Prospects for effective internal security reforms in India

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Prospects for effective internal security reforms in India

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This paper examines the important strides in internal security reform that India has undertaken since the November 2008 attack by Pakistani terrorists on the financial hub and port city of Mumbai. Despite decades of foreign and domestic terrorism and insurgency, India had never previously responded with such alacrity. This paper seeks to understand why this attack galvanised such reform whereas previous – and more deadly – attacks had not. To do so, it describes these important –if limited – achievements by putting them in the context of India's past insouciance and general approach towards internal security. Important factors (e.g. centre–state relations, patronage politics, composition and preferences of India's electorate and corruption) that will likely render more extensive change exceedingly unlikely if not impossible for the policy relevant future are identified. It concludes with a discussion of implications for India's internal security over the near and mid-term time horizons.

Keywords: India security sector reforms; internal security; police reforms; terrorism; insurgency

Introduction

On 26 November 2008 10 Pakistani terrorists associated with Lashkar-e-Taiba (LeT) (currently operating under the name of Jamaat ul Dawa (JuD)), operating in four attack teams, assaulted 10 targets in India's megacity of Mumbai. In part due to the complexities of the counterterrorist operations, the tenacity and training of the attackers, and the inadequate capabilities of the Indian security forces, it took more than three days to end the rampage, and eventual siege, which claimed the lives of 166 people (Final Report Mumbai Terror Attack Cases 26th November 2008, 2009).

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Many Indian and international commentators quickly endowed the '26/11' attack with the ignominious sobriquet of 'India's 9/11'. Sunil Khilnani, however, among others, rejected the moniker, explaining that

> The Mumbai attacks were less like 9/11 than like a man-made Katrina: a calamity preceded by many warnings . . . and followed by government bungling. At the time of the attacks, many Mumbai police were armed only with bamboo sticks. Of those who had guns, many didn't know how to fire them. Commandos had to be called in from the north, since none were stationed in India's financial capital. (Khilnani, 2009; Rice, 2009)

Indeed, India had previously suffered numerous less sophisticated attacks, some of which had also been labelled 'India's 9/11'. In December 2001, five suicide attackers associated with Jaish-e-Mohammad attacked India's parliament in New Delhi, killing 10. In July 2006, Pakistani operatives of LeT, with members of 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. Pakistan-backed as well as domestic Islamist militants have in fact perpetrated dozens of attacks within India in recent decades, in addition to those executed by other indigenous religious, ethnic and left-wing militant groups.

Arguably, what made the 9/11 attacks distinct from the subsequent terrorist strikes in England, Spain, Turkey, India and elsewhere was not merely the size and scale of the destruction, the complexity of the al Qaeda mission, or even the enormous direct and indirect economic costs; rather it was the relatively swift and sweeping reforms that the US government enacted in their wake.[1] Washington established a new (but far from perfect) bureaucracy to oversee internal security, the Department of Homeland Security; instituted massive intelligence reform efforts culminating in the institution of the apex agency, the Directorate of National Intelligence; and increased efforts to improve coordination across federal intelligence and local law enforcement agencies and between and among federal and state entities. Despite this progress, few would deny that USA still has a way to go in establishing robust internal security measures.

India's previous attacks had not precipitated a sustained focus on internal security, culminating in real reform, by state and federal political actors and institutions.[2] The 2008 attack exposed India's enduring vulnerabilities and triggered public outrage that India's political system failed to prioritise the safety of its citizenry against such well-known and enduring threats. Two years after 26/11, Indian commentators noted with despair that while India had embarked upon a serious transformation of its internal security apparatus the revolution was unfinished (Gordon, 2010). As interviews conducted by this author in

April 2010 show, 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 (Gordon's fieldwork in India in April 2010; *India Today*, 2009a, 2009b).

This paper argues that while these critiques are surely justified, India has embarked upon an important – but stalled – process of internal security reform. Despite the stagnation, the progress made was considerable given India's traditionally lethargic political and bureaucratic system, which in the past has barely concerned itself with national security issues (Ghosh, 1994; Miks, 2009; Muni, 2009). This paper documents these important, if limited innovations in the context of India's past attitudes to internal security generally and of the specific shortcoming exposed by the Mumbai attack. Second, this paper identifies several factors that explain why the 2008 Mumbai attack triggered reforms when earlier, more deadly events did not. The nature of the attack and its high media profile, the unprecedented mobilisation of elites with business interests, India's growing capacity to manage national security affairs, the strategic regional context of the event and, finally, the initiative of specific Indian leaders all contributed to these important innovations. However, it will be very difficult to achieve meaningful and pervasive reform at the federal and state levels due to centre–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.[3]

This paper first lays out some of the important antecedents of the Mumbai 2008 attack, which underscore the sustained failures of Indian federal and state agencies to protect their citizenry. Second, it turns to the 2008 attack itself and the shortcomings it exposed. Third, it briefly lays out the numerous and unprecedented reforms that India did manage to enact in the few years after November 2008, as well as planned reforms that have not yet materialised (and indeed are unlikely to do so). Fourth, it describes some of the reasons why this terrorist outrage galvanised reforms whereas previous attacks had not. Next it presents a series of impediments that restrict India's ability to make further reforms, at either the federal or state levels. It concludes with a discussion of the implications for India's future internal security and prospects for peace and security for India's population.

