

FAULTLINES

The K.P.S. Gill Journal of Conflict & Resolution

Volume 21

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Volume 21

edited by
AJAI SAHNI



Kautilya Books

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THE INSTITUTE FOR CONFLICT MANAGEMENT



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FAULTLINES: WRITING ON CONFLICT & RESOLUTION

Edited by Ajai Sahni

In Memoriam



Kanwarpal Singh Gill, IPS

December 29, 1934 - May 26, 2017

Founding President, Institute for Conflict Management

FAULTLINES - THE SERIES

FAULTLINES focuses on various sources and aspects of existing and emerging conflict in the Indian subcontinent. Terrorism and low-intensity wars, communal, caste and other sectarian strife, political violence, organised crime, policing, the criminal justice system and human rights constitute the central focus of the Journal.

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The views expressed in FAULTLINES are those of the authors, and not necessarily of the INSTITUTE FOR CONFLICT MANAGEMENT. FAULTLINES seeks to provide a forum for the widest possible spectrum of research and opinion on South Asian conflicts.

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Foreword

On May 26, 2017, K.P.S. Gill, the founding President of the *Institute for Conflict Management*, the founding Publisher and Editor of *Faultlines*, and the principal leader, inspiration and guide for all our projects, passed away. This extraordinary man, a rare human and leader who comes once in an age, dedicated his life to the service of the nation. The frailty of human memory and the hopeless absence of institutional memory in India, make it difficult for most to recall the perilous times and the tenuous fragility that this nation experienced during the days of Khalistani terrorism in Punjab, and the multiplicity of insurgencies and political disorders then rampant across the country. At such a time it was this man's vision and leadership that guided India out of the anarchy it was fast sinking into, as he engineered one of the most successful and humane counter-terrorism campaigns in recorded history.

At a time when a rising tide of ideologies of hate was sweeping across South Asia and, increasingly, the globe, and when the discourse on the violence and terrorism these were provoking was as strident as it was ill-informed, it was Mr. Gill's initiative and foresight that led to the establishing of the Institute, and, in quick succession, its most significant projects, *Faultlines*, the *South Asia Terrorism Portal* and the *South Asia Intelligence Review*. He defined and directed the strategy that helped consolidate the *Portal* as the largest and most reliable database and source of information and assessments on terrorism in South Asia; and the *Review* as an influential open source asset to monitor major sub-conventional conflicts in the region.

It was, however, *Faultlines* that was Mr. Gill's earliest project after the Institute was established, and it was here that some of his

most significant writings on insurgency, terrorism and governance were published. *Faultlines* transformed prevailing standards of academic publication on issues of conflict in South Asia, and imposed new levels of rigour, documentation and rationality on the discourse on terrorism, insurgency and other patterns of conflict, and related policy.

Unfortunately, despite its base of committed readers and subscribers, *Faultlines* suspended publication after its twentieth issue in January 2011, as a result of some resource limitations and an increasing burden of work at the Institute. Its absence was, however, felt constantly, and there were repeated reminders from readers who fondly recalled the quality and contents of earlier editions of the journal.

With Mr. Gill's passing, this sense of absence and, increasingly, of deepening regret, grew acute. In our determination to honour his memory with our work, restoring *Faultlines* to regular publication became a priority. It was also resolved that the *Faultlines* title would also bear the legend *The K.P.S. Gill Journal of Conflict & Resolution*.

This country has not seen a police leader to compare with Mr. Gill; and the world has no counter-terrorism campaign that equals the sagacity and the completeness of the victory he wrought against the Khalistanis in Punjab. But he was not just a policeman; he was a profound thinker, a writer of distinction, a lover of poetry, of literature, and of life. Mr. Gill's passing leaves a void that cannot be filled, not only at the Institute and among those who had the privilege of personal association, but in the spheres of policing, security and counter-terrorism in India, which he dominated like a Colossus.



In the years intervening since the last volume of *Faultlines* was published, the world has seen dramatic changes in the patterns, scale and expanse of conflict. These movements have been divergent, dramatically worsening the situation in some theatres,

while significant improvements have been experienced in others, at least in terms of the traditional metrics of violence. But even in the theatres of measurable improvement, the reality is, conditions of political and strategic instability, and the potential for future conflict remain undiminished.

There has, moreover, been a dramatic resurgence of radical political ideologies, primarily of the extremist right, and a parallel dilution of constitutional and democratic norms in many of the most stable and enduring democracies of the world. We find, increasingly, the sway of what Carl Sagan described as the “combustible mixture of ignorance and power”¹, as some of the most sophisticated technologies are harnessed by extraordinarily primitive and violent mindsets, and extremist ideologies explicitly seek the creation of ‘conditions of savagery’², a progressive randomisation of violence and, indeed, apocalyptic conflict. Race, ethnicity and, crucially, religious identity, today underpin most of the ongoing conflicts across the world and their augmenting savagery.

An exponentially accelerating technological transformation which affects every single life on the planet, but that is understood—and often only partially—by no more than a tiny proportion of humanity, is rapidly creating and unleashing the potential for unprecedented and incomprehensible scales of violence, both structural and overt. A visible aspect of the technology-enabled structural violence already amongst us, is the powerful cyber-manipulation of electoral processes, which has subverted the democratic will in country after country. Drones and the evolution

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- 1 Carl Sagan, *The Demon-Haunted World: Science as a Candle in the Dark*, Random House, New York: Ballantine Books, 1996, p. 26.
 - 2 Abu Bakr Naji, *The Management of Savagery: The Most Critical Stage through which the Umma will Pass*, Tr. William McCants, John M. Olin Institute for Strategic Studies at Harvard University, May 23, 2006, <https://azelin.files.wordpress.com/2010/08/abu-bakr-naji-the-management-of-savagery-the-most-critical-stage-through-which-the-umma-will-pass.pdf>, downloaded, October 1, 2015.

of quasi-automated killing machines already in play are only ineffectual precursors of the destructive capabilities that science is poised to create, and likely to proliferate across a diversity of users far beyond the agencies of state. The spectre of a surveillance society that could make human freedom a mere memory rises with each new advance in a wide range of invasive technologies. Worse, technology gaps—between regions and countries, as between population groups and economic classes—are widening existing and unsupportable inequalities, threatening to polarize the world between a small fraction of winners, and rising armies of “useless people.”³

But science has also created unprecedented capacities to address all human ills, and a growing power to heal much of what afflicts our ailing earth. It is only the cyclical retreat from reason, the embrace of atavistic ideologies and identities, which prevent us from diminishing the sum of suffering on our planet.

Faultlines is an enduring effort to bring reason and the free contestation of ideas to bear on the sources and dynamics of conflict, and of its resolution.

Ajai Sahni

New Delhi: April 1, 2018

3 Karl Marx observed, “The production of too many useful things results in too many useless people.” Economic and Philosophical Manuscripts, 1844, Third Manuscript, https://www.marxists.org/archive/marx/works/download/Marx_Economic_and_Philosophical_Manuscripts.pdf.

Threats from the Virtual Plane: Is India Prepared?

Jiten Jain¹ and Joy Mitra²

In May 2017, the global cyberspace encompassing many countries, including India were hit by a ransom malware WannaCry, which targeted computers using Microsoft Windows Operating System across nations, sectors and industries.³ The malware targeted some 200,000 systems in a very short span of time,⁴ by dint of its ability to not just affect individual systems

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- 1 Jiten Jain is a leading cyber security expert specializing in geopolitical intelligence analysis and its mapping to global cyber security/conflict issues. He heads Indian Infosec Consortium, an independent not-for-profit organization and is a recipient of Chevening Fellowship by the British Government. He is the co-founder of Voyager Infosec and a visiting faculty at the National Police Academy and Foreign Service Institute of the Ministry of External Affairs.
 - 2 Joy Mitra is a researcher with the South Asia Terrorism Portal. He writes on foreign policy, coercive bargaining, deterrence stability and security in South Asia. He is a recipient of the 2015-16 Foreign Policy Fellowship of the Youth Forum for Foreign Policy and the Jindal School of International Affairs, OP Jindal Global University.
 - 3 Timothy B. Lee, “The WannaCry ransomware attack was temporarily halted. But it’s not over yet”, Vox, May 15, 2015, <https://www.vox.com/new-money/2017/5/15/15641196/wannacry-ransomware-windows-xp>
 - 4 Matthew Broersma, “NSA Malware ‘Infects Nearly 200,000 Systems’”, Silicon, April 25, 2017, http://www.silicon.co.uk/security/nsa-malware-security-210253?inf_by=5a8aa493681db807128b51ee

but also to infect the entire networks.⁵ The malware would, in effect, encrypt data on the victim's computer (Figure 1) denying file access to the user on his/her own computer unless ransom was paid in Bitcoin crypto-currency. The attack was allegedly conducted by a hacking outfit, the Lazarus Group, believed to be under the state control of the Democratic People's Republic of Korea (North Korea).⁶ Later public attribution was made by United States, United Kingdom, Australia, Canada, New Zealand and Japan, referring to the malware attack as a state sponsored cyber-attack by North Korea.⁷

The WannaCry attack holds important ramifications on how states perceive the cyber-threat spectrum. The foremost consideration is that cyber-attacks, like sub-conventional warfare, don't necessitate a declaration of war and can therefore be conducted not just during wartime but also peacetime. Second, if such cyber-paralysis is inflicted on the command and control unit of any Security Force or the operations room of a critical Government installation like air-traffic control during a real-time operation, the magnitude of risks it would pose to lives and national security is impossible to contemplate.

5 Zammis Clark, "The worm that spreads WanaCrypt0r", Malware Bytes, May 13, 2017, <https://blog.malwarebytes.com/threat-analysis/2017/05/the-worm-that-spreads-wanacrypt0r/>

6 Dustin Volz., "U.S. blames North Korea for 'WannaCry' cyber attack", Reuters, December 19, 2017, <https://www.reuters.com/article/us-usa-cyber-northkorea/u-s-blames-north-korea-for-wannacry-cyber-attack-idUSKBN1ED00Q>

7 "Press Briefing on the Attribution of the WannaCry Malware Attack to North Korea", Infrastructure & Technology, Press Briefings, The White House, United States, December 19, 2017, <https://www.whitehouse.gov/briefings-statements/press-briefing-on-the-attribution-of-the-wannacry-malware-attack-to-north-korea-121917/>



Figure 1: Screenshot of the WanaCry Decryptor Tool⁸

Significantly, in 2009, a malware called Conficker infected both the civil and defence establishment in the United Kingdom (UK), including computer systems of ships, submarines and establishments of the Royal Navy as well as well as a number of Royal Air Force Stations.⁹ The same malware also forced French air operations to be suspended.¹⁰

Third, if outfits under the aegis of the state have the capability to execute such attacks, the potential for damage and irrational aggressive behaviour increases because of the higher qualitative and quantitative resources that an aggressor state can muster. Fourthly, states can provide immunity against legal or other means of retribution by claiming sovereignty.

The probability that damage from such attacks is not limited to the virtual plane alone, and may also result in

8 Anonymous, “WannaCry ransomware used in widespread attacks all over the world”, Securelist, May 12, 2017, <https://securelist.com/wannacry-ransomware-used-in-widespread-attacks-all-over-the-world/78351/>

9 Lewis Page, “MoD networks still malware plagued after two weeks”, The Register, January 20, 2009, https://www.theregister.co.uk/2009/01/20/mod_malware_still_going_strong/

10 Kim Willsher, “French fighter planes grounded by computer virus”, The Telegraph, February 7, 2009, <https://www.telegraph.co.uk/news/worldnews/europe/france/4547649/French-fighter-planes-grounded-by-computer-virus.html>

potential physical damage, is dangerously high and increasing, with entire ecosystems of governance, business, services and personal lives becoming more cyber enabled and technology dependent. This diffusion of technology followed by dependency on information highlights the vulnerability that exists if such systems are compromised, either individually or in unison. This vulnerability creates incentive for actors ranging from non-state actors comprising individuals and groups to state actors as well as outfits acting on behalf of the state, to exploit the cyber-space comprising information technology (IT) networks, computer resources, and all the fixed and mobile devices connected to the global Internet.¹¹

In effect, this gives rise to a cyber threat spectrum. This cyber-threat spectrum does not exist in isolation, and its evolution has simultaneously been accompanied by merging the capability to launch such attacks with other forms of warfare. Effectively transforming the conflict spectrum not incrementally but in entirety, altering its very nature because what was earlier a discrete conflict spectrum has now become a conflict continuum.

Cyber-Nuclear-Conventional-Sub-conventional Continuum

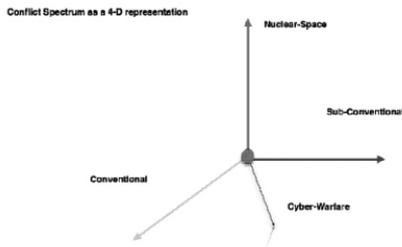


Figure 2. Four Dimensional Conflict Spectrum

11 Vittal Reddy, “Cyber security and challenges” The Hans India, June 14, 2017, <http://www.thehansindia.com/posts/index/Young-Hans/2017-06-14/Cyber-security-and-challenges/306445>

In the 1990s, prior to overt nuclearization, India's investments in conventional capabilities and its qualitative and quantitative edge appeared adequate to dissuade any extraordinary adventure on Pakistan's part. While the conventional deterrent operated with some success, Pakistan's asymmetric provocations as an offensive strategy made India fumble for answers, until it realised that its conventional deterrent could not account for the sub-conventional warfare that did not breach the conventional threshold. Before this point, India viewed a clear and discrete distinction between the nuclear-space, as well as conventional and sub-conventional zones of the conflict spectrum. In objective reality, however, the conflict spectrum had transformed into a continuum in the nuclear-conventional zone, effectively blunting India's conventional advantage.

India runs a similar risk, albeit of much higher proportions today, by failing to recognize the introduction of cyber-warfare in the conflict spectrum by its adversaries, and continuing to prepare only for patterns of warfare that have largely outlived their utility. Civic infrastructure, communications, defence, governance – there is hardly a segment that is untouched by IT or the cyber revolution. Along with business and related everyday activities, the dependency on technology has increased exponentially in warfare and in operations short of war, as well.

Any upgradation in technology accompanies almost an immediate change in the means of warfare because much of decision-making in warfare inevitably and invariably depends on information that is gleaned, processed, distributed, transmitted and looped faster than by the adversary. Cyber developments can interject in this cycle at any of these stages to either improve or impede decision-making ability. Importantly, cyber operations don't necessarily need to be limited in scope or intent in the cyber-space and can be powerfully combined with other means of warfare. Simultaneous or parallel execution of

capabilities gives rise to a multi-dimensional spectrum, and discrete levels in the conflict are replaced by a continuum.

The conflict spectrum (Figure 2) has essentially transformed into a 4-dimensional space with cyber (*i*) being the fourth dimension in what was earlier a 3-dimensional nuclear-space (*n*), conventional (*c*) and sub-conventional (*s*) axes spectrum. Any point in the conflict-spectrum will therefore be defined by not just the traditional three attributes, but four. The continuum can refer to simultaneous or parallel warfare in more than one dimension of the 4D conflict spectrum, in effect merging two or more forms of warfare. With the advent of cyber warfare it is possible for a conflict point to exist simultaneously in cyber and the sub-conventional; cyber and conventional; cyber and nuclear-space planes or in spaces comprising cyber, sub-conventional and conventional; cyber, sub-conventional and nuclear-space; and finally, the cyber, sub-conventional, conventional and nuclear-space.

Cyber Sub-Conventional Interface: More Probable, More Powerful

The Cyber-Sub-Conventional Interface refers to the use of cyber-warfare in conjunction with different forms of warfare below the conventional threshold, that are limited politico-military struggles to achieve political, social, economic or psychological objectives. Within the conflict lexicon, there are many terms that define different conflicts by combining elements of asymmetry, irregular tactics, deception, plausible deniability and use of advanced military platforms. Table 1 gives a summary of terms and different modes of warfare, their intersection with cyber and information technology along with conflicts in contemporary times that exemplify their nature.

Table 1. Summary of Terminology related to Sub Conventional Warfare

Term	Definition	Intersection with Cyber /Information Technology	Example
Sub-Conventional Warfare	A generic term used to describe all armed conflicts that are below the threshold of war and above the level of peaceful co-existence amongst states ¹² . It is a broad spectrum of military and Para-military operations, normally of long duration, predominantly conducted by indigenous or surrogate forces organized, trained, equipped, supported and directed in varying degrees by an external source during all conditions of war or peace ¹³	Yes	All insurgencies and terrorism related conflicts and violence barring conventional wars between states.
Political Warfare	The term is contested; George Keanon defined it as employment of all means short of war, to achieve its national objectives, ranging from overt actions: political	Yes	Pakistani information warfare in Kashmir fanning violence the population ¹⁴

12 K. C. Dixit, "Sub-Conventional Warfare Requirements, Impact and Way Ahead", Journal of Defence Studies, Volume 4, Number 1, 2009, p. 121, https://idsa.in/system/files/jds_4_1_kcdixit.pdf

13 Ibid, p. 121

14 Amit Khajuria, "Pakistan intensifies cyber warfare over Kashmir" The Tribune, April 22, 2017, <http://www.tribuneindia.com/news/jammu-kashmir/community/pakistan-intensifies-cyber-warfare-over-kashmir/395539.html>

	alliances, economic measures and “white” propaganda to cover covert operations like clandestine support of “friendly” foreign elements, “black” psychological warfare and encouragement of underground resistance in hostile states ¹⁵ . Hoffman however calls the term imprecise as anything without the conduct of physical violence and limited to political and economic activities is not warfare ¹⁶ .		
Psychological Warfare	Psychological Operations support tactical and strategic informational and propaganda objectives and used to embarrass, discredit, demoralise, divide and confuse the adversary ¹⁷ .	Yes	Russian interference in US 2016 elections by posing as political activists and spreading discord ¹⁸

15 “George F. Kennan on organizing political warfare”, April 30, 1948, History and Public Policy Program Digital Archive, Wilson Centre, <https://digitalarchive.wilsoncenter.org/document/114320>

16 Frank Hoffman, “On Not-So-New Warfare: Political Warfare vs. Hybrid Threats”, War on the Rocks, July 28, 2014, <https://warontherocks.com/2014/07/on-not-so-new-warfare-political-warfare-vs-hybrid-threats/>

17 “Russian Military Power - Building a Military to Support Great Power Aspirations”, Defence Intelligence Agency, Government of United States of America, 2017, <http://www.dia.mil/Portals/27/Documents/News/Military%20Power%20Publications/Russia%20Military%20Power%20Report%202017.pdf>

18 Matt Apuzzo and Sharon La Franiere, “13 Russians Indicted as Mueller Reveals Effort to Aid Trump Campaign”, The New York Times, February 16, 2018, <https://www.nytimes.com/2018/02/16/us/politics/russians-indicted-mueller-election-interference.html>

Asymmetric Warfare	Asymmetry refers to substantial difference between the capabilities of the opposing actors involved in the conflict. This asymmetry apart from the difference in force strength, weapons, and military prowess, also implies a difference in tactics and strategies employed, between the weaker and the stronger side. Most Insurgencies employ asymmetric warfare for their objectives.	Yes	Hezbollah's cyber warfare against Israeli critical infrastructure ¹⁹
Unconvention	Activities conducted to enable a resistance movement or insurgency to coerce, disrupt, or overthrow a government or occupying power by operating through or with an underground, auxiliary, and guerrilla force in a denied area ²¹ .	Yes	Pakistan's support to Afghan Taliban operations in Afghanistan ²⁰
Law-fare	Actors, usually states, use legal means to delegitimize the strategic or tactical	Yes	Chinese manipulation of legal

- 19 Quoted in Levy Maxey, "Hezbollah goes on the Cyber Offensive with Iran's help", The Cipher Brief, January 30, 2018, <https://www.thecipherbrief.com/hezbollah-goes-cyber-offensive-irans-help>
- 20 Praveen Swami, "How Directorate S, ISI's most diabolical branch, outsmarted US in Kabul, continued subverting India", The Print, February 24, 2018, <https://theprint.in/book-worm/failure-of-us-curb-isi-afghanistan-valuable-lesson/37710/>
- 21 "DOD Dictionary of Military and Associated Terms, February 2018", Department of Defence, Government of United States of America, 2018, p.239, <http://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/dictionary.pdf?ver=2018-02-21-153603-643>

	stance of the adversary, which sometimes can extend to even aiding or providing legal cover for physical operations or bargaining from a position of strength in an internationalised conflict. However this is not a form of warfare on its own and generally aids warfare in other forms.		arguments to undermine the opponent's information-control capabilities ²²
Grey-Zone Warfare	Grey-zone warfare defines inter-state conflicts that are left of centre in the spectrum of total war and peaceful relations. They combine elements of asymmetry, insurgency, irregular warfare and direct use of advanced military assets but keep the role of the sponsoring state actors ambiguous. This ambiguity also exists in the level and intensity of violence.	Yes	Russian annexation of Crimea, by encouraging civil war and separatism in the population ²³
Shadow Warfare	Wars fought without State attribution, leveraging social media to a high	Yes	US support for Syrian Rebels against Asad

22 Anonymous, "Doklam Stand-Off: Global Times Continues To Warn India, Is Beijing Waging Psychological Warfare Through Its Media?", Outlook India, July 25, 2017, <https://www.outlookindia.com/website/story/doklam-stand-off-chinese-state-media-warns-time-for-a-second-lesson-for-forgetfu/299782>

23 David Barno and Nora Bensahel, "Fighting and Winning in the 'Gray Zone'", War on the Rocks, May 19, 2015, <https://warontherocks.com/2015/05/fighting-and-winning-in-the-gray-zone/>

	degree. ²⁴		Regime ²⁵
Hybrid Warfare	Simultaneous employment of conventional weapons, irregular tactics, terrorism and criminal behaviour in the same time and battlespace to obtain political objectives. ²⁷	Yes	Russian conduct of war in Ukraine ²⁶
Unrestricted	A sort of warfare in which all non-war actions transcending all boundaries and limits can be deployed towards achieving aims in an environment where information is omnipresent and the battlefield is everywhere, blurring the distinction between war and non-war, military and non-military. ²⁸	Yes	Russian blockage of Georgia Government and Media Websites, and disrupting telephones and communication networks just before the conflict over South Ossetia ²⁹

24 David Barno, “The Shadow Wars of the 21st Century”, War on the Rocks, July 23, 2014, <https://warontherocks.com/2014/07/the-shadow-wars-of-the-21st-century/>

25 Mark Mazzetti and Michael C. Schmidt, “Behind the Sudden Death of a \$1 Billion Secret C.I.A. War in Syria”, The New York Times, August 2, 2017, <https://www.nytimes.com/2017/08/02/world/middleeast/cia-syria-rebel-arm-trump.html>

26 Mark Landler and Michael R. Gordon, “NATO Chief Warns of Duplicity by Putin on Ukraine”, War on the Rocks, July 8, 2014, https://www.nytimes.com/2014/07/09/world/europe/nato-chief-warns-of-duplicity-by-putin-on-ukraine.html?_r=0

27 Frank Hoffiman, op. cit.

28 Qiao Liang and Wang Xiangsui, Unrestricted Warfare, 1999, PLA Literature and Arts Publishing House, Beijing, pp. 1-9, Translated from Mandarin to English, <http://www.cryptome.org/cuw.htm>

29 Manu Kaushik and Pierro Mario Fitter, “Beware of the bugs”, Business Today, February 17, 2013, <https://www.businesstoday.in/magazine/features/india-cyber-security-at-risk/story/191786.html>

The role cyber and information technology play in almost all manifestations of sub-conventional war is evident. They may be used to shape the psychology and perception of the conflict by conducting information operations³⁰ to divide, terrorise, subvert and influence populations and actors, or support or limit or confuse politico-military decision making ability of the command. Or they could be used in collecting technical intelligence and for electronic warfare not just by state-actors but by militant or insurgent outfits who either exude such capability in terms of capable individual(s) or competent organisations. These actors could then maximise the use of technical intelligence available to them to launch daring sub-conventional assaults or could launch stand-alone cyber-attacks that can cause disruptions that are detrimental in terms of high magnitude physical and life-threatening damage that they cause.

Distributed Denial of Service (DDoS) attacks against Government services, water, electricity or power infrastructure, gas or oil distribution or delivery networks, telecommunications, banking or financial services, can paralyse the state, laying the ground for political instability and, potentially, physical conflict. The cyber-conventional and cyber-sub-conventional interfaces are the more probable and impactful machinations in this context, because cyber-space has become a necessary part of the conflict spectrum. Engaging and preparing for parallel warfare in two or more interfaces of the conflict spectrum is, consequently, now an urgent imperative.

30 “Field Manual No. 3-13 Information Operations: Doctrine, Tactics, Techniques, and Procedures”, Headquarters, US Army Training and Doctrine Command, Department of the Army, Government of United States of America, November 28, 2003, <https://fas.org/irp/doddir/army/fm3-13-2003.pdf>

Strava³¹ Heat Map Attack

Strava is a fitness app that markets itself as a social networking site for athletes. This seemingly harmless application tracks and maps user's running, cycling, jogging and other workout activity using the Global Positioning System (GPS) enabled on their phones or any other device, including a tablet or phablet with the GPS feature, to generate a heat-map of activity by all users. Strava also generates stats related to individual activity, accessible to the individual user. The heat map essentially shows all users of Strava globally, with the location of all the rides, runs, swims, and downhill runs that its users have taken, as collected by their smartphones and wearables.³² Strava's database, however, has information on individual users that is not publicly accessible through the heat map, but is accessible to the users or employees of Strava or that could be accessed by a hacker in case of a potential privacy/data breach.³³ This data allows one to gain insight into an individual user's pattern of daily movement.

The publicly available heat map is enough to allow intelligent users to locate secret military installations or bases as happened in the case of Nathan Ruser, who used the heat map to identify US military forward bases in Afghanistan, Turkish military patrols in Syria, etc., by cross-referencing such heat maps with available Open Source Intelligence (OSINT), and Google Maps. Most of the modern military and non-military installations of Western countries in developing

31 "Global Heatmap", Strava, <https://labs.strava.com/heatmap/#7.00/-120.90000/38.36000/hot/all>

32 Ibid

33 Jeffrey Lewis, "Fitness-Tracker App Exposes Security Flaw at Taiwan's Missile Command Center", The Daily Beast, January 28, 2018, <https://www.thedailybeast.com/strava-fitness-tracker-app-exposes-taiwans-missile-command-center?source=twitter&via=desktop>

countries can be located with the help of these resources³⁴. This is partly possible because, in certain locations like Afghanistan, Syria or Djibouti, Strava users are exclusively foreign military personnel, with the result that such military sites stand out on the heat map. In one of these cases a US Forces base and its layout in the Helmand Province was clearly visible on the heat map³⁵, although it was not visible on the satellite imagery of commercial providers like Google or Apple maps³⁶.



Figure 3. Military Base in Helmand Province, Afghanistan with route taken by joggers highlighted by Strava³⁷.

The more dangerous revelations could, however, come from the Strava activity data which could be used to tag and track persons of interest when these locations are revealed.

34 Jeremy Hsu, “The Strava Heat Map and The End of Secrets”, *Wired*, January 29, 2018, <https://www.wired.com/story/strava-heat-map-military-bases-fitness-trackers-privacy/>

35 Alex Hern, “Fitness tracking app Strava gives away location of secret US army bases”, *The Guardian*, January 28, 2018, <https://www.theguardian.com/world/2018/jan/28/fitness-tracking-app-gives-away-location-of-secret-us-army-bases>

36 *Ibid*

37 *Ibid*

This is particularly relevant to missile bases or any other such installation where the security staff on duty change shifts. Security personnel if they use the app and their physical activity is tracked, can reveal locations of not just one but multiple bases, as and when these personnel are deployed on duty to different secret military installations in shifts.

Smesh

Smesh was a communication/chat application available free of cost on the Google Applications Store, offering end-to-end encryption and high quality voice calling over low data. At the time this application was popular among Defence Personnel in India and offered services that were fairly ahead of their time and not available in other applications that belonged to its category. When the code behind this application was reverse engineered³⁸ by one of the authors of the present paper (Jiten Jain) the data was found to be transmitted to a particular domain bought in the name of 'Sajid Rana' in Karachi, Pakistan. When a user installed the application on his phone, the app compromised the device, picked up all location related attributes, videos, photos and also recorded calls. But it went further in that it could also record sounds in the environment even whilst the phone was switched off, in effect turning the phone into an espionage device. Reverse engineering the source code of the Smesh app helped locate and identify actors within Pakistan who operated the application through a control panel, in essence removing the problem of attribution.

