

● 11 die in fierce gun battle in Parliament complex ● No group claims responsibility

Democracy attacked

Bush offers FBI help

PRESIDENT GEORGE W Bush has offered India the services of the FBI and the State department's counter-terrorism wing as part of the US's strong support to India's battle against terrorism.

He strongly condemned the attack and expressed concern. The State department, in a strong reaction, termed it an "outrageous attack" and said: "This brutal assault on India's democracy is also an attempt to undermine the efforts of those seeking regional peace and stability."

Secretary of State Colin Powell spoke to External Affairs Minister Jaswant Singh and expressed his determination to cooperate with India in its fight against terrorism.

HTC, Washington

THE STATE RESPONSE

ON PAGE...3

■ CM puts districts on red alert

■ Commandos guard Assembly, Writers' Buildings

■ Special security at airport, waterworks and rail stations

■ Still not time for Poca: CPM

RAMZAN

IFTAR 4.59 pm (Friday Dec 14)
SEHRI 4.42 am (Saturday Dec 15)

MARKETS

| | | |
|-----------------|---------|--------|
| • BSE Sensex | 3388.58 | -23.58 |
| • NSE Nifty | 1088.75 | -8.90 |
| • CSE40 | 1733.96 | -23.85 |
| • US dollar | 47.86 | +0.05 |
| • British pound | 68.18 | +0.23 |
| • Gold | 4805 | +20 |
| • Silver | 7250 | Nil |

NET POLL

Yesterday's Question:

Would the political storm over the Army's cabinet deal affect BJP-NDA's prospects in the forthcoming Assembly polls?

Yes 36.67%

Yes 60.00%

Can't Say 3.33%

Today's Question:

Should India go on the offensive to wipe out terrorists?

Cast your vote daily at:

www.hindustantimes.com

Poll reflects opinion of Internet users only

WEATHER

Mainly Cloudy sky. Possibility of morning fog. Minimum temperature likely to be around 16°C.

| Temperature | Max. | Min. |
|-------------------|---------|------|
| Thursday | 28.4 | 15.7 |
| Wednesday | 27.8 | 16.3 |
| Relative humidity | 96 | 53 |
| Rainfall | Nil | |
| Sunrise | 6.08 am | |
| Sunset | 5.23 pm | |
| Moonrise | 4.54 pm | |
| Moonset | 4.31 am | |

This issue consists of 18 pages.
HT City is being distributed in select towns of West Bengal and Central Kolkata Live in that area.

Vol. I No. 292

HT Correspondent
New Delhi, December 13

AT 11.25 today, Orissa MP Khara Bela Swain heard what he thought was the sound of firecrackers outside Parliament. Seconds later, he was running for his life towards one of the exits of the Parliament House complex. For the next 50 minutes, India saw an unprecedented gun battle inside the Parliament compound that left five terrorists and six policemen dead.

The confession of suspected al-Qaida member Afroz Razzaq to attack the Parliament House, was being played out.

Once the enormity of what happened sunk in, two things became clear. First, terrorists could breach security at will in what is supposedly one of India's best-protected institutions. Second, it was democracy that was under attack.

At 11.28 am, the Delhi police control room got a call that there was firing in the Parliament House. Militants in commando outfits had driven into the Parliament complex in a white Ambassador (DL-3CJ-1527), flashing a red light. If they had a larger plan, it soon went awry as the terrorists — described as good-looking, clean-shaven men in the 25-30 age group — drove in just behind Vice-President Krishan Kant's car and banged into it. As a security officer got out to inspect the damage, they panicked and started firing.

Chaos broke out as the militants ran towards different gates firing from their Kalashnikovs at any securityman who came their way. At Gate No. 5, which the Prime Minister uses, CRPF assistant commandant Anand Jha saw a terrorist in green fatigues running towards him. "The militant was firing away madly and lobbed a grenade."

At Gate No. 9, CRPF men shot down three militants as they ran towards the gate. Another suddenly opened his jacket to reveal that he had a bomb strapped to his chest, and set it off.

As the battle raged, panic reigned inside Parliament. Both Houses had adjourned just after 11 am over the Kargil coffin issue and about 200 MPs had left the complex before the firing began. Neither the PM nor Sonia Gandhi was present, but those still inside, including Home Minister L K Advani,

ENGLAND TOUR TO CONTINUE

THE ONGOING tour of the England cricket team of India will not be affected by the attack on Parliament on Thursday. English team sources said the issue was political and had nothing to do with cricket. The team was satisfied with the security arrangements and had no real concerns, David Clarke, the English team manager, said. The National Football League will also be held as per schedule, an AIFF official informed.

were herded into Parliament's circular central hall, where they stayed till the shootout was over.

