

Terrorism, Institutional Collapse & Emergency Response Protocols

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"Complacency is the true friend of the terrorist."¹

The past year has been particularly harrowing for those who are concerned with India's internal security, as a series of terrorist acts and patterns of covert aggression, including the massive incursion of Pakistani troops and state-backed mercenaries into Kargil, destabilised existing internal security equations. A recurring feature of the strategic and tactical shifts visible in the patterns of terrorism and Pakistan's widening proxy war, particularly those centred around the conflict in Jammu & Kashmir (J&K), is their unending ability to take Indian forces, their command structures, and the nation's political leadership by surprise. Even where sufficient tactical intelligence and indices of rational risk projection existed, the forces of aggression and terrorism were – and continue to be – able to strike with apparent impunity. The most dramatic case in point is the complex series of intelligence warnings relating to activities in and around Kargil, which preceded the eventual engagement in late May 1999, and which failed to generate any kind of effective response from the defence apparatus.²

This, of course, is not to suggest that all terrorist actions should or can be predicted and prevented. While intelligence operations do help thwart some terrorist strikes, it would be unrealistic to expect that all such events can be foreseen, irrespective of our levels of penetration into subversive networks. This is not only a consequence of the highly dispersed character of the organisation of terrorist activities, as well as of their conception and planning on, and launching from, foreign soil, but also of the simple physical and financial limits on intelligence structures and operations. The real failure, however, is not in the intelligence gathering mechanism, but in our inability to utilise large and discrete flows of intelligence to assess and evaluate the scale and direction of emerging threats, to maintain sustained vigilance in response to extended or diffuse threat perceptions, and to respond effectively when these are realised.

None of this reflects on our actual capabilities to frustrate Pakistan's proxy warriors from realising their objectives. Kargil was ample demonstration that the Indian forces, once aroused and mobilised, are more than adequate to put Pakistan in place. If separate evidence was needed regarding our abilities to confront internal security challenges with equal efficacy, it was provided in the nation-wide Republic Day celebrations and parades this year. There was ample evidence that disruption of these celebrations was a primary and major tactical and propaganda objective for the terrorists, and at least six suicide squads are known to have been sent into the Jammu region alone over the month preceding January 26, 2000. A significant increase in terrorist movements was detected in the days before the parades, including the arrest of a group of terrorists in possession of RDX and detonators in Delhi on January 16. But not a single incident of significance marred the celebrations at the hundreds of venues at which they were held right across the country.³

And yet, terrorists have been able to carry out as many as 13 attacks against heavily guarded security forces' establishments and camps since Pakistan's Kargil strategy collapsed in July-

August 1999. These include the attack on the Badamibagh headquarters of the 15 Corps (September 12), the attack on the Army Headquarters at Srinagar in which the Defence PRO was killed (November 3), Army Headquarters, Baramulla (December 2), the J&K Police Special Operations Group (SOG) Headquarters at Srinagar, in which a DSP was among the 12 SOG personnel killed (December 27), and the attack on the Rashtriya Rifles Brigade Headquarters at Khannabal in Anantnag (January 12, 2000). In each case, the most alarming security lapses and inconceivable levels of carelessness and neglect heralded the terrorist attacks. At the SOG headquarters, for instance, the terrorists were simply allowed to drive unhindered into the heavily guarded campus since they were wearing Army uniforms. Evidently, basic security protocols were being ignored, since an attack on such a heavily guarded establishment was thought to be inconceivable – even after 11 such attacks had already taken place on other "secure" targets. The lesson, it appears, is that while we can mobilise our forces for well-defined or clearly predicted short term emergencies, our responses to the unexpected, or to unspecified threats, remain less than adequate.

IC 814 – The Paradigm of Failure

The critical failure of response to the hijacking of the Indian Airlines flight IC 814 occurred at the Raja Sansi Airport in Amritsar. Of course, the eventual and humiliating dénouement at Kandahar can also be faulted on a number of grounds, the most obvious being the manifest loss of nerve on the part of the government's negotiators. However, little is still publicly known about the actual circumstances, negotiations and transactions at Kandahar, and it would, perhaps, be both unfair and unwise to judge the government's crisis responses on the basis of the fitful and often inaccurate information that is currently available. The debacle at Amritsar, however, is an entirely different kettle of fish, and although government sources have sought to project the "decision" to allow the hijacked plane to leave Raja Sansi Airport as a reasoned option – the best of a bad bargain that could easily have ended in a bloodbath for the hostages – this is far from the case. I had, at the time of the hijack crisis, repeatedly described the events at Amritsar as an unforgivable blunder that divested us of all effective options, and I have seen no evidence till date to force a revision of this opinion.

The fact is, the failures at Amritsar – and a majority of these emanated from New Delhi – were entirely avoidable and exemplify in extraordinary measure the institutional collapse that encounters each sudden or unforeseen crisis of internal security (indeed, perhaps, of governance at large) in India. In the absence of a credible or detailed public disclosure by the government, consequently, it is useful to trace out the sequence of events, on that fateful Christmas Eve, as we know them.⁴

- 4:52 p.m.: Delhi Air Traffic Control (ATC) receives a message from ATC Varanasi that the Airbus-300 plying on the Indian Airlines flight IC-814 has been hijacked.
- 4:56 p.m.: confirmation is received when the pilot flashes the hijack code to the Delhi ATC. At this point of time radar information placed the plane over Lucknow. The Captain, D. Sharan, then makes radio contact and informs ATC that the hijackers are armed and their destination is Lahore. The information is communicated to the Crisis Management Group (CMG) comprising senior officials including the Cabinet Secretary, the Home Secretary and the Civil Aviation Secretary. Reports suggest that there was some delay in informing the CMG **because telephone numbers had not**

been updated at the Delhi airport. The officials were also apparently unclear about what to do once they were contacted.

What the CMG actually did for the next hour is uncertain and crucial to any analysis of the response. The Prime Minister who was flying back from Patna to Delhi was informed only at 5:20 p.m., after he landed. He reached his residence at 5:35 p.m. and summoned a meeting of his Cabinet colleagues. The CMG had still not assembled – its meeting reportedly convened shortly before 6:00 p.m. **An hour had already been wasted without any action taken by the Government or any of its agencies.**

- 5:40 p.m.: the plane approaches Delhi. Reports indicate that though the pilot had said that he was heading for Lahore, he was already trying to ensure that he landed at Amritsar. He brought the Airbus' speed down to 360-390 knots, well below the normal speed of around 460 knots. There is a certain point on the flight plan, point Ansari, where a pilot has to commit himself to heading either for Lahore or Amritsar. A Lahore bound flight veers left while the Amritsar bound flight must head right. The pilot, it was evident at this point, was trying to delay this decision.

A crucial fact in this context is that, from the time it was hijacked barely 20 minutes into the flight, till it landed in Amritsar, the plane was tracked closely on radar, its speed was known and a fair estimation of the amount of fuel remaining at the time it landed in Amritsar should have been available to the CMG, and should have been communicated to the authorities at Amritsar. The apparent failure to make these basic calculations available to decision makers at various levels had a crucial bearing on the subsequent response of the authorities.

- 6:15 p.m.: The plane reaches point Ansari and the pilot chooses to turn towards Amritsar.
- 6:18 p.m.: ATC Amritsar is first contacted by the pilot, "We are in contact with Opla (Lahore). Opla is not allowing us to land and we have only 40 minutes fuel. They are insisting us to go to Opla (*sic*) and they are not allowing us to land in Indian soil."
- 6:26 p.m.: Pilot informs ATC again, "We have fuel only for half-an-hour. Please coordinate with Opla. Please get us permission to land at Opla. They are very silly and they will kill us one by one."
- 6:31 p.m.: Pilot says that they have selected ten people to kill.
- 6:32 p.m.: Pilot says, "There is only 15 minutes of fuel left over. With this we can remain 15 minutes in the air. After that we don't have fuel. Make sure we land in Opla as they want to land in Opla and otherwise not anywhere in India."

Clearly, the pilot was doing all he could to make sure the plane landed at Amritsar. He had made a choice that the ATC could interpret by observing the radar, even as he played along with the hijackers. From the transcript it is clear that more attention should have been paid to the accuracy of the information he was giving to decipher any subtext or signals he was sending, particularly with regard to the fuel remaining in the plane. Certainly, it should have been clear that what the pilot was mouthing was not to be taken at face value.

Specifically, at 6:18 p.m. he said he had 40 minutes of fuel left, at 6:31 p.m. he claimed to have only 15 minutes of fuel left. In 13 minutes he had supposedly lost 25 minutes of fuel. The plane

finally landed at 7:01 p.m., **half-an-hour after the pilot said he had only 15 minutes of fuel left**. It should have been clear that his words were not reflecting, and were not intended to reflect, the true picture regarding the amount of fuel in the plane.

