

NATIONAL SECURITY MANAGEMENT: SOME CONCERNS

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I feel privileged to have been invited to deliver today's lecture to remember Rameshwar Nath Kao and his outstanding contribution in the arena of intelligence, particularly his role in establishing the external intelligence agency and placing its functioning on a sound footing.

The first time I had the opportunity of meeting this elegant personality was when, immediately after the Sino-Indian conflict, I was inducted into the Special Services Bureau. Kao Sahib counselled me and another officer before we underwent training with the Special Air Service (SAS) of the UK. Over two decades later, in early June 1984, I was summoned to meet him late one evening at Chandigarh. At that time, he was the security advisor to the prime minister and had arrived from Delhi to assess the post Operation Blue Star situation in Punjab and advise Mrs Gandhi about the possible next steps. The duration of my meeting with Kao Sahib got considerably extended as he questioned me at great length about the genesis of the developments in Punjab which had led to the army having to enter the Golden Temple. Whatever may have been the content of Kao Sahib's report to the prime minister, within three days of his visit to Chandigarh, orders were issued for the immediate replacement of the governor and the removal of his advisors, along with the chief secretary and director general of police.

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And I received midnight orders to replace the home secretary of the state.

In the subsequent years, till Kao Sahib's passing away, I had the opportunity of meeting him on a few occasions. A low profile intellectual, he remained perennially preoccupied with his professional concerns. When not engaged in work, he was an extremely engaging personality. Among his many attributes, he spoke excellent Urdu and recited profound couplets.

As the founding father of the Research and Analysis Wing (R&AW), Kao Sahib retained this position for many years, till he retired from service. Post superannuation, he served as security advisor to the prime minister and in several other capacities. I pay tribute to this doyen of the Indian intelligence system.

On account of varied unforeseen circumstances, both during service and after retirement, I have been involved in the security management arena for over three decades, in one capacity or another. This evening, I shall speak about some of my concerns regarding the manner in which our security management system has been functioning and what perhaps needs being done to meet the growing serious threats from varied quarters.

In any discussion about issues relating to security management, it would do well to keep in mind that India is a large country with about 1,200 islands, an Exclusive Economic Zone (EEZ) of several million sq km, and land and sea borders which span nearly 23,000 km. Besides this daunting spatial factor, we have a large and growing population of about 1.3 billion which comprises 4,635 multi-religious communities who speak 179 languages and 550 dialects. The vastly varying socio-cultural and religious traditions of our communities are embedded in thousands of years of their past histories.

Since independence, our country has achieved considerable progress on varied fronts but we still have significant illiteracy and unemployment and a nearly one-fifth of our people subsist below the poverty line. Needless to say, the governance of India poses enormous challenges, and safeguarding the country's security is truly a colossal task.

While discussing issues relating to the preservation of India's unity and territorial integrity, it would be useful to have a quick look-back at our

past experiences. Briefly, in the decades gone by, there were serious internal disturbances, as also incidents involving communal conflicts, which led to large scale human and economic losses in various parts of the country. It would not be feasible, within the course of this lecture, to go into the causes of the various disturbances. However, it would be relevant to note that the states have the constitutional responsibility for the maintenance of peace and public order, and are vested with powers to make all the required laws and to take all the necessary executive decisions for ensuring internal security within their jurisdictions. Insofar as the union is concerned, it has the much larger responsibility of protecting the states against war and external aggression and internal disturbances.

While our Constitution makes a reference to *security* and not to *national security*, it would be incorrect to arrive at the conclusion that the union and the states have distinct and separate duties for safeguarding the country, and providing safety and security to the people of India. It could, perhaps, be postulated that the lack of reference to *national security* in our Constitution, if such a specific mention was at all required, may be for no better reason than that the founding fathers of our Constitution were, at that juncture of our history, deeply concerned about the challenges of nation building and how the gigantic problems of resettling millions of refugees, large scale poverty, illiteracy, hunger, unemployment and widespread underdevelopment would need to be tackled. It was not envisioned that, within days of our gaining independence, India would have to face the Pakistan sponsored invasion of Kashmir.

