

CATTLE SMUGGLING ALONG INDO-BANGLADESH BORDER: STUDY OF RESPONSE MECHANISM OF BORDER SECURITY FORCE

A Dissertation submitted to Panjab University for the Master of Philosophy Degree in Public Administration (M. Phil PA) in Partial Fulfillment of the requirement for the Advanced Programme in Public Administration (APPPA)

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CERTIFICATE

I have the pleasure to certify that *Ajeet Kumar* has pursued his research work and prepared the present dissertation titled “*Cattle Smuggling along Indo-Bangladesh Border: Study of Response Mechanism of Border Security Force*” under my guidance and supervision. The dissertation is the result of his own research and to best of my knowledge, no part of it has earlier comprised any other monograph, dissertation or book. I find it worthy of consideration and therefore recommend its submission to Panjab University, Chandigarh for the degree of Master of Philosophy in Social Science in partial fulfillment of the requirement for the Advanced Professional Programme in Public Administration (APPPA) of Indian Institute of Public Administration (IIPA), New Delhi.

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ABBREVIATIONS

AOR	Area of Responsibility
AWBI	Animal Welfare Board of India
BSF	Border Security Force
BOP	Border Out Post
BFL	Border Fencing Light
BR	Border Road
BADP	Border Area Development Programme
BN	Battalion
BFSR	Border Field Surveillance Radar
CIBMS	Comprehensive Integrated Border Management System
DRI	Directorate of Revenue Intelligence
DRDO	Defence Research and Development Organisation
FICN	Fake Indian Currency Note
GoM	Group of Minister
GPS	Global Positioning System
HHTI	Hand Held Thermal Imager
HHSL	Hand Held Search Light
IB	International Border
IBB	Indo-Bangladesh Border
IPB	Indo-Pakistan Border
LORROS	Long Range Reconnaissance System
LoC	Line of Control
MHA	Ministry of Home Affairs
MoEF&CC	Ministry of Environment Forest and Climate Change
NVD	Night Vision Device
NIR	Near Infra Red

OP	Observation Post
PTZ	Pan Tilt Zoom
RLS	Radio Local System
RTS	Radio Trunk System
SBI NET	Secure Border Initiative Net
SHQ	Sector Headquarter
SPCA	Society for Preventing of Cruelty to Animals
SAWB	State Animal Welfare Board
UAV	Unmanned Aerial Vehicle

CHAPTER: 1 INTRODUCTION

1.1. Introduction:

1.1.1. The evolution of boundaries in Indian subcontinent has a long historical legacy. This has often been a source of tension and conflict between neighbours. Before 1947, the Indian subcontinent was a single geographical unit comprising of present day India, Pakistan, Nepal, Myanmar, Bangladesh and Sri Lanka and was marked by political, social and economic unity. People and goods were free to move anywhere in the subcontinent without any barriers. However, political and administrative compulsion led to the division of the subcontinent and eventual break-up of its social and economic unity. States based on religious and ethnic identities were carved out of this single geographical unit. Boundaries were hastily drawn to give shape to new political entities which did not follow any distinct geographical feature. These superimposed lines cut across ethnic, social and economic communities, severing social and economic ties among people residing along newly created borders. Consequently, people of the same village often found themselves citizens of two countries separated by a line. Their livelihood was severely threatened by the disruption of trade as barriers were erected in the way of smooth flow of goods and services.

1.1.2. As per Annual Report, Ministry of Home Affairs (2017-18), India shares 15,106.70 kilometers of boundary with Pakistan (3,323 km), China (3,488 km), Nepal (1,751 km), Bhutan (699 km), Myanmar (1,643 km), Afghanistan (106 km) and Bangladesh (4,096.7 km). These boundaries pass through varieties of terrain and topography having unique problem. The Indo-Bangladesh border of 4,096.7 km runs through the state of West Bengal (2,216.7 km), Assam (263 km), Meghalaya (443 km), Tripura (856 m) and Mizoram (318 km).

1.1.3. The border traverses a range of natural and cultural landscapes which pose a challenge to effective border management. The entire stretch of the border can be broadly categorized as flat (in West Bengal, Assam-Barak Valley, Tripura), riverine (about 200 km of southern extremity of West Bengal border and 50 km of Assam), hilly/jungle (in Meghalaya) with practically no natural obstacles, heavily populated and cultivation carried out till the last inch of the border (Jamwal, 2004).

1.1.4. As per Bhattacharjee (2013), India and Bangladesh share a common history, heritage, passion and cultural and linguistic similarities. Relations are rooted in deep historical and cultural link and bound by ideals of democracy and pluralism. In spite of this intimate relationship, ties between two countries have remained problematic. Among many challenges facing the relationship are river water sharing, trade and transit, illegal migration and border management. One of the most important causes of violence along Indo-Bangladesh border has been rampant cattle smuggling. Death and injuries to border criminals, especially cattle smuggler, is a cause of serious heartburn for Bangladesh. Bangladesh has high demand for cattle by their meat and leather industries, which is source of foreign exchange for the country. Cattle in Bangladesh are totally inadequate to meet this demand, which is thus fulfilled by smuggling of Indian cattle through gap in riverine border fence. Bangladesh government agency actively encourages cattle smuggling, which they refer to as cattle trade. Reports related to cattle going across are shared with posts of Bangladesh Border Guards and customs that charge a certain amount of tax and allow animals to be taken interior. On the other hand, in India cattle moves unhindered to border areas from hinterland, and in spite of best effort of BSF, herd of animals manage to go across to Bangladesh through connivance of India and Bangladesh criminals.

1.1.5. There is no reliable data available regarding quantum of cattle being smuggled annually to Bangladesh. According to Choudhury (2016), between 5,000 and 15,000 cattle are smuggled every day across West Bengal border.

1.1.6. According to Robert and Das (2016), over 2 million cattle are smuggled into Bangladesh from India each year. Smuggling cattle has become a huge industry, reportedly worth annually close to Rs.10, 000 crore.

1.1.7. According to Bhattacharjee (2013), the cattle trade on India- Bangladesh border is worth \$500 million annually. Estimates suggest that about 20,000 to 25,000 cattle heads worth \$81,000 from India are smuggled daily into Bangladesh. A cattle head which fetches Rs 500 to 3,000 in India gets as much as Rs 20,000 to Rs 30,000 in Bangladesh.

1.1.8. One of the reasons for the flourishing trade is the export ban imposed by India. The demand for beef in Bangladesh is quite high but the supply is limited. On the other hand, India is a cattle surplus country and demand for beef is fairly low. The demand – supply equation keeps the price of cattle high in Bangladesh. Since the stakes are quite

high, cattle smuggling over the year has become a criminal enterprise with several network involved in the trade. Cattle smuggling and its link with terrorism, Fake Indian Currency Notes (FICN), narcotics and arms smuggling has been well established. In this perspective it generates a serious national security scenario.

1.1.9. The matter of cattle smuggling would have remained a law and order problem. However, because of the associated incidents of firing in self defence by Border Security Force (BSF) has evoked a strong protest by Bangladeshi. The Bangladesh has accused the BSF for killing its citizens. The Indian authorities have strongly refuted these allegations justifying the firing as preventive action to stop smuggler and other criminals from trespassing into India. However, on request of the Bangladesh government in 2012, non-lethal weapons were deployed resulting in decrease in killing of Bangladeshi smuggler and subsequent rise in attack and injury of BSF personnel. These accusation and counter accusation have further deepened suspicion and bitterness between two neighbours (Bhattacharjee, 2013).

1.1.10. The situation presents an acute dilemma for policy makers in India. Any steps to curb cattle smuggling would be interpreted as being anti-Bangladesh. Legalizing cattle trade would lead to stiff resistance at home as cattle trade is highly emotive and sensitive issue. It is challenging task for government to take the risk to legalize the cattle trade. It has to be acknowledged that as long as there is demand for cattle in Bangladesh and India has surplus cattle, its smuggling is difficult to stop. BSF being tasked with responsibility to prevent smuggling will be compelled to use force, thus causing causality and there by resulting in bad blood. In the circumstances explained above, a multipronged strategy is required to minimize cattle smuggling which must include adequate development of infrastructure, use of high tech surveillance system, coordination among various agencies of state and central governments and proper execution of laws related to transportation and welfare of cattle.

1.2. Statement of Problem:

The Indo-Bangladesh border is highly porous, riverine, unfenced, humanized and cultivated up to extreme edge of the border (Zero line). The presence of villages beyond the border road/fencing, char lands, adverse possessions, disputed land and un-demarcated boundary has aggravated the problem of border management. From an infrastructural point of view, the Indo-Bangladesh border is not adequately equipped and therefore, remains highly vulnerable to cattle smuggling. Mode of border domination is highly manpower intensive with very limited use of high-tech surveillance system.

This has resulted in depriving troops of adequate rest and relief and there by setting in fatigue. Cattle seized by Border Security Force at Indo-Bangladesh border are being recycled through auction process. Thus it is pertinent to curb the movement of cattle at the source itself so that cattle may not reach the border. However, this not happening and cattle are dumped close to border.

1.3. Objective:

The objectives of the study are as under

- (1) To identify and categories various factors responsible for cattle smuggling including Central and State departments.
- (2) To identify infrastructural gaps/deficiency and feasibility of introducing high tech surveillance system in border domination.
- (3) To establish a correlation between socio economic factors and cattle smuggling.
- (4) To enhance the effectiveness of Border Security Force in preventing cattle smuggling along Indo-Bangladesh border.

1.4. Research Questions

The relevant Research questions of the study are

- (1) What are the factors responsible for cattle smuggling along Indo-Bangladesh Border?
- (2) What are infrastructures related deficiencies existing along Indo-Bangladesh Border?
- (3) Is there any relationship between socio economic factors and cattle smuggling?
- (4) What would be the best suited state-of-the art surveillance technology for effective domination of Indo-Bangladesh border?

1.5. Hypothesis

H₁: There exists a relationship between Socio-economic factor and cattle smuggling along Indo-Bangladesh border.

1.6. Research Strategy and Design

Research strategy is primarily quantitative in nature. Research design is descriptive and exploratory in nature. In order to analyze Socio-economic condition vis-a-vis Cattle smuggling, data from villages falling under Area of Responsibility (AOR) of six Border Out Posts (BOPs) have been collected. BOPs selected are similar

with respect to terrain and border infrastructure. Socio-economic Indicators which have been studied include population, demographic composition, occupation, age profile, education, family income, landholding, availability of clean drinking water, health facilities, electricity and roads in the border villages. An attempt has been made to establish correlation between social economic factors and cattle smuggling.

1.6.1. In order to study infrastructural gaps and deficiencies, data has been collected regarding construction of Fencing, Border roads, Border outposts and Flood lights from start of the scheme i.e. 1989 to 2017. However, analysis of cattle seizure data for last 05 years (2013 to 2017) from fenced/ unfenced/ riverine border has been made.

In order to have insight into various factors responsible for cattle smuggling, informal discussions were held with Officers and troops of BSF deployed at border and are actively involved in preventing cattle smuggling. Study of legal framework regarding cattle transport, cattle slaughter and cattle trade as enumerated in Indian constitution was carried out to understand the role of various agencies of Central and State government. Review of books, journals and published articles were done to explore the reasons of cattle smuggling.

1.6.2. Primary data has been obtained through administration of the questionnaire and unstructured personal interview/discussion with Border Security Force personnel and Pradhan/Members of Gram Panchayat and villages. Secondary data related to infrastructure status and Cattle seizure were collected from Battalions deployed on Indo-Bangladesh border, Operational Directorate of Border Security Force, New Delhi and Border Division of Ministry of Home Affairs (MHA). Infrastructure related data from 1989 to 2017 and Cattle Seizure data for last 5 years from 2013 to 2017 were collected and analysed. Socio-economic data was collected from Village Information Register being maintained at BOPs. In addition to these Secondary data available in books, academic journals, published articles in newspaper and electronic media were also used.

1.7. Chapterisation Scheme

Following are the chapters of the scheme of study:

Chapter 1- Introduction

This chapter deals with various dimensions of cattle smuggling and the challenges posed before security forces in dealing with them. It highlights the significance of study, aim and objectives, methodology and a scheme of chapters.

Chapter 2- Literature Review

This chapter reviews various literatures existing on the subject related to theme of the research. Various Parliamentary Committee Report, Commission Report and government instruction on subject has been reviewed and gaps in the literature/report have been highlighted.

Chapter 3- Socio-economic factors of cattle smuggling

This chapter deals with socio-economic condition, topography and terrain of Malda district in general and selected BOPs in particular. It also deals with crime pattern along Indo-Bangladesh Border, modus operandi of smugglers and domination plan of Security Forces. Data collected with respect to various socio-economic indicators and infrastructures have been correlated with cattle seizure and inferences have been drawn.

Chapter 4- Constitutional Provisions.

This chapter deals with constitutional provisions related to protection of cattle and various legislation enacted by states. Further steps have suggested for developing various infrastructures for cattle protection and making various government agencies accountable for execution of laws.

Chapter 5- Status of Physical Infrastructure and state of art surveillance system: An in-depth Analysis.

This chapter deals with various types of physical infrastructure existing along Indo-Bangladesh Border (IBB) and has identified critical deficiencies. Role of Border Area Development Programme (BADP) in improving the infrastructure has also been studied. Chapter further deals with existing surveillance system and various state of art surveillance system which are in various stages of implementation. It briefly discusses precautions to be undertaken before finally deciding the final technological solution to cover vulnerable gaps at border.

Chapter 6- Recommendation and Conclusion.

This chapter briefly describes recommendations based on analysis of data collected from the field. Conclusions drawn in respect of socio-economic factors, constitutional provisions, legislations and precautions to be adopted while introducing high technological solution for border domination has been mentioned.

CHAPTER: 2 LITERATURE REVIEW

2.1. Introduction

2.1.1. India has extensive land border which are exposed to various risks and vulnerabilities. Each border has unique problem which requires special attention to deal with them. Indo Bangladesh has unique problem of cattle smuggling which has drawn attention of many scholars. Various facets of cattle smuggling has been studied in the past to understand causes and preventive mechanism to stop cattle smuggling. This chapter reviews various literatures available on subject related to objective of the study and tries to find the gap which requires further study.

2.2. Review of Literature

2.2.1. Parliamentary Standing Committee on Home Affairs in its Two hundred and Third Report tabled in the Parliament in April 2017 has identified following three reasons for cattle smuggling along Indo-Bangladesh border viz (i) Densely populated areas and presence of nearly 300 villages within 150 yards of the International Boundary. (ii) The cattle seized by the BSF are handed over to the Custom authorities who dispose them off by auction and very often the cattle so auctioned find their way back to the smugglers. (iii) A section of local population in the bordering districts is deeply entrenched in smuggling activities. The Home Ministry has articulated before committee that no authentic figures were available about the number of cattle being smuggled out of India. The Ministry also informed that cattle smugglers and their agents from Haryana, Rajasthan, MP, Andhra Pradesh, Jharkhand, Bihar & WB and local carriers are the main perpetrators and some section of the border population also finds smuggling a source of livelihood. The most affected areas of cattle smuggling are Nadia, Murshidabad, Malda, Dakshin Dinajpur, Uttar Dinajpur, Raiganj, and Silliguri in the State of West Bengal and Dhubri in Assam.

2.2.2. The Committee also discussed the issue of cattle smuggling in its meeting held in Kolkata during its study visit to India-Bangladesh Border. BSF representative asserted that no restriction of cattle movement up to haats¹ in border areas, inadequate legal deterrence, adoption of non-lethal strategy along IBB and no provision to send the seized cattle back to hinterland are other major reasons for proliferation of this illegal activity. BSF representative during meeting highlighted various measures taken

1 Haats are market, especially held on regular basis in a rural area.

by the force like use of fast patrolling boats in riverine areas, augmentation of strength at vulnerable areas, construction of ditch in fenced or unfenced patches along border, strengthening of existing fences with GI pipes, intensified day and night patrolling, joint and special operations with sister agencies, and use of advanced surveillance equipment and intruder alarms systems.

