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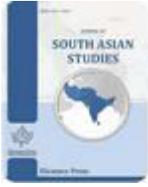
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INTERACTIVE MANAGEMENT OF THE SINO-INDIAN BORDER DISPUTES: A GAME THEORY ANALYSIS

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ABSTRACT

The complex Sino-Indian relationship is the result of the historical evolutions and shared borders between the two countries. Their underlying tensions are being exacerbated by today's expectations of playing an increasingly important role in the global governance and a trend of mistrust of their respective geopolitical intentions. There exists a big gap of perception of Sino-Indian boundary and a massive deficit of mutual trust between the two states in addition to political differences and populism confronting both Chinese and Indian policy-makers. Sino-Indian relations are characterized by a security dilemma as a result of a mutual lack of trust. Both parties are trying to determine the true intentions of the other party. Although since the 1990s the management and control measures and the political vision of the policymakers have made their border disputes controllable without affecting the development of bilateral relations and cooperation in other fields, the boundary problem continues to reside in the nondeterministic elements between the two countries' relationship, which in turn generates abnormality and even "crisis", along with electoral changes in the Indian domestic political landscape from time to time. The "spillover effect" of the Sino-Indian border game is remarkable and has mitigated the border tensions or crises in the region. Therefore, the armed cold peace with controllable and low extent local crisis is expected to be the common "status-quo" for the Sino-Indian border regions. It is safe to assume that the spillover effect of the Sino-Indian border disputes leads to competitive cooperation under a dynamic, non-cooperative, incomplete information game. This central feature of the bilateral relations could not exclude the possibility of a conflict in the future as happened in 1962.

Keywords: Border Disputes, Equilibrium, Security Dilemma, Sino-Indian Relations, Strategy Interaction.

INTRODUCTION

The rise of China and its growing competition with US tends to take up most of the strategic debate in the Indo-Pacific region. Moreover, the simultaneous rise of China and India key actors in Asia and their likely competition has the potential to critically influence the geopolitics of the region (Mohan, 2011; Ryan, 2012; Malone & Mukherjee, 2010). Not only does the Sino-Indian relationship bear the consequences of the historical and common borders issues, but similarly faces the current challenges of global governance and a trend of mistrust of their respective geopolitical intentions (Smith, 2013). There is a big gap of perception of the Sino-Indian boundaries and a massive deficit of trust between the two neighbors in addition to political differences and

populism confronting both Chinese and Indian policy-makers. Sino-Indian relations are characterized by a security dilemma as a result of this very mutual lack of trust. Each party finds it difficult to determine the true intentions of the other (Jervis, 1978).

The 'security dilemma' is a fundamental concept of the realist school of thought in International Relations. In an anarchic international environment, competition is inevitable. The states are seeking their survival and independence and, for these reasons, they exercise caution with regard to their security. The power of a state is compared with the power level of other states. States evaluate the power in relative rather than in absolute terms. The power increase of a state constitutes a reduction in the power of another. This situation was

defined by John Herz's "security and power dilemma" (Herz, 1950) and describes the obstacles that two countries face in achieving peace and cooperation.

John Herz has been characterized as the deviser of the term "security dilemma" (Booth and Wheeler, 2008). In recent years, offensive realists (Mearsheimer, 2001) argue that in the anarchy of world politics, fears about the intentions of rival states may drive even two security-seeking states away from cooperation. On the other hand, defensive realists (Glaser, 1995) claim that two security-seeking states should not find it difficult to cooperate if they recognize each other as security-seeking, and while uncertainty about state's motivations can complicate matters, uncertainty alone does not imply the dire predictions of offensive realism.

In an essential contribution to the security dilemma debate, Kydd (2005) proposes the **Bayesian realism**, as an alternative theory to offensive and defensive realism. In Bayesian realism, **states have different preferences for revising the status quo and the level of trust between them is a variable**, as opposed to offensive and defensive realism in which states are always security-seeking.

Equally important is Robert Jervis' analysis on the security dilemma, in which he emphasizes how the increase of a state's security reduces the safety of others, not because of misunderstandings or an imaginary hostility, but because of the anarchic nature of international relations. According to Jervis, even though states have confidence in the peaceful intentions of others, one cannot ignore the possibility that a state can express aggressive behavior in the future (Herz, 1976). Jervis introduced the spiral model into the theory of the security dilemma. According to Jervis, the security dilemma is a dynamic situation in which states, in the competition for more power and security, enter a spiral process, also known as the arms race. Such a situation has the potential to lead to conflict, although conflict was not part of the original intention. The spiral process is easy to be activated, as the increase in power of a national state factor diffuses into the international system (Holsti, 1985). This "vicious circle of security and power accumulation" is called security dilemma.

Between China and India there is a mutual suspicion that each is seeking to contain the other through strategic encirclement. In their view, this encirclement is being achieved through competition for regional influence and military maneuvering in the other nation's traditional

sphere of influence. This situation leads to a classic security dilemma.

It is safe to assume that the Sino-Indian border game is a dynamic, incomplete information and non-cooperative game and, more specifically, it could be presented as a bargaining or security dilemma game that cannot exclude the possibility of a conflict in the future, as it happened in 1962.

The research question of this paper regards the status-quo of the Sino-Indian border dispute in the context of the complex interaction between the two countries, involving, inter alia, interest defining, rational choice, bargaining, trust building and information communication. How should the Sino-Indian game be regarded in the context of the aforementioned independent variables? And what role shall the management and control measures mechanisms in the Sino-Indian border areas play in the bilateral game? How to evaluate the prospects of the Sino-Indian boundary negotiation? The current article attempts an analysis of the questions above in the light of non-cooperative game theory.

APPLICABLE MODELS OF SINO-INDIAN BOUNDARY DISPUTE GAME

The border disputes between India and China can be presented as a bargaining game where conflict occurs if the states cannot agree to share the disputed territories peacefully (Baliga and Sjostrom, 2015). In this bargaining game between China and India, there is a status quo which each country (China or India) may challenge in the future.

Hypothesis 1. As for solving the boundary disputes, China and India's strategies could be divided into Hawk (challenge-mobilize marked with M) and Dove (no challenge non-mobilize marked with N). We will not consider the cases of no contact and no dialogue (i.e., to maintain the status quo of isolation, no game environment) under both parties' Dove strategy. If Hawk is adopted (i.e., to enter the disputed region between the two countries), there is a high probability of a Sino-Indian boundary crisis and even war, and a low probability to sign a boundary treaty and, consequently, divide territory peacefully. If both parties mobilize army, both China and India's expected earnings are 0; if the parties don't mobilize the army, the possibility for settling the border dispute through negotiations is very high between China and India, so both parties' expected earnings become the positive value B. If one country

mobilizes the army or enters the disputed territory, while the other country does not mobilize its military, and itself or any third party cannot ask the respective party out of the occupied disputed territory, the expected earnings of mobilization party would be A while the expected earnings of demobilization party would be C. The current analysis will be constructed around the potential strategies listed above.

Hypothesis 2. IN order to analyze the China-India border dispute and the security dilemma associated with it, the Stag Hunt was chosen as the most appropriate dynamic game for the case. According to Sandeep Baliga and Tomas Sjostrom (2010, if the actions of the states are strategic complementsⁱ then the game is Stag Hunt and if the actions are strategic substitutesⁱⁱ then the game is Chicken. However, Chicken was not preferred for this analysis since it is a game of strategic substitute, which means that if the gain from becoming more hawkish is smaller, the more hawkish is the other country. In other words, a show of toughness might force the opponent to back down. Surely the case of China and India could not be mirrored by the Chicken Game given their size and power, hence the game model was not selected for analysis. According to Jervis (1978), when there is a security dilemma between two states and a lack of trust, the games that can be used are Stag Hunt and the repeated Prisoner's Dilemma. The Prisoner's Dilemma (Jervis, 1978), unlike the Stag Hunt, does not envisage a solution that is in the best interests of both countries. In other words, there are offensive as well as no defensive incentives to defect from coalition with the others, and if the game is to be played only once, the only rational response is to defect. But if the game is repeated, the latter characteristic no longer holds and we can analyze the game in terms similar to those applied to the Stag Hunt. Only if Prisoner's Dilemma is repeated, it could accurately present the situation (China and India relations), but, in such case, it would resemble the Stag Hunt. For this reason, Prisoner's Dilemma was not selected for the analysis.

Hypothesis 3. When calculating one boundary strategy's output, both China and India will consider whether the boundary dispute is solved or not, and the potential spillover effects of their respective border status; that is to say that the actors tend to choose the most feasible strategy considering the discount factor. In this case, the payoff function expectation shall influence both parties' behavioral strategies toward disputed

territory. On the one hand, this eliminates the possibility of a cold war in Asia caused by border disputes between China and India; on the other hand, this also decreases both parties' motivation to solve the boundary problem as soon as possible. In other words, the two countries won't set the border dispute as their top priority. It is necessary to consider spillover factors in space and delay influence in time in order to choose boundary strategy (i.e. discount factor). In this regard, mainly three factors shall be considered: economic benefits (expressed as D), security (including domestic security) benefits (expressed as E) and international reputation (expresses as F). The interaction of China and India in the border region depends on the contrast of pure territorial payoff function and the discount factor under one specific strategy (M/N). If $A > D + E + F$, the parties are more likely to mobilize their troops; conversely, if B or $C \geq D + E + F$, the state party is less likely to mobilize the army, negotiate a border delimitation agreement or maintain a "cold peace", i.e. an armed coexistence within the border area.

Hypothesis 4. For reasons that serve the analysis and study of the Sino-Indian relations, the paper assumes that the game is played by two states only. In fact, the game is played by more players. Scrutinizing the relations between China and India would be incomplete without studying the part played by USA (Indibara, 2014), Pakistan (Holslag, 2009), the buffer states like Nepal and Myanmar (Burma) and other actors like Bangladesh and Sri Lanka and, to some extent, by Russia and Japan.

The Stag Hunt game model perfectly illustrates the bargaining game and how actions of the states are strategic complements. (Baliga and Sjostrom, 2010) This captures the idea that fear can cause aggression and escalate into conflict, as Hobbes's "state of nature", where conflict is caused by lack of trust (Baliga and Sjostrom, 2012) or Jervis's "spiraling model". In Stag Hunt, toughness feeds on itself in a cycle of fear (Baliga and Sjostrom, 2015). When the bargaining game is a Stag Hunt game (strategic complements), then the moderates are "coordination types" who behave as in a stag hunt game: they want to match the action of the opponent. This can trigger an escalating spiral of fear, as in the classic work of Schelling (1960) and Jervis (1978). Moreover, that means that the greater the gain from becoming hawkish, the higher the incentive for the other player to replicate the behavior (Baliga and Sjostrom,

2015). In most bargaining situations, neither country knows the opponent's true preferences. (Baliga and Sjostrom, 2015).

According to Jervis (1978), Baliga, Sjostrom (2010), Acharya and Ramsay (2013), defense is advantaged in the Stag Hunt model. The technology and geography are the two main factors that determine whether the offense or the defense has the advantage. As Brodie puts it, "On the tactical level, as a rule, a few physical factors favor the attacker, but many favor the defender. The defender usually has the advantage of cover". When the defense has the advantage (Jervis, 1978), it is easier to protect and to hold than it is to move forward, destroy, and take. If effective defenses can be erected quickly, an attacker may be able to keep territory he has taken in an initial victory. The security dilemma is at its most vicious point when commitments, strategy, or technology dictate that the only route to security lies through expansion.

When defense has the advantage (Jervis, 1978) status quo states can make themselves more secure without gravely endangering others. Indeed, if the defense has enough of an advantage and if the states are of roughly equal size, not only the security dilemma ceases to inhibit status-quo states from cooperating, but aggression becomes next to impossible, thus rendering international anarchy relatively unimportant.

THE MODEL

Following Jervis, we begin by supposing that relations between China and India are described by a Stag Hunt (Hypothesis 2). The bargaining game can be represented as a two-by-two matrix game with strategies labeled **Hawk** (the optimal challenge-mobilize marked with M) and **Dove** (no challenge-non mobilize marked with N). With sufficient uncertainty about the opponent's cost of making a challenge, there is a unique Bayesian-Nash equilibrium. The challenge is a commitment (Schelling, 1960): which means that a conflict is likely, unless there is a favorable change in the status quo.

If only one actor (China or India) challenges, the other must either concede or risk a conflict. The optimal challenge is to make the most substantial claim the opponent would concede to (which depends on the cost of conflict, the military technology, etc.).

✓ If both actors challenge the status quo, one state may, by chance, manage to make her commitment first and thus gain the first-mover advantage.

✓ If both actors simultaneously make commitments to incompatible positions, conflict will occur (Nash, 1953).

The game theory matrice for this situation are given below. (Table 1)

Table 1. Stag Hunt- Trust dilemma game

<i>Stag Hunt</i>			
	India		
		Hawk (M)	Dove (N)
China	Hawk (M)	0,0	A,C
	Dove (N)	C,A	B,B

Source: the table is made by the author.

In the game China and India must decide whether to challenge (Hawk) or not challenge (Dove). The true payoffs are given by the above matrix that the defense is advantaged.

If $A > B > C > 0$, then each payoff matrix are possible in theory, that is, there are two pure strategy equilibrium and one mixed equilibrium. Apparently, war (M, M) is the worst outcome. If $A > B > 0 > C$, then the "prisoner's dilemma" applies and war becomes more popular since, shall a party choose not to mobilize its troops, it will suffer prestige losses. Therefore, M becomes the absolute advantage strategy for both India and China. Considering the discount factor irrelevant to territory, if $A > C > B > 0$, the "knot game" applies. They prefer defeat or maintaining the dispute status quo than dividing territory peacefully, thus M continues to be the absolute advantage strategy for both India and China. The result of the Sino-Indian game in disputed boundary region depends on several factors, such as both parties' comprehensive discount factor in different stages, the calculation of strategy earnings or utility expectation, strategy, behavior, and interaction. As reflected by the international practice, both pure strategy equilibrium and mixed strategy equilibrium do not effectively solve the Sino-Indian boundary dispute. On the one hand, the status-quo is rooted in the complexity of the boundary issue as well as in the tensioned and sensitive Sino-Indian relations; on the other hand, it is also related to poor communication and low mutual trust between the two countries. Starting by the early 90s, however, the bilateral relations have gained momentum, entering a new era of dialogue, laying down the premises for setting up a mechanism on border disputes and

gradually reaching a correlated equilibriumⁱⁱⁱ (Aumann, 1976) situation, as further depicted.

STRATEGIC CHOICE AND EARNING CALCULATION OF THE SINO-INDIAN BOUNDARY GAME

The Sino-Indian border conflict went through a dynamic range of changes in the modern era, out of which four major stages are particularly distinguishable: from the beginning of the Republic to "the March 1959 Tibetan Uprising", 1959 to the 1962 Sino-Indian War, from the Sino-Indian War to the early 90s, and, lastly, from the 1993 Sino Indian Bilateral Peace and Tranquility Accords to the present. Each stage shows different interactive features, respectively. From the perspective of effectiveness, the Sino-Indian border disputes lasted for more than 60 years. The length of the dispute showcases that any strategy combination of the game between the two sides is either ineffective or inefficient; from a process-based perspective, the two countries' interaction in border region has developed from conflict and opposition to war and to the cold peace, and then to dialogue and negotiation under complete information. India's strategy and behavior adjustment is particularly obvious; from the perspective of strategy choosing, it turned from pure strategy equilibrium to the mixed strategy equilibrium, and then to the correlated equilibrium managed through a dialogue coordination mechanism.

During the first stage (1950.1-1959.3), the focus of border strategy and behavior interaction was located in the eastern section: India controlled the Chinese territory (hereinafter referred to as the "disputed territory")^{iv} northwards of the traditional customary line and southwards of the so-called "McMahon line" (hereinafter referred to as the "M-line"), which is characterized by Indian party's mobilization and occupying of the disputed territory and China party's silence or inaction. Pure strategy Nash equilibrium (A, C) is more reasonable in the boundary game. The analysis of the pure strategy equilibrium follows as below:

Given the historical background, particularly the *Sino-Indian Trade Agreement over Tibetan Border*, it could be argued that the Sino-Indian cooperation on the Korean War prisoner exchange and the Bandung Conference temporarily covered up the territorial disputes. The Sino-Indian relations could be understood as an "unreal" friendly status-quo based on misperception. First of all, the prioritized security concerns of the People's Republic of China are the northeast and southeast, which

are regarded as strategic focus, while the southwest is not included in China's priority concern agenda. In other words, India is not regarded as a major threat to China's security. Second, China's attitude towards the border is consistent; China has never openly admitted the legality of the so-called "M-line", but also never crossed the line into the disputed region. It could be argued that solving the remaining boundary problems through bilateral negotiations has been postponed until the time is ripe. From the Indian perspective, by mixing the history view of Indian nationalist and modern national outlook, and based on the colonial inheritance of territorial expansion, its political elites seem to have adhered to a Historical Border Determinist Paradigm, which enounces that as long as a legitimate government declared a line, it is enough to determine the location of "historical boundary" without the negotiation between relevant countries (Maxwell, 1999; Lamb, 1970, 1989, 1997; Hoffman, 1990; Varhney, 1993). As for utility calculation, India stated that the "Sino-Indian Agreement" of 1954 made India abandoned the original privilege to inherit China's Tibet from the British Indian government, so as a kind of compensation, China should also accept India's border claims and territorial claims. Since China's strategic focus resides in the northeast and southeast, and there is less trade and economic cooperation between the two countries, the game for China in border areas is of low economic utility expectations. Moreover, India thinks in high terms regarding its superpower status (achieve success with both camps) and its territorial expansion consisting of small and quick steps has not been objected by China. Hence, it would be safe to assume that India believes China won't respond severely to India's expansion and infiltration in the border region, and the two countries won't wage war against each other.

It then becomes clear that the economic earnings of the Sino-Indian game in the disputed region D is negligible. As for security benefits E, India inherited the policy of "three levels of strategic frontier" in northeast during both British-colonialism and modern period and advancing the control force to the "M-line" is of strategic significance. At the same time, China has not paid attention to the Sino-Indian game as it has not perceived the security threat from southwest critical. It is not an over statement that "India almost has not attracted Chinese attention and is of little importance in (China's) diplomatic security agenda." (Overholt, 2008) As for soft

power-international prestige F, in 1950s, India regarded himself as the advocate of China in the United Nations and the Bandung Conference and played an independent role in the international political arena, especially in the Korean War and the Bandung Conference, which attracted high international reputation to India. This in turn gave birth to what is known as the "Honey-moon period" (Singh, 1999) of the Sino-Indian relations, however short-lasting. India associated China's reaction with its superpower status identification, which also became the apparent reason to promote advancing strategy in the Sino-Indian border region. In reality, the government of the People's Republic of China cherished the recognition and support from the independent, non-socialist India, so China's principle of avoiding conflict objectively further solidified India's power status recognition (also including the misperception on the boundary issue). Therefore, occupying the disputed territory is related to whether India can realize its utility expectation in the three core fields $A + E + F$, and its determination to win the "disputed territory" is an absolute advantage strategy for India.

During the second stage (March, 1959-October, 1962), the strategy and behavior of the two actors in the border areas presented a mixed strategy equilibrium, which marked the escalation of border skirmishes, followed by border war, local armed confrontation in post-war border regions and the overall cold peace of bilateral relations. The Lanju Conflict and Kazan Conflict of 1959 made the Sino-Indian border dispute reignite, as India crossed the line of actual control to the Chinese territory^v (Shafiq, 2011) and India's behavior of further advancing across the "M-line" broke the bottom line of China. Concerning strategy and behavior, China no longer insists on the principle of avoiding conflict and "inaction" and adopts randomized response strategy according to the Indian strategic behavior. When necessary, China also responds by "punitive" attack. In theory, the Sino-Indian boundary game has two possibilities, dialogue negotiation and mobilization (including conflict and even war), namely (0, 0) and (B, B) respectively. However, given India's determined adherence to the "historical boundary", and its rejection of any form of negotiation while implementing the "advancing policy", (0, 0) becomes the only reasonable result of this mixed equilibrium game. Provided that India continued to implement the "advancing policy" on both east and west borderline at the same time and the

policy of permeating to the Chinese side of line of actual control, China would change its original strategy naturally. In March 1959, upper-class reactionary forces in Tibet incited rebellion with internal and external collusion and the Dalai Lama was exiled to India where he set up a "government-in-exile". The situation was particularly aggravated by the Indian government's attitude (Hoffmann 2006), and international anti-China forces working behind to support the so-called "Tibetan Independence" forces (Knaus, 1999). The factors above determined China to reassess the security situation of the southwest line. Consequently, both the border disputes, as well as the security status-quo urged China to adjust its game strategy and behavior model in the Sino-Indian border areas^{vi}. If P represents the probability of the Sino-Indian border war in the case of India implementing the "advancing policy", then war probability in the Nash equilibrium is represented as $P = (A, B)/(A B + C)$ ^{vi}, following the logic of "winner makes the best of benefits while loser make the best of its calamity" for the gain and loss in disputed territory. If China does not mobilize her troops in response to Indian "advancing policy", not only the territory will be lost, but also China's security situation (E, here also includes internal security) shall further deteriorate and international prestige (F) will be severely damaged. War probability P increases along with the decrease (or even the negative) of China's benefits function C. As long as India's advancing behavior breaks supersedes this limit, the Sino-Indian border skirmishes and even war are inevitable.

During the third stage (1963-1992), strategy and behavior interaction in border region led to a "cold peace" under deterrence equilibrium. In October 1962, the border war ended India's "advancing policy" and restored the Sino-Indian border region to the status before the crisis. In this period, the two small-scale conflicts, i.e. Nathula and Chola Conflict in 1967 (Singh, 1999) and Wang Dong Confrontation Crisis (also known as "Sumdorong Chu confrontation crisis") in 1987, as well as the ministerial level border talks in the end of 1981, did not change the basic structure of mixed strategy equilibrium. Deterrence and threats contributed to the peaceful status of Sino-Indian border areas in a special way. China's attitude towards the Sino-Indian border dispute is clear and consistent, namely the Sino-India boundary has never been defined, the "M-line" has never been recognized, and consequently India

cannot cross the line into China's territory. This status quo should be regarded in the light of China's commitment, stressing on the importance granted to game-theory: "We will not attack unless we are attacked; if we are attacked, we will certainly counterattack" (the equivalent of "tit-for-tat" strategy). It now becomes clear that China's reaction in the Sino-Indian war was purely self-defensive, striking India proportionately for its advancing and infiltration behavior across the line of actual control. Such a response along with the credibility of the Chinese military combat efficiency determined India to adopt a more cautious position (Schelling, 1956)^{viii}. After the border war, India adjusted its misperception that "under any circumstances China won't start the war with India" and ended the "Advancing Policy". Therefore, Sino-Indian relations reverted to the previous status-quo, namely that "locally and occasionally there are conflicts, while the bilateral relations are generally peaceful".

