

India's Stalled Internal Security Reforms¹

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Introduction

On November 26, 2008 the world watched as ten Pakistani terrorists from the Lashkar-e-Taiba (LeT) (currently operating under the name of Jamaat ul Dawa [JuD]) ravaged India's mega-city of Mumbai. The attackers, who operated in four teams, exhibited both tenacity and a deadly expertise. The complexity of the attack and the inadequate human and technical capabilities of the Indian security forces combined to fatally delay the Indian government's response: it took more than three days to end the siege. The rampage claimed the lives of 166 people.²

The Mumbai attackers arrived by sea. Indian authorities had ample warning that such an attack was possible, and even predictable: the government received at least six alerts between August 2006 and April 2008 about the likelihood of terrorist infiltration by sea.³ Furthermore, terrorists had been using these same sea routes since at least 1993, and on at least two occasions prior to 26/11 the government had expressed its renewed commitment to coastal security. In the wake of the 1993 assault on the Bombay Stock Exchange, the central government launched Operation Swan, which called for the Indian Navy and the Coast Guard to patrol the high seas while a joint coastal patrol team, comprised of officers from the state police, Navy and Customs, was to conduct patrols to enhance surveillance in shallow waters (e.g., creeks and inlets). Operation Swan remains in place, but as of 2011, in its 18 years of operation it had failed to seize a single vessel.⁴

Similarly, in response to public outrage over the Kargil Crisis and the deep humiliation of the national security and intelligence agencies, Prime Minister Atal Behari Vajpayee established a committee, chaired by K. Subrahmanyam, to determine the causes of the massive intelligence failure that preceded the invasion. The committee's report suggested sweeping reforms, including the establishment of a specialized marine police based out of coastal police stations. The central government did not enact these suggestions until 2005–2006, and it took the 2008 attacks to prod Gujarat state into action.⁵ One of the committee's recommendations, an electronic surveillance network encompassing the entire coast, is just now being implemented.⁶ Despite the harsh spotlight cast on coastal security by the 2008 Mumbai attacks, nearly four years later Prime Minister Manmohan Singh still listed coastal security as one of India's top four internal security priorities.⁷

The history of efforts to secure India's coastline is a microcosm of its larger internal security reform efforts. Many Indian and international commentators quickly endowed

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the “26/11” attack with the ignominious sobriquet of “India’s 9/11.” But others emphasized its continuity with what had gone before. In this century alone, India’s cities have suffered numerous terrorist attacks, many of them also declared watershed events at the time. In December 2001, five suicide attackers associated with Jaish-e-Mohammad attacked India’s parliament in New Delhi, killing ten. In July 2006, Pakistani operatives of LeT, along with members of the domestic terror group Indian Mujahedeen, launched a coordinated attack on multiple sites within Mumbai’s commuter rail system. That assault was even more lethal than the 2008 incident, killing at least 187 persons. These attacks by Islamic militants are in addition to those executed by other indigenous religious, ethnic and left-wing militant groups throughout India, in both urban and rural areas.

These earlier attacks had not precipitated a sustained focus on internal security, culminating in real reform, by state and federal political actors and institutions. The 2008 attack, which exposed India’s enduring vulnerabilities and triggered public outrage, was in fact followed by the announcement of sweeping and widespread reforms. But five years after 26/11, few of the announced reforms have been enacted. Many believe that India is no better prepared than before to meet such an attack. News reports note widespread and persistent problems with the preparation, training and equipping of India’s domestic security forces.⁸

This essay argues that although these critiques are surely justified, in the immediate aftermath of 26/11 India embarked upon an important process of internal security reform. Progress was considerable at first, especially given India’s traditionally lethargic political and bureaucratic system.⁹ This article documents these important, if limited innovations and identifies several factors that explain why the 2008 Mumbai attack triggered reforms when earlier, more deadly, events did not.

That said, most reform efforts have stalled prior to completion. It will be very difficult to achieve meaningful and pervasive reform at the federal and state levels due to center-state relations; the challenges of India’s democracy; the enduring system of patronage that undergirds federal and state politics; and corruption across the administrative service, political parties and critically, the police forces.¹⁰ Thus this essay asks, first, why 26/11 gave such a strong impetus to reform efforts, when previous attacks had done nothing of the kind; and second, why the reforms came to nothing, despite the strong political support of the central government.

We begin with a brief discussion of India’s internal security challenges, especially of this essay’s focus: the phenomenon of urban terrorism. The second section places the 2008 attack in the context of previous incidents, underscoring the sustained failures of Indian federal and state agencies to protect their citizenry, and discusses the shortcomings the attack exposed. In the third section, we pair a brief discussion of the reforms announced following November 2008 with an analysis of the political forces which drove this unprecedented response. In the fourth section we examine why, five years out, so little has in fact been done, presenting the institutional and political structures that restrict India’s ability to make further reforms at either the federal or state levels. The essay concludes with a discussion of the implications for India’s future internal security and the prospects for peace and security for India’s population.