2.2.3. West Bengal Government informed the Committee that there were 15 cattle Haats situated within 8 km from IBB that are old and were sanctioned long time ago. A haat in Murshidabad had been shifted while steps were being taken to shift the others. The Committee observed that despite several measures taken by the Border Security Force (BSF), the problem of cattle smuggling persists along Indo Bangladesh Border (IBB). The Committee noted that the West Bengal State Government has failed to implement its own order dated 01.09.2003 that outlaws existence of any cattle haats within 8 km of border area. The Committee recommended that the State Government of West Bengal should take steps to cancel the licenses of all cattle haats that are illegally functioning within 8 km of border area and hold the officials responsible for illegally issuing/renewing licenses to these haats. The Committee also recommended that mass movement and trading of cattle should be prohibited within 15 km of the border and steps may be initiated to move all cattle haats located within 15 km of the border to the hinterland. (Two Hundred Third Parliamentary Standing Committee Report, 2017)

2.2.4. The Committee noted that the auction of seized cattle by Custom officials is misused by the cattle smugglers who keep buying the auctioned cattle again and again. The Committee, in this regard, recommended that auctioning of seized cattle must be banned in the states bordering IBB and Customs Department may be requested to arrange for transportation of the seized cattle to states other than the Border States and hold auctions there. The Committee also recommends that the Ministry must pursue the Customs Department to raise the minimum benchmark price of the seized cattle to prevent their re-selling to the persons involved in smuggling of cattle and also make it mandatory for cattle auctioneers to submit their PAN Card and Aadhaar Card details while bidding.

2.2.5. The Committee also learnt about the involvement of the local people living near the border in cattle smuggling and felt that lack of any legal deterrence and ineffective law enforcement seem to have emboldened such persons. The Committee, therefore, recommended that the West Bengal State Government should take strict action against persons who are known or suspected to be involved in cattle smuggling.

The Committee noted that mass movement of cattle occurred from all the states towards West Bengal and Assam and once they reach the border areas it becomes extremely difficult to stop their movement across the border. The Committee felt that Police forces of various States have failed to stop this mass movement of cattle to Border States and West Bengal Police has failed to intercept or stop the movement of the cattle. The Committee feels that there is a wide and deeply entrenched nexus due to which this menace has proliferated and the Government needs to strike at the roots of this nexus if it has to completely curb this problem.

2.2.6. In response to the observation made by Two Hundred Third Parliamentary Standing Committee Report on Home Affairs and in compliance to Supreme Court Order with respect to Writ Petition (C) No. 210 of 2015, Akhil Bharat Krishi Goseva Sangh Vs UOI, Government prepared a comprehensive future plan to effectively deal with issue pertaining to transportation of cattle to Bangladesh.²

2.2.7. Gaps Identified: As per plan, more focus has been given to curb movement of cattle at source stage. Recommendations are more focused on welfare of unproductive cattle at the source stage and to regulate the interstate movement as per applicable laws. Committee has recognized mainly economic principles of demand and supply for smuggling of cattle along Indo-Bangladesh border and is silent about socio economic condition of border inhabitant as a cause contributing to cattle smuggling. It was further noted that Parliamentary Committee Report has rightly identified the problem associated with cattle smuggling but it is completely silent about steps required to be taken to prevent smuggling.

2.2.8. The Government of India in its recommendation dt 23 Nov 2017 to Supreme Court of India has taken into account various Constitutional provisions while framing its recommendations. In the Directive Principles (Art 48) enshrined in the constitution, a duty has been cast upon the State govt. to take steps for preserving and improving the breeds and prohibiting the slaughter of cows and calves. Srl No. 15 of the State list in the Seventh Schedule of the Constitution of India states about preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice. Further provision in the Concurrent list i.e. Srl No. 17 of the Seventh Schedule of the Constitution of India states about prevention of cruelty to animals and protection of wild animals and birds. Thus, as per Constitutional provision, both States and Centre

² Government of India, Ministry of Home Affairs, Department of Border Management, BM-II Division, Letter No. 11017/16/2015-BM.III(Pt-I), Dated 23 Nov. 2017. Letter deals with recommendation of committee in the case of Writ Petition No.210 of 2015.

shares responsibility for prevention, protection and welfare of cattle. The Committee has recommended for capacity building in the form of strengthening of institutional frame work, sensitization of enforcement agencies and creation of infrastructure – transport and housing for non-milking animals. In order to check and safeguard the movement of cattle, concept of registration and identification of cattle through Unique Identification Number/ Sequence has been suggested.

2.2.9. The committee recommends discontinuing the practice of auction and disposal to be done as per the draft rules dated 16/01/2017 for Care and Maintenance of Case Property Animals Act 1960 (ANNEXURE I). This will ensure that cattle are not recycled back into smuggling.

2.2.10. Gap identified: Recommendations by the committee is merely retreating the existing rule position on transport and welfare of cattle and has not stressed on execution of rules in time bound manner with strict accountability clause. Further it has not made any substantial recommendation with respect to enhancing state of art surveillance mechanism and augmenting existing infrastructure at the border.

2.2.11. Das (2008) in her article titled has described Indo-Bangladesh border as the problem area of tomorrow. She has described illegal migration, smuggling and trans border movement of insurgents as serious security threat for the country. Issue was flagged after Kargil Conflict in 1999 and accordingly government appointed a Task Force on Border Management as part of Group of Ministers (GoM) to review national security.

Several factors hamper the effective border management which includes tough terrain, unresolved boundary issues, illegal migration, insurgent bases in Bangladesh and operation of trans border criminals. Trans border crime includes smuggling of cattle, arms and narcotic trafficking, counterfeit currency, kidnapping and theft. The quantum of cattle smuggling is so high that in last few years Bangladesh has become largest exporter of beef in the world and this has also enabled a flourishing leather industry. Author has recommended to strengthen vigilance along the border by augmenting the strength of Border Guarding Force, decreasing inter Border Out Post (BOP) distance from 9 km to 3.5 km, erecting fences, constructing Border roads, flood light, issuing identity cards to Indian citizen, developing border areas and cooperating with Bangladesh are some of the measures to step up security along Indo-Bangladesh border.

2.2.12. Gaps identified: GoM has not suggested any specific measure to curb cattle smuggling despite clear identification of problem. It has laid more emphasis on manual domination of border by erecting physical barriers and is silent about use of non physical barrier in riverine gaps and state-of-art surveillance technology used worldwide. Further responsibility and accountability of various State and Central Government institutions under existing legal framework has not been studied.

2.2.13. Lodha (2002) as acting chairman of the National Commission on Cattle, 2002, has stated that Constitutional provision related to slaughter of cows is contained in one of the Directive Principles of State Policy in Article 48 of the Constitution which states that “The State shall endeavor to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle.” However, the preservation of cattle is a matter on which the State Legislatures have exclusive powers to legislate, the relevant entry being Entry 15 of List II of the Seventh Schedule of the Constitution, which reads as follows: “Preservation, protection and improvement of stock and prevention of animal diseases, veterinary training and practice.”

2.2.14. Consequent upon the adoption of the Constitutional Provisions, several State Governments and Union Territories enacted Cattle Preservation Laws in one form or the other. Twenty-three State Governments and five Union Territories have enacted legislation relating to prevention of slaughter of cow and its progeny. (ANNEXURE I) Kerala is a major consumer of beef and the absence of any regulation on slaughter of cow and its progeny has led to slaughter of untold numbers of cattle, most of them being smuggled into Kerala from neighboring States of Tamil Nadu, Karnataka and Andhra Pradesh. Only six states (Arunachal Pradesh, Kerala, Meghalaya, Mizoram, Nagaland and Tripura) and one UT (Lakshadweep) have no legislation on cattle slaughter. (Lodha, 2002)

2.2.15. It is seen that there is a complete lack of uniformity in these State laws. By and large, most of the laws prohibit the slaughter of cows of all ages. However, Assam, Tamil Nadu and West Bengal permit the slaughter of even cows of over 14, 10 and 14 years of age, respectively. Most States prohibit the slaughter of calves, whether male or female. However, except for Bihar and Rajasthan, where age of a calf is given as below 3 years, the other Acts have not defined the age of a calf. In Maharashtra, the Commission was told that the definition of calf being followed, by some executive instructions, was ‘below the age of one year. (Lodha, 2002)

2.2.16. Delhi, Gujarat, Madhya Pradesh, Punjab and Rajasthan have banned totally the slaughter of cow and its progeny, including bulls and bullocks of all ages. The Uttar Pradesh Act permits the slaughter of bulls and bullocks of over 15 years or who have become permanently incapacitated. However, by an Ordinance issued in 2001, the Uttar Pradesh Government prohibited the slaughter of cow and its progeny.

Most of the legislations specify that offences would be cognisable. However, only Delhi, Goa, Pondicherry, Punjab and Uttar Pradesh have made the offences both cognisable and non-bailable. The maximum term of imprisonment varies from 6 months to 5 years (Delhi and Haryana) and the fine from Rs.1,000 to Rs.10,000. Delhi and Madhya Pradesh have fixed minimum term of imprisonment at 6 months.

2.2.17. Gaps identified: Lodha Commission Report highlights various constitutional provision and legislation but is completely silent over the responsibility of various agencies of State and Central government. It is also silent about regarding the requirement of infrastructure by BSF.

2.2.18. Bhattacharjee (2013) in an article titled states that Indo-Bangladesh Border (IBB) becomes interesting and complex because same ethnic stock with common language, tradition and culture reside on either side of the border. It further becomes difficult to maintain sanctity of border because of the meandering rivers and *Chars*.³ Smugglers also take advantage of loopholes in Indian laws. The law does not ban movement of cattle from one state to another. This is exploited by smuggling networks to transport cattle from distant states to West Bengal. The cattle are transported purportedly for ‘agricultural purposes’. Rules of transportation of cattle are violated but no action is taken against offenders.

2.2.19. People irrespective of their religion are involved in cattle smuggling. Muslims are mostly traders and Hindus are handlers. The kingpins are difficult to identify. Low key handlers which are mostly local have good knowledge of transit routes to Bangladesh. Killing of handlers do not deter smugglers or disrupt network, however it does affect Indo-Bangladesh bilateral relation. Cattle smuggling is not only limited to cattle but it is part of much bigger smuggling racket which includes human trafficking, narcotics and link with terrorism and hawala transaction. (Bhattacharjee, 2013)

2.2.20. Gaps identified: Author is of the view to lift export ban on cattle and legalize cattle trade. This will not only generate revenue but will also prevent killing at the bor-

³ *Chars* are land which exists within flood plain of river bed and changes its location as per the course of river.

der. Article has not mentioned anything related to prevention of cattle smuggling and requirement of strengthening infrastructure at the border.

2.2.21. Robert and Das (2016) assesses five major problem which affects Indo-Bangladesh relationship. Problem areas are (i) settlement of land boundary disputes, (ii) facilitation of transboundary transit, (iii) curbing of transboundary illicit activity, (iv) sharing of transboundary river resources and control of transboundary migration. Authors state that BSF has pulled all stops to prevent cattle smuggling especially after takeover of the government by National Democratic Alliance. Their efforts have reduced smuggling by 90%. There is also a growing realization that it is difficult-if-not impossible to stop cattle smuggling completely. The best way to address the problem is to legalize the activity. The powerful market force of demand for cattle in Bangladesh and their supply from India are likely to blow away all national boundaries. Much of the opposition to cattle smuggling come from right wing Hindutva forces who are committed to cattle protection and imposition of blanket ban on cattle slaughter. The high stakes involved in cattle trade make it difficult for the BSF to tackle the problem with any degree of success.

2.2.22. According to Tiwary (2015), BSF officers say in private that “preventing cattle smuggling must be taken away from its charter of duties as it diverts attention from more important job of preventing infiltration and smuggling of Fake Indian Counterfeit Currency (FICN) and contraband items.

2.2.23. Ahmad (2015) in his paper explores the reason behind the border killing and its social impact on people residing near the border. It also studies its impact on India Bangladesh relation and policies to be adopted to mitigate this border killing. Cattle smuggling is one of the most important factor in border killing. Cattle smuggling is a highly profitable business for the people living on both sides of border. Cattle are reported to be sold at three or four times higher price in Bangladesh than in India. As soon as the smugglers enter Bangladesh, they can pay the custom charges and trade become legalised. Various scholars and diplomats have agreed that cattle smuggling if legalised will significantly reduce illegal trespassing and border killing. (Ahmad, 2015) However, this is a critical issue for India as the trading of cattle is highly related with the deep-rooted religious beliefs of the Hindus, who worship cow as God.

2.2.24. Federation of India chamber of commerce (FICCI) report (2016) on Smart Border Management explores how the government of India can respond to border man-

agement challenges and adopt a proactive and resilient approach towards smart border management. It proposes four key elements: (i) innovation and technology infrastructure, (ii) collaborative border management, (iii) capacity building and, (iv) agile organization for effective border management. (Ratan, 2016) The Government of India is focusing extensively on leveraging the power of technology to improve the efficiency and effectiveness of border operation. Author talks about securing border by fencing, floodlighting, sensors, Long Range Reconnaissance and Observation System (LORROS), Unarmed Aerial Vehicle (UAV), Night Vision Device (NVD), and Battle Field Surveillance Radar (BFSR) etc. Author has envisaged a project with layers of security along the border where ‘at location’ surveillance system should be able to detect threat, classify threat (armed/unarmed), identify friend and foe and provide time and resource for response. It envisages concept of integrated command and control where direct information and data could be collected for immediate action. (Ratan, 2016) Porosity of the border particularly riverine stretch is the main concern of Indo-Bangladesh border. Study has mentioned numerous challenges ranging from illegal migration, smuggling of arms, ammunitions, drugs and antinational activities along the border and has suggested development of various infrastructures and use of technology to overcome these challenges.

2.2.25. The study is silent on menace of cattle smuggling along Indo- Bangladesh border. Concept of Smart Border Management takes into account more of corporate concern rather than strategic concern of nation. It revolves around increasing travelers flow and trade with neighbouring countries.

2.2.26. The smart border fencing projects built under the Comprehensive Integrated Border Management System (CIBMS) is the first of its kind in the country. The two projects each covering a 5.5 km border stretch along the International Border have got hi-tech surveillance system that would create an invisible electronic barrier on land, water and even in air and underground and would help the BSF detect and foil infiltration bids in most difficult terrains.⁴ The CIBMS is designed to guard stretches where physical surveillance is not possible either due to inhospitable terrain or riverine borders. However efficacy of CIBMS on eastern border is still to be validated. CIBMS uses a number of different devices for surveillance, communication and data storage. Sensors like Thermal Imager, Under Ground Sensor (UGS), Fiber Optical Sensors, Radars and Sonar have been mounted on different platforms like Aerostat, tower, poles etc. A

⁴ Press Information Bureau, Government of India, Ministry of Home Affairs, 17 Sep-2018, Shri Rajnath Singh inaugurates smart fencing project along International Border in J& k.

comprehensive integration of such sensors and other technical systems of communication and data processing has been achieved in the CIBMS project. The signals reach the Unified Command and Control Centre where the BSF can monitor the border on real-time basis. The CIBMS enables round-the-clock surveillance on border and under different weather conditions.

2.2.27. The use of high-tech equipment as an integrated instrument for border security has been experimented in various countries. Many including USA, have tried high-tech solutions for securing their borders, but with mixed result. In this context, a review of the Secure Border Initiative net (SBI net) of US provides a clearer picture of the likely problems that BSF might face while implementing the CIBMS. (Das, 2017)

2.3. Conclusion

Based on study of literature available on the subject, it appears that Bangladesh may not be keen to prevent cattle smuggling, as it will adversely affect their economy and food security. The most effective and pragmatic step could be to lift export ban by India. However, this is not possible as cattle trade is highly emotive and sensitive issue. Only option left with India to resolve this issue is to strengthen its surveillance and infrastructure along the border to prevent cattle smuggling. State-of-the-art surveillance technology accompanied with proper analysis of socio economic factors will help in designing domination plan to prevent cattle smuggling. Most of the studies are limited to economic factors with limited emphasis on modern surveillance system to prevent cattle smuggling.