Physical Intelligence Gathering through Cyber-Space

On February 8, 2018, an Indian Air Force (IAF) Officer Group Captain Arun Marwaha was arrested by the Delhi Police

38 Reverse Code essentially implies breaking into the application code to view its internal logic and behavior and fully dissecting or deconstructing the underlying programming and application layers

Special Unit on charges of espionage and passing on classified information to Pakistani intelligence agency (Inter-Services Intelligence)³⁹. The IAF officer in question was honey-trapped when he befriended ISI agents with fake profiles on social media, to the extent of exchanging intimate messages and pictures and subsequently passing sensitive defence information via social media. The information that he shared was reportedly on new agencies in the field of cyber warfare, space and special operations⁴⁰. According to reports, Marwaha was engaging in espionage by taking unauthorised devices into restricted premises without permission⁴¹. This cyber honey trapping incident highlights the threats electronic devices pose simply by virtue of their presence in or near sensitive premises and how cyber-space is used to intrude into protected spaces without putting the lives of any operatives at risk. Physical intelligence gathering is conducted by compromised or willing individuals who are either part of the politico-security machinery, or by means that otherwise mask the role of the foreign agency behind the act.

Inferences

These examples, reflecting a very wide range of vulnerabilities, highlight the conundrum faced by Security Agencies in the realm of cyber-sub-conventional; cyber-conventional or cyber-nuclear-space warfare. In a 4D conflict spectrum, there is no dichotomy between civilian and military

39 Saurabh Trivedi, "IAF officer arrested on espionage charge", *The Hindu*, February 9, 2018, <http://www.thehindu.com/news/national/iaf-officer-arrested-for-espionage/article22700475.ece>

40 Mukesh Singh Sengar and Neeta Sharma, "Air Force Officer Arrested In Delhi, Was Seduced By ISI Spies On Chat", *NDTV*, February 9, 2018, <https://www.ndtv.com/india-news/air-force-officer-arrested-in-delhi-for-allegedly-spying-for-pakistanis-isi-1810501>

41 *Ibid*

targets and therefore security has to encompass both civilians and security personnel. The Smesh App was used by military personnel as well as their family members in equal measure, and either of them, due to their proximity to important persons or sensitive locations, could lead to serious physical security risks, including endangering the security of important installations and the lives of security personnel. In this sense these Apps don't differentiate between civilian and military personnel. Cyber-securing military personnel is, consequently, not enough; security risks persist as long as even civilians are vulnerable.

The risks posed by 'harmless' apps built by genuine service providers for willing subscribers are also immense. As the heat maps case highlights, Strava was only providing a valuable service to willing subscribers, but the use of these services came at the cost making users vulnerable to geo-tracking. If Strava is unable to protect its database or some intelligent user is able to exploit the publicly available heat map along with other OSINT sources, to identify persons of interest, the security of important installations along with the personnel manning them, is at risk.

The ability to conduct espionage and physical reconnaissance through cyber-space without putting operatives at direct risk of being caught and, in turn, avoiding attribution is another aspect of the problem.

Further, the risk of catastrophic physical attacks that could stem because of lack of preparedness for cyber warfare is very high. If a foreign agency engages in such tracking, this can have serious repercussions even beyond the sub-conventional realm, intruding into the sphere of nuclear and conventional deterrence. The location of missile bases could allow the aggressor to put into operation nuclear counter-force strategies and contemplate first-strike options leading to a deterrence

break-down. The aggressor could take out the defendant's key missile bases, or communication transmission stations, and consequently his ability to retaliate to missile strikes whether nuclear or conventional. Such a pinpointed surprise attack could neutralize a significant portion of the defendant's armoury or render his warheads useless.

Finally, while plausible deniability can successfully operate in cases like the Strava heat maps, the problem of attribution could be solved in certain other instances, such as the case of the Smesh App.

Tinderbox!

The inferences drawn above are important in identifying not only future risks but the tinderbox that India currently sits on:

Aadhaar is a project initiated by the Government of India under the Aadhaar Act 2016, under the purview of the Ministry of Electronics and Information Technology, to uniquely identify all residents of India using biometrics. It is a project on a massive scale that stores critical identity related data digitally, raising privacy concerns and, more importantly, the fear of a pervasive security state. But the risks here are even greater, given that the existence of such a digital database almost in a magnetic way attracts interested actors who could use it to their advantage, given India's weak pedigree of protecting citizen privacy and its electronic ecosystems in the banking and finance sectors.

Minister of State (MoS) for Electronics and Information Technology Alphons Joseph Kannathanam admitted, on December 20, 2017, in the Lok Sabha (Lower House of India's Parliament) that, till November 30, 2017, Aadhaar had been linked to 252 schemes from various Ministries and Departments

and, until the day of his statement, 30 First Information Reports (FIR) had been filed by the Unique Identification Authority of India (UIDAI) with the Police for violation of the Aadhaar 2016 act.⁴²

Further, on December 22, 2017, the Minister of State (MoS) for Electronics and Information Technology Alphons Joseph Kannathanam confirmed in the Rajya Sabha that two FIRs had been filed for allegedly attempting to breach the biometric authentication process of operators.⁴³

On December 29, 2017 MoS Kannathanam confirmed further in the Rajya Sabha that 210 websites of the Central Government, State Government Departments and some educational institutions had published a list of beneficiaries along with their names, addresses and other details, with Aadhaar numbers, which were later removed.⁴⁴ Whether the Government took any penal action against its own departments for such casual handling of the data was not specified.

On January 8, 2018, Edward Snowden⁴⁵ tweeted in favour of a journalist who reported leakage of Aadhaar Data:

The journalists exposing the #Aadhaar breach deserve an award, not an investigation. If the government were truly

42 “Mandatory Aadhaar Linkage”, Unstarred Question no. 819, Lok Sabha, Ministry of Electronics and Information Technology, Government of India, December 20, 2017, <http://164.100.47.194/Loksabha/Questions/QResult15.aspx?qref=58764&lsno=16>

43 “Steps to protect UIDAI’s iris scanbased security”, Unstarred Question no. 896, Rajya Sabha Questions, Ministry of Electronics and Information Technology, Government of India, December 22, 2017, <http://164.100.47.5/qsearch/QResult.aspx>

44 “Publication of Aadhaar Details on government Websites”, Unstarred Question no. 1364, Rajya Sabha Questions, Ministry of Electronics and Information Technology, Government of India, December 29, 2017, <http://164.100.158.235/question/annex/244/Au1364.pdf>

45 Tweeted by Edward Snowden, Twitter, January 8, 2018, <https://twitter.com/snowden/status/950490382990790656?lang=en>

concerned for justice, they would be reforming the policies that destroyed the privacy of a billion Indians. Want to arrest those responsible? They are called @UIDAI.

On January 21, 2018, Snowden tweeted again,⁴⁶

Rarely do former intel chiefs and I agree, but the head of India's RAW writes #Aadhaar is being abused by banks, telcos and transport not to police entitlements, but as a proxy for identity – an improper gate to service. Such demands must be criminalized.

Risk perceptions, however, must not be limited to petty cyber-crimes, and must encompass increasing vulnerabilities on the strategic front. Crucially, Aadhaar related data is replicated or scattered across State Resident Hubs,⁴⁷ increasing its vulnerability. The potential for havoc that can be unleashed if access to any one of these databases is gained by any foreign intelligence agency cannot be captured in military, economic or other terms.

As a prelude to an armed conflict adversaries could target Aadhaar as part of an overall strategy to target all critical infrastructure and services effectively crippling state machinery and blocking services for citizens.⁴⁸ More importantly Aadhaar information of a 'person of interest', if accessed by a hostile actor, could be seriously damaging, as in the case Strava users revealing information about sensitive locations and interactions. If, for instance, the entry into these

46 Tweeted by Edward Snowden, Twitter, January 21, 2018, <https://twitter.com/Snowden/status/955050455490547712>

47 Nikhil Pahwa in "Aadhaar Will Turn India Into A Surveillance State, Say Petitioners", Left, Right and Centre, NDTV, January 17, 2018, <https://www.ndtv.com/video/news/left-right-centre/aadhaar-will-turn-india-into-a-surveillance-state-say-petitioners-476844>

48 Arun Mohan Sukumar, "The National Security Case Against Aadhaar", The Wire, March 2017, <https://thewire.in/featured/national-security-case-aadhaar>

sensitive locations is authenticated through Aadhaar it creates space for physical intrusion by hostile elements.⁴⁹ This could lead to physical intelligence gathering or even highly damaging kinetic attacks.

Stuxnet was a malware developed by the United States and Israel (though this has never been officially acknowledged) targeting Iranian nuclear centrifuges by issuing specific commands to the industrial control hardware responsible for their spin rate.⁵⁰ Stuxnet was supposedly meant to target only Iran's Natanz refining facility, which was air-gapped from outside networks and physical access to the network was therefore difficult. Getting the malware to the Natanz's network took all of a thumb drive, through spies and unsuspecting accomplices. The challenge was only to penetrate un-secure connected general networks.⁵¹ It is significant that the Nuclear Power Corporation of India (NPCI) is forced to block at least ten targeted cyber-attacks a day.⁵² Attackers only need to be successful once though, for a catastrophe to happen. It may not necessarily be the security of the target entity itself but any other unprotected private entity that may compromise the security of particular critical infrastructure.

Indian railway and airports traffic management centres could be potential targets for highly damaging physical attacks. Hacking into the railway traffic management system could

49 Ibid

50 Nate Anderson, "Confirmed: US and Israel created Stuxnet, lost control of it", *Ars Technica*, January 6, 2012, <https://arstechnica.com/tech-policy/2012/06/confirmed-us-israel-created-stuxnet-lost-control-of-it/>

51 Sunil Abraham, Elonnai Hickok and Tarun Krishnakumar, "Security: Privacy, Transparency and Technology", *CyFy Journal*, Volume 2, 2015, pp. 107-115, <https://cis-india.org/internet-governance/blog/security-privacy-transparency-technology.pdf>

52 Ajai Sahni, "Trapped in past paradigms", *India 2016*, #689, January 2017, Seminar Web Edition, http://india-seminar.com/2017/689/689_ajai_sahni.htm

make it possible for a willing entity to crash trains into one another.⁵³ In 2011 a ‘logic bomb’ targeted the Common User Passenger Processing System (CUPPS) that performs many critical functions including managing reservation systems, check-in schedules and arrival and departure time of flights at Delhi Airport.⁵⁴ The attack completely disabled the system causing delays in flights and was essentially feasible because of insider access. Attacks of similar nature from an adversary state or non-state actor can lead to far more damaging consequences if they target metro, rail, road, port, air traffic or other transportation systems.

Slow Processing Putting National Security at Risk?

Moore’s Law,⁵⁵ essentially an observation by Intel co-founder Gordon Moore in 1965, states that the number of transistors in a dense integrated circuit will continue to go exponentially. This necessarily implies that electronic devices rapidly condense into smaller size and exude higher levels of performance. Individual devices compute more powerfully and are able to do more. This has a direct bearing on the cyberspace where newer capabilities and technologies evolve in a disruptive way and are most often not anticipated by Governments, bureaucracies and other slow-response entities.

Unlike other domains where threats are generated on capabilities that are known or can be foreseen, in the new conflict spectrum, unforeseen and unprecedented threats loom

53 Manu Kaushik and Pierro Mario Fitter, “Beware of the bugs”, *Business Today*, February 17, 2013, <https://www.businesstoday.in/magazine/features/india-cyber-security-at-risk/story/191786.html>

54 Vicky Nanjappa, “How techies used logic bomb to cripple Delhi airport”, *Rediff*, November 21, 2011, <http://www.rediff.com/news/report/how-techies-used-logic-bomb-to-cripple-delhi-airport/20111121.htm>

55 Gordon E. Moore, “50 Years of Moore’s Law”, Intel, April 19, 1965, <https://www.intel.in/content/www/in/en/silicon-innovations/moores-law-technology.html>

large due to capabilities that exist in the dark, already exist, or are on the threshold of existence. The rate of evolution of technology is inevitably faster than the rate of response in the cyber-space for authorities. The nature of these threats, which are essentially and necessarily, unforeseen and unprecedented, present challenges for the political and bureaucratic systems and could be described in terms of an OODA (Observe Orient Decide Act) decision loop.

Cyber-warfare presents a challenge at the very ‘observe’ pillar of the decision loop of politico-bureaucratic entities, because it invariably operates in a space where capabilities, and actors carrying out those capabilities, sometimes including even the act itself, are hidden until they are discovered through the target/victim they strike. This presents a problem with the threat perception of the decision makers itself, where preparedness is lacking for threats that were essentially never part of the perceived conflict spectrum. According to a Mandiant Consulting report, the mean time an intruder remained in the victim’s system undetected was 205 days in 2014 and 146 days in 2015,⁵⁶ indicating the extended period for which an intrusion can go undetected.

The orient, decide and act pillars of the decision loop, which commence after the nature of the threat has been deciphered, and the political, security or bureaucratic leadership implements the response/changes within the system, tend to have a low speed or rather inertia, of their own. In a 4D conflict spectrum, where the cyber plane uniquely plays an important role, the evolution of threat and capabilities pose a challenge in that, even if a threat is identified, the time to process the response by the political and bureaucratic systems, including the time to problematize, formulate, debate and decide an efficient response, assign

56 Sanatan Kulshrestha, “Cyber Warfare: A Perspective”, Center for Land Warfare Studies, October 15, 2016, <http://www.claws.in/1650/cyber-warfare-%EF%BF%BD-a-perspective-sanatan-kulshrestha.html>

resources, develop regimes, institutions, etc., to counter such threats, is often too long. This is particularly and acutely the case in India. Worse, the pace at which the nature of the threat changes and reinvents itself in this type of environment implies that if the decision loops are slow, the responses are invariably and inevitably outdated by the time they come into being. The extended timeframe of this decision loop is itself a significant risk to national security. Moreover, speeding up the process may not be enough in a competitive game; the decision loop needs to be processed faster than the adversary's decision loop to defend against newer threats, maintaining a qualitative superiority that secures a denial 'qualitative certainty' in terms of cyber response capabilities.

Need for Deterrence in a 4D-Conflict Spectrum

The anarchy prevalent in the international system and the jostling for power between the permanent five at the United Nations Security Council (UNSC) prevents the emergence of any international consensus on how to regulate cyber capabilities. The superpower rivalry in the conflicts in Syria, Ukraine and the South China Sea, has demonstrated very clearly that the world is far from a rule-based order on contemporary issues of conflict. These conflicts exemplify the importance of early intervention and of shaping the battlefield, both on the physical and virtual planes, to one's advantage. Global governance regimes like the UNSC have been found wanting in conflict-management, while resolution has been out of the question. Global cyber-space like the international system is largely about actors helping themselves in the absence of institutions and global governance regimes that have a mechanism for conflict management.⁵⁷

57 Anthony Craig and Brandon Valeriano, "Realism and Cyber Conflict: Security in the Digital Age", in Davide Orsi, J.R. Avgustin and Max Nurnus ed., *Realism in Practise: An Appraisal*, February 3, 2018, E-International Relations, p. 88, <http://www.e-ir.info/2018/02/03/realism-and-cyber-conflict-security-in-the-digital-age/>

In future conflict, cyber warfare will be an essential part of the spectrum. Cyber warfare could be a prelude or the crux of the script, depending on the objectives of the attack. State actors like the US and China have dedicated cyber-security commands that deploy offensive and defensive cyber-warfare capabilities. The cyber realm may also be a realm of no allies, as the case of US PRISM has shown that, if the servers of the service providers are beyond the purview of local laws then there is essentially a no holds barred confrontation in terms of the data that is exposed to security or Government agencies of the host Government.⁵⁸ Allies, enemies and frenemies are treated alike. Similarly, the Chinese have a dedicated military Unit 61398 in the People's Liberation Army (PLA) for cyber-espionage, informational and network warfare⁵⁹ and have targeted individual, private and public entities with impunity, in line with the objectives of State Owned Enterprises (SOEs).⁶⁰ India still does not have a dedicated Cyber-Security Command.

The combination of capabilities and anarchic order make for a compelling need to deter aggressive actions, especially when state sponsors of such actions exist.

Is Detering Cyber-Aggression Possible?

In a 4D Conflict Spectrum there are two kinds of threat that emanate from Cyber Warfare. One is limited to the virtual plane, the other involves kinetic attacks. Deterrence must be examined at both these levels.

58 Glenn Greenwald and Ewen Mac A Skill, "NSA Prism program taps in to user data of Apple, Google and others", *The Guardian*, June 7, 2013, <https://www.theguardian.com/world/2013/jun/06/us-tech-giants-nsa-data>

59 Gary Brown and Christopher D. Young, "Evaluating the US-China Cybersecurity Agreement, Part 2: China's Take on Cyberspace and Cybersecurity", *The Diplomat*, January 19, 2017, <https://thediplomat.com/2017/01/evaluating-the-us-china-cybersecurity-agreement-part-2-chinas-take-on-cyberspace-and-cybersecurity/>

60 Ibid

Deterrence is not a straightforward concept in the virtual plane. Unlike pure nuclear or conventional deterrence, actors, attribution, communication and signalling in a four dimensional Conflict Spectrum are not always clear. More importantly the effects of a cyber-attack or the capabilities required to deter such attacks are not necessarily limited to the cyber plane, but could manifest in terms of economic, financial, diplomatic or military costs.

With the kind of electronic and cyber ecosystems that are in development and the ones already installed, India is vulnerable to attacks from an increasing number of cyber capable state and non-state actors.⁶¹ The key infrastructure and entire ecosystems are dependent on information technology, and present India with a *fait accompli* to defend its physical and virtual assets against such attacks. Protecting its networks and ensuring data security for public and private entities, service assurance and reliability, needs investing in such capabilities.

However, investing in denial and defensive capabilities per se will not necessarily manifest as deterrence capability in the cyber domain. Unlike other forms of warfare, the cost of conducting aggressive cyber operations, especially those not including kinetic attacks, are significantly lower in equipment, legal, financial and human terms, than other forms of warfare where these can lead to exposure to risks, especially to personnel, and can be diplomatically costly. Investing in denial and defensive capabilities is necessary, but it will not per se deter actions on part of capable and resourceful state and non-state adversaries. So the concept of deterrence by denial in the cyber-domain cannot exist under the current circumstances, when incentives for attacking are very high.

61 “M-Trends: A View from the Frontlines”, Mandiant, 2017, http://files.shareholder.com/downloads/AMDA-254Q5F/0x0x938351/665BA6A3-9573-486C-B96F-80FA35759E8C/FEYE_rpt-mtrends-2017_FINAL2.pdf

This is even more relevant in cases where attribution is not fixed and therefore, despite suspicion, neither the aggressor nor the defendant clearly communicates intent. It is difficult for any actor to communicate deterrence in such a scenario as the aggressor intends to cause damage using offensive capability, but also tries to mask his identity, effectively causing damage without necessarily achieving coercion. Investing in defensive denial and redundancy in the systems is, therefore, key to ensuring superiority against incoming cyber-attacks, and is more important than achieving a near-impossible or imperfect deterrence.⁶²

Role of Law-fare in the Escalation Ladder

In the case where attribution is fixed, the deterrence equation changes radically because intent can now be communicated clearly from the aggressor as well as the defendant. The action taken by the aggressor in this case has a clear communication of causing damage or holding the defendant's assets at risk. The defendant can deter the aggressor's actions using offensive cyber capabilities, law-fare or diplomatic options. A prohibitive cost can be imposed on the aggressor with a clear communication of what actions are not acceptable and will certainly invite reprisal. Scope for deterrence by threat of punishment and imposing a balance of terror can be established in building up thresholds and limits to warfare in the virtual plane.

It is important that the 'punishment' or retaliation is graduated or calibrated to demonstrate the commitment of the defendant and escalatory potential of the aggressor's actions. In the cyber-domain this is a difficult task, because thresholds that

62 Martin C. Libicki, "Cyberdeterrence and Cyberwar", Rand Project Air Force, 2009, p.73, https://www.rand.org/content/dam/rand/pubs/monographs/2009/RAND_MG877.pdf

exist in the nuclear or conventional sphere are not automatically replicated in this domain. The cyber domain, like the sub-conventional, is largely without thresholds; however unlike the sub-conventional realm, attribution and intent are even more difficult to establish. This may or may not hold when parallel execution of capabilities in more than one dimension of the 4D conflict spectrum takes place. It is therefore an imperative that other means are established to build thresholds or pave the ground for subsequent measures of reprisal.

In 2018, after failing to impress upon the Chinese to desist from cyber-espionage through diplomatic channels, the US resorted to law-fare as a measure of escalation. The United States Department of Justice charged five People's Liberation Army (PLA) personnel for account hacking, economic espionage and other offenses directed at six American victims in the US nuclear power, metals and solar product industries.⁶³ The accused were identified as Wang Dong, Sun Kailiang, Wen Xinyu, Huang Zhenyu, and Gu Chunhui, all officers in PLA's Unit 61398.⁶⁴

Interestingly despite being victim to numerous cyber-espionage attacks, not a single First Information Report (FIR) has been filed in any of the cyber-espionage cases in India. Although an FIR was filed in the Marwaha case, this was qualitatively different, because the espionage did not occur purely though cyber-space; rather it was a violation of India's

63 "U.S. Charges Five Chinese Military Hackers for Cyber Espionage Against U.S. Corporations and a Labor Organization for Commercial Advantage", Office of Public Affairs, Department of Justice, Government of United States of America, May 19, 2014, <https://www.justice.gov/opa/pr/us-charges-five-chinese-military-hackers-cyber-espionage-against-us-corporations-and-labor>

64 Shannon Tiezzi, "US Indicts 5 PLA Officers For Hacking, Economic Espionage", The Diplomat, May 20, 2014, <https://thediplomat.com/2014/05/us-indicts-5-pla-officers-for-hacking-economic-espionage/>

Official Secrets Act (OSA), 1923, by an individual who had been compromised through the social media.

Perhaps the reason for not investing diplomatic capital or engaging in law-fare is the realisation that the anarchy that prevails in the intentional system and global cyberspace offers no effective option to secure justice or reparation. Not setting the process of investigation into motion, however, disallows India from bearing to affect any of the international treaties in cases, where significant detail and hard evidence can potentially be unearthed.

The importance of making this a mandatory practise cannot be overstated because the potential for cyber-espionage manifesting or leading to a follow-up physical attack has a high probability, given the increasing dependency of states and militaries on IT and cyber infrastructure. Here, law-fare introduces an additional step in the escalation-de-escalation ladder, providing for greater flexibility in deterrence choices for the defendant. This is especially true in cases where cyber warfare is not limited to espionage or the cyber domain; and where the intent is rather to cause dangerous physical damage. Wading into law-fare could credibly demonstrate that next step would be definite offensive action to cause unbearable damage to the adversary. The threat of mutual-hurt can build thresholds. It is necessary because pure defence is not an option in this Conflict Spectrum.

Retaliation in the 4D-Conflict Spectrum
Retaliation limited to the Cyber Domain
Law-Fare
Diplomacy

Figure 4. Escalation-De-escalation Ladder (Deterrence by Threat of Punishment)

Figure 4 above describes a basic escalation-de-escalation ladder that has the following four levels; Diplomacy, Law-fare, Retaliation limited to the virtual plane and Retaliation in the 4D Conflict Spectrum. Of these India needs to focus and develop capabilities on the second and third rungs of the ladder, to assure the adversary of a credible response. Law-fare inflicts reputational costs on the adversary, and can impose political and economic coercion. It is, moreover, a necessary step in persuading and signalling to the aggressor that future actions will provoke a definite retaliation⁶⁵. Retaliation in the cyber domain would then demonstrate the will and capacity to cause physical damage, instilling fear of reciprocity in the aggressor. By and large, the deterrence should be designed to hold at the third rung of the ladder, because anything that escalates to the fourth rung will essentially be a failure of deterrence.

Conclusion

Parallel warfare in different segments of the conflict spectrum is no longer an imaginary scenario. Cyber-space has transformed the Conflict Spectrum from a discrete field to a continuum, where cyber-space's interaction with other forms of warfare is as real as it gets. The cyber-sub-conventional continuum is one of the more powerful iterations in this spectrum, and has greater probability and potential for powerful attacks.

Warfare can be limited in its objectives, geographical extent, duration, means (range of weapon systems) and intensity; but in a 4D conflict spectrum, where cyber-warfare is an essential complement or supplement to other forms of warfare, there

65 Martin C. Libicki, *op. cit.*, p.110

are no limits of geography, duration, means or intensity. Unlike the physical spectrum, limits in the virtual world are difficult to establish, impose or uphold in the absence of order in the international system; and just like the physical world, thresholds in the virtual plane need to be established, assessed and re-established over a period of time. This absence of limits extends to targetting civilian and military realms equally. Finally, investment in defensive capabilities is necessary, but is not sufficient; offensive capabilities are needed to assure hostile actors – both enemies and frenemies – that their physical assets are also held at gun-point. A balance of terror approach works best in the new Conflict Spectrum.

South Asian Diasporas and Security

S.D.Muni¹

Diaspora studies remained focused on cultural and economic aspects for a long time. In recent decades, however, after the end of the Cold War and spread of globalization, attention also started being paid to the security aspects of Diaspora. This has been so, primarily, because Diaspora has come to be identified as an important source of support to various ethnic and ideological insurgencies and even terrorist movements and organisations in the developing world. A Rand Corporation Study released in 2001 went to the extent of suggesting that, in the post-Cold War period, “Diasporas have become a key factor in sustaining insurgencies.” Earlier these insurgencies attracted state sponsorship and support during the Cold War from the great powers and their allies.² The study noted:

The withdrawal of super power support in the early 1990s has already caused the collapse of several insurgencies that depended on Moscow to survive.

1 Professor Emeritus, Jawaharlal Nehru University, New Delhi

2 For a reference to this study in relation to South Asia, see Aziz Hanifa, “Diasporas growing clout over home countries”, Times Internet Network, December 03, 2000, https://m.timesofindia.com/Diasporas-growing-clout-over-home-countries/amp_articleshow/1812033440.cms

In addition, the increasing number of ethnic and communal insurgencies relative to ideological conflicts increases the relative prevalence of Diaspora support.³

The security role of Diaspora may be seen in a much wider canvas involving both positive and negative aspects. The positive aspects may include the role of even a passive Diaspora by contributing to the home country's economic stability and its foreign exchange resources through remittances, or through political support on issues of relevance to the interests of the home country. Diaspora achievements and even presence also give greater visibility to the home country in the host country and the world at large, through skills, competence and entrepreneurship. This in the long run contributes towards building traditional and non-traditional security of the home country. In case of many countries Diaspora representatives lend their experience, skills and resources (in the form of investments) in improving developmental conditions in the home country. The names of Sam Pitroda in launching India's communication revolution, and that of the Nobel laureate Dr. Amartya Sen, Raghuram Rajan and many other economists in improving India's economic management, may be recalled as examples.⁴ Pakistan has drawn many of its Ministers and even Prime Ministers from its Diaspora community.⁵ To

3 "Trends in Outside Support for Insurgent Movement", RAND Corporation, Santa Monica, California, 2001, Chapter Three of the study. www.rand.org/publications/MR/MR1405.Ch.3.pdf. As quoted in the study, the shift of support to insurgencies from great powers to the Diaspora has been documented in Byman and van Evera's work of 1998. (pp. 39-43).

4 For a detailed discussion of India's outreach to Diaspora, see: Davesh Kapur, *Diaspora, development and Democracy: the domestic Impact of International Migration From India*, Oxford University Press, 2010.

5 S. Akbar Zaidi, "Influencing from Afar: Role of Pakistani Diaspora in Public Policy and Development in Pakistan", in Tan Tai Yong and Md. Mizanur Rahman (eds); *Diaspora Engagement and Development in South Asia*, Palgrave Macmillan, New York, 2013, pp. 41-55.

facilitate such a positive role of the Diaspora community, India embarked on a systematic Diaspora policy in 2001 that has gained further momentum subsequently. Under Prime Minister Narendra Modi, Diaspora has emerged as a forceful factor in India's exercise of soft power in its foreign policy.

Negatively, the Diaspora has also been involved in hurting the economic stability and strength of the home country by indulging in money laundering and tax evasion. In recent years, the Diaspora has acquired critical significance with regard to their involvement in a number of raging insurgencies.

Considerable theoretical efforts have been made and are being made to delineate various dimensions of the Diaspora's security role. The gathering momentum of globalization – under which communities are moving and settling beyond national boundaries, and where the concept of ethnic identity has acquired a global spread due to faster and effective means of communications – has naturally made the subject of Diaspora studies far more complex and challenging. Post-9/11 concerns have led the US to get yet another Rand study completed on the Muslim Diaspora, so as to find ways and means to deal with the security aspects arising out of the presence of Muslim groups all over the world.⁶

The term Diaspora dates back to 800-600 BC, when it was used as a Greek expression ('sow widely') in reference to the "colonization of Asia Minor and the Mediterranean."⁷ In the contemporary sense, "Alam Gamlen identifies three essential attributes of Diaspora: dispersion to two or more locations, ongoing orientation towards a 'homeland' and group boundary

6 Angel M. Rabasa, Cheryl Benard, Peter Chalk, C. Christine Fair, Theodore Karasik, Rollie Lal, Ian Lesser and David Thaler, *The Muslim World After 9/11*, Rand Project Air Force, MG-246-AF, pp. 1-564.