Provided the lack of trust in the Sino-Indian relations, the "brink-of-war" policy aiming at conflict deterrence has become the focal point between two countries. Dual earnings payoff matrix (India chooses one strategy listed in column, and the first number in each combination represents the benefits of the Indian party) is shown in Figure 2. Both (war, war) and (peace, peace) mixed strategy equilibrium are likely to be the ending. And if the winner's earnings in a one-off game $(4, 0) > (3, 3) > (1, 1)$ are considered, two completely rational participants may eventually head to the worst outcome (1, 1). However, based on game experience in border regions, considering the discount factor's utility (D, E, F) in space and time and the cost of retaliation, China and India are likely to unanimously select the random mixed strategy, that is, taking action while inspecting the other's strategy behavior. The "Margin Policy", i.e. gradually increasing the level of conflict yet avoiding war, became a feasible choice for both countries' rational decision makers. The Sino-Indian border area has maintained the cold peace situation of armed confrontation (3, 3), which consequently became the realistic strategy equilibrium. The "Sumdorong Chu confrontation crisis" in 1987 is the classic case of Sino-Indian "margin strategy" game. In the early 1980s, India revised the so called "defense battle plan" towards China on the basis of the security situation reevaluation and approved a military plan to speed up the deployment of troops beyond the line of actual control. Since 1983,

India has sent intelligence corps on an annual basis to collect intelligence and inspect China's activities in the SumdorongChu, i.e. within the Chinese side of line of actual control and constructed a temporary watch house. China attached a great importance to the above Indian activities and reciprocally set up a semi-permanent watch house in the area. Provided India's "check board activity" in the border regions in early 1986, that is, large-scale military exercises and frequent military maneuvers, China similarly deployed its army near the line of actual control in order to prevent India from occupying Chinese territory again. Therefore, a confrontational status reemerged. In other words, it is India's actions which determined a re-escalation of the crisis. At the beginning of 1987, India issued the order code-named "Saker Activity", and beefed up military force under the ridge of Taguerra Mountain, threatening watch-house sentinels directly;^{ix}; the Chinese army reacted swiftly and strengthened the deployment protection. Though border war was imminent at the time, diplomatic engagement in late summer, along with meetings of high level army-officials, cost benefits calculation and believable deterrence sent by the Chinese party, alleviated the border tension situation quickly and dramatically. Both parties withdrew their troops from the triangle delimited by the Bhutan border, "M-line" and Taguerra ridge. The border areas returned to the demilitarized zone situation before crisis, stressing both parties' adherence to the "Margin Policy".

Table 2 Game Theory of Peace and War

	War	Peace
war	1 · 1	0 · 4
peace	4 · 0	3 · 3

Source: The table is made by the author.

Correlated Equilibrium of the Sino-Indian Boundary Game under Coordination Mechanism

Before the border issue reaches a final settlement, armed peace in the border areas will continue to be the status quo, reflecting the strict dominant strategy equilibrium between the border dispute interactions. The below arguments follow: 1) A consultation and coordination mechanism with a certain regulatory system would render the Sino-Indian border areas interactions in conformity with a correlated Nash equilibrium; however without eliminating the causes of mutual distrust - under a setting in which "Trust" should

be regarded as inferior to "Power". Both China and India hold sufficient military resources - defense forces to ease insecurity and apprehension which could also be regarded as deterrent resources. 2) The Sino-Indian constant tense confrontation is a costly peace, and (war, war) equilibrium cannot resolve the border dispute. Instead, it would further increase the cost of implementation. Even if one party wins temporarily, the earnings would shrink dramatically, and considering the discount factor (D, E, F), i.e. the losses over the gains, that is $(A-C) \leq 0$. From the perspective of economic earnings (D), the volume of bilateral trade in recent years stood at 600-700 billion dollars, and is committed to exceeded 100 billion dollars in 2015; as a member of the BRICs group, the two countries have a wide range of common interests in world issues and bilateral security issues, ergo China and India have to consider the factors of security earnings (E) payments and a huge mobilization / war costs during border interaction. In addition, decisions of both sides are subject to varying degrees of internal populism, therefore maintaining the armed peace can be acceptable as a suboptimal strategy; China and India have seen a dramatic rise in their power status, which has been widely recognized by the international community. Waging war against each other again due to a border dispute (regardless of its outcome), would lead to their international prestige (F) being severely affected. 3) The dynamic boundary game has a pre-complete information (that is, each side is trying to make each other aware of their strategies), one will select or adjust own policy depending on the other side's course of action. Hence, any simulator of sub-game behavior should take into account its policy's influence on the other side. 4) The historical experience - i.e., two conflicts in 1959, border war in 1962, the conflict in 1967 and the crisis in 1987 - confirms the non-feasibility of force to resolve border disputes, and the two decision-makers learned from their experience by manufacturing what could be regarded as a consensus (the recognition of common interests), which in turns changes the interaction method of the Sino-Indian game. India eliminated the premises for a negotiated settlement left by Nehru, i.e. the Sino-Indian boundary delimitation and the agreement that it should mobilize its forces within the territory it claimed. Similarly, India refuses any negotiations for maintaining the status quo on the border before controlling it absolutely. In 1988, the Indian National Congress adopted a resolution that India

should search for a way to resolve the border dispute with China based on "mutual interest". Such a resolution should be "acceptable (...) by the people of the two countries". This indicates that the adjustment of the boundary policy recognition has already been in place from the inception of the Indira Gandhi government to the Rajiv Gandhi government. Besides, both sides' management of interaction under the cold peace state as well as during the confrontation crisis in 1987 supports the following argument:

Boundary peace can be maintained as long as India does not cross the line of actual control in the border areas. The demarcation line has been repeatedly stated and gradually quasi-institutionalized, starting with the 1990s agreements. Such agreements include: *The Joint Working Group on border talks*, launched in 1988, the 1993 *Agreement on Maintaining Peace and Tranquility in the Border Line of Actual Control Area* and the 1996 *Agreement on Trust-building in the Military Field of the Border Line of Actual Control Area*, the *Special Representative Consultation Mechanism on the Border Issue*, launched in 2003 and the 2012 *Agreement on Establishing the Sino-Indian Consultation and Coordination Mechanism for Border Affairs*, and, finally, the *Sino-Indian Border Defense Cooperation Agreement* signed in 2013 when Indian Prime Minister Singh visited China to propose the "guidelines of conduct at the border areas"^{xi}. Provided the above coordination mechanisms and agreements, the negotiation pattern between China and India gradually evolved from a previously mixed strategy equilibrium to a pure strategy equilibrium to finally reach what could be interpreted as a Nash equilibrium. The dual earnings payoff matrix of the Sino-Indian border interaction under related policy equilibrium is shown at Table 3. Due to the significant increased weight of the discount factor (D, E, F), conflict/war or armed confrontation demands a high cost, reducing earnings sharply, even for the winner. Hence a (3,3) payoff function represents the most likely result of the game, leading to a very low probability of war. Shall war occur, the loss would outweigh the benefits for both parties? Provided factors of gradual increase in mutual trust, as well as the combination of economic trade, personnel communication, system construction and military communication, etc., there is no possibility that a border war would occur once again between China and India. However, China and India have to face the reality and admit that pending divergences in

terms of borderline and actual control area could still cause the occurrence of an unexpected incident or border skirmish. It would be safe to assume, then, that the Sino-Indian relations status quo is most likely a long-term armed coexistence, along with intermittent crisis from time to time (Joshi, 2011).

Table 3. Game theory of peace and negotiation

	War	Negotiation
war	1 · 1	0 · 4
Negotiation	4 · 0	3 · 3

Source: The table is made by the author.

Analyzing the Interactive Game Theory in the Sino-Indian Border Areas

What the two nascent Republics inherited was the "frontier line", i.e. a traditional area loosely dividing the two countries following customary rules, instead of a modern, well delimited "borderline", one of the important symbols of the modern state. Provided the current modern setting, it is inevitable for China and India to dispute the exact delimitation of their "borderline". India inherited the "three-level strategic

frontier" policy, which was once adopted by the British government towards the Northeastern, and which still lies at the origin of the Sino-Indian border dispute. Following this policy, India gradually encroached the territory between the Sino-Indian border and the "M-line", which traditionally belongs to Tibet. China has consistently adhered to a border resolution drawing on mutual benefit, peaceful negotiated settlements on disputes and maintaining the status quo prior to properly addressing the issues left. It was in this light that the Indian border policy and its related actions in the early 1950s caused the start of the Sino-Indian boundary game. The game tree below clearly depicts the strategy and action paths among border areas.

During the mid-1950s, India advanced to several critical points nearby the eastern side of the "M-line", with China taking no further action in this regard. Such "inaction" has been regarded as immobilization; hence India gradually controlled the north of the border and the "disputed territory" located in the south of the "M line", traditionally controlled by Tibet. In the game tree below, (A,C) represent the result of the Sino-Indian boundary game in the first round (see Figure 1).

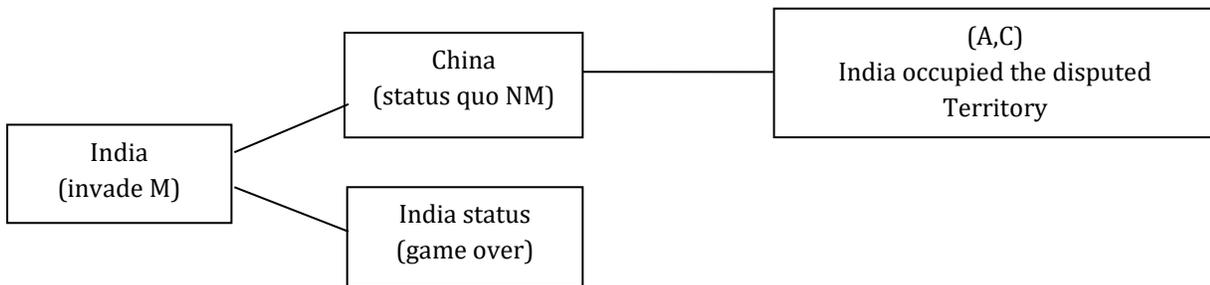


Figure 1. Game tree of the first stage (1950—1958)

Source: the figure is made by the author.

The Sino-Indian border dispute entered the public agenda in 1959. China pleaded for a negotiated settlement to solve the dispute caused by the historical lack of a modern demarcation, while India refused any negotiations under conflicting claims of "historical frontier" and "scientific frontier". India advanced its eastern mobilization to the north of the "M-line" controlled by China and insisted on the Johnson-Alda line as the Western boundary. Moreover, India attempted to occupy Aksai Chin, which in reality has always been controlled by China, by modifying its old version of the map published before 1950 (Noorani,

2011; Shaqiff, 2011; Pai, 2004) ^{xii}. At this time, China began to adjust its strategy of boundary game, opting for "Tit-for-Tat" retaliation. When Indian "advancing" policy encountered China's military response, the probability of border conflict or even war increased sharply. While Chinese territory was wrecked off against the core interests of the country, China adjusted her policy to respond accordingly to the Indian "advancing policy". Besides, the study argues that China's assessment of the security situation and her recognition of India's strategic intentions were greatly influenced by the policies and interferences India performed on the Tibet issue. On

March 1959, after the reactionary clique of the Tibetan aristocracy failed its rebellion, the Dalai Lama fled to India and obtained a "political asylum" in India, where the Indian "Tibet Independence" elements, under the support of international anti-China forces (CIA included), the Indian "Tibetan Independence" elements threatened the stability of the Chinese society and the security of Chinese Southwest frontier line (Conboy and Morris, 2002; Grunfeld,1996). On March 22, 1959, Nehru wrote to Zhou Enlai transmitting large territorial claims, while the Indian military gradually advanced in the Chinese territory. Therefore, provided India's aggressive practices on the border dispute, a limited punitive strike has been taken into consideration with China consequently adjusting its policy. The only result of China's "Tit-for-Tat" policy against the Indian "advancing policy" was the border conflict with the potential escalation of war (See Figure 2). China's actions have been aimed at defending homeland security rather than

territorial expansion, so after the border war, China retreated 20 kilometers from the line of actual control held before November 7, 1959, so that the two armies would disengage and return to a confrontational state of peace. Following that day, the Sino-Indian relations maintained their status quo with no further development. The status quo maintained until the end of the Cold War, cultivating the defining features of the third phase of the Sino-Indian boundary game. Despite some talks on boundary issues during that time, the following period has seen no substantial improvements in the Sino-Indian relations. The boundary talks, however, provided an important message, thus India began to adjust its policy rather than adopting an "ostrich policy" by refusing any negotiation on boundary issues with China. Such a dynamic laid the groundwork for the next stage of interaction, strategic adjustment, and bilateral relations.

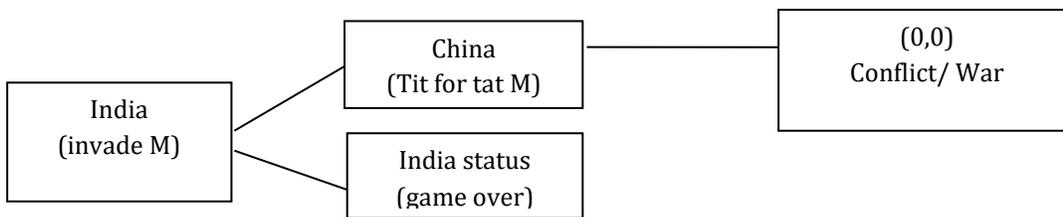


Figure 2. Game tree of the second stage (beginning of 1959—end of 1962)
Source: the figure is made by the author.

Much different from the ante-1990s period, the Sino-Indian boundary interaction assumed quasi-institutionalized features in the early 90s, which is the result of both parties' efforts to avoid conflicts by misjudgment. After the Wang Dong confrontation crisis (known in the Indian literature as the "Sumdorong Chu crisis"), involving more than 200,000 troops from both armies, the two countries restarted the negotiation process in several areas (Garver, 1996). Not only that China's settlement policies have received India's response, but a series of bilateral agreement and consultation mechanisms have been created for the Sino-Indian interaction game in the border areas. This, in turn, saved resources for the peaceful settlement of

border disputes and consequently generated a win-win outcome (B, B). China adopted a positive role in this round of the game, with the Chinese conflict resolution proposal as the starting point of the game. India changed its belligerent attitude and accepted to negotiate the proposal, promoting the process of boundary negotiation with positive early results in the borderline delimitation rules. However, in the present stage and predictably for the following period, this dynamic game with related equalization characteristics can only contribute to "improved status quo"-low-intensity armed peace (see figure 3), given the difficulty in reaching a mutually acceptable boundary agreement for both sides. The main reasons are outlined below:

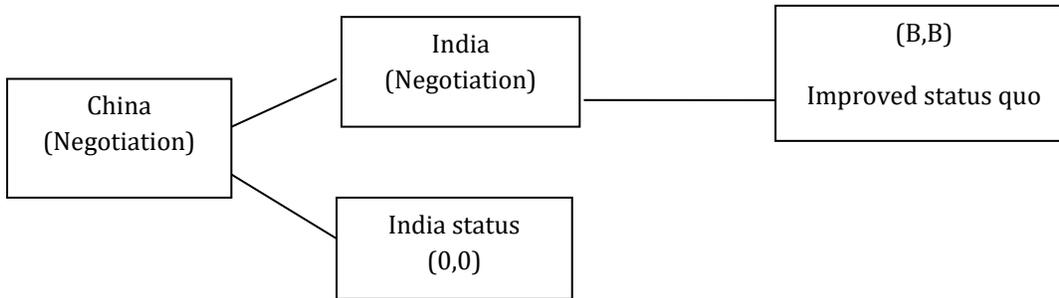


Figure 3. Game tree of the current stage.
Source: the figure is made by the author.

Firstly, the Sino-Indian boundary negotiation will experience a long and rough process provided its complex history and present situation. The *Agreement on Political Parameters and Guiding Principles for the Settlement of the India-China Boundary Question*^{xiii}, signed in 2005, is not only the first stage of the "three-step" strategy to solve the boundary dispute, but also a relatively easy step. The toughest second step, i.e. the "framework agreement to resolve the boundary issues" should consider many details, and, undoubtedly, time-consuming dialogue and consultation shall be required. In addition, the so-called "line of actual control", is, to a large extent, just a concept, and the two countries haven't reached a consensus about it. Actually, there is no such clear line of control in some regions, so that the boundary friction is inevitable. It therefore becomes clear that determining the line of actual control between the two sides is of great significance.

Secondly, there are severe divergences in the "disputed territories" and the delimitating principles between two parties. For example, India even proposed the delimitation issue between Xinjiang in China and Kashmir in Pakistan (Frankel, 2011), while China will never accept any similar proposals. Similarly, concerning the issue of land swap, the two sides hold different positions: India refused to land swap inhabited areas. However, the Tawang region under Indian control holds a special significance to China, as the sixth Dalai Lama was born there. Narrowing and bridging these differences requires innovation and courage, as well as patience and wisdom.

Thirdly, it is a double-edged sword for China and India to effectively control the boundary issue at the expense of cooperation in other areas. On the one hand, it enhances the immunity of the Sino-Indian relations on the boundary disputes; on the other hand, it also reduces

the sense of urgency and impetus to resolve the boundary dispute.

Fourthly, considering the lack of mutual trust, the Sino-Indian boundary issue is no longer confined to the high-end category of politics; any boundary agreement must take the acceptance of the two states into consideration, especially the negative impact of populism to boundary negotiations and interaction processes. Such a boundary agreement involves the legality of the government and requires both sides to be cautious.

Fifth, China and India are two countries in a dramatic rise. It is therefore essential to both of them to maintain a stable and peaceful internal and external environment and achieve development goals. A stalemate situation of boundary issues would negatively impact both countries development goals. Thus, in the absence of sufficient mutual trust, and providing the difficulties in reaching a proper settlement of the border dispute, a realistic and helpless choice is to keep the peace and stability under low-intensity confrontation and low-confidence at the border areas.

CONCLUSION

Despite setting an *Agreement on Trust-building in the Military Field of the Border Line of Actual Control Area*, as well bilateral and multilateral channels of communication, a surge in bilateral trade in recent years, several quasi-institutionalized contacts established and interactions in various fields, the mutual trust is still a noticeably scarce resource in the Sino-Indian relations. Combined with the inertia effect, the Sino-Indian relations are likely to face long-term challenges. "The security dilemma was strengthened by many factors, including uncertainty for future growth and some unknown signs, opaqueness of military planning, lingering historical grievances, and spread of multisource information, resulting in the border dispute

being distorted by deep suspicion, particularly prominent in New Delhi (Joshi, 2011). Relative to the official policy statements, the basic characteristics of mutual recognition between the Chinese and Indian society are still ambiguous and driven by mistrust (Holslag, 2009; Shearer and Hanson, 2010). Fortunately, the Indian Government's attitude towards border issues and behavior is more cautious and sensible than its national media. For the past decade, the Indian government maintained various channels of dialogue with China and high-level military communication and joint military drills. Based on these premises, the negative impact of the "media war" in 2009 and the crisis of "tent confrontation" in 2013 have been successfully avoided.

Provided the borderline interactive agreements and consultation mechanisms, the calculation of gains and losses among "disputed territories", as well as the discount factor having reached a saturation level, combined with the serious divergences of demands of territories^{xiv}, the Sino-Indian boundary game is likely to remain at related equilibrium over a long period of time. The two sides are expected to avoid conflict and continue to negotiate without reaching an agreement aiming at a deterrent balance. Quasi-institutionalized border management can relieve anxiety of trust deficit, preventing borderline skirmishes or war. However, these are not expected to bear a substantial impact on the process of boundary negotiations. Consequently, the peaceful coexistence under armed security dilemma may occasionally lead to controllable low-intensity crisis, skirmishes and even conflicts, being disturbed by the "spillover effect" of boundary problems^{xv}. Extended to the full scope of the Sino-Indian relations, a competitive cooperation under the non-cooperative game will most likely encompass the future of the bilateral relations.

REFERENCES

- Acharya, A., & Ramsay, C. W. (2013). The Calculus of the Security Dilemma. *Quarterly Journal of Political Science* 8(2), 183-203.
- Aumann, Robert. (1976). Agreeing to Disagree. *Annals of Statistics* 4(6), 1236-123.
- Baliga, S., & Sjoström, T. (2015). The strategy of Conflict and the Technology of War. *Working Paper*. Retrieved from <http://www.princeton.edu/rppe/speaker-series/Strategy-of-Conflict-September-1.pdf>.
- Baliga, S. & Sjoström, T. (2010). The Strategy of Manipulating Conflict. *American Economic Review* 106(2), 1-28.
- Baliga, S. & Sjoström, T. (2012). The Hobbesian Trap. In *Oxford Handbook of the Economics of Peace and Conflict*. M. Garfinkel and S. Skaperdas, (eds), (pp. 91-109). Oxford: Oxford University Press.
- Booth, K. & Wheeler, N. J. (2008). *The Security Dilemma: Fear, Cooperation and Trust in World Politics*. New York, NY: Palgrave Macmillan, 21.
- Conboy, K. & Morris, J. (2002). *The CIA's Secret War in Tibet*. Lawrence: University Press of Kansas, 26-28, 66-80, 89-91.
- Editorial Team of History of Sino-Indian Boundary Self-defense War. (1994). *History of Sino-Indian Boundary Self-defense War*, Beijing: Military Science Press, 134.
- Express News Service. (2014, July 18). Chinese Incursions due to 'Difference of Perception: Rajnath. Retrieved from <http://indianexpress.com/article/india/politics/chinese-incursions-due-to-difference-of-perception-rajnath/> (Accessed on August 1, 2016).
- Frankel, F. R. (2011). *The Breakout of China-India Strategic Rivalry in Asia and the Indian Ocean*. *Journal of International Affairs* 64(2), 1-17.
- Garver, J. W. (1996). Sino-Indian Rapprochement and the Sino-Pakistan Entente. *Political Science Quarterly* 3(2), 340-343.
- Grunfeld, A. T. (1996). *The Making of Modern Tibet*. Armonk (New York): M.E. Sharpe, 151-165.
- Herz, J. H. (1950). Idealist Internationalism and the Security Dilemma. *World Politics* 2(2), 157-180.
- Herz, J. (1976). *Perception and Misperception in International Politics*. New Jersey, Princeton University Press, 76.
- Hoffman, S. A. (1990). *India and the China Crisis*. California: University of California Press.
- Hoffmann, S. (2006). Rethinking the Linkage between Tibet and China-India Border Conflict: A Realistic Approach. *Journal of Cold War Studies* 8(3), 165-194.
- Holslag, J. (2009a). The Persistent Military Security Dilemma between China and India. *Journal of Strategic Studies*, 32(6), 811-840.
- Holslag, J. (2009b). Progress, Perceptions and Peace in the Sino-Indian Relationship. *East Asia* 26(1), 41-56.

