy: In Search of Humane World Order* (Ajanta Publications, 1998) 54

across classes and yet there is a sort of gender divide which is becoming part of the larger scenario of the ‘two India.’

RESEARCHER IN CONCLUSION MADE THE FOLLOWING OBSERVATIONS

- i. Economic security threats are interlinked, i.e., one economic problem leads to the other resulting in a chain reaction. It might also have a ‘spillover effect’ causing security problems in another sector. For example, economic security threats like poverty and unemployment might be manifested in the youth in the form of frustration, which might find expression through various forms of social violence, like ethnic strife. Thus, the first part of this chapter deals with economic insecurities. Since economic insecurities have a direct bearing upon social security threat factors, the second part deals with the social security issues.
- ii. The Researcher found, in the course of his study that various scholars have viewed social security problems from various perspectives, like Barry Buzan, who, laid emphasis on identity crisis as the main social security threat factor, especially in the Third World countries. Indian society constituting a complex ethnic mosaic with myriads of ethnic minorities is no exception to this.
- iii. Financial crimes including Bank frauds pose a significant threat to India’s internal security, impacting economic stability, facilitating money laundering and terrorism financing, raising cybersecurity concerns, weakening the financial sector, disrupting society, and fostering corruption and organized crime. Effective measures, including robust legal frameworks, enhanced cybersecurity, and coordinated law enforcement efforts, are crucial to mitigate these threats and safeguard India’s financial system and internal security.
- iv. Apart from the existence of varieties of ethnic groups, economic disparity is another reason, which leads to identity Crisis. The researcher, in this context, felt that India’s inability to subsume ethnic identity to national identity was one of the main reasons for the rising number of ethnic strife in India. Secondly, the Government’s insensitive modes of pursuing the goals of development and modernization, by preventing the retention of the ethno-cultural identities by

various subordinate ethnic groups, have led to various ethno-nationalist and social movements within its territorial boundaries.

- v. The Researcher took up the Ethnic problem of the North Eastern region as a case study. It was discovered that unemployment among native youths, driven by their better educated Bengali counterparts who occupied “white collar” positions, was one of the primary causes of the Assam ethnic conflict. The investigation into the root reason of the Maoist uprising indicated that economic imbalance was the driving element. Thus, the researcher felt that economic factors acted as a catalyst to most of the minority- majority conflicts. Ethnic violence leads to large scale social violence and human rights violation and internal displacement. The displaced people in turn results in identity crisis among the actual, existing inhabitants of the place where they have taken refuge, leading to ethnic clashes. Thus, the entire process moves in a vicious cycle.
- vi. The minority- majority conflict manifested itself in the Indian society in various forms of violence, ranging from ethnic strife to communal riots and caste problem and the underlying cause behind all of them, have been economic deprivation at some point of time.
- vii. Another determining factor for many economic and social insecurities are social mores, customs, cultures and superstition. For example, violence against women and children owes its origin to the custom of Patriarchy. The prevailing caste war and the practice of honour killing, is an appendage of the caste system which has its roots in the ancient custom of Purusasukta and the hierarchical caste system comprising of the Brahmanas, Kshatriyas, Vaishyas and Sudras.

Thus, the Researcher analysing the various causes prescribed a double- pronged antidote consisting of two steps, namely- 1. Controlling the cause and 2. Curbing the effect, which has been elaborated in the concluding chapter.

CHAPTER 4

CROSS-BORDER TERRORISM AND MIGRATION AS A SOCIAL SECURITY THREAT

INTRODUCTION

The several security domains have been established by Barry Buzan wrote *States, People, and Fear* in 1983. Societal security was first given much less attention than other challenges, such as economic and environmental security. But the reality of violence, particularly in Europe and Africa, elevated social issues to the top of the global security agenda. Societal Security has been defined by Buzan as “the sustainability, within conditions for evolution, of traditional patterns of language, culture and religious and national identity and custom.”⁶⁸

The boundaries between states and societies are rarely the same in the modern international system. Even extremely homogeneous nations like Japan and Italy have minuscule national minorities. The existence of various minorities within states is a more common trend in the rest of the international system. One justification for being concerned about societal security is this. It offers a framework for considering security challenges when a people rather than a state serves as the referent object. This people may have borders that span two or more nations or may be entirely contained within one nation, but they are still only a small portion of that nation’s overall population.⁶⁹

Contrarily, society is about identity- how people perceive and define themselves as members of various groups as well as how they identify with those communities. Societal concerns arise when communities of any kind perceive a change or possibility as endangering their ability to survive together. According to Ole Waever, a notable but mostly unnoticed change in the security dilemma in Europe following the end of the Cold War was “a change in forms of community as referents of the security discourse- away from the ‘state’ and towards ‘nation’.”⁷⁰

⁶⁸ Don MacIver, *The Politics of Multinational States* (London Macmillan Press, 1999)

⁶⁹ Barry Buzan, Ole Waever, Jaap de Wilde, *Security: a new framework for analysis* (United Kingdom: Lynne Rienner Publication, 1998) 8

⁷⁰ Prosenjit Pal, *The New Face of Terrorism in a Globalized Context* (Levant Books, 2006) 135, 136

In order to accomplish a number of goals, including giving support for a critical item on the world agenda in the 1990s, Buzan and Waever introduce the idea of “societal” security. Instead of the conventional state-to-state armed confrontation, that decade was characterised by state breakdown, civil wars, and insurgencies of various types. Many times, the issue at stake was not who had sway over a state’s instruments of power, but rather what that state stood for and how its borders were drawn. Since the conflict was societal rather than state-centric, it emerged in the Baltic Republics, the former Yugoslavia, Sri Lanka, etc. Thus, in this circumstance, a more nuanced understanding of security was needed, one that could explain how conflicts could arise within societies between majorities and minorities, between groups with various ideas of what the cultural and historical icons of “the nation” or the values that should support it should be, and whose arguments might be applicable across the borders of various states.⁷¹

As a result, it is clear that the security of nation-states is being threatened by an increase in the assertion of rights and privileges based on nationality, ethnicity, and religion in today’s world. For this reason, it is crucial to take a fresh look at the concepts of terrorism, ethnicity, and nationality.

In this context it has been increasingly argued that globalization of the world economy and the changing nature of international security, has acted as a catalyst to this process.⁷² Thus, the states in many cases become a vulnerable prey to the consequences emerging out of the activities and decisions of other states and non-state actors.

India is also not insulated from the above situation. India’s Social Security has been put to stake many a times owing to civil war, ethnic strife, insurgencies etc. within the country as well as by the same occurrences in the neighbouring countries. India has been a victim of terrorist attacks launched by other states like the assassination of the former Prime Minister, Rajiv Gandhi by Tamil Militants in the 1990s as a revenge for an alleged anti- Tamil policy adopted in Sri Lanka like, sending of IPKF and the 1997 Indo- Sri Lankan Accord. Moreover, India has been a victim of state- sponsored Terrorism, allegedly by its neighbouring country, Pakistan in the form of Narco Terrorism and smuggling of small arms which has dangerous social ramifications.

⁷¹ Craig Anderson, ‘Temperature and Aggression: Ubiquitous Effects of Heat on Occurrence of Human Violence’ (1989)

⁷² Kabir Humayun Mohammad and Ahmed Abu Taher Salauddin, *Ethnicity and Human Security in Bangladesh and Pakistan* (The University Press Limited, 2012) 5

India is plagued by various kinds of Terrorism within the country too, like the North East Separatist movements, the Caste wars those erupt frequently in Bihar and Uttar Pradesh etc.

Secondly, migration of Refugees from other states can be cited as another example where state security is affected due to decisions and policies of other states. Surrounded by seven states namely, Pakistan, China, Nepal, Bhutan, Bangladesh, Sri Lanka and Myanmar, India has been plagued by the influx of Refugees from these countries. For example, the Sinhala- Tamil conflict in Sri Lanka resulted in large scale migration of Tamil refugees to India or the Chakmas of Bangladesh and the Rohingyas from Myanmar has questioned India's social security now and again.

SECURITY AND TERRORISM- THE INHERENT LINK BETWEEN THE TWO

It may be worth mentioning here, that 'terrorism' and 'security' are relative concepts. What one group regards as terrorism may be construed as a tool of foreign policy or a fight for liberation by others. The militancy in Jammu and Kashmir, which has manifested itself as terror attacks in other parts of India, by groups claiming to be waging war of independence on behalf of Kashmir. Groups backed by Pakistan support the secession of the state to Pakistan. Others are separatist movements, asking for an independent Kashmiri state.

Terrorism in India is not peculiar to any specific religious, class, caste or regional identity; rather it manifests itself in groups as diverse as the LeT, the ULFA, Khalistan commando force, LTTE and the Al Qaeda. Though they are similar in their mode of operation, i.e., hostility towards the state and the belligerence with which they protect their ideology, they do not share any common faith or belief. Thus, the Researcher will only deal with those organizations and movements that have been declared 'Terrorist' by the Ministry of Home Affairs, Government of India. From the government's list of terrorist organizations, the terrorist organizations operable in India can be categorized into seven generic groups:⁷³

- i. Militant and separatist movements in India's North East India.

⁷³ Prosenjit Pal, *The New Face of Terrorism in a Globalized Context* (Levant Books, 2006) 135, 136

- ii. Islamist Militancy.
- iii. Cross border terrorists.
- iv. Tamil Separatists.
- v. The movement of Khalistan.
- vi. Militant Communism or the Naxalites and.
- vii. The Al Qaeda, which falls under its own category of global Jihad.

Defining Terrorism: By inducing a condition of terror, panic, and fear psychosis, terrorists can use force, coercion, and blackmail to persuade the authorities to comply with their demands. Consequently, terrorism denotes the spread of severe fear with the intention of coercion or subjugation. To define terrorism, various institutions and organisations have tried. There were 108 different meanings in use between 1936 and 1981, and many more have since appeared. Terrorism is a phrase used to describe the philosophy or approach by which an organised organisation or party strives to accomplish its stated goal by the systematic use of violence, according to the Encyclopaedia of Social Sciences. Terrorism means that it instils fear in the minds of people it is directed against.

Mr. Brian Jenkins, an acknowledged authority on terrorism argues that terrorism is: *“The threat or violence, individual acts of violence, or a campaign of violence, designed primarily to instil fear- to terrorize... Terrorism is violence for effect, fear is the intended effect.”*⁷⁴

In the same way, Mr. J.B. Wolf posits that: In a similar vein, Mr. J.B. Wolf posits that:

*“...the terrorists’ strategic intent is to destroy the confidence of a particular minority and its government by causing it to act outside the law... to bring about the moral alienation of the masses from the government until its isolation has become total and irreversible...to make life unbearable for a democratic government as long as terrorist demands remain unsatisfied.”*⁷⁵

Wolf’s definition relates primarily to the use of coercive powers by a government against a particular section of the society with which terrorists may try to identify or

⁷⁴ Brian Jenkins, *International Terrorism: A New Mode of Conflict* (Crescent, 1975) 1

⁷⁵ J.B. Wolf, *Controlling Political Terrorism in a free Society* (Orbis, 1975-76) 1290

incite to disobedience or rebellion, which then may be extolled as a legitimate resistance. In such instances the terrorists' goal- to make a deliberate impact on a targeted community and on other groups in order to tip the political scales in the terrorists' favour and damage the credibility of the government.

International terrorism can be defined as: "The threat or use of violence for political purposes when (1) such action is intended to influence the attitude and behaviour of a target group wider than its immediate victims and (2) its ramifications transcend national boundaries (as the result, for examples of the nationality or foreign ties of its perpetrators, its locale, the identity of its institutional or human victims, its declared objectives, or the mechanics of its resolutions)."⁷⁶

KINDS OF TERRORISM

Wilkinson outlines terrorism can be divided into three categories: (a) *Revolutionary terrorism*, which seeks to bring about political revolutions; (b) *Repressive terrorism* tries to constrain particular groups, people, or behaviours judged undesirable. (c) *Sub-revolutionary terrorism* has political goals other than revolution.⁷⁷

Other studies, however, point to five distinct forms of terrorism. For example:

- i. State sponsored, which is usually employed by a weak state,
- ii. Faction Sponsored Terrorism is a common international manifestation that emerges as part of insurgency or a separatist movement,
- iii. Crime related Terrorism uses violence as a means of spreading terror, with money replacing political power as the prime motivation,
- iv. Narco Terrorism is a recent term in the terror lexicon, which implies the use of drugs – for- money play, and
- v. Issue Motivated Terrorism is inspired by issues like ban on nuclear weapons, environment protection, land disputes etc. almost similar to the "Earth First" Movement in the United States that has attacked the land developers, industrial installations and the like.⁷⁸

⁷⁶ J.B. Wolf, *Controlling Political Terrorism in a free Society* (Orbis, 1975-76) 230

⁷⁷ Paul Wilkinson, 'Political Terrorism' (1974) 36,40

⁷⁸ Paul Wilkinson, 'Political Terrorism' (1974) 231

Revolutionary and Repressive Terrorism: The state's inability to provide quality government, and its failure to establish socio-economic quality etc. results in a sense of deprivation among the people thus leading to terrorism. Hence the state is always at the receiving end of terrorist violence. However, it is not logical to trace the origin of terrorism in the popular sense of deprivation. It is the terrorists who in order to challenge the monolithic structure of the state, have used the theory of relative deprivation as an excuse to encourage secessionist movements within the state. Hence it can be said that the state's failure to use the nation building process has given birth to terrorism though in the embryonic stage. E.g., the terrorist activities of Kashmir the militant activities of the ULFAs in Assam and the Maoist insurgency can all be regarded as Revolutionary Terrorism. However, apprehending to lose its exclusive prerogative to exercise power, the state often employs coercive methods, without probing into the root cause, thus acting as the perpetrator of terror, which is known as repressive terrorism.⁷⁹ This attitude of the Government aggravates the problem of Terrorism further.

