

National Governance and Internal Security

*N.N. Vohra**

There is always a crucial link between “National Governance” and “Internal Security”. If Internal Security is not maintained Governance cannot be delivered and there would be grave threats to the very unity and integrity of the country. Likewise, Internal Security cannot be safeguarded if Governance is delivered by an inefficient and corrupt administration.

It is perhaps not necessary to define Governance. However, in the simplest terms, governance relates to the effective management of national affairs at all levels of functioning – guaranteeing the country’s unity and integrity and securing the safety and overall welfare of its people. For the attainment of these objectives it would be essential that political, economic, executive and judicial authority is exercised in a manner which ensures that the people are enabled to enjoy their rights, discharge their obligations and resolve their disputes within the parameters of the Constitution and the Rule of Law.

Our exhaustive Constitution provides the basis of the relationship between the Union and the States and delineates the Legislative, Judicial and Executive framework within which the Union and the States shall discharge their respective responsibilities for delivering governance. The Preamble to our Constitution provides the key to its philosophy: it enshrines the sovereignty of the people and envisions a socialist, secular, democratic republic based on justice, liberty, equality and fraternity.

The principles of governance of our country are excellently enunciated in the chapter on Directive Principles of State Policy in the Constitution of India. It has been laid down (Article 37) that the provisions contained

***N.N. Vohra** is the Governor of Jammu & Kashmir and a former principal secretary to the Prime Minister. This is the text of the Admiral R.D. Katari Memorial Lecture delivered on December 7, 2007.

in this chapter shall be “fundamental in the governance of the country” and that it shall be the “duty of the State to apply these principles in making laws”.

The founding fathers of the Constitution of India were acutely aware that political democracy would have no significance unless it was accompanied by social and economic democracy. It was their belief that, within the democratic framework, clean and efficient governance would transform the social, economic and political life of our people and build a strong, prosperous and vibrant nation. The Directive Principles, described as the ‘core’ or the ‘conscience’ of our Constitution, provide the goals and guidelines which, if vigorously pursued and timely implemented, would have led to removing the inequalities and disabilities suffered by large segments of our society and thus paved the way for the achievement of social and economic justice.

We have still to traverse a very long distance to achieve our nation-building goals. About a quarter of our population still lives below the poverty line. The persistence of large-scale poverty and illiteracy, the lack of employment, shelter, clean drinking water, basic sanitation and health care, food and nutrition, and the yawning gaps in the achievement of various other vital developmental targets manifest the serious failures of national governance. The default in achieving social and economic justice has perhaps been the most signal failure.

The failures of governance have led to the recognition that governance shall become honest and effective, and inequalities shall start reducing, when the people are empowered and the communities are enabled to manage their own affairs. In this context, the 73rd and the 74th Amendments to the Constitution provide the constitutional mandate for the provision of self-governance through the establishment of duly empowered rural and urban local self governing institutions. It is a matter for deep regret that the States have still to evince the required political will to effectively pursue the path of democratic decentralisation.

Thus, today, in large parts of the country, the people's sovereignty still means no more than the right to exercise their vote whenever elections are held. It is, however, a matter for enormous satisfaction that despite failures on various fronts and despite the serious shortcomings of the electoral processes, the spirit of democracy stands deeply rooted in our country.

Among the many reasons for the continuing failures of governance a significant factor has been the instability of the political regimes in the States from around the late 1960s and at the Centre in the past decade and a half. From 1989 onwards, there were six governments at the Centre in less than a decade. It has also been seen that frequent elections have not invariably engendered conclusive outcomes. In recent years no single party or pre-poll alliance of parties has succeeded in securing a clear majority. Unstable coalition governments in the States, perennially occupied in combating threats to their survival, have failed to deliver effective governance.

It may be relevant, to observe that, over the years, the politicisation of caste and communal identities has led to divisiveness and disruption of the national ethos. The failure of the electoral system to prevent anti-social, communal, undesirable and even criminal elements from contesting and winning elections has contributed to the progressive decline of the polity and the consequential failure of the State Assemblies and the Parliament to effectively discharge their vital constitutional roles.