- Holsti, K. J. (1985). The Necrologists of International Relations, *Canadian Journal of Political Science* 18(4), 657-695 & 691.
- Indibara, I. (2014). Sino-Indian Relations: A Game Theory Perspective. *Parikalpana, KITT Journal of Management*. KIIT School of Management, KIIT University, Bhubaneswar India, 10(2), 87-94.
- Jervis, R. (1978). Cooperation under the Security Dilemma, *World Politics* 30(2), 167-214
- Joshi, S. (2011). China-India: An Awkward Ascent. *Orbis* 55(4), 558-576.
- Glaser, C. L. (1997). The Security Dilemma Revisited. *World Politics* 50(1): 171-201
- Knaus, J. K. (1999). *Orphans of the Cold War: America and the Tibetan Struggle for Survival*. New York: Public Affairs /Perseus Books Group, 107-111, 118-19, 126-131, 135-36, 139-140, 142-168, 186-88.
- Kydd, A. (1997). Game Theory and the Spiral Model. *World Politics* 49(3), 371-400.
- Kydd, A. (2005). *Trust and Mistrust in International Relations*. Princeton, NJ: Princeton University Press.
- Lamb, A. (1970). *The McMahon Line*. London: Routledge and Keegan Paul.
- Lamb, A. (1989). *Tibet, China and India 1914-1950*. Hertingfordbury: Roxford.
- Lamb, A. (1997). *Incomplete Partition: The Genesis of the Kashmir Dispute 1947-1948*. Hertingfordbury: Roxford, 2.
- Maxwell, Neville. (1999, April 10-16). Sino-Indian Border Dispute Reconsidered. *Economic and Political Weekly* 34(15), 905-918.
- Mearsheimer, J. J. (2001). *The Tragedy of Great Power Politics*. New York: W.W. Norton.
- Mohan, M. (2011). India in East Asia. In *China and India: great power rivals*. London and Boulder: First Forum Press.
- Malone, D. M. & Mukherjee, R. (2010). India and China: conflict and cooperation. *Survival: Global Politics and Strategy*, 52(1), 137-158.
- Minder, R. J. A., & Lamont, J. (2009). China blocks ADB India loan plan. *Financial Times*. Retrieved from <https://www.ft.com/content/033935c2-25e4-11de-be57-00144feabdc0>
- Nash, J. (1953). Two person Cooperative Games. *Econometrica* 21(1), 128-140.
- Noorani, A.G. (2011). *India-China Boundary Problem, 1846-1947: History and Diplomacy*. Oxford: Oxford University Press.
- Overholt, W. H. (2008). *Asia, America, and the Transformation of Geopolitics*. New York: Cambridge University Press and RAND, 198.
- Pai, N. (2004, May 20). McMahon's Line and Aksai Chin. *The Acorn (on the Indian National Interest)*. Takshashila Institution. Retrieved from <http://acorn.nationalinterest.in/2004/05/20/mcmahons-line-and-aksai-chin/>.
- People's Daily Editorial Board. (1956, May 6). Tibet's Revolution and Nehru's Philosophy. *People's Daily*.
- Rediff News. (2010, February 23). Chinese troops have not occupied Indian territory', says army chief. Retrieved from <http://news.rediff.com/interview/2010/feb/23/Indian-territory-not-occupied-by-chinese-troops.html>
- Ryan, M. (2012). India-China Strategic Competition. *Australian Defence Force Journal* 188, 44-56.
- Singh, J. (1999). *Defending India*. New York: St. Martin's Press, 143,162-164, 171.
- Schelling, T. C. (1956). An Essay on Bargaining. *The American Economic Review* 46(3), 281-306.
- Schelling, T. C. (1960). *The Strategy of Conflict*. Cambridge: Harvard University Press.
- Shafiq, N. (2011). India versus China: A review of the Aksai Chin border dispute. *Journal of Political Studies* 18(2), 207-223.
- Sherer, A., & Hanson, F. (2010). Not unpopular in China. *Pragati: The Indian National Interest Review*. Retrieved from <http://pragati.nationalinterest.in/2010/01/not-unpopular-in-china/>
- Smith, P. J. (2013). The Tilting Triangle: Geopolitics of the China-India-Pakistan Relationship. *Comparative Strategy* 32(4), 315-316.
- Varshney, A. (1993). Contested Meanings: India's National Identity, Hindu Nationalism and the Politics of Anxiety. *Daedalus* 122(3), 227-261.
- World Affairs Press (Ed.). (1993). *Zhou Enlai's Diplomatic Activities*. Beijing: World Affairs Press, 343-344.

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- ⁱ The decision of two or more states is called strategic complements if they mutually reinforce one other.
- ⁱⁱ The decision of two or more states is called strategic substitutes if they mutually offset one other.
- ⁱⁱⁱ Robert Aumann first proposed the relative equilibrium conception in 1976. In the Nash equilibrium, the decision-makers are acting independently. Aumann also proved a truth: if the decision-makers could choose actions according to some signals observed commonly or some rules discussed previously, they may enter a relative equilibrium bringing benefits to each decision maker simultaneously.
- ^{iv} Here “disputed territory” is used for the convenience of expression, which doesn’t mean the author takes a particular stand on the “disputed territory”, where India controlled the China-claimed territory north of the traditional customary line and the south of the “M line”.
- ^v Until the summer of 1959, India advanced beyond the line of actual control and patrolled in China (controlled) area, building more than sixty posts, with forty-three of them located north of the “M-line”. India claimed its power in these regions based on that, while China regarded the policy as proof that India expanded to Tibet (Shafiq, 2011).
- ^{vi} On May 6, 1959, the People’s Daily published an editorial named *Tibet’s Revolution and Nehru’s Philosophy* to indicate the adjustment; On April, 1960, Zhou Enlai visited New Delhi and tried to solve the boundary dispute, but the negotiation failed to reach any agreement. China changed policy and action qualitatively after then. Mao Zedong proposed a relative refrain from conflict (“*never back down but avoid the war; communicate to achieve long-term armed peace.*” Editorial Team of *History of Sino-Indian Boundary Self-defense War*, 1994) and Zhou Enlai mentioned his opinion (“*India misinterpreted our patience and self-restraints to its invasion as (tacit permission) so that it can do it again and again... So they advanced in the eastern, and they thought we just tolerate the disturbances, which is wrong*” (World Affairs Press, 1993). Both of their attitudes plead for balancing conflict and communication, armed confrontation and cracking down in necessity at outposts, rather than the previous policy of avoiding conflict and peaceful negotiation.
- ^{vii} A simplified model of war probability. Combined with the interactive situation between boundaries, the force mobilization model of the Nash equilibrium can be seen as a model of war probability. Of course, “mobilize” does not mean “war”, however the two countries lack the constraints to adjust their payoffs/ earnings, provided that both sides refuse to be tolerant, so the mobilization of one side (Indian advancing policy) results in war.
- ^{viii} Thomas C. Schelling defined this negotiation as “self-binding”. One’s retaliatory capability provides a more favourable position than simply resisting an attack (Schelling, 1956).
- ^{ix} While mobilizing the army, both houses of the Indian Parliament passed a bill to upgrade the “union territories”, where India occupied the area between the traditional customary line and the “M-line”, i.e. the “Arunachal Pradesh”, attempting to strengthen the de facto control of the disputed territory by domestic legislation (Maxwell, 1999)
- ^x During the process of boundary crisis/war from 1960 to 1962, Nehru catered to public opinion and parliamentary behaviour, taking negative policy towards boundary disputes. The Indian Parliament passed a resolution calling on the government and its successor to “recover” all the Indian territories “occupied” by Chinese. In other words, any compromise with China would mean ceding Indian Territory. However the Constitution does not grant the right to cede territory to executive agencies. In practice, this means that the implementation of any boundary agreements requires India to amend its Constitution, which is both difficult and unpopular under any political circumstances.
- ^{xi} Formed by diplomatic and military personnel, the negotiation and coordination mechanism was led by higher agencies of both countries Ministries of Foreign Affairs, mainly dealing with the boundary issues and aiming to maintain peace and harmony between the two states. On February 2014, while hosting the 17th Special Representatives Meeting, China proposed to agree on a range of “guidelines of behavior at the boundary area” in order to avoid crisis or even conflict caused by misunderstanding and differences in terms of boundary recognition.
- ^{xii} Indian scholar A. G. Noorani considered that the Aksai Chin conflict was entirely due to India’s unilateral interpretation of a boundary un-demarcated by history (Noorani, 2011). The Ministry of the Interior led by S.V. Patel enclosed a map on the government’s white paper of 1948 -1950, illustrating there is no clearly demarcated boundary in western line (Shafiq, 2011). As for the order Nehru made on July 1, 1954, to change the un-demarcated boundary into established boundary on the old map, Noorani concluded that qualifies as “unilateral modification with no legal effect” for India (Noorani, 201; Pai, 2004).
- ^{xiii} The Agreement contains eleven principles of common sense, as it follows: the two sides are not to use force or threat of force, avoiding the border differences that could affect to other areas of bilateral relations; the border demarcation needs to consider both the historical facts, the national emotions, the practical difficulties, the legitimate interests, as well as the sensitivity of the border status quo; before reaching a final border agreement, the parties shall strictly comply with the line of actual control and jointly safeguard the peace and stability in the border areas.

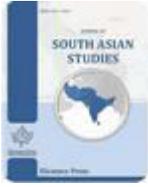
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- ^{xiv} India also realized that the different opinions of “intervention” and “over-boundary” were caused by the cognitive differences between both sides (Express News Services, 2014; Rediff News, 2010).
- ^{xv} Any Border dispute will inevitably affect the Sino-Indian interaction in other areas, for example in 2009, India made an application of \$ 2.9 billion loan for the construction of infrastructure to the Asian Development Bank, of which a sub-project of 60 million dollars involves water conservancy facilities of disputed territories "Arunachal State ". China's proposal, though in good faith (leaving out the “Arunachal State” sub-project from the plan) was rejected, with China eventually opposed to the case so that India would ultimately withdraw the Loan Scheme. (Minder, Anderlini, and Lamont, 2009). In another example, in 2011, known as “stapled visa”, India temporarily suspended all military communications except the routine meetings of border officers.
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INDIA–BANGLADESH RELATIONS: WITH SPECIAL REFERENCE TO NARENDRA MODI’S REGIME

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ABSTRACT

This article is an attempt to explore the recent developments in India-Bangladesh relations under Narendra Modi's regime. Challenging the popular perception that is India-Bangladesh relations aggravate when Bharatiya Janata Party come into power, this article clearly indicates that India-Bangladesh relation has got new momentum during Modi's tenure as the prime minister of India. Significant developments have been made over three key thematic areas during Modi's government in India. These are; dispute resolution, cooperation and connectivity. However, this article also highlights a number of pertinent challenges like water dispute, non-tariff barriers, Rampal power plant and regional Rohingya issue, alleged illegal migration of Bangladeshis to India and border killings which need to be addressed carefully for a sustainable friendly relation and establish a win-win situation. The article recommends that in this age of growing interdependence and sharing, there is no alternative but to strengthen Bangladesh-India relations. Therefore, consistency in Indo-Bangladesh friendly relations needs to be maintained no matter which regime remains in power both in Dhaka and Delhi.

Keywords: India–Bangladesh relations, Narendra Modi, Land Boundary Agreement, Rampal power plant, Rohingya issue.

INTRODUCTION

India-Bangladesh shares historical, geographical, cultural, social and economic ties over civilizations. Bangladesh, previously Bengal, used to be a part of India and then Pakistan. Subsequently, Bangladesh got independence in 1971 through an armed struggle against Pakistan with massive contributions from India. Bangladesh wholeheartedly recognizes India's contribution during liberation war 1971. Despite such cultural, historical and geographical propinquity, and India's cooperation during crisis times of Bangladesh, Bangladesh-India relations have not always been smooth (Maini, 2015). In reality, the bilateral relations between these two states have often been bitter, tension-mounting, challenging and overwhelmed by allegations and counter-allegations (Kashem and Islam, 2016).

Popular perception about Indo-Bangladesh relation is that it gets a new momentum when Bangladesh Awami League (BAL) and Indian National Congress (INC) regime are in power because of a historic old friendship between

BAL and INC. It was the Indira Gandhi of INC who spread her arms and embraced world-forsaken Bangladesh during and after the liberation war. On the contrary, when the Awami League (AL) and Bharatiya Janata Party (BJP) come into power, India-Bangladesh relations aggravate which can be reflected in their foreign policies. Unfortunate though, when Bangladesh Nationalist Party (BNP) forms the government in Bangladesh, Dhaka-Islamabad friendship strengthens to a larger extent instead of Dhaka-Delhi. Therefore, when BJP-led Narendra Modi (Hereafter 'Modi') came to power in 2014, the majority of the people of Bangladesh including academicians and policy-makers concerned that India-Bangladesh relations might not enjoy a deeper sense of friendship due to the BJP's ideological predisposition towards Hindu nationalism.

However, challenging all the odds, India-Bangladesh relation has gained a new pace and reached a new height during Modi's tenure as the prime minister of India. In this paper, recent accomplishments in India–Bangladesh

relations during Modi's tenure will be portrayed. Since Modi's government has no separate policy towards Bangladesh, the paper will also highlight the opportunities and challenges of Indo-Bangladesh ties which might provide new insights to the policy-makers to strengthen bilateral relations in future.

BRIEF HISTORY OF INDIA-BANGLADESH RELATIONS

There is no denying the fact that the contribution of the Indian government and people were indispensable for the emergence of Bangladesh as a sovereign state. Despite historic non-alignment policy of India, on 27th March 1971, Indira Gandhi, a charismatic leader and the then prime minister of India, expressed her full support to the independence movement of Bangladesh by opening the Indian border and establishing refugee camps near border areas of Indian states of Assam, Meghalaya, Tripura and West Bengal with a view to providing safe shelter for Bangladeshi refugees. The Indian government also arranged training and ammunition for Mukti Bahini (Freedom fighter) guerrillas. Indira Gandhi's government provided full political and diplomatic support during the entire nine-month long period of Bangladesh Liberation War. Indira Gandhi personally travelled across the globe to mobilize the support for Bangladesh. To recognize her role during the Bangladesh Liberation War and her charismatic leadership ability to manage such a complex regional war where global superpowers were involved, she was posthumously conferred the Bangladesh Freedom Honour award on 25th July 2011 (The Hindu, 2011a). It is the highest state award of Bangladesh conferred to the non-nationals and Indira Gandhi is the only person who has been conferred this highest state honour so far.

After the independence of Bangladesh, India and Bangladesh signed the 'The Treaty of Friendship, Cooperation and Peace', best known as Indira- Mujib Treaty for a 25 years term on 19th March 1972. The treaty was grounded on the mutual respect for one another's independence, territorial integrity and sovereignty while non-interference in internal issues (Pant, 2007, p. 232). It is often opined that India-Bangladesh relations reached its peak during the tenure of Indira Gandhi and Sheikh Mujibur. From 1971 to 1975, the tenure of Sheikh Mujibur Rahman-led Awami League in Bangladesh, India became the largest development partner and aid donor of Bangladesh (Singh, 2009, p. 149). However, the India-Bangladesh relation came into a long spell of bitterness after the assassination of Sheikh Mujibur Rahman. At that

time, the military government led by General Ziaur Rahman used anti-India stance as a trump card as it became the best way of creating Islamic and nationalist identity in Bangladesh's domestic politics. With the possible exclusion of the Awami League, all political parties took the full opportunity of this practice (Chakma, 2015 and Pant, 2007, p. 233). During Ziaur Rahman's and subsequent Ershad's regime, India was projected as an imperialistic and opportunistic regional hegemon and India's hegemonic terror was effectively utilized to reestablish the pro-Islam image of Bangladesh (Majumdar, 2014, p. 333). Consequently, Indo-Bangladesh relation aggravated during the military regime in Bangladesh (Pant, 2015). Because of this long spell of bitterness, India and Bangladesh ties had witnessed no visible change even when Begum Khaleda Zia-led BNP, a democratic party, was in power between 1991 and 1996.

After BAL returned to power in 1996, waiting almost 2 decades, India-Bangladesh relations started to reconcile which was reflected through the signing of a thirty year comprehensive Ganges water sharing treaty. But this cooperative and friendly relations deteriorated soon after BJP formed the government in India in 1998. Notably, BJP was vociferous about the migration issue from Bangladesh during their election campaign in 1998. Moreover, the BJP government frequently linked cross-border insurgencies with Bangladesh which further exacerbated the India-Bangladesh ties (Singh, 2009, p. 154). As a consequence, India-Bangladesh relation aggravated to its lowest ebb during BNP's second tenure of BNP (2001-2006) (Pant, 2015).

India-Bangladesh ties gained a new momentum when Manmohan Singh (hereafter Singh) and Sheikh Hasina formed the government in India and Bangladesh, respectively. During Singh's historic visit to Dhaka in 2011, a number of protocols were signed including the Land Boundary Agreement (LBA) protocol, however, without any conclusion on Teesta water sharing treaty and India-Bangladesh transit dispute. Mamata Banerjee, the 'spoiler' of Indo-Bangladesh relations (The Hindu, 2011), refused to approve the Teesta water sharing treaty with Bangladesh at the eleventh hour on the ground that it could be detrimental to West Bengal's interest. In addition, the ratification of LBA protocol was massively opposed by BJP in the Indian parliament session. Thus, despite his best and honest attempts, the Singh government failed to strengthen Indo-Bangladesh

relations, mainly due to India's domestic politics. It would not be wrong to claim that while the bitterness/warmness of Indo-Bangladesh relations depends on the political parties that form government in Delhi and Dhaka to a greater extent, a constant pattern of mutual mistrust and uneasiness prevails over water sharing dispute and land boundary ratification (Majumdar, 2014, p. 327). And the solutions to these vexing problems don't come up mainly because of the reluctant nature of Indian political parties. For example, even though LBA was signed in 1974 and was ratified by the parliament of Bangladesh within months, India didn't ratify that until 2015. The focus of this article is to examine the Modi's initiatives towards Bangladesh to strengthen the Indo-Bangladesh relations rather shed light on the tumultuous history. Therefore, the following sections concentrate on recent accomplishments in Indo-Bangladesh ties that are carried out under Modi's regime, major impediments in strengthening the bilateral relations and possible solutions.

INDO-BANGLADESH RELATIONS UNDER MODI'S REGIME

Since the Modi government doesn't have any separate policy toward Bangladesh, Modi's Bangladesh policy will be discussed under the larger framework of 'Neighborhood First Policy' (NFP). The NFP provides a new space to revitalize India's diplomatic relations with neighbours amid the deadlock situation of South Asian Association for Regional Cooperation (SAARC). According to Modi '[w]e will deepen regional connectivity and cooperation between Bangladesh, Bhutan, India and Nepal. There is a natural logic to this arrangement' (The Hindu, 2015). Moreover, Sushma Swaraj, External Affairs Minister of India, argued that '[f]oreign policy begins on our borders and quite appropriately, we embarked on a "Neighbourhood First" policy from the very inception of our tenure' (Kashem and Islam, 2016).

India's sincerity about NFP can be reflected by LBA ratification with Bangladesh after waiting decades, acceptance of the verdict of Permanent Court of Arbitration's (PCA) that was in favor of Bangladesh, India's leading role in post-earthquake rescue efforts of Nepal, invitation of all neighbor countries' heads of the states in Modi's oath-taking ceremony and official visits paid by Modi to Bangladesh, Bhutan, Nepal and Sri Lanka within the first year of his entrance to the prime minister office (Kashem and Islam, 2016).

Bangladesh has emerged as a crucial country for South Asian regional initiatives like the Bangladesh-Bhutan-India-Nepal (BBIN) and Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC). In addition, connectivity and development of Northeastern states of India are priority domestic policies of Modi's regime which can be facilitated by Bangladesh as it can work as a catalyst. Hence, apart from NFP, the importance of Bangladesh in Modi's foreign policy can be perceived by the measures taken by the Modi government and opinions shared by Indian policymakers and government high officials. For instance, in fourth India-Bangladesh Joint Consultative Commission meeting, Indian External Affairs Minister Sushma Swaraj argued that "[I]ndia is following a policy of neighbours first, and among the neighbours Bangladesh is foremost" (The Hindu, 2017c). Ajit Doval, the National Security Adviser of India, recognized Bangladesh as 'India's most important neighbour' in a seminar on India-Bangladesh relations in New Delhi (Haidar & Habib, 2015). Subrahmanyam Jaishankar, the Foreign Secretary of India, rightly contended "[I]f there is one example where the neighbourhood first policy has yielded good result, it is in case of Bangladesh" (The Hindu, 2017a). The landmark visit paid by Narendra Modi to Bangladesh on 6 June 2015 laid down new milestone in Delhi-Dhaka ties. 22 agreements were inked and renewed on multifaceted issues including security, connectivity, power and trade which is expected to bear the fruit in future. In addition, Delhi-Dhaka relation was fostered considerably by the official visit paid by the Minister of State for External Affairs of India to Bangladesh in August 2014.

From Bangladesh side, the official visit of Abdul Hamid, the President of Bangladesh, to India in December 2014 was significant in streamlining bilateral relation.

It was the first visit of ceremonial head of Bangladesh to India since independence. In addition, the official visit paid by Prime Minister Sheikh Hasina, the executive head of Bangladesh, to India in April 2017 contributed to strengthening Indo-Bangladesh relation to the next level. With 22 government-to-government agreements on energy cooperation and connectivity issues, and another 14 agreements in the field of private investment, this visit was incomparable by all means to deepen the bilateral relations (The Hindu, 2017b). Apart from the above mentioned visits paid by the head of states, the third and fourth India-Bangladesh Joint Consultative Commission (JCC) meetings which is delegated at foreign ministers

level were also important in fostering bilateral relation. In the third JCC meeting in September 2014, a wider range of issues were identified and discussed, especially security, connectivity, development cooperation, renewable energy, socio-cultural cooperation etc. (Government of India, September 2014). However, in the fourth JCC meeting in October 2017, both delegates emphasized the issues of connectivity, and economic and development cooperation between two states. It is worth mentioning, Sushma Swaraj, although didn't specify, contended to resolve all the irritants of the Indo-Bangladesh ties in the fourth JCC meeting (The Hindu, 2017c). Notably, it is Modi's government which persuaded Mamata Banerjee, the chief minister of West Bengal, in ratifying LBA which reflects Modi's enthusiasm to deepen Indo-Bangladesh relations.

After reviewing the recent events, three key themes emerged in India-Bangladesh relations during Narendra Modi's regime: 1. Dispute Resolution, 2. Cooperation and 3. Connectivity. In the following sections, the recent developments in India-Bangladesh ties under these themes would be discussed.

Dispute Resolution: Two key disputes between India-Bangladesh, namely, LBA and Maritime Boundary, has peacefully been resolved during Narendra Modi's government.

a. Ratification of LBA:

One of the greatest successes of the Modi government towards Bangladesh is the ratification of the 70-years-old border dispute, the LBA. Ratification of LBA was always been a major issue in Indo-Bangladesh ties. Geographically, India-Bangladesh shares a territorial border of approximately 4,096 kilometres and a disputed area of approximately 6 kilometres. It is worth mentioning that although LBA got momentum during the official visit of Manmohan Singh to Dhaka in September 2011, the ratification failed due to the disagreement of Indian opposition parties, mainly BJP, in the parliament. However, during Modi's tenure, although there were some initial hurdles, LBA ratification bill was passed undisputedly in Rajya Sabha which was followed by Lok Sabha. During the 100th Constitutional Amendment, all 331 members of Lok Sabha voted for LBA which came up 4 decades after the Indira-Mujib Treaty (Gupta, 2015). The ratification of the LBA has resolved the three delicate issues of Indo-Bangladesh ties, that is, (i) the exchange of 162 enclaves located along India-Bangladesh

border; (ii) the demarcation of 6.5 kilometres new boundary; and (iii) the exchange of adverse possessions of each other's territories (Ali, 2015).

b. Resolution of Maritime Boundary

On 7th July 2014, the Hague-based Permanent Court of Arbitration (PCA) delivered its verdict in favour of Bangladesh and against India on the maritime boundary between two countries in the Bay of Bengal. Bangladesh decided to pursue international arbitration at the PCA in 2009 under the terms of the United Nations Convention on the Law of the Sea to settle the long-standing sea boundary disputes. In their submissions to the PCA, while India claimed a boundary based on the equidistance principle, Bangladesh demanded the boundary based on equity. Bangladesh's claim was logical as boundary based on the equidistance principle can make Bangladesh a "zone-locked" state by the maritime zones of India and Myanmar. Therefore, without an equitable determination of sea boundary, Bangladesh would only have a trivial exclusive economic zone and continental shelf.