CHAPTER: 3 Socio-economic Factors for Cattle Smuggling

3.1. Introduction

3.1.1. Cattle smuggling has been identified as one of the most important trans-border crime along Indo-Bangladesh border. An attempt has been made to study the effect of socio-economic condition of border population on cattle smuggling. For this purpose Maldah district of West Bengal was selected to study the relationship between socio-

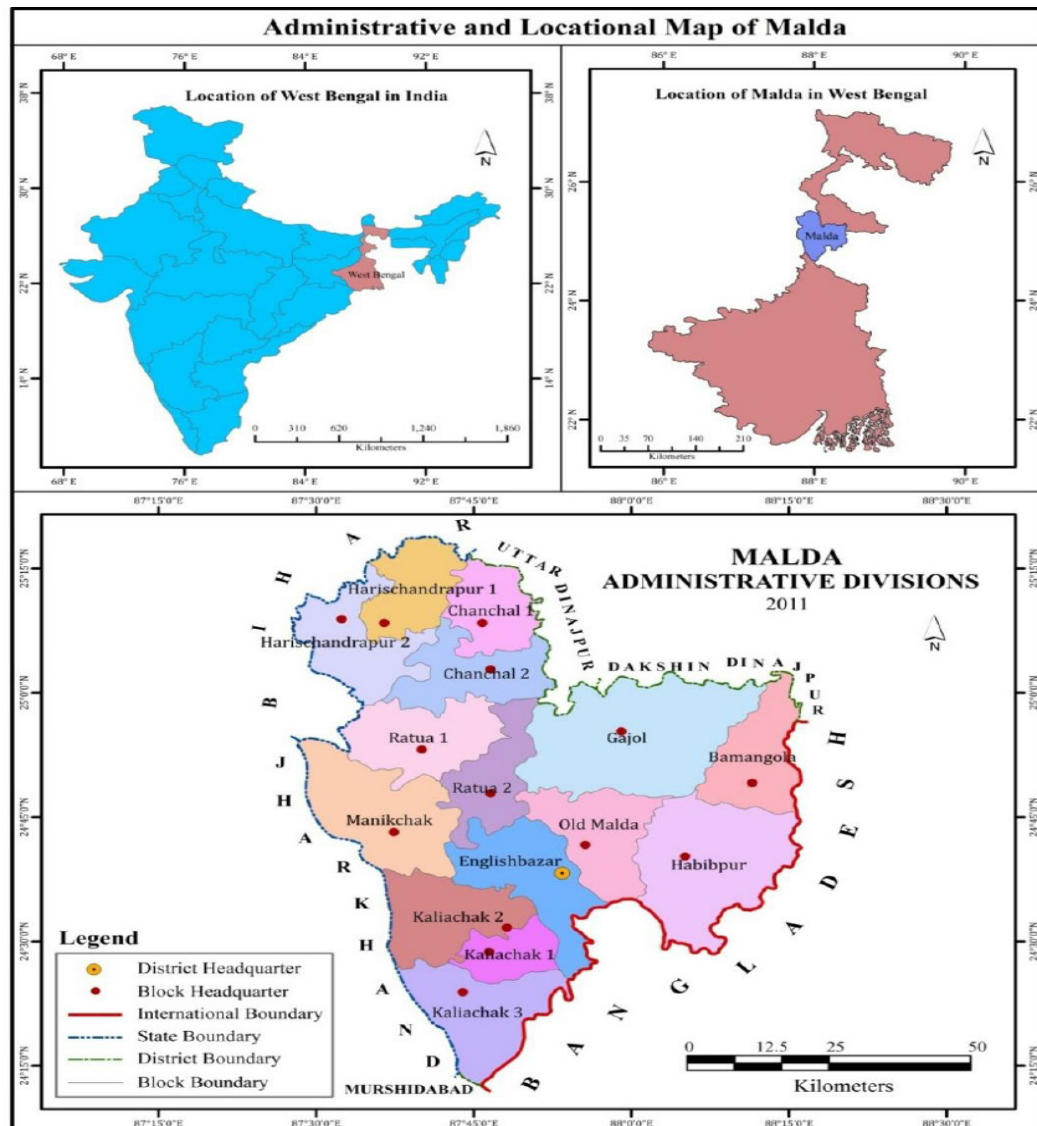


Figure: 3.1 Political map of Malda (Area of field study)

economic factors and cattle smuggling. This district shares International border with Bangladesh for a stretch of 165.5 km and is one of the most cattle smuggling prone district of West Bengal. It covers an area of 3733 Sq km and is surrounded by Bangladesh and South Dinajpur in the east, Santal Parganas of Jharkhand state in the west, Uttar

Dinajpur in the north and Murshidabad in the south. Malda, the southern most of the North Bengal district comes under the Jalpaiguri Division. The district consists of two subdivisions, that are Sadar and Chanchal, and Englishbazar is the headquarters station of the district as well as the Sadar subdivision. District has 15 Blocks, 02 Municipalities, 146 Gram Panchayats and 1771 villages.

3.1.2. The population of this district is mainly rural. The villages vary considerably in size as well as in population. Starting from the year 1949, a large displaced population from erstwhile East Pakistan had settled in bordering thanas namely, Bamongola, Habibpur, Malda and Kaliachak. The “Barind” areas are inhabited mostly by a huge Santal population. In the “Barind” areas where the ground is high and agriculture is the sole occupation, the tendency for the people is to remain in small hamlets.

3.1.3. The language of the majority of the people is Bengali. But a certain percentage of the population in the West and North is of Bihari origin, and most of them speak Hindi or Khotta, which is a mixture of Hindi and Bengali. This class, though largely retained their own languages, are gradually acquiring Bengali. In the region of Araidanga, Milki, Noghoria, Atgama, Amrity and Mirjadpur there are settlement of domicile Maithili Brahmins who speak Maithili.

3.1.4. Among the scheduled castes population, there are 59 sub-communities of which Rajbanshi, Namasudra, Polia, Tiyer, Keet and Poundra are the main sub-castes. Among the tribal population there are 38 sub-communities of which Santala, Oraon, Mores, Mundas and Malpaharias are main sub-communities. About 88% of the tribal population are concentrated in the “Barind” areas comprised in four blocks namely, Gazole, Bamongola, Habibpur and Old Malda. Since the tribal population of this district is quite high, the development of the district depends on the development of the tribal. The scheduled tribes and scheduled castes people of this district are backward economically as well as educationally.

3.1.5. The district consists mainly of low-lying plains, sloping towards the south with undulating areas on the northeast. The river Mahananda divides the district into two regions-the eastern region, consisting mainly of old alluvial and relatively infertile soil, is commonly known as “Barind”. The western region is further subdivided by the river Kalindri into two areas, the northern area is known as “Tal” - it is low lying and vulnerable to inundation during rainy season, the southern area consists of very fertile

land and is thickly populated, being commonly known as “Diara”. The river Ganges flow along the south-western boundary of district. Other important rivers are Kalindri, Tangoan, Punarbhaba, Pagla and Bhagirathi.

3.1.6. The economy of the district is basically an agrarian one and ranks as one of the most underdeveloped district in West Bengal. The backwardness is characterized by low per capita income, low yield per acre of land, backwardness in industrialization, shortage of capital and entrepreneurship, and also the lack of infrastructure and large labour surplus. The district has no known mineral resources and agriculture remains the main stay. The main agricultural products are paddy, Wheat, jute and Rabi-crops.

3.1.7. Despite this backwardness, Malda occupies an important place in the map of the State for the production of raw-silk yarn. The annual estimated production of raw-silk yarn in this district is about 85 % of the total output of the State which, if taken in terms of money amounts to approximately rupees 4 crores. Production of mango is another important aspect of Malda’s economy. About forty five thousand acres of land are covered by mango orchards which, in normal years bear fruit to the extent of 3,60,000 tonnes the value of which in money terms comes to about Rs. 5.5 crores (District Portal, Malda District).

3.1.8. The study has been carried out in Old Maldah and Habibpur block of Malda district. Old Malda and Habibpur block have been selected based on judgmental sampling. Area is characterized by high volume of smuggling with presence of fenced and unfenced border. Total six BOPs have been studied out of which two BOPs (It-aghatai and R K Wadhwa) are unfenced and remaining four BOPs (Muchia, Mansamata, Patrolgarh and Sirsi) are almost fenced with small gaps ranging from 200- 900 meters. These BOPs fall under 44 Bn and 60 Bn BSF of Malda Sector under South Bengal Frontier. Villages which were studied come under Gram Panchayat Muchia, Aiho, Rishipur, Srirampur and Jojail. While selecting BOPs for data collection, it was ensured that BOPs selected should have similar physical infrastructure at International border and similar topography and terrain of the area effect of socio-economic factors on smuggling could be analysed.

Phensedyl⁵ and Fake Indian Currency Notes (FICN). Items incoming from Bangladesh side are FICN, Raw silk and arms/ammunition. Outgoing items include cattle head, phensydyl, biri, ganja, silk thread, Indian made clothing, cycle and motorcycle parts. Smugglers take advantage of adverse weather condition like fog, flood and exploit riverine gaps. Ladies and children are used as couriers and fake identity of nationality is very common. Smugglers often use false allegation on BSF to pressurize from media and politician. There are numerous allegations by criminals using local people to harass the troops. Instances of attack on BSF to get success in cattle crossing are also quite common. Factors favoring smugglers are habitation close to IB, ethnic affinity, scarcity of essential commodities on Bangladesh side and unemployment.

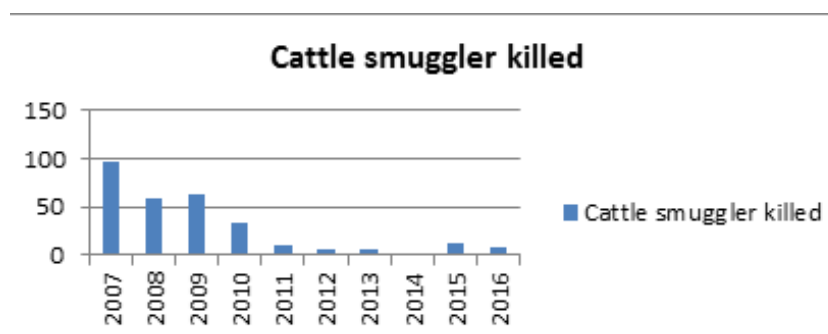
3.2.3. In year 2011, BSF and BGB resolved to use of non-lethal weapons against smugglers and those crossing border illegally. However, instead of taking benefits out of this, miscreants/smugglers are taking advantage to carry out nefarious activities. Data of south Bengal frontier was analyzed. The data indicates that after non-lethal strategy even though killing of miscreants/smugglers has reduced significantly but attack on BSF personnel have increased. Besides the quantity of cattle seizure has remained almost same.

TABLE: 3.1 Impact of Non-lethal strategy on killing of smugglers/miscreants

DEATH OF INT/EXTRUDER & SMUGGLERS IN AOR OF SOUTH BENGAL FRONTIER W.E.F. 01-01-2007 TO 30-04-2017											
Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Death	98	58	64	34	11	7	5	2	13	9	Nil

Source: Ops Branch South Bengal Frt. (BSF)

Figure: 3.3 Bar chart showing Impact of Non-lethal strategy on killing of smugglers/miscreants.



⁵ Phensedyl is a type of cough syrup which contains alcohol as important ingredient and is used by Bangladeshi for intoxication purpose.

Table 3.1 and Figure 3.2 above depict a gradual decline in a number of deaths of miscreants and smugglers during years 2007-2017. This is because of the introduction of non lethal strategy in dealing with smuggler.

TABLE: 3.2 Impact of Non-lethal strategy on Injury/killing of BSF personnel

BSF PERS INJURED/KILLED IN ACTION IN AOR OF SB FTR W.E.F. 01-01-2007 TO 30-04-2017											
Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Injury	14	25	5	30	64	66	49	49	62	49	30
Death	0	1	0	0	0	1	3	0	3	0	1
Total	14	26	5	30	64	67	52	49	65	49	31

Source: Ops Branch South Bengal Ftr. (BSF)

Figure: 3.4 Bar chart showing Impact of Non-lethal strategy on injury/killing of BSF Personnel

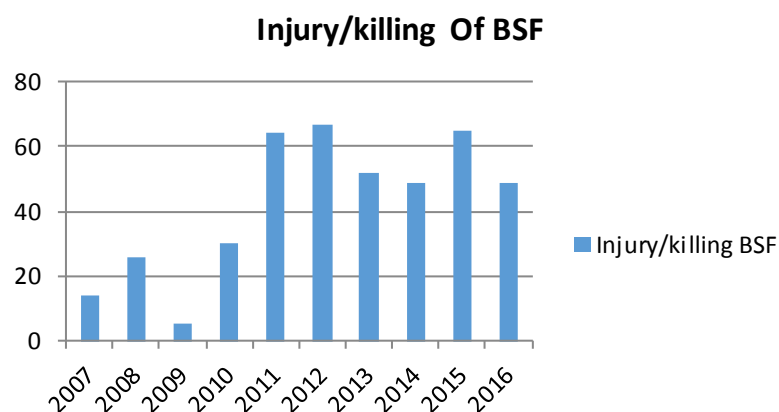


Table 3.2 and Figure 3.3 above depict a gradual increase in killing/ injury of BSF pers after introduction of non-lethal strategy. This is because of the fact that deterrent effect of security force has faded due to introduction of non-lethal weapon.

TABLE: 3.3 Impact of Non-lethal strategy on cattle seizure

CATTLE SEIZURE IN SOUTH BENGAL FTR IN PAST 10 YRS										
YEAR	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
SEIZURE	108228	89159	68335	57004	100698	97007	97214	93395	97185	93269

Source: Ops Branch South Bengal Ftr. (BSF)

Figure: 3.5 Bar chart showing Impact of Non-lethal strategy on cattle seizure

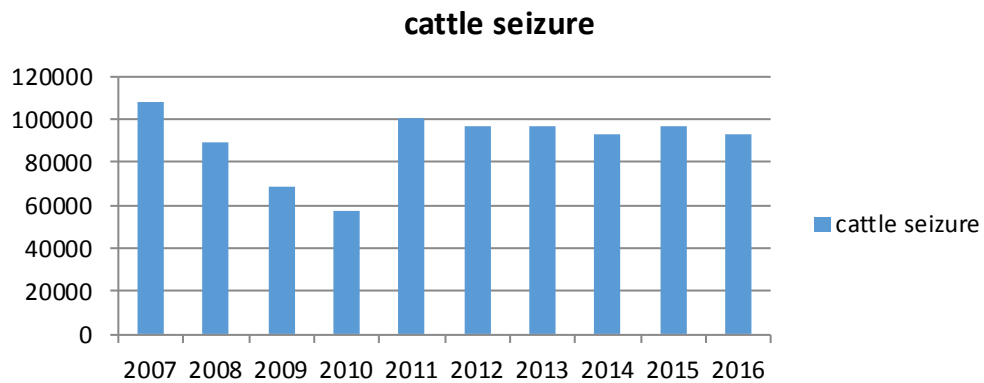


Table 3.3 and Figure 3.4 above shows that there is hardly any change in cattle smuggling after introduction of non-lethal strategy. It may be noted that declining trend up to 2010 was followed by sharp increase and thereafter status quo in cattle smuggling.

Analysis of socio-economic factors:

TABLE: 3.4 Anova/Tuskey Test for six BOPs of Malda Sector

(A)

ANOVA TEST FOR VALUE OF CATTLE SEIZED					
Source of Variation	SS	df	MS	F	P-value
Between Groups	3.19143E+14	5	6.38285E+13	4.505556432	0.015223
Within Groups	1.7E+14	12	1.41666E+13		
Total	4.89142E+14	17			

(B)

ANOVA NUMBER OF CATTLES					
	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	2.602E7	5	5204021.022	9.914	.001
Within Groups	6298923.333	12	524910.278		
Total	3.232E7	17			

TUKEY TEST FOR VALUE OF CATTLE (Multiple Comparisons)						
(I) BOP	(J) BOP	Mean Difference (I-J)	Std. Error	Sig.	95% Confidence Interval	
					Lower Bound	Upper Bound
MUCHIA	MANSAMATA	7263491.333	3073177.118	.242	-3059067.42	17586050.09
	PATROLGARH	8310375.667	3073177.118	.145	-2012183.09	18632934.42
	SIRSI	8085897.333	3073177.118	.163	-2236661.42	18408456.09
	ITAGHATI	-2635237.000	3073177.118	.950	-12957795.76	7687321.76
	R K WADHHWA	5081385.667	3073177.118	.583	-5241173.09	15403944.42
MANSA-MATA	MUCHIA	-7263491.333	3073177.118	.242	-17586050.09	3059067.42
	PATROLGARH	1046884.333	3073177.118	.999	-9275674.42	11369443.09
	SIRSI	822406.000	3073177.118	1.000	-9500152.76	11144964.76
	ITAGHATI	-9898728.333	3073177.118	.063	-20221287.09	423830.42
	R K WADHHWA	-2182105.667	3073177.118	.977	-12504664.42	8140453.09
PATROL-GARH	MUCHIA	-8310375.667	3073177.118	.145	-18632934.42	2012183.09
	MANSAMATA	-1046884.333	3073177.118	.999	-11369443.09	9275674.42
	SIRSI	-224478.333	3073177.118	1.000	-10547037.09	10098080.42
	ITAGHATI	-1.095E7*	3073177.118	.036	-21268171.42	-623053.91
	R K WADHHWA	-3228990.000	3073177.118	.891	-13551548.76	7093568.76
SIRSI	MUCHIA	-8085897.333	3073177.118	.163	-18408456.09	2236661.42
	MANSAMATA	-822406.000	3073177.118	1.000	-11144964.76	9500152.76
	PATROLGARH	224478.333	3073177.118	1.000	-10098080.42	10547037.09
	ITAGHATI	-1.072E7*	3073177.118	.040	-21043693.09	-398575.58
	R K WADHHWA	-3004511.667	3073177.118	.917	-13327070.42	7318047.09
ITAGHATI	MUCHIA	2635237.000	3073177.118	.950	-7687321.76	12957795.76
	MANSAMATA	9898728.333	3073177.118	.063	-423830.42	20221287.09
	PATROLGARH	1.095E7*	3073177.118	.036	623053.91	21268171.42
	SIRSI	1.072E7*	3073177.118	.040	398575.58	21043693.09
	R K WADHHWA	7716622.667	3073177.118	.195	-2605936.09	18039181.42
R K WADHH-WA	MUCHIA	-5081385.667	3073177.118	.583	-15403944.42	5241173.09
	MANSAMATA	2182105.667	3073177.118	.977	-8140453.09	12504664.42
	PATROLGARH	3228990.000	3073177.118	.891	-7093568.76	13551548.76
	SIRSI	3004511.667	3073177.118	.917	-7318047.09	13327070.42
	ITAGHATI	-7716622.667	3073177.118	.195	-18039181.42	2605936.09

*. The mean difference is significant at the 0.05 level.

