Homeland Security for India: Need to Revisit?

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Introduction

Homeland security is a uniquely American concept, which came to prominence after the 9/11 attacks in the US. Fundamental to the concept of homeland security is grouping counterterrorism initiatives, security from natural disasters and public health hazards with that of national security from any outside adversary. The concept of homeland security for the US was born out of the fact that the landmass that constitutes America was geographically isolated and a strong historic belief that issues and problems of outside world were vastly different from those inside the Country. This belief led the Americans to create legal and constitutional tools to deal with threats from outside which were vastly different from what existed inside the US. Thus when 9/11 strikes occurred in the US, the Government found it very difficult to implement rules and regulations to fight terror inside the US. This was the *raison-de'-être* for the Department of Home Security to come up with a new legislation. Later, due to the catastrophic aftermath of hurricane *Katrina,* the aspects of natural disasters and health hazards were also brought within its gamut.[1] In India, the demand for an American-style homeland security model is gaining popularity due to the inability of domestic law enforcement agencies to stop terror attacks in the Indian towns and cities. Probably, such a demand comes more from frustration than a clear understanding of the concept of Homeland Security.
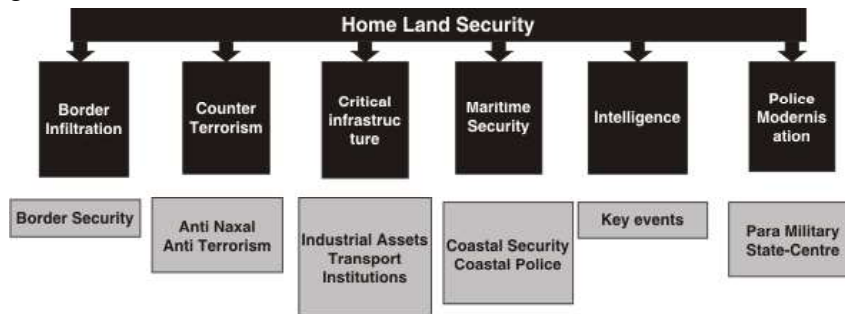
Concept of Homeland Security in India

Homeland Security is not a term widely used in the security lexicon in India. The Indian equivalent is Internal Security (IS) and is looked after by the Ministry of Home Affairs (MHA). Currently, it encompasses an assortment of responsibilities from border management to internal securities. Together with Department of

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Home, Centre-State relationship, J&K Affairs and Official Languages, it makes six departments within the MHA. In between the spectrum would lie countering terrorism, a subject which currently has no dedicated department in the Ministry. In 2010, the MHA categorised six departments which could fall under the gamut of homeland security in India[2] in a futuristic thought scenario as given below:

Source: KPMG Report on Homeland Security in India, 2010

Organisations Responsible for Internal Security in India

In India, presently the issue of Internal Security (IS) is being dealt with by many ministries. These are : Ministry of Home Affairs (MHA), Ministry of Defence (MoD), Ministry of Law and Ministry of External Affairs (MEA). The two lead ministries which manage the security needs of the Nation are the MHA and MoD.

The MHA is responsible for maintaining law and order situation in the Country and it has multifarious responsibilities; important among them being internal security, management of para-military forces (PMF), border management, Centre-state relations, administration of Union Territories, disaster management, etc.[3] The MoD is responsible for security of the Nation which manifests through an external threat. For the critical functions of border management and management of internal security, MHA has under its control a combination of PMF (Assam Rifles and Coast Guard); Central Armed Police Force (CAPF) comprising the Border Security Force (BSF), Central Industrial Security Force (CISF), Central Reserve Police force (CRPF), Indo-Tibetan Border Police (ITBP) and Sashastra Seema Bal (SSB); special forces like the Special Frontier Force (SFF)[4] and National Security Guard (NSG) and a host of intelligence/investigative agencies like the Intelligence Bureau (IB), National Investigation Agency (NIA) etc. Parallel to this, some organisations like the National Technical Research Organisation

(NTRO) and Research and Analysis Wing (R&AW) function under the Prime Minister's Office (PMO) and the Cabinet Secretariat respectively. With hosts of agencies under command, the MHA is heavily burdened with the task of border management and internal law and order situation.

The division of subjects under the Centre and State Lists has further complicated the problem for the MHA. The state police are under the direct control of the respective state governments. With the growth of terrorism and that of Maoism and Naxalism, majority of states have tried to set up and train their own elite police force. For example, Punjab has the SWAT commando team, Andhra Pradesh has the *Greyhounds,* Maharashtra has the *Force-One,* etc. All these Special Forces fight under command and control of their respective states and display little sense of cooperation with each other or with the central agencies which are under the MHA.

The US Concept

The US Department of Homeland Security (DHS) is a cabinet department of the US Federal Government, created in response to the September 11 terror attacks, with the primary responsibility of protecting the territory of the US and protectorates from and responding to terrorist attacks, man-made accidents, and natural disasters.[5] It has 22 agencies, chief amongst them are customs, immigration, environment, coast guard, cyber security and the US Secret Service.[6]

The paradigm of national security in the US is classified under two distinct heads: the Homeland Defence (HD) and the Homeland Security (HS). Broadly, the Department of Defence (DoD) is the lead Federal Agency (LFA) for HD and the DHS is the LFA for HS. The roles of the DoD and the DHS have been clearly defined in the document called National Strategy for Home Security (NSHS). The document makes it clear that the HD would be the primary responsibility of the DoD[7] and HS is looked after by the DHS. The Armed Forces support the HS strategy through two distinct but interrelated mission areas – HD and civil support (CS).

The HS at the national level specifically focusses on terrorist threats.[8] The areas which the DHS handles are large; and include, preventing terrorism and enhancing security, securing and managing the US borders, enforcing and administering US immigration laws, safeguarding and securing cyberspace and responding to natural disasters.[9] The leadership at the top is political, as the DHS is led by a secretary level rank who is assisted by a deputy secretary.

They have with them Chief of Staff and a military adviser of two star rank. Balance of the structure comprises Under Secretaries and Assistant Secretaries who control the different agencies under the DHS.

Drawbacks of the Current Indian System

Since the Mumbai terror attacks in 2008, the Indian Government has been struggling with evolving a suitable security apparatus to deal effectively with the challenges of terrorism. It toyed with the idea of the National Security Adviser (NSA) as the single point authority, but it came under severe criticism after the Pathankot terror attacks. Similarly, there seems to be an absolute lack of control of the numerous intelligence agencies. Each of them has been serving its respective master and not the common threat. Last two Governments have toyed with the idea of creating a central intelligence agency for collation of intelligence inputs – the National Intelligence Grid (NATGRID) concept. It also discussed the idea of a National Centre for Counterterrorism (NCTC). Yet, these experiments have not borne fruit commensurate to their expectations. Some of the major drawbacks are enunciated in succeeding paras.

To start with, India has not been able to come up with a joint doctrine or strategy for counterterrorism. Such a document is the need of the hour and should define the scope of the various agencies in the role of counterterrorism operations and the command and control structure under different situations. In absence of such a doctrine, there is duplicity in their roles which is counterproductive in fighting the terrorists.

Connected with the above is lack of clarity on the issue of which would be the lead agency for conducting counterterrorists operations in the Country. Presently, depending upon whether the operations are in urban or disturbed areas, the National Security Guards (NSG), Local Police or the Armed Forces are tasked to tackle the situation. Also, there is no clarity on who issues orders or controls these operations. The MoD chain of command is in place whenever a situation develops in either J&K or Northeast. Yet the same cannot be said when an incident occurs in the International Border (IB) region of Punjab; for example, in Gurdaspur (Dinanagar) in Jul 2015, or Pathankot in Jan 2016. In the case of former, SWAT commandos of Punjab Police and J&K Police were called upon to flush out the terrorists[10], whereas in Pathankot, the NSG was summoned to do the same job.[11]

The sharing of intelligence inputs across agencies is probably the weakest link in the chain. There are multiple agencies seeking for similar intelligence and yet there is no mandated lateral connectivity between them. Sharing of intelligence as of today is at best on an *ad hoc* basis. This was aptly demonstrated in all the terror attacks in the recent past on the IB running through J&K and Punjab. Lack of timely information or inability to take action on given intelligence has resulted in loss of many lives in these incidents.

The NCTC was an initiative undertaken during the period of United Progressive Alliance (UPA) Government in the aftermath of the Mumbai attacks. The idea was to create a single agency to deal with all aspects of intelligence in context of terrorism across the Nation. Shri Chidambaram, the then Home Minister had structured an organisation on the lines of the NCTC of the US. He had put the structure in place to a large extent and was very keen on its implementation; but it met fierce opposition from the Chief Ministers of 12 non-Congress states. They argued that the NCTC impinges on the federal structure of the Country as it had provisions which empowered it to 'search and arrest' people without keeping the State Government or State Police in the loop; and hence it could be misused by the Government at the Centre against the States.[12] Thus NCTC initiative still lies buried in the files and has never since implemented.