PCA accepted the line of argument by Bangladesh and gave the judgment where Bangladesh was awarded 19,467 square kilometres of the total 25,602 square kilometres (roughly 80 per cent) of disputed sea area. However, India welcomed the decision of PCA which contributed to resolving the decades-long sea boundary dispute between two neighbouring states. Bangladeshi Foreign Minister Abul Hassan Mahmood Ali rightly contended that "We commend India for its willingness to resolve this matter peacefully by legal means and for its acceptance of the tribunal's judgment" (Reuters, 2014). In a statement, The Ministry of External Affairs of India stated that "The settlement of the maritime boundary will further enhance mutual understanding and goodwill between India and Bangladesh by bringing to closure a long-pending issue" (Reuters, 2014).

India's welcoming of the verdict is a clear demonstration of newly formed Modi government's emphasis on straitening bilateral relations with immediate neighbours.

Cooperation: India-Bangladesh cooperation over economy, power, maritime, education and political issue (i.e. political prisoners' extradition) has reached a new height after Modi came to power.

a. Economic Cooperation

Economic cooperation has manifested in Modi's foreign policy towards Bangladesh. Between 2004 and 2017, the bilateral trade between Bangladesh and India increased noticeably, from almost US\$ 1.6 billion to US\$ 6.8 billion. Table 1 gives a summary of import-export figures between India and Bangladesh. Another notable aspect of economic cooperation is the extension of India's line of credit for Bangladesh worth around US\$ 8 billion. According to Sushma Swaraj "[T]otally, three lines of credit amounting to USD 8 billion have been extended by India to Bangladesh so far. This is by far the largest development assistance that India has extended to any country worldwide" (The Hindu, 2017c). However, since independence, Bangladesh has always been suffering acute trade deficit with India and this trade deficit between two states has only been exacerbating over the years (Table 1). In 2017, the trade deficit for Bangladesh is US\$ 6.12 billion. Notably, to boost Indian investments in Bangladesh, an MoU has also signed to build two special economic zones for Indian companies in Bheramara and Mongla, Bangladesh. Hopefully, these economic zones will act as a thrust to foster Indo-Bangladesh economic ties in the foreseeable future. Contrarily, to facilitate the shipment of Bangladeshi apparels to retail shops across India, the Indian government has announced to provide 50 acres of land in Gujrat to build a warehouse for Bangladeshi companies (The Daily Star, 2015c). The warehouse is believed to contribute US\$ 1 billion worth of export to Bangladesh annually.

Indian investments in Bangladesh has also increased noticeably during Modi's tenure. For instance, two Indian giant power companies, namely, Adani Power Limited and Reliance Power Limited inked an MoU with Bangladesh to invest US\$ 5.5 billion to build two power plants capable of generating total 4,600 MW of electricity. It is worth mentioning that it will be the largest foreign direct investment in Bangladesh. In the fourth JCC meeting, Sushma Swaraj, the Indian delegates of the meeting, signed two MoUs, one for establishing a 'common facility center' in Khulna for small and medium enterprises and another for exporting of high speed diesel to Bangladesh. It is expected to boost the economy of the southern part of Bangladesh. (The Hindu, 2017c).

b. Power Cooperation

India-Bangladesh power cooperation has got new momentum after Modi came to power. With a view to easing the power shortage of electricity-starved Bangladesh, India is currently exporting around 500 MW of electricity to Bangladesh. At the 9th meeting of Bangladesh-India joint steering committee on power cooperation in Dhaka in May 2015, the decision has been taken to provide an additional 600 MW electricity to Bangladesh by 2017. Of this 600 MW, 500 MW of electricity will be supplied from West Bengal and 100 MW will be supplied from Palatana power project in Tripura (The Daily Star, 2015a, 15 May). And as discussed in the earlier section, two more power plants will be built that will make an addition of 4,600 MW of electricity to the national grid of Bangladesh. According to MoU, US\$ 3 billion will be invested by Reliance Power Limited to build a liquefied natural gas-based power plant capable of generating 3,000 MW and US\$ 2.5 billion will be invested by to set up a coal-based power plant to generate 1,600 MW (Dhaka Tribune, 2015, 6 June; The Daily Star, 2015b, 7 June).

From the Bangladesh side, building a new electricity grid between Bangladesh and Northeastern states of India were reviewed. According to The Daily Star, 'once set up, India will use Bangladesh's soil to transmit 6,000 MW of power from Assam to Bihar via Dinajpur' (The Daily Star, 2015a). Moreover, this new grid will help India in satisfying its desire to cross-border energy trading with SAARC member states (Karim, 2015).

c. Coastal Shipping and Maritime Cooperation

With a view to reducing the trading cost, India-Bangladesh signed a draft agreement and two separate pacts on coastal shipping cooperation in 2015. This agreement is expected to promote India's coastal shipping as the shipping cost will be cut by nearly two-thirds using Chittagong and Mongla ports of Bangladesh. Because of the direct access to Bangladeshi port, the overall shipping time for Indian cargo vessels will also down considerably (Hindustan Times, 2015, 7 June). According to Modi, '[T]he coastal shipping agreement will boost bilateral trade. The Indian economic zone will promote Indian investments in Bangladesh' (The Hindu, 2015).

In this age of globalization and connectivity, blue economy and maritime security have emerged as a vital

part of countries' foreign policy. India has already witnessed the 'Mumbai Attack' due to the maritime security breach. Thus, maritime cooperation is an important issue for both India and Bangladesh. During Modi's visit to Dhaka, the world witnessed the signing of India-Bangladesh maritime cooperation deal called

'Blue Economy and Maritime Cooperation in the Bay of Bengal and the Indian Ocean'. Besides the deal, an MoU has been inked between the University of Dhaka and Council of Scientific and Industrial Research (CSIR) of India and for collaborative research on oceanography in the Bay of Bengal.

Table 2. Bilateral trade between India and Bangladesh.

Year	India's export to Bangladesh	India's import from Bangladesh	Share of total imports by India from the world (in %)	Trade deficit for Bangladesh
2004-05	1,631	59	0.05	-1,572
2005-06	1,664	127	0.08	-1,537
2006-07	1,629	228	0.12	-1,401
2007-08	2,923	257	0.10	-2,666
2008-09	2,497	313	0.10	-2,184
2009-10	2,433	254	0.08	-2,179
2010-11	3242	446	0.12	-2,796
2011-12	3789	585	0.12	-3,204
2012-13	5144	639	0.11	-4,505
2013-14	6166	484	0.13	-5,682
2014-15	6,451	621	0.14	-5,830
2015-16	6,034	727	0.19	-5,307
2016-17	6,820	701	0.18	-6,119

All values in US\$ Millions.

Source: Ministry of Commerce, Govt. Of India.

d. Cooperation over Education and Training

The promotion of educational exchange, training and cooperation between India and Bangladesh is also manifested during Modi's tenure. Recently, the government of India has announced to spend 35 corer Bangladeshi Taka in next 5 years to provide scholarships to the descendants of Freedom Fighters. Every year two thousand students will be awarded this scholarship (Bangla Telegraph, 2018). Two MoU's have been signed Modi's visit to Bangladesh in June 2015 one between the University of Dhaka and Council of Scientific and Industrial Research (CSIR) of India for collaborative research on oceanography in the Bay of Bengal, and another between the University of Rajshahi and India's Jamia Millia Islamia University for educational cooperation.

Providing training for human resource development is a crucial aspect of Indo-Bangladesh relations that reached a new height during Modi's regime. The Indian government has launched a programme for providing training to Bangladeshi bureaucrats and law enforcement agencies' officers. Reportedly, over the next 3 years, 1500 Bangladeshi bureaucrats and police

officers will receive training in different Indian institutions (The Economic Times, 2015, 7 May).

e. Political Prisoners Extradition

The progress regarding political prisoner extradition has been manifested after Modi came to power. Although Bangladesh-India extradition treaty came into effect since October 2013, it gained new momentum during Modi's tenure which can be supported by the transference of Indian separatist leader Anup Chetia to India in November 2015 waiting after nearly two decades. Similarly, India also handed over Nur Hossain to Dhaka in November 2015, the prime accused of sensational Narayanganj seven-murder case. It is believed that the implementation of the extradition treaty will deepen Indo-Bangladesh security ties.

Connectivity: Connectivity, both physical and socio-cultural, has clearly manifested in Modi's policy towards Bangladesh.

a. Physical Connectivity:

The Bangladesh government's decision to allow India use of its territory for transit of cargo and passengers to the North East may be seen as a major initiative of

Bangladesh in strengthening India-Bangladesh relations to the next level in Bangladesh. The transit facility was signed during Modi's visit to Dhaka in June 2015 and was officially inaugurated on 16 June 2016. The transit facility has reduced the Kolkata-Agartala distance by half from 1600 kilometres to 800 kilometres and cut the transportation costs from \$67 to \$35 US dollars per tonne with a transit fee of \$192.25 per tonne.

From the Indian side, strong determination Modi governments to engage with Bangladesh through rail, road and waterways connectivity can be reflected by the measures like initiating direct bus services between Kolkata-Dhaka-Agartala and Dhaka-Guwahati-Shillong and mobilizing the establishment of a broad gauge rail line of 15 kilometres length between Agartala, Bangladesh and Tripura, India. The latter one will cut the distance between Agartala and Kolkata nearly one-third, from 1,650 kilometres to 515 kilometres. To materialize the rail line project, the Modi government has already sanctioned 1000 crore INR in July 2015. This direct rail connectivity is believed to promote socio-economic ties between these two countries to a greater extent (NDTV, 2015, 26 July). In addition, Bangladesh, Bhutan, India and Nepal (BBIN) signed the historic Motor Vehicle Agreement (MVA) to facilitate the road connectivity among these neighbours. BBIN-MVA is expected to boost the intra-regional trade by around 60 percent and global trade around 30 percent. (The Daily Star, 2015d).

b. Socio-cultural Connectivity

To strengthen the cultural ties between India and Bangladesh, Modi adopted the cultural exchange programmes for the years 2015–2017 (Kashem and Islam, 2016). Notably, 'Maitree Express' has started running one additional round trip between Kolkata-Dhaka-Kolkata since January 2015, which now runs thrice a week. In addition, with mutual consent, both the governments have approved three borders *'haats'*¹ to deepen their bilateral relations. All these initiatives are believed to be imperative in promoting people-to-people connection in the long run.

CHALLENGES

The following section attempts to explore the prime challenges in India-Bangladesh relations.

Water Dispute: While Bangladesh and India share 54 trans-boundary rivers, no other water sharing treaty expect the Ganga Water Sharing Treaty is operational between the two countries. In recent time, the dispute centred on the Teesta river water sharing has deteriorating Indo-Bangladesh relations to an unprecedented level. It is unfortunate that this crucial issue has not been resolved for over 18 years. Besides, India's attempt to create a dam and divert water has incited Bangladesh. There is no denying that India needs more water for its ever increasing population, however, India cannot ignore the water rights of Bangladesh. It is worth mentioning, the Modi government showed an honest attempt at resolving the dispute, but his attempt was not honored by Mamata Banerjee-led West Bengal Government. Regarding Teesta issue, the general perception in Bangladesh is of being deprived of water rights. Moreover, although delayed, the Indian government's controversial project called "Tipaimukh Dam" contributed to deteriorate India-Bangladesh relations to a larger extent. If India doesn't take any positive approach with urgency, water disputes would be the utmost reason of exacerbating the Indo-Bangladesh relations in future which could be irreconcilable.

Non-tariff barriers: Since its independence in 1971, Bangladesh has suffered severe trade deficit with India and it is widening year after year (Table 1). Expert opines that the reason for this imbalance is India's protectionist economic policy and excessive non-tariff barriers. There is no denying the fact that government of India has provided the duty-free opportunity for maximum Bangladesh products which can be reflected by the enlistment of only 25 items in India's sensitive list for Bangladesh compared to Bangladesh's sensitive list for India which has 1241 items (Sharma, 2016), however, non-tariff barriers in the form of customs and bureaucratic harassment delay shipment from Bangladesh which lead to increase the shipping cost from Bangladesh side and contribute to massive trade deficit. This vast trade deficit has now turned into a political issue rather than an economic one. Many Bangladeshi including academicians and policy-makers now feel a sense of deprivation which could be a major impediment to strengthening Indo-Bangladesh ties in future. Indian government should be resolved with some urgency, otherwise, India may lose a huge market of Bangladesh to China.

¹ A haat is an open-air market that is conducted on a regular basis (i.e. once, twice, or three times a week and in some places every two weeks) in the rural areas of Bangladesh, India, Nepal and Pakistan serving as a trading venue for local people.

China, with its welcoming and encouraging attitude, is very proactive in this regard. It frequently organized exhibitions on Chinese products targeting only Bangladeshi traders, promotes technology transfers and also explores importable Bangladeshi commodities. Notably, India was Bangladesh's largest import origin country in 2003, but it has already lost its position to China (Sharma, 2016). This is alarming for India and this gap between India and China may continue to widen massively if India doesn't take proper care of the aforementioned non-tariff barriers.

Rampal Power Plant: On 11 January 2011, the governments of Bangladesh and India inked a memorandum of understanding (MoU) to set up two coal-fired thermal power plants in Rampal, Bangladesh, roughly 15 kilometres away from the Sundarban-the largest continuous mangrove forest in the world. It is a joint venture initiative between the Bangladesh Power Development Board (BPDB) and the Indian National Thermal Power Corporation (NTPC) at a cost of \$1.68 billion capable of generating 1,320 MW electricity.

There is no denying that government of Bangladesh is trying to mitigate acute electricity shortage, which is prerequisite for economic development, however, due to its close proximity to the Sundarban, Rampal project has been facing severe domestic resistance and international criticism since inception.

Unfortunately, despite vigorous domestic resistance, both governments' obstinate attitude towards completion of the project by any means is tarnishing the image of India and as well as ruling Awami League of Bangladesh. While Sheikh Hasina's strong backing for the power plant directly correlating with her alleged pleasing-India-at-any-cost attitude, India's imperialist hegemonic attitude towards establishing power plant creating an anti-India sentiment in the mind Bangladeshi people. Especially, Bangladeshi people are increasingly becoming suspicious due to the duality of India's intention. While government of India refrained from establishing Nayachar thermal power plant in West Bengal in 2015 (within 10 kilometres of the Sundarbans of India), the very same government is promoting the Rampal project ignoring the public demand which tends Bangladeshi people to think India is trying to outsourcing its energy trade at the same time getting rid of the pollution problem. India's disrespectful attitude towards the public demand of Bangladesh could lead to a major debacle in Indo-Bangladesh ties in the long run.

Rohingya Issue: Recent Rohingya crisis has resulted, although to a lesser extent, bitterness in Indo-Bangladesh relation. More than 800,000 Rohingya have crossed the border into Bangladesh since August, running from a military crackdown that was initiated after Rohingya militants attacked police posts, killing 12 members of the security forces (The Guardian, 2017). There is no denying that regional security is the prime concern of the Modi government. However, Bangladesh expected Modi, being a regional leader, will address the alleged persecution of the Rohingya Muslim community which will ease the repatriation process of Rohingya people in foreseeable future. But unfortunately, Modi expressed his deep concern on extremist violence only in his visit to Yangon on 5 September 2017 and stayed tight-lipped about the mass exodus and humanitarian crisis (Hindustan Times, 2017a, September 6). And amid a burgeoning humanitarian catastrophe, New Delhi threatened to deport the 40,000 Rohingyas on the ground of national security concerns which has slightly blunted India's regional and international image (Hindustan Times, 2017b, September 24). However, opposite to the general perception, China played a vital role and proposed a three-stage path for Rohingya repatriation (Lee, 2017), which world was expecting from India.

It is undoubtedly true that Myanmar is India's gateway to Southeast Asia which might explain India's soft-peddled attitude on the Rohingya issue. India has been working on connecting northeast Indian states to Sittwe port (Upadhyay, 2017). However, Bangladesh is crucial for expanding India's physical connectivity. And shunning Bangladesh in regard to Rohingya refugees didn't bring a good message to Bangladeshi policy-makers. Hopefully, India will get more involved in the long-term resolution of the Rohingya crisis and avoid the misleading geopolitical strategy.

Alleged Illegal Migration of Bangladeshis to India: Despite Bangladesh's repeated denial, India constantly accuses Bangladesh for huge illegal migration of Bangladeshis to the neighbouring Indian states to an extent that contributes to the gradual demographic pattern change. The High Commissioner of India in Bangladesh repeatedly expresses his concern over the illegal migration issue. According to the High Commissioner "[W]e have to be circumspect in issuing visas particularly when we know that around 25,000 Bangladeshis do not return after entering India every year. Those who enter unrecorded are many more. Our

concern about illegal migrants cannot be brushed aside" (The Daily Star, 2009). Kiren Rijiju, the Union Minister of State for Home Affairs of India, stated in Rajya Sabha that there are around 2 crore illegal Bangladeshi immigrants staying in India (Jain, 2016). However, it is merely an allegation as Rijiju did not provide any evidence to support his allegation. Indian politicians frequently use this 'illegal Bangladeshi' issue as a populist move to gain public attention. Very recently, Mamta Banerjee has accused cross border illegal Bangladeshi for poll violence during Gram Panchayat elections in several districts of West Bengal without any kind of proof. At least 21 people were killed during this poll violence (Dhaka Tribune, 2018). This blame game between India and Bangladesh inhibits to strengthening India-Bangladesh ties to a large extent.

Border Killings: Except 1973, every year scores of Bangladeshis are being killed by Indian Border Security Force (BSF). In a research from Odhikar (2017), between 2000 and 2017 4,138 Bangladeshi nationals have been killed by BSF. This is undoubtedly not an attitude a friend (or younger brother) can ever expect. Huge resentment is growing in Bangladesh which can irreversibly change the Indo-Bangladesh relations for worst. Although, after Modi came to power, this number is slowly decreasing, however, even one killing cannot be accepted. So, we hope Modi would take care of this issue with utmost importance.

CONCLUSION

This paper has attempted to provide an overview of the recent progress in Indo-Bangladesh ties during Narendra Modi's tenure. While challenging the popular perception, it is asserted that even though BJP is in power now, India-Bangladesh relationship has reached a new height.

In fact, the peaceful resolution of the long-standing maritime dispute and the ratification of the historic LBA is expected to strengthen the India-Bangladesh relations in the foreseeable future. However, the challenges like water dispute, non-tariff barriers, Rampal power plant and regional Rohingya issue, alleged illegal migration of Bangladeshis to India and border killings, need to be addressed carefully for a sustainable friendly relation and establish a win-win situation.

Last but not least, in this age of growing interdependence and sharing, there is no alternative but to strengthen Bangladesh-India relations. Therefore, consistency in Indo-Bangladesh friendly relations needs to be maintained no matter which regime remains in power

both in Dhaka and Delhi.

REFERENCES

- Ali, S.M. (2015, June 4). Modi's forthcoming visit: A watershed moment for our bilateral ties. *The Daily Star*, Retrieved 8 December 2017; <http://www.thedailystar.net/op-ed/politics/watershed-moment-our-bilateral-ties-91639>
- Bangla Telegraph*. (2018, May 4). ১০হাজারমুক্তিযোদ্ধা রসসন্তানদেরও৫কোটিটাকারশিক্ষাবৃত্তিদেবেভারত. Retrieved 21 May 2018; <https://www.banglatelegraph.com/article/74620>
- Chakma, B. (2015). Sheikh Hasina government's India policy: A three-level game? *Journal of Asian Security and International Affairs*, 2(1), 27-51.
- Dhaka Tribune*. (2015, June 6). Bangladesh-India sign MoU for 4,600MW power. Retrieved 8 December 2017; <http://www.dhakatribune.com/bangladesh/2015/06/06/bangladesh-india-sign-mou-for-4600mw-power/>
- Dhaka Tribune*. (2018, May 16). West Bengal blames Bangladeshis for poll violence without proof. Retrieved 21 May 2018; <https://www.dhakatribune.com/world/south-asia/2018/05/16/west-bengal-blames-bangladeshis-for-poll-violence-without-proof>
- Gupta, S. (2015, May 8). Parliament puts seal of approval on LBA. *The Hindu*, Retrieved 8 December 2017; <http://www.thehindu.com/todays-paper/tp-national/parliament-puts-seal-of-approval-on-lba/article7182518.ece>
- Haidar, S. & Habib, H. (2015, 27 May). Modi to sign key agreements on Dhaka visit. *The Hindu*. Retrieved 8 December 2017; <http://www.thehindu.com/news/national/narendra-modi-visit-to-dhaka-modi-to-sign-key-agreements/article7248902.ece>
- Hindustan Times*. (2015, June 7). Modi visit: All you need to know about India-Bangladesh pacts. Retrieved 8 December 2017; <http://www.hindustantimes.com/india/modi-visit-all-you-need-to-know-about-india-bangladesh-pacts/story-QtOPnzcICL5vXNZRVDXeK.html>
- Hindustan Times*. (2017a, September 6). PM Modi tells SuuKyri India is with Myanmar but skips mention of

- Rohingya issue. Retrieved 8 December 2017; <http://www.hindustantimes.com/india-news/modi-in-myanmar-pm-praises-suu-kyi-s-leadership-vows-to-fight-terror-in-joint-statement/story-vC4Pi9WL594NnRt8Oe430J.html>
- Hindustan Times. (2017b, September 24). New plea in SC seeks deportation of illegal Rohingya migrants from India. Retrieved 8 December 2017; <http://www.hindustantimes.com/india-news/new-plea-in-sc-seeks-deportation-of-illegal-rohingya-migrants-from-india/story-LQfnZYolCZYyutQMxMLctN.html>
- Jain, B. (2016, November 17). Two crore Bangladeshi immigrants illegally staying in India, Centre informs Rajya Sabha. *The Times of India*, Retrieved 21 May 2018; <https://timesofindia.indiatimes.com/india/Two-crore-Bangladeshi-immigrants-illegally-staying-in-India-Centre-informs-Rajya-Sabha/articleshow/55457903.cms>
- Karim, R. (2015, 7 March). Power trade with India Bangladesh eyes 2,000 MW more by 2018. *The Daily Star*, Retrieved 8 December 2017; <http://www.thedailystar.net/frontpage/bangladesh-eyes-2000mw-more-2018-5570>
- Kashem, M. A. & Islam, M. S. (2016). Narendra Modi's Bangladesh Policy and India-Bangladesh Relations: Challenges and Possible Policy Responses. *India Quarterly*, 72(3), 250-267.
- Lee, Y. (2017, November 20). China draws three-stage path for Myanmar, Bangladesh to resolve Rohingya crisis. *Reuters*, Retrieved 8 December 2017; <https://uk.reuters.com/article/uk-myanmar-rohingya/china-draws-three-stage-path-for-myanmar-bangladesh-to-resolve-rohingya-crisis-idUKKBN1DK0AK>
- Maini, T. S. (2015, 5 June). India-Bangladesh relations: The bigger picture. *The Diplomat*. Retrieved 8 December 2017; <https://thediplomat.com/2015/06/india-bangladesh-relations-the-bigger-picture/>
- Majumdar, A. J. (2014). Making sense of India-Bangladesh relations. *India Quarterly*, 70(4), 327-340.
- NDTV. (2015, July 26). Rs 1,000Crore Approved for India-Bangladesh Rail Link. Retrieved 8 December 2017; <http://www.ndtv.com/india-news/rs1-000-crore-approved-for-india-bangladesh-rail-link-1200728>
- Odhikar. (2017). Atrocities by Indian Border Security Force (BSF) against Bangladeshi Citizens. Retrieved 8 December 2017; <http://odhikar.org/wp-content/uploads/2016/04/Statistics Border 2000-2017-Jan-Feb.pdf>
- Pant, H. V. (2007). India and Bangladesh: Will the twain ever meet? *Asian Survey*, 47(2), 231-249.
- Pant, H. V. (2011). India's relations with Bangladesh. In D. Scott (Ed.), *Handbook of India's international relations* (pp. 83-94). London: Routledge.
- Pant, H. V. (2015, 2 June). A long overdue foreign policy course correction by Delhi. *The Diplomat*, Retrieved 8 December 2016; <https://thediplomat.com/2015/06/a-long-overdue-foreign-policy-course-correction-by-delhi/>
- Reuters. (2014, July 7). UPDATE 1-U.N. tribunal rules for Bangladesh in sea border dispute with India. Retrieved 8 December 2017; <https://www.reuters.com/article/bangladesh-india-seaborder-idUSL4N0PJ39L20140708>
- Sharma, C. (2016). India-Bangladesh Relations: Moving towards Friendship. *ISAS Insights*, No. 315.
- Singh, S. (2009). Border crossings and Islamic terrorists: Representing Bangladesh in Indian policy during the BJP era. *India Review*, 8(2), 144-162.
- The Daily Star*. (2009, July 20). Indian HC on illegal migration. Retrieved 21 May 2018; <https://www.thedailystar.net/news-detail-97864>
- The Daily Star*. (2015a, May 15). More power from India by 2017. Retrieved 8 December 2017 <http://www.thedailystar.net/business/more-power-india-2017-82308>
- The Daily Star*. (2015b, June 7). Bangladesh power projects: Reliance, Adani to invest \$5.5b. Retrieved 8 December 2017; <http://www.thedailystar.net/frontpage/reliance-adani-invest-55b-93286>
- The Daily Star*. (2015c, June 12). India agrees to give BGMEA land to build warehouse. Retrieved 8 December 2017; <http://www.thedailystar.net/business/india-agrees-give-bgmea-land-build-warehouse-95719>
- The Daily Star*. (2015d, June 15). Four nations sign motor vehicle agreement. Retrieved 8 December 2017; <http://www.thedailystar.net/country/cross-border-vehicle-plying-deal-inked-97444>
- The Economic Times*. (2015, May 7). Over 1,500 Bangladesh civil servants to get training in India.