Consequent to the 1993 serial bomb blasts in Mumbai, a Committee was established, on the direction of the Prime Minister, to enquire into certain aspects of the bombings. In September 1993 this Committee, generally referred to as the Vohra Committee, had reported the existence of a deep nexus between political personalities, public servants and crime syndicates. As per the Director CBI's report to this Committee "all over India crime syndicates have become a law unto themselves. Even in the smaller towns and rural areas, muscle men have become the order of the

day. Hired assassins have become part of these organisations. The nexus between the communal gangs, police, bureaucracy and politicians has come out clearly in various parts of the country”. Quoting the Director Intelligence Bureau, the Committee reported that the Mafia network is “virtually running a parallel government, pushing the State apparatus into irrelevance” and that in certain States “ these gangs enjoy the patronage of local politicians, cutting across party lines, and the protection of functionaries Some political leaders become the leaders of these gangs/armed senas and, over the years, get themselves elected to local bodies, State Assemblies and national Parliament”. By all accounts, over the past decade and a half, this criminal nexus has enlarged and extended its reach.

Governance has been adversely affected also because political leaders remain incessantly preoccupied with the narrow, sectarian and partisan interests of their parties and the pursuit of day-to-day political gains, and have no time or patience to attend to the crying needs of the common man. The failure of the political executive to devote sustained attention to its constitutional responsibilities has led to the governmental functioning in the States being marred by gross delays, inefficiency, insensitivity, unaccountability and pervasive corruption.

Today, thanks to the information technology revolution and the fast spreading reach of the media, the awareness and expectations of the average citizen have been significantly enhanced. This has, correspondingly, generated much deeper dissatisfaction with the failures of governance. Unless urgent and ruthless steps are taken to check maladministration and corruption the anger and disgust of the common people, particularly the disadvantaged and oppressed elements, could lead to their alienation. And past experience has shown that alienated elements can be easily lured to adopting the gun culture and joining unlawful networks whose activities cause serious public disorders.

In the past decade and more, despite the constraints of governance under coalition governments, the rate of the country’s economic growth has

been consistently higher than at any time in the past. It is heartening to observe that the new economic strength is being utilised to significantly enhance the investments in human development and poverty eradication programmes and for the execution of varied schemes for improving the quality of life of the common man.

In the obtaining environment of steady economic growth and dynamism, the interest of foreign governments, companies, investors and entrepreneurs has been growing steadily. Quite understandably, foreign investors would keep a close watch on the situation in our country, to be assured of the security of their assets and holdings. In this context, national governance has the super-added responsibility of ensuring that internal security is effectively maintained to promote our growing international trade and business interests which are vital for the steady growth of our economy.

Let us now take a quick look at the constitutional position in regard to national security management in our country.

The safeguarding of national security encompasses eternal vigilance to meet every threat to the Indian State from every possible source within the country and from anywhere across its land or sea borders or from across the air space.

Broadly speaking, national security would comprise external security, i.e. safeguarding the realm against any external threat, and internal security, i.e. maintenance of security within the entire country. National security management would also encompass employment, food, water and shelter security; fiscal and economic security; energy, science, technology and environment security; cyber security, et al. However, for the purpose of this Lecture I shall speak only about issues relating to internal security management.

For appreciating the implications of internal security it may be useful to keep in mind the physical parameters of our concerns which, while being generally well known, are invariably forgotten.

India is the seventh largest country in the world with an area of about 33 lakh sq kms. It has land boundaries of 15,200 kms, over 600 island territories, a coastline of over 7500 kms and an EEZ of 25 lakh sq kms. We have land frontiers and maritime boundaries with half a dozen neighbouring countries. Except some of our hinterland States, e.g. Haryana and Madhya Pradesh, all other States and some of the Union Territories have one or more land or sea borders which require to be guarded. Our borders with Pakistan and China are militarised; those with Pakistan have generated a variety of threats ever since Independence.