- 6:35 p.m.: The aircraft is now hovering over the Raja Sansi Airport, Amritsar, **a full one hour and forty three minutes after the first report of the hijack was received by ATC Delhi**. But even now, no clear response systems have been activated. It bears mentioning, here, that Amritsar had been the final or transitional destination of a majority of the twelve Indian commercial aircraft hijacked in the past, and should have been the most obvious and probable destination in the present case. While all airports within the flight capabilities of the hijacked aircraft should have been alerted for possible landing and response, Amritsar should have been in a state of high alert, with a clear Emergency Command and Communications system in place. As will be evident from the sequence of events below, this was far from the case.

By this time, the Prime Minister's personal secretary Brajesh Mishra had finally joined the deliberations of the CMG at Delhi. Throughout this period, and the next hour or so, it is unclear what the PM and the Cabinet were doing.

- 7:01 p.m.: The plane landed and contact was established on the ground with the pilot. At this point the Senior Superintendent of Police (SSP), the district's Deputy Commissioner (DC), officials from the Border Security Force (BSF) as well as Inspector General of Police J.P. Birdi had reached the control tower. Airport Director V.S. Mulekar and senior aerodrome officer, Tarlok Singh, were already present there and Mulekar was the man who subsequently handled most of the communications with the aircraft. **Two hours and nine minutes had passed since the authorities in Delhi were first informed of the hijacking. Clear indications had also been available for 45 minutes that the pilot was aiming to land the plane at Amritsar.**

The plane landed on Tarmac 34 and came to a halt mid-way on the runway. The area is not well lit and is very far from the floodlit apron area of the airport. Visibility from the cockpit, officials confirm, would have been no more than 150 metres at best. The pilot conveyed the demand that the plane should be refuelled immediately, else the hijackers would start killing passengers. He also sent a coded message informing ATC that there were 5 hijackers on board. A message was also sent to Delhi asking for instructions. Reporters spotted Tarlok Singh outside the airport building, making preparations for refuelling.

To answer the question regarding what went wrong at Amritsar, we must begin with an inquiry on who was in charge. The State Crisis Management Committee (CMC), which included DGP Sarabjit Singh and IGP (Intelligence) M.P.S. Aulakh, was communicating with IG Commandos, J.P. Birdi who, in the absence of the zonal IG was asked to take charge. The Deputy Commissioner, in the normal course of such a crisis, the man responsible for dealing with and authorising any action. He seems to have played virtually no role from here on. In addition to the SSP, the DIG Amritsar was also present.

- 7:05 p.m.: A man claiming to be G.Lal from the "Home Department" called up and asked about the situation at Amritsar. This man called once again with the same question. Who this person was is still to be established. However, contrary to some

newspaper reports, airport officials confirm that he gave no instructions regarding how the officials at the spot should tackle the problem.

- 7: 10 pm: The first contact between Amritsar and Delhi takes place, when the Cabinet Secretary calls up and speaks to the SSP. No specific instructions are issued, but the SSP is told to delay refuelling and ensure the plane does not take-off without the CMG's instructions. A short while later, Brajesh Mishra also speaks to the DIG and tells him that an all out efforts should be made to prevent the aircraft from taking-off.
- At this point, however, it is already clear that no one person was in charge at the ATC, Amritsar. The Cabinet Secretary was instructing the SSP, the PM's Principal Secretary was speaking to the DIG, the State DGP to the IG. The man actually talking to the pilots was the Airport Director V.S. Mulekar.

One source of confusion was certainly the lack of proper communication facilities at the airport. The ATC had no STD line to contact Delhi, and the mobile phones belonging to police officials were used to contact Delhi. Delhi may well have responded through the same channel. This is a confusion that could, and should, have been easily sorted out. It was not cleared up to the very end of the crisis. An official present at the ATC tower throughout the time when the plane was approaching and present at Amritsar clearly admitted that no one person was in charge. Specifically asked whether Birdi was handling things, he said, "He was present there, I wouldn't say that he was in-charge."

It should also be stressed that while subsequently defending their failure to prevent the plane from taking-off, the CMG and the State authorities cited various reasons – all of which had been conjured up after the event. Officials present at the ATC confirmed that, during the 48 minutes that the plane was at the Airport, no option to prevent its take-off was discussed by the officials at the ATC, and no specific directions were received from the superior authorities – specifically, the State CMC or the CMG at Delhi.

At this point it is also necessary to examine the rationale for delaying refuelling. All subsequent indications show that once the Indian Oil bowser had actually approached the plane, far more options would have been available to the ATC. The first was simply because of a fact that emerged in the media several days after the hijack, but which was known immediately to the authorities – that the airport lacked the proper ladder for refuelling an Airbus as no plane of this make currently lands at Amritsar. This in itself would have been sufficient reason in dallying over refuelling and there is no way the plane could have taken-off with the bowser connected to the plane.

The second is that the very mechanism that allows for the refuelling of a plane also allows its "de-fuelling", that is, the extraction of fuel from the tank. Once the bowser was in place, it could simply have dried out, and consequently immobilised, the plane.

In the aftermath, with the local and State authorities blaming the CMG, and the CMG returning the favour, it is also clear that once the Cabinet Secretary and the PM's Principal Secretary contacted officials in the control room, the local authorities immediately assumed a passive role. They were passing on information and awaiting instructions. In fact, just before the Cabinet Secretary called, the authorities were making preparations for refuelling – the only active decision they took during these 48 minutes. Existing evidence suggests a total lack of co-ordination between the State CMC at Chandigarh, the CMG at Delhi, and the officers

present in the ATC – the last of whom were at the cutting edge of whatever action plan was devised. There is also some evidence that different officers at the ATC were separately receiving instructions from the CMG and the State CMC, and that there was no co-ordination of this information with the officers actually negotiating with the hijackers.

- 6:45 p.m.: Pilot first informs the ATC that the hijackers are armed with revolvers, AK-47 and grenades.
- 7:07 p.m.: Pilot repeats this claim, and, at around this time, manages to convey a coded message to the ATC indicating that the hijackers are five in number.
- 7:11 p.m.: The panic is rising. Pilot says, "Now guns are on our head. Everyone will be shot down in another three to five minutes. Kindly please come refuel...."
- 7:15 p.m.: Pilot speaks again: "Why are you taking that much time. Guns are on our heads now."

The transcript over the next several minutes again requires close examination.

- 7:23 pm: "They are going to kill us any time. Please send the bowser. They have started killing now. Where is Oh.....! Where is the bowser now? Please tell us."
- 7:25 pm: "Where is the bowser? Where is the bowser (crying voice), *yaar*. He has started killing the passenger. Why don't you understand our problem. Where is the bowser *yaar*?...He has already killed a passenger now. Why don't you understand. Now we have stopped. Send the bowser fast. Please. Where is the bowser?"
- 7:42 pm: "Four passengers have been killed now. Why have not you responded. The bowser is not coming here. What is the problem?"

According to one of the district authorities present at the ATC, the impression conveyed by the pilot was that the hijackers were losing their balance. These messages created an atmosphere of panic at the ATC. Contact was established with Delhi again but no clear instructions were received, the earlier instructions were repeated. Even as some of the officers rushed off to quietly brief the Press on the "four killings" on the plane, other officers present at the scene had doubts about the veracity of the claim. IG Birdi, in his Press briefing shortly after the plane took-off, stressed, among other things, that no shots had been heard by the policemen stationed within hearing distance from the plane.

His statement also provided confirmation of the fact that Punjab Police personnel had, indeed, moved on to the tarmac to within 300 metres of the plane.

Strangely, the authorities, while trying to justify their inaction had this to say, "One false move could have gravely endangered the lives of nearly 200 persons." They defended the lack of any active steps by saying that it was impossible to gauge the reaction of the hijackers, what they were armed with and how well trained they were. But from the above transcript it seems reasonably clear that the fact of four people apparently having been killed did not spur them to any urgency regarding refuelling.

They were obviously willing to waste four lives through delay and indecision (in retrospect they actually lost one life) over the refuelling, but were not willing to take direct action that would risk the lives of the passengers. This does not ring true. What it suggests is that they

were working under certain (erroneous) assumptions. These would include the presumption that, with Lahore having refused permission and the plane left with barely any fuel, it could not go anywhere. The only way the plane could have taken-off, they felt, was if they went ahead with refuelling. The analysis of facts here was clearly incompetent, and was based primarily on the record of claims – which should have been seen to be inconsistent and deliberately misleading – made by the pilot at various stages before the landing.

Clearly, moreover, they *were* willing to risk lives, and they did, by trying to delay refuelling till the National Security Guard (NSG) arrived. Their second assumption also eventually proved to be miserably wrong. Indeed, they should have foreseen, or at least taken into account the possibility, that Lahore would, at some point of time, grant permission for the plane to land there. To place unqualified faith in Pakistan in such a situation is certainly less than wise.

Moreover, the inability to work out the actual amount of fuel remaining in the plane was just plain unprofessional. The amount should have been calculated to the last drop. In any case, since it is clear that they were willing to, and did, risk lives, there was nothing preventing action such as blocking the runway, or otherwise disabling the plane. The fact that the plane was taxiing on the runway for much of (though by no accounts all) the time does nothing to undermine possibilities of disabling or blocking the plane. Taxiing speeds were low, and the plane comes to a virtual standstill on each turn. There were more than ample opportunities to act, if the will and the clarity of vision and command had been there.

