

COUNTER-TERRORISM AND POLICE COMMUNITY ENGAGEMENT IN INDIA¹

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Terror attacks in Madrid in 2004 and London in 2005 revealed the shocking reality of terrorism from within and demanded a new understanding of counter terror mechanisms. Increasingly since 9/11 the focus of research has shifted away from the benefits of draconian laws and conventional policing to a better understanding of local communities and how they can be made to feel more safe and secure. This refocussing has recognised that community alienation can lead to extremism and violent behaviour. Conventional policing also contributes to alienation, but can be modified so it does not have to have this effect. In Australia, the success of *Operation Pendennis*² points towards policies and activities that can bring the police and communities together in such a way as to make the latter more cohesive and less likely to generate or support home grown terrorism.

This paper consists of two sections. The first section provides a brief literature review of the new approaches and latest thinking on counter terrorism in Australia and Britain,

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² *Operation Pendennis* was a joint counter-terror task force of ASIO, Victoria police, NSW police and Australian Federal police formed in July 2004 to investigate terror cells in Melbourne and Sydney. For more on the operation see Pete Lentini, "Antipodal Terrorists: Accounting for Differences in Australian and 'Global' Neojihadists", in Devetak & Hughes eds. (2008) *The Globalization of Political Violence: Globalization's Shadow*, Routledge: London, pp.186-201

and the second section deals with three reports by the 2nd Administrative Reforms Commission (ARC) of the Government of India.³ These three documents are carefully analysed to see whether Indian authorities appreciate the new approaches to counter-terrorism or whether they are still locked into old ideas of policing. The first document is the latest 2008 government report on counter terrorism; the second deals with the subject of public order; and the third deals with capacity building for conflict resolution. All three of them have made a number of recommendations on policing which I examine below.

The Australian (Victorian) approach to counter-terrorism

The clearest explanation for how Australia has responded to terrorism is given in Pickering et al (2008), where they describe different policing models.⁴ Table-1 is reproduced in this paper to show how the state of Victoria in Australia has evolved a counter terrorism strategy that is known as the “social cohesion model”. The Social cohesion model evolved from earlier models known as “Community Intelligence” and “Belonging”. Both of these earlier paradigms required bringing the police and the community together. All three models depend on the police engaging with the community but the depth of this relationship varies. The term ‘community policing’ is often used to describe this engagement. In the ‘community intelligence model’ police-community engagement is based on the community gathering information and passing it to the police in a timely manner that facilitates intervention to prevent crimes. Hence, this is a more police centric model than the ‘belonging’ paradigm that goes beyond intelligence and talks of the democratisation of policing. The latter is built on a deeper level of trust between the police and community. On the other hand, it is not clear how police-community engagement in even this more advanced model can respond to the needs of counter-terrorism in a situation where a terrorist attack is imminent or has happened.

The Social Cohesion model not only brings both models together, it also goes beyond them by deepening and broadening the level of trust and interaction between police and community. This is no longer about surveillance or intervention to prevent crimes: it is a much more positive model in which community diversity and obligations are reflected

³ The Administrative Reforms Commission (ARC) is a statutory body appointed by the Government of India to prepare a detailed blueprint for revamping the public administration system. The Second ARC was constituted by a Presidential order in 2005. The first ARC was formed in 1966 and worked until 1970.

⁴ Pickering, S., McCulloch, J. & Wright-Neville, D. (2008), *Counter-Terrorism Policing: Community, Cohesion and Security*, New York: Springer.

in the structure and behaviour of the police force. The community is also encouraged to be a more independent actor in helping the police - thus it overcomes the passivity of the two earlier models. As the table below shows all these three models discussed above are radically different from the historical model of surveillance, coercive intervention and the primordial search for criminals.