Defining Internal Security

Internal security, as used in this essay, is a concept distinct from, yet closely related to, both ordinary law-and-order (in India, the province of the state police) and the use of force as part of a country's external relations (the province of the Indian armed forces). While the term too often goes undefined, one acceptable definition was offered by the Commission on Center-State Relations (Punchhi Commission), which defined internal security as:

... security against threats faced by a country within its national borders, either caused by inner political turmoil, or provoked, prompted or proxied by an enemy country, perpetrated even by such groups that use a failed, failing or weak state, causing insurgency, terrorism or any other subversive acts that target innocent citizens, cause animosity between and amongst groups of citizens and communities intended to cause or causing violence, destroy or attempt to destroy public and private establishment.¹¹

As this definition makes clear, threats to internal security are usually larger, more cohesive, and more politically oriented than mere criminal behavior. Furthermore, internal security challenges tend to be nation-wide issues—making them difficult for individual state police forces to confront effectively. Maintaining internal security thus requires a different approach, one that builds on local policing and foreign intelligence but is itself focused on India in its entirety.

The diversity and complexity of India's complex internal security challenges, however, tends to render any attempt at strict categorization moot. The line between economic and political violence, for instance, is a notoriously fuzzy one—should we call an armed gang which extorts protection money from local businesses while expressing Maoist sympathies a political insurgency or a mafia? We may agree that bank robberies are crimes that do not rise to the level of internal security threats, but many terrorist plots are financed through just such “ordinary” crimes. Thus it is difficult, perhaps impossible, to fully extricate internal security either from crime or the daily responsibilities of the local police, who are likely to be the first responders to any terrorist attack and who often provide the intelligence necessary to prevent such breaches of the peace. Furthermore, given the prominent role Pakistan plays in sponsoring terrorism within India, India's internal security clearly has a strong connection to its national security and foreign relations.

Keeping in mind the diversity of India's internal security universe, this essay will focus on the policy responses to one distinct challenge: the threat of urban terrorism. Terrorism may not be the gravest of India's internal security challenges—long-running conflicts such as the Naxalite insurgency and independence movements in the Northeast and Kashmir arguably pose a greater threat to the safety of India's people. But, in the aftermath of 26/11, India's counterterrorism policies were the subject of a unparalleled push for reform, one unlike any that its counter-insurgency programs have ever undergone. Thus, the counterterrorism arena provides us with a unique opportunity to study India's internal security policymaking processes.¹²

26/11: Ignoring the Warning Signs

The 2008 Mumbai attack involved simultaneous commando-style assaults on multiple targets throughout the city, leading to a three-day standoff with security forces. While India has long experienced terrorism, previous attacks had involved only a single target (the Parliament, the Kashmir state assembly, or an intelligence facility at the Red Fort, among numerous others). In addition, in many—but not all—if these prior cases, the attacks involved bombs planted in advance (e.g., the 2006 attack on Mumbai's commuter rail system, as well as myriad bombs in shopping markets and places of worship). However, in other instances, such as the 2000 Red Fort attack by LeT, the Kaluchak massacre of families of Indian army personnel in 2002, and the 2001 attack on Parliament in New Delhi, among others, the terrorists used “commando” style raids.

It is important to note the critical antecedents of the 2008 Mumbai strike, since doing so illuminates the Indian government's sustained inattention to India's internal security.¹³ LeT had established itself in India's heartland as early as August 1999, allowing it to strike far beyond Kashmir, with its first such attack, against an intelligence center located at the Red Fort in New Delhi, occurring in 2000. In the same year, Indian authorities intercepted three Pakistani LeT cadres who had planned to kill Bal Thackeray, leader of a Hindu nationalist group called the Shiv Sena.¹⁴ In 2004 the Indian government disrupted another LeT cell that had planned to attack the Bombay Stock Exchange, and in 2006 the Maharashtra police arrested an 11-member LeT cell that had shipped some 43 kilograms of explosives, assault rifles, and grenades to India using sea routes.

Several members of that cell had ties to the Students Islamic Movement of India (SIMI), which is responsible for numerous attacks within India using Indian cadres.¹⁵ Indian analysts believe that LeT, working with SIMI, the IM and smuggling rings, has been able to successively move large amounts of explosives and weapons by sea along the Gujarat coast.¹⁶ In addition, Mafia syndicates, working with and for Islamist militant groups, have moved explosives, guns, grenades, and other illicit cargo through similar routes along the Gujarat and Maharashtra coastlines since at least 1993, when they were used to supply explosives for the 1993 assault on the Bombay Stock Exchange, which killed at least 200 people.¹⁷ Thus, while the 2008 sea-based landing of the ten militants was exceptionally daunting, the concept was not innovative even if the complexity of the movement was.

LeT is not the only militant group operating in India; it is not even the only Islamic terrorist organization. Jaish-e-Mohammad, Hizbul Mujahideen, Harkat-ul-Ansar/Harkat-ul-Mujahideen, among others, have all sustained terrorist campaigns in Kashmir or other parts of India. In addition to Pakistan-backed terrorism, India has also experienced several ethnic insurgencies in its north-eastern states, some of which pre-date independence;¹⁸ a Sikh nationalist insurgency centered on the northern state of the Punjab;¹⁹ and, in the east of the country, multiple ostensibly Maoist uprisings led by militants known as “Naxalites.”²⁰ Pakistan has been accused of providing varying degrees of support to some of these indigenous insurgencies at different points in history.

Despite the steady pace of attacks, and their frequent similarity to one another, the Indian government has generally declined to take any major action to address

the risk of terrorism. When India does act in response to an internal security crisis, its approach is *ad hoc*, conflict-specific, and almost always involves the army, which has been deployed at various points in most of the insurgencies. Central armed forces, however, are uniquely ill-suited for combatting the menace of urban terrorism.