State Terrorism and State- Sponsored Terrorism: Terrorism may be broken down into two categories: state-financed or sponsored terrorism and terrorism committed against the state. There was formerly consideration given to state terrorism, which is also often referred to as terrorist activities against the state. Whenever the phrase "state-sponsored terrorism" is used, one's imagination quickly conjures up memories of the repressive horrors performed by dictators such as Hitler, Mussolini, and Stalin. Terrorism supported by a state may also entail the premeditated killing of Palestinian civilians by members of the Israeli military. There is also the possibility of making the case that terrorism was carried out either by a more powerful state against a less powerful state or by a group of less powerful nations against a more powerful one. The stronger powers may use terrorism as a tool of intimidation or to force the weaker governments to serve their own interests.⁸⁰ Pakistan ever since independence has put pressure on India to give up Kashmir through infiltration of terrorists into India is a case to the point. Pakistan's Inter-Services Intelligence (ISI) agents have nurtured and funded various terrorist organizations against India and have encouraged narco

⁷⁹ Arindam Roy, *Terrorism: The State is no Saint Either, A Probe into the Inner Dynamics Of Terrorism* (Levant Books, 2006) 87

⁸⁰ Prosenjit Pal, *The New Face of Terrorism in a Globalized Context* (Levant Books, 2006) 133

terrorism and trafficking of small arms in to India which have been discussed in detail later in this Chapter.

CAUSES OF TERRORISM

Terrorism has risen as a global challenge in the Twenty First Century and in an attempt to address this problem the scholars and the policy- makers have gone beyond the traditional security problem to find out the factors that sustain the network of terror across international borders. The reasons can be elucidated better if one has an idea about the background in which the Islamist Terrorism or 'Jihad' arose.

Tracing the Background of the emergence of Islamist Terrorism and 'Jihad':

With the Soviet invasion of Afghanistan in 1979 and the reaction of the Western powers thereto, the seeds of contemporary terrorism were sown. Early on, the CIA realised that using religion as a weapon against communism may be effective. The CIA carefully organised the idea of Jihad, or the Holy War, against the Russian invaders of 1979 with assistance from Afghanistan. The Soviet invaders were defeated in 1989 and forced to retreat. However, as time went on, tribal fighting broke out in Afghanistan as a result of an alliance between American and Islamist forces fighting the Russians there. The Afghan people, who were already suffering from drugs, extreme poverty, and terrible battle wounds from fighting and being exploited while working with landmines, led the "Holy Wars" against the Western forces. Thus, a new militant training system was developed, not just in Afghanistan but also in Algeria, Egypt, and other countries. This was funded by Osama Bin Laden's personal wealth, Islamic banks and charities, as well as the enormous profits from the drug trade, which grew both during and after the Afghanistan War. All of these led up to 9/11, and ultimately led to 26/11 19 in India. India has been a victim of terrorism partly organized and mounted from neighbouring countries (Pakistan like LET, Jaish- e- Mohammed and partly engineered by domestic forces like SIMI and ULFA. Most of the time, the young terrorists have been recruited from backward communities, which serve as the hot- beds for poverty and skewed religious beliefs. These factors have been discussed in detail below:

i. Ignorance and Poverty- The Causal Chain: It is widely held that practical way to combat the challenge of Terrorism should not only focus on traditional national security issues but should also seek to address the political and socio- economic causes of

terrorism. Such an approach would not only reduce the incidences of Terrorism but it is hoped that it would also prevent society from producing agents of terror in future. The Former US President, George W. Bush though initially sceptical about the relation between terror and poverty, remarked in 2002, “We fight against poverty and hopelessness and lack of education and failed Governments that too often allow conditions that terrorists can seize and try to turn to their advantage.”⁸¹ Contrary to the above remarks the contemporary empirical studies by scholars, such as Alan B Krueger, Maleckova and Claude Berrebi, felt that Any link between education, poverty, and terrorism is indirect, convoluted, and most likely rather tenuous. Instead, he claimed that terrorism might be better understood as a reaction to long-standing political injustices and frustrations that have little to do with economics.

ii. Discrimination of an Ethnic Minority: The direct cause of Terrorism is the existence of concrete grievances among identifiable sub- groups of a larger population, such as the discrimination of an ethnic minority by a majority group. It is a response to injustice, grievances, stresses, frustration, discontentment, maladministration, corruption, at high places, and misgovernance when a small minority feel deprived from access to the bases of power etc. The North East militancy is a glaring example of the above reason which has jeopardized the social security of India.

iii. Youth and Terrorism- lure for adventurism: The 26/11 Mumbai Terror attacks followed by the arrest of the lone terrorist Ajmal Qasab, have raised concern over young adults joining terror networks in India’s backyard, although the problem persisted in the country’s North and North East regions for decades. Even globally, this problem exists and has proved to be acute in regions like Afghanistan, The Philippines, The Middle east and Malaysia and certain African nations, like Sudan, Algeria and Swaziland. Although the main causes for this problem have been identified as poverty, ignorance, indoctrination, a feeling of revenge etc. However, a closer look into the Ahmedabad Terror Bombings shows that 9 out of 22 Indian Mujahideens arrested were software engineers. One was an MBBS doctor, another a mechanical Engineer and the rest Graduates and Undergraduates.⁸² Moreover, none had a past history of crime. Thus,

⁸¹ George W. Bush, ‘President Calls on World Leaders to Condemn Terrorism’ (Presidential News and Speeches, 30 March 2002), <<https://georgewbush-whitehouse.archives.gov/news/releases/2002/03/>> accessed 21 May 2023

⁸² Taruni Kumar, ‘Youth and Radicalisation: The Threat to India’ (2015) ORF

lure for adventurism may be one of the causes for which the youths undertake terrorist attacks.

Apart from this, the terrorists are guided by fanaticism inspired by religious, sectarian and nationalist convictions, which enables them to indulge in wanton killing for the fulfilment of their objective i.e., to gain maximum exposure to their cause.

The Holy War or Jihad against the United States and its allies is firmly entrenched in a strong feeling of anger based on what the so-called “Jihadists” view to be wrongs committed as a result of the Cold War Era and the stability of the West’s economy. But a closer look at the reasons behind this antipathy towards the West reveals that the majority of them were founded on misinterpretations of Islam and the Prophet’s sayings. This strong negative feeling against USA found expressions through the perpetration of one of the most heinous crimes of terrorism ever committed, through the 11th September attacks on the World Trade Centre.

Another very interesting facet in the psychological dimension of terrorism was noticed in the case of the very recent lone terrorist, Ajmal Kasab, who showed no signs of remorse when captured in the 26/11 terrorist attack on Mumbai. Moreover, victims of violence, cruelty, terror fear and poverty might later turn out to be a terrorist. Thus, no child is a born terrorist. Rather a combination of all the above complexes begets a terrorist.⁸³

The increasing number of terror crimes, in India as well as other countries of the world, has posed a serious challenge for the Governments of the concerned states, who have undertaken multiple measures like eradication of poverty, resolution of conflicts, ending of foreign occupations etc. But, along with these measures the governments should also try to understand the psyche of the terrorists to prevent any catastrophic attacks from taking place.

v. Religious Indoctrination: Apart from the police highhandedness and the coercive measures, ideological brainwashing undertaken by the militants and religious fundamentalism may be yet another factor which motivate the youths to join the extremist ranks. Thus, the process of ideological indoctrination plays an important role

⁸³ Radharan Chakrabarti, Iman Kalyan Lahiri, *The Challenge of Terrorism* (Academic Excellence, 2009) 263,264.

in the making of a terrorist. The two intersecting facets of terror communication may be mentioned in this regard. This has a significant impact on the chain of terror activity and how it operates in relation to the task of targeting the decision-makers or, more broadly, the powers that be as well as certain demographic groups, rather than immediate victims who are used as message-senders. The internal component has to do with stout acts of indoctrination, intoxication, and inspiration directed towards the cadres. The building of idealised behaviours and terrorist organisations' deeds, as well as their propagation as "natural," is a process known as normalisation. If necessary, compulsion may also be used in this process. The discursive techniques work together to mentally persuade a terrorist to commit to the "Greater Cause." So, without much thought for their own interests, we find ladies, teenagers, and highly educated and skilled people driven and determined to service the illegal acts of violence and the cause upheld by the terrorist organisations. Fundamentalism at its most extreme is what this process entails.

This is frequently referred to as "Jihadism" because it was adopted by Osama Bin Laden and his close friends. The conviction that Islam is being denigrated and humiliated by Western principles, with particular anger reserved for those Arab nations, such as Saudi Arabia and Egypt, which are strong friends of the United States, forms the basis of Al-Qaeda (the organisation led by Osama Bin Laden). The central goal of the Al - Qaeda is to expel Americans from Muslim lands and dismantle pro- US Middle East governments, which has no roots in mainstream Islam. Sometimes, even institutions of Islamic education advocate extremist views which are also inconsistent with that of mainstream Islam. Scholars agree that a large proportion of the Madrassas, especially in South Asia preach intolerance and religious extremism.

The various religious fundamentalist groups resorting to terrorist activities in India also take the help of these methods of indoctrination, to inspire the unemployed and disillusioned youths and even women, from a particular religious community to perform terrorist activities, in the name of Jihad'. In this context it must be mentioned that globalization has modernized the communication equipment, thus enabling the terrorists to communicate with each other. This may be as simple as placing a long-distance telephone call, or it may include the use of sophisticated electronic communication devices such as those used by government intelligence agencies. In this

context it will be apt to explore the rise of radical Islam in India which has made the attacks of the religious fundamentalists more pronounced.

RELIGIOUS FUNDAMENTALISM

Fundamentalism is a matter of faith in the fundamental propositions of any ideological system to the extent that pushed to dogmatic limits it may exclude all other considerations for legitimizing human activity. Since religion serves the role of an ideology in the process of consciousness formation, it sometimes become captive in the hands of the fundamentalists who direct thought and action in accordance with the premises that seem to be 'fundamental' and as such unchangeable in their perceptions. This often leads to group integration towards realizing a pluralistic goal as opposed to and sometimes destructive of any universalistic interest.⁸⁴

Samuel P. Huntington writes, the quick adoption of contemporary social and political patterns, secularism, scientific culture, and economic development have resulted in a sense of disorder, a loss of identity, meaning, and stable social institutions that fundamental movements, in particular, are a way of coping with." The fundamentalist movements", as Huntington observes, "*.... are, however, the surface waves of the much broader and more fundamental religious tide that is giving a different cast to human life at the end of the twentieth century. The renewal of religion throughout the world far transcends the activities of fundamental extremists.*"⁸⁵

Religious fundamentalism speaks of traditional scriptures as the sole source for justifying all religious or even social practices for the adherents of a particular religion and subsequently gives birth to an ideology around which it could ask the adherents to rally even fanatically against all forces of modernity. It gives rise to a "particularised trust" that often goes along with the kinds of group identities that become more firmly established against outsiders, which in turn strengthens factions and reduces the likelihood that a dispute can be resolved democratically.⁸⁶ Religious fundamentalism thus creates cultural identities separate from the mainstream of the society. It may draw

⁸⁴ Harihar Bhattacharya and Abhijit Ghosh, *Indian Political Thoughts and Movements* (KP Bagchi & Company, 2007) 95

⁸⁵ Samuel P. Huntington, *The Clash of Civilization and The Remaking of World Order* (Simon & Schuster, 1997) 98

⁸⁶ Jagdish Prasad Verma, 'Islamic Terrorism and The Indian Experience' (2008) *South Asia Politics*, vol.7, 24

on cultural traits of an earlier historical phase, but assumes specific forms, sometimes 'terrorism' and sometimes 'communal'. In religion- motivated terrorism, violence is primarily the sacred duty in direct response to some theological imperative. Religion, in this case serves as the major source of legitimizing large-scale violence and the terrorists become inspired by the ideas of the other world.

Communalism, on the other hand, it is possible to define this ideology as one that emphasises the group of followers of each religion as the social, political, and economic unit while also highlighting the differences, and sometimes even the hostility, between these groups; the terms "adherent" and "religion" are used in their most literal senses. Such ideology confuses, if not suppresses, all other issues, including political, social, economic, and religious ones, and engages in violence to eliminate others on the basis of a "particularised trust" by elevating and making the community issue supreme.

Whatever be the forms, religious fundamentalism impinges upon altering the situation in a specific way that excludes democratic participation of other groups in the decision-making process. Consequently, religious fundamentalism challenges the legitimacy of a democratic society.⁸⁷

THE RISE OF RADICAL ISLAM

With the rise of Radical Islam, which began as a small enclave in Saudi Arabia in the 7th century, religious fundamentalism has intensified its attacks in India. In the middle and early middle ages, radical Islam first entered India and coexisted there with all other Indian religions. This coexistence, however, was seen as a pollution of Islam. Shah Waliullah dealt a fatal blow to the extreme Islam movement. The Deoband Theological Seminary was established by the followers of Waliullah two generations later and was the first mujahid business in the nation. The Deoband school of thought, which emerged in Pakistan following partition, gave rise to the Taliban in Afghanistan. In 1998, Osama bin Laden founded The International Islamic Front, which provided radicals a new boost. Today's SIMI is the one who chants Waliullah's slogan. Targeting Christians and Jews, the front was founded by Al Qaeda and five extremist groups from Pakistan, including Lashkar-e-Taiba, Harkat-ul-Mujahideen, and Hizbul-e -Jihad-e Islami. Its ideology emphasised the idea that a Muslim's first devotion should be to his religion,

⁸⁷ A.K. Verma, Dec. 2008, 'Radical Islam and Terror' (2008) Vol. 7, No. 8, 16

not to his country, and that any kind of violence, including the use of WMDs, might be used to further political and other objectives. As a result, several Muslim organisations throughout the world began to believe along similar lines, which increased global fundamentalism and terrorism. Later, India was added to the list of adversaries.⁸⁸

India has been plagued for a long time by terrorist activities by the Islamic Fundamentalists, which reached its helm in the 26/11 Mumbai terror attacks, when 10 highly trained militants, apparently from Pakistan, swept ashore and laid siege to Mumbai for 60 hours, leaving 165 people dead and a nation stunned. Due to this terror attack, India's relations with Pakistan, which had been improving at the time, have been set back for years. Pakistan, however, on 26th November 2009, Zaki-ur-Rehman Lakhvi, who is claimed to be the operational commander of the Lashkar-e-Taiba (or army of Righteousness), which is thought to be responsible for the attacks, is one of the seven persons who have been charged. Hamid Amin Sadiq, who worked on fund-raising, is among the others accused. Ajmal Kasav is the only remaining militant, and his trial is currently ongoing. However, India asserts that Pakistan's militant infrastructure is still in place and that the primary perpetrators of the terrorist acts are free to conduct their daily lives as usual.⁸⁹

Although numerous changes have been introduced locally in the aftermath of 26/11, Mumbai still remains ill-prepared to combat any terror attacks. The then India's Home Affairs Minister, P. Chidambaram said, "My assessment of the vulnerability is it has remained the same since 26/11. It has not diminished nor has it enhanced."⁹⁰ It is not only the Indian government that seems to prevent the terror strikes. Israel, the U.S. forces in Iraq and Afghanistan Governments in UK have failed miserably to prevent terror strikes. Every government has the responsibility it provides security to its citizens. But police and military are mere symptom reliefs. Ultimately the solution lies in addressing the root political and economic causes. Thus, the militant Islamist movements are waging violence against the state and its civilian in India as in many parts of the world. After three high profile attacks the Indian Mujahedeen has emerged as an important face of terror. The LeT's (Lashkar-e-Taiba) attack on Taj Bengal in

⁸⁸ Andrew Buncomb, 'Shadow of Gunmen Still Haunts Mumbai' (*The Statesman Mumbai*, 27 November 2009)

⁸⁹ *ibid.*

⁹⁰ Andrew Buncomb, 'Shadow of Gunmen Still Haunts Mumbai' (*The Statesman Mumbai*, 27 November 2009)

Mumbai reveals that India's biggest threat to security lies in cross border terrorism. A closer understanding of their method of operation has been elucidated.