TUKEY TEST FOR NUMBER OF CATTLE (Multiple Comparisons)						
(I) BOP	(J) BOP	Mean Difference (I-J)	Std. Error	Sig.	95% Confidence Interval	
					Lower Bound	Upper Bound
MUCHIA	MANSAMATA	3080.00000*	591.55742	.002	1093.0054	5066.9946
	PATROLGARH	3361.00000*	591.55742	.001	1374.0054	5347.9946
	SIRSI	3352.66667*	591.55742	.001	1365.6721	5339.6612
	ITAGHATI	1822.33333	591.55742	.079	-164.6612	3809.3279
	R K WADHHWA	2938.66667*	591.55742	.003	951.6721	4925.6612
MANSAMATA	MUCHIA	-3080.00000*	591.55742	.002	-5066.9946	-1093.0054
	PATROLGARH	281.00000	591.55742	.996	-1705.9946	2267.9946
	SIRSI	272.66667	591.55742	.997	-1714.3279	2259.6612
	ITAGHATI	-1257.66667	591.55742	.337	-3244.6612	729.3279
	R K WADHHWA	-141.33333	591.55742	1.000	-2128.3279	1845.6612
PATROLGARH	MUCHIA	-3361.00000*	591.55742	.001	-5347.9946	-1374.0054
	MANSAMATA	-281.00000	591.55742	.996	-2267.9946	1705.9946
	SIRSI	-8.33333	591.55742	1.000	-1995.3279	1978.6612
	ITAGHATI	-1538.66667	591.55742	.170	-3525.6612	448.3279
	R K WADHHWA	-422.33333	591.55742	.976	-2409.3279	1564.6612
SIRSI	MUCHIA	-3352.66667*	591.55742	.001	-5339.6612	-1365.6721
	MANSAMATA	-272.66667	591.55742	.997	-2259.6612	1714.3279
	PATROLGARH	8.33333	591.55742	1.000	-1978.6612	1995.3279
	ITAGHATI	-1530.33333	591.55742	.174	-3517.3279	456.6612
	R K WADHHWA	-414.00000	591.55742	.978	-2400.9946	1572.9946
ITAGHATI	MUCHIA	-1822.33333	591.55742	.079	-3809.3279	164.6612
	MANSAMATA	1257.66667	591.55742	.337	-729.3279	3244.6612
	PATROLGARH	1538.66667	591.55742	.170	-448.3279	3525.6612
	SIRSI	1530.33333	591.55742	.174	-456.6612	3517.3279
	R K WADHHWA	1116.33333	591.55742	.453	-870.6612	3103.3279
R K WADHHWA	MUCHIA	-2938.66667*	591.55742	.003	-4925.6612	-951.6721
	MANSAMATA	141.33333	591.55742	1.000	-1845.6612	2128.3279
	PATROLGARH	422.33333	591.55742	.976	-1564.6612	2409.3279
	SIRSI	414.00000	591.55742	.978	-1572.9946	2400.9946
	ITAGHATI	-1116.33333	591.55742	.453	-3103.3279	870.6612

In order to statistically analyse BOP wise, number and value of cattle seized, Anova and tukey test were carried out (Table 3.4 A, B, C, and D). Since value of P is less than .05, therefore at least one of the BOP is different in terms of average number of cattle and average value of cattle seized. Accordingly, tukey test was conducted to know BOP with different value.

On statistical analysis, it is found that Patrolgarh and Sirsi are different from Itaghati in terms of value of cattle seized. BOP Muchia is more than Mansamata, Sirsi, RK Wadhwa and Patrolgarh and less than Itaghati. Analysis shows BOP Itaghati is different from other BOPs in terms of number and value of cattle seized.

Figure: 3.6 Religious Composition V/S Cattle Smuggling

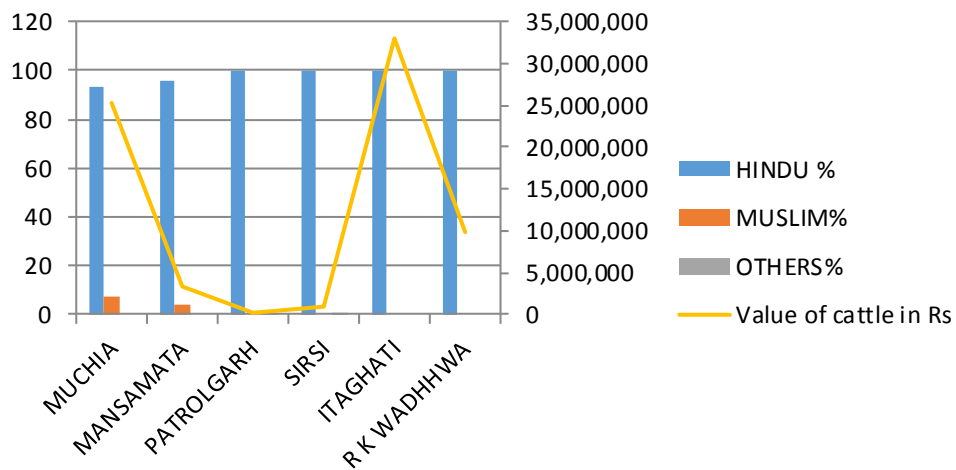


Figure 3.5 above shows the distribution of religion and value of seized cattle. Most of the BOPs have predominantly Hindu population with Muchia and Mansamata having Muslim population of 7% and 4% respectively. Maximum smuggling is reported from Itaghati area where there is no Muslim population. It may be concluded that a particular religion has no relation with smuggling and who so ever resides in border villages irrespective of religious identity indulges in smuggling as means of livelihood.

Figure: 3.7 Gender Composition V/S Cattle Smuggling

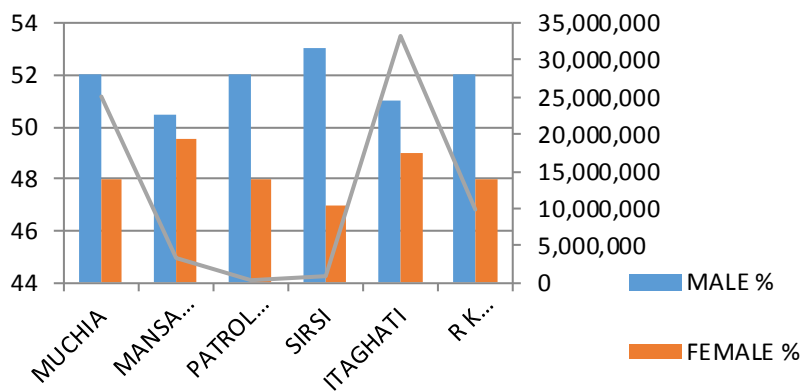


Figure 3.6: shows distribution of gender and value of seized cattle. As per the Bar chart BOP Muchia, Patrolgarh and R K Wadhwa have similar percentage of male population but vary greatly in value of cattle seizure. BOP Sirsi has maximum percentage of male population with minimum value of cattle seizure. This shows that gender composition has no relation with cattle smuggling.

Figure: 3.8 Age Profile V/S Cattle Smuggling

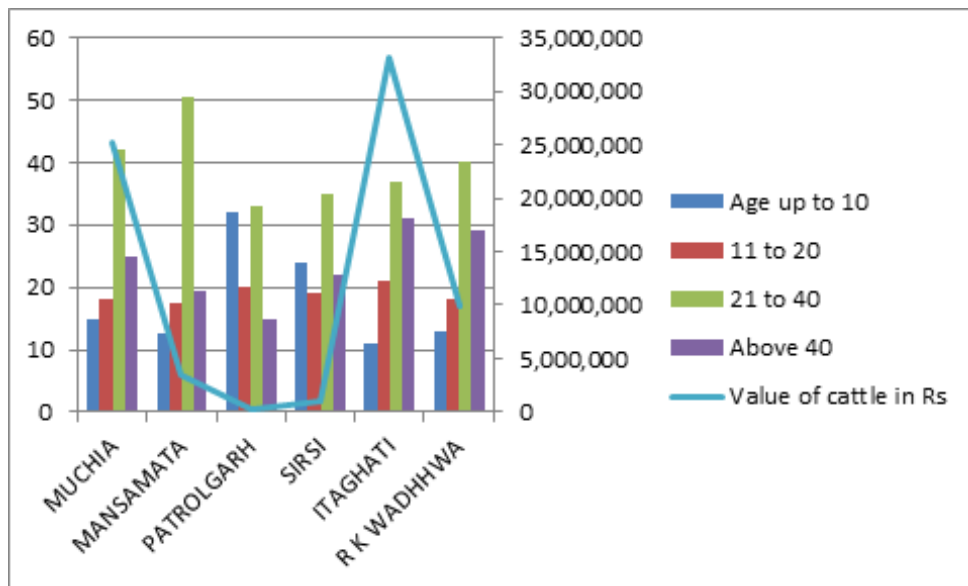


Figure 3.7 shows the distribution of age profile and value of cattle seized. It may be noted that BOP Patrolgarh and Sirsi which has less than average cattle smuggling, shows less variation in age profile of various age groups. BOPs Muchia, Mansamata, Itaghati and R K Wadhwa has comparatively higher smuggling shows more variation in age profile with maximum percentage of population above 21 years of age. It may be concluded that there exists a trend which suggests that population above 21 years of age are mostly involved in cattle smuggling.

Figure: 3.9 Family monthly income V/S Cattle Smuggling

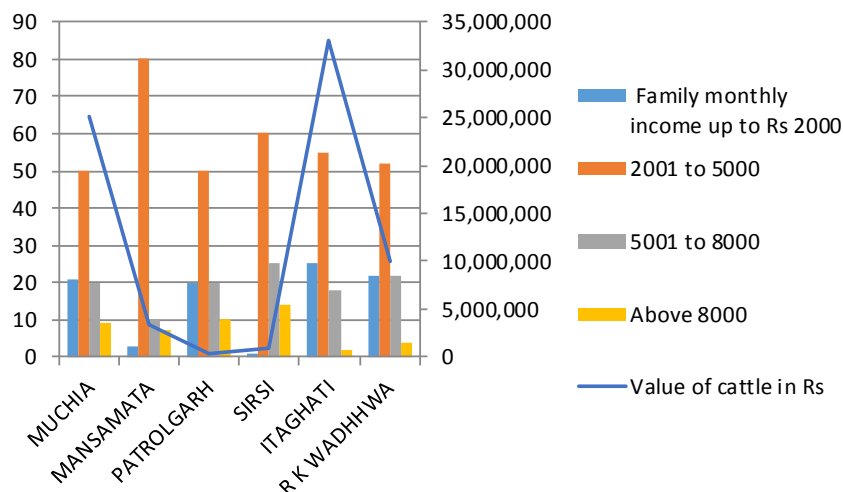


Figure 3.8 shows monthly income profile of BOP and value of seized cattle. It may be noted that BOP Muchia, Itaghati and R K Randhawa has comparatively more population with family income up to Rs 2000/.These BOPs account for higher cattle

smuggling. BOP Mansamata and Sirsi have higher percentage of population with family income in the range of Rs 2001-5000/.These BOPs account for less quantity of cattle smuggling. It may be concluded that there exists a trend which shows that family falling in lowest income bracket are more prone to indulge in cattle smuggling.

Figure: 3.10 Occupational profile V/S Cattle smuggling

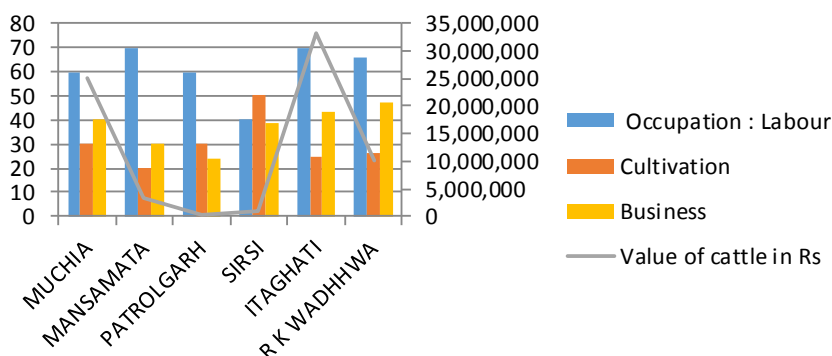


Figure 3.9 shows the distribution of educational profile and value of seized cattle. It may be noted that maximum percentage of population in the area are engaged in labour work followed by cultivation and business at the third place. BOP Mansamata and Itaghati have maximum labour force. However, one of the BOP i.e. Itaghati accounts for high smuggling and the other BOP i.e. Mansamata accounts for low smuggling. Similarly BOP Muchia and Patrolgarh have similar occupational profile but different smuggling trend. It may be deduced from above analysis that there exists no relation between occupation and smuggling.

Figure: 3.11 Educational Profile V/S Cattle Smuggling

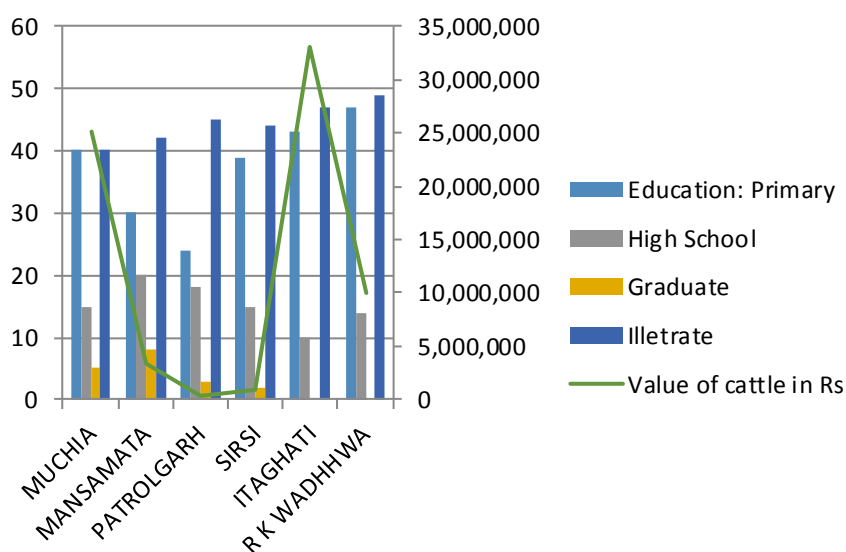


Figure 3.10 shows distribution of educational profile and value of cattle seizure. It may be noted that maximum percentage of population are illiterate. BOP R K Wadhwa has maximum percentage of illiterate and primary school going children. BOP Mansamata has maximum percentage of high school and graduate children. There appears no relationship between education profile and cattle smuggling.