- 7:30 p.m.: The plane suddenly takes a half-turn and faces the North-South direction.
- 7:35 p.m.: Message from Delhi to the ATC that an NSG team had been dispatched. Specific instructions are repeated that the plane should be prevented from taking off. However, it is not clarified as to how this was to be done. A message is also sent to the DIG (BSF) in Amritsar with the same instructions. Three companies of the BSF are moved to the airport. Punjab Police personnel also enter the airfield and approach within 300 metres of the plane.
- 7:40 p.m.: Shortly before take-off, the plane takes a 180 degrees turn to face South. While passenger reports suggest that there is some truth in the CMG's claim that the plane was constantly turning on the tarmac, according to a very reliable source present at the ATC, the plane just made these two turns.
- 7:49 p.m.: The plane took-off surprising everyone at the Control Tower.

According to an observer present there, "No one anticipated that the plane would take-off like that. We all knew the plane had hardly any fuel left, and certainly did not expect such a suicidal step." The plane had a near miss with the oil tanker, which had been stationed on the runway for refuelling. Sources make it clear that the tanker had been stationary at that point for at least the preceding ten minutes. No police official has yet confirmed the fact being now "leaked out" that trained policemen had been put on the bowser, and its movement towards the plane scared the hijackers.

- 8:15 p.m.: The NSG team lands at Amritsar – 26 minutes after IC 814 had flown out, one hour and fourteen minutes after it had landed at Amritsar, and a full three hours and twenty three minutes after the first information of the hijack had been received at ATC

Delhi. The team is headed by a Brigadier from the 52 Special Action Group and comprises 130 commandos.

According to sources, the commandos received information of the hijack at 6:10 p.m. at Manesar. It took them almost an hour to assemble at Delhi Airport, and they were ready for take-off on an Indian Air Force plane, at around 7:05 pm. Newspaper reports suggest that the failure of trained negotiators from intelligence agencies to reach the airport on time further delayed take-off by another half-hour. This is more than amazing – in a situation of extreme emergency a rapid response team sits waiting for a psychologist to arrive for half an hour, and it does not strike the decision makers that the latter could follow on another plane later, if needed. This is not an administrative failure, but an abject collapse of basic common sense. In any case, the one-hour delay between being informed and being ready to take-off itself speaks poorly of the efficiency of the NSG. Not to factor the distance to the Airport and the traffic on Delhi's roads into a rapid response plan displays an unacceptable level of incompetence.

These, of course, are mere details. The intention of the exercise of listing them here is not to fix individual responsibility on, or to blame, particular officials; this is not the objective of this paper, and would, in any event, be a futile exercise, since the same failures would only be repeated by someone else the next time round, when another – similar or dissimilar – crisis arises. It is at the level of a paradigm of response that the failures at Amritsar are important, and it is at this level that they need to be analysed if any effective structures of crisis management are to be forged out of our experience.

Shorn of detail, what were the generic failures at Amritsar?

There were, furthermore, several aspects of the management of the adventitious or subsidiary crises that were ignored or bungled by the government. Some of these secondary crises established themselves within the first hours of the event, but persisted to the great detriment of the national interest throughout the crisis, and have survived into the aftermath. These related, in large part, to problems of co-ordinating media, public and international relations.

In any crisis of this nature, it is imperative that an effective system be established to sift through the frenetic and contradictory flows of information, and that only what is confirmed should be released. This is not only a question of the government's credibility. Public perceptions are an integral input into the dynamics of decision making in these emergencies. And if these are distorted by disinformation and by deliberate falsehood, the possibilities of arriving at optimal decisions recede.

Take an example: the hijackers' claim, articulated through the pilot of IC 814, that they were armed with AK 47s, grenades and RDX was accepted as gospel and hastily communicated to every journalist in the vicinity. It was quoted as unqualified fact in every television channel even while the events of the hijacking were still unfolding, and was printed in every newspaper the next morning.

This perception had a powerful impact, not only on those who were charged with decision-making in this crisis, but also on our relations with a friendly country, which brings us to another aspect of subsidiary crisis management – the containment of unintended consequences in international relations. India heaped ignominy on Nepal and arbitrarily suspended flights to that country without even bothering to wait for the processes of an objective inquiry. Senior officials of the government pilloried the security arrangements at Tribhuvan International

Airport without ascertaining the magnitude of the actual breach that had occurred. A breach had, of course, occurred – but the response was certainly disproportionate, and was based exclusively on the first aggregation of disinformation, sourced from the hijackers themselves. I cannot conceive of a less diplomatically sound course of action than what was adopted by India towards Nepal. Worse still, each element of this *disgracing* of Nepal was carried out in public, communicated to the media even as, if not before, it was communicated to that country's government.

1. The first and most significant failure was the inability to establish an unambiguous and unique centre of command within reasonable time – and "reasonable time" in such a crisis, is to be measured in minutes, not hours. The failure here is institutional. A long and slow process of decay has undermined, disabled and, in many cases, destroyed the emergency response systems that were in place at various levels of governance, replacing them, by and large, by an anarchic system of charismatic leadership, where extraordinary individual initiative sometimes produces dramatic results. Charismatic and competent leaders, however, cannot be present for every one of the innumerable emergencies that arise with unfailing regularity in India. Consequently, most crises produce a conflicting reaction: on the one hand, an undignified jockeying for the centre position and for media projection, and, on the other, an abdication of responsibility by the majority of those who are required to act. One of the most effective institutions and processes of this abdication is the "committee" or sets of committees that "take over" – as they did in the present case – and play out a great charade of discussion, communication and management, while simply refusing to take decisive action. At the end of the day, even if the consequences are entirely disastrous – as they were in the present case – no one is responsible, since the decisions, or their lack, were "collective". At worst, some low level official at the site of the crisis can be sacrificed as the scapegoat of the hour. The situation is worsened infinitely by a long history of punishing officers who actually take action, while no penalties ever attach to "sins of omission" and acts of outright dereliction.
2. The second critical failure is that, even those who "took charge" – in the sense of arriving at the communication centres of the crisis management system that came into being out of the dynamics of the hijacking, and the moribund structures of systems past, i.e., the Raja Sansi Airport, the CMG at Delhi, and the CMC at Chandigarh – simply did not know what was to be done. Each began *de novo*, effectively trying to reinvent the wheel, with no guidelines, no reference to a historical context, and no structured system of emergency response.
3. The third critical failure was the inability to install or activate a clear line of communication with and between the various actors in the task. Conflicting and contradictory instructions were consequently being received through random and informal modes of communication – including personal cell phones – by various authorities at the Raja Sansi Airport, emanating in each case from sources that far outranked the officers in the field. Within the context of the existing political and administrative system, these circumstances would ordinarily divest local authorities of the will to initiate any action on their own initiative – though this should certainly not be the case. Moreover, the ATC official who was actually communicating with the pilot of the plane, and through him, with the hijackers, had no clear idea of the various

information flows. Of course, the fact that even among those who were at the command centres of this management system, no one knew what was to be done, only compounded the problem further.

4. No system for providing adequate technical backup to decision makers was apparently in place till the end of the crisis. Simple but critical calculations – such as the available fuel in the plane – had clearly not been made. Nor were the technical and military options for immobilising the plane adequately clarified or explored. Individuals from non-technical backgrounds, with limited or no prior experience either of a crisis of this kind, or of other aviation or military emergencies, were evidently wracking their brains to figure out some sort of solution through the standard bureaucratic process of unending and ill-informed discussion.
5. There was no context of a national policy on hostage or hijacking situations, or, for that matter, on terrorism in general, that could provide any kind of hint or guideline on the broad parameters of the resolution that was to be sought. The various decision makers were – as stated before – required to reinvent the wheel entirely on their own, right from the CMG at Delhi down to the officers struggling with the situation at the Raja Sansi Airport.
6. Rapid Deployment Forces located at Delhi failed to reach the focal point of the crisis in time. Had they done so, their very presence would have created a new dimension, multiplying available options manifold. Needless to say, the forces available at the Airport and in Amritsar lacked the capabilities necessary for the kind of operation that the NSG could have launched, and, despite their substantial presence fairly close to the plane, could not influence the ‘equation’ on the ground.
7. The first of these was a complete absence of a co-ordinated media response. From the very beginning of the crisis, the Government and its officials spoke in a hundred conflicting voices, bringing its deliberations and decisions into the sphere of public debate at a time when restraint and sagacity – and not recrimination and the confused cacophony of ill-informed advice – were most needed. There was no system of media management, of the projection of a single, dignified and well-informed voice, reflecting a national government’s sense of command and stability. Indeed, some of the highest offices of the land lent their authority and credibility to unconfirmed information that eventually proved false. If anything, the hijacking crisis underlined the fact that we have far too many amateurs in government – and that it is time that they were, at the very least, told to shut up.
8. A similar ineptitude characterised the handling of the relatives of the hijacked passengers. Part of the problem was, again, media management, as contradictory and exaggerated official and quasi-official statements fed the hysteria of the relatives. Of course, the conduct of a section of the relatives themselves was nothing less than disgraceful, but that cannot absolve the government of its own incompetence. A single, authentic and well informed source of the official position should have immediately been established to liaise with the relatives, as also to provide an immediate channel of relief, so that they did not believe themselves to be abandoned, for hours at end, in the waiting lounges of the Airport. Suffice it to say, even to the very end of the crisis, an

adequate and efficient system of information and relief for the relatives had not been established.

9. All the preceding factors combined into a single and devastating image of loss of control, of confusion and impotence that has continued to magnify in the aftermath of the crisis through the proliferation of manifestly puerile statements and suggestions in official quarters, and of empty political rhetoric posturing as policy.⁵ These, indeed, have conceded to the hijackers a victory far greater than was merited by the release of three terrorists. The sheer confusion, the sense of visible frustration, and the direct and manifestly unsuccessful engagement of the highest offices in the country, both in the management and the aftermath of the hijacking, are the unintended consequences that are still to be fully evaluated, or even realised. Put yourself in the hijackers' place, and that of their sponsors, and try to imagine the sense of empowerment and satisfaction, not just of securing the release of three militants, but of having discomfited, and even humiliated, so many senior Indian leaders – including ministers and perhaps the Prime Minister himself. Imagine the sheer gratification of having inspired such a deep sense of failure and – as the pronouncements of the leaders of some political formations suggest⁶ – even self-loathing, in the political leadership and the public at large. And consider the propaganda and recruitment potential of having created a feeling of bafflement and frustration in the Indian security forces to an extent far greater than ever before, greater even than the despondency or demoralisation that all the body bags over the past year had been able to instil in our fighting men. This, in fact, is what the terrorists actually achieved at the end of the hijacking – not just the release of three militants.

Proactivity: From a Slogan to a Policy

No nation and no army can win every battle – even against an inferior adversary. The constellation of local events and forces, the element of tactical initiative and surprise, sometimes combine with fortune to shift advantages in favour even of a weaker side. To this extent, the specific reverses that India suffered as a consequence of the blunder at Amritsar, and the subsequent and sub-optimal resolution of the hijacking crisis at Kandahar, have limited significance. To the extent, however, that a nation fails to correct the lapses of the past, the basic flaws in its strategic perspectives and institutions, however, it is condemned to repeat its mistakes at incremental costs to the national interest. At some point of time, the processes of attrition will carry it beyond the point of return or recovery, and the cumulative consequences, then, would be disastrous.

The evidence available suggests that we are currently set upon this course to catastrophe and lack the will and the vision to institute satisfactory correctives. In the month succeeding the hijack crisis, the spectacle of impotence and confusion was sustained at a high pitch by the Government, with a number of ponderous declarations – entirely lacking in substantive content and originality – of a variety of "counter-terrorism initiative and policies". These included measures to 'improve' aviation security, including the hasty, ill-advised and entirely *ad hoc* announcement of the decision to post commandos on commercial flights;⁷ the announcement by the Prime Minister of a Rs. 102.71 billion Central "agenda" for the Northeast, and an additional Rs. 14.2 billion towards reimbursements to the States of this region for

expenditures on security;⁸ and the announcement by the Ministry of Home Affairs (MHA) of a "new policy" for J&K.⁹

An analysis of the specific measures that comprise these various "policy initiatives" discloses nothing that is new. The Aviation security measures have largely been *ad hoc* announcements, and a policy is currently being formulated. It would, consequently, be premature to comment on proposed measures. These, in any event, have only limited bearing on the specific probabilities of future attempts to hijack Indian commercial aircraft and do not, by and large, affect our arguments here.¹⁰

As regards the announcement of a 'development package' for the Northeast, this has become a routine reassurance ritual for every visiting Prime Minister to the region. As one commentator expressed it with some irony, "It is not yet a constitutional obligation but enjoys the force of convention."¹¹ In 1997, the then Prime Minister Deve Gowda's visit to the Northeast had also been accompanied by grand plans of economic reconstruction and the announcement of a Rs. 60 billion "package". I.K. Gujral, who succeeded Gowda shortly thereafter, also made a quick trip to the region, and announced another "package" worth Rs. 70 billion. Prime Minister Atal Behari Vajpayee has now clearly outbid his predecessors.

It is a different matter that such "financial grants" contain a substantial measure of financial jugglery, and that all the "developmental expenditure" of the past has only left the region poorer, with per capita incomes and other economic indicators registering steady declines. I have often stated that the only people who are enthused by the prospect of "developmental expenditure" in terrorism affected states are political leaders, bureaucrats and their favoured contractors, since a bulk of these funds end up in their private coffers. Some of these funds also flow, through a complex chain of collusion, compliance and extortion, to various terrorist groups – and eventually end up funding militancy. Their impact on the 'target groups' of the poor in the region remains negligible. However, the dogma of developmental funding as a "solution" to terrorism has never been challenged – despite the complete absence of supporting evidence – since it keeps most of the prominent players in the existing conflicts flush with funds.

The "new policy" on J&K is particularly significant in the present context. It constitutes a direct response – at least in part – to the hijacking, and is part of the effort to demonstrate the government's "will" to confront the mounting threat of the Pakistan-sponsored terrorist movement in the mountain State. According to reports, the main features of the new policy included:¹²

1. Specialised battalions of Central paramilitary forces to be raised for counter-insurgency operations.
2. Counter-insurgency grids have been divided into 49 sectors as a part of a three-tiered control structure under the unified headquarters.
3. An additional unified headquarter is to be set up at Zojila.
4. Security in Srinagar city to be further 'beefed up'.
5. Security forces have been asked to carry out round-the-clock operations.

6. Special operations are being launched with the help of retired soldiers and members of Village Defence Committees (VDCs). These would be integrated with the counter-insurgency grid for protection of civilians.
7. Sophisticated arms and modern communications equipment would be provided to the VDCs.
8. Special funds would be provided for border roads.
9. New job-generation projects will be put in operation in order to effectively deal with the problem of unemployment.

Every single one of these "new" measures has been the stock in trade of the government's "response to terrorism" in the wake of each new emergency, crisis, or major terrorist strike, and many of the measures mentioned are already part of existing policy. Only two of the decisions have the appearance of novelty or a shift in policy – but here again, the appearances are deceptive.¹³ The first of these is the decision to substantially augment the number of sectors in the counter-insurgency grid by a process of vivisection. This is, at best, a tactical response, and certainly does not deserve the title either of a strategic shift or a policy initiative. The second is the decision to ask the SFs to carry out round-the-clock operations. Does this imply that the SFs have been functioning on a 9-to-5 workday over the past years of bloodshed in the State? Evidently not. Why then the fanfare that surrounded this "new policy"?

The fact is that the government was clearly suffering a crisis of credibility since the hijacking of IC 814. As the Minister for Home Affairs candidly, if inaccurately, asserted – the ruling Bharatiya Janata Party (BJP) perceives itself to have suffered as a consequence far more than the nation has.¹⁴ It was, therefore, necessary to project a posture of aggressive determination and great activity in order to recover face – even if this was nothing more than a posture lacking all substance.

Unfortunately, these domestic compulsions notwithstanding, this was the worst possible course of action that could be adopted. The language in which the threat perceptions of the government were expressed as the context of the "new policy", and as these were interpreted by various leaders and commentators, not only increased the general perception of a loss of control by the government, but had the power to contribute directly to the demoralisation of the SFs. Worse still, the exaggerated projection of the "new policy" automatically raised unrealistic expectations of immediate results both among the general public and among the rank and file of the SFs – and these expectations will certainly not be fulfilled, given the very nature of the proposals. Inevitably, there would be another couple of dramatic strikes by the terrorists – no security force, policy or strategy can obviate this possibility under prevailing circumstances – and this entire house of cards will collapse on itself, creating a general sense of disappointment, betrayal and further demoralisation. In any event, the rubbishing of the new policy in innumerable editorials and articles had reinforced the general sense of confusion and vulnerability within days of the government's announcements.

What was needed in the aftermath of the hijacking, in the face of the rising tide of terrorist violence, the increasing incidence of attacks on the security forces, and the incontrovertible evidence of the Inter Services Intelligence's (ISI) involvement in terrorism and a wide range of criminal activities – including the massive injection of counterfeit currency into the Indian market – was not dramatic public declarations and postures in advance of the event, but

unadvertised and critical policy shifts and a little imaginative action in the field. These would have created the successes that were needed, and the grounds for justifiable and lasting credit to the government. I have said this before, and will repeat it again: There is absolutely no substitute for success in the field. And this is where India appears to be, and is perceived to be, faltering.

