

## Border Security Force Extension in Punjab

### Why in news?

The Supreme Court is set to hear the dispute over the expansion of the Border Security Force (BSF) jurisdiction in Punjab.

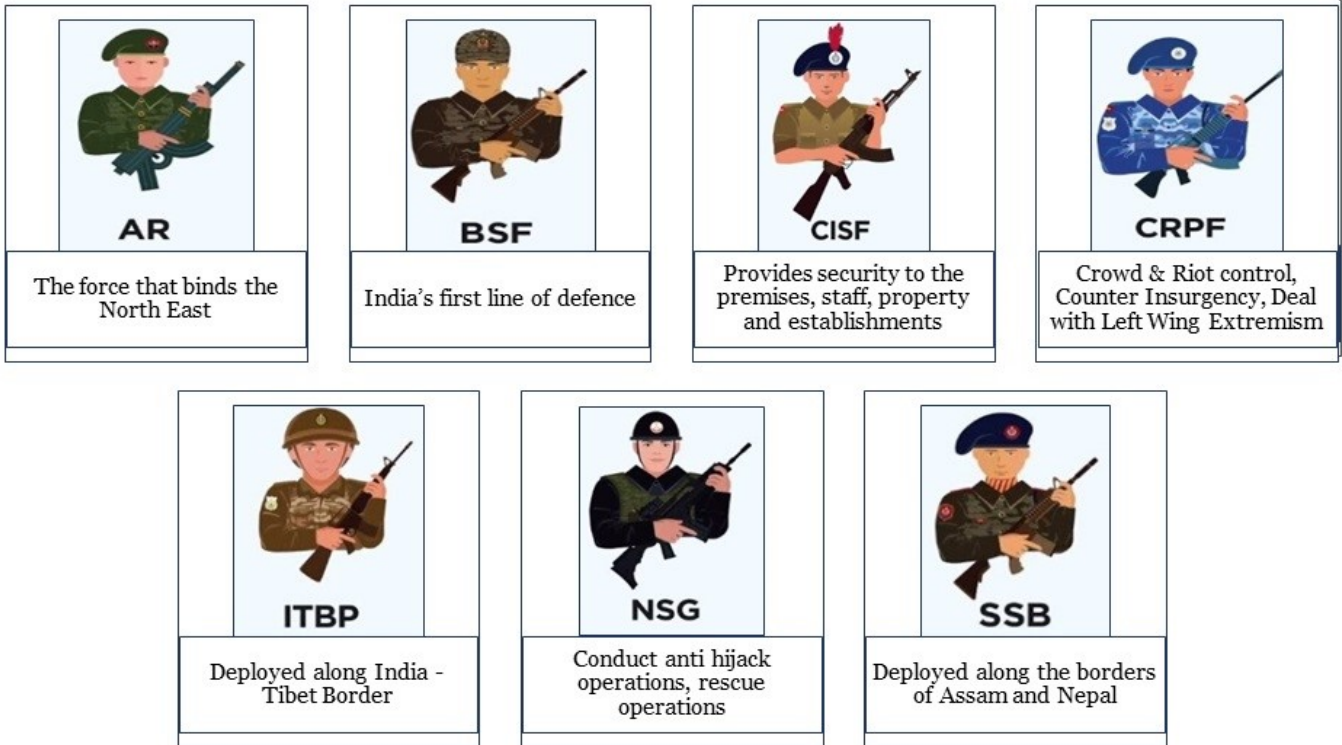
### What is Border Security Force?

- **Origin-** Formed based on the recommendations of the Committee of Secretaries in the wake of the 1965 Indo Pakistan War.
- Came into existence on 1<sup>st</sup> December 1965.
- **Mandate-** To guard the Indo-Pakistan and Indo-Bangladesh border.

*Shri K F Rustamji was the first chief and the founding father of BSF.*

- **Features** - It is the world's largest border guarding force securing the 6,386.36 km long International Border with Pakistan and Bangladesh.
- It is the only force of the nation with a distinctly defined war-time as well as peace-time role.
- BSF has been termed as the First Line of Defence of Indian Territories.
- It is one of the Central Armed Police Forces of the Union of India.