Figure: 3.12 House type V/S Cattle Smuggling

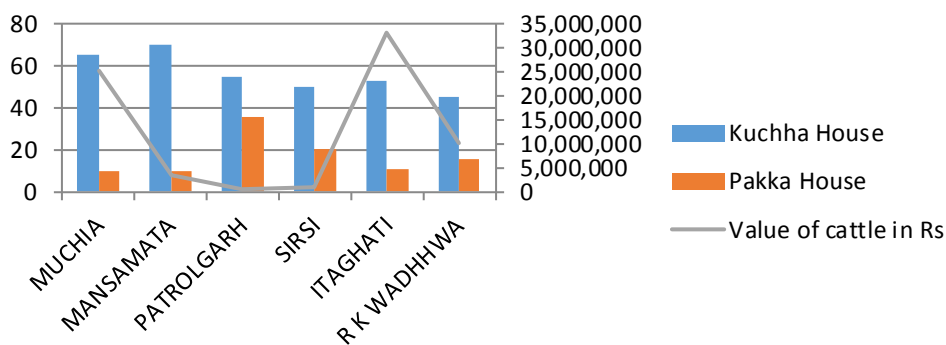


Figure 3.11 shows distribution of house type and value of cattle smuggling. It may be noted that BOP Muchia and Itaghati where smuggling is on higher side have minimum percentage of pakka house. BOP Patrolgarh and Sirsi have comparatively higher percentage of pakka house. However, this trend, as intimated by village Pradhan is basically because of implementation of Indira Awas Yojna in Patrolgarh and Sirsi. Otherwise most of houses are kuchha and bears no direct relation with cattle smuggling

Figure: 3.13 Landholding V/S Cattle Smuggling.

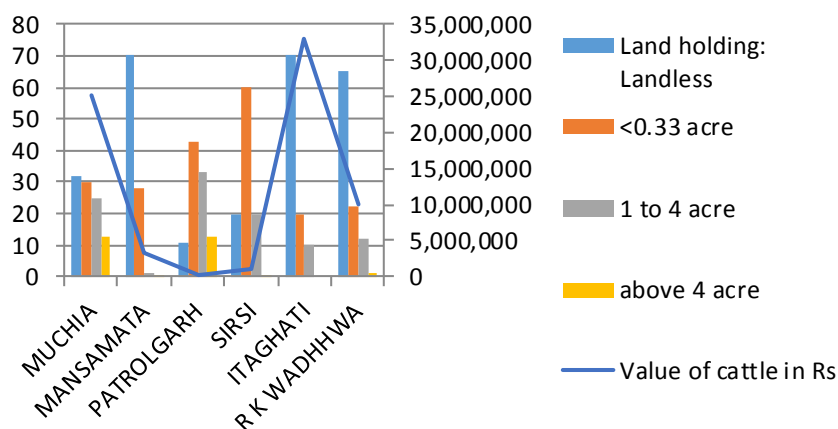


Figure 3.12 shows distribution of landholding profile and value of cattle seizure. It may be noted that BOP Mansamata, Itaghati and R K Wadhwa have maximum percentage of landless population. BOP Muchia which has higher smuggling has low percentage of landless population. Hence it becomes difficult to establish a trend between size of landholding and cattle smuggling.

3.3. Conclusion:

From the above analysis, it may be concluded that most of the socio-economic factors studied such as religion, gender, occupation, educational profile, house type and land holding have no discernible trend which could establish a link with cattle smuggling. However, age profile and family income were found to have a discernible trend to some extent with cattle smuggling. It has been noted that lowest family income group having income less than Rs 2000/ per month and pers above the age of 21 years are more prone to involve themselves in smuggling. It has further been noted that introduction of non lethal strategy has reduced killing/injury of miscreants /smuggler but injury/killing of BSF pers have increased. Cattle

CHAPTER: 4 CONSTITUTIONAL PROVISION

4.1. Introduction

There is a complete absence of any specific Central laws, regarding the slaughter of cattle legislated by the Parliament of India, as the subject of Agriculture, including Animal Husbandry, is covered by the State List in the Constitution. However, the Constitutional provisions are there to provide Directive Principles and fundamental duties in the form of Article 48 and 51A respectively.

4.2. Constitutional provisions

4.2.1. Article 48 (Directive Principles), relates to the manner in which agriculture and animal husbandry should be organised, and has a special provision for taking steps for prohibiting the slaughter of cows, calves and other cattle. As per this Article, the State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular take steps for preserving and improving the breeds and prohibiting the slaughter of cows and calves and other milch and draught cattle.

4.2.2. Article 51A (Fundamental duties) enjoins upon the citizens of this country to cherish the ideals, which inspired our freedom struggle and to have compassion for all living creatures. As per this Article, it shall be the duty of every citizen of India (a) to cherish and follow the noble ideals which inspired our national struggle for freedom. (b) to protect and improve the natural environment including forests and to have compassion for living creatures.

4.2.3. Article 246 defines the jurisdiction of Parliament and State Legislatures in the matter of making laws and three Lists have been drawn up in the Seventh Schedule of the Constitution. The first relates to the powers of the Union Government (List I), the second pertains to the legislative powers of the State Governments (List II), and the third being the Concurrent (List III) where both Parliament and the States have powers to legislate. Schedule VII, List II at Sl No 15 puts “Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice” under State list. Further, List III at Sl No.17 i.e. Prevention of cruelty to animals and Sl No.28 i.e. Prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants falls under Concurrent List.

4.2.4. Article 249 of the Constitution empowers Parliament to legislate with respect to a matter in the State List in the National interest. Thus as per Constitutional provision, both State and Centre shares responsibility for prevention, protection, and welfare of cattle.

4.2.5. In pursuance of the directive principle of state policy, as contained in Article 48 of the Constitution of India, most States have enacted laws in one form or the other, relating to the prohibition on slaughter of the cow and its progeny (ANNEXURE III). It will be seen that, in some States there are exclusive cattle preservation laws, whereas in other States, Animal preservation laws have been enacted, extending protection to other animals also, including those belonging to the bovine species. Also, some States have specific Acts for prohibition of slaughter of cows, whereas others relate to preservation of agricultural cattle. Kerala is the only major State, apart from some of the North Eastern States, which does not have an Act with regard to slaughter of cattle. Central Laws relating to prevention of cruelty to animals (ANNEXURE I)

4.2.6. There are certain provisions in the Central Laws in the matter of cruelty to animals, including cattle, such as Section 429 of the Indian Penal Code; The Prevention of Cruelty to Animals Act, 1960; Transport of Animals Rules 1978 and so on.

4.2.7. The fountain-head of animal welfare in the country is Article 48 of the Constitution. Unfortunately, this Article forms part of the Directive Principles of State Policy in Part IV of the Constitution and, as such, is not enforceable. Though it gives explicit directions to the States to prevent slaughter, in almost all the animal preservation laws of the country there are hardly any positive directions about preservation and protection of the cattle. On the contrary, the Animal Preservation Laws sound more like slaughter manuals.

4.2.8. In the States where the cattle preservation laws have been enacted, the position regarding implementation of these laws is pathetic. Laws exist only in statute books and they are observed more in breach. There is almost unchecked transportation of cattle for slaughter between neighbouring States and in some cases from one corner of the country to the other, especially to Bengal and Bihar for onwards smuggling of the cattle for slaughter into Bangladesh.

4.2.9. Various States have enacted their own cattle preservation laws. However, there is no consistency in these laws even on fundamental issues. Article 48 explicitly prohibits slaughter of 'cows' and hence most of these Acts have imposed a ban on slaughter of

cow. However, despite the word 'cows' being used in plural in the Constitution, which ought to include the entire cow family, the State laws have separated the cow family into the female of the cow, a bull or bullock and the calf, according protection only to the female of cow (that too not in the State of West Bengal and Kerala) and other progenies of the cow family are made slaughtered.

4.2.10. Some of the Acts have defined calves, bulls and bullocks, whereas many of the Acts have not defined them. Even where definitions are there, there is no uniformity. As a result of the above ambiguous and different legal position in different States, the cattle get transported to neighboring and are slaughtered there. Hence, all the State laws need to be reviewed by a single agency to bring about uniformity in definitions and other provisions, so as to prevent illegal slaughter.

4.2.11. During interaction with senior officers of Border Security Force regarding execution of various legal provisions related to cattle transport, slaughter and welfare in West Bengal, it was pointed out that large number of unlicensed slaughter houses exists in close vicinity of Indo Bangladesh border. Illegal transport of cattle takes place within and outside the state. Cattle are transported in most cruel manner without any interference by civil authority. They believed that cattle fairs/haats were organised within 8 km of border to facilitate cattle smuggling. Hardly any action has ever been taken against official for not implementing laws related to prevention of illegal cattle transport and smuggling. At times police refuse to register FIR against cattle offender without intervention by senior officers of BSF.

4.2.12. The effective enforcement of the law requires coordinated effort by various Union and State agencies including BSF, Customs, Police, District Magistrate, the Department of Animal Husbandry, Transport Department, the Forest Department and Public Health Department, Food Safety Department, Panchayati Raj Department, Rural Development Department and Municipal authorities.

4.3. Role of Central and State Government Agencies

4.3.1. Taking into account various Constitutional Provisions, Committee has recommended steps to prevent cattle smuggling along Indo-Bangladesh border. As per recommendation, the protection and welfare of animals in the state has been entrusted with district level statutory body called Societies for the Prevention of Cruelty to Animals (SPCA). It is the duty of each state to consolidate to constitute District SPCA in every state as per Rule 3 of PCA Rule 2001. Further Supreme Court has also directed

State to constitute State Animal Welfare Board (SAWB) to supervise and coordinate with SPCA. The Ministry of Environment, Forest and Climate Change (MOEF&CC) at the Centre and Department of Animal Husbandry at State level may provide financial assistance to SPCA and SAWB through various Centre sponsored Scheme and State sponsored Scheme.

4.3.2. To ensure effective implementation of existing laws, it is necessary to sensitize concerned agencies to the issues of animal protection and welfare. Sensitization workshops may be organised by SAWB in coordination with the Animal Welfare Board of India (AWBI).

4.3.3. It is the responsibility of Urban Local Bodies and Panchayat Raj Institution in the State to regulate and maintain stray and abandoned cattle and creation of infrastructure for dry dairies and its maintenance. In order to prevent smuggling of non-milking cattle, dry dairies may be created in every block. These dairies may be made on existing Gochar Bhumi in Panchayats. Since dry dairies are product of dairy industry, Live-stock Development Board, Ministry of Agriculture, Government of India and Animal Husbandry Department of State Government may formulate scheme for creation and maintenance of Dry Dairies. Dry Dairies Scheme could be declared as national priorities keeping in view the enormity of problem of cattle smuggling and threat to national security.

4.3.4. Establishment of Kanji house/ Pinjrapole in every city are the responsibility of Urban Development Department of concerned state to ensure care and rehabilitation of rescued / confiscated and stray cattle. It is usual practice to auction unclaimed cattle from kanji houses. Auctioned cattle mostly unproductive are likely to be smuggled out. These kanji house may be run jointly by DSPCA and relevant local authorities. The practice of auctioning cattle may be discontinued and seized cattle may be disposed off as per rule for Care and Maintenance of Case Property Animals framed under the Prevention of Cruelty to Animal Act 1960 which has been notified by Ministry of Environment, Forest and Climate Change on 23/5/2018. This will ensure that cattle are not recycled back into smuggling. Rule clearly assigns responsibilities for custody of animals pending litigation and cost of care and keeping of animals pending litigation.

4.3.5. The animal transport be carried out only in accordance with various Acts and Rules enumerated under Prevention of Cruelty to Animal Act 1960, Transport of Animal Rule 1978, Transport of Animal Amendment Rules 2001 and Rule 2009, Motor Ve-

hicle Act 1988, Section 428/429 of Indian Penal Code 1860 and Food and Safety Regulation 2011. Cattle may be transported in vehicle registered specially for the purpose of animal transportation only. At present unsuitable, overloaded vehicles are used without any checking by concerned authorities. No animal transport be permitted without “fitness to move certificate” issued by registered veterinary officer. It is further suggested that reasonable restriction may be imposed on private inter-state trade/transportation of cattle and government agencies be allowed for inter- state trade/transportation of cattle.

4.3.6. The cost of transportation, feeding, maintenance and health care of seized animals up to kanji house may be borne by the owner/accused or the relevant department of the State Government as mandated by Section 35(4) of PCA Act 1960. Each animal may be tagged with a Unique Identification Number with proper record of identification details. A state level data bank may be uploaded at website which may be linked with national on line database. Such cattle may be in a dairy, kanji house or dry dairy and a registration card be maintained by the owner of the cattle which may be transferred to the next owner, in case a legitimate sale/ transfer takes place.

4.3.7. Enforcement agencies working in the border areas needs to emphasize on intelligence and information regarding smuggling of cattle. In this regard active support and cooperation could be sought from public to give information about the movement of cattle for purpose of smuggling through toll/ free help line number of BSF and Police. The members of District SPCA and other animal welfare organizations may be used for gathering information. State governments bordering Bangladesh may prohibit livestock markets within 20 km distance from International Border.

4.3.8. There should be periodic operational level intelligence exchange between Custom, BSF and Department of Revenue Intelligence (DRI) to identify smuggling syndicate and networks and main person behind the crime who are involved in smuggling of cattle and other cross border crimes.

4.3.9. In the light of new notification issued by Ministry of Environment, Forest and Climatic Change regarding Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rule 2016, Custom department has stopped taking over seized cattle from BSF. These cattle are not being auctioned in the light of the new law. Police are supposed to take over these cattle and hand over to Gosala or Pinjrapole for safe custody till the disposal of the case. During this period, cattle are to be treated as case property. Because of the non availability of sufficient space, seized cattle are not being

taken over by police resulting in accumulation of cattle at BSF BOPs. This is causing great inconvenience in performing operational duties to BSF as additional manpower is committed in handling seized cattle. In view of this, senior officers of BSF were of the view that previous practice should continue so long sufficient infrastructures are not created by concerned agencies to house seized cattle.

4.4. Conclusion

Government of India must enact a Central Legislation for protection of cattle. The inclusion of subject of Animal husbandry in the state list is not an impossible hurdle to overcome. This should be considered as an issue of national importance as it not only economical dimension but has a security implication as well. A pragmatic view is required to be taken to ensure that religious sentiment of a particular community is not hurt at the same social and economic reality of society must be taken into consideration. The Foreign Trade (Development and Regulation Act) read with export import policy (EXIM Policy) of India mandates that cattle can only be exported from the country with a valid license from regional licensing authority. In order to check smuggling of livestock across India's border s, there may be strict enforcement of EXIM Policy by relevant customs authorities, transport department, police and Border Guarding Forces as per the law.

CHAPTER: 5 STATUS OF PHYSICAL INFRASTRUCTURE AND STATE OF ART SURVEILLANCE SYSTEM: AN IN-DEPTH ANALYSIS

5.1. Introduction

5.1.1. In order to secure the boarder and to create infrastructure in the border areas, large number of initiatives has been undertaken by the Department of Border Management, Ministry of Home Affair. Multiple initiatives include construction of Border Out Posts (BOPs), fence, border roads, floodlighting the fenced areas, installation of ground sensors, use of technology and intelligence gathering to ensure safe and secure border. These infrastructures are mostly in physical form which has been installed on land border. Their lies a vast stretch of riverine border where feasibility of installing physical barrier is not possible. Gaps created by riverine border are real challenge for Border Guarding Forces. These physical infrastructures acts as force multiplier but requires to be kept under observation. In addition to these formal physical infrastructures, BSF has erected improvised barrier at several sensitive places in the form of ditch, embankment and bamboo barriers. Most of the hume pipes under culvert and bridges have been plugged using wire meshing and iron grills. First part of this Chapter analyses different types of infrastructure, their present status and its effect on cattle smuggling. Second part of this chapter deals with existing high technology surveillance system existing on the border and also analyses those which are at pilot project stage to check its feasibility.