The main objective of these attacks is to ensure maximum damage, and thus the attacks are launched by the terrorists keeping in mind two factors:

- i. *Target:* The terrorists target busy public places, are marked by huge congregation of people, like a market place, temple, railway station etc. The people in such places are pre-occupied with some work like shopping or worshipping, perhaps enjoying his dinner in a restaurant, or viewing a movie or a performance in a relaxed mood. No one can ever apprehend that a deadly attack can be launched in such a place, thus, leaving the victims absolutely clueless. Thus, in such a situation death and injury multiplies, as it can lead to a stampede or suffocation, as was witnessed in the Banaras Temple Blast.
- ii. *Methods of Attack:* The terrorist organizations always surprise the people with different forms of attack, ranging from planting of bombs (which has always been a common practice), but with the advent of globalization, bombs now can be operated with the help of remote control-these are referred to as 'Smart Bomb'. This enables precision attack at the right time, to ensure maximum damage. The LeT's method of attack has usually been to target innocent civilians, through the planting of bombs in crowded public places, Fidayeen or suicide attacks and armed individuals carrying out shootings, like in Bangalore. Moreover, a case study of the Mumbai Attack of 2008 in Taj Bengal by LeT shows the cumulative applications of all the methods. Two or three forms of attack are employed in this case, through fidayeen or suicide attacks, ranging from bomb blasts, holding of hostages in the hotel rooms and even direct shooting. Kidnapping of important officials and hijacking of aircrafts like the hijacking of the aircraft IC 21 in December 1999 is another case to the point, which shows that terrorists can adopt desperate and innovative means to attain their goals.

Aftermath of the Terrorist Attacks: The aim of the terrorist attack is to generate fear and cause maximum destruction, as it becomes synonymous to war (which has been mentioned earlier). Thus, like war the impact of the terrorist attacks is also multi-

dimensional. Terrorist attacks not only claim huge toll of life and destruction of public property, but result in orphaned children, helpless and hapless homes. Many a times these families are bereft of any earning members, resulting in poverty and social deprivation, which ultimately leads to social pathology- factors that might prove to be the harbinger of another terrorist, or a criminal, thus endangering the security of the nation. Thus, social insecurity (death and poverty) and social pathology [(crime) (*The inherent link between Social Pathology and Terrorism lies in the fact that where people having grievances due to poverty, lack of political participation and opportunity, or belonging to an ethnic minority and facing injustice, lose trust on their rulers and tend to opt for the terrorist groups that provide them with better hope.*)] leads to terrorism which in turn again results in untold loss of life and property.

Therefore, social insecurity, social pathology and terrorism move in a vicious cycle. Terrorism in India is often termed as 'Low Intensity War,' which has claimed more lives than all armed state conflict in the history of India, including the lives of two Prime Ministers. Among the most prominent faces of Terrorism in India, and in our present context, in many parts of the world, the Islamist militant movements are waging constant violence against the state and civilians.

Very little is known about the terrorist infrastructure in India, especially the different faces of violence against the state, particularly in the most high-profile attacks in the Metropolitans, over the past few years.

Moreover, the very fact that terrorism has become more faceless in India every day, is adding on to the vulnerability of not only the civilians, but the civil society at large. Moreover, Terrorism has attained new dimensions with the advent of globalization.

TERRORISM AND GLOBALISATION

Terrorism and Globalization share at least one thing in common- both are complex phenomena open to subjective interpretation, and are inherently linked- Terrorism has attained new dimensions with the advent of Globalization. The later has provided the various terrorist organizations with opportunities to operate as a well- integrated mechanism through advanced communication and transportation system.

His phenomenon has far-reaching implications on India. Kashmir, as already discussed above, has always been known as the hot-spot of Terrorism in India, wherein, Pakistan-sponsored, ISI-supported, Islamic Terrorist outfits operate. These outfits are highly coordinated and networked with their Middle-East counterparts, who seem to be the spearhead of global terrorist operations. The operations of global terrorism, outsourced to the South Asian region seem to posit a real threat to India's security. Again, threat looms large in India's volatile North-East Corridor (discussed before), where the possibilities of formation of linkages between the insurgent groups, like ULFA, NDFB etc. and the Islamic terror outfits, using advanced communication technologies to out-ride geographical obstacles. Thus, Globalization has resulted in the transcendence of terrorism from international to global dimensions. The various dimensions of Globalization that have contributed to the same have been summed below.

COMMUNICATION AND TERRORISM

Information Super Highway of Network Technologies: Terror communication is a very aggressive kind of communication that aims to use as much ISH as possible to its advantage.⁹¹ The Information Super Highway (ISH), the main tool of the global information order, acts as the "harbour" where communication takes place. Through transnational channels that by themselves challenge the predominance given to the governments and the nations, the ISI and its larger framework, the Global Information Order (GIO), have taken on a global character. The compression of 'space and Distance' and the End of Geography is the GIO's most distinctive feature. According to a Rand Corporation study, network technologies include consumer-oriented technologies that frequently have the functionality required for terrorist operations, as well as command, control, communication, computer, intelligence, surveillance, and reconnaissance technologies. These network technologies can include, among other things, internet access, IT services, personal digital assistants, mobile phones, connectivity technologies (such as laptop computers), and video recording. This was evident in the Mumbai terrorist attack, where the terrorist launched a well-planned operation with the help of advanced mobile phones known as Smart Phones. CCTVs were installed within

⁹¹ Radharaman Chakraborty and Imankalyan Lahiri, *The Challenge of Terrorism* (Academic Excellence, 2009)15

the hotel prior to the attack, which were linked to webcams through which the young Fidayeens were directed regarding their next course of action.

Terrorism and Media: Another aspect of Terror Communication comprises of the Media, which serves both a negative and a positive purpose. Its positive impact definitely lies in the fast dissemination of information about any occurrences in any part of the globe. However, this advantage turns into a disadvantage for the human race, as maximum media coverage also serves as an advantage for the terrorists by fulfilling the three aims of a terrorist attack: (a) to gain attention ii. Recognition and (b) To obtain certain degree of legitimacy and respect. Thus, the terrorist attacks are determined on the basis of the terrorist of the opportunity they will garner to be member of the “Triangle of Political Communication.” Terrorists who have access to the media are more familiar with how democratic societies make decisions, which considerably improves the likelihood that a political choice will advance the interests of their group. The main topic of the television news bulletins is “visual culture.” The amount of audio-visual content that is available for a particular news event closely relates to the attention that it garners. As result the terrorists attack those places which will attract the attention of the media. The example of the 9/11 Twin Tower attacks is case to the point.

Information and news regarding terrorist acts are seen from the media’s perspective as dramatic material with “excellent market potential” in terms of audience consumption. The horrific events of 26/11 in Mumbai and the media’s unrelenting pursuit of every detail of the attack- including Ajmal Kasav, the only survivor—led to the development and expression of critical public opinion against the onslaught of the mainstream media. Terrorism may not succeed in destroying our civilization, but media and communication- the effects of globalization are crippling our ability to defend it.

What the world desperately needs today is a responsible media and reporters brave enough to tell the truth.

CYBER TERRORISM

Cyberterrorism has benefited from the remarkable growth of cyberspace. The ISH now supports the technology that is frequently utilised by terror networks and organisations. In this connection, one can observe manifestations of the WIFI network, GPS, CDMA,

and Skype. Omens can indicate a variety of behaviours, including hacktivism or more serious cyberattacks, which are popular tactics used by terrorists in the digital age.

Since 9/11, it has become common for militant groups to use cyber support to carry out their extreme aims. Al Qaeda typically carried out cyberattacks on the American government during the 9/11 attack, but they also defaced a lot of messages in order to “disrupt the communications” in addition to sending threat messages.⁹²

Cyber terrorism is now a recognised term in India. Investigations into the 208 bombings that occurred in succession in Ahmedabad, Delhi, Jaipur, and Bangalore turned up a lot of evidence of cyberterrorism. Both the 2010 blast in the Holy City of Varanasi and the 2008 Mumbai incident, better known as 26/11, left behind cyber-terrorist tracks.

Ironically, Muslim jihadists like the Indian Mujahedeen were involved in these attacks. All of these incidents, however, highlight the following two features of cyber terrorism: i. Information gathering. ii. The disruption of the country’s tranquilly caused by the spread of terrorism through communication.

Government efforts to curb Cyber Terrorism: *The Information Technology Act:* Following the events of September 11, 2001, the Indian government put into effect a number of recommended revisions to the 2008-amended Information Technology Act 2000, which contains particular provisions for addressing cyber terrorism.

STATE SPONSERED TERRORISM

Globalization and Cross Border Terrorism with Reference to the Kashmir Issue: The other important face of terrorism in India is that of the Huji or Harkat-ul-Jihad Islami, an organization that has operating from Bangladesh. Many insurgent movements in the North East seek other nations for refuge etc. However, the linkages of terrorism in India with the terrorist network in

Pakistan remains as much a matter of concern as ever. The issue of terrorism or militancy in Jammu and Kashmir as well as in other parts of India by groups claiming to be waging a war on behalf of Kashmir is rooted in a very regional, international issue. This militancy is believed to be sponsored by the state and intelligence agencies of

⁹² Yvonne Jewkes and Majid Yar, *Handbook of Internet Crimes* (Willan Publishing, 2010) 194, 213

Pakistan. Who support the secession of the state to Pakistan. Apart from this there are separatist movements within Jammu and Kashmir asking for an independent Kashmiri state. The Hezb- ul- Mujahedeen and Jaish-e-Muhammad are the two most prominent faces of this form of terror. The Lashkasr-e-Taiba, which has been held responsible for the attacks in Mumbai in 2008, is an organization based in Pakistan and a part of terrorism being waged from across the border. The group has taken responsibility for the attacks in Delhi and the Indian Institute of Science in Bangalore.

Operatives of the LeT have been apprehended in cities as deep within the country as Hyderabad, Mumbai and Chennai. The method of attack has usually been to target innocent civilians through the planting of bombs in crowded places, fidayeen or suicide attacks and armed individuals carrying out shootings, like in Bangalore.

In this context, it may be mentioned that countries of the Middle East, including Libya, Iran, Syria and Iraq, started openly supporting terrorism against the USA in the 1980s. This prompted many analysts to see terrorism through the lens of 'Clash of Civilizations' concept propounded by Samuel P. Huntington. The employment of terrorism as a tactic by small, weak countries against large, powerful ones with the aim of influencing those nations' perceptions to the benefit of the perpetrator countries began to gain ground. The Irish Republican Army (IRA) and other Arab terrorist organisations like Hezbollah and Hamas against Israel, and Pakistan-backed militant groups against India were all supported by rogue regimes.⁹³ Terrorist organisations operating in the Kashmir valley with the help of Pakistani material and moral assistance frequently boosted their firepower thanks to international connections among terrorist groups, particularly those with an Islamic background.

The nineteenth and twentieth centuries saw the majority of the developments in the terrorists' methods and characteristics. The transnational nature of modern terrorist organisations has unavoidably given them various advantages, including the ability to network internationally with prospective partners, suppliers of arms, and other militant organisations along their ability to garner assistance from across borders. They have easy access to WMDs, such as biological, chemical and nuclear weapons, and by

⁹³ N.S. Jamwal, 'Counter Terrorism Strategy' (2003) Strategic Analysis, IDSA, Vol.27, No.1, 58

exploiting the global advancement of communications technology, in turn greatly enhancing the capacity for destruction.

The intercontinental support networks influence governments, intergovernmental organisations, and non-governmental organisations while disseminating misinformation. They establish connections with scattered diaspora and migrant populations, raise money to recruit experts and train staff, buy weapons and dual technologies, and manage or charter ships to transport supplies and personnel to combat zones. On September 11, 2001, one of the most heinous and violent aspects of international terrorism that utilised contemporary systems, unconventional weaponry, and cross-border connections was witnessed. The lone act has resulted in a conceptual shift in the “Idea Terrorism” section of the terrorist warfare theory. The methods by which terrorist acts against the USA have been carried out have undergone radical changes. Instead of using traditional terrorist tactics and weapons, these acts have caused enormous destruction of life and property, which has left many Americans shaken and turned the National Missile Defence (NMD) system, which had just been installed, into a laughing stock. The shift in American mentality was one of the most obvious changes that took place. As America launched a campaign against international militancy, upgrading it to the rank of a global crisis, while attempting to convince the rest of the international community that it was an international problem demanding a universal solution, such a terrible occurrence generated unprecedented global consequences and response patterns.

