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**Cross-Border Terrorism in India:
Counterterrorism Strategies and Challenges**

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Research of the Program in Arms Control,
Disarmament, and International Security
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INTRODUCTION

The Globalization of Terrorism and Terrorist Threats to India

As the plague of terrorism increases day by day the authority of the state and its legitimacy has come under severe challenge in the recent upsurges in South Asia and around the world. The very nature of terrorism in South Asia has a strong cross-border context and content, which is at the core of any discourse on subcontinental terrorism (Lama 2008). The complexities and uniqueness of its approach in the present day sets it apart from traditional forms of terrorism. While terrorism existed in the early 1970s, it was mainly a coercive tactic adopted as part of territorial nationalism fighting to achieve a political objective and contained within regional borders. Established under a well-defined chain of command, it had defined political and economic objectives. Terrorist groups engaged in highly selective acts of violence that included many people watching rather than dead. The principal goal, therefore, was to raise public awareness over grievances, and not necessarily to cause a high number of casualties.

The rise of modern terrorism has been more complex and often tied to diverse ideological/religious and political goals, an astounding capacity for lethal violence, and a transnational extension beyond regional or local borders. Terrorist groups have mastered a deliberately unpredictable quality in order to achieve greater psychological effect and to create fear and anxiety in a given target group. They have succeeded in (1) creating a sense of vulnerability across the world; (2) gaining attention and publicity by acts of violence and by the use of the media to enhance the effectiveness of their violence; and (3) gaining support from similar groups around the world.

Several factors explain the rise of terrorism as a more global phenomenon and the steady increase in their destructive capacity. First, terrorism now has a global reach due to technology and communication. The development in terrorist weaponry is getting smaller, easier and more powerful. With the dramatic progress in communications and information processing these groups have greater opportunities to divert non-weapon technologies, namely cell phones, the Internet, and publicly available websites—all off-the-shelf technologies—to destructive ends. Second, terrorism today has become more lethal and layered in terms of leadership and cadre membership. Groups are more diffuse in structure and the rise of sleeper cells and amateur terrorists has added to the complexity. The lack of a discernible organizational structure with a distinguishable chain of command enables these groups to avoid easy identification and evasion of detection. Third, over the years increased state sponsorship of terrorism has grown in some contexts, where governing state regimes have promoted sub-state actors as an indispensable element of state power. The greater resources accorded to these groups by state actors have brought about a dramatic proliferation of the groups. These sub-state groups with state support use a mixture of seditious, racial and religious dictates to justify their actions. Fourth, terrorism today is driven by an extreme sense of fundamentalism and ideological leanings that tend to become the core identity of these groups, for which even death is a lesser price to pay. Lastly, with a deliberate unpredictable quality meant to have a psychological effect, the hyper-religious motivation of small groups and a broad enabling environment of bad governance, nonexistent social services, and poverty that punctuates most of the developing world tends to add to the sense of injustice and grievances characterized by many as the “knowledge gap” (Persaud 2001). While there is no universally accepted definition of international terrorism, the Department of State describes international terrorism as “involving citizens or the territory of more than one country,” and the term “terrorism” as “premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience” (Country Reports on Terrorism 2000).

For its part, India was confronted with violence and insurgency movements from the moment of its inception in 1947 and the creation of Pakistan. Since then, India has been battling terrorism and has emerged as one of the world’s most consistent targets of Islamic militants (Staniland 2009). The report on global terrorism from the U.S. National Counterterrorism Center claims more than a thousand people dead in terrorist violence in India in 2007, ranking India fourth behind only Iraq, Afghanistan and Pakistan (Kaplan and Bajoria 2008).

The threat from terrorism to India is therefore real. The Indian Republic seems to be under an intensive and concerted assault by terrorist organizations using religious labels and drawing assistance from across India's borders. India's susceptibility to terrorist acts becomes evident from the November 2008 deadly terrorist assault in Mumbai and a spate of bomb attacks across India's cities the same year claiming hundreds of lives. While the Mumbai attacks were the most dramatic in a series of bloody incidents across India, such attempts have been made with regularity unprecedented in the region's history. The suburban train bombings in Mumbai in 2006 also killed more than 200 people. The army chief of staff's revelation in an April 2009 news conference that 300-400 Lashkar-e-Taiba (LET)¹ members were waiting to infiltrate the border in Kashmir with a purpose of conducting major terrorist operations in India as elections were around the corner is reflective of the message that terrorist organizations like these are giving to India (Zee News 2009). The Mumbai investigations are unlikely to deter them from their goal of striking the heart of India.

One cannot deny the fact that India does face the threat of terrorism from other domestic groups. Among such groups are the Naxalites, Maoists who operate in the states of West Bengal, Jharkhand, Orissa, and others; Hindu extremists; and various separatist groups. The Naxalbari movement of militant peasants against rich landowners is one of the greatest threats to India's internal stability and security. Currently India faces Maoist insurgency violence in more than fourteen states (Chopra 2008). A Hindu extremist organization was found to be linked to the 2006 Malegaon blasts that killed Muslims in a mosque. The North Eastern states have experienced serious insurgency movements since 1956, when states like Nagaland and Mizoram demanded independence. The rise of the United Liberation Front of Assam (ULFA), which sought to create an independent state of Assam in the northeast, is another indigenous insurgent movement with which India contends. The Indian government's response to the grievances of such groups has been a mix of political accommodation, economic development and the use of military force to restore peace. Such movements account for the domestic sources of terrorism in India. While India has been consistently dealing with these threats recently, the focus of this paper is on cross-border terrorism by groups using the Kashmir territorial dispute to tie their activities to a larger Islamic movement in which India is seen as ignoring the interests of Muslims (Zissis 2007).

The beginnings of this religious insurgency can be traced back to the rise of the Jammu Kashmir Liberation Front in Indian controlled Kashmir (Ganguly 1997). Over the years this group was marginalized in favor of more radical groups like Lashkar-e-Taiba and Harkat ul Mujahideen, which became violently active and adopted terrorist tactics with the involvement of Pakistan to perpetuate a low intensity conflict with India. The attacks in Mumbai of November 26, 2008; the Delhi bomb blasts of September 2008; and the Ahmedabad and Bangalore blasts of July 2008 have been a cause of concern for the Indian government, raising questions about its legitimacy and authority in protecting the lives of its citizens. Confronted with a spate of such terrorist activities in recent years, has the Indian government framed a suitable response to one of the most brutal forms of violence? Has a proper evaluation of the causation and methodology of these acts been conducted? Has sufficient understanding been reached among agencies to deal with this issue? What is India's approach to cross-border terrorism? Does India have a counterterrorism policy? What are the challenges that India faces, and what can it do in terms of a) its own institutional structure and domestic capabilities, b) its political elite and their lack of political will, and c) support from international partners to fight terrorism? This paper attempts to answer these questions. It is divided into four main sections. The first section discusses the historical framework within which India's approach to terrorism is framed. The second section briefly describes the agencies dealing with counterterrorism in India and their roles. The third section analyzes India's own approach to counterterrorism, particularly its limitations and challenges. The last section analyzes the present strategies that India has adopted to counter terror and presents a set of policy recommendations.

¹ For details see Jayshree Bajoria, *Profile: Lashkar-e-Taiba*, Council on Foreign Relations, December 2, 2008, <http://www.cfr.org/publications/17882/>.