26/11 and its antecedents

Indian and international commentators and officials alike characterise the 2008 Mumbai attack as unprecedented, and in some significant ways it was. LeT waged simultaneous commando-style assaults on multiple targets across Mumbai, leading to a three-day standoff with security forces. While India

has long experienced terrorism, previous attacks involved a single target (the Parliament, the Kashmir state assembly, or an intelligence facility at the Red Fort, among numerous others). In many – but not all – cases, these attacks involved bombs that were planted (e.g. the 2006 attack on Mumbai's commuter rail system, as well as myriad bombs in shopping markets and places of worship). In other instances, such as the 2000 Red Fort attack by LeT, the Kalu-chak massacre of families of Indian army personnel in 2002, and the 2001 attack on Parliament in New Delhi, among others, the terrorists used 'com-mando' style raids.

While the additive innovations observed during the Mumbai attacks of 2008 are significant, it is important to note the critical antecedents of that strike. Doing so illuminates a sustained inattention to India's internal security and a failure to respond to the evolving nature of India's internal security threat landscape (Rabasa *et al*., 2009).[4] First, LeT established networks in India's heartland as early as August 1999, allowing it to operate far beyond Kashmir. The earliest such attack, against an intelligence centre located at the Red Fort in New Delhi, occurred in 2000. In the same year, Indian auth-orities intercepted three Pakistani LeT cadres who had planned to kill Bal Thackeray, leader of a Hindu nationalist group called the Shiv Sena (Swami, 2006).

In 2004 the Indian government disrupted another LeT cell that had planned to attack the Mumbai Stock Exchange. Furthermore, while LeT has been one of the most prominent Islamist militant groups in India, it is not the only one. 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 June 2006, the Maharashtra police arrested an 11-member LeT cell that shipped some 43 kilograms of explosives, assault rifles and grenades to India using sea routes. Several of those militants had ties to the Students Islamic Movement of India (SIMI). SIMI, along with its more recent militant offshoot, the Indian Mujahideen (IM), is responsible for numerous attacks within India using Indian cadres (Fair, 2010). 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.[5] In addition, dozens of attacks throughout India have been attributed to LeT.

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 (Swami & Katakam, 2006). Dawood Ibrahim orche-strated that attack, which used Indian militants, with Pakistani support (Zaidi, 2002: 50–67). Thus, while the 2008 sea-based landing of the 10 militants was

exceptionally daunting, the concept was not innovative even if the complexity of the movement was.

In addition to Pakistan-backed terrorism, India has also endured several ethnic insurgencies in its north-eastern states, some of which have endured since before 1947 (Cline, 2006; Baruah, 2009; Chadha, 2009; Shakatkar, 2009); a Sikh nationalist insurgency, centred on the northern state of the Punjab, from the early 1970s to circa 1992 (Singh, 1996; Fair, 2009a, 2009b) and various ostensibly Marxist militant groups operating under the banner of 'Naxalites' (also referred to as 'Maoist') in various states at multiple periods in India's history. (While the name 'Naxalite' has been used across these periods and states, the movements have tended to be separate across time and space despite some degree of ideological affinity (Ahuja & Ganguly, 2007; Suykens, 2010).) Pakistan is also accused of supporting, to varying degrees, some of these indigenous insurgencies at different times.

Despite some common features, India's approach to these various internal security challenges tends to be *ad hoc* and conflict-specific. The most obvious common denominator is the use of the army, which has been deployed at various points in most of the insurgencies, especially at the first outbreak of violence. India has also employed local police, federal police forces and paramilitary organisations such as the Rashtriya Rifles, the Border Police and the Indo-Tibetan Police Force, among others. (India has established numerous distinct paramilitary organisations to contend with its myriad internal security challenges, in part to minimise the role of India's army in such operations.)

In 2006, India took an important step when it formalised its first counterinsurgency doctrine (Integrated Defence Staff, 2006). It called for a unity of effort across India's military, police, paramilitary and intelligence agencies; however, India did not at that time undertake the extensive multi-agency reorganisation and reform that effective internal security management required. This process only began only after the Mumbai attack. Dipankar Banerjee (a retired Major General and current Head and Director of the Institute of Peace and Conflict Studies in New Delhi) attributes this in some measure to the fact that law and order is a state subject in India and it is thus difficult to impose such reforms from the centre (Banerjee, 2009: 191). Other prominent Indian security analysts contend that this failure is due in part to the government's lack of capacity for national security issues (Bhaskar, 2009).

The November 2008 attack: failures and fault lines

The local and state response to 26/11 exposed several other failures and shortcomings within the Indian internal security architecture at the state and federal levels. Many of these have been identified by the Ram Pradhan Committee (henceforth Pradhan Committee, 2009). This was a high level committee of

enquiry which the Maharashtra government established to investigate the systemic shortcomings in the Indian internal security establishment that the attack exposed (Rediff, 2009).