While discussing India's security concerns it would also be useful to remember that our country represents an immense cultural and geographical diversity and socio-religious traditions which go back to 5000 years of recorded history. The well over a billion people of India comprise multi-racial, multi-religious, multi-lingual and multi-cultural societies. We have 22 major languages and over 1500 dialects. Every major religion in the world is practiced in India. The roots of India's secular and pluralistic traditions are imbedded deep in our ancient history.

India's internal security problems, arising from varied sources, are influenced by a host of factors among which are its past history, geography, colonial legacy, a burgeoning population, sharp social and economic disparities and complex socio-cultural and ethno-religious traditions which interplay freely in our secular democracy. As events in the past decades have shown, regional and global developments have also been impacting significantly on our security concerns.

Under our Constitution, "Public Order" and "Police" are included in the State List (List II, Seventh Schedule). Consequently, for maintaining internal security the States have exclusive powers [Article 246(3)] to make laws and take all necessary executive action in respect of both the aforesaid subjects. Thus, in the normal circumstances, the States are responsible for maintaining internal security within their jurisdictions.

As regards the Centre's responsibility, the Constitution prescribes [Article 355] that it shall be the duty of the Union to protect the States against external aggression and internal disturbances and to ensure that the governance of every State is carried on in accordance with the Constitutional powers, failing which Presidential Rule may be imposed [Article 356] in the defaulting State, till constitutional functioning can be restored. The Constitution also provides [Article 352] for the enforcement of Emergency if a situation exists or there is an imminent danger of the security of India being threatened by war or an armed rebellion.

Looking back, from 1947 onwards the country has faced varied internal security problems. Some of the more serious threats have emanated from Pakistan's unceasing efforts to seize J&K and its sustained strategy to create chaos and disorder to de-stabilise and "break up" India.

India has been facing increasing internal security threats in the past years and, as today, the public order in about 40% of the districts is seriously affected by insurgencies, terrorist activities or political extremism. From around the early 1980s the Pak ISI succeeded in launching terrorist activities in Punjab, which suffered enormous human and economic losses for over a decade, till the situation was normalised. Benefiting from the experience gained from its foray into Punjab, Pakistan launched a proxy-war in J&K in end 1989. Over the past nearly two decades now, the continuing wave of terrorism has resulted in the loss of thousands of innocent lives, ruined the economy and, worst of all, shattered the historical secular fabric of Kashmir. In the North East region, several States have continued to face varying insurgencies, many of which have been accentuated by Pak's ISI cross-border networks. The illegal immigration from Bangladesh has led to a demographic upheaval and generated serious communal, political, social and economic tensions and conflicts in several areas of the NE region.

Instigated by the Pak ISI, and spurred by domestic factors, there has been a steady increase in the growth of pan-Islamic militant outfits which have

been preaching fundamentalism and spreading subversion and violence. Over the years, the reach of these networks has spread to areas in Central and South India.

The Left-Wing extremist groups, specially the People's War Group and the Maoist Communist Centre, have been continuing to enlarge their violent activities, which have progressively spread to cover vast tribal areas in several States.

Several organised crime and mafia groups have linked up with Pak ISI supported networks and progressively extended their criminal, subversive and communal activities. The narcotics and drug mafia outfits, also involved in the smuggling of weapons, RDX and other materials for causing death and destruction, have been carrying out large scale *havala* and money laundering operations. The enormous funds generated by the unlawful activities of these groups have been utilised for spreading Islamic fundamentalism, creating violence and executing terrorist activities. Serious threats to internal security have emerged from the Pak ISI linking up with organised crime and mafia outfits and exploiting this nexus to organise major violent incidents in various cities of India, virtually at their will.

For the past nearly three decades now, ever since Pakistan's initial venture to foment militancy in Punjab, the Centre has been kept incessantly engaged in dealing with serious internal security problems—in the North East region, Punjab, J&K, in the various States affected by the activities of the Naxalite groups, and in all the areas affected by violence caused by Islamic fundamentalist groups. The restoration of normalcy in any disturbed area has inescapably involved the application of coercive power, which, in other words, means the deployment of the required strength of Central Police Forces and, as required, contingents of the Indian Army.

