

# Terrorism in India: a crisis in governance

By C. Raj Kumar\*

The terror attacks in Mumbai on 26 November 2008 have once again demonstrated how incapable India is as a nation to prepare itself to fight against terrorism. This is notwithstanding the courage and bravery displayed by the members of the National Security Guard (NSG), the Mumbai police and other law enforcement agencies. The anger and outrage that the Indian citizenry has expressed against the politicians needs to be understood well as they do play a leading role in governing India and have a duty and responsibility to act now. In doing this, they will indeed have the full support of the people of India.

In 2006 I presented a paper to the Castan Centre's annual conference outlining how poor governance compromises the protection of human rights. In India, the kind of improvements to governance required to safeguard human rights are also required to ensure that the country is better prepared for a terrorist attack. The following framework for action at the highest levels of the government is suggested so that an actionable plan can be evolved within a time-frame both to fight terrorism and prepare a response mechanism in the aftermath of terrorist attacks.

## 1. Formation of a Central Anti-terrorism Commission

Despite numerous acts of terrorism in India, the governance machinery has not adequately responded to the issue. Responding to terrorism should be done in a methodical, legal and strategic manner by an exclusive body vested with the necessary powers and resources. The body should not be merely an advisory body, but a commission that has powers to seek legal, administrative, and institutional reforms and formulate policies with a view to fighting terrorism and implementing them swiftly. The government is fully empowered to establish such an institution.

## 2. Strengthening law enforcement machinery across all States

The law enforcement machinery across all States needs to be significantly improved. The police are not adequately equipped to deal with new threats. The NSG and the officers of the Mumbai police demonstrated courage and bravery in responding to the latest attacks. But our law enforcement machinery functions under stressful and inhospitable conditions. Some of the problems the machinery at the State and Central level faces include, but are not limited to, political interference, lack of autonomy, lack of proper training and resources, and lack of adequate compensation. The law enforcement machinery also constantly faces a credibility deficit, given the numerous cases of human rights violations and other abuses relating to civil liberties which the police in India have been involved in. It is important that the police force ensure transparency and accountability in its functioning. It has also to be ensured that it functions independent of and free from interference.

## 3. Reforming governance

When terrorist attacks happen, India as a country expresses shock and at times gets carried away in the zeal to seek justice. But getting justice in India is inextricably connected to seeking reforms in our dysfunctional criminal justice system, which

is also corrupt and inefficient. We need police reforms and reforms relating to the criminal justice system: both are urgent imperatives.

Institutionalised corruption in India is a social reality across all governmental institutions. This has also affected India's ability to effectively ensure national security. The governance reforms relating to fighting terrorism should take place at three levels:

**a. Intelligence machinery:** Our intelligence machinery should be urgently reformed so that institutions such as the Research and Analysis Wing (RAW) and the Intelligence Bureau (IB) are able to gather information that would be useful in preventing attacks. There is no doubt that intelligence-gathering is a long and arduous task, but the Central government needs to put good governance systems in place so that effective gathering of intelligence becomes possible. A related issue is the need for sharing of intelligence among the central and state governments.

**b. Vigilance apparatus:** When the investigations into the latest Mumbai terrorist attacks move forward, we will get a lot more information as to how there were so many security lapses that led to less than a dozen individuals holding a city to a ransom for three days. For example, there should have been many more closed circuit television cameras that actually work and provide information in real time to the security establishment. Security needs to be stepped up in all public places. Police officers should have better equipment than they currently have and airports and seaports need to be made more secure. But security should not mean harassment. Rather, the latest technology and communications systems should be used to ensure that security is tighter and more effective but without involving harassment of any kind.

**c. Anti-terror response:** The State police forces are phenomenally ill-equipped and do not have the training or support to fight terrorism. While it may be useful to establish anti-terror cells in every State, the focus ought to be on creating a framework to develop sound anti-terror response mechanisms that will involve huge coordination between various agencies including disaster management teams, fire-fighters, State police forces, Central government security agencies, the RAW, the IB and others at the State and Central level.

Crisis response mechanisms need to be put in place in the aftermath of terrorist attacks so that no individual or institution is caught unawares in dealing with such situations. Since many developed countries of the world including the U.S. and the U.K. have been victims of terrorism in the past, it will be useful to discuss with the institutions they have in place to respond to terror.

Depoliticising national security and making renewed efforts to fight terrorism are essential steps to radically reform India's internal security structure. The terror attacks in Mumbai provide an opportunity for the politicians to get their act together to build a safer and more secure India.

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