I would be the last person to underestimate or understate the threat in J&K, or to deny that the situation has worsened significantly over the past months. Several grave dangers exist and have been augmented by new threats. The Indian SFs have suffered enormously under a barrage of direct and audacious assaults. This said, let me add that the situation is far from out of hand. India's fighting men have faced much worse in the past and have emerged victorious. The difference, however, is that, to do so, they must be allowed to operate under clear mandates, well-defined and internally coherent policies, and a leadership that exudes a sense of confidence and resolve. These, precisely, are the factors that have remained entirely elusive, despite decades of terrorism in an increasing number of theatres within the country, and despite a succession of governments reflecting a fairly wide ideological spectrum.

The greatest weapon in war is the human mind. Vast armies, "unbeatable" technologies and entire nations have been defeated by demoralisation. And this is the first step at which India is losing the present war. Better counter-terrorist strategies, improved systems of co-ordination, command and control, superior weapons, surveillance and communications technologies are all, certainly, needed. But the first element that must precede these, and that must be sustained throughout the conflict thereafter, must be a clearer understanding of public perceptions, projections and a coherent media policy. Feeding the prevailing sense of terror, helplessness and public distress does not strengthen the government or create a greater mandate for strong measures against the terrorists. That mandate already exists in adequate measure and has, in fact, been frittered away by the government at least on some occasions in the recent past.

This does not, of course, mean that a stoic and unyielding silence must be maintained by the government on all matters pertaining to terrorism. On the contrary, there is urgent need for the articulation of an authoritative and clearly defined position on the subject, and for convincing action to realise this position on the ground. Before turning attention to the character and content of such a position, and the actions consequent upon it, it may be useful to look at a few examples of the responses of some other nations to the challenges of a major terrorist strike or movement.

In 1974, in the wake of the Yom Kippur War, Israel was victim to a major terrorist onslaught that commenced in the spring that year. In addition to a number of smaller operations, these included at least a dozen major attacks including the ones at Nahariyah, Beit She'an, Shamir, Kiryat Sh'moneh and Ma'alot. The last two, involving the slaughter of women and children, were the worst shocks to the national conscience. In the Kiryat Sh'moneh incident on April 11, 1974, three Arab terrorists first shot Eshter Cohen, a 40 year old woman, her 17 year old son, David, and her daughter, aged 14 in their apartment. They then moved through several other apartments in the building, lobbing hand grenades into some, and shooting indiscriminately at occupants in others. By the time Israeli soldiers caught up with them and shot them, they had killed 14 more Israeli civilians, including six children between the ages of two-and-a-half and 11. 16 men, women and children were wounded but survived, and some Israeli soldiers lost their lives as well.

Exactly a month later, however, the terrorists were to perpetrate an even greater outrage at the village of Ma'alot. At 3:00 in the morning, they first entered an apartment and shot a couple and their two children, a boy aged four and a girl aged five. The girl was the only survivor in this initial attack. The terrorists then went on to enter a schoolhouse where over a hundred high school students were sleeping. The children and their teachers were then herded into a hallway. Some of the children and one of the teachers managed to escape by jumping out of a window. The rest were held for over 14 hours. The terrorists, armed with Kalashnikovs and explosives, had issued a deadline that they would blow up the building if their demands – including the release of some 23 terrorists – were not met. The Israelis tried to negotiate the release of the hostages, but some confusion over a password and the terrorists' designated mediator brought the negotiations dangerously close to the deadline. Confronted with the possibility of all the hostages losing their lives, Israeli soldiers stormed the building. At this point, the terrorists opened fire into the crowd of children, hitting 84 of them. 22 of these were killed, and another three adults lost their lives. Prime Minister Golda Meir's statement before the Knesset five days after the outrage, is a model of dignity, of authority, of solemn – even noble – grieving, and of determination:

The long list of victims of terrorism has now been swollen by our fine and innocent children... The blood of our children, the martyrs of Ma'alot, cries out to us, exhorting us to intensify our war against terrorism, to perfect our methods of operation, to concentrate our talents and resourcefulness, to persevere in the daring in seeking out the very heart of the terrorist nests wherever they may be.... The blood of the Ma'alot slain calls out to the world to desist from displaying any lenient attitude towards the terrorist organisations, their bases and their masters: to realise, while there is time, the peril stemming from the ideology and actions of... terrorism.¹⁵

In the months that followed, a counter-terrorism policy crystallised, a process that continued without interruption, alteration or any shift in emphasis or commitment, despite the fact that, less than a month later, a new government was sworn in under the leadership of Prime Minister Yitzhak Rabin. In his very first address to the Knesset, Rabin was to declare the identity of interests and intent with his predecessor government on the issue of terrorism, and to define the fundamental principle that became the foundation of Israel's policy thereafter: "The Government of Israel will not conduct negotiations with terrorist organisations whose declared goal is the destruction of the State of Israel."¹⁶

It is significant that this principle was articulated at a time when the memory of the Ma'alot incident, in which children were held hostage to secure the terrorists' demands, was fresh in the minds of the leaders of Israel. Yet, the government announced a policy of "no negotiations". "We prefer peace to new military victories," Prime Minister Rabin had said, "a stable peace, a just peace, an honourable peace, but not peace at any price."¹⁷ The price Israel paid at Ma'alot was, indeed, terrible. But in the war against terror, the price of capitulation is even greater.

Out of these unequivocal declarations of intent, Israel forged the details of the structures and processes that would protect civilian lives, as well as inflict harsh deterrent punishment and reprisals on acts and sponsors of terrorism. Acts of terror targeting Israel continued, of course. But their intensity and their centrality to the Arab-Palestinian strategy waned, forcing a shift towards a negotiated settlement in which Israel engaged from a position of unwavering strength. The details of the specific measures adopted to force this shift merit a separate study

and need not detain us here. What is significant in the present context is the fact that the underpinnings of these measures were a clear and utterly unambiguous statement of a national policy perspective on terrorism.

The threat perception with regard to terrorism in the United States of America is extraordinarily high, despite a relatively low incidence of terrorist incidents and casualties. A process of selective definitions, intentional blindness, and statistical inventions have allowed the US to perceive and seek to project themselves as the nation most at risk from this scourge, and one commentator goes so far as to assert that, "Historically, the United States has been the target of 32 per cent of all terrorist attacks worldwide, second only to Israel."¹⁸ Speaking at the United Nations, President Clinton endorsed this perception of a nation under threat: "Because we are blessed to be a wealthy nation with a powerful military and a worldwide presence active in promoting peace and security, we are often a target... we know that many people see us as a symbol of a system and values they reject, and often they find it expedient to blame us for problems with deep roots elsewhere."¹⁹ He generously conceded, nevertheless, that "it is a grave misconception to see terrorism as only, or even mostly, an American problem."²⁰

The American part of the problem, however, is resolved through a pattern of harsh legislation and relentless reprisals that have made the US, at once, perhaps the most hated society among terrorist communities, and, equally, one of the safest among their potential targets. Thus, in the wake of the terrorist bombings of US embassy buildings in Kenya and Tanzania in August 1988, President Clinton ordered cruise missile strikes against alleged terrorist training camps in Afghanistan and a supposed chemical weapons plant in Sudan. It is a different matter that no judicial processes or open evaluation of evidence preceded these attacks. It was, moreover, not even the US case that the perpetrators of the embassy bombings were actually present in the "terrorist training camps" in Afghanistan. And the international media eventually discovered the "chemical weapons plant" in Sudan to be an innocent pharmaceutical company.

US action in this case did not end here. The bombing suspects were identified by an international investigation, apprehended in record time, and brought to America for trial – though the "chief conspirator," Osama Bin Laden, remains elusive. However, the international pressure, diplomatic, economic and covert, currently being exerted to bring this "fugitive" to American justice is a critical input in all US policy in Central and South Asia.

This is virtually a paradigm case of the application of the US Counter-terrorism Policy, defined succinctly and explicitly in the following principles:

First, make no concessions to terrorists and strike no deals;

Second, bring terrorists to justice for their crimes;

Third, isolate and apply pressure on states that sponsor terrorism to force them to change their behaviour; and

Fourth, bolster the counter-terrorism capabilities of those countries that work with the US and require assistance.²¹

In addition, the Clinton Administration has defined the principles that would determine the objectives of US diplomatic efforts to secure the co-operation of all nations to:

Deny terrorists safe haven and financial support, and pressure states that do;

Co-operate in the extradition and prosecution of terrorists;

Strengthen the Biological Weapons Convention and enforce the Chemical Weapons Convention;

*Increase airport security and control the manufacture and export of explosives.*²²

Another essential feature of the US counter-terrorism response is the degree of institutional consensus that prevails. The judiciary has ordinarily handed out maximum sentences, and even waived substantive provisions of US law to punish what is designated as terrorist crime. Thus, in the case of Aimal Kanshi, the alleged killer of two CIA agents was virtually kidnapped in Pakistan, bundled onto a plane and brought to the US to face trial in violation of all the very stringent procedural constraints on wrongful arrest. In other cases, US Courts have been extraordinarily rigid, even pedantic, in their interpretation of civil rights and procedural protection against improper arrest – allowing some of the worst domestic crimes to go unpunished in cases where the police did not follow the stringent procedures prescribed for arrest or securing of evidence. All this, in the Kanshi case, was simply brushed aside, and the perpetrator sentenced to death. The US, today, also has some of the harshest and most comprehensive anti-terrorist legislation in the world.²³ The Anti-Terrorism and Effective Death Penalty Act of 1996, for instance, prescribes the death penalty, or imprisonment of *not less than 40 years* even for conduct which directly or proximately causes personal injury or substantial risk of injury to any person, including any public safety officer performing duties. If a conduct results in death, the offender faces the death penalty, or imprisonment for not less than 20 years or life.²⁴ Minimum mandatory sentences are prescribed for most terrorist offences, leaving no room for equivocation or misplaced ‘liberal’ and ‘human rights’ posturing by the judiciary. There has, of course, been little attempt in the American judiciary to seek these escape routes when confronted by terrorist crimes. The World Trade Centre bombing in New York City resulted in the death of six persons. Each of the four perpetrators and the chief conspirator was *sentenced to 240 years of imprisonment* – with the last receiving an additional life sentence. None of them will again experience freedom in this lifetime.