Retrieved 8 December 2017;

http://www.business-standard.com/article/pti-stories/over-1-500-bangladesh-civil-servants-to-get-training-in-india-115050700948_1.html

The Guardian. (2017, November 23). Myanmar signs pact with Bangladesh over Rohingya repatriation. Retrieved 8 December 2017;

<https://www.theguardian.com/world/2017/nov/23/myanmar-signs-pact-with-bangladesh-over-rohingya-repatriation>

The Hindu. (2011a, July 25). Bangladesh honours Indira Gandhi with highest award. Retrieved 15 May 2018;

<http://www.thehindu.com/news/international/bangladesh-honours-indira-gandhi-with-highest-award/article2293016.ece>

The Hindu. (2011b, September 27). Mamata plays spoiler. Retrieved 8 December 2017;

<http://www.thehindu.com/opinion/editorial/mamata-plays-spoiler/article2430074.ece>

The Hindu. (2015, June 6). Text of Prime Minister Modi's statement to media in the Joint press briefing with Bangladesh Prime Minister Sheikh Hasina. Retrieved 8 December 2017, from

<http://www.thehindu.com/news/resources/prime-minister-narendra-modis-twodays-bangladesh-visit/article7289468.ece>

The Hindu. (2017a, April 8). Delhi, Dhaka exchange 22 deals. Retrieved 14 May 2018;

<http://www.thehindu.com/news/national/delhi-dhaka-exchange-22-deals/article17894933.ece>

The Hindu. (2017b, April 11). India assures Bangladesh on Teesta water sharing, as the two countries broad base ties. Retrieved 14 May 2018;

<http://www.thehindu.com/opinion/editorial/transformative-visit/article17913764.ece>

The Hindu. (2017c, October 24). Neighbours first, Bangladesh foremost: Sushma Swaraj. Retrieved 14 May 2018;

<http://www.thehindu.com/news/national/neighbours-first-bangladesh-foremost-sushma-swaraj/article19907839.ece>

Upadhyay, S. (2017, December 7). The future of India's do-nothing policy toward the Rohingya. *The Diplomat*, Retrieved 8 December 2017;

<https://thediplomat.com/2017/12/the-future-of-indias-do-nothing-policy-toward-the-rohingya/>

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ENTICING THE MAOIST GUERRILLA – INDIA'S COIN STRATEGY AND EVOLVING SURRENDER AND REHABILITATION POLICY

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ABSTRACT

Debates about the utility of different COIN models in the Indian scenario continue to evoke extreme reactions. Experts believe that Indian COIN efforts have invariably preferred trading “hearts and minds” approach with highly kinetic enemy centric tactics. It is argued that Indian security leadership feels that an enemy centric approach is best suited for Maoist insurgency, where the fear of population seceding from India is remote. India is blamed for not having a focused or a formal COIN strategy against the Maoist insurgency. It is only in the last decade that individual states have begun to harmonize their COIN responses with one another and with the Government of India (GoI) policies. A national surrender and rehabilitation policy were formulated in 2014; considered to be an important component of the new approach. Following federal guidelines, states have formulated their surrender policies. It may be myopic to assess these policies in isolation and these need to be evaluated in whole as a part of comprehensive COIN approach. The verdict till now is a mixed bag, while some states have tasted success with the scrupulous implementation of the new surrender policies, others have resorted to sham surrenders to shore up the numbers. Policies like surrender and rehabilitation can give a representative sense to the rebels that the government cares for them if they (rebels) are willing to shun the violent path. Proper implementation and timely disbursement of benefits add to the credibility of the policy and the government too. The multi-pronged approach of sustained military pressure, robust economic development program and a sensitive surrender cum rehabilitation policy stand to deliver favourable results in India's fight against Maoist insurgency.

Keywords: India, Insurgency, Surrender, Rehabilitation, COIN, Maoist, Naxalism.

INTRODUCTION

India has faced armed insurgencies right since its independence in 1947. It may be difficult to pick a year in the last 72 years when India was not fighting an insurgency in some form or some part of the country. Despite such a long history of fighting insurgency, Indian Counterinsurgency (hereafter COIN) strategies have often been called ad hoc, with one senior policymaker suggesting that Indian COIN strategies have evolved dynamically within the context and nature of insurgency (Yadav, 2018). These strategies have, at times, evoked extreme reactions. The appraisal of Indian COIN experience varies from being branded as ‘critical failure’ to one that compliments India of “never having lost an insurgency battle” (Rajgopalan, 2007). The *baiters* broadly consider India's ‘one size fits all’ approach key to its failure, whereas the *triumph* group attributes India's

success to its resilience in handling insurgency movements (Swami, 2010).

Much of the scholarly work on India's domestic COIN approaches have focused on Indian Army's COIN experience in Jammu and Kashmir, Punjab or North-East (Rajagopalan, 2000 and Banerjee, 2009 and Staniland, 2003). Though the Indian army first began its COIN operations early in the 1950's against the Naga rebels, it was only in 2006 that the army issued its first formal doctrine on sub-conventional operations. The *iron fist in a velvet glove* approach of the doctrine which the Indian army claim to follow is invariably termed as a mix of enemy centric and hearts and minds approach (Singh, 2011).

However, India is blamed for not having a focused or a formal COIN strategy against the Maoist insurgency. Some experts believe, the fact that Maoist insurgency for

a long time didn't threaten the Indian urban elite and was confined to remotest regions of India, explains India's lacklustre approach to this insurgency (Karl, 2011). It was only when the Maoists started to expand into urban centres and began targeting the political leadership, did India realize the magnitude of this security challenge. The disjointed efforts in countering Maoist insurgency have given rise to a sense that this initial vacillation was responsible for the growth of Maoists from fringe entities to ones directly challenging the state. The problem till recently was seen as more having a socio economic dimension than a genuine security threat.

Maoist insurgency often touted as the biggest internal security threat to Indian state continues to be dealt without any assistance from Indian army. India's COIN strategy against the Maoists is predicated on the complex mix of State Police Forces and Central Armed Police Forces (CAPF). Thus, a big part of India's COIN response is carried out without any formal doctrine. For the longest time, every state was fighting the left wing insurgency with its limited formula. It is only in the last one decade that individual states have begun to harmonize their COIN responses with one another and also with the Government of India (GoI) policies.

In past few years, the country has witnessed a marked decrease in Maoist violence. This has corresponded with an increase in the number of surrenders of key Maoist leaders. The downward trend in the violence is complemented by reduced fatalities of the security forces. The government of India attributes this success to the new 'holistic approach' in tackling the Maoist insurgency (Ministry of Home Affairs, 2019). For the first time a national surrender and rehabilitation policy was formulated in 2014; considered to be an important component of the new approach (GoI, 2019).

This paper is an attempt to study India's COIN strategies against the left wing extremists (Maoist) with a focus on the impact of both federal and state surrender policies on the COIN campaign. The paper begins with a brief background on the history of left wing uprisings in India and also at the evolution of Indian COIN strategies against the Maoist. Section two of paper focuses on the current COIN strategy which encompasses a liberal surrender and rehabilitation policy. I argue that since 2014 when GoI for the first time announced a national level surrender and rehabilitation policy, it has become an important and effective tool in the hands of state

governments. Section three of the paper attempts to assess the impact of the new national surrender and rehabilitation policy. I look at the implementation and execution of the surrender policies in the states of Chhattisgarh, Orissa and Andhra Pradesh. The choice of these three states is natural as these states have been at the forefront of anti-Maoists operations. Based on the study of these three states, I conclude that a comprehensive surrender and rehabilitation policies can become critical components of any overarching COIN strategy, and these must be implemented with clear goals in mind. Seeking surrenders to just push the numbers invariably renders an effective policy redundant. It also tends to conflate the issues of poor implementation with that of poor policy formulations.

Brief History of Maoist Insurgency in India

There is a widespread belief that Left-Wing Extremism in India started with Naxalbari, in West Bengal in the 1960s. It was, however, what scholars have called the second wave of insurgency, the first being some twenty years ago in Telangana. The earliest Maoist strands can be traced back to a peasant rebellion in Telangana in the erstwhile Nizam state of Hyderabad in 1947 (Guha, 2009). A dissident faction of the Communist Party of India (CPI) organized the poor peasants and tribals against the exploitation by landlords (Jagirdars and Deshmukhs) and adopted Maoism as both its goal and strategy (Kennedy and Purushottam, 2012). The peasants and tribals were perpetually in debt and many committed suicides when the harassment of Jagirdars and Deshmukhs became intolerable. This movement laid down the framework of principals and strategies which the future communist insurgencies would also adopt. Indian communists very early in their struggle had adopted the Mao's ideology of 'People's War' as their mode of struggle (Kennedy and Purushottam, 2012). There was widespread violence both by the rebels and the state. The movement resulted in the deaths of thousands of tribals and peasants. This movement ended in the early fifties partly as a result of strong government action and also the decision of CPI to take part in the first electoral process of independent India (Sundarayya & Chattopadhyaya, 1972,101).

With the Indo China war of 1962, communists faced a severe credibility issue within the Indian masses. With the result, the Communist movement in India split during 1964 into two groups which later came to be known as Communist Party of India (CPI) and the Communist

Party of India- Marxist (CPM) (Singh, 2012). The extremists within the CPM favoured an immediate launch of revolutionary armed struggle, this resulted in the further split of CPM with the extremists forming their own CPI (Marxist-Leninist) in 1969. It is this wing of Communists which gradually evolved into what is today known as the CPI (Maoist), the flag bearer of Maoist insurgency in India.

Naxalbari Rebellion

In 1967, Charu Majumdar, who would later head CPI (ML), took the cause of agricultural labourers and sharecroppers against the repressive policies of 'Jotedars' (non-agricultural landlords) and started an armed insurgency in Naxalbari district of West Bengal. The widespread ideological appeal of the Naxalbari movement is the reason, why the name 'Naxal' has survived until today and is commonly used in addressing the Maoist insurgents. The insurgency with its growing ideological appeal soon spreads to other areas including Calcutta (Kolkata) where the university students took the cause of these labourers and started an urban armed insurgency against the state government. The Naxalite movement began to spread both vertically amongst sections of students/educated middle class and horizontally across other states. The movement caught the imagination of intelligentsia and press which started comparing it with the Huk rebellion of the Philippines and the Shining Path of Peru (Singh, 2012).

However, the aim and aspirations fell flat as insurgents failed to create mass support for the movement. The leaders of the movement had assessed that the insurgency, in Mao's words, would act as a spark which would set the entire prairie in flames (Gupta, 1968). The government responded with heavy use of force. Leaders of the movement were arrested. The movement was slowly marginalized and was all but crushed in 1972 by a concerted COIN campaign by West Bengal police with the help of the central government (Samar and Panda, 1978).

Current Phase

The Naxalbari movement was to inspire future generations of Indian left-wing extremist. The ideology of 'People's war' began to spread to other states when some of the comrades of Charu Mazumdar took the revolutionary ideas of Naxalbari movement with them to Telangana region in Andhra Pradesh and started mobilizing the masses for an impending struggle. In 1980 Kondapalli Seetharamaih formed CPI(ML) People's War

Group (PWG). He started an mass mobilization campaign and by mid-eighties the PWG cadres indulged in large scale violence and started targeting the government machinery (Singh, 1995).

Apart from Telangana, the Naxalite movement post Naxalbari had spread to other states. In the state of Bihar, Maoist Coordination Committee (MCC) was the most prominent Naxal group. The MCC was formed in 1975 as a break way group of CPI (ML). The Naxal movement also spread to Chhattisgarh which has a large tribal population. The Bastar region, which today is the hotbed of Maoist insurgency is a mineral rich region. The big industrial houses over the years have displaced tribals from their forest habitat without giving them proper compensation. A lopsided socio-economic development caused by indirect exploitation through environmental destruction and direct exploitation through cheating and duping provided an ideal setting for the Naxalites to take roots in the area (Singh, 2012).

In 2004 the insurgents took a monumental decision which changed the course of Maoist insurgency in India and transformed it into India's biggest internal security challenge. The PWG and MCC merged and formed CPI(Maoist) with Muppala Lakshman Rao alias Ganapathy as its General secretary (The Pioneer, 2012). The formation of CPI(Maoist) led to the convergence of resources and efforts which on one hand boosted party's ability to mobilize the masses and on the other enhanced the striking capability of its armed wing. The result was a quantitatively massive upsurge in the Maoist violence. In the last 15 years around 3000 security force members have been killed (MHA Report, 2019).

The Maoist influence has gradually extended over large parts of the country. Addressing the police chiefs of the country on 15 September 2009, the Indian home minister stated that 'Maoist ideology had its pockets of influence in 20 states across the country and that over 2,000 police station areas in 223 districts in these states were partially or substantially affected by the menace' (PIB, 2010). By 2014, Maoist violence spread to more than one third of the country. Government data reveals that a total of 802 members of security forces were killed in various insurgent related incidents between 2010 and 2015, whereas the number of insurgents killed by security forces in the same period stood at 494 (GoI, 2019). This showed a better kill ratio in favour of insurgents. The number of civilian casualties were 2162 between 2010 and 2015. There were more than 6500

Maoist related incidents in the same period). Adding to these grim statistics were the worrying trends of the spread of the movement. Maoist activities were witnessed in 203 districts of 20 states in 2011. More than 106 districts were categorized as “worst affected by Maoist insurgency” (Ministry of Home Affairs, 2019). The government figures of 2015 showed Maoist incidents in more than a dozen states, which did give the impression that a third of the country’s area was under some sort of Maoist influence. Apart from their traditional strongholds in central India, Maoists were seriously involved in mobilization activities in parts of Assam, Punjab and the southern states.

INDIAN COIN DILEMMA

Indian COIN Dilemma- The Debate Rages

There have been raging debates about the utility of different COIN models in the Indian scenario. Experts believe that Maoist insurgency posturing itself as a ‘people’s war’, mandates a more classic COIN build on the notions of competitive state building to address economic and governance deficiencies (Lalwani, 2011). They argue that it requires a population centric approach of winning hearts and minds rather than the enemy centric approach of highly kinetic operations.

Some feel that India’s counterinsurgency strategy is strongly influenced by the British campaign of winning ‘Hearts and Minds’ against the Malayan Communist Party (Lalwani, 2011). However, the Indian efforts at winning hearts and minds have been put into practice only when the successes were first achieved by kinetic operations (Sahni, 2010).

Indian COIN efforts have invariably preferred trading “hearts and minds” approach with highly kinetic enemy centric tactics. Though insurgencies have been contained these have not been wiped out completely. One western expert thinks that India has done tremendously well in managing the problem and not allowing them to get out of the hand (Staniland, 2014). Despite the substantial drop in insurgent violence, the insurgency is not dead in Kashmir and NE. The population in these areas remains largely unintegrated, a drawback believed to be inherent with the highly kinetic enemy centric approach.

It is argued that Indian security leadership feels that an enemy centric approach is best suited for Maoist insurgency, where the fear of population seceding from India is remote. The success of Andhra Pradesh in curbing the Maoist problem is attributed to enemy

centric drives of kinetic operations. The success Andhra Pradesh COIN campaign without a declared COIN model has allowed experts to draw their lessons from it. Government of India also advocates that other states fighting insurgency adopt the Andhra Model (MHA Naxal Report, 2018), without really explaining what this model is?

COIN Campaigns Against Maoists- Historical Perspective

Scholars believe that the first wave of Counterinsurgency in Telangana outwardly adopted the classical double pronged COIN strategy of strong police action combined with ameliorative development measures to win hearts and minds of the local population (Kennedy and Purushottam, 2012). However, it is interesting to examine that this rebellion was not even treated as an insurgency by the then government. The available materials indicate that the government at that time came to view this as a peasant rebellion, as British Indian history witnessed many such rebellions (Singh, 2012). The state response was brutal and unwittingly followed the path of a conventional COIN campaign. The government forces in Telangana resorted to harsh police action against the insurgents and their tribal supporters. In order to rob insurgents of the local support, the state government tried to forcibly relocate tribals from their forest villages into the ‘state camps’ (National Archives of India (NAI), 1948). The idea was to a) minimize the support to insurgents and b) create employment by giving them work at the new infrastructural projects which the state had started. This forcible relocation however failed in both its objectives. Thousands of tribals died in Telangana as a result of this relocation (NAI, 1948). The government also raised tribal militias in the form of ‘home guards’ and Village Defence Committees. These local militias were targeted by the insurgents and many were killed. On the other hand, members of these militias became a law unto themselves and killed many suspected insurgents in fake encounters. Half a century later in Chhattisgarh, the government extended support to such a vigilante group in the form of Salwa Judum which was banned by SC in 2011 on the allegations of human rights excesses against the tribals. It is interesting to note how the COIN efforts, despite the absence of a declared doctrine, tend to follow a course which seems more like pattern. A lot of similarities in strategy and tactics can be observed when Indian COIN is compared to other COIN models across

the world. Colin Jackson, a former senior policymaker in the U.S. Department of Defence, calls it a constraint of 'limited marbles in a pocket', those can only be juggled in limited number of different ways (Jackson, 2017).

Naxalbari COIN- A Kinetic Approach

The Naxalbari movement was crushed by the state government with effective support from the federal government. The government launched a joint operation by the army and the police, code named Operation Steeplechase, in the bordering districts of West Bengal, Bihar, and Orissa (Singh, 1995). The West Bengal police targeted committed student insurgents either by killing them or arresting them. The 'fence sitters' were promised jobs and encouraged to join politics (Krishanji, 1980). Some of the insurgents were absorbed as home guards with a monthly salary. These 'home guards' acted as valuable informers by identifying other insurgents.

By the end of 1972, almost all the top Naxalite leaders including Charu Majumdar and several others were arrested by the police. Around 8000 Naxal members and sympathizers were arrested. The poverty alleviation schemes of both centre and state governments also veered away a sizeable section of the rural population away from the insurgents. Many experts believe that the state's extensive and violent measures brought an end to Naxalbari movement (Oetken, 2009). However, the inability of state to wipe out the remaining traces resulted in insurgents moving to other states and with them travelled the idea of Maoism.

Current COIN Strategy – Kinetic Redux or People Centric?

The Government of India essentially treats Maoist insurgency as a 'Law and Order' problem which falls under the purview of Police and Public order (GoI Report, 2019). Police and Public order being 'state subjects' in Indian constitution, entails that the primary responsibility of handling Maoist insurgency rests with the individual states. The centre can extend assistance in the form of providing financial resources and deploying Central Armed Police Forces, which would essentially be in aid to state efforts. The government website lays down its approach to Maoist insurgency as holistic which involves improving security situation, ensuring rights and entitlements of local communities, improvement in governance and public perception system.

Various state governments have adopted their own individual strategies, thus choosing their own path to COIN. The current COIN strategy is state specific with

support from the centre in terms of manpower and resources. The strategy translates into increasing the troops presence in the critical areas and then saturate these areas with by maximizing troops presence who then prioritize kinetic action against Maoists (Shapoo, 2017).

There is a widespread appreciation that current patterns of insecurity dictate that stabilization must precede development. This is not an unreasonable view; it is obviously difficult to develop territory you do not control, and Maoists recognize that development can erode their control. Maoists have targeted 1241 economic targets between 2011 and 2015 including roads, power plants, telephone towers, food storage etc. to keep the population insulated from the relief and developmental efforts (MHA, 2016). The government, in 2009, launched a massive stabilization cum dominance drive by deploying more than 70,000 Central Reserve Police Forces (CRPF) across Maoist zones in Chhattisgarh, Jharkhand, Bihar and Orissa. This deployment popularly known as "Operation Green Hunt", a term coined by the media, was a step towards territorial stabilization which was to be achieved by dominating the area (D'Souza, 2009). The CRPF and state forces operate jointly forming concentric circles of responsibility. Once the area is dominated for a considerable period of time, it is believed, would lead to stability in the security situation and provide an opportunity for implementing developmental schemes. These 'Clear Hold and Develop' efforts are continuing with government pouring in more forces.

Various states have also tried to improvise on the past or existing COIN tools.

Chhattisgarh made one such improvisation in 2005, when it provided all out material and logistic support to an auxiliary tribal militia, Salwa Judum, to counter Maoists both militarily and ideologically. Salwa Judum comprised of local tribal youth and surrendered rebels. There were large scale accusations of extortion and repression against the Judum members. Subsequently, Salwa Judum was banned by the Supreme court of India in 2011. Another important addition has been the announcement of surrender and rehabilitation policies by almost all the states affected by Maoist insurgency.

NEW HOLISTIC COIN: A GAME CHANGER?

