

Management of National Security - Some Concerns*
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I feel privileged to have been asked to deliver the First Air Commodore Jasjit Singh Memorial Lecture to remember Jasjit Singh who, after a long and distinguished tenure as Director General, Institute of Defence Studies and Analyses (IDSA), served as the Director of the Centre for Air Power Studies from the day it was established till he passed away last year.

I compliment the Chief of Air Staff, the Chairman and Members of the Board of Trustees and Director of the Centre for Air Power Studies for establishing an annual lecture in the memory of Jasjit Singh. My very long association with this scholar air-warrior commenced in the mid 1980s when the Air Headquarters released him for joining the IDSA. For nearly three decades, till he passed away last year, I had known Jasjit closely and was associated with several of his initiatives to enlarge awareness about security related issues.

In today's Lecture, I shall speak about the most urgent need for the Central Government to secure appropriate understandings with the States for finalising an appropriate national security policy and putting in place a modern, fully coordinated security management system which can effectively negate any arising challenge to the territorial security, unity and integrity of India. It would be useful, at the very outset, to state that, in simple language, the term "national security" could be defined to comprise external security, which relates to safeguarding the country against war and external aggression, and internal security which relates to the maintenance of public order and normalcy within the country.

The first generation of India's security analysts, who focused attention almost entirely on issues relating to external security, had found it convenient to distinguish issues relating to external and internal security. However, such a segregated approach is no longer feasible, particularly after the advent of terrorism which has introduced extremely frightening dimensions to the internal security environment. I would go further to say that issues of internal and external security management have been inextricably intertwined ever since Pakistan launched a proxy war in Jammu and Kashmir in early 1990 and Pak based Jihadi terrorists started establishing networks in our country.

While evolving a holistic approach towards national security management, it would be relevant to keep in mind that our country comprises an immense cultural and geographical diversity and our people, nearly a billion and a quarter today, represent multi-religious, multi-lingual and multi-cultural societies whose traditions, customs and socio-religious sensitivities are rooted in thousands of years of recorded history. It is equally important to remember that in our vast and unfettered democracy the unhindered interplay of socio-cultural traditions and religious practises carries the potential of generating discords and disagreements which may lead to serious communal disturbances, particularly when adversary elements from across our borders join the fray.

While it may appear somewhat trite to cite school level statistics, our security management apparatus shall need to reckon that we have over 15,000 kms of land borders, a coast line of about 7500 kms, over 600 island territories and an Exclusive Economic Zone of about 25 lakh sq km. These awesome parameters and, besides, the extremely difficult geographical and climatic conditions which obtain in the various regions of our vast country present serious challenges to our Security Forces who maintain a constant vigil on our land, sea and air frontiers.

While it would not be feasible to recount the varied security challenges which India has faced in the decades gone by, it could be stated that the more serious problems in the recent years have emanated from Pakistan's continuing proxy war in Jammu and Kashmir; Jihadi terrorism, which has been progressively spreading its reach; the destructive activities which the Left Wing extremist groups have been carrying out for decades now; the serious unrest created by the still active insurgencies in the Northeast region; and incidents of serious communal violence which have been erupting in various States, from time to time. Mention must also be made of the steadily growing activities of the Indian Mujahidin, a terror group which has its roots in Pakistan. Another phenomenon, relatively more recent, relates to the emergence of certain radical counter-groups which have been organised with the primary objective of countering the Jihadi terror networks. It needs to be noted that the activities of such counter groups have the potential of spreading disharmony and divisiveness which could generate wide spread communal violence and result in irreparably damaging the secular fabric of our democracy.

The activities of the Left Wing extremist groups, which have been continuing their armed struggle for the past several decades to capture political power, are posing an extremely serious internal security challenge. While there may have been a marginal decline in the scale of incidents and the number of killings in the past few years, there has been a marked increase in the gruesome attacks by Naxalite groups on the Security Forces. India's hinterland continues to remain the prime focus of Pakistan based terror groups, particularly LeT and IM. In the recent past, indigenous groups comprising elements of SIMI and AL-UMMAH have perpetrated serious violent incidents in the country and, notwithstanding its frequent denials, Pakistan remains steadfastly committed to harbouring anti-India terror groups on its soil.