7 Robin Cohen, "Diasporas and the nation-state: from victims to challengers", *International Affairs*, Volume 72, Number 3, 1996, pp.507-520.

maintenance over time.”⁸ Accordingly, Diaspora is used for the people who have common origins and reside outside their homeland in more than one country. While some analysts emphasize this residence on ‘permanent basis’, others look at it in a broader sense to include ‘expatriates, expellees, political refugees, alien residents, immigrants and ethnic and racial minorities’.⁹ They may also be identified as ‘old’ and ‘new’ Diaspora without differentiating between permanent settlers and short term migrants (such as students, labour working on fixed contracts and temporary assignments, professional and highly skilled workers, illegal migrants, refugees etc.) in terms of their role.¹⁰ Not every Diaspora is either inclined or equipped to play a political and security role. Some of the Diaspora groups are passive. They concentrate on the assignments and obligations for which they are in a foreign country and return after fulfilling such obligations. Other Diaspora groups are active, influencing life in their mother country as also the country of residence and adoption.¹¹

The active Diasporas influence life both in their home as well as their host countries. While some groups concentrate on either of the two, others are effective in both the places. Influence in the home country often works through ethnic linkages. Sympathy and support for ethnic or regional issues in the home country,

8 As quoted in Tan Tai Yong and Md. Mizanur Rahman (eds), *Diaspora Engagement and Development in South Asia*, 2013, Palgrave Macmillan, New York, p. 2.

9 See for instance, Gabriel Shaffer, (Ed.), *Modern Diasporas In International Politics*, 1986, St. Martin’s Press, New York. William Shafran, “Diasporas In Modern Societies: myths of homeland and return”, *Diaspora*, Volume 1, Number 1, 1991. Also see his “Ethno-national Diasporas and Security”, in *Survival*, Volume 36, Number 1, 1994.

10 Gopinath Pillai (Ed.), *Political Economy of South Asian Diaspora: Patterns of Socio-Economic Influence*, 2013, Palgrave Macmillan, New York, p.2.

11 Yossi Shain and Aharon Barth, “Diaspora and International Relations Theory”, *International Organisation*, Volume 57, 2003, pp. 449-479.

that may otherwise be a cause of concern in the home country, generally emerges from a deep-seated psychological search for cultural identity. In due course, political interests also evolve. In the host country, wherever Diaspora size, organisation and economic strength is considerable, it can influence the political and security situation in many different ways. There are instances where the representatives from the Diaspora groups have even assumed political and administrative authority of significance in the host country.

The worst of the security challenge posed by the Diaspora community was evident in the 9/11 incident, where jihadi groups settled in the United States but linked to Al Qaeda were involved in attacks on key political, military and economic targets in their host country, the US. The 'global war on terrorism' launched under US leadership against such groups, which are spread all over the world, and including the US and Europe, has added a new dimension to the presence and role of Muslim Diasporas.

The degree to which the Diaspora can influence life in the host and home countries depends on several factors. The Diaspora must know what precise role it wants to play and whether it has necessary means, motives and opportunity to do so. The nature of the role played by Diaspora would also depend upon the willingness or acceptance of that role by the home or the host country. Globalization has meant, however, that it has become increasingly difficult to deter a determined Diaspora completely from doing what it wants to do. The context of the regional and international situation, as also the nature of the political system operating in the host and/or the home country, may sometimes create difficulties in the role the Diaspora may play, but such a role cannot be completely thwarted.¹² The nature

12 Ibid.

and degree of Diaspora influence would also depend on the numerical and financial strength that come under the 'means' and the organization that can mobilize Diaspora resources.¹³ There are, however, instances where a small Diaspora group, even by mobilizing resources from outside the host country, can play a major role. The Liberation Tigers of Tamil Eelam (LTTE) of Sri Lanka and Jews are a typical example of the disproportionate role small Diasporas can play. This adds another interesting dimension to Diaspora studies, where their role has also to be viewed from an international level, when a cognate ethnic group, like the Muslims, Tamils, Buddhists, Jews etc., is present in more than one country in significant numbers.

Of critical concern with regard to the security role of Diaspora in the home country is in relation to raging insurgencies and conflicts. This role is played through a series of significant and effective activities. The Diaspora can help fund conflicts back home through fund raising and remittances. Systematic campaigns have been launched by Diaspora groups to raise funds, both through the members of the community and other sources. Studies on Diaspora philanthropy have been carried out, but the use of funds collected often goes beyond the concept of philanthropy.¹⁴ Such funds are not raised for sustaining conflicts and insurgencies alone, but also for a range of social, economic and philanthropic activities. The fund-raising activity may also extend to payments for arms and organizing supplies of such arms to the home based conflict, as was the case with the LTTE of Sri Lanka and the Khalistani

13 Feargal Cochrane, *Migration and Security in Global Age: Diaspora Communities and Conflict*, 2015, Routledge, London/New York.

14 Geithner Peter F, Paula D. Johnson and Lincoln C. Chen (Eds), *Diaspora Philanthropy and Equitable Development in China and India*, 2004, Harvard University Press, London.

(Sikh extremists) groups of India, and Diaspora based in Canada and other places.¹⁵ Besides fundraising, the Diaspora groups also perform lobbying for the cause of the conflict at home, such as ethnic rights, autonomy or even political change. They lobby to influence host countries policies in this regard as also to influence world public opinion and catalyze political action. This is also done through the management of publicity and media campaigns. In some cases, Diaspora organizations even recruit volunteers for either fighting in the conflicts at home or in conducting political campaigns and providing logistic and other support. Sri Lankan Tamils and Palestinians are prominent among groups that have engaged rather vigorously in such lobbying. Thus the means through which Diaspora contribute to conflicts at home are many and diverse. All these activities involve commitment, sustained effort and material resources on the part of the politically active Diasporas.¹⁶

Within the parameters outlined above, it is useful to look at the role of the South Asian Diasporas and their impact on security-related issues. To begin with, a general idea of the South Asian Diasporas is necessary.

Structure of the South Asian Diasporas

South Asian countries have widespread Diaspora groups all over the world. The countries accounting for most of such groups are India, Pakistan, Bangladesh and Sri Lanka. The Nepalese have a huge settlement in India and scattered presence in many other countries, and they too were seen to be very active during the critical phases of the struggle for democracy

15 For more details on these groups see, Christine C. Fair, "Diaspora Involvement in Insurgencies: Insights from Khalistan and Tamil Eelam Movements, Nationalism and Ethnic Politics, Volume II, 2005, pp.125-156.

16 Ibid. Also, Gabriel Sheffer, "Ethno-National Diasporas and Security", in *Survival*, London, Volume 36, Number 1, 1994, pp.60-79

during the 1960s and 1989-90, and even more so during the ten years long (1996-2006) Maoist insurgency.

The Indian Diaspora is perhaps the largest in size and oldest, commensurate with the historical character and largest population size of the home country. Before 1947, almost everyone who went out of South Asia was an Indian, because Pakistan and Bangladesh did not exist, and even Burma (now Myanmar) and Sri Lanka, were the parts of the British Indian empire for significant durations. The British were free to let populations move in imperial interests across their territorial possessions. The British took Indians as indentured labour during the 19th century to countries like Mauritius, Trinidad, Guyana, Surinam, Fiji and South Africa. Indian labour and service people also went to neighbouring countries like Sri Lanka and Burma, to help develop the British colonial economy in the estate sector, or in lower administrative and law and order positions. With labour also went the traders, particularly from Gujarat. According to some estimates, in 1900, Indians constituted half of the Burmese population of about 240,000. Indians were also a sizable presence in the Caribbean and the Pacific Islands.

The latest trend in Indian Diaspora formation is the movement of what is called, Indian “cyber coolies” in the developed North and white collar workers and menial labour in the West Asian countries. It is believed that since 1980, no less than 113,000 Indians have been leaving for work in these countries every year. During the years 1992-97, more than 400,000 Indian workers went to West Asia every year.¹⁷

It is not easy to have a precise calculation of the size of the South Asian Diaspora. Some estimates put their number at more than 50 million, including: the Indian Diaspora: 25 to 30

17 Vinay Lal, “Labour and Longing”, in Seminar, Special Issue on “The Diaspora”, Number 538, June, 2004, pp. 14-26.

million; Bangladeshi (excluding the so-called illegal migrants in India): 7 to 9 million; Pakistani: 5 to 7 million; Sri Lankan: 2 to 3 million; Afghan: 4 to 5 million; Nepali (excluding those in India): 2 million.¹⁸ The latest official number of the persons of Indian origin present overseas, computed in December 2017, is more than 31 million (312,33,234). Of this, Indian citizens are 13,327,438 and Indians of other nationalities are 17,905,796.¹⁹

Internal conflicts in South Asia have been a major source of the out flow of people. The Sri Lankan Diaspora witnessed a spurt over two decades of civil war, when most of the young Tamil boys left their country to escape ethnic conflict and earn living for themselves and their families. An estimated 700,000 Tamils are living outside Sri Lanka. UN estimates in 2001 put this figure at 817,000. The total number of Sri Lankans, including Sinhalese and other communities, is believed to be around 1.2 million. On an average, more than 70 per cent of them are female domestic workers. The percentage of high level occupational groups is very low, around five per cent.²⁰ It is not clear if those who left Sri Lanka in the wake of the ethnic insurgency have returned after the military elimination of the LTTE in 2009. The Sri Lankan Diaspora is located in significant numbers in the US, Canada, UK, Australia and West Asia. Canada, perhaps, accounts for the largest number of Sri Lankan Tamils, up to 155,000, almost 85 per cent of them located in Toronto.²¹ In Europe, Sri Lankan Tamils are concentrated in the UK, Germany and the Scandinavian region.

18 Tan Tai Yong and Md. Mizanur Rahman, op. cit., Number.7, p. 3

19 Figures put out by the Ministry of External Affairs, Government of India. http://mea.gov.in/imagees/attach/NRIs-and-PIOs_1pdf

20 These estimates are based on the data provided by the *Sri Lankan Bureau of Foreign Employment*, Ministry of Foreign Employment, Government of Sri Lanka <http://www.slbfe.lk/>

21 *The Economist*, January 2, 2003. Also see the web magazine *Asian Tribune*, January 6, 2003.

While large sections of these Sri Lankans are domestic servants and menial workers, some in the developed North, like Canada, the US and the UK, are also professionals in the fields of legal and medical practices. A small number of Sinhalese also belong to these professional groups.

The Indian Diaspora is present in large numbers in the US, UK, West Asian countries, Southeast Asia, and immediate neighbourhood, particularly Nepal, Sri Lanka and Myanmar. Independent India faced a large exodus of its people from Sri Lanka, Malaysia and (then) Burma during the early sixties as a result of economic and citizenship policies in these countries. The professional character of the Indian Diaspora in all these countries and regions differs. While in the US and UK, Indians constitute well to do, professionally skilled and trading groups, in South East Asia they are mostly domestic and factory/agricultural workers, petty traders, construction workers and low grade service providers. However, lately the number of professionals is also increasing in some of these countries, particularly Singapore. It is the Indo-Americans who constitute the most influential group, occupying important positions, political clout and economic strength in the US. The per capita income of the Indian community in the US is computed at US\$ 60,000 and more, as compared to the average per capita income of the US citizens at US\$ 38,885. Members of the Indian Diaspora community have also attained notable political clout in the US where they have not only contested for the State Governorship but have also made it to the group of Presidential aides and advisers. In countries like Fiji, Mauritius, and Trinidad-Tobago, Indians have come to dominate the political system, even assuming the highest positions of Prime Ministers and Presidents.

The Pakistani Diaspora is prominent in West Asian countries, as well as the United States and United Kingdom. The strength of the Pakistani Diaspora is officially estimated

(registered with the Overseas Pakistani Foundation) to be four million strong, but there is also a sizable number of Pakistanis abroad illegally. Since the 1960s, most Pakistanis have been going to the UK and US, but in recent years, particularly after 9/11, their numbers have augmented even further in West Asia.²² Pakistanis have also spread out to the Asia-pacific region, particularly to countries like Malaysia. In terms of occupation, most of the Pakistanis living abroad are in the production sector. The percentage of professionals is very low, not more than 10 per cent. Pakistan has also received a large number of migrants from its neighbour Afghanistan over the past three decades and more.

The Nepalese and Bangladeshis have a sizable presence in India. In the former case, under legal provisions of the 1950 treaty, they have free access to India. In the latter case, the principal flows have been as illegal economic migrants.

Security Imperatives

The security role and dimension of the Diaspora impinges both on the host as well as the home country, as noted earlier. South Asian countries are both host as well as home countries in this context. Pakistan hosts about 1.3 million Afghan refugees according to the United Nations High Commissioner for Refugees (UNHCR) estimates. Bhutan hosted a large (more than a third of its total population) Nepali Diaspora for a long time, till they were pushed out under its new citizenship laws enacted during the 1990s. As a result, more than a 100,000 refugees had gone to Nepal from Bhutan by 1996. India is the largest host of South Asian Diasporas coming in the form of refugees. As a host country, India has a sizable presence of persons of Nepali and Bangladeshi origin. The presence of Nepalis in India, estimated to be nearly 8 to 10 million is covered

22 *Human Development Foundation*, June 18, 2002, <http://www.hdf.com/>

under the provisions of the Treaty of Peace and Friendship signed between the two countries in 1950. Under the provisions of this Treaty, India is obliged to give equal treatment to the Nepalis with that of its own citizens. While Nepalis enjoy equal treatment with the Indians in India, persons of Indian citizen in Nepal do not get reciprocal treatment under the Treaty.²³

The presence of Bangladeshis in India is not covered by any bilateral Treaty or agreement and is outright illegal. Authentic estimates of their strength are not available, but approximations range from 12 to 15 million. Security implications of this large presence of the persons of foreign origin in India have long been a subject of concern and as source of political tensions and conflict over decades. It is in this respect that the project of a National Citizens Register (NCR) was launched in India's North-eastern State of Assam, mainly to identify illegal immigrants from Bangladesh, and has become an issue of national controversy.²⁴ India has seen an inflow of refugees from many other neighbouring countries, and they also raise security concerns that need to be addressed.²⁵ The security concerns of a host country arise out of the burden on economic security and stability, illegal activities like human trafficking, smuggling and socio-economic disruptions, law and order problems and the involvement of outsiders in insurgent and terrorist activities.

The security dimensions of the South Asian Diaspora outside the region have three aspects: the security of the Diaspora in the host countries; security concerns from the Diaspora for the

23 Details have been discussed elsewhere. See S.D.Muni; *India and Nepal: A Changing Relationship*, 1992, Konark Publishers, New Delhi.

24 Naresh Mitra and Rajib Duttal, "40% names not included in the first draft of Assam citizens register", *Times of India*, January 02, 2018.

25 For one of the early studies on this subject see S.D.Muni and Lok Raj Baral (eds), *Refugees and Regional Security in South Asia*, 1996, Konark Publishers, New Delhi,

home country; and security issues posed by the South Asian Diaspora in the host country. The threats to Diaspora in the host country arise from conflicts of the host country, both internal and with its neighbours or other adversaries; political turbulence; economic and other legal changes affecting the living conditions of the South Asian Diaspora; natural disasters; terrorist attacks or impact of terrorism; and lone wolf attacks and hate crimes of the local population against members of the Diaspora. Since the location and jurisdiction of all these sources of threat are beyond the control of the affected home countries, there is not much that the home state can do to pre-empt, deter or control them. The only way out in extreme situations is to evacuate the affected Diaspora population to safe places and take them out of emerging security-traps, depending upon the capability of the affected country.

Security concern of the home country from its Diaspora in situations of ethnic and sectarian conflicts has been a much-debated subject. The Diaspora has organized financial and political support and even mobilization of arms and sanctuaries for their conflict- and insurgency-affected brethren in the home countries. Sri Lanka faced this challenge from its Tamil Diaspora while fighting the LTTE, Nepal faced this problem during its Maoist insurgency, Pakistan has been coping with the support coming to Sindhi and Baluch nationalists from its Diaspora, and India experienced the pressure during the intensification of Kashmir and Khalistani turbulence. A number of studies on the aspects of Diaspora support – fund raising, lobbying for political support etc. – to insurgencies and ethnic conflicts at home in South Asia document details of each of these cases.²⁶

26 Christine C. Fair, n.14; S.D. Muni, “Globalisation and South Asian Insurgencies”, in Jorge Heine & Ramesh Thakur ed., *The Dark Side Of Globalisation*, UN University Press, Tokyo, New York, Paris, 2011, pp. 123-143. Frederic Grare, “Pakistan: The Resurgence of Baluch Nationalism”, *Carnegie*, Paper Number 65, January 26, 2006.

The third security dimension of the South Asian Diaspora becoming a threat to the host country or third countries has not yet been a major issue, except in the case of Pakistan. In post-9/11 terrorism, Pakistan has been increasingly identified as the hub of terrorism and the Pakistanis residing abroad are suspected to be linked to jihadi forces. In relation to the US, a Pakistani scholar Akbar Zaidi notes:

With the Taliban, Al-Qaeda and the Americans, all having a marked presence in Pakistan, the Pakistani Diaspora links itself to any of these signifiers. Faisal Shahzad, the son of a very senior Pakistani armed forces officer, born in Pakistan and a naturalized American, who tried to bomb Times Square in New York, is one such example of Pakistani Diaspora.²⁷

There are several examples of the involvement of the Pakistan Diaspora in acts of violence and terrorism in the US and other countries. There are several reports on the involvement of members of the Pakistani Diaspora in Islamic State and al Qaeda activities in the Middle East and elsewhere. The jihadi influence is also increasingly visible in the Pakistani Diaspora in Britain.²⁸

Security and the Indian Diaspora

India has one of the largest and most widespread Diaspora, as compared to its other South Asian neighbours. It may not be an unfair to say that India has dealt with Diaspora security issues more successfully than any of its other regional neighbours. The major security challenges faced by India in this respect

27 Akbar S. Zaidi, in Tan Tai Yong and Mizanur Rahman, op.cit, Number 7, p. 43.

28 Pnina Werbner, "Religion, politics and Islam in the South Asian Diaspora", in Gopinath Pillai ed., *The Political Economy of South Asian Diaspora*, Number 9, pp. 125-142.

have been the security of its Diaspora in internal conflicts or radical disruptions in the host countries. As mentioned earlier, it has not been possible to pre-empt situations leading to the security trap for the Diaspora. What has, however, been addressed effectively is the task of rescue and rehabilitation. India's responses to such situations have gradually evolved, building on its experiences and also introducing changes in its overall Diaspora policy.

India was found wanting in situations of exodus of its Diaspora from some of the African countries during the first decade of its Independence. From the beginning of the 1960s New Delhi undertook several operations to evacuate its Diaspora in distress in their respective home countries. In a comprehensive study of such operations, Constantino Xavier observes that there may have been nearly 30 such evacuation operations since 1947, involving land, air and naval lifts. The largest of these operations was in 1990 (August-October) from Kuwait on the eve of the first Gulf War, involving some 200,000 people.²⁹ This was the largest civilian airlift in history, inspiring some Bollywood movies. In these evacuation operations, India was constitutionally obliged to rescue its own citizens. But the Indian evacuation operations have gone beyond the constitutional mandate and, on humanitarian grounds, helped citizens of many other countries trapped in conflict situations, including those of India's neighbours.³⁰

With internal conflicts persisting and becoming intense in some of the countries where Indian Diaspora is present in significant strength, this aspect of security of the Diaspora is

29 Constantino Xavier, "India's Expatriate Evacuation Operations" Carnegie India Study, *Carnegie Endowment For International Peace*, Washington, 2016.

30 Guru Aiyar, "A strategic diaspora security policy", *Live Mint*, July 22, 2016, <https://www.livemint.com/Opinion/1Y8a4IMiP8ibfiXnRNvZpN/A-strategic-diaspora-security-policy.html>

becoming complex and challenging. Acts of terrorism against innocent Indians working in countries affected by religious and sectarian extremism like Afghanistan, Syria, Libya, Lebanon, Iraq, etc., are becoming frequent. There are also instances of terrorist attacks and hate crimes in Europe, Australia and the US. In responding to such situations India's diplomatic and intelligence outreach has been put to severe test. India has responded to such situations generally effectively, but not without lapses and domestic criticism. The grim reality of 39 Indian workers abducted from Mosul in Iraq in 2015, and confirmed dead in March 2018, reveal the complexities involved in such cases. The Indian Government took almost four years to confirm the death of these people, despite evidence available soon after the abduction.³¹

The organization and strength of the Indian Diaspora has also worked against India's own security interests, in terms of support for insurgent groups within India. The Sikh Diaspora's role during the insurgency in Punjab illustrates this point rather vividly. The Kanishka bombing (Air India Flight 182) engineered by Canada-based Sikhs in June 1985, which killed 329 innocent passengers and crew, was dramatic and ghastly evidence of this. The Khalistani movement with its Diaspora support escalated even after the assassination of Prime Minister Indira Gandhi in 1984,³² and despite the comprehensive defeat of the movement on Indian soil, continues to agitate elements within the Diaspora. The support to Khalistani separatists

31 Foreign Minister Sushma Swaraj made this disclosure in Indian Parliament on March 19, 2018. See news paper reports, *Indian Express*, March 20, 2018; *The Hindustan Times*, March 20, 2018.

32 Vipin Pubby, "Khalistan stays alive abroad", *Indian Express*, October 3, 2012; Ushinor Mojumdar, "Panth and a foreign hand", *The Outlook India*, February 12, 2018; Also see for background, a CIA Report, "India and the Sikh Challenge", Central Intelligence Agency, <https://www.cia.gov/library/readingroom/docs/CIA-RDP06T00412R000606740001-7.pdf>

in India from Canada became a sensitive issue during the Canadian Prime Minister Justin Trudeau's visit to India in February 2018.³³ There was, similarly, strong support to the Kashmir issue from Kashmiri Diaspora in the US and Britain. However, in view of improved relations between India and these countries over the past decade, this support has been substantially contained.³⁴

Policy Perspective

With dynamic economic growth and deepening engagement with the forces of globalization, the South Asian Diaspora is going to become larger and more diversified. The policies and strategies to approach and outreach to Diaspora will also have to evolve in the process. At present, not many South Asian countries have such policies and those, including India, Pakistan and Bangladesh, that have evolved the rudiments of policy, will also need revamping on many counts.³⁵ India made its first systematic attempt to define its Diaspora policy in 2001, largely with a focus on economic and developmental aspects, to harness the Diaspora as a resource. The basic document prepared after extensive field work at various places of concentration of the Indian Diaspora, the Report of the High Level Committee

33 Suhasini Haider, "Khalistan becomes issue between India and Canada again", *The Hindu*, February 19, 2018. <http://www.thehindu.com/news/national/khalistan-becomes-an-issue-between-india-and-canada/article22799232.ece>

34 Martin Sokefeld, "The Kashmiri Diaspora in Britain and Limits of Political Mobilisation", in Astrid Wonneberger, Mijal Gendelman-Trier, Hauke Dorsch eds., *Migration-Networks-Skills. Anthropological Perspectives on Mobility and Transformation*, Bielefeld, transcript, 2016. <https://epub.ub.uni-muenchen.de-41164/1/Sockefeld-2016-kashmiri-Diaspora-in-Britain-and-the-limits-of-political-mobilisation.pdf>

35 For a comparative analysis of South Asian Diaspora policies see, Smita Tiwari, "Diaspora Engagement Policy in South Asia", in Tan Tai Yong and Mizanur Rahman eds., Number 7, pp. 212-230.

on the Indian Diaspora,³⁶ did not reflect any concern for the security aspect. The Diaspora outreach policy that emerged out of that document has been periodically reinforced by providing facilities and incentives to the Diaspora to encourage involvement in India's development process. India has also mobilized its Diaspora on critical political and strategic issues, such as the Indo-US Nuclear deal. There has, however, been no attention to potential threats to and threats from the Diaspora.

As noted earlier, India has carried out many successful operations to get its Diaspora out of security traps in various countries. But this has not been without many lapses and shortcoming, and Standard Operating Procedures (SOP) for such operations remain undefined. There has also been a demand for the past nearly eight years to set up a Non-Combatant Evacuation Organisation (NEO), which remains on files. The then Navy Chief N.K. Verma noted in 2011, based on his experience of evacuation from Lebanon, that NEO must be a priority;

With the increasing presence of our people and investment overseas, the need to provide security assurance in times of crisis is also growing. In the recent past, the Navy has been called upon to provide relief to our Diasporas in the form of non-combatant evacuation... Given the prevailing strategic uncertainty, it is likely that such instances would increase in the future. Our future maritime strategy must therefore build in the capability to provide requisite security assurances to our Diasporas abroad.³⁷

In past evacuation operations, difficulties in coordination between different services, particularly the Navy and Air

36 "Report of the High Level Committee on Indian Diaspora, *Ministry of External Affairs*, Government of India, December 19, 2001, <https://www.mea.gov.in/images/pdf/1-executive-summary.pdf>

37 As quoted in Constantino Xavier, *Carnegie Report*, op.cit,

Force, as also among different departments and ministries, have been experienced. Adequate guidelines and procedures need to be laid down to make future operations more effective and streamlined.³⁸

There is also need for closely monitoring the movements of various Diaspora groups and the activities of their organisations and networks to ensure that there is no support from them to insurgent, extremist and separatist movements within India. India's intelligence agencies and the diplomatic missions abroad do this on a casual and ad hoc basis. It was hoped that the creation of a new ministry for Persons of Indians Origin (PIOs) would handle such responsibilities more systematically, but this Ministry has now folded up as a result of lack of coordination with Ministries of External Affairs and Home.³⁹ Lack of coordination among different relevant departments and stake holders, corruption, inefficiency and political interference have also complicated the task of dealing with the security challenges posed by the Diaspora of other countries (including illegal migrants) within India.

The Diaspora is a powerful national asset as well as a source of concern. South Asian countries need to shape resilient and credible policies to harness this asset properly and safeguard their respective national interests from its negative, security related hazards.

38 Discussed in Constantino Xavier, *ibid.*

39 The Ministry of Overseas Indian Affairs was set up in May 2014, and was merged with the Ministry of External Affairs in January 2016.

Pakistan: The Sectarian Expanse

D. Suba Chandran¹

Sectarian violence in Pakistan is not a new phenomenon. Though such violence has been in existence since the country's independence, however, sectarian expansions today creates an entirely new geography, from Gilgit to Quetta, targeting new segments of the population in ever widening locations. What started as a campaign against the Ahmadiyyas and enlarged to include the Shias, has now turned against Sufi and Barelvi Sunnis as well. In terms of perpetrators, new groups have emerged, more lethal than the earlier sectarian organizations. The Islamic State (also Daesh, formerly the Islamic State of Iraq and al Sham) is one of the latest entrants into Pakistan's landscape of sectarian violence. In terms of intensity, moreover, such violence has escalated dramatically, with growing access to modern weaponry and, particularly, the use of suicide bombers.

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Deep Roots

Sectarian conflict in Pakistan is not a monolith; nor is the course of sectarian violence continuous during the over seven decades since Pakistan's independence. Trends have waxed and waned, and there have been periods of sectarian peace.

During the initial decades of Pakistan's independence, the Ahmadiyya community remained the primary target of sectarian conflict. And they continue to be persecuted within Pakistan even today. Since the 1980s, the Shia community has also become the focus of Sunni sectarian extremism. During recent years, the Barelvi Sunni community is being targeted.

The major causes of sectarian conflict in Pakistan include, first, the fault line that underlies the larger Sunni-Shia conflict within Islam, which is reflected elsewhere, currently and most prominently in West Asia. Pakistan is not the only Muslim country to experience sectarian conflict, and this is not a post-1947 phenomenon – there is adequate literature to explain the conflict between these two communities in a historical perspective.

The second cause is, however, specific to Pakistan. The sectarian conflict within Pakistan can be explained as a national phenomenon, often linked to the unique dynamics of local environments. For example, the sectarian violence in the Jhang region in Pakistan – where an anti-feudal campaign coalesced with anti-Shia sectarianism – was specific, not only to the country, but to this part of it.

The third cause can be attributed to the role of state, especially the Deep State in Pakistan. While Islamist politics, with Sunni majoritarian overtones, underpinned both policy and politics from the very outset, but starting with then President General (Retd.) Zia ul Haq, the Deep State began to play a covert and overt role in exacerbating sectarian conflict.

Zia's efforts to legitimise his military rule, made him lean towards religion.² In the process, he identified with the Sunni Islam, causing alarm amongst the Shia community of Pakistan. Militant groups within the Sunni and Shia communities soon crystallized, with the Deep State siding with the former.