Because of the time factor, it would not be possible to comment on how the union and the states fared in dealing with the major security challenges faced in the earlier decades. I shall, instead, briefly comment on the major problems which emerged in the past and state that these have largely been related to Pakistan's continuing proxy war in Jammu and Kashmir (J&K); *Jihadi* terrorism which has continued to grow in both reach and spread in various parts of the country; the continuing violent activities of the Left Wing Extremist (LWE) groups; and the still active insurgencies in the northeast region. I will comment briefly on each of these threats.

The Pakistani Inter-Services Intelligence (ISI) has been launching unceasing campaigns to spread radicalism and provide training, weapons, communication

systems, funds and varied logistical support to enable its terror groups to infiltrate into Jammu and Kashmir and spread violence and chaos. It has also been continuing its attempts to revive Sikh militancy in Punjab, besides, pressurising various Sikh militant groups to join hands with the Kashmir-centric terrorist outfits. Side by side, the Indian Mujahideen and other terrorist groups, based in Pakistan and several other neighbouring countries, have been continuing their endeavours to perpetuate terrorist violence in the country.

The armed struggle being carried out by the left wing extremist groups, which aim at securing political power, continues to pose serious security problems in several parts of the country. As regards the activities of the various insurgent groups which are still active in the northeast region, recent reports suggest that, consequent to certain initiatives taken by the Government of India to engage the warring groups in peace talks, there has been some decline in the number of incidents and the levels of violence.

It needs being noted that ever since the advent of terrorism in India, issues relating to the effective management of *national security* have emerged as perhaps the most crucial challenge faced by the union. It is now also well recognised that unless there is peace and normalcy in the land, it would not be possible to achieve meaningful growth and development for promoting the welfare of our people.

The 8/11 incident in Mumbai, and the resulting enormous human and economic losses, sounded a clear warning that India's existing security management apparatus is inadequate for countering terror attacks from across its land and sea frontiers or from across the skies.

Before suggesting steps which may be taken for more effectively safeguarding India, it would be useful to have a broad understanding of the term *national security*. In simple words, *national security* comprises all facets of *external security*, which relates to protecting the country's territories against war and external aggression, and *internal security* which includes all matters relating to the maintenance of peace and public order across the length and breadth of the country.

As I have stated on earlier occasions, the first generation of our security analysts had found it convenient to distinguish between internal and

external security, and to focus almost entirely on issues relating to external threats. In my view, such a sectoral approach is erroneous and untenable. Any scope for segregating the management of issues relating to internal and external security was obliterated when Pakistan launched its proxy war in Jammu and Kashmir. Furthermore, over the past nearly three decades, issues relating to the management of internal and external security have got deeply and inextricably intertwined. It would be relevant to also note that, over time, the sources of arising security threats have got geographically spread far beyond our immediate neighbourhood to countries in Southeast Asia, the Middle East and in the Western hemisphere.

In the context of what I have so far stated, it needs being recognised that our security concerns relate to innumerable targets and activities within our country and it would no longer do to merely focus on defending our frontiers.

I would go to the extent of saying that, today, there is no important institution or activity which is not insecure. It has, thus, become extremely essential to safeguard almost every arena and to particularly secure arrangements relating to food, water, energy, nuclear power, science and technology, environment, ecology, finance, business, commerce, banking, cyber space and other important fields.

As I had observed in the beginning of this talk, our country represents an immense cultural and geographical diversity and the unhindered interplay of cultural and religious identities in our large and unfettered democracy has the potential of generating disagreements and confrontations which could lead to large scale disturbances, especially when an external adversary agency also steps in. Thus, if the unity and territorial integrity of our country are to be preserved, it would be of vital importance to ensure security on all fronts and, besides, devote particular attention towards promoting tolerance and communal harmony among our people.

At this juncture, it would be useful to pause and ask ourselves the question: in view of the security challenges faced in the past seven decades, has our country been able to evolve a comprehensive national policy and the required infrastructure to safeguard the nation on all fronts? Based on my

personal experience in the past many years, my answer to this question is that so far we have neither secured the required union-state understandings nor developed a pan-India approach which would meet the requirements of a National Security Policy.