The Committee found that Indian agencies failed to respond to numerous intelligence leads, many of them highly specific, concerning potential attacks (Ganguly, 2008; Sahni, 2008; Pradhan Committee, 2009; Rabasa *et al.*, 2009; *ZeeNews*, 2009). The report did not find a lack of intelligence generated by Indian agencies but rather a failure or inability to respond appropriately (Pradhan Committee, 2009). Second, the Committee identified coastal security as a particularly appalling lapse: the government received at least six alerts between August 2006 and April 2008 about the likelihood of terrorist infiltration by sea (Pradhan Committee, 2009). More generally, as discussed above, terrorists have been using these same sea routes since at least 1993.

In the wake of the 1993 attack, the central government renewed its interest in fortifying India's coasts, launching Operation Swan, which aimed to prevent infiltration and the smuggling of contraband along the Maharashtra and Gujarat coasts. Operation Swan 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 (Das, 2009).

The 1999 Kargil crisis also reinvigorated efforts to improve coastal security. The Kargil crisis, it should be noted, was not a terrorist or insurgent attack but rather a conventional attempt to seize Indian territory by a Pakistani paramilitary group, the Northern Light Infantry, with direct support from the Pakistan Army. However, in the early days and even weeks of the crisis, Indian (and other) media reported it as a 'mujahedeen' action. These reports have had an enduring impact as accounts of the crisis still characterise it as having a significant mujahedeen component, when in fact it involved no such non-state actors (Fair, 2009b). However, the Indian electorate was initially outraged that what was ostensibly a 'rag tag' ensemble of militants could seize territory without rousing the suspicion of Indian intelligence and military agencies. That anger was not tempered by the later realisation that in fact Pakistani paramilitary and military forces had executed the land grab.

In response to this public outrage, and to 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. The committee's report, the Kargil Review Committee Report, suggested sweeping reforms, including the establishment of a specialised marine police based out of coastal police stations. The government did not enact these suggestions until 2005–06. However, it took the 2008 attacks to prod the state into action. Significant

lapses in maritime security, as discussed below, persist even today (Ganguly, 2008; Sahni, 2008; Das, 2009; Dasgupta, 2009; Pradhan Committee, 2009; Rabasa *et al.*, 2009; *Thaindian News*, 2009; *ZeeNews*, 2009).

In theory, since before 26/11 India has followed a three-layer coastal security concept. The Indian Navy patrols the high seas and conducts aerial reconnaissance with ship-based aircraft. The Coast Guard patrols India's exclusive economic zone (12–200 nautical miles from shore). As described above, joint teams from Operation Swan patrol India's territorial waters. (Coastal police stations, once they are all operational, will assume control for policing the territorial waters.) The system was ineffective in practice, however, and largely remains so. Das, in his robust assessment of the extant coastal security system, found that the system is undermined by 'insufficient manpower, poor training, inadequate infrastructure, lack of adequate resources and certain systemic flaws' (Das, 2009: 19). The latter includes a lack of coordination between agencies, as well as confusion about operational jurisdiction, insufficient laws and government apathy (Das, 2009: 25).

The Pradhan Committee (2009) determined that high-level police officials evinced a 'cavalier' disregard of the standard operating practices established by the Commissioner of Police in the event of a bomb or a terrorist strike. The Committee particularly noted numerous *ad hoc* personnel reassignments, made without regard to qualifications, and a failure to ensure that police were at the centre of the response to the attacks. The police were poorly led, the Committee found; failed to execute response protocols; did not establish command posts and dragnets for sealing off the attack venues; and failed to cordon off the attacks sites to contain the terrorists. These shortcomings were exacerbated by the multi-site nature of the attack, which spanned several far-flung points in the sprawling metropolis (Pradhan Committee, 2009; Rabasa, 2009).

The Pradhan Committee also found that special response teams were severely delayed in arriving due to low operational readiness and political manoeuvring. Local army contingents arrived a full five hours after the first shots had been fired. The first special response team (Marine Commandos) arrived a little later. The elite National Security Guards (NSGs) arrived more than nine hours after the attacks began. (The NSG, India's designated rapid-reaction force, was established in 1986 in the aftermath of Operation Blue Star's struggle with Sikh militants.[6] In practice many of its resources and personnel are tied down in VIP security.) The NSG, at the time of the 26/11 attack, had one base, in Manesar (on the outskirts of Delhi). It lacked dedicated aircraft for mobilisation outside of Delhi. The only available aircraft that could hold the 200 mobilised commandos with their gear was a slow IL-76 based in Chandigarh (about 240 km north of New Delhi). By the time the plane arrived in New Delhi and the NSG commandos boarded the plane, more than four and

a half hours had passed. The IL-76 took more than three hours to reach Mumbai. Lacking helicopter air assets to navigate the city's horrific traffic, the commandos then boarded a *bus* to be transported to the venue, which took nearly another hour. The commandos began operations at 7 a.m., more than nine and a half hours after the terrorists struck (*Times of India*, 2008a, 2008b). Had the NSG arrived in rush hour, it would have taken *hours* to reach the attack sites by bus.

The local police and even the NSG were improperly equipped to contain, much less neutralise the militants. With respect to the police, the Committee found that

> Many of the police mobile vehicles were equipped with only riot gear of lathis [bamboo canes], gas guns and 0.303 rifles which were no match to the superior fire power of the terrorists who carried AK-47 assault rifles, pistols, hand grenades, bags of 8KGs of RDX, sophisticated cell phone with headphone, commando wear clothing etc. (Pradhan Committee, 2009)

The police personal protective equipment (PPE) and weaponry were simply archaic and not designed for modern combat. One retired police official acknowledged that 'he knew of two batches of body armour that had failed tests in 2001 and 2004 but had nonetheless been inducted by the Mumbai police. "They couldn't take rounds from AK47 or AK56 … The bullets pierced the jackets"' (Page, 2008).