Having referred to some of the more worrying concerns on the homeland front it would be useful to examine whether we have framed an appropriate national security policy and established the required institutions which are capable of effectively meeting the arising threats. Before commenting further on this important issue it would be relevant to keep in view that, as per the provisions in our Constitution, it is the duty of the Union to protect every State against external aggression and internal disturbance.

In the decades past, the country has had to encounter external aggression on several occasions and no significant issues have arisen about the Union's role and responsibility to protect the States against war. However, insofar as the Union's duty to protect every State against internal disturbance is concerned, all the States have not so far accepted the Central Government's authority to enact and enforce federal laws for dealing with terror acts, cyber offences, and other major crimes which have all India ramifications. The States have also been opposing the Central Government's authority to establish new security management agencies with pan India jurisdictions. In this context, an

argument which has been repeatedly raised is that it is the constitutional prerogative of the States to manage law and order within their territories and that the Centre has no basis for interfering in this arena!

Undoubtedly, the States are constitutionally mandated to make all required laws in regard to the Police and Public Order, take all necessary executive decisions, establish adequate police organisations and manage appropriate security management systems for effectively maintaining law and order within their territories. However, looking back over the serious law and order failures which occurred in various parts of the country in the past six and a half decades, it cannot be asserted that there have been no failures and that all the States have a sustained record of ensuring against any breach in the maintenance of peace and security within their jurisdictions.

It may not be practical to detail the varied reasons on account of which the States have failed to timely and adequately deal with arising disturbances in their jurisdictions in the past years. However, it could be briefly said that, among the more significant contributory factors, the defaults of the States have arisen from their failure to maintain adequate Intelligence organisations and well trained Police Forces in the required strength for effectively maintaining internal security within their territories. On many occasions the States have also displayed the lack of political will to deal with an arising situation on their own. Instead, the general practice which has evolved over the past many years has been for the affected State to rush to the Union Home Ministry for the urgent deployment of Central Armed Police Forces for restoring normalcy in the disturbed area.

Another factor which has adversely affected internal security management relates to the progressive erosion of the professionalism of the State Police Forces. This regrettable decline has taken place because of the day to day political interference in the functioning of the constabularies. Such interference has, over the years, caused untold damage and most adversely affected the accountability, morale and the very integrity of the State Police Forces. In the annual all India Internal Security Conferences organised by the Union Home Ministry, many Chief Ministers have been taking the position that internal security cannot be managed effectively because the States do not have the resources for enlarging and modernising their Police and security related organisations.

For the past over two decades now the Union Home Ministry has been providing annual allocations for the modernisation of the State Police Forces. However, it is a matter of serious concern that, over the years past, the Central Government has failed to evolve a national security management policy which clearly delineates the respective role and responsibility of the Central and State Governments. Nonetheless, whenever called upon to do so, the Central Government has been consistently assisting the States by deploying Central Police Forces, and even the Army, for restoring normalcy in the disturbed area.

Considering the gravity of the progressively increasing security threats and also bearing in mind the constitutional prescription that it is the duty of the Union to protect every State against internal disturbance, it is important that the Central Government takes the most urgent steps for finalising the National Security Policy and the machinery for its administration, in suitable consultations with the States. The National Security Policy must leave no doubt or uncertainty whatsoever about the Central Government's authority for taking all necessary steps for pre-empting or preventing arising disturbances in any part of the country. In this context, it is regrettable that in the past years the Central Government has not invariably been able to deploy its Forces for protecting even its own assets which are located in the various States. The circumstances which led to the demolition of the Babri Masjid, and the grave consequences thereof suffered by the Nation, are still far too fresh in our memories to call for any retelling.

Under Article 256 of the Constitution, the executive power of the Union extends to giving of such directions to a State as may appear to the Government of India to be necessary for that purpose. However, over the years, the Union Home Ministry's general approach has been to merely issue cautionary notes and not any directives in regard to an emerging situation. This approach, of sending out advisories, has not proved effective and, over the years, varied internal disturbances have taken place in different parts of the country, some of which have caused large human, economic and other losses.

After the National Security Policy has been finalised, the Central Government shall need to undertake, in collaboration with the States, a country wide review of the entire existing security management apparatus and draw up a plan for restructuring and revamping it within a stipulated time frame. While playing their part in such an exercise, the States would need to accept the important role which they are required to play in national security management and demonstrate their unconditional commitment to work closely with each other and the Central Government for ensuring against any assault on the unity and integrity of the country.