PART ONE

Victim of Cross-Border Terrorism: Historical Context

India has remained a victim of cross-border terrorism since gaining its independence from the British. Pakistan's propensity for using non-state actors as proxies to fight its war goes back to 1947 and the founding of the Pakistani state, and has continued to the present. Pakistan is not alone promoting these acts, "but what makes it unique and worthy of attention is the dominance of these tools and the near exclusivism of their use in its relations with India" (Chellaney 2001-2). In its first attempt to take over Kashmir by military means, Pakistan initially opted to use irregular tribesmen it had trained and equipped rather than commission its regular forces for the task. This conflict precipitated the 1947 war. After conventional wars had failed Pakistan, it turned to sub-conventional war, which has existed in varying forms and intensities in its rivalry with India until the present. Pakistan's rationale for supporting the *mujahideen* is based on the Pakistani military's determination to pay India back for its humiliating defeat of the 1971 war and dismemberment of East Pakistan into Bangladesh. Pakistan has lost every war it has fought with India and is massively outgunned and outnumbered by India (Bahl 2007). India dwarfs Pakistan in population, economic strength and military might (Stern 2000). According to estimates "the Indian army has around 400,000 troops in Kashmir—a force more than two-thirds as large as Pakistan's entire army" (Stern 2000). The Pakistani government thus supports these sub-national actors as a relatively cheap and easy way to keep the Indian forces tied down and to balance the conventional asymmetry. Terrorism across the border has rendered the conventional and nuclear balance between India and Pakistan irrelevant. The U.S. government believes that Pakistan also funds, trains and equips militant groups and supports their asymmetric strategies.² Apart from an ongoing covert war in Kashmir, Pakistan's Inter-Services Intelligence (ISI) also supported insurgent groups in Punjab seeking an independent Khalistan state³ from 1984-1995, as well as the *jihad* in Afghanistan during the same period against the Soviet Union after that country's intervention in Afghanistan.

There exists a strong link between the growing spread of militancy and terrorism in South Asia to the Afghan war in the 1980s, which saw a corresponding upsurge in U.S. aid and Saudi funneling of arms to the anti-Soviet guerrillas through Pakistan's ISI agency. During the Afghanistan *jihad* the ISI "created a string of training camps and *deeni madaris* [religious schools] along the Afghan-Pakistan border, mainly with Saudi funding, to turn out religiously motivated students, in what later became characterized as an 'assembly line of gun-fodder' for the mujahidin" (Gregory 2007:1016). These Afghan veterans have also come to haunt India's security. Large portions of military aid given to anti-Soviet Afghan rebels by the U.S. Central Intelligence Agency was siphoned off by the conduit ISI (Cordesman and Wagner 1991) to ignite a bloody insurgency in Indian Kashmir after the ISI failed to trigger an uprising in India's Punjab state, despite arming Sikh dissidents in the early 1980s. Because of its own agenda, the United States accepted the condition that the ISI control the flow of weapons and pinpoint arms recipients. However, "ISI appropriated for its own purposes an estimated 50% to 70% of the military resources intended for the mujahedeen... The diversions were known at the time within the region and within the United States but were accepted as an unpleasant but necessary element of the aid program without an alternative conduit for aid" (Mathiak and Lumpe 2000). Both in the Afghanistan and Kashmir wars, Pakistan has promoted and perpetuated the concept of a pan-Islamic *jihad* and a *jihad* culture, supported by substantial quantities of U.S.-supplied weapons into the Pakistani black market (Stern 2000).

² Allegations of carrying out terrorist attacks in their respective territories come from both India and Pakistan. Pakistan alleges that the Research and Analysis Wing (RAW), the intelligence agency of the Indian government, has been strongly supporting and fuelling the Baluch insurgents in the Baluchistan province of Pakistan.

³ This insurgency was later crushed effectively under a senior police officer, Mr. K.P.S Gill, who used effective tactics of coercion and the intense use of intelligence for both operational and psychological warfare purposes along with the co-operative command concept, which availed of the benefits of military firepower while avoiding the inflammatory effect of doing so. For details see Prem Mahadevan, "The Gill Doctrine: A Model for 21st Century Counterterrorism?" Paper presented at the annual meeting of the American Political Science Association, Chicago, IL, August 30, 2007.

South Asia felt the greatest impact of cross-border movement of Afghan veterans and illegal arms, with India bearing the brunt of the unintended consequences of foreign intervention in Afghanistan from 1979-1989.

The genesis of the present day insurgency can also be traced to the alleged electoral manipulation of the 1986 election in Kashmir, which led to a loss of face by Kashmiris in the Central Government in Delhi and the breakdown of law and order in the state. India's neighbor took advantage of the situation, and began to arm and train Kashmiri youths who crossed over the Line of Control for training in insurgency operations against India. The Jammu and Kashmir Liberation Front (JKLF), a militant separatist movement, was initially responsible for all political violence and insurgency in Kashmir. There is a common belief among terrorist groups that India is harming Muslims and Muslim interests. Terrorists have used "an essentially nationalistic conflict and morphed it into a pan-Islamic *jihād*, a religious war with global implications" (Weaver 2002). With this dimension terrorism has become a way of life in South Asia, inflicting destruction on the civilian population and property, and bringing about unprecedented misery. Being wedged between authoritarian states or fledgling democracies engaged in breach of international law by exporting terrorism, narcotics and fake currency, India since the 1980s has been fighting a proxy war in the Indian part of Kashmir with Islamic militants and groups committed to the cause of liberating Kashmir.

Groups like the Lashkar-e-Taiba are known for the attack on the Indian Parliament in December 2001, the 2006 Mumbai train bombings, the February 2007 blast of a train between India and Pakistan, and the orchestration of the November 26, 2008 Mumbai attacks. Some of the other groups that operate in the region and have been alleged to have carried out attacks against India are Jaish-e-Muhammad, Harkat ul Mujahideen, Harakat-ul Jihad-al-Islami, Jamat-ul Mujahideen, and Hizbul Mujahideen.⁴ Apart from Pakistan, India also faces terrorist threats from its eastern border with Bangladesh. Attacks by Harakat-ul Jihad-al-Islami (HUJI) have been attributed to Bangladeshi soil. India's Northern Army Commander, responsible for counterinsurgency operations in the entire state of Kashmir, has estimated that there are about 3,000-4,000 backed insurgents operating in Kashmir (Ram 2002:142). In Kashmir, limited guerrilla warfare is conducted primarily in rural areas and is fought against by regular Indian Army forces and special police units that operate primarily in the Kashmir valley. More recently, one sees the emergence of newer groups like the Deccan Mujahideen and Indian Mujahideen.

These groups appear to confirm a disturbing new trend of events domestically. According to the Status Paper on Internal Security (2008:43), indications suggest "involvement of local elements in the actual local level planning, execution of these acts with the help and support of external groups. The increasing use of technology and communications have enabled them to successfully avoid detection in the processes of planning and executions of operations." Adopting these strategies, the Indian Mujahideen joined the terror of forces claiming responsibility for the series of blasts in November 2007 in the state of Uttar Pradesh (Lucknow and Varanasi) and the 2008 attacks in the Indian cities of New Delhi, Jaipur, India's software capital Bangalore, the industrial city of Ahmedabad, and the high-tech hub Hyderabad. The Indian Mujahideen, a homegrown group, has been linked to the Bangladeshi Harakat-ul Jihad-al-Islami, and another organization that has recently been in controversy for its radicalism, the Student Islamic Movement in India (SIMI) (Dhume 2008). The SIMI was founded in Uttar Pradesh in 1977 to promote teachings of Islam, but became increasingly radical in the 1990s. New Delhi banned it in 2001, labeling it a terrorist organization. In February 2007, the Indian Supreme Court labeled SIMI "secessionist" and refused to lift the ban. The police suspect that they have links with the Indian Mujahideen. These homegrown groups and their Pakistani supporters have raised concerns about India's vulnerability and security in combating terrorist attacks, which have occurred with much greater frequency in the last couple of years. A look at the agencies fighting terror will help us to understand India's security establishment and the role each agency is trained to play in case of such events.