From the experience gained in combating militancy, insurgencies and terrorist activities in the past years it has become abundantly clear that

the responsibility of the disturbed States does not end merely with the deployment of State or Central Police Forces, or even the Army, to restore the disturbed area to normalcy. The Armed Forces of the Union are deployed in aid of the civil authority and, constitutionally, the concerned State remains entirely responsible till normalcy is fully restored.

It is necessary to recognise that the deployment of Central Police Forces, or the Army, for carrying out anti-insurgency/terrorist operations may not yield the expected outcome unless the entire State administrative machinery, led by the Chief Minister, devotes continuous organised attention to sensitively dealing with the root causes which contributed to the breakdown of public order. Time bound initiatives would need to be implemented to identify and resolve the social and economic problems or the political demands and aspirations of the agitating groups. Simultaneously, the entire State administration apparatus would require to devote close and continuous attention to providing effective governance, systematic attention being paid to resolve the day-to-day difficulties faced by the common man, particularly those which may have emerged on account of the ongoing disturbed situation. Instead of slackening its functioning on account of the prevailing disturbed environment, the administrative apparatus would need to work overtime to ensure that all socio-economic development and poverty alleviation programmes are implemented with high efficiency and honesty and within an urgent time frame.

For timely dealing with arising internal security problems, the State Governments need to exercise constant vigilance, particularly in regard to the resolution of complex pending issues, and launch prompt initiatives to open meaningful dialogue with the leaders of the aggrieved groups or communities. Past experience has shown that very high human and economic costs have to be paid if there is a failure to deal timely with issues which can lead to conflicts and violence. The situation is further complicated when a violent agitation, arising from a sensitive demand, is dealt with merely as a law and order problem and the disturbance sought to be quelled with the application of force. In many

such cases the agitating elements are supported and incited by adversary external agencies and, when this happens, we see the beginning of much larger problems.

The deep despair and consequent alienation of the disadvantaged communities is heightened by the social, economic and political exploitation to which they are subjected. Feudal systems continue to exist in several parts of the country where the much needed land, agrarian and other, reforms have still to be carried through. It is indeed most unfortunate that despite the economic disparities and severe disadvantages from which they suffer, the neglected and oppressed segments of society are further subjected to continuing harassments which arise from the various political parties exploiting religious, ethnic and caste factors merely to secure electoral gains.

Besides the gross failures of governance to pursue the avowed welfare-state goals and deliver social and economic justice to the masses, there has also been failure to timely and sensitively respond to the felt needs and aspirations of ethnic and tribal communities, most of whom live in remote, difficult and harsh areas. The demands of such neglected communities have been ignored for prolonged periods and if and when any ameliorative action has been taken it has happened essentially to secure an envisaged electoral gain for the party in power. Such failures of governance have promoted distrust and alienation among the neglected communities, which no longer have any faith or trust in their State Governments.

The poor and neglected people have many other reasons to be angry and frustrated. For example, the large outlays provided to the States for poverty alleviation schemes are not timely or fully utilised. In many cases, the funds are diverted to other purposes or even embezzled. Such gross failures result in despair, cynicism and deep seated alienation among the poorest segments of society.

Failures of this kind arise from continuing mal-administration, unaccountability and corruption. Despite endless public criticism in the

past several decades, effective steps have still to be taken to deal with corruption at the highest levels and to enforce efficiency, honesty and accountability in the functioning of governmental and public institutions. The Lok Pal Bill has been awaiting enactment for the past nearly four decades now, and the functioning of the Lok Ayukts, established in many States, has still to see even the known crooks being brought to book. Needless to stress, if good governance is to be delivered perhaps the most crucial challenge is to restore ethical and moral values to public life in our country.

Corruption erodes and weakens the very foundations of the administrative and legal framework and disrupts the Rule of Law. Thus, internal security cannot be safeguarded unless the governmental apparatus is rid of corruption.

Corruption has the subversive effect of destroying discipline. And indiscipline leads to the unaccountability which has permeated the administrative apparatus and also led to the growth of the threatening politico-bureaucratic-criminal nexus, about which a reference was made earlier.

Efforts to reduce corruption do not invariably yield the expected outcome as most of the tainted elements enjoy the patronage and protection of their political masters who have placed them in key positions and continue to use them for the execution of their unlawful behests. As I had stated earlier, from the perspective of effective internal security management it is a matter for deep concern that even persons of highly questionable integrity, who may have close linkages with criminal and anti-national elements, could continue to hold responsible positions in the administrative system. The potential of such elements subverting national interests from within the system poses a most serious threat to the security of the State.

The continuing determined efforts of adversary external agencies to destabilise India by spreading religious fundamentalism, inciting tensions

which lead to conflicts, and perpetrating violence and subversion, have generated challenges which impinge on issues of external security management. In this context it needs to be recognised that issues relating to the management of internal and external security have got inextricably interwoven and, as such, the Centre would need to evolve a holistic approach to internal security management, in close coordination with the States. I would re-iterate that in the security scenario, which has evolved over the past three decades and more, it would be impractical, in fact extremely hazardous, to deal sectorally with the management of internal and external security issues.

Internal security cannot be maintained satisfactorily in the country unless the States effectively discharge their constitutional duty of maintaining peace and public order in their realms. The States cannot pass on this crucial responsibility to the Centre, as has been the continuing trend in the past years. A signal failure of the States has been the continued neglect and the political exploitation of their Police organisations. This has most adversely affected the discipline, morale, efficiency, honesty and trustworthiness of the constabulary. It is essential that every State undertakes a time-bound programme to enlarge, train and equip its Police to effectively manage the existing and emerging challenges as well as to provide very strong support for the implementation of the Centre's initiatives to maintain public order in the entire country.

It may be noted that a stable security environment cannot be engendered merely by promulgating new laws. In the ultimate analysis every citizen must discharge his duty to uphold and protect the sovereignty, unity and integrity of the country. It is indeed unfortunate that while the vast majority of our educated people are concerned only about their Fundamental Rights there are not very many who are even aware of their Fundamental Duties, laid down in Article 51A of the Constitution. Even if action were to be taken to enforce the Fundamental Duties of our citizens it would be unsound to assume that the citizenry of India would be overnight imbued with patriotic feelings to protect national interests if the environment in which they live and work continues to be vitiated by

discrimination, corruption and injustice. The requisite environment can be engendered only if the States perpetually demonstrate and ensure that the laws of the land apply equally also to the rich and influential and the highest placed public servants. Simultaneously, it must be particularly ensured that no injustice is done to the poor and the disadvantaged segments of society as this would result only in promoting distrust and despair among the masses and further eroding their loyalties.

In the aforesaid context it has also to be noted that lawlessness cannot be controlled and internal security maintained unless the entire framework of the criminal justice system functions with speed, fairness and transparent honesty. In 2005, of the over 23 million cases awaiting disposal in the country over 7 million IPC crime cases were pending trial. The ever increasing number of criminal cases awaiting investigation and trial and the correspondingly declining conviction rates, have generated the growing public perception that crime is a “low-risk, high-profit business”.

Besides the enormous logistical inadequacies in the justice delivery system, the integrity of the magistracy and the subordinate judiciary is seriously tainted. In the recent past serious allegations of questionable integrity have been raised even against those who man the superior echelons in our judicial structure. Needless to say, the most urgent measures need to be taken to clean up the justice administration apparatus and enlarge and strengthen it to deliver speedy and effective justice. Another cause for serious concern is that while we continue to have hundreds of altogether obsolete and irrelevant laws, most of which were enacted during the colonial period, we do not have an adequately stringent law, applicable all over the country, which can effectively meet the requirements of dealing with terrorist offences, cyber crimes and the fast growing areas of organised criminality which pose a grave threat to national security. We also do not have a Federal Crime Agency which can deal with the serious offences committed by criminal networks whose activities may spread across the States, across the entire country and across various foreign lands. We also need a comprehensive law

for dealing with serious economic offences which, if not timely checked, have the potential of disrupting the national economy. Today, terrorist and criminal networks operate in a border-less world and, needless to say, the grave challenges posed by their activities cannot be tackled if the various concerned law enforcing agencies continue to operate within their respective limited jurisdictions. What is urgently required is an appropriate legal framework and an extremely well considered strategy which is executed in the most effective coordination between the Centre and the States, to deal with each and every aspect of internal security management.

Another matter for serious concern relates to the failure, over the past six decades, to develop a pool of functionaries who have been especially trained to manage the security apparatus at the Centre. Only the Intelligence Bureau has a sub-cadre of deputationist Indian Police Officers who, after acquiring the required experience, comprise the core of the Bureau and can spend their entire careers in this agency. RAW, the agency for external intelligence, has been facing serious personnel problems and recently there have been a number of incidents of grave professional failures. As per the continuing practice, the officers assigned to posts in the Home Ministry, drawn from various services and cadres, are not required to possess any past experience in the field of security management. The situation in the States is much worse. It is a matter for deep concern that despite the serious challenges to national security faced by the country it has still not been recognised that security management cannot any longer be entrusted to persons who have no training or experience in this field. It is also no longer viable to entrust the work of Intelligence agencies only to officers of one particular service. It is necessary that very high priority is accorded for raising a pool of adequately trained and trusted officers who can be assigned to posts in the Intelligence Agencies and the Departments and Ministries which are responsible for managing internal and external security.

In the aforesaid context, particularly keeping in view that even key posts in the Home and Defence Ministries and their related agencies are, on

many occasions, assigned to functionaries who have no prior experience of working in the security administration arena, I had proposed (in the Task Force Report on Internal Security, September 2000) that Government may consider the establishment of a dedicated Security Administration Cadre which is comprised of officers selected from among volunteers from the Civil and Police Services, Defence Services, Defence Science Research Organisation, Science and Technology, Information and Communication Technology, Broadcasting and Media and other relevant areas. It was envisaged that such a pool of officers, in various age groups, would be properly trained and assigned to posts in the security management machinery. After critically assessing their performance, the selected officers could be allowed, as is done in the Intelligence Bureau, to enjoy open-ended tenures so that, over time, they acquire the much needed professional expertise which is sorely lacking in the existing set-up. It was projected that, once such a dedicated cadre gets adequately established, Government would be able to select the most suitable officers, from within this pool of officers, to man posts at given levels in the Union Home Ministry, the Intelligence Agencies, National Security Council Secretariat, Ministry of Defence and other security management related areas. Side by side, the States could be provided required support, particularly well designed training facilities, to raise similar cadres. The Government had approved the aforesaid approach in early 2001. Nearly seven years have since elapsed. It is apparent that Government do not intend to terminate the continuing practice of even the topmost posts in the security apparatus being filled by persons who have no past experience in security management.

I would conclude by saying that considering the extremely worrying scale and pattern of the internal security failures in the recent past, the Centre would need to significantly enlarge the capacity of its Intelligence agencies, and to also ensure that the States take similar action, so that a constant vigil can be effectively kept across the length and breadth of the country. The Centre would also need to most vigorously pursue the States to ensure that the functioning of their Police forces is completely depoliticised and their autonomous working entrusted to the best available

officers, known for their integrity and professionalism. The speediest possible measures must also be taken to revive the criminal justice system and restore its credibility. It is equally important that the State Chief Ministers urgently bring themselves around to fully understanding the altogether grave consequences if they fail to maintain peace and order within their jurisdictions or dither in providing total support and coordination to the Centre's initiatives to make the management of internal security more effective.

And finally, I would re-iterate that effective enforcement of the Rule of Law is crucial to the maintenance of national security and delivery of good governance. Any threat to the constitutional values poses a threat to the very foundations of our polity and society and, consequently, to the very unity and integrity of our country. 