Table 1-Counter Terrorism policing models

	Historical Counter Terrorism Model	Community intelligence and democratic policing model	Belonging model	Social cohesion (Melbourne) model
Primary aim	Eradicate Terrorism through force	Increased flow of community intelligence	Enhanced belonging and sense of political community	Increased trust and legitimacy between community and police
Emphasis	Covert intelligence and reliance on coercive powers	-Thin and wide levels of community trust -Increased street level/routine policing (high visibility) -Unspecific democratic policing and decreased sense of insecurity	-Narrow and deep forms of community trust -Focus on human rights and public oversight of policing -More regulated diverse contributions to democratic policing	Layered community trust, Dispersed community/police interaction, Diverse contributions to democratic policing
Examples of approach	Historical approach to counter terrorism in Northern Ireland	Neighbourhood Policing (UK) Chicago Community Policing Model (USA)	Elements practiced in diverse sites	Emerging
Community engagement	Through Overt contact or operations	Thin and broad trust Increased patrols and contacts	-Deep and narrow -Contribution of diverse community to police function -Minimising negative cultural work of police -Enhancing positive cultural work of police	-Increased community liaison of all operational members -Enhanced quality of interaction -Diverse forums of interaction
Community	Sectarian	Utilisation and expansion of existing community interface	Development of targeted community interface	Utilisation of enhanced community interface

Prevention of terrorist incident	Through police led intelligence	CI primary contribution to preventing terrorist incidents	Not an explicit concern	As a result of increased trust and legitimacy appropriate community intelligence made available to police
CT capacity of operational members	CT specialised function of elite sections of police origination	All operational members contribute by enhancing flow of community intelligence to specialised units	Potential positive consequence of deeper community engagement	All operational members: increased numbers with developed cultural literacy and community confidence
Organisational approach	Centralised	Centralised with some diffusion	Decentralised	Diffusion with some centralisation
Intended outcomes	Increased alienation	Thin widely networked levels of trust Dominance of some community voices	Enhanced belonging	Increased legitimacy
Unintended outcomes	Decreased Legitimacy within suspect communities

Source: Extract from Pickering et al, 2008, pp. 27-28.

The social cohesion model was not, of course, invented by Australians. There has been a long history and considerable literature about the virtues of social cohesion in many countries as a fundamental approach to securing a better life for all.⁵ In particular, social cohesion has been seen as a way of handling both post-crisis and pre-crisis situations.

The British approach to counter-terrorism

The British were aware of the need to promote social cohesion but had to go well beyond this to deal with crisis situations created by terrorism. The new model had to enable communities to resist extremism and violence. Driven by the appearance of ‘home grown terrorism’ after 9/11, the British government began to think creatively about developing new models for containing terrorism in 2006. They were drawn to the idea of bringing the community, the government and the police together in a strategy that built the community’s resilience to extremism and violence. This came to be known as the ‘Resilient Community Model’.

⁵ For a critical review of existing literature on social cohesion see Joseph Chan, Ho-Pong To and Elaine Chan, “Reconsidering Social Cohesion: Developing a Definition and Analytical Framework for Empirical Research”, *Social Indicators Research* (2006), 75, pp. 273-302

The resilient community model goes beyond the paradigms identified by Pickering et al, though it builds on social cohesion and other attempts to promote police-community engagement. One of the pioneering efforts to define a resilient community was made by the Centre for Community Enterprise, Canada. We can assume that this idea was subsequently adopted by the UK government.

A resilient community is one that takes intentional action to enhance the personal and collective capacity of its citizens and institutions to respond to and influence the course of social and economic change.⁶

In the British Columbia, the notion of a resilient community arose in response to the economic and environmental pressures faced by vulnerable rural communities. To better prepare them to handle such issues, disaster management modelling was undertaken. The ‘Resilient Community Model’ thus emerged as a proactive model to take charge of situations that are at risk of crises. According to Lanadu:

Community resilience is the community’s inherent capacity, hope and faith to withstand major trauma, overcome adversity, and to prevail, with increased resources, competence and connectedness.⁷

Here we see that the resilient community model can be used as an approach to insuring the whole community against ruptures in social cohesion.

