

# WHAT AILS OUR INTERNAL SECURITY?

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## 1. Introduction:

1.1 US National Intelligence Council(NIC), the analytical arm of US intelligence, whose reports are mostly available on the web, have said this about India in their latest publication “Global Trends 2025-A Transformed World” (November 2008) : “India probably will continue to enjoy relatively rapid economic growth. Although India faces lingering deficiencies in its domestic infrastructure, skilled labor, and energy production, we expect the nation’s rapidly expanding middle class, youthful population, reduced reliance on agriculture, and high domestic savings and investment rates to propel continued economic growth.... Regional and ethnic insurgencies that have plagued India since independence are likely to persist, but they will not threaten India’s unity.....However India is likely to experience heightened violence and instability in several parts of the country because of the growing reach of the Maoist Naxalite movement”.<sup>i</sup> Similarly Hong Kong based “Political & Economic Risk Consultancy (PERC)” rated India in their October 2008 report with the “highest instability score” of 6.87 among 16 countries examined (with 10 being the highest risk) due to “Uncertainty over the outcome of general elections next year, rising communal violence and increased militant attacks”.<sup>ii</sup> Needless to say the Lashkar attacks in Mumbai on November 26, 2008 proved this dark prophesy. This paper analyses why India has such an unstable system of internal security.

1.2 There is a mistaken belief in certain circles that national security could be ensured with strong defence forces or by effective internal policing system. The desire to upgrade weaponry is out of this belief. However USA was subjected to a humiliating terrorist attack on Sep 11, 2001 despite having the best weaponry and second largest army in the world (over 14 lakh soldiers). The “unarmed” attackers took their aggression even to Pentagon, citadel of their security, using innovative weapon like commercial airliner. Russia was not able to prevent repeated Chechen attacks on various targets despite having the third largest army (12.5 lakh soldiers). Similarly India could not prevent an attack on our parliament on Dec 13, 2001 or the earlier Kargil incursion, despite having the fourth largest army with almost 12 lakh

soldiers. Or for that matter, Israel, which is quoted as the role model of anti-terrorist strategy is unable to prevent repeated acts of suicide terrorism, which has sapped the morale of its army to such an extent, that various commando units had refused to participate in operations.

1.3 A nation formulates its security policy taking into account its domestic, foreign, defence, economic, social and commercial interests. Quite often, these could clash with others thereby becoming security threats to other countries. For example US President's National Security Strategy for 2006 identified nine areas of security interest like foreign policy, commercial priorities like pursuit of globalization, opening overseas markets through FTAs to provide "new opportunities to American farmers and workers" as well as health and environmental issues. We have no such policy of releasing our security strategy to the public despite having a National Security Council. The open version of the Home and Defence ministries' reports deal with only defence and internal security issues. We follow a rigid policy of allowing only traditional players like military services, intelligence agencies and to some extent the police in evolving national security strategy.

1.4 At the same time globalization has loosened States' control over their polity. Stanley Hoffman called this "erosion" as the "emergence of a transnational Society that includes multinational corporations, non-governmental organizations, criminals and terrorists"<sup>iii</sup>. Corporate sector has encroached into the security arena, wresting some areas from government, such as vital industries, communications, financial and commercial management, which are also subject to trans-border developments. To give an example, media had highlighted that Vodafone, which had bought Hutch in India, has more than 160 million customers in 26 countries. It is only for this reason that the United States, in the wake of 9/11, acknowledged that over 100 different sectors had vital roles to play in national security. The department of Homeland Security was set up to represent such diverse elements, including corporate sector, instead of casting the responsibility only on traditional institutions like department of Defense, intelligence services and FBI. Several governments have also realized that armed forces, police and intelligence agencies themselves cannot prevent breaches of national security or terrorism in a "stand alone" fashion without active involvement of regulatory wings in various government and private sector entities like transport and communications. Unfortunately there is as yet no such realization in India.

1.5 Internal and external security are two sides of “National Security”. To quote the “Group of Ministers”(GOM) report in February 2001 after the Kargil War: “National Security is a function of a country’s external environment and the internal situation, as well as their interplay with each other”. Both are inexorably woven together and have many components: Ensuring territorial integrity, preventing political and economic subversion, protecting national leadership and vital installations as well as safeguarding our society’s character as envisaged by our founding fathers which would include preserving inter-community relationship. The “GOM” further said: “A strong sense of nationalism and good governance also form an integral part of national security; as does the ability to retain political and economic sovereignty and autonomy in decision making, in an era of globalization and increasing economic interdependence”.