After the attack, Army explosives experts were brought in to defuse two RDX explosives left in the stolen car used by the terrorists.

No militant group has claimed responsibility, but Intelligence agencies suspect the hand of Lashkar-e-Tayyeba and Jaish-e-Mohammad — banned under Poto. Analysts see several similarities between this attack and the one on the Jammu and Kashmir Assembly in Srinagar on October 1.

The Prime Minister spoke to President K R Narayanan to apprise him of the shootout and the measures being taken to deal with it. Vajpayee, who cancelled his Iftar party scheduled today, convened an emergency meeting of the Cabinet Committee on Security later this afternoon. This was to be followed by an emergency meeting of the Union Cabinet.

A nationwide red alert has been sounded. The armed forces have been asked to tighten vigil at the border and the LoC. Apart from the Parliament complex, Army has been deployed in the houses of Vajpayee, Sonia Gandhi, L K Advani, North and South Blocks.

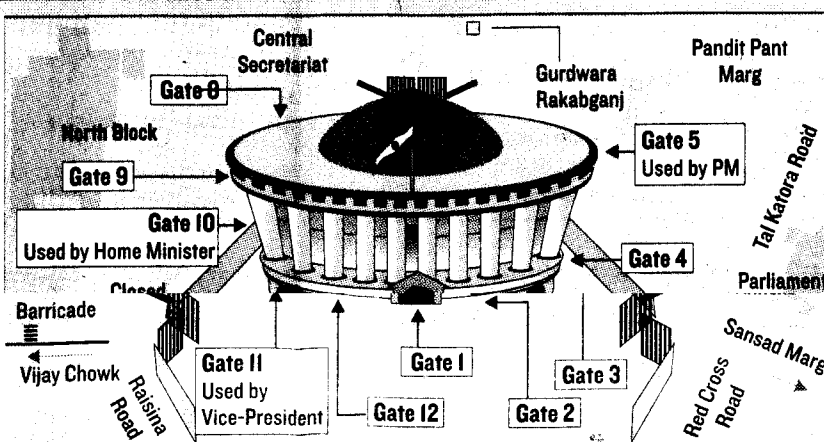
Undeterred by the terrorist attack, Parliament will sit tomorrow as per schedule. However, the House may adjourn after condemning today's attack.

Five persons were picked up by Delhi Police and Central Intelligence agencies immediately after the shootout, said sources. But none of them has been placed under arrest.

More reports on Pages 9, 10 & 11

IN PARLIAMENT HOUSE, 50 MINUTES OF MAYHEM

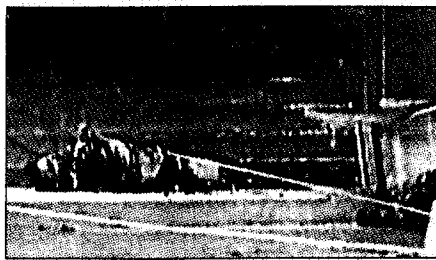
11:40 5 terrorists evade first security barricade at Vijay Chowk entrance after which the commotion starts.



PARLIAMENT GATES

- GATENO 1: Main gate, used by MPs
- GATENO 2: Used by visitors to LS
- GATENO 3: Closed
- GATENO 4: Used by Speaker
- GATENO 5: Exclusively for PM
- GATENO 6: Closed
- GATENO 7: Closed
- GATENO 8: Closed
- GATENO 9: Closed
- GATENO 10: Used by Home Minister
- GATENO 11: Used by Rajya Sabha chairman Krishan Kant
- GATENO 12: Used by visitors to RS

'They looked like commandos'



Body of the suicide bomber

Dressed in battle fatigues, the bodies of the fair and clean-shaven terrorists, which lay close to each other in a portico near the reception of the Parliament building, hardly looked like those of dreaded terrorists. A correspondent, who saw the bodies, found them resembling young commandos.