⁴ The Indian Ministry of Home Affairs lists these groups as terrorist organizations under the Unlawful Activities (Prevention) Amendment Ordinance, 2004, as an amendment to the Unlawful Activities (Prevention) Act, 1967.

PART TWO
Agencies Fighting Terror in India

Under India's quasi-federal constitution, the responsibility for maintaining law and order is a part of the state list. The central government in New Delhi provides the states with financial support, training, professional help, and shared collected intelligence, but the responsibility for immediate action and follow-up for any law and order incident rests with the state police. Thus, whenever an act of violence is perpetrated in any city of India, the first to inspect the scene is the local police force of that state. However, these forces can adequately deal with crime and law and order situations, but cannot fight an armed insurgency without assistance from the Central Government.

An important set of agencies responsible for fighting terrorism in India are the intelligence organizations. India has numerous intelligence agencies. A major agency utilized for gathering cross-border information is the Research and Analysis Wing (RAW)—the external intelligence agency. The Intelligence Bureau (IB), a division of the Home Affairs ministry, is responsible for collecting intelligence information inside India. A joint committee analyzes intelligence information collected from RAW, IB and military intelligence agencies that provide tactical information in general and during counterinsurgency operations. There also exists the Intelligence Director General of the Armed Forces, whose purpose is to gather and collect tactical intelligence during counterterrorism operations such as may be carried out in Jammu and Kashmir, the North East, and elsewhere (Raman 2003). A newly formed Defense Intelligence Agency coordinates intelligence inputs from the Army, Navy and the Air Force. It interacts with all important ministries dealing with national security, the IB, and RAW.

Other agencies include special security forces to guard high profile targets and the specially trained National Security Guards for terrorist situations like hostage crises and kidnappings. The Central Government has a large number of paramilitary forces like the Central Reserve Police Force, Central Industrial Security Force⁵ and the Border Security Force. These paramilitary forces can assist the police during counterterrorism operations when called upon to do so.

In most cases, during a terrorist attack the local administration and the police try to take control of the situation at first. The army's role in counterterrorism operations comes in only as a last resort, except in Kashmir under the Armed forces (Jammu and Kashmir) Special Powers Act, 1990. The Indian army has special privileges and is at the forefront in counterinsurgency operations in Kashmir and the North East. It has strength of about 1.1 million people (The Military Balance 2006). When the army plays the lead role, as in Kashmir, the police retain control of their forces and support the army operations. For example, in the case of Kashmir a unified Headquarters has been established under the Chief Minister to coordinate all activities of the army, police and the intelligence agencies. The armed forces are under the control of the Central Government and are by far the most disciplined, efficient, and organized force in the country. The Ministry of Home Affairs oversees all the above agencies except the army, which falls under the Ministry of Defense.

Lastly, there has also emerged a Counter Terrorism division in the Ministry of External Affairs whose task is to brief countries diplomatically about terrorism and Pakistan's role in terrorism. This division also deals with issues of extradition and other legal assistance. After the Mumbai attacks of November 2008, the Central Government also established a National Investigation Agency (NIA) empowered to deal with terror across states without special permission from the states. It will investigate terrorist crimes and offensives.

⁵ The CISF amendment bill 2008 was passed by the Indian Parliament to provide security to private industrial establishments on a cost reimbursement basis, besides providing CISF protection to Indian embassies abroad as well as for India's UN missions. This decision was taken after the Mumbai attacks due to the growing threat of terrorism and the demand of the private sector for security of its establishment. For details, see "Needless Apprehensions about the CISF," by Om Shankar Jha, March 19, 2009; and Annual Report of the Ministry of Home Affairs (2008-9).

In sum, India has a large and complex bureaucratic setup to manage its counterterrorism efforts. Hence, any assessment of the Indian approach to counterterrorism in the country therefore ultimately needs to evaluate why this approach has failed to meet expectations on a consistent basis.

PART THREE

India's Own Approach to Counterterrorism

The initial Indian response to insurgency has been the use of force to quell disturbances in the affected region. Over the years, it has moved into coordinated counterinsurgency operations, economic development and psychological initiatives. A doctrine for sub-conventional operations dealing specifically with counterinsurgency was released in December 2007.⁶ This doctrine, released by the Indian Army (Singh 2008), advocates the use of a humane approach of the army in conflict prone areas. This entails conforming to laws, deep respect for human rights and minimum use of force to create security without causing collateral damage. The doctrine mentions the use of transnational⁷ factors in future attacks and, therefore, advocates the use of force against foreign and “hardcore” terrorists while giving a fair opportunity to others to surrender, shun violence and join the moderate mainstream of the nation. The importance of civic projects that emphasize and target youths, creation of jobs, and improvement of education and health care are emphasized. The role of armed forces is to act as a facilitator to bring down the level of violence and then enhance civil control in the disturbed areas. Isolation of the conflict zone from “external material assistance” and support at the borders is also stressed. The doctrine also warns of weapons of mass destruction falling into the hands of non-state actors, and the likelihood of terrorist organizations targeting financial markets, banks and command and control systems. It attempts to formalize conduct of counterinsurgency operations with a strategy of civic and military measures, oscillating between a mix of political accommodation, economic development and the use of force. The doctrine lays emphasis on local groups as “misguided elements of society,” which should be given a chance to amend themselves while simultaneously adopting a hard line approach that shows no mercy to foreign mercenaries.

In a global context, however, India is in fact considered a laboratory where major acts of terrorism are experimented before being exported to other parts of the world (Chellaney 2001-2). Several incidents reaffirm this contention. The 1985 blowing up of an Air India commercial carrier *Kanishka* by a Canadian based extremist group that killed all 329 passengers on board; the 1993 multiple bomb attacks on a high-rise building in Bombay to disrupt India's financial market that killed more than 250 people; and the 1999 hijacking of an Indian Airlines plane that was diverted Kandahar are all events that can be compared to similar attacks in the United States, such as the bombing of a Pan Am Airways flight in 1988; the World Trade Center bombing in 1993; and September 11 suicide hijacking that included similar use of box cutters and terrorist knowledge of cockpit systems (Chellaney 2001-2). Over the years, there have been several other attacks in India. Attacks on the Indian Parliament in 2001, bombings in Mumbai and Delhi in 2002 and 2005, and more recently attacks in 2008 in Pune, Ahmadabad, Malegaon, Bangalore, Delhi, Gujarat and Mumbai have all expanded the threat of terrorism from Kashmir to the daily lives of the Indian people in cities big and small.

There is no doubt that the future of international counterterrorism hinges on success in the region of South Asia, through rooting out terrorist networks and deterring regimes there from encouraging or harboring terrorists. South Asia today has become the hub of terrorism and insurgency operations. While it is time to realize that asking a country to bring terrorists to book is not pointing an accusatory finger towards the country of their refuge, but rather soliciting cooperation for security on both sides of the border (*Ibid.* 2001-2), there is also an urgency to reexamine the effectiveness of one's own strategies in countering terrorism.

Experts argue that India's counterterrorism failings lie in the short-term measures that typically characterize its responses to individual terrorist acts. India lacks a coherent strategic response to terrorism; there is no doctrine and most responses are knee-jerk. Others agree that India's response to such assaults has invariably been ludicrously shy and episodic. Security precautions are proposed after every attack but seldom

⁶ The doctrine can be downloaded at http://www.indianarmy.nic.in/indar_doctrine.htm/.