5.2. Physical Infrastructure

5.2.1. Border Out Posts (BOPs): Border Out Posts are the main workstation of the BSF along the borders. These are self contained defense out posts with specified area of responsibility along the International border. Each BOP is provided with the necessary infrastructure for accommodation, logistic supports and combat functions. At present, 1011 BOPs are held by BSF along the IBB. As per GoM recommendation, a distance of 3.5 km is purposed between two consecutive BOPs for effective domination.⁶ Accordingly it was purposed to construct 509 additional Composite BOPs to reduce inter BOP distance. However, it was reduced to 422 (326 for Indo-Bangladesh Border and 96 for Indo-Pakistan Border) in 2016. Project was to be completed by July 2018. As per latest report 100 BOPs have been completed and work for 214 BOPs is in progress. The status of BOPs along IBB is as follows:

⁶ Two Hundred Fifth Report by Department-Related Parliamentary Standing Committee on Home Affair

TABLE: 5.1 STATE-WISE DETAILS OF BORDER OUT POSTS

NAME OF STATE	NUMBER OF BOPs		
	APPROVED	HELD	COMPOSITE BOPs
WEST BENGAL	633	523	180
MEGHALAYA	125	121	15
ASSAM	91	91	06
TRIPURA	245	246	64
MIZORAM	91	30	61
TOTAL	1185	1011	326

Source: MHA Annual Report, 2016-17

As on date, out of 1185 approved BOPs, only 326 BOPs are Composite BOPs⁷ and remaining BOPs are conventional type which lacks several basic facilities. Staying and sleeping facilities are poor with no clean drinking water. Barracks are in dilapidated condition. Poor leaving condition adversely affects the rest and relief of the troops thereby affecting operational efficiency of troops.

Figure: 5.1 Composite BOP



5.2.2. Fencing: In order to curb smuggling and other anti national activities, government has undertaken construction of fencing along the border in two phases. First phase was completed in the year 2000 and second phase was to be completed by March 2019 with complete sealing of IBB. However because of some problem in certain stretches due to riverine/ low lying areas, habitation within 150 yards, pending land acquisition and protest by the border population, project has been delayed.

⁷ Composite BOPs are newly designed BOPs which consists of all essential elements as per specification required for a BOP.

5.2.3. As per the latest data, 3006.48 km have been completed and remaining, 1,091.22 km will be covered by physical and non-physical barrier. It may be further noted that 423.34 km being riverine will not be possible to fence hence non physical barrier in the form of technical solution has to be worked out. Status of state wise details of fencing along IBB is as under:

5.2.4. STATE WISE DETAILS OF FENCING

(Length in Km)

NAME OF STATE	PHASE I		PHASE II		TOTAL (PH I+PH II)	
	SANC-TIONED	COM-PLETED	SANC-TIONED	COM-PLETED	SANC-TIONED	COMPLETED
W. BEN-GAL	507.00	507.00	913.33	737.00	1420.33	1224.00
MEGHA-LAYA	152.31	149.29	77.57	74.60	229.88	223.89
ASSAM	198.06	198.06	263.20	150.44	461.26	348.50
TRIPURA	—	—	865.99	761.00	865.99	761.00
MIZORAM	—	—	348.68	154.00	348.68	154.00
TOTAL	857.37	854.35	2468.77	1877.04	3326.14	2731.39

Source: MHA Annual Report, 2016-17

Substantial parts of the fence constructed under the Phase-I in the States of West Bengal, Assam and Meghalaya have been damaged due to adverse climatic conditions, repeated submergence, etc. Accordingly, the Government of India has sanctioned a project (Phase-III) for erection of 861 km fence in order to replace the entire fence constructed under Phase-I at an estimated cost of 884 crore. So far, 782 km of fencing has been replaced and the remaining work of replacement of fence along the length of 79 km is held up due to litigation, public protests etc.

Figure: 5.2 Fencing Terminating at riverine gap



5.2.5. Border Roads: Border patrol road plays very important role in effective border domination. A well maintained proper border road greatly enhances accessibility and reaction time of troops to reach place of incident. As per record available, 3,596.83 km of border patrol roads have been constructed out of the sanctioned length of about 4,223.04 km.

TABLE: 5.2 STATE-WISE DETAILS OF DETAILS OF BORDER ROAD

(Length in km)

NAME OF STATE	ROAD COMPLETED UNDER PHASE I	PHASE II		TOTAL (PH I+PH II)	
		SANCTIONED	COMPLETED	SANCTIONED	COMPLETED
W. BENGAL	1689.00	0	0	1689.00	1689.00
ASSAM	176.40	102.42	82.27	278.92	258.77
MEGHALAYA	211.29	321.74	186.03	533.03	397.32
TRIPURA	480.51	639.64	460.67	1120.15	941.18
MIZORAM	153.06	448.88	157.50	601.94	310.56
TOTAL	2710.36	1512.68	88.47	4223.04	3596.83

Source: MHA Annual Report, 2016-17

5.2.6. Floodlighting: Flood lighting of fenced areas acts as deterrent for smugglers and force multiplier for the border guarding forces. It enhances visibility in night and reduces the requirement of manpower for border domination. Area where floodlighting is not feasible, area is kept under observation using hand held search light (HHSL), night vision devices (NVD), and hand held thermal imager (HHTI) etc. Government has sanctioned floodlighting of 2,849.61 km at the estimated cost of Rs 1,327 Crore. The progress of floodlighting work is as follows:

TABLE: 5.3 STATE-WISE DETAIL OF FLOODLIGHTING ALONG IBB

(Length in km)

NAME OF STATE	SANCTIONED	COMPLETED	BALANCE
W. BENGAL	1279.9	1238.79	41.11
ASSAM	217.44	217.44	0
MEGHALAYA	371.10	197.50	173.6
TRIPURA	690.62	664.10	26.52
MIZORAM	335.55	80.33	255.22
TOTAL	2894.61	2398.16	496.22

Source: MHA Annual Report, 2016-17

5.3. Border Area Development Programme (BADP):

5.3.1. Objective of Border Area Development Programme is to saturate the border areas with all the essential infrastructure. However this objective remains unfulfilled even after three decades of the inception of programme. There is wide spread illiteracy, backwardness and poverty along with severe lack of amenities in the border areas of West Bengal. Poor socio-economic in border belt has forced the local inhabitant of border belt to fall in trap of cattle smuggling. Ministry should carry out impact assessment of BADP to ascertain the measures that can be undertaken to make this programme a success.

5.3.2. The BADP is a Core Centrally Sponsored Scheme (CSS). The funding pattern of BADP is Centre 90%: State 10% for 8 North Eastern (NE) States and 3 Himalayan States, viz. Himachal Pradesh, Jammu & Kashmir and Uttarakhand; and Center 60% State 40% for all other 6 States. Funds are provided to the States as a non-lapsable Central Assistance Share for execution of projects relating to infrastructure, livelihood, education, health, agriculture and allied sectors.

5.3.3. The programme covers all the villages, which are located within the 0-10 kms of the International Border. In order to ensure qualitative implementation of the BADP and to ensure implementation of schemes in those villages which are located closer to the border, emphasis has been given in the guidelines to lay a special focus on the socio economic and infrastructure development of all the villages falling between '0 to 10 km' from the International Border. Major developmental infrastructure in various sectors namely (i) Road connectivity, (ii) Water Supply, (iii) Education, (iv) Sports activities, (v) Social Infrastructure, (vi) Health, (vii) Power, (viii) Agriculture & allied sectors, (ix) Skill development, etc is being developed in a planned way. Only after saturation of 0-10 kms villages, State Governments may take up the next set of villages within 0-20 kms distance. After saturating the villages falling between 0 to 20 km from the border, the next set of villages falling between 0-30 Kms and upto 0-50 Kms can be taken up for implementing the schemes under the BADP.

5.3.4. During 2017-18, budgetary allocation of Rs 1,10,000.00 Lakh has been made for BADP. Out of this, Rs 12,200 Lakh has been allotted to West Bengal and Rs 7,818.90 lakh only could be released because of non submission of utilization certificate. On enquiry from public representatives of the area it was noted that none of the scheme under BADP was under progress in the area.

5.4. Physical Barrier vis-à-vis Cattle seizure

Comparative analysis of cattle seizure between Fenced and Unfenced border/ Gaps for last five years along IBB is tabulated below:

TABLE: 5.4 EFFECT OF FENCING ON CATTLE SEIZURE

YEAR	NUMBER OF CATTLE SEIZED (QUANTITY)			VALUE OF CATTLE SEIZED (Rs)		
	FENCED	UNFENCED	TOTAL	FENCED	UNFENCED	TOTAL
2014	1496	108503	109999	7372150	482310598	489682748
2015	6037	147565	153602	51282360	1087723040	1139005400
2016	5966	162835	168801	54546085	1088093965	1142640050
2017	2486	116813	119299	21210915	764124289	785335204
2018	1895	61821	63716	23342500	578082906	601425406

Source: BSF OPS Directorate

Figure: 5.3 EFFECT OF FENCING ON CATTLE SEIZURE

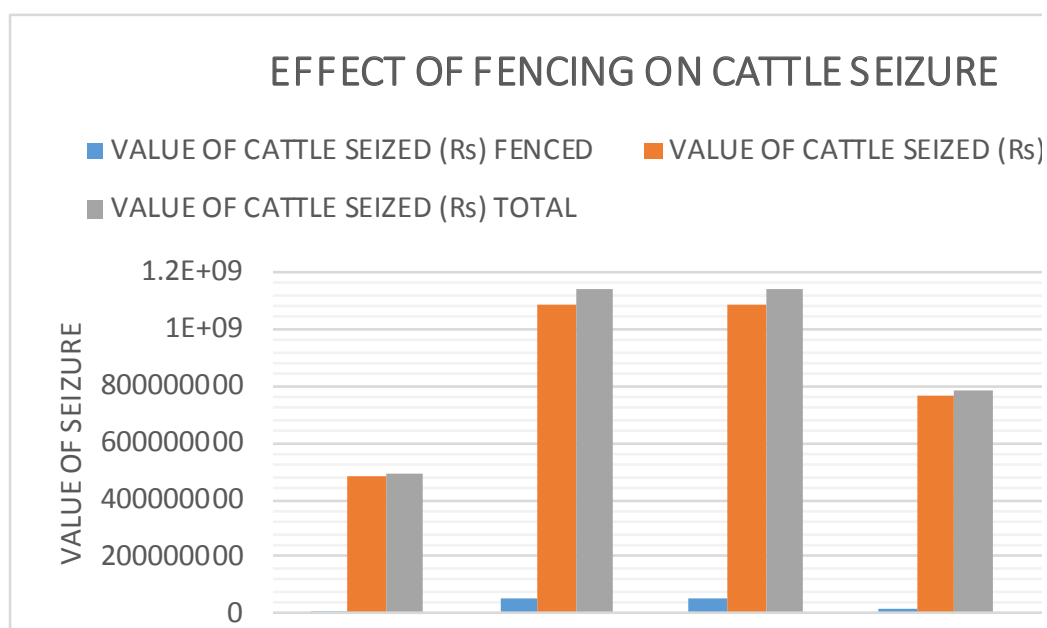


Table 5.5 shows value and number of cattle seized from fenced and unfenced border for last five years. It is apparent that most of the smuggling takes place through unfenced areas/gaps existing along Indo-Bangladesh Border. Fencing is one of the most important force multiplier for curbing cattle smuggling. Gaps are mostly riverine in nature where physical barrier is not possible and requires establishment of non physical barrier in the form of technical solution to curb smuggling.

Figure: 5.4 Riverine Border



5.5. Surveillance System

5.5.1. Border Security Force is deployed for 40096.7km along Indo-Bangladesh International Border (IBB) which passes through diverse and complex terrain ranging from mountains, rivers, marshy lands to thick jungles. Presently International Border (IB) is manned by erecting physical barriers in the form of fencing along with high-tech equipments such as Night Vision Devices (NVD), flood lights, Thermal Imageries, Radars and various kinds of sensors. It has been observed that places where physical barrier is not feasible because of terrain, a gap remains which are often exploited by terrorist and smugglers to enter inside Indian territory. Border Security Force carries out domination of IB manually by laying Nakas, ambushes and patrolling. Physical barriers have been installed all along IB in the form of fencing and flood lights. Areas where erecting barrier is not feasible because of terrain, remains open and are vulnerable to crossing by smugglers and anti-national elements.

5.5.2. Existing mode of physical domination has resulted in fatigue among troops as they are not able to get sufficient rest and relief because of long duty hours. Entire stretch of International Border (IB) is to be kept under observation 24*7 manually which requires lot of manpower. Though high tech equipments are being used but they are not comprehensive and integrated into a compact system to provide reliable security and much needed rest and relief to troops deployed on border. There is requirement of a domination system which covers vulnerable gaps in border and A also provides rest and relief to troops.

5.5.3. Multiple steps have been taken by security forces to ensure security of porous border. Some of these are as under:

-
- (a) The border areas are currently protected by fencing, floodlighting, sensors and naka/patrolling. Long Range Reconnaissance and Observation Systems (LORROSs), which have been deployed at strategic areas, have proven useful in the detection, identification and recognition of infiltrators.
 - (b) 383 border outposts (BOPs) have been constructed along the Indo-Bangladesh border and vulnerability mapping and strengthening has been done for vulnerable border outposts identified along the Indo-Bangladesh border. This has been done by deploying additional manpower, special surveillance equipment, vehicles and other infrastructure support.
 - (c) Use of drones for surveillance and security purposes has been one of the emerging technological trends across the world for border security management system.
 - (d) The Centre for Artificial Intelligence and Robotics under the Defense Research and Development Organisation (DRDO) is assisting to improve the technology used in border areas for communication and surveillance. Important innovations like the Radio Trunk System (RTS) and the Radio local system (RLS) have significantly improved military communication in the border areas.

5.5.4. Above mentioned surveillance technology are mostly being used along Indo-Pakistan Border and Line of Control (LoC) to detect the movement of terrorist. Since nature of the crime and the threat perceptions are different along Indo-Bangladesh Border, mode of domination, surveillance and response mechanisms are also different. Since cattle smuggling is most potent and visible threat, technological intervention must be made to curb this problem. Ministry of Agriculture, Government of India has devised a method of tamper proof identification of cattle using polyurethane tags with a Unique Identification Number Sequence. This may be made mandatory for all cows and its progeny throughout India for all cattle that is owned. System of mass tagging is already being used by many Livestock Insurance Companies. Each animal be tagged with a Unique Identification Number with proper records of identification details such as age, breed, sex, location, height, body colour, horn type, tail switch, special marks etc. A state level databank may be uploaded at website which may be linked with national on line database. Such cattle may be in dairy, kanji house or dry dairy and registration card be maintained by the owner of the cattle which may be transferred to the next owner, in case legitimate sale/ transfer take place. Updated cattle census with Unique Identification Number will greatly prevent illegal movement of cattle from one

place to another. Further, only designated vehicles duly fitted with Global Positioning System (GPS) be used for transportation of cattle from one place to another. This will greatly facilitate in keeping a track of movement of cattle being transported. Radio Frequency Identification Tag (RFID) may also be used to keep track of cattle movement (Government of India, MOH, Letter No 1107/16/2015 dt 23 Nov 2017)

5.5.5. Surveillance device which are extensively being used along IBB are suitable mix and class of various types of high-technology electronic surveillance equipment, such as Night Vision Devices (NVDs), Hand-Held Thermal Imagers (HH-TIs), Battle Field Surveillance Radars (BFSRs), Direction Finders, Unattended Ground Sensors and High Powered Telescope. These devices act as a force multiplier for effective border management.

Night vision signifies the ability to see in dark (night). This capability is naturally possessed by owls and cats, but with the development of science and technology, devices has been develop which enables human being to see in dark as well an in adverse atmospheric conditions such as fog ,rain, dust etc. Night vision technologies can be broadly divided into three main categories: (1) Image intensification (2) Active illumination and (3) Thermal imaging. Image intensification systems support direct observations by amplifying low levels of available light. Active illumination technologies work on the principle of coupling imaging intensification with an active source of illumination in the near infrared (NIR) band. Infrared is used in night vision technology when there is insufficient visible light to see. Infrared light can be split into three categories: (1) Near-infrared (near-IR) - Closest to visible light (2) Mid-infrared (mid-IR) and (3) Thermal-infrared (thermal-IR) Occupying the largest part of the infrared spectrum, thermal-IR has wavelength ranging from 3 microns to over 30 microns. A thermal image is a digital representation of a scene and a measure of the thermal radiation emitted by the pictured objects. Thermal images are captured via thermo graphic cameras, which are devices capable of sensing this radiation in the form of infrared light. A thermal image remotely senses the temperature of an object or at least accurately tells its temperature relative to its environment. This is useful as it allows us to essentially “see” in the dark as well as perceive the temperatures of many objects remotely. Hand Held Thermal Imagery is successfully being used for night domination on border and has assisted in seizure of large number of cattle.