1.6 Of late security has been classified as “traditional” and “non-traditional”. Non-traditional security issues (NTS) like migration, human security, disaster, epidemics, diseases like HIV and AIDs, human trafficking, small arms, transnational crime and environmental security are given more attention now. Control of epidemics like SARS is no longer the worry of one country. It affects the entire region. Similarly the Indonesian “haze” affects all the countries in the region. Based on this there is even an attempt to re-define “sovereignty” on the ground that the principle of non-interference and state sovereignty cannot deal with NTS. As Dr.Surin Pitsuwan, former Thai foreign minister said: “One has to therefore revisit the sanctity of the concept of sovereignty.”<sup>iv</sup>

1.7 Pressures on national security change quite often beyond the control of national governments on a kaleidoscopic pattern in a fast changing “Wired world”. Turbulence in a country has serious security implications on its neighbours as the case of Pakistan/Afghanistan, Nepal/India, Bangla Desh/India and Srilanka/India.

The purpose of this paper is to examine the present and future challenges on internal security and how far the present structure is able to meet them.

## **2. Challenges to national security:**

2.1 I shall deal with challenges under two heads: “Conventional” or “traditional” and “Non-conventional or Non-traditional”. “Conventional challenges” are the existing layout of our land and waters, its management problems and areas of

turbulence. The “Non-conventional or non-traditional ” challenges are those factors, which are likely to dominate the security scenario in course of time, which have to be adequately understood and anticipated.

## **2.2 Conventional Challenges:**

### **2.3 Border Management:**

India has 14,103 kilometers of land border with our neighbours, not all of them friendly. (Bangla Desh-4, 053; Bhutan-605; Burma-1, 463; China-3, 380; Nepal-1, 690; Pakistan-2, 912). We have a sea border of nearly 7,000 kilometers. According to MHA’s admission, 1.5 lakh foreign nationals who legally entered India between 2003 and 2006 “vanished”. (Bangla Deshis-72, 415; Afghans- 34,767; Pakistanis- 21,389). There is no estimate of those who illegally entered India. A comparison with United States will be of use. US has 10,677 KMs of land border with Canada and Mexico. Statistics collected before 9/11 on their border control problem is mind-boggling. In 2000 alone, 489 million people, 127 million passenger vehicles, 2.2 million railroad cars, 829,000 planes, 11.6 million maritime containers, 11.5 million trucks and 211,000 vessels passed through the US border. However that country has entered into a 30-point “Smart Border Treaty” with its neighbours casting responsibility on them for verifying credentials of border-crossers. It has also formalized “Container Security Initiative” with all trading nations whereby the originating nations have specific security obligations. We have no such arrangement with our neighbours. US has 19,928 KMs of sea border, which they manage to watch with 211 aircraft and 1,400 boats of Coast Guards who have a budget of US\$ 10.7 Billion. We have only 45 aircraft and 69 boats to manage the long coastline.

### **2.4 Serious insurgency situation in specific areas:**

Apart from the Maoist insurgency, which is analyzed elsewhere in this article, the law and order situation in the Indian North East is deeply disturbing. The overall violence has shown an increase in 2007(till March 2007) over 2006. Government of India’s present strategy of using only coercive apparatus has increased public alienation. However even in areas where peace talks are going on, the situation is alarming as reported in a highly reliable fortnightly.<sup>v</sup> . The correspondent who visited Nagaland in July 2007 coinciding with the visit of Govt.of India’s representatives (S/Shri Oscar Fernandes, K.Padmanabhaiah etc) had written about the deeply

entrenched parallel government existing in that region. He saw the regularly functioning headquarters of the Isak Swu-Muivah faction of the National Socialist Council of Nagaland now called Nagalim [NSCN.(I-M)] with a board “Government of the People’s Republic of Nagalim” (GPRN), in Hebron, 40KMs off Dimapur, Nagaland’s capital. It has its own Parliament (Tatar Hoho) and own army with its headquarters at Mt.Gilead. They collect their own taxes (house tax, Loyalty tax, army ration tax) by issuing receipts and have their Accountant General, National Bureau of Intelligence and Anti-Corruption Bureau. GPRN issues “Work permits” to migrant workers from “India” for an annual fee of Rs. 130. Needless to say the local village councils do not report crimes to Nagaland State Police but only to GPRN Police. The correspondent saw their “Yaruiow”(President) Isak Swu and “Ato Kilonser”(Prime Minister) Muivah being escorted by heavily armed Naga Army while Nagaland Police and CRP accompanied Sarvashri Fernandes and Padmanabhaiah. It was quite clear that NSCN (I-M) had utilized the cease-fire since 1997 very wisely to establish their parallel government.