Insofar as the role of the states is concerned, the union has not so far been able to convince them to fully accept their constitutional duty to maintain internal security within their jurisdictions. In this context, it needs being stated that, in the years past, a majority of the states have been unable to establish efficient intelligence agencies and maintain well trained police forces in adequate strength to effectively put down any arising disturbance. Consequently, the states have been perennially relying on the union for the deployment of central armed police forces, and even the army, for the restoration of normalcy in the disturbed areas. Thus, in the past decades, particularly in the northeast region and Punjab, the union's armed forces have had to be deployed on an extensive scale and for prolonged periods. Among the consequences of such deployments, there have been recurring agitations against the alleged violations of human rights of the affected populations and vociferous demands for the repeal of the Armed Forces Special Powers Act.

Besides their failure to adequately discharge their constitutional responsibility to maintain internal security within their realms, the states have also been found wanting in providing unstinted support to the union's endeavours to safeguard national security. Among other matters, the states have been questioning the union's authority to take any preventive or preemptive action to deal with an emerging internal disturbance on the plea that maintenance of law and order is the constitutional prerogative of the states. Notwithstanding the constitutional position, as per the practice which has got established over the past decades, the union has refrained from *suo motu* deploying central armed police forces in any state to preempt an arising disturbance or even to protect the Government of India's own properties located in various parts of the country. As per its continuing approach, the union has been deploying its armed forces only after consultation with the affected state or at the latter's request.

It is not easy to explain the Government of India's approach, particularly in the context of the constitutional prescription that *it shall be the union's duty to protect the states against internal disturbances*. Considering the developments which led to the demolition of the Babri Masjid, questions have been repeatedly raised about what exactly is the union's constitutional responsibility, particularly when it is duly warned, and is well aware, of an arising conflagration, as was the case before the demolition of the Babri Masjid. Furthermore, after the 8/11 terror attack in Mumbai, grave concerns have also been voiced about the union's actual capability for dealing with such challenges.

Because of the constraint of time, I shall not comment on several other issues which relate to the present discussion but reiterate my essential concern that there must not be any further delay in promulgating a well considered National Security Policy which is founded in unambiguous union-states understandings to work together for collectively safeguarding the country's unity and territorial integrity.

It is a matter of serious concern that the states have not been able to provide adequate budgetary resources for maintaining their police forces in sufficient strength. The states are also reprehensible for interfering in the day-to-day working of the police organisations and politicising their functioning, which has resulted in eroding the discipline, integrity, morale and professionalism of the constabularies. It is regrettable that, to explain their varied failures, the states have been advancing the specious argument that they suffer from paucity of resources and, that, in any case, it is the responsibility of the union to provide them adequate funds for the expansion and modernisation of their police forces as under the Constitution, *it is duty of the union to protect the states against internal disturbances*.

If the states have to become self-reliant in effectively managing internal security, they shall necessarily have to take urgent steps to carry out the now very long pending police reforms, which have been recommended by several national committees and commissions, and even by the Supreme Court of India.

It is shameful, indeed, that even seven decades after independence, many state police organisations are still functioning under a Police Act which was

enacted by our imperial masters nearly 160 years ago. And most states have still not meaningfully carried out the Supreme Court's directions for fundamental reforms being implemented regarding the functioning of the constabularies. Besides defaulting to enact the Model Police Act, which was drawn up under the directions of the apex court, the states have also failed to set up Police Complaints Authorities and State Security Commissions to segregate law and order from investigation functions and to set up separate intelligence and anti-terrorist units.

All over the country, the police is the first response force and it is of crucial importance that the constabularies in all the states are highly trained and motivated, and all their service and family conditions are looked after satisfactorily. Considering the past track records of the states in regard to security management, the union shall need to draw up a state-wise action plan for bridging all the existing gaps and shortfalls and, towards this end, the states shall also need to be financially assisted.

Over the years, whatever may have been the complexion of the political parties in power, it has been the union's general tendency to avoid any confrontation with the states, far less question them about the factors and influences which have been leading to recurring internal disturbances. Consequently, whenever approached by a state in distress, the union has been, without fail, providing assistance by deploying the central armed police forces, and even the army, to restore normalcy in the disturbed area. Thus, the union has concerned itself essentially with dousing fires and has rarely ever questioned the states about the root causes of the disturbances in their areas.

The union has also been hesitant in exercising its authority under Article 256 of the Constitution to issue appropriate directives to the affected states for taking the required actions to timely quell arising disturbances. On the contrary, the practice actually followed in the past decades has been for the Union Ministry of Home Affairs to merely issue "advisories" to the concerned states in regard to the management of emerging situations. Thanks to the Home Ministry's amiable approach of only issuing cautionary notes to the concerned states, it has not been possible to preempt any arising disorder.