5.5.6. Despite these successes, sustained and successful attempts by infiltrator/smugler in breaching the international border continued, which, in turn, compelled the BSF

to review the effectiveness of the existing electronic surveillance systems. An in-depth assessment of the existing border management system revealed that it suffered from a number of shortcomings, which hampered effective functioning. Some of the shortcomings highlighted were: (a) the high-tech equipment being used did not provide all-round security and did not work in adverse climatic conditions, (b) significant gaps remained at rivers and nullahs running along the fences (c) being manpower intensive, the system was not effective in providing rest and relief to BSF troops and (d) it is not an integrated system and therefore failed to provide a common operating picture at all levels. Given these shortcomings, the BSF argued that a new, efficient and high-tech surveillance system for border guarding is urgently required to prevent infiltration by terrorists and smugglers.

5.5.7. The Comprehensive Integrated Border Management System (CIBMS) is robust and integrated system capable of addressing the gaps in the present system of border security by seamlessly integrating human resources, weapons, and high-tech surveillance equipment. It has three main components:

- (1) New high-tech surveillance devices such as sensors, detectors, cameras, ground-based radar systems, micro-aerostats, lasers as well as existing equipment for round-the-clock surveillance of the international border
- (2) An efficient and dedicated communication network including fibre optic cables and
- (3) Satellite communication for transmitting data gathered by these diverse high-tech surveillance and detection devices; and
- (4) A command and control centre to which the data will be transmitted in order to apprise the senior commanders about the happenings on the ground and thus providing a composite picture of the international border.

A composite picture would help senior commanders analyze and classify the threat and mobilize resources accordingly to assist the field commander in his response. The purpose of the CIBMS is to eventually replace manual surveillance/patrolling of the international borders by electronic surveillance and organizing the BSF personnel into quick reaction teams to enhance their detection and interception capabilities. Other factors such as power back up, training of the BSF personnel in handling the sophisticated equipment, and maintenance of the equipment are incorporated into the CIBMS project.

5.5.8. Various kinds of sensors that are being used includes Electro optic Sensor, Static Camera, Pan-Tilt Zoom, Radar, Infrared Intruder Detection System, Tethered UAV and Zone Based Distributed Acoustics Centre etc. These sensors are laid in tiers to detect suspicious movement at border.

5.5.9. An Optical sensor converts light rays into electronic signals. It measures the physical quantity of light and then translates it into a form that is readable by an instrument. An optical sensor is generally part of a larger system that integrates a source of light, a measuring device and the optical sensor. This is often connected to an electrical trigger. The trigger reacts to a change in the signal within the light sensor by other methods. Optical switches are optoelectronic devices which can be integrated with integrated or discrete microelectronic circuits.

5.5.10. PTZ is an abbreviation for Pan, Tilt and Zoom and reflects the movement options of the camera. These are high-resolution camera which digitally zooms and pans into portions of the image, with no physical camera movement. Surveillance cameras of this type are often connected to a digital video recorder which records the full field of view in full quality. PTZ Cameras are commonly used in applications such as surveillance, video conferencing, live production, lecture capture and distance learning.

5.5.11. Underwater surveillance systems where sensors lie in surface buoys when nodes are first deployed. After deployment, sensors are lowered to various depths to get maximum coverage. Each node has multiple micro sensors of various types.

5.5.12. An infrared intrusion sensor includes an array of infrared detectors, infrared collection optics, a focal plane scanning device having a dither adapted to repetitively scan the infrared radiation across the detector array, signal process devices, and local or remote displays. Active infrared technology employs a two-column sensor for detection of intruders. The transmitter unit emits invisible active infrared beams. The receiver unit receives and analyses the beams and detects intruders passing between the two columns. With passive infrared technology, intrusions are detected by sensing temperature (heat radiation) contrast between an intruder moving through the detection pattern and the background environment.

5.5.13. sensing is a technology that enables continuous, real-time measurements along the entire length of a fiber optic cable. Unlike traditional sensors that rely on discrete sensors measuring at pre-determined points, distributed sensing does not rely upon manufactured sensors but utilizes the optical fiber. The optical fiber is the sensing element without any additional transducers in the optical path.

5.5.14. Use of high-tech integrated instrument for border surveillance has been experimented in other countries with limited success and mixed result. Secure Border Initiative net (SBI net) of USA highlights limitation of this system which could help to draw lessons and improve upon our hi-tech surveillance system which is under observation at pilot project stage. It was found that SBI net suffered from numerous technical glitches such as large number of false alarms, line of sight constrains, unreliable information transmission and equipment malfunction. Department of Home Security (DHS) concluded that programme was not viable and cost effective. It could not provide a single technological solution to border security and finally was discontinued in June 2017.

5.5.15. It is widely accepted that operation and maintenance of the existing sophisticated equipment remain a problem. At present many of the hi-tech surveillance equipment deployed by the BSF are not optimally utilized because required technical expertise is not uniformly available among force personnel. Further, high cost and lack of spare part act as deterrent against their use. Centralised decision making at Command Centre could hamper timely and effective response on ground. Lack of technical expertise, erratic power supply and adverse climatic and terrain condition could affect functioning of sophisticated equipments.

5.5.16. As per smuggling of cattle along IBB is concerned, CIBMS may not be effective as modus operandi of smugglers are different where they push in large number of cattle in one go across the riverine stretch. Prevention of smuggling in such situation requires large manpower at place of incident along with speed boats. Great engineering efforts are required to create physical barriers in the form of fencing, bridges and obstacles under bridges in marshy and riverine patches to plug the gap and curb cattle smuggling. However, hi-tech surveillance could be very effective along IPB where it could substantially reduce requirement of manpower for border domination. Infrastructure in remote border areas is not adequate to implement and execute big data analysis. Inadequate infrastructure coupled with untrained manpower is greatest bottleneck in its implementation. Data integration in single layer from different stakeholders in real time is great challenge.

5.6. Conclusion

Technical solution is the need of the hour but it must augment and complement the traditional method of border guarding. They not only enhance the surveillance and detection capabilities of the border guarding force but also improve impact of BSF against infiltration and trans-border crime. There is requirement of continuous up

gradation of existing physical infrastructure also. Concept of Smart hanging fence and anti climbing fence charged by solar energy and accompanied with cameras may be tried to combine physical barrier with surveillance device to obtain optimum result.

CHAPTER: 6 RECOMMENDATION AND CONCLUSION

Illegal trade of cattle still remains huge in terms of numbers of cattle head seized. It is may not possible to stop cattle smuggling as long as the margin of profit is very high and locals on both sides of the border are economically benefitted from it.

Recommendation:

- (i) Steps must be taken to strengthen Institutional framework by establishing State Animal Welfare Board and District Society for Prevention of Cruelty for Animals.
- (ii) Steps must be taken to create sustainable housing model in every block. These dry dairies may be made useful and self-sufficient. These dry dairies may be used for housing case property cattle and may serve as rehabilitation centres for all the cattle that is rejected by dairies and abandoned on roads and therefore prone to being smuggled out. Such dry dairies may be made on Gochar Bhumi.
- (iii) The practice of auctioning at border be discontinued. But so long related infrastructures are not in place, existing practice must continue to avoid operational inconvenience faced by BSF.
- (iv) Proper instruction be issued by respective department of Central and State Government regarding feed, maintenance and health care of seized cattle.
- (v) Registration and identification of cattle of whole state be carried by State Animal Husbandry Department and Ministry of Agriculture , Government of India. State data bank be created which may be linked to national on line data base.
- (vi) Active support and cooperation be sought from public to give information regarding movement of cattle for the purpose of smuggling. Special imphasis be given on intelligence sharing among agencies deployed on border.
- (vii) State government bordering Bangladesh may prohibit livestock market within 20 km distance from the International border
- (viii) There should be periodic operational level intelligence exchange between Custom, BSF and DRI to identify smuggling syndicates and networks and main persons behind the crime who are involved in cattle smuggling.
- (ix) There is general perception that there exists a relationship between socio-economic factors and cattle smuggling. However, analysis of the data

suggests that most of the socio- economic indicators have no direct relation with cattle smuggling. However, some of the factors such as average family income and age profile were found to have bearing on cattle smuggling. Religion and gender have no role to play and ultimately it is the supply and demand equation which promotes smuggling.

- (x) There has been a general decrease in number of cattle heads seized in last two to three years. This trend may be because of the increased border vigilance and progress in construction of physical infrastructure in feasible gaps along riverine border. However, construction of physical infrastructure is not as per desired pace resulting in continuance of cattle smuggling through vulnerable gaps. Data analysis clearly brings out fact that construction of fencing along with flood lighting has greatly reduced trans border crime particularly cattle smuggling.
- (xi) A gap of 423 km exists where technical solution is to be provided as construction of physical barrier is not feasible. However, no assured technical solution has been put in place till date. A pilot project of Integrated Comprehensive Border Management System (ICBMS) is in progress along IBB. Such type of technical solution has been experimented in other countries but with limited success. So long there is no technical solution in place, gaps have to be dominated manually by deploying additional manpower with existing surveillance equipments. However, technical solution is the need of the hour and proper combination of traditional system with high technical surveillance system be implemented to get optimum result.
- (xii) It has been realized that more focus needs to be given to curb the movement of cattle at source stage so that they do not reach the border. For this there is requirement of capacity building in the form of strengthening of Institutional framework (SPCA, SAWB and AWBI) and sensitization of enforcement agencies.
- (xiii) Various states have enacted their own cattle preservation laws. There is no consistency in these laws, even on fundamental issues, these states differ. Ambiguities in legal position in different states are exploited by smugglers. The effective enforcement of law requires coordinated efforts by various Union and State agencies.
- (xiv) As per latest instruction issued by the government, practice of auctioning seized cattle has been discontinued. This will ensure that cattle are not

recycled back for smuggling. However, it is important to mention that no alternate mechanism for disposal of seized cattle has been put in place. This has resulted in accumulation of large number of cattle at BSF BOPs. Troops have been committed for safe custody of cattle there by affecting the core task of ensuring safety and security of border. It is proposed to continue with old system of cattle auctioning till infrastructure and sufficient funds are in place for execution of new system.

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THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(i)]

(2) Where a veterinary inspector is of the opinion that any animal in an animal market is unfit, he may treat it, or cause it to be treated, and take, or cause to be taken, any other steps that he considers necessary to protect it from unnecessary pain or suffering, and he may for any such purpose require the Animal Market Committee to detain the animal in a pen for as long as he considers necessary for the purpose of further treatment or otherwise protecting it from unnecessary pain or suffering.

(3) Where an animal is being detained under this rule, no person shall move it from its place of detention except with the approval of a veterinary inspector and in accordance with any conditions subject to which the approval is given.

(4) The Animal Market Committee shall—

(i) render such assistance to a veterinary inspector as he may require for the purpose of facilitating the exercise of his powers under these rules;

(ii) give to a veterinary inspector such information as it possesses as to the ownership of any animal in respect of which any such power is exercised.

(5) Expenses incurred by a veterinary inspector in treating, or causing to be treated, an unfit animal in exercise of the powers conferred on him by these rules shall be borne by the owner of the animal.

26. Marking of animals.— The veterinary inspector may mark, or cause to be marked, any animal including by ear tags but hot branding, cold branding and other injurious marking shall be prohibited.

27. Ramps.—Where, at any time after the coming into force of these rules, any premises are constructed for use as an animal market, it shall be the duty of the Animal Market Committee for that market to ensure that facilities are provided in the market for the purpose of loading and unloading cattle, sheep, goats, horses, ponies, donkeys, mules, camels and pigs into and out of vehicles and that those facilities consist of fixed ramps or other facilities which are of a height and design suitable and as specified for that purpose; and it shall be the duty of the Animal Market Committee to ensure that any fixed ramp or other facilities which are so provided are fitted with side railings (or some other means of protection) designed and constructed so as to prevent such animals from falling off them.

[F. No. 1/1/2016-AWD]

RAVI S. PRASAD, Jt. Secy

NOTIFICATION

New Delhi, the 23rd May, 2017

G.S.R.495(E).—Whereas the draft Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2016 were published, as required under sub-section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), vide the Ministry of Environment, Forest and Climate Change notification number G.S.R. 35(E), dated the 16th January, 2017 in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), the 16th January, 2017 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas the copies of the said Gazette were made available to the public on the 16th January, 2017;

And whereas objections and suggestions received from the public have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, namely: —

1. Short title and commencement.—(1) These rules may be called the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.— In these rules, unless the context otherwise requires, —

(a) “Act” means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960);

(b) “Animal Welfare Organisation” means an organisation recognised by the Animal Welfare Board of India and includes a Society for Prevention of Cruelty to Animals established in any district under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 made under the Act;

(c) “cattle” means a bovine animal including bulls, cows, buffalos, steers, heifers and calves and includes camels;

(d) “Society for Prevention of Cruelty to Animals (SPCA)” means a SPCA

established under the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 made under the Act;

(e) “State Board” means the State Animal Welfare Board constituted, in a State, by the State Government;

(f) “vehicle” means any vehicle (including a trailer of any description and the detachable body of a vehicle) constructed or adapted for use on a road; 22 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(i)]

(2) If the accused is found not guilty of all charges, the seized animal shall be returned to the accused or owner of the animal and the unused portion of any bond amount executed shall be returned to the person who executed the bond.

(9) Process of adoption or other disposition.— (1) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala having custody of the animal during the litigation or post litigation may euthanize the animal in its custody as per section 13 of the Act.

(2) Where the animal has been forfeited to the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala after conviction, abandonment or voluntary relinquishment, as the case may be, the animal shall be put up for adoption.

(3) A person who has been charged under the Act or any cattle preservation law made by the State Government shall be prohibited from adopting animals from the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala.

(4) The infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala prior to giving the animal for adoption shall,—

(a) in case of cattle, take an undertaking in form of an affidavit that the animals are adopted for agriculture purposes and not for slaughter, and verify that the person adopting the animal is an agriculturist by seeing the relevant revenue document;

(b) in case of draught and pack animals, take an undertaking in the form of an affidavit that the animals are adopted for draught and pack purposes and not for slaughter;

(c) in case of dogs and cats, ensure that the animal is spayed or neutered before adoption;

(d) keep a record of name and address of the person adopting the animal and procure an identity proof and address proof of the person adopting the animal;

(e) obtain from the person adopting the animal a declaration in the form of an affidavit that he shall not alienate the animal up to six months from the date of adoption and shall abide by the rules for transport framed under the Act or any other law for the time being in force and shall get regular veterinary checkup done for the animal.

(5) The person adopting the animal shall–

(a) not sell the animal;

(b) not abandon the animal;

(c) follow the State cattle protection and preservation law;

(d) not sacrifice the animal for any religious purpose;

(e) not sell the cattle to a person outside the State without permission as per the State cattle protection and preservation law.

(6) Where a cattle or a draught and pack animal has been adopted, before its removal from the premises of the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, the proof of adoption shall be issued in five copies, out of which first copy shall be handed over to person adopting the animal, second copy to infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, third copy to tehsil office of the residence of person adopting the animal, fourth copy to the Chief Veterinary Officer, Office of District of person adopting the animal and last copy shall be sent to the court to be filed in the case file.

(7) The adoption of animal shall not create an irrevocable right to the person adopting the animal, and the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, may from time to time inspect the animal and in case it finds that the person who has adopted the animal is not providing sufficient care or it has reasons to believe that an offence under the Act or any cattle preservation law is anticipated, then the infirmary, pinjrapole, SPCA, Animal Welfare Organisation or Gaushala, as the case may be, shall take possession of the animal.

(8) The person adopting the animal shall only be the lawful guardian of the animal and shall not have any rights bestowed generally to an owner of the animal, but shall have the duty to take all responsible measures to ensure the well being of such animal and to prevent infliction upon such animal of unnecessary pain or suffering.

[F. No. 1/1/2016-AWD]

RAVI S. PRASAD, Jt. Secy.