The London bombings on 7 July 2005 pushed the British government towards a policy which recognised “that winning hearts and minds and preventing individuals being attracted to violent extremism in the first place is very crucial.”⁸ Such a policy had to bring together a number of government departments and for this reason a new Department for Communities and Local Government (DCLG) was established in 2006 with broad responsibilities for social cohesion and equality. The department was tasked by the prime minister to assist ‘local communities.... to be able to challenge robustly the idea of those extremist who seek to undermine our way of life.’⁹

The key to this must be building strong communities, confident in themselves, open to others and resilient to violent extremism (Preventing Violent Extremism, DCLG).

⁶ The Community Resilience Manual (2000), The Centre for Community Enterprise, Canada, section-1, p. 5, (Source: <http://www.globalfacilitators.org/VirtLib/Resilience/CommunityResilienceGuide.pdf>)

⁷ Judith Lanadu, “Enhancing Resilience: Families and Communities as Agents for Change”, *Family Process*, September 2007; 46, 3, p.352

⁸ For details see *Preventing Violent Extremism: Winning Hearts and Minds*, DCLG, London, 5 April 2007, p.4, (Source: <http://www.communities.gov.uk/documents/communities/pdf/320752.pdf>)

⁹ For details see *Letter from the Prime Minister to Ruth Kelly*, 9 May 2006 (Source: <http://www.communities.gov.uk/archived/general-content/corporate/388681/prime-minister-letter>)

As the word ‘resilience’ suggests, the community resilience model seeks to ensure that the community can bounce back from adversities caused by violence.

The DCLG sought to build strong cohesive and resilient communities by:¹⁰

- promoting shared values
- Supporting local solutions
- Building civic capacity and leadership
- Strengthening the role of faith institutions and leaders

The department funds a range of programmes, including research projects, to encourage local community engagement activities directed towards preventing violent extremism.

The funding priorities are:¹¹

- Responding to concerns and (extremist) ideology
- Supporting and nurturing civic and theological leadership
- Increasing the resilience of key organisations and institutions and supporting early interventions
- Capacity and skills development

The above programmes include interfaith dialogues, special training for clerics (e.g. Imams) and youth programmes and workshops on the ‘Role of Islam in a plural society’. PET or working for “Preventing Extremism Together” (PET) provides a broad framework that responds to the threat of home grown terrorism. Much of the program is focussed on bringing Muslim youth into regular dialogue with non-Muslim youth.¹² Building positive community relations includes the British government playing a proactive role in denouncing ‘islamophobia’ and rejection of violent theories such as the ‘clash of civilisations’. British minorities are assured of their rightful place in society. Police participation in community projects is an important part of the new police-community engagement model that seeks to build resilience to domestic threats of terrorism arising from alienation, anger, frustration and perceptions of poverty and being marginalised.¹³

¹⁰ Annual Report, *Community, Opportunity and Prosperity*, DCLG, 2008, p.28, 180

¹¹ For details see *Preventing violent Extremism: Pathfinder Fund*, DCLG, February 2007, London, pp. 9-12 (Source: <http://www.communities.gov.uk/documents/communities/pdf/320330.pdf>)

¹² For more programmes like these which are initiated by both government and the community leaders see *Countering International Terrorism: The United Kingdom’s Strategy*, July 2006, pp 13-15 (Source: <http://www.ukresilience.gov.uk/~media/assets/www.ukresilience.info/countering%20pdf.ashx>)

¹³ *Preventing violent Extremism: Pathfinder Fund*, Executive Summary

Indian Government's approach to Counter-Terrorism

To what extent have Indian governments and the police absorbed the new thinking on counter-terrorism that is evidence in Australia or Britain? In this section I analyse Indian approaches to counter terrorism by studying three major government documents released in the last two years. Does India have anything approximating the community policing models that are currently being introduced into Australia and Britain? Are the Indian communities becoming more resilient to terrorism?