For the past nearly two decades now, there have been repeated pronouncements that the Central Government is promulgating a law for dealing with identified federal offences and establishing a central agency which would have the authority of taking cognisance and investigating crimes which have serious inter-State or nationwide ramifications for national security. In this context, the proposal of setting up the National Counter Terrorism Centre (NCTC) has continued to be debated for the past several years. A number of States, which have been opposed to the establishment of NCTC in its present form, have suggested that the proposed framework of this body should be entirely revised in consultation with the States. Some other States have urged that NCTC should not be established through an executive order but through a law enacted by the Parliament and that it should function under the administrative control of the Union Home Ministry instead of under the Intelligence Bureau. As terror acts and other federal offences cannot be dealt with by the existing security management apparatus, it is necessary that the Central Government undertakes urgent discussions with the Chief Ministers to resolve all the doubts and issues raised by the States.

For commencing a purposeful dialogue with the States, with the objective of securing the requisite Centre-States understandings in the arena of national security management, the Union Home Ministry could beneficially utilise the aegis of the Inter State Council (ISC), of which the Prime Minister is the chairperson.

For progressively enhancing meaningful Centre-States relations in regard to national security management it would be useful for the Central Government to also consider various possible initiatives for promoting trust and mutual

understanding between New Delhi and the State capitals. Towards this objective, to begin with, the Central Government could consider inducting representatives of the States in the National Security Advisory Board and the National Security Council, even if this is to be done on a rotational basis. The Central Government could also consider setting up an Empowered Committee of Home Ministers of States to discuss and arrive at pragmatic solutions to various important security related issues, including the long pending proposal to set up the NCTC.

Some of the doubts voiced by the States about the management of security related issues arise from the style of functioning of institutions which are exclusively controlled by the Central Government. In this background, perhaps a more productive approach may lie in moving towards certain important institutions being jointly run by the Centre and the States. An excellent example in this regard is the Joint Terrorism Task Force (JTTF), established by the USA in the aftermath of 9/11. The JTTFs located in various cities across the USA include representatives from the Federal, State and Municipal enforcement agencies and perform several important roles, including the clearing of all terrorism related information. Over time, functioning through joint institutions will enable the States to gain a well informed all India perspective about the complex and sensitive issues which concern national security management and, in this process, also defuse their perennial complaint about the Central Government "interfering with the powers of the States in the arena of internal security management".

Needless to stress, if national security is to be satisfactorily managed, the States must effectively maintain internal security within their territories. Towards this end, they must urgently get to work for enlarging and upgrading their Intelligence and Police organisations and security administration systems. In this context, it is a matter for serious concern that the annual allocations for Police comprise an extremely low percentage of the total budgeted expenditure of all the States and Union Territories in the country. The scale of these allocations shall require to be significantly enhanced, particularly keeping in mind that about 80 per cent of the annual State Police budgets go towards meeting the salaries and pensions of the constabularies and virtually no funds remain for undertaking the expansion or modernisation of the State Police Forces. Time bound action would also require to be taken to ensure that the sanctioned posts of Police personnel, lakhs of which remain vacant for years in the State and Union Territory Police Forces, are filled up on a time bound basis.

It also needs being recognised that the ailments from which the State Police Forces have been suffering, for decades now, shall not get cured merely by providing larger budgetary allocations for their expansion and modernisation. It is extremely important to ensure that Police Reforms, which have been pending for decades, are carried through without any further delay. It is a matter of utter shame that after nearly seven decades since Independence the Police organisations in many States are still functioning under the colonial Police Act of 1861. Most States have also not taken the required steps to implement the Supreme Court's orders regarding the establishment of Police Complaint Authorities and State Security Commissions; segregation of Law and Order and Investigation Functions; setting up of separate Intelligence and Anti Terrorist Units and taking varied other required actions for establishing modern and accountable Police Forces which would enable the effective functioning of the security management apparatus.

It is also necessary to recognise that national security cannot be safeguarded unless the entire apparatus of the criminal justice system discharges its duties with competence, speed, fairness and complete honesty. Last year, nearly two crore criminal cases under the Indian Penal Code and Special Laws were awaiting trial. This sad state of neglect, accompanied by progressively declining conviction rates, has rightly generated the perception that crime is a low risk and high profit business in India.