It is, of course, a different matter that the US applies criteria that are entirely at variance with its own practices when terrorist activities are carried out in theatres far from its soil and when their victims are not US citizens. That, however, is not the issue here. Our present concern is with the measures that nations adopt to protect themselves against the scourge of terror, and in this, the US is a veritable pioneer, and recognises no constraints of morality or of international law and opinion. Indeed, the extent to which unconstrained use of force is sanctioned by society and the institutions of governance once a certain group of activities is designated a terrorist, or even an "un-American" activity, can be estimated by the massacre at Waco, Texas, in 1993. Here the Federal Bureau of Investigation (FBI) brought in tanks and initiated a violent and dangerous CS gas assault on a barricaded group of a millennial religious sect, the Branch Davidians, resulting in the death of 74 people, including women and children.²⁵

The US approach is rightly premised on the assumption that every unpunished terrorist attack diminishes its prestige and power in the international arena, and inflicts critical damage on ‘US interests’ abroad.

Whenever a terrorist attacks a US target (be it civilian or military) America’s reputation suffers in the eyes of many around the world. The implication is that the United States is not as strong,

or as skilful, as America wants the rest of the world to believe it is. This is specially the case in cultures where reputation and the appearance of power count for much... As a result, terrorism can weaken relations with allies by intimidating or blackmailing a particular country into distancing itself from the United States or denying the US access to particular facilities.²⁶

The approach also recognises an important distinction between antiterrorism and counter-terrorism. The former comprehends the defensive measures used to reduce the vulnerability of individuals and property to terrorism, and recognises the limitations of such initiatives in combating terrorism since it would be physically and financially impossible to protect all potential terrorist targets through such defensive measures. Counter-terrorism, on the other hand, comprehends a wide range of offensive measures to prevent, deter and respond to terrorism.

With these perspectives, it is unsurprising that a counter-terrorism perspective is read into the institutional strategy of all related branches of government, not only the State, Justice and Defence Departments, but also other agencies that may be connected with the management of the consequences of a terrorist strike, such as the Health, Fire and Civil Administration. Moreover, an apex body, the Federal Emergency Management Agency (FEMA), prioritises and co-ordinates all aspects of crisis management, including the identification of emerging threats, definition of response protocols, training and institutional structures.

Contours of a Counter-terrorism Policy for India

In the absence of a coherent vision of a nation's larger strategy, specific initiatives, especially where they are fire-fighting responses to current crises, tend to cancel each other out and often, in fact, prove counterproductive. To take a parallel, if one were to create a large number of random and unstructured defences on a battlefield, with no clear idea of the emerging pattern of engagement, of the imperatives of the terrain, of the relative strength of forces, and of the defined objectives of battle, we would find that these defences eventually become a hindrance to our own manoeuvres, rather than a shield against enemy attack. This is precisely the case that has arisen out of the innumerable, *ad hoc*, entirely unstructured and often contradictory actions and policy initiatives with regard to terrorism in India, and many of these actions and initiatives have now become the most significant obstacle to any coherent strategy of resolution.

The very first imperative of an effective policy on counter-terrorism, consequently, requires the definition of the basic principles on which all counter-terrorist action and policy are to be constructed. No such principles are reflected in our present policies, and I have no reason to believe that they exist. Once defined, these principles must be strictly adhered to, circumscribing the range and content of actions and negotiations that any government or official may engage in with regard to terrorists, or in situations of crisis generated by the actions of terrorists.

Several models exist for the identification of these basic principles,²⁷ but it is not sufficient simply to imitate these, or to adopt them verbatim from some other country. They would have to be based on a specific and objective evaluation of the character and magnitude of the threat of low intensity war and terrorism in this country. This may appear to be too obvious a point to require separate statement, but on closer scrutiny this is not the case. There is, in fact, a great deal of ambivalence that characterises the attitudes and perceptions of policy makers and those

who shape opinions in this country, with regard to terrorism, and there exists a vast body of pseudo-sociological, political and economic analysis that seeks to justify terrorism or to underplay its enormity and impact. This stream of thought – actually an uncritical acceptance of politically fashionable postures – has influential supporters in various branches of government. It is, consequently, crucial that the objective dimensions of terrorism be explicitly and transparently evaluated, its dangers defined and documented, and an unequivocal national consensus be forged on the character and magnitude of this scourge, and the measures that are necessary and justified in order to confront it before we succumb to it.

This, however, is only the beginning of a long and relentless process. The Indian state, I have remarked in the past, must start educating itself on how it is to tackle individuals and groups trying to destroy the state. And it must learn how to arm and protect those who put their lives at stake in the defence of India's unity and integrity.²⁸ This will require a radical reformation of internal security forces and institutions, creating the skills, knowledge, attitudes and infrastructure necessary to confront the threat posed by terrorism and covert warfare. The parameters within which each agency of government must respond to such challenges will also have to be defined, specifically and in great detail. This would include the powers, the range of extraordinary actions permitted in these situations, and the applicable legal criteria and context of evaluation of these actions – whether these are the same as those applicable in peacetime or are to be akin to articles of war, or are to be redefined in terms of the new category of 'low intensity wars' – should be clearly determined and suitably legislated.²⁹

These are only the preliminary conditions for an effective response to the challenge of terrorism – yet they demand a massive and unprecedented effort; an effort, moreover, which has to be exerted within a timeframe that grows shorter by the day if it is to have any hopes of success.

These time frames of response are well illustrated by the US apprehensions of a biological weapons attack "within the next five to ten years". US officials concede, "We are a long way from being even modestly prepared," but simultaneously assert, "we're doing a lot more now than we did 12 months or even six months ago".³⁰ This is the urgency that attends a response to a threat that is expected to emerge years in the future. The legislative response to cases of terrorism on US soil are also a case in point. Till 1996, the US had experienced only two major incidents of terrorism: the bombing of the Alfred P. Murrah Federal Building in Oklahoma in April 1995, where over 100 were killed; and the World Trade Centre Bombing at New York, in which five persons were killed and over a thousand injured. Yet, by 1996, the Anti-Terrorism and Effective Death Penalty Act and a wide variety of other legislation had been passed, making the most comprehensive provisions not only for the effective prosecution and punishment of terrorist acts, but also for activities that helped finance, support or otherwise facilitate such actions.

By comparison, we are yet to set up systematic defences against the far greater threats that have already been realised and are currently undermining the rule of law, and even the possibility of civil governance, in a number of theatres of conflict in India. Fifty years after the first major terrorist movement in the country began, we are yet to have even a basic legislation to deal with the problem – the ill-drafted, and equally ill-fated Terrorism and Disruptive Activities Act, 1987, which was allowed to lapse in May 1995 without a whimper, being the only experiment in this direction. Thus, after tens of thousands of casualties inflicted by terrorists, and billions of rupees of property destroyed, as far as laws presently in existence in this country

are concerned, there is no phenomenon that can be uniquely and legally identified as "terrorism", or be punished as such. For well over two years now, we have been speaking – just speaking – of a "proactive policy" on terrorism; yet the initiative remains squarely in the hands of the terrorists and their sponsors in Pakistan, and there is no evidence of even the basic framework of a policy in sight.

Even if institutions of governance succeed in shaking themselves out of their present torpor, they may find existing structures severely inadequate to deal with the problem. The first element of this structural failure is the co-ordination of efforts of the large number of institutions and forces that are pressed into service – or need to be so tasked – to tackle terrorism. I have recently drawn attention to the failure to effectively utilise even the available technological infrastructure, manpower and resources to fight terrorism.³¹ This is only one aspect of the problem. The fact is, the efforts even of the SFs directly involved in the fight against terrorism are not adequately co-ordinated, and systemic and internecine conflicts undermine – even cancel out – a great deal of what is being done by different military, police and paramilitary organisations. The challenge of co-ordination, however, extends much further, to a wide variety of institutions and organisations that comprehend virtually every department of governance, but most prominently, the health, transport, communications, and emergency management services, science, technology and research institutions, the judiciary, the legislature, and civil administrations in terrorism affected areas. Evidently, no existing institution has the mandate or the capabilities to undertake such a task.

