

How Not to Fight Terror

As shock gives way to anger following the terrorist attack on Mumbai last week, Indians are demanding answers and action from their government. Meanwhile, even before the last gunman was killed, the opposition Bharatiya Janata Party (BJP) seized upon the attack as a political bludgeon to finish off the already weak Congress Party-led government. As the government scrambles to respond to what some are calling India's "9/11," the BJP is baying for blood, accusing it of being weak on terror and of cravenly coddling Muslims to keep their votes. Their solution: Bring back the draconian Prevention of Terrorism Act (POTA).



AFP Photo / Indranil Mukhejee

Policeman stand guard as Indians gather in Mumbai to denounce the recent terrorist attacks, Dec 3.

This is pure political grandstanding. It is true that the response of Indian authorities to terrorism has been frustrating. But the answer to preventing more attacks and to responding more effectively to attacks when they do occur does not lie in resurrecting old anti-terror measures that were scrapped for good reasons, nor in inventing new ones worse than their predecessors. Most dangerously, the BJP's strident calls to restore POTA rely on the misguided conflation of Islamist terrorists and Indian Muslim citizens, the vast majority of which are neither Islamists nor terrorists.

It also derives from a facile assimilation of India's experience of terrorism with that of the United States. Hence, the naming of the attack on Mumbai as

"India's 9/11" is being used by the BJP to call for a copycat response modeled on the Bush administration's after the Sept. 11, 2001, attacks on the U.S.

It is supremely ironic that the BJP is clamoring for India to embrace the tactics instigated by the Bush administration—passage of the Patriot Act, pre-emptive attacks on countries deemed potential threats, the use of torture, rejection of the Geneva Convention, "extraordinary rendition" to neutralize suspected terrorists, the establishment of admitted (Guantanamo) and secret facilities for the indefinite detention of supposed terrorist suspects, secret monitoring of the personal communications of

U.S. citizens and of legal civil society groups—at precisely the moment when a change of government in the U.S. signals a growing repudiation of these tactics. While many experts in the United States and members of the incoming Obama administration have criticized the Bush administration's response to 9/11 as dangerously counter-productive, the BJP wants nothing more than to ape it.

At this point, there is no evidence any Indian Muslims were involved in the Mumbai attack, though how the perpetrators managed to have intimate knowledge of the city and the layout of the two luxury hotels they held hostage for days does beg the question of local support.

All evidence points instead to well entrenched Islamist groups in Pakistan, most likely Lashkar-e-Taiba or affiliates of Taliban or al-Qaeda networks, as well as Dawood Ibrahim, the former Mumbai crime don behind the terrorist bombings in Mumbai in 1993 of the Air India building and the Bombay Stock Exchange who has been based in Pakistan. There appear to be indications that elements within Pakistan's Inter-Services Intelligence agency (ISI) may have lent assistance. But the logic of the Hindu nationalist right dictates that all Muslims

are if not actual then potential Islamists and that all Islamists are terrorists.

POTA was repealed soon after the current Indian government came to power in 2004 not because the Congress Party wished to throw a bone to the Muslim voters who had helped get it elected, as the BJP has charged, but because it had been soundly criticized by Muslim citizen groups and human-rights organizations as being so vague as to allow widespread abuse, including the arbitrary detention and torture of Muslim citizens with virtually no justification.

India has plenty of anti-terror laws on its books without POTA, including state laws such as the Maharashtra Control of Organized Crime Act (MCOCA) and the Karnataka Control of Organized Crime Act. At the national level, Indian law allows preventive detention for up to three months without charge.

What the Mumbai attacks have shown is that India needs a well-equipped and well-trained Coast Guard, police force and fire departments to deal effectively with attacks when they do occur. That it took three hours for a fire truck to appear at the burning Taj hotel is unacceptable. That the Indian Coast Guard did not have the speed boat it has requested and has been waiting on for 17 years is unconscionable. That the Mumbai police lacked bulletproof vests and scopes for their rifles is unbelievable.

In order to prevent attacks, India must not only have actionable intelligence—something apparently it did have in advance of the attack on Mumbai, according to several reports—but mechanisms of intelligence-sharing and of translating intelligence into credible responses before attacks occur. Right now the country has a hodgepodge of agencies at the national, state and local levels that clearly do not communicate or coordinate as they should.

Finally, terror will never disappear from India unless authorities find a way to deal with the grievances of minority and economically disenfranchised groups other than by the “blunt instrument” approach the Indian state has used over and over again at every level: Round up a bunch of likely suspects, generally young men. Disappear them in “encounters” with the police or armed forces, or torture and rough them up enough they won’t dare report any abuses. Treat even legitimate grievances as threats and not as petitions for just solutions. And, when abuses occur make sure the police, serving army personnel or state officials involved

are immune from prosecution and face no consequence.

It is shameful that India has never had any kind of formal truth and reconciliation process to deal with abuses waged by the state in one of its guises against Sikhs, Manipuris, Kashmiris or Assamese, not to mention landless peasants and so-called Tribals swept up in bitter conflicts where India’s own Maoist rebels, the Naxals, are involved. The state is always innocent and never found guilty whereas those it deems a threat to it for one reason or another are all too often presumed guilty and dealt with extra-legally.

As for the terrorist threat from across India’s borders, which is extremely real, as has just been spectacularly demonstrated, a draconian anti-terror law such as POTA aimed at India’s own citizens is hardly the cure for it. On the contrary, such measures can only reinforce the impression by an increasing number of Indian Muslims and other minority groups, that they are not equal citizens under Indian law and that they can never hope for justice from the legal system or the state.

Restoring POTA is a recipe for fueling the already alarming growth of “home-grown” terror in India, as evidenced by the series of attacks this year claimed by the Indian Mujahideen, not for defusing what is a dangerously escalating situation.

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