

New Anti-Hijack Policy - A Critique

Shri Kalyan K Mitra, IPS (Retd)

Nearly six years after the disastrous hijacking of an Indian Airlines aircraft from Kathmandu, the Cabinet Committee on Security (CCS) has approved tough anti-hijack policy guidelines. The United Progressive Alliance (UPA) government deserves to be congratulated for sending a strong signal to would-be hijackers while preparing the nation for any future eventuality in which an aircraft may have to be shot down in supreme national interest. It would have been much better, however, if the policy guidelines were discussed beforehand with leaders of all the parties of the ruling UPA as well as the opposition in order to achieve a consensus in the matter before giving a final shape to the policy. If past experience is any guide, in the event of a real crisis it can be assumed that Indian political parties of all shades will play their usual game of divisive politics and make it difficult if not impossible for the government of the day to implement the policy.

In the post 11 September 2001 environment, a tough anti-hijack policy of shooting down hijacked airliner heading towards a strategic installation or building is an unavoidable option for countries like India, which are challenged by Islamist terrorism. Russia, Israel and the United States do not, as a matter of policy, negotiate with hijackers and hostage takers. Spelling out in advance the policy of not negotiating with the hijackers on any demand which impinges on national security is necessary so that the government could send a clear warning to future hijackers that benefits of their misguided action would be denied to them, come what may.

Admittedly, implementing a really tough policy in letter and spirit would not be easy. Given our record of chaotic decision making and bureaucratic bungling, one wonders if the national security managers would be able to promptly and conclusively determine that a passenger airliner had been converted into a flying weapon of mass destruction by armed hijackers and was

Shri Kalyan K Mitra is a former Principal Director, Directorate General of Security in the Cabinet Secretariat. His comments are based on reports published in the Press regarding the new policy guidelines.

Journal of the United Service Institution of India, Vol. CXCV, No. 561, July-September 2005.

heading towards a strategic target. Let us imagine that a domestic airliner has been hijacked minutes after taking off from Delhi airport and the Air Traffic Control (ATC) has determined that it has deviated from its flight path and is headed towards the Parliament House, which is in full session. How much time will the crisis managers have to respond to the alert notice? It will be a matter of minutes, not hours. The big question is whether there would be sufficient political will and courage to implement the stated policy under all circumstances. Will, for example, the CCS or the Prime Minister be able to issue the 'shoot' order if a Cabinet Minister or leader of an opposition political party or even the son or daughter of a VVIP is on board the ill-fated hijacked aircraft? Only time will tell. It is probable that we would fail the test. In our daily lives, we come across instances of rules and laws being flouted for the VIPs and the privileged few for whom the laws of the land do not seem to exist. The privileged people include not only ministers, MPs and MLAs but even bureaucrats and policemen. The list is virtually endless as a result of which foolproof security can not be ensured at all times in many of the country's airports.

The key element of an anti-hijack policy is the chain of command to be followed immediately after the first alert. The ATC will play a very critical role during the entire crisis. It has to maintain contact, gather as much information as possible regarding the hijackers, their weapons, demands, the number of passengers and relay them to the Crisis Management Group (CMG) from time to time. Simultaneously, it has to alert all airports likely to fall in the flight path of the aircraft. The task is truly formidable keeping in view the possibility that 'suicide hijackers' would most likely take over the cockpit and monitor conversation (supposed to be made in pre-determined code) between the Pilot and the ATC. The trickiest part of the operational plan is to assess and determine conclusively that the aircraft is heading towards a vital strategic target and hence it has to be shot down. In a manner of speaking, the difficult decision to shoot down the plane would amount to fulfilling the plans of the suicide hijackers themselves because they also intend to sacrifice their own lives, kill all the passengers on board and destroy valuable human life and property on ground. Hence, a few words of caution for our policy makers are in order. The list of strategic locations which have to be protected at any cost should be drawn up after much thought and deliberation.

What are the various indicators that would make the final assessment truly conclusive? The entire process has to pass through three stages. In the first stage, the indicators are—deviation from the allotted course, non-compliance with instructions given by the ATC and non-functioning or non-responding transponder of the aircraft. In the second stage, besides all the indicators of the first stage, the cockpit would not respond to radio-telephony and the transponder would be switched off. The aircraft would continue to deviate from the allotted flight path. In the final stage, when the aircraft continues to ignore ATC warnings or those of the escorting fighter aircraft and its flight path appears aligned to one of the listed strategic targets, the hard decision will be taken to shoot it down. According to the new doctrine, fighter aircraft of the Indian Air Force will take off immediately on receipt of hijack alert to escort the plane with the objective of compelling it to land in an Indian airport or eventually destroying it in the sky on receipt of orders from the Cabinet Committee on Security (CCS), the apex body for handling the crisis. If time is too short, the Prime Minister, the Defence Minister or the Home Minister can issue the 'shoot down' order. In an extreme case, when the plane poses a clear and imminent threat while landing or taking off, the authority to issue the 'shoot down' order would vest in an officer of the Indian Air Force – senior in rank to the Assistant Chief of Air Staff (operations). It is no secret that the decision making apparatus at the highest political level is likely to move slowly and valuable time may be lost before the final orders are issued. Hence, it may be better to let the Indian Air Force have the authority to issue all the important final orders in a situation in which there is very little time to obtain orders from the CCS. After all, the Air Force has the responsibility to guard and defend India's air space. Once the hijacked plane has been compelled or persuaded to land in an airport, the CCS and the CMG can decide when and whether to order an armed intervention by the National Security Guard (NSG).

