

POLITICAL CRIMES AND SECURITY

The importance of political crimes for the police lies in politics and crimes being two fields *ex utraque parte* of policing with the police depending on political leaders for sustenance while acting on criminals to justify its *raison d'être*. The police can ably deal with politicians and criminals separately in discharge of their professional duties with their obedience and subordination side furnished for political masters and tough and ruthless side reserved for criminals. Unfortunately, the police are not required always to deal with politics and crimes separately. They are more and more required to handle a special category of crimes by the name, political crimes where their masters and subjects join hands to their chagrin. To further flummox the issue, the political crimes rate the highest in the scale of importance of various crimes on the basis of national interests at stake, the prominence of personalities involved and the magnitude of interests, the crimes arouse in the country and outside. The scope of political crimes range from petty crimes committed by political activists to serious crimes including white-collar crimes committed in the colour of performing political duties to grave crimes against national interests committed for political reasons from within or outside the country. The gravity of political crimes and their threat to the national interests subject them to the scrutiny and handling by a distinct security apparatus attached to the intelligence setup in addition to the usual purview of the uniformed police. But, the technique of handling political crimes in India is yet to be perfected. The present technique is yet a patch work and the police especially at the top are psychologically ill-

equipped to handle political crimes as seen by poor performance of the Indian police in handling of such important political crimes as Bofors Gun deal, St.Kitts' affairs, Jain Hawala case, anti-sikh riots of 1984 and investigation of cases against godman Chandraswamy. The result is proliferation of political crimes in India and fear of a parallel rule by the crime world coming into existence under political patronage.

CRIME AS A TOOL OF POWERGAME

Vohra Committee report on the nexus of politicians and criminals perspicaciously indicated Indian political culture for its close links with the underworld and provided a *compte rendu* on the havoc created by the criminalisation of politics and the politicisation of crime. Politics *imprimis* being a powergame and an art of possible, Shakespeare's characterisation of love and war where everything is fair, most politicians obviously presume, holds good to their profession as well. War and politics being two facets of the same powergame, one external and one internal, there is no point why the axiom that everything is fair in politics should not be honoured while fairness of war in all its shapes and forms is sacrosanct. As politics being a powergame in extremis like war and decides the *degringolade* or steep rise of those involuted in it, the politicians are convinced that they are justified in seeking any means, apocryphal or *de jure*, to ensure that they win and survive. Afterall, being suicidal is not a virtue; nor faulting the art of possible bring any credit in public life. Ultimately, it is success that decides what is right and wrong. There is no sin or wrong worse than a defeat. History has shown how success can absterge even the sin of mass murder of innocent people by dropping atom

bombs. The cardinal goal of survival and success is the first priority and the means to achieve it takes care of itself. Depending upon the success or failure of the mission in hand. So goes the thinking of politicians maintaining close links with underworld. The only gaffe in their perception of politics is their failure understand politics in a civilised system like democracy as a powergame *selon les regles* unlike emotional games of love and war, where everything goes by emotion and passion. In a democratic party system, where procedures are shaped to make the rule of the majority a scientific reality in form of constitutional provisions, rule of law is paramount and one who moves *extra muros* is not only debarred from the game, but also dealt as a criminal. However, many politicians refuse to accept constraints on their political powerplay and continue to indulge in links with criminal world to have immediate need of winning power fulfilled. The crux of the problem of Indian politics lies in this with certain categories of crimes *in delictus* of Indian political field loosening the very terra firma of the Indian democratic system.

POLITICAL MURDERS

Political murders are common features these days in India. When a political adversary grows to be an irritant, too serious for comfort., he is seen to be eliminated. No career politician wants to stain his name with a murder case and get his name registered as a criminal in police station. He does the work through his faithful underworld henchmen whom he keeps in good humour always for being available for such a need, by providing him political support and protection. For this, he keeps the

police at his side. This is easily done by intervening in police postings and helping to get early promotions for favoured ones.

BOOTH CAPTURING

A candidate for an election may even resort to booth capturing through his criminal aides to facilitate his victory. This operation requires thorough planning and training of the men involved, apart from the willing cooperation of the police. An attempt at booth-capturing can succeed only with the intricate nexus between politicians, criminals and the police for synergy.