The Maoist violence seems to have ebbed in recent years. The government has scored some major successes

in the form of arrests and surrender of key Maoist leaders. The figures associated with key indicators of violence like a number of incidents, arrests and surrender also support the narrative that “insurgency is on the downward spiral since 2014” (Ahlawat, 2018). Figure 1 shows the trends in the number of Maoist related incidents. A senior official of Home Ministry, the department responsible for internal security in India, claimed that the number of the districts categorized as ‘Worst affected by Maoist violence’ has come down from 106 in 2014 to 30 in 2018 (Jain and Dash, 2018). The national surrender and rehabilitation policy announced in 2014 is being touted as a game changer. One official

remarked, “by looking at the number of surrenders after the policy was announced signifies that the Maoist insurgency may soon die out”(Press Trust of India, 2018).

The government claims that the surrender of cadres and leaders of CPI-M has become common due to the attractive nature of the new surrender and rehabilitation initiative. The policy’s objectives are to wean away misguided youth and hardcore Maoists and to ensure that those who surrender do not find it attractive to re-join the movement. This has resulted in over 6000 surrenders since 2014 (SATP, 2019).

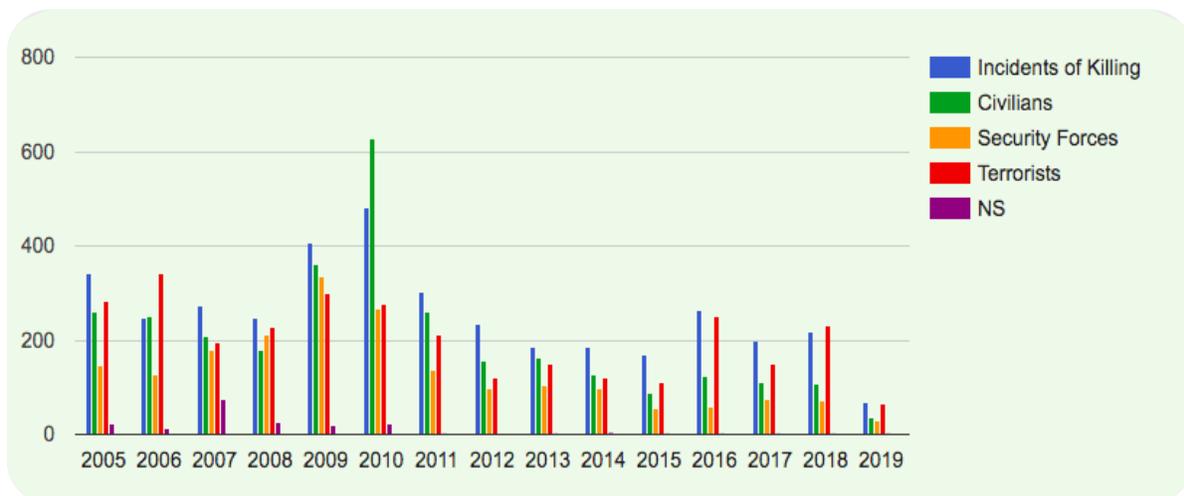


Figure 1. the trends in the number of Maoist related incidents.

Source: SATP.ORG

While there is no clear-cut or one reason as to why Naxals surrender, various media reports have described cases of individuals becoming disillusioned with the ideology, but for many it could simply be due to financial reasons. Many former Naxalites have criticised the exploitative attitudes of higher elites who live lavish lifestyles, while the cadres fight underground in remote forests (Gohil, 2009). The surrender and rehabilitation of Naxalites is now national policy and has resulted in success in some affected states but not all.

Surrender and Rehabilitation as a Part of COIN Policy

It is often argued that surrenders, amnesty and rehabilitation are critical elements of any political settlement involving state and rebels (Anderson, 2016). The issue of rebel surrenders is often perplexing; on one hand, it may rehabilitate and provide amnesty to the surrendered but at the same time there is a real threat of

their exclusion from the society. The latter can act as a push back against the motivation to surrender. Surrenders are invariably seen as an act of betrayal against the movement by the rebels and movement sympathisers (Anderson, 2016). Surrender and rehabilitation, however, have long been part of effective counterinsurgency strategies.

General Erskine, while fighting insurgency in Kenya in 1950’s emphasized the importance of surrender as a vital part of the military campaigns (Anderson, 2016). Surrenders offer a strong political aspect that at times acts as a humane varnish over the strong and harsh military conduct of a COIN campaign. Nandani Sundar, a well-known civil rights activist, argues that psychologically the surrender myth has several benefits for the counterinsurgent. It demoralises the insurgents as surrenders are seen as a rejection of the ideals of the movement (Sundar, 2017). It also makes them

vulnerable to a pointed police action predicated on the information given by the surrendered. Surrenders also taint the surrendered in the eye of his fellow villagers, which also catalyses surrendered incentive to provide information to the counterinsurgents (Sundar, 2017). Finally, the surrender myth counters the impression that police are repressive.

National Surrender and Rehabilitation Policy, 2014

Indian response to Maoist challenge has vacillated from the initial denial to recognize it as a serious to lately accepting it as the country's biggest internal security problem. The fruits of development, it was argued, had failed to pacify majority of the tribal populations not because they didn't prioritize development, but because these schemes lacked systematic focus on uplifting the living standard of the tribal population. The new holistic approach, the government claims, was devised to address these systemic failures. A comprehensive national surrender and rehabilitation policy was part of this holistic approach to address the systemic shortcomings in the counter Maoist strategy.

The GoI, for the first time, came out with a National Surrender and Rehabilitation Policy (2014) for the rebels in the Maoist affected state. Before 2014 also, there were guidelines for surrender and rehabilitation, but these guidelines were general and more focused on surrender of militants in J and K and North East. The Maoist surrender and rehabilitation policy, according to government, has evolved keeping in mind the specific geographic and social landscape to help those who want to abjure violence and join the mainstream (Ministry of Home Affairs, 2019).

The Government of India touts its surrender and rehabilitation policy as a part of multi-pronged conflict management and resolution strategy that is required to be implemented along with firm action by police against those who follow the path of violence (Ministry of Home Affairs, 2019). As a part of an overall policy to build consensus and evolve an acceptable and peaceful solution to violence perpetrated by left wing extremist groups, the 2014 surrender policy aims to;

- wean away from the misguided youth and hardcore rebels who have strayed into the fold of Naxal movement and now find themselves trapped into that net.
- ensure that the Naxalites who surrender do not find it attractive to join the Naxal movement again.
- The policy discourages tactical surrenders by those

elements who try to make use of the benefits extended by the Government to further their vested interests.

With the unveiling of new national surrender cum rehabilitation policy guidelines for Maoist, many states have come out with their surrender policies within the aegis of new central guidelines.

Assessment of the New Policy

The question often posed is whether greater attention to a well-crafted surrender and rehabilitation policy would complement the COIN operations by weaning away ideologically driven Maoist cadre or do such policies provide a breathing space to the cornered rebels? Some scholars believe that an isolated surrender and rehabilitation policy can be viewed as a sign of state weakness by the rebels, whereas a policy that is integral to the larger COIN strategy, serves the stated goal (Oetken, 2009).

Assessment of a policy or a strategy based merely on the deliverables is not a straightforward task and can lead to faulty conclusions. Any assessment of the current surrender policy has to take into account other extraneous factors which impact the decisions of the rebels to surrender. An appropriate example would be surrender of a top Maoist leader in Andhra Pradesh who took the step only because he was taken seriously ill and could no longer remain in the jungle (Ramana, 2013). Though in some cases the incentives of the policy may not be the deciding factor mere existence of a robust policy facilitates the decision making.

Moreover, the impact assessment of the policy cannot just be made on the basis of number of persons surrendered or decrease in the scale of violence. Such assessment are again fraught with inbuilt biases. A spike in the number of surrenders may have no impact on the extent of the Maoist influence or the strength of Maoists. It is possible that people who surrender are just the sympathizers and not the core cadres. Naxalites have often used surrenders as a part their strategy to lie low or as means to ease pressure on them. At the same time, a downward trend in the violence may purely be a result of kinetic operations leading to arrest and killings of Maoists or also a part of Naxal strategy of temporary "tactical withdrawal" (Spacek, 2014).

There have been instances in the past when drop in the violence was hailed as victory against the movement, which led to complacency. Taking advantage of this laxity within counterinsurgents, the Maoists struck back

and dealt heavy blows to the state. The number of people killed in Maoist violence fell from 734 in 2006 to 644 in 2008. This three year low period was seen as an impact of surrenders in AP and Chhattisgarh. However, the Maoists struck back in following years inflicting heavy casualties on the security forces. The number of persons killed in Maoist violence rose to 1011 in 2009, peaking at 1194 in 2010 (Ministry of Home Affairs, 2019).

As mentioned earlier the impact of a surrender and rehabilitation policy on a civil conflict is difficult to gauge just by looking at numbers. The devil lies in the details. If the number of surrenders is any indication then by now more than two-third of the total Maoists operating in the country are supposed to have surrendered. The surrender policy is aimed at active Naxals, as the recent government document underlines “to wean away the misguided youth and hardcore Naxalites who have strayed in the fold of Naxal movement” (GoI Report, 2019). Estimates put forth by the GoI assess that there were 8500 active Naxalites in the entire country in 2017 (Aljazeera, 2017). By 2018, the data reveals that about 6596 active Maoist surrendered before the various state police forces and central agencies in last 5 years, which should leave a little more than 2000 Maoists out there, willing to fight their ‘protracted war’ (SATP, 2018). The math simply doesn’t add up. Many states like Chhattisgarh have been accused of holding sham surrenders. In November, 2017, the federal government asked Chhattisgarh to “ensure that only genuine Maoist cadre surrender before the police, and to avoid spiking the numbers through surrender of *fake Maoists*” (Singh, 2017). The federal screening committee observed that 90 percent of the surrendered in Chhattisgarh do not fall under the category of Maoist cadre (Singh, 2017).

The abuse of surrender and rehabilitation policy for the shorter gains and fame has been the bane of previous surrender policies. The current national policy also faces severe prospect of such abuse. Since the unveiling of the new surrender policy in 2014, about 2642 Naxalites are reported to have surrendered in Chhattisgarh till 2018 (SATP, 2019). These surrenders have seen widely criticized by the civil society and the media as being sham. Civil rights activist have alleged that more than half of these surrenders are stage managed and there is a deep rooted nexus between the surrendered rebels and police official to share the money which is promised to

the surrendered (Sundar, 2017).

Odisha- Undoing Past Mistakes

The east Indian state of Odisha is touted as a success story, where the new surrender policy has lured many top Maoists out of their liberated zones in jungles to the open environs and surrender before the police. Though its too early to blow the triumphant bugle, Odisha’s performance is worth noticing. It also becomes an interesting case to study, as its previous surrender policy, which was announced in June 2006, hardly invoked any response from the rebels. Odisha’s performance in CI ops and obtaining surrenders was considered dismal. The failure of the policy, one scholar opines, was largely due to poor implementation of the provisions of the policy (Ramana, 2013). The reports alluded to non-delivery of the promised benefits to the surrender rebels as one of the key reasons for the failure of policy. Till 2010, more than 40 rebels had surrendered in the state but not a single one of them had received the promised benefit (Ramana, 2013). This discouraged many potential surrenders who had earlier shown inclination to lay down their arms.

Odisha seems to have learnt its lesson well. After the new surrender policy was announced by the state in 2014, Odisha has shown a remarkable improvement in the security situation. The surrender of key Maoists has dented the ability of Maoists to operate effectively. The decrease in the violence has been equally remarkable with state registering no insurgency related violent incident in 2018 (Figure 2 and 3). Between 2003 and 2008, more than 203 security personnel were killed by Maoists groups. In 2008, with the killings of 54 soldiers in just three weeks, Odisha was seen even by many as fast slipping out of the government’s control. However, in 2014, Odisha following the guidelines of national surrender and rehabilitation policy announced its own surrender policy. Under this scheme, state government provides around \$4000 cash, an additional \$500 for a surrendered weapon, a small piece of land, a grant to build home, money for education and training for skill development (ET Bureau, 2018).

The policy has been able to usher in a positive change in the lives of surrendered rebels.

In 2014, Nachika Linga, leader of Chasi Muliya Adivsi Sangha (CMAS), an alleged Maoist front, surrendered before the state government (ET Bureau, 2018). This, alongwith surrender of top Maoist leader Sabyasachi Panda, according to the state police, triggered another

surrender of a big chunk of local Maoists associated with CMAS (Nayak, 2018). The government figures reveal that since the announcement of the new policy, the recruitment of Maoists in Odisha has fallen to 10% of the total strength (Odisha Police Annual Report, 2018). Around 3000 Maoists and their sympathizers have

surrendered since the announcement of the policy, and many more said to be willing to surrender (Annual Report, 2018). The immediate disbursal of benefits to the surrendered Maoist has also resulted in sharp fall in the levels of recidivism. The state has also not witnessed any major Maoist attack in the last four years.

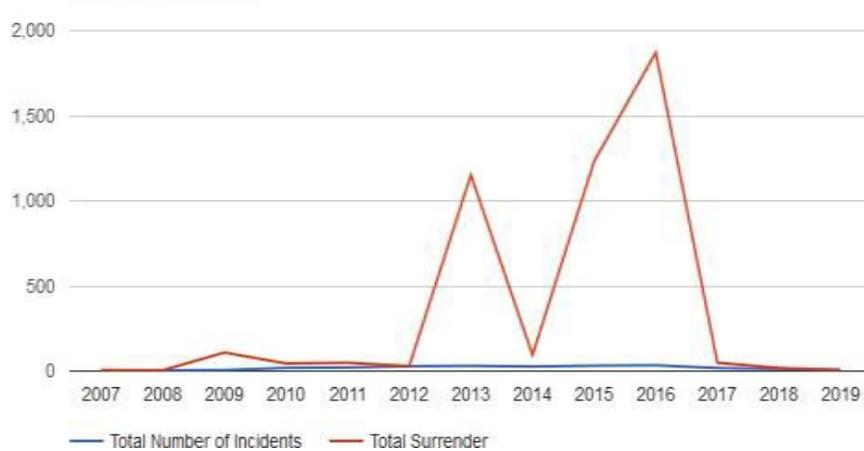


Figure 2. Yearly summer data (total number of incidents vs total surrender).

Source:satp.org

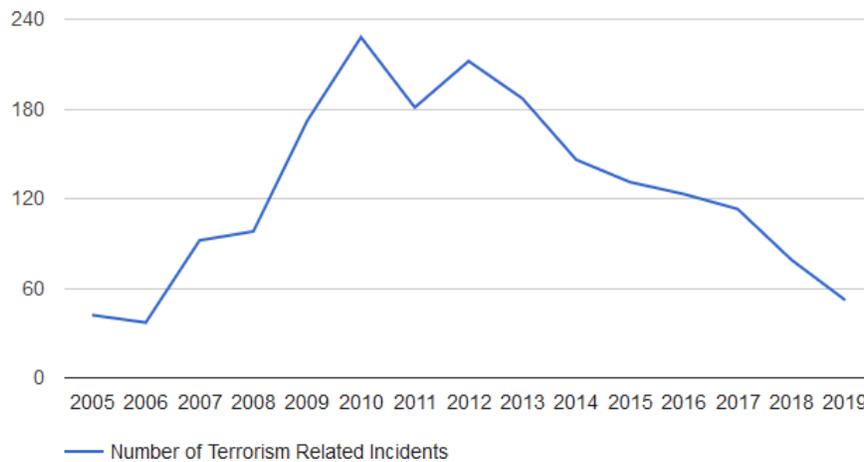


Figure 3. Total number of terrorism related incidents.

Source:satp.org

The Odisha police complimented its success in surrenders with increased military pressure on the Maoists. In May 2018, the state police launched a major operation against the Maoist which resulted in killing of half a dozen top Maoists and recovery of huge cache of arms and ammunition (Annual Report, 2018). Such kinetic operations are followed by reconciliatory messages sent out by authorities to the Maoist leadership to surrender. The mixture of such soft and hard polices seems to have worked for Odisha. Many

Maoists have been lured by better rehabilitation package and scrupulous implementation of the provisions of the policy by the Odisha government. Instances of Maoists from other state surrendering in Odisha are becoming increasingly frequent, which the state officials, say demonstrate the effectiveness of the policy implementation. In November 2017, two top Maoist from Chhattisgarh travelled to Odisha to surrender before the Odisha police (Das, 2017).

Chhattisgarh –A Case of Wasted Opportunity

Chhattisgarh is considered to be the hotbed of Maoist insurgency, where Maoists have traditionally exercised a strong hold over 40,000 square kms of forested area. The state has witnessed some of the most chilling violent incidents and attacks on security forces. Since 2005, more than 1000 security personnel have been killed by Maoists in Chhattisgarh (Ministry of Home Affairs, 2019). More than 3000 people including civilian and Maoists have lost their life since 2005. In Nov 2010, 76 CRPF soldiers were killed in an ambush in Dantewada district raising serious concerns about the effectiveness of state's COIN strategy. In the summer of 2013, the entire political top brass of the Congress Party, one of the two prominent political parties in the state, was killed by Maoists.

Despite the Maoist presence in Chhattisgarh since 1982, it was only in October 2004 that the state government announced its first surrender and rehabilitation policy. The policy was a non-starter with no takers amongst the rebels. The marginal success it claimed, was by conflating the surrender of over ground supporters with armed cadres. A little more than 100 armed rebels surrendered during those years. The multi-tier verification system underlined in the policy document made the entire process tardy and full of loopholes. However, in the last four years, after the unveiling of new surrender policy in 2014, Chhattisgarh has claimed huge success in the surrender of Maoist cadre. More than 2000 Maoists have allegedly surrendered before the Chhattisgarh authorities in past 4 years (SATP, 2019). The new surrender policy, officials claim, is fast becoming a game changer.

However, a deeper look into Chhattisgarh claims of success reveal a sordid story of professional ineptness and ill intended actions (Sethi, 2015). There have been numerous allegations of fake surrenders, exploitation of surrendered women Maoists, embezzlement of relief money, among others. Some civil society members have accused that Chhattisgarh government of running a surrender racket. A news report in a prominent media outlet, accused the Chhattisgarh police of running sham surrender ceremonies (The Wire, 2017). The report alleged that the police initially detained the villagers by issuing summons to them. Once in police custody, warrants were issued against them and then they were either forced or cajoled into surrendering by giving them an option of either surrendering or face imminent arrest. Many such incidents have come to light.

The case of Podiyam Panda, a former village headman, evoked widespread outrage and condemnation. Panda was picked up by police from his village on May 3, 2018, his wife was not allowed to meet him for more than a week. It was only when his wife filed a habeas corpus writ in the High Court of Chhattisgarh, that police claimed that Panda had surrendered on May 9 and was produced before Court after 10 days (The Wire, 2017). Panda's brother testified before the court that he had seen torture marks on the ex-village headman's body and claimed that Panda was coerced by police to testify that he had voluntarily surrendered (The Wire, 2017). Nandini Sundar writes that the surrender policy helps police keep people in detention indefinitely (Sundar, 2016). It has two main advantages both legal and psychological. Legally surrenders are used to cast a wide and indiscriminate net. Many villagers are first detained and then police use various tactics to lure them into surrendering. Some surrender, some are subsequently arrested, others are kept in police camps for weeks together before they are finally released. Psychologically surrender myth demoralizes the Maoists as it reveals internal discontent within the movement. The surrenders also have a negative impact on Maoist recruitment efforts as it reveals the chinks in the Maoist narrative.

In 2015, a state screening committee found that 75% of the surrenders forwarded by the police did not qualify as Maoist cadre and were ineligible for rehabilitation, this number went up to 97% in 2016 (Singh, 2017). In 2016 alone, around 1160 Maoists surrendered in Chhattisgarh and out of these more than a thousand were declared not being Maoists by the federal government thus raising serious questions about scrupulous implementation of the policy (Singh, 2017). The report by the government approved screening committee not only undermines the efficacy of even a well-intentioned surrender policy but also feeds into the Maoist narrative of police excesses, thereby delegitimizing the entire COIN campaign. Many experts apprehend that the surrender policy in Chhattisgarh may face same fate as one faced by Salwa Judum (Sundar, 2017).

Deciphering Andhra Success

Amidst the grim Maoist landscape of India, Andhra Pradesh (AP) seems to have charted a completely different course for itself and thus has a different story to tell. The state seems to have turned the tide against

the Maoists. It is today hailed as “the success story’ in the Maoist tragedy. AP which in 90s was the hub of Maoist violence has seen a dramatic drop in Maoist related incidents. The total number incidents in 2018 dropped to just 2 as against over 500 in 2005 (SATP, 2019) as shown in figure 4. The credit for the turnaround is generally given to the elite ‘Greyhound’ force, a specialized force trained to live and operate in the jungle as the guerrillas do and fight the Indian equivalent of the “bush war” (Singh, 1995).

A greater focus on the success of Greyhound (which they truly deserve) has led experts to label the AP model as an enemy centric kinetic approach. However, this success was possible only with robust community development programs and an extremely effective and open surrender and rehabilitation policy. The state government conceived various rural development and empowerment schemes with a focus on small captive schemes which could deliver in short duration and thus have an immediate impact. The government between 2004 and 2010 implemented various rural developmental schemes like ‘Remote and Internal Areas

Development Projects” (RAID), small irrigation projects and health insurance schemes. These developmental initiatives undermined the ability of Maoists to recruit and mobilize new members (Mazumdar, 2013).

The Government also came up with an elaborate surrender and rehabilitation package which resulted in surrender of thousands of Maoists. It instituted a comprehensive surrender and rehabilitation policy as early as 1993, which has been revised periodically. The policy is open- ended and surrenders are encouraged in a big way. The government lays great emphasis on surrenders, as ‘it shatters the myth of the Naxalism’ (Ramana, 2013). K Srinivas Reddy writing on the Andhra surrender policy observes “While the surrendered Naxalites stood as living examples of a life completely wasted, as they could not reintegrate themselves into the society, the suffering of the families, whose members were still in [the] Naxal fold provided another example for them not to mess with the Naxalites. This led to the distancing of several segments of the society, which would have hitherto been target groups, [from] being attracted [towards] the Naxal fold” (Reddy, 2007).

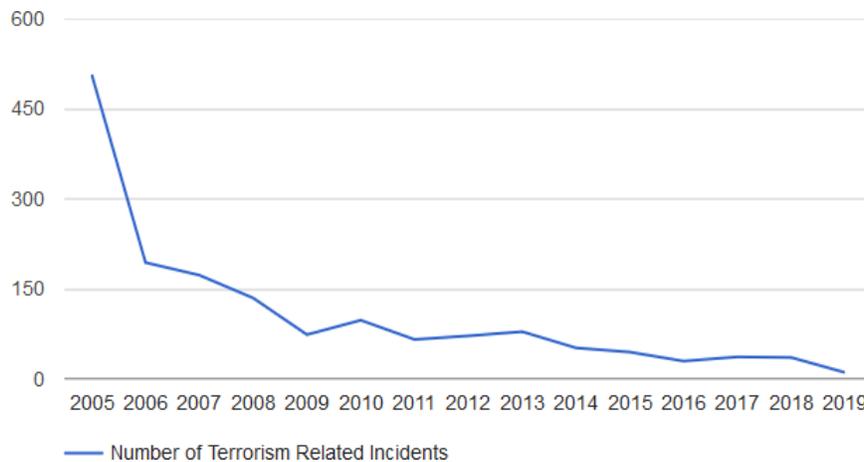


Figure 4. Decrease un the total number of terrorism related incidents.