The local and state response to 26/11 laid bare numerous failures and shortcomings of the Indian counterterrorism architecture at both the state and federal levels.²¹ As was revealed in the following months, Indian security agencies had ignored numerous warnings that an attack was about to take place. Their response to the Mumbai incursion (which, again, stretched over days) was poorly organized and disregarded existing guidelines and standard operating procedures.

The Mumbai police, although they exhibited individual bravery, were insufficiently well-equipped or trained to handle a complex, multi-site attack by heavily armed terrorists. Many of the police officers on the scene were armed only with bamboo canes or outmoded rifles, and their protective gear (if they had it) was of poor quality. The police backstop—the army and the special counterterror forces—did little better, arriving hours after the attack had begun. The supposedly elite National Security Guard, which had to travel by plane from Delhi and then by bus from the airport, did not even appear on the scene until nine hours had passed.

Mumbai's Shockwaves

The fallout from the Mumbai attack was swift. Within days of the attack, Home Minister Shivraj Patil resigned, citing his “moral responsibility” for the Mumbai outrage, and Finance Minister Palaniappan Chidambaram assumed the post. Two weeks later, Chidambaram announced the first of several efforts to improve India's domestic security, placing the emphasis on coastal security. These were followed, a year later, by a major address to security personnel in which he called for the creation of a National Counter Terrorism Center (NCTC) and a national computerized information-sharing network, to be known as NATGRID.²²

On its part, India's parliament acted swiftly to increase the government's terror-fighting powers. On December 17, India's lower house (Lok Sabha) approved new anti-terror legislation; it was approved by the upper house (Rajya Sabha) the next day. The new Unlawful Activities (Prevention) Act gave new powers to the security services, including the ability to hold suspects for six months without charges. Some of these provisions (such as lengthy detentions without charge) have drawn domestic criticism.²³

Leaving aside, for the moment, the question of whether these proposed reforms ever bore fruit, it is clear that the Indian government's response to Mumbai was significantly greater than that prompted by previous terrorist attacks, some of which were nearly as spectacular (although none so deadly). Nor have any of the terrorist attacks that have taken place since Mumbai sparked even a fraction of the governmental response.

There are several possible reasons that the Mumbai attacks provoked such a different response. First was the media-friendly nature of the event itself. The siege lasted more than three days and was covered extensively in real time by the Indian media.

In addition, the attack became a global media event, a development facilitated by the relationships between India's burgeoning number of private media companies and international media conglomerates and also by the increasing coverage of India in international media. American audiences, in particular, were captivated by the events, which unfolded during the Thanksgiving holiday and involved several American victims. The tragedy was also covered extensively in Internet and social media.

The media coverage of the event threatened to make India appear unsafe for international business, a specter which galvanized the city's business community. In December 2008, an unprecedented coalition of investment bankers, corporate lawyers, representatives of some of India's largest companies, and the Bombay Chamber of Commerce and Industry (the city's largest business association) filed an extremely unusual public interest lawsuit against the government. The suit, which represented the first time the Chamber had been involved in such public interest litigation, charged that the government had "lagged in its constitutional duty to protect its citizens' right to life, and it pressed the state to modernize and upgrade its security forces."²⁴ Previous attacks had generated no such response. Although the suit went nowhere,²⁵ this did not stop its main petitioner, The Society of Indian Law Firms, from filing a similar action in Delhi High Court after the September 2011 terrorist strike on the Court itself.²⁶

In a related phenomenon, the attack mobilized urban elites who actually took to the streets to protest against the Indian government.²⁷ As Sengupta²⁸ pointed out, previous attacks had not so directly targeted those parts of the city frequented by the upper classes. A typical response came from Cyril Shroff, head of one of India's largest law firms and a leading proponent of the public interest litigation, who described the attacks as making "us all realize how vulnerable we are and how soft [a] target we are."²⁹ Apparently the 2006 attack on Mumbai's train system (used largely by the poor and middle classes), which killed dozens more than the 2008 strike, had not made those who travel by car feel vulnerable.

Third, regional dynamics elevated the salience of the attack as compared to previous incidents. India has long understood itself to be the preeminent power in South Asia, but in recent years, it has sought to establish itself as an extra-regional, and even global, power.³⁰ India's claims to be a future world power were embarrassingly undermined by the gross inadequacies of its security institutions, on full display during the assault and ensuing siege. In addition, the United States, dependent on Pakistan for prosecution of its counterinsurgency and counterterror campaigns in Afghanistan, has demonstrated a consistent inability to persuade Islamabad to abandon support for militants (including groups which attack India) as a tool of foreign policy. This made it increasingly clear to India that in the near future U.S. policies toward Pakistan will not and cannot correspond with those of India.

For India the implications of American interests are obvious: While India develops conventional strategies punish Pakistan for continuing to support militants and compel it to desist from doing so in the future, there is a begrudging recognition that India needs to better prevent attacks from happening in the first place, quickly contain attacks once they begin, and identify and prosecute the perpetrators, whether they are foreign or Indian.

Finally, beginning in late 2008 the responsibility for Indian internal security fell to the energetic team of Home Minister Chidambaram and Prime Minister Manmohan Singh. By 2009, all the elements seemed to be in place for the first major internal security reforms in India's history.

Promise Versus Reality

Five years on, some of the initiatives announced in the weeks and months following Mumbai have borne fruit, but the vast majority—including the most important reforms—have withered on the vine. While the government has made a few solid gains, the vast majority of money spent on internal security improvements since Mumbai is merely window-dressing: splashy purchases that fell short when it came to planning or implementation.