During this period, the Deep State's direct control of militant groups to achieve its own objectives vis-à-vis India and Afghanistan provided expanding spaces for these Sunni sectarian groups to further their own agenda domestically. Worse, the subversion of democratic processes and the deliberate undermining of incipient secular and liberal forces provided adequate political space for the sectarian groups. As the International Crisis Group (ICG) notes,

Sectarian conflict in Pakistan is the direct consequence of state policies of Islamisation and marginalisation of secular democratic forces. Co-option and patronage of religious parties by successive military governments have brought Pakistan to a point where religious extremism threatens to erode the foundations of the state and society.³

Fourth, these factors coincided with a regional development—the revolution in Iran and a new radical regime led by Ayatollah Khomeini. This, in turn, sparked a struggle for supremacy within the Islamic World—with Iran and Saudi Arabia contesting for the soul of the Ummah (the Muslim community). This struggle

2 See the following for the impact of Zia's rule on sectarian divide in Pakistan: Charles H. Kennedy, "Islamization and Legal Reform in Pakistan, 1979-1989," *Pacific Affairs*, Volume 63, Number 1, 1990, pp. 62-77; Vali Nasr, "Military Rule, Islamism and Democracy in Pakistan," *The Middle East Journal*, Volume 58, Number 2, April 2004, pp. 195-209; SVR Nasr, "Islam, the State and the Rise of Sectarian Militancy in Pakistan," in Christophe Jaffrelot (ed), *Pakistan: Nationalism Without A Nation*, Zed Books Ltd, London, 2002.

3 International Crisis Group, "The State of Sectarianism in Pakistan," *Asia Report* No 95, April 18, 2006.

reverberated not only in Pakistan, but across countries in North Africa, West Asia, South Asia and Southeast Asia, though West Asia and Pakistan became the primary battleground.⁴ Hussain Haqqani offers a simple explanation,

Soon after the Iranian revolution Pakistan became the staging ground for the anti-Soviet jihad in Afghanistan. Pakistan's intelligence service channeled around two billion dollars in covert American aid to anti-Communist guerrilla fighters in Afghanistan. Saudi Arabia and other Arab Gulf states also provided billions of dollars for the Afghan war, which was fought under the banner of Islamist ideology. Radical Islamists from all over the world poured into Pakistan to join the Afghan jihad. Some of these radicals morphed into al-Qaeda and other terrorist groups currently confronting the West.”

This should not be confused with the first cause – the historical struggle between Shia and Sunni. The Tehran-Riyadh struggle is primarily political, aimed at regional supremacy.

Fifth, the use of domestic and international non-State actors by Pakistan to achieve its own goals in the immediate neighbourhood – Afghanistan and India, gave a fillip to new militant groups – predominantly Sunni. From Lashkar-e-Taiba (LeT) to Harkat-ul-Mujahideen (HuM) – there were numerous groups within Pakistan, which fought in Jammu and Kashmir (J&K), as well as in Afghanistan, alongside the Taliban and its affiliates. Subsequently, these militant groups were also introduced to al Qaeda and its associates in the Af-Pak theatre; post 9/11, this link between the local militant groups and al Qaeda affiliates strengthened.⁵ With their Wahhabi/Salafi

4 Husain Haqqani, “Weeding Out the Heretics: Sectarianism in Pakistan,” November 1, 2006, <https://www.hudson.org/research/9769-weeding-out-the-heretics-sectarianism-in-pakistan>,

5 See the following: Zahid Hussain, *The Scorpion's Tail: The Relentless Rise of Islamic Militants in Pakistan-And How It Threatens America*, Free Press,

ideological orientation, al Qaeda and its affiliates exacerbated the Shia-Sunni fault lines within Pakistan. The escalation of sectarian violence within Pakistan post 9/11 is no coincidence.

Pakistan's deep engagement in Afghanistan since 1979, and the use of jihadi groups with support from the United States during the initial phase, and on its own since the 1990s, further made the Federally Administered Tribal Areas (FATA), Khyber Pakhtunkhwa (KP, then known as the North Western Frontier Province – NWFP) and Balochistan (in that order) as new bases for Sunni militant groups, safe havens and covert operations. If the involvement of Pakistan in J&K made the country's Punjab province a primary recruitment ground, its engagement in Afghanistan since 1979 made its western provinces volatile.

The sixth cause is the less explored, but an important – the impact of remittances from West Asia and what comes ideologically along with it.⁶ Thousands from rural Punjab, KP and Sindh work in the Gulf; the remittances from these countries have created a new class, sparking a disruptive upward movement. With new-found money, this population segment has been looking for a higher social and possibly political status as well. Religion and local mosques have become a part of their strategy to gain social acceptance for their new-found wealth. This phenomenon can be traced across South Asia, and not only in Pakistan, though the consequences vary. In Pakistan, this has given space for a new version of Islam with a Wahhabi/Salafi ideological root, and increasingly violent manifestations. This has caused a strain on the traditionally

2010; Hassan Abbas, *Pakistan's Drift into Extremism: Allah, the Army, and America's War on Terror*, M.E. Sharpe, Inc, New York, 2005; Paul Kapur, *Jihad as Grand Strategy: Islamist Militancy, National Security, and the Pakistani State*, Oxford University Press, New York 2017.

6 Pervez Hoodbhoy, "Saudization of Pakistan", Eqbal Ahmad Centre for Public Education, May, 2017, <http://eacpe.org/content/uploads/2017/05/Saudization-of-Pakistan-updated.pdf>.

Sufi fabric of rural society, galvanizing radical support against minority communities – both within and outside the Islamic fold.

Seventh, is the entry of new groups into Pakistan, accentuating sectarian fault lines. This happened/is happening at two levels – along the Af-Pak border and in mainland Pakistan – Punjab, Sindh and Balochistan. At the first level, in the Af-Pak border region, there is a heavy presence of al Qaeda and its affiliates. Sectarian violence in the FATA, especially in Kurram Agency has intensified, because of this factor. At the second level, in the mainland, new groups – owing allegiance to the Islamic State (Daesh), have come to overlay established Sunni militant and sectarian formations operating in Sindh, Punjab and Balochistan.⁷ Some recent sectarian attacks have been attributed to Daesh franchises in Pakistan.

Sectarian violence in Pakistan has clearly been evolving and expanding. Neither the targets nor the perpetrators remain the same, nor is the geographic expanse of Sunni extremism static. It is, consequently, necessary to map the trajectory of sectarian violence in Pakistan – in terms of geography, targets, perpetrators, as well as aims and the endgame the sectarian militants seek.

Mapping the Expanse of Sectarian Violence in Pakistan

During the initial decades, the Ahmadiyyas remained the primary targets of sectarian politics and violence. There was violence at the street level, especially during the 1953 and 1974 riots, and there was constant political pressure to declare the

7 “IS footprints growing in Pakistan: report,” Dawn, November 9, 2014, <https://www.dawn.com/news/1143272>; Zahid Hussain, “ISIS is no Taliban,” Dawn, July 9, 2014, <https://www.dawn.com/news/1117938>; Editorial, “Daesh in Pakistan,” The News, January 2, 2016, <https://www.thenews.com.pk/print/85855-Daesh-in-Pakistan>

Ahmadiyyas non-Muslims. In 1974, an amendment was passed by Parliament, declaring the Ahmadiyyas non-Muslims.

During the subsequent decades, especially during the 1980s and 1990s, the Jhang region in Punjab became the primary battleground of sectarian violence, principally because the region was dominated by a small clutch of Shia landlords, and the sectarian movement became a vehicle for anti-feudal protests.⁸ Since the 1990s, however, there has been a steady expansion of sectarian violence outside Punjab.

The following four streams could be identified of this sectarian expansion.

The Geographic Expanse: New Regions of Violence

Unlike the 1980s, sectarian violence is no more limited to a few districts in Punjab. It is widespread across the provinces, and also includes the Gilgit-Baltistan and Azad Kashmir regions of Pakistan occupied Kashmir (PoK). Thus from Karachi and Quetta to the south and west, to Gilgit in the north and Punjab in the East, sectarian violence now covers a huge geography.

While political developments in Gilgit Baltistan have always remained in the shadows, due to lack of access and

8 See the following studies for sectarian violence in Jhang: Mukhtar Ahmad Ali, *Sectarian Conflict in Pakistan: A Case Study of Jhang*, 2000, Regional Centre for Strategic Studies, Colombo; Tahir Kamran, "Contextualizing Sectarian Militancy in Pakistan: A Case Study of Jhang," *Journal of Islamic Studies*, Volume 20, Number 1, 2009, pp. 55-85; MA Zahab, "The Sunni-Shia Conflict in Jhang", in Imtiaz Ahmad and Helmut Riefeld (eds.) *Lived Islam in South Asia*, Social Science Press, New Delhi, pp. 135-148; Sarfraz Khan and Hafeez-ur-Rehman Chaudhry, "Determinants of Sectarianism in Pakistan: A Case Study of District Jhang," *Middle-East Journal of Scientific Research*, Volume 8, Number 1, 2011, pp. 237-243; MA Zahab, "Sectarianism as a Substitute Identity: Sunni and Shias in Central and South Punjab," in Soofia Mumtaz, Racine Jean-Luc, and Imran Anwar Ali (eds.) *Pakistan: The Contours of State and Society*, 2002, Oxford University Press, Karachi, pp. 115-128.

interest in the rest of Pakistan, sectarian violence remained more deeply shrouded, and there are few studies on the issue. However, sectarian violence in Gilgit-Baltistan during recent years has attracted attention in the mainstream media and also a few organizations.⁹ The region is demographically unique in Pakistan, with a Shia majority, unlike the rest of the country. Though divided further, between Noorbakshi and Ismaili Shia, Gilgit-Baltistan is the only part of the country, where Sunnis remain a minority. Since the 1970s, Pakistan has been encouraging Sunnis to settle in the region.¹⁰

This experiment in demographic re-engineering has created a new fault line in Gilgit-Baltistan. Government support for this process has encouraged militant groups targeting the Shia community, especially along the Karakoram Highway, the only physical link between the region and the rest of Pakistan. A series of attacks have been recorded, with escalations in 2005, 2010 and 2012.¹¹

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- 9 See the following: Aziz Ali Dad, "The sectarian spectre in Gilgit-Baltistan," *The News*, July 11, 2017, <https://www.thenews.com.pk/print/216901-The-sectarian-spectre-in-Gilgit-Baltistan-Part-IV>; Editorial, "Sectarian violence in Gilgit-Baltistan," *Daily Times*, April 5, 2012, <https://dailytimes.com.pk/110579/sectarian-violence-in-gilgit-baltistan/>; Izhar Hunzai, "Conflict Dynamics in Gilgit-Baltistan," USIP Special Report 321, January 2013, <https://www.usip.org/sites/default/files/SR321.pdf>; "Sectarian Conflict in Gilgit-Baltistan," PILDAT, May, 2011, <http://www.aboardthedemocracytrain.com/wp-content/uploads/2012/04/GB-SectarianConflit-BackgroundPaperEng-May2011.pdf>;
- 10 "Sectarian Conflict in Gilgit-Baltistan", PILDAT, May, 2011, <http://www.aboardthedemocracytrain.com/wp-content/uploads/2012/04/GB-SectarianConflit-BackgroundPaperEng-May2011.pdf>, p. 13.
- 11 See "14 killed in sectarian violence in Gilgit, Chilas," *The News*, April 4, 2012, <https://www.thenews.com.pk/archive/print/621417-14-killed-in-sectarian-violence-in-gilgit-chilas>; "Violence in Gilgit," *Dawn*, 28 August 2010, <https://www.dawn.com/news/557342/violence-in-gilgit-2>; "At least 20 Shias pulled off bus, shot dead in northern Pakistan," *Dawn*, 16 August 2012, <https://www.dawn.com/news/742618>

In Balochistan, the sectarian violence against the Hazara community has intensified. Though Balochistan has been a theatre of cyclical violence, this was overwhelmingly secular sub-nationalist in nature. During recent years, however, the Hazara community in and around Quetta, and Shia pilgrims passing through the region to Iran and back, have been increasingly targeted.

Around half a million Hazaras live in Balochistan, mostly in Quetta, and they have come under a succession of attacks since 2001.¹² These attacks are marked by two distinct trends. First is the targeted killing of individual Hazara men and second, targeting Hazara mosques through bombings and suicide attacks. The first of these occurs at regular intervals but, owing to the small numbers in each of the killings, goes largely unnoticed at the national level. The latter, however, command far greater attention, as the suicide killings and bomb attacks on Hazara mosques leave a devastating trail of blood.

In FATA, the trend is most visible in the Kurram Agency. Historically, the Kurram Agency had its own sectarian fault line owing to the dominance of the Shia community around Upper Kurram, especially around Parachinar – the administrative capital of the Agency. However, sectarian violence in the Agency before 9/11 was intermittent and also low grade. In recent years, especially since 2006-07, however, a series of violent attacks have been recorded on a regular basis.¹³

12 See the Human Rights Watch report on the killing of Hazaras in Balochistan. “We are the Walking Dead: Killings of Shia Hazara in Balochistan,” Human Rights Watch, 29 June 2014, <https://www.hrw.org/report/2014/06/29/we-are-walking-dead/killings-shia-hazara-balochistan-pakistan>

13 For details, see D. Suba Chandran, “Pakistan’s Parachinar Problem”, National Institute of Advanced Studies, Bangalore, July 20, 2017, <https://www.nias.res.in/sites/default/files/Pakistan%E2%80%99s%20Parachinar%20Problem.pdf>.

New Sectarian Groups: The Expansion in Perpetrators

In terms of perpetrators –two phases of sectarian violence can be identified in Pakistan. The first, during the 1980s and 1990s, led primarily by the Sipah-e-Sahaba Pakistan (SSP) and its later offshoot, Lashkar-e-Jhangvi (LeJ). SSP was the most dreaded Sunni militant group, founded by Haq Nawaz Jhangvi in Jhang during the mid-1980s.¹⁴ Later, Lashkar-e-Jhangvi (LeJ) founded by Riaz Basra in 1996 became more violent.¹⁵ Riaz Basra and some of his associates from SSP formed LeJ after Nawaz Jhangvi was killed in 1990. SSP and LeJ were primarily responsible for the sectarian violence during 1980s-90s.

This changed over the succeeding decade, and especially after 9/11. New groups emerged. Punjab’s sectarian militants came to be linked with the Taliban-al Qaeda combine, especially the Tehrik-e-Taliban Pakistan (TTP, also, Pakistan Taliban). These linkages became deadlier on the sectarian landscape in Pakistan, as terrorists from Punjab linked up with the other provinces – especially Balochistan, KP and FATA.¹⁶ The formation of TTP and its presence in the western provinces of Pakistan, as well as its linkages to Punjabi sectarian militants, dominated the second and current phase of sectarian violence in Pakistan.

Daesh is the latest group to arrive on the landscape of sectarian violence in Pakistan. Though the government repeatedly

14 For a historical account of the SSP read the following: Hassan Abbas, *Pakistan’s Drift into Extremism: Allah, the Army, and America’s War on Terror*, 2005, M.E. Sharpe, Inc., New York; Amir Mir, *The True Face of Jihadis*, 2004, Mashal Books, Lahore.

15 See Hassan Abbas, *Pakistan’s Drift into Extremism: Allah, the Army, and America’s War on Terror*, 2005, Ne M.E. Sharpe, Inc., New York; Amir Mir, *The True Face of Jihadis*, 2004, Mashal Books, Lahore.

16 Stephen Tankel, “Beyond FATA: Exploring the Punjabi Militant Threat to Pakistan,” *Terrorism and Political Violence*, Volume 28, Issue 1, 2016.

denied its presence initially¹⁷ increasingly documentation in the media and commentary suggests a consolidation of activities even in 2015-16.¹⁸ Subsequently, military operations have been initiated against Daesh in Pakistan, and Daesh existence in the country is now official, confirmed by statements from the Inter-Services Public Relations (ISPR).¹⁹

The entry of Daesh has added another dimension to sectarian violence. Rather than Daesh establishing a local chapter in Pakistan, it appears that a section within the numerous militant groups in Pakistan sought to act as Daesh franchisees, inspired by the early successes in Syria and Iraq. The idea of establishing the Ummah under of an ‘Islamic Caliphate’ has also proven attractive to some. Crucially, Daesh’s takfiri ideology, rejecting all purported ‘deviations’ from its own peculiar interpretation of Islam, are a natural magnet for the sectarian groups in Pakistan. In any event, the injection of this stream into the sectarian setting has resulted in a significant escalation of violence.

17 Baqir Sajjad Syed, “Govt in a state of denial about Daesh?,” *Dawn*, February 1, 2015 <https://www.dawn.com/news/1160813>; “No Daesh in Pakistan, says interior minister,” *Dawn*, February 13, 2016 <https://www.dawn.com/news/1239280>.

18 Ali Akbar, “From TTP to IS: Pakistan’s terror landscape evolves,” *Dawn*, February 12, 2016 <https://www.dawn.com/news/1169542>; “Daesh gradually gaining ground in Pakistan,” Zahid Gishkori, *The News*, March 3, 2017 <https://www.thenews.com.pk/print/189914-Daesh-gradually-gaining-ground-in-Pakistan>; “Pakistan launches ‘major’ military operation against Daesh in tribal areas,” *The News*, July 16, 2016 <https://www.thenews.com.pk/latest/216876-Pakistan-launches-major-operation-against-Daesh-in-tribal-areas>; “Some foreign militants recruiting for Daesh in Pakistan,” *The News*, June 5, 2016 <https://www.thenews.com.pk/print/125491-Some-foreign-militants-recruiting-for-Daesh-in-Pakistan>.

19 “Pakistan military gives further details of op against Daesh in Mastung,” *The News*, June 8, 2017, <https://www.thenews.com.pk/latest/209395-Pakistan-military-gives-further-details-of-op-against-Daesh-in-Mastung>.

New Targets: The Expansion of Victims

The Ahmadiyya community was the first target of sectarian conflict and consequent violence during the 1950s and 1970s. There were riots against the community – the most devastating in 1953 and 1974.²⁰ The 1953 riots were limited primarily to Lahore. Following the violence, the military was called out for the first time in independent Pakistan. A committee was subsequently formed to look into the violence, and its detailed report, excoriating “the confluence of religion and state in Pakistan”, is now available to the public.²¹

The 1974 riots against the Ahmadiyyas were widespread. Following the riots and the opposition, the then Prime Minister Zulfikar Ali Bhutto declared the Ahmadiyyas non-Muslims. Ten years later, Zia passed the infamous Ordinance XX, legally confirming their non-Muslim status.

In the 1980s, a new torrent of sectarian violence engulfed Pakistan. Centred in Jhang in Central/South Punjab and led by Sunni and Shia militant groups, saw the systematic targeting of the Shia community. Over the succeeding two decades, the Shia community in Punjab and Sindh, and increasingly in Karachi, became the primary target of sectarian violence.

Post 9/11, there was a further expansion in the sectarian targets. The violence moved to the peripheries of Pakistan. During the last decade, the Turi Shias of the Upper Kurram

20 Fatima Z. Rahman, “Pakistan: A Conducive Setting for Islamist Violence Against Ahmadis,” in Jawad Syed, Edwina Pio, Tahir Kamran and Abbas Zaidi (eds), *Faith Based Violence and Deobandi Militancy in Pakistan*, Palgrave, 2016, pp 209-230.

21 “The 1954 Justice Munir Commission Report On The Anti Ahmadi Riots Of Punjab In 1953,” https://archive.org/stream/The_1954_justice_munir_commission_report_on_the_anti_ahmadi_riots_of_punjab_1953/The-1954-Justice-Munir-Commission-Report-on-the--anti-Ahmadi-Riots-of-Punjab-in-1953_djvu.txt.

Agency have become the prime targets of Sunni militant groups belonging principally to TTP and its local affiliates. Though Kurram Agency did witness some sectarian violence in earlier decades, the intensity of violence and its recurrence since 2007 has been alarming.²² Asad Munir sketches the broad trajectory:

Sectarian hostility in Kurram Agency dates back to the British era. Muharram in Parachinar has not been a peaceful event for many years now. Before the advent of sectarian organisations, like the Sipah-e-Sahaba Pakistan, the Lashkar-e-Jhangvi and Sipah-e-Muhammad, sectarian conflict was common in Kurram Agency. Inter-tribal issues such as distribution of water, cutting of wood and denial of road access, ultimately morphed into sectarian conflict. Minor conflicts were witnessed almost every year, while major sectarian clashes erupted in 1982, 1996 and 2007. The Iranian revolution, the entry of Sunni Afghan refugees and the influx of lethal weapons during the Afghan jihad are some of the factors contributing to the intensity and frequency of sectarian violence.

Locals confirm that the escalation in violence is an offshoot of Pakistan's jihad in Afghanistan.²³ Abbas Turi thus notes,

Like other parts of Pakistan, sectarianism was introduced to Parachinar during the days of Afghan Jihad, when the policymakers of the country decided to fight a super power through the religious ideology of Jihad. Throughout the 1980s and 1990s, the holy warriors fighting against the Soviets had the blessing of Washington and Islamabad. These religious zealots wielded immense influence in Afghanistan and the tribal areas

22 Asad Munir, "Peace in Kurram Agency," *The Express Tribune*, February 12, 2011, <https://tribune.com.pk/story/117541/peace-in-kurram-agency/>. Also see, Mariam Abou Zahab, "Sectarianism in Pakistan's Kurram Tribal Agency," *Jamestown Terrorism Monitor*, Volume: 7 Issue: 6, <https://jamestown.org/program/sectarianism-in-pakistans-kurram-tribal-agency/>

23 Abbas Turi, "Marginalizing Parachinar," *The Friday Times*, November 29, 2013, <http://www.thefridaytimes.com/tft/marginalizing-parachinar/>.

of Pakistan. Their fight against the Soviets may have been in the national interest, but regrettably, they did disturb the sectarian harmony among the peaceful residents of Kurram.

For example, during the first six months of 2017 alone, there were four suicide attacks in Kurram, highlighting the intensity of the violence in a remote tribal agency.²⁴ Sectarian violence continues, though it remains sporadic. Unfortunately, intermittent incidents get submerged in the larger cycle of violence in the FATA region.

While there was an inherent sectarian fault line in Kurram (the upper regions being dominated by the Shias and the lower regions by the Sunnis), in the past, difference used to be settled through local jirgas. The presence of Sunni militants from outside the Agency, and even from across the border, has made the local jirgas ineffectual.

Sectarian violence in Kurram is not limited to the Agency, and overflows into neighbouring Orakzai Agency as well.²⁵

Balochistan has been a new and expanding theatre of sectarian violence, especially directed against the Hazara community.²⁶ The Hazaras do not belong to Pakistan, and came to Balochistan from Central Afghanistan during the 1880s. They settled around Quetta, the capital of Balochistan, and lived peacefully with the local Baloch communities. Over the past fifteen years, sectarian peace in Quetta has been shattered, mainly due to the presence of the Afghan Taliban, TTP and

24 Asad Munir, "Ghouls and Ghosts," *Dawn*, July 23, 2017, <https://www.dawn.com/news/1346711>.

25 Editorial, "Sectarian mayhem in Orakzai," *The Express Tribune*, July 20, 2012 <https://tribune.com.pk/story/410565/sectarian-mayhem-in-orakzai/>; Mariam Abou Zahab, "Sectarianism in Pakistan's Kurram Tribal Agency," *Jamestown Terrorism Monitor*, Volume: 7 Issue: 6, <https://jamestown.org/program/sectarianism-in-pakistans-kurram-tribal-agency/>

26 "We are the Walking Dead: Killings of Shia Hazara in Balochistan," Human Rights Watch, 29 June 2014, <https://www.hrw.org/report/2014/06/29/we-are-walking-dead/killings-shia-hazara-balochistan-pakistan>

their affiliates. Though LeJ is blamed for the violence in Quetta, it is no coincidence that the Afghan Taliban has established a ‘Quetta Shura’ in Balochistan.²⁷ During the 1990s, Taliban was responsible for a sectarian bloodbath against the Hazaras in Afghanistan; and a section of the Afghan Hazara population migrated to Quetta during this period as well.

Besides this expansion in the target, the most dangerous has been the recent targeting of Sufi Islam. A series of attacks in Sindh, Punjab and KP on Sufi shrines highlights this new danger within Sunni Islam. The Sufis are within the Sunni fold, but their religious practices are rejected by the Wahhabis/Salafis.

Since independence and even before, Pakistan’s sectarian fault lines never ran within the Sunni divisions of society. Though there were differences within the Bareilvi and Deobandi Schools, these never became violent. More importantly, cutting across ethnic divides, Sufism remained the primary glue. Sufi saints and their shrines all across the provinces were revered by all communities. The violence within the Sunni fold is a new phenomenon in Pakistan and, not surprisingly, post 9/11. Since 2010, the most prominent attacks on Sufi Shrines have included:

- October 2017: A suicide attack on a Sufi Shrine in Jhal Magsi in Balochistan kills more than ten.²⁸
- February 2017: A suicide attack in Sehwan on Lal Shahbaz Qalandar in Sindh kills around 100.²⁹

27 Hussain Nadim, “The quiet rise of the Quetta Shura,” *Foreign Policy*, 14 August 2012, <http://foreignpolicy.com/2012/08/14/the-quiet-rise-of-the-quetta-shura/>.

28 “Suicide blast at Jhal Magsi shrine kills 18,” *Daily Times*, October 6, 2017 <https://dailytimes.com.pk/113787/suicide-blast-at-jhal-magsi-shrine-kills-18/>

29 Mohammad Hussain Khan, Qurban Ali Khushik, Imtiaz Ali, “At least 70 dead as bomb tips through Lal Shabaz Shrine in Sehwan Sindh,” *Dawn*, February 16, 2017, <https://www.dawn.com/news/1315136>

- November 2016: More than 50 get killed on an attack on Shah Noorani shrine in Khuzdar in Balochistan.³⁰
- June 2014: A bomb attack on Baba Nangyay Shah Shrine in Islamabad fortunately did not have casualties.³¹
- October 2012: A suicide attack on Kaka Sahib Shrine in Nowshera, Punjab kills three.³²
- April 2011: Two suicide bombers kill more than 50 in Sakhi Sarwar shrine in Dera Ghazi Khan in Punjab.³³
- March 2011: A bomb attack in Akhund Baba shrine in Nowshera, Punjab kills more than ten.³⁴
- October 2010: Two suicide bombers kill ten in Abdulla Shah Ghazi shrine in Karachi, Sindh.³⁵
- July 2010: Two suicide bombers kill more than 30 in Data Darbar shrine in Lahore, Punjab.³⁶

The New Intensity: Suicide Attacks and Lethality

During the early decades, sectarian conflict in Pakistan, while violent, did not result in huge casualties in single incidents. This has changed in recent years, with instances in which a single attack had more than 100 casualties. The

30 “Tragedy unfold as tragedy strikes Shah Noorani shrine,” *Dawn*, November 13, 2016, <https://www.dawn.com/news/1295998>

31 Irfan Haider, “Blast at Islamabad shrine wounds at least 61,” *Dawn*, June 20, 2014, <https://www.dawn.com/news/1114065> .

32 Zahir Shah Sherazi, “Three killed, 25 injured in Nowshera blast,” *Dawn*, October 28, 2012, <https://www.dawn.com/news/759909>

33 Ashraf Buzdar, “Suicide hits at Sakhi Sarwar shrine kills 41,” *The Nation*, April 4, 2011, <https://nation.com.pk/04-Apr-2011/suicide-hits-at-sakhi-sarwar-shrine-kill-41>

34 “Another mosque damaged in blast,” *The News*, 11 March 2011.

35 “10 killed many injured at Abdulla Ghazi shrine in Karachi,” *The Nation*, October 7, 2010, <https://nation.com.pk/07-Oct-2010/10-killed-many-injured-in-twin-blasts-at-abdullah-shah-ghazi-shrine-in-karachi>

36 “Data Darbar attack,” *Dawn*, July 3, 2010, <https://www.dawn.com/news/846012>

principal instrument of this dramatic escalation in the lethality of sectarian violence was the use of suicide bombers, though improvised explosive devices (IEDs) and mass shootings continued to inflict significant fatalities. Consider the following numbers:

- October 2017: More than ten killed in a suicide attack on a Sufi Shrine in Jhal Magsi in Balochistan.³⁷
- February 2017: More than 100 killed in a suicide attack in Sehwan at the Lal Shahbaz Qalandar shrine in Sindh.³⁸
- November 2016: More than 50 killed in an attack on the Shah Noorani shrine in Khuzdar in Balochistan.³⁹
- February 2013: More than 80 killed in an attack in Quetta.⁴⁰
- January 2013: More than 100 killed in twin bomb attacks in Quetta.⁴¹
- August 2012: 25 Shia passengers travelling from Gilgit shot dead.⁴²
- June 2012: 14 pilgrims killed near Quetta in a suicide car attack.⁴³

37 “Suicide blast at Jhal Magsi shrine kills 18,” *Daily Times*, October 6, 2017, <https://dailytimes.com.pk/113787/suicide-blast-at-jhal-magsi-shrine-kills-18/>

38 Mohammad Hussain Khan, Qurban Ali Khushik, Imtiaz Ali, op.cit., <https://www.dawn.com/news/1315136>

39 “Tragedy unfold as tragedy strikes Shah Noorani shrine,” *Dawn*, November 13, 2016, <https://www.dawn.com/news/1295998>

40 “Death toll from Quetta blast reaches 80,” *The Express Tribune*, February 17, 2013, <https://www.dawn.com/news/1295998>

41 “Carnage in Quetta: The day after,” *Dawn*, January 11, 2013, <https://www.dawn.com/news/777972>

42 “At least 20 Shias pulled off bus, shot dead in northern Pakistan,” *Dawn*, August 16, 2012, <https://www.dawn.com/news/742618>

43 “Blast targets bus carrying Shia pilgrims in Quetta, 14 killed,” *The Express Tribune*, June 28, 2012, <https://tribune.com.pk/story/400570/blast-targets-bus-carrying-pilgrims-in-quetta/> .