In the US, the decision to shoot a hostile aircraft vests in the President, Vice President or the Secretary of Defence. If the time is short, the Commander of the North American Aerospace Defence Command (NORAD) can take a call. In this connection, it would be interesting to recapitulate the chain of events that shook America on that fateful day in September 2001, when America failed to defend its airspace. According to the 9/11 Commission, the NORAD

and the Federal Aviation Administration (FAA) failed to coordinate their action when the two Federal agencies realised that commercial airliners carrying passengers have been transformed into flying missiles laden with aviation fuel. The 'shoot down' order was not communicated to the NORAD air defence sector until 28 minutes after 'United 93' had crashed in Pennsylvania. Fighter Planes were scrambled but the Pilots did not know where to go or which targets to intercept. And when 'shoot down' orders were issued, it was not communicated to the pilots. While leaders in Washington believed that fighter aircraft had been ordered to 'take out' hostile aircraft in the sky, the actual orders conveyed to the Pilots were to "ID Type and Tail". There was failure to achieve unified incident command and inadequate communication among responding agencies because nobody was actually prepared for an event of such magnitude or such an unlikely scenario.

Without doubt, any unusual, hostile scenario of similar nature will no longer be viewed as inherently irrational or unlikely anywhere in the world. It is important to remember that modern day suicide bombers, hijackers and hostage takers are educated, computer-savvy terrorists who will thoroughly study the operating procedures, security rehearsal drills and Aviation Security Manual to identify gaps and vulnerabilities in order to beat the system. It is advisable, therefore, not to give publicity to crucial operational details, such as list of strategic targets or installations, the airports where hijacked planes may be compelled to land and so on. It is intriguing to learn that the various methods to be adopted to immobilise the aircraft have been already released to the Press. One cannot fathom for whose benefit has this been done. The public do not need to know these details. On the contrary, the hijackers would prepare themselves well for bypassing or foiling the operational plans to immobilise the aircraft.

The new guidelines lay down procedures for getting NSG commando team airborne along with central negotiating team members within two hours of a hijack alert. Hopefully, the transport aircraft with entire crew will remain in a state of readiness round the clock. On some occasions in the past, the two-hour deadline had proved difficult to meet due to administrative and logistic reasons. The commando team should have standing instruction to get air borne and head for the designated airport without waiting

for the members of central negotiating team. If necessary, the NSG should be able to requisition any serviceable domestic airliner on the tarmac for the purpose. Special equipment, heavy vehicles and other gear may be ferried by earmarked transport aircraft separately. Law and order is a State subject in India. Each state has its armed police and special units. Therefore, care must be taken to ensure that precious time is not wasted during execution of operational plans by anti-hijack troops of the Centre. In order to avoid a situation of absolute confusion during a crisis, it is necessary to firm up command and control mechanism through clear cut operating procedures, tested and rehearsed at regular intervals.

From the reports published in the press, it appears that the Crisis Management Group (CMG) would comprise the Foreign, Defence, Home and Civil Aviation secretaries, the heads of Intelligence agencies and the Principal Information Officer. There is no word about the three Service Chiefs or their designated representatives. If the press reports are correct, it may be necessary to examine the matter afresh and reconstitute the CMG. It is also a good idea to create a pool of specially trained officers for management of hijack-related or hostage taking crisis. Police, administrative, intelligence and defence personnel may be made to undergo specially devised training courses. The list of specially trained officers should be updated from time to time and kept in the Ministry of Home Affairs or the Ministry of Civil Aviation. Periodical in-service training may also be imparted to airline pilots and cabin crew in handling incidents of hijacking.

Finally, a few words about media management, which is crucial in dealing with a crisis. In the past, the government has repeatedly failed – both at the Centre and the State – to promptly communicate critical information to the public in the aftermath of a natural or man made disaster. And, rumours have worked overtime resulting in panic. During the hijacking of the ill-fated Indian Airlines 814 in December 1999, the electronic and print media whipped up public hysteria by disseminating news regarding the plight of the hapless passengers and their distraught relatives which compelled the Government to give in to the demands of the hijackers. The Government must ready itself to make special arrangements to look after relatives in a controlled environment at one central place

and share information at regular intervals, regarding action taken by the CMG. The media, on its part, must follow a self-imposed code of conduct like their counterparts in other countries. The delicate task of disseminating news has to be done without generating panic or mass hysteria.

In the final analysis, the policy guidelines announced by the Government are essentially consequence management measures. A comprehensive and holistic counter-hijack policy should pay greater attention to the prevention of the act of hijacking so that the crisis situation does not develop in the first place. Tighter security at airports, efficient and fool proof baggage screening system, identity check and physical search of passengers and a host of other measures are being introduced or have been already put in place in many airports in different parts of the world. Indian authorities must invest in qualitative upgrading of physical and human resources to improve security at all airports in the country in a phased manner. Prevention, it goes without saying, is better than cure. A few preventive measures are suggested below:

- (a) An expert group may study and analyse the detailed case records of previous hijackings in order to identify systemic vulnerabilities and security gaps, which need to be plugged.
- (b) Special cells may be set up in selected domestic airports for collecting intelligence regarding activities of terrorist outfits and likely collaborators amongst staff employed by the airlines and the airport authority.
- (c) The baggage handling, maintenance engineering, catering, cleaning and refueling personnel must be screened and their antecedents verified at regular intervals.
- (d) All passengers should be made to go through the prescribed security procedures. There should be no relaxation for politicians, bureaucrats, uniformed officers so on.
- (e) The feasibility of sealing cockpits with armour plated doors to prevent hijackers from gaining entry and deploying sky marshals on board should be examined.

(f) The offence of hijacking is currently punishable only with imprisonment for life under the Anti-Hijacking Act of 1982. The Act should be amended to make hijacking punishable with death.

(g) It is high time that India, alongwith other countries affected by global terrorism, call for an International Regime in order to treat hijacking as a terrorist act and impose international sanctions against states which sponsor, abet or harbour hijackers.