The Report on Terrorism September 2008

The Administrative Reforms Commission (hereafter ARC) released its eighth report entitled "Combating Terrorism: Protecting through Righteousness" on 16 September 2008.¹⁴ This was just three days after the serial blasts had rocked Delhi (13 September 2008) killing 30 people and injuring more than ninety.¹⁵ The incident again focussed intense media attention on what Indian governments and the police were doing to contain terrorism.

In the preface (the full report can be read at www.arc.gov.in), the report recognises that the Indian government's response to terrorism has been event driven and episodic. The Indian State has so far failed to develop a coherent plan or long term vision. The ARC suggests that "intelligence network and policing capacity at both Union and State levels need to be significantly improved to meet the challenges posed by terrorism." The paper identifies a legislative and administrative framework that needs to be put in place in order to more effectively counter terrorism. This clearly refers to the historical or surveillance models of counter-terrorism policing identified by Pickering et al (see previous section in this paper).

The last paragraph of the preface expresses the hope that the report would help the government "to take steps to fight the menace of terrorism in an effective manner without losing sight of our values as a secular, democratic and peace loving country." Despite this statement, there is nothing in this report that helps to promote democracy or a productive engagement between the community and the police.

¹⁴ *Combating Terrorism: Protecting by Righteousness*, Administrative Reforms Commission (ARC), Government of India, New Delhi, September 2008, (Source: <http://www.arc.gov.in/8threport.pdf>)

¹⁵ Serial blasts rock Delhi; 30 dead, 90 injured, Times of India, 14 Sep 2008 (Source: http://timesofindia.indiatimes.com/Serial_blasts_rock_Delhi_18_dead/articleshow/3479914.cms)

The summary of recommendations that span four pages can be divided in to three major sections;

- 1- The need for stronger and comprehensive counter terror legislation¹⁶
- 2- Effective Measures against the financing of terrorism and money laundering
- 3- The role of Civil Society, Media and Citizens.

The recommendations are tilted in favour of the first two recommendations. In a report of 201 pages, only six pages in chapter seven relate to civil society, media and citizens. The three page summary of recommendations at the end of the report makes fourteen major points, has only two points about civil society and the role of the media. This amounts to not more than twelve lines whereas the measures against money laundering take up 45 lines in the recommendations. This clearly shows that the commission has paid scant attention to anything approximating the community-policing or community cohesion model. Rather the report is the predictable same old thing of more police-coercive action against terror. Certainly there is nothing in this latest policy document that fosters community resilience.

The commission is painfully aware of the increasing gap in police-community relations yet surprisingly few measures are directed at bridging this divide. Moreover, its recommendations border on the naïve: devoting so much time to anti-terrorism money laundering is patently silly in a financial environment that encourages capital flight and money-laundering to service the needs of India rich.¹⁷ The illegal movement of money for the purposes of terrorism is so small, proportionate to the size of India's black economy, that is really does not merit special consideration.

In addition to the September 2008 Report discussed above, the ARC published two related reports earlier in 2007-2008. The first one entitled 'Public Order' (June 2007) dealt with police reforms and the second on 'Capacity Building for Conflict Resolution' dealt with conflict and conflict management (February 2008). Both documents deal extensively with their respective fields but neither pays any attention to the idea of building community resilience in combating terrorism. The capacity for building a new approach to policing in India is enormous- not only does India suffer from the weight of old criminal legislation passed in the nineteenth century but there is also the mundane,

¹⁶ India had strong and draconian anti-terror laws like TADA and POTA. They both were repealed due to large scale misuse by the police. The proposed law is strikingly similar to the earlier ones. For a comparison of anti-terror laws in India see appendix-1 in this paper.