Hemant Karkare, the head of the Anti-Terrorist Squad, was wearing such a bulletproof vest and a battered tin helmet when he arrived at the scene in Mumbai and was subsequently shot and killed. With modern PPE, he may have survived. Other police officers went to the scene wearing 0.55 mm-thick plated body protectors used for riot control. This was because in the whole of India there were only 100,000 bulletproof vests for police and paramilitary forces (according to the MKU, the vests' supplier). Moreover, the helmets employed were 'World War II' era and not designed for modern combat (Page, 2008). While the shortcomings of the police equipment are well-known, even the gear of the elite NSG is archaic and dates back to the year the organisation was founded (*India Today*, 2009a).

Compounding all of these imminently preventable failures, many officers were (and are) not adequately trained on weapons due to a shortage of ammunition and shooting ranges (Page, 2008). The Committee report dwelled on this at length, noting that even the Quick Response Team had been unable to do any live ammunition training since September 2007 due to severe ammunition shortages. (They are supposed to undertake live fire drills *every fourth day*.[7])

Finally, the Pradhan Committee found that the government displayed appalling strategic communications and information management. The government

neither appeared to be in control nor did it disseminate accurate information. The Committee identified this as an important concern, noting that

> while the media was reporting on the basis of its teams in Mumbai on different sites, there was hardly any systematic briefing either by the police or by [the Maharashtra state government]. In the evolving situations at different venues, it is only the Control Room that had more detailed information. CP [Chief of Police] as head of the Crisis Management or a designated spokesperson at the Police HQ ought to have performed that task. (Pradhan Committee, 2009)

A perusal of the news reportage of the event demonstrates confusion about the nature of the attack and the identity of the attackers and exposed significant operational details as the security forces were televised undertaking offensive operations against the militants.

Mumbai's legacy: the unfinished business of internal security reforms

The attack enraged the public and the government moved swiftly to announce a number of internal security reforms. First, 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. Chidambaram has been an energetic voice for reforming India's internal security apparatus. (Perhaps for this reason, he was retained through the formation of a new government in the spring of 2009 and more cabinet reorganisations in July 2011.) On 11 December 2008, he announced several efforts to improve India's domestic security, including the creation of a Coastal Command to secure 4650 miles of shoreline, the foundation of 20 counterterror schools and standing regional commando units, establishment of a national agency to investigate suspected terror activity and the strengthening of anti-terror laws (Lakshmi, 2008).

India's parliament acted swiftly to enact important legislation. 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. It also established a National Investigative Agency (NIA) charged with investigating terrorism and gathering and processing intelligence. Some of these provisions (such as lengthy detentions without charge) have drawn domestic criticism (*Times of India*, 2008b). The NIA is functional, with about 100 employees, of which about one dozen are officers who have come from the Central Bureau of Intelligence. However, this fledgling federal agency continues to face recalcitrant states that resist giving up jurisdiction. (Policing is a state matter in India and the federal investigative agency has not been welcomed by all (Swami, 2010).)

The government has learned some lessons from the NSG's failure, establishing NSG hubs in Mumbai, Kolkata, Bangalore, Chennai and Hyderabad, each with about 250 personnel (Gordon, 2010). But current NSG expenditures have been criticised because the bulk of funds goes to acquiring land and constructing buildings, while the forces themselves remain ill-equipped. Specialised equipment, including helmets with integrated communication sets and lightweight protective gear, has not yet been procured and distributed. Given India's personnel shortage – especially of trainers – questions loom about the quality of the force as it expands. And the NSG still faces serious logistical and transportation challenges. As noted above, NSG mobility across the jammed traffic grid likely requires tactical helicopters for timely movement, but this has not even been raised as a policy option (*India Today*, 2009a).

India also instituted a 'Multi-Agency Centre' (MAC) in the aftermath of the 2008 attacks. (The idea for a 'fusion centre' within the Intelligence Bureau (IB) was first raised after the Kargil crisis but was ultimately abandoned (Gordon, 2010).) The government issued an executive order on 31 December 2008 that expanded the institutional representation at the MAC as well as its mandate. The national MAC now runs at full strength and coordinates across 23 representatives from the intelligence agencies in the home, finance and defence ministries. State MACs have also been set up, but personnel shortages have hindered their efficacy and in practice they function as little more than state-level IB offices (*India Today*, 2009a; Swami, 2010). The MAC, along with daily security meetings convened under the Chairmanship of the Home Minister, has helped ensure wider situational awareness across the expanse of government agencies involved in internal security. The daily meeting is attended by the National Security Advisor (NSA), Home Secretary, the Secretary (Research and Evaluation Wing) and the Director of the IB, among other principals (Press Information Bureau, 2009). The meeting is also notable for the way in which it is convened: India's NSA attends in the office of the Home Minister, attesting to the important power shift away from the NSA towards the Home Ministry. Previously, the Home Minister visited the NSA in the latter's office (Vij-Aurora & Unnithan, 2010).