⁷ The doctrine does not elaborate on transnational collaboration, but apparently implicates groups that are trained in different countries but unite to make a common cause.

implemented. Terrorism has a vast menu of soft targets from markets, hospitals and water and food supplies, to chemical plants and high-rise buildings to choose from and India's own policy is soft. Others look at this soft policy as one that is a facet of statecraft, which privileges diplomacy and international cooperation. India's counterterrorism approach has been political and never the exclusive domain of the military. Avoiding a hard line approach to counterterrorism responses, India has never used artillery or other heavy weapons against the terrorists that would lead to disproportionate use of force and collateral damage (Kiran 2008). India's strategy is therefore considered soft as compared to other hard-line states like Israel and its efforts fall between two legs. As a democracy, it has not adopted the heavy-handed but effective measures favored by some other states. Its response is often limited in the context of a 150 million-strong Muslim population that lives in India. Even the UN 2007 review faults India for being soft in counterterrorism policy.

India's own soft response to terrorism has emboldened international terrorists and their sponsors over the years. Pakistan has employed homegrown terrorists and Afghan veterans to trouble India as part of what it calls "a war of a thousand cuts" (Dugger and Barak 2001). U.S. officials now acknowledge that Pakistan's "intelligence service even used Al-Qaeda camps in Afghanistan to train covert operatives for use in a war of terror against India" (Risen and Miller 2001)

Another important argument in the debate over the effectiveness of India's counterterrorism apparatus is the consensus that the old institutions cannot cope with the new pressures. The problem is an intelligence structure that has yet to emerge from its debilitating colonial legacy and complementary stranglehold of the bureaucracy. India lacks the sophisticated intelligence and law enforcement capacities that European countries like England, France and Spain employ to protect its citizens and uncover terrorist plots before they are actually executed. The argument is supported by other experts, who contend that India's intelligence agencies and state police are mostly structured as agencies to protect law and order and spy on rivals, rather than act as investigative and intelligence units. These structural issues lead to reluctance of sharing information among the agencies, so that India's police and internal security system remains highly fragmented and poorly coordinated. The November 26, 2008 Mumbai attacks confirmed this assumption. The government's responses to the attacks were "comprehensive failures from the point of view of India's entire security establishment" (Sahni 2008). While there exists a combination of state and central authorities, and a lot of joint committees and task forces to promote coordination, the process is highly cumbersome and slow. State and Central agencies compete over resources and do a highly inefficient job in cooperating with each other (Oberoi 2008). Apart from these challenges, most security institutions are understaffed, undertrained and technologically backward (Chidambaram 2009).

India has also been uneven in how it deals with terrorist demands, as in cases of kidnapping or hijacking. A classic case is the release of five Kashmiri militants for the safe return of the Indian home minister's daughter, Rubaiya Sayeed, who had been kidnapped by the Jammu and Kashmir Liberation Front in 1989. Several incidents followed this release of Kashmir militants. In the incident of 1995 the government did not give into the demands of the Kashmir group associated with Harkat-ul-Ansar that demanded the release of twenty-two militants from jail in return for the abducted six foreign tourists, who were ultimately killed. In December 31, 1999, the government again surrendered to the demands of terrorists, this time hijackers who held an Indian commercial plane hostage with people on board. This inconsistency in India's approach in giving in to terrorists' demands has emboldened these groups for future negotiations. It was surrender unparalleled in world history, with the Indian foreign minister personally chaperoning three hardcore Pakistani jailed terrorists to freedom in a special aircraft and delivering them to their comrades at Kandahar (Chellaney 2001-2), in return for the safe return of over 155 passengers and crew being held hostage. The government has to bear in mind that any such deals struck with terrorist groups emboldens their desire to perform more such acts in return for favors to release their comrades held in custody of the Indian administration. Although India has not witnessed any such hijackings since 1999, terrorist groups still consider India a soft target due to the assumption that Indian policies impose no real cost on them.

The rise of the Indian Mujahideen raises a serious issue. Pakistan seems to be only part of the problem (Roul 2008). This element needs to be understood and defined in India's intelligence agencies. Attacks like the November 26, 2008 in Mumbai could never have been accomplished in such an organized and coordinated manner without the help of local agencies. India needs to accept that, and move beyond a strategy based on political expediency arising from electoral considerations. It needs to acknowledge the ground realities and act

accordingly. This is not to argue that all people in the Muslim minorities in India may be associated with such acts, but politicians need to be alert to such possibilities and ensure appropriate political action in such cases. It is about reordering the priorities of the political leadership to focus more on the nation's security as against being re-elected in the next election. The questions that Kapila (2008) asks—"is the political leadership willing to take such steps? Does the political leadership have the status to motivate Muslims for self-policing and deliver on the location of sleeper cells to intelligence agencies and police?"—should not be ignored by India's political leadership.

An example of such internal political squabbling occurred in 2004, when India's politicians in the Congress Party-led ruling coalition, supported by its communist allies, scrapped the national terrorism law that allowed for enhanced witness protection and extended detention of suspects in terrorist cases.⁸ This decision had a demoralizing effect on law enforcement agencies and served as a signal to the terrorists that India lacked the determination to fight these operations in a hard line manner.

Two patterns emerge in the terrorist strategy against India. First, the terrorist bombings in India today are no longer the exclusive creation of Pakistani Islamic *jihadi* organizations. An increasing number of Indian radical Muslims are operationalized to act as their substitutes to inflict brutal attacks on Indian territory. This denial by the political parties has distorted India's counterterrorism strategy. Terrorism today is an act of war against India and aggression against the state. One cannot treat it as a law and order crisis. It is more about national security rather than law enforcement and therefore needs to be viewed and responded to in that manner.

Second, every incident has an external link from across the border that dramatically expands the scope of the incident, exacerbating historical conflict and contentious issues on both sides of the borders. The support from Pakistan worsens the situation and transforms the event into an intractable issue between the states with political consequences. Faced with international pressure, especially from the United States, Pakistan did make a reluctant commitment towards banning certain groups. However, there is little evidence to prove that this process has continued on a consistent basis. The question of Kashmir drives the ISI and the Pakistani military and prospects for joint cooperation remains dim in the foreseeable future. India therefore has to strengthen itself as a go-it-alone actor. This acknowledgement is crucial for a successful counterterrorism policy.

⁸ The controversy over ethics and morality is inherent in such legislative actions, especially when such legislation relates to basic human rights and freedoms. There is no doubt that this law provided the law enforcement agencies with sweeping powers. Yet one cannot also deny that terrorism is a serious threat today in South Asia. There have been violations in terms of detentions and the long delays in the judicial system have deferred justice and prompt adjudication of cases. The fault then lies not in the legislation but in the system that implements that law. For details, see "Terrorism and Legal Policy in India," by Saji Cherian, <http://www.satp.org/satporgtp/publications/faultlines/volume15/Article6.htm/>.

PART FOUR

Strategies and Challenges for Strengthening India's Counterterrorism Strategy

India does remain threatened by terrorist attacks and, like all governments facing such dangers, has to defend the country against further deadly incidents. Counterterrorism measures need to be adopted to deal with the different ways in which these attacks are administered. The problems of terrorism are grave and real, and India needs to confront these challenges in a vigorous and forceful manner to prevent attacks from happening, and to prepare an adequate response mechanism when attacks occur. Since independence, India has been fighting terrorism and scores of insurgencies emanating from within the country and across its borders. However, the ability of the Indian government to meet these challenges has been questioned because of its stance of secularism and appeasement towards minorities, which has limited the ability of the agencies to enforce hard-line policies and bolster intelligence capabilities. This process of dealing with these groups has resulted in India being labeled as soft on terror—a condition that has been taken advantage of across the border by encouraging infiltration and perpetrating cross-border terror. Investigations also reveal involvement of local elements in planning and implementation of terrorist attacks. According to the Status Paper on Internal Security, the current strategy of these groups across the border is to:

1. Recruit and train local modules, and activate them when required
2. Maintain continuous flow of finances to sustain terrorist network
3. Supply hardware through land and sea routes
4. Target vital installations, economic infrastructure, VIP and political leaders
5. Attack soft targets like market places, mass transit systems, places of worship and congregations
6. Provoke communal tension to create a wedge between communities (SPIS 2008-9: 43).