Coastal security, a major point of failure in the Mumbai attacks, is a case in point. India has made some limited improvements in this area: the Coast Guard has been fortified and there has been renewed attention to marine police formations. Phase I of the Coastal Security Plan, involving the construction of 73 new Coastal Police stations and the purchase of over 200 boats, among other measures, was completed in March 2012, and Phase II has begun.³¹ A coastal radar network is just now beginning to come into operation, after experiencing years of delay.

But on balance the record shows more failure than success: after the 2008 attack, for instance, the Home Ministry approved the construction of 168 modern speedboats at state-owned defense shipyards. These boats were to be dispatched to Maharashtra, Gujarat, Karnataka, Kerala, Tamil Nadu, Orissa, and West Bengal. By late 2009, only 22 boats had been delivered.³² What is more, the boats were so poorly designed as to make them unsuitable for sustained patrolling.³³ Political wrangling has slowed the disbursement and expenditure of coastal security funds meant for the states; the (BJP-led) government of Gujarat is currently involved in a dispute with the Center over how much money the state has actually received for coastal security, with the figures provided by each side varying by millions of rupees.³⁴ The government has also concluded that it needs a senior maritime security advisor (likely a three star admiral from the Indian Navy), but, despite intense lobbying by the Navy, the post has not been created.³⁵

The National Investigation Agency (NIA) is functional, with about 100 employees, of which about one dozen are officers who have come from the Central Bureau of Investigation. This fledgling federal agency has faced backlash from the states, which resist giving up their jurisdiction over policing.³⁶ (Policing is a state matter in India, as is discussed in depth in the following sections.) But the central government continues to push it to make it a key national crime-fighting agency, most recently assigning it the investigation of a series of bombings in Pune.³⁷

The NSG has also matured markedly as a terror-fighting agency. After the May 2011 bombings in Mumbai, personnel from the local NSG hub were on-site within half an hour, and back-up was available from the Delhi base. The force is also better prepared to protect 300 high-value targets, both public and private, throughout India.³⁸ But, the four planned NSG hubs have still not all been built: in May 2012 the government announced that it had abandoned plans for a Kolkata hub after failing to

obtain a parcel of land large enough to accommodate the base, which is now planned for Gujarat.³⁹ Despite the appalling shortcomings of NSG equipment revealed on 26/11, its members still use rifles from 1990s: an order for 150 sniper rifles has been tied up in red tape since 2009. The NSG troopers' helmets are 20 years old and lack night-vision goggles, and bomb disposal trucks meant for Mumbai and Delhi have not been purchased.⁴⁰

Post-Mumbai, Chidambaram placed a strong emphasis on reorganizing India's internal security infrastructure to eliminate communication failures between the various state and federal security agencies. The first step in this direction was the strengthening of the national Multi-Agency Centre, an intelligence-sharing institution. The national MAC is now up and running, although some reports indicate that it is not operating at full strength.⁴¹ It coordinates across 23 representatives from the intelligence agencies in the home, finance and defense ministries. State and Centre officials are considering the establishment of a sister organization, tentatively called NAMAC, that would deal with left-wing violence.⁴² (The current federal MAC's mandate does not extend to the Naxalite insurgency.) State MACs (SMACs) have also been set up, but personnel shortages have hindered their efficacy and in practice they function as little more than state-level Intelligence Bureau offices.⁴³ Furthermore, in a sign of the fundamental weakness of many of India's state police services, 90% of intelligence inputs into the national MAC come from a handful of states.⁴⁴

In contrast with the moderate success of the MAC, two of Chidambaram's flagship initiatives, the National Counter Terrorism Centre (NCTC) and NATGRID, have entirely failed to get off the ground. NATGRID was originally envisioned as a unified database that would compile a wide variety of currently siloed intelligence inputs. As of late 2012, plans for NATGRID involved 21 different databases, which would be made available to 10 different federal agencies with responsibilities for internal security. The system has faced internal resistance, however—particularly from leaders of the Intelligence Bureau, who feel that NATGRID is encroaching on their turf—and it is not yet operational.⁴⁵ Some of the features of NATGRID, however, were meant to be replicated by the Crime and Criminal Tracking Networks & System (CCTNS), another of Chidambaram's projects, which was meant to link all of the country's police stations to allow for better information-sharing. After struggling with power failures, a lack of computer-literate personnel, and the fall in the rupee against the dollar, the start date for the system has been pushed back to 2015.⁴⁶

The difficult gestation process for NATGRID and the CCTNS can be compared to the relatively painless birth of the Centralized Monitoring System (CMS), a program which gives the federal government "centralized access to all communications metadata and content traversing through all telecom networks in India."⁴⁷ Despite the size of the program's budget (roughly 135 million U.S. dollars) and the privacy implications of its enormous reach, it attracted little notice after it was announced (in November 2009) and proceeded fairly smoothly to stand-up in April 2013.⁴⁸ (The CMS did receive greater media attention in the wake of revelations concerning similar American efforts.) Unlike NATGRID, the CMS has not met with an (public) pushback from the existing intelligence agencies, which are more likely to see it as a tool that will enhance their power than as a bureaucratic competitor.