- February 2012: 19 Shia passengers travelling to Gilgit from Rawalpindi shot dead in Kohistan.⁴⁴
- September 2011: More than 25 Shia passengers killed in Mastung, Balochistan.⁴⁵
- April 2011: More than 50 killed by two suicide bombers in Sakhi Sarwar shrine in Dera Ghazi Khan in Punjab.⁴⁶
- September 2010: More than 50 killed in a Shia rally in Quetta.⁴⁷
- September 2010: 25 killed in an attack on a Shia rally in Lahore.⁴⁸
- July 2010: More than 30 killed by two suicide bombers in Data Darbar shrine in Lahore, Punjab.⁴⁹
- December 2009: More than 40 killed in a suicide attack on an Ashura (commemoration of the martyrdom at Karbala) procession in Karachi.⁵⁰
- March 2004: More than 40 killed in an attack on an Ashura procession in Quetta.⁵¹

44 “A19 pulled off buses, shot dead in sectarian hit,” *The Express Tribune*, 17 August 2012.

45 “Sectarian atrocity: 29 killed in Mastung, Quetta ambushes,” *The Express Tribune*, September 20, 2011, <https://tribune.com.pk/story/256419/gunmen-attack-bus-in-balochistan-20-killed/>

46 Ashraf Buzdar, “Suicide hits at Sakhi Sarwar Shrine kill 41,” *The Nation*, April 4, 2011, <https://nation.com.pk/04-Apr-2011/suicide-hits-at-sakhi-sarwar-shrine-kill-41>

47 “Quetta rally suicide bomb kills dozens,” *BBC News*, September 3, 2010, <http://www.bbc.com/news/world-south-asia-11177686>

48 Ali Syed, “Lahore attack: 18 killed, 190 injured,” *The Express Tribune*, September 1, 2010, <https://tribune.com.pk/story/45287/blast-in-lahore-procession/>

49 “Data Darbar attack,” *Dawn*, July 3, 2010, <https://www.dawn.com/news/846012>

50 “Karachi in mourning over Ashura carnage,” *Dawn*, December 30, 2009, <https://www.dawn.com/news/511363>

51 “Carnage in Pakistan Shia attack,” *BBC News*, 2 March 2004, http://news.bbc.co.uk/2/hi/south_asia/3524851.stm

- July 2003: More than 50 Hazaras killed in the first sectarian suicide bomb attack in Quetta.

Through all this, the strategy of sectarian militant groups was to inflict maximum damage. The targets – often mosques or shrines and religious rallies – were carefully chosen to achieve larger casualties.

During the 1980s and 1990s, and especially until 1996, annual sectarian fatalities remained in the double digits. Since then, and especially after 2001, fatalities have run into three digits, ranging from 200 to 500 each year.⁵² Further, while sectarian violence in the 1980s and the 1990s remained sporadic, after 2001 it became a regular phenomenon.

Large suicide and bomb attacks on shrines and rallies secure greater space in the media. It is, however, the continuous succession of smaller attacks – which occur on a near-daily basis – inflict a steady stream of casualties, often in drive-by assassinations, though they are paid little attention in the media, or by the public. These daily killings reveal a pattern of great sectarian violence across Pakistan on an individual basis at local levels.

Why has Sectarian Violence become Widespread, Recurrent and Lethal?

An analysis of available data reveals a number of trends underlying the dynamic of sectarian violence in Pakistan.

First, the multi-dimensional expansion in sectarian violence in Pakistan is a post 9/11 phenomenon. Certainly, this has nothing to do with the attacks in the US, but the invasion of Afghanistan by the US and the disruption of the Taliban-al Qaeda network, and its shift into Pakistan played a major role in escalating sectarian violence.

52 For a detailed annual data on sectarian violence, refer to the South Asia Terrorism Portal – www.satp.org.

Second, two significant developments occurred, besides the displacement of al Qaeda and Taliban into FATA and Balochistan. One was the creation of TTP and the other was the ex-filtration of sectarian militants from Punjab into Balochistan and FATA. These factors in combination, impacting on the same region, created a perfect sectarian storm.

The third development was outside country – in Syria and Iraq: the birth and rise of Daesh. Daesh’s activities and ‘successes’ widened sectarian faultiness across much of the Muslim world, and Pakistan was no exception. The fact that some of the groups in Pakistan, including those factions within the Taliban pledged allegiance to Daesh and the Caliphate highlights the new alignments within.⁵³ Similar trends were manifested in neighbouring Afghanistan.⁵⁴ Recent sectarian attacks on the Shia communities in Afghanistan demonstrate the sectarian agenda of the groups that proclaim allegiance to Daesh.

The fourth development is also external, but is not recent: linkages between sectarian violence within Pakistan, and the Shia-Sunni rivalry in West Asia. During the 1980s and 90s, the regional rivalry between Iran and Saudi Arabia fuelled sectarian mobilisation and violence across the region. Led by Zia-ul-Haq, during this period, Pakistan aligned closely with Saudi Arabia.

This alignment has persisted into the present, even as the struggle for supremacy between Saudi Arabia and Iran

53 Zahir Shah Sherazi, “Six top TTP commanders announce allegiance to Islamic State’s Baghdadi,” *Dawn*, October 14, 2014 <https://www.dawn.com/news/1137908>

54 See the following: “Embassy, mosque attacks fuel fears ISIS bringing Iraq war to Afghanistan,” *The News*, 4 August 2017; “Thousands of Shias protest against IS in Afghanistan,” *Dawn*, January 3, 2017, <https://www.dawn.com/news/1306169> ; “Attack on mosque in Afghan city kills at least 29,” *The News*, 2 August 2017

in the Middle East sharpens. Despite reservations expressed in Pakistan's Parliament, the Deep State continues to work closely with Saudi Arabia. The inclusion of Pakistan in the Riyadh-led Islamic Military Alliance, and the appointment of former Pakistan Army Chief, General Raheel Sharif, as its Commander – suggests Pakistan's deep embroilment in the West Asian sectarian struggle.

This polarizing interface is bound to have an impact on Pakistan-Iran relations, as it did during the 1980s. Iran is already apprehensive about the growing Pakistan-Saudi Arabia security relationship.⁵⁵ More than the bilateral differences at the foreign policy level, such differences seem to be providing a fillip to Sunni extremist formations. Just as sectarian organizations such as SSP and LeJ emerged during the turmoil of the 1980s, these groups, along with TTP as well as Daesh and al Qaeda affiliates, are making use of this space over the past years.

The fifth factor is the flow of remittances from West Asia and the mushrooming of religious institutions in rural Pakistan. Over decades, Pakistani workers in different parts of West Asia have substantially increased as have their remittances back to the home country. Their newfound economic position has them looking for a rise in social position, with a section supporting local religious institutions, as a part of this quest for status. This phenomenon is not restricted to Pakistan, but is visible in neighbouring India and Bangladesh as well, albeit at varying levels. In Pakistan, this has led to a surge in funding for local religious groups and organisations, including extremist sectarian formations.

55 "Iran concerned over Raheel's appointment as head of Saudi-led military alliance: envoy," *Dawn*, April 3, 2017, <https://www.dawn.com/news/1324597>; "Iran sounds warning to Pakistan, Saudi Arabia," *The News*, May 9, 2017 <https://www.thenews.com.pk/print/203374-Iran-sounds-warning-to-Pakistan-Saudi-Arabia>

Combating Sectarian Violence: Is the State Incapable? Or Collusive?

Why has the sectarian violence expanded during the last two decades? What has been the state's strategy in addressing sectarian violence in Pakistan? Crucially, is the state incapable of fighting sectarian violence? Worse, is there state collusion in the expansion of sectarian violence in Pakistan?

In this context, a definition of what constitutes the 'state' is imperative, as is the issue of who is in charge of dealing with the sectarian militants. Though this should be the primary responsibility of the Ministry of the Interior at the national level, and similarly of the Home Ministries at the provincial levels, it is widely accepted that the Deep State – essentially the Army and its intelligence wing – is principally engaged in 'managing' the sectarian militancy and, indeed, supporting and calibrating sectarian violence.

It is widely accepted that the sectarian terrorists of the 1980s and 90s, were a direct product of strategies pursued by the military establishment, and particularly of Zia's efforts to find legitimacy for his rule, and to justify the role of the Army. A section within the political parties, especially the religious political parties, were harnessed to these ends, and contributed to the growth of sectarian militancy during this period. It was, and remains, the Deep State that controls Pakistan's strategy of 'sectarian management'.

The Government, led by the democratic parties – primarily the Pakistan People's Party (PPP) and the Pakistan Muslim League – Nawaz (PML-N), has rarely exerted significant control over the formulation and implementation of any strategy to control sectarian militancy, though it is possible to find some correlation between the absence of democratic processes and the presence of sectarian violence – especially

in the ‘periphery’ – Balochistan, FATA and Gilgit-Baltistan. It is the Deep State that has been responsible for the creation and proliferation of sectarian extremist organizations.

The sectarian militants serve the external and internal objectives of the Deep State, and without its support, these formations would not have proliferated.

However, the situation, today, is fraught, as the Deep State’s control over these groups is challenged. Thanks to remittances, local funding, and other outside support, the sectarian groups are no longer solely dependent on the Deep State. The external support and ideological exposure to other groups – TTP, al Qaeda, the Afghan Taliban and Daesh, the local sectarian groups have evolved their own ideological outlook, more and more in line with the global jihadists, have extended areas of operation as well as their future ambitions. Funding support, ideological affiliations and military expertise are now forthcoming from different sources, outside the Deep State.

The Deep State exhibits some awareness of its emerging limitations in controlling these groups, as well as in effectively containing or calibrating sectarian violence. It would certainly not want to open another front within the heartland. At the same time, elements of collusion appear to persist.

Two explanations could be provided to support the argument for collusion. First, the recent expanse in sectarian violence is taking place in Balochistan, FATA and Gilgit-Baltistan. All these three regions have their own “nationalist” agenda – Baloch, Pashtun and Gilgit. For Islamabad and Lahore, Quetta, Parachinar and Gilgit are a periphery. The approach seems to be: as long as the sectarian militancy remains in the periphery and does not affect the heartland, let them be.

Unfortunately, the sectarian militants, as is evident in the data, are active in Punjab and Sindh as well, and appear to be using the periphery as a launch pad to target the heartland.

The second explanation arises from the expectation that sectarian violence will undermine the existing sub-nationalist divide by undermining Baloch and Pashtun sentiments and imposing a religious identity. Hence, it fits the Deep State's larger plan – to put down sub-nationalist ideologies.

As long as there is any measure of collusion between sectarian groups and the Deep State, sectarian violence is likely to continue and, indeed, further intensify. It is only if the perceived threat of certain group's – such as Daesh and its affiliates – becomes overwhelming, that the Deep State is likely to dismantle structures of support to the sectarian formations. This does not appear to be an immediate prospect.

Sectarian Groups: The Endgame

What do the sectarian militants want? What do they aim to achieve by targeting the Ahmadiyyas, Shias, and now even the Barelvis and Sufi shrines? What is their endgame?

Since the sectarian extremist groups do not form a monolithic bloc, their objectives must be assessed in terms of individual groups. These groups could be broadly categorised into four categories – the old groups – primarily from Punjab led by the SSP and later LeJ; affiliates of the Afghan Taliban, al Qaeda and the TTP; Daesh franchisees in the AfPak region; and the new sectarian groups of Punjab, especially those who came into the limelight following the assassination of Salman Taseer and the hanging of his assassin – Mumtaz Qadri. One could also map a chronological pattern to these different sets of sectarian groups in Pakistan.

Old and New: The Sectarian Militants of Punjab

SSP and LeJ are the two oldest sectarian groups of Punjab, with their original base primarily in Jhang District during the 1980s and 90s. At this stage, their primary objective was

focussed within the Punjab province, especially the Jhang region, and their issues were local. The social-economic hierarchy and demography of Jhang played a primary role in the sectarian interaction between the two groups. The District had a Shia minority, but a section of them were the most influential landlords. The Sunnis were the majority – but the Shia landlords (led by the Syeds and Sials) influenced the power hierarchy of the region. Local traders and businessmen belonging to the Sunni community were expanding their financial footprints and sought political recognition.

Sectarian violence thus had a predominant economic component, and sought a re-balancing of the local social power structure. Hence, one of the primary objectives of SSP and LeJ was to target the Shia landlords. This later expanded to the wider Shia community – engaged in small business and other related service sectors.

The objectives of these groups subsequently expanded and came to be exploited by the Deep State as well. When Pakistan got deeply engaged in the proxy war in Jammu & Kashmir a section of SSP and LeJ militants started allying with Harkat-ul-Mujahideen (HuM) and other Kashmir directed militant formations. Their collaboration with HuM and later Jaish-e-Mohammad (JeM) during the late 1990s led them to look beyond Jhang and Pakistani Punjab.

Post 9/11, cadres, sought alliances with the Taliban, al Qaeda and TTP affiliates. The movement of Punjabi sectarian militants towards west Punjab principally occurred during this phase. The further expansion of LeJ into Quetta and Parachinar was a broadening of this process. As a result, Punjabi sectarian militants have extended their target areas to comprehend Punjab, Balochistan and FATA.

There is no hard evidence yet that the Punjabi sectarian groups have a larger political objective of overthrowing the

state, or of establishing Shariah. They remain focussed on targeting the Shia communities across Punjab, Balochistan and FATA.

Unlike the SSP and LeJ, the new sectarian groups have a larger focus – geographically and politically. They emerged in Punjab during the post-Salman Taseer assassination period. Taseer, the then Governor of Punjab was assassinated by his own security guard – Mumtaz Qadri, who was arrested following the assassination; a trial followed in the courts. During the trial, a new group emerged supporting Qadri and his objectives. Qadri was believed to have assassinated Taseer for his alleged sympathies towards to the minority community. Taseer had been fighting for reforms in the Blasphemy law and to prevent its misuse.

The Qadri followers, or those who used his trial as an opportunity to further their own case, have formed a new sectarian group in Punjab and in 2017, this pro-Qadri group evolved into a political party – Tehreek Labaik Ya Rasool Allah (TLY) – led by Khadim Hussain Rizvi.⁵⁶ There has been no widespread violence against the Shias or Ahmadiyyas by this group at this stage, but its political transformation is dangerous. Though the Election Commission of Pakistan has refused to recognise TLY as a political party, it (unsuccessfully) contested bye-elections for two National Assembly seats and a provincial assembly seat in Punjab. Significantly, TLY adheres to the Barelvi school of Sunni Islam, and has demonstrated its capacity for significant countrywide street mobilisation.

In November 2017, TLY organised a huge and protracted political protest, occupying the Faizabad interchange linking

56 Zia Ur Rehman, “Pro-Mumtaz Qadri religious group morphing into militant outfit,” *The News*, July 31, 2017, <https://www.thenews.com.pk/print/220108-Pro-Mumtaz-Qadri-religious-group-morphing-into-militant-outfit>

Rawalpindi and Islamabad,⁵⁷ around two major demands—to restore a particular clause relating to the finality of the Prophethood in the Election Law and the removal of Punjab’s Law Minister.⁵⁸ A resolution had already been passed in Parliament, referring to the disputed phrase in the clause as a clerical error. TLY, however, continued to exploit the opportunity to demonstrate its strength for over 20 days. Eventually, the Army was called in to disburse the protestors; instead of dispersing the protesters, the Army brokered a deal with the political leadership, surrendering to most of TLY’s demands.

TLY’s larger objective is clearly political, and it is likely to continue its political path, exploiting violent mobilisation as a means.⁵⁹ Though the TLY did not win any of the bye-elections it stood for, its performance, for example in the Lahore bye-election, was better than the PPP and Jamaat-e-Islami (JeI), evidence of the political rise of this sectarian group.⁶⁰

Taliban Affiliates and Daesh Franchisees

Taliban and its affiliates in Pakistan are far from a united entity. Besides the Afghan Taliban and the Haqqani Network

57 Zahid Hussain, “The capital under siege,” *Dawn*, November 15, 2017, <https://www.dawn.com/news/1370547>; Hussain H Zaidi, “The rise of the right wing,” *The News*, November 25, 2017 <https://www.thenews.com.pk/print/248506-the-rise-of-the-right-wing>; Zahid Hussain, “The flames of bigotry,” *Dawn*, November 20, 2017, <https://www.dawn.com/news/1372094>

58 “Right-wing threat,” *Dawn*, November 12, 2017, <https://www.dawn.com/news/1370000>

59 “Tehreek-e-Labbaik Ya Rasool Allah sets sights on 2018 elections,” *The Express Tribune*, January 5, 2018, <https://tribune.com.pk/story/1600967/1-tehreek-e-labbaik-ya-rasool-allah-sets-sights-2018-elections/>

60 Abdul Basit, “The rise of the far right,” *The News*, October 6, 2017 <https://www.thenews.com.pk/print/234962-The-rise-of-the-far-right>

from across the Af-Pak border, the TTP within Pakistan also has numerous factions. These TTP factions had an initial focus on FATA, – especially two Agencies – North and South Waziristan. Later it expanded to other Tribal Agencies – Bajaur, Orakzai, Kurram and Khyber, and then gradually expanded into Khyber Pakhtunkhwa and Punjab. Besides targeting the state, especially its security forces, TTP factions have repeatedly attacked minorities.

Before TTP split into multiple factions, the main group was led by the Mehsuds and Wazirs, primarily the former. Under the Mehsuds, TTP was primarily providing safe haven to al Qaeda affiliates hiding in FATA, who wanted to use the region as a base for their operations in Afghanistan against the US led international Forces.

It was during this phase that sectarian militants from Punjab started joining TTP in FATA. As the Punjabi influence grew, TTP was increasingly involved in sectarian violence as well, particularly in certain tribal agencies such as Kurram and Orakzai.

TTP is not, of course, essentially sectarian; at least, not yet. TTP's endgame is aimed at providing space for al Qaeda and Taliban remnants within Pakistan, and also to occupy a political space, especially in FATA. Though TTP engages in violence in Punjab, this is largely punitive in nature – as a warning to the establishment to go slow with its military operations in FATA and KP. It is extremists drawn from LeJ and other sectarian groups from Punjab, rather than TTP, who are principally engaged in targeting the Hazaras and the Turis in Balochistan and FATA, respectively. The presence of the Afghan Taliban in Quetta may also be pushing the violence against the Hazaras in Balochistan. Crucially, these attacks appear to be localized, with no visible larger or national agenda.

Finally, with regard to Daesh franchisees in Pakistan, it is useful to recognize that, rather than Daesh seeking an extension in Pakistan; it appears that a few local groups would have sought to bring themselves under its flag. It is their local endgame, rather than Daesh's agenda, consequently, that will decide their operations and objectives.

The size of these franchisees is small. Except for those few commanders who have declared their allegiance to Daesh, there seems to be no larger organizational network within Pakistan as yet. Despite their size, Daesh franchisees in Pakistan have managed a few spectacular sectarian attacks,⁶¹ though no larger road map is visible in their activities at the present stage. This may, of course, change over time; but no political or military agenda is currently in evidence.

Sectarian militants and groups in Pakistan are divided within. Their objectives, areas of operations and targets seem to be divided as well. While some of the newer groups seek to ape developments in Syria and Iraq; sectarian violence is an end in itself or is part of a local dynamic for others; still others exploit such violence as part of a wider strategy within the ambit of global Islamist militancy.

61 For example, the suicide attack on an army truck in Quetta during August 2017; the suicide attack on the shrine of Lal Shahbaz Qalandar in Sehwan, Sindh in February 2017; and the suicide attacks in Mastung in May 2017; were all claimed by the ISIS in Pakistan.

Islam & Terrorism

A Gagged Theology and 'Narcissistic Indoctrination'

Ambreen Agha¹

A Diversity of Islamic Identity

Islam has been a dynamic force both historically and in the contemporary world. A critical question in this context is, how should Islam be reconsidered and deliberated if Muslims are to come to terms with themselves and the world at large. There have been influential Muslim liberationist and revivalist movements through the ages and any examination of Islam in the modern world must take the past into account, in order to understand the present better, instead of considering Islam to be a closed doctrinaire persuasion. Indeed, Islam allows life's plurality to expand its horizons and, since society is always in flux, constant transformations influence different persuasions or introduce different trends in the same persuasion. Context transforms text.

It is this adaptability that makes Islam align with Ba'ath Socialism, or Leftist movements like Polisario in Sub-Saharan Africa, or, on the other end of the ideological spectrum,

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movements like Taliban in Afghanistan. It is, again, the same malleability that makes revivalist movements side with the kind of resurgent atavism that rejects modernisation and preaches submission to the injunctions of religious decrees in societies that have already undergone significant modernisation. Indeed, it is conflicting visions of text and context that bring religious orthodox bigotry and progressive and modern societies on a collision course.

It is through the latter stream of atavistic movements that many Muslims in India and elsewhere have realised and asserted their identity. Though it is well understood that revivalist movements do not occur in isolation from the rest of the world, it is important to consider the changing nature of political legitimacy created by modernisation and the challenge posed by modernisation to theological authority. There has been a constant interaction between Islamic traditions and modern societies with varying repercussions, including militant activism. The development of the Islamic community and the emergence of a revivalist Muslim identity makes the study of the history of Islam a necessity, in order to understand and present the different forms of the Muslim experience in the context of modern world history.

In tracing the Muslim identity, one discovers the fundamentalist trend that seeks to grasp the Islamic world in its holistic vision of a world umma (community). But this vision is disturbed as contemporary Muslims are faced with the problem of diversity within the community. This diversity embraces the entire range, from fundamentalist to liberal, within each sect. [The reason for creating “liberal” and “fundamentalist” binaries is for the purpose of using them in broad comparative terms that may not necessarily be understood as closed rigid categories]

The two prominent trends in Islam, Sunni and Shi’i Islam, moreover, represent their divergent versions of Islamic polity

and society, and this has been a major driver of world politics and influence in the construction of legitimate political authority in the Muslim world. It is, consequently, imperative that the distinction between these two broad streams be understood. Further, it needs to be noted that recognised differences exist between the four schools of the Sunni tradition – Hanafi, Shafi, Maliki and Hanbali – which determine the formation of their account of Islamic jurisprudence. The distinct methodologies of the four Sunni and one Shi'i School of thought stress their differences, "which have to do with the means of interpretation they grant their jurists that in turn allows for a greater or lesser independence from the Qur'an and the Tradition."²

The first schism in Islam arose immediately after the death of Prophet Muhammad. There were divisions and internal strife over the question of Sunni selection and Shi'i nomination. Ameer Ali rightly observes, "Differences of opinion on abstract subjects, about which there cannot be any certitude in a finite existence, have always given rise to greater bitterness and fiercer hostility than ordinary differences on matters within the range of human cognition."³ The bitter division between Sunni and Shi'i owe their origin to political and dynastic causes, old tribal rivalries and jealousy.

The sparse similarities between the Shia and the Sunni, point at the existence of a sharp division between the two, both in India and within the wider Muslim World. Each sect claims to represent the authentic Islamic tradition and argues that the other group is un-Islamic or heretical. However,

The responsibility for fanning intra-Muslim sectarian strife rests with the traditional ulema. Islam has no place for official

2 Tamara Albertini, "The Seductiveness of Certainty: The Destruction of Islam's Intellectual Legacy by the Fundamentalists", *Philosophy East and West*, Volume 53, Number 4, 2003, p. 459.

3 Ameer Ali, *The Spirit of Islam: A History of the Evolution and ideals of Islam*, 1964, Chatto & Windus Ltd, London, p.292.

priesthood that can lay down the official doctrine. In principle, in Islam there are no intermediaries between man and God, the relation being direct and unmediated. While this makes religious leadership more democratic in theory, it also means that the ulema of different Muslim groups are free to stake their own competing claims to represent ‘true’ Islam, in turn branding other groups as deviant.⁴

Crucially, there is tremendous diversity within Islam, both in the Sunni and the Shia streams, clearly demonstrating that this is not a monolithic construct, but a widely varied system of beliefs and practices reflecting numerous schools of thought and interpretation.

Shias: The Way of the Imams

The Shi’i belief revolves around the figure of Ali. The Shia believed that the Prophet chose Ali as his successor and he should therefore have been the first Caliph of Islam after the Prophet. In particular, the Shia, reject the first three caliphates of Abu Bakr, Umar and Usman, revered by the Sunnis. This became the crucial point in parting of the ways of the Shia and the Sunnis. “For the Shia, religious authority is far more important. The Shi’i heartlands would remain in the region where the deaths of Ali and Hussein took place – present Iraq and Iran. The need to stand up against all odds on a matter of principle, the readiness for martyrdom, total passion, disregard for death and acceptance of tragedy are familiar aspects of the Shia.”⁵ This has been termed by scholars as the “Karbala Paradigm.”⁶

4 Yoginder Siknad, *Muslims in India: Contemporary Social and Political Discourses*, 2007, Hope India Publications, Gurgaon, p. 150.

5 Akbar S. Ahmed, *Islam Today: A Short Introduction to the Muslim World*, 1999, I.B. Tauris Publishers, London, p. 44.

6 Kamran Scot Aghaie, *The Martyrs of Karbala: Shi’i Symbols and Rituals in Modern Iran*, 2004, University of Washington Press, Seattle, pp. 8-9.

One of the most consistent and significant trends throughout this period was that Shi'i imams, who were descendents of the Prophet and who had varying degrees of popular support among the masses, were rivals of the Sunni caliphs, who actually ruled the empire. This rivalry was particularly intense during the Umayyad period and came to a head with the battle of Karbala in 680 during the reign of the second Umayyad caliph, Yazid. This battle of Karbala results in 'Karbala Paradigm'. The most commonly accepted narrative of the battle of Karbala begins with an account of the discontent of Muslims [especially in southern Iraq] under the rule of Yazid, who is portrayed as having been politically oppressive and morally corrupt. Prophet Muhammad's grandson Hussein (in Medina) received several letters from the caliph's subjects in Southern Iraq to lead them in an uprising against Yazid. After sending scouts to assess the situation in Southern Iraq, Hussein and a number of his close relatives left the Hijaz, in Western Arabia, and began the trip to Iraq. In Southern Iraq in a desert named Karbala, located near the Euphrates River, the caravan was surrounded by an overwhelmingly large army sent by Yazid. A standoff ensued because Hussein refused to give his oath of allegiance to Yazid. At the end of ten days of waiting, negotiating, and occasionally fighting, a final battle took place, in which Hussein and all of his adult male relatives and supporters were killed in a brutal fashion. The survivors, consisting of women and children, together with Hussein's son Zeyn al-Abidin, who was too ill to take part in the fighting, were then taken captive and transported, along with the heads of the martyrs, which had been placed on spears, to Yazid's court in Damascus. In this narrative, Yazid represents the ultimate impious, tyrannical villain. His supporters, like Shemr, represented as being the one who actually killed Hussein, are also portrayed mostly as being immoral, cruel and worldly. Hussein and his supporters,

such as Abbas, his sons Ali Asghar and Ali Akbar, the young bridegroom Qasim, to name a few, are represented by Shi'is as symbols of courage, piety and truth. The women and girls, in particular Zeynab, serve as symbols of the ideal of women supporting their male relative, suffering the indignation of captivity with dignity, educating and preparing their sons to follow the path of Hussein, willingly sacrificing their male loved ones to martyrdom, and serving as spokespersons for the cause after the men were martyred. Thus, for Shi'is this event has become the root metaphor upon which many of their religious beliefs and practices are based. It has served as a vindication of the Shi'i cause in the face of Sunni criticism, as well as constituting the central event in their understanding of human history. At the same time, the rituals associated with the battle have historically served as a vehicle for expressing and strengthening a variety of political and social relationships, associations and identities. The "Karbala Paradigm" has also provided an opportunity for spiritual redemption for Shi'is. By mourning the fate of the family of the Prophet Muhammad (the ahl al-beyt) generally, and his grandson Hussein specifically, Shi'is hope to gain salvation and admission to paradise.⁷

The Shi'i are, further, divided into five sub-sects based on their faith (aqidah) in the Imams. They are the Zaidia, the Ismailia, the Isna- Asharia or Imamia, the Kaisania, and the Ghallia or Ghullat. These sects and the branches they bifurcated into had more or less attachment to Ali. Out of these sects the Isna-Asharia is a larger and the most prominent group, and is referred to as 'Shia Proper'.⁸ The major concentration of the Isna Asharia has been in Iran, Southern Iraq and South Asia. The Isna-Asharias are also divided into two sub-sects, the

7 Ibid.

8 Ameer Ali, *The Spirit of Islam: A History of Evolution and Ideals of Islam*, 1964, Chatto & Windus Ltd, London, pp. 290-291.