¹⁷ Srinivasan, Kannan, "Money Laundering and Security" in Marika Vicziany (ed., 2007) *Controlling Arms and Terror in Asia Pacific: After Bali and Baghdad*, Northampton: Edward Elgar, pp.21-42.

day to day ‘micro-fascism of the Indian police state’ that Baxi and others have spoken of.¹⁸

Since the communal riots of 1992/1993, moreover, there has been mounting evidence of police complicity in communal conflict – in Mumbai and especially in Gujarat.¹⁹ The following section analyses these two reports to better understand the large gap that has opened up between contemporary understandings of what constitutes an enlightened and effective policing policy and emerging Government of India policies on counter-terrorism policing.

The Report on Public Order

The report entitled “Public Order: Justice for each and Peace for All” was released in June 2007 and set out the role of the state in maintaining public order in some 182 pages.²⁰ The report focussed on organisational reform related to a range of issues pertinent to policing: law, human resources, technical innovation and use of science, traffic management, scientific investigation, crime management, and role of civil society and media in public order. The defining nature of the report is that it is police centric and largely ignores the issue of community engagement. Certainly there is nothing here resembling British or Australian notions of the need to build coherent or resilient communities. It talks about the need to be citizen friendly and representative of all sections of society and even mentions the words ‘community policing’ by citing some good examples from different states. But all of this is limited to just one page. Oddly enough, an earlier ARC report released in September 2006 (‘Crisis Management: From Despair to Hope’) mentions the idea of a ‘resilient community’ but it does so in the context of managing natural disasters rather than strategies for counter-terrorism.

At the end of the 2007 ARC report there is a 24 page summary of the recommendations. Only the last page deals with the role of civil society and media in maintaining public order. This confirms that the ARC has given only minimal attention to how the police might engage with the community.

¹⁸ Upendra Baxi, ‘Preface’ to *Human Rights Violations against the Transgender Community: A study of kothi and hijra sex workers in Bangalore, India*, Bangalore: PUCL, September 2003

¹⁹ For more on the role of police in Mumbai riots see Srikrishna Commission Report, (Source: <http://www.sabrang.com/srikrish/sri%20main.htm>), also see Marika Vicziany, “Understanding the 1993 Mumbai Bombings: Madrassas and the Hierarchy of Terror”, *South Asia: Journal of South Asian Studies*, Vol. XXX, no.1, April 2007, pp. 45-48 and in for the post-Godhra riots see Teesta Setalvad, “Criminal State”, *Communalism Combat*, 01/02/2003. (Archive web-link: <http://www.sabrang.com/cc/archive.htm>)

²⁰ *Public Order: Justice for Each and Peace for All*, Administrative Reforms Commission (ARC), Government of India, New Delhi, June 2007, (Source: <http://www.arc.gov.in/5th%20REPORT.pdf>)

The Report on Conflict Resolution

The Report on ‘Capacity Building for Conflict Resolution: Friction to Fusion’ was released in February 2008.²¹ This 252 page report covered the major conflicts occurring in India in order to understand and find solutions to them. The comprehensive report dealt with Naxalite violence, conflict in the northeast, conflicts over land and water, and regional, ethnic, caste based and communal conflicts. Considered to be a follow up exercise and a sequel to the report on Public Order, this report has treated a large number issues pertaining to conflicts without much focus on the role of policing. On the other hand, it does at least make passing reference to community policing. Yet such incidental commentary reveals a serious flaw in Indian approaches to disaster management including terrorism.

The 20 page summary of recommendations mentions the word ‘police’ only five times and vaguely asks the police to formulate programmes to build confidence with the victims of communal violence. But, as the report does not explain the nature and a framework for police-community engagement, it cannot be taken as a serious commitment to such a policy. Nor is there any evidence here of the need to build resilient communities that can survive and bounce back after attacks by either natural or man-made disasters. In the Indian context, with a long history of domestic insurgency and violence, this is indeed a worrying omission.