2.5 I do not want to give statistics on terrorism in India, which is well known. US government statistics indicate that out of 14,352 terrorist incidents in 2006 all over the world, 9000 were by “Unidentified perpetrators”.<sup>vi</sup> The rise of “Do-It-Yourself Terrorism” in India is a cause of serious concern. During this period most of the attacks in India were “anonymous”. However since 2007 several modules belonging to the banned Students’ Islamic Movement of India (SIMI) and “Indian Mujahideen” have been unearthed. The Mumbai attack on Nov 26, 2008 was however done by the Pakistani based Lashkar –e-Toiba although they have officially denied it. Under the existing strategy, based on the allocation of subjects under “Central List and “State List” the responsibility of tackling terrorism has been left largely to the States who are not able to deal with this serious issue. This is because terrorism is transnational, professional and secretive in nature, conducted by highly motivated cadres. State police units, on the other hand, are fragmented, largely inefficient, slow in reaction, badly trained and highly politicized. Postings in intelligence wings are a punishment. Police cadres are governed by tenure rules, which prevent the growth of the professionalism needed to penetrate secretive terror units. Operational efficiency of the police units differs vastly from state to state. Coordination between police units is hardly satisfactory. Interrogation reports are not shared promptly. Just one instance alone will indicate that the State Intelligence will not be able to deal with such trans-border terrorism. A chance arrest of Noor Sikander by Mumbai Police in May 2003

for the March 2003 serial Mulund blasts had revealed that criminal Aftab Ansari, deported to India in Feb 2002 being involved in the Jan 2002 shooting of Kolkata USIS office had masterminded the kidnapping of Partha Burman (Kadim shoes) in July 2001 for ransom. This amount (reportedly US\$ 600,000 or \$ 830,000) was sent through Hawala channels in Hyderabad or Dubai to Saeed Omar Sheikh of Jaish-e-Mohammad (Killer of Daniel Pearl) who forwarded it to Mahammed Atta before 9/11. In other words the Kolkata ransom amount funded 9/11 fully or partly. We came to know about this only in 2003. <sup>vii</sup>

### **3. 1 Conventional policing problems:**

With the rise in urban and rural poverty and consequent degradation of lives, our cities have become tinderboxes for flash riots. Any small reason is enough for people to riot. In 2008 we saw Gujjar-Meena riots, Dera-Sikh tension in Punjab-Haryana, anti-SEZ agitations, anti-Tata small car project riots in West Bengal, communal clashes in Assam over “Foreigners” and anti-Dalit riots in Southern Tamil Nadu. In all these cases the local police found it very difficult to control angry mobs. Repeated lynching of suspected thieves or kidnappers in Bihar in 2007 was an indication of the public losing faith in the criminal justice delivery system. State governments have been totally unequal in dealing with these convulsions on developmental issues and defusing it at political level. They have left it to the Police. Politicians exploit the situation for electoral gains. It is thus clear that the State Police is unable to handle even the existing crime & law and order problems. As such they will be in no position to handle the non-traditional security challenges listed below. The remedy is not raising the police-to-population ratio by mass recruitment and creating unmanageable police units, which in turn would result in command & control problems, but in rationalizing police work by taking away some of their burdens.