There is, consequently, an urgent need to set up a central agency for the co-ordination of all counter-terrorism efforts, initiatives and policies, so that the national interest and policy are realised through the vast multiplicity of discrete and apparently unrelated actions of the numerous divisions, departments and jurisdictions that currently exist.

Such an agency would also be tasked to carry out a continuous assessment and analysis of existing and emerging threats, to co-ordinate flows and maximise utilisation of available intelligence from a multiplicity of sources, and to continuously define policies and protocols for response to each new area or pattern of terrorist activity, and to ensure that these are translated into action by the appropriate division and department of government. This agency should also be statutorily required to periodically apprise both the government and Parliament of prevailing threat perceptions, and the actions required to meet these.

It should be clear, in this context, that this central agency would not be the executive agency for counter-terrorism response, nor would it have the authority to intervene at the tactical and operational level. It would, however, define the strategic framework of counter-terrorism operations, devise protocols for response to a wide variety of possible threat situations, produce the training materials and structures for the creation of requisite proficiency in the execution of these protocols in concerned agencies and personnel, and generally put into place the systems that are required to safeguard the nation and its people against terrorism. The agency would also act as a clearing house for a great deal of inter-departmental and inter-agency dissemination of information, and as a pressure group to bring the policies and practices of various branches and departments of government into conformity with national counter-terrorism perspectives and policy.

Crucially, this agency must not be constituted along the pattern of existing "security advisory" fora, which have the essential character of government-sponsored debating societies, with no

power of independent access to information, intelligence, or other resources for effective action.

Specifically, the central agency for counter-terrorism would be required to address the following tasks:

1. *Project and continuously evaluate the essential elements of national counter-terrorism policy*: This function assumes that a national policy has already been defined by the national political executive – a task that can no longer wait for the constitution of a new institutional arrangement.
2. *Establish and continuously revise threat assessment criteria for all major threats*: This involves the definition and clarification of the analytic procedures to determine the threat of terrorism in various areas and regions, as also to specific installations, including defence and infrastructure installations and establishments. This would involve the analysis of inputs beyond conventional intelligence flows within government, and would reconcile these with information received from media and research resources, as well as from strategic and geopolitical analyses of the situation beyond the immediate theatre of conflict. This process is critical because it would define certain objective parameters which would automatically mandate the activation of response protocols at various levels and in all concerned institutions and departments, with intervening discretionary or executive decisions – that is to say, without a ‘judgement call’ having to be made.
3. *Creation of standard emergency response protocols for all potential terrorist threats and actions*: This is a gigantic task that would, first, involve the identification of all such potential threats and their possible impact and crisis management requirements. Here, it is not only necessary to make provisions for existing threats, but also to continuously evaluate emerging technological and tactical shifts in order to ensure that the emergency response systems are geared to tackle these. For instance, I have already made this point specifically in connection with the possibility of a chemical or biological weapons’ (CBW) terrorist strike, or for the introduction of any weapon of mass destruction (WMD) into the terrorist arsenal – for which we are completely and visibly unprepared.³² The actual contents of such response protocols would, of course, vary from situation to situation, but they would all have certain minimal features in common, and these would include at least the following:

The idea of a mandatory "graded minimal response" is to ensure that local authorities are not directionless, paralysed, or constantly seeking the intervention of elusive ‘higher authorities’, in the face of a terrorist challenge, and that they are also accountable for having met – or for failing to meet – the requirements of a pre-defined and unambiguous protocol of responses. In addition, the existence of such unambiguous codes or protocols, protects subordinate officials from the process of ‘scapegoating’ that inevitably follows each botched operation. The present system is biased in favour of non-performance – those who refuse to act are protected, but those who take an initiative, inevitably with the accompanying risks of failure, are humiliated and penalised. Once emergency response protocols are established for a particular genre of situations, however, a failure to respond in accordance with set codes would attract penalties.

As with every solution, there is a potential problem here. Rigid protocols can easily be reduced to a formalism that would protect officials without securing the intended results. If protocols are not to be transformed into avenues of escape by incompetent, under-motivated or corrupt officials, they would need to be constantly reviewed for weaknesses that lend themselves to such exploitation. Such continuous reviews are mandated also because of continuous technological and tactical developments, both within the national security community, and among the terrorists. Indeed, a measure of improvisation and flexibility will have to be built into the codes and protocols that are developed, even as is a guarantee of a minimum response. It is significant to note here that everything is expressed or implemented within a context, and the prevailing administrative and political atmosphere can undermine the impact and efficacy of any system that may be put in place. Every system needs to be backed by integrity and an honesty of purpose, and these are often lacking. Nevertheless, even with these qualifications, the impact of such systems would be salutary, to the extent that they would impose a degree of accountability even on the 'lowest common denominator' in the crisis response and counter-terrorism apparatus.

1. *Establishing crisis command and a clear chain of accountability:* As was amply clear from the confusion that followed the hijack of IC 814, this must be the first priority in any given situation of terrorist action or threat. The authority who is charged with commanding the emergency response must be clearly defined in the standard procedures – with an equally clear identification of a substitute in case of absence, death, inaccessibility or immobility on any grounds. The crisis command must be headed by a single individual, who would then be unequivocally accountable for the handling of all aspects of the situation.
2. *Definition of graded minimal responses:* Each emergency or level of threat perception must automatically generate certain minimal and clearly defined responses by all agents on first information received, even if the crisis command centre is not yet fully activated or in contact. This refers not only to the activities of those who are directly connected to the security response aspects generated by the crisis, but to all support wings as well – such as media management, human relations management, emergency medical, fire, technical or other associated services, and, very crucially, the agencies charged with collecting and preserving evidence. This last is an aspect that is often neglected in the wake of major terrorist incidents, and in the process the possibility of building a body of evidence for the successful identification, apprehension and prosecution of culprits is diminished, and much crucial evidence, or many opportunities of generating such evidence, destroyed. It must be realised that the successful prosecution of terrorists is one of the critical elements in the successful war against terrorism, and in this regard the Indian record has been worse than disgraceful – though not entirely as a result of the failure of the apparatus for investigation and prosecution.
3. *Emergency communications systems:* Once a terrorist action has taken place, or is believed to be imminent, exclusive and pre-designated systems of communications should automatically be activated between the command centre and all agents involved in the management of the emergency. No unauthorised lines of communication, or channels that are not mediated by the command centre, should have any role whatsoever, in crisis management.

4. *Definition of incident priorities:* within the context of the emergency response protocols, each genre of incident should contain a clear definition of the various priorities that must command the actions of the various agents. These priorities may include safeguarding the lives of SF personnel and civilians, protecting critical systems, stabilising the context of the incident, pursuit and apprehension of perpetrators, human impact and media management, estimation and containment of direct and secondary damage, etc. A clear definition of these priorities would facilitate the most efficient and rapid deployment of available resources.³³
5. *Definition of strategic goals and tactical objectives in the wake of an incident:* In addition to actions mandated by the minimal response protocol, the actions of local agents must be activated by clearly defined tactical and strategic objectives. These, in fact, provide the context of flexibility and human initiative that are integral to any effective response to a terrorist threat or strike. Once again, while these must be defined without dissimulation or vagueness, they would require continuous reevaluation and adaptation in view of emerging situations.
6. *Protocols for notification and co-ordination:* The responses of those agencies that make first contact with, or receive first information on, the terrorist act must include the issue of notifications and warnings, and an alert on all resources that may be required to deal with the emergency. Each level of threat, or character and magnitude of terrorist act must, consequently, be met with notification to all connected agencies and authorities at an appropriate level of the government hierarchy.

Evidently, the evolution of appropriate systems for the co-ordination of forces and the sharing of intelligence would need to be one of the most urgent priorities of the central co-ordinating agency on terrorism.

1. *Definition and inspection of physical security standards:* A comprehensive exercise needs to be carried out to define the required physical security standards and protocols for various civilian, government and security establishments, and thereafter, to ensure adherence to these standards. These standards, once again, would constitute minimal prescriptions, and institutions and establishments would have the discretion to exceed these, but not to fall short on their provisions. Subsidiary agencies may be required to inspect adherence to these standards on a regular basis. The central co-ordinating agency would, of course, be required to continuously review these standards in view of technological, strategic and tactical changes. Part of the task of defining physical security standards would also involve the identification of basic norms for the location, planning and security architecture of particular kinds of security and other potential target installations and establishments. The vulnerability of many security and critical infrastructural facilities is often structural and has to be tackled at the earliest stages of the development of these projects – commencing with the identification of their location. This has been a persistent failure, as has been borne out particularly by the vulnerability of a large number of security establishments that have been extraordinarily vulnerable to terrorist attack.
2. *Definition of systems for co-ordination of forces and optimal sharing of intelligence between agencies and departments:* Many of the critical ‘intelligence failures’ of the recent past have been failures, not of the availability of intelligence, but of sharing,

processing, or accessing the appropriate information at appropriate levels. Similarly, the continuous controversy over command and control systems in terrorism affected areas, and the unceasing jockeying for power and credit between the various arms of the SFs dedicated to the tasks of counter-terrorism, have been the cause of many of our recent reverses.