Since the beginning of the twenty-first century, terrorism has thus come to dominate international politics and has taken on the role of a full-fledged “Frankenstein Monster.”⁹⁴

BIO-CHEMICAL AND NUCLEAR TERRORISM

Massive acts of destruction that are perpetrated in public with the intention of provoking fear have come to represent the New Terrorism. The Middle East’s more conventional political conflicts gave rise to it in the 1980s. By the middle of the 1990s, religiously motivated terrorism against both the general populace and symbols of governmental authority was on the rise everywhere. Activists from almost every religion were

⁹⁴ Mark Juergensmeyer, ‘Understanding the New Terrorism’ (2000) *Current History*, 158

involved, including radical Sikhs and Hindus in India and the United States, Middle East's suicide bomber, United States' Christian militants, Japan's violent Buddhist sect and Israel's Jewish assassins.⁹⁵ A fresh element of chemical and biological terrorism, which are regarded as weapons of mass destruction due to their bio specificity, was created and adapted to complement this "new" religion-based terrorism. They are frequently referred to as "poor man's nuclear weapons."⁹⁶

The worst nightmare for many people still involves nuclear terrorism, not biological or chemical terrorism. There is a lengthy history of concerns about nuclear terrorism. Since Brian Jenkins' landmark "Will Terrorists Go Nuclear?" was published 30 years ago, the study of terrorism using WMD has essentially been on the rise.⁹⁷ Greater worries about terrorists using chemical and biological weapons have replaced earlier worries about the possibility of nuclear terrorism. This is partially due to the fact that nuclear terrorism is typically determined as the explosion of a nuclear capable device, which assumes that terrorists can raid an undamaged weapon of nuclear capability or construct a similar crude device, both of which are highly challenging jobs. However, it still poses a serious threat, just like two more actions that should be regarded as nuclear terrorism: attacks on nuclear reactors and the distribution of radioactive materials. Both are more probable than the explosion of a nuclear bomb, albeit they would both have much smaller effects.

The deliberate targeting of nuclear power plants by terrorists is a significant source of worry, particularly in the United States. Terrorists would have a much better chance of establishing an off-site radioactive dispersal if they were able to seriously disrupt a nuclear reactor's containment system, especially in the initial stages of an attack. Low-grade nuclear material might also be very useful as the foundation for a radiological terrorist device; therefore, a smaller amount of radiological material could also be employed as a weapon by terrorists. Radiological terrorism is by far the most plausible type of nuclear weapon due to its technical viability. Since India has nuclear weapons, the possibility of an attack on India also arises.

⁹⁵ A.K. Verma, 'Radical Islam and Terror' (2008) South Asia Politics, Vol. 7, No. 8, 16

⁹⁶ Jonathan B. Tucker, 'Chemical and Biological Terrorism: How Real Is The Threat?' (2000) Vol. 99, No. 636, 147

⁹⁷ Guin Cameron, 'Nuclear Terrorism Reconsidered' (2000) 154

Due to technical obstacles, biochemical terrorism continues to be more likely to result in mass casualties than nuclear terrorism. However, radiological weapons usage poses a believable threat given the readily access to variety of suitable materials and its prospective to terrorise.

India's hot spot of terrorism seem to be Kashmir, wherein Pak-sponsored, ISI supported Islamic terrorist outfits are highly coordinated and networked with their Middle-East-Afghan counterparts who seem to be the spearhead of global terrorist operations. The operations of global terrorism, outsourced to the South Asian region, seem to posit a real threat to India's security. Again, in India's 'volatile North-Eastern corridor', ULFA, NDFB, etc. militants are active. Therein, threat looms large concerning the possibility of formation of linkages between these insurgent groups and the Islamic terror outfits using advanced communications technology to outride geographical obstacles.

MANIFESTATIONS OF GLOBAL TERRORISM IN INDIA

A recent developing appearance which international terrorism appears to manifest on in an internationalised environment gives voice to previously unspoken idea of a larger case of social, economic and political suppression suffered by weaker countries, and be specific, the Third World countries' Muslim minority population, at the hands of the wealthy, prosperous, industrialised., primarily countries of West and the predominantly non-Islamic population residing within. Global terrorist networks' (the "New Terrorism") ever-evolving techniques and methodology, which use the "Jihad" as their ideological justification, appear to be a self-determination exercise and in effort to free themselves from exploitative chains imposed by the USA.

In the attacks on Mumbai, an interesting facet of shifting ideology came to light. The terrorists attacked institutions of international significance, as well as targeted nationals of some other countries. From eye- witness accounts, one even hears of American and Israeli tourists being singled out to be killed. This attack thus signifies the internationalization of ideology. This network of terrorism also extends into all the peripheral activities associated with the carrying out of attacks, particularly the acquisition of resources to finance them. Illegal money- laundering and its sources and channels constitute a part of the jigsaw.

The underground economy and financial system may also use trade channels to conduct covert transactions. Thus, we see that globalization have resulted in cross-border linkages of terror in India which are limited not only to Pakistan but to various parts of the world as well.

Global terrorist networks' (the "New Terrorism") ever-evolving techniques and methodology, which use the "Jihad" as their ideological justification, appear to be an expression of their right to self-determination as well as an effort to free themselves from the chains of exploitation imposed by the USA. US Reports reveal that ISI have a hand in Narco Terrorism in J&K and NWFP Region of India. It reveals that Pakistan has been nurturing a large number of ethnic communities of the Federally Administered Tribal Agencies (FATA) for smuggling narcotics and weapons to India through the unconventional border routes. They smuggle arms and explosives and impart training to the youths of the valley for joining the military outfits. And this way Pakistan has been able to patronize terrorism in Kashmir and Punjab. In this scenario, narcoterrorism becomes state-sponsored, which means that the governments that fund it have an easier time sowing discord in the states that are in close proximity to them. The sponsoring governments, in addition to supplying narcotics, also offer secure havens and the essential trafficking channels for drugs.⁹⁸ Now that we have that out of the way, let's talk about the security concern that narco-terrorism and drug trafficking pose to India.

DRUG TRAFFICKING AND NARCO TERROSIM IN INDIA

The Canadian and the UNDP Human security schemes have discovered scores of direct and indirect threats, in which the problem of drug has been categorized as the direct threat to human rights. The problem of drug India is facing today is threefold:

- i. Its illegal production,
- ii. Illegal trafficking and
- iii. Drug abuse.

Before analysing this problem, we must have some idea about the types of drugs, which are the flooding the international market and the areas in which they are being produced.

⁹⁸ Mandira Moddie, 'Dealing with Drug Abuse' (2005) Vol. 22, Issue 17

The three traditional drugs derived from the forces of nature that have historically been the main products of international drug traffickers are:

- a. Cannabis, which comes from the Cannabis plant and also includes hashish,
- b. Cocaine, which comes from the Coca plant, and
- c. Heroin, which comes from the Opium plant.
- d. On the worldwide market, psychotropic substances, which are also often referred to as synthetic pharmaceuticals, have lately acquired appeal, particularly in the West, Middle East, and a few South Asian Countries.

The greatest cause of insecurity for India is its location between two major regions that provide illegal drugs: the Golden Crescent and the Golden Triangle. India is a key state for the passage of narcotics as a result. In India, UP and MP are where the poppy is lawfully grown. Drugs are shipped or flown to the US and Europe from Bombay, where they are smuggled from Pakistan. From Bombay, there is a second land route that takes it to the Tamil Nadu Coast, primarily Tuticorin, from where it is transported to Colombo and other locations west. In addition, drugs are transported into South Asia from Myanmar. They primarily arrive in Cox Bazaar, where they are transported to the West.

The second main route passes through the northern-eastern states of India, where it is then smuggled to either Kathmandu or Delhi.⁹⁹

CAUSES FOR NARCO TERRORISM

The main cause for Narco Terrorism: Most often, the states that support terrorism, insurgency, or armed resistance in neighbouring states allow the groups to mobilise funds through drug trafficking. Because support for terrorist activities is typically covert, the states must turn to other means to raise the necessary financial support. Pakistan is a prime example of how regional unrest fuelled state-level drug trafficking. US Reports reveal that ISI have a hand in Narco Terrorism in J&K and NWFP Region of India. It reveals that Pakistan has been nurturing a large number of ethnic communities of the Federally Administered Tribal Agencies (FATA) for smuggling narcotics and weapons to India through the unconventional border routes. They smuggle arms and explosives and impart training to the youths of the valley for joining

⁹⁹ Sumita Kumar, 'Drug Trafficking as an International Security Problem' (1996) 210, 213

the military outfits. And this way Pakistan has been able to patronize terrorism in Kashmir and Punjab.

Let us now analyse how drug trafficking is hampering/ affecting the security of India which comes from three interrelated sections:

- i. *Statewide drug production and trafficking*: The NDPS and other strict laws have been passed, but drug trafficking and smuggling in India are still on the rise. For instance, the drug trade has developed into an industry in Himachal Pradesh that generates cash through local trading, international trafficking, and cultivation. For instance, in the Kullu District in the year 2000, over 170kg of charas were found over the course of 11 months.¹⁰⁰
- ii. *Drug trafficking via state*: in which the traffickers use the state as a transit route, which have been discussed before. In this case drugs also flood the Indian market and there is easy availability of drugs in the country, which leads to drug abuse within the country.
- iii. *Drug abuse within*: Economic insecurity in the form of unemployment among the Indian youths makes them take resort to drugs.

CONSEQUENCES OF DRUG ABUSE IN INDIA

According to government statistics, there are an estimated 7.5 crore drug users in India, and the problem is considerably growing and expanding to semi-urban and underdeveloped areas. According to Ministry sources, the National Survey also shows that 371 women, or 8% of the sample size of 4,648 people, consume drugs on a regular basis. In the country in 2006, it is believed that there were 6.25 billion alcoholics, 90 million cannabis users, 2.5 lakh opiate addicts, and close to 10 lakh users of illicit drugs. While buprenorphine, propoxyphene, and heroin were regularly injected substances, the survey also noted that needle sharing among IDUs was widespread, with an average of three partners per individual.⁵¹ Recent studies reveal an alarming increase in Marijuana intake among college students which has tripled in the past two decades, whereas Cocaine use has also increased in the last two years.

Drug Trafficking affects the social security of the State in the following ways:

¹⁰⁰ Molly Charles, 'Drug Trade in Himachal Pradesh: Role of Socio- economic Changes' (2001) Economic and Political Weekly, Vol xxxvi, No. 26, 2434

- i. *Drug Abuse*: The foregoing discussion covered the negative effects of drug misuse. But in addition to this, drug addiction has additional negative consequences-
 - (a) It has an impact on people's physical well-being.
 - (b) It devastates the victim's family's financial situation, which has additional effects on society's financial situation.
 - (c) To pay for their drug addiction, male addicts commit crimes of all sizes, from minor to big.
- ii. *Organized Crime*: Drug trafficking results in organized crimes which links drug trafficking with corruption, money laundering, narco terrorism etc.
- iii. *Corruption*: The police and other drug enforcement authorities are bribed with drug money to avoid raids.
- iv. *Violence*: Additionally, drug trafficking leads to violence, which can take place between different drug organisations or between drug organisations and the government. Drugs from neighbouring states help terrorists buy weapons.

In this case when narcoterrorism is “state-sponsored,” it is simple for the sponsoring powers to sow unrest among its neighbours. In addition to providing medications, the sponsoring states also offer safe havens and essential drug channels.¹⁰¹

PROLIFERATION OF LIGHT WEAPONS

“The spread of tiny guns has a significant human cost. It destroys cultures, ends lives, and worsens already existing conflicts. Binalakshmi Nepram, a member of the Control Arms Foundation of India, exclaims, “It kills and hurts!” The diverse Kashmiri culture has been devastated by the widespread use of these small weapons. The two communities of Pandits and Muslims are unable to mend their strained relations as long as they are present.

In reality, grenades and guns first arrived in Kashmir in the late 1950s and early 1960s. Along with the explosive growth of terrorist organisations from the late 1980s and early 1990s, the number of weaponries has also increased significantly. By introducing women and children into this system, the nexus is expanding day by day. For instance, it is believed that young children as old as 13 or 14 years old are being exploited to toss

¹⁰¹ Prabha Kshitij, ‘Narco Terrorism and India’s Security’ (2001)

grenades and trained to wield weaponry, while women are designated as couriers and messengers.¹⁰²

It is obvious that having access to deadly weapons like assault rifles can turn a small-scale incident into a large-scale bloodbath. Both the Nadimarg massacre in 2003 and the 1999 Chatisinghpura massacre, in which 35 Sikhs were massacred on March 20, traumatised both communities. Along with grenades, detonators, and IEDs, terrorist groups have access to a significant influx of high-tech weapons from across the border, including AK rifles, handguns, revolvers, RPGs, INSAS, SLRs, LMGs, UMGs, SMGs, and MMGs.

In an interview with Outlook on June 13, 2005, the Supreme Commander of Hizbul Mujahideen (HM) Syed Salahudin reportedly stated, “We are also capable of manufacturing small weapons” and “we have re-established our training camps inside India controlled J and K.” This statement illustrates the gravity of the situation. There have been cases where terrorists have attacked police pickets and stolen weapons and ammo.¹⁰³ The Kashmir war has become more deadly as a result of these basic handguns, rifles, and machine guns, harming human security, government, and human rights. Additionally, terrorists constantly improve their weapons to make them more lethal, and innocent citizens have fallen victim to these weapons. If we just count civilian fatalities, 5808 of them were caused by militants, while 606 died in crossfire or while attempting to uphold law and order.¹⁰⁴

In fact, the attack on the Parliament on December 13, 2002, when the militaries of India and Pakistan were almost about to engage in nuclear war and shatter cooperative stability in South Asia, clearly demonstrates the lethality of small guns and how dangerous they may be. In actuality, the existence of weaponry seriously jeopardises the existing political peace process. We have a rather bleak picture of the level of militarization in Kashmir when we add in the quantity of weapons utilised by the military, paramilitary, and police as well as the weapons in circulation among terrorist organisations. There is an evil structural conflict that endangers long-term peace.

¹⁰² Benalaksmi Neparam, ‘Armed Conflict and Small Arms Proliferation in India’s North East’ (2008)

¹⁰³ Ashima Kaul, ‘The Proliferation of Small Arms in Jammu and Kashmir’ (2008)

¹⁰⁴ Col. Gautam, ‘Proliferation of Small Arms in South Asia and Human Security’ (2003)

The impact of the proliferation of light weapons is felt through increase in the number of terrorist attacks which is not only limited within Jammu and Kashmir, but also throughout the length and breadth of the country. The Maoist attack in Dhumka (2013), bomb blast at Narendra Modi's rally in 2013 injuring 66 and killing 5, the bomb blast at Bangaluru in 2014 etc. shows that the increase in the number of smuggled weapons in the country from neighbouring countries is helping the various terrorist groups within the country as well as across the border to launch deadly terrorist attacks in India.

MIGRATION AND STATE SECURITY- AN INDIAN PERSPECTIVE

The 1951 Refugee Convention, also referred to as the "Refugee Convention," defined a highly specific definition of "refugee":

A person who is outside of his country of nationality "*owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion*" is defined as a refugee in Article 1 of the 1951 Refugee Convention.¹⁰⁵

Refugees' circumstances in India mostly rely on the level of protection they get from either the Indian government or the UNHCR. The 1951 Refugee Convention and its 1967 Protocol on the Status of Refugees, known as the Magna Carta of Refugee Law, are the only treaty system governing refugees that has almost universal application. Since India has neither joined or acceded to this system, it is primarily obligated under customary international law to protect refugees.¹⁰⁶ A closer look at this element highlights the fundamental query of how international law relates to and impacts Indian municipal law.