Conclusion

When comparing the Government India approach with that of the British and Victorian/Australian governments, we see that community engagement models play no role in India’s emerging policies on managing disasters including terrorism. The primary focus of the reform documents analysed in the second part of this paper has been on improving the operations of the Indian police rather than developing a community which is coherent, resilient and trusting of the law enforcement bodies. There is little hope in these documents that the Indian public can remain anything other than a community frightened of its own police force. As such, the Indian policing model continues to conform to what Pickering and others have described as the traditional approach of apprehending and monitoring criminals or potential criminals. The community remains largely marginal in that ‘historical’ model of counter-terrorism.

²¹ *Capacity Building for Conflict Resolution: From Friction to Fusion*, Administrative Reforms Commission (ARC), Government of India, New Delhi, February 2008
(Source: http://www.arc.gov.in/7th_report_arc_feb2008.pdf)

Indeed, perhaps a new model needs to be developed to demonstrate the unique alienation of Indian society from the police for as Baxi and others have argued, the police themselves have contributed to daily violence.

The first section of this paper explained the emergence of new policing paradigms in Australia and Britain. These have been driven by the urgent need to address home grown terrorism. The threat from outside has receded in the imagination of the public, as recent terrorist attacks have highlighted how minority communities living at home are both angry and alienated from the mainstream of society. India has a much longer history of home grown terrorism, and the negative impact of this on Indian development and human security has been great. Given this, India, possibly more than any other country in Asia, would benefit from studying the new counter-terrorism strategies being implemented in Britain and Australia.

As this paper goes to press, I note that the most persistent call for new counter-terrorism measures in India insists on re-introducing draconian legislation based on POTA (The Prevention of Terrorism Act of 2002), despite evidence demonstrating its ineffectiveness.²² Appendix 1 compares the current demand for tougher policing with earlier legislation. In other words, India is now moving in exactly the opposite direction to the more realistic policies being followed in Britain and Australia. This unimaginative response to home grown terrorism has failed in most other countries – and it is likely to fail in India. Understanding alternative approaches has never been more important than now, especially as India emerges as the world's second largest economy after China.

²² Oliver Mendelsohn, The legal response of India, Malaysia, Singapore and Australia to 9/11, in Marika Vicziany (ed., 2007) *Controlling Arms and Terror in Asia Pacific: After Bali and Baghdad*, Northampton: Edward Elgar, pp.67-69.

APPENDIX- 1**Indian anti-terrorism legislation: a comparative table**

	TADA(1987-95)	POTA (2002-04)	UAPA (2004)	Proposed Law
Bail Provisions	No bail until the public prosecutor is heard in the court.	Same as TADA	As stipulated under the Indian Penal Code (c.1860)	Same as POTA
Police Confession	Admissible as Evidence	Same as TADA	No such Provision	Same as POTA
Review Committee	No separate provision	To review each case instituted under POTA after every three months	Provision only for de-notification of a terrorist organisation	To examine each case within 30 days of registration. Review should be after every three months
Special Courts	Designated courts for terror related cases	Provision Similar to TADA	No such provision	Same as a POTA. Special fat track courts to be constituted.
Witness protection	A number of provisions to protect the identity of witness including in camera trials	Similar to TADA	Similar to TADA and POTA	Statutory programme for guaranteeing anonymity for witness based on best international models
Membership of Terrorist Groups/ Possession of Certain Unlicensed Firearms	No separate provision	Support provided to terrorist organisation/fundraising included in definition of terrorist act	Not included in the definition of a 'terrorist act'.	Should be defined as terrorist acts.
Raising Funds for Terror Attacks	No provisions	Considered a terrorist act	Punishment of not less than five years extending to life	Same as POTA

Abbreviations

TADA – Terrorist and Disruptive Prevention Act (repealed in 1995)

POTA- The Prevention of Terrorism Act (repealed in 2004)

UAPA- Unlawful Activities Prevention Act (2004-currently in force)

Source: *The Indian Express* (2008), New Delhi, 17th October.