3. *Establishing training standards and providing curricula for all emergency response agencies:* Priority here would naturally go to appropriate training and curricula for the SFs engaged in counter-terrorism. A comprehensive review of current methods and practices is required to give our fighting men a clear understanding of the methods, motives and character of terrorist activities, and to create in them the ability to look at the situation from the perspective of the attacker. A better understanding of the weapons and technologies available to the terrorists and continuous improvements in counter-terrorism methodologies is also necessary. Irrespective of the costs of dissemination of this information, and the costs of training and re-training, these programmes must be undertaken. They would help save lives in our forces, create a decisive edge in the battle, and, in the long run, prove to be far more economical than prevailing practices that simply push in increasing numbers of poorly trained and motivated manpower into areas of conflict.
4. *Identification, co-ordination and management of legal, legislative and administrative issues arising out of counter-terrorism operations and challenges:* Counter-terrorism must be conceptualised not as a problem of the use of the SFs alone, but as a problem that concerns us all – not just the various institutions of governance, but the citizenry at large. A wide spectrum of constituent actions would be needed to create a comprehensive and effective response to this challenge, and the central agency would also have to accept responsibility for the identification and co-ordination of these elements.
5. *Development and revision of training curricula and programmes:* The creation of a wide range of emergency operational plans, protocols and security standards would, quite naturally, create corresponding demands for training and curricula in a wide variety of institutions. And the central co-ordinating agency would need both the resources and the infrastructure to produce these, or catalyse their production, as also to ensure their widest requisite distribution.

This listing is by no means exhaustive, nor can the elements within it be considered final. A wide variety of opinions would, quite naturally, be elicited by each of the proposals, and there are certainly new facets to the problem that will be exposed, and, indeed, that will be brought into being with each shift in terrorist strategy and tactics.

Nevertheless, the intention of the exercise here is to emphasise that it is now imperative that India's future responses to terrorism are far more scientific, systematic and consistent than they have been in the past, and that comprehensive and radical institutional and procedural changes are needed if this is to be achieved. The importance, indeed, criticality, of the personalised responses and charismatic leadership that have dominated our systems of crisis management in the past, needs to be minimised. Such responses and leadership have, of course, on occasion, contributed to the resolution of problems. But even where they succeed, they do great damage to the general systems of the institutional response, undermining the initiative and confidence

of the large majority of officers, who then feel that a systemic solution is not possible, and that all crises demand the intervention of 'higher authorities' or high profile leaders. To the extent that such 'higher' intervention is usually not available in the immediate aftermath of a crisis, the state's responses are inevitably delayed, and necessarily inefficient. More often than not, however, such 'higher' interventions, ordinarily exercised from a safe and comfortable distance from the actual crisis, and on the basis of severely inadequate and inaccurate information streams, have led to enormous failures, causing significant damage to the nation, and generating destructive processes of scapegoating and inane political rationalisation in their wake. It is now clearly time that a meaningful, flexible and effective institutional response is devised to the mounting challenge of terrorism in India.

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1. GOSS, Kay C., "America Preparing for the Consequences of Terrorism", a presentation at the NATO Civil Emergency Preparedness Symposium at Moscow, April 22, 1997.
 2. Cf. SWAMI, Praveen, "The Kargil War: Preliminary Explorations", *Faultlines: Writings on Conflict & Resolution*, Volume 2, ICM-Bulwark, 1999, esp. pp. 29-40.
 3. A bomb was detected opposite the Red Fort at Delhi just half an hour before the beginning of the parade. Four rockets were also fired, without any casualties, in the Jammu region. The only fatalities that occurred as a result of terrorist action on January 26, 2000 were in Assam, where militants reportedly shot dead three people in Bongaigaon District during an 18 hour general strike called by eight terrorist groups opposing the Republic Day functions. Cf. "Another bomb defused at Red Fort", *The Pioneer*, January, 27, 2000; "Some hiccups on peaceful R-Day", *Times of India*, January 27, 2000.
 4. The following sequence has been reconstructed from briefs by Hartosh Singh Bal, *The Indian Express*, Jalandhar, and informal disclosures by a variety of sources who were connected with the management of the crisis.
 5. Cf. for instance, Gill, K.P.S., "Government Demands Steel in the Soul", *The Pioneer*, January 22, 2000.
 6. "Freeing militants to get hostages shows Hindu cowardice: RSS", *The Indian Express*, January 6, 2000.
 7. "Sky marshals aboard all flights now", *The Indian Express*, January 6, 2000; "Aviation force by year-end", *The Tribune*, January 8, 2000;

8. "PM announces Rs. 10,271 cr. Package for North-East", The Hindu, January 23, 2000; "Centre okays Rs. 1,420 cr to check N-E insurgency", The Indian Express, January 22, 2000.
9. "Special Units to tackle J&K militancy", The Times of India, January 18, 2000; "Govt draws up 'war' plan for post-Kargil Kashmir", The Indian Express, January 18, 2000; also see "Countering Terror", The Pioneer, January 19, 2000; Manoj Joshi, "Kashmir policy: old wine in new bottle", The Times of India, January 19, 2000; and Gill, K.P.S., "Governance demands steel in the soul", The Pioneer, January 22, 2000.
10. Significantly, even as measures for improving airport security were being announced, there were reports that suggested that these had no bearing on the situation on the ground. Cf. Brajesh Upadhyay, "Alert yes, but airport security is lax", The Times of India, January 5, 2000.
11. "Third N-E package", The Tribune, January 24, 2000.
12. "Special units to tackle J&K militancy", The Times of India, January 18, 2000.
13. This analysis of the "new policy" on Kashmir is based substantially on my article, "Governance demands steel in the soul", The Pioneer, January 22, 2000.
14. "Hijack deal hurt BJP, not India: Advani", The Times of India, January 4, 2000.
15. Statement to the Knesset by Prime Minister Meir, May, 20, 1974. Source: www.israel-mfa.gov.il
16. Address in the Knesset by Prime Minister Rabin on the presentation of his government, 3 June 1974. Source: www.israel-mfa.gov.il
17. Ibid.
18. Intelligence Threat Handbook, May 1996, Section 4, reprinted by the Terrorism Research Centre, www.terrorism.com/terrorism/InterOperations.html. The absurdity of this evaluation is evident in the fact that it dates back to 1996. By this time, more than 11, 709 civilians and 1,781 security force personnel in Punjab (1981-1996), and over 5,411 civilians and 1,311 security personnel in Kashmir (1990-1996), had been killed by terrorists in just these two Indian provinces. Nevertheless, these exaggerated perceptions are integral to the US response to terrorism and help create the psyche of a society besieged, and the mandate for harsh counter-terrorism action.
19. Remarks by President Clinton to the Opening Session of the 53rd United Nations General Assembly at New York on September 21, 1998.
20. Ibid.
21. US State Department, www.state.gov/global/terrorism
22. "President Clinton: A World Leader in the Fight Against Global Terrorism", The White House at Work, September 21, 1998, www.whitehouse.gov
23. This includes the very comprehensive Anti-Terrorism and Effective Death Penalty Act, 1996.

24. And "life" it must be noted, means life. Not the maximum of 14 years and as little as eight and a half that it has been reduced to by a licentious penal regime in India.
25. See, WRIGHT, Stuart A., "Anatomy of a Government Massacre: Abuses of Hostage-Barricade Protocols during the Waco Standoff", *Terrorism and Political Violence*, Vol. II, No 2 (Summer 1999), Frank Cass, London, pp. 39-68.
26. "Flashpoints and Force Structures", Strategic Assessment, 1997, www.ndu.edu/ndu/inss/sa97ch15.html
27. For instance, the US Counter-terrorism Policy outlined above.
28. "Statement on the Death of Mr. A.S. Sandhu", Press Release, Chandigarh, May 24, 1997. Reported in all major Indian Newspapers on May 25, 1997.
29. I have been repeatedly raising these and other issues with successive governments, starting with the Inder Kumar Gujral Government, vide my letter dated May 30, 1997, to the present dispensation – evidently without any quantifiable impact on policy or action.
30. HENDERSON, D.A., Director of the John Hopkins Centre for Civilian Biodefence Studies, quoted in "Bio-terrorism attack inevitable: US expert", *The Asian Age*, February 6, 2000.
31. "Technology, Terror & a Thoughtless State," *Faultlines: Writings in Conflict & Resolution*, Volume 3, ICM-Bulwark Books, 1999, pp. 1-38.
32. GILL, K.P.S., " Technology, Terror & a Thoughtless State", *op.cit.*, esp. pp. 26-34.
33. And would obviate the ludicrous prospect of a rapid response force such as the National Security Guard sitting on a tarmac ready for take-off for over half-an-hour, waiting for a psychologist-negotiator to arrive, while a full-blown hijack endangered the lives of over 180 passengers and vital national security interests. Cf. the sequence of events relating to the hijack of IC 814 above.