POLITICAL KIDNAPPING

Political kidnapping is an international phenomenon that comminated the world of diplomacy *in excelsis* in the 1970's. The Menace trickled onto the Indian scene though slowly, decisively in the 1980's. The realisation that political ends can be easily met by the malengine of the kidnap-drama opened up an *abode* to the terrorists who were *acharne* to meet their political *telos*. The increase in terrorist activities in India, perchance, as an outcome of the suspected "balkanisation of India" policy adopted by some foreign countries, made political kidnapping an ubiquitous reality on the Indian political scene from the latter half of the 1980's. The terrorists of Kashmir and Punjab set the tone in India which was picked up by the People's War Group and the ULFAs in the 1990s. The inexperience of Indian political leaders in tackling the problem

complicated the matter. While most countries around the world explicated a policy of stubborn refusal to yield to kidnappers' demands under straits, the Indian leaders goofed by displaying their weaknesses while people close to them were abducted, in yielding to demands as a *quid pro quo* in releasing large number of dangerous terrorists, who were arrested at huge cost and loss of lives. The situation has been further complicated by adopting a policy of double standards in sacrificing the lives of lesser mortals in some other cases. It is obviously sending a *mauvais depeche* to the would-be-terrorists that the closer the proximity of the kidnapped to a political leader, the bigger is the chance of meeting their political ends.

The *reclame* attached to the kidnap-drama and the arousal of the public interest in the developments that follow is another dimension of the political kidnapping that brings an identification and gives an image to a terrorist outfit as nothing else can. It has become a fashion to initiate a terrorist outfit with a kidnapping operation. The *chevisance* in the inchoate drama proves the strength and resourcefulness of the new outfit and its *locus standi* among such other outfits, in the way the murders committed by a recruit decides his place in the mafia. The finesse displayed in executing the operation to a successful end decides the future of the organisation, a part from the advantages of the ransom money and the release of compatriots. Interestingly, the first experiment of political kidnapping in the Indian scene was conducted in a foreign country in the form of the egregious abduction and killing of Mr. R.H.Mhatre, a junior diplomat in the Birmingham consulate in the first week of February, 1984 by JKLF militants.

POLITICAL KIDNAPPING VERSUS DIPLOMACY

Political kidnapping and murder is tout court the most heinous crime that often involves cold-blooded murder of absolutely innocent people for political ends. The mental agony and postliminary destruction involved to the maledict hostages and their near and dear ones because of the misguided *entrainment* of a handful of greenhorns go waste and make kidnapping an infructuous political tool at the end. The considerable fall in the incidences for political kidnapping on the international scene of late is an indication of the increasing realisation of this fact, Crime scarcely survives in the situations of *haute politique* like diplomacy and relations between nations. High thinking by enlightened people functions as a catchpole to check the criminal tendencies from being perpetuated. Political kidnapping in the Indian scene is also bound to be a temporal phenomenon as seen elsewhere in the world.

PROFESSIONAL CRIMINALS IN KIDNAP DRAMA

A disturbing trend in political kidnapping is the possibility of professional criminals like smugglers and drug peddlers resorting to political kidnappings at the hest of their illegal profession in the guise of political kidnappers. The accrescent dependence of terrorists and professional criminals on each adds to the complexity. This unhealthy situation is already true in India as it is in many other countries.

POLITICAL KIDNAPPINGS IN INDIAN SCENE

The operation Rhino against the ULFA activities is a direct off-shoot of a series of kidnappings of Indian and foreign nationals and killing of some of them by the ULFA militants in Assam. The peoples' War Group in Andhra Pradesh is going progressively active in kidnapping government officials to bring the state government on its knees. The government of Andhra Pradesh is yet to take the gauntlet by the horns. The kidnap dramas excoriate criminals, politicians and the police to a war of nerves and those who have steel-nerve in them, emerge successful in the end. The political kidnappings are further complicating the welter created in the Indian and international scene by the rise of kidnappings by misadventurous individuals or groups *lucris causa*. The kidnappings becoming the *piece de resistance* of organised crime as a means of making a fast buck is already evident on the Indian scene as more and more reports of businessmen, industrialists or their relatives and children being kidnapped for ransom appear in newspapers in Bihar, Uttar Pradesh, Assam, Punjab, Delhi, Calcutta, Bombay and even smaller places. Ascensive anfractuosity of egregious mafia gangs in these operations is a pollent possibility. The relevance of the police comes into the picture in their *ingine* to check these pernicious developments. The *triste* reality is that the Indian police has failed to rise to the occasion till now.

