

# Border Security Forces: Powers and Jurisdiction

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## [GS Paper 3 - Security Forces, Agencies and their Mandates]

**Context** - A blueprint that defines the extended jurisdiction of the Border Security Force (BSF) and its new logistical requirements in frontier States has been prepared and is soon expected to be submitted to the Union Home Ministry.

The BSF Jurisdiction in Punjab, West Bengal and Assam, from the border towards the hinterland, was enhanced from the earlier 15 km to 50 km. In Gujarat the same limit has been reduced from 80 km to 50 km, while in Rajasthan the limit has been kept unchanged at 50 km.

### About BSF

- The BSF is India's border guarding organization on its border with Pakistan and Bangladesh. It comes under the Ministry of Home Affairs.
- It was raised in the wake of the 1965 War on 1 December 1965 for ensuring the

security of the borders of India and for matters connected therewith.

- The BSF has its own cadre of officers but its head, designated as a Director-General (DG), since its raising has been an officer from the Indian Police Service (IPS).
- As per the new modifications, the MHA has exercised the powers under the Border Security Force Act of 1968. It has thus outlined the area of BSF's jurisdiction.

### **Powers exercised by BSF in its jurisdiction**

BSFs jurisdiction has been extended only in respect of the powers it enjoys under:

1. Criminal Procedure Code (CrPC)
2. Passport (Entry into India) Act, 1920 and
3. Passport Act, 1967

### **Arrest and search**

- BSF currently has powers to arrest and search under these laws.
- It also has powers to arrest, search and seize under the NDPS Act, Arms Act, Customs Act and certain other laws.

### **Sanctions behind such powers**

- Scarcely populated borders: At that time, border areas were sparsely populated and there were hardly any police stations for miles.
- Trans-border crimes: To prevent trans-border crimes, it was felt necessary that BSF be given powers to arrest.
- Manpower crunch: While police stations have now come up near the border, they continue to be short-staffed.
- Various issues at Borders include:

1. Encroachment
2. Illegal incursion
3. Drug and cattle smuggling

### **Impact on State Police jurisdiction**

- Such moves are aimed to complement the efforts of the local police. Thus, it is an enabling provision.
- It's not that the local police can't act within the jurisdiction of the BSF. The state police have better knowledge of the ground. Hence BSF and local Police can act in cooperation.

## **Criticism of the move**

- At a basic level, the states can argue that law and order is a state subject and enhancing BSF's jurisdiction infringes upon powers of the state government.
- In 2012, then Gujarat CM and the present PM had opposed a central government move to expand BSF's jurisdiction.

## **Way Forward**

- Consent of State is Desirable: Given the security condition in India's neighborhood, the existing relationship between the Union armed forces and the State civil authorities do not require any change.
- State Becoming Self-Reliant: Each State Government may work out, in consultation with the Union Government, short term and long-term arrangements for strengthening its Armed Police.
- Regional Arrangement: A group of neighbouring States may, by consensus, have a standing arrangement for the use of the Armed Police of one another in case of need.
- It is also high time for carrying out much needed Police reforms as highlighted by various committees and judgment.