The greatest failure of the post-Mumbai period, however, was the NCTC, which was supposed to be built within a year of its announcement in December 2012. The NCTC, conceived as the centerpiece of Chidambaram's reforms, was modeled on the American institution of the same name. Although it took three years to stand up the U.S. NCTC, in 2009 Chidambaram announced that "India cannot afford to wait 36 months."⁴⁹

The NCTC, which was meant to subsume the MAC and whose operatives would have arrest powers throughout India, encountered a storm of criticism from State ministers, concerned that the new agency would impinge on their powers,⁵⁰ and from civil liberties activists who saw it as an unconstitutional expansion of government control.⁵¹ In the face of state opposition, plans for the Centre were steadily watered-down: first the operational wing was eliminated,⁵² and then the Centre as a whole was placed under the control of the Intelligence Bureau.⁵³ Despite these concessions, the majority of state ministers remained implacably opposed to the plan, as did the Intelligence Bureau itself.⁵⁴ In June 2013, State opposition managed to scuttle the plan, likely once and for all.⁵⁵

Why was the MAC able to get off the ground, while the NCTC was not? A major difference was the start-up costs associated with each project: the infrastructure for the MAC was already largely in place, and all that was necessary was to staff the existing institution up and improve its technical capabilities. The NCTC, in contrast, was originally envisioned as an entirely new organization that would not just diminish the power of the existing federal agencies but would also exercise substantial oversight over state police. Journalist Praveen Swami estimates that of the thousands of personnel staffing the state criminal investigation departments, only about 100 actually work on counterterrorism; the remainder are focused on other types of crime or on monitoring opposition political figures.⁵⁶

The greatest obstacle standing in the way of the NCTC was the implacable opposition of India's states, which are loath to allow any federal encroachment on their power. In many ways the NCTC fell victim to the debate over the allocation of responsibility for internal security between the central government (dominated for the last several years by the Congress-led United Progressive Alliance, or UPA) and the states (many of them led by parties which are out of power at the center). Under India's Constitution, policing is a state matter, which means that even in an emergency (such as a terrorist attack) federal response teams must have the state's permission to enter its territory.⁵⁷ While the Constitution does provide the federal government with some tools to override state authority, these have increasingly fallen into desuetude. The reasons for this change are still the subject of debate, but most scholars ascribe it to the growing role purely single-state parties play in governance, both at the state and federal levels.⁵⁸ Majority parties at the center are thus no longer able to impose their will on recalcitrant state governments or even their own coalition partners. The debate over the NCTC was a case in point: even some Chief Ministers from states with Congress governments publicly opposed the plan.⁵⁹

Supporters of the NCTC argued that India's intelligence agencies are hopelessly uncoordinated, and that better intelligence sharing at the top could have prevented many of the terrorist attacks that India has endured over the past 15 years. Some of

India's foremost security analysts, however, question the need for yet another intelligence agency, arguing that the level of intelligence inputs into the system is too low to justify expending resources on bureaucracy rather than basic capacity building.⁶⁰ Ajai Sahni, for instance, describes the drive to create the NCTC and similar agencies as "an overwhelmingly diversionary, politically opportunistic and misconceived emphasis on theatrical—but essentially unproductive—symbolism, with a persistent neglect of the imperatives of capacity building at the most critical levels of response"—local police.⁶¹

While Sahni may overstate the relative importance of ordinary police work and intelligence-sharing when it comes to counterterrorism, there is little doubt that the most catastrophic point of failure of Indian internal security reforms is the absence of significant police reform. Police reform is not a post-Mumbai project: efforts to improve India's police forces are long-standing and are motivated by more general concerns for law and order and the safety of India's citizens. But effective policing is clearly crucial to counterterrorism, and the ongoing failure of police reform in India has contributed to the general disarray of counterterrorism reform. While a full discussion of policing in India is clearly outside the scope of this paper, in what follows we shall briefly assess the current state of police reform as it relates to internal security.

As Indian security analysts have pointed out, despite India's numerous internal security challenges, it has a mere 125 police officers per 100,000 people. This is much lower than the United Nations average of 222 officers per 100,000 people, and far lower than the average in most western countries (250 to 500 per 100,000).⁶² This scarcity reflects a substantial gap between required manpower and actual available personnel, a gap that that state-run Bureau of Police Research & Development estimated to be 500,000 officers, or 25% of the sanctioned amount.⁶³ Those police who do exist are often ineffective, corrupt, or brutal, reflecting "a progressive decline—and, in some states, even a collapse—of policing."⁶⁴

Since 2000, the central government has attempted to encourage police modernization through the "Modernization of State Police Forces" program, in which states draw up plans for improving their police forces and the federal government provides half of the required funds. Beginning in 2006, India's Comptroller General's Office (CAG) began to audit state use of the funds made available under this scheme. The CAG audit found that utilization of funds was less than "promising," with "significant shortfalls in relative cost-sharing and wide gaps in actual expenditure against plan outlays."⁶⁵ The report went on to note that the "States were caught up in a vicious circle of delay in finalization of Annual Action Plans causing delayed release of funds and ultimately leading to failure in utilizing them." A closer look at utilization of funds in those states most affected by violence reveals the gaps between the Scheme's objectives and its results.

