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POLITICS-INDIA: Exploiting Terrorism

By Keya Acharya



BANGALORE, Aug 13 (IPS) - In the aftermath of the spate of serial bomb blasts that rocked Ahmedabad in western India and the southern city of Bangalore, late July, prominent civil rights activists, advocates and experts have criticised the government, for political interference in and misuse of the country's counter-terrorism laws.

Teesta Setalvad, well-known activist for civil rights for victims and alleged suspects of terror in India, especially in Gujarat and Kashmir, says terrorist attacks in India are routinely exploited by politicians.

"The deep rooted politicisation of India's battle with terror can be understood by how the Bharatiya Janata Party (BJP), the major right wing party, has used political and religious tensions in Jammu and Kashmir during electoral battles over the past 20 years, the manner in which the issue of illegal immigrants, (read Bangladeshis, Muslims) has been whipped up by them to polarise sentiments and win elections and now how the issue of recent terror attacks is likely to be used in future" Setalvad told IPS.

After the blasts in the two cities, both the BJP and the ruling Congress coalition traded insults and accusations. Lost in the din was the fact that the series of 21 bomb blasts in Ahmedabad, on Jul. 26, left 56 people dead. The Bangalore blasts, a day earlier, left two dead. Political reactions were true to Setalvad's comment, holding deep implications to claims by both parties over who provides more safety and support for India's minority Muslim populations.

Setalvad also accused the BJP of a 'symbiotic relationship' with violent and fanatic outfits that "generate terror", like the Vishwa Hindu Parishad and the Bajrang Dal, using them to generate communal divisiveness in states of Gujarat, Rajasthan and Madhya Pradesh, where the BJP is the locally ruling party.

In India's sensitive, multi-religious society, the fear psychosis around bomb blasts are said to have become easy pickings for vested political interests, while effective legal action to apprehend and punish those responsible is missing.

Existing counter-terrorism laws in India, stringent and sweeping in their powers, have a history of being misused. "It is these draconian laws that are causing terrorism in the country", charges respected Supreme Court advocate Prashant Bhushan.



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India's first counter-terrorism law, the Terrorist and Disruptive Activities (Prevention) Act, 1985 (TADA), detained 59,509 people without charges and managed to convict just 725 of those held. The overwhelming majority of TADA detainees belonged to religious minorities, mainly Muslims.

TADA was also controversially used to harass journalists and extorted confessions amongst other misuses.

TADA subsequently collapsed in the face of several arbitrary cases, amidst opposition by the BJP in 1995 which then went on to create yet another harsh law in its place, the Prevention of Terrorism Act (POTA) 2002. This too was flagrantly misused because of its similarity to TADA's sweeping police powers.

Controversial and high-profile cases under POTA have involved an academic and two opposition party politicians, both subsequently acquitted for lack of evidence.

The highest number of POTA cases were registered not in Kashmir or the northeastern states where armed insurgencies were active, but in the central Indian, tribal-dominated State of Jharkand, where POTA arrests included, a 12-year old boy and an 84-year-old man. In Gujarat, barring one individual, all POTA detainees were Muslim and most arrests by the earlier law, TADA, were made in this state which had no record of terrorism till the brutal Hindu-Muslim riots in 2002.

Advocate Bhushan says the large-scale misuse of both TADA and POTA, especially in Gujarat have 'turned normal people into terrorists'. "If police officers kill innocent people in fake encounters and if this and other misuse happens on a large scale, then the inevitable consequence of that is to turn ordinary people into terrorists", Bhushan told IPS.

Bhushan points to Iraq as an illustrative international example, where stringent laws and total control by the military 'without any accountability' have aggravated its citizens so much that it is now the 'worse-affected terrorism-country in the world'.

In Tamil Nadu, POTA was used as a political weapon for arresting opposition politician, Vaiko (one name) for his praise of the Sri Lankan 'Tamil Tiger' rebels, while in the northern State of Uttar Pradesh it was used against dalits, the lowest group in India's social rung.

Though POTA too has now been annulled, India's Unlawful Activities Prevention Act (UAPA), amended in 2004 is now, yet again, being misused by the authorities in their bid to apprehend the culprits of the Bangalore and Ahmedabad blasts, charged by the government as being members of the banned Students Islamic Movement of India (SIMI).

Last fortnight, a Delhi High Court special tribunal outlawed the government's banning of SIMI, on grounds of insufficient clinching evidence of the organisation's current terrorist activities. India's Home Ministry has since obtained a Supreme Court time-bound stay on the tribunal's judgement to produce concrete evidence of SIMI's terrorist-activities by September 2008.

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A former Indian anti-terrorism squad chief, K.P.S. Raghuvanshi, has been reported saying that SIMI executes jobs for the Lashkar-e-Toiba, a militant organisation based in Pakistan, but the government has not been able to back that charge with solid evidence in several terror cases in recent years.

"I don't think any law will have the slightest effect on curbing terrorism," Maja Daruwala, director of the Commonwealth Human Rights Initiative in India, told IPS, "Not unless the entire network of agencies involved in preventing, investigating and apprehending terrorism is substantially improved. "

Given that the Indian police have practically no training in forensics, are currently more adept at VIP (very important people) security than scientific investigation and have just one central forensic laboratory in India, the possibility of good investigation seems remote.

"If the average policing is anything to go by, the police depend mostly on tip-offs, they appear to have no other means at their disposal," says Daruwala.

Daruwala says the police need to be "de-politicised, held to a professional standard and given internal management systems that are run on competent technology and skills, not on patronage". "The deeprooted politicisation of India's intelligence agencies in all blasts investigations has succeeded in investigations not leading to the guilty", says Setalvad.

Unfortunately for India, says Daruwala, there is 'arrant disregard' of good suggestions by politicians and bureaucrats alike who use the police force as a 'tool for wielding power'.

Daruwala says as many as seven Supreme Court recommendations on institutional reform in the police sector have either been diluted or 'subverted' by the relevant authorities.

All three experts, Daruwala, Setalvad and Bhushan say that India needs to urgently address the root cause of terrorism.

Daruwala thinks the system has to get streamlined so that ordinary people get quick, efficient justice. " We need change right down to the core", commented Daruwala.

(END/2008)

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