Nearly same was the fate of the NATGRID. It was an intelligence initiative to tie up inputs from 21 agencies like the Banks, Railways, Income Tax Department, Visas and Credit Cards etc. This combined data was to be made available to 11 Central agencies including the R&AW, the NIA, the CBI, the Directorate of Revenue Intelligence, the IB, the Narcotics Control Bureau (NCB) and the Enforcement Directorate (ED) to help them prevent terrorist attacks and criminal activities. NATGRID is only a technical interface for intelligence agencies and not an organisation in itself.[13] However, the concern was: if the law enforcement agencies had access to personal data of millions of Indians, then the possibility of its misuse was high and that it could be catastrophic for the privacy of the service oriented industry. Thus, it lay dormant for almost four years. But the NATGRID initiative is once again being resurrected by the Modi Government and is likely to be put under the supervision of the Intelligence Bureau.[14]

There is a huge dichotomy in the role and the levels of expertise available to the forces fighting terrorism. While the MHA is responsible for countering terrorism inside the Country, it does not have the requisite trained force to do so. With the exception of NSG, India's PMF are neither equipped nor trained to fight the increasingly well-trained, motivated and technologically savvy terrorist groups. The state police forces are trained but lack the perspective and the real time intelligence to carry out counterterrorism operations independently. Also their numbers are small; hence, they can be used for small counterterrorist operations or at best to handle the naxal operations.

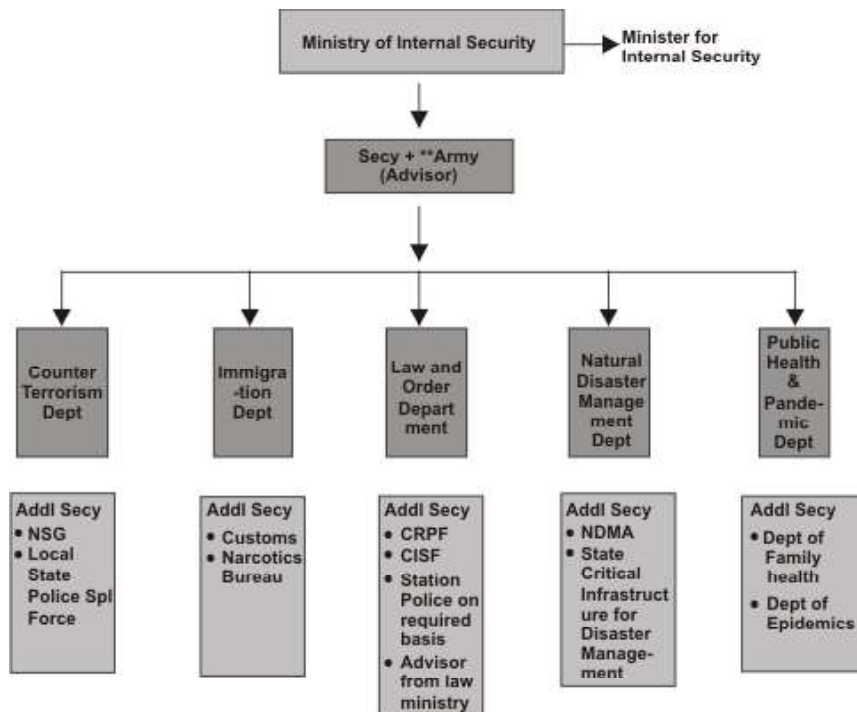## Does India Need a Change in Its Home Security Organisation?

Given the current spate of criticism in tackling terrorists and the number of casualties suffered, it would be prudent to suggest that we need to completely revamp the concept of national security at home. It is time India grew out of archaic structures and moved towards a more focused, well-trained and well-equipped organisation.

The suggested new organisation is based on the premise that the definition of IS is broadened to include counterterrorism as its main focus. Also it includes disaster management and associated public health concerns being brought under its ambit. Border management, maritime security and external security are conjoint functions and hence, better handled by the ministry that looks after external threats, i.e. MoD. Because counterterrorism would be the main function of the new organisation, it would need to be adequately equipped and trained to do its job.

Currently, the Army is considered to be the most suitable force, with adequate experience, to do this job. It would therefore be prudent that all counterterrorism forces must have an Army component in the form of a trainer cum adviser at their apex. This could be reviewed after a period of ten years, once the CAPF gain adequate expertise in counterterrorism operations. It is recommended that Army be employed in counterterrorism operations at those places only where the Armed Forces Special Powers Act (AFSPA) has been promulgated or where a terrorist attack has targeted a military headquarters, institution or a military station. For all other places NSG should be employed. Wherever there is employment of the Army formations or troops including NSG, the operations must be commanded by the Armed Forces officers. They can be

placed there on deputation with the NSG. Armed Forces are mandated to be commanded by the Armed Forces officers who are subjected to the Army /Navy/Air Force Acts, as per the Constitution (Refer Army Rules).[15] Similar argument holds good for the role of the Navy vis-à-vis the Coast Guard. The new organisation can be called the Ministry of Internal Security.