If we recognise the gravity of the progressively enhancing security threats which are emerging from varied sources, from our neighbourhood and beyond, and also remember that it is the duty of the union to protect every state against internal disturbances, then no more time can be lost in the union taking immediate initiatives for finalising a holistic National Security Policy and, thereafter, proceeding to establish the required nationwide machinery for implementing it.

For securing the required union-state understandings in the arena of national security management, it would be enormously beneficial if the draft National Security Policy and all major issues relating to its implementation are discussed and settled in meetings with the chief ministers under the aegis of the Inter-State Council (ISC), which is chaired by the prime minister.

Once the states have clearly accepted their responsibility to maintain internal security, there would be no reason why they should not become progressively capable of effectively dealing on their own with any arising internal disturbance. And when the states become self-reliant, the union shall be able to progressively reduce the large scale deployment of its armed forces for dealing with disturbances in the states.

In the foregoing context, it needs being noted that except in Jammu and Kashmir, where we are fighting Pakistan's proxy war, the recurring deployments of the army elsewhere in the country, for dealing with local insurgencies and internal disturbances in the states, have the rather worrying potential of blunting the army's edge, besides generating internal problems regarding the operational efficiencies of its officers and men who are recruited, trained and equipped to fight and destroy the enemy at first sight and not be involved in situations in which the rules of engagement demand considerable restraint

Once the union has been able to promulgate a bi-partisan National Security Policy, the next important step would be to undertake a thorough state and union territory-wise critical review to identify deficiencies in the existing security administration systems. Side by side, it shall be useful to carry out a close critical assessment of the union's own wherewithal for discharging its constitutional responsibility to safeguard the nation.

The union would need to review its obligations on various fronts and, *inter alia*, enhance allocations to enable the central intelligence agencies to significantly enlarge their capacities for providing timely intelligence to various quarters, at the Centre and in the states. And among their many responsibilities, the intelligence agencies shall need to urgently equip themselves for particularly protecting the defence and governmental establishments, the financial sector, and large public and private organisations against cyber crimes.

It would be beneficial if the chiefs of both the internal and external intelligence agencies take timely initiatives to critically review their existing charters and revisit the oversight mechanisms, such as may be in existence, for reviewing both their policies and operations. These steps should be taken proactively, without waiting for pressures building up to question the obtaining policies, procedures and systems of the intelligence apparatus. While undertaking such an exercise, it should be kept in mind that the two central intelligence agencies in India do not report to the same minister. Also, unlike in the years gone by, it may not be a sound basis to assume that oversight by the concerned Cabinet ministers is adequate in as much as they are accountable to the Parliament and that such an arrangement is good enough. In this context, it may be recalled that the Kargil Review Committee had noted the absence of coordination, governmental correctives and the need for checks and balances. Among the various models followed in the advanced countries, I find that the UK's Intelligence Services Act (1994) provides for a Parliamentary Intelligence and Security Committee which examines the expenditure, administration, and policies of the intelligence services. With such modifications as may be required, this statute appears to be more in tune with our administrative ethos and deserves early examination.

If internal security is to be effectively maintained and we are to move towards assured national security management, it would be urgently essential to implement reforms and improvements in the entire framework of the criminal justice system. Unless this system functions with speed, efficiency and visible fairness, it would not be possible to reduce criminality and establish a healthy respect for the law. As the very first step, the criminal

courts shall need to achieve a significantly improved disposal rate and also stem the decline in the conviction rates, which is due to the prolonged delays in investigations and trials. As per reports, year after year, several crore criminal cases continue to await trial and an equal number remain pending for want of investigations. Such a situation must not be allowed to continue and the union must take all the required steps to introduce improvements on a time-bound basis.

Besides the enormous logistical inadequacies which adversely affect the proper functioning of the courts, there is also a subsisting question mark about the integrity of the subordinate judicial services. Unfortunately, in the past years, allegations have been raised even against those who man the higher judiciary, including up to the august level of the chief justice of India. Indisputably, urgent and effective steps shall be needed to clean up the system to enforce judicial standards and deliver speedy, clean and effective justice.

Another area of serious concern is that while we have a plethora of obsolete and outdated laws in the country, we have still to enact comprehensive laws, with pan-India jurisdictions, to deal with terrorism, cyber crimes and economic offences and to tackle the growing criminality which is perpetrated by organised crime, drug trafficking and mafia groups, many of which have close connectivities with terrorist organisations.

Needless to stress, when union-states understandings are arrived at in regard to the management of national security, a very important agreement shall have to especially provide for the enactment of an anti-terror law, enforceable in the entire country, which enables the concerned union agency to take immediate cognisance and launch investigations, without having to obtain sanctions and clearances from varied state or central authorities.

As of now we have only the National Intelligence Agency (NIA) which was enacted in a rush after the 8/11 terror attack. This statute requires considerable strengthening to ensure immediate cognisance of offences committed anywhere in the country, to be followed by prompt investigations. Also, the list of offences covered by this law needs to be dynamically reviewed and enlarged and, side by side, attention given to upgrade and enhance the powers and modalities for special investigations. Further, the obtaining

procedures for the establishment of special courts and the completion of trials within given timeframes also need to be urgently reviewed and rationalised. If the NIA is to function as the nodal agency to counter terrorism, cyber crimes and other major threats, it shall need to be provided very strong and prompt support by the central and state intelligence agencies and by the law enforcement machinery all over the country.

Many years have elapsed since it was proposed to establish the National Counter-Terrorism Centre (NCTC). If I recall correctly, this proposal was opposed by the states which had demanded that the law to establish the NCTC should be passed by the Parliament and, further, that this organisation should be administered by the Union Home Ministry and not by the Intelligence Bureau. These arguments reflect the distrust of the states in the functioning of the security organisations managed by the union and yet again point to the urgent need for arriving at the required union-states understandings to lay the bedrock of an effective National Security Policy.

As is well known, varied threats to national security also originate from corruption in the administrative systems, all over India. As past experience has shown, corruption vitiates the Constitution and the rule of law and destroys the very foundations of the administrative and legal systems. It generates unaccountability and inefficiencies which, in turn, cause anger and helplessness among the people at large, particularly the poor and marginalised segments who may be even further alienated, and compelled to resort to arms.

It is also known that corrupt elements in the governmental establishments may have connectivities with criminal and anti-national elements and, thus, have the potential of sabotaging and subverting the national interests from within, while working in establishments in which they have got themselves entrenched. It would be stating the obvious to stress that the union and the states need to urgently join hands to identify and weed out all corrupt elements in the entire administrative machinery, particularly from the civil, police and judicial systems.

As regards the subversion of national security interests from within the governmental systems, it may be recalled that consequent to the Mumbai serial

blasts in March 1993, the Government of India had set up an inter-ministerial committee, chaired by the union home secretary, to *inter alia* ascertain how the Dawood Ibrahim criminal gang had succeeded in bringing several tonnes of RDX into Mumbai city to carry out the serial bombings. This committee, generally referred to as the Criminal Nexus Committee, had arrived at the conclusion that criminal activities can be carried out virtually unfettered, because of the existence, in several parts of India, of an unwholesome nexus among corrupt politicians, dishonest public servants and organised crime and mafia gangs. Twenty-five years have since elapsed. It is apprehended that such networks may have since considerably enlarged their strength and would today pose an even graver threat to national security.

I now come to another very critical issue which has continued to be neglected. This relates to the fundamental necessity of ensuring that all security management departments and agencies are manned by personnel who are adequately trained and equipped to perform the sensitive tasks which they are required to handle. Traditionally, appointments to posts at various levels in the Home and Defence Ministries and other security management organisations have been from among various generalist cadres. Over the years, varied problems have arisen because the large majority of those deployed in such important agencies may have had no prior experience of working in the security management arena. Serious personnel related problems have also been surfacing in the functioning of the central intelligence agencies, particularly in the Research and Analysis Wing (R&AW). For want of a well planned approach, deficiencies have been faced in regard to the availability of the required number of adequately trained and experienced functionaries who are required for manning the various organisations which comprise the union's security administration apparatus. Problems relating to the shortage of a trained human resource would pose an even larger problem once the National Security Policy has been promulgated and a significantly enlarged apparatus is required to be made operational.