Andhra experience shows that Naxalites would surrender in big numbers only when there is considerable operational pressure on the Maoists. In the classical understanding of revolutionary warfare, Andhra forces kept on squeezing the operational space for Maoists by vigorous military pursuit and cornering them from all sides but leaving an opening in the form of surrenders (Singh ,2012). As a result, in AP, there has been a very large number of surrenders. Another vital reason for success was that the Andhra government

learned from its mistakes. In April 2002, 46 Naxalites surrendered before the Chief Minister of AP. By August 2003, the government had rehabilitated only 20 of them and as a result some of the surrendered Naxalites reportedly re-joined the Naxalite ranks (Reddy, 2007). B V Ramana writes that AP government realized that the bureaucratic red tape could(a) nullify the gains of the efforts in securing surrenders; (b) persuade the surrendered Naxalites to think that the government has failed to keep its promises, and that they were justified in

joining the Naxalites to fight the state; and (c) demoralize the police officials who had painstakingly secured their surrender (Ramana, 2013).

The state government, thereafter, simplified the procedure and revised the guidelines which resulted in expeditious rehabilitation of the surrendered rebels.

As Figure 5 illustrates, over an 18-year period (between 2000 and 2018), a total of 6627 Naxalites surrendered to the authorities in Andhra Pradesh. Over 2,500 of them have been rehabilitated and assets worth nearly Rs 20 crores (approx. \$ 3million) was distributed to the surrendered rebels till 2012. The Andhra Government predicated its COIN strategy on the judicious mix of enemy centric and population centric approaches (Routray, 2017). Analysts believe that an active surrender and rehabilitation policy which was weaved very early into its COIN strategy played an important role in turning the tide against the Maoists (Routray, 2017). The state machinery gathered extensive information from these surrendered Maoists which they later utilized with devastating effects.

Year	Total No of Surrender
2000*	135
2001	323
2002	516
2003	447
2004	212
2005	658
2006	148
2007	129
2008	137
2009	48
2010	63
2011	89
2012	256
2013	80
2014	129
2015	114
2016	32
2017	60
2018	49
Total**	3627

Figure 5. Total number of surrenders from 2000 to 2018 (Andhra- Surrender of Maoists). Source: SATP

Some experts were leery of the triumphant claims made by Andhra Pradesh as well as the potential to model the Andhra success (Lalwani, 2011). These experts saw enough reason to believe that the Greyhounds did not defeat the Maoist insurgents outright but merely displaced them to neighbouring states and that the surrenders were used by Maoists to gain a breathing space. However, Andhra continues to hold on to its successes. The Maoist presence and their ability to strike has been eroded considerably. Its surrender policy continues to attract even those Maoists who have spent decades with movement. Though there have been cases where surrendered Maoists have resorted to criminal activities, such instances are far too less to adversely impact the gains made by the policy (Gupta, 2006).

CONCLUSION

The study of COIN policies in three states provide an important lesson that surrender and rehabilitation policies in isolation can prove to be rudderless unless these are not integrated into a comprehensive COIN strategy. It is only when faced with intense pressure from kinetic operations, have the Maoists come out to surrender before the authorities.

Orrisa has been able to achieve fair amount of success with effective implementation of its surrender policy. For Odisha to build on its gains, it needs to apply relentless and sustained military pressure on the rebels. Whether these gains are permanent is yet to be seen. Andhra experience has shown that unless there is an intense crack down on the top rebels, they do not feel the threat and thus are not persuaded or compelled to surrender. On its part, Chhattisgarh’s performance has been marred by frequent allegations of torture and sham surrenders. This lack of seriousness of purpose dents the credibility of both the policy and also that of the security forces. For the poor and illiterate who may not be able to differentiate between the policies of different states and different police forces, such unscrupulous tactics can also malign the surrender policies of other states too.

Indian counterinsurgency has to work with a dual objective of defeating the insurgents militarily and fully quell the insurgent impulses. These would need institutional overhauls. The conflict over the distribution of resources can be mended with economic development, but the bigger challenge would be to create a system where the tribal population feels that the government is representative not repressive.

Policies like surrender and rehabilitation can give such a representative sense to the rebels that the government cares for them if they (rebels) are willing to shun the violent path. Proper implementation and timely disbursement of benefits adds to the credibility of the policy and the government too. The multi-pronged approach of sustained military pressure, robust economic development program and a sensitive surrender cum rehabilitation policy stands to deliver favourable results in India's fight against Maoist insurgency.

REFERENCES

- Ahluwat, D. (2018). Maoist insurgency in India: grievances, security threats and counter-strategies. *Journal Of Policing, Intelligence And Counter Terrorism*, 13(2), 252-266. doi: 10.1080/18335330.2018.1478114
- Aljazeera. India's Maoist rebels: An explainer. (2017). Retrieved 21 July 2019, from <https://www.aljazeera.com/indepth/features/2017/04/india-maoist-rebels-explainer-170426132812114.html>
- Anderson, D. (2016). Making the Loyalist Bargain: Surrender, Amnesty and Impunity in Kenya's Decolonization, 1952-63. *The International History Review*, 39(1), 48-70. doi: 10.1080/07075332.2016.1230769
- Annual Report on Left Wing Extremism in Odisha by Odisha police. Available at <https://odishapolice.gov.in/>
- Bureau, E. (2018). Odisha's surrender-&-rehab policy that has worked. Retrieved 23 July 2019, from <https://economictimes.indiatimes.com/news/politics-and-nation/odishas-surrender-rehab-policy-that-has-worked/articleshow/65139437.cms>
- Economic Times*. Bureau Report (2018)
- Banerjee, D. (2009). The Indian Army's counterinsurgency doctrine. In *India and Counterinsurgency* (pp. 205-222). Routledge.
- Chhattisgarh authorities stood by and watched: Amnesty on 'human rights abuses' in Bastar. (2019). Retrieved 22 July 2019, from <https://indianexpress.com/article/india/india-news-india/chhattisgarh-bastar-amnesty-international-india-human-rights-abuses-2759150/>
- Das, S. (2017). Chhattisgarh Maoist duo surrenders in Odisha. Retrieved 2 February 2020, from <https://www.thehindu.com/news/national/other-states/chhattisgarh-maoist-duo-surrenders-in-odisha/article20844315.ece>
- Detention of Ex-Sarpanch Raises Serious Questions on Chhattisgarh's 'Surrender' Policy. (2017). Retrieved 23 July 2019, from <https://thewire.in/politics/podiyam-panda-chhattisgarh-surrender-policy>
- D'Souza, R. (2009). Sandwich Theory and Operation Green Hunt. Retrieved 20 July 2019, from <https://mronline.org/2009/12/17/sandwich-theory-and-operation-green-hunt/>
- Gohil, M. (2019). Indian Counterinsurgency: The Decline of Naxalism. Retrieved 20 July 2019, from <https://encyclopediageopolitica.com/2018/05/30/indian-counterinsurgency-the-decline-of-naxalism/>
- Gortzak, Y. (2009). Using Indigenous Forces in Counterinsurgency Operations: The French in Algeria, 1954-1962. *Journal Of Strategic Studies*, 32(2), 307-333. doi: 10.1080/01402390902743415
- Government of India (GoI) Report. Ministry of Home Affairs| Left Wing Extremism Division | GoI. (2019). Retrieved 20 July 2019, from [https://mha.gov.in/division of mha/left-wing-extremism-division](https://mha.gov.in/division%20of%20mha/left-wing-extremism-division)
- Gupta, Bhabani Sen. "A Maoist line for India." *The China Quarterly* 33 (1968): 3-16. Jackson Colin. Interview of the author with Prof Colin Jackson in April, 2017.
- Jain, B., & Dash, D. K. (2018, April 16). Maoist influence shrinks: Centre removes 44 districts from affected list. *The Times of India*.
- Karl, D. (2011). Is India Ready for Prime Time? *Asia Policy*, 12(1), 169-178. doi: 10.1353/asp.2011.0021
- Kennedy, J., & Purushotham, S. (2012). Beyond Naxalbari: A Comparative Analysis of Maoist Insurgency and Counterinsurgency in Independent India. *Comparative Studies in Society and History*, 54(4), 832-862. doi:10.1017/S0010417512000436
- Krishnaji, N. (1980). Lessons of Naxalbari. *Economic and Political Weekly*, 15(36), 1513-1516. Retrieved from <http://www.jstor.org/stable/4369050>

- Lalwani, Sameer. "Indian Approach to Counterinsurgency and the Naxalite Problem." *CTC SENTINEL* 4 (2011).
- Ministry of Home Affairs| Left Wing Extremism Division | GoI. (2019). Retrieved 20 July 2019, from https://mha.gov.in/division_of_mha/left-wing-extremism-division
- Mazumdar, A. (2013). Left-Wing Extremism and Counterinsurgency in India: The 'Andhra Model'. *Strategic Analysis*, 37(4), 446-462. doi: 10.1080/09700161.2013.802518
- National Archives of India (NAI), Ministry of State, File 6(9)-h/51. New Delhi National Archives of India (NAI), Ministry of State, File 6(5)-H/51. New Delhi
- Nayak Deepak Kumar, 28 January, 2018, *SATP*. <https://www.eurasiareview.com/24012018-india-waning-influence-of-left-wing-extremism-in-odisha-analysis/>
- Oetken, J. (2009). Counterinsurgency against Naxalites in India. In Ganguly and Fidler (Ed.), *India and Counterinsurgency: Lessons Learned* (pp143-168). New York: Routledge.
- Outlook ,(2007). Naxal diktat: Vote for our candidates in UP areas. <https://www.outlookindia.com/newswire/story/naxal-diktat-vote-for-our-candidates-in-up-areas/466518>
- Police conducting 'small surgical' operations against naxals: Officer. (2018). Retrieved 22 July 2019, from <https://economictimes.indiatimes.com/news/defence/police-conducting-small-surgical-operations-against-naxals-officer/articleshow/47732637.cms?from=mdr>
- Press Information Bureau, Government of India, 2009. Home Minister P. Chidambaram's Speech at the Inaugural Session of Directors General and Inspectors General of Police's Conference.
- Rajagopalan, R. (2000). 'Restoring normalcy': The evolution of the Indian army's counterinsurgency doctrine. *Small Wars & Insurgencies*, 11(1), 44-68.
- Rajagopalan, R. (2007). Force and Compromise: India's Counter-Insurgency Grand Strategy. *South Asia: Journal Of South Asian Studies*, 30(1), 75-91.
- Ramana, P. (2013). Taming India's Maoists: Surrender and Rehabilitation. *Strategic Analysis*, 37(6), 716-728. doi: 10.1080/09700161.2013.847042
- Reddy, K. Srinivas. "The Maoist Challenge." *SEMINAR-NEW DELHI*-. Vol. 569. MALYIKA SINGH, 2007
- Routray, B. (2017). India: Fleeting Attachment to the Counterinsurgency Grand Strategy. *Small Wars & Insurgencies*, 28(1), 57-80. doi: 10.1080/09592318.2016.1266129
- SATP (South Asian Terrorism Portal) |datasheet-terrorist-related-incidents-data. 2019. Retrieved 24 July 2019, from <https://satp.org/datasheet-terrorist-attack/incidents-data/india-maoistinsurgency-andhrapradesh>
- SATP (South Asian Terrorism Portal) |datasheet-terrorist-attack-surrender. (2019). Retrieved 23 July 2019, from <https://satp.org/datasheet-terrorist-attack/surrender/india-maoistinsurgency>
- Sen, Samar, and Debabrata Panda, eds. *Naxalbari and After: A Frontier Anthology*. Vol. 2. Kathashilpa, 1978.Pp-45
- Sethi, A. (2015). Kafka in Chhattisgarh: The bureaucratization of violence in India. Retrieved 2 February 2020, from <http://america.aljazeera.com/multimedia/2015/11/kafka-in-chhattisgarh-the-bureaucratization-of-violence-in-india.html>
- Shapoo, S. F. (2016). Red Salute: India's Maoist Maelstrom and Evolving Counterinsurgency Doctrines. *Journal Article| Jul, 8(8)*, 45am.
- Singh, J. (2011). *A Soldier's General*. Harper Collins Publishers India.
- Singh, Prakash. "Joint Special Operations University 7701 Tampa Point Boulevard MacDill AFB FL 33621." (2012).
- Singh, P. (1995). The Naxalite movement in India. New Delhi: Rupa.
- Singh, V. (2017). Chhattisgarh faked Maoist surrenders. Retrieved 23 July 2019, from <https://www.thehindu.com/news/national/other-states/chhattisgarh-faked-maoist-surrenders/article20543086.ece>
- Spacek, M. (2014). India's Maoist Insurgency: Shifting Conflict Dynamics and the Prospects for Peace in Three States
- Sundar, N. (2016). *The Burning Forest*. Juggernaut Books.2016.
- Sundar, N. (2017). How Chhattisgarh police's

'surrender' policy for Maoists violates human rights. Retrieved 22 July 2019, from <https://www.hindustantimes.com/opinion/how-chhattisgarh-police-s-surrender-policy-for-maoists-violates-human-rights/story-hnVKb075DCCo041vyewNSK.html>

Sundar, N. (2017). How Chhattisgarh police's 'surrender' policy for Maoists violates human rights. Retrieved 21 July 2019, from <https://www.hindustantimes.com/opinion/how-chhattisgarh-police-s-surrender-policy-for-maoists-violates-human-rights/story-hnVKb075DCCo041vyewNSK.html>

Staniland, P. (2013). Kashmir since 2003: Counterinsurgency and the Paradox of "Normalcy". *Asian Survey*, 53(5), 931-957.

Staniland, Paul. "Counter-insurgency and Violence Management." *The New Counter-insurgency Era*

in Critical Perspective. Palgrave Macmillan UK, 2014. 144-155

Swami, P. (2010). For a review of counter-insurgency doctrine. Retrieved 21 July 2019, from <https://www.thehindu.com/opinion/lead/For-a-review-of-counter-insurgency-doctrine/article16366244.ece>

The Pioneer. K Balasubramanayam, "World is Revolution", The Pioneer, August 31, 2002.

Tilak D. Gupta. (2006). Maoism in India: Ideology, Programme and Armed Struggle. *Economic and Political Weekly*, 41(29), 3172-3176.

Yadav Vijay. Interview with Vijay Yadav, Additional Director General of Special Armed Forces in the state of Madhya Pradesh in 2018

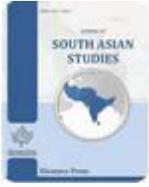
Zade, N. (2017). Surrender and Rehabilitation policy for Left Wing Extremist: Myths and Reality. *Journal of Public Policy Research*: 94-109.

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JUVENILE DELINQUENCY, ITS CAUSES AND JUSTICE SYSTEM IN BANGLADESH: A CRITICAL ANALYSIS

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ABSTRACT

Juvenile delinquency and crime are legal definitions rather than specific behavioural or psychiatric syndromes. Since common law is based on theological law, society has historically responded to juvenile delinquency and crime based on moral and religious beliefs regarding the age at which juveniles are criminally responsible rather than from scientific knowledge. Research shows, there is a high percentage of offending among all teenagers, the majority of offences which violate the law are one time occurrences and most often non-violent. Only about 5-10% of adolescents commit violent crimes. This article aims to show how juvenile delinquency is normally belongs to the illiterate and sometimes with low-income families in Bangladesh and how it is impacting negatively on their frequently engage in juvenile crimes. The article also focuses on the juvenile justice system of Bangladesh and provides few recommendations to prevent the juvenile delinquency from society and to more develop its justice system.

Keywords: Juvenile delinquency, Crime theories, Trial procedure, Probation, Rehabilitation.

INTRODUCTION

Juveniles are the most significant segment not only in Bangladesh but also to the global society. They are regarded as the leaders of tomorrow, so when they are treated well in a bonafide way, in a manner that even the society will feel comfortable for the betterment of future generation. While if the society fails to accommodate them and give them such care, sometimes when they feel segregated, they react sharply to any antisocial activity in the sense that they stand for their own right. Indeed, lack of parental attention, scarcity of basic needs and any other social feelings of unhappiness, worry and disappointment that they might experience at their tender age touches them so deeply. Many of them cannot cope with the abnormal situation. They respond to social anomalies in ways that are not approved by social norms and law. At times the elderly one's who are well experienced in crimes misguides the young folks by forming them a gang in order to commit the type of crime they want either individually or collectively (Goodhart, 1953: 65).

Some of them use to choose berated life pattern by developing juveniles sub-culture to exhibit their

resistance that injustice has been done to them. Juvenile delinquency cannot be considered by keeping it apart from social reality. Social segregation by the society increase of juvenile delinquency, the emergence of juvenile, sub-culture and suggesting that the juvenile has been subjected to malnourishment. If the dominant culture of society fails to accommodate all the children sufficiently, the deprived young folks will stand up with their sub-culture. Moreover, the problem of juvenile delinquency is becoming more complicated in nowadays in Bangladesh context along with other countries, and universal delinquency crime behavioural programs prevention are either unequipped to deal with the present realities or do not exist at all (Khan & Rahman, 2008: p. iii).

OBJECTIVES OF THE STUDY

The main objectives of this study are to identify the causes of juvenile delinquency in the Bangladesh context along with the justice system of it. Another aim of the study is to alleviate or abolished the frequent juvenile delinquency in Bangladesh, by providing some recommendations and by joining hands together of parents as well as the government. Besides, this study

has few other objectives which are as follows.

- To identify the socio-demographic characteristics of the delinquency.
- To find out the behaviours of juveniles along with the types of delinquency.
- To know different types of theories related to juvenile delinquency.
- To assess the attitude on juveniles among the delinquency and impacts to the Bangladeshi society.
- To alleviate the frequent happening of juvenile delinquency.
- To assess the association between socio-demographic characteristics and juvenile delinquency and its impact on Bangladesh.

METHODOLOGY

Information has been collected both from primary and secondary sources. But most of the information has been collected from an enormous number of websites, law books, law journals, Acts, law dictionaries and legal encyclopedia relating to juvenile delinquency under the Bangladesh perspective. In this research, the researcher mainly focuses on the law related to juvenile delinquency with its causes and the juvenile justice system in Bangladesh perspective. Regarding data collection and analysis, the present study followed both quantitative and qualitative method. An extensive survey of adopted for the purpose of this study is the doctrinal method of research.

Meaning of Juvenile Delinquency: Juvenile delinquency, known as juvenile offending, or youth crime, who is participation in illegal behaviour by juveniles, most legal systems prescribe specific procedures for dealing with juveniles, such as juvenile detention centers, and courts. A juvenile delinquent is a person who is typically under the age of 18 and commits an act that otherwise would have been charged as a crime if they were an adult. Depending on the type and severity of the offence committed, persons under 18 can be charged and tried as adults. Moreover, we can also consider the juvenile delinquency as a blameworthy child, blameworthy minor, culpable youth, derelict adolescent, derelict inexperienced person, derelict junior, immature youngster, misbehaving teenager, miscreant, misguided teen, misguided young person, neglectful fledgling, offending immature person, violator underage, young wrongdoer (Eadie & Morley, 2007: 545).

TYPES OF JUVENILE DELINQUENCY

Juvenile delinquency, or offending, can be separated into

three categories:

delinquency, crimes committed by minors which are dealt with by the juvenile courts and justice system;

- criminal behaviour, crimes dealt with by the criminal justice system, and
- Status offences, offences which are only classified as such because one is a minor, such as truancy, also dealt with by the juvenile courts.

According to the developmental research of Moffitt, two different types of offenders emerge in adolescence (Moffitt, 2018:78). One is the repeat offender, referred to as the life-course-persistent offender, who begins offending or showing antisocial/aggressive behaviour in adolescence (or even childhood) and continues into adulthood; and the age-specific offender, referred to as the adolescence-limited offender, for whom juvenile offending or delinquency begins and ends during their period of adolescence.

FEATURES OF JUVENILE DELINQUENCY IN BANGLADESH

Usually, the nature and extent of juvenile delinquency in Bangladesh are like any other society, it depends on the socio-economic reality of the child. The children of Bangladesh involved themselves in different types of deviances, which are murder, stealing, pickpocketing, truancy, fighting, fraud, sexual perversion and so on (Alam, XVII. Verses. 1-19). Normally children brought up in a poor family environment who have problematic personality traits are found to engage in burglary, rape, smoking and any other delinquent behaviour. In rural areas, delinquent activities are associated with poverty and illiteracy upon the parents in the village. In independent of Bangladesh, the frequency of juvenile offence has risen with the increase of population (Massey, 2001: 170). The socio-cultural and economic changes took place in the context of growing industrialization, urbanization in global and national media influence; the process of urbanization has affected the family life in Bangladesh, causing the breakdown of family reputations and the subsequent growth of social disorganization, which has worsened the juvenile delinquency situation in Bangladesh.

WHO IS DELINQUENT?

Juvenile delinquents are those offenders including boys and girls who are normally under 16 years of age (The Children Act,1974). Though some laws say juvenile delinquents are those teens who are under 18 years of age, both ages are serves as the same purpose.

A juvenile delinquent is a young person incorrigible, or habitually disobedient (The Penal Code, 1860). Acts of delinquency may include:

1. Running away from home without the permission of parents,
2. Habitual truancy beyond the control of parents,
3. Spending time idly beyond limits,
4. Use of vulgar languages,
5. Wandering about railroads, streets, marketplaces,
6. Visiting gambling centers,
7. Committing sexual offences,
8. Shoplifting and stealing etc.

MAIN CAUSES OF JUVENILE DELINQUENCY

(i) Family environment and peer influence

Family factors which may have an influence on offending include the level of parental supervision, the way parents discipline a child, particularly harsh punishment, parental conflict or separation, criminal parents or siblings, parental abuse or neglect, and the quality of the parent-child relationship. Children brought up by lone parents are more likely to start offending than those who live with two natural parents. It is also more likely than children of single parents may live in poverty, which is strongly associated with juvenile delinquency (The Convention on the Right of the Child, 1989). However, once the attachment a child feels towards their parent(s) and the level of parental supervision is taken into account, children in single parent families are no more likely to offend than others. The conflict between a child's parents is also much more closely linked to offending than being raised by a lone parent. If a child has low parental supervision, they are much more likely to offend.

(ii) Peer Rejection

Peer rejection in childhood is also a large predictor of juvenile delinquency. Although children are rejected by peers for many reasons, it is often the case that they are rejected due to violent or aggressive behaviour. This rejection affects the child's ability to socialize properly, which can reduce their aggressive tendencies, and often leads them to gravitate towards anti-social peer groups.

(iii) Juvenile delinquents diagnosed with mental disorders

Juvenile delinquents are often diagnosed with different disorders. Around six to sixteen percent of male teens and two to nine percent of female teens have a conduct disorder (The Children Act, 1974). These can vary from oppositional-defiant disorder, which is not necessarily

aggressive, to antisocial personality disorder, often diagnosed among psychopaths. A conduct disorder can develop during childhood and then manifest itself during adolescence. Juvenile delinquents who have recurring encounters with the criminal justice system, or in other words those who are life-course-persistent offenders, are sometimes diagnosed with conduct disorders because they show a continuous disregard for their own and others safety and/or property.