New Structure: The "Ministry of Internal Security" would be tailor-made to look after the growing threat due to terrorism and destruction of life and property through natural disasters. The présent MHA would continue in its truncated form and continue to look after the other departments as they exist today. It would require new legislation for making the Armed Forces as LFA around which the structure could be built. Realigning of departments of existing ministries would have to be done to bring them under a new agency. It is recommended that border management be taken off MHA's ambit and given to MoD. This would mean that BSF, ITBP, AR, SFF and Coast Guard would come under the MoD to have better synergy for counter infiltration, maritime security and other lesser degree of subversive acts like smuggling and illegal border crossings. A suggested organisation is given below:

The suggested new organisation for Ministry of Internal Security is a projected version of the future MHA. It would have five departments; namely, Counterterrorism, Immigration, Law and Order, Disaster Management and Public Health and Pandemic departments. A cabinet ranking minister would be heading the ministry supported by a secretary level bureaucrat. He would be assisted by a military adviser of two star rank specifically for counterterrorism issues. The counterterrorism department would have the NSG and local special police forces of the state to carry out operations in urban areas. Similarly business rules for other departments would have to be formed given that they would have been reorganised. A marked change in this organisation is the lack of any intelligence agencies.

It is recommended that all the central intelligence/investigative agencies including the IB, NIA, and NATGRID be placed under a central apex authority directly under the PMO. They would be responsible for collecting and sharing the terrorist related intelligence inputs with concerned ministries. The respective intelligence/ investigative agencies like the CBI or Economic and Revenue Intelligence services and the Intelligence agencies of the three Services of MoD would continue to remain with their parent ministry to serve their respective immediate needs. This would enable timely and better coordination of intelligence inputs.

Conclusion

The question arises : *Does India need a new homeland security organisation?* The answer is *"yes".* The time has come for India to move out of its old archaic Constitutional structures and gear up to face the grave challenge posed by terrorism. All nations facing terrorist threat have revisited this aspect and evolved structure and mechanisms to suit their respective needs. The US has gone in for an elaborate Homeland Security Department called the DHS. The British have done it differently but changed nonetheless. So have Germany, France and Netherlands. India needs to define its own doctrine and a supporting structure. A suggested structure has been enunciated in this paper.

The proposed model seeks to overcome the drawbacks of the current system. It would be well in order to constitute an empowered committee to study this problem and to look into all possible options before a decision is taken by the Government. But this needs to be done soon, lest we face more pain and sufferingon account of terrorist attacks or unforeseen disasters.

Endnotes

[1] Nadav Morag, Does Homeland Security Exist Outside the United States?, The Journal of the NPS Center for Homeland Defense and Security, September 2011, 03 Mar 2016, https://www.hsaj.org/articles/69

[2] Homeland Security in India, An Overview, KPMG Report, 2010, 26 Feb 2016

[3] Ministry of Home Affairs, Outcome Budget – 2009-10, Executive Summary, Chapter 1, pg. 1, 2010, 03 Mar 16

[4] Para Military Forces of (India),24 Feb 2016, 04 Mar 2016, https://en.wikipedia.org/wiki/paramilitary_forces_of_India

[5] United States Department of Homeland Security 19 June 2002, 04 Mar 2016, https://en.wikipedia.org/wiki/United_States_Department_of_Homeland_Security

[6] ibid

[7] US Joint Publication 3-27, Homeland Defense, from Office of CJCS (chairman joint chiefs of staff), 29 July 2013, 02 Mar 2016

[8] US Joint Publication 3-26, Joint Doctrine for Homeland Security, Final Coordination, from Office of CJCS (chairman joint chiefs of staff), 26 March 2004, 02 mar 2016

[9] Department of Homeland Security Strategic Plans, Fiscal Years 2012-2016, Feb 2012, Dept of Homeland Security, 02 Mar 2016

[10] Terror Strikes Punjab, Jul 27, 2015, 13 Feb 16, http://economictimes.indiatimes.com/news/defence/gurdaspur-attack-operation-to-flush-out-terrorists

[11] Pathankot attack: 'All terrorists dead', January 5, 2016, 13 Mar 2016, http://www.thehindu.com/news/national/fresh-firing-at-pathankot-air-base-army-deploys-reinforcements-in-area/

[12] Sudhi Ranjan Sen, 10 big facts on Centre vs state over NCTC, new anti-terror agency, 06 May 2012, 13 Mar 2016, http://www.ndtv.com/india-news/10-big-facts-on-centre-vs-state-over-nctc-new-anti-terror-agency

[13] National Intelligence Grid (NATGRID), Sep 2012,Mar 2016, http://mrunal.org/2012/09/polity-natgrid.html

[14] Manan Kumar, NatGrid reloaded will be under IB supervision, 25 May 2015,13 Mar 2016, http://www.dnaindia.com/india/report-natgrid-reloaded-will-be-under-ib-supervision-

[15] Army Rules 1954,Chapter 1, Definitions,