**DATA COLLECTION FORM
(SOCIO-ECONOMIC INDICATORS)**

1. NAME OF THE BORDER OUT POST

2. LENGTH OF THE BORDER (FENCED/UNFENCED)

3. CATTLE SEIZED

YEAR	QUANTITY (in thousands)	VALUE
2016		
2017		
2018		

4 .No. OF VILLAGES FALLING UNDER AOR OF BOP

5 .TOTAL POPULATION OF VILLAGES UNDERAOR OF BOP (in lakhs/
thousands)

Following data for each BOP as percentage of total population be collected:
(Percentage of population)

6. RELIGION: HINDU

MUSLIM

CHRISTIAN

OTHERS

7. GENDER:

MALE

FEMALE

8. AGE: 1 TO 10 YEARS

11-20 YEARS

21-40 YEARS

ABOVE 41 YEARS

9. FAMILY MONTHLY INCOME: BELOW 2000

2001-5000

5001-8000

ABOVE 8000

10. OCCUPATION:

AGRICULTURAL LABOUR

INDUSTRIAL LABOUR

BUSINESS

CULTIVATION

11. EDUCATION:

ILLITERATE

PRIMARY (UP TO V)

MIDDLE (V TO VIII)

HIGH SCHOOL (IX TO XII)

GRADUATE

12. HOUSE TYPE:

NO HOUSE

HUT

KUCHHA HOUSE

PUCCA HOUSE

13. LAND HOLDING:

LANDLESS

BELOW 0.33 ACRES

1 TO 4 ACRES

ABOVE 4 ACRES

14. SCHOOLS:

TYPE OF SCHOOL	No. OF SCHOOL	No. OF TEACHER	No. OF STUDENT (segregate male and female if possible)
PRIMARY			
MIDDLE			
HIGH			

15. HEALTH FACILITIES:

TYPE OF HEALTH CENTRE	No. OF DOCTOR/ NURSING ASSISTANT	AVERAGE. No. OF PATIENTS TREATED PER MONTH
PHC		
AAGANWARI		
PRIVATE DOCTORS		

16. No. OF HOUSE HOLDS IN AOR OF BOP:

17. AVERAGE No. OF PERSON PER HOUSE HOLD:

18. AVAILABILITY OF PIPED DRINKING WATER:

YES

NO

19. ELECTRICITY:

YES

NO

20. AVERAGE HOURS OF SUPPLY OF ELECTRICITY PER DAY

21. ROADS:

METALLED (PUCCA)

NON-METALLED (KUCHHA)

ANNEX III

Gist of State Legislations on Cow Slaughter

Main features of legislations enacted by the States/UTs on cow slaughter

SR.NO.	STATE/TITLE OF LEGISLATION	GIST OF PROVISIONS
1.	ANDHRA PRADESH THE ANDHRA PRADESH PROHIBITION OF COW SLAUGHTER AND ANIMAL PRESERVATION ACT, 1977	<u>Definitions:</u> <u>"Cow"</u> - includes heifer, or a calf, whether male or female of a cow. <u>"Calf"</u> - age not defined. <u>Ban on slaughter:</u> <u>Slaughter of "Cow" prohibited</u> <u>Slaughter of bull, bullock allowed on 'fit-for-slaughter'</u>

certificate, to be given only if the animal is not economical or is not likely to become economical for the purpose of breeding or draught/agricultural operations.

Imprisonment up to maximum of 6 months or fine of up to Rs 1,000 or both.

cognisable

2.

ASSAM
THE ASSAM CATTLE PRESERVATION
ACT, 1950

Definitions:

"Cattle" means `Bulls, bulls, oaks, cows, calves, male and female buffaloes and buffalo calves.

"Calf" not defined.

Ban on slaughter:

Slaughter of **all cattle allowed** on `fit-for-slaughter' certificate, to be given if cattle is over 14 years of age or has become permanently incapacitated for work or breeding due to injury, deformity or any incurable disease.

Imprisonment up to maximum of 6 months or fine of up to Rs 1,000 or both.

Offence:

Cognisable only

3.

BIHAR

THE BIHAR PRESERVATION AND IMPROVEMENT OF ANIMALS ACT, 1955

Definitions:

Bull – uncastrated male of above 3 years.

Bullock - castrated male of above 3 years.

Calf - male or female below 3 years.

Cow - female above 3 years.

Ban on Slaughter:

Slaughter of cow and calf totally prohibited

Slaughter of bull or bullock of over **15 years** of age or has become permanently incapacitated for work or breeding due to injury, deformity or any incurable disease.

Imprisonment up to maximum of 6 months or fine of up to Rs 1,000 or both.

Offence:

Cognisable only

Ban on Export :

Export of cows, calves, bulls and bullocks from Bihar is not allowed for any purpose.

4.	<p>DAMAN & DIU THE GOA , DAMAN & DIU PREVENTION OF COW SLAUGHTER ACT, 1978</p>	Details as for Goa .
5.	<p>DELHI THE DELHI AGRICULTURAL CATTLE PRESERVATION ACT, 1994</p>	<p><u>Definitions:</u> <u>Agricultural Cattle- cows of all ages, calves of cows of all ages, bulls and bullocks</u> .</p> <p><u>Ban on Slaughter:</u> <u>Slaughter of all agricultural cattle is totally prohibited.</u> <u>Ban on Transport or Export for slaughter is also prohibited.</u> <u>Export for other purposes permitted on declaration that cattle will not be slaughtered.</u> <u>Export to a State where slaughter is not banned by law will not be permitted.</u></p> <p><u>Penal provisions :</u> <u>Imprisonment upto five years and fine upto Rs. 10,000, provided that normally imprisonment should not be less than 6 months and fine not less than Rs 1,000.</u> <u>Burden of proof is on the accused.</u> <u>Both cognisable and non-b</u></p>

ailable.

-

6.

GOA

THE GOA , DAMAN & DIU PREVENTION OF COW SLAUGHTER ACT, 1978.

THE GOA ANIMAL PRESERVATION ACT, 1995

Definitions :

Cow includes cow, heifer or calf.

Age of calf not defined.

Ban on Slaughter :

Total ban on slaughter of cow except when cow is suffering pain or contagious disease or for medical research.

Prohibition of sale of beef or beef products in any form

-

Penalty Provisions :

Imprisonment up to 2 years or fine up to Rs 1,000 or both.

Offences :

Both cognisable and non-bailable.

-

Definitions:

Applicable to bulls, bullocks, male calves and buffaloes of all ages.

Ban on Slaughter:

All the animals can be slaughtered on 'fit-for-slaughter' certificate which is not given if the animal is likely to become economical for draught, breeding or milk (for she/buffaloes) purposes

Prohibition of sale of beef obtained in contravention of above provisions, except beef imported from other States.

-

Imprisonment up to maximum of 6 months or fine of up to Rs 1,000 or both.

-

Cognisable only.

7.

GUJARAT

THE BOMBAY ANIMAL PRESERVATION ACT, 1954 (APPLIED TO GUJARAT)

Definitions:

Applicable to bulls, bullocks, cows, calves and male/female buffalo calves.

-

Ban on Slaughter:

Slaughter of cow, calf, bull or bullock totally prohibited.

Slaughter of buffaloes per

		<p><u>mitted on certain condition</u> <u>s.</u></p> <p>-</p> <p><u>Imprisonment up to maximum of 6 months or fine of up to Rs 1,000 or both.</u></p> <p>-</p> <p><u>Cognisable only.</u></p>
8.	<p>HARYANA</p> <p>THE PUNJAB PROHIBITION OF COW SLAUGHTER ACT, 1955 (APPLICABLE TO HARYANA)</p>	<p>Provisions same as for Punjab except penal provisions</p> <p><u>Penal provisions :</u> <u>Rigorous imprisonment up to 5 years or fine up to Rs 5,000 or both.</u></p> <p>-</p>
9.	<p>HIMACHAL PRADESH</p> <p>THE PUNJAB PROHIBITION OF COW SLAUGHTER ACT, 1955 (APPLICABLE TO THE STATE OF HIMACHAL PRADESH)</p>	<p>All provisions same as for Punjab .</p>
10.	<p>JAMMU & KASHMIR</p> <p>THE RANBIR PENAL CODE, 1932</p>	<p>Voluntary slaughter of any bovine animal such as ox, bull, cow or calf shall be punished with imprisonment of either description which may extend to 10 years and shall also be liable to fine .</p>

Fine may extend to five times the price of the animals slaughtered as determined by the Court.

Possession of flesh of killed or slaughtered animals is also an offence punishable with imprisonment up to 1 year and fine up to Rs 500.

11.

KARNATAKA

THE KARNATAKA PREVENTION OF COW SLAUGHTER AND CATTLE PRESERVATION ACT, 1964

Definitions:

Animal - means bull, bullock, and all buffaloes.

Cow – includes calf of a cow, male or female.

Ban on Slaughter:

Slaughter of cow, calf of a cow or calf of a she-buffalo totally prohibited.

Slaughter of bulls, bullocks and adult buffaloes permitted on 'fit-for-slaughter' certificate provided cattle is over **12 years** of age or is permanently incapacitated for breeding, draught or milk due to injury, deformity or any other cause.

Transport for slaughter to

a place outside a state not permitted.

Sale purchase or disposal of cow or calf for slaughter not permitted.

Imprisonment up to maximum of 6 months or fine of up to Rs 1,000 or both.

-

Cognisable only.

-

12.

KERALA

No state legislation - only Panchayat Act/Rules

Kerala Panchayat (Slaughter Houses and Meat Stalls) Rules, 1964

Panchayat laws provide for prohibition of slaughter of useful animals in Panchayat (non-municipal) areas in the State. Under the Kerala Panchayat (Slaughter Houses and Meat Stalls) Rules, 1964, no certificate shall be granted under Rule 8 in respect of a bull, bullock, cow calf, he-buffalo or she-buffalo or buffalo calf unless the animal is over 10 years of age and is unfit for work or breeding or the animal has become permanently incapacitated for work or breeding due to injury or deformity. In 1976, the Kerala Government issued an executive order banning the slaughter

er of useful animals in the M
unicipal areas as well.

13.

MADHYA PRADESH

THE MADHYA PRADESH AGRICULTU
RAL CATTLE PRESERVATION ACT, 19
59.

Definitions:

Agricultural cattle means c
ows of all ages, calves of c
ows, bull, bullocks and all
buffaloes.

-
Ban on Slaughter:

Slaughter of cow, calf of co
w, bull, bullock and buffalo
calf prohibited.

However, bulls and bullock
s are being slaughtered in
the light of Supreme Court
judgement, provided the c
attle is over **15 years** or h
as become unfit for work o
r breeding.

Transport or export for sla
ughter not permitted.

Export for any purpose to
another State where cow sl
aughter is not banned by l
aw is not permitted.

Sale , purchase, disposal o
f cow and its progeny and
possession of flesh of cattl
e is prohibited.

-

Imprisonment up to 3 years and fine of Rs.5,000.

Normally imprisonment shall not be less than 6 months and fine not less than Rs 1,000.

Burden of proof is on the accused.

-

Offences :

Cognisable only.

-

14.

MAHARASHTRA

THE MAHARASHTRA
ANIMAL PRESERVATION ACT, 1976

Definitions:

'Cow' includes a heifer or male or female calf of a cow.

-

Ban on Slaughter:

Slaughter of cow totally prohibited.

Slaughter of bulls, bullocks and buffaloes allowed on fit-for-slaughter certificate, if it is not likely to become economical for draught, breeding or milk (in the case of she-buffaloes) purposes.

Imprisonment up to maximum of 6 months and fine of up to Rs 1,000.

		<p><u>Burden of proof is on the accused.</u></p> <p><u>Cognisable only.</u></p> <p>-</p>
15.	<p>MANIPUR</p> <p>PROCLAMATION BY MAHARAJA - DA RBAR RESOLUTION OF 1936</p>	<p>"According to Hindu religion the killing of cow is a sinful act. It is also against Manipur Custom. I cannot allowed such things to be committed in my State. So if any one is seen killing a cow in the State he should be prosecuted."</p>
16.	<p>MEGHALAYA</p>	<p>NO LEGISLATION</p>
17.	<p>NAGALAND</p>	<p>NO LEGISLATION</p>
18.	<p>ORISSA</p> <p>THE ORISSA PREVENTION OF COW SLAUGHTER ACT, 1960</p>	<p><u>Definitions:</u></p> <p><u>'Cow' includes heifer or calf</u></p> <p>-</p> <p>-</p> <p><u>Ban on Slaughter:</u></p> <p><u>Slaughter of cow totally prohibited.</u></p> <p><u>Slaughter of bull, bullock on fit-for-slaughter certificat</u></p>

e if cattle is over **14 years** of age or has become permanently unfit for breeding, draught.

Imprisonment up to maximum of 2 years or fine up to Rs 1,000 or both.

-
Cognisable only.
-

19.

PONDICHERRY

THE PONDICHERRY PREVENTION OF COW SLAUGHTER ACT, 1968

Definitions:

'Cow' includes heifer or calf

±

-
Ban on Slaughter:

Slaughter of cow totally prohibited.

Slaughter of bull or bullock permitted on 'fit-for-slaughter' certificate provided it is over age of **15 years** or has become permanently unfit for breeding or draught

±

Prohibition on sale, transport of beef.

-
Imprisonment up to maximum

um of 2 years or fine up to Rs 1,000 or both.

-
Cognisable and non-bailable.

20.

PUNJAB

THE PUNJAB PROHIBITION OF COW
SLAUGHTER ACT, 1955

Definitions:

"Cow" includes bull, bullock, ox, heifer or calf.

-
Ban on Slaughter:

Slaughter of cow (and its progeny) totally prohibited.

Export for slaughter not permitted.

Sale of beef prohibited.

-
Penal provisions :

Imprisonment up to maximum of 2 years or fine up to Rs 1,000 or both.

Burden of proof is on the accused.

-
Offences :

Cognisable and non-bailable

e.

-

21.

RAJASTHAN

THE RAJASTHAN BOVINE ANIMAL (PROHIBITION OF SLAUGHTER AND REGULATION OF TEMPORARY MIGRATION OR EXPORT) ACT, 1995

Definitions:

'Bovine' - means and includes cow, calf, heifer, bull or bullocks.

'Bull' - means uncastrated male above 3 years

'Bullock' - means castrated male above 3 years

'Calf' - means castrated or uncastrated male of 3 years and below.

'Cow' - means female above 3 years; 'Heifer' is female of 3 years or below.

-

Ban on Slaughter:

Slaughter of all bovine animals prohibited.

Possession, sale, transport of beef and beef products is prohibited. Export of bovine animal for slaughter is prohibited.

Custody of seized animals to be given to any recognized voluntary animal welfare agency failing which to a

ny Goshala, Gosadan or a suitable person who volunteers to maintain the animal.

-
Rigorous imprisonment of not less than 1 year and up to maximum of 2 years and fine up to Rs 10,000.

Burden of proof is on the accused.

22.

TAMIL NADU

THE TAMIL NADU ANIMAL PRESERVATION ACT, 1958

Government orders banning cow slaughter dt. 30th August, 1976 .

Definitions:

'Animal' means bulls, bullocks, cows, calves; also, buffaloes of all ages.

Ban on Slaughter:

All Animals can be slaughtered on 'fit-for-slaughter' certificate

Certificate given if animal is over **10 years** of age and is unfit for work and breeding or has become permanently incapacitated for work and breeding due to injury deformity or any incurable disease.

Imprisonment of up to 3 years or fine up to Rs 1,000

or both.

-
Slaughter of cows and heifers (cow) is banned in all slaughterhouses in Tamil Nadu.

23.

UTTAR PRADESH

THE UTTAR PRADESH PREVENTION OF COW SLAUGHTER ACT, 1955

Definitions:

'Beef' means flesh of cow and of such bull or bullock whose slaughter is prohibited under the Act, but does not include such flesh contained in sealed containers and imported into U.P.

'Cow' includes a heifer and calf.

-
Ban on Slaughter:

Slaughter of cow totally prohibited.

Slaughter of bull or bullock permitted on 'fit-for-slaughter' certificate provided it is over the age of **15 years** or has become permanently unfit for breeding, draught and any agricultural operations.

Transport of cow outside the State not permitted for slaughter.

Prohibition on sale of beef.

-

Penalty provisions:

Rigorous imprisonment up to 2 years or fine up to Rs 1,000 or both.

-

Offences :

Cognisable and non-bailable.

-

24.

WEST BENGAL

THE WEST BENGAL ANIMAL SLAUGHTER ACT, 1950

Definitions :

Scheduled animals – bulls, bullocks, cows calves and buffaloes of all types/ages.

-

Ban on Slaughter :

Slaughter of **all animals** permitted on 'fit-for-slaughter' certificate

Certificate given if animal is over **14 years** of age and unfit for work or breeding or has become permanently incapacitated for work and breeding due to age, injury, deformity, or any incurable disease.