The government has also achieved limited improvements in coastal security since Mumbai. The Coast Guard has been fortified and, as noted above, there is renewed attention to marine police formations. Some 64 coastal police stations have become operational (Gordon, 2010), and the Coast Guard will add 54 new vessels and 20 aircraft and induct 3000 new personnel. In addition, network of 46 coastal radars is planned – but all of these efforts will take at least five years to bear fruit. Similarly, after the 2008 attack, the Home Ministry approved the construction of 168 modern speedboats at state-owned defence 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. The government has also concluded that it needs a senior maritime security advisor (likely a three star admiral from the Indian Navy), but, more than two years after the attacks, the post has not been created (*India Today*, 2009a).

Chidambaram has raised the issue of poor police quality on numerous occasions after 26/11. In September 2009 he inaugurated a three-day long conference of directors general and inspectors general of police organised by the IB in New Delhi. But significant police reform has not taken place, and this remains the most catastrophic point of failure.

It should be noted that this issue has long been a source of discomfiture among Indian analysts who are concerned by the fact that, 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 (250–500 per 100,000) (Khan, 2007; Sahni, 2007).

Because policing is a state power, the federal government has very limited ability to compel the states to invest in their police. Nonetheless, in September 2006 India's Supreme Court directed both the central government and state governments to undertake significant police reforms.[8] Even after the Mumbai attacks of 2008, only 10 of India's 28 states and seven union territories have agreed to implement those reforms. Seven states are partially compliant and 12 others have passed laws with the intent of circumventing the directives of the apex court (*India Today*, 2009a).

Only Gujarat, Kerala and Manipur showed any interest in the central government's offer of a no-refund grant, totalling Rs 1759 crore (approx. $395 million), to be used for modernising state police forces (*IBN News, 2011*). States have also been dilatory in securing funds available to them under the modified 'Modernisation of State Police Forces' programme, which the centre initiated in 2000–01. Under this programme, the various states have been placed into different categories which determine the terms by which the costs of the state's modernisation plans will be split between the centre and the state. Since 2005–06 (the last year for which these data have been examined), states have been categorised as category 'A' or 'B', with 100 per cent and 75 per cent central government funding, respectively. The north eastern states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim were all category 'A' and eligible for a complete federal subsidy to implement their approved annual plans (PRS Legislative Service, 2010).

In 2010, India's Comptroller and Auditor General (CAG) evaluated the states' implementation of police modernisation efforts. The CAG's performance audit examined several categories of modernisation (e.g. mobility, bullet-proof and mine-proof vehicles, weaponry, communications, training, forensics and finger printing, etc.) over a contiguous five year period

between 2000 and 2007. (The exact five-year period evaluated differed.) The total amount proposed to be spent modernising the state's police forces was compared to the actual release of funds. In most cases, the actual release of funds fell well short of the projected amount. In some cases this was due to the central government's failure to release funds. For example, in Bihar, the centre released only 56 per cent of its share. In other states the shortcoming was on the part of the state in question: neither Rajasthan nor West Bengal released any funds at all (PRS Legislative Service, 2010). According to PRS Legislative Services, Kerala, Arunachal Pradesh and Karnataka scored the highest in utilisation of funds (87, 83 and 81 per cent, respectively). Meghalaya, West Bengal, Manipur, Andhra Pradesh and Rajasthan, all with utilisation well below 50 per cent, ranked the lowest (28, 28, 32, 42, and 43 per cent, respectively). Jharkhand – long plagued by Maoist violence – utilised a meagre 61 per cent (2010). These utilisation rates are stunning given that only four states, of which Jharkhand is one, accounted for nearly 86 per cent of Maoist violence in 2008 (Subramanian, 2010).

Unfortunately, as Chidambaram himself has conceded, his attempts to lobby state governments on state police reforms have not been successful. States have been unwilling to revamp their recruitment procedures or establish boards to oversee transfers and postings of police. Such boards are critical because police appointments are often manipulated by corrupt politicians who seek to use the police for personal reasons and use postings as a system of reward and punishments for those police under their control. States have also simply failed or refused to provide funding for state police (Verma, 1999; Sondhi, 2000; Raghavan, 2003).

Will domestic political structures constrain future reform?

Despite sustained and vocal criticism Chidambaram achieved surprising momentum in his efforts to completely restructure India's internal security architecture. His success was due in large measure to the support of Prime Minister Manmohan Singh, who shares Chidambaram's vision for and concern over India's internal security. Much of the proposed reforms are systemic and focus on institutions and processes. The most comprehensive articulation of this vision was expressed in Chidambaram's December 2009 Centenary Endowment Lecture at the 22nd IB.

In the address, Chidambaram inventoried the vast array of political, administrative, intelligence and enforcement organisations with some connection to internal security. At the political level, there is the Cabinet Committee on Security, and on the administrative level the Ministry of Home Affairs (MHA), the Prime Minister's Office and the Cabinet Secretariat. Intelligence organisations are numerous and reside in several ministries: the IB reports to

the Home Minister; Research and Analysis Wing (RAW) reports to the Prime Minister; Joint Intelligence Committee (JIC), National Technical Research Organisation (NTRO) and Aviation Research Centre (ARC) report to the NSA; and the National Security Council Secretariat is also under the NSA, who serves the National Security Council. In addition to the Defence Intelligence Agency, the army, navy and air force maintain their own intelligence agencies.