UNITY OF PURPOSE IN INDIAN POLICE

The political crimes of gargantuan proportion can be successfully tackled only by a central police organisation with its all resources and resolves pooled together. In the current system of policing in India, police stations and district police units form basic units of the administration. Some of the functions discharged at these levels have concurrent jurisdiction with some special units at state and national levels. Crime investigation in special circumstances can be taken over from the district police administration by the state CID or the CBI at the national level. So, it is with the intelligence collection, security operations, the raising of armed police forces, maintenance of crime records etc. The police in the state is devised as an independent unit. In a vast country like India, policing being shared between scores of independent units with no perspicaciously defined mechanism of cooperation, the problem occurs of coordination and unity of purpose in tackling challenges that cover more than one of these units. There are too many challenges such as these in the increasingly complex society of India. Except for the sense of national unity there is nothing common among these units to approach the gauntlets with a common cause. Even the common Indian Police Service is unable to bring about a unit of purpose to policing throughout India. This gives an impression of fragmentation in the Indian police. A fragmented police cannot turn out work in full-stream owing to the waste by leakage in the process of coordination between the fragmented parts. India must consider devising a central unitary police administration at the centre with full control over subordinate state and union territory police setups. This would avoid coordination problems and help policing to be more purposeful in tackling challenges from the national perspective. It also makes available larger resources from the national level for policing apart from strengthening

the sense of belonging to one police. This is necessary in the interests of the country and its policing in the future.

CRIMINAL LAWS

A few glaring anomalies and some erroneous provisions in the extant criminal laws of India contribute to be easy escapades of criminals from the clutches of law in many cases and harassment of innocent persons by the police in some other cases. The loopholes in the criminal law have to be plugged *imprimis* if crime administration has to be effective in India and command a semblance of respect and confidence of the public.

The police or judicial officer under whose custody a person is kept under detention should be made responsible by name for the latter's timely release with a provision that if detention exceeds the period provided by law, it will make the concerned officer liable for proceedings for unlawful detention without the privilege of exemptions for actions performed in official colour, available under the extant laws. Also, all cases of violence and physical outrages committed in police custody should be made punishable with exemplary penalties by special legislations. Such *outré* measures may bring an end to shocking criminal acts committed *eo nomine* policing in some quarters and save the Indian police from the embarrassment of serve public resentment.

CRIMINAL LAW BOARD

India requires the constitution of a statutory Criminal Law Board as an advisory body to liaise between the police setup and the union law ministry regarding criminal laws to facilitate glib policing. The board, as a permanent body, may have seniormost officers of the central government from home and law ministries, police and prosecution departments, distinguished humanists and senior advocates of the Supreme Court as members with the union home minister as its chairman. It must undertake the study of the need of changes in criminal laws from time to time. The board may meet every quarter or a year and discuss extant criminal laws and their shortcomings in the light of representations received from officers in the field from the police and prosecution departments and make proposals for requisite changes in criminal laws *e ra nata*.

HUMAN RIGHTS CELLS

Political crimes whether it be of the stature of national politics or international politics, have the queer propensity of arousing issues of violation of human rights to crumble the credibility of the law-enforcers in the eyes of the public. Institution of human rights cells in each district and metropolitan city as advisory *conseil* to the police of the region with local human rights champions as its members to draw attention to specific instances of inhuman conduct by subordinate officers would meet the needs to keep the police on pernoctation against political crimes credible *vis a vis* likely false hue and cry by affected political leaderships. The human rights cells should be a dynamic part of the police administration in the regions and its observations should set in motion a process of verification and peremptory action. Though subjecting police to the scrutiny of an

outside setup may appear a retrograde measure, it may help the assuefaction of the policing methods to human comports *in rerum natura* and save the establishment from the charges of violation of human rights in controlling political crimes a la Kashmir, Punjab and elsewhere in the country.

INTELLIGENCE OUTFITS

Collection and analysis of intelligene and special operations from the building blocks of all nuances of the police operations. Indian intelligence system is yet to stand up to the enormous challenges thrown to it in detecting and controlling political crimes and can nowhere be compared with its counterparts in developed and even a few developing countries. Various intelligence outfits of India are often found functioning at cross purposes even in protecting VVIPs and other sensitive targets from political crimes. India should reorganise and strengthen its intelligence outfit if it is to survive the challenges and stand up to the threats of political crimes to the integrity, security and law and order of the country.

UNIFIED INTELLIGENCE AUTHORITY

The Indian intelligence system may develop unity of purpose and operation to control political crimes *ab intra* and *ab extra* by working under the umbrella of an unified intelligence authority with the chiefs of all intelligence organisation as members. The authority must affect a synergy of intelligence operations through its various wings of

internal, external, counter, military and security intelligence. Sufficient attention has to be given to infuse entrain to the intelligence system of India and modernise its methods to raise it to a few degrees closer to the international standards. The interferences of officialdom need to be minimised and a sense of commitment and dedication to be infused by making intelligence operations a lifelong career.

The ultimate purpose of all police functions is public security. Either it is intelligence collection or crime investigation or maintenance of law and order, all roads leads to this single aspiration. Therefore, the security operations form the crown of policing activities, without which all other police operations prove futile exercises.

SECURITY OPERATIONS

India needs specially trained battalions of security operators in every state to take charge of the security of vital installations and VIPs. Also each state police unit may have a small commando force to meet threats during emergencies like hijacking, VVIP security under difficult circumstances, complicated operations against terrorists etc. This special group has to be brought into operation only under exceptionally difficult circumstances. Otherwise, it has to be involved in continuous commando training of the highest order. The commandos have to be well-equipped with the wherewithal of commando operations of the latest order. Only select officers may be recruited to the group with extra emoluments to make the job really elite. The commando units of the central government must train the state commando forces.

The need of commando groups in the state police forces will be increasingly felt in future as the menace of terrorism and sabotage grows uninhibited with the future possibility of violent methods being accepted as legitimate ways of expressing political dissent.

INADEQUATE SECURITY PLANNING

The present perception of internal security in India revolves round a few catchwords like prohibited areas, protected areas, official secrets, sensitive installation, static guards, armed pickets, mobile patrols, striking forces, perimeter protection, infiltration, mechanical breakdown, external and internal attacks verification, unobtrusive watch, internal watch, intelligence collection, top-secret papers, security information, leakage of information etc. Model internal security scheme, containing jugglery of these words are available in all district police offices. The plans in the schemes do not touch even the fringes of the present security needs. Secondly, the model schemes are based on outdated facts and statistics which have become irrelevant in postliminary periods. Though these model schemes are expected to be updated from time to time, seldom are they touched. This renders them irrelevant to a given phase of time. Thirdly, the security guidelines in the model schemes can in no way make a claim to expertise. They are simple suggestions based on common sense. Any police official with a sound field knowledge can improve on them according to specific instances by relying on his own

savvy. For all practical purposes, these model internal security schemes have become passe and impair. They have only historical interests in the neoteric scheme of things.

The model security schemes enumerate *in terrorem* the likely sources of threats to the country's internal security, such as aggression by an alien power, sabotage and subversive activities, communal riots, student unrest, extremist activities, violent labour problems, natural calamities etc. The schemes distinguish between peacetime threats and wartime threats and deal with each period with various stages of approach like precautionary stage, preventive measures and protective measures. What are striking in these schemes are the details of work to be attended to, like evacuation of lunatics, police-public relations peace committees, mobilisation of NCC and volunteer organisation etc. But, unfortunately, there is nothing really instructive in these schemes for a security officer of good field experience and sound common sense. The only advantage the schemes provide is that all obvious measures are listed in a *raisonne* nutshell for easy reference. But, as said before, albeit the measures listed out are exhaustive as routine jobs to be performed in such disturbances, they in no way, help in tackling complex internal security challenges of the present day. The reason for this is that the format of the schemes was conceived decades back when challenges of internal security were simpler and on expected lines. No serious thought was given to overhauling the format of the scheme since then. The position though is similar in respect of the blue book which deals with aspects of security for dignitaries, political compulsions helped to update them as more and more dignitaries fell to the bullets of extremists. The updating of the blue book is one of the plus points of the subservience of

the police to political masters. Yet, the blue book too needs a complete overhauling on the basis of the new realities of security challenges and new perceptions and conceptions about meeting such challenges.

CHALLENGES OF INTERNAL SECURITY

What the new blue book and new model internal security schemes need are guidelines on how to approach a security challenge and not what peripheral matters should be attended to, Each security challenge of the present day is *sui generis* and needs a specific approach depending upon the time, the place and other circumstances of the challenge. It is too simplistic to imagine that a common formula, however exhaustive it be, can tackle all internal security challenges of the present day. The blue book and model internal security schemes must lay down broad guidelines and the spirit with which security challenges, available methods of approach for each class of challenge, salient features of the risks involved and precautions to be attended to alternative courses of action and assessment of the chances of success for each course under different circumstances etc. The security guidelines must name the nature of security threats under various situations and list out likely targets of sabotage under all imaginable circumstances. They must be able to forewarn about potential sources of threats and suggest ways and means of overcoming them and invent short and long-range plans to meet likely serious challenges. Such an approach to security relieves pressure on prototypal security and shifts stress to creative security and saves manpower and other resources from being wasted on unproductive quotidian mobilisation. This works an a

panpharmacon to the under-utilisation of precious security tools by unintelligent routine deployment.

Political crimes call for special skills in police in handling them as the crimes involute political leaders and ergo, sensitive in nature. Such crimes are often of national importance and draws the glare of public attention with all hues of judgements passed by all kinds of people. There would be pulls and counterpulls by influential people from different sides at all levels of policing to handle them in a particular rendering objective appropinquation to such crimes *non possumus*, unless concerned police officer dares to endanger his own career prospects and even his life to achieve the object of objectivity. Only special skills save police from such a terrible fixe. The skills are hard to come and very taxing on the police. But, these are the job hazards and police must learn to live with it.