### **4.1 Non-conventional or non-traditional security Challenges:**

As mentioned earlier the first challenge to internal security is the gradual de facto ceding of national sovereignty by established national governments to non-State actors like commercial entities, multi-nationals and non-governmental groups. Commercial and social groups pursue their own foreign relations, which quite often outshine government initiatives, example being the lead role played by US-India Business Council, FICCI or CII during the Congressional hearings on US-India nuclear pact. Multinational commercial entities also pursue their own foreign

relations, which act as compelling ingredients in the evolution of the security, foreign or commercial policy of a country, example being the influence of Boeing on US-China policy. The concept of “Global Civil Society” and “Global Justice” is evolving to act as pressure points on national governments. The strength of NGOs has been increasing tremendously. In 1948 only 41 international NGOs were on “consultative status” with United Nations. The number increased to more than 1,000 in 1992. <sup>viii</sup> Along with this there are demands to set up “Regional human rights courts” to “prevent criminalisation of press freedom” in Asia to be a watch dog to protect journalists from libel suits on the model of the European Court of Human Rights in Strasbourg. <sup>ix</sup> The dispersal of decision-making power from a centralized State apparatus to a diversified strata has increased the tensions of an already overburdened internal security apparatus.

4.2 Along with this, the power of media and the process of public opinion formation in a free society have undergone radical change due to Internet and faster means of communications like TV or FM Radio. Serious law and order problems occur well beyond the control of regulatory authorities when instant adverse opinion formation takes place. The problem is illustrated by the Danish Cartoon controversy in 2006, which caused riots in more than 12 countries including India, or the alleged derogatory remarks by a Delhi based FM Station on “Indian Idol” Prashant Tamang, which resulted in very serious riots in Siliguri on September 29-30, 2007.

4.3 Globalization with rapid commercialization has caused tremendous strains in the internal security situation. Retail supply Giant chains run by big commercial houses are facing heavy weather in many states for uprooting lakhs of traditional retailers or hawkers. Riots had taken place and at least 2 State governments had taken steps to close down such retail giants. The next cause of serious tension is the way Special Economic Zones (SEZs) are being pushed by several governments. The Parliamentary Standing Committee on SEZs had criticized the “undue haste” with which the Commerce Ministry had cleared the scheme of SEZs (364 approved and 180 in principle) whereby industrial growth has been given undue priority at the cost of agriculture sector. Many of these projects like Nandigram were subjected to face violent agitation. The 9<sup>th</sup> “Maoist Unity Conference of Naxalites in February 2007 had openly declared that they would oppose these SEZs. Maoists were prominently seen in Nandigram violence. The Leftist sponsored “Land Occupation Movement” in Andhra Pradesh in June 2007 saw the participation of nearly 3,50,000 people in over 1,000 centres. The credibility of Andhra Government suffered greatly when it was

reported that nearly 12 lakh acres which were in illegal possession could not be recovered so far despite promises earlier.

4.4 The fact that globalization has not resulted in alleviating poverty but has only helped the rich is causing serious pressure on security agencies. The report of the National Commission for Enterprises in Unorganized Sector has revealed that 836 million or 77% of India's population earned less than Rs.20 a day. This is the combined population of USA, Indonesia, Brazil and Russia. Dr.Arjun Sengupta, Chairman of the Commission said that three fourths of Indian population has been "bypassed " by the high rate of Indian economic growth. <sup>x</sup> This has sharpened inequalities. UN-Habitat (Nairobi) said in a recent report that urbanization and chaotic urban planning has resulted in increase in crime all over the world. <sup>xi</sup> Rural and urban poverty in India is spurring crime and law and order problems. National Crime Records Bureau (NCRB) reported that 35 "Mega cities" (having a population of over 10 lakhs) saw an increase of IPC crime from 2,89,775 in 2001 to 3,14,708 in 2005. A 2006 study by the Tata Institute of Social Sciences, Mumbai found that the number of homeless pavement dwellers in Mumbai varied between 250,000 to 500,000. It is already well known that 60% of the Mumbai population of 10.5 million lives in shanties. Bangalore, the "Silicon Plateau" of India has seen an unprecedented increase in crime although that city was comparatively quiet earlier. Now it has overtaken Mumbai and Delhi in crime, registering 5<sup>th</sup> highest rate, recording 9.2% of all the crimes recorded in India. Delhi, according to NGO "Toxic Watch" had become the "Global E-Waste Capital" in 2006 recycling 10,000 metric tons of e-waste (Old TVs and computers) employing over 15,000 people in that hazardous profession. This distinction has now gone to Mumbai in 2007 according to Maharashtra Pollution Control Board.