Over the past five years, the Naxalite insurgency has led to a sharp rise in incidents of violence in the eastern states of Jharkhand, Bihar, Orissa, Chhattisgarh, West Bengal, and Andhra Pradesh. Of these six states, West Bengal, Bihar, and Orissa experience the highest levels of violence (in absolute terms). Yet, an audit of West Bengal's police modernization efforts, performed for the years 2000–2005, showed that the modernization scheme had fallen far short of its goals.⁶⁶ Although the national government approved a budget of 392 crore rupees, to be equally shared between the state and

central governments, in the five years of the audit West Bengal never released any funds. Faced with this refusal to cooperate, the central government ceased to remit its share of funds for the plan after two years and 118 crore. Even those funds that were disbursed were not all spent; the audit revealed procurement shortfalls as high as 91 percent (in outlay on intelligence capabilities—a crucial element of fighting an insurgency). Purchase of vehicles, for instance, was more expeditious, with only a 33 percent shortfall; but West Bengal ended up with less than one third the number of new police vehicles that it was supposed to have received. A supply check in one district that was heavily affected by the Naxalite insurgency found that of a required 655 AK-47s, only 39 were on hand; the district was meant to have a total of 1113 7.62 SLRs (a semi-automatic rifle) but possessed only 247.⁶⁷

It could be argued that since levels of violence in West Bengal remained low at the time of the audit, state politicians were merely making budget choices that reflected their priorities and those of their constituents. Yet, the same inattention to policing can be found even in those states with a long history of elevated levels of violence. Jammu and Kashmir, which during the first part of the decade experienced some of the highest levels of violence in India, were listed as Category “A” states under the Modernization Scheme, meaning that the budget for the scheme was entirely provided by the central government, without the requirement of matching state funds.⁶⁸ Jammu and Kashmir received 540 crore rupees over the period 2004–2009, of which 411 crore (76 percent) was actually expended. The plan for expenditures drawn up by the central government focused on basic infrastructure, such as police posts and housing for officers; but at the end of the period under study only 52 percent of the proposed works had been completed. There were significant disparities in the figures provided by the state to the central government and the auditor’s results; for instance, although the state reported having 145 police stations in 2004, the auditor found that only 14 were actually available for use. At the end of the audit period, the shortfall between projected requirement for police outposts and actual outposts available was 58 percent, or 87 posts.

In Maharashtra state, where the main internal security challenge is urban terrorism, the pattern was much the same. The state’s main goals for police modernization were improving the efficiency and response time of the local police (largely through computerization of police record-keeping) as well as reducing the backlog of unsolved cases. More than 700 crore rupees later, the auditors found that those police stations which were equipped with computers were largely employing them for word-processing purposes, while the backlog of cases had actually increased by 68 percent during the period that the scheme was in place.⁶⁹ The auditors noted numerous other instances of waste, some of them with direct impact on counterterrorism: the Pune police, for instance, received a portable explosive detection device which went unused because no one was trained in how to operate it.⁷⁰ More damaging to the force as a whole, the influx of funds failed to lower the average response time for police stations throughout the state, which was found to be over 2 and a half hours.⁷¹ And Maharashtra fell short of its target for training new officers by 30 percent.⁷²

States have also proved unwilling to ensure police independence by revamping their recruitment procedures or establishing boards to oversee transfers and postings of police. The connection to counterterrorism is important, if attenuated: the lack of police

independence means that state police forces are beholden to whichever government is in power at the state level. State governments in turn use the police force as an important weapon in the fight against opposition parties and political figures, so that continued police corruption becomes a crucial part of their ability to hold on to power. This makes state governments even more resistant to nationally led counterterrorism efforts that threaten to expose their practices or loosen their grip on the police forces.⁷³

The situation is not helped by the Centre's politically-motivated approach to the problem. For instance, Prime Minister Manmohan Singh met with police chiefs from several states on the sidelines of the 2012 conference of state police officials. But no officials from states controlled by opposition parties were invited to attend. Thus the top policemen from Jharkhand, Chhattisgarh, and Orissa, all states severely afflicted by Maoist violence, were not present.⁷⁴

In light of the slow progress of reform efforts, it is not surprising that many of India's police forces struggle to fulfill their counterterror duties. The police response to the August 2012 bombings in a crowded pedestrian area of Pune displays unfortunate echoes of the situation in Mumbai. For instance, two years after a terrorist bomb at a bakery in Pune killed 17, police officers arrived at the scene wearing bulletproof vests rather than bomb gear. This may have been due to the fact that the entire Pune police force possessed one bomb suit; Maharashtra state has not bought a single such suit since 2007.⁷⁵ Investigation of the bombings was hindered by the fact that most of the CCTV cameras in the area were found to be out of operation,⁷⁶ and the Pune police insisted at first that the bombs were the result of "mischief-makers" rather than terrorists.⁷⁷

Low capacity does not just prevent state police from investigating attacks after they happen; they prevent the police from fully serving as a part of efforts aimed at preventing terrorist attacks, in turn crippling the entire system. In particular, an undermanned, corrupt, and overworked police force is unlikely to gather the sort of ground intelligence that is crucial to counterterrorism efforts. The NCTC's critics thus argue that attempting to build a new infrastructure for intelligence-sharing is pointless in the absence of any useful intelligence to share.⁷⁸

Does Indian Internal Security Reform Have a Future?

Important systemic limitations will continue to make it difficult, if not impossible, for India to take substantive steps towards internal security reform in the near term.

First, India's vibrant and growing private sector attracts high quality talent with pay, status, and other amenities that government service at state or central levels cannot, at present, provide. While many western countries have suffered a prolonged recession, India's economy has continued to grow. Between 2007 and 2011 (the last year of World Bank data), India's gross domestic product (GDP) grew by 7.68%, on average, achieving growth of higher than 8% in 3 out of those 5 years.⁷⁹ In comparison, the public sector is struggling to recruit and retain talent, especially since the Indian Administrative Service no longer possesses the prestige that it held for previous generations. While there is nearly complete job security in the public sector,⁸⁰ in many countries with high public sector job security, efficiency and other important bureaucratic qualities decline. Thus India's efforts to increase the size and geographical

distribution of police, intelligence and other internal security organizations will be hampered by shortfalls of capable candidates who have more lucrative private sector opportunities.⁸¹ While this is a well-known problem for the various policing agencies, it is also true for the intelligence organizations.⁸²

The private sector not only claims the best of India's youth, it also provides solutions to the security issue that have the effect of reducing the pressure elites placed on government after the Mumbai attacks. In recent years, and especially after the Mumbai attacks, the Indian private security industry has exploded, with new companies springing up to provide ever-more sophisticated services.⁸³ In 2011, there were estimated to be 7 million private security personnel in India.⁸⁴ Even if this figure is inflated, the true amount almost certainly dwarfs "the army, navy, air force, police, and the Central Bureau of Investigation put together."⁸⁵

A second and even more alarming barrier to reform is corruption and patronage politics. Chandra argues that India is a "patronage democracy," which is defined by two features: first, the public sector dwarfs the private sector as a source of jobs and provider of services; and second, elected officials have enormous discretion in allocating jobs and services and even in the actual implementation of law.⁸⁶ Chandra contends that a key aspect of a patronage democracy "is the power of elected officials to distribute the vast resources controlled by the state to voters on an individualized basis through their discretion in the implementation of state policy."

Patronage culture affects police reform both directly and indirectly. Many police forces in India are deeply politicized and, at rank-and-file and leadership levels alike, have colluded with politicians for mutual benefit. Ramachandra Guha describes the un-virtuous relations between law enforcement officials and politicians at all levels of government:

This politicization of the Indian police is by no means restricted to jobs in state capitals. A member of the legislative assembly or a member of parliament often decides who shall be posted as the superintendent of police in the district in which his constituency falls. . . . Once the top jobs are decided on considerations other than competence, it hard to prevent lesser jobs being allocated in the same manner. . . . Down the line, this puts a premium on the policeman pleasing the man (or minister) who appointed him to his post, rather than focusing on his main job, which is the protection of the ordinary citizen.⁸⁷

Police officials, to ensure that they remain in the good graces of their benefactors, may openly support them in elections or other public forums,⁸⁸ limit the ability of the opposition to stage protests or support the patron's efforts to stage protests, or even engage in violence at their patron's behest. According to a 2009 Human Rights Report on Indian policing:

Decades of partisan policing—politically motivated refusal to register complaints, arbitrary detention, and torture and killings sometimes perpetrated by police at the behest of national and state politicians—have resulted in an unprecedented level of public distrust and fear of the police. In a culture of sifarish, or favors, only Indians with powerful connections can be confident they will obtain police assistance. State

and local politicians routinely tell police officers to drop investigations against people with political connections, including known criminals, and to harass or file false charges against political opponents.⁸⁹

Since it is ultimately the role of politicians to pass legislation that guides the police, any given politician has a strong disincentive to undertake reforms that would deprive him or her of the use of police as a personal asset. Other studies have shown that politicians throughout India's states have vigorously opposed reforms, such as making public services available online, that decrease their capacity to extract rents through bribes and other direct and indirect remuneration.⁹⁰ For a corrupt politician, effective police reform offers few attractions. It is not a proven vote-getter, like jobs programs or direct transfers; and, if done well, it offers few opportunities for rent-seeking according to Khemani, the two main criteria by which politicians judge expenditures.⁹¹ Without strong exogenous or domestic pressure to clean up corruption, chances are slim—or zero—that politicians at either federal or state levels will engage this issue seriously.

Corruption and patronage affects police readiness in other important ways. Procurement of personal protective equipment, weapons, ground mobility vehicles and so forth is also deeply affected by corruption, resulting in sub-par equipment, often in inadequate quantities, being supplied to the forces. Yes, this equipment is critical to ensuring that police do their jobs as effectively as possible while minimizing the loss of life or injury. The poor quality of the equipment fielded by the Maharashtra police force on 11/26 was partly the fault of a centralized and corrupt procurement system.⁹²

The third barrier to reform, which was mentioned previously, is India's states, which are generally opposed to ceding the sort of power to the national government that true counterterrorism reform would require. State opposition to internal security reform is primarily important, however, insofar as it takes place within the context of the states' growing power to scupper federal policy initiatives. The reasons for (and the extent of) the recent shift in power within Indian federalism has been the subject of significant academic scrutiny (although primarily from an economic perspective), and a full treatment of the subject is outside the scope of this paper.⁹³ Most commenters agree, however, that the past 25 years have seen a transition from a strongly centralized federalism, with a single party in power both at the center and in most of the states, to a far more regionalist configuration in which the central government threatens to become "a loose coalition of log-rolling regional interest groups."⁹⁴

The trend towards decentralization, the rise of single-state parties, and the increasing importance of coalition politics at the center has had major effects across all areas of Indian political life, including security service reform. There is little scholarly literature, however, that specifically addresses the question of how "cooperative federalism" shapes India's security architecture. Suffice to say that given the current weakness of Congress and its coalition, security reform will not take place unless the states want it, and at the moment they most certainly do not want it.

Why are the states so opposed to security reform? One answer can be found in the fourth barrier to reform: the Indian electorate and its expectations of its leadership. Researchers are only beginning to study the effect of internal security provision on voting behaviors, but their initial conclusion—that terrorism has a significant effect

on voter behavior—finds little support in recent Indian political history. Gassebner et al., studying 800 attacks in 115 countries, found that terrorist strikes had a robust effect on the likelihood of government turnover, the magnitude of which increased with the size of the strikes.⁹⁵ Similarly, Berrebi and Klor found that terrorism has a small but, in the Israeli context, significant effect on voting patterns, increasing support for the right-wing (the perceived anti-terror party) by 1.35 percent.⁹⁶ Kibris,⁹⁷ studying voter behavior in Turkey, found a strong negative correlation between number of soldiers from a district killed (in any part of the country) by the PKK and support for the incumbent party in that district. On average, PKK attacks within two years of an election increased the vote-share of the (more hard-line) right-wing parties by 2.5 percent.

Some evidence suggests that the anti-incumbent animus caused by terrorist attacks is stronger than the support they engender for right-wing parties; Bali attributes the 2004 ouster of the center-right Popular Party in favor of the opposition Socialist Party to the impact of the Madrid train station bombing, which took place just days before.⁹⁸ A study of Colombia, where left-wing guerrillas are opposed by both right and left-wing national parties, found that left-wing violence has a greater negative impact on the incumbent's chances than any economic measure.⁹⁹

The applicability of these studies to the Indian context is limited, however, which may explain why this phenomenon has not been observed in India's elections (neither the federal government nor the Maharashtra state government was punished for the Mumbai attack in the 2009 elections—which were held a mere five months later). India's political system features a myriad of parties, not just two (although they are grouped in two broad coalitions); and no one of them is strongly identified with an anti-terror platform. In addition, citizens of Israel and Spain, developed upper-income countries, may have different priorities when they come to the polls than citizens of India.

Most importantly, studies of the provision of other public goods suggest that India's sclerotic political system does not necessarily reflect voter preferences. As previously discussed, even though "*bijli, sadak, and pani* (electricity, road, and water) rank at the top of voter demands," spending on infrastructure has little short-term payoff for politicians, and thus often loses out in favor of other spending programs.¹⁰⁰ Likewise, Saez and Sinha's sub-national study of the variation in the provision of health, education, irrigation and agriculture, and social security found "strong and enduring effects of cyclical (timing of elections and alteration of power) and institutional variables (the extent of party competition)"—rather than of an independent assessment of need for these services - on public expenditure decisions.¹⁰¹ And Ghosh finds that crime rates are responsive to the election cycle—increasing in the initial years of an incumbent's tenure and declining in the later periods, as the elections draw nearer and politicians presumably become more focused on crime reduction.¹⁰² This pattern reflects his other finding: that voters are most sensitive to crime rates during an election year, rather than being consistently concerned throughout the politician's tenure.

The second-order effects of terrorism—on commerce and foreign direct investment—are unlikely to affect most Indian voters, the majority of whom reside in rural areas and are employed in the agricultural sector. This, according to Saez and Sinha, explains their finding that agriculture accounts for the largest proportion of

government expenditure. They find that public officials use agriculture expenditures to respond both to economic distress “as well as to satisfy their primary constituents, farmers, who play a major role in elections at the sub-national level.”¹⁰³

As previously discussed, part of the initial efforts to revamp internal security at the federal level was driven by business interests that had been deeply affected by the tragedy in Mumbai. These are not, however, the interests that matter in elections at the sub-national level. Furthermore, many (perhaps a majority) of India's urban middle- and upper-class citizens benefit from the same system of policing that almost ensures future attacks. As journalist Praveen Swami put it, Indians of means essentially support a system which allows them, with a few well-placed bribes, to make sure that a son caught driving drunk will face no punishment.¹⁰⁴ In the same way, India's corporations also at times benefit from the same atmosphere of compromised policing and porous law and order that allows terrorists to slip through its fingers. Unless there is a broader demand for internal security and police reform at the state and national levels, inadequate costs of inaction will be imposed upon politicians, who benefit enormously from the status quo.

Conclusions and Implications

India will remain a target of externally supported as well as domestic terrorism and insurgency, both due to its ongoing rivalry with Pakistan as well as domestic challenges confronting the Indian state. Indeed, in 2011, Mumbai suffered rush-hour bombings, killing 17, while an explosion at Delhi's High Court killed 25.¹⁰⁵ India has few options with respect to Pakistan and is also still struggling to devise policies to confront the various violent domestic actors who are motivated by indigenous concerns. On the domestic side, none of the constraints on reform discussed in this paper seem likely to be lifted in the near future.

Critically, reforming the state police will remain a daunting task due to the states' power over policing; the structural problems that discourage states from cooperating horizontally; and the enduring difficulty in coordinating vertically between federal and state agencies. India is not alone in this regard. In the United States, despite reforms made since 9/11, state and federal law enforcement and investigative agencies routinely have disagreements over which entity has the appropriate jurisdiction.

However, there is an even bigger problem that will hinder state-level and federal internal security reforms: the structure of India's politics. India, as previously noted, is characterized at both federal and state levels by a patronage-driven political system, with strong distributive coalitions and interests groups that use political influence to manipulate the ways in which collective goods are provided. While Mumbai galvanized enough public outrage for the center to *begin* reforms, internal security and other aspects of national security are not high priorities for India's national and state electorates. Unless and until this becomes an issue that mobilizes India's largely rural electorate, there will be few pressures for more meaningful reform.

In the absence of such electoral pressure, it remains to be seen whether or not the central and state governments—and the politicians who run them—can be persuaded to recognize the magnitude of the threat and to prioritize investments in security over

more parochial interests. This will surely be a test of India's polity, its civil society, and even of the quality of the democracy in which Indians can expect to live.

NOTES

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