International agreements and customary law provide refugee protection responsibilities include non-refoulement, non-rejection at the border, non-return, non-expulsion, and minimal care.

Following a brief explanation of the three main categories of refugees, each category's living circumstances are described-

¹⁰⁵ Gill G. Goodwin, *The Refugees in International Law*, (Oxford, London: Clarendon Press, 1986) 5

¹⁰⁶ Gill G. Goodwin, *The Refugees in International Law*, (Oxford, London: Clarendon Press, 1986) 6

a. Refugees who receive complete protection in accordance with guidelines established by the Government of India; - The Tamils who emigrated to India in waves and the Jumma from Bangladesh's Chittagong Hill Tracts.

b. Refugees whose presence in Indian territory is recognised solely by UNHCR and who are protected under the principle of non-refoulement, including around 20,800 Category II refugees as of January 1, 1996, who were refugees from Afghanistan, Iran, Somalia, Sudan, and Burma.

c. Refugees who assimilated in India. UNHCR and India do not recognise them. This includes Arakan State refugees, Nagas, Rakhain, and ethnic Nepalese of Bhutanese heritage. The Chins, who number roughly 40,000, are the largest of these refugee groups.

Political unrest in unstable nations bordering India frequently compelled residents to seek safety there. Refugees from South Asia who have migrated to India struggle greatly in their daily lives. Refugees are on the verge of hunger and forced repatriation, fighting for their very lives. For decades, India has housed these migrants for geopolitical and social reasons. Let's try to learn how these refugees in India pretend to be a double-edged sword for the Government, putting at risk both their personal security and the security of the people of India, via the case studies of some of these refugees.

INDIAN RESPONSE TO THE PLIGHT OF THE ARAKANESE

REFUGEES

The Arakanese refugees formed the Committee for Arakanese Refugee Relief and Welfare (CARRW) in India, seeking assistance for their plight. They appealed to the Indian government, the Government of Mizoram, UNHCR, and the International Red Cross for help. A demonstration in New Delhi in 1995 highlighted their situation. However, the UNHCR claimed it was India's responsibility. The refugees submitted a memorandum to the Indian government in August 1995 and made similar appeals in subsequent years. The Indian Home Ministry expressed willingness to provide food, but the Foreign Ministry did not support the decision for diplomatic reasons.¹⁰⁷

¹⁰⁷ 'Refugees in Mizoram: Chakma and Arakanese' (1997) Economic and Political Weekly, Vol. 32, 1017,1019

India, not being a signatory to the 1951 UN Refugee Convention, considers unauthorized migrants as illegal immigrants. The government has shown apathy and, at times, made life difficult for the refugees, including arrests and deportations. The UNHCR has issued Protection Certificates, but they have limited benefits and are primarily accessible to influential refugee leaders who often face arrests.

In 2012, the Arakanese refugees settled in Vasant Bihar, New Delhi, living in dire conditions without basic amenities. The UNHCR admitted their inability to maintain such a large group in such conditions. India, not bound by legal conventions, treats refugee groups differently. However, many Rohingyas have also migrated to Bangladesh, where they face similar indifference from the government. The UNHCR has recognised 1,800 Rohingyas seeking asylum in India; however, many have also fled to Bangladesh.¹⁰⁸

Since Rohingyas do not have the same cultural or historical links to India as Afghan refugees or Sri Lankan Tamils, it is more difficult for them to get access to medical treatment and educational opportunities in India. Without a charismatic leader, the prospects for significant improvement in their situation appear bleak unless countries like the USA or the EU take action. The question of human rights and the situation of these refugees have been pushed to the background by the international community as they have concentrated on democratic changes in Burma.¹⁰⁹

INTROSPECTION INTO INDIA'S RESPONSE

A closer examination of recent changes in Indo-Burma relations may help to better understand India's reluctance to participate in the Rohingya Refugee Crisis. According to reports, the Indian government promised to provide Burma with a range of military equipment, such as tanks, aircraft, etc., in an effort to combat the insurgent groups operating in India's North East region from their bases in Burma. To aid insurgent efforts, the Kaladan Multi Modal Transport Project was established in the region.

According to a report from April 2007, Indian and Myanmar Security Forces were working together to neutralise insurgent organisations along the 1,643 km Indo-

¹⁰⁸ Naina Bose, 'The Stateless People: The Saga of the Rohingyas' (2012) Economic and Political Weekly, Vol. 47, No. 13, 25-29

¹⁰⁹ R.N. Mahapatra, 'India's Afghan Refugees' (2007) Economic and Political Weekly, Vol. 42, No. 13, 1113,1116

Myanmar border. In July 2010, then-Prime Minister Than Shwe and then-Indian Prime Minister Manmohan Singh came to an agreement on a plan of improved security cooperation and a stepped-up joint effort to combat terrorism and insurgent activity along the two nations' shared border.

Another intriguing aspect of this tactic is that the military of Burma can utilise the weapons that India gave for the suppression of insurgents against the ethnic civilians of Burma. It is important to note that India has never backed the international arms embargo on Burma in this context.

Back in the dirty camps at Delhi, the Rohingyas may clamour for recognition of their citizenship in Burma, but there is little hope for these people to return to their homeland. Caught in an array of diplomatic moves between various countries their future seems darker in view of the possibilities of them being labelled as 'Stateless People' by the Government of the country which they once called their motherland.

THE TAMIL REFUGEES OF SRI LANKA

Who are they?

A group of Tamil people who are inhabitants of the South Asian Island nation of Sri Lanka are referred to as Ceylon Tamils, also known as Eelam Tamils in Tamil. The majority of contemporary Sri Lankan Tamils trace their ancestry to those who lived in the old kingdom of Jaffna, which was located in the island's north, and to eastern Vannimai chieftains. They make up the majority in the Northern Province, a sizable portion of the population in the Eastern Province, and the minority in the rest of the nation. Genetic studies show that Sri Lankan Tamils are closely connected to other ethnic groups on the island, despite the fact that they are culturally and linguistically unique. The majority of Tamils in Sri Lanka are Hindus, although there is also a sizeable Christian group.

Why did they come? A Brief Historical Background:

The migration of Tamil refugees from Sri Lanka to India can be attributed to the ethno-secessionist movement and violence against the Tamil minorities. This resulted in four waves of refugees.

The first wave of violence took place between July 24, 1983, when the events of Black July took place, and July 29, 1987, when the Indo-Sri Lanka Accord was legally signed. This conflict lasted for a total of ten years. During this time period, 134,053 Tamil people from Sri Lanka immigrated to India. Following the agreement, a total of 25,585 refugees and Sri Lankan nationals who were not living in camps were allowed to return to their home country between the dates of December 24, 1987 and August 31, 1989.

In *the second wave*, which began after August 25, 1989, when Eelam War II broke out, 122,000 Sri Lankan Tamils fled to Tamil Nadu. Up till March 1995, 54,188 refugees who had fled their country willingly returned after Rajiv Gandhi was killed on January 20, 1992.

With the start of Eelam War III in April 1995, *the third wave* of migrants began, and by April 12, 2002, there were about 23,356 refugees in Tamil Nadu. A cease-fire deal in 2002 caused the flow of refugees to stop.¹¹⁰

The Conditions of the Refugees in India: Sri Lankan Tamils are mainly concentrated in Tamil Nadu, with lesser populations in Orissa, Karnataka, and Pondicherry. Kerala also has a sizable Sri Lankan Tamil population. KK Nagar, Thuvakudi in Trichirapalli, Neelankarai, Valasaravakkam in Chennai, Nagercoil in Kanniya Kumari, R.S Puram, and Valparai in Coimbatore are some of the places with a large concentration of Sri Lankan Tamil family. In addition to one camp in Orissa, there are 132 registered camps in Tamil Nadu that are home to about 80,000 refugees.

The Indian government provides assistance to these refugees, including cash, shelter, healthcare, clothing, and essential items. However, the support is limited to basic amenities, and There are severe limitations placed on the ability to move freely for the refugees due to security concerns. The Indian government has treated the refugees with some degree of suspicion, considering the security threat posed, as exemplified by the assassination of former Indian Prime Minister Rajiv Gandhi in 1991. The plight of Sri Lankan refugees in India has not received significant attention from international organizations such as the United Nations High Commission for Refugees, as India is

¹¹⁰ Lipi Ghosh, 'Refugee Flows to India: Lessons for a Regional Framework' (2002) Refugee Watch, Vol. 20, 24,29

not a signatory to the international convention for refugees. This leaves the Tamil refugees in India without proper recognition and subjected to third-class treatment.¹¹¹

Recent Developments: India's interference in the civil war of Sri Lanka by sending the IPKF, and getting involved in a direct combat with the LTTE was a wrong diplomatic move on India's part, which had long drawn consequences for the same.

India has earned the discontent of the Sri- Lankan masses and a rift has occurred between the two countries. The vacuum thus created in the Indo- Sri Lankan relation was filled in by China, through military assistance to the latter. This enabled the Sri Lankan Government to achieve military success against the LTTE. In view of China's utter disregard for Human Rights, which has been witnessed in many occasions, it can be well understood that in case of Sri Lanka it has no sympathy for the Tamil humanitarian crisis. Another alarming area of concern is the development of the Sino-Pak strategic relation in the region. Moreover, U.S.A. and Russia's continuous effort to retain their respective influence in the region poses to be a serious security threat for India. Thus, in order to retain its status of a rising super- power in the Asian region, and to remain unchallenged in South Asia, the Indian attitude towards Sri Lanka has undergone a sea- change, seventeen years later. India has changed its interventionist policy by assuming a pressure role towards Sri Lanka. Based on this policy, India since May 1991, has assumed a new role of the supporter of the Sri Lankan state, rather than being a close ally of the Tamil militant groups. Thus, India reached out to the war-ravaged and displaced Tamil civilians of Sri Lanka with a generous helping hand.

India's Support to the Tamil Civilians and the Future Ahead: 300,000 Tamil civilians were displaced together with the end of the ethnic violence. The rehabilitation of internally displaced Tamils has understandably been New Delhi's top priority lately. With a \$110 million commitment, India has provided temporary housing, cement, and emergency medical supplies in addition to demining Tamil homes near the front lines. However, this is inevitably just the start of a much larger package of aid that New Delhi must offer to the Tamil community in the Northern and Eastern provinces of Sri Lanka that have been impacted by the war. While the prospects of curbing human rights violations of innocent Tamils in Sri Lanka itself have been throttled with the non-

¹¹¹ Lipi Ghosh, 'Refugee Flows to India: Lessons for a Regional Framework' (2002) Refugee Watch, Vol. 20, 23,29

implementation of the provisions of the Constitution of the “Republic of Sri Lanka Amendment Bill of August 3, 2000,” due to domestic opposition, Tamil refugees in India (at least 1, 20,000 in Number) continue to languish in dingy camps in Tamil Nadu, even in the Twenty First Century.¹¹²

ILLEGAL MIGRANTS FROM BANGLADESH

The security threats in India emanating from the infiltration of the illegal immigrants have two aspects: (a) Theoretical and (b) Practical. The theoretical aspect apprehends the possibilities of the formation of ‘Greater Bangladesh’, which is an area of research for scholars. The practical aspect sees the manifestations of its consequences in the North East in the form of Anti-Foreigner Movement, leading to ethnic tensions and violence, which have been putting the state security and administration in a state of dilemma even till today.

Nine Islamic organisations, including the Muslim United Liberation Front of Assam (MULFA), Muslim Volunteer Force (MVF), Muslim United Liberation Tigers of Assam (MULTA), , Rohingya Solidarity Organisation (RSO), and Arakan Ronhingya Islamic Front of Myanmar (ARIFM), as well as Harkat-ul-Jihad al-Islami, a pan-South Asian militant group banned in Bangladesh Historically, Bangladesh has accused India of sponsoring groups similar to its own, such as Swadheen Bangabhoomi Andolan and the United People’s Democratic Front (UPDF), while India has accused Bangladesh of supporting groups similar to its own.¹¹³

Another insecurity that India faces today from these migrants is that there ever-increasing number is augmenting the already existing Indian population of crores, thus generating a pressure on the resources (ranging from food, water, land, raw materials etc.) Bangladeshis form the largest group of migrants in India.

The construction of the Indo-Bangladesh barrier was commanded by the first BJP administration when it took office in 1998 in an effort to halt border crossings by migrants and illegal traders. In addition to encircling West Bengal, Tripura, and Mizoram, it was intended to strengthen the Assam barrier already in place. West Bengal,

¹¹² Pramita Gosh, ‘More than one lakh Sri Lankan Tamil refugees live on low rations in dingy camps’ *Hindustan Times* (21 April, 2014)

¹¹³ PTI, ‘ULFA leader arrested in Bangladesh’ (*The Hindu Kolkata*, 6 July, 2010)

the other Indian state impacted by this issue, was largely unaffected during this time. Indian tabloids, however, said that “the state government has information that illegal Bangladeshi migrants have crept into portions of rural Bengal over the years, including Nandi gramme, and established down as sharecroppers with the assistance of local Left politicians. Despite the fact that most of these immigrants worked as tillers, they lacked the necessary paperwork to show their land ownership.

At the beginning of the twenty-first century, Indian politics began to seriously consider the issue of undocumented Bangladeshi immigrants entering India, while the government of Bangladesh denied their existence and stripped them of their nationality.