Usulis and the Akhbaris, that is, the followers of principles and the followers of traditions. There is no difference between them on the question of the Imamate or on descent to the last Imam.⁹ But they differ on the amount of authority to be attached to the exposition of the Mujtahid (Islamic scholar), who call themselves the representatives of the Imam. The Twelver Imami Shias agrees with the Sunni Muslims on the centrality of the Qur'an and Sunna as the primary source of Islamic law. The Twelvers, however, define Sunna as the life example of the Prophet and his rightful successors, the Imams. Their legal system is based on the hadith tradition transmitted through the Imams and lays stress on the principle of *ijtihad* or personal reasoning in comprehending and interpreting the Imam's ruling applicable to new situations. However, since *taqlid* (emulation) is essential to *ijtihad*, it, too, needs to be problematised.

The Ahl-us-Sunnah: The Way of the Caliphs

Initially, the Sunni tradition had its various branches which gradually disappeared, but it is still divided into four principal denominations, differing on many questions of dogma and ritual. From the two fundamental sources of scripture and the Prophet's deeds and sayings, the ulema derive the law. There are four important persuasions within the Sunni School of law, namely, Hanafi, Shafi, Maliki, and Hanbali, designated after their respective founders. "Earlier it was permissible to consult the opinions of all the four schools, but later it became a rule to follow one particular school. This rule came to be regarded as binding, and was called *taqlid*. In other words, orthodoxy came to be regarded as strict adherence to one of the four schools

9 The 'descent to the last Imam' can be understood as a principle of *aqeedah* or faith in the existence of Imam Mehdi, the last among the twelve Imams, who is believed to be living in occultation and it is believed that he will reappear on the day of Judgement.

of fiqh. The particular fiqh followed was naturally regarded as comprehending the manifold aspects of the shari'ah."¹⁰

Among the Sunni schools, Hanafi is mostly represented in Asia, Turkey, Egypt, Syria, Lebanon and Iraq. The second most popular school, the Maliki, emerged as a reaction against an excessive use of personal reasoning in the Hanafi School. The Maliki is conservative and best suited for pastoral communities. It is popular, in whole or in part, in the Gulf countries, Spain, East and West African countries, and also in the United States, France and the United Kingdom.¹¹ The third, Shafi School, which prevails in Southern Egypt, the Arabian Peninsula, Indonesia and Malaysia, draws a middle course between Hanafis and Malikis. Though the Shafi School cautioned against change, it cannot be viewed as inflexible. Its founder encouraged jurists to revise their own previous verdicts if they came to a better judgment.

The fourth and the most rigid among the four schools is the Hanbali, established by Ibn Hanbal. The founder of the School argued that the Qur'an and the Sunna were the law itself and not merely the source of it. He argued that the Qur'an must be understood in its literal sense, without resort to allegorical interpretation, and that all Traditions from the Prophet regarded as sound in his time comprised the unquestioned second source of law.¹² The Hanbali ideology proclaimed an uncompromising and rigorous monotheism, rejecting pluralism, whether that pluralism is within the domain of Islam or without. This rejection of diversity by the Hanbali ideology stresses on the nature of their narcissistic philosophy, declaring themselves to be the representatives of the only "authentic" Islam.

10 M. Mujeeb, *The Indian Muslims*, 1967, George Allen & Unwin Ltd, London, p. 58.

11 David Waines, *An Introduction to Islam*, 2005, Cambridge University Press, Cambridge, pp. 66-68.

12 *Ibid*, p. 71

The circle of Islam is understood within the Wahhabi worldview as uniform and anything deviating from this uniformity must be rejected in totality. The Hanbali oppose the term “Wahhabi” and claim simply to be part of a larger Salafi Movement that began in Egypt and was later imported to Saudi Empire. There was a cross-pollination of religious practice and belief between the two movements, giving birth to a puritanical-radical combine, calling for the return to a purportedly pristine Islam unadulterated by ‘accretions’.

Wahhabism is a brand of Islam founded on the Arabian Peninsula in the eighteenth century. “They consider themselves *ghayr muqallidun*, non-adherents – that is, they do not follow any school of law. Thus, in Wahhabism, unlike the conservative Hanbalism out of which Wahhabi Islam first emerged, not one of the legal means developed by classical jurisprudence is accepted.¹³ The figure who remains central in formulating this fundamentalist doctrine within Islam is Muhammad Ibn Abd al-Wahhab who was inspired by Hanbali teachings. Post 9/11, Wahhabism has been identified by governments, political analysts, and the media as the major “Islamic threat” facing western civilization and the inspiration for Osama Bin Laden and his al Qaeda network. It has become infamous for its negative influence on Islam, mosques, and madrasas globally. It is described as extremist, radical, puritanical, contemptuous of modernity, misogynist and militant in nature. It has been characterized as Islamo-fascism following in the traditions of Communism and Nazism. There are many who have asserted that the militant extremism of Osama has its roots in the religious teachings of Muhammad Ibn Abd al-Wahhab, who is believed to have legitimated jihad against non-wahhabis and encouraged the forcible spread of the Wahhabi creed.

13 Tamara Albertini, *op. cit.*, p. 461.

The contemporary Salafi Movement is the most recent resurgence of puritanical reformism. The term salafi derives from the Arabic salaf, which means, “to precede”. Based upon salaf (predecessors) understandings of Islam, the Salafis have constructed a manhaj, or approach to religion. The Salafi manhaj is a methodology for determining proper religious interpretations based upon the Qur’an, the Sunna, and the salaf model. It is predicated upon certain accepted “truths” about Islam, which were espoused by the Prophet and recorded in authentic hadith. Important issues include tawhid (belief in the oneness of God), the evils of shirk (ascribing partners to God in prayer), and the problem of bid’a (innovation in religion). Salafis also emphasise the role of hadith science and the weakness of blindly following one mathhab (school of Islamic jurisprudence) rather than religious “truth.” The objective of the salafi movement is to this understanding of Islam.¹⁴

Narcissistic Consolidation

Apart from these fundamentalist trends, there is of course, another side to the canvas of the study of Islam. Liberal critics of the fundamentalist interpretations articulate discontent over the increasing influence of fundamentalism and speak of the ‘hijacking of Islam’. They insist on the Quranic injunction that “there is no compulsion in religion,”¹⁵ and argue that Islam supports an ethic of tolerance and that Muslims can fully embrace pluralism.

It has been observed that there is a complex heterogeneity within Islam. This plurality comprehends not only the diversity of two different sects, but also points to the diversity within

14 See, Quintan Wiktorowicz, *The Management of Islamic Activism: Salafis, the Muslim Brotherhood and State Power in Jordan*, State University of New York Press, pp. 111-112.

15 Al-Baqara, Ayah 256.

particular sects. Edward Mortimer argues that there appears to be “not one Islam, but many Islams, because one finds such an enormous variety of Islamic thought and action.”¹⁶ The behaviour of Islamic radicals is premised on the Shari’ah and its implementation in a place where it is not in place. In fact, it must be noted that the imposition of Shari’ah varies in different countries with Muslim majority populations. Generally, this enforcement is seen more in rural areas than in urban settings of those countries. Also, the application of laws by Shari’ah courts differs depending on time and place, in addition to the school of law being applied. Given this background of diversity in the formulation and legislation of Shari’ah, contemporary scholars such as Abdullahi Ahmed An-Na’im, have argued that Shari’ah is “not necessarily perfect and infallible like Islam.”¹⁷

However, in the context of Shari’ah, differences emerge among the radical forces, each considering its own interpretation as the rightly acceptable one, resulting in ‘narcissistic indoctrination’.

Nevertheless, the intense plurality within the Faith has worked against the entire notion of a monolithic construct of Islam, with each trend separately contesting in the varied attempts at ‘revivalism’.

Religious revivalism in the Islamic world had earlier sought to purify Islam itself from social practices that had gradually been incorporated into Islam through cultural borrowing. Now it seemed time to cast its gaze outside the faith, to purify its world by eliminating not merely the internal enemy but the enemy outside. This

16 Edward Mortimer, *Faith and Power: The Politics of Islam*, 1982, Thetford Press, Britain, pp. 80-82.

17 Abdullahi An Na’im, “Mahmud Mohammad Taha and the Crisis in Islam in Reform: Implications for Interreligious Relations”, *Journal of Ecumenical Studies*, Volume 25, Number 1, Winter, 1988, pp. 1-21

radical notion of purification now turned to violence, using the call to jihad as a call to arms.¹⁸

This call to arms, well displayed in the cataclysmic event of 9/11 and in the proliferation of terrorist movements across the world, has much to reveal about extremist Islam and its increasing momentum in contemporary world politics. Within South Asia, there has been a tendency to associate fundamentalist form of Islam with the Deoband School because of the fact that the Afghan Taliban are purportedly the product of the Deoband School of thought, though this is a claim that the Ulema at the Dar ul Uloom Deoband firmly reject.¹⁹ What is increasingly noticed, however, is the role of mischievous states and the global ‘great game’ in the dynamics of terrorism. Indeed, it was Cold War politics, hostility towards the Soviet backed regime in Afghanistan, and American corporate greed for gas pipelines, that helped create and sustain the Taliban in the 1980s, and was responsible for importing Pakistani Taliban mujahidin to the Afghan-Pakistan border,²⁰ leading to establishment of Deobandi mercenary madaris. America’s geopolitical strategy provoked stark alterations and a dramatic

18 Muzaffar Alam, *The Languages of Political Islam in India*, 2004, University of Chicago Press, Chicago, p. 19

19 “Deoband Ulema terms all Taliban actions un-Islamic”, *Dawn*, June 20, 2009, <https://www.dawn.com/news/472493>

20 Looking at the international system that stimulated the growth of radical Islam, one thinks of the great power rivalries in Afghanistan that culminated in the Soviet occupation of Afghanistan in 1979. The United States (US) reacted to this invasion in diverse ways. It is widely believed in the Arab world that Afghanistan was the melting pot which produced, under Central Intelligence Agency (CIA) leadership, member of terror groups from different Arab countries. Thousands of Arabs went to fight in Afghanistan, many of them financed by Osama bin Laden, a Saudi Arabian construction tycoon who had strong CIA connections (See. Hilal Khashan: 1997, p. 8). After the withdrawal of Soviet troops from Afghanistan in 1989, many Arab mujahideen returned to their home countries and gave weight to militant Islamic groups there. (See, *Newsweek*: 1993, p.33)

change in the character of revivalist movements, creating a context that made political power focus on the fulfilment of a project of 'Islamic purification'.

Ulema: The Initial Dilemma

Islamist terrorists claim to serve the Faith, deriving legitimacy from certain Qura'nic verses to justify their actions and gain motivation from religion itself. It is broadly expected that a majority of ulema would condemn and disassociate themselves from such an understanding and interpretation of Islam. In the early post 9/11 world, however, Islamic clerics were not quick to come to terms with the reality of Islamist terrorism. What has been observed over a period of time, however, is an evolution in the narrative of condemnation, starting with a verbal condemnation, and culminating in written dictates or fatwas. The first collective initiative in issuing a fatwa came on May 31, 2008, when over 100,000 clerics, under the banner of Darul Uloom Deoband, issued a fatwa against terrorism and declared violence to be unislamic. The fatwa signed by Darul Uloom Deoband grand mufti Maulana Habibur Rahman declared that Islam and Muslims had no link with terrorism.²¹

During fieldwork in Lucknow in 2008-2009 this writer met several ulema from the two sects, who were both concerned about such an association with terrorism and also determined to dispel all allegations. Reacting to the Deoband fatwa, one

21 In this context of delinking terrorism and Islam, "It is proven from clear guidelines provided in the Holy Qur'an, that the allegation of terrorism against a religion which preaches and guarantees world peace are nothing but lie. The religion of Islam has come to wipe out all kinds of terrorism and to spread the message of global peace." (See, "Deoband first: A fatwa against terror", The Times of India, June 1, 2008, <https://timesofindia.indiatimes.com/india/Deoband-first-A-fatwa-against-terror/articleshow/3089161.cms>).

of the clerics Fazlur Rehman, argued, “If Islam has nothing to do with terrorism then why do we need to pronounce a fatwa in our defence? Any such measure can be counter-productive, legitimising the allegations that are levelled at the community and the religion.” Rehman evidently ignored the problem of interpretation that lies within Islam.

However, others also referred to the May 30 fatwa linked the issue to grievances about the state’s approach towards the minorities. Khalid Rashid, Firangi Mahali supported the fatwa but also talked about the treatment meted out to Muslim youth at the hands of the Police on mere suspicion.

A common thread running across all the ulema interviewed was the allegation of an American-Jewish conspiracy against the Muslims world. Such conspiracy theories have become an integral part of the rationalisation of extremism and terrorism throughout the Muslim world. In particular, conspiracy theories surrounding the 9/11 attacks began circulating among the ulema as well as the Muslims community soon after the attacks. Among the most common (and astonishing) was the belief that 9/11 was the result of a Jewish and American conspiracy. This repeated claim by Muslim clerics aggravated the problem of radicalisation, furthering the agenda of extremist Islamism, which emphasises the role of violent jihad as a purifying act with the ultimate goal of establishing a messianic caliphate to embraces all ‘true’ Muslims who subscribe to the radical interpretation of the Faith.

Despite the relative moderation of Indian Islam, radical undertones and conspiracy theories that characterize the perspectives of Indian clerics indicate a high measure of ambivalence on the issue of the threat of terrorism and responses to this global challenge.

9/11: A Zionist-American Conspiracy?

Regarding the September 11 attacks, the al Qaeda proclaimed:

The only motive for the youth [the perpetrators of the 9/11 attacks] is to defend the religion of God, their honour and their sanctity – not in service to humanity nor in service to any ideology whether eastern or western – but in service to Islam, and in defence of its people by their pure intentions, willingly not coerced. This [mission] was also given as a message to all the enemies of the [Muslim] community in that we will strike with an iron fist the heads of our enemies despite their strength or our weakness. It was also given especially at this time because it verifies to the community that is living in distress in every place in these days that the only way to salvation from this humiliation is the sword. The enemy doesn't understand any language other than this.²²

Despite this unambiguous claim by al Qaeda, conspiracy theories proliferated among Muslim clerics, claiming that 9/11 was an international Zionist conspiracy (and/or an 'inside job' by the Americans). The existence of a vibrant global network of conspiracy theorists that work continuously and energetically in the Muslim world, foments sentiments against the states of Israel and America. The geopolitics of the West Asian region and America's military engagements across the Muslim world add to the hardening of this sentiment. However, these theories fit into the Western mould of anti-Semitism, as they are generally

22 "A statement from qaidat al-jihad regarding the mandates of the heroes and the legality of the operations in New York and Washington," April 24, 2002, <https://scholarship.tricolib.brynmawr.edu/bitstream/handle/10066/4796/QAE20020424.pdf?sequence=3&isAllowed=y>.

thought to. Another field-based study²³ in 2016 in Lucknow and Delhi to study the responses of Indian Muslims to the Holocaust and Jews found a plurality of thought on the issue of Holocaust denial among Indian Muslims. Unlike Christian anti-Semitism, the denial of the Holocaust in the Muslim world is seen more as a result of political frustration than of theological dogma. The study also revealed the existence of class factors in the divergence of Muslim responses on this issue. While the clerical class across sects either justified the oppression of Jews or questioned its historical credibility, the responses from Muslims belonging to different sections of the society varied.

This variation in response had to do with the class factor, where the urban educated elite, primarily English educated, were straightforward in acknowledging the genocide of six million Jews... There was another group of Muslims that has received minimal or negligible mainstream education. Here the interviewees had no knowledge about the Holocaust or for that matter about the existence of a community like the Jews... Apart from these two categories there was another set of people, the petite bourgeoisie and the middle class. Their responses were more of a political reaction to the increasing violence of Israeli oppression in Palestine. It is this class which is closer to the clergy, updated with the politics around Israel and Palestine (however, this knowledge is limited to media coverage and news), and hence, easily influenced by the ‘sacred’ dictates. It was among this category that I could see a sense of “collective anger” at the Israeli policies and American backing.²⁴

23 Ambreen Agha, “Indian Muslim Denial of the Holocaust: Who are these Muslims?”, *Café Dissensus*, January 20, 2017, <https://cafedissensus.com/2017/01/20/indian-muslim-denial-of-the-holocaust-who-are-these-muslims/>

24 *Ibid*

Despite the plurality of responses among Muslims, this is one point over which ulema of different sects dispel their sectarian differences and arrive at a common platform. However, in the sphere of global world politics there is no melting down of sectarian differences, as visible in the warming of relations between Saudi Arabia and Israel/US on the one side, and growing tensions between Saudi Arabia and Iran, on the other. Such political calculations demonstrate that the complexities of such issues transcend ideology and cannot be boxed into simplistic binaries.

While initial evasion in responses from sections of the community that was either living in a state of denial or caught in conspiracy theories, there were, of course, at least some direct condemnations of terrorism after the 9/11 attacks. Thus, on September 15, 2001, Ayatollah Ali Khameni of Iran declared,

Killing of people, in any place and with any kind of weapons, including atomic bombs, long range missiles, biological or chemical weapons, passenger or war planes, carried out by any organisation, country or individual is condemned... it makes no difference whether such massacres happen in Hiroshima, Nagasaki, Qana, Sabra, Shatila, Deir Yassin, Bosnia, Kosovo, Iraq, or in New York and Washington.²⁵

On the same day as Iranian clerical leadership's statement, the Grand Mufti of Saudi Arabia and Chairman of the Senior Ulema Shaikh Abdulaziz Al-Ashaikh issued a statement condemning terrorism in general a 'gross crime and sinful act inviting the anger of God Almighty' and specifically the attack

25 "Supreme Leader of Iran, Ayatullah Sayed Khamenei Condemn Attacks on US", Bangladesh.com, September 15, 2001, <http://www.bangladesh.com/forums/religion/7619-supreme-leader-iran-ayatullah-sayed-khamenei-condemn-attacks-us.html>

on the US.²⁶ Similarly, on December 3, 2001, the Grand Sheikh of al Azhar in Egypt responded against the suicide bombings on Israeli civilians. Representing nearly a billion Sunni Muslims, Sheikh Muhammad Sayyed Tantawi at a press conference in Cairo condemned terrorism in all its forms, saying that he rejected and condemned the aggression against the innocent civilian people, regardless of whatever side, sect or country the aggression came from.²⁷

While such definitive condemnation of terrorism in general and 9/11 in particular, could be found in sections of opinions among the international religious clerics, the condemnation among the Indian clerics tended to be conditional, revolving around conspiracy theories and subject to a sectarian understanding of the issue.

Significant among the conspiracy theories that were doing the rounds after the 9/11 attacks was the claim that a large number of Jewish employees (variously, 3,000 or 4,000) in the World Trade Centre were on leave on the day of the attack, suggesting that the strikes were a pre-planned Jewish-American conspiracy against Muslims. An Indian alim, Maulana Fazlur Rehman, Teelay Waali Masjid in Lucknow, belonging to the Deoband School, reiterated the absence of Jews on the day of the attack, and eventually blamed the ‘evil American-Israel nexus’, arguing, “Muslims are progressing. Defaming them is the only means to pull them down. Muslims fear going to America and this would result in lack of growth and development.” Rehman was no different from a number of other ulema who blamed

26 “Saudi Grand Mufti Condemns Terrorist Acts in US”, Saudi Embassy, September 15, 2001, http://web.archive.org/web/20011009024647/http://www.saudiembassy.net/press_release/01-spa/09-15-Islam.htm

27 Frank Gardener, “Grand Sheikh Condemns Suicide Bombings”, BBC News, December 4, 2001, http://news.bbc.co.uk/2/hi/middle_east/1690624.stm

America and Israel for the 9/11 attacks. This conspiratorial mindset has fed into the broader ambivalence over issues of terrorism and fed into incitement against the West and its allies.

Thus, the 'Shahi Imam' of Delhi's Jama Masjid, Maulana Syed Ahmed Bukhari, during an international conference against terrorism organised by the Jama Masjid United Forum in Delhi on June 1, 2008, argued, "What is terrorism, who is the terrorist, who patronises terrorists, and why terrorism is spreading, are the questions that are answered differently by different people." Condemning the Israel-Palestine war, Bukhari, argued that, without the restoration of the al Aqsa mosque to the Palestinians and the freedom of Palestine, peace was not possible in the Middle East. Further, he asserted that the American occupation of Iraq and Afghanistan was the reason for the preceding waves of terrorism. Bukhari's position rests largely on the 'grievance thesis',²⁸ but failed to acknowledge the larger threat emanating from Islamic extremism, or to define measures to combat militant mobilisation within Islam. He did, however, note that disunity among Muslim countries and leaders was the major cause of the problems faced by Muslims.

Apart from the interview with Fazlur Rehman, the author also interviewed two Shi'i ulema and one Sunni alim in 2008-2009. The Shi'a ulema included Sayed Hamid ul-Hasan, principal of Jamia Nazimiya, Lucknow; 29 and Syed Kalbe

28 Grievance theory rests on the point that the offender has caused a grievance to the victim, and the punishment of the offender will satisfy the victim, and make up for that grievance.

29 Historical research provides us with the facts about shi' madrasas, dating back to the time of nawab Amjad Ali Shah of Awadh (1842-1847). The nawab is said to have been a devout shi'ite and an ardent follower of the religious leaders. Therefore he set up an institution of shi'ite theology called Jami'i sultaniyya or Shahi madrasa, 1843. The institution was originally accommodated in the mausoleum of nawab Saadat Ali Khan in Khas Bazaar (later known as Qaiser Bagh). In 1857 the Shahi madrasa was abolished by the British after the annexation of Awadh. As a result the shi'ite studies in

Jawad Naqvi. The other Sunni alim was Maulana Khalid Rasheed, Farangi Mahali³⁰, Naib Imam Eidgah, Lucknow. Some of their opinions and perspectives help illustrate the radical underpinnings of conservative Muslim thought in India today, and the influence of the wider radical Islamist discourse, across the sectarian divide.

All four ulema relied on Quranic authority to emphasise the distinction between ‘qitaal’ and ‘jihad’, where ‘qitaal’ means to kill and jihad has varied meanings, and also underlined the diversity of actions that came under the notion of jihad: ‘jihad

Awadh declined. The abolition marked a very important point in the history of shi’ites, because it had put an end to the study of shi’ite students at the Firangi Mahal, thus opening up opportunity for the increase of tension between Sunnites and Shi’ites in Lucknow, which culminated in the riots of 1911. after the shutdown of madrasa sultaniyya, the shi’ite ‘ulama first continued religious teaching through private tutorage. In 1890 Mawlana Sayyid Abul Hasan Abbu Sahib founded Madrasa Nazimiyya and made Mawlana Najm al-Hasan the director of the madrasa. He had a new building erected for the madrasa on Victoria Street, Lucknow. At present the madrasa is run by Sayyid Farid al-Hasan, son of Sayyid Hamid al-Hasan, who was also the director of the madrasa a few years back and continues play an important role in the successful running of the madrasa. The madrasa is financially aided by the Uttar Pradesh government. But the higher section which is run by Mawlana Hamid al-Hasan, is unaided. The sources of income for the maintenance of the instruction are traditional shi’ite means. Admission is restricted to the Twelver branch of the shi’ite sect. (See Sayyid Najmul Raza Rizvi in Hartung & Reifield: 2006, 109-112).

- 30 From their arrival in Lucknow in the later seventeenth century down to the early twentieth century, the Farangi Mahallis had been able to ignore the Hindu world about them. Part of the sharif world of Muslim governing traditions, they taught in madrasas and served at the courts of Muslim princes. Only two Hindus appear in their record in positions of honour, both in the early twentieth century. One was Raja Kishen Pershad and the second was Gandhi. (See Robinson: 2007, 157). Robinson introduces the Farangi Mahal family of learned and holy men as one which has lived separately from other religious communities but, equally, has been happy to coexist with them. When in twentieth century some shareable public spaces opened up, Farangi Mahallis were able to join other communities, though in small numbers and generally for a restricted time.

bil kalab' (struggle with the pen); 'jihad bil nisan' (struggle with the tongue or language) and lastly 'jihad bil saif' (struggle with the sword). Syed Kalbe Jawad Naqvi asserted that the concept covers working towards the welfare of society, seeking education, a labourer's tedious work, as well as serving Islam and humanity. There is a need to keep all of these in mind while using the term. Moreover tolerance and forgiveness strengthen relations (in the personal, domestic and international spheres) and secondly, prevents violent international differences. The authority of the Quran, he emphasized, demands that, "You should fight with people who are fighting with you. Fight in the way of God and not for protecting your material belongings. In this fight one should remember to not transgress the bounds of humanity. You should agree to come to terms if your enemy is willing to do it, and forgive him."

Denying any linkages between Islam and Terrorism, Sayed Shah Fazlur Rahman observed, "Islam and terrorism have no relation; and this should be engrained in everyone's mind for progressive and peaceful living." He argued that jihad is vast and it is necessary to have a conceptual understanding of the term. Generosity is also a form of jihad, as is self-denial, (Nafs-e-jihad). He further explained the situations where the use of sword becomes legitimate. Fighting against evil and fighting in defence of one's nation or country is the legitimate use of the sword. Rahman, along with the others, underlined the Quranic dictum that the killing of one innocent was tantamount to an attack on all of humanity. Nobody, he insisted, has the right over another individual's life.

Meanwhile, Fazlur Rahman underlined media biases and said that most of the people working with the English media, including Muslims, do not know about the Muslim society at large. There has existed a bias against the common Muslims.

In his attempt to explain the term jihad, insisted that it was a completely baseless argument that the Prophet spread Islam at

the point of the sword. There is, he asserted, no instance where the Prophet raised or compelled his followers to raise the sword to spread Islam. Such arguments reflect a distortion of history. This misrepresentation of Islamic history not only divests the religion of its authentic historical past but also makes ‘history’ a mere tool in a biased political narrative.³¹ It should be well understood, Rasheed argued, that neither Islam nor any other religion perpetuates violence of any kind. The Qur’anic verses, he argues, testify that “Allah dislikes those who sow the seeds of dissension.”

Among the Shia ulema, Syed Kalbe Jawad candidly spoke about the geopolitics and the American grand strategy to secure itself by occupying other nations. On this line of thought, he said,

Terrorism has a dense nexus with politics. One should know the intricacies before maligning a religion. Clearly the Taliban and al Qaeda are responsible for the attacks but all this is only possible with American and Israeli support. And this is not new to world politics, it has been happening ever since America needed Afghanistan’s support in its fight against the Soviet Union. Now when the situation is out of control they are blaming the Muslim community. Here it is understood that their main agenda is to spoil the image of Islam.

31 History being a narrative in its very form is susceptible to elements of subjectivity. This questions the basic understanding of Islamic history. As E.H Carr argued, facts do not speak for themselves. It is the historian who makes them speak. (See Carr: ‘What is History?’) It is the task of the historian to balance the element of subjectivity and reality. Only careful and critical enquiry of the sources can answer the question of whether Islam was spread by the sword. That there is no such evidence anywhere in the history of Islam is argued by many distinguished Western historians. [See, Thomas W. Arnold ‘the Preaching of Islam’, M. G. Hodgson, ‘the Venture of Islam’, and Ira Lapidus, ‘History of Islamic Societies’,] These historians give substantial evidence to the contrary of what is widely believed in the western world.

He further urged for a closer scrutiny of the ideology of Wahhabism, which, he asserted, was venomous not only for non-Muslims, but also for Muslims who are not its followers. Wahhabis consider both Shia and Sunni as infidels and hypocrites, who have distorted the essence of Islam. For the Wahhabis anyone who refuses to conform to their ideology should be killed. Drawing an impenetrable link between America-Israel and America's role in Afghanistan, Jawad stated, "Muslims are divided and this is working against them. 9/11 is the brainchild of America and Israel. They want to wipe out Islam from the face of the globe." "The Taliban Maulvis have links with Israel," Jawad asserted, insisting that "any objective assessment must pass through this impassable network to unmask the truth, which has been simplified."