Given these circumstances, what are the current strategies and options that India needs to adopt for an effective counterterrorism policy in face of its a) institutional structure and domestic capability, b) political elite and their will and, c) international collaboration and efforts? This section elaborates on some the shifts in India's counterterrorism policy after the November 2008 Mumbai attacks, and evaluates these strategies in containing potential terror threats in India.

Institutional Structure and Domestic Capabilities

Institutionally, all agencies fighting terror except the Indian Army are under the direction of the Ministry of Home Affairs. However, each of these agencies is a center of power within itself, leading to a lack of coordination in times of urgency when information sharing could be crucial. As mentioned earlier, according to the Indian Constitution “law and order” falls under state jurisdiction, and therefore the state is the constitutional agency expected to deal with law and order problems. The police force thus becomes the first to respond to a terrorist incident. In the present conditions, however, a terrorist act needs to be understood not as a law and order problem within a state, but as an attack on the country's national security and integrity. This aspect needs to be accepted by the states that tend to regard interventions of federal agencies responding to terrorist acts as infringement on their jurisdiction, so that agencies working for the state are unwilling to share important information with those federal agencies. Four important changes stand out as necessary for successfully revamping the institutional structure to deal with terrorism: a) the need for a Federal Intelligence Agency, b) the creation of a National Investigation Agency, c) the creation of a National Counterterrorism Terrorism Center, and d) modernization of police forces.

The desire for a Federal Intelligence Agency was proposed during the time of the National Democratic Alliance (NDA) government when Lal Krishna Advani was the home minister of India (1998-2004). This proposal was opposed by all states, which considered it as interventionist in their areas of jurisdictions (*Hindustan Times*, July 28, 2008). The Kargil Review Committee report released on December 15, 1999 recommended the creation of a nodal anti-terrorist agency, which would be a federal agency centralized to tackle terror by collecting intelligence information from different levels and pooling it at the central level so that mobilization could be achieved in the shortest possible time. This process could preempt an action rather than waiting for a catastrophe to occur and then responding after the initiation of an incident. As Dutta et. al. (2008) remark, “The failure of intelligence agencies and its pathologies was evident during the Mumbai attacks. All along there were intelligence reports that a sea borne terrorist attack was likely to occur but this information was largely ignored by the Coast Guards and the Maharashtra State Director General of Police—because it was deemed unactionable.” Thus, reorganization of intelligence agencies becomes imperative so that human and technical resources can be integrated for better law enforcement and surveillance against potential attacks and for providing real intelligence. The existing flaws need to be corrected. The intent of this reorganization and overhaul should be to: a) increase coordination for better action between the state and Intelligence Bureaus, b) accept the need to cooperate for workable solutions and better outcomes, and c) avoid the blame game, which tends to lead to a state of affairs where significant evidence is lost.

As a result of the Kargil Review Committee report, the Defense Intelligence Agency has been created to coordinate military intelligence. The army achieved great success in counterinsurgency operations based on reliable, accurate and actionable intelligence. This has raised the morale of security forces in Kashmir. For the past two decades, since insurgency grew in 1989, the state of Jammu & Kashmir has been subjected to severe terrorist and secessionist violence, sponsored and supported from across the border. However, because of several measures taken by the government, and the people’s desire for peace, there has been a marked improvement in the situation in recent years. The number of terrorist incidents has gone down from 2565 in 2004 to 708 in 2008 (SPIS 2008-2009:3). While the number of incidents has gone down, the Ministry of Home Affairs annual report states, “There are reports to indicate that the infrastructure for training of terrorists across the border continues to remain intact, and efforts to infiltrate militants into the State continue to be made...During 2008, a number of 342 persons are estimated to have infiltrated into the State” (SPIS 2008-2009:3). While violence seems to be receding in Kashmir, terrorists are targeting other parts of India, which strengthens the need for a national intelligence agency to coordinate intelligence activities for better preparedness in the face of an attack. The Central government under the Ministry of Home Affairs has taken action to strengthen the intelligence machinery and to ensure appropriate collaboration, data sharing, and gathering and analyzing intelligence among different agencies and state governments in an institutionalized manner. Some of the key recommendations that came out of this exercise were: Multiagency Center (MAC); Subsidiary Multiagency Centers (SMACS); Joint Task Force on Intelligence; and Interstate Intelligence support teams (SPIS 2008-2009: 46). While these efforts may be steps in the right direction, coordination of all these agencies might create operational difficulties for the agencies themselves. The need for a Federal Intelligence Agency that supervises and coordinates these actions may still be necessary as recommended in the 1999 Kargil Review Committee report.

Another institutional structural change has been the creation of the National Investigation Agency (NIA) and improvement in India’s security apparatus. The creation of a NIA was the first domestic response of the governments towards containing terror. The National Investigation Agency (NIA) Act, 2008 was enacted to provide for the setting up of the NIA to investigate selected cases of offenses under certain Acts, which have been mentioned in the Schedule of the NIA Act.⁹ The NIA has been constituted and a Director General appointed, along with other officers and staff. The federal agency’s staff has been drawn from the country’s

⁹ Acts mentioned in the Schedule of the NIA Act referring to offenses eligible for NIA investigation are the Atomic Energy Act, 1962; the Unlawful Activities (Prevention) Act, 1967; the Anti-Hijacking Act, 1982; the Suppression Unlawful Acts Against Safety of Civil Aviation Act, 1982; the SAARC Convention (Suppression of Terrorism) Act, 1993; the Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002; and the Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005; as well as sections of the Indian penal code.

existing intelligence and law enforcement agencies (Raghavan 2009). While this is definitely a step forward, critics allege that the NIA is also not without flaws. The agency starts investigation after the crime has already occurred (Das 2008). In that sense, it lacks the capacity to take preventive action. It is here that a coordinated Federal Intelligence Agency may be able to fill in the gap. Another aspect that is relevant to the success of these systems is their long-term sustenance by proper resources and training, which will require a certain level of political will.

There has been serious discussion over the creation of a National Counterterrorism Center since the November 2008 attack on Mumbai. The government of India has decided to create this center by the end of 2010. This center will be modeled on the United States counterterrorism center and will be the nodal agency on counterterrorism with sweeping powers. This is a major step towards a radical restructuring of India's security apparatus. In the absence of this center, many states like Maharashtra, Andhra Pradesh, and Gujarat, as well as metropolitan centers like Delhi have established specialized groups for countering terrorist activities. The Home Minister, P. Chidambaram, also announced the establishment of a National Intelligence Grid, in which "21 sets of databases will network to enable intelligence and law enforcement agencies quick and easy access to all necessary information" (*Times of India*, December 23, 2009). This project has a timeline of eighteen to twenty-four months.

In the Mumbai attacks, police forces were poorly equipped, lacked adequate physical protection and did not have appropriate surveillance capacity. The ineptitude of police forces in dealing with these attacks has been attributed to lack of sophisticated weapons, newer technology and proper training. Since the police are the first to reach the scene of such attacks and are the first to respond, the government has become more sensitive to their needs and preparedness for appropriate actions. Modernization of the police forces is another major priority for the state and central governments. The central government has agreed under the Eleventh Five-Year Plan (2007-2012) to provide financial assistance for better infrastructure, training, communications, weapons and equipment to state police, and plans to implement increased computerization of police stations and development of a countrywide criminal tracking system and databases. The central government also intends to provide resources such as closed-circuit television coverage, control rooms and helicopters for better surveillance and immediate response capabilities (SPIS 2008-9: 47, 59). A decision to establish a National Police University has also been taken by the government.