According to Jyoti M. Pathania, there are several motives for Bangladeshi immigration to India. These reasons can be categorised as follows: the basic need theory, encompassing necessities such as food, shelter, and clothing; economic factors, including the availability of employment opportunities, higher wages, and relatively improved living conditions; demographic disparities, particularly affecting minority groups (such as Hindus) in Bangladesh, which has a population density of approximately 780 individuals per square kilometre, compared to the relatively lower density on the Indian side of the border; and the historical and cultural connections between the two countries. According to a study conducted by the Centre for Women and Children Studies in 1998, it was estimated that a total of 27,000 individuals from Bangladesh were subjected to forced prostitution in India.¹¹⁴

Bangladesh’s government has refuted India’s allegations on illegal immigration. The concern of an unrelenting migrant flood was dispelled after the 2001 census when it was discovered that growth rates, notably in West Bengal, had recovered to nearly normal levels. Due of Kerala’s high earnings for unskilled and semi-skilled labourers, illegal Bangladeshi migrants have recently begun to relocate there. According to reports, the Kerala police are having trouble limiting the influx of these Bangladeshi illegal migrants. Officials from Kerala’s State Intelligence claimed to have discovered that a sizable portion of the state’s migrant workers who claimed to be from West Bengal were actually from Bangladesh. The problem has also spread its tentacles in Mumbai, where according to Police sources 1,308 migrants were arrested from Mumbai

¹¹⁴ M. Jyoti Pathania, ‘India & Bangladesh- Migration Matrix- Reactive and not Proactive’ (2013) Paper no. 632

alone in 2012, after raids in Mumbai and the neighbouring Thane districts.¹⁴⁹ In another occasion, Sanjay Shinde, the Deputy Commissioner of Police said that several other Bangladeshi nationals have been arrested from Dahisar, Jogeshwari, Byculla, Navi Mumbai and Byculla Rural.

The problem is mostly caused by how simple it is to obtain phoney documents. The validity of the statement can be found from the accounts of the Deputy Commissioner of Police, SB- 1. In one of his raids directed against the illegal Bangladeshi migrants in Mumbai (in which 13 migrants were arrested), an Aadhar Card was recovered from one of them. On further interrogation the accused allegedly informed the Police that he procured the original documents for a payment of Rs. 2,500. The police suspect the involvement of a larger nexus of Indian nationals in the racket. The Indian Intelligence describes this problem and claims that the touts who give the migrants phoney credentials initially operated along the borders but have since expanded their activities throughout the nation. They added that a network established by the local agencies in Bangladesh is where the issue first arises. These individuals are assisted in entering India safely by local touts. Even though their work is done, many people in India can offer them with identification documents showing that they are legitimate Indian citizens. Many have even been successful in obtaining ration and voter cards. IB sources assert that this procedure is facilitated by a connection to regional parties.

The Intelligence Bureau's documents make it abundantly evident that both the ISI and the DGFI had a particular role to play in the problem of illegal immigration. They began their campaign in Assam and have now expanded to other states. While in Assam the goal was to establish a Greater East Pakistan, the issue now has broader implications. They (the ISI and DGFI) are aware that widespread migration will put a lot of strain on security organisations and that there will inevitably be tension between these individuals and the locals because the latter will seize their livelihood by offering to labour for very little pay.

CONCLUSION

The Researcher would thus like to conclude that:

The activities, policies and decisions of other countries and non-state actors also play the role of a catalyst in aggravating a security threat. Under this category the problem of Terrorism and Migration has been discussed in detail.

The various socio-economic issues like poverty, unemployment, food security etc. discussed in Chapter III leads to the problem of Terrorism within the country. Moreover, corruption and criminalization of politics result in the problem of underdevelopment which is the underlying cause for various terrorist activities and insurgencies. Thus, due to the existing socio-economic problems India have always been plagued by terrorist activities by the disgruntled youths and various social and religious groups etc. within the country. This problem has been further aggravated by the activities of neighbouring countries, like Pakistan and China, who are allegedly involved in helping and nurturing terrorist organizations within India. Smuggling of small arms endangers the social security of the country through accelerated terrorist activities within the country- loss of life and property within the country, Terrorist attacks have long term effects like trauma and loss of memory, maiming of limbs etc., the family of the deceased is plunged into poverty and misery which will force members to take recourse to various crimes and might undertake terrorist activities, thus aggravating the social security problem of the country.

Drug trafficking is another evil ramification of terrorism which affects the physical and mental wellbeing of children and youths. Since it mostly affects the earning members of the family the concerned families again enter the vicious cycle poverty and unemployment which can again attract the vulnerable members towards various social crimes and terrorist activities.

Important international issues like globalization of world economy and the worldwide emergence of Islamic Jihad have also accelerated terrorist activities in India. One of the most serious consequences is that the youths are being mostly affected. First, the youths are allured by various reasons towards the terrorist groups and secondly, studies and data have revealed that large number of youths are losing their lives in these terrorist

attacks. Youths form the backbone of a Nation and harm inflicted towards this section in any form means an irreparable harm towards the Nation.

Various social problems like corruption and criminalization of politics result in the problem of underdevelopment which is the underlying cause for various terrorist activities and insurgencies. The same cause has been noted by the researcher behind Kashmir insurgency, which has been exploited by the neighbouring countries, like Pakistan and China, who have allegedly funded and trained the terrorist organizations in Kashmir and in the North East respectively.

Secondly, Migration from the neighbouring countries have added on to our overpopulated country thus putting a pressure on our natural resources, thus adding on to the increased socio-economic problems within the country. Studies in this Chapter points to the possibility of these refugees with same religious affiliations (in the case of Rohingya Muslim Refugees from Myanmar) joining hands with other Muslims terrorist organizations in launching deadly terrorist attacks in India. The possibilities of terrorist activities by the Tamil refugees, against India especially in unison with various terrorist groups of Sri Lanka also cannot be ruled out.

Anyhow, while analysing these security threats in detail, the researcher realized that underdevelopment is the most important underlying cause behind the above-mentioned security threats. Thus, the Government has to be very sensitive and the three wings of the same have to be ever vigilant in tackling the situation. The researcher realized that apart from the active part played by the Judiciary and the responsible attitude of the State Legislature during policy formulations, the active participation of the civil society is also very important.

More recently, the capability of the judicial wing of the Government to act independently came to the lime light with the Supreme Court's decision regarding the death sentence of Ajmal Kasav (the lone surviving terrorist of the 26/11 Mumbai terror attack) and verdict of execution of Afzal Guru, convicted of a terrorist attack on the Indian Parliament in 2001, on 11th February 2013.

The Indian Legislature has also made positive contributions in safeguarding human security in India through up gradation of various laws like POTA (Prevention of Terrorism Act) 2002, was repealed on 14 December 2011 by section 1 of the Terrorism

Prevention and Investigation Measures Act 2011. The Information Technology Act 2000, has also been amended in 2008. The initiative of the Indian Government after the terrorist attack of 26/11, to incorporate harsher punishments for the actors of cyber terrorism through the up gradation of Article 66F of the Information Technology Act of 2000, in 2011 is another case to the point. In spite of the various positive moves by the Government, the two draconian laws, like the Disturbed Areas Act and the Armed Forces Special Powers Act, which became operable in the North East and in Jammu and Kashmir, are a blot on Democracy. These acts which enable the armed forces to conduct joint operations with the local police, does not help India's security but, rather it alienates the citizens there, who already feel that that the rest of India has no concern for them. 97The researcher would thus, refer to the following lines, taken from a speech given by

Dr. Satyabrata Pal, the retired Honourable Ambassador of Pakistan to India, in his Speech in The Institute for Defence Studies & Analysis, at New Delhi, on December 13, 2011, which would sum up the state's role to deal with the political causes for the rise of security threats in India:

“...The violation of human rights threatens the security of the violated. If that takes place on a large scale, at a certain point the oppressed rise, posing a challenge to the State that sees it only then as a security threat, but a violent suppression of a movement driven by the denial of rights rarely succeeds; it leads on to more obvious violations of human rights, and to wider conflagrations. And if an armed threat is removed, but not the underlying human misery, the respite for the State is temporary. The security of a State can only be assured if all its residents feel secure...”

CHAPTER 5

CONCLUSION AND WAY FORWARD

CONCLUSION

State security is a highly controversial subject. It is a crucial aspect that assures the growth of the state and its citizens. Observations indicate that security has two aspects: A state must first be guarded externally, i.e., against the attack of other states. Traditional ideas of political realism expressed a state-centered view of security. The second facet of state security is the internal security of the state. The internal element of state-security entails numerous aspects that are necessary to guarantee the safety of every resident of a state. Non-traditional security factors are those that originate within the state. This component of state security is the subject of theories that depart from the standard state-centric conception of security. In light of the increasing significance of the internal component of state security in the new millennium, an attempt was made to analyse the internal security concerns of the state in the twenty-first century, and the following observations were made.

The post- Cold War security thinking marked a shift from the state centric concept of security. For instance, Hedley Bull's interpretation of the US-Soviet relationship from the perspective of ethnocentrism as the central emphasis of security thought. Consequently, he associated national security studies with the security of the entire international system.

Although glimpses of the rising importance of Non-Traditional Security issues in determining the security agendas of the above-mentioned states have been observed during this time, the economic factors were not considered as part of the security agenda until the 1990s, which marked the de- escalation of conflict between great powers. During this period, traditional ideas of security based on the military force of a state were questioned on the grounds that they fostered insecurity by compelling governments to engage in an Arms Race for the purpose of guaranteeing deterrence.

Though there was a general unanimity among the exponents of new security thinking to reject military security as the only basis of state security, they differed with regard to what the referent should be. For Deepeners, like Kaufman, Walter, Snyder etc. the

referent was thought to be communities or groups. They argued that the various communities constituted a nation and that the behaviour of the members of the communities formed the crux of the national security agenda.

Ken Booth and Simon Dalby, on the other hand, argued that people should be the referent instead. In comparison to the above scholars, Barry Buzan was able to suggest a more or less all-encompassing referent. Barry Buzan believed that security must be assured on three levels: the international system, the state, and the individual.

As it constituted the basis of the state and human collectivities, the security of the individual became a concern. Since the security of human collectivities was the primary focus of Barry Buzan's notion of security, the military security of the state assumed a secondary position. Since human needs are embedded in an all-encompassing socio-economic well-being of all the members of the state, or human collectivities, security in all the above-mentioned sectors, as mentioned by Buzan, namely, social, economic and environmental sectors have become important.

These sectors of security mainly dwell in the internal aspects of security, which can also be termed as the Non-conventional Security issues of the state which are gaining importance in the Twenty First Century.

The objective of the study is to examine the nontraditional security challenges or internal dimensions of state security in the twenty-first century, which have become a concern for Indian policy makers. Under the larger spectrum of economic security factors, the researcher included Poverty, Unemployment, Food Security Recession and Inflation some of the important economic issues within the country which emerge as security threats due to its diverse consequences. The impact is largely felt in the social sector under which various internal security issues in the social sphere have been discussed.

Under social security threat factors, the researcher discusses issues such as ethnic conflict and violence, communalism, regionalism, caste-related issues such as caste-based violence, politics of reservation, honour killing, violence against women and children, female foeticide, corruption, and criminalization of politics.

At the international level, Buzan acknowledged the state and society as security's referents. States are one of the key actors in the international system, and their societies determine the actions of the other states. Frequently, the actions or societies of other governments in the international system have an impact on the internal security elements of a state. For instance, civil conflict, ethnic struggle, or natural disasters inside a state may result in refugee migration to other nations, therefore threatening the internal security of the receiving nations.

It has been further observed that unlike the other exponents of the New Security Thinking, Buzan did not totally reject military aspect of State Security and nor did he hail it as the soul factor of State Security. Rather he regarded it as one of the factors for the maintenance of the same. The study has tried to point out that the internal security aspects are essential to ensure a healthy life of the individuals, who were a member of the state or that of the human collectivities. The military aspect is thus required to secure the State, which is the guarantor of all the internal security aspects of the human beings who are a part of the human collectivities, constituting the societies within a state.

It was believed that Buzan's idea of security may serve as a framework for identifying and classifying atypical security concerns. Despite the fact that this idea of security gained popularity in the post-Cold War era, the problems have reached deadly dimensions in the new century due to rising socioeconomic and environmental issues on both the national and worldwide levels. The Non-Traditional Security issues have assumed importance in the security parameters of the state due to the threats or challenges it posed, which were studied by the Researcher leading to the following observations:

First, an analysis of the definition of Mely Caballero Anthony the non-traditional security threats included challenges of non-military sources such as- (a) Climate change, (b) Cross-border environmental degradation and resource depletion, (c) Infectious diseases, (d) natural disasters, (e) Irregular migration, (f) Food shortages, (g) People smuggling, (h) Drug trafficking, and I other forms of transnational crime.

The above definitions of non-traditional security threats reveal that the domain of these security parameters is blurred and vague, as there are myriads of infectious diseases and natural disasters Activities of nature cannot be predicted. With regard to 'Natural

Disasters' there are many natural disasters unknown to a country and that there are possibilities that these natural calamities might take a country by surprise. Lack of prior experience, leaves the country unequipped and vulnerable to these 'unknown' natural calamities. As a result of this the natural disasters can take the shape of 'catastrophes' leading to immense loss of life and property. For instance, The Great Tsunami of 2004, which swept across the coasts of India and South East Asia, shocked and surprised India, as such a natural disaster is uncommon in India.

Transnational crimes have also been enlisted under Non-traditional Security Threats, which also leave grounds for ambiguity as even here the country is left exposed and unarmed to the uncountable number of transnational crimes. Moreover, the Government is unaware of the methods or modus operandi of these criminals who operate across the border. For example, the demolition of the Twin Towers in USA, by the terrorists led by Bin Laden at the threshold of the new millennium brought to light the helplessness of the Sovereign states towards the nontraditional aspect of security threat arising out of criminal activities across the border. The trans national character of these criminal organizations and the benefits of globalization in the form of advanced technologies in communication and transportation have strengthened the hands of these criminals at the cost of the states.

Richard Ullman's concept incorporated all security concerns resulting from political and diplomatic conflicts that pose a threat to the life and growth of independent states. As these conflicts are mainly initiated by the activities of individuals and since human behaviour cannot be predicted, many a times the states are either unable to detect the possibility of the existence of these political and diplomatic conflicts or predicting their occurrences, inside or outside the state boundaries.

The consequences of these security threats are more dangerous than the traditional aspects of security like war or any other form of external aggression as one security threat leads to another setting a vicious cycle. For example, economic deprivation and unemployment in a particular region can lead to ethnic movements which might degenerate into inter-ethnic strife at the local / regional level. The ensuing violence will result in human security problems in two ways:

- i. *The short term problem* will emerge as major violations of human rights, including ethnic cleansing of minorities, brutality against women and children, and immense loss of life and property.
- ii. *Long Term* impact can be felt both at the regional and at the national level in the form of refugee crisis, secessionist movements against the state which may assume the form of terrorism. Thus, Economic deprivation and unemployment can start an entire process of human rights violation, resulting in human security problem at the regional and national level. The entire process ultimately culminates into underdevelopment and unemployment. Thus, the entire economic security threat factor moves in a vicious cycle and tantamount to greater socio- economic security problem.