CURRENT TRENDS OF JUVENILE DELINQUENCY

The present situation with regard to juvenile delinquency and crime can be categorized by the following basic facts and trends:

- There has been an observed increase in violent and aggravated crimes among youth.
- The number of drug-related crimes is growing (Bangladesh Bureau of Statistics Report, 2019).
- The process of globalization and the greater mobility of large population groups have led to an increase in criminal activity associated with intolerance towards members of the cultures.
- The difficulties encountered by immigrants and their descendants in certain areas are sometimes related to the high level of group crime deriving from the activities of ethnically based delinquent groups.
- In many cases juvenile crimes are linked to less obvious sources of motivation; various actions may reflect, for instance, the standards of particular teachings or traditions deriving from religious radicalism or the compulsion to use of violence as a means of constructing the gender identity.
- Children and adolescents in difficult circumstances constitute ready reserves for organized crime participation in armed conflicts, human, drug trafficking and sexual exploitation.
- The disintegration of families, poverty and the death of parents in armed conflict or from HIV/AIDs has led to the forced independence of many young people around the globe (Piquero; Kimonis; Steinberg & Chassin, XXXVI, Verses. 519-535).

CRIME THEORIES APPLICABLE TO JUVENILE DELINQUENCY

There are a multitude of different theories on the causes of crime, most if not all of which are applicable to the causes of juvenile delinquency.

Rational Choice

Classical criminology stresses that causes of crime lie within the individual offender, rather than in their external environment. For classicists, offenders are motivated by rational self-interest, and the importance of a free will and personal responsibility is emphasized.

Rational choice theory is the clearest example of this idea. Delinquency is one of the major factors motivated by rational choice (Aaron & Dallaire, XXII, Verses. 1471-1484).

Social disorganization

Current positivist approaches generally focus on culture. A type of criminological theory attributing variation in crime and delinquency over time and among territories to the absence or breakdown of communal institutions (e.g. family, school, church and social groups.) and communal relationships that traditionally encouraged cooperative relationships among the people.

Strain

Strain theory is associated mainly with the work of Robert Merton. He felt that there are institutionalized paths to success in society. Strain theory holds that crime is caused by the difficulty those in poverty have in achieving socially valued goals by legitimate means (Curt & Anne, 2009: 413). As those with, for instance, poor educational attainment has difficulty achieving wealth and status by securing well-paid employment, they are more likely to use criminal means to obtain these goals. Merton's suggests five adaptations to this dilemma:

Innovation: individuals who accept socially approved goals, but not necessarily the socially approved means.

Retreatism: those who reject socially approved goals and the means for acquiring them.

Ritualism: those who buy into a system of socially approved means but lose sight of the goals. Merton believed that drug users are in this category.

Conformity: those who conform to the system's means and goals.

Rebellion: people who negate socially approved goals and means by creating a new system of acceptable goals and means.

A difficulty with strain theory is that it does not explore why children of low-income families would have poor educational attainment in the first place. More importantly, is the fact that much youth crime does not have an economic motivation. Strain theory fails to explain violent crime, the type of youth crime which causes the most anxiety to the public.

DIFFERENT ASSOCIATION

The theory of d also deals with young people in a group context and looks at how peer pressure and the existence of gangs could lead them into crime. It suggests young people are motivated to commit crimes by delinquent peers and learn criminal skills from them.

The diminished influence of peers after men marry has also been cited as a factor in desisting from offending. There is strong evidence that young people with criminal friends are more likely to commit crimes themselves (Ibid). However, it may be the case that offenders prefer to associate with one another, rather than delinquent peers causing someone to start offending. Furthermore, there is the question of how the delinquent peer group became delinquent initially.

Labelling

Labelling theory is a concept within Criminology that aims to explain deviant behaviour from the social context rather than looking at the individual. It is part of Interactionism criminology that states that once young people have been labelled as criminal, they are more likely to offend (Walklate, 2003: 110). The idea is that once labelled as deviant a young person may accept that role, and be more likely to associate with others who have been similarly labelled. Labelling theorists say that male children from poor families are more likely to be labelled deviant and that this may partially explain why there are more lower-class young male offenders.

Social control

Social control theory proposes that exploiting the process of socialization and social learning builds self-control and can reduce the inclination to indulge in behaviour recognized as antisocial. The four types of control can help prevent juvenile delinquency are:

Direct: by which punishment is threatened or applied for wrongful behaviour, and compliance is rewarded by parents, family, and authority figures (Piquero, 2003: 359-360).

Internal: by which a youth refrains from delinquency through the conscience or superego.

Indirect: by identification with those who influence behaviour, say because his or her delinquent act might cause pain and disappointment to parents and others with whom he or she has close relationships.

Control through needs satisfaction, i.e. if all an individual's needs are met, there is no point in criminal activity.

CAUSES OF JUVENILE DELINQUENCY IN BANGLADESH CONTEXT

Ab-initio(from the beginning)lack of parental control, poverty, migration, broken family, social transition, surrounding environment, the impact of an action movie are all the factors influencing or causing juvenile delinquency in Bangladesh. A lot of juveniles are

migrating from their villages to Dhaka and other cities because of domestic trouble, rural poverty, landlessness and violence. They are picked up by pickpocket gangs, shop keepers, hotel owners, pimps and hooligans. Street children are exploited by elderly children, adults and other position of authority. Another serious is the trafficking of children both within and outside the country. Furthermore, the children of sex-workers, orphans and others who are socially outcast are considered very vulnerable (Woolard & Scoot, 2009: 345-371). The Police frequently pick them up and take them into police stations, from where they are sent to either jail, juvenile development centers or vagrant homes etc. The main causes of juvenile delinquency in Bangladesh perspective are:

Lack of parental control

As a wise quote says “charity begins from home” whoever, receive adequate parental control and care it is obvious that children are less more likely to engage in criminal or any antisocial activity which has been unpleasant to his society. Dysfunctional family settings characterized by complicit, inadequate parental control, weak internal linkages, integration and premature autonomy are closely associated with juvenile delinquency. Indeed, children in disadvantaged families that have few opportunities for legitimate employment and face a higher risk of social exclusion are overrepresented among offenders.

Poverty

Many people in Bangladesh are very poor. They live below the poverty line in terms of the true indicators of poverty. Around 65 million out of 130 million people (with 54 million people in rural areas) of Bangladesh lives in absolute poverty, and they are amongst the world’s poorest. Bangladesh is the most densely populated country in the world with 900 people per km. Half of the population of Bangladesh are living in extreme poverty and are consuming less than the equivalent of 1,805 kilocalories per day. The human deprivation profile in Bangladesh is very high (Brown, 1998: 109). Because of huge economic disparities, a large number of people Bangladesh lives below the minimum subsistence level. This economic pressure compels many children to involve in delinquent activities. Many sociological studies show that the lower one’s economic status, the greater he is vulnerable to arrest and incarceration. Living conditions in and around the villages and cities were never good. The

rapid growth of population, a high rate of urbanization outpacing the development of resources and provision of facilities, and services have caused further deterioration. The bulk of the population is poor and cannot own or rent minimum essential shelter or afford minimum amenities. The result is that what have overcrowding and slums in the cities and depressed living conditions in the rural areas (Aaron & Dallaire, XXXIX, Verses. 1471-1484). Absence of a proper approach to the problem of balanced growth the Bangladesh urban and rural areas and a well-defined policy for the location of industries and other economic activities has further aggravated problems.

Broken family

Broken homes constitute a principal cause for the deviation of juveniles. Absence of father or mother due to death or divorce may give birth to inadequate of parental control, lack of home discipline, the bad relationship between the parents, or presence of criminal among the members of the family are the indications of problematic family. Due to these problems the mental development of juveniles remains incomplete, for which their behaviour becomes abnormal. The children of 8-14 age groups take resort to crime when their parent fails to guide them properly (Dodge, 2003: 349-371).

Social Transaction

The growing of industrialization and urbanization gave rise to problem juvenile delinquency in Bangladesh. Sociologist and criminologist consider the delinquency as a result of the transitional phase, a process through which the majority population is transforming from peasants to industrial labour class. Bangladesh is still an agro-based country. The industrialization has not taken the expected pace. In its transition from agriculture to industrialization, Bangladesh society is undergoing rapid social change. Since the transition is not yet complete, when Bangladesh is preindustrial, it is a mixed society, not completely traditional and not fully modern. An examination of the economic, political and religious institutions reveals a conflict between traditional and modern values, neither of which dominates the lives of the people. This conflict has given rise to anomie and creates greater vulnerability to delinquent behaviour.

Migration

People are migrating from village to cities because of the loss of land by the river, and unemployment. They take shelter in slum areas, pavement and street as well

as remain deprived of basic necessities. Usually, the parent left their dwelling place fighting for survival and leaves their children uncared and openly, in this situation politicians used the children (popularly known as Tokai) in dawn to dusk strike and the children either picket or ransack cars or glasses of shops. Moreover, the criminals utilize the juvenile in pickpocketing and petty thievery.

Surrounding Environment and Company

Sometimes juveniles become delinquent because of bad company and the surrounding environment. Due to tender age, they cannot understand the far-reaching consequences of their activities. They can be trapped into the surrounding environment of the slum area, and smuggling zone. Because of the evil company sometimes juveniles go to a brothel, consume drugs, and commit a different kind of criminal activities.

Peer Influence

Peer group strongly influences a decision to commit a crime. For instance, juveniles who do not fit into expected standard of academic achievement or participate in sports or social programs can sometimes become lost in the competition. Juveniles of the family who cannot afford adequate shelter and basic necessities can also fall into the trap. Many researchers believe these juveniles may abandon school mates in favour of criminal gangs, since membership in gang respect and status in a different manner. In gangs, antisocial behaviour and criminal activity earn respect and street credibility.

Action Movie

Action movie and satellite have a negative impact on the mindset off the young folk. The violence and sex depicted in the movies incite juveniles to go brothel and to commit unauthorized activities.

JUVENILE JUSTICE SYSTEM IN BANGLADESH

Bangladesh has not fully taken into account the principle of CRC and international instrument on juvenile justice in reforming laws and the juvenile justice system. Bangladesh's juvenile justice system has been described as insufficiently addressed by the united nation committee on the convention on the right of the child. These cover all the facets of juvenile justice. The legislation, procedures provisions, institutions and bodies focusing on youth who come into conflict with the law. In Bangladesh the children act of 1974 is the principal law on children and its deals with both children in conflict with law and children in need of

protection, often with a lack of differentiation between these two groups (Holmes; James& Javad, XXXI, Verses. 183-193). Although there has been an impetus for reform in recent years, Bangladesh has not established a comprehensive juvenile justice system that ensures children are separated and treated differently from adults at all stages of criminal proceedings.

Juvenile Court

According to the children act and also the code of criminal procedure children can only be tried in the juvenile courts and no joint trial can be held with the adult (section 3) of The Children Act 1974 empowers the Government to establish juvenile courts and in absence of juvenile court the following court shall be empowered to work as a juvenile court

- High Court Division
- Sessions Court
- Additional Sessions Court
- Sub-divisional Magistrate
- First Class Magistrate

Juvenile court shall have the following powers

- It shall have the power to try any case in which a child is charged with the commission of an offence.
- It shall deal with or dispose of any other proceedings under this act

Arrest, Detention, Bail and Discharge and Juvenile delinquents

The officer in charge of a police station may release a person on bail where he is apparently under the age of 16years and though he is arrest for a non-bail able offence and cannot be brought forthwith before the court. If he is not released on bail, the officer in charge of the police station shall course him to be detained in a remand home or a place of safety until he can be brought before a court. A court on remanding for trial of a child who is not released on bail shall order him to be detained in a remand home or place of safety. According to the Children Act 1974, it shall be the duty of the police officer or any other person affecting the arrest to inform the probation officer immediately of such arrest in order to enable the probation officer to proceed forthwith in obtaining information regarding the antecedents and family history and other materials circumstances likely to assist the court in making its order (Matt, 2005: 39). Another of the responsibility of the officer in charge of the police station is to inform the parents or guardian of such arrest if found and shall also cause them to be directed to attend the court before which the child will appear and specify the date of such appearance.

Trial Procedure for Juvenile Delinquents

Children Act forbids joint trial of a juvenile and an adult. Where any criminal court found any juvenile charged for any offence with an adult person, it shall try the juvenile separately. Though under section 239 of Criminal Procedure Code joint charge of the persons accused in the same transaction is allowed, section 6 of Children Act shall be exception in this regard. If any court fails to comply with this section and tries any juvenile along with adult person, it shall be the violation of Children Act and also beyond his jurisdiction. In the trial of a case in which a child is charge with an offence, the court shall sit in a building or a room different from that in which the ordinary sittings of the court are held or on different days or at a different time from those at which the ordinary sitting of the court are held. The purpose of this type of informal setting of trial is to keep the youthful offender away from the environment of a court which might have a negative impression on him. But the violation of this provision shall not vitiate the proceedings as the High Court Division in Munna and others V. state 14 has observed this provision as directory and not mandatory (Wolfgang; Figlio & Sellin, 1972: 145). Criminal Procedure Code declares criminal court as an open court. But this rule has been relaxed from the juvenile court. The trial of the juvenile shall be held in camera. Only people directly involved in the case and the officers of the court can be present during the trial. The court may also ask people not to involve in the case to withdraw.

Punishment of Juvenile Delinquents

According to the children Act, no child shall be sentenced to death, transportation, or imprisonment unless the court is of the opinion that the crime committed is of so serious in nature or the child is so unruly or depraved that he cannot be committed to certified instituted, the child can be sentenced to imprisonment. A youthful offender sentenced to imprisonment shall not be allowed to associate with adult prisoners.

The following factors have to be taken into consideration by the court while passing any order under the Children Act

- The character and Age of the child
- The circumstances in which the child is living
- The report made by the probation officer
- Such other matters required to be taken into consideration in the interest of the child

When a child is found to have committed any offence terms 'conviction' or 'sentence' cannot be used. The fact that a child has been found guilty shall not operate as a disqualification for any office, employment or election under any law (Dishion & McCord, 1999: 755-764)). The court may discharge any young offender after due admission, release on probation of good conduct or commit a child to the care of a fit person executing a bond with or without sureties.

Probation and Rehabilitation

Juvenile court may appoint probation officer from among suitable person in the district, if there no probation officer in that area and may appoint a probation officer for a particular juvenile. The duties of a probation officer shall be supervised by the juvenile court and where no court exist, the court of Sessions. Duties of a probation officer include:

- Visit or receive a visit from the child at reasonable intervals;
- See that the conditions of bond are fulfilled;
- Report to the court as to the behaviour of the child;
- Advice, assist and befriend the child and where necessary endeavour to find him suitable employment
- Perform any other duty which may be prescribed.

Alternative Measures

The Children Act provides for a number of alternative measures instead of confining juvenile in the remand home; place of safety or in development center. At the first instance, the officer of the police station can release a juvenile on bail. The Act also gives responsibility on the Court and it has exercised its jurisdiction judiciously. A Court may, if it thinks fit, instead of directing any youthful offender to be detained in a certified institute, order him to be (i) discharge after due admonition; (ii) released on probation of good conduct and committed to the care of his parent, guardian or other adult relative or any other fit person on such parent, guardian, relative or a person executing a bond with or without sureties, as the Court may require to be responsible for the good behaviour of the youthful offender for any period not exceeding three years and the Court may also order that the youthful offender be placed under the supervision of a probation officer. If it appears to the Court on receiving a report from the probation officer or otherwise that the youthful offender has not been of good behaviour during the period of probation, it may, after making such inquiry as it deems fit, order the youthful offender to be detained in a

certified institute for the unexpired period of probation.

STEPS TAKEN FOR THE JUVENILE DELINQUENTS IN BANGLADESH

The Government of Bangladesh undertakes initiatives for meaning effective operation which has been intensified and taking with all seriousness in recent times. The has so far established three correctional institutes under the provision of the Children Act, 1974 each of which is consisted of one (1) juvenile Court, one remand home and one training institute these institutes are;

- (i) National Correctional Institute for boys at Tongi, Gazipur
- (ii) National Correctional Institute for girls at Konabari,

Gazipur

- (iii) Correctional Institute for boys at Jessore.

Another correctional institute having similar program component is going to be established at Kashimpur, Gazipur. Necessary facilities of the existing two unite located at Tongi and Jessore will also be increased for the accommodation of additional 350 inmates. These institutes deal with the following programs:

Vocational Training Program: The purpose of the vocational training program of correctional institutes is to make them skilled so that after their release they can employ them in professional aspects. The institutes have the following program:

National Correctional Institutes for boys, Tongi, Gazipur	Correctional Institutes for boys, Jessore	National Correctional Institutes for girls, Konabare, Gazipur
Tailoring and Industrial Sewing	Automobile and welding	Tailoring and Industrial Sewing
Automobile and welding	Electrical wiring	Embroidery
Electrical wiring Wood works	Electronics	Electronics and poultry

Educational Program: Primary Education is compulsory, facilities for further education inside the center are also provided to the concerned children. Religious education for the moral development of children is also provided.

Counselling for Correction and Rehabilitation: Counseling and motivation for behavioural correction, psycho-social, human development, socialization and re-integration of the inmates are done by social caseworkers and probation officers through the following methods;

- Individual casework
- Group work and focus group discussions
- Motivation
- Parental guidance
- Follow up

Recreational Activities: Games (indoor and outdoor), Sports and physical exercise are daily events. The recreational activities are also provided regularly.

RECOMMENDATIONS

The following recommendations can be considered by the concerned authorities to prevent the juvenile delinquency from Bangladesh and to more develop the justice system related to juvenile delinquency.

- Extensive awareness creation and dissemination on existing policies should be carried out both by the government and NGO’s using existing community structures.

- To address the challenges of juvenile delinquency, there is a need to analyze the existing policies so as to scale up the implementation of policies and programs through the participation of all key stakeholders.
- The government should design strategies for economic empowerment of the urban poor like providing basic training on starting and managing a business and creating accessible financial support with low interest rate.
- Laws relating to children’s right should be well defined.
- The laws relating to the protection of child rights should be more focused on that field.
- International binding force should be there in laws relating to child rights
- The proper and adequate legislative framework is essential for the protection of children who comes into conflict with the law.
- There is need to conduct a broader study in both urban and rural areas that are potential sources of juvenile delinquency to establish the regions that are more affected by juvenile delinquency Incidences.
- A comprehensive study should be conducted by the Government to obtain a regional estimate of juvenile delinquency and its wider impact on the society, to help in tackling juvenile delinquency issues in Bangladesh.
- Development of national data and children justice indicators should be aligned with the international standard.

- Bangladesh needs an independent human rights institution with responsibilities for promoting and protecting children rights.
- Jurisdiction of the special tribunal (established under the Special Powers Act) should not extend to the children in conflict with the law, to ensure it, amendment of law is recommended to give the Juvenile Courts all its exclusive jurisdictions over the children in conflict with the law.

CONCLUSION

Juvenile delinquency prevention from Bangladesh is the broad term for all efforts aimed at preventing youth from becoming involved in criminal, or other antisocial, activity. Because the development of delinquency in youth is influenced by numerous factors, prevention efforts need to be comprehensive in scope. Prevention services may include activities such as substance abuse education and treatment, family counselling, youth mentoring, parenting education, educational support, and youth sheltering. Increasing availability and use of planning services, including education and contraceptives help to reduce unintended pregnancy and unwanted births, which are risk factors for delinquency. It has been noted that often interventions may leave at-risk children worse off than if there had never been an intervention. This is due primarily to the fact that placing large groups of at risk children together only propagates delinquent or violent behaviour. "Bad" teens get together to talk about the "bad" things they've done, and it is received by their peers in a positive reinforcing light, promoting the behaviour among them. As mentioned before, peer groups, particularly an association with antisocial peer groups, is one of the biggest predictors of delinquency, and life-course-persistent delinquency. The most efficient interventions are those that not only separate at-risk teens from anti-social peers, and place them instead with pro-social ones, but also simultaneously improve their home environment by training parents with appropriate parenting styles.

REFERENCES

Alam. M. S. (1996). Protection of Children Rights: National and Global Approach. Journal of the faculty of law, 17(1). Dhaka: Dhaka University Press.

A. L. Goodhart. (1953). English Law and the Moral Law. London: Stevens & Sons.

Aaron, L., Dallaire, D. H. (2010). Parental Incarceration and Multiple Risk Experiences: Effect on Family

Dynamics and Children's Delinquency. Journal of Youth and Adolescence 39 (12): 1471-1484. doi:10.1007/s10964-009-9458-0.

- Aaron, L., Dallaire, D. H. (2010). Parental Incarceration and Multiple Risk Experiences: Effect on Family Dynamics and Children's Delinquency, Journal of Youth and Adolescence 39 (12): 1471-1484. doi:10.1007/s10964-009-9458-0.
- Bangladesh Bureau of Statistic's Report, 2019.
- Bartol, C. & Bartol. A. (2009). Juvenile Delinquency and Antisocial Behavior: A Developmental Perspective, 3rd ed. Upper Saddle River, NJ: Pearson Prentice Hall.
- Brown, S. (1998). Understanding Youth and Crime (Listening to youth), Buckingham: Open University Press.
- Cauffman, Piquero, Kimonis, Steinberg, Chassin (2007). Legal, individual, and environmental predictors of court disposition in a sample of serious adolescent offenders, Law and Human Behavior 31(6):519-535. doi:10.1007/s10979-006-9076-2.
- Dodge et. el., (2003). A bio-psychosocial model of the development of chronic conduct in adolescence. Developmental Psychology, pp. 349-371.
- De Lisi, Matt (2005). Career Criminals in Society. London: Sage Publications.
- Dishion & McCord (1999).When interventions harm: Peer groups and problem behavior. American Psychologist, pp.755-764.
- Eadie. T. & Morley, R. (2007). Crime, Justice and Punishment. In BAL dock, J. et al. Social Policy (3rd Ed.). Oxford: Oxford University Press.
- Holmes, S. E., James, R. S., Javad, K. (2001). Risk Factors in Childhood that Lead to the Development of Conduct Disorder and Antisocial Personality Disorder. Child Psychiatry and Human Development 31(3):183-193. doi:10.1023/A:1026425304480.
- Khan, B,U, & Rahman. M.M. (2008). Protection of children in conflict with law in Bangladesh. Dhaka: Save the Children UK.
- Moffitt. T .E. (2018). Life course persistent versus adolescent limited antisocial behavior (2nd ed.), New York: Wiley.
- Massey. I. P. (2001). Administrative Law (5th edition). Lalbagh: Lucknow.
- Piquero et al. (2003). The Criminal Career Paradigm: Background and Recent Developments. Crime and

Justice: A Review of Research 30:359–360.
JSTOR 1147702

The Children Act, 1974: A Critical Commentary, 1st ed.
Dhaka (Save the Children UK, 2004).

The Penal Code, 1860 (Act No. XLV of 1860). The Penal Code, 1860 is the main criminal code of Bangladesh. It is based on the penal code of the British Indian Empire enacted in 1860 by the Governor General-in-Council in the Bengal Presidency.

The Convention on the Right of the Child, 1989 (The United Nations Convention on the Rights of the Child is a human rights treaty which sets out the

civil, political, economic, social, health and cultural rights of children).

The Children Act, 1974 (Act No. XXXIX of 1974). An Act of Bangladesh to consolidate and amend the law relating to the custody, protection and treatment of children and trial and punishment of youthful offenders.

Walklate, S. (2003). *Understanding Criminology—Current Theoretical Debates*, 2nd edition, Maidenhead: Open University Press.

Woolard, Scott (2009). *The legal regulation of adolescence* (3rd ed.). New York: Wiley. Wolfgang, M., Robert, R., Thorsten. S. (1972). *Delinquency in a Birth Cohort*, University of Chicago Press: USA.

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