4.5 The looming effects on security by the problems of climate change, water shortage and resultant migration have not been studied by our government as a security challenge. Dr.R.K.Pachauri, Chairman of the Intergovernmental Panel on Climate Change (IPCC) had said: " Wheat production in India is already in decline, for no other reason than climate change. Everyone thought we didn't have to worry about Indian agriculture for several decades. Now we know it's being affected now". <sup>xii</sup> IPCC 's Working Group II has said that temperature rise by 1 to 2 degree centigrade is likely to affect 2 billion people while a rise of 3 to 4 will affect 3.2 billion, one sixth of the world's population. In the resultant decrease in cereal productivity 50-266 million people will be exposed to hunger. <sup>xiii</sup> None in India

studied Dr. Pachauri 's report until he shared the Nobel Prize with Al Gore. In 2004 The Canadian Security Intelligence Service (CSIS), the national intelligence agency of Canada warned in an unclassified analysis that climate change and environmental degradation was likely to contribute significantly to conflicts and instability. The study also concluded that migration is also likely to be the result of such changes. In 2005 at least 80,000 Hondurans migrated (Legally or illegally) to USA after Hurricane Mitch. In the case of poorer nations like Honduras the capacity to limp back to normal was severely limited. It further said that Hans Chinese migration into Western China and Tibet was because the decreased precipitation in North Central and North Eastern China. The current unrest between Muslim Uighurs in North West China and migrant Han migrants was traced to this migration. The study found a similar pattern in Pakistan which was experiencing high rate of population increase, degradation of agricultural land, increasing rural to urban migration all of which contributed to political instability.<sup>xiv</sup>

4.6 "Forum", the monthly publication of "Daily Star"(Bangla Desh) devoted its August 2007 issue to Bangla Deshi migration, which had grown from a few thousands in 1970s to more than 3 million in 2002. "Much of the domestic labour in Calcutta is now Bangla Deshi, and consists primarily of women and children. Living in constant fear of detection and deportation they are liable to be underpaid and have little recourse to complain if working conditions are unfair or even inhuman. The implications are greater for the hundreds of thousands of Bangla Deshi men who work in India's factories and increasingly on construction sites throughout cities...." The same magazine said that there might be at least 7,00,000 such illegal migrants in Mumbai.

4.7 Rapid up-gradation of the living standards has resulted in choking the already congested road network in India. The number of registered vehicles increased 50 times between 1970 and 2005 but the road network went up only by 3%. According to a 2007 report there were 12.7 road fatalities per 10,000 vehicles in India (USA: 1.79;UK: 1.0; Germany: 1.1). The same report quoted the Planning Commission that road accidents resulted in a loss of Rs. 55,000 crores a year. Almost 1,00,000 Indians die every year in over 300,000 accidents. WHO studies revealed that Indian road safety record has been declining at an alarming rate of 5% every year. <sup>xv</sup> Corruption is the only reason.

### **5.1 Parameters for “Ungoverned territories”:**

US Think Tank “Rand” in a 2007 case study of 8 “Ungoverned” territories found the following attributes which led to serious internal security and law and order problems which spilled outside causing turbulence to the whole region. “Ungoverned territories can be failed or failing States, poorly controlled land or maritime borders or areas within otherwise viable states where the Central government’s authority does not extend”:

- (a) Lack of State penetration: Absence of State institutions, Lack of physical infrastructure, corruption and the prevalence of informal economy
- (b) Lack of monopoly of force: Illegal armed groups, criminal networks, population with access to arms
- (c) Lack of border controls
- (d) External interference<sup>xvi</sup>

5.2 This writer had written a piece (“Does the Indian State Exist?”-Asian Age 29 March 2007) highlighting the grave danger to the integrity of the nation if the Maoist activities were allowed to grow unchecked since even by official admission 150-165 districts in 12-14 States were under the grip of Maoist violence where they could choose targets within 550 police stations and hit at their will. On the other hand a detailed survey by “Frontline”(Sep 8-21, 2007) found that much of the blame for the growing strength of Maoist movement was because of administrative lapses by the Central and State governments in not understanding the underlying issues and treating it only as a law & order problem despite forming the “Inter-Ministerial Group”(IMG) headed by the Addl. Secretary, MHA to focus only on socio-economic issues. The Asian Centre for Human Rights (ACHR) was quoted by the magazine that an estimated Rs.6, 500 crores for National Rural Employment Guarantee Programme (NREGP) were not spent during 2005-06. Similarly Rs.1, 522.90 crores for tribal development could not be released by the Ministry of Tribal Affairs to State governments because the latter did not submit utilization certificates. Mr. D. Bandopadhyay, Chairman of the Expert Group on “Development Issues to deal with Causes of Discontent, unrest and Extremism”(Planning Commission) blamed governments concerned for the present situation since no care was taken to resettle