Maulana Fazlur Rahman reflected on widespread Muslim concerns, and argued that "post-9/11 Islam and Muslims have gone through painful tribulations. Something that they didn't deserve," and insisted, "The Israeli lobby is responsible for this. The unprecedented Islamic terror is the result of an America-Israel conspiracy." He cites the Qur'an to argue that Muslims cannot be blamed since, "Force and religion are two opposite entities. Force cannot be used in matters of religion." He consequently urged educated individuals to look into the gaps and questions still unanswered. 9/11 is America's brainchild, he claimed. It was made possible with Israeli support. Why were 3,000 Israelis not present in the twin towers on that day? The reason behind 9/11, he claimed, was that,

Muslims are progressing. Defaming them is the only means to pull them down. Muslims fear going to America and this would result in lack of growth and development." American's fear is that if all Muslims unite, the American power would crumble. A united Islam is a threat to American power. Why is America

forgetting the fodder of Afghan Mujahidin in her war against the Soviet Union? The Afghan Mujahidin or the Islamic fundamentalists were trained by the CIA (Central Intelligence Agency) and now the wrongs done should be met with fairness.

Among all the ulema interviewed, Rahman was the most assertive in proclaiming US responsibility for 9/11 and global terrorism.

Maulana Khalid Rasheed also argued that “the responsibility doesn’t rest on Muslims. It’s only the game of politics and power. One has to understand this intricate web designed to trap Muslims to hinder their growth, both in India and the world.” Reflecting on the past position of Indian Muslims he argued that “when India was a British colony, then Indian Muslims had better government employment opportunities. During colonisation 37 per cent Indian Muslims were in government jobs, but now in Independent India only 2 per cent Muslims work in the government sector... Why is an Indian Muslim seen only as a Muslim, why not an Indian? Why are identities restricted to religion?” Rasheed’s concerns revolve around the “multiple identity debate”, where Amartya Sen argues that “internal diversities should not be overlooked and religious identity should not be given singular attention in assessing an individual.”³²

32 Amartya Sen argues that giving an automatic priority to the Islamic identity of a Muslim person in order to understand his role in the civil society, or in the literary and professional world, can result in profound misunderstanding. Further, that the increasing tendency to overlook the many identities that any human being has and to try to classify individuals according to a single allegedly pre-eminent religious identity is an intellectual confusion that can animate dangerous divisiveness. An Islamist instigator of violence against infidels may want Muslims to forget that they have any identity other than being Islamic. To Sen, what is surprising is that, those who would like to quell that violence promote, in effect, the same intellectual disorientation by seeing Muslims primarily as members of an Islamic world. The world is made much more incendiary by the advocacy and popularity of single-

Astonishingly, Rasheed insisted that there was 'no trace of Muslim involvement' in the 9/11 acts of terror: "There is no such entity called Osama (bin Laden). I fail to understand where do these arguments come from? How an identity is created and then runs into oblivion? How something like Afghanistan, a state bereft of education, technology and progress, blasts America's twin towers?" Like the other ulema Rasheed also blamed the American-Israeli nexus, and their vested interest in the oil rich countries for this 'conspiracy'. However, Rasheed, much like Rehman and other ulema, was oblivious of the fact that Saudi Arabia had been the main US ally in the region since its creation and the relationship between the two had since been growing. Evidently continuing with this US policy, President Donald Trump visited Riyadh on May 20-21, 2017, making it his first overseas visit, demonstrating a clear reinforcement of Washington's policy priorities.³³

Another theme agitating the ulema was the state of Indian madrasas. The madrasa has, for some time now,

dimensional categorization of human beings, which combines haziness of vision with increased scope for the exploitation of that haze by the champions of violence. Sen iterates that the people of the world can be classified according to many other partitions, each of which has some—often far-reaching—relevance in our lives: nationalities, locations, classes, occupations, social status, languages, politics, and many others. While religious categories have received much airing in recent years, they cannot be presumed to obliterate other distinctions, and even less can they be seen as the only relevant system of classifying people across the globe. In partitioning the population of the world into those belonging to "the Islamic world," "the Western world," "the Hindu world," "the Buddhist world," the divisive power of classificatory priority is implicitly used to place people firmly inside a unique set of rigid boxes. Despite our diverse diversities, the world is suddenly seen not as a collection of people, but as a federation of religions and civilizations. (See, Sen: 2006)

33 Ambreen Agha, "US President Donald Trump's visit to Riyadh and Jerusalem: Reasserting Realpolitik?", *Indian Council of World Affairs*, June 27, 2017, p.4, <http://www.icwa.in/pdfs/IB/2014/TrumpRiyadh27062017IB.pdf>

been embroiled in controversy, widely seen as a regressive institution that is holding the Muslim community back. Thus, one commentator asks, “Scholars and journalists alike may be able to garner evidence for Muslim efforts at recovering or maintaining medieval Islam, or an effort at Islamizing Muslim masses perceived to be erring from orthodoxy, or even some evidence for the ‘proliferation of separatist attitude’ among the impressionable youth of the Madrasas, but is this view of Madrasas entirely right?”³⁴ Are Indian madaris harbouring terrorism or are they victims of a campaign of slander?

In response to these questions, Maulana Hamid ul-Hasan argued that the madrasas that are suspected to be preaching extremist militant ideologies should be brought out in open; and should not be categorised within the dini madaris. “The madrasa that indoctrinates its students with radical extremist teachings should be called a duniyai (worldly) institution and not a dini madrasa”

However, another Shia Maulana, Kalbe Jawad, urged that madrasas aided by Wahhabi sources should be exposed; and that the madaris that need to be put to question are the ones in Pakistan, Afghanistan and Balochistan, which are very conservative and rigid. He described the Taliban as a ‘flawed concept within Islam’. On the other hand, Maulana Fazlur Rehman was more empathetic towards the Taliban, calling them fighters against occupation and righteous in Islamic practice. This difference of opinion on Taliban between the two strains of Islam does not show the sectarian binaries because Maulana Khalid Rasheed, another Sunni cleric, denounced the Taliban. He stated that there are no Islamic States; there are

34 David Emmanuel Singh, “The Independent Madrasas of India: Dar al ‘Ulum, Deoband Nadwat al-‘Ulama, Lucknow”, *Journal of Dharma*, Volume 32, Number 2, p.133, http://www.ocms.ac.uk/docs/madrasas_deoband.pdf

only countries with Muslims majorities. "The only country that can be called a true Islamic country is Saudi Arabia," he clarified.

An overview of these conversations with clerics belonging to different sects establishes the point that the Muslim clerics in India were initially in a denial, but gradually acknowledged the problem and eventually publically denounced terrorism in 2008, after pressure from various quarters. However, this recognition and condemnation has been conditional and rife with narratives of American-Israeli conspiracies against the Muslim world, and were often sectarian in nature. A similar problem is observed among the Muslim nations, particularly Iran and Saudi Arabia, backed by their western allies, who accuse one another of fomenting radicalism. It is this politicisation of the discourse on terrorism, intertwined with sectarianism, that has been counter-productive, and that fails to address the problem, thus far. While at one level, leading Muslim nations abandon radical Islam in order to strengthen relations with the west, on another level, they appropriate extremist clerical beliefs to establish domestic political legitimacy.

The Challenge Within

While the Indian ulema have come together to condemn terrorism after pressure from various quarters and publicly denounced terror in May 2008 in a massive Anti-Terrorism Convention organised by Darul Uloom Deoband, it, this has not resolved the problems and challenges posed by radical ideologies within.

Such radical overtones were noticeable in the responses of Indian Muslim leaders to the killing of Osama bin Laden, on May 1-2, 2011 in Pakistan. One such voice was that of Syed Ahmad Bukhari, the Imam of Delhi's Jama Masjid, who demanded, "When did any court of law in the world convict Bin

Laden of terrorist activities? It is only America's assertion and that of NATO that he was one. Why we should believe them?"³⁵ In a similar vein, Maulana Arshad Madani, the President of a faction of the Jama'at-i-Ulema Hind, asserted, with implicit contradiction, "I do not believe Osama indulged in terrorism. The question to be asked is why did US come into Afghanistan in the first place? Who created Osama?"³⁶

Bin Laden's killing brought the radical Muslim perspective to the fore once again, particularly across South Asia. A study in Pakistan, released by the Gilani Foundation and based on a poll carried out by the Gallup Institute that covered 2,530 men and women in the rural and urban areas, representing the adult population of Pakistan over a cross-section of educational, income, age and linguistic backgrounds. A majority of Pakistanis surveyed in the poll appeared to be aggrieved by bin Laden's death, with 51 per cent describing their emotions as "grief", though a third said they were unconcerned about the incident.³⁷ When asked about the logic behind the attacks, a majority of them believed that Pakistan authorities carried out the attack in collusion with the United States. Around 57 per cent of Pakistanis believed that the then Gilani-Zardari Government was in total or in partial connivance with the American troops.

These views echoed a broad stream of opinion across the Muslim world, strongly reflected over the Internet. The Egyptian admirers of bin Laden took to the streets in Cairo following his

35 Abantika Ghosh, "Who says Osama is a terrorist, ask Muslim Religious Leaders", *The Times of India*, May 3, 2011, <https://timesofindia.indiatimes.com/india/Who-says-Osama-is-a-terrorist-ask-Muslim-religious-leaders/articleshow/8147921.cms>

36 Ibid

37 "Most Pakistanis grieve for Osama", Rediff, May 17, 2011, <http://www.rediff.com/news/slide-show/slide-show-1-osama-killed-most-pakistanis-grieve-for-osama-says-survey/20110517.htm>.

death; supporters of Jama'at-e-Islami in Pakistan attended an anti-US rally in Lahore; Muslims in the UK protested against bin Laden's killing outside the US Embassy in London.³⁸

The Islamic State and the Orthodoxy

As the landscape of jihad changed with the emergence of the Islamic State (IS/ also know as Islamic State of Iraq and Syria, ISIS, or Daesh) and its manifestations in widely advertised and extreme brutality, the response from the Muslim world has been quick and sharp in condemning the outfit, its ideological distortions and its actions. The utter savagery of Daesh actions and various aspects of their teachings, war-fighting and administration horrified most Muslim leaders. As a result, condemnations of terrorism in the post-2014 world have been less equivocal. However, conspiracy theories blaming the US-Israeli combine for all or most of the ills of the Muslim world have not lost their currency.

Moving out of their zone of silence, which was often viewed as complicity, in context of the increasing Daesh role across the globe and its penetration into South Asia, an annual gathering of almost 70,000 South Asian Sunni Muslim clerics came together on December 9, 2015, and passed a fatwa against global terrorist organizations, explicitly naming the Taliban, al Qaeda and Daesh. The motivation for the fatwa, which was signed by 1.5 million attendees, was the Paris attack of November 13, 2015, according to Hazrat Subhan Raza Khan, chairperson of the Dargah Aala Hazrat.³⁹

38 "In Pictures: Reactions to Bin Laden's Death", Al Jazeera, May 8, 2011, https://www.aljazeera.com/photo_galleries/general/20115814127705538.html

39 Priyangi Agarwal, "70,000 clerics issue fatwa against terrorism, 15 lakh Muslims support it", *The Times of India*, December 9, 2015, <https://timesofindia.indiatimes.com/india/70000-clerics-issue-fatwa-against-terrorism-15-lakh-Muslims-support-it/articleshow/50100656.cms>

It is important to recognize that the radical voice doesn't end at Muslim clerics; rather it proliferates through the dissemination of radical ideas among the vulnerable masses, increasingly through the use of technology. Given the reach of social media, the fundamentalists have succeeded in radicalising and recruiting youth surreptitiously, signalling a change in the spaces of radicalisation – from mosques to social media platforms. The recruitment of foreign fighters in Iraq and Syria saw many examples of online radicalisation and mobilisation of youth, who were brought to regard jihad as a state of permanent warfare with 'unbelievers' and 'infidels', seeing violence against them as love for Islam as propagated by Allah through the Prophet in the Qur'an and the Hadith. Significantly, many traditional and conservative ulema support and share this radical, messianic vision of an Islamic Caliphate.

However, it is important to note here, that the Qur'an and the Hadith do not talk of an Islamic State. Even the term Dar-ul-Islam was coined by later jurists. It was only with time that the seizure of territorial power and its prolongation in particular territories led to the consolidation and hegemonisation of dominance through a religious-political ideology, through which the then wielders of power conceptualized the Islamic State.⁴⁰ Abdullahi Ahmed An-Na'im, a Sudanese-born Islamic

40 The Islamic State: After the death of Prophet Muhammad, a series of Caliphs governed. It started with Abu Bakr Siddique, Umar, Uthman and Ali, popularly known as the Rashidun or rightly guided caliphs in Sunni Islam. After the Rashidun period, a series of Caliphates were established that developed their own laws based on the Shari'ah. After the Rashidun Islamic Empire came the Umayyad and the Abbasid Empires, both raising competing claims to the Sunni Caliphate; and the Fatimid Empire, drawing descent from Ali and Muhammad through his daughter Fatima. The political history of Islam, from the death of Prophet Muhammad has been defined by the institution of the caliphate and measured by successive caliphal dynasties. Illustratively, the Rashidun presided over the polity Muhammad had created in Medina and directed the conquests that brought Arabia, most

scholar, argued for the separation of Islam and State. Consciously separating the 'Islamic' from the 'Islamic State', he asserted, "The notion of an Islamic State is a post-colonial innovation based on European model of the state and totalitarian view of law and public policy as instruments of social engineering by the ruling elites,"⁴¹ thus arguing for the need of a secular state for Muslims.

While arguing that the claim of a so-called Islamic State to coercively enforce Shari'ah repudiates the foundational teachings of Islam, An-Nai'm cites other scholars, such as Djohan Effendy, Manshur Hamid, Ahmad Wahib and Dawam Rahajaro, who reasserted several important propositions on the relationship between Islam and State. Firstly, in their view, there is no clear cut evidence that the Qur'an and Sunna oblige Muslims to establish an Islamic State. Secondly, since Islam is conceived as timeless and universal, Muslims' understanding of it should not be confined to a formal and legal sense of it, drawn from a specific time or place.⁴²

of the eastern domains of the Byzantine Empire, and the lands of the former Sassanian Empire under Muslim rule. Later, the Umayyads established their dynastic rule over the Islamic empire and extended it, governing from Syria for nearly a century (661-750) until they were overthrown by the Abbasids in a revolution carefully planned in ideological terms. The Abbasid period (750-1258) is often characterised as an apogee of Islamic civilisation, and in many ways Abbasids defined the institution of the caliphate. The way they elaborated their authority, asserted their claims to legitimacy and styled their rule, inspired the contemporary and future provincial rulers and rivals. Later in the tenth century the Fatimids and the second Umayyad caliphate challenged the Abbasid legitimacy (See, Safran: 2001, 1-2). This chronology of Islamic history represents these dynasties' exclusive rightful claim to the Command of the Faithful and the promotion of their distinctive interpretations to support their claims and subsequently indoctrinate their followers. Thus the concept of the caliphate proved historically malleable within parameters determined by the early community.

41 Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'ah*, 2009, Harvard University Press, US, p. 7.

42 *Ibid*, p. 252

Strategic Options

In recent years, particularly, in the post-2014 world, there has been an overwhelming response from the Muslim community in general and the clerics, in particular, condemning religiously inspired violence, and particularly terrorism. Despite this condemnation, the problem of violent extremism persists. A vibrant counter-narrative to violent extremism, with the Muslim as principal stakeholder, remains elusive. This can be done through community-based programmes where community leaders, civil society groups and local leaderships come together to build and sustain preventive efforts, as well as to offer a counter-narrative to violent extremism.

Since a community-based approach is unlikely to survive on its own, active state participation in terms of allocation of resources and, most importantly, building social capital – trust—with the target community, are necessary. A convergence of interests in this partnership between the state and the community is an inescapable imperative.

‘Institutional Architecture’ and Police Reforms

Ajai Sahni¹

We have, in India, a great fondness for discussing things in the abstract; in a manner that appears profound, but does not commit us to any narrow or concrete course of action by which we may be quickly judged. Large and sweeping ideas of policy, grand strategy and strategy are examined and there is much talk of ‘out of the box solutions’, but very little attention is paid to what is ‘in the box’; to the situation prevailing on the ground. The result is that many of the various ‘solutions’ and ‘strategies’ that are being articulated are, in fact, neither. They are declarations of intent or aspiration, at best; and mere, counterproductive flights of fantasy at worst. The truth is,

...we do not need to rewrite Centre-State relations and the distribution of powers in the Constitution of India; we do not need sham institutional impositions... What we need, rather, is a relentless focus on the nuts and bolts of capacities and capabilities in existing

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institutions of intelligence, policing and governance; in the absence of these, all our ‘policies’ and ‘strategies’ remain nothing more than slogans.²

The most significant element, and one that underpins all arguments that follow here, is that the critical deficit of policing and internal security in India is one of resources and that, absent a sufficient understanding of the sheer quantum of this dearth, all talk of ‘architectural’ transformation is misconceived, misdirected and, crucially, wasteful. Indeed, India’s record of institution building over the past decades has been disastrous. We have set up numberless shell organizations, but few of these have acquired the operational efficacy envisaged. There are structural reasons for this, the most important being the unavailability of the necessary profile of human resources. Any major institutional innovation only cannibalizes existing institutions for educated and skilled manpower; most of these existing institutions are already in a crisis of manpower at leadership levels.

The institutional structures we aspire to are usually those of leading Western nations – and due to our peculiar history and the language we have inherited from our colonial past, particularly of the United Kingdom (UK) and United States (US). People sometimes wonder, for instance, why the Indian policeman cannot be like the English ‘Bobby’. The answer is simple: UK, with a population of just 65.64 million, spends UKP 16.35 billion on policing (roughly INR 142,574 crore; India, with a population of 1.27 billion, has a total state police expenditure of INR 90,662.94 crore. On a per capita population basis, India spends INR 1.94 per day on the Police, less than a fifth of the cost of a cup of tea on the streets; the UK spends almost thirty two times as much per capita per day. Even if we

2 Ajai Sahni, “The Deception of ‘Policy’”, *Defence and Security Alert*, Volume 3, Issue 9, June 2012, p. 9.

add India's Central Armed Police Forces (CAPF) expenditure of INR 51,040 to this calculus, we spend less (INR 141,702) than the UK in absolute terms; and the UK would still spend more than 20 times per capita on policing than India does.³

The National Investigation Agency (NIA), we were told at the time of its creation in end 2008 (in the panic that followed the Mumbai 26/11 attacks) was intended to be 'like the FBI' (the US Federal Bureau of Investigation). But here, again, it is useful to recognize that the NIA's annual budget for 2017-18 was just INR 111.14 crore (USD 17.24 million). The FBI's budget for FY 2017 was USD 9.5 billion⁴ – over 76.6 per cent of the entire budget of the Union Ministry of Home Affairs (USD 12.4 billion) in 2017-18. Crucially, despite an expenditure of INR 743.63 crores over the eight years of its existence, the NIA has registered just 183 cases till date, of which 37 have been partially or finally decided in trial, resulting in convictions in 35 of these⁵ – hardly a record that would have any dramatic impact on the trajectory of terrorism or related crimes in India, as was promised at its founding. It may be useful to speculate what the relative outcome may have been, had these resources been pumped into existing agencies, particularly at the State level. More significantly, as the NIA's limited resources are

3 UK Data: "Public sector expenditure on police services in the United Kingdom (UK) from 2011/2012 to 2016/2017 (in million GBP)", The Statistics Portal, Statista, <https://www.statista.com/statistics/298637/united-kingdom-uk-public-sector-expenditure-police-services/>; India Data: "Data on Police Organizations (as on January 1, 2017)", Bureau of Police Research & Development, Ministry of Home Affairs, Government of India, <http://bprd.nic.in/WriteReadData/userfiles/file/databook2017.pdf>

4 "FBI Budget Request for Fiscal Year 2017", Federal Bureau of Investigation, February 26, 2016, <https://www.fbi.gov/news/testimony/fbi-budget-request-for-fiscal-year-2017>.

5 "About Us", National Investigation Agency, Government of India, <http://www.nia.gov.in/about-us.htm>, as on March 29, 2018.

now frittered away on investigations into ‘love jihad’⁶ or prostitution and human trafficking rackets⁷, as its credibility is undermined by dubious u-turns in cases relating to terrorism,⁸ the very utility of institutional innovations of this nature, particularly in an environment where their objectives are routinely subordinated to partisan political ends by successive regimes, comes into question.

Similarly, and apart from the constitutional legitimacy of this initiative (more on which below), to pretend that India has the capacity – or, indeed, even the need – to replicate the US National Counter-terrorism Centre (NCTC) and the ‘model’ of counterterrorism (CT) response that backs it, is delusional in the extreme. And to believe that the creation of a new office in Delhi called NCTC will create capabilities that are even remotely comparable to the gigantic US CT complex is to ignore the most obvious realities.

It is useful, further, to notice that institutional transformation in post-9/11 USA are not limited to creating a peripheral new

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- 6 Bharti Jain, “NIA finds a common mentor in Kerala ‘love jihad’ cases”, *The Times of India*, August 28, 2017, <https://timesofindia.indiatimes.com/india/nia-finds-a-common-mentor-in-kerala-love-jihad-cases/articleshow/60250975.cms>. See also, “Kerala ‘love jihad’ case: NIA cannot probe 24-year-old Hadiya’s marital status, rules Supreme Court”, *Firstpost*, January 24, 2018, <http://www.firstpost.com/india/kerala-love-jihad-national-investigation-agency-supreme-court-of-india-kerala-dipak-misra-mamala-nia-cannot-probe-24-year-old-hadiyas-marital-status-rules-3-judge-supreme-court-bench-4315579.html>.
- 7 “Cabinet not to Bill for allowing NIA to probe human trafficking cases”, *Business Standard*, February 28, 2018, http://www.business-standard.com/article/pti-stories/nia-to-probe-human-trafficking-cases-118022800571_1.html.
- 8 See, for instance, Vipin Pubby, “Hindutva terror cases: NIA on backfoot as apex court questions complicity charges”, *Scroll*, October 4, 2015, <https://scroll.in/article/759508/hindutva-terror-cases-nia-on-the-backfoot-as-apex-court-questions-complicity-charges>; “Malegaon blasts: NIA U-turn, Saffron goes out of Terror”, *The Free Press Journal*, May 14, 2016, <http://www.freepressjournal.in/nia-u-turn-saffron-goes-out-of-terror/847954>.

office as an adjunct to some existing department. The sheer enormity of institutional transformations is difficult for us even to imagine as we struggle for years to set up a functional national database of crimes and criminals; or even to recruit roughly 8,000 people to fill up the 30 per cent of long-pending vacancies in a tiny Intelligence Bureau (IB) that had a strength of about 18,795 in 2013,⁹ and is not much larger now. The Polnet project for a unified police satellite communications network that was to link all police stations in India, was sanctioned in 1996, and floundered till the Government re-conceptualized another comparable initiative under the Crime and Criminal Tracking Network and Systems (CCTNS) project; but nearly nine years after its sanction in June 2009 (and over six since its original deadline for completion), the system is yet to be operationalised. Ironically, the hardware and software acquisitions under the project are already on the cusp of redundancy.

Though no comprehensive analysis or assessment of these is possible here, it is useful, by comparison, to look at some of the institutional transformations and augmentations the US security apparatus underwent after 9/11. A detailed study by Dana Priest and William M. Arkin in the Washington Post in July 2010 noted that “at least 263 organisations have been created or reorganized as a response to 9/11”. Further, the study notes,

- Some 1,271 government organisations and 1,931 private companies work on programmes related to counterterrorism, homeland security and intelligence in about 10,000 locations across the US.
- An estimated 854,000 people, nearly 1.5 times as many people as live in Washington, DC, hold top-secret security clearances.

9 “Shortage of manpower in IB”, Unstarred Question No. 2379, *Lok Sabha*, Ministry of Home Affairs, Government of India, March 12, 2013, <http://mha1.nic.in/par2013/par2013-pdfs/ls-120313/2379.pdf>.

- In Washington and the surrounding area, 33 building complexes for top-secret intelligence work are under construction or have been built since September 2001. Together, they occupy the equivalent of three Pentagons... about 17 million square feet of space.
- The 2009 US Intelligence budget, as publicly disclosed, was USD 75 billion, but did not include many military activities and domestic CT programmes.¹⁰

This dramatic augmentation has resulted in many preventive successes, but there have been failures as well. Despite the massive flows of intelligence – and partially because of them – specific intelligence relating to individual suspects has been neglected or lost in the deluge. “Every day, collection systems at the National Security Agency intercept and store 1.7 billion e-mails, phone calls and other types of communications. The NSA (National Security Agency) sorts a fraction of those into 70 separate databases.”¹¹ The same process is replicated in a multiplicity of other intelligence agencies, “none of which have enough analysts and translators for all this work.” With all the capacity augmentation, there is still a deficit in terms of capabilities to trawl through the intelligence flows to identify and respond to actionable intelligence.

Clearly, the scale of this response is simply beyond India’s reach in the foreseeable future, and its efficacy is in doubt as well.

10 Dana Priest & William M. Arkin, “A hidden world, growing beyond control”, *Top Secret America: A Washington Post Investigation*, July 18, 2010, <http://projects.washingtonpost.com/top-secret-america/articles/a-hidden-world-growing-beyond-control/>. See also, Dana Priest & William M. Arkin, *Top Secret America: The Rise of the New American Security State*, 2011, Back Bay Books, New York.

11 Dana Priest & William M. Arkin, “A hidden world, growing beyond control”, op. cit.,

Constitutional Short Cuts

Beyond such individual 'architectural' innovations, moreover, there is an even more fundamental and disturbing effort to discover constitutional short-cuts, purportedly to deal with the complexities of contemporary security challenges. The broad contours of the argument, here, are that the threat of non-state armed groupings and organised crime transcends State (and, indeed, national) boundaries, and far exceeds the capacities of individual States to cope; consequently, a 'national' response becomes necessary. The expression 'national' in this context is increasingly being taken to mean 'centralized' – implying an augmenting role for the Union Ministry of Home Affairs (UMHA). The arguments here rely on specific instances of the failure of State Governments, and on the visible frustration at the Centre over particular examples of the purported 'lack of cooperation' by, or deficiencies in 'coordination' with, the States. It is only in the rarest instance that they have been based on a demonstrable necessity or superiority of Central responses.

But context is crucial. The Centre's role in internal security management and the adequacy or otherwise of existing Constitutional arrangements cannot be discussed in an intellectual ivory tower. They must be discussed within the framework of the prevailing political and administrative environment, and of multiple and endemic crises of governance and security. I shall argue, here, that the Centre does not have the solution to all of India's internal security problems, and that it has acted, at least on occasion, with as little wisdom and efficacy as the States.

Within the constitutional scheme, the Centre's role in 'public order' or 'policing' and 'internal disturbances' is envisaged only under the Emergency provisions, specifically Articles 352 (proclamation of emergency) and 355 (Duty of the Union to protect States against external aggression and internal

disturbances). The possibility of abuse and overreach by the Centre had troubled the Constituent Assembly, and in its debates on Article 355, B.R. Ambedkar clarified, in particular, that, “The States, under our Constitution, are in no way dependent upon the Centre for their legislative or executive authority. The Centre and the States are co-equal in this matter...” The Centre is not, as it often appears to project, the ‘elder brother’ in this relationship, bringing superior authority to its subordinate State constituents; the “partition of the legislative and executive authority between the Centre and the Units” is defined by the Constitution;¹² and further, “...if the Centre is to interfere in the administration of provincial affairs... The invasion must not be an invasion which is wanton, arbitrary and unauthorized by law.”¹³

Crucially, in language with startlingly contemporary resonances, a member of the Constituent Assembly, Naziruddin Ahmad warned against the escalating consequences of any temptation to overstep Constitutional boundaries in the exercise of emergency powers:

...very soon these very drastic powers calculated to strengthen the hands of the Centre will be rather a source of weakness in no distant time... It is a strange thing that though dictators have always been unpopular and destroyed in the long run, yet, it is a strange phenomenon of modern times that dictatorships do grow up. They arise honestly out of good working democracy; they arise out of the desire to deal with lawlessness honestly by constitutional short cuts...¹⁴

12 Constituent Assembly Debates, Proceedings, Lok Sabha, Parliament of India, November 25, 1949, <http://parliamentofindia.nic.in/ls/debates/vol11p11.htm>. [Emphasis added].

13 Constituent Assembly Debates, Proceedings, Lok Sabha, Parliament of India, Volume IX, August 3, 1949. [Emphasis added].

14 Constituent Assembly Debates, Proceedings, Lok Sabha, Parliament of India, Volume IX, August 4, 1949. [Emphases added].

What advocates of an augmenting mandate for the Union appear to be seeking is the power for continuous and partial interventions in functions under the State List at a threshold well below the Constitutional breakdown mandated by the existing emergency provisions, or a transfer of these powers to the Concurrent List. It is useful, however, to remind ourselves of the Supreme Court's admonition in *S.R. Bommai's* case, that, "There cannot be two Governments in one sphere."¹⁵ The powers of direct intervention that are being sought for the Union to intervene in a range of protracted crises – and not the transient 'breakdown' currently contemplated – would create a new and perverse diarchy that can only yield continuous conflict between the Centre and the States, and that would be far more detrimental to national stability than the crises they are intended to address. It would, equally, deepen the abdication of responsibility by the States, which has already become a deep malaise in governance across India, with the enlargement of the Centre's unsupportable pretensions that it possesses a 'solution' to every crisis.

