

**LEGAL CHALLENGES OF BORDER SECURITY FOR ARMED
POLICE FORCE, NEPAL**



A Thesis

**Submitted to APF Command and Staff College,
Faculty of Humanities and Social Sciences,
Tribhuvan University,
In Partial Fulfillment of the Requirements
For Master Degree in
Security, Development and Peace Studies**

Submitted by

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Ninth Batch (080-082)

Roll No: 123740080

TU Registration No: 5-1-61-55-98

**APF Command and Staff College
Sanogaucharan, Kathmandu, Nepal**

April 2025

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DECLARATION

I, **GANGA DATT PANT**, declare that this thesis entitled **LEGAL CHALLENGES OF BORDER SECURITY FOR ARMED POLICE FORCE, NEPAL** submitted to APF Command and Staff College is my own original work prepared under the guidance and supervision of Dr. Govind Prasad Kusum, Secretary of Nepal Government (Retd) unless otherwise indicated or acknowledged in the thesis. The thesis does not contain materials which has been accepted or submitted for any other degree at the University or other institutions. All sources of information have been specifically acknowledged by reference to the author(s) or institution(s).

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LETTER OF RECOMMENDATION

This thesis, entitled **LEGAL CHALLENGES OF BORDER SECURITY FOR ARMED POLICE FORCE, NEPAL** has been prepared by **Mr. GANGA DATT PANT** under my guidance and supervision. I hereby recommend it in partial fulfillment of the requirements for the Master's Degree in Security, Development and Peace Studies, Tribhuvan University for final examination.

.....

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 Kathmandu

Date: 2081/12/20

LETTER OF APPROVAL

This thesis, entitled **LEGAL CHALLENGES OF BORDER SECURITY FOR ARMED POLICE FORCE, NEPAL** submitted by **Mr. GANGA DATT PANT** to the APF Command and Staff College, Faculty of Humanities and Social Sciences, Tribhuvan University, in partial fulfillment of the requirements for a Master's Degree in Security, Development and Peace Studies has been approved by the undersigned members of the Evaluation Committee.

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ABSTRACT

Border security is a critical component of Nepal's national security, particularly given its extensive and porous borders with India and China. This study explores the legal challenges faced by the Armed Police Force, Nepal, in managing border security, focusing on jurisdictional ambiguities, inefficient legal frameworks, and operational inefficiencies. The research highlights the complexities of border management, where transnational crimes such as smuggling, human trafficking, trans border crime, movement regulation issues and territorial encroachments pose significant threats. Despite the APF, Nepal's vital role in safeguarding national sovereignty, legal constraints hinder its operational effectiveness. Key issues include overlapping mandates with other security agencies, lack of a dedicated Border Security Law, and gaps in intelligence sharing mechanisms. Using a qualitative research design, data was collected through semi-structured interviews, focus group discussions, and document analysis. The study primarily focuses on the Nepal-India border, particularly in Kanchanpur, Kailali, and Kathmandu, while drawing generalizable insights for the broader border security context. Findings reveal that existing laws, such as the Constitution of Nepal, 2015, National Security Policy 2016, National Panel Code 2017, Work Division Rules 2017, Armed Police Act 2001 and other existing laws, lack clear procedural guidelines for modern security threats. The absence of a comprehensive legal framework limits APF, Nepal capacity to address cross-border crimes effectively. The study also identifies the need for better coordination between APF, Nepal, Nepal Police, customs authorities and other government and non-government agencies, working in the border to enhance operational efficiency. The research recommends legal reforms, including the introduction of a dedicated Border Security Law, amendments to existing legislation, and improved technological integration for surveillance and intelligence gathering. The proposed APF, Nepal Bill 2081 offers a potential solution by defining clearer mobilization procedures and enhancing inter-agency collaboration. Strengthening Nepal legal and institutional border security mechanism is essential to addressing evolving security threats and ensuring effective enforcement.

Keywords: APF, Nepal, Border security, jurisdictional conflicts, legal challenges, legal reforms

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LIST OF ABBREVIATIONS/ACRONYMS

AI	Artificial Intelligence
APA	American Psychological Association
APF, Nepal	Armed Police Force, Nepal
BADP	Border Area Development Programme
BGB	Border Guard Bangladesh
BGP	Border Guard Police
BOP	Border Outpost
BP	Border Patrol
BS	Bikram Sambat
BSF	Border Security Force
BWG	Border Working Group
CCTV	Closed-Circuit Television
CBP	Customs and Border Protection
CDO	Chief District Officer
DIG	Deputy Inspector General
DSP	Deputy Superintendent of Police
ECPA	Electronic Communications Privacy Act
FA	Field Assistant
FGD	Focus Group Discussion
FOP	Forward Operating Post
GNSS	Global Navigation Satellite System

GPS	Global Positioning System
HA	Humanitarian Assistance
HQ	Headquarters
IBM	Integrated Border Management
IC	Intelligence Community
ICP	Integrated Check Post
ICT	Information and Communication Technology
ID	Identification
IFA	International Forces Agreement
ISSN	International Standard Serial Number
ITBP	Indo-Tibetan Border Police
JST	Journal of Security and Terrorism
KII	Key Informant Interview
MLAT	Mutual Legal Assistance Treaty
MM	Military Mission
MK	Military Knowledge
MP	Member of Parliament
MSDPS	Master in Security, Development and Peace Studies
NDPS	Narcotic Drugs and Psychotropic Substances Act
NID	National Investigation Department
NPA	National Police Agency
Ops	Operations
PC	Police Constable

RFI	Request for Information
SAARC	South Asian Association for Regional Cooperation
SOP	Standard Operating Procedure
SNCO	Senior Non-Commissioned Officer
SP	Superintendent of Police
SSB	Sashastra Seema Bal
SOC	Security Operations Center
TOR	Terms of Reference
TU	Tribhuvan University
UAPA	Unlawful Activities Prevention Act
UAV	Unmanned Aerial Vehicle
UN	United Nations
USA	United States of America
WWF	World Wildlife Fund

CHAPTER I

INTRODUCTION

1.1. Introduction

A border is a line on the ground, on the map, in mind, across which an individual can or cannot, may or may not, move. Crossing borders affect the meaning, perception of landscape and sense of identity. Thus, the boundaries are regulated to set limits of freedom and norms of behavior (Pine & Konidari, 2021). Natural and artificial demarcation that separates two distinct areas, regions, or territories. It serves as a marker for the limits of authority, ownership, or control, distinguishing one entity from another.

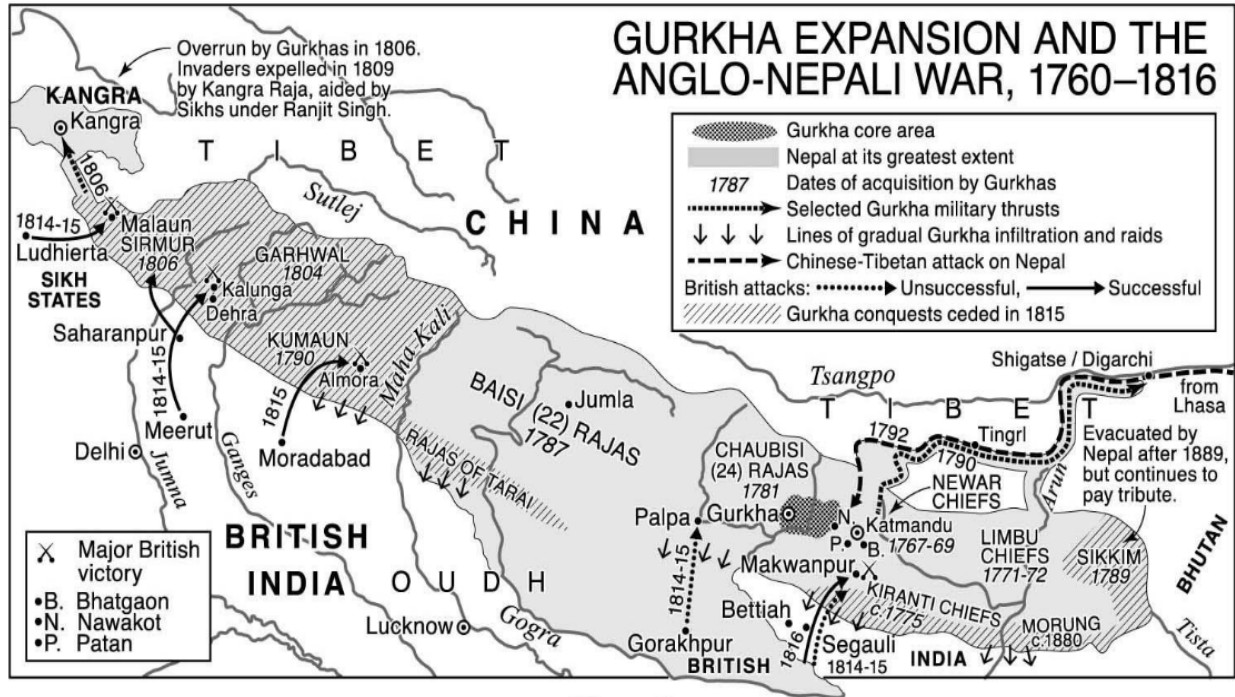
International borders are geographical and political lines that define the territorial limits of sovereign nations, separating their authority, laws, and governance (Smith, 2020). These borders can be natural, such as rivers, mountains, and oceans, or artificial, established through treaties, agreements, or conflicts (United Nations, 1982). Harvey Starr (2006) states the concept of border demarcation of sovereign states has existed after the Treaty of Westphalia that illustrates two aspects of borders in international relations; borders as legal phenomena & as related to security concerns. It involves monitoring and regulating the movement of people and across borders to prevent unauthorized entry, smuggling, or illegal trade. It encompasses efforts to control the movement of armed groups and foreign personnel to safeguard national sovereignty and maintain peace and order in border areas (National Security Policy, 2016). It focuses on safeguarding national boundaries using technology, infrastructure, and personnel to prevent unauthorized entry and illegal activities. Key approaches include the smart border initiative for technology driven management, multi-layered security for overlapping protection zones, and the human security approach, prioritizing individual safety (Jones, 2020). The border governance theory stresses multilateral cooperation, while trade facilitation theory ensures smooth flow. transnational crime prevention addresses issues like trafficking and terrorism through international collaboration (Smith & Taylor, 2021).

Prithvi Narayan Shah initiated Nepal's unification in 1745, formally establishing it as a Himalayan state in 1769. By 1806, Nepal's borders extended from the Tista River in the east to Kangra in the west, and from the Gandak-Ganges confluence in the south to Shigatse in the north, forming

“Greater Nepal” (Shrestha, 2003). However, British India opposed this expansion, leading to conflicts and the 1814–1816 Anglo-Gurkha War.

Figure 1.1

Map of Greater Nepal after Expansion of Prithvi Narayan Shah (Former King of Nepal)



Source: Shrestha, Buddhi Narayan (2003), *Border Management of Nepal*, Kathmandu

Figure 1.1 represents the territorial expansion of the Gorkha Empire from 1760 to 1816 and the conflicts that shaped its boundaries, particularly the Anglo-Nepal War. It outlines Nepal’s territorial acquisitions, showing how the Gorkhas expanded into regions like Kumaun (1790), Garhwal (1804), and Sirmur (1806). The map highlights the military movements of the Gorkhas, their gradual infiltration, and key battles with British forces. It also marks the areas where Gorkha conquests were halted in 1815. Besides that, figure illustrates Nepal’s conflicts with Tibet and China, particularly the Chinese-Tibetan attack on Nepal in the late 18th century. The consequences of these conflicts are depicted, including Nepal evacuation of Tibetan territories after 1889 while maintaining trade relations. Anglo-Nepali War (1814–1816) and its outcome, the Treaty of Sugauli, are also represented, showing the loss of significant territories to British India, reshaping Nepal border.

Nepal, positioned between India and China, shares a natural Himalayan border with China in the north, while its southern, eastern, and western borders with India lack natural or man-made barriers. This open border presents challenges to Nepal's national and local identity (Shrestha, 2003). Nepal shares a 1414 km naturally obstructed border with China, while its 1,880 km border with India remains open and porous. The absence of natural barriers along the southern border, which extends into the Indo-Gangetic Plain, has led to boundary shifts, missing markers, and obscured no-man's land. These issues have affected social relations between border inhabitants, frequently sparking concerns (Shrestha, 2003).

Figure 1.2

Geographical Location of Nepal in the Map (Lies Between China and India)



Source: Shrestha, Buddhi Narayan 2003, Border Management of Nepal, Kathmandu

Figure 1.2 shows that it is a map which highlights India and its neighboring countries, with Nepal and Bhutan serving as bridge states between India and China. Nepal's landlocked position makes it strategically significant in South Asia. Geopolitically, India and China compete for influence in the region, affecting Nepal trade, security, and infrastructure development.

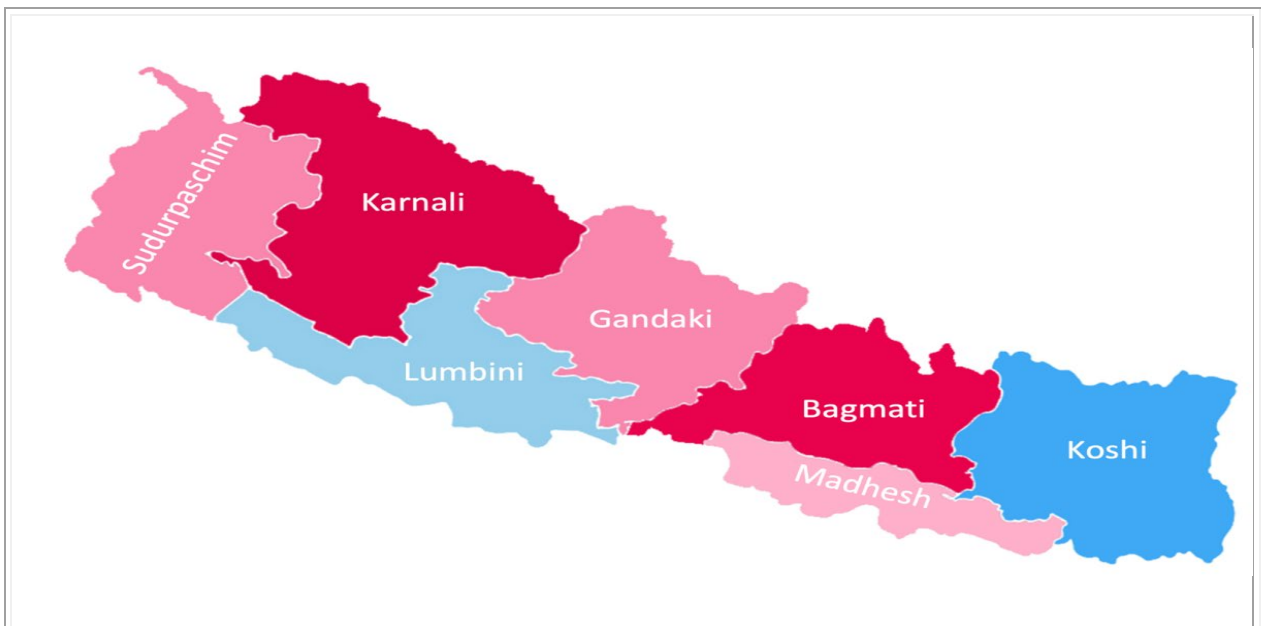
Nepal's open border with India facilitates trade but also sparks disputes like Kalapani and Lipulekh and Limpiyadhura. Nepal is a landlocked country in South Asia, located between China (Tibet

Autonomous Region) to the north and India to the south, east, and west. It lies approximately between 26°22'N to 30°27'N latitude and 80°04'E to 88°12'E longitude. The country spans from the lowland Terai plains (about 59 meters above sea level) to the Himalayan region, including Mount Everest (8,848.86 meters), the world's highest peak (Government of Nepal, 2021).

The Federal Democratic Republic of Nepal is a landlocked country located in South Asia, bordered by China to the north and India to the south, east, and west (Shrestha, 2024). Geographically, Nepal features diverse terrain, ranging from the lowland Terai plains in the south to the towering Himalayas in the north, including Mount Everest, the highest peak in the world (Sharma, 2024). The country covers an area of approximately 147,516 square kilometers (Bhatta, 2024).

Figure 1.3

Map of Federal Democratic Republic Nepal



Source: Nepal Government Survey Department 2025

Figure 1.3 shows that its seven provinces: Sudurpashchim, Karnali, Lumbini, Gandaki, Bagmati, Madhesh, and Koshi, each marked in different colors. These provinces stretch from east to west, with Koshi in the east and Sudurpashchim in the west, representing the country's geographical extremes. Nepal's federal division aims to decentralize governance, promote regional development, and strengthen local identities. The provinces vary in topography, with the Himalayas in the north, hilly terrain in the center, and Terai plains in the south, each influencing the culture, economy, and lifestyle of the regions. areas like Lipulekh, Limpiyadhura, and Kalapani, located in the far west,

are a subject of territorial dispute between Nepal and India, further complicating the geographical boundaries of the region. All provinces share the international boundaries to the India except Karnali while Lumbini and Madhesh province do not share the international boundaries to the China.

The legal framework for border security in Nepal is rooted in key constitutional and legislative provisions. Article 5 of the Constitution of Nepal emphasizes sovereignty, territorial integrity, and national security. The National Security Policy of Nepal 2016 highlights the significance of border management due to Nepal's open borders. Various laws assign responsibilities to security forces, such as the Army Act 2006, which entrusts the Nepalese Army with border protection, and the Police Act 2012 and Armed Police Act 2001, which mandate the Nepal Police and APF, Nepal to maintain border security respectively through patrolling and surveillance. Regulations like the Border Security Facilitation Committee Procedures 2022 and the Criminal Code 2017 strengthen legal mechanisms to address border-related crimes.

APF, Nepal was established under the Armed Police Act 2001, plays a crucial role in national security, border management, and disaster response. However, the legal framework requires continuous updates to address evolving threats such as cross-border crimes, smuggling, human trafficking, and terrorism. APF, Nepal has evolved into a disciplined, trustworthy, and proactive security force essential for national security. Despite its significant role, the force faces complex legal challenges, including jurisdictional disputes, enforcement barriers, and gaps in legal structures. This research primarily examines the legal provisions, practices, and challenges encountered by APF, Nepal in border security operations.

1.2. Statement of the Problem

Border security is a crucial aspect of national sovereignty, requiring a robust legal and operational framework to address evolving threats. APF, Nepal is responsible for securing the country's borders; however, its effectiveness is hindered by legal ambiguities, enforcement limitations, and coordination challenges. Nepal-India border remains a significant security concern, facilitating transnational crimes such as smuggling, human trafficking, and illegal trade, while the restricted Nepal-China border demands enhanced surveillance, intelligence-sharing, and cross-border cooperation. Despite APF, Nepal's continuous efforts, the absence of a comprehensive legal framework aligned with modern security challenges weakens its operational efficiency.

Existing legal provisions lack clarity, resulting in jurisdictional overlaps, ineffective inter-agency coordination, and limited intelligence-sharing mechanisms. While the proposed APF, Nepal Bill 2081 (BS) aims to strengthen border security, its practical impact remains uncertain due to the absence of thorough assessments. Nepal's border security policies do not fully meet international standards, further limiting APF, Nepal's ability to respond effectively to emerging threats. Previous studies have also highlighted these challenges, but legal frameworks have not been adequately updated to address them. This research is essential to evaluate legal constraints, identify gaps, and propose necessary reforms to enhance APF, Nepal's operational efficiency, ensuring a more secure and well-regulated border management system.

1.3. Research Questions

- 1.3.1 What are the existing legal provisions and practices of APF, Nepal in border security?
- 1.3.2 What are the legal challenges faced by APF, Nepal in border security?
- 1.3.3 How to make effective border security by reforming legal frameworks for APF, Nepal?

1.4. Objectives of the Study

- 1.4.1. To examine the existing legal framework and operational practices of APF, Nepal in border security.
- 1.4.2. To identify legal constraints affecting APF, Nepal border security operations.
- 1.4.3. To find and propose legal reforms of effective border security for APF, Nepal.

1.5. Significance of the Study

The significance of the study lies in addressing research gaps, generating new insights, and offering practical contributions. It benefits stakeholders by providing evidence-based recommendations for legal and operational improvements while strengthening institutional frameworks and policy effectiveness. The most significant aspect of the study is its in-depth exploration legal challenges and their solution in the border security for APF, Nepal. It is also helpful for update the existing legal framework for making robust border security system. This study addresses critical gaps in Nepal border security framework, focusing on the legal challenges faced by the APF, Nepal in managing national frontiers. Border security is vital for national sovereignty, regional stability, and

economic growth, requiring effective strategies to counter transnational threats such as smuggling, human trafficking, and illegal trade. By systematically analyzing the legal provisions and practices governing APF, Nepal operations, the research identifies ambiguities, jurisdictional overlaps, and enforcement inefficiencies.

The study offers action-oriented recommendations to enhance APF, Nepal legal and operational capacities, guiding policymakers in framing robust legal frameworks and fostering alignment with global standards. It serves as a valuable resource for academics and practitioners, providing a foundation for further research and development in border security. This research mainly contributes to strengthening Nepal's international border management system, ensuring it remains adaptive to global security challenges and advancing its role in regional and international cooperation.

1.6. Limitations of the Study

The study, conducted in the Sudurpachhim Province of Nepal, aimed to generalize its findings for the entire country regarding Nepal-India and Nepal-China borders. While secondary data, case studies, and international border security practices insights were used for generalization, the research has limitations which are following.

1.6.1 The study focused only on Kanchanpur and Kailali districts in the Sudur Pachhim Province, limiting its applicability to other provinces of Nepal, such as Karnali, Lumbini, Gandaki, Bagmati, Madhes and Koshi Provinces which may have different border security needs.

1.6.2 The findings may not be universally applicable due to the varying cultures, traditions, and practices in other regions, which could affect the practical implementation of border security measures.

1.6.3 The research concentrated solely on land borders and excluded airspace and water borders, which are also crucial for comprehensive border security. This narrowed the scope of the study's findings.

CHAPTER II

REVIEW OF LITERATURE

A review is a critical analysis of existing literature, research, or practices on a specific topic. In academic research, it served to summarize, assess, and synthesize current knowledge, identify gaps in the existing body of work, and highlight areas for further study or improvement. It provided a comprehensive understanding of the subject matter, evaluating the strengths, weaknesses, and trends within the field, while guiding researchers to identify areas where new contributions could be made (Hart, 1998). The literature review helped synthesize existing legal provisions, practices, and challenges related to border security, establishing a theoretical foundation for understanding the legal environment in Nepal. A thematic review organized literature into key categories, identifying patterns and trends to structure the information coherently (Booth, Sutton, & Papaioannou, 2016).

Literature reviews serve different purposes: a literature review synthesizes existing research to provide an overview (Hart, 1998), a systematic review follows a predefined methodology for reliable synthesis (Liberati et al., 2009), a critical review analyzes strengths and weaknesses of research (Grant & Booth, 2009), a narrative review summarizes key findings without a structured approach, and a comparative review compares studies or frameworks to identify contrasts (Dixon-Woods et al., 2006).

The conceptual review ensured clarity in defining key terms like "border security" and "legal challenges" (Hart, 1998). The theoretical review grounded the research in law enforcement and national security theories, offering a robust framework for analysis within Nepal's context (Grant & Booth, 2009). Thematic review organized the literature into key themes, such as legal provisions and challenges, helping to identify critical issues and gaps in existing research (Booth, Sutton, & Papaioannou, 2016). This combination ensured a structured and contextually grounded analysis of the legal and security challenges for APF, Nepal. Three literature reviews are as follows.

2.1. Conceptual Prospective

Poudel (2019) explained the legal challenges surrounding Nepal's border security, particularly focusing on the role of the APF, Nepal. The study identified significant gaps, such as inefficient border security laws and insufficient coordination between various government agencies. Poudel

emphasized the need for a modernized legal framework that addressed contemporary security threats like organized cross-border crime, human trafficking, and environmental security risks. The study called for a comprehensive review and reform of existing legal structures to ensure they reflected the current challenges and security needs of Nepal.

Smith (2019) provided a comparative analysis of border security laws in South Asia, focusing on Nepal's role within the regional security context. The study identified major gaps in Nepal's border security laws, especially in addressing modern cross-border threats such as terrorism and human trafficking. Smith argued that Nepal should adopt more rigorous, standardized legal provisions to enhance its border security and improve coordination with neighboring countries. This comparative approach offered valuable insights into how legal reforms in Nepal could be informed by the experiences of its neighboring nations.

Costello and Mann (2020) examined the human rights concerns that emerged during the enforcement of border security, particularly highlighting the gaps in international migration laws that left migrants vulnerable to exploitation, violence, and legal uncertainty. They critiqued how stringent border control measures, while intended to safeguard national security, often conflicted with international human rights obligations, infringing on the basic rights of asylum seekers and migrants. Their study underscored the legal challenges countries face when implementing security policies that neglect the legal status and rights of migrants. This issue led to significant tensions between the need to maintain national security and the obligation to uphold human rights. In the case of Nepal, where illegal migration and cross-border trafficking are persistent problems, Costello and Mann's findings highlighted the necessity for a legal framework that could balance security concerns with the protection of migrants' rights. They suggested that countries, particularly those with border security challenges, should align their national security strategies with international standards for migrant rights.

Harris and Thomas (2020) discussed the role of legal frameworks in shaping border security practices in developing countries, with a particular focus on Nepal. They argued that legal ambiguities and inadequate legal provisions often hindered effective border security operations. The authors stressed that legal clarity was essential in empowering border security forces like the APF, Nepal, to perform their duties efficiently. The study also highlighted the importance of international cooperation and aligning domestic laws with global security norms to enhance border security management. This research was crucial for understanding the broader challenges Nepal faced and how international frameworks could inform domestic legal reforms.

Koirala (2020) examined Nepal's border security management and the legal frameworks that governed it, particularly with regard to the APF, Nepal. The study highlighted inconsistencies in the implementation of border security laws and procedures across various regions in Nepal. Koirala advocated for strengthening legal provisions to improve the effectiveness of the APF, Nepal, especially in addressing emerging security concerns such as illegal immigration and cross-border terrorism. The research emphasized that legal reforms were essential to streamline decision-making processes and enhance inter-agency coordination for border management.

Singh (2020) analyzed jurisdictional conflicts among Nepal's security agencies, including the Armed Police Force, Nepal emphasizing their negative impact on operational efficiency at borders. The study highlighted those overlapping responsibilities between APF, Nepal and other agencies often lead to delays and poor coordination in enforcing security measures. Singh recommended legislative reforms to distinctly define the roles and mandates of different agencies to reduce conflicts and enhance accountability.

Costello and Mann (2020) examined the legal governance of migration control and the accountability gaps that arose in international law, particularly in relation to illegal migration, human trafficking, and the exploitation of migrants. Their research emphasized that migration laws often left significant legal loopholes, which enabled these issues to persist without sufficient legal recourse. This analysis is highly relevant for Nepal, which shares an open border with India and faces particular challenges regarding illegal migration and cross-border trafficking. The lack of clear legal structures concerning the treatment of migrants and asylum seekers further compounded these issues. APF, Nepal, plays a central role in border security and is tasked with managing these challenges while navigating the complexities of human rights protection. Costello and Mann argued that Nepal's legal frameworks must be aligned with international human rights standards to ensure the equitable treatment of migrants and to close the existing gaps in border security governance

Bhandari (2021) analyzed Nepal's legal provisions related to border security and their implications for the APF, Nepal. The study highlighted challenges caused by ambiguous legal mandates and jurisdictional overlaps with other security agencies, such as the Nepal Army and the police. Bhandari suggested that a unified legal framework, with clear legal provisions, was necessary for empowering the APF, Nepal to respond more effectively to cross-border threats. The study advocated for an integrated legal approach that facilitated inter-agency cooperation, thereby strengthening the APF's role in border management.

Ochoa (2021) explored the complex legal challenges at the U.S.-Mexico border, particularly the jurisdictional issues and the enforcement of border laws. The author argued that the absence of clear legal frameworks at both the domestic and international levels created substantial gaps in border security enforcement, which facilitated the flourishing of cross-border criminal activities such as human trafficking, drug smuggling, and illegal immigration. Ochoa emphasized that these legal ambiguities enabled federal officers to evade accountability and hindered efforts to prosecute crimes effectively. The paper highlighted the struggle for legal clarity on authority, especially when crimes spanned both nations' territories, creating enforcement challenges due to conflicting legal systems.

This analysis holds significant relevance for Nepal, where similar legal challenges in cross-border crime management are evident. The APF, Nepal, frequently faces difficulties in enforcing border security laws when transnational crimes occur, particularly because of jurisdictional conflicts with neighboring countries, such as India and China, which have different legal systems. In these situations, the lack of consistent legal authority over border issues complicates enforcement actions, making it harder to address smuggling, human trafficking, and the movement of illicit goods effectively. It was emphasized the critical need for legal reforms to improve cross-border cooperation, arguing that mutual legal assistance treaties (MLATs) and joint task forces could bridge jurisdictional gaps and foster a more coordinated approach to border security. For Nepal, similar initiatives could facilitate stronger partnerships with India and China to address the increasing complexities of border crimes. These legal frameworks could enhance enforcement by clarifying authority, facilitating cooperation, and ensuring accountability for transnational crimes. Ochoa's analysis calls for a robust, coordinated approach to border security, aligning with Nepal's need for stronger legal frameworks to combat evolving security threats at its borders

Shrestha (2021) examined the relationship between legal frameworks and the effectiveness of the APF, Nepal in securing Nepal's borders. The study critiqued Nepal's current border security laws, noting that they were fragmented and inefficient, which complicated the APF, Nepal's operational effectiveness. Shrestha highlighted the role of bilateral and multilateral agreements, particularly with neighboring countries like India and China, in shaping Nepal's border security policies. The study advocated for revising existing laws to address contemporary security concerns such as cyber threats and to align legal frameworks with international standards.

Taylor and Smith (2021) explored the legal aspects of border security in conflict-prone regions, with a focus on Southeast Asia. They argued that while legal frameworks were vital for maintaining

border security, they could also be exploited to justify abuses of power. The authors proposed that legal reforms were necessary to strike a balance between national security and human rights protections. They suggested that Nepal's border security laws should be revised to protect individual freedoms while ensuring effective control over its borders. Transparency and accountability in border security policies were essential for enhancing the APF, Nepal's role in managing Nepal's borders.

Rai (2022) focused on the legal and operational challenges faced by the APF, Nepal in border security and management. The study critically examined the gaps in Nepal's border security laws, particularly the lack of a cohesive legal structure that integrated security and administrative measures. Rai argued that although the APF, Nepal played a critical role in border management, its operations were often hindered by legal uncertainties and insufficient legislative support. The study called for the development of a national border security policy aligned with international practices to address Nepal's unique security challenges.

Smith (2022) explored the tension between stringent border enforcement and humanitarian concerns in the European context, where security measures sometimes conflicted with the protection of asylum seekers. Smith's research underscored the complexity of balancing national security objectives with the obligation to uphold human rights. For Nepal, the increasing pressures from both illegal migration and the need to protect refugees require a legal framework that can effectively address these dual concerns. APF, Nepal, needs to ensure that border security measures align with both national security priorities and international human rights standards, especially given Nepal's open-border policy with India. The legal framework must offer clarity on how to treat asylum seekers and migrants fairly while maintaining effective border security.

Gautam (2023) evaluated the legal challenges related to border security for Nepal's APF, Nepal, focusing on modern-day threats like transnational organized crime, drug trafficking, and cyber threats. The study underscored the inefficiency of current legal frameworks in dealing with these emerging threats. Gautam advocated for a multi-dimensional legal approach that integrates technological advancements, regional cooperation, and stronger legal provisions. The study stressed that enhancing the legal authority of the APF, Nepal through legal reforms is crucial for strengthening Nepal's border security in the modern era.

Saunders (2023) explored the legal challenges associated with the use of advanced technologies in border security, such as biometric systems, digital surveillance, and automated border control.

While acknowledging that these technologies are pivotal in combating cross-border crimes, Saunders emphasized that the lack of clear legal regulations regarding these technologies raises significant privacy concerns, including the potential for privacy violations, discrimination, and misuse of personal data. The study noted that many existing border security laws were outdated and inadequate to regulate the emerging technologies, creating risks of overreach and improper surveillance. Saunders argued that a more comprehensive legal framework was necessary to integrate modern technologies into border security while ensuring compliance with privacy protection standards. He highlighted that in regions like the European Union, where biometric technologies are widely used, legal uncertainties about data storage, access, and usage further exacerbated concerns about the ethical implications of such technologies on human rights.

2.2. Acts and Policy Prospective

This thesis on the legal provisions, challenges, and reforms related to the border security of APF, Nepal, acts and policy prospective is essential to explore the key legal frameworks governing border security, the challenges faced in their implementation, and the need for reform. This review helps highlight the gaps in the current legal structure, suggests areas for improvement, and provides a structured basis for understanding how legal reforms could enhance the effectiveness of the APF, Nepal in addressing modern border security threats. Acts and policy prospectives are as follows.

2.2.1. Armed Police Act 2001

Bhatta (2021) critically examined the Armed Police Act, 2001, pointing out their limitations in border security. Although the Act granted APF, Nepal a general mandate to prevent cross-border crimes, Bhatta highlighted the absence of clear guidelines for inter-agency coordination, particularly with Nepal Police, Customs, and Immigration. While Sections 6 and 7 authorized APF, Nepal to combat unauthorized cross-border activities, the lack of legal clarity on coordination and authority led to operational conflicts and inefficiencies. The Armed Police Regulation focused mainly on internal administrative structures and failed to address key operational issues, such as integrated patrolling, technology-based border monitoring, and formal intelligence cooperation. Bhatta argued that the current legal frameworks did not adequately define APF, Nepal role in addressing complex transnational threats, such as human trafficking, drug smuggling, and cross-border terrorism. Although Sections 6 and 7 provided APF, Nepal with general authority to prevent cross-border crimes, the Act lacked provisions for intelligence gathering, real-time surveillance, and technological interventions. Furthermore, Bhatta noted the absence of coordinated border

management provisions, which caused communication gaps and delayed responses between APF, Nepal and other agencies, especially along the open Nepal-India border, hindering effective border security management.

Joshi (2021) critically examined the technological gaps in Nepal's border security legislation, particularly within the Armed Police Act, 2001. Joshi highlighted that the existing legal provisions were inefficient and did not allow APF, Nepal to use modern technologies, such as drones, biometric systems, and satellite surveillance, for border monitoring. It was focused that legal reforms were needed to integrate these technologies into APF, Nepal's operations, and suggested that legal amendments should have specifically authorized APF, Nepal to enter into international partnerships for acquiring these technologies. This would have enabled APF, Nepal to respond more effectively to sophisticated border security challenges.

Poudel (2021) critically analyzed the Armed Police Act, 2001, arguing that while the Armed Police Act, 2001, established APF, Nepal's role in preventing cross-border crimes and securing border areas, it was inefficient in terms of contemporary border management practices, such as Integrated Border Management (IBM). Poudel emphasized that there were significant gaps in the Act and Regulation, particularly regarding risk assessment, intelligence-led operations, and public-private partnerships for border security. These gaps made it difficult for APF, Nepal to adopt international practices in border management. Furthermore, Poudel critiqued the lack of a comprehensive and coordinated border management framework, which hindered APF, Nepal from addressing modern security threats while facilitating legitimate trade and movement.

Acharya (2022) pointed out the legal deficiencies that had hindered APF, Nepal's ability to collaborate effectively with other border security agencies, both within Nepal and in neighboring countries. He argued that Nepal's current border security framework lacked a formalized system for inter-agency coordination. Acharya suggested that legal reforms should have focused on establishing a comprehensive cooperative framework that included joint training, shared intelligence, and coordinated operations, which could have been modeled after successful practices in neighboring countries. In particular, he called for the legal empowerment of APF, Nepal to engage in bilateral agreements with India and China to facilitate smooth operational coordination on cross-border security issues.

Koirala (2022) suggested that the existing legal framework in Nepal lacked a unified border security law, which hindered effective coordination between APF, Nepal and other security

agencies, such as Nepal Police and Customs Department. He argued that legislative reform was necessary to harmonize these agencies' roles and streamline border security operations. Koirala emphasized that adopting a legal framework based on Integrated Border Management (IBM) could have allowed APF, Nepal to coordinate with both domestic agencies and international partners to address growing challenges at the Nepal-India and Nepal-China borders. Such a reform would have created a more collaborative legal environment for border patrols, intelligence sharing, and operational responses to threats like smuggling and human trafficking.

Pradhan (2022) specifically examined the legal implications of deploying plainclothes informants within APF, Nepal operations. The study found that while this practice can enhance intelligence gathering and prevent border crimes, legal issues surrounding privacy, accountability, and the scope of intelligence activities remain unresolved. Pradhan's research suggested that clearer legal guidelines and proper regulation of this practice could significantly improve its effectiveness.

Sharma (2022) provided an in-depth analysis of the Armed Police Act, 2001, which served as the legal foundations for APF, Nepal's role in border security. The Act authorized APF, Nepal to control cross-border crimes, maintain national sovereignty, and conduct border surveillance, particularly along the Nepal-India open border and the Nepal-China frontier. However, Sharma argued that the act lacked provisions addressing the complexities of modern transnational crimes, such as human trafficking, organized smuggling, and terrorism, which hindered effective border management. While the Act outlined border-related duties, it failed to incorporate mechanisms for technology-based surveillance and intelligence sharing, both of which were crucial for modern security needs. Furthermore, Sharma emphasized the legal ambiguities surrounding APF, Nepal operational authority, particularly in coordination with other agencies such as Nepal Police, Customs, and Immigration. The absence of clear frameworks for inter-agency collaboration led to overlapping responsibilities, operational conflicts, and reduced efficiency in border security management. Additionally, Sharma pointed out that APF, Nepal did not have a distinct legal mandate for cross-border intelligence operations or collaboration with international security agencies, limiting its ability to counter cross-border crimes like smuggling, trafficking, and organized crime. Armed Police Act, 2001, though empowering APF, Nepal to prevent cross-border crimes under Sections 6 and 7, did not provide explicit authority for proactive intelligence gathering or international cooperation, restricting APF, Nepal ability to take preventive actions. Sharma identified that jurisdictional overlaps between APF, Nepal Police, and Customs Department often led to operational delays and weakened responses in border incidents due to the

lack of a unified command system and coordination protocols. This gap in legal authority and inter-agency cooperation significantly hindered the effectiveness of border security operations.

Shrestha (2022) critically assessed the Armed Police Regulation, 2015, noting its focus on administrative procedures and personnel management, while highlighting the lack of practical directives to address modern border security challenges. The Regulation did not provide clear guidelines for APF, Nepal's coordination with local governments or border communities, nor did it define a role for APF, Nepal in joint border operations with other national security entities. This absence weakened APF, Nepal's functional efficiency in dealing with complex security threats. Shrestha pointed out that the Regulation did not include comprehensive frameworks to handle cross-border criminal activities, such as human trafficking, smuggling, and refugee management. Regulation lacked provisions for collaboration with foreign security agencies despite the rise of transnational crimes. The gaps in legal frameworks for engaging with local communities along the border further hindered APF, Nepal's ability to implement community-based security models, weakening border vigilance and overall security operations. This analysis underscored the need for updated and more comprehensive operational guidelines to effectively address current border security challenges.

Sigdel (2023) critically examined the Armed Police Act, 2001 and its applicability to modern border security challenges. While the Act legally mandated APF, Nepal to secure Nepal's international borders, Sigdel argued that it failed to reflect contemporary geopolitical realities, such as increased cross-border connectivity, transnational criminal networks, and regional security complexities. The lack of provisions for technological integration, including CCTV, drones, and biometric identification, limited APF, Nepal's ability to conduct effective surveillance and detect threats. Furthermore, Sigdel highlighted the absence of legal mechanisms to facilitate intelligence exchange or operational collaboration with foreign border agencies, hindering Nepal's capacity to address cross-border threats proactively. Sigdel also emphasized that the Act's inefficient legal provisions led to confusion regarding APF, Nepal's mandate during cross-border incidents, reducing its effectiveness in border diplomacy and conflict prevention. The absence of legal mandates for operating modern surveillance technologies, such as unmanned aerial vehicles (UAVs), advanced communication tools, and smart monitoring systems, further restricted APF, Nepal's capability to engage in contemporary border security practices.

2.2.2. Proposed Armed Police Force, Nepal Bill 2081

The proposed Bill for the APF, Nepal plays a pivotal role in enhancing the operational capacity and legal framework of the force, with a key focus on strengthening national security. The thematic aspects of the Bill align with critical security objectives such as border security, intelligence gathering, public order enforcement, and international engagement. Below is a thematic review of the provisions of the Bill, organized around the primary themes of border security, operational readiness, intelligence gathering, international engagement, and legislative framework.

a. Border Security

A core theme in the Bill is the enhancement of border security, which is crucial for Nepal's national sovereignty and territorial integrity. Clause 8, Sub-clauses (3) and (4) mandate the APF, Nepal, to maintain detailed maps and records of international borders, as well as to define clear mobilization procedures for the force along these borders. This provision ensures that the APF, Nepal is strategically prepared for border management, enhancing operational effectiveness in preventing illegal cross-border activities such as human trafficking, smuggling, and infiltration. It also highlights the APF, Nepal's role in contributing to Nepal's overall defense strategy and national security infrastructure. So traditional border security does not cope the modern threats due to globalization, rapid development of the technology, change in the security dynamics and computational environment. Every country has own national interests and security policies. which are interdependent.

b. Operational Readiness

The Bill emphasizes improving the operational readiness of the APF, Nepal, in critical areas such as disaster management, border control, and public safety. Clause 11, Sub-clause (5) allows the use of necessary force by APF, Nepal personnel to enforce their duties, particularly when obstructed. This provision ensures that the force can respond to immediate threats and challenges in maintaining public order, even under adverse conditions. By empowering the APF, Nepal to act decisively, this clause enhances its ability to uphold security and law enforcement in complex or volatile situations, thereby strengthening national resilience and security. It really enhance the operational capacity and be effective border security for APF, Nepal to form border governance and favor of nation interest.

c. Intelligence Gathering

Intelligence operations are critical to national security, and the Bill significantly strengthens the APF, Nepal's capabilities in this area. Clause 12, Sub-clause (8) authorizes the deployment of Armed Police personnel in plain clothes for intelligence gathering, especially in sensitive or high-risk areas, including border regions. This provision allows for discreet, proactive intelligence collection, which is essential for preventing criminal activities such as cross-border trafficking, insurgency, and organized crime. The use of plainclothes officers adds a layer of operational flexibility, improving the APF, Nepal's capacity to gather actionable intelligence without compromising its strategic objectives. This provision aligns with global practices in law enforcement, reinforcing preventive policing and early intervention strategies.

d. International Engagement

The Bill also emphasizes Nepal's role in global and regional security initiatives. Clause 135, Sub-clause (3) authorizes the APF, Nepal, to participate in international peacekeeping missions and regional security organizations. This provision positions the APF, Nepal as a key player in enhancing Nepal's international presence and security cooperation. It also supports the country's participation in multilateral peacekeeping operations, such as those led by the United Nations and regional organizations like the South Asian Association for Regional Cooperation (SAARC). The legal framework established in this provision ensures that Nepal's contributions to global peace and security are guided by clear operational guidelines, enhancing both the effectiveness and accountability of the APF, Nepal's international engagements. So independent countries have own foreign policy that influence to the international forum through international organization like UN.

e. Legislative Framework

The bill focuses on creating a strong legal system to ensure the proper use of the APF, Nepal Act. Clause 142 allows the government of Nepal to make rules for its smooth implementation. This helps the APF, Nepal adapts to new security challenges and stay prepared for changing threats. It also helps in properly applying laws related to border security, intelligence gathering, and international cooperation.

2.3. Theoretical Prospective

Theoretical perspectives provide a foundation for analyzing the complex interplay between legal frameworks, security policies, and border management. In the context of border security for the APF, Nepal, several theories are relevant.

2.3.1 Sovereignty and State Security Theory

Sovereignty theory asserts that a state has the exclusive right to govern its territory, including control over its borders, to maintain national security and political autonomy (Krasner, 1999). This principle highlights that strong border governance is essential for protecting a nation from external threats, unauthorized movements, and illegal activities. In an era of globalization, states must continuously refine their legal frameworks to uphold sovereignty while adapting to evolving security dynamics (Held, 2002). For Nepal, this theory reinforces the necessity of a well-defined legal structure that empowers the APF, Nepal with clear authority over border security. Effective legal provisions help prevent conflicts between law enforcement agencies and ensure smooth coordination in addressing transnational crimes such as human trafficking, smuggling, and illicit trade. Without a robust legal framework, gaps in authority and enforcement mechanisms could weaken border control, making Nepal vulnerable to security threats. Therefore, strengthening APF, Nepal's mandate through precise legal definitions and inter-agency coordination is crucial for upholding sovereignty and maintaining national security.

2.3.2 Border Governance Theory

Border governance theory emphasizes that borders function as dynamic spaces influenced by legal, political, economic, and social factors, rather than just physical demarcations (Newman, 2006). Effective border management requires a combination of legal frameworks, operational mechanisms, and diplomatic cooperation to address security threats. In the modern era, border enforcement has evolved beyond traditional territorial control to include multilateral cooperation and flexible legal systems to combat transnational crimes such as human trafficking, illegal migration, terrorism, and smuggling (Andreas, 2003). For Nepal, the APF, Nepal plays a crucial role in border security, but its legal framework must continuously adapt to emerging threats through improved intelligence sharing, regional security agreements, and technology-driven surveillance. Strengthening inter-agency coordination and international collaboration is essential

to ensure that Nepal's border security measures remain effective in addressing cross-border challenges.

2.4. Summary of Literature

The scholars presented distinct yet interrelated themes concerning Nepal's border security framework. Poudel (2019) and Smith (2019) focused on legal inefficiencies but from different standpoints—Poudel highlighted internal structural gaps, including jurisdictional overlaps and weak inter-agency coordination, whereas Smith advocated for Nepal's legal reforms to be modeled after regional best practices. Similarly, Bhandari (2021) and Singh (2020) emphasized jurisdictional conflicts, arguing that these conflicts hindered effective border management. Singh pointed to operational inefficiencies due to overlapping roles, while Bhandari proposed a unified legal framework to clarify APF, Nepal's mandate. In a different context, Costello and Mann (2020) and Shrestha (2021) introduced a human rights perspective, asserting that stringent border enforcement risked infringing on migrants' rights. In contrast, Gautam (2023) and Koirala (2020) stressed the need for Nepal's legal framework to evolve in order to counter emerging security threats such as cybercrime and human trafficking, prioritizing security over human rights concerns.

Despite thematic differences, a shared recognition across these discussions was the urgent need for reform in Nepal's border security laws. Sigdel (2023) reinforced this argument by identifying the Armed Police Act, 2001 as outdated, particularly due to its failure to integrate modern security technologies and intelligence-sharing mechanisms. The proposed Armed Police Force, Nepal Bill 2081, while addressing some of these concerns, still faced challenges in implementing advanced surveillance systems and cross-border cooperation. While perspectives varied—whether focusing on internal restructuring, regional alignment, human rights, or technological advancement—the consensus remained that Nepal needed to modernize its border security policies to effectively address contemporary threats.

Theoretical perspectives on border security underscore the necessity of a strong legal framework and adaptive governance, aligning with broader literature on state sovereignty and border management. Sovereignty and State Security Theory asserts that states must exercise exclusive control over their borders to maintain national security, resonating with Krasner (1999) and Held (2002), who argue that legal structures should evolve to counter globalization-induced security threats. Similarly, Border Governance Theory challenges the notion of borders as mere physical demarcations, emphasizing their legal, political, and social dimensions (Newman, 2006). This

perspective aligns with Andreas (2003), who highlights the importance of multilateral cooperation and flexible legal mechanisms in tackling transnational crimes. In the Nepalese context, these theories reinforce the argument that APF, Nepal requires a well-defined legal mandate, regional security agreements, and intelligence-sharing frameworks to effectively address challenges such as smuggling, human trafficking, and terrorism. Existing literature suggests that without a robust and adaptable legal framework, enforcement gaps weaken border security, making states vulnerable to external threats. Therefore, integrating theoretical insights with practical strategies, such as enhanced surveillance, reforming the legal framework, coordination mechanism among the border government agencies and non-government agencies, coordination with the counterparts' agencies and cooperation with the global agencies is essential for Nepal to strengthen its border governance and national security.

2.5. Research Gap

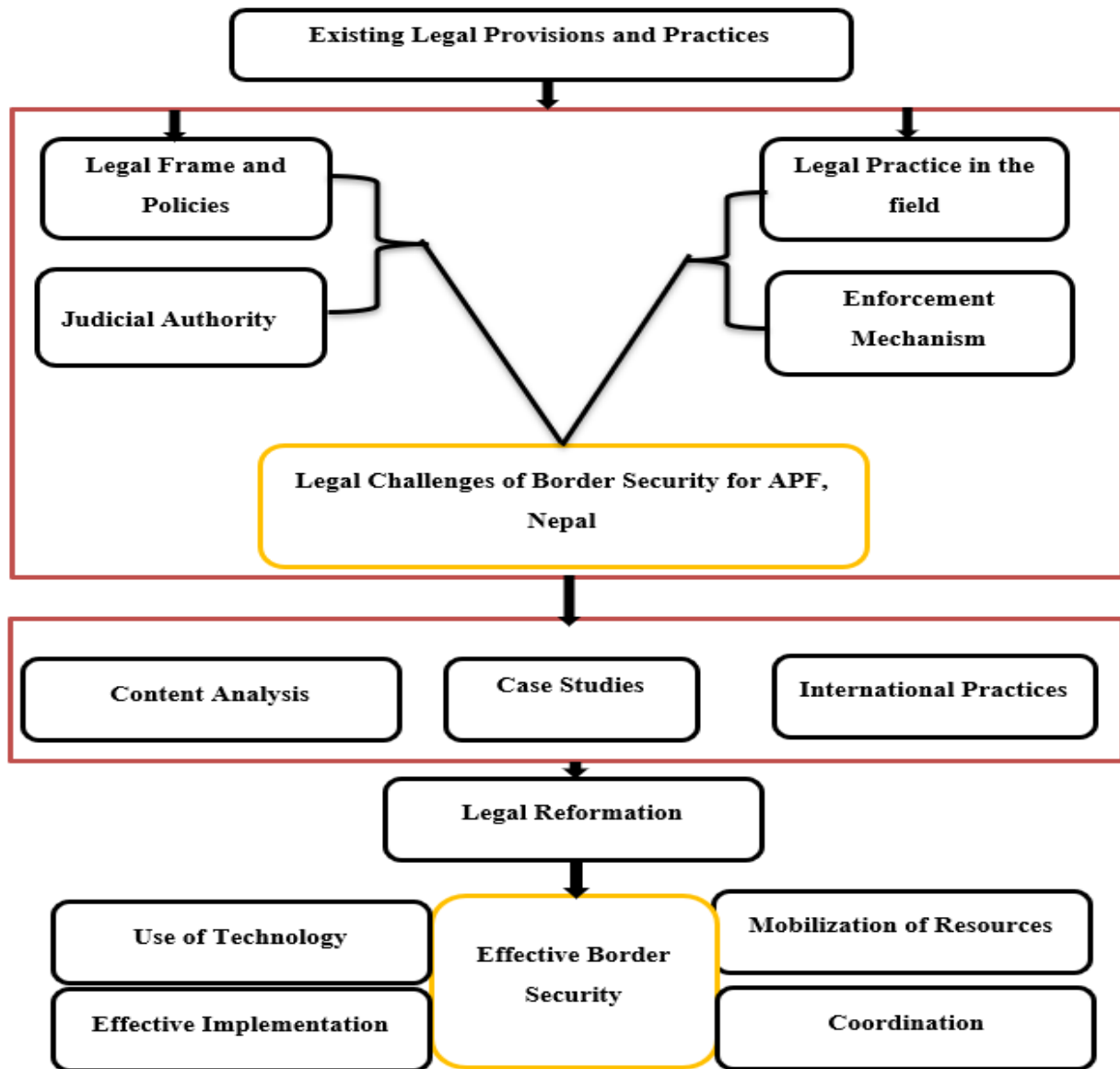
Several research gaps exist in enhancing border security for APF, Nepal, based on existing literature and the proposed APF, Nepal Bill 2081. Key gaps include the lack of a comprehensive legal framework for cross-border intelligence sharing, ineffective current laws in addressing modern security threats, poor inter-agency coordination, unclear legal authority and jurisdictional overlaps, limited mandates for border dispute resolution, absence of bilateral and multilateral agreements, and the need for a practical evaluation of the proposed Bill's effectiveness. These gaps highlight the need for deeper analysis to strengthen Nepal's border security legal framework.

2.6. Conceptual Framework

A conceptual framework is a structured system of theories, concepts, and assumptions that guide research by defining key variables and their relationships. It provides a theoretical basis for analysis, ensuring clarity and direction in a study (Miles & Huberman, 1994). Overall, a conceptual framework is essential for maintaining coherence in research, integrating theoretical and empirical insights, and ensuring a logical flow from problem identification to conclusion. The framework identifies key legal gaps and challenges, highlighting the need for legal reforms to enhance APF, Nepal operational efficiency (Kothari, 2004). Concepts and relationships which links research objectives to relevant theories and context is diagrammatic as follows.

Figure 2.1

Conceptual Framework of Legal Challenges of Border Security for APF, Nepal



Source: Adopted and Modified from Upreti (2021)

Figure 2.1 is about the conceptual framework of the thesis studies and shows that framework connects legal provisions, border threats, APF, Nepal operational challenges, and the need for reforms. It identifies legal challenges like jurisdictional overlaps, vague mandates, and inconsistent enforcement, which hinder the APF, Nepal's effectiveness. The study explored these issues through content analysis, international insights, and case studies. It emphasized the need technology, effective implementation, coordination and mobilization of the resources for the effective border security for APF, Nepal.

CHAPTER III

RESEARCH METHODOLOGY

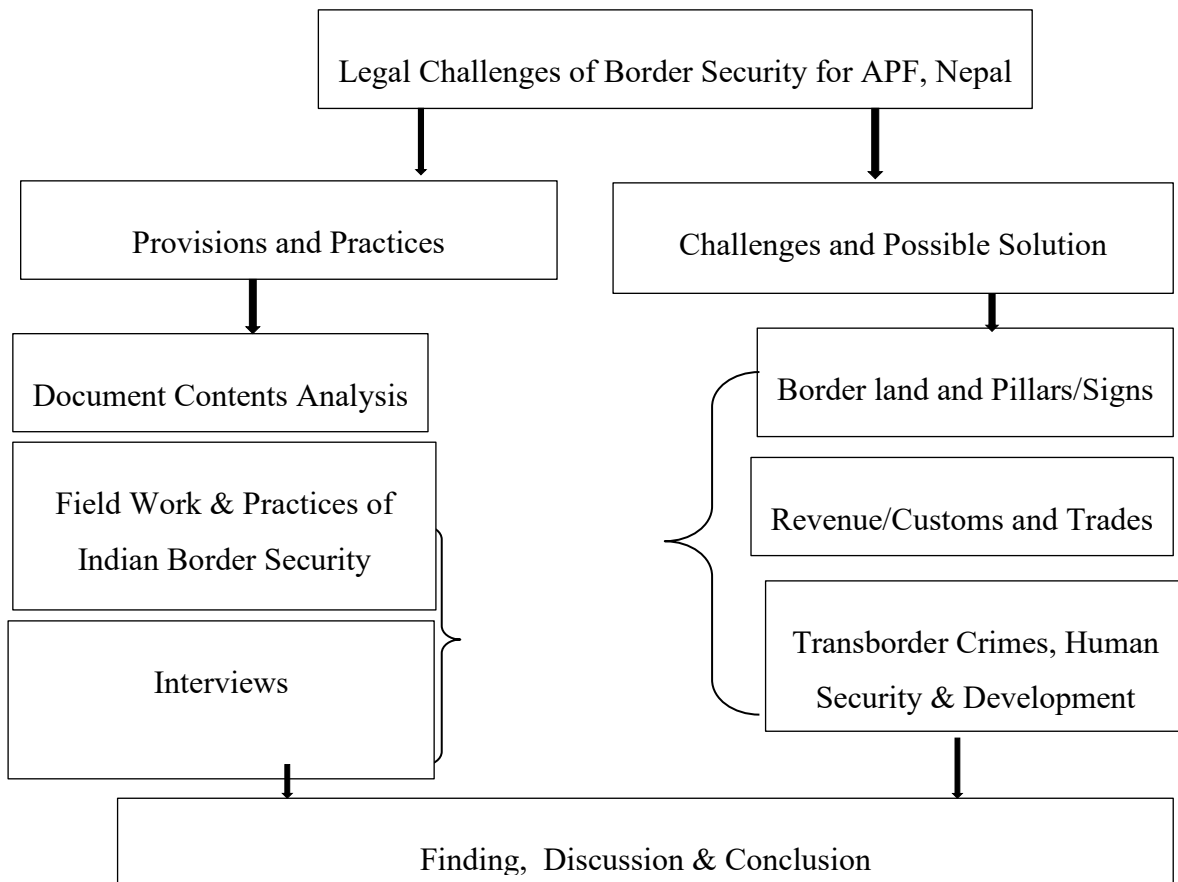
Research methodology is a structured framework that defines the techniques and procedures used for data collection, analysis, and interpretation to ensure the validity and reliability of a study (Kothari, 2004). It encompasses research design, data collection methods, sampling strategies, and analytical approaches tailored to achieve the research objectives (Creswell, 2018). A well-defined methodology enhances the transparency, reproducibility, and accuracy of findings while aligning with the theoretical framework of the study (Saunders et al., 2003).

This research study employs a qualitative research design to explore the legal challenges encountered by APF, Nepal, in international border security. Data gathered through document analysis, semi-structured interviews, and focus group discussions, focusing on issues such as jurisdictional conflicts, coordination mechanism and gaps in legal frameworks.

3.1. Research Design

Research design is the overall strategy that guides a study, outlining how data will be collected, analyzed, and interpreted to address research objectives. The significance of research design lies in its ability to enhance the accuracy and credibility of findings, minimize biases, and ensure efficient resource utilization. A well-structured research design enables researchers to draw meaningful conclusions, supporting the generalizability and reproducibility of results in academic and practical contexts (Kothari, 2004).

This study follows a qualitative research design, which aims to explore the legal challenges encountered by the APF, Nepal for securing the country's national borders, particularly focusing on the Nepal-India and Nepal-China borders. The qualitative approach facilitates an in-depth exploration of the underlying legal, operational, and coordination challenges by drawing from firsthand experiences and expert insights. Researcher visited to the Kailali and Kanchanpur and Kathmandu districts for the primary data collection from 5 to 13 January 2025 AD, during visit researcher interviewed security head both Nepal Police and APF Nepal, Chief District Officer, Immigration Head and Custom Head of both districts, who have been working in the border area for long time and exports who have great contribution in the security reformation mechanism. The research design is defined as following diagram.

Figure 3.1*Concept of Research Design for Research Paper*

Source: Adapted and Modified from Creswell, J. W., & Creswell, J. D. (2018)

Figure 3.1 illustrates the concept of research design for studying the legal challenges of border security for APF, Nepal. It is structured into two main components: Provisions and Practices and Challenges and Possible Solutions. The Provisions and Practices section examines existing legal frameworks through document content analysis, fieldwork, and interviews, incorporating international insights.

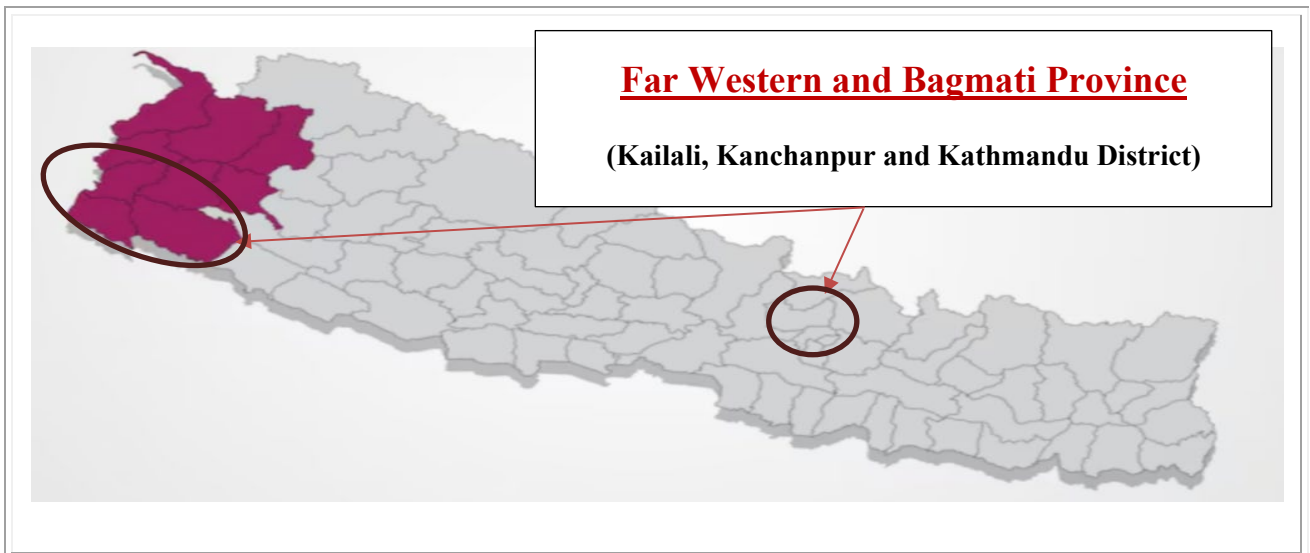
Interviews and content analysis offer firsthand insights and legal reviews, while international perspectives ensure Nepal's border security aligns with global standards. The Challenges and Possible Solutions section identifies critical border security concerns, including border land and pillars/signs, revenue/customs and trade, and transborder crimes, human security, and development. These elements contribute to the findings, analysis, discussion, and conclusion, offering a structured approach to understanding and addressing Nepal's border security issues.

3.2. Area of Study

The area of study refers to the specific field or subject that research focuses on, outlining its scope and boundaries (Creswell, 2014). It helps in defining the research objectives, methodology, and relevance within a broader academic or practical context (Yin, 2018). The research examined border security and the legal challenges encountered by APF, Nepal, with a particular focus on the international borders. It delves into the relationship between legal frameworks and security operations across the country.

Figure 3.2

Geographical Area of Study



Source: Researcher Modified 2025

Researcher visited Kailali, Kanchanpur, and Kathmandu as field studies and generalization because there were high border threats, significant APF, Nepal deployment, and complex land and riverine borders, facing frequent security challenges and disputes. Kathmandu was included to analyze national border security policies, with input from legal experts and senior APF officials on key challenges and policy gaps. Name of the offices visited is included in the APPENDIX “A”. where border pillars, customs security, human security, cross border crime and regulation related queries were presented and data collected from the experienced personalities.

The study assesses how existing legal provisions impact APF, Nepal operations in safeguarding Nepal's borders and analyzes the laws governing cross-border security and enforcement,

considering the role of Kathmandu in policy formulation. Furthermore, the research identified gaps in the legal framework that hinder APF, Nepal ability to effectively manage international borders and addresses the challenges of coordinating border security across the diverse geographical landscape of Nepal.

3.3. Nature and Source of Data

Researcher used primary and secondary data to examine legal challenges in border security faced by APF, Nepal. Primary data is collected through interviews, group discussions, and observations of APF, Nepal personnel in Kailali, Kanchanpur, and Kathmandu, with participants including APF, Nepal staff, government Officials, and Customs Offices, Immigration Offices, APF, Nepal Border security Department Head, Ops Head and Legal Directorate HQ and other security agencies officer in the field. Secondary data was gathered from books, government publications, official records, treaties, and online sources.

3.4. Data Collection Techniques and Tools

The research employed various data collection methods to analyze Nepal border security framework. The data collection for this research followed a structured sequence using a combination of techniques and tools. Content analysis was conducted on key legal texts, including the Constitution of Nepal 2015, the Armed Police Act 2001, the Work Division Rules 2017, the National Penal Code 2017, and relevant international treaties, to identify legal gaps and areas for reform. Subsequently, practical implementation of border security laws was explored through case studies of Kailali and Kanchanpur, where real-world issues such as smuggling, human trafficking, and territorial disputes were examined. The research also employed semi-structured interviews and focus group discussions to gather data from key informants, including APF personnel, Nepal Army officials, Customs Officers, Chief District Officers (CDO), and security experts. These informants were head of the respective offices, working in the border with their direct involvement and expertise, provided valuable insights into the operational challenges of managing Nepal's borders, ensuring that the research captured both legal and practical perspectives on border security.

3.5. Data Processing, Analysis and Presentation

The research employed thematic analysis, international comparisons, and case studies to identify key issues. Interview transcriptions and personal experiences informed policy recommendations.

Triangulation ensured accuracy by cross-referencing interviews with document reviews and literature. The study focused on Kailali, Kanchanpur, and Kathmandu, involving district security heads, security experts, and senior APF, Nepal officers. Open-ended interviews and government records-maintained consistency, while a checklist in APPENDIX "B" evaluated legal and policy documents.

3.6. Ethical Considerations

The standard prescribed by (APA) 7th edition and APF Command and Staff College research Format was followed. The study adhered to ethical research practices, ensuring confidentiality and informed consent from all participants. The idea and quotation of different authors were cited properly without altering the meaning of the subject matters. There is no any intention of the researcher in the outcome of the research. Any mistakes or lapses that remain are mine own Data is anonymized, and participants were given the right to withdraw at any stage.

CHAPTER IV

FINDINGS AND DISCUSSION

4.1. Findings

Border security challenges for APF, Nepal stem from legal gaps, and resource constraints. The Indo-Nepal Treaty (1950) complicates surveillance, while Nepal-China treaties (1996, 2002, 2012) demand complex coordination. The SAARC Convention (1987) requires regional counterterrorism efforts but lacks enforcement. Weak authority and inter-agency roles limit APF, Nepal's authority, while poor infrastructure hampers border control. Strengthening legal frameworks and regional cooperation is crucial for security.

This thesis analyzed Nepal border security through five aspects: physical security which consist of the border pillars, Noman's land, border land, minor border differences and border holding. trade and transport facilitation consist of trade facilitation, infrastructure security, control illegal trade, revenue security and help to smooth running of Customs Offices, security of and vehicles with infrastructure and respective human resources. Movement facilitation consist of the movement of the people across the border, record system, assistance of needy people, record of the vehicles in the border and enquiry during suspicious events. International security considered as the maintain law and order, response in the disaster, execution in the cross-border crime, support to the local law enforcement agencies. Border development consist of the developing the infrastructure in the border area, plantation in the border, public awareness program, educational and vocational training and other skill development program oriented to the border people. Beside that mobile network monitoring, disaster response in the adjacent land and coordination with inter agencies, intra organization and counterpart agencies. There are some existing policies, provisions and practices that govern border security which are as follows.

4.1.1. Existing Legal Provisions of Border Security for APF, Nepal

Legal provisions of border security encompass laws, regulations, and policies aimed at safeguarding territorial integrity, regulating cross-border activities, and preventing unauthorized movements. The deployment of APF, Nepal in border security is guided by several key legal provisions. The Armed Police Act, 2001 assigns the APF, Nepal responsibility for controlling cross-border crimes and maintaining border security. Armed Police Regulation, 2015 governs its

deployment for border security and disaster response, ensuring coordination with other security agencies. The Constitution of Nepal, 2015 further emphasizes the APF, Nepal role in safeguarding national sovereignty, including border security. The Customs Act, 2007 grants the APF, Nepal authority to prevent smuggling at the borders, while the National Security Policy, 2016 outlines its primary role in securing borders. The Immigration Act, 1992 empowers the APF, Nepal to combat illegal migration and human trafficking at border points. The National Disaster Risk Reduction and Management Act, 2018 assigns the APF, Nepal to secure borders during emergencies, and the Work Division Act, 2017 defines its role in border security and disaster management. These legal provisions provide a robust framework for the effective deployment and coordination of APF, Nepal in maintaining border security. Some of the legal framework's concern to the border security are following.

Table 4.1

List of the Existing Legal Provisions of Border Security of APF, Nepal

S. N.	Legal Provisions / Treaties	Specific Provisions Related to Border Security
1	Armed Police Act, 2001	APF, Nepal, tasked with controlling cross-border crimes and maintaining security.
2	Armed Police Regulation, 2015	Regulates APF, Nepal deployment in border security and disaster response, coordinating with other agencies.
3	Arms and Ammunition Act, 1962	Legal right to carry the weapon, Control the illegal store, carry and uses of weapons
4	Constitution of Nepal, 2015	APF, Nepal, responsible for border security and national integrity.
5	Customs Act, 2007	APF, Nepal, helps prevent smuggling and illegal trade at borders.
6	Essential Goods Protection Act, 1955	APF, Nepal, prevents smuggling of essential during crises.
7	Essential Services Operation Act, 1955	APF, Nepal, protects essential services, including border security, during disruptions.

S. N.	Legal Provisions / Treaties	Specific Provisions Related to Border Security
8	Foreign Investment and Technology Transfer Act, 2019	APF, Nepal, supports border control to prevent illegal cross-border trade.
9	Forest Act, 2019	APF, Nepal, helps prevent illegal timber and wildlife smuggling at borders.
10	Human Trafficking and Transportation (Control) Act, 2007	APF, Nepal, prevents human trafficking at borders.
11	Immigration Act, 1992	APF, Nepal, aids in controlling illegal migration and human trafficking at border points.
12	Local Administration Act, 1971	Authorizes CDO to mobilize APF, Nepal for Internal Security.
13	National Disaster Risk Reduction and Management Act, 2018	APF, Nepal, supports disaster response and secures border areas during emergencies.
14	National Penal Code, 2017	Legal basis for APF, Nepal to act against crimes like human trafficking and smuggling.
15	National Security Policy, 2016	APF, Nepal, is the primary force for securing borders and preventing cross-border crimes.
16	Proposed APF, Nepal Bill 2081	Expands APF, Nepal powers in cross-border surveillance and modern border control mechanism.
17	Work Division Rules, 2017	Defines APF, Nepal role in border security and disaster management.
18	Directives, Guidelines and Orders, SOPs, Actions Plan	Guidelines for the execution of law and maintain order

Source: Nepal Law Commission.Com, 2025

Table 4.1 presents a comprehensive list of existing legal provisions and treaties that govern the role of APF, Nepal in border security, highlighting key laws related to crime prevention, trade regulation, disaster management, and human trafficking control. These legal frameworks provide APF, Nepal with authority and guidelines to maintain security, prevent illegal activities, and ensure national integrity at border points. This table is significant as it highlights the legal foundation for APF, Nepal operations, identifies gaps for potential legal reforms, and emphasizes the need for updated policies to address evolving security challenges.

a. Armed Police Act 2001

A border consists of land, population, and demarcation, defining territorial sovereignty and governance (Jones, 2016). Armed Police 2001 grants the APF, Nepal authority to protect Nepal's borders by preventing illegal crossings (Section 4) and assigns responsibilities for border surveillance, patrolling, and preventing crimes like smuggling and human trafficking (Section 5). It also mandates APF, Nepal coordination with the Nepal Army in cases of external aggression (Section 6) and authorizes necessary actions, including the use of force, to maintain security while adhering to national policies (Section 7). However, the Act has legal insufficiencies, such as unclear jurisdictional boundaries between security agencies, lack of provisions for modern surveillance technologies and intelligence-sharing, and inadequate legal protection for APF, Nepal personnel during security operations.

Legal authority granted under Section 7 enables the use of force in high-risk scenarios, allowing the APF, Nepal to maintain border security effectively while adhering to national policies and constitutional principles. During the interview with the APF, Nepal Officer (P15), it is informed that

The Act does not address modern security threats such as cybercrime, drone surveillance, or high-tech smuggling techniques. A legal revision incorporating advanced surveillance technologies and intelligence-sharing mechanisms is necessary to strengthen border security

(KI, 09 January 2025)

Armed Police Act, 2001, Section 24 (2) grants the APF, Nepal, the authority to conduct search and seizure operations on individuals suspected of engaging in criminal activities. This provision is particularly relevant in cases involving national security, cross-border crimes, and other serious

offenses where immediate intervention is necessary. However, one of the participants (P13) has pointed out a critical legal gap stating that

There is no well-defined legal procedure or framework guiding the execution of such powers. This means that while the APF, Nepal has been granted the right to search and seize, the implementation process lacks clarity, leading to potential challenges in enforcement, accountability, and oversight. The absence of a comprehensive procedural mechanism raises concerns about legal ambiguities and possible misuse or inefficiency in handling such cases.

(KI, 09 January 2025)

It is crucial that the legal hurdles and procedural deficiencies in the existing law are addressed. The upcoming APF, Nepal Bill 2081 is expected to rectify these issues by introducing clear legal provisions that outline the scope, limitations, and execution procedures for APF, Nepal personnel when exercising their powers under Section 24 (2). This would ensure that APF, Nepal operations are legally sound, transparent, and aligned with fundamental rights while strengthening law enforcement capabilities in Nepal. He further focusses to that

The update in legislation is not just a necessity but a progressive step toward modernizing Nepal's security framework, ensuring rule of law, and enhancing the efficiency and accountability of the APF, Nepal in handling crime and security-related matters.

(KI, 09 January 2025)

Director General of the Department for Management of Proceeds Crime highlighted that

The Armed Police Act, 2001 grants APF, Nepal authority over border security, but it lacks clear provisions for modern technologies like drones and advanced surveillance tools. This legal gap limits real-time monitoring and intelligence gathering. Updating the Act is essential to enhance operational efficiency in tackling cross-border crimes.

(KI, 09 March 2025)

b. The Arms and Ammunition Act, 1962

The Arms and Ammunition Act, 1962, Section 6 mandates penalties for those found in illegal possession of arms, allowing APF, Nepal to take necessary action against such violations. Section

9 requires APF, Nepal personnel to strictly store and safeguard firearms to prevent unauthorized use, ensuring the security of weapons, particularly at border posts. These provisions collectively strengthen the APF, Nepal ability to maintain border security and control illegal arms. However, APF, Nepal seizes arms and ammunition in the border area and hands them over to Nepal Police through a simple procedure. However, APF, Nepal does not have a primary legal framework for further proceedings. The data on arms and ammunition seized by APF, Nepal and handed over to Nepal Police is described in the following table.

Table 4.2

List of Weapons Seized by APF, Nepal in Recent Three Fiscal Years

Weapon Type	2079/080	2080/081	2081/082	Total
Katuwa Pistol	6	8	2	16
Bharuwa Gun	10	5	10	25
9mm Browning Pistol / USA Pistol	0	2	1	3
Made in USA, No 111 (Sun Mica) Automatic Pistol	0	0	1	1
7 Round 051-7.65 MM Made in Italy Auto Pistol	0	2	0	2
Six-Shot Pistol	1	0	0	1
Revolver Pistol	1	1	0	2
Pistol 0.32 MK-II 229123731 RFI-IN-2022 Automatic Pistol*	1	0	0	1
Air Gun	2	2	0	4
Air Gun/Pistol	1	0	2	3
7.65 Automatic Pistol	0	1	0	1
Total	25	21	16	59

Source: APF, Nepal Border Department, 2025

Table 4.2 presents data on weapons seized by APF, Nepal over three fiscal years, illustrating fluctuations in the types and number of illegal firearms confiscated. The total number of seized weapons decreased from 25 in 2079/080 to 16 in 2081/082, with Bharuwa Guns and Katuwa Pistols remaining the most prevalent. This table analyzes trends in cross-border arms smuggling and evaluates the effectiveness of APF, Nepal's border security operations. It highlights patterns in

illegal arms trafficking, providing valuable insights that can help policymakers strengthen border control measures and implement targeted security strategies. Furthermore, APF, Nepal has been actively involved in controlling the trafficking of illegal weapons, making significant contributions to maintaining peace and security along the country's borders. Through these efforts, APF, Nepal plays a crucial role in preventing the flow of illegal arms, thereby ensuring the stability of Nepal's national security.

c. Constitutional Provision for the Deployment of APF, Nepal

The Constitution of Nepal 2015 establishes the legal framework for governance, ensuring sovereignty, territorial integrity, and the rights of citizens. Article 5 defines national interest, prioritizing border security, economic stability, and sovereignty protection. Article 51 outlines national security policies, emphasizing the enhancement of security and territorial integrity. Article 268 governs APF, Nepal, recognizing it as a key security institution responsible for maintaining law and order. However, its authority and operational framework remain subject to federal law, creating challenges in enforcement and coordination. While the APF, Nepal plays a crucial role in safeguarding borders, its functions require clear legal provisions to enhance effectiveness in addressing evolving security threats.

In the field visit it was found during the interview with the Chief District Officers (CDO) of Kanchanpur (P10) and Kanchanpur Customs Office Head, (P13) they emphasized that for a comprehensive border security policy within a strong legal framework to clearly define APF, Nepal role, authority, and accountability, addressing current ambiguities.

They stress need for legal provisions to increase investment in border infrastructure, technology, and training to improve APF, Nepal effectiveness. Civil society groups also emphasize incorporating transparency and human rights safeguards into the legal framework, ensuring security measures respect citizens' rights and constitutional principles, especially in border areas affecting local communities.

(KI, 11 January 2025)

Three of the respondents (P3, P4, P6) of FGD, it was found that

The recognition of APF, Nepal as a key institution for border security is a positive step, given its historical role in internal security and disaster management. This constitutional

mandate reflects a commitment to addressing modern security challenges, such as cross-border crimes and illegal immigration, while also promoting economic wellbeing. The inclusion of APF, Nepal in the constitutional framework underscores its importance as a specialized force capable of addressing complex border security issues.

(FGD, 08 January 2025)

d. Customs Act 2007

The Customs Act, 2007 authorizes the establishment of customs offices at border points to regulate the movement of goods and ensure compliance with national import, export, and transit laws. These customs offices are essential for preventing illegal cross-border activities, including smuggling and trafficking of illicit materials. Customs officers are empowered to inspect goods, seize illegal items, and collaborate with national security forces, including Nepal Police, APF, Nepal, and Nepal Army, to address cross-border crimes like human trafficking and drug trafficking. During the interview Head of Kanchanpur Custom Office (P13) highlighted that

While the Customs Act empowers customs officers to perform searches, inspections, and seizures, there is no explicit provision granting the APF, Nepal the authority to enforce these customs procedures or to perform these actions at border points.

(KI, 12 January 2025)

This gap creates uncertainty regarding the role of APF, Nepal in executing customs-related duties and leads to ambiguity in their involvement in customs enforcement. APF, Nepal No 34 Battalion Commander (P6) state that

The Customs Act **2007** does not provide clear procedural guidelines for APF, Nepal officers to follow when conducting searches or seizures. The lack of standardized procedures for seizure and search means that APF, Nepal may be unsure about the legal framework and best practices for carrying out these duties effectively and within legal limits.

(KI, 08 January 2025)

During the FGD four of the Participants (P2, P5, P6) expressed that

APF, Nepal is often involved in maintaining security at the border, there is no explicit legal provision outlining their authority to use force during customs enforcement activities,

particularly during the seizure of goods or arrest of offenders. The lack of clear authority for the use of force may result in hesitation or improper action when APF, Nepal officers need to intervene during high-risk situations, especially when dealing with dangerous individuals or contraband. The Customs Act 2007 does not provide APF, Nepal with explicit guidelines on how to evaluate the value of seized goods or assess their relevance to customs violations.

(FGD, 08 January 2025)

e. Essential Goods Protection Act 1955 and Essential Service Protection act 1957

Essential Services Operation Act, 1957, Section 3 grants the government the authority to declare certain services, including those of law enforcement agencies like Nepal Police, Nepal Army, and the APF, Nepal as essential during national emergencies or strikes. This ensures that the APF, Nepal can continue its critical border security functions even during times of national disruption. Section 5 of the same Act authorizes law enforcement agencies to use force to maintain essential services. However, it does not explicitly mention the APF, Nepal leaving a gap regarding their authority to use force in border security situations, such as preventing cross-border crime or securing the borders.

Essential Goods Protection Act, 1955, in Section 6 empowers law enforcement agencies to prevent the smuggling or illegal transportation of essential goods, directly involving the APF, Nepal in securing Nepal's borders. However, this Act also lacks specific provisions regarding the use of force by APF, Nepal officers when engaging offenders at the border, leaving their authority in these situations unclear. Despite the APF, Nepal significant role in combating smuggling, including the trafficking of essential goods, the legal framework does not provide them with clear guidance or authority on using force during these operations. During the interview it was observed that the Chief District Officer (CDO) of Kanchanpur (P13) emphasized that

Critical role of the APF, Nepal in border security, particularly in preventing smuggling and trafficking of essential goods. While the Essential Goods Protection Act, 1955, and the Essential Services Operation Act, 1957, grant authority to Nepal Police and Nepal Army, there is a legal gap regarding the use of force by the APF, Nepal in border operations.

(KI, 12 January 2025)

The CDO also mentioned that the Local Administration Act allows for the deployment of the APF, Nepal in maintaining law and order but lacks clear guidelines on the use of force. To address these issues, the CDO recommended legal amendments or new provisions to grant the APF, Nepal clear authority to act effectively in border security operations.

(KI, 12 January 2025)

Response from an APF, Nepal Officer, (P17) APF, Nepal Headquarters Legal Directorate

In the interview, an officer from the APF, Nepal Headquarters Legal Directorate highlighted the challenges faced due to the lack of explicit legal provisions in the Essential Goods Protection Act, 1955, and the Essential Services Operation Act, 1957, regarding the APF, Nepal's role in border security. The officer explained that, while the Nepal Police and Nepal Army have clear legal directives on the use of force during arrests and border operations, the APF, Nepal lacks such specific authority. This creates difficulties during operations, especially when quick decisions are required to prevent smuggling or illegal activities at the border. The officer emphasized the need for legal amendments or a separate provision to explicitly empower the APF, Nepal to use force when necessary, ensuring the effectiveness and accountability of the APF, Nepal in securing the borders.

(KI, 09 March 2025)

f. Local Administration Act, 1971

The Local Administration Act, 1971 of Nepal empowers district administrations, through the District Security Committee, to mobilize security forces like the APF, Nepal for law enforcement and public safety. It grants the Chief District Officers, Kanchampur (CDO) the authority to deploy the APF, Nepal to address issues such as riots, armed violence, and unlawful activities that threaten public security. Kanchanpur Chief District Officer (P13) Stated that

While the Local Administration Act gives us the legal tools to mobilize the APF, Nepal, there needs to be more structured cooperation between provincial governments and the APF, Nepal. We must ensure that border security issues specific to our regions are considered while formulating national security policies.

(KI, 12 January 2025)

Battalion Commander of APF, Nepal no 35 Battalion (P12) highlighted that

To improve border security, the legal framework must include guidelines for cross-jurisdictional cooperation between the APF, Nepal, Nepal Army, and Local Police. APF, Nepal needs clear directives on its role in federal, provincial, and local coordination to avoid overlap, improve communication, and ensure that security actions are both efficient and legally sound.

(KI, 11 January 2025)

These responses focus on the need for more structured collaboration across federal, provincial, and local levels to enhance the effectiveness of border security efforts by the APF, Nepal. They emphasize the importance of clear legal directives, resource allocation, and technological integration for a unified approach to security across all levels of governance.

g. National Security Policy 2016

The policy prioritizes preserving independence, national unity, human rights, and environmental conservation, while ensuring Nepal's territory is not used against friendly nations. However, challenges include the lack of a clear legal framework defining the roles and coordination of security agencies, leading to inefficiencies and accountability gaps. Besides that, addressing organized crime, terrorism, and regional imbalances remains a strategic concern, requiring robust governance and resource management.

The National Security Policy of Nepal 2016, Section 51(2) outlines provisions for protecting Nepal's sovereignty and territorial integrity, ensuring national security against both internal and external threats. It adopts a defensive military strategy, emphasizing the readiness of security forces to counter external aggression. In the field visit interview with APF, Nepal Border Department Head (P1) highlight that

There is public dissatisfaction with the slow implementation of border security measures, particularly in addressing organized crime, terrorism, and illegal immigration, as highlighted in the National Security Policy 2016. The absence of detailed enforcement mechanisms and accountability structures has raised concerns about APF, Nepal effectiveness.

(KI, 09 March 2025)

During the interview with (P3) it was informed that

The lack of a clear legal framework defining APF, Nepal authority and authority, as outlined in the National Security Policy 2016, creates confusion and overlaps with other security agencies like the Nepal Army, APF, Nepal and Nepal Police. This ambiguity leads to inefficiencies in border management, with some citizens perceiving APF, Nepal as under-resourced and inadequately trained to handle complex border security challenges.

(KI, 09 January 2025)

Effective coordination efforts between security agencies and local committees in Kailali have strengthened border security measures. During the Focus Group Discussion (FGD) with the security committee and interviews with security officers, many acknowledged the strong legal framework provided by Articles 5 and 51 of the Constitution, which emphasize the protection of national interests. They highlighted that

Professional activities of APF, Nepal in border security is widely recognized as a positive step in safeguarding Nepal's independence. These efforts align with the broader objectives of the National Security Policy 2016, reinforcing security and stability in border areas.

(FGD, 10 January 2025)

h. National Penal Code, 2017

The National Penal Code, 2017 of Nepal criminalizes activities threatening Nepal's sovereignty and integrity, such as espionage, subversion, and aiding hostile forces, empowering the APF, Nepal to take legal action against offenders. As per Section 51(2) of the National Penal Code, 2017, any act that undermines Nepal's sovereignty, integrity, and national interests is deemed unlawful. This includes threats to national integrity, such as actions that disrespect Nepal's sovereignty, independence, national unity, or international dignity by promoting hatred, contempt, or hostility. It also criminalizes border violations, including attempts to alter, remove, or manipulate border demarcations, invade Nepalese territory, or disrupt diplomatic border settlements with neighboring countries.

However, during interviews, three of participants (P13, P7, P18) highlighted a significant legal gap, stating that

While the law criminalizes border-related offenses, it lacks procedural clarity and a well-defined legal framework for implementation. APF, Nepal, is legally authorized to enforce border security, but there are no explicit guidelines on operational procedures, surveillance measures, or intelligence-sharing mechanisms. This absence of a structured legal process hinders effective law enforcement and coordination in addressing border crimes.

(KI, January 2025)

APF, Nepal to effectively secure the border can be strengthened by incorporating modern surveillance and intelligence-gathering technologies. Field visits interview that it was observed that

While the legal provisions allow the APF, Nepal to take strong measures to secure the border, there is a concern about the potential misuse of force. The National Penal Code, 2017 should include clearer guidelines and oversight mechanisms to ensure that the use of force is always proportionate and in line with human rights standards. Safeguards are necessary to prevent abuses while maintaining border security effectively.

(KI, 13 January 2025)

The National Penal Code, 2017 (Section 51(2) & (3)) criminalizes actions that undermine Nepal's territorial integrity, including border encroachment, alteration, or removal of border pillars. While the law prescribes penalties of up to five years of imprisonment and a fine of fifty thousand rupees, it does not provide a clear legal procedure for the APF, Nepal, to effectively enforce border security. Regarding these issues on three Participants (P13, P14, P15) highlighted that

Monitoring the border using surveillance technologies, investigating detected crimes, arresting offenders, and submitting evidence to the judiciary for prosecution. APF, Nepal coordinates with Nepal Police and other authorities to ensure swift action against border violations like encroachment or damage to border pillars. However, clear operational guidelines for APF, Nepal role in these procedures should be legally defined.

(KI, 13 January 2025)

i. Bilateral Treaties and Agreements

Nepal border management is shaped by treaties with India and China, ensuring open-border movement and structured coordination. The Nepal-India Peace and Friendship Treaty of 1950 facilitates cross-border mobility while enabling security cooperation through mechanisms like the Joint Technical Committee and Boundary Working Group. Coordination extends from the central government to provincial and local levels, working with Indian counterparts for effective management.

The Nepal-India BWG meetings aim to resolve boundary-related issues through technical discussions between survey officials from both nations. These meetings focus on pillar construction, no-man's land encroachment, cross-border occupation, GPS/GNSS surveys, and data standardization. They also address riverine boundary adjustments and coordination on emerging technologies like UAVs (drones) for surveying. Over the years, the meetings have led to significant advancements in boundary demarcation and digital mapping. Summary of the meeting is as follows.

Table 4.3

Nepal-India BWG Meetings

Meeting	Date & Location	Key Agendas & Outcomes
1st BWG Meeting	September 17-19, 2014 (Kathmandu, Nepal)	Finalized BWG composition, Terms of Reference (TOR), and formation of Survey Officials' Committee (SOC) & Field Survey Team (FST).
2nd BWG Meeting	August 24-26, 2015 (Dehradun, India)	Reviewed 1st meeting outcomes, approved minor pillar design, and discussed GPS reference networks.
3rd BWG Meeting	July 23-25, 2016 (Kathmandu, Nepal)	Approved single boundary map preparation, riverine sector pillar design, and correction of pillar No. 544 coordinates.

Meeting	Date & Location	Key Agendas & Outcomes
4th BWG Meeting	August 28-30, 2017 (Dehradun, India)	Approved designs for riverine, subsidiary, and minor pillars; discussed digital map data exchange and drone survey.
5th BWG Meeting	September 29-21, 2018 (Kathmandu, Nepal)	Reviewed No-man's land encroachment, finalized additional shallow water pillar designs, and discussed digital data standardization.
6th BWG Meeting	August 28-30, 2019 (Dehradun, India)	Reviewed 5th meeting outcomes, approved recommendations of 9th and 10th SOC, agreed to seek UAV/Drone survey permissions, and modified form 'B' for boundary pillar records.

Source: Border Department, APF, Nepal Headquarters 2025

Table 4.3 highlights Nepal-India BWG meetings as a key coordination mechanism for border security and management. These meetings focused on pillar design, boundary mapping, digital data exchange, and technological advancements like GPS and drone surveys. The research emphasizes the importance of bilateral cooperation in resolving border issues, enhancing surveillance, and improving security policies through structured dialogue.

During the field visit One participant (P5) stated that

BWG meetings promote cooperation between the two countries, focusing on repairing boundary pillars and coordinating on other technical aspects. However, they acknowledged that some border issues continue to arise in the field, indicating that while progress has been made, challenges still exist in fully resolving all boundary-related concerns.

(KI, 11 January 2025)

The Nepal-India Peace and Friendship Treaty of 1950 legally defines the border, emphasizing peaceful coordination and security collaboration. APF, Nepal operates with national and local authorities to regulate movement and maintain stability. These treaties establish open-border

provisions while ensuring structured coordination at all governance levels for security and cooperation.

j. Work Division Rules, 2017

Under the Work Division Rules, 2017, APF, Nepal is tasked with ensuring border security through surveillance, patrol operations, and border encroachment prevention. APF, Nepal conducts regular patrols and establishes checkpoints to monitor and control border activities. It is also responsible for maintaining border infrastructure, preventing illegal crossings, and collaborating with other security agencies such as Nepal Police, Immigration and Customs Offices. APF, Nepal plays a key role in promoting national sovereignty, supporting diplomatic neutrality, and public awareness regarding the importance of border security. There are some legal provisions which are mentioned as follow.

Table 4.4

Legal Provision of the Work Division Rule 2017

Area of Actions	Specific Responsibilities
Border Security and Surveillance	Ensure comprehensive security and surveillance using advanced technologies to prevent violations.
	Deploy resources for constant monitoring and observation of border areas.
Patrol Operations	Conduct regular patrols to prevent illegal crossings, smuggling, and suspicious activities.
	Establish fixed and mobile checkpoints to monitor and control the movement of individuals.
Border Encroachment Prevention	Prevent unlawful encroachments and unauthorized settlements or agricultural use along borders.
	Collaborate with local bodies to remove illegal encroachments and enforce regulations.
Coordination and Collaboration	Coordinate with national security agencies for effective border management.

Area of Actions	Specific Responsibilities
	Share relevant intelligence for timely border security interventions.
Conflict Resolution and Dispute Management	Engage in peaceful resolution of border disputes with governmental and diplomatic authorities.
	Facilitate dialogue with neighboring countries for amicable dispute settlements.
Public Awareness and Education	Conduct programs to educate residents on the importance of border security and legal consequences.
	Promote community participation in border security through awareness campaigns.

Source: Work Division Rules, 2017

Table 4.4 outlines the legal provisions of the Work Division Rules, 2017, detailing APF, Nepal’s responsibilities in border security, surveillance, and coordination. It highlights efforts to prevent encroachment, manage disputes, and raise public awareness. The table signifies the structured legal framework guiding APF operations, ensuring effective border management and cooperation with stakeholders

Regarding these legal provisions which are not properly implemented in the field so during the interview with one of the APF, Nepal Officer (P16), it was found that

Clear procedural directives, explicitly authorizing the APF, Nepal to implement modern surveillance technologies such as drones, biometric systems, and AI-driven intelligence tools. Cross-border intelligence sharing mechanisms should be integrated to improve real-time monitoring and enforcement.

(KI, 10 January 2025)

k. Other Relevant Nepal Acts

The legal framework for APF, Nepal’s border security involves several acts, including the Foreign Investment and Technology Transfer Act, 2019, Forest Act, 2019, Human Trafficking and

Transportation (Control) Act, 2007, Immigration Act, 1992, National Disaster Risk Reduction and Management Act, 2018, Nepal Army Act, 2006, and Nepal Police Act, 1955. Key gaps include unclear roles, insufficient coordination, and the lack of joint operation frameworks, limiting effective border security enforcement. Some of the main provisions and legal gap for the performance in the border security for the APF, Nepal is following.

Table 4.5

Legal Framework and Issues in Different Existing Laws

Sn.	Act	Provision	Legal Gap
1	Foreign Investment and Technology Transfer Act, 2019	APF, Nepal, helps prevent illegal cross-border trade.	Lack of guidelines on APF, Nepal's role in regulating foreign investments at borders.
2	Forest Act, 2019	APF, Nepal, helps prevent illegal timber and wildlife smuggling at borders.	Insufficient coordination between APF, Nepal and forestry authorities.
3	Human Trafficking and Transportation (Control) Act, 2007	APF, Nepal, works to prevent human trafficking at borders.	No legal framework for joint operations between APF, Nepal and other agencies like Nepal Police.
4	Immigration Act, 1992	APF, Nepal, helps control illegal migration and human trafficking.	Unclear provisions on APF, Nepal's authority to detain or arrest migrants.
5	National Disaster Risk Reduction and Management Act, 2018	APF, Nepal, aids in disaster response at border areas.	No formalized role for APF, Nepal in cross-border emergency scenarios.

Source: Foreign Investment and Technology Transfer Act, 2019, Forest Act, 2019, Human Trafficking and Transportation (Control) Act, 2007, Immigration Act, 1992, National Disaster Risk Reduction and Management Act, 2018

Table 4.5 highlights the legal provisions related to APF, Nepal's border security responsibilities and identifies gaps in existing laws. It reveals ambiguities in APF, Nepal's authority, lack of

coordination with other agencies, and the absence of clear guidelines for joint operations. Although APF, Nepal has been acting under various laws such as the Immigration Act, Forest Act, and other border-related regulations, these laws do not specify clear procedures for legal action within their respective frameworks. The researcher presented this table to emphasize the need for legal reforms, ensuring APF, Nepal has well-defined roles in regulating border activities, preventing crimes, and handling emergencies effectively. Its significance lies in identifying policy gaps and guiding improvements in Nepal's border security framework.

During the interview most of the Participants explained that

While the legal provisions for the APF, Nepal are solid, the Essential Goods Protection Act, 1955 omission of the APF, Nepal raises concerns. The APF, Nepal role in controlling illegal trafficking and enforcing border security is not adequately addressed, leading to potential inefficiencies.

(KI, January 2025)

Current legal provisions in Nepal lack clear guidelines for cross-border disaster response coordination, causing delays and confusion during emergencies. While Nepal has strong domestic laws for wildlife protection, the existing legal framework fails to address cross-border wildlife trafficking effectively. One of the Participant (P18) during interview emphasize the need for legal reforms and bilateral or multilateral agreements to enhance coordination and enforcement in combating illegal wildlife trafficking. For the response of the border security some of the Participants highlighted that

To enhance border security, clearer inter-agency coordination is essential between APF, Nepal, and other security forces. A more integrated legal framework would streamline operations and ensure a faster, more unified response to security challenges. For example, border pillars located within national parks have posed a challenge for regular monitoring due to insufficiencies in the national park-related laws.

(KI, 11 January 2025)

Current legal provisions for cross-border movement are insufficient, limiting the APF, Nepal ability to use tools like biometric systems for controlling illegal immigration. Experts suggest

reforms to allocate funding for infrastructure upgrades and improve inter-agency coordination for border security.

I. Directives, Agreements, Action Plans, Guidelines

Directives ensure compliance and consistency, agreements formalize cooperation and legal frameworks, action plans detail steps to achieve goals, and guidelines standardize practices for efficiency. Together, these elements streamline operations, foster collaboration, and ensure accountability.

The legal directives for APF, Nepal in border security focus on surveillance, infrastructure, mapping, and community engagement, but face challenges such as unclear coordination, resource allocation, and enforcement mechanisms. Key gaps include the absence of a monitoring body, data privacy regulations, and sustainable funding frameworks. Provisions and issues are given highlight in the following table.

In border security for APF, Nepal, these elements are crucial for ensuring organized coordination, legal compliance, and effective management of resources, which enhances security and operational efficiency.

Table 4.6

Legal Provisions and Gaps in Border Security Directives for APF, Nepal

Sn.	Directives Name	Key Provisions	Legal Gaps
1	Border Security Facilitation Committee Operating Procedure, 2022	Guides border management and security.	Lacks coordination and enforcement mechanisms.
2	CCTV Operation and Monitoring Directive, 2022	Regulates CCTV surveillance at borders.	No clear framework on data privacy and sharing.

Sn.	Directives Name	Key Provisions	Legal Gaps
3	Border Pillar Maintenance Standards, 2022	Ensures regular inspection of border pillars.	No monitoring body for implementation.
4	APF, Nepal Border Inhabitants Program Directive, 2022	Enhances community awareness and support.	No clear resource allocation strategy.
5	Border Area Development Program (BADP) Directive, 2022	Focuses on infrastructure and security enhancement.	Unclear funding and sustainability framework.

Source: Border Security Facilitation Committee Operating Procedure, 2022, CCTV Operation and Monitoring Directive, 2022, Border Pillar Maintenance Standards, 2022, APF, Nepal Border Inhabitants Program Directive, 2022, Border Area Development Program (BADP) Directive, 2022.

Table 4.6 shows that the legal provisions related to border security for APF, Nepal are guided by various directives, but each has notable gaps. The table outlines the key provisions of five directives, including border management, CCTV surveillance, pillar maintenance, community engagement, and infrastructure development. The CCTV Operation and Monitoring Directive, 2022 does not address data privacy or sharing, posing risks to security.

Border Pillar Maintenance Standards, 2022 lacks a monitoring body for implementation, resulting in inconsistent pillar maintenance. APF, Nepal Border Inhabitants Program Directive, 2022 lacks a clear resource allocation strategy, potentially limiting program effectiveness. The Border Area Development Program (BADP) Directive, 2022 suffers from an unclear funding and sustainability framework, raising concerns about long-term impact. These gaps highlight the need for legal reforms to improve coordination, transparency, and accountability, ensuring that APF, Nepal can effectively address emerging border security challenges.

Table 4.7*Border Development Program Conducted by APF, Nepal*

Name of the Program	Fiscal Year		Total
	2080/81	2081/82	-
Interaction Program	222	42	264
Awareness Programs	815	568	1,383
Interaction with Ward Chairpersons	22	354	376
Social Programs	13	772	785
Meetings Border facilitation Committee	194	498	692
Health Camp	16	14	30
Skill Development Training	1	15	16
Construction	8	41	49
Total	1,291	2,304	3,595

Source: APF, Nepal Border Security Department 2025

Table 4.7 examined that APF, Nepal has conducted a variety of border development programs across two fiscal years (2080/81 and 2081/82), totaling 3,595 activities. The programs included awareness initiatives (1,383 activities), meetings with the Border Facilitation Committee (692), and social programs (785), with smaller numbers in health camps, skill development training, and construction projects. This table highlights the active role of APF, Nepal in not only securing the borders but also engaging with the local community through education, health, and infrastructure development. The researcher presents this table to underscore the significant efforts made by APF, Nepal in fostering community collaboration and enhancing border security through diverse, proactive programs.

During the field interview, APF, Nepal's Coy Commander (P16), Kailali Trinagar, acknowledged the positive role of APF, Nepal in border area development through the Border Area Development Program (BADP). He emphasized that

These initiatives have strengthened infrastructure and security in border regions. However, he questioned regarding the auditing process, program selection, implementation,

evaluation mechanisms, and the sustainability of these initiatives, to continue effectively.

(KI, 10 January 2025)

m. International Border Guarding Forces Practices (India)

International Border Guarding Forces are specialized security agencies responsible for protecting a nation's borders, preventing illegal activities such as smuggling, trafficking, and unauthorized migration while ensuring national sovereignty (Shrestha, 2019). These forces, such as India's Border Security Force (BSF) and China's People's Armed Police (PAP), operate under legal frameworks and bilateral agreements to enhance cross-border security and cooperation (MoFA, 2021).

The Sashastra Seema Bal (SSB), Border Security Force (BSF), and Indo-Tibetan Border Police (ITBP) are integral to securing India's borders, with each force operating under robust legal frameworks, including the SSB Act, 2007, BSF Act, 1968, and ITBP Act, 1992. These acts empower the forces to prevent trans-border crimes, monitor immigration, and use modern technologies like drones and surveillance tools for effective border management. The SSB, primarily tasked with securing India's borders with Nepal and Bhutan, benefits from a strong legal framework that supports cross-border cooperation and modern technology integration. The BSF, securing India's borders with Pakistan and Bangladesh, also enjoys a comprehensive legal framework that enables swift actions, including searches, arrests, and intelligence sharing.

Table 4.8

Legal Provisions of Indian Border Guarding Forces

Force	Legal Provisions
SSB (Sashastra Seema Bal)	<ol style="list-style-type: none"> 1. Sashastra Seema Bal Act, 2007: Grants authority to protect the Indo-Nepal border, prevent and detect cross-border crimes, and perform search, seizure, and arrests. 2. Criminal Procedure Code (CrPC), 1973: Provides procedural powers for search, seizure, and arrest.

Force	Legal Provisions
	<p>3. Foreigners Act, 1946: Empowers to monitor and prevent unauthorized entry and stay of foreign nationals.</p> <p>4. Passport (Entry into India) Act, 1920: Regulates entry without proper documentation.</p> <p>5. Narcotic Drugs and Psychotropic Substances Act, 1985: Addresses drug trafficking and illegal activities along the border.</p> <p>6. Customs Act, 1962: Empowers to seize smuggled and assist customs authorities.</p> <p>Authority: Entire Indo-Nepal international border.</p>
BSF (Border Security Force)	<p>1. Border Security Force Act, 1968: Establishes BSF's mandate to protect international borders, prevent cross-border crimes, and apprehend offenders.</p> <p>2. Criminal Procedure Code (CrPC), 1973: Empowers BSF officers to act as police officers for conducting search, seizure, and arrests.</p> <p>3. Passport (Entry into India) Act, 1920: Prevents unauthorized entry of foreign nationals.</p> <p>4. Foreigners Act, 1946: Enables identification and detention of illegal immigrants.</p> <p>5. Customs Act, 1962: Allows BSF to intercept and seize smuggled.</p> <p>6. Narcotic Drugs and Psychotropic Substances Act, 1985: Provides powers to combat drug trafficking.</p> <p>7. Unlawful Activities (Prevention) Act (UAPA), 1967: Assists in preventing and acting against terrorism.</p> <p>8. Arms Act, 1959: Empowers BSF to monitor and seize illegal arms trafficking.</p>

Force	Legal Provisions
	<p>Authority: 50 km from the international border in states like Punjab, West Bengal, Assam as per the 2021 government notification. Extended authority from 15 km to 50 km in specific states (Punjab, West Bengal, Assam). Reduced authority in Gujarat from 80 km to 50 km.</p>
ITBP (Indo-Tibetan Border Police)	<ol style="list-style-type: none"> 1. Indo-Tibetan Border Police Force Act, 1992: Establishes ITBP and mandates border security along the Indo-China border. 2. Criminal Procedure Code (CrPC), 1973: Empowers ITBP to search, seize, and arrest without a warrant in specific cases. 3. Arms Act, 1959: Regulates illegal movement of arms and ammunition. 4. Passport (Entry into India) Act, 1920: Prevents unauthorized entry from Indo-China border. 5. Foreigners Act, 1946: Allows ITBP to identify and detain illegal immigrants. 6. Narcotic Drugs and Psychotropic Substances Act, 1985: Grants powers to combat drug trafficking. 7. Environmental Protection Act, 1986: Protects the Himalayan ecosystem from illegal exploitation. 8. Disaster Management Act, 2005: Mandates ITBP to carry out disaster relief operations in mountainous regions. <p>Authority: Indo-China border, with authority extending up to 10-15 km in areas like Ladakh, Himachal Pradesh, Uttarakhand, Sikkim, and Arunachal Pradesh.</p>

Source: Sashastra Seema Bal Act, 2007, BSF Act 1968, Indo-Tibetan Border Police Force Act, 1992

Table 4.9

Indian Border Security Guard SSB, BSF and ITBP (India) and APF, Nepal Legal Gap

S.N.	Authority	Legal Gap
1	Jurisdiction & Operational Reach	APF, Nepal not only has border but also internal security and no clear demarcation of border whereas BSF has a 50 km authority in Punjab, West Bengal, and Assam, and ITBP has 10–15 km authority. This limits APF, Nepal’s ability to conduct intelligence-based operations.
2	Search, Seizure & Arrest Powers	APF, Nepal lacks a dedicated procedural law like India’s Criminal Procedure Code (CrPC), 1973, which grants SSB, BSF, and ITBP the authority to search, seize, and arrest without a warrant in certain cases. This weakens law enforcement actions against border crimes.
3	Counter-Terrorism Measures	APF, Nepal lacks authority under an equivalent law to India’s Unlawful Activities (Prevention) Act (UAPA), 1967, which enables BSF to act against cross-border terrorism, making Nepal’s border security vulnerable to terrorist infiltration.
4	Environmental & Disaster Response	Unlike ITBP, which operates under the Environmental Protection Act, 1986, and Disaster Management Act, 2005, APF, Nepal has no clear legal provisions for environmental protection, reducing its role in ecological conservation and emergency management.

Source: Sashastra Seema Bal Act, 2007; Border Security Force Act, 1968; Indo-Tibetan Border Police Force Act, 1992; CrPC, 1973; NDPS Act, 1985; UAPA, 1967; Customs Act, 1962; Environmental Protection Act, 1986; Disaster Management Act, 2005; Armed Police Act, 2001; Constitution of Nepal, 2015; National Penal Code, 2017.

Table 4.8 and Table 4.9 examined the legal provisions and gaps between the border security forces of India (SSB, BSF, ITBP) and APF, Nepal. While the Indian forces have specific legal backing

such as the Criminal Procedure Code (CrPC), Customs Act, Narcotic Drugs and Psychotropic Substances (NDPS) Act, and Unlawful Activities (Prevention) Act (UAPA), which grant them broad authority for search, seizure, arrest, anti-smuggling, counter-terrorism, and environmental protection, APF, Nepal lacks similar comprehensive legal provisions. Notably, APF, Nepal has no clear jurisdictional demarcation or specific procedural laws for border security operations, which limits its ability to perform intelligence-based operations and enforce laws effectively. Additionally, APF, Nepal lacks legal tools to combat smuggling, trafficking, terrorism, and environmental degradation. The researcher presents this comparison to emphasize the critical gaps in APF, Nepal's legal framework that hinder its ability to carry out border security operations as effectively as its Indian counterparts.

4.1.2. Legal Practices of Border Security

Legal practice refers to the application and enforcement of laws by legal professionals and institutions to regulate conduct, resolve disputes, and uphold justice (Friedman, 2005). It is essential for maintaining social order, protecting rights, and ensuring fair governance through established legal frameworks (Rawls, 1971).

a. Deployment of APF, Nepal

The APF, Nepal, was established in 2001 to maintain internal security and assist in border management. Over the years, APF, Nepal has played a significant role in securing Nepal's borders, preventing illegal activities, and ensuring the safety of cross-border trade and movement (Bhandari, 2021). The APF, Nepal employs a hierarchical deployment structure for border security, which includes Brigades (Bde), Battalions (Bn), Companies (Coy), Border Outposts (BOPs), and Forward Operating Posts (FOPs) (Shrestha, 2023). BOPs are strategically positioned along the borders to enhance surveillance and prevent illegal activities, thereby ensuring national security and territorial integrity (Poudel, 2022). The force operates under a centralized chain of command, with the Strategic Headquarters commanded by the Inspector General, in Kathmandu overseeing the allocation of forces based on threat assessments. In emergencies, the APF, Nepal reallocates forces to high-risk areas and collaborates with national agencies for crisis management through the Ministry of Home Affairs.

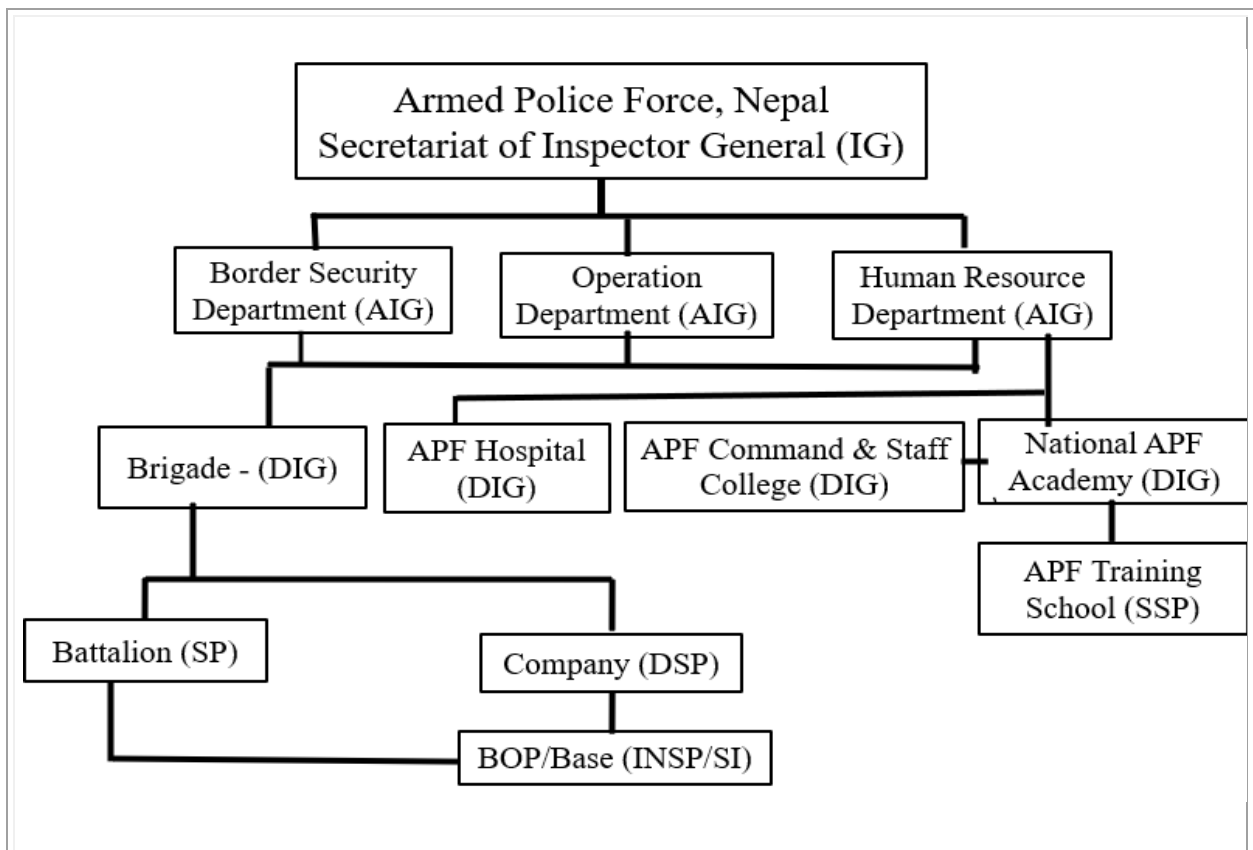
The legal concept of APF, Nepal, is based on the Armed Police Act, 2001, which defines its role in maintaining law and order, border security, and counterterrorism. It operates as a paramilitary

force with authority over internal and cross-border security challenges. The legal framework ensures coordination with other security agencies while maintaining operational autonomy (Sharma, 2022).

APF, Nepal, lies in its role in ensuring border security, disaster response, and internal stability, contributing to national sovereignty and public safety. Its legal framework enables coordinated security operations, reinforcing law enforcement and emergency management. An effective deployment mechanism of APF, Nepal, involves strategic positioning based on security threats, legal mandates, and operational needs to ensure rapid response and border integrity. This system integrates intelligence, coordination, and resource management to enhance national security (Ministry of Home Affairs, Nepal, 2024).

Figure 4.1

Deployment of APF, Nepal on Organizational Level



Source: APF, Nepal Headquarters, 2025

Figure 4.1 illustrates the deployment structure of APF, Nepal for border security, starting from the central command to the provincial, district, and field level units. At the top of the hierarchy is the

central command, overseeing the provincial level units, which manage border security across various provinces. Below the provincial level, the deployment is further divided into district-level battalions (Bn) and companies (Coy), which are stationed at key border points and posts to ensure effective border monitoring, patrol, and response to border security challenges.

The existing legal framework requires improvement, particularly in formalizing collaborative efforts and incorporating modern surveillance technologies to effectively address evolving security threats. Chief District Officer, Kanchanpur (P10) stated that

A decentralized approach would allow for quicker responses to border security issues at the local level, especially in areas facing rapid or unpredictable changes in security dynamics rather than centralized command.

(KI, 12 January 2025)

During the field visit, (P14) informed that

Introduction of advanced surveillance technologies like drones and sensors is recommended to enhance monitoring and detection capabilities at the border. This would improve the APF, Nepal ability to respond to emerging threats and provide more accurate data for border management.

(KI, 13 January 2025)

One of the informants stated that Local insight is crucial for effective border security, as the residents are often the first to notice any unusual activities or potential threats, enabling a quicker response by the authorities. So APF, Nepal has separate unit for maintaining the relation and analysis of the border situation and recommendation to the policy level.

(KI, 13 January 2025)

b. Coordination

Coordination refers to the structured collaboration between organizations or agencies to achieve common objectives through effective communication, resource sharing, and synchronized actions (Sharma, 2023). There are some government and non-government agencies working in the border area which are tabulation in given below.

Table 4.10

Agencies at District Level Working in the Border Area with Integrated Border Management Approach

<p>Administrative Agencies</p> <ul style="list-style-type: none"> a). District Administration Office b). Immigration Offices. c). District Forest office. d). District Transportation Office 	<p>Custom & Trade Agencies</p> <ul style="list-style-type: none"> a). Custom And Revenue Office. b). Commerce, Import and Export Office. c). ICP and Dry Ports d). Banks and Money Exchange Center
<p>Security Agencies</p> <ul style="list-style-type: none"> a). APF, Nepal, Battalion/Company b). District Police Office. c). Nepal Army, Battalion d). National Investigation Department 	<p>Health and Safety Agencies</p> <ul style="list-style-type: none"> a). District Quarantine Office. b). Hospitals and Health Posts. c). Fire Brigade office.
<p>Land Agencies</p> <ul style="list-style-type: none"> d). District Land management Office e). Survey Office 	<p>Non-Governmental agencies</p> <ul style="list-style-type: none"> a). Maiti Nepal. b). World Wide Fund for Nature (WWF) c). Peace Restoration center.

Source: Adopted and modified from Upreti (2022)

Table 4.10 lists agencies involved in integrated border management at the district level, categorized into administrative, custom & trade, security, health & safety, land, and non-governmental sectors. These agencies, including APF, Nepal, police, customs, immigration, health offices, and NGOs, work together to manage border security, trade, land, public health, and safety. While coordination mechanisms exist among these agencies, inefficiencies in the legal framework hinder smooth collaboration and effective implementation of border security measures.

Provincial and local level coordination is essential along with the international coordination. Bilateral cooperation with India's Sashastra Seema Bal (SSB) ensures enhanced cross-border security. Coordination meeting with counter parts is as follow.

Table 4.11

Coordination Meetings with Nepal-India Counterparts

Level	2079/80	2080/81	2081/82	Total
DG/IG Level	1	1	-	2
Department Level (AIG/Ops Chief)	11	12	7	30
DIG Level	4	7	4	15
District Level	28	37	7	72
Battalion Level	160	182	116	458
Company Level	60	157	93	310
Local Level	99	230	136	465
Total	363	626	363	1,352

Source: APF, Nepal Border Security Department, 2025

Table 4.12

Coordination Meetings with Nepal-China Counterparts

Level	2079/80	2080/81	2081/82	Total
DIG Level	0	0	0	0
District Level	9	5	4	18
Battalion Level	1	0	2	3
Company Level	2	5	5	12
Local Level	2	8	7	17
Total	14	18	18	50

Source: APF, Nepal Border Security Department, 2025

Tables 4.11 and 4.12 show that APF, Nepal held significantly more coordination meetings with Indian border security forces (1,352 meetings) compared to Chinese counterparts (50 meetings) over three fiscal years. Most of the meetings with India were at the local and operational levels, reflecting a focus on daily border security coordination, while higher-level meetings were fewer. In contrast, coordination with China was less frequent, primarily at the district and local levels, with no meetings at the DIG level. This highlights more intensive and frequent cooperation with India, while Nepal-China border coordination appears less frequent.

c. Implementations

The APF, Nepal ensures physical security through the establishment of Border Outposts (BOPs), regular patrols, and boundary pillar maintenance, supported by bilateral agreements and international norms (Sapkota, 2019). Head of Kailali Customs Office focused to control the illegal trade, and highlighted that

The Security Organization Head stressed the need for a more coordinated legal framework between APF, Nepal customs, and other agencies to ensure effective monitoring and enforcement.

(KI, 11 January 2025)

Chief District Officer, Kanchanpur (P10) stated that

There is a lack of legal clarity regarding the involvement of local authorities and communities in border security and focused importance of integrating local governments and civil administration and aware about border vulnerabilities, such as illegal trade routes.

(KI, 13 January 2025)

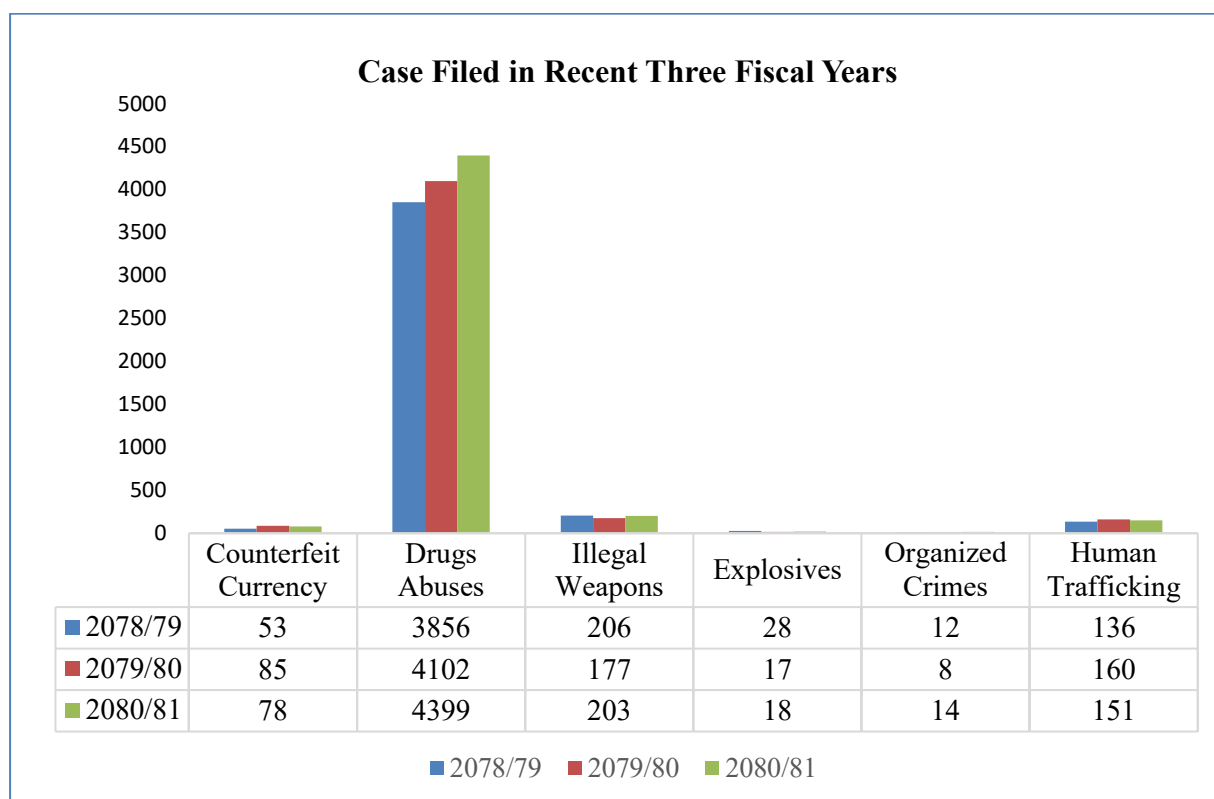
Head of District Police Office, Kanchanpur (P11) asked that

It is insufficient to address evolving border-related crimes such as organized crime and terrorism. While Border Outposts (BOPs) and joint patrols are necessary, the current laws do not incorporate advanced technologies like drones and biometric systems. The Immigration Head emphasized the need for updated legal provisions that integrate modern technologies and enhance international cooperation to improve border security.

(KI, 13 January 2025)

Table 4.13

Cases filed by Nepal Police in Recent Three Fiscal Years



Source: Central Investigation Bureau, Nepal Police 2025

Table 4.13 highlights the increasing trend of drug abuse cases and the fluctuating pattern of human trafficking incidents over the last three fiscal years (2078/79 to 2080/81), which directly relates to border security concerns. The rising number of drug abuse cases suggests an increase in illegal drug circulation, likely facilitated by weak border control and organized crime networks. Similarly, human trafficking fluctuations indicate the persistent challenge of monitoring and preventing cross-border trafficking, which remains a major security issue. Strengthening border security measures, enhancing surveillance, and increasing coordination between law enforcement agencies are crucial to addressing these threats effectively.

APF, Nepal has actively controlled human trafficking and the smuggling of illegal weapons along the border by increasing patrols, intelligence operations, and coordinated actions with security agencies. Some activities regarding the human trafficking and illegal weapons seized by APF, Nepal in recent fiscal years are as follows.

Table 4.14*Details of Human Trafficking and Smuggling Cases*

Category	2079/080	2080/081	2081/082	Total
Female Victims	84	135	57	276
Male Victims	1	21	64	86
Female Harmers	4	6	1	11
Male Harmers	63	122	87	272

*Source: APF, Nepal Border Security Department, 2025***Table 4.15***List of Weapons Seized by APF, Nepal in Recent Three Fiscal Year*

Weapon Type	2079/080	2080/081	2081/082	Total
Katuwa Pistol	6	8	2	16
Bharuwa Gun	10	5	10	25
9mm Browning Pistol / USA Pistol	0	2	1	3
Made in USA, No 111 (Sun Mica) Automatic Pistol	0	0	1	1
7 Round 051-7.65 MM Made in Italy Auto Pistol	0	2	0	2
Six-Shot Pistol	1	0	0	1
Revolver Pistol	1	1	0	2
Pistol 0.32 MK-II 229123731 RFI-IN-2022 Automatic	1	0	0	1
Air Gun	2	2	0	4
Air Gun/Pistol	1	0	2	3
7.65 Automatic Pistol	0	1	0	1
Total	25	21	16	59

Source: APF, Nepal Border Department, 2025

Tables 4.14 and 4.15 provide insights into the ongoing efforts of APF, Nepal in combating human trafficking and arms smuggling, highlighting both successes and challenges. Despite this decrease, the numbers of victims, particularly female victims, remain concerning, indicating that human trafficking continues to be a persistent issue. This suggests that APF, Nepal has been working in the field but is hindered by gaps in the legal framework, which could lead to inconsistent enforcement and insufficient preventive measures against trafficking.

In the realm of arms smuggling, APF, Nepal's efforts are reflected in the seizure of 59 weapons over the past three fiscal years, with a significant proportion being pistols and firearms. While these seizures demonstrate APF, Nepal's commitment to controlling illegal arms trafficking, the relatively low number of confiscations over the years suggests that the legal and operational tools available to APF, Nepal is not fully effective. Both the human trafficking and arms smuggling data highlight that APF, Nepal has been active in these fields, but the insufficiencies in its legal framework impede the force's ability to achieve more consistent and comprehensive results in border security and law enforcement.

Table 4.13 highlights rising drug abuse and fluctuating human trafficking cases, indicating weaknesses in border control and persistent security challenges. Despite APF, Nepal's active efforts in combating human trafficking and arms smuggling, the limited success in these areas suggests inefficiencies in the legal framework, hindering more effective enforcement. APF, Nepal has been working to address these issues, but the legal gaps impede more consistent and comprehensive border security outcomes.

d. Issues in International Border (India)

On 2079/04/13, a border dispute arose in Kanchanpur, Nepal, over illegal cultivation near Border Pillar 35, with Nepal claiming legal ownership. The International Border Concern Group confirmed the land was not part of No Man's Land, supporting Nepal's claim. However, the dispute escalated when India's SSB upheld its claim based on revised border coordinates, which conflicted with Nepal's interpretation. Despite efforts by APF, Nepal, to manage the situation, the lack of coordination and legal clarity on border demarcation led to unresolved tensions. This incident highlights the need for improved legal frameworks and coordination mechanisms within APF, Nepal, to effectively address border disputes and ensure security. Figure of the land is given below.

Figure 4.2

Cultivated Land, Situated 150 Meters East of Auxiliary Border Pillar No. 779/7 (BP35) on The Nepalese Side.



Source: APF, Nepal No 7 Bde HQ Kailali, 2025

Nepal's border security laws assign duties to APF, Nepal but lack legal mechanisms to enforce territorial rights or prevent encroachments. The Border Management and Security Policy 2021 reforms sovereignty but lacks an legal framework for APF, Nepal in border disputes. Reliance on diplomacy and gaps in laws like the Land Act, 2021, weaken APF, Nepal's ability to challenges foreign claims and protect Nepalese land. One of the Participant (P12) stated that

Need to amend laws to grant APF, Nepal authority to investigate and address border disputes, ensuring swift action to protect sovereignty.

(KI, 12 January 2025)

One of the APF, Nepal security officer (P17) stated that

Lack of legal authority, suggesting policy enhancements, coordination, and a dedicated task force for effective border enforcement.

(KI, 05 March 2025)

On 2079/02/18, Indian Forest Department personnel began installing cement poles near the Nepal-India border in Dodhara Chandani Municipality-3, Kanchanpur, raising concerns over encroachment into the Dasgaja area. APF, Nepal BOP Devasthan deployed, leading to a verbal agreement that any fencing or afforestation would be postponed until bilateral discussions. Later, a joint meeting with local authorities and Indian officials resulted in the removal of eight cement poles within the Dasgaja area. On 2079/02/19, further discussions with the Indian Sashastra Seema Bal (SSB) confirmed that afforestation would proceed only after verifying the Dasgaja area.

Figure: 4.3

Temporary cement pole in the No Man's Land by Indian Forest Department



Source: APF, Nepal No 7 Bde HQ Kailali, 2025

A border dispute in Anand Bazaar, Punarbas Municipality-4, Kanchanpur, arose when Nepal's culvert construction near the border was halted by India's SSB, citing encroachment into the Dasgaja area. After discussions, a temporary earthen culvert was built but later reinforced with bricks due to monsoon damage, reigniting tensions. APF, Nepal and Nepal police were deployed in this area but they did not manage the crowd with intelligence-based operations.

On 2073/11/26, Indian security forces opened fire, killing Nepali citizen Govinda Gautam, sparking protests and diplomatic tensions. A joint border survey led to a verbal agreement to maintain land use until a permanent border pillar was constructed.

Figure 4.4

Anand Bazaar, Punarbas Municipality-4, Kanchanpur



Source: APF, Nepal No 7 Bde HQ Kailali, 2025

In the informal conversation with the local people informed about the legal provision that prevent these types of the accident, lack of clear border demarcation, limited enforcement powers against foreign security forces, absence of formal coordination mechanisms with India, and legal/diplomatic constraints preventing swift action. These gaps hinder APF, Nepal ability to manage disputes effectively and assert control, as demonstrated in incidents like the death of Govinda Gautam.

On February 13, 2020, tensions arose near Border Pillar No. 785 in Jhilmila, Kanchanpur, when a group gathered to observe the border. At around 15:30, stones were thrown at the newly constructed auxiliary Border Pillar No. 783/4 at Baivah, causing damage. The land had previously been under Nepali control, and the incident led to the deployment of APF, Nepal, and local police to manage the situation.

Figure 4.5

Newly Constructed Auxiliary Border Pillar No. 783/4 Had Been Erected At Beldangi, Kanchanpur



Source: APF, Nepal No 7 Bde HQ Kailali, 2025

Local respondents emphasized that the APF, Nepal lacks the legal authority to act independently in border disputes, often requiring higher authority orders to take action. The absence of clear protocols for proactive involvement in local conflicts leads to delays and a reactive approach. Without coordination between local authorities and the APF, Nepal quick responses to incidents like vandalism are hindered. The current legal framework on territorial integrity fails to provide immediate enforcement measures, limiting APF, Nepal ability to take swift action, such as making arrests, without further directives.

On June 16, 2013 (2nd Ashar, 2070), floods in the Mahakali River altered the Nepal-India border near Bhurabgad, Darchula, shifting the boundary and causing Nepalese land to fall under Indian control. The Indian side began construction work, including excavation with heavy machinery, without prior coordination with Nepalese authorities. In response, the Darchula District Administration Office officially requested the stoppage of the construction, communicating through the APF, Nepal, Nepal No. 44 Battalion, to the Sub-District Officer of Pithoragarh, India.

Figure 4.6

Security/Check Wall Embankment had been Constructed on the Indian Side of the River in Darchula District



Source: APF, Nepal No 7 Bde HQ Kailali, 2025

One of the Participant during the interview expressed that

Legal gap stems from the lack of consultation between Nepal and India before initiating construction along the disputed border, violating the Treaty of Sugauli (1815) and Nepal-India Boundary Protocol (1961), which require mutual discussions for border-impacting projects.

(KI, 08 January 2025)

The ongoing boundary dispute near Dokebazar Daiji Hulaki Road Section, located in Beldandi-8, Panchuai, Kanchanpur district, involves a contentious area extending from Border Pillar No. 778/1 (BP 38) to approximately 700-800 meters eastward, towards Border Pillar No. 777/2 (BP 39). The dispute centers on claims by local residents of Nepal and the Seema Suraksha Bal (SSB) of India. Local population believed that BP 38 had been relocated, which created confusion regarding the boundary's precise location.

The APF, Nepal faces legal challenges in border security, mainly due to boundary demarcation issues and sovereignty enforcement. Discrepancies around Border Pillars BP 38 and BP 39, along

with limited access to strip maps from the Indian SSB, hinder APF, Nepal operations, particularly in disputed areas like Hulaki Road.

4.1.3. Legal Challenges of Border Security for APF, Nepal

National Security Policy 2016 stresses the need for a strong and proactive border security framework, but the current legal structure does not align with this policy's objectives, leading to challenges in policy execution (Nepal Ministry of Home Affairs, 2021). Work Division Rule 2017, which defines the roles of security agencies, complicates the APF, Nepal operational autonomy, as it requires coordination with other agencies, which is often delayed, particularly during emergency and special deployments (Nepal Government, 1997). The legal system also fails to fully integrate social, cultural, and traditional norms, which are critical to border communities, in security practices. Thus, legal reforms are urgently needed to empower the APF, Nepal, to strengthen its role in border security, safeguard national sovereignty, and enhance international cooperation (Institute of Foreign Affairs, Nepal, 2023).

During the interview, the respondent highlighted that Nepal's border security is legally constrained by treaty obligations like open border, execution challenges, coordination gaps, demarcation disputes, and deployment restrictions.

a. Legal Frameworks Issues

Absence of clear legal provisions for coordination and enforcement creates jurisdictional conflicts. These gaps hinder APF, Nepal's ability to act swiftly against illegal activities like trafficking and smuggling.

One participant (P4) emphasized that

National Security Policy 2016 lack clarity in defining APF, Nepal's authority and scope, leading to overlaps with agencies like the Nepal Army and Police. This ambiguity causes inefficiencies and delays in responding to security threats.

(KI, 09 January 2025)

The Armed Police Act, 2001 assigns significant responsibility to APF, Nepal for border security, particularly in preventing illegal crossings, human trafficking, and smuggling. The Act fails to

provide clear procedural guidelines for the use of force during operations, especially in situations involving high-risk offenders or contraband. APF, Nepal.

One of the Security Expert (P2) strongly expressed that

Constitution establishes national sovereignty and territorial integrity as fundamental pillars, with specific provisions for APF, Nepal role in border security. Article 5 emphasizes the protection of national interests, and Article 268 solidifies APF, Nepal role in safeguarding Nepal's borders. However, stakeholders pointed out that the APF, Nepal authority is often unclear due to the lack of defined legal provisions for cross-agency cooperation.

(KI, 09 March 2025)

This legal ambiguity affects the effectiveness of border security operations. Essential Goods Protection Act, 1955 and Essential Services Operation Act, 1957 grant legal authority to law enforcement agencies but not specify APF, Nepal to protect essential goods and services during national emergencies.

Participant (P18) identified key legal challenges in APF, Nepal's border security, and highlighted that

Unclear procedural laws, the absence of a Border Management Law, and lack of authority for search and seizure under the Customs Act. These gaps create jurisdictional confusion and weaken enforcement against illegal trade and smuggling. The participant stressed the need for legal provisions granting APF, Nepal the right to initiate legal procedures, highlighting the urgency of reforms to enhance its effectiveness in border security (Interview with P18, February 2025)

(KI, 10 March 2025)

The legal challenges of border security for APF, Nepal arise from unclear and incomplete legal frameworks. The Local Administration Act, 1971 allows district administrations to deploy APF, Nepal, but there is no effective coordination mechanism between provincial governments and APF, Nepal, causing inefficiencies in border security. National Security Policy, 2016 focuses on border security but does not clearly define APF, Nepal's authority in border operations, which creates confusion and reduces effectiveness while the National Penal Code, 2017 gives APF, Nepal the power to address threats to national sovereignty.

Most field interview participants stated that

APF, Nepal's role in controlling illegal trafficking is not clearly mentioned in the Essential Goods Protection Act, 1955, which results in enforcement gaps and coordination inefficiencies.

(KI, January 2025)

APF, Nepal no 35 Battalion Commander of Kanchanpur (P12) pointed out that

Current legal framework does not require the modernization of border infrastructure or the implementation of advanced surveillance technologies like drones, limiting APF, Nepal's ability to address new and evolving security threats.

(KI, 13 January 2025)

Chief District Officer of Kanchanpur (P10) emphasized that the absence of clear legal authority for local governments further weakens border management, creating enforcement gaps that hinder effective security operations. He stated

There is no clear legal framework for integrating provincial and local governments into border security, which creates gaps in addressing local vulnerabilities and illegal trade activities effectively.

(KI, 12 January 2025)

The absence of clear legal procedures for quick repairs and accountability delays border protection, hindering timely responses.

The Work Division Rules, 2017 assign border security responsibilities to APF, Nepal, but do not provide explicit procedural directives for implementing advanced surveillance technologies like drones, biometric systems, and AI-driven intelligence tools. Various laws, such as the Human Trafficking and Transportation (Control) Act, 2007, Immigration Act, 1992, and Forest Act, 2019, fail to clearly define APF, Nepal's authority, limiting its ability to conduct joint operations with Nepal Police and other agencies. Essential Goods Protection Act, 1955 does not include APF, Nepal, creating gaps in controlling illegal trade.

The Border Security Facilitation Committee Operating Procedure, 2022 and other directives lack enforcement mechanisms, data privacy regulations, and sustainable funding frameworks, making border security operations ineffective. Strengthening legal provisions and clarifying APF, Nepal's authority is crucial for addressing these challenges.

b. Deployment in Emergency Situation

The National Disaster Risk Reduction and Management Act, 2018 lacks clear guidelines on APF, Nepal's role in cross-border disaster response, causing delays in emergency situations. During crises like elections, border closures, pandemics, and disasters, legal gaps restrict APF, Nepal's authority in enforcing lockdowns, disaster response, and cross-border coordination. The National Disaster Risk Reduction and Management Act, 2018 lacks provisions for APF, Nepal's role in cross-border emergency operations, delaying response efforts.

c. Legal Barriers to Using Modern Technology

APF, Nepal faces challenges in adopting modern technology for border security due to inefficient laws and unclear legal mandates. Existing regulations, such as the Work Division Rules, 2017 and the Immigration Act, 1992, do not explicitly authorize APF, Nepal to use advanced surveillance systems like biometric scanners, artificial intelligence (AI)-based monitoring, and automated border control mechanisms. Similarly, there are no specific legal provisions for drone deployment, limiting their use in surveillance, smuggling prevention, and emergency response.

d. Lack of Clear Guidelines for Data Management and Cross-Border Coordination

The absence of standardized rules for handling surveillance data further complicates border security operations. Nepal's Privacy Act, 2018 restricts data collection without consent, creating obstacles in using automated facial recognition and biometric authentication for security purposes. There are no bilateral agreements specifically allowing APF, Nepal to share surveillance data or collaborate on cross-border intelligence, limiting coordinated efforts with neighboring countries.

e. Inter-Agency Coordination and Legal Conflicts

One Participant (P7) stated that the lack of formalized legal procedures for inter-agency cooperation between APF, Nepal, Customs, and other agencies leads to inconsistent enforcement. A participant highlighted that

Coordination issues between local, provincial, and federal agencies due to overlapping authorities and unclear legal frameworks lead to delays in joint border operations.

(KI, 14 February 2025)

Kanchanpur Customs Office head noted that “poor coordination and record-keeping among border agencies weaken monitoring and enforcement”.

f. Intelligence, Cyber Security and Networking

APF, Nepal faces significant legal challenges in intelligence operations due to the absence of a structured counterpart networking system with both Indian and Chinese security organizations, limitations in plainclothes deployment, and restricted access to mobile networks during special operations. The lack of a formalized intelligence-sharing forum with neighboring countries' security forces prevents effective coordination, leading to delayed responses in border security threats. Furthermore, existing laws do not grant APF, Nepal direct access to mobile networks for surveillance during critical operations, hindering its ability to track cross-border criminal activities.

(P1, P6, P13, P17, P18) Participants emphasized that

Legal challenges surrounding cyber security for border security in APF, Nepal arise from the lack of clear legal provisions for using digital tools in border surveillance and intelligence gathering. APF, Nepal struggles to secure communication networks, protect against cyber-attacks, and maintain the integrity of digital data. Moreover, the absence of legal frameworks for cross-border cyber cooperation with India and China limits secure intelligence sharing, delaying decision-making and exposing vulnerabilities in safeguarding critical border security information.

(FGD, 09 January 2025)

On of the Participant (P18) participant expressed that

Effective border security for APF, Nepal involves local community mobilization, modern technology integration, and increased border presence. Engaging locals improves intelligence gathering, while technologies like drones and AI enhance monitoring. Expanding APF, Nepal's border units strengthens enforcement and response capabilities.

(KI, 09 March 2025)

g. Border Development Issues

The legal challenges surrounding border security for APF, Nepal, in terms of border development, program selection, and alignment with national planning are primarily due to gaps in legal frameworks and coordination. APF, Nepal struggles with ensuring that border security programs align with national development policies, as there is a lack of clear legal mandates. This results in inadequate environmental protection and social development integration in security operations, hampering effective project implementation and community engagement. Moreover, inconsistencies in legal provisions regarding research and development hinder the ability of APF, Nepal to conduct thorough assessments of border security needs and community development. Environmental concerns are often sidelined due to the absence of specific border-related environmental protection laws. Infrastructure expansion, environmental degradation, and cultivation in no-man's land increase security risks. Additionally, the preservation of traditional culture in rural border areas is affected by uncontrolled movement, while limited resources hinder effective surveillance and enforcement (Sharma, 2023).

APF, Nepal No 34 Battalion Commander(P6) highlighted that

Lack of a comprehensive legal framework hampers effective monitoring and evaluation of border security projects, leading to poor accountability and coordination among security agencies, local authorities, and national bodies. Budgeting issues further complicate project execution due to unclear guidelines on funding allocation and technical evaluation, resulting in fragmented policies and inefficient implementation of border security measures.

(KI, 09 January 2025)

4.1.4. Legal Reformation for Effective Border Security of APF, Nepal

Legal reforms for effective border security aim to strengthen Nepal's border management, enhance APF, Nepal authority, and establish clear frameworks for sovereignty protection and dispute resolution (Sharma, 2019). Several legal reforms are essential for the effective border security which are as follows:

a. Modernizing Border Infrastructure and Integrating Technology

Legal reforms should support the modernization of border infrastructure, including the installation of advanced surveillance technologies. The existing legal framework needs to be updated to authorize the deployment of AI-driven surveillance tools, drones, biometric systems, and cybersecurity measures at the borders. Such reforms would empower APF, Nepal to enhance its ability to monitor and protect borders against evolving threats effectively. Legal support should also extend to the development of border infrastructures, such as automated surveillance towers and smart technologies, improving both the efficiency and security of border operations. In addition, there should be a legal mandate for standardized data management and sharing, allowing real-time intelligence exchange with neighboring countries while respecting privacy rights.

b. Formalizing Cross-Border Coordination and Intelligence Sharing

There is a need for legal provisions that facilitate cross-border coordination and intelligence sharing between Nepal and neighboring countries like India and China. Bilateral agreements should be formalized, creating legal frameworks for real-time data exchange, joint intelligence operations, and the use of shared technologies. These agreements should focus on border security and the prevention of cross-border crimes such as trafficking, smuggling, and terrorism. This would also address existing gaps in cross-border cooperation, enabling swift responses to border-related incidents.

c. Enhancing Legal Frameworks for Cybersecurity and Border Security

As border security increasingly involves digital threats, legal reforms should empower APF, Nepal to address border-related cybersecurity risks. Updates to the Electronic Transactions Act 2006 and the introduction of cybersecurity protocols would enable APF, Nepal to use digital tools effectively for border monitoring and protection. This includes the authorization to use encryption technologies, cybersecurity measures, and the monitoring of cyber threats targeting border security infrastructure. The legal framework should facilitate the protection and sharing of surveillance and biometric data in a secure, regulated manner, allowing for effective collaboration with neighboring countries while ensuring privacy protection.

d. Incorporating Environmental and Social Considerations in Border Security

A new law should require border security projects to include environmental and social development components. This would ensure that APF, Nepal incorporates sustainability in its infrastructure, such as green fences and eco-friendly patrol paths. Community consultations should be mandatory, involving local populations in decision-making and integrating social programs like education and health into border security projects. Legal guidelines should align border security with national development policies, including the protection of ecosystems and local community welfare.

e. Clear Budgeting, Financial Guidelines, and Monitoring

To ensure efficient use of funds, clear budgeting guidelines for border security operations should be introduced. APF, Nepal should work with the Ministry of Finance to create detailed budgets for security and development projects. An oversight body should be established to monitor these projects, ensuring accountability and transparency. Monitoring systems and data management tools should be implemented for real-time evaluation, incorporating feedback from local authorities and border agencies to continually improve border security policies and operations.

f. Enhancing Data Accessibility for Border Security Forces

A Border Data Sharing Act should grant APF, Nepal access to immigration, customs, and law enforcement databases for real-time tracking of transnational crimes such as human trafficking and fugitive apprehension. A Border Surveillance and Technology Act would provide legal backing for AI, drones, and CCTV along border areas, enhancing security effectiveness and preventing illegal cross-border activities.

g. Procedural Law

Amending the Criminal Procedure Code to allow APF, Nepal to investigate border crimes independently, establishing a Border Crime Investigation Unit to handle offenses like smuggling and human trafficking efficiently. Establishing a formalized legal procedure for cross-border investigations and extradition agreements to enable Nepal to track fugitives and prosecute offenders seamlessly, preventing jurisdictional loopholes that criminals exploit.

Key Finding

The thesis finds that while existing legal provisions like the Armed Police Act, 2001, the Constitution of Nepal, 2015, and other laws provide a framework for APF, Nepal's role in border security, they lack clarity in addressing modern threats. The absence of a dedicated Border Security Law creates jurisdictional ambiguities, limiting APF, Nepal authority in cross-border operations, intelligence-sharing, and advanced surveillance use. Current laws lack sufficient coordination between government, non-government agencies, and international counterparts. Section 24 (2) of the Armed Police Act 2001 provides search and seizure authority, but the lack of a clear procedural framework raises concerns about accountability.

The Arms and Ammunition Act, 1962, allows APF, Nepal to act against illegal arms but lacks further legal proceedings, relying on Nepal Police for prosecution. The Constitution defines APF, Nepal as a key federal security institution but leaves enforcement dependent on federal law. The Customs Act, 2007, grants customs officer enforcement powers but does not explicitly authorize APF, Nepal role in customs enforcement, leading to ambiguity in search, seizure, and use of force. The Essential Goods Protection Act 1955 and Essential Services Operation Act 1957 recognize APF, Nepal role but do not grant authority for force, creating operational limitations however Nepal police and Nepal army have mention but not APF, Nepal for the law enforcement during the emergency. Respondents emphasized the need for legal amendments to clarify APF, Nepal's authority and improve border security infrastructure.

The Local Administration Act, 1971, empowers Chief District Officers to deploy forces, but structured coordination across federal, provincial, and local levels is necessary. The National Security Policy 2016 emphasizes Nepal's sovereignty but lacks clear legal directives for APF, Nepal's operations, causing inefficiencies. Public dissatisfaction stems from slow policy implementation and unclear authority. Bilateral treaties with India and China define border management, but modern surveillance, intelligence-driven enforcement, and operational procedures are necessary for improved border security.

The Work Division Rules, 2017, outline APF, Nepal's responsibilities but require explicit directives on modern surveillance technologies and cross-border intelligence sharing. Other acts such as the Foreign Investment and Technology Transfer Act and the Immigration Act provide a legal foundation for law enforcement but does not legal procedure. Respondents called for reforms to integrate APF, Nepal into cross-border disaster response, wildlife trafficking prevention, and

improved resource allocation, mobile tracking mechanism and special authority during the specific deployment for specific purpose like border seal, control terrorism and organized crime through border. The Border Area Development Program has strengthened infrastructure, but coordination to the other deployment agencies, technical assistances, legitimate, auditing, program selection, and sustainability remain concerns.

The study also identifies legal disparities between Nepal and India's border security frameworks. India's BSF, SSB, and ITBP operate under dedicated laws such as the BSF Act and ITBP Act, granting them clear authority for intelligence-led border security operations. In contrast, APF, Nepal lacks such legal provisions, weakening its effectiveness in transnational crime, counter-trafficking, and counter-terrorism operations. Nepal's lack of laws similar to India's Customs Act and NDPS Act hinders APF, Nepal's ability to tackle smuggling and trafficking. The absence of counter-terrorism laws and under-defined environmental protection and disaster response further limit APF, Nepal's operational effectiveness, stressing the need for legislative reforms to enhance border security and safeguard Nepal's sovereignty.

The legal provisions governing Nepal's border security assign responsibilities to the APF, Nepal through a hierarchical structure, including Border Outposts (BOPs) and Forward Operating Posts (FOPs). However, inefficient laws fail to address modern security threats such as transnational crimes, smuggling, and human trafficking. Respondents pointed out poor record-keeping, inadequate coordination among security agencies, and the lack of advanced surveillance technologies as significant weaknesses in border security efforts. Local-level engagement and decentralized decision-making were emphasized to improve response efficiency, while the Immigration Head noted that current laws do not incorporate biometric systems or real-time intelligence-sharing mechanisms. Coordination between APF, Nepal Police, Customs, and other agencies is insufficient, hindering enforcement against illegal trade and organized crime.

The legal framework governing Nepal's border security lacks sufficient enforcement mechanisms, posing challenges in addressing border disputes. Limited legal authority, reliance on diplomacy, and gaps in laws like Land Act 2021 constrain APF, Nepal. Field practices in Kanchanpur and Darchula highlight issues such as unclear border demarcation, restricted enforcement powers, and lack of coordination with Indian authorities. Local concerns, including unauthorized construction, encroachments, and disputes over border pillar locations, expose weaknesses in Nepal's territorial integrity framework. The absence of formal protocols delays APF, Nepal response to border tensions, requiring high-level directives. The legal void, particularly in proactive dispute

resolution, prevents swift action in incidents like the 2073/11/26 shooting of Govinda Gautam. Respondents stressed the need for policy enhancements, improved coordination, and a dedicated task force to ensure effective border security and sovereignty enforcement.

The legal challenges of border security for APF, Nepal stem from unclear legal frameworks, coordination gaps, and inefficient laws that hinder effective enforcement. The National Security Policy, 2016 lacks clarity in defining APF, Nepal's authority, leading to overlaps with agencies like the Nepal Army and Nepal Police. The Armed Police Act, 2001 assigns border security responsibilities but lacks clear procedural guidelines, particularly for high-risk operations. Key informants highlighted legal ambiguities in inter-agency cooperation, jurisdictional conflicts, and weak provincial coordination, which delay security responses. Treaty obligations, border demarcation disputes, and deployment restrictions limit APF, Nepal's effectiveness. Inefficient legal provisions restrict the adoption of modern surveillance technologies, such as drones and AI-driven intelligence tools, leaving border security vulnerable. Emergency deployments during cross border disasters, pandemics, and elections also lack clear legal mandates, delaying APF, Nepal response. Stakeholders pointed out poor coordination between local, provincial, and federal agencies, as well as legal barriers in intelligence, cyber security, and networking, undermining border security operations. Strengthening legal provisions and modernizing border security laws are crucial for addressing these challenges.

Weak coordination, inadequate policy alignment, and legal gaps hinder APF, Nepal's enforcement capacity. The National Security Policy, 2016's lack of clarity on APF, Nepal authority causes overlaps with other agencies, delaying security operations. Treaty obligations, demarcation disputes, and inefficient laws limit APF, Nepal ability to respond effectively to illegal activities. Legal barriers hinder the adoption of modern surveillance technologies, and Nepal Privacy Act, 2018 restricts surveillance data collection, limiting intelligence operations. Issues in border development, such as lack of legal mandates for project selection, environmental protection, and community integration, further complicate security operations. APF, Nepal officials noted that fragmented policies, budgeting issues, and weak monitoring mechanisms reduce border security effectiveness, stressing the need for legal reforms to enhance operational capacity and coordination.

This study it was clear that Nepal's existing legal framework for border security need to improve to cope the contemporary threats in the border area and lacks clear procedural guidelines, limiting APF, Nepal's operational capacity in enforcing border regulations. Legal ambiguities in laws such

as the Armed Police Act, 2001, and the Constitution of Nepal, 2015, fail to define APF, Nepal's role in customs enforcement, intelligence sharing, and the use of advanced surveillance technologies. The absence of a specific Border Security Act weakens APF, Nepal's authority in tackling cross-border crimes, enforcing border regulations, and coordinating with national and international agencies. Gaps in the procedural framework restrict APF, Nepal's collaboration with national security agencies like the National Investigation Department (NID), limiting intelligence-sharing mechanisms for preventing transnational crimes.

To strengthen border security, the thesis recommends comprehensive legal reforms, including a specific Border Security Law that clearly defines APF, Nepal's, authority, and inter-agency coordination. Legal provisions should support the integration of AI, drones, biometric surveillance, and cybersecurity measures. Bilateral legal agreements with India and China should be introduced to facilitate real-time intelligence sharing and operational coordination. Amendments to the Criminal Procedure Code should empower APF, Nepal, with defined authority over border-related crimes, allowing the establishment of a Border Crime Investigation Unit. Clear budgeting frameworks, legal mandates for environmental sustainability in border development, and enhanced financial accountability measures should also be introduced to strengthen APF, Nepal's institutional capacity and improve border security management.

4.1. Discussion

The effectiveness of border security policies, particularly concerning its relations with India and China, is largely shaped by historical treaties, diplomatic mechanisms, and the operational framework of the APF, Nepal. Field interviews with security officials, government policy experts, and border residents highlight critical challenges in border management, including legal ambiguities, jurisdictional conflicts, and enforcement limitations. The discussion synthesizes these findings to evaluate policy gaps and recommend legal and institutional reforms for enhancing Nepal's border security. The research discussion is crucial for analyzing findings, identifying policy gaps, and proposing legal and institutional reforms for APF, Nepal's border security. It helps bridge theoretical insights with practical challenges, ensuring evidence-based recommendations for effective border management.

4.2.1. Legal Provisions and Practices for Border Security

Legal provisions refer to specific rules, statutes, or regulations within a legal system that establish rights, duties, and procedures for enforcement. Legal framework is the broader system of laws, policies, and institutions that govern legal processes and ensure compliance within an authority.

During the field visit, documents content analysis, case study and interview to the security related professional security officer, deep study and analysis of the Indian border security legal authority and field practices regarding the implementation of legal procedure and performing duty in the border security it was revealed that existing legal provisions related to the border security and practice as coordination to security border. From the analysis it was found that thesis highlights that while legal provisions such as the Armed Police Act, 2001, the Constitution of Nepal, 2015, and other laws define APF, Nepal's role in border security, they lack clarity in addressing evolving threats. The absence of a dedicated border security law creates jurisdictional ambiguities, restricting APF, Nepal's authority in cross-border operations, intelligence-sharing, and the use of advanced surveillance technologies. Existing laws do not ensure sufficient coordination between government agencies, non-government entities, and international counterparts. Although Section 24(2) of the Armed Police Act, 2001, grants search and seizure powers, the absence of a well-defined procedural framework raises concerns regarding accountability and oversight.

The Arms and Ammunition Act, 1962, authorizes APF, Nepal, to take action against illegal arms but lacks provisions for further legal proceedings, making it dependent on Nepal Police for prosecution. While the Constitution recognizes APF, Nepal, as a key federal security force, its enforcement authority remains reliant on federal laws. Similarly, the Customs Act, 2007, provides enforcement powers to customs officers but does not explicitly outline APF, Nepal's authority in customs enforcement, creating uncertainties in executing search, seizure, and the use of force. The Essential Goods Protection Act 1955 and the Essential Services Operation Act 1957 acknowledge APF, Nepal's role, yet they do not explicitly grant enforcement powers, unlike the Nepal Police and Nepal Army, which have clearer mandates in emergency law enforcement. Respondents emphasized the need for legal amendments to strengthen APF, Nepal's authority and enhance border security infrastructure.

The Local Administration Act, 1971, empowers chief district officers to deploy forces, yet structured coordination across federal, provincial, and local levels remains necessary. The National Security Policy, 2016, prioritizes Nepal's sovereignty but lacks specific legal directives for APF,

Nepal's operational efficiency. Public dissatisfaction arises from slow policy implementation and unclear authority in law enforcement. Bilateral treaties with India and China define border management, but there is an urgent need for modern surveillance, intelligence-driven enforcement, and streamlined operational procedures to enhance security.

The Work Division Rules, 2017, outline APF, Nepal's responsibilities, yet they lack explicit provisions on modern surveillance technologies and cross-border intelligence-sharing. Other laws, such as the Foreign Investment and Technology Transfer Act and the Immigration Act, provide a legal basis for enforcement but lack procedural clarity. Respondents recommended legal reforms to integrate APF, Nepal, into cross-border disaster response, anti-wildlife trafficking initiatives, and improved resource allocation. Implementation of mobile tracking mechanisms and special deployment authorities for specific tasks, such as border sealing, counter-terrorism, and tackling organized crime, was emphasized. While the Border Area Development Program has contributed to infrastructure enhancement, challenges persist regarding coordination with other security agencies, technical assistance, legitimacy, auditing, program selection, and sustainability.

The study also identifies legal disparities between Nepal and India's border security frameworks. India's BSF, SSB, and ITBP function under dedicated legislation such as the BSF Act and ITBP Act, which grant them clear authority for intelligence-led border security operations. In contrast, APF, Nepal lacks comparable legal provisions, limiting its effectiveness in combating transnational crime, human trafficking, and terrorism. Nepal's absence of laws equivalent to India's Customs Act 2007 and NDPS Act constrains APF, Nepal's ability to address smuggling and trafficking effectively. The lack of specific counter-terrorism legislation, along with underdeveloped environmental protection and disaster response laws, further weakens APF, Nepal's operational capacity, underscoring the need for legislative reforms to enhance border security and protect Nepal's sovereignty.

Nepal's legal framework assigns border security responsibilities to APF, Nepal through a structured system, including Border Outposts (BOPs) and Forward Operating Posts (FOPs). However, inefficient legal provisions fail to address contemporary security challenges such as transnational crimes, smuggling, and human trafficking. Respondents highlighted issues such as inadequate record-keeping, weak coordination among security agencies, and the lack of advanced surveillance technologies as key vulnerabilities in border management. Strengthening local-level engagement and decentralized decision-making was emphasized to enhance response efficiency. The Immigration Head pointed out that existing laws do not incorporate biometric systems or real-

time intelligence-sharing mechanisms, further complicating enforcement efforts. Insufficient collaboration among APF, Nepal Police, Customs, and other agencies hampers efforts to combat illegal trade and organized crime.

The legal framework governing Nepal's border security also lacks robust enforcement mechanisms, creating difficulties in addressing border disputes. APF, Nepal's limited legal authority, reliance on diplomatic measures, and legislative gaps, including those in the Land Act 2021, constrain its operational effectiveness. Field observations in Kanchanpur and Darchula reveal challenges such as ambiguous border demarcation, restricted enforcement powers, and a lack of coordination with Indian authorities. Local concerns, including unauthorized construction, encroachments, and disputes over border pillar locations, highlight weaknesses in Nepal's territorial integrity framework. The absence of formal protocols delays APF, Nepal's response to border tensions, necessitating high-level directives for intervention. The legal vacuum, particularly in proactive dispute resolution, hampers swift action in incidents such as the 2073/11/26 shooting of Govinda Gautam. Respondents emphasized the need for policy reforms, enhanced inter-agency coordination, and the establishment of a dedicated task force to strengthen border security and uphold Nepal's sovereignty.

Infrastructure development along the border is often obstructed by legal uncertainties, as demonstrated by disputes over projects in Kanchanpur and the Mahakali River. APF, Nepal's ability to enforce sovereignty is limited by unclear legal authority and operational autonomy, with incidents like airspace violations illustrating the need for legal reforms and stronger enforcement mechanisms to safeguard Nepal's territorial integrity.

Thematic review it shows that Armed Police Act, 2001, provides the legal foundation for the APF, Nepal, in border security. However, scholars highlight significant gaps in its provisions, particularly in inter-agency coordination, intelligence gathering, and technological integration. Bhatta (2021) critiques the Act for lacking clear guidelines on collaboration with Nepal Police, Customs, and Immigration, leading to operational inefficiencies. Joshi (2021) points out inefficient legal provisions that prevent APF, Nepal, from adopting modern surveillance technologies. Poudel (2021) emphasizes the absence of Integrated Border Management (IBM) frameworks, hindering coordinated risk assessment and intelligence-sharing mechanisms. Acharya (2022) calls for legal reforms that enhance APF, Nepal's capacity for cross-border collaboration with India and China. Koirala (2022) stresses the need for a unified border security law to streamline cooperation among security agencies. Sharma (2022) highlights gaps in technology-based surveillance and inter-

agency coordination, while Shrestha (2022) notes deficiencies in practical directives for joint operations. Sigdel (2023) critiques the Act's failure to address modern transnational threats such as organized crime and smuggling. Shrestha and Adhikari (2023) emphasize legal shortcomings in addressing border disputes, proposing an expanded role for APF, Nepal, in border demarcation. Pradhan (2022) identifies unresolved legal issues related to intelligence gathering through plainclothes informants.

The Proposed Bill aims to address the gaps in the Armed Police Act, 2001, by strengthening APF, Nepal's legal and operational capacity. Key provisions focus on border security, intelligence gathering, operational readiness, and international engagement. Clause 8, Sub-clauses (3) and (4) mandate systematic border mapping and mobilization procedures to improve border management. The Bill introduces modern surveillance tools and frameworks for intelligence-sharing with national and international agencies. It also provides a clearer legal mandate for inter-agency coordination, proactive security operations, and the use of advanced technologies such as drones and biometric identification. These reforms aim to enhance APF, Nepal's effectiveness in addressing contemporary security threats along Nepal's borders.

From the thematic review it was prevailed that theme of this document centers on a thematic review of the legal challenges facing Nepal's border security, with a specific focus on the role of APF, Nepal. Several studies emphasize significant gaps in Nepal's legal frameworks, including inefficient laws, ambiguous jurisdictional mandates, and insufficient inter-agency coordination, which hinder the effective management of border security. Scholars like Poudel (2019) and Shrestha (2021) argue that these gaps are particularly detrimental when addressing contemporary threats such as organized cross-border crime, human trafficking, and cyber threats. They call for comprehensive legal reforms that not only modernize existing frameworks but also establish clear mandates and inter-agency cooperation, especially for APF, Nepal. Furthermore, legal reforms should incorporate technological advancements and align with regional security norms to enhance Nepal's border security management.

Review examined the need for a more robust and unified legal approach to border security. Smith (2019), Koirala (2020), and Rai (2022) highlight the necessity of integrating national laws with international security practices, emphasizing cross-border cooperation with neighboring countries like India and China. They argue for legislative changes that empower APF, Nepal to address emerging security threats while ensuring legal clarity, transparency, and human rights protections. These reforms are crucial in improving operational efficiency, empowering APF, Nepal to act

decisively, and addressing modern border security challenges effectively. This thematic review brings together diverse perspectives, providing a comprehensive analysis of the legal reforms required to enhance Nepal's border security through a more coordinated, technologically advanced, and legally sound framework.

4.2.2. Legal Challenges of Border Security for APF, Nepal

The legal challenges of border security for APF, Nepal stem from inefficient laws, a lack of clear legal frameworks for modern technologies, and insufficient inter-agency coordination. Legal gaps in addressing cross-border crimes and restricted movement in sensitive areas complicate effective border management.

During my research analysis it was revealed that there are lot of legal provisions for the border security however increasing trend of trend of the crime and mode of operands of criminals that existing legal provision is not sufficient for the proactive approaches of border security. Some key finding from the study is discussed as follow.

The legal challenges facing APF, Nepal in border security stem from unclear legal frameworks, inefficient laws, and weak inter-agency coordination. The National Security Policy, 2016 lacks clarity on APF, Nepal's authority, causing jurisdictional overlaps with the Nepal Army and Nepal Police. The Armed Police Act, 2001 assigns border security responsibilities but lacks procedural guidelines for high-risk operations. Treaty obligations, demarcation disputes, and deployment restrictions further limit APF, Nepal's effectiveness. Inefficient laws also restrict the adoption of modern surveillance technologies, while unclear mandates for emergency deployments delay response efforts.

Weak coordination, inadequate policy alignment, and legal gaps hinder APF, Nepal's enforcement capacity. The National Security Policy, 2016's lack of clarity on APF, Nepal authority causes overlaps with other agencies, delaying security operations. Treaty obligations, demarcation disputes, and inefficient laws limit APF, Nepal ability to respond effectively to illegal activities. Legal barriers hinder the adoption of modern surveillance technologies, and Nepal Privacy Act, 2018 restricts surveillance data collection, limiting intelligence operations. Issues in border development, such as lack of legal mandates for project selection, environmental protection, and community integration, further complicate security operations. APF officials noted that fragmented policies, budgeting issues, and weak monitoring mechanisms reduce border security effectiveness, stressing the need for legal reforms to enhance operational capacity and coordination.

Sovereignty theory underscores the state's exclusive right to control its borders, ensuring national security and political autonomy (Krasner, 1999). Held (2002) highlights the necessity of legal adaptability in an interconnected world. For Nepal, this theory reinforces the need to update domestic laws, granting APF, Nepal a clear legal mandate and strong enforcement authority to address jurisdictional conflicts. Strengthening legal frameworks will enhance APF, Nepal's capacity to combat transnational crimes such as human trafficking, smuggling, and illegal crossings while ensuring effective implementation mechanisms to uphold border security.

Border governance theory defines borders as dynamic political and economic spaces requiring comprehensive security strategies (Newman, 2006). Andreas (2003) highlights the importance of international cooperation and legal adaptability in addressing evolving threats like illegal migration, terrorism, and cyber threats. For Nepal, this theory supports the need for legal reforms that enhance APF, Nepal's authority in intelligence operations, integrate modern surveillance technologies, and ensure access to global security networks. Establishing strong implementation mechanisms, engaging in international agreements, and participating in regional coordination forums will improve border security management and enhance Nepal's ability to respond to emerging cross-border challenges.

4.2.3. Legal Reform for Effective Security

The Legal Reformation of Legal Framework for Effective Security for APF, Nepal involves updating and amending existing laws to address modern border security challenges, such as advanced surveillance, cross-border crimes, and inter-agency coordination. It aims to provide clear legal authority and operational guidelines for APF, Nepal in safeguarding national borders effectively. After that study and respective challenge for the effective border security for APF, Nepal needs to improve the legal provisions and reframing the legal provision to cope the current worldwide emerging threats.

Form this study it was revealed that Thesis study it was clear that Nepal's existing legal framework for border security need to improve to cope the contemporary threats in the border area and lacks clear procedural guidelines, limiting APF, Nepal's operational capacity in enforcing border regulations. Legal ambiguities in laws such as the Armed Police Act, 2001, and the Constitution of Nepal, 2015, fail to define APF, Nepal's role in customs enforcement, intelligence sharing, and the use of advanced surveillance technologies. The absence of a specific Border Security Act weakens APF, Nepal's authority in tackling cross-border crimes, enforcing border regulations, and

coordinating with national and international agencies. Gaps in the procedural framework restrict APF, Nepal's collaboration with national security agencies like the National Investigation Department (NID), limiting intelligence-sharing mechanisms for preventing transnational crimes.

To strengthen border security, the thesis recommends comprehensive legal reforms, including a specific Border Security Law that clearly defines APF, Nepal's, authority, and inter-agency coordination. Legal provisions should support the integration of AI, drones, biometric surveillance, and cybersecurity measures. Bilateral legal agreements with India and China should be introduced to facilitate real-time intelligence sharing and operational coordination. Amendments to the Criminal Procedure Code 2017 should empower APF, Nepal, with defined authority over border-related crimes, allowing the establishment of a Border Crime Investigation Unit. Clear budgeting frameworks, legal mandates for environmental sustainability in border development, and enhanced financial accountability measures should also be introduced to strengthen APF, Nepal's institutional capacity and improve border security management.

From the thematic review of the Proposed APF, Nepal Bill 2081 it was concluded that several positive reforms, enhancing border security, intelligence operations, and international cooperation. It strengthens APF, Nepal's operational readiness by defining clear mobilization procedures, authorizing the use of necessary force, and allowing plainclothes intelligence gathering for proactive crime prevention. The Bill also expands Nepal's role in peacekeeping missions and regional security frameworks, reinforcing its global presence. Additionally, it provides legislative flexibility, enabling the government to adapt security policies to emerging threats, ensuring a more efficient, modernized, and responsive border security force. Its progressive framework, significant legal gaps remain in areas such as cross-border intelligence sharing, inter-agency coordination, jurisdictional clarity, and enforcement authority in handling modern security threats like smuggling, human trafficking, and organized crime. Absence of bilateral and multilateral agreements, insufficient mandates for border dispute resolution, and inefficient surveillance policies weaken APF, Nepal's ability to respond proactively. These challenges necessitate comprehensive legal reforms to improve APF, Nepal's enforcement authority, intelligence operations, and international cooperation for effective border management.

To address these issues, the legal framework governing APF, Nepal must be restructured to clearly define its authority in border security operations, intelligence collection, and crisis response. Reforms should include establishing cross-border intelligence-sharing mechanisms, expanding legal mandates for border dispute resolution, integrating modern surveillance technologies, and

strengthening legislative support for inter-agency coordination with Nepal Police, Customs, and immigration authorities. The government should also focus on drafting clear procedural guidelines for APF, Nepal's emergency deployments, operational engagement in counter-terrorism, and proactive legal measures to combat emerging transnational crimes. These legal advancements will enable APF, Nepal to effectively safeguard Nepal's sovereignty and territorial integrity while enhancing its ability to counter evolving security threats.

From the different literature review, content analysis, field visit, case analysis and current practices in the border security, researcher concluded that some legal reformation in the legal aspects and practice and temporary assessment need to effective border security for APF, Nepal. The legal framework governing APF, Nepal's border security, requires significant updates to address contemporary security threats. Legal ambiguities and inefficient laws, such as the Armed Police Act, 2001, and the Constitution of Nepal, 2015, impede APF, Nepal's ability to effectively manage cross-border operations, intelligence sharing, and the adoption of modern surveillance technologies. The absence of a dedicated Border Security Law weakens APF, Nepal's authority in managing border-related crimes and coordinating with national and international agencies.

Some Key reformation in the legal frameworks for effective border security are as follows.

a. Dedicated Border Security Law

A comprehensive Border Security Law should be enacted to grant APF a legal mandate to secure the border, manage disputes, and address modern security challenges, including cybercrime and organized crime.

b. Clear Role Definition and Inter Agency Coordination

Legal reforms should clearly define the roles and responsibilities of APF, Nepal Police, Customs, and other agencies involved in border security, ensuring seamless coordination and efficient joint operations.

c. Adoption of Modern Technologies for Border Security

Legal provisions should authorize the use of advanced technologies such as AI, drones, and biometric surveillance systems to enhance border monitoring, improve security, and prevent transnational crimes.

d. Legal Framework for Cross-Border Cooperation

Laws should enable bilateral and multilateral intelligence-sharing agreements with neighboring countries (India, China) to address cross-border threats, and establish regular counterpart meetings for effective collaboration.

e. Border Pillar Management and Land Security

Legal provisions must address the repair, relocation, and protection of border pillars, as well as preventing encroachments on border land and no-man's land to safeguard Nepal's territorial integrity.

f. Enforcement of Modern Border Security Measures

Legal reforms should establish clear guidelines for the enforcement of modern border security tools, such as surveillance technologies, emergency deployment protocols, and counter-terrorism measures, to address emerging threats efficiently.

g. Addressing Border Crimes and Jurisdictional Conflicts

Laws should define border crimes like human trafficking, smuggling, and illegal crossings with clear legal procedures for APF to address them effectively, eliminating jurisdictional confusion.

h. Protection of Local Communities and Cultural Traditions

Legal frameworks should protect the rights and privileges of local communities living along the border, ensuring their access to services and preserving their cultural traditions and religious practices.

i. Disaster and Environmental Management at International Borders

Legal reforms should include provisions for effective disaster response and environmental protection along the border, ensuring timely action in case of natural disasters or environmental degradation.

j. Cross-Border Dispute Resolution and Territorial Clarity

Legal provisions should clarify border demarcation and handle disputes with neighboring countries, providing a framework for resolving issues like the Mahakali River dispute and ensuring sovereignty over disputed areas.

k. Mobile Network Access and Local Community Privileges

Limited mobile coverage and restrictions on local movement hinder effective border security. Legal reforms should ensure reliable communication infrastructure and protect local communities' rights and privileges while balancing security needs.

l. Access to Restricted Areas and Cultural Protection

Legal barriers prevent APF, Nepal from accessing national parks and wildlife reserves for border monitoring. Laws should allow unrestricted access for security purposes while protecting local cultural and religious practices in border regions.

CHAPTER V

SUMMARY AND CONCLUSION

5.1 Summary

The thesis paper entitled A study of legal challenges of border security for APF, Nepal delves into the legal challenges faced by the APF, Nepal, in maintaining effective border security, particularly along the Nepal-India and Nepal-China borders. This thesis examines the legal framework and operational challenges faced by the APF, Nepal, in managing border security, particularly along the porous Nepal-India and Nepal-China borders. These borders, defined by both natural and artificial barriers, present significant security challenges due to transnational threats such as smuggling, human trafficking, and territorial encroachments. Despite the APF, Nepal's crucial role in ensuring national security and safeguarding Nepal's sovereignty, its operations are hindered by legal ambiguities, jurisdictional conflicts, and overlapping agency mandates. The study addresses these issues by exploring existing legal provisions and practices, identifying legal constraints, and recommending reforms to enhance the APF, Nepal's operational effectiveness in border security management.

The research primarily focuses on the Indo-Nepal border, particularly in the Kanchanpur and Kailali and Kathmandu districts, though its findings are generalized for the entire Nepal-India and Nepal-China borders. The thesis highlights critical gaps in the current legal framework and operational inefficiencies within the APF, Nepal. The objectives include analyzing existing legal structures, identifying the challenges faced by the APF, Nepal in border security operations, and proposing legal reforms to strengthen border security practices. The limitations of the study include a focus on two districts in the far western region, which may not fully represent the diverse cultural and practical realities across all border areas. The research also excludes airspace and water borders, concentrating primarily on territorial security and related activities.

Review highlights several key themes regarding Nepal's border security, emphasizing the legal gaps, inefficient frameworks, and challenges in coordination between agencies like APF, Nepal Police, and Customs. It stresses the need for a unified and modernized legal structure to enhance operational readiness, cross-border intelligence sharing, and collaboration with international partners. The proposed APF, Nepal Bill 2081 offers a potential solution, focusing on border management, intelligence operations, and operational flexibility. Jurisdictional overlaps and the

lack of clear authority hinder effective border control, while technological integration remains a critical gap. The study calls for comprehensive legal reforms to address these issues and improve border security efficiency.

This study adopts a qualitative research design to investigate the legal challenges faced by the APF, Nepal, in safeguarding the country's borders, with a particular focus on the Nepal-India and Nepal-China borders. Data was collected through semi-structured interviews, focus group discussions, and document analysis, addressing issues such as jurisdictional conflicts, coordination challenges, and gaps in the legal framework. Primary data was obtained from security heads, government officials, and experts during field visits to Kailali, Kanchanpur, and Kathmandu. Secondary data was drawn from legal texts, government publications, and treaties. Thematic analysis, international comparisons, and case studies were employed for data analysis, ensuring a comprehensive range of perspectives. Ethical standards were upheld, ensuring confidentiality and informed consent. The study seeks to identify legal gaps and recommend reforms to enhance border security management.

The study identifies significant gaps in existing laws such as the Armed Police Act, 2001, which outlines APF, Nepal's role in border security but lacks clear procedural guidelines for modern operations. The Constitution of Nepal, 2015 designates APF, Nepal as a key force for maintaining national integrity and border security, yet it does not provide specific legal mechanisms for intelligence-sharing and advanced surveillance technologies. The Customs Act, 2007 grants APF, Nepal some authority in preventing smuggling but does not explicitly define its role in customs enforcement, leading to jurisdictional ambiguities and insufficient coordination between agencies. The absence of a dedicated Border Security Law weakens APF, Nepal's ability to address contemporary threats like transnational crime, human trafficking, and border disputes.

The thesis recommends comprehensive legal reforms, including the introduction of a Border Security Law that clearly defines APF, Nepal's authority and enhances inter-agency coordination. Reforms should also facilitate the integration of advanced surveillance technologies, such as drones and AI, in line with the Arms and Ammunition Act, 1962, which grants APF, Nepal the legal right to carry weapons but lacks provisions for modern border security tools. The National Security Policy, 2016 outlines APF, Nepal's role in securing borders but does not specify the legal authority required for modern enforcement measures. The study advocates for amendments to the Criminal Procedure Code, 2017 to grant APF, Nepal defined powers over border-related crimes, empowering the force to address issues such as human trafficking and smuggling. The thesis highlights the need for better budgeting frameworks, environmental sustainability mandates from

the Forest Act, 2019, and stronger financial accountability to bolster APF, Nepal's institutional capacity and improve overall border security management. These proposed reforms aim to modernize Nepal's border security infrastructure, ensuring effective law enforcement and safeguarding national sovereignty.

The study identifies significant gaps in current laws, such as the Armed Police Act, 2001, and the Constitution of Nepal, 2015, which lack clear procedural guidelines and legal authority for modern border security operations. These ambiguities hinder APF, Nepal's ability to address emerging threats like cross-border crimes, human trafficking, and smuggling, as well as to adopt advanced technologies such as drones, AI, and biometric systems. The absence of a dedicated Border Security Law further weakens APF, Nepal's capacity to manage border security and coordinate with national and international agencies effectively. The thesis highlights the need for comprehensive legal reforms, including the establishment of a Border Security Law, clearer roles for inter-agency coordination, and the integration of modern technologies for better border management.

To strengthen Nepal's border security framework, the thesis recommends several reforms, including the creation of a Border Security Law to clearly define APF, Nepal's authority and improve collaboration with agencies such as the Nepal Police, Customs, and immigration authorities. Legal provisions should support intelligence sharing with neighboring countries and the use of advanced surveillance technologies. The study also advocates for guidelines on cross-border dispute resolution, protection of local communities, and environmental sustainability along the border. These reforms aim to modernize Nepal's border security, ensuring effective law enforcement and safeguarding national sovereignty in response to evolving security threats.

5.2 Conclusion

Legal challenges faced by the APF, Nepal, in managing border security, particularly along the Nepal-India and Nepal-China borders. The study identifies key legal and operational gaps that hinder APF, Nepal's ability to address modern border security challenges, including transnational crimes such as smuggling, human trafficking, and territorial disputes. The literature review highlights several critical issues, such as inefficient legal frameworks, jurisdictional ambiguities, and inadequate coordination between agencies like APF, Nepal Police, and Customs. Need for a unified and modernized legal structure to improve operational readiness, intelligence sharing, and cross-border collaboration are prime area for the border security. The research methodology, which

included semi-structured interviews, focus group discussions, and document analysis, provided comprehensive insights into these challenges, drawing from both primary and secondary data sources. Proposed APF, Nepal Bill 2081 presents a positive step forward, as it offers significant improvements in border security operations, such as defining clear mobilization procedures, authorizing necessary force, and allowing intelligence gathering for proactive crime prevention. The bill also provides greater flexibility in handling emerging threats, strengthening APF, Nepal's role in regional security.

Existing laws such as the Armed Police Act, 2001, and the Constitution of Nepal, 2015, which do not adequately address modern border security requirements. Government has prioritized legal reforms, particularly the creation of a dedicated Border Security Law, to define APF, Nepal's authority and responsibilities clearly. It is recommended that integrating advanced technologies, improving inter-agency coordination, and enhancing cross-border intelligence sharing with neighboring countries. Proposed reforms include granting APF, Nepal clear procedural guidelines for border security operations. These changes aim to strengthen APF, Nepal's ability to manage emerging threats effectively, safeguard sovereignty, and ensure robust border security management in line with modern security needs. The positive aspects of the proposed APF, Nepal Bill 2081 will significantly contribute to these goals by enhancing operational efficiency and giving APF, Nepal more authority in modern security contexts.

Border area development should be promoted as an integral part of a comprehensive approach to enhancing border security. Investing in the socio-economic development of border regions, coupled with the establishment of community-based monitoring systems, will not only fortify border security but also encourage local engagement, reducing vulnerabilities in these areas. By addressing both legal and infrastructural gaps, the proposed reforms will significantly improve Nepal's border security framework, ensuring it aligns with contemporary security challenges. Moreover, these reforms will foster regional cooperation, creating a more robust, sustainable, and effective system for securing Nepal's borders while promoting peace and stability in the region.

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APPENDIX “A”

(Refer Page No 25)

List of Key Informants Interview

S. N	Diginatin	Address	Code
1	Head of APF, Nepal Border Security Department	APF, Nepal HQ, Kathmandu	P1
2	Head of APF, Nepal Operations Department	APF, Nepal HQ, Kathmandu	P2
3	Head of APF, Nepal No 7 Bde HQ Kailali	Kailali District	P3
4	Chief District Officer, Kailali	Kailali District	P4
5	Head of District Police Office (Nepal Police) Kailali	Kailali District	P5
6	Head of APF, Nepal No 34 Bn Hq Kailali	Kailali District	P6
7	Director General	Department for Management of Proceeds Crime (MoHA)	P7
8	Head of Plant Quarantine Office, Kailali	Kailali District	P8
9	Head of Kailali Customs Office	Kailali District	P9
10	Chief District Officer, Kanchanpur	Kanchanpur District	P10
11	Head of District Police Office (Nepal Police) Kanchanpur	Kanchanpur District	P11
12	Head of APF, Nepal No 35 Bn HQ Kanchanpur	Kanchanpur District	P12
13	Head of Kanchanpur Customs, Office	Kanchanpur District	P13
14	Customs Officer, Kanchanpur Customs Office	Kanchanpur District	P14
15	APF, Nepal Propose Coy Cdr, Gaddachouki	APF, Nepal Propose Coy Gaddacauki	P15

16	APF, Nepal Propose Coy Cdr, Trinagar	APF, Nepal Propose Coy Trinagar, Kailali	P16
17	SP, Legal Directorate, APF, Nepal HQ, Kathmandu	APF, Nepal HQ, Kathmandu	P17
18	Deputy Registrar, Supreme Court of Nepal	Supreme Court of Nepal	P18
19	Section Officer, Supreme Court of Nepal	Supreme Court of Nepal	P19

APPENDIX “B”

(Refer Page No 27)

Check List for Key Informant Interview (KII)**Good Morning/ Afternoon**

My name is Ganga Datt Pant, a Master’s student in Security, Development and Peace Studies (MSDPS) at the APF Command and Staff College, Sanogaucharan, Kathmandu. I am conducting research for my master’s thesis titled **LEGAL CHALLENGES OF BORDER SECURITY FOR APF, NEPAL**. The objective of this study is to analyze existing legal provisions, practices, and the challenges faced in the field during border security operations.

In this context, I will be asking you some questions during the interview and look forward to your responses. Your inputs will serve as a cornerstone for the conclusions and recommendations of this research. Please note that you are free to pause the interview or decline to answer any question that you feel uncomfortable with or do not wish to respond to. However, I sincerely hope you will share your valuable insights to help identify the legal challenges, issues, and practices in border security.

With your permission, I would like to record the interview for accuracy and reference purposes. Below is the checklist of the questions I will be covering.

Please let me know your preferred language, English or Nepali.

1. General Information of the Key Informant (KI)

a) Name of the Informant:

b) Designation/Title:

c) District/Location:

d) Organization:

e) Experience in Border Security (Years):

f) Contact Information:**2. Physical Security**

Q 1. What policies and legal provisions does APF, Nepal follow to secure the international border, prevent encroachment, and maintain border pillars? What challenges does it face?

Q 2. What are the legal challenges faced by APF, Nepal in securing the border, particularly in relation to border land management and the maintenance of international border pillars?

3. Trade and Transport Facilitation

Q 3. What legal provisions are needed for APF, Nepal to develop a mechanism that boosts international trade, increases customs revenue, secures infrastructure, and controls illegal trade?

Q 4. How can APF, Nepal use modern technology and communication systems to monitor at the international border and ensure smooth movement from a legal perspective?

4. Movement Regulation

Q 5. How does APF, Nepal legally manage border movement and illegal migration, such as refugees, crowd control, cultural exchange, and pilgrimage across the international border effectively in terms of border security?

Q 6. In your view, how does APF, Nepal legally handle situations during special deployments and emergency responses in the border area, such as disaster response and the sealing of international borders, to ensure effectiveness?

5. Internal Security in the Border Area

Q 7. What legal challenges does APF, Nepal face in border area deployments for internal security, and how can legal provisions be updated to manage transborder crime, smuggling, counterfeit currency, and human trafficking?

Q 8. In your opinion, what kind of internal and international counterpart coordination mechanisms are needed for effective internal security in the international border area?

6. Border Development and Environment Promotion

Q 9. What legal provisions are needed for APF, Nepal, to implement border development programs, such as infrastructure, vocational training, awareness, disaster management, education, and health campaigns in border areas?

Q 10. In your opinion, what legal provisions are necessary for the Armed Police Force, Nepal, to enhance border security effectiveness in the context of water flow management, greenhouse gas emission control, afforestation, wildlife movement, and network coverage?

Q 11. In your opinion, what legal provisions would make the use and monitoring of modern technologies such as drones, CCTV cameras, and mobile network surveillance more effective for the Armed Police Force, Nepal, in border security?

Q 12. In your opinion, what are the current legal challenges and solutions, apart from the ones mentioned above, for the Armed Police Force, Nepal, in ensuring effective border security?

Thank you for sharing your valuable insights. Your detailed input will play a vital role in shaping the outcomes and recommendations of this research study. Thank you for your valuable time and have a pleasant day.

GLIMPSES OF FIELD STUDY



Source: Researcher own Compliance 2025



Source: Researcher own Compliance 2025



Source: Researcher own Compliance 2025