■ Five terrorists in a white Ambassador (DL 3CJ 1527) follow an MP's security cavalcade into Parliament from Vijay Chowk gate

■ Terrorists are in army fatigues. Car has red beacon and parking stickers of Home Ministry, Parliament House and India Habitat Centre. That gets them past first security barricade

■ They drive towards Gate II, which is used by Rajya Sabha Chairman and Vice-President Krishan Kant and hit his marked car

■ Kant's driver and his personnel security guards challenge them. Terrorists shoot down four of Kant's security men

■ When terrorists are chased by ITBP and CRPF personnel, they turn their car towards Gate I — used by VIPs and MPs

■ Terrorists fire at security men with AK-47s and lob grenades. As security men return fire, terrorists scatter and rush to Gates 5 (used by PM) and 8

■ CRPF Asst Commandant Anand Jha, part of PM's security, hears gunfire and explosions. Jha sees a terrorist, AK-47 in hand, running towards Gate 5. Terrorist is shot dead

■ Three terrorists are shot down outside gate number 8

■ Another militant, who has a bomb strapped to his chest, dies when it explodes

■ Abandoned car is found to be booby-trapped with RDX explosives

■ Army takes over Parliament security, defuses several grenades

■ Explosives in terrorists' car defused

Terror's Toll



Body of ASI Ram Pal

At Ram Manohar Lohia Hospital, ambulances kept bringing the dead and the injured. C.P. Singh, Medical Superintendent of RML Hospital, said six persons were brought dead. Among the 20 admitted, most were police personnel, of whom two were critical.

THE DEAD

NANAK CHAND
Delhi Police
J.P. YADAV
Delhi Police
RAM PAL
Delhi Police
OM PRAKASH
Delhi Police
KAMLESH
CRPF
DESHRAJ
Parliament House

Behind the Scenes



L K ADVANI: After a meeting of the Cabinet committee on Security, said the government has got leads on the attack, which will help unravel the conspiracy.



GEORGE FERNANDES: The attack was not unexpected as there were intelligence inputs that Parliament House could be targeted along with some eminent personalities.



PRAMOD MAHAJAN: Stayed inside Parliament and got all MPs evacuated. "I will be the last to leave the premises," said the Parliamentary Affairs Minister.

Whodunnit: Al-Qaida, Harkat or Lashkar?

HT Correspondents
New Delhi/Mumbai/Srinagar
December 13

THE INTELLIGENCE agencies had felt something was afoot, so did the Mumbai police. Various Kashmiri groups had made threats. There were plenty of pointers — but not quite enough for preemption.

The intelligence agencies had the confessions of Muhammad Afroz, wannabe Islamic terrorist sitting in Mumbai jail. Afroz had said Indian Parliament was tar-

geted by Al-Qaida for September 11. The Cabinet Committee for Security was told this afternoon that while Parliament wasn't hit then, Afroz said the attack had only been postponed. The alternative dates were in December. Afroz said Al-Qaida had an eight-man "Target Delhi" squad that was to liaise with Lashkar-e-Tayyeba. The Afroz confessions would lean towards a joint Al-Qaida-Lashkar operation.

Maharashtra Minister of State for Home Kripashankar Singh went a step further. He said Mum-

bai police "had knowledge about the attacks before Afroz's arrest" and had gotten intelligence that vital installations in Delhi and Mumbai would be attacked. Police officials said their information had marked Lashkar or Harkat-ul-Mujahideen as the guilty parties. City police commissioner MN Singh added this info had been passed on to Delhi but that "no one took this seriously".

Hurriyat chairman Abdul Ghani Bhatt was saying the opposite in Srinagar — he didn't know as much as it seemed. Bhatt told

the press on Wednesday night, "December 12 will be an important event, not only in Kashmir but in the US too. Wait for just 12 hours you will know how." Today Bhatt was busy explaining he had been referring to an "important meeting that was to take place in the US regarding Kashmir".

Not that informants are needed to know what Lashkar has in mind. Lashkar chief Qazi Muhammad Saeed told Islamabad newspaper *Ausaq* on November 20 that he planned to revive the Kashmir issue "through six or

seven Red Fort-type attacks".

Analysts note that finding out if Lashkar or Harkat did it is all very well, but they are only instruments of big-time players like Osama bin Laden, the ISI or the Pakistan Government. Which of these ordered the Parliament attack is the real question.

Terrorism expert B Raman says Lashkar is close to the ISI. Harkat, with its mainly non-Pakistani membership, is closer to Al-Qaida. A first step is find out the allegiance of the terrorists who died this morning.



Security personnel take up position within Parliament premises soon after the terrorist attack on Thursday morning.



One of the five terrorists who managed to sneak into Parliament.

Defence Intelligence unit being formed

SRINJOY CHOWDHURY
STATESMAN NEWS SERