

## Editorial

# Lessons from the Mumbai Terror Attacks

THE recent horrendous terror attacks in Mumbai are obviously totally atrocious. They have woken up our elite citizenry of Mumbai and the country to the dangers of terrorism as nothing ever has. There have been many terror attacks in this country before — several serial blasts in major cities of the country during this year itself. Each of those incidents killed almost as many people as the terror attacks in Mumbai. There have however been worse atrocities in the country, not long ago. In 1993, after the Babri Masjid demolition, more than 1000 persons were killed and tens of thousands of homes and shops were burnt by marauding gangs who raped, burnt and killed at will, while the Mumbai police watched and even connived in those massacres. In 2002, more than 2000 persons were killed, thousands of women raped, tens of thousands of homes burnt, in the most horrific manner by lumpen gangs of saffron hue, who operated with complete connivance of the Gujarat government and its police. Hardly anyone, out of the hundreds who are easily identifiable, who were involved in those massacres have been brought to book till today. Only in the last few months, lumpen gangs terrorised and killed hundreds of persons in Orissa, Karnataka, Andhra Pradesh and even in Kerala. Just last month, gangs of the local mobster of Mumbai, Raj Thackeray terrorised and beat up hundreds of poor and hapless North Indians, in Mumbai itself.

Twenty-four years ago, this month, several thousand persons were killed and tens of thousands crippled for life by the poisonous gas of Union Carbide in Bhopal, let loose because of deliberate and criminally negligent corporate cost cutting. None of those responsible have been brought to book thus far. At the same time in November 1984, 5000 Sikhs were brutally massacred in Delhi and elsewhere with total complicity of the police and the Central government. Those responsible have not been made accountable either.

None of those terror attacks, brutalities and

massacres, evoked the kind of response from the elite citizenry of this country as we are seeing today. Those atrocities did not evoke cries of, "Enough is enough", or, "we will not pay our taxes", or "politicians must be replaced by CEOs to run this country", at those times. Narendra Modi, who presided over the Gujarat massacres still remains in office and has become the darling of the CEOs and the elite classes who have been roused by the Mumbai terror attacks. Dow Chemicals, which bought Union Carbide, is being welcomed into India to set up more plants to manufacture toxic chemicals. It is only when the attacks are directed at five-star hotels that our elite citizenry, and the media controlled by them, come out on the streets to rail against politicians and the security establishment.

This energy can, however, be usefully canalized to achieve many positive reforms in policing, intelligence and the security establishment and for preventing their misuse by the political establishment, if it is done with carefully considered cool deliberation about what measures can be useful and what would be counterproductive. Most of the news channels in their sensational and hysterical 24 x 7 coverage of the Mumbai terror attacks have been encouraging the expression of public anger and even mass hysteria at the attacks. A large section of the media has given a war cry, and is suggesting that India should attack Pakistan or at least what they call "terrorist training camps within Pakistan". The BJP's favourite theme of reviving the Prevention of Terrorism Act (POTA), to deal with terror, is back on the table. There are however some useful and sensible suggestions coming out of this — primarily relating to the revamping and depoliticizing of our intelligence and security apparatus.

"Get tough with terror" is, however, the main battle cry of the elite, goaded by the media. For them "Getting tough" primarily means, attacking Pakistan or bringing back POTA. If India were to



attack Pakistan, even the so called, "terrorist training camps", within Pakistan, would it stop or deter terrorism, particularly the kind of suicidal terrorism that we are seeing today? Apart from running the risk of a war with a nuclear armed Pakistan, such an action is bound to politically destabilise that country, which will only make conditions within Pakistan more hospitable for terrorists operating from there. Already, the US war on Afghanistan (which was the US's tough response to the 9/11 attacks), has destabilised the North-West Frontier Province of Pakistan and made that territory much more hospitable to terrorists. That is why, Pakistan itself has seen so many terror attacks within that country in the recent past, including the attack which killed Benazir Bhutto and the one which killed a large number of US citizens in the Marriott hotel.

There is little doubt that such an attack would only help create the psychological and physical conditions within Pakistan which will only increase the number of terrorists being created and trained, who will attack Indian interests in the time to come. We must understand that this is not a zero-sum game, where our enemy's loss is our gain. Both Pakistan and India stand to suffer severe losses in the event of India using military force within Pakistan. We must learn the correct lessons from the US "War on Terror", which, far from making the US, its citizens and interests safe across the world, has only increased insecurity worldwide and has led to many more terror attacks on US interests and citizens across the world.

It is, however, being said that the US's tough response to the 9/11 attacks has prevented further such attacks within the US. Though there have not been any major terrorist attacks within the US recently, do the US citizens feel any safer now than before the US "War on Terror"? All evidence suggests otherwise. The frequency of terror attacks in the world today is several times of what it was prior to the US "War on Terror". While much of these attacks are in Iraq and Afghanistan (many on US targets), the frequency of such attacks has also increased elsewhere. Many of these attacks are directed at US Embassies, US army personnel and US citizens. The latest "Worldwide Caution" issued

by the US government on July 16, 2008, says that "Current information suggests that Al-Qaida and affiliated organizations continue to plan terrorist attacks against US interests in multiple regions, including Europe, Asia, Africa, and the Middle East. These attacks may employ a wide variety of tactics including suicide operations, assassinations, kidnappings, hijackings and bombings." The Caution goes on to detail a very large number of terror attacks which have taken place after 9/11 on US Citizens and US targets across the world. It advises US Citizens traveling abroad, to "maintain a high level of Vigilance, be aware of local events and take steps to bolster their personal security."

Much of the increase in terror attacks worldwide has been a direct result of the anger in the Arab and Muslim world at the US attacks on Afghanistan and Iraq, the killing and imprisoning of hundreds of thousands of innocent persons in Iraq and Afghanistan, as well as the imprisonment without trial of several thousand Muslims in the US after 9/11. Even if some of those who have been imprisoned were potential terrorists, the vast majority of those held on suspicion under the "Patriot Act" (the US version of POTA), are clearly innocent. Their incarceration for the last 7 years, without any charges and trial is also one of the causes of the resentment and anger against the US, which has fuelled the spurt in terror attacks worldwide against US interests. In fact the Mumbai attack was also an attack on US and Israeli interests apart from being on India.

What about the other costs of "Homeland security" in the US? Homeland Security cost is in hundreds of billions of dollars (rivalling India's total Budget). The costs of the two wars— the US's main thrust of its "War on Terror", are in Trillions of Dollars (more than India's GDP). From the preeminent economic and military superpower prior to 9/11, the US is today a superpower in precipitous decline having a debt equivalent to its entire GDP. It is today the most hated nation in the world, with approval ratings of only 9% in Turkey, 15% in Pakistan and just 30% even in its NATO ally, Germany. According to the report of the Pew Global Attitudes Project, "Since 2002, the image of the US



has declined in most parts of the world. Favourable ratings of America are lower in 26 of the 33 countries for which trends are available." Bush is today the most reviled President in all of US history, with approval ratings now around 20%. All this is part of the price paid by the US for its "War on Terror". And yet the bulk of our media, elite, and our security establishment want India to emulate the US in our fight against Terror.

It is useful to recall the prophetic words of Noam Chomsky, arguably the deepest social and political thinker of our times, in a short article that he wrote immediately after 9/11, on 12<sup>th</sup> September 2001. He wrote,

*"As to how to react (to 9/11), we have a choice. We can express justified horror; we can seek to understand what may have led to the crimes, which means making an effort to enter into the minds of the likely perpetrators. If we choose the latter course, we can do no better, I think, than to listen to the words of Robert Fisk, whose direct knowledge and insight into the affairs of the region is unmatched after many years of distinguished reporting. Describing 'the' wickedness and awesome cruelty of a crushed and humiliated people', he writes, 'this is not the war of democracy versus terror that the world will be asked to believe in the coming days. It is also about American missiles smashing into Palestinian homes and US helicopters firing missiles into a Lebanese ambulance in 1996 and American Shells crashing into a village called Qana and about a Lebanese militia – paid and uniformed by America's Israeli ally— hacking and raping and murdering their way through refugee camps.' And much more.*

*Again we have a choice: We may try to understand, or refuse to do so, contributing to the likelihood that much worse lies ahead."*

Chomsky's sage advice to try and understand the reasons which had created such a large number of terrorists who were determined to harm the US even at the cost of their lives, was drowned out by the jingoistic noise created by the Bush administration, supported by the media, the military and security establishments and the belligerent right wing. They advocated an aggressive "War on Terror", and used

the opportunity to increase the power and funding of the military and security establishment by squeezing out various Civil liberties among other things. Bush's people had wanted to do all this, but could not do this in a country which still valued its democratic and civil rights. They had said in their document "Rebuilding America's defenses" published a year before 9/11, just before Bush became President, that the scrapping of the Anti-Ballistic Missile Treaty, the treaty against Space Weapons, and a 50% increase in Military spending, though highly desirable for them, could not be achieved politically, "in the absence of a catastrophic and catalyzing event like a second Pearl Harbour". 9/11 provided them with such an event which was seized upon to push through their agenda. And with such terrible costs and consequences to the US, its people, and indeed to the whole world.

Naomi Klein, author of "The Shock Doctrine", has written about how such "crisis" has been routinely used by hawks and neocons to push through unpalatable measures (such as the trillion dollar bailouts for private banks and corporations pushed in the present financial meltdown). These responses would not be accepted in normal times and are totally counterproductive in the long run for society, but the crisis is used to scare the people into accepting them at that time. The Mumbai terror attacks are also seen by such hawks here as providing a similar opportunity to push through POTA and an attack on Pakistan.

The terror attacks have brought POTA back on the table. The BJP and the security establishment have been hankering after this draconian law for a long time, but now the chorus for it can also be heard in the candlelight processions at the Gateway of India and India Gate and in the discussions in TV studios. They feel that it is a strong Anti-Terror law, without knowing what makes it tough. They don't even pause to think that no law can stop or deter a suicide terrorist. A law can only help to keep in custody and prosecute those who have been caught. How can the fear of being kept in jail or prosecuted or even hung deter someone who is already ready to die before he is caught? POTA had essentially 2 major provisions which distinguish it



from the normal criminal law. Firstly, there is a provision of not granting bail to a person arrested under the Act, unless the Public Prosecutor consented or the court recorded a finding that the accused was not guilty. Secondly, police confessions have been made admissible. These provisions have only enabled the police to arrest innocent persons, deny them bail and then chargesheet them on the basis of essentially police confessions. Those against whom there is some evidence of involvement in a terrorist act would in any case be denied bail by the courts and one doesn't have to rely on police confessions which are always obtained by torture or threat of torture.

The inefficacy of POTA and its predecessor TADA is clear from the conviction rate of less than 2 percent under these Acts. Obviously the vast majority of persons arrested and charged under these draconian laws were innocent. The provisions for denial of bail and police confessions only encouraged the police to target innocent persons. The people's Tribunal on POTA consisting of eminent jurists like Ram Jethmalani, Justice Suresh, Justice D.K. Basu, K.G. Kannabiran, and other eminent persons opined in their report in 2004, that, "Our review of victim and expert testimony shows that the misuse of the Act is inseparable from its normal use. It is a Statute meant to terrorise, not so much the terrorists as ordinary civilians – particularly the poor and disadvantaged such as dalits, religious minorities, adivasis and working people." It is the targeting of innocent persons as terrorists under these draconian laws which is responsible in some measure for the anger and insecurity which fuels the current terrorism.

So what can be done to address the problem of terror? Revamping and depoliticizing our intelligence and investigative agencies can certainly help. The Supreme Court had issued many directions in September 2006 to implement police reforms which several expert agencies of the government had recommended many years ago but which had not been implemented. They included setting up independent State and National Security Commissions, Police Establishment Boards, Police Complaints Authorities at the State and District

levels, giving a minimum tenure to heads of field police officers at all levels including Police Chiefs etc. The thrust of these recommendations was to make the police and investigative agencies accountable to the law and free them from the strangulating control of the political executive. The Court had also asked the government, the NHRC, the Sorabji Committee and the Bureau of Police Research and Development to opine about the need for a Central Police agency to investigate and deal with Federal Crimes like Terrorism and organized crime. While the rest of the institutions gave their opinions long ago supporting such a Federal Police organization and suggesting how it could be constituted, the Central government has been dragging its feet over it. Most of the States have also not implemented the directions of the Supreme Court about the police reforms. None of the major political parties want to let go of their political control over the police which they have been misusing for partisan purposes. Implementation of reforms within the Police and Intelligence agencies should certainly improve security and reduce terror attacks. That is where public anger and energy needs to be directed – at a public campaign to force the authorities to implement the reforms. That will require sustained engagement with the government, judiciary and with Civil society. It will require time and effort— more than occasional candlelight marches.

But it must be clearly understood that while this can help reduce the danger of terrorism, it cannot eradicate the kind of suicide terrorism that we are now witnessing. The conditions for that kind of terrorism are being created by the enormous injustice that prevails in our country and society. If you allow thousands of persons, women and children to be repeatedly burnt, raped, rendered homeless and killed, and the perpetrators to get away scot-free by enjoying the protection of the Police, the government and the judiciary, then the insecurity, anger and rage among the victims is bound to create conditions which will give birth to terrorists. Several people's Commissions recently have reported that most of the persons arrested, tortured and charged in the investigation of the recent terror offences are



innocent. This too fuels insecurity, anger and rage especially when a particular minority community is targeted. It is not surprising that the Mumbai terrorists are said to have been shown films of the massacres of Gujarat, the demolition of the Babri Masjid and the egregious human rights violations by our 7 lakh strong security forces which have been in occupation of Kashmir for several decades now.

Unless we deal with these enormous injustices in our society, we cannot eliminate such suicidal terrorism. For this, we need to do many things, but most importantly we need to fix our criminal justice system to ensure that such criminal injustices are prevented, and those guilty are swiftly brought to

book. We have a largely insensitive, communal, corrupt and failed judicial system. Neither the political nor the judicial establishment has the political will to fix it. We need a major public campaign for that. That is also where the public anger and outrage over the Mumbai terror attacks needs to be canalized. If we can succeed in doing that, it would be a major political achievement. If that anger only fuels reflexive jingoism, we will, as Chomsky warned, only be creating conditions for more devastating attacks in future.

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