Crucially, moreover, no constitutional provision can offer a guarantee against the collective malfeasance, collusion and intentional neglect of the very powers and institutions that are intended to protect constitutional governance. This is not a question of the constitutional distribution of powers, but of bad faith and criminal collusion or neglect by authorities, of which they have been numberless instances through India's independent history. B.R. Ambedkar had clearly warned the Constituent Assembly, "However good a Constitution may be, it is sure to turn out bad because of those who are called to work it, happen to be a bad lot..."¹⁶ To take the conundrum a

15 *S.R. Bommai vs. Union of India*, (1994) 3 SCC 1, 296-297, Para 434

16 **B. R. Ambedkar's** *speech in the Constituent Assembly on 25th November 1949*, Constituent Assembly Proceedings, Lok Sabha, Parliament of India, Volume XI, November 25, 1949

step further, what happens when the Centre is directly culpable in such mischief? This would certainly appear to be the case in the anti-Sikh pogrom of 1984 (and, indeed, in the protracted mischief that created the crisis of terrorism in Punjab before this event); or the sequence of collusion and intentional neglect that resulted in the debacle at Ayodhya in 1992. What conceivable constitutional provision could prevent the harm in these cases, and innumerable others where active malfeasance by those who are charged with the responsibility of protecting the law and the Constitution are the source of the disorders? All laws have to be implemented by institutions and individuals empowered to manage these. If there is a criminal defalcation of duty by some, and if all other empowered institutions fail to intervene as a result of collusion, neglect, intimidation, or other extra-constitutional considerations, no legislative or constitutional resolution is possible. Where such bad faith is not in evidence in the larger system, and particularly at the Centre, the Constitutional powers would suffice to address the transgressions of some one component of the system – such as a partisan and delinquent State Government.

There is, consequently, urgent need to recognize and check the Centre's jurisdiction hunger, and its surreptitious and creeping expansion into the States' ambit. It is useful to examine what has been attempted in the past, and continues to lurk as a constant danger even today.

It was in a milieu of near hysteria, in the wake of the 26/11 attacks in Mumbai, that an aggressive and successful bid to push through legislation that altered the established equation of Centre-State relations was made. In just over a month, the UMHA had rammed through two crucial Acts in Parliament, the Unlawful Activities (Prevention) Amendment (UAPA) Act, and the National Investigation Agency (NIA) Act, both passed on December 31, 2008, with little meaningful debate. It is not

the intention, here, to engage in any detailed critique of either Act. What is germane is the introduction of Section 43(A) in the UAPA, 1967, conferring powers of arrest, search and seizure on any authority that may be designated by the Centre or the States. The NIA Act, moreover, explicitly conferred on officers of the NIA “throughout India in relation to the investigation of Scheduled Offences and arrest of persons concerned in such offences, all the powers, duties, privileges and liabilities which police officers have...”; and further, “Any officer of the Agency of, or above, the rank of Sub-Inspector may, subject to any orders which the Central Government may make in this behalf, exercise throughout India, any of the powers of the officer-in-charge of a police station...” Astonishingly, this brazen arrogation of police powers “throughout India” for a central agency, and the power of any centrally designated authority to carry out arrest, search and seizure under UAPA’s Section 43(A), failed to attract even a whimper of protest in Parliament, and passed insidiously on to the statute books.

The UMHA, however, overplayed its hand by trying to force through the creation of a National Counter Terrorism Centre (NCTC) “through sleight of hand and subterfuge”,¹⁷ and by a mere executive order in February 2012, once again conferring powers of arrest, search and seizure (among a range of other dubious functions¹⁸) on the “operations wing” of this proposed entity.

Responding to objections by several Chief Ministers, in his letter of February 24, 2012, then Union Home Minister P. Chidambaram argued that the powers conferred on the NCTC derived from the UAPA Amendments of December 2008,

17 Ajai Sahni, “NCTC: National Confusion on Terror by Centre”, South Asia Intelligence Review, Volume 10, Number 34, February 27, 2012, http://www.satp.org/satporgtp/sair/Archives/sair10/10_34.htm .

18 Ibid.

and that, when these were brought to Parliament, “There was no demur or opposition to either section 43A or the other amendments”. UMHA officials argued, further, that when similar powers of arrest and seizure were given to NIA, there were no objections regarding any perceived infringement of the Constitutional distribution of powers between the Union and the States. In other words, the States were now presented with a *fait accompli* and were being told, facetiously, that, having failed to object to the Centre’s jurisdictional enlargement in the past, they had lost their right to do so in the present and the future.

This, however, was evidently not the position then UHM Chidambaram had projected to his closer confidants. Indeed, if evidence of bad faith on the part of the Centre was required, it is provided by the Wikileaks disclosures regarding Chidambaram’s alleged conversation with FBI Director Robert Mueller at a meeting in New Delhi on March 3, 2009. According to the record cabled by US Chargé d’Affaires Steven White, “[Mr. Chidambaram] conceded that he was coming ‘perilously close to crossing constitutional limits’ in empowering the NIA. He explained the concept of a ‘federal’ crime does not exist in India, with law and order the responsibility of the State Governments.” Further, Chidambaram “opined that the NIA law would be challenged in court because it ascribes certain investigative powers to the NIA which may be seen to conflict with responsibility that is exclusively with the States.”¹⁹

This was the essence of the Centre’s subterfuge – in an atmosphere of near hysteria and complete suspension of critical faculties in the wake of a major terrorist attack, the States are brow-beaten into acquiescence, and then sought to be bound

19 Alope Tikku, “NCTC debate raises questions on NIA powers”, Hindustan Times, February 22, 2012, <https://www.hindustantimes.com/delhi-news/nctc-debate-raises-questions-on-nia-powers/story-4hA2UkdxbpKkuaf9ybGpI.html?isab=true&meta-geo=---->

to their creeping abdication of power through subsequent and arbitrary orders by the Centre.

It is not the intention, here, to suggest that the Centre was acting in malice or in bad faith. Indeed, Naziruddin Ahmad's cautionary words in the Constituent Assembly have particular significance here. These actions "arise out of the desire to deal with lawlessness honestly by constitutional short cuts..."²⁰

This, then, brings us to the next and crucial question: if the Constitution fails to provide the mandate for augmented central intervention, is it time, then, to amend the Constitution?

Before we can address this question, however, we must answer one that is even more fundamental: Where does the crisis of internal security lie? Unless this question is answered in precise and objective terms, all our 'solutions' will incline to failure.

It is clear, despite transient variations in localized trends, that the challenges of insurgency, terrorism, irregular warfare, the contestation of state power by armed non-state actors, and organised crime will remain persistent threats to India's internal security. Even if the trajectory of particular movements inclines towards resolution, the sheer force of demography, the country's resource and human profiles, and a range of factors linked to the internal and external dynamics, ensure that a complex threat of insurgency, terrorism and increasingly complex patterns of crime will extend far into the foreseeable future.²¹ The emergency response paradigm, within which the national responses have largely been framed – and to which

20 Constituent Assembly Proceedings, Lok Sabha, Parliament of India, Volume IX, August 4, 1949. [Emphases added].

21 See, for instance, C. Raja Mohan and Ajai Sahni, "India's Security Challenges at Home and Abroad", The National Bureau of Asian Research, NBR Special Report # 39, May 2012, http://www.nbr.org/publications/specialreport/pdf/SR39_India_Security_Challenges.pdf.

central intervention under the existing constitutional provisions are geared – is now evidently failing, and appears to demand radical revision. India’s crises of internal security are no longer appropriately envisaged as transient ‘emergencies’. They may occasionally manifest themselves locally in the character of an emergency, but in the national context they have acquired the nature of a permanent crisis or chronic succession of crises that cannot be met with the abrupt reallocation or concentration of existing capacities to particular loci (the ‘battalion approach’). Contemporary terrorism and insurgency are moulded into a slow process of attrition, the strategy of protracted conflict that “seeks to avoid a general, direct, decisive encounter with the enemy”,²² and that is based on “continuing, essentially endless, military-economic-political competition,”²³ that would help “impede or disassemble the organizations and institutions that oppose us (anti-state forces).”²⁴ In this sense, the very paradigm of an ‘emergency response’ approach to terrorism, insurgency and internal security crises, has collapsed.

It has become commonplace, when things are seen to fail—particularly where they fail dramatically – to immediately conclude that new laws or new institutions are necessary to deal with what are perceived as the ‘lacunae’ in the existing system. Such an approach, however, can only lead to incoherence and waste, unless we have found an objective and realistic answer to another basic question – why have existing laws and institutions failed?

22 Robert Strausz-Hupe, Willaim R. Kinlner, James E. Dougherty & Alvin J. Cottrell, *Protracted Conflict*, 1963, Harper Colophon, New York, p. 42.

23 David J. Andre, “Competitive Strategies: An Approach against Proliferation,” in Henry D. Sokolski (Ed), *Prevailing in a Well Armed World: Devising Competitive Strategies Against Weapons Proliferation*, Strategic Studies Institute, US Army War College, March, 2000, p. 7.

24 Dave McIntyre, “We need to study war some more,” *The Journal of International Security Affairs*, Number 3, Summer 2002, p. 15.

A Crisis of Capacities

The reality is that India is in the grips of an extreme and unrelenting crisis of capacities that has accumulated over decades of mis-governance and incoherence of policy. State Police capacities are abysmal. To take a single index, Police Population ratios are severely inadequate, and probably exaggerated,²⁵ at 150.75/100,000 on the average for the country, as against a projected desirable ratio of 220/100,000 for peacetime policing.²⁶ But numbers are not everything; police capacities and capabilities, in terms of the skills and profiles of personnel, in terms of equipment and technology, and crucially, in terms of status and welfare, are far below acceptable standards. K.P.S. Gill noted,

...our current problems are not a consequence of our current failings. They are rooted in the inability of the Police and political leadership of our past to anticipate entirely predictable transformations, and to initiate the requisite responses two, three, even five decades ago... Primitive policing practices are reflected in poor rates of conviction, in deteriorating efficiency and effectiveness, and consequently in a declining respect for the law. This is the essence of the malady...²⁷

The problem is infinitely compounded by parallel deficits in the capacities for civil and justice administration. While

25 See, Ajai Sahni, "Nine years after 26/11 attack, India is safer today but still vulnerable," *Business Standard*, November 24, 2017, http://www.business-standard.com/article/economy-policy/9-yrs-after-26-11-attack-india-is-safe-despite-continuing-vulnerabilities-117112400170_1.html.

26 See, James T. Quinlivan, "Force Requirements in Stability Operations", *Parameters: U.S. Army War College Quarterly*, Volume XXV, Number 4, Winter 1995/96, pp. 59-69, <http://ssi.armywarcollege.edu/pubs/parameters/Articles/1995/quinliv.htm>. The ratio derives from policing operations in the American Zone of Occupation in post-World War II Germany, and was roughly 1:450 (220/100,000 population); also applied by the UN Transitional Authority in Cambodia (UNTAC).

27 K.P.S. Gill, "A leadership lacking in adequate vision", *The Pioneer*, July 8, 2000

comparisons with other countries have enormous limitations, they can provide some broad understanding of standards that prevail in relatively well-governed societies. The prevalent philosophy of governance in the US is summarized in the dictum, “That government is best which governs least”.²⁸ Government in the US does not run railways, airlines, bus services, hotels, shops and the wide range of public enterprises and services that Governments in India do. Yet we find that, at the State and Local levels, administrations in the US have as many as 6,145 employees per 100,000 population, on the average.²⁹ Indian States, on the other hand, average out at 812.02 employees per 100,000 population. West Bengal, at the bottom, has 309.99 per 100,000; Bihar, 311.56; Uttar Pradesh, 356.67. At the top end, we have Nagaland with 5805.56; Sikkim with 5,616.61; and Arunachal Pradesh, with 4,678.88. It is significant that the ratio in itself has little bearing on the quality of administration, and a wide range of other factors is decisive. Fairly modest ratios are found in the relatively better administered States of the country, including Andhra Pradesh (859.10), Karnataka (794.78), and Gujarat (706.63).³⁰ The point, however, is that, while no absolute standard can be applied to this parameter, it is abundantly clear that State Governments in India have manpower, skill, systemic and other resource capacities that are grossly insufficient to carry the burden of a modern administration – especially one that accepts the further weight of an enveloping welfare role, and that has ‘great power’ pretensions or ambitions.

28 Henry David Thoreau, *On the Duty of Civil Disobedience*, 2004, <http://www.gutenberg.org/files/71/71-0.txt>.

29 “The Employment Situation-October 2017”, News Release, *Bureau of Labour Statistics*, Department of Labour, United States of America, November 3, 2017, https://www.bls.gov/news.release/archivesempsit_11032017.pdf

30 All data compiled from diverse sources by the South Asia Terrorism Portal. See, “Government Employees in Indian States: Estimated 2017”, <http://satp.org/Datasheets.aspx?countries=india>

These considerations would appear to strengthen the logic of greater central intervention in both security and developmental administration in the States. That is, of course, till we look at the Centre's own capacities.

Central capabilities on the administrative front are, as if not more, dismal. For instance, the US Federal Government accounts for 867 employees per 100,000 population,³¹ the Indian Union Government employs 257³². An overwhelming proportion of these employees are in functions and institutions that are not part of what could be regarded as 'core governance' responsibilities – running a range of 'public sector' enterprises at varying levels of inefficiency. Thus, the Indian Railways alone accounts for 41.33 per cent of the pool of Union Government employees, and if this proportion is deducted from the total strength, we are left with just 147.89 employees per 100,000 population.³³

Crucially, as much as 93 per cent of all State and Central Government employees are in the Class III and Class IV categories, a bulk of which would contribute, at best, only marginally, to the administrative capabilities of the State. Further, technical, technological, process and management standards lag far behind the contemporary norms of modern governance in the better ordered countries of the world.

Nor, indeed, does the Centre bring decisive capabilities to the security sector. The total strength of all Central Paramilitary Forces, at 987, 497 on January 1, 2017, yields a troop to population ratio of 1:1,336, or 74.85/100,000.

31 "The Employment Situation-October 2017", op. cit.

32 "Annual Report on Pay and Allowances of Central Government Civilian Employees (2016-17)", Pay Research Unit, Department Of Expenditure, Ministry Of Finance, Government of India, December, 2017, <https://doe.gov.in/sites/default/files/PayAllowance2016-17%28English%29.pdf>

33 Ibid.

Again, there can be no authoritative prescription regarding the effective operational ratio of counter-insurgent to insurgent Forces. This is not just a function of the strength of the insurgent groups, but also of the spread and population of the afflicted areas. While no comparisons are intended here, it is useful to recall that Jammu & Kashmir, with a current population of about 12.6 million, and an area of 101,387 square kilometers under Indian control, has stretched the Centre's Forces to the limit for nearly three decades. If we look at just the four worst afflicted States in the so called Red Corridor – Bihar, Chhattisgarh, Jharkhand and Odisha – their combined population is over 204 million, and total area is 464,775 square kilometers. The combined availability of Central Paramilitary Forces in all the Maoist affected States ranged between 70 and 90 battalions at various times during the peak of the Centre's 'massive and coordinated operations' in 2009-10, and is now in the range of about 110 battalions – that is, barely 28,000 to 44,000 personnel in actual deployment at various times. It must be abundantly clear that, even if there is significant augmentation of these Forces (and a few battalions of the Army are added on as well, as has been ill-advisedly demanded from time to time), this could hardly achieve the saturation of Force necessary for an effective 'clear, hold and develop' strategy to be implemented, and the abject failure of the 'massive and coordinated operations' of 2009-10 are a clear demonstration of this. It is evident, consequently, that the Centre has no 'magic weapon' to confront the existing and potential insurgent challenge in India.

Justice is an integral element of both security and administrative efficacy, and it is useful to look at one last index here. India has a current judge to population ratio of 1.97 to 100,000,³⁴ but this is calculated in the 2011 Census population;

34 "India's judge-population ratio goes up marginally", *The Economic Times*, January 7, 2018, <https://economictimes.indiatimes.com/news/politics-and-nation/indias-judge-population-ratio-goes-up-marginally/articleshow/62400461.cms>.

and the actual ratio to current populations would be significantly lower. In 1987, the Law Commission, in its 120th Report,³⁵ had said that this ratio should be raised, at least, to 5. There are 10.2 judges per 100,000 population in the US; 11.5 in Sweden; 14.7 in China; 14.8 in Belgium; 24.3 in Germany; and 49.9 in Slovenia.

The unfortunate reality is that most state institutions in India, both at the Centre and in the States, operate at varying levels of dysfunction, and this has remained the case despite the fact that financial constraints have significantly eased over the decades as a result of a growing economy and ballooning tax revenues.

What difference, in these circumstances, would a change in the constitutional distribution of powers achieve? An infirm and dysfunctional Centre would override infirm and dysfunctional State administrations; that is all. Creating layers of meta-institutions – such as the NIA and the proposed NCTC – at the Centre, or expanding the Centre's constitutional jurisdiction over and above the existing 'architecture' of governance, can achieve nothing, as long as the fundamental issue of capacities and capabilities is not addressed. Former Home Secretary Madhav Godbole summarizes the crisis in the security sector, "...the record of premier central agencies such as the CBI (Central Bureau of Investigation) and the National Investigation Agency has been disappointing, regardless of the political dispensation in power. The police departments of the state governments are also in a shambles."³⁶ Worse, central

35 "One Hundred Twentieth Report on Manpower Planning in Judiciary: A Blueprint", *Law Commission of India*, July 1987, p. 3, http://lawcommissionofindia.nic.in/old_reports/rpt120.pdf.

36 Madhav Godbole, "Foreword" in Vappala Balachandran, *Keeping India Safe: The Dilemma of Internal Security*, Harper Collins Publishers, India, 2017, p. xi.

institutions have failed abysmally to keep pace with emerging challenges, such as new and potential terrorist threats, including Weapons of Mass Destruction (WMD) terrorism, and the impending Tsunami of cyber crime and cyber-terrorism, for which response mechanisms remain rudimentary or non-existent.

An infirm and incoherent Centre, today, offers little advantage over the States. There is no necessary superiority in centralized command, Forces or operations – where central institutions lack the basic capacities and capabilities to exercise authority. On the other hand, some States have demonstrated startling successes against the most virulent insurgencies, with varying Central support, no doubt, but clearly within existing constitutional provisions and the disposition of powers between the Centre and the States under the formula of “aid to civil authority”. Punjab, Tripura and Andhra Pradesh are dramatic cases in point. Again, insurgencies have persisted in certain States, even after years of direct Central rule; others have failed resolution despite massive saturation of Central Forces. The sum of this experience demonstrates clearly that augmented Central powers offer no panacea to our internal security challenges, and will create nothing more than an illusion of control, rather than the substance of any effective operational efficiency.

Towards a System of Systems

There are, of course, certain functions within the spectrum of internal security responses that will lend themselves particularly to centralization. The creation of a centralized national database on intelligence – envisaged under the Multi-Agency Centre (MAC) – is a case in point, though even here, its eventual effectiveness will depend substantially in its integration with information flows emanating from State

agencies through the proposed Crimes and Criminal Tracking Network and Systems (CCTNS). The biometric unique identity card project, Aadhaar, has the potential to add tremendously to our security capacities, as can the other major centralization project, NATGRID (National Intelligence Grid). Regrettably, most of these projects have stalled, while others have failed to attain their original scale and objectives. Crucially, these measures require no significant meddling with the existing constitutional distribution of powers, though each of them has raised issues of privacy and other civil rights.

Clearly, the present rot is as deep at the Centre as it is in many of the States. A restoration of vitality and efficiency within the structures of governance across the country is, consequently, the first and most urgent imperative; not a constant, poorly conceptualized, imitative meddling with the structures themselves. Further, infirmity, both at the Centre and in the States is, preponderantly, not the outcome of legislative defects, or of structural and 'architectural' vulnerabilities, but of the virtual 'withering away' of state capabilities over the past decades, under successive administrations that have been driven, at best, by misdirected zeal, populism and sloganeering, and, at worst, by sheer incompetence and venality.

Those who advocate tinkering with the constitutional distribution of powers in order to address the crisis of internal security, tend to speak as if all available remedies within the constitutional framework have been explored and exhausted, and the only option is to begin to rewrite the Constitution. What is needed, rather, is a revitalization of existing constitutional institutions and processes, to recover these from the degeneration and collapse into which they have fallen over the decades.

In terms of the priorities of necessary transformation, it is content that must be given precedence over form. It doesn't

matter if our responses are centralised or decentralised, if the executing agencies are infirm, under-manned, under-trained, ill-equipped and technologically obsolete. Issues of mandate and structure will become relevant only after the issue of capacity has been addressed.

The nation-state is a single but enormously complex system – and this is more the case for a country with the size and diversity of India. To this extent, a centralized authority is necessary – and already exists in the form of the Government of India. However, since national administration involves complex, multifarious and widely dispersed functions, these can only be addressed through delegation to a progressively decentralised structure, with clear mandate and accountability. No single agency or authority could effectively tackle all aspects of national security management across the length and breadth of the country without turning into a colossal bureaucratic nightmare.

It must be clear, moreover, that there is no ideal configuration or distribution of powers and functions that can produce optimal results. As already noted, the crisis is one of efficiency. Governance and administration in India, today, have failed to evolve any systems to maintain efficiency or impose accountability, and are currently operating against the imperatives of even the most rudimentary principles of modern management or administration. Vast resources are wasted where they produce little positive outcome. Initiatives and structures that could produce the best results are, at the same time, rejected or starved of resources. Even where leakages and inefficiencies have been well-documented, no correctives are applied. It has not mattered whether this has occurred in centrally administered projects and agencies or in State administered projects and agencies. Mere structural or Constitutional redistribution of powers, functions and

responsibility will achieve nothing unless issues of capacity, efficiency and accountability are addressed – in that order.

The system certainly calls for an overhaul. It is equally certain, however, that the necessary transformation cannot begin with the “framework”. A focus on capacities and processes within existing institutions would bring far more tangible benefits in the near and medium term, rather than the structural changes that are commonly and enthusiastically advocated.

A false dichotomy is sometimes proposed between a purportedly “strong and centralized framework”, on the one hand, and a “weak and fragmented framework”, on the other. These are not the real alternatives. National security is, of course, a national issue – but that does not necessarily imply that it is a ‘central’ issue. There is no reason to believe that the States are ‘anti-national’, or are incapable of tackling issues just because they have trans-State ramifications. This will, once again, bring up quality of governance issues. Where the potential for efficient cooperation between States exist, there is no constitutional obstacle to State Government agencies acting in concert across State boundaries. Where such cooperation does not exist, it is not clear how Central Government intervention can significantly alter the equation. If States fail to render effective cooperation to Central agencies, the only alternative is to statutorily or constitutionally override the authority of State Governments, or to give the Centre paramount powers on certain kinds of issues or in certain situations – e.g., “Federal Crimes” or “national crises” short of the breakdowns currently envisaged under the emergency provisions of the Constitution. But this is, again, fraught with problems. The Centre is as bereft of effective capacities as are the States. Worse, regimes at the Centre have, in the past, tended to abuse, for partisan political ends, even the very limited provisions and agencies that currently exist. You cannot propose solutions “in an ideal

world”; our systems have to take into account the political and administrative culture that prevails.

Where security emergencies abruptly manifest themselves, moreover, while there could be many alternative conceptions on the structure and pattern of response, there is no intrinsic defect in the present provisions for Central aid to bolster State capacities – through provision of additional Force, intelligence, institutional resources, and financial assistance for capacity building. It is only the extreme ineptitude, corruption, neglect and absence of accountability in State regimes, who fail to respond effectively, or to cooperate adequately with the Central and other States’ agencies, that result in rising crises.

Building a consensus across States on particular issues and, crucially, defining and progressively enforcing specific national standards on key security variables across the country, are elements, among others, of what can be done. It is significant, for instance, that the UMHA had, in 2009, exhorted all States to secure and maintain a Police-population ratio of at least 220 per 100,000, and had said that the Centre would provide necessary financial assistance to achieve this objective.³⁷ Similarly, a number of other quantifiable parameters could be defined and prescribed, even as Central agencies also evaluate and prescribe process and technology standards for various functions and equipment.

There is a significant failure of imagination in the manner in which these issues have been framed and discussed. The Centre and the States are not adversaries within the Indian Constitutional scheme. Moreover, any distribution of powers – including one in which responsibilities are increasingly skewed

37 “Police System Neglected, Needs Urgent Reform: Chidambaram”, *SIFY News*, October 27, 2009, <http://www.sify.com/news/police-system-neglected-needs-urgent-reform-chidambaram-news-national-jk1s4bgehfc.html>

in favour of the Centre – will create some friction, even if we were to run the States through centrally appointed governors. Nevertheless, if we are to resolve our problems within the framework of the 'basic structure' of India's Constitution, we will have to deal with this friction with a measure of political and administrative sagacity. If that is lacking, you can do what you like with the distribution of powers, but the obstructive, disruptive and adversarial mindset will still end up undermining the effectiveness of responses.

It is useful to reiterate, moreover, that the Centre's performance in terms of its existing mandate has not been particularly encouraging. A close study of the condition of any Central agency will demonstrate that it is riddled with infirmities and deficits. Central agencies only look better in comparison to State agencies because they are often infinitely better resourced in terms of finance, training and equipment, and manpower. Indeed, the Centre has not been particularly efficient in fulfilling its own obligations and responsibilities towards the defence and security sectors. The abdication of responsibility and inefficiency of responses have varied only in degree between State and State, and between the States and the Centre.

Crucially, neither legislation nor structural tinkering will make the slightest difference until the endemic crisis of capacities is addressed. It is important, in this context, to ask ourselves whether existing legislation is being fully, or even sufficiently, implemented. Everyone loves to hate the 'draconian' and 'colonial' Indian Police Act of 1861 – but can it honestly be maintained that the Indian Police is being run strictly in accordance with this Act? Exceptionalism is now the rule in India, and the rule of law has collapsed. New Acts are only seen as opportunities for particular cabals to entrench their special interests in the established structure of power.

Our solution to every problem in the past has been to bring in new legislation and/or to create new institutions – and these initiatives have failed repeatedly, because no one is making an objective assessment of the infirmities of existing institutions, and attempting to address these, or to ensure that these are not replicated in the new provisions and organisations.

Theoretically, moreover, even if the capacities issue is addressed, centralization would still tend to fail in the very complex and vast Indian system, as well as the country's political and cultural environment. Increasingly, what we need is a well knit and integrated system of decentralised systems. Modern technologies have created an infinite potential for highly efficient integration within a systems approach. Unfortunately, Indian governance and administration have largely failed to take advantage of these, and have remained trapped in arid debates on 'centralization vs. fragmentation', or over architectural and legislative transformations. In the meanwhile, even the most rudimentary projects – the original Polnet, for instance, now reinvented as CCTNS, and the associated and proposed national Database on Crimes and Criminals – are yet to take off. Digitisation of the security structure and departments remains rudimentary. Security related data across India still remains dispersed and inaccessible to any authority beyond the local units responsible for the maintenance of records. Such a situation within the context of the 21st Century revolution in information technologies is not just intolerable, it is ludicrous for a country that sees itself as an 'emerging great power'.

Another essential aspect of the institutional structure not only of security administration, but of all aspects of modern governance, and an increasingly indispensable core of the larger intelligence and enforcement systems, is the necessity of creating permanent cadres of skilled specialists. The present systems, dominated by 'generalists' who are shuffled about at

random, even within specialized agencies, can only lead us into more and more spectacular failures. The sheer volume of background information, the quanta of experience and the grounding in strategy, tactics, and operational lore that are necessary even to make competent assessments of contemporary developments and current flows of intelligence, are simply too great to be absorbed by cadres who are moved about between unrelated responsibilities every few years. Indeed, the degrees of specialization necessary in virtually every discipline, today, make it impossible to command required levels of expertise and competence in any more than a couple of narrowly defined spheres of study or operation. It is impossible to continue to run Governments in general, and security and intelligence operations, in particular, through institutions and processes that militate against this basic reality of contemporary knowledge systems. Manpower profiles and skill management within Government, and the security and intelligence apparatus will have to undergo a comprehensive makeover, if they are to cope with the challenges of contemporary and future terrorism, disruption and crime. What is required, consequently, is an emphasis on processes, manpower profiles, training, leadership and crucially, technologies. Over time and in combination, these will generate greater efficiencies and necessary transformations in the system. Eventually, these transformations may demand architectural reinvention – but that is a long time into the future.

In sum, there is no inherent contradiction between the microcosm and the macrocosm – indeed, any such incongruity would necessarily impact adversely on the system as a whole and on its parts. The individual cannot be healthy if his organs and limbs are afflicted. And what are the organs and limbs in the absence of the individual? Integration is the key in any system of systems – and the country is a system of systems, whether it is recognized and administered as such, or not.

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