There are several key areas where the government of India needs to focus on upgrading domestic capabilities. These include the need for a comprehensive national law on terror; computerization and forensics development; an enhanced border management and coastal security program; integrated checkpoints and immigration control; and stepped up efforts to address socioeconomic and cultural factors related to terrorism.

National Comprehensive Law on Terror

There are several acts in India that deal with issues of internal security, including: the National Security Act, 1980; the Code of Criminal Procedures, 1973; the Arms Act, 1959; the Explosive Substances Act, 1908; the Armed Forces (Jammu And Kashmir) Special Powers Act, 1990; the Armed Forces Special Powers Act, 1958; and the Religious Institution (Prevention Of Misuse) Act, 1988 (Annual Report 2008-2009).

India's current legislative framework for dealing with terrorist organizations and activities is the Unlawful Activities (Prevention) Act, 1967, which allows the government to ban unlawful associations, and defines and provides punishments for terrorism related offenses. Currently this Act has declared thirty-two organizations as terrorist organizations. The Act was first amended in 2004, then later amended further under the Unlawful Activities (Prevention) Amendment Act, 2008. This amendment strengthens the provisions for dealing with terrorism, "both in terms of the substantive provisions pertaining to offences related to terrorism, and the procedural aspects of dealing with such offences" (Annual Report 2008-2009). It has also made suitable provisions to prevent any misuse (in the arena of civil liberties) or harassment.

In spite of these amendments, India still needs to have a national law on terror due to the nature of extremism and radical tendencies that promote terrorist acts of violence. Since India has been a victim of cross-border terrorism right from its inception, "the lack of a national legislative framework speaks of the political indulgence and high handedness of party politics that has severely undermined the existence of a national law

on terror as well as implementation of counterterrorism law” (Cherian 2009: 12). An effort towards such legislation was made in 2002 with the Prevention of Terrorism Act, 2002 (hereafter referred to as POTA), which expanded government’s powers in countering terrorism. The act was contested on some measures that directly affected civil liberties of suspects under custody without bringing them to trial. There was also evidence that the law was abused to arrest certain persons not covered under the intent and purpose of the law. The United Progressive Alliance (UPA) government that came into power in 2004 repealed the law.¹⁰ States like Karnataka, Manipur, Madhya Pradesh, and Assam refused to implement POTA in their states. Some states, such as Maharashtra and Karnataka, have other laws like the Maharashtra Control of Organized Crime Act (MCOCA) and Karnataka Control of Organized Crime Act, which they use to try suspected terrorists. The MCOCA was also extended to Delhi in 2002.

Efforts towards combating terrorist attacks work on an individual state level and under the central government’s Unlawful Activities (Prevention) Act, 1967. Since terrorism is a serious issue, the need for a national framework of law becomes imperative. One of the weakest links in India’s current counterterrorism strategies is deterrence through strong legislative action. Terrorism is an act of violence against the state and India needs a stringent national legislation to counter it. Beyond the need for a stringent legislation, there is also the need for specially designated fast-track terrorist courts that may be able to dispose of these cases swiftly, as well as strongly punish convicted offenders. Terrorists kill and wound defenseless innocent civilians. The United States, Britain, Germany, and France have imposed stringent laws against such actions in spite of being liberal democracies. These new legislation in those countries—defining terrorism and enabling monitoring and prosecution of terrorists and individuals or organizations supporting terrorists—has gone a long way in containing terrorism in Europe and North America. India, too, needs stringent national legislation.

Enhancing Capabilities Networking, Border and Coastal Security Management

There is a great need to enhance capability networks on both human and technological levels. The Ministry of Home Affairs has accepted the demand for greater technology. Since India’s forensic ability is very limited, efforts are being made to upgrade the forensic labs. The outlay for forensics has been substantially increased to provide Rs.300 crores (about US\$65 million) in the Eleventh Five-Year Plan (2007-2012) to set up regional forensic science laboratories and mobile forensic science laboratories in all districts, together with equipment support (SPIS 2008-9:65). Networking of surveillance cameras is another area where the government needs to invest, not only domestically but also on the borders. Proximate borders and a lack of integrated border monitoring provide easy access to terrorist groups looking to infiltrate the borders. The government of India has taken some steps towards checking border infiltration by fencing, and floodlighting the Indo-Pak border that runs 2308 kilometers. Ninety-three kilometers of fencing remains to be completed on the Indo-Pakistan border in the Gujarat sector, while 108 kilometers of floodlighting remains to be done in the same sector (SPIS 2008-9: 50). While these represent clear efforts to contain infiltration and develop a more effective border management system, the government admits that existing infrastructure currently available with immigration, customs and other regulatory agencies at entry points on the land border is inadequate. The government aims to set up thirteen Integrated Check Points (ICPs) at all land border entry points, and to house all regulatory agencies in a single complex equipped with modern facilities for better coordination and early response in the face of a probable attack. The government has taken up modernization of thirty-three immigration check posts, which will include immigration control software and passport reading at these ICPs (*Ibid.*: 54). These projects are currently in the research and reporting stages; obviously their efficiency and success will be experienced only once they are implemented in practice.

The Mumbai attackers infiltrated by sea, exposing the vulnerability of India’s coastal security system. Taking a lesson from the attacks, the coastal security scheme launched in 2005-2006 has been strengthened to avoid further attacks by the sea. “Assistance is being given for setting up 73 coastal police stations that would be equipped with 204 boats, 153 jeeps and 312 motorcycles along with computer equipment and furniture. The

¹⁰ The argument made by many is that the Act was repealed as a political measure since it was the brainchild of the NDA government that was led by a Bharatiya Janata Party (BJP) coalition. Analysts suggested amendments and constant review of such laws rather than repealing them altogether.

Ministry of Home Affairs will meet recurring cost of fuel for 5 years repairs and maintenance of boats and training. Out of an approved 73, 55 police stations are made operational. Operation Swan scheme has been approved to strengthen Joint Coastal Patrolling off Maharashtra and Gujarat in view of its vulnerability. This scheme is being implemented since 2005-2006 over a 6 year period” (SPIS 2008- 57). Since big cities face an additional threat of terrorist attacks, the Ministry of Home Affairs has begun an initiative of megacity policing in seven major cities: Mumbai, Bangalore, Hyderabad, Chennai, Delhi, Kolkata and Ahmadabad. A lot of effort is put in infrastructural improvements, but proper implementation and enforcement of these efforts remains to be seen. Efforts also need to be put in to stop the economic manifestations of terrorism that is being encouraged from the other side of the border. Fake currency notes and small arms transfers to the Indian Mujahideen are another area where the government needs strong monitoring on the borders.

Enhancing domestic capabilities by the Ministry of Home Affairs is a step in the right direction, but its success depends a lot on the political will and leadership to not only bolster the institutional capacity and domestic capabilities to counter terror, but also accommodate diverse socioeconomic and cultural perspectives.

The Need for a Strong Political Will

Bolstering institutional capacity to counter terror is going to be a long and demanding task, but it is an essential aspect of an effective and comprehensive counterterrorism policy. All this requires political will and leadership. The Indian government has come under severe criticism for a lack of a coherent and well-conceived strategy by the political leadership to counter terror. Political consensus has remained hard to reach in countering terror in India and that is a challenge the government needs to address with honesty and sincerity. India’s political leadership must exert the will to move past bureaucratic, state-centric and party rivalries. It also needs to move beyond the electoral politics of appeasing vote bank constituencies. The leadership and Prime Minister Manmohan Singh in his address to the nation after the Mumbai attacks promised to set up a Federal Investigative Agency to identify the perpetrators, tighten existing laws to punish the guilty, and pressure neighboring countries to stop the use of their territory in preparing for such attacks. These promises have to be backed up by action. The creation of the NIA and the establishment of an anti-terror force unit in Bangalore (Chidambaram 2009) ready for deployment at short notice are steps in that direction. These forces are to be deployed in four major cities, while other cities will be covered by trained anti-terrorist forces from the Defense Forces. Here again there are issues of inter-agency coordination that need sorting out, and an agreement on procedures needs to be put in place. Following up on that measure, the government needs to pay attention to allocation of adequate funding and adequate powers to deter suspected terror cells from taking action. There is hesitancy on the part of the government in allowing penetrable surveillance of such groups for fear of vote bank loss by politicians. However, human intelligence is critical in a vast and populated country like India. Actions of the intelligence community need full political backing to take the task to completion.

The role of the media in creating a positive image also becomes very important. The leadership needs to encourage a concerted effort to improve the image of the security forces and the Army. For example, in Kashmir a Public Information Directorate has been established where journalists from the print and electronic media are taken on conducted trips to forward locations to familiarize themselves with ground realities.¹¹ More recently, India has tried to dispel the perception that it is anti-Islam. Youngsters from Kashmir have been taken at government expense to tour various cities and towns in India. The army has tried to mainstream surrendering militants and has employed them in counterinsurgency operations in a program that aims to successfully rehabilitate militants. Special Operation Groups called *Ikhwanis*¹² have been employed in the forefront of

¹¹ The army has been accused of severe human rights violation in the past and this program reflects the army’s efforts to project an accurate and unbiased picture of the operation. It also allows journalists to take pictures of the ammunition and weapons captured. More recently in April 2008, for the first time the army allowed all television stations access to interview a captured terrorist for public broadcast.

¹² On the other hand there also reports that *Ikhwanis* are even more violent than the security forces when they search people’s homes and interrogate young boys. The army speaks of these groups positively, but their image and role are contested amongst the people of Kashmir.

successful militant offensives. The goal is to provide monetary incentives and rewards to those who want to give up militancy.

Such measures raise an important question for India's counterterrorism policy. The Indian government has realized that force alone is not a solution to terror, and the judicial process is extremely slow and cumbersome in dealing with terror as a crime. In trying to treat terror as a disease that flows from socioeconomic issues, the government needs to focus on economic development as a policy to contain terror. One needs to recognize that most Muslims are loyal, law-abiding citizens. Indian Muslims were never a part of the Afghan *jihad*, and while it may be said that some Muslims from all over the world joined the Taliban and Al-Qaida in their fight against the coalition forces after the U.S. war on terror began, the Indian Muslims kept their cool (Raman 2003). Nevertheless, one development that begs explanation is the rise of the Indian Mujahideen and the Deccan Mujahideen, groups within India that have claimed responsibility for attacks in various cities. This brings us to another important aspect of Indian counterterrorism strategy—sensitivity towards socioeconomic and cultural issues.

Sensitivity towards Socioeconomic and Cultural Issues

Issues of economic backwardness, underdevelopment and unemployment need to be revisited by the political elite, and efforts to overcome some of these root causes should be addressed. For a comprehensive strategy, India should combine the military, judicial and economic aspects into the counterinsurgency doctrine. Most of the strategies that the government plans to undertake move in the direction of preventing the symptoms but do not necessarily eradicate the disease. A perspective that one cannot ignore is what causes someone to become a terrorist. Literature points to the fact that the indifference of the state to meet their basic essential needs is a key factor that drives would-be terrorists to seek refuge in religious fundamentalism. Radicals indoctrinate these individuals when they are disappointed in the state, and religious fundamentalism becomes a safe haven. The elimination of hunger, poverty, disease, devastation and disaster management and relief are some of the causes that states in South Asia should work towards addressing individually and jointly. Whether one examines the Naxalites in India, the Tehrik-e-Taliban in Pakistan, or cross-border groups that fight for Kashmir, the underlying causes can be identified in the failure of the state to provide them with subsistence lifestyles, education and employment. The Indian UPA Congress-led coalition had set up the National Commission on Religious and Linguistic Minorities under the Chairmanship of retired chief justice of India, Ranganath Mishra, popularly known as the Ranganathan Commission. The commission recommended 15% reservation for minorities in education and government jobs, and social welfare schemes like the Prime Minister's Rozgar Yojana, which was launched in 1993 to "provide self-employed opportunities to one million educated unemployed youth" in India. The current UPA government finds itself unable to implement the report for fear of a Hindu backlash and political violence, although it committed itself to the reservation policy in its election manifesto of 2009. This policy is a contested one and is considered appeasement of the minorities by the present government.¹³ While the fate of this recommendation remains uncertain, the argument here remains central to the cause of combating terror. Minorities do need to be mainstreamed into society, but the critical question remains how.

The Need for International Partners and Regional Cooperation

Counterterrorism strategies have to be an international effort due to the transnational nature of terrorism in matters of networking, funding, armaments and weapons, and political and religious support. India has been a victim of cross-border terrorism not only within the Indian borders but also in Kabul, Afghanistan, where it is the second largest donor of aid and has been investing a lot in infrastructure development. The bomb blast at the Indian embassy in Kabul in July 2008 was attributed to an ISI supported attack.¹⁴ The assumption that India is

¹³ Discussing the pros and cons of this recommendation is beyond the scope of this paper. The salient argument here is to pay deeper attention to the roots of the indigenous movements that did not exist in the past.

¹⁴ On the other hand, as noted earlier there are allegations and reports by Pakistan that India's intelligence agency RAW supports insurgent groups in Baluchistan.

trying to encircle Pakistan while investing in Afghanistan is evidently strong in the minds of the Pakistani military, which still considers India a major threat to the security of Pakistan. Indians believe that Pakistan hesitates to crack down on militant groups that prove to be a strategic asset in uncertain situations. Can regional, bilateral or international efforts help in this direction?

Cooperation in SAARC

One of the major initiatives in the region was made in the South Asian Association for Regional Cooperation (SAARC) Summit in 1987, when for the first time a Regional Convention for the Suppression of Terrorism was agreed upon by member states. However, in spite of the passage of over two decades, SAARC has not made any serious effort to implement the provisions of the convention. At the 15th SAARC summit held in Colombo in 2008, leaders again took a pledge to fight terrorism collectively, but in reality SAARC has not made any progress forward on this matter. Perhaps a lot could be attributed to the political complexities of the region, with special reference to Kashmir. However, it has been argued that most member states except Pakistan have joined hands with India in the suppression of terrorism (Singh 2002).

Bilateral Cooperation

In terms of transnational cooperation to build capacity to counter terror, India has established Joint Working Groups with several key countries like China, the United Kingdom, Russia, the United States, Germany, and Pakistan, and with the multilateral Bay of Bengal Initiative for MultiSectoral Technical and Economic Cooperation (BIMSTEC). The goal is to exchange information and strengthen international cooperation to combat international terrorism and transnational organized crime (Annual Report 2008-2009:113). India's growing ties with Israel and military and counterterrorism cooperation stems from the constant terror threat facing both states. Israel has sold India motion sensors and other monitoring equipment to track infiltration across the Line of Control (LOC) between India and Pakistan in the Jammu and Kashmir region. Other arrangements include the sale of unmanned aerial vehicles (UAVs) to India for high-altitude surveillance. It has also offered to provide anti-insurgency training for Indian forces in the area as well. In 2000, India and Israel appointed a joint commission to combat terrorism at the ministerial level, and several meetings to this effect have been held between the two countries.

Greater Indo-U.S. Cooperation

Since 1947, India has been drawing the attention of the international community and the United States towards cross-border terrorism in Kashmir. For the United States, South Asia and India stood marginalized in its strategic interests during the cold war era, which were focused on containing communism. Its strategic engagement with the region gathered momentum in the 1980s with the United States supplying aid and assistance to the ISI for training the *mujahideen* to fight a communist regime across the border in Afghanistan. After the overthrow of that regime, the United States shifted its focus from the region to engage itself in Middle Eastern affairs. September 11, 2001 changed everything for the United States. India's long-voiced outcries over terrorism began to be understood by the United States, and India became an engaged actor in the global war on terror. By playing a proactive role in the region, India was able to ensure that the United States put pressure on the Pervez Musharraf regime in Pakistan to contain terror on that side of the border. Musharraf did ban certain organizations, but India's concern still centers around the possible revival of old Pakistan defense and intelligence ties with militants, which could have far-reaching implications on India's security. India has provided military help and bases to the United States to fight this war on terror. India's concern for its secular identity and a pluralistic society drives the leadership's cooperation to contain cross-border terrorism.

The United States can play a major role in bolstering India's counterterrorism policy (Curtis 2008). Having a donor status as well as deep engagement in Pakistan, the United States is in a position to impose unrelenting pressure on Pakistan. India would like to see more pressure being exerted on Pakistan especially after the November 26, 2008 Mumbai attacks. U.S. strategic involvement would benefit India, if it can change the behavior of the state of Pakistan and serve to shift Pakistan's attention from the low-intensity conflict that has plagued India for the last few decades. Otherwise, the ISI and its agencies will continue to perpetuate terror in

India. The *Times of India* (April 1, 2009) reported that “The Pentagon has also promised that U.S. Commanders would have control over how the money is spent, and that none of it would be spent in a way that would give Pakistan a greater capacity to attack another country, such as India.” Nevertheless, India is not convinced of such assurances, as experience and even current intelligence reports demonstrate Pakistan’s continuous intentions to promote low-grade conflict against India using terrorism. There are also concerns regarding whether Pakistan is seriously committed to the idea of weeding out terrorism, as many Pakistani officials have argued that they need to keep their options—including connections to the Taliban and other extremists—open to limit India’s influence when the United States withdraws from Afghanistan.

Indo-U.S. cooperation was evident between the FBI and Indian security services in the aftermath of the 2008 Mumbai attack. Also, since Indian forces are not trained to the highest level of professionalism to counter terror in India, the United States conducts regular anti-terrorism courses to train Indian police personnel under the Anti-Terrorism Assistance Program (Annual Report 2008-9: 113). There has also been some intelligence sharing on Afghanistan and Pakistan, but the relationship needs to move beyond just intelligence sharing to a broader understanding for capacity building and training.

CONCLUSION

The recommendations of the previous section notwithstanding, there are no magic bullets. Terrorism is a fluid, dynamic, and extremely complex phenomenon, and governments need an innovative and multifaceted approach to deal with it effectively. One approach for countering terrorism would be to employ all-out military offensives aimed at smashing cells and safe havens. Political analysts, however, argue that in order to combat covert unconventional aggression, counteraction must likewise employ similar unconventional methods to disrupt the cohesion, credibility and operational capacity of a terrorist group (Chellaney 2002). Military objectives of the antiterrorism campaign are far easier to accommodate, but they may not necessarily be the right solution. The surge in terrorist attacks after the Obama administration's 30,000-troop enforcement in Afghanistan is an indicator of the outcome of such an action. Another approach would be to focus on socioeconomic and political goals to ensure that societies do not promote, shelter, or condone terrorists. The most daunting task would be to inculcate a secular and democratic ethos in societies steeped in religious and political bigotry. It is only with patience, perseverance and long-term strategic engagement that such an approach could succeed in the campaign against terrorism.

Terrorism is the weapon of the weak. Yet insurgency-fueled terrorism cannot be stamped out. Efforts should be made to contain terrorism in a manner that does not seriously destabilize South Asia. "Terrorism is a tactic and it is hard to kill a tactic" (Ahmed 2009). The war on terrorism will be a long lasting affair because difficult goals need to be accomplished—to root out terrorist cells and uproot the *jihad* culture. An obdurate and recurrent phenomenon, terrorism needs a multi-dimensional approach with diplomatic, economic, political, military and legal instruments. The policy response to terrorism has to be based on how a state approaches terrorism. Is it a war, crime or a disease? Terrorism can be effectively contained by strengthening international consensus and making nations fully accountable for the acts of their citizens. Domestically, counterterrorism strategy needs deterrence as a policy. It is here that strong legislation and mechanisms are put in place for people and systems. The purpose is to send clear and forceful signals to terrorists that the consequences of challenging the security and stability of the state would be firm and even disproportionate. The present policy of the Indian government has failed on this account.

India also needs to reconsider its policy towards a minority that for a long time kept itself insulated from the pan-Islamic *jihad*. What has changed is a question for reflection. There is a need to address the worldview in the minds of individuals attached to these militant organizations to give up terrorism and resort to peace, and that has to be handled with prudence and precision. While the unimpeded *jihadist* groups continued their campaign of violence, with or without official patronage the number of attacks in Jammu and Kashmir has steadily decreased. In 2002 there were 1654 attacks on Indian security forces, in 2003 there were 1407 attacks on Indian forces, in 2004 the number of attacks dropped again to just 986, and in 2005 there were only 806 (Swami 2007: 175). However, the threat of violence has not receded in other parts of India.

International cooperation on intelligence and law enforcement is paramount and necessary, especially because of the stateless nature of some terrorists. Terrorism can only be contained through concerted, sustained international effort and understanding. Extradition treaties should be encouraged between countries. Extradition sends a message that the international community is united in its efforts to contain terrorism. Political and ideological overtones by another state to serve its strategic interests then become a challenge in dealing with terrorism. Unfortunately, India and Pakistan do not have an extradition treaty, which enables strategic and political interests to dominate the discourse on counterterrorism.

The future success of counterterrorism cooperation for India also requires a shift in Pakistan's policy. Pakistan has to abandon its role in supporting various organizations. Pakistan did ban some of these organizations under international pressure, but these groups keep changing names and operate under changed cover. A Lashkar-e-Taiba commander quoted by the BBC (2006) reported, "Things have never been worse for us...The state no longer helps out. But at least it does not trouble us—we do our work and they do theirs" (Hasan 2008: 2). While Pakistan has scaled back its support for its jihadist proxies at least publicly, it still refuses to hinder them, possibly out of fear of reprisal and backlash from them, or simply to keep their options

open in the event that their services may be needed again. It also strengthens the argument that unless the Pakistan worldview on India changes things will not be easy in the cross-border war on terror. Pakistani elite, especially the military, need to be persuaded that supporting these groups has irreversible consequences for a state that appears dangerously on the verge of collapse due to instability, which can in no small part be attributed to the state's historical support of militancy. Pakistan's establishment needs to be persuaded towards a shared understanding of a common threat emerging from such policies.

Pakistan still considers India as a threat and harbors a sense of betrayal over the issue of Kashmir. Kashmir needs to be given greater attention and unless Indo-Pak differences on Kashmir are resolved, the war on terror on the Indian side of the border will not be an easy one to win. On January 6, 2010, India experienced its first significant terrorist incident in the new year of 2010. The way the two terrorists in that incident took control of the Punjab Hotel in Srinagar (Kashmir) reminded the country of the November 2008 Mumbai terror attack, and the media termed Srinagar as a "second Mumbai." The Jamiat-e-Mujahideen, a local militant outfit, claimed responsibility for the attack that same evening, but the Srinagar police administration said that both terrorists belonged to Lashkar-e-Taiba (LET). The LET action has revealed to the people of Jammu and Kashmir that despite actions taken by Pakistan under pressure from the international community, acts of terrorism in Jammu and Kashmir will not be completely deterred. LET is still a force to be reckoned with and continues to dominate the *jihad* against India. This incident is testimony to the fact that the threat is real. The state remains vulnerable and India needs to work at multiple scales and dimensions on a long-term basis if it wants to succeed in its battle against terror.

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