In the foregoing context, it may be recalled that, nearly two decades ago, the then National Democratic Alliance (NDA) government had set up three

task forces. Of these three, the task force relating to internal security was chaired by me. Among the many recommendations which were made by this task force, I had particularly pointed to the vital importance of trained manpower being raised, in adequate strength, to progressively man the union's entire security management apparatus, all over the country. In this context, I had proposed the broad framework for raising a dedicated pool of officers by seeking volunteers from all civil, police, defence, Defence Research and Development Organisation (DRDO), science and technology, management, banking, telecom and various other arenas of functioning. It was proposed that such volunteers, after selection, should be made to undergo function and area specific training programmes and well trained persons from this pool could then be hand-picked and deployed to perform specified roles in the central security management apparatus. It was postulated that the establishment of such a specially trained cadre would put an end to the continuing ad hoc practice of deployments being made in the security administration arena of persons of diverse professional backgrounds who had no past experience of working in this arena.

The recommendations of the Internal Security Task Force (2000) were considered by a Group of Ministers (2001) chaired by the then deputy prime minister and home minister of India. After extensive discussions, the Group of Ministers, comprising the home, defence, finance and external affairs ministers and vice chairman of the Planning Commission, had approved the approach recommended by me. This decision was reflected in the "Report of the Group of Ministers on National Security" (February 2001). Considering the long period which has since elapsed, it can be safely assumed that this matter has been duly consigned to the record room.

In the past two decades, since the empowered Group of Ministers considered the recommendations of the three tasks forces, which were set up consequent to the Kargil Review Committee Report, worrying developments have taken place in our security environment. There have been significant shifts in the geopolitical environment in our neighbourhood and beyond and there are new threats to our country's interests and security. In this context, I would yet again stress that we can no longer afford to follow ad hoc and

disparate approaches in regard to national security management and the Government of India should not lose any more time in taking the full step to establish a *National Security Administrative Service* whose constituents, selected on the basis of a pan India competitive examination, should be especially trained in the various required areas, and deployed to man the Government of India's security administration system. Thereafter, members of this service could also be progressively allocated to the states for managing their security management machinery.

My concluding observation relates to the need to establish a new ministry which is entirely dedicated to the efficient implementation of every component of the National Security Policy and to keep a close and constant watch to see that the states effectively maintain internal security in their domains.

It needs being recognised that the Union Ministry of Home Affairs is faced with ever increasing day-to-day pressures on varied fronts and its senior echelons are required to deal with a horde of subjects, of which one relates to internal security management. With its existing responsibilities it would be impractical to expect this ministry to devote full time attention only to security management related issues, all of which require zero delays and immediate decisions. In this context, if national security is to be effectively managed, the time has come to establish a dedicated *Ministry of National Security Affairs* which is led by a senior, experienced Cabinet minister and manned by handpicked and especially trained functionaries drawn from the National Security Administrative Service, which I have earlier proposed.

In conclusion, I would briefly recapitulate the three main suggestions which I have made in the course of this lecture:

- The union should take urgent steps, in close consultation with the states, to evolve and promulgate the *National Security Policy* and, thereafter, draw up, and implement, a time-bound action plan to fill all existing gaps and establish a country-wide institutional framework for safeguarding the country on every front.
- For securing effective implementation, it is essential that the security administration apparatus of the union and the states is manned by well

trained and trustworthy personnel. Towards this objective, the union should establish the *National Security Administrative Service* whose cadres should man the union's security related organisations and, progressively, the security management apparatus of the states.

- The Union Home Ministry is responsible for the management of a large number of disparate subjects and is overburdened with the discharge of its day-to-day tasks. The effective implementation of the National Security Policy shall, *inter alia*, require constant oversight of each and every security related development and immediate operational decisions. It would be beneficial to lose no time in establishing a *new Ministry of National Security Affairs* which is entirely devoted to effectively safeguarding the country on every front.

Finally, I would yet again stress that if the sovereignty, unity and territorial integrity of our country is to be effectively protected, then it is of the foremost importance that the union and states act in very close concert to ensure the efficient implementation of the National Security Policy. It is equally necessary that all matters relating to national security are viewed with utmost concern and prompt decisions are taken to ensure that not the slightest chink is left to subvert the national interest.