In this context, the counter- nation state discourse within the nontraditional security paradigm can be referred which have disregarded the entire concept of state domination and control. In this attempt, thus scholars have equated sovereignty with emancipation, i.e., freedom of the individuals to do whatever they choose to. The researcher was able to conclude that, under this paradigm, Human Security is more essential than State Security because it is evident that this freedom is within the state's jurisdiction. This compelled the researcher to elaborate on the notion of Human Security.

The researcher made the following discoveries after conducting a thorough analysis of the Human Security concept. First, the Human Security idea directly opposes the realist security paradigm. Unlike the Realist perspective, the Human Security approach does not view the state as the exclusive supplier and guarantor of security. The researcher made the following discoveries after conducting a thorough analysis of the Human Security concept. First, the Human Security idea directly opposes the realist security paradigm. Unlike the Realist perspective, the Human Security approach does not view the state as the exclusive supplier and guarantor of security. On the contrary, the state many a times has been identified as the violator of safety and wellbeing of its own citizens. This activities of the state in turn gives rise to movements against the state authority in the form of secessionist movements, terrorist activities etc.

Second, while comparing the perspectives of the UNDP and the Canadian School of Human Security regarding the threats against which they sought to provide security for individuals, it was discovered that the UNDP placed greater emphasis on indirect

violence, whereas the Canadian School of Human Security placed greater emphasis on direct violence operating at both the National/Social and Global/International levels.

This necessitated a study of the direct and indirect threats by the Researcher. Analysis of the same brought the Researcher to the following conclusions- First, Social security threats like torture and violence against women and children, genocide, dehumanisation and discrimination, drug addiction have been enlisted under direct security threats while, economic security threats and natural disasters have been included under indirect security threats.

Studies found that the impact of a lack of economic security in the form of remunerative or stable work would vary based on the economic situations of the various countries. In the nations of the third world, the aforementioned unfavourable economic conditions would deprive individuals of their fundamental needs, resulting in poverty, deprivation in many forms, famine, and even death. It would only result in psychological worries that would undermine the health and happiness of people in affluent nations. Thus, the state plays a crucial role in defining the amount to which a person would be impacted by these security threat variables.

Thirdly, with regard to environmental security threats population growth results in myriads of problems, mostly long term. These occur in a chain reaction, resulting in security threats in various sectors. For example, pressure on land and other natural resources, endangers food security, dispute over water etc. These problems especially loom large in the developing countries where scope for solution of these problems are limited.

The Researcher in the first two chapters tried to show how socio-economic problems threaten the security of the state and made the following observations:

First through further analysis it has been felt that there is hardly any line of demarcation between the social and economic security threats. The causes and effects of the domains of these two security threat factors have intermingled, thus the two have been dealt together as socio economic threats.

Secondly, with regard to the causes for the emergence of India's economic security threat factors, India's long history of colonial exploitation along with the various social

problems like corruption, criminalization of politics, lack of education etc. has tantamounted in India's inability to provide economic security to its citizens.

Thirdly, the economic security threats are interlinked as one threat leads to another resulting in a chain reaction within the same sector. It might have a 'Spill Over Effect' in another sector when the impact of one security threat factor is felt in the other sector. For example, the cumulative effect of unemployment, poverty and deprivation is frustration and psychological stress which is manifested in two ways:

- i. Growing rate of suicide among youths.
- ii. Increase in crimes i.e., petty crimes, violence against women and children etc.

Fourthly, apart from the economic security threat factors which endanger social security in India, India's religious and cultural diversities, its various social mores, customs, and superstition have attributed to various social security threats. For example, India's caste system has its roots in the four tier Varnashram Dharma. The Varna division has manifested itself into two aspects of social security threat- i. Politics of reservation and ii. Formation of caste-based armies in some places (like private armies in Bihar) which are used to terrorize the lower castes and to perpetrate atrocities on them.

Fifthly, Politicisation of such issues like caste and communalism by the leading political parties of our country to mobilize the vote bank in their favour have further aggravated the problem.

Sixthly, the contemporary world is facing various movements which are being fought on the basis of nationality, ethnicity and religion against the nation- state all over the world, which form the major source of social security threat for the nation- states. The security threats are manifested both externally and internally and India is not insulated from this problem. For example, the ethnic problem of the North East leading to ethnic strife in the Twenty First Century.

Externally, states have frequently been subjected to the effects of religious and political activities, as well as those of other governments and non-state players. India has also been the target of terrorist strikes committed by other nations.

The development of religious extremism and Islamic Jihad on a global scale has resulted in recurrent terrorist assaults in the nation by various terrorist organisations, such as the Indian Mujahedeen and the Lashkar-e- Taiba. Moreover, India has been a victim of state-sponsored terrorism, reportedly perpetrated by its neighbouring nation, Pakistan, in the form of narco-terrorism and the smuggling of small guns, with hazardous societal repercussions. In addition, the influx of refugees from other states as a result of political unrest in neighbouring states has proven to be a danger to India's social security.

JUDICIAL PRONOUNCEMENTS

Emergency:

***1. Naga People's Movement of Human v. Union of India*¹¹⁵**

Issue: During an internal disturbance, what is the legal standing of the Armed Forces (Special Powers) Act, 1958 (as modified) adopted by Parliament (hereafter referred to as "the Central Act" and the Assam Disturbed Areas Act, 1955 enacted by the State Legislature of Assam?

Held: Prior to the revision to Article 352,¹¹⁶ the President had the authority to make a proclamation if he or she was convinced that a severe emergency existed in which the security of India or any portion of its territory was endangered by war, foreign attack, or "internal unrest." Internal disturbance has a wider definition than armed revolt since armed rebellion is more likely to threaten the security of the whole country or a section of it, while internal disturbance, regardless of its severity, would not.

The amendment to Article 352 restricts the use of emergency powers to cases when there is a danger to the security of the country or a portion of it as a consequence of war, foreign aggression, or armed revolt, and prohibits its use in less severe instances of internal disruption. The authority provided by Article 352 has important ramifications for the state and federal executive and legislative branches.

As a consequence of proclamation-

¹¹⁵ Naga People's Movement of Human v. Union of India [1998] 2 SCC 109

¹¹⁶ By the Forty-fourth Amendment the Words `internal disturbance' in Article 352 have been substituted by the words `armed rebellion

- i. Parliament extends its law-making power over the duration of the house of the people.¹¹⁷
- ii. Parliaments power to extend law making under state list.¹¹⁸
- iii. The provision under article 19 are suspended.¹¹⁹
- iv. Enforcement of other rights confirmed under Part III (except art 20 & 21).¹²⁰

The federal structure of the democracy changes into unitary system of government with president have all the power in his hand. There appears to be no reason to employ the drastic power under Article 352 if the disturbance caused by an armed rebellion does not threaten the security of the nation and the situation can be resolved by the deployment of armed forces of Union in the disturbed area.

Financial/Banking Scam:

2. Harshad S. Mehta &Ors v. The State of Maharashtra¹²¹

No bank is permitted to issue checks directly against the broker, as per RBI regulations. Cheques must be issued directly in the name of the bank selling the government assets by banks that have purchased those securities. In this instance, though, he had checks issued in his name rather than the federal bank because he was a highly well-known broker. Due to their direct dealings with him, many banks didn't even know who they were doing business with. Mr. Mehta invested funds from banks in the stock market to drive up stock prices and influence the market.

On April 23, 1992, Suchita Dalal of the Times of India identified Harshad Mehta as the perpetrator of the 1992 Scam. The banking system suffered a loss of 3,000 to 4,000 crores, and a fraud was uncovered. The Janakiraman Committee, which reformed the whole Bank Receipts system after the 1992 scandal, deemed this system to be the most defective. The principal suggestion of the committee was to restrict ready forward and double ready forward transactions to government securities and exclude all others. All

¹¹⁷ Constitution of India Act 1950, Article 83

¹¹⁸ Constitution of India Act 1950, Article 250

¹¹⁹ Constitution of India Act 1950, Article 358

¹²⁰ Constitution of India Act 1950, Article 359

¹²¹ Harshad S. Mehta & Ors v. The State Of Maharashtra Appeal [crl.]319-320 of [1996]

banks were appointed transaction trustees rather than principals. The Reserve Bank of India (RBI) was tasked with overseeing a separate audit system for bank portfolios in order to preserve national security against fraudulent acts.

Freedom and Reasonable Restrictions:

***3. Shreya Singhal v. Union of India*¹²²**

Issue: Whether Section 66A infringes the fundamental right to free speech and expression and whether it is saved by putting reasonable restriction specifically “public order” under Article 19(2)?¹²³

Held: Freedom of expression may only be curtailed in the interest of national security, cordial relations with foreign states, public order, decency, or morality, or in connection to contempt of court, defamation, or encouragement to commit an offence.¹²⁴ The word “public order” is identical with public safety and serenity; it is the lack of disorder involving violations of local importance as opposed to national upheavals, such as revolution, civil unrest, and war, which threaten the security of the State.¹²⁵

As Section 66A severely restricts the information that may be transmitted over the internet based on whether it is grossly offensive, annoying, inconvenient, etc., and is unrelated to any of the eight subject Acts: matters under Article 19 (2) must therefore violate Article 19 (1)(a) and, not being protected by Article 19 (2), is declared unconstitutional.¹²⁶

Internet Shutdowns:

***4. Anuradha Bhasin v. Union of India*¹²⁷**

Issue- whether internet is a fundamental right and shutting down internet is in violation of Article 14 and 19 of the constitution?

¹²² *Shreya Singhal v. Union of India*, AIR [2015] SC 1523

¹²³ Constitution of India Act 1950, Art 19(2)

¹²⁴ *Sakal Papers (P) Ltd. & Ors. v. Union of India*, [1962] 3 S.C.R. 842

¹²⁵ *Superintendent, Central Prison, Fatehgarh v. Ram Manohar Lohia* [1960] 2 S.C.R. 821

¹²⁶ Information Technology Act 2000, Section 66A

¹²⁷ *Anuradha Bhasin v. Union of India* AIR [2020] SC 1308

Held: The government's decision to shut down the internet in the interest of public safety, the court ruled, was legitimate. The Hon'ble Court determined that the judgment was in the public's interest after taking into account the prevalence of terrorism in the union territory. According to the ruling, Articles 19 and 21¹²⁸ were not broken. It serves as a reasonable restriction and should only be implemented in the event of a real threat to national security or public safety. The government should only take this severely restrictive action if it is absolutely necessary after conducting certain balance testing.

The court applied the Canadian principle of Oake's Test to justify the shutdowns

- a. The government must establish steps for a particular goal
- b. Court must conduct a proportionality Test so that law doesn't bluntly interfere with the rights, it must have a logical purpose.

The internet has grown in importance nowadays and also serves as a platform for causes that challenge the government. Therefore, out of fear, the government occasionally utilizes the tactic of blocking internet access as a shield to defend itself in the name of public order, morality, and national security. Such measures ought to be used as a measure of last resort with logical reasoning.

Natural Justice and National Security:

5. Ex. Armymen's Protection v. Union Of India And Ors¹²⁹

Issue: Is any reasonable restriction, limitation, or exemption to this Natural Justice principle permitted in the sake of national security? Whether or not the need for national security outweighs the need of fairness?

Held: Government rule-making authority is granted under the Aircraft Act of 1934. The revocation of the security clearance was announced to the appellant company citing national interest. In addition, the court believed that, unless a statute specifically forbids such a procedure, the principles of natural justice must be used whenever an administrative action has a person involved and results in civil repercussions. The court did rule, nevertheless, that no one, least of all the court, may demand adherence to

¹²⁸ Constitution of India Act 1950, Article 21

¹²⁹ Ex. Armymen's Protection v. Union Of India And Ors Civil Appeal No. 2876/2014

natural justice principles as a prerequisite for taking any action, including one with unfavourable civil repercussions, provided there were justifiable facts and a threat to national security.

Sir William Wade formerly said that all constraints, limitations, or exceptions to the principles of natural justice are “just arbitrary boundaries,” yet it is now well-established that there are a number of exceptional exceptions. “The right to a fair hearing may have to give way to strong national security concerns. Since national security must always take precedence, natural justice must yield. The Crown must convince the court, however, that national security is at stake. In a dispute concerning national security, a party cannot seek strict regard to the standards of natural justice. In cases where statutory exclusion is not expressly specified in the legislation regulating the area, it is the responsibility of the court to interpret and provide for such exclusion.¹³⁰ This is a broad interpretation on behalf of the court.

***6. Manohar Lal Sharma v. Union of India*¹³¹**

Held: Even if the scope of judicial review in matters concerning national security is limited, this does not imply that the State is always exempt from accountability. This Court has held that the State must submit an affidavit in order to assert that revealing information would compromise national security. The government may opt not to reveal material where there are constitutional reasons, such as those pertaining to the security of the State, or when there is exceptional immunity under a particular legislation. It is the responsibility of the state to not only claim constitutional immunity, but also to show and defend it before the court.

The criteria used to determine whether a claim of national security is true are whether there is sufficient evidence to support such a claim and whether a reasonable, prudent person would make the same conclusion from the available evidence.

¹³⁰ H.W.R. Wade & C.F. Forsyth: Administrative Law (10th Edition) 468-470

¹³¹ Manohar Lal Sharma v. Union of India, Civil/Criminal Jurisdiction Writ Petition No. 314 [2021]

Cyber Terrorism:

7. The major 26/11 Attack¹³²

Mohammad Ajmal Amir Kasab v. State of Maharashtra.

On November 26, 2008, India saw an extremely terrible incident involving 12 coordinated shootings and explosions that lasted four days throughout Mumbai. According to experts, it wasn't a straightforward terror hit but rather a significant cyberattack. The computer systems were all compromised, giving the terrorists access to all of the hotels and other locations' data while they were continuously in contact with Pakistan using cellphone VOIP. One of the key incidents that occurred in our nation on 26/11 prompted the government to consider the cyber-attacks that may affect a country like India and the precautions that could be taken.¹³³

Cybersecurity is a national responsibility, not a personal decision. The investigation into the 26/11 Mumbai attack uncovered evidence of terrorists' use of cyberspace to communicate and gain access to information such as maps, demographic statistics, and local infrastructure.