## Central Armed Police Forces (CAPF)



- **Administrative control**- Ministry of Home Affairs.
- **Legal framework**- It is governed under ***Border Security Force Act, 1968***
- **Powers** - BSF is empowered to ***arrest, search and seize*** under Criminal Procedure Code, the Passports Act, the Passport (Entry into India) Act etc.
- BSF Act allows the ***Central government*** through an order to designate an area “within the local limits of such area adjoining the borders of India” where members of the BSF can exercise powers.

Role	Location
Anti-Infiltration role	Kashmir Valley
Counter Insurgency Operations	North East India
Anti Naxal Operations	Odisha and Chhattisgarh
Integrated Check Posts	Along India and Bangladesh International Borders

### What is the issue?

- **The issue** - In 2021, Ministry of Home Affairs issued a notification [expanding the jurisdiction of the BSF](#) in ***Punjab, West Bengal and Assam***.
  - **Prior to 2021 notification** - BSF could exercise its powers ***within 15 kilometres*** of the border in Punjab, West Bengal and Assam.
  - **After 2021 notification** - Within ***50-kilometre*** jurisdiction, the BSF can exercise powers under the Criminal Procedure Code, the Passport (Entry into India) Act and the Passports Act. For other central legislations, the 15-km limit remains.
- **Need for the expansion of BSF's jurisdiction**

- To check the increased use of drones and Unmanned Aerial Vehicles
- To enable surveillance and the smuggling of arms and fake currency
- To conduct more search and seizures of cattle smuggling activity and to prevent the smugglers from taking refuge in the interior areas of the country
- To make the BSF's jurisdiction uniform across states, as the 50-kilometre limit was already in place in Rajasthan.

### Why has Punjab challenged this?

- Punjab filed an 'original suit' against the central government in the Supreme Court in 2021.
- The Supreme Court (SC) has '**original jurisdiction**' in disputes between the Central government and States under **Article 131** of the Constitution.

Key aspect	Punjab stand	Centre's stand
<b>Impact on Federal Structure</b>	<ul style="list-style-type: none"> <li>• The Centre's move would compromise the State's exclusive powers to legislate on matters involving the <b>police and public order</b> provided in the State List under <b>Article 246</b>.</li> <li>• The notification was issued without consulting with any of the states concerned.</li> </ul>	<ul style="list-style-type: none"> <li>• It argues that this is an issue of the defence of India, armed forces, and the deployment of armed forces.</li> <li>• They all are a part of the Union List.</li> </ul>
<b>Distance of application</b>	<ul style="list-style-type: none"> <li>• A large number of cities and towns would fall within this 50-kilometre jurisdiction.</li> <li>• Given its small size, the 50 km radius will be a clear encroachment of state powers extending even to the capital.</li> </ul>	<ul style="list-style-type: none"> <li>• In Gujarat, the government had reduced the area under the BSF to <b>50km from 80 km</b>.</li> <li>• The Centre argues that to prevent trans-border crimes, it is necessary that the BSF get such powers in interior areas.</li> </ul>

*The 7<sup>th</sup> Schedule of the Constitution divides the legislative power between the Centre and the States.*

### What are the issues that the Supreme Court will consider?

- Supreme Court will decide on the issue
  - Whether the notification extending the BSF area of control to 50 km is an 'arbitrary' and 'unconstitutional' exercise of power of the central government?
  - Whether it is 'beyond the local limits' of the border area, as provided under the BSF Act?
  - What are the factors that are required to be considered for such extension of boundaries?
  - Whether all states should be treated alike to decide on extensions?
  - Whether the notification can be challenged under Article 131?

## References

1. [Indian Express- Expansion of BSF jurisdiction](#)
2. [The Hindu- Limits and borders of BSF](#)
3. [The Print- Punjab plea and Centre's counter](#)