The functioning of the judicial apparatus, particularly at the lower and middle levels, suffers from serious logistical deficiencies - grossly insufficient number of courts and judges, prolonged delays in filling up long continuing vacancies, lack of the required staff and essential facilities in the courts and so on. Needless to stress, the most urgent measures are required to be implemented for enforcing complete objectivity and fairness in the selection and appointment of judicial officers and judges at all levels and stringent steps taken for enforcing the highest judicial standards and accountability for establishing a clean and strong judicial system which restores fear and respect among one and all for the Constitution and the Rule of Law.

Alongside the clean-up and revitalisation of the judicial system it is necessary to weed out all obsolete laws and update and amend other statutes, many of which were enacted during the colonial era or in the early years after Independence, to ensure their relevance in the contemporary context. For instance, the Indian Evidence Act needs to be urgently reviewed to, inter alia, provide for the permissibility of electronic evidence. It is also necessary to ensure prompt and professional investigations, competent and time-bound trials, and award of deterrent punishments to all those found guilty of unlawful acts. Towards this end, it shall be necessary to create cadres of competent Investigation Officers and Criminal Law Prosecutors and urgently enact a well considered federal law for dealing with the rapidly increasing economic offences. Drawn up in appropriate consultation with the States, such a comprehensive law should cover the enlarging spectrum of economic and other major offences, some of which are closely linked with the funding of terror and organised crime networks.

It would be incorrect to assume that serious threats to national security emanate only from the activities of Naxalites, terror groups and the mafia networks. Corruption at various levels, with which the entire governance apparatus is permeated, is another factor which adversely impacts our national security interests. Year in and year out, for the past several decades now, major scams and scandals have been getting exposed and India continues to hold a shamefully high position in the global Corruption Index. It needs to be stressed that corruption vitiates and disrupts the Rule of Law and destroys the very foundations of the administrative and legal apparatus. The prevalence of corrupt practices at various levels generates anger, despair and helplessness among the people at large, compelling them to lose trust in the functioning of the governmental machinery. Cynicism and the loss of hope engenders an environment which leads to the alienation of the common man, paving the way for attraction to the gun culture and extremist ideologies.

As regards the subversion of the governmental machinery from within, it may be recalled that, consequent to

the serial bomb blasts in Mumbai in March 1993, the Government of India had set up a Committee to ascertain how Dawood Ibrahim and other mafia elements had been able to establish such powerful networks. The Report of this Committee (generally referred to as “Vohra Committee Report” or the “Criminal Nexus Report”) had concluded that, in several parts of the country where crime syndicates/mafia groups have developed significant muscle and money power and established linkages with government functionaries, political leaders and others, the unlawful elements have been able to carry out their criminal activities with ease and impunity.

Over two decades have elapsed since the Criminal Nexus Report was furnished. While I am unaware of the action which must have been taken on this Report, there is little doubt that the criminal nexus has since spread its tentacles far and wide and poses a serious threat to national security.

The national security apparatus cannot function effectively unless it is manned by appropriately qualified, highly trained and experienced functionaries. It is, therefore, extremely important that well planned steps are taken for very early establishing a cadre of officers drawn from various required disciplines, selected on an all India basis, who are provided the best available training in identified areas of expertise and deployed in the security management apparatus all over the country.

A proposal to set-up a dedicated pool of trained officers, drawn from various streams, who would spend their entire careers in the security management arena, was made by me in the Report of the Task Force on Internal Security, which had been set up by the NDA Government in early 2000. The Task Force Report (September 2000) had recommended the broad framework for establishing a pool of trained officers for manning the security management agencies run by the Government of India. This recommendation was approved in 2001 by a Group of Ministers (GoM) chaired by the then Union Home Minister and Deputy Prime Minister. Thirteen years have since elapsed. The decision of the Group of Ministers has not been implemented, possibly for no better reason than that this matter has not been considered important enough!

The security environment, in India’s neighbourhood and far beyond, has been progressively deteriorating. Grave consequences may have to be faced if there is any delay in revamping and tightening the security management apparatus which cannot continue to be run by functionaries of varied backgrounds who are drawn from one or the other service. To make up for the very considerable time which has already been lost, it would be enormously beneficial if the Central Government takes the bold step of establishing a National Security Administrative Service whose members, selected from among the best available in the country, are imparted intensive training in specialised areas before being deployed to run the security management institutions all over the country.