Other agencies specialise in financial intelligence, such as the Directorates in the Income Tax, Customs and Central Excise departments, the Financial Intelligence Unit and the Enforcement Directorate. Enforcement agencies within the current structure include the central para-military forces such as the Central Reserve Police Force, Border Security Force, Central Industrial Security Force, Indo-Tibetan Border Police, Assam Rifles, Sashastra Seema Bal (Armed Border Force) and the NSG. Chidambaram expressed concern that there 'is no single authority to which these organisations report and there is no single or unified command which can issue directions to these agencies and bodies' (Press Information Bureau, 2009).

Chidambaram proposed to establish a National Counter Terrorism Centre (NCTC), modelled on the post-9/11 American institution, to bring these agencies under a unified command. When fully operational, the NCTC would be responsible for preventing terrorist attacks, containing any attack once launched, and responding to the attack by inflicting pain upon the attackers. In his December 2009 speech, he argued that the Centre must be established by the end of 2010, the two-year anniversary of the attacks. However, it was not until early January 2012 that the Cabinet Committee on Security cleared the proposal to establish the NCTC – some two years after it was announced (Mohan, 2012). (By way of comparison, the USA set up its NCTC within 36 months of 9/11.)

Chidambaram argued that the MAC, which is now staffed by the IB, could be expanded to fill this larger role and subsumed into the NCTC (Press Information Bureau, 2009). The version of the NCTC approved by the Cabinet Committee on Security generally corresponds with this vision. Reports suggest that the MAC would be subsumed into the NCTC and IB analysts would form the core of the NCTC – at least initially. Ostensibly, officers from other intelligence and security agencies as well as state police organisations will be deputed to the new organisation at a later time (Mohan, 2012).

However, many principals of India's intelligence bureaucracy have long resisted this reorganisation because it would deprive existing agencies of their independence and subordinate them to the NCTC and its Director. Chidambaram believed that the NIA, NTRO, JIC, National Crime Records Bureau and NSG should 'naturally' be brought under the NCTC. RAW, ARC and the Central Bureau of Investigation would also have to deputise relevant personnel to the new entity and some means would have to be found to 'place them under the oversight of the NCTC to the extent that they deal with

terrorism' (Press Information Bureau, 2009). Given that RAW currently reports to the Prime Minister's office, it can certainly be expected to resist such reorganisation. The IB is perhaps the agency with the most to lose, as the current Director of the IB is considered to be the lead on domestic counterterrorism. (This is perhaps akin to the loss of institutional influence suffered by the US Federal Bureau of Investigation and Central Intelligence Agency when the US NCTC was established.) Chidambaram anticipates that other institutional equities will inspire turf wars as well (Press Information Bureau, 2009).

The NCTC will be aided by the forthcoming the National Intelligence Grid (NATGRID), which will network all of the 21 databases that contain vital information and intelligence. Currently, each organisation has its own stand-alone database that cannot be accessed by others. This project was anticipated to come on line by the end of 2011, but as of early January 2012, NATGRID had received no more than an in-principle approval from Cabinet Committee on Security (Routray, 2012). In addition, the NCTC is supposed to have access to another database that is still under construction, the Crime and Criminal Tracking Network System, which will link all of India's police stations (Press Information Bureau, 2009; Vij-Aurora and Unnithan, 2010). As of mid-January 2012, India's MHA was in the process of finalising a memorandum of understanding with a software development agency (National Criminal Records Bureau, n.d.).

Chidambaram also sought to dramatically re-structure the Home Ministry itself. The current MHA handles an extremely diverse portfolio, only part of which pertains to internal security. Chidambaram proposed that those subjects not strictly germane to security should be moved to a separate department within the current MHA or handled by another ministry altogether. The Home Minister should focus primarily on internal security (Press Information Bureau, 2009).

Should the Minister for Home Affairs indeed assume the role of 'internal security Czar' and the NCTC become fully operational, the role of the NSA will shrink accordingly. Indeed, some believe that the previous NSA, M.K. Narayanan, was removed from his post because he opposed the formation of the NCTC, which involves reassigning several agencies (JIC, NTRO and ARC) from the authority of the NSA to that of the NCTC. Narayanan had considerable sway over these agencies. The portfolio of his successors will not include operational intelligence coordination; rather they will focus upon problems of diplomatic engagement, leaving security issues to the Home Minister (New Kerala, 2010; *Thaindian News*, 2010).

Explaining the reforms thus far

As the foregoing demonstrates, India has long been menaced by a vast array of internal security threats that have enjoyed various degrees of external support.

Despite the severity of previous incidents, the government's response was lethargic. But, as this paper has shown, in the aftermath of the Mumbai attacks India *did* take important steps towards revamping its internal security apparatus (though subject to the limitations of Indian federalism). Thus the question arises as to why India undertook these changes after Mumbai, even though that attack claimed fewer lives than previous ones had done.