jobless tribal people displaced from Central India due to mega projects. "There is no official figure estimating the number of displaced people due to coercive acquisition of land for development purposes. Scholars' estimates vary. One scholar, Walter Fernandes, has estimated that between 1951 and 2005 roughly 5.5 crores of the Indian population have been so displaced. Of these only 28 to 30% has been properly resettled and rehabilitated. In the case of tribal people, it is estimated that only 18 to 20% of them have been properly rehabilitated". He said that the States are not interested in utilizing Central funds in the Maoist belt: "The States are not interested in looking at that segment of the population, which according to them, are not part of the mainstream". He compared the present situation with the West Bengal experience of 1967 in putting down Naxal menace within two and half years by re-distributing 1 million acres of land to the landless.

### **6.1 Present strategy of dealing with these challenges:**

The GOM Report (Feb 2001) had clearly said that the present security management was unsatisfactory. However it had tried to shift the blame to the State Governments: "The State Police is the most visible symbol of administrative authority and its failure to effectively maintain law and order has not only eroded the credibility of the Government but has also emboldened criminal elements to persist with their unlawful activities with impunity". The same trend is seen even now. Former Union Home Minister Shri Shivraj Patil told the State Directors Generals of Police during the annual IB Conference (Oct 3, 2007) that intelligence wings of the State Police were not able to meet the challenges of terrorism. The Prime Minister also expressed similar concern over the growing vigilantism where people took law into their own hands. In the past, policy statements from Delhi to counter such terror had come in torrents. The Prime Minister told the police chiefs on November 4, 2004: "Maoists constituted an even greater threat to India than militancy in Jammu & Kashmir and Northeast." Addressing the chief ministers of the Naxalite affected states (April 13, 2006) he repeated that the Naxalites constituted the single biggest internal security challenge. After the Naxalite Ranibodli terror resulting in the massacre of 68 policemen, Union home minister Shivraj Patil said: "Centre, in association with the state governments, was fully determined to combat the challenge posed by the Naxalite menace". What exactly was done to convert this into action besides these ritualistic exhortations?

6.2 This is ironical since the GOM report had stated: "The Ministry of Home Affairs (MHA) has the nodal responsibility of maintenance of internal security in the country and has to ultimately deal with the consequences of any dereliction of responsibility at the local level and must therefore play a more proactive role vis-à-vis the state governments.... Appropriate restructuring of the MHA is called for in order to better equip it to deal more effectively with the problems of internal security". It fact it had even recommended strengthening emergency provisions under Article 352 and 359. "The source of this potential lies in Article 355 which casts upon the Union the responsibility to protect every state against internal disturbances and to ensure that the Government of every state is carried on, in accordance with the provisions of the Constitution". Some of the recommendations were "suo moto"(sic) deployment of central forces if the situation prevailing in the States so demands. This is especially relevant when turbulence in some states like UP (Babri demolition) and Gujarat (Godhra riots) had resulted in serious internal security problems for the whole country. In fact much of the anonymous terrorism that we are witnessing now can be directly attributed to the abdication of constitutional responsibility by these 2 States in the past. They were responsible for exporting turbulence beyond their borders by their connivance and deliberate inaction. This should not be allowed in a federal set up.

6.3 In actual practice nothing seems to have been done to translate the GOM recommendations into action. There is no evidence that the MHA has ever analyzed why the State Police is unable to meet the challenges. On the other hand, the Home minister's statement in Rajya Sabha (March 6, 2006) appeared to point to the helplessness of the Centre in convincing the recalcitrant states to be more cooperative in dealing with this inter-state threat. It seemed that the only role North Block assumed was merely convening such meetings: "However, some states had reservations about a permanent coordination mechanism of listing certain offences as federal crimes, in solving which the Centre could take an active part... But finally the states would have to cooperate. If they don't it will be very difficult." While the US system effected a major overhaul of their counter terrorist capability within one and half months of 9/11 by passing the Patriot Act, all we have been doing since 1990 is convening meetings.

6.4 There was in fact no need for the Central Government to be so helpless. There are precedents when such Central interventions have been accepted by the State Governments without demur. Well before the passing of the Special Protection Group (SPG) Act, all states had readily accepted the supervision and directions from

the Intelligence Bureau and later SPG over the Prime Minister's security. No state had protested that it encroached into their jurisdiction. Similarly all State Governments had accepted the supervision of their State security units by the Minister of State for Internal Security (MHA) in so far as the PM Security was concerned after the assassination of Prime Minister Indira Gandhi. However it is true that the proposal for inducting a central force (CISF) although offered by Delhi even as early as 1972 to man the airport anti-hijacking units, was not agreed upon by the States till the IAC 814 hijacking in 1999. In other words we need a crisis to accept such internal security reforms. After Mumbai terror attacks on November 26, 2008 there seems to be a hurry by Delhi to push through a federal police system which was lying in cold storage since 2001. It is however ironical that State politicians, when out of power, are the first to seek central intervention as seen in 2007 when Tamil Nadu BJP demanded a CBI investigation into the September 23<sup>rd</sup> attack on their Chennai office by ruling DMK cadres or when DMK itself demanded Central protection to Shri Karunanidhi when he was arrested by the Jayalalithaa regime.

6.5 The need for establishing the legal right of the Centre to selectively intervening in situations affecting national security will be all the more important in days to come with more and more weak and heterogeneous coalitions ruling the States. Even at the Central level this is necessary to safeguard the integrity of the nation by enacting laws, as there is a tendency to take shortsighted political decisions on political expediency. Nation's integrity should not be sacrificed at the alter of electoral gains. The right of the Centre to intervene, short of taking over the State administration, may become necessary in future when State politicians or even bureaucrats flout legal obligations with impunity for personal gains or for their party. A striking example is the refusal of Orissa government in tracing out the absconding rapist Mohanti, son of a Director General of Police. The example of the FBI raiding Washington DC Mayor Marion Barry in January 1990 for smoking crack cocaine in a hotel may be cited. In this particular case Barry was immensely popular with grass root political support and the local police under him did not dare take action. In fact Barry's armed bodyguard was with him throughout the process of arrest and release on bail. Such selective intervention could help checking criminalisation of State politics, which is increasing day by day with the Centre watching helplessly.

### **7.1 Case Study of the success of Centralized operation affecting national security:**

A long forgotten chapter in Indian history is the suppression of the "Thughees" by a remarkable individual named William Henry Sleeman.<sup>xvii</sup> Unlike many of his peers in the British service, Sleeman was a polyglot having mastered Arabic, Pushtoo, Hindustani, Gurkhali and Persian. He was also interested in agronomy, ethnography, political economy, paleontology, printing and was also responsible for introducing Mauritian sugarcane in India through his Mauritian wife of French origin. The subject of Thughee engaged his attention as a magistrate. Till then there were only rumours on this secret sect, which, according to later historians, had started operations even from Akbar's era. Like modern terrorist groups they transcended religion and caste, used secret codes and a language called "Ramsee," believed in omens and led double lives. They were so secretive that even their own families did not know of their activities. The British started taking notice of this menace from 1810-1812 when their own sepoy and an officer named John Maunsell disappeared. The looting of an Indian bank convoy in Malegaon in 1828 jolted them into action. The estimates on the number of killings over the centuries varied from 200,000 according to Guinness Book of Records to 50,000 by some British historians.

7.2 Although Governor-General Bentinck gave all logistical support in 1829 by designating Sleeman as the "nodal" officer in British India to fight the Thughee menace, there were formidable difficulties. Even the roads and landmass of India were not surveyed till 1832. He had to counter the fragmented and corrupt princely state police who did not extend any cooperation. His "modern technology" consisted only of pen, paper and indexes. However, he methodically collected every scrap of paper on 200 gangs all over India, creating an impressive database of 4,000 names with family trees as well as Muslim and Hindu aliases. British historian Mike Dash has said, "Some of the techniques that he developed in the early 1830s presaged methods that would not come into common use in police departments at home in Europe for another 50-60 years." Reports on each Thughee murder all over British India were sent to Sleeman for collation. Each Thug was assigned a unique number. This department spread all over India from Delhi border to Hyderabad, comprised only a staff of seven assistants besides 300 "najibis" (native soldiers). Later it was known as Political Intelligence Department, which became "Intelligence Bureau" after Independence. By 1830, he managed to arrest 350 Thugs based on this databank.

7.3 The modus operandi of this anti-crime force was the same as any modern anti-terror unit like centralized collection of information, collation, analysis, and dissemination to the other police systems besides conducting important centralized operations. Interrogation of captured Thugs was used to collect advance intelligence on their next operations. Secret funds were used to break die-hard Thugs to convert them as approvers. Bentinck approved Sleeman's hot pursuit of Thugs anywhere in India and overruled objections from princes and British residents. In 1831, Sleeman blasted the fort in Jhansi to catch a Thug leader when the ruler objected to his entry. All Thugs so arrested by Sleeman were brought for trial only in two special courts located in Sagar and Jabalpur. 4,500 Thugs were brought to trial between 1826 and 1848 of whom 3,504 were given extreme sentences like hanging and life term. Only 250 were acquitted. The Thug menace disappeared by 1840. This alone will indicate what a federal anti-terror police can achieve.

7.4 Centralized operations against subversive elements had always produced better results. When IRA terrorism was ripping apart England, London Metropolitan Police's Special Branch, which had tackled the menace earlier, was designated as the nodal authority to detect and prosecute IRA terrorism all over the country till MI5 (Domestic intelligence agency) was able to take over the responsibility in 1992. While the British Army and Royal Ulster Constabulary were indulging in their turf wars in Northern Ireland, Mrs. Thatcher appointed the retired Chief of MI-6 (Their foreign intelligence agency) as "Co-coordinator of Security & Intelligence" in N.Ireland to assist the Secretary of State. The book "C-A biography of Sir Maurice Oldfield" by Richard Deacon<sup>xviii</sup> gives a vivid account of the centralized operations conducted against IRA, forcing them to start negotiating. In the United States, all such crimes against the nation's security are investigated by federal agencies like FBI even when the states have full control over their police. We have an extremely serious situation now, which calls for out of the box solutions to be made acceptable to the state politicians.

## **8. Conclusions & recommendations:**

This writer has been advocating for several years a federal police to investigate terror cases and an effective terrorism intelligence integration centre for speedily conveying central intelligence to the state units for follow-up action. Unfortunately it was only after the 26/11 Mumbai massacre by a handful of well armed terrorists that the Central government was forced to take action by public fury. The new Home

Minister deserves full praise in setting up, within weeks, a Federal Police agency known as National Investigating Agency (NIA) to investigate cases of terrorism and inter-State crimes. Along with this he had also revived the dysfunctional Multi-Agency Centre (MAC) to speedily share terrorist intelligence with the states<sup>xix</sup>. This writer requests the Home minister to also look into the following points:

- (a) The State Police as structured now cannot handle the growing traditional and non-traditional security challenges. They should concentrate on day-to-day crime and law and order and leave inter-State crimes that affect national security to the Central agencies. Besides, the capability of State police forces vastly differs.
- (b) Recruitment of more police force to increase public-to-police ratio will only result in more management problems. The former Home Minister had said that India would recruit 1 million more policemen, thus doubling the police strength in the country. This will result untrained and ill-equipped mass of policemen in the streets considering that our training schools cannot handle this capacity. A better option will be to rationalize their work and reduce their workload. Recruitment of managerial staff and their training to “high end” crimes associated with globalization and expansion of economy will be a stupendous task. It will also be wasteful considering the transfer policy of the State Police where none will be allowed to stay beyond 3 years.
- (c) It has been realized that trans-border issues like terrorism, money laundering, drug running, human trafficking and transnational crime cannot be fought by national governments alone. The tendency all over the world is to integrate such operations by pooling resources on a trans national basis. The State Police cannot do this since opportunities for such co-ordination exist only at Central level. In most cases immediate action will have to be taken on leads from abroad.
- (d) In addition to the Delhi based MAC, regional terrorism intelligence integration Centres should be set up in important State capitals by the MHA to pool all intelligence related to terrorism, which should include Naxalite activities. Representatives from State Police should be made members. This should be manned round the clock like the US Homeland Security “Fusion Centers”.

- (e) Non-Security sectors including corporate bodies operating transport, shipping, communications, stock market and disaster management should be represented in formulating national security policy in non-sensitive areas like the US Homeland Security Advisory Council and be part of the decision making process to counter terrorism and trans-border crime.

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