After the November 2008 terror attack in Mumbai, the Government of India had hurriedly enacted a law to set-up a National Investigation Agency (NIA), on the pattern of the Federal Bureau of Investigation of the USA, to investigate and prosecute terror offences. As per its legal framework, the NIA has the authority to investigate and prosecute only certain specified offences which are committed within the country and which affect national security.

The NIA has no extra-territorial jurisdiction and no powers to probe incidents which occur outside India, as for example the very recent militant attack on the Consulate of India in Herat. The Director NIA does not have the powers, enjoyed by the Directors General of Police of States, to permit an Investigating Officer dealing with a terror crime to seize or attach property. Also, unlike as in the case of the CBI, the NIA is not empowered to depute its Investigating Officers abroad for direct interactions with a foreign agency which is investigating a major terror act which directly or indirectly affects our national security interests.

The NIA’s functioning in the past six years also shows that the Police authorities in the States are reluctant and take their own time in handing over to the NIA even major crime cases which may have serious inter-State or nationwide ramifications. Many offences, including major Indian Penal Code (IPC) crimes which may be directly linked to terror activities, have still to be brought under the NIA’s jurisdiction. Thus, briefly, the NIA, as presently constituted, does not have the legal authority for taking the required action to pre-empt or prevent a terror crime, even when it functions in coordination with the concerned States. Needless to stress, the NIA needs to be fully empowered, on the most immediate basis, if it is to serve the purpose for which it was established.

In the context of the problems and issues about which I have briefly spoken this morning, it would be seen that, even after the gruesome terror attack in Mumbai, in November 2008, our Country has still to evolve a National Security Policy and put in place effective mechanisms for implementing it. Also, the ground has still not been cleared to promulgate a well considered federal law under which a fully empowered central agency can take immediate cognisance and promptly proceed to investigate any federal offence, within the country and abroad, without having to lose precious time in seeking varied clearances and going through time consuming consultative processes. Any delay, which is inherent in working within a consultative system, would have the grave danger of virtually ensuring the failure of investigations, particularly as the terror groups strike their targets and get away with lightning speed.

In the background of the brief overview of the more worrying national security management concerns which I have presented to you this morning, I would like to conclude by briefly reiterating that :-

- (a) India is facing progressively increasing security threats from across its frontiers, as well as from within.
- (b) The absence of a bipartisan approach has led to several States questioning the Central Government’s leadership role in national security management. Insofar as the discharge of their own constitutional responsibilities is concerned, most States cannot claim a sustained record of maintaining peace and tranquillity within their own territories.
- (c) As a general practice, which is now long continuing, instead of progressively improving the capability of their police and security maintenance apparatus for effectively dealing with arising disturbances, the States have been perennially seeking assistance from Union Home Ministry, whenever a problem is arising in their territories.

(d) While the Central Government has been, without any exception, providing assistance to the States by deploying Central Police Forces, and even the Army, for restoring normalcy in the disturbed areas, the States have never been questioned about the reasons for their failure to maintain internal security, nor about their failures to deal with the root causes of the recurring disturbances in their territories.

(e) The Constitution of India prescribes that the States shall be responsible for the maintenance of public order and that the Union Government has the duty to protect the States against internal disturbances. A holistic National Security Policy and the mechanisms for its administration must be urgently finalised in consultation with the States. The Central Government must not lose any more time in evolving the required Centre-States understanding for effective national security management.

(f) Besides finalising the National Security Policy, the Central Government shall also need to take time bound steps for :-

(i) Establishing appropriate institutions/agencies for effective security management across the length and breadth of the country.

(ii) Enacting laws and establishing all required processes and procedures for the prompt investigation and trial of federal offences.

(iii) Establishing a National Security Administrative Service for manning and operating the security management apparatus in the entire country.

To conclude, I shall yet again re-iterate that if the security, unity and integrity of India are to be preserved and protected then there is no more time to be lost. The Central and the State Governments must immediately forge all required understanding and take every necessary step for ensuring that there is not the slightest chink in the enforcement of national security.

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