They employ "Google earth" to carry out their strategy, a mobile network for command and control, and social media to monitor the movement of Indian military and rescue personnel. Additionally, they employ technology for "conversion of audio signals into data," making it impossible for "Indian defense forces" to track the source of Information.¹³⁴

WAY FORWARD

On the basis of the observations the Researcher the Researcher recommended a two-pronged remedy: i. Curbing the cause and ii. Controlling the effect.

i. *Curbing the cause:* The main cause behind some of the internal security problems like caste and communalism can be attributed to the various age-old mores and customs. On the contrary the rich cultural heritage of India based on religious tolerance, love for

¹³² Information Technology Act 2000, Section 66F.

¹³³ Shiv Raman, Nidhi Sharma: Cyber Terrorism in India: A Physical Reality Or virtual Myth (Volume 5 Number 2, Indian Journal of Law and Human Behavior, May - August 2019)

<<https://journals.indexpopernicus.com/api/file/viewByFileId/783266.pdf>> accessed 24th June 2023

¹³⁴ Cyber terrorism: The Fifth Domain <<http://www.indiabloom.com>> accessed 20th June 2023

fellowmen irrespective of creed, class, caste, religion etc. have to be encouraged. This can be done through promotion of interstate cultural exchanges through the organization of cultural fairs etc.

It can be seen that the country is enmeshed in a web of security threats at the centre of which lies mainly the economic security threats. India's economic security threats can be attributed to its long history of colonial rule and economic exploitation. Thus, addressing the economic problems in the long run can prove to be a solution to many security threats. One of the solutions of the multi-faceted economic security threats is the generation of employment for youths in accordance to their qualification to cater to their rising expectations, failure of the fulfilment of which results in rising frustrations which lead to many social problems.

In this context the Researcher would like to make a suggestion that generation of employment in the rural areas and imparting proper guidance in the same direction is essential to prevent urban to rural influx.

ii. *Controlling the Effect:* The Researcher observed that the presence of diverse ethnic groups and India's inability to subsume the various ethnic identities to National identity is perhaps the main reason for the emergence of the ethnic problems leading to ethnic strife and violence. Forceful assimilation of these people by the engagement of Police forces, would pave the path for stronger resentment and secessionist movements against the country in future. Thus, India must try to generate confidence and patriotism among the masses. The authority has to look into the needs of the masses and the reasons for the outbreak of these ethnic upsurges. Thus, embracing the position of a sensitive and caring authority, aiming for the economic upliftment of the masses, and preserving their regional languages and cultures may go a long way towards constructing a strong and united nation. Simultaneously, India must send a strong message to external forces that are attempting to undermine the integrity of the country by inciting disillusioned Indian youngsters to take up guns against their own Motherland.

The government must be sympathetic to the predicament of the displaced people, who have been forced to leave their homes owing to the construction of dams and factories in India as part of its development programmes. Sufficient rehabilitation in the form of disbursement of money and land, proper education for the optimum utilization of the

money, psychological counselling and education and overall development of the region, especially in the areas of health and education are the measures that can be taken to control this effect.

The researcher believed that Human Security may be accomplished on a regional level via the initiative of individuals. Consequently, the function of a constantly alert civil society is crucial. The civil society can unite to form community level groups, in ensuring the security of the women and children especially against trafficking. These community groups can work in close connivance with NGOs and local Police Stations and can work on the following areas:

- a. Seeking and sharing of information about missing children and women.
- b. Tracing them with the help of other NGOs and Police forces of other localities, especially of the villages bordering the neighbouring countries.
- c. The rehabilitation of the victims of trafficking, rape and molestation through psychological counselling, counselling of the victims' family and educated members of the society for their easy assimilation within the society.
- d. Local clubs can look into the needs of the elderly people of the respective localities by organizing health camps, counselling sessions and providing with assistance from Police Stations when they are lonely.

The Researcher on the basis of her studies suggested the following prospects of research.

First, the problem faced by the vulnerable groups of society, i.e., women, children and the elderly people, on a region-to-region basis and the ways in which they can be secured with the help of the civil society needs detailed analysis. The scope and area of their functioning, ways of rehabilitation of the victims of rape and molestation can form an important area of research.

Secondly, the ways in which the plight of the Project Affected People (PAPS) can be solved, methods of rehabilitation and overcoming of traumas of displacement can be taken up as important issues for future research.

Thirdly, generation of employment at the rural levels to prevent urban to rural migration can form another interesting area of research. Moreover, researches regarding generation of appropriate job avenues for the educated youths according to their qualification, the measures which can be adopted by the State and Local Governments, like proper counselling etc., to deal with the pressure at home and in society caused due to unemployment can prevent suicides and other social security threats within the society.

Fourthly, at the national level, the inter water disputes between states can be looked into. The areas of disputes can be analysed to seek cooperation in these fields as scarcity of water is a national problem which can be solved through united cooperation and not conflict.

BIBLIOGRAPHY

Article

Ahmad Ahsan and Ashish Narain, India's Employment Challenge: Creating Jobs, Helping Workers (World Bank, 2010) 38,39

A.K. Verma, Dec. 2008, 'Radical Islam and Terror' (2008) Vol. 7, No. 8, 16

Andrew Buncomb, 'Shadow of Gunmen Still Haunts Mumbai' The Statesman (Mumbai, 27 November 2009)

Baljit Singh, 'India's Security Concerns: National, Regional and Global' (2004) The Indian Journal of Political Science 348

Barry Buzan; People, States and Fear: An Agenda for International Security Studies in The Post Cold War Era. Harvester, 1991.

Barry Buzan, Ole Waever, Jaap de Wilde, Security: a new framework for analysis (United Kingdom: Lynne Rienner Publication, 1998) 8

Benalaksmi Neparum, 'Armed Conflict and Small Arms Proliferation in India's North East' (2008)

Benedict Anderson, Imagined Communities: Reflections on the Origin and Spread of Nationalism (revised and extended ed., Verso, 1991) 6,7

Charles Kegley, New Global Terrorism: Characteristics, Causes and Control (Prentice Hall, 2003) 66

Craig Anderson, 'Temperature and Aggression: Ubiquitous Effects of Heat on Occurrence of Human Violence' (1989)

Ganguly, Rajat and Ray, Taras, Understanding Ethnic Conflict: The International Dimension (Addison-Wesley Longman, 1998) 19

International Security: An Analytical Survey, Michael Sheehan, December, 2004, Lynne Rienner Publishers

J.B. Wolf, Controlling Political Terrorism in a free Society (Orbis, 1975-76) 1290

Ken Booth, 'Security and Emancipation' (1991) 17 Review of International Studies 313

Mahbub-ul- Haq, 'New Imperatives of Human Security' (UNDP, 1994) 1

M. Jyoti Pathania, 'India & Bangladesh- Migration Matrix- Reactive and not Proactive' (2013) Paper no. 632

Molly Charles, 'Drug Trade in Himachal Pradesh: Role of Socio- economic Changes' (2001) *Economic and Political Weekly*, Vol xxxvi, No. 26, 2434

Naina Bose, 'The Stateless People: The Saga of the Rohingyas' (2012) *Economic and Political Weekly*, Vol. 47, No. 13, 25-29

Prosenjit Pal, *The New Face of Terrorism in a Globalized Context* (Levant Books, 2006) 135, 136

Radharan Chakrabarti, Iman Kalyan Lahiri, *The Challenge of Terrorism* (Academic Excellence, 2009) 263,264.

Rajni Kothari, *State Against Democracy: In Search of Humane World Order* (Ajanta Publications, 1998) 54

R.N. Mahapatra, 'India's Afghan Refugees' (2007) *Economic and Political Weekly*, Vol. 42, No. 13, 1113,1116

Saskia Tadjbakhsh and Anuradha Chenoy, *Human Security: Concepts and Implications* (1st ed., Routledge, 2007) 113

Stockholm Initiative on Global Security and Governance, *Common Responsibility in the 1990's: The Stockholm Initiative on Global Security and Governance* (Prime Minister's Office, Stockholm, Sweden, 1991)

Sumita Kumar, 'Drug Trafficking as an International Security Problem' (1996) 210, 213

Yvonne Jewkes and Majid Yar, *Handbook of Internet Crimes* (Willan Publishing, 2010) 194, 213

Books

Amitav Acharya, 'Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism, and Rule-Making in the Third World' (2011) 55 *International Studies Quarterly*

B.C. Upreti, 'Comprehensive Security: A View From the Western Region' (2002) 180,181

Don Maclver, *The Politics of Multinational States* (London Macmillan Press, 1999)

David A. Baldwin, *The Concept of Security* (Cambridge University Press, 1997)

13

Hedley Bull, *The Control of the Arms Race: Disarmament and Arms Control in the Missile Age* (Praeger for the Institute for Strategic Studies, 1961) 45

Humayun Mohammad Kabir and Salauddin Taher Abu Ahmed, *Ethnicity and Human Security in Bangladesh and Pakistan* (The University Press Limited, Dhaka, 2014) 10

Imtiaz Ahmed, “Rethinking National Security: The Issue of Refugees in Bangladesh-India Relations” (1997-1998) 56

Independent Commission on Disarmament and Security Issues, *Common Security: A Blueprint for Survival* (Simon and Schuster, 1982) 172

Jaap de Wilde, Barry Buzan, and Ole Waever, *Security: A New Framework for Analysis* (Lynne Rienner Pub., 1998) 2,5

Jonathan B. Tucker, ‘Chemical and Biological Terrorism: How Real Is The Threat?’ (2000) Vol. 99, No. 636, 147

Kanti P. Bajpai and Harsh V. Pantin their book *India’s National Security: A Reader* (Critical Issues in Indian Politics)

Mely Caballero-Anthony, *An Introduction to Non-Traditional Security Studies: A Transnational Approach* (SAGE Publications, 2016)

Nathan Glazer and Daniel P. Moynihan (eds.), *Ethnicity: Theory and Experience* (Harvard University Press, Cambridge, Mass., 1975) 7,10

Patrick M. Morgan, *Liberalist and Realist Security Studies at 2000: Two Decades of Progress?* (Cass, London, 2000)

Parvaiz Iqbal Cheema, ‘Economic Trends, National Security and Defense Spending in Pakistan’ (1997) 139,140

P.R. Chari and Sonika Gupta: *Human Security in South Asia: Gender, Migration and Globalisation*

Sanjib Baruah, *Durable Disorder: Understanding the Politics of North East India* (New Delhi: Oxford University Press, 2005) 152

Stephen M. Walt, *The Renaissance of Security Studies* (Sage, 1991) 211

Studying Non-Traditional Security In Asia: Trend and Issues. Rolf Emmers, Mely Cabaero Anthony, and Amitav Acharya (eds.), 2006

Urmila Phadnis and Rajat Ganguly, *Ethnicity and Nation-Building in South Asia* (Sage Publications, 1989) 18

Journal

Arindam Roy, *Terrorism: The State is no Saint Either, A Probe into the Inner Dynamics Of Terrorism* (Levant Books, 2006) 87

Ashima Kaul, 'The Proliferation of Small Arms in Jammu and Kashmir' (2008)

Bipan Chandra, *Communalism in Modern India* (Vikas Publishers, 1997) 34

Binalakshmi Nepram, Brigitta W. Schuchert, 'Understanding India's Manipur Conflict and Its Geopolitical Implications' (2023)

Brian Jenkins, *International Terrorism: A New Mode of Conflict* (Crescent, 1975) 1

Chaim Kaufmann, 'Possible and Impossible Solutions to Ethnic Civil Wars' (1996) 20 *International Security*

Col. Gautam, 'Proliferation of Small Arms in South Asia and Human Security' (2003)

DH, 'a look at the top bank fraud cases that hit India in the past 10 years' (Deccan Herald, 35 December 2022)

Economic Aspects of Security, (2003) OSCE

George W. Bush, 'President Calls on World Leaders to Condemn Terrorism' (Presidential News and Speeches, 30 March 2002),

Gill G. Goodwin, *The Refugees in International Law*, (Oxford, London: Clarendon Press, 1986) 5

Lipi Ghosh, 'Refugee Flows to India: Lessons for a Regional Framework' (2002) *Refugee Watch*, Vol. 20, 24,29

Khadija Haq (ed.), 'Human Security for South Asia' *Economic Growth with Social Justice: Collected Writings of Mahbub-ul-Haq* (2017)

Lawrence H. Officer, 'The Journal of Developing Areas' 15, (1981)

Mark Juergensmeyer, 'Understanding the New Terrorism' (2000) *Current History*, 158

N.S. Jamwal, 'Counter Terrorism Strategy' (2003) *Strategic Analysis*, IDSA, Vol.27, No.1, 58

Paul Brass, *Ethnicity and Nationalism* (Sage Publications, 1991) 19

PTI, 'Money laundering: 25 people convicted in India till now' (The Economics Times, 9 June 2022)

PTI, 'ULFA leader arrested in Bangladesh' The Hindu, (Kolkata, 6 July, 2010)

Simon Dalby, 'Security, Modernity, Ecology: The Dilemmas of Post-Cold War Security Discourse' (1992)

Taruni Kumar, 'Youth and Radicalisation: The Threat to India' (2015) ORF

V.R. Raghavan, 'Introduction' in Delhi Policy Group, Comprehensive Security in South Asia, Seminar Proceedings (New Delhi, 2001)

Unemployment in India on the Rise, Rural Women Worst Hit' The Times of India (Delhi, 21 June 2013)

Legislation

Annual Employment and Unemployment Survey (Vol. 1, 2011-2012)

Census Report of 2011

Constitution of India 1950

Information Technology Act 2000

Ministry of Labour and Employment and Labour Bureau, Report on Second

Planning Commission of India, Eighth Five Year Plan, 1992-1997, (Vol. 1) 116

UNDP's Human Development Report (1994)

Website sources

<https://archivepmo.nic.in/drmanmohansingh/speech-details.php?nodeid=302>

<https://censusindia.gov.in/nada/index.php/catalog/42619>

<https://doi.org/10.1093/oso/9780199474684.003.0029>

<https://economictimes.indiatimes.com/news/india/money-laundering-25-people-convicted-in-india-till-now/articleshow/92107517.cms?from=mdr>

https://en.wikipedia.org/wiki/Labour_in_India

<https://www.firstpost.com/india/a-timeline-of-bodo-muslim-violence-in-assam-391475.html>

<https://georgewbush-whitehouse.archives.gov/news/releases/2002/03/>

<https://www.deccanherald.com/business/business-news/a-look-at-some-of-the-biggest-bank-fraud-cases-that-hit-india-in-a-decade-1174934.html>

<http://www.jstor.org/stable/4190952>

<https://www.usip.org/publications/2023/06/understanding-indias-manipur-conflict-and-its-geopolitical-implications>