There are likely several reasons for this shift, although determining which possesses the strongest explanatory power is difficult due to inadequate evidence. First is the media-friendly nature of the event itself. While elements of the attack had been employed by terrorists in the past, never before had India experienced simultaneous commando-style assaults on multiple sites. Moreover, the siege lasted more than three days and was covered extensively in real time by the Indian media. Furthermore, facilitated by India's burgeoning number of private media companies, their relationships with international media organisations (such as IBN's partnership with CNN), and the expanded coverage of India within international media, Indian and *global* publics were mesmerised by the gory spectacle. Global publics were also likely following the events due to the involvement of foreign victims. American audiences in particular were captivated by the attack, which occurred during the Thanksgiving holiday and involved several American victims as well as citizens of Israel, a country of great interest to many Americans. The internet and social media also covered the tragedy extensively.

Secondly, and partly as a result of the media coverage, the attack mobilised urban elites who actually took to the streets to protest against the Indian government (Khilnani, 2009). It also energised the business community. In December 2008, an extremely unusual public interest lawsuit was filed against the government by a similarly unprecedented coalition of investment bankers, corporate lawyers and representatives of some of India's largest companies (which are headquartered in Mumbai), as well as the Bombay Chamber of Commerce and Industry (the city's largest business association). The Chamber had never before lent its name to litigation in the public interest. The suit charged that the government had 'lagged in its constitutional duty to protect its citizens' right to life, and it pressed the state to modernise and upgrade its security forces' (Sengupta, 2008). Previous attacks had generated no such response.

As further testament to the unprecedented engagement of the business community in national security affairs, the Federation of Indian Chambers of Commerce and Industry (FICCI) convened a Task Force on National Security and Terrorism. The chairman of that task force, Rajeev Chandrasekhar, explained in its first volume of published reports that

> . . . a secure India is critical for our sustained economic progress and that the time
> for platitudes and rhetoric is long gone. To secure India requires immediate and

actionable steps and so FICCI had organised a Conference on Terrorism and National Security in the aftermath of 26/11, where a series of action points were finalised and published. To further reinforce that, FICCI assembled some of the finest minds in the field of national security and terrorism to understand the challenges, to put together a comprehensive set of policy suggestions that the government, the corporate world and the civil society must adopt with further delay. (Federation, 2009)

Involvement of such institutions as FICCI attest to the unprecedented mobilisation of the private sector and the costs that India's failure to develop adequate security institutions imposes.

Third, the attack took place in the context of India's growing efforts to revise its position within the international system. India has long understood itself to be the preeminent power of South Asia. In recent years, India has sought to establish itself as an extra-regional and even global power (Mohan, 2005). 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.

Fourth, the attacks also took place against the backdrop of evolving security dynamics in South Asia. With the USA believing that it is reliant on Pakistan for prosecution of its counterinsurgency and counterterror campaigns in Afghanistan, Washington has demonstrated a consistent inability to persuade Islamabad to abandon support for militants, whether the Afghan Taliban or the so-called Kashmiri groups which attack India, as a tool of foreign policy. The geopolitical environment as well as regional dynamics have made it increasingly clear to India that in the near future the USA will not and cannot have interests in Pakistan that correspond with those of India.

This is not to say that Washington is disinterested. After the 2008 Mumbai attack, the USA persuaded Pakistan to marginally satisfy Delhi's demands. However, despite a 2009 promise to ban JuD after the UN Security Council declared it a terrorist organisation, Islamabad has been intransigent when it comes to more meaningful and permanent steps, such as prosecuting high-level leadership, banning the organisation, or limiting its ability to operate. Washington's motivation for helping to prevent a war was its need for the Pakistani army to engage in counterterrorism and counterinsurgency operations in Pakistan's west and elsewhere. Washington encouraged India to avoid any significant military mobilisation that could provide Islamabad with an excuse to move to the east forces employed along the border with Afghanistan.

For India the implications of American interests are obvious: while India develops conventional strategies to both 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, success in making any reforms was likely to be due in part to India's current political leadership under Prime Minister Manmohan Singh. His first term was shaky, rattled by left-leaning parties that nearly undermined his coalition government and almost prevented the culmination of the US–Indian civilian nuclear agreement. The 26/11 attacks took place only a few months after Singh managed to forge an alternative coalition that both secured the nuclear deal and maintained the integrity of his government. While critics complain that some momentum was lost in the run-up to the general election in the spring of 2009, in fact Chidambaram continued making progress on internal security. While much remains to be done, the 26/11 attacks, relative to previous catastrophic security breaches, appear to have galvanised sustained attention to security issues long after the anniversary of the event.

Constraints that bind: the limits of internal security reform

Despite the important and historically unprecedented changes in India's internal security architecture, there are three important systemic limitations that will be difficult, if not impossible, for India to overcome 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 2000 and 2009 (the last year of World Bank data), India's gross domestic product grew on average by 7.44 per cent and in 2009 it grew by 9 per cent (World Bank, 2009). The public sector is struggling to find ways of recruiting and retaining talent given India's sustained economic growth and private sector competition. Moreover, the Indian Administrative Service no longer possesses the prestige that it did for previous generations. On the positive side, there is nearly complete job security in the public sector (Economist, 2008). (However, 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 organisations will be hampered by shortfalls of capable candidates who have more lucrative private sector opportunities (Sebaston, 2007). While this is a well-known problem for the various policing agencies, it is also true for the intelligence organisations (Mehra, 2007; Verma, 2009).

A second and even more alarming barrier to reform is corruption and patronage politics. Chandra (2009) 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; second, elected officials have enormous discretion in allocating jobs and services and even in the actual implementation of law. 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 individualised 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 politicised and, at rank-and-file and leadership levels alike, have colluded with politicians for mutual benefit. Guha (2008) 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.

Police officials, to ensure that they remain in the good graces of their benefactors, may openly support them in elections or other public fora (*Times of India*, 2011), 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. (Human Rights Watch, 2009: 7)

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 (Bussell, 2010). 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 PPE, 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 minimising the loss of life or injury. Despite the tragedy of 26/11, the Maharashtra state police force is still badly ill-equipped, at least in part due to a centralised and corrupt procurement system which in many cases has provided Indian security forces with defective equipment that fails basic tests of effectiveness (Page, 2008).

The third barrier to reform, and one that is linked to the second, is the Indian electorate and its expectations of its leadership. While there have yet been no studies on electoral behaviour with respect to the provision of internal security specifically, several studies have examined voter and politician behaviour with respect to the provision of other public goods. Saez and Sinha conducted a sub-national study of the variation in the provision of health, education, irrigation and agriculture and social security. While they found enormous variation between India's states and territories, they found 'strong and enduring effects of cyclical (timing of elections and alteration of power) and institutional variables (the extent of party competition)' – rather than independent assessment of need for these services – on public expenditure decisions (Saez & Sinha, 2009: 93).

Ghosh's examination of the relationship between electoral cycles and crime in India, while offering only limited insights for this study, does find that both property and violent crimes decline in an election year, with the decline in the former being most significant. However, Ghosh also finds that both kinds of crime are responsive to an election's timing – increasing in the initial years of an incumbent's tenure and declining in the later periods, as the elections draw nearer. Ghosh (2006) found that voters are most sensitive to crime rates during an election year, rather than being consistently concerned throughout the politician's tenure.

Ghosh's work shows that politicians and voters care about personal security. However, personal crime is very different from terrorism. For the vast majority of voters, a personal experience of terrorism is an exceedingly low-probability event, whereas personal crime, while rare, occurs more frequently than terrorism. Evidence, though anecdotal, of the relative indifference of Indian voters to terrorism as a policy issue is the simple fact that 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.

Moreover, the second-order effects of terrorism on commerce and foreign direct investment are less likely 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' (Saez & Sinha, 2009: 111).

As discussed above, 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. Unless there is a broader demand for internal security 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 July 2011, Mumbai suffered bombings during rush-hour, killing some 17 people (Arnoldy, 2011). 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. Given its lack of offensive options, India needs to invest much more heavily in defensive measures, such as investigative agencies and all levels of law enforcement.

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 USA, 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 noted above, is characterised at both federal and state levels by a patronage-driven political system, with strong distributive coalitions and interests groups which use political influence to manipulate the ways in which collective goods are provided (Saez & Sinha, 2009). While Mumbai galvanised enough public outrage for the centre 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 mobilises

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 recognise the magnitude of the threat and to prioritise 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.

Acknowledgements

Notes

1. Researchers conservatively estimate the direct costs of the World Trade Centre attack (e.g. lost earnings, property loss and damage, cleanup and restoration) ranged between $27 and $50 billion. The indirect costs of the attacks (e.g. loss of national income, increase in insurance costs, increase in defence spending, etc.) may be as high as $500 billion (Bram *et al.*, 2002; Looney, 2002).
2. After the incident, the government established a committee to review the events leading up to and during the crisis. This report put forward a series of recommendations for extensive modernisation of India's external and internal defence systems, including better integration across intelligence, internal and external security apparatus (India Kargil Review Committee, 2000).
3. See Bussell (2010) for a discussion of the pervasiveness of corruption and the varied vested interests in resisting efforts to combat it.
4. The inventory of the team's weapons varies in different accounts. According to the lone survivor, 'each man was carrying an AK-47, two magazines, eight grenades and a mobile phone. Some also carried explosives'. (CBS News Online, 2008).
5. In May of 2006, Mohammad Iqbal, a LeT activist from Bahawalpur (a city in southern Punjab in Pakistan), was shot dead by Delhi Police. Iqbal had worked through mafia-linked traffickers to ship a consignment of explosives through Gujarat that was used in the February 2006 attack on an Ahmadabad (Gujarat) train platform (Swami, 2006).
6. Operation Blue Star was the 1984 army-led action to roust Sikh militants ensconced in the Golden Temple in Amritsar, Punjab. The NSG established under the *National Security Guard Act* of the Indian Parliament in 1986 and acts within India's Central Paramilitary Force structure.
7. According to the Director General of the Maharashtra Police, the dearth of ammunition has precluded appropriate firing practice and has 'created serious disability in the offensive capability of the police. For example, the last supply of AK-47 rounds was 45,000 received in 2005. After 2006 December no ammunition has been received' (Pradhan Committee, 2009).

8. These directives were issued in the judgment in the case of Prakash Singh versus Union of India and Others. This emerged from a Public Interest Petition filed in 1996 in which the state and central governments were respondents. Prakash Singh, a former Director General of the Border Security Force, and others sought intervention in the failure of the central and state governments to implement reforms under the National Police Commission submitted in eight parts between 1979 and 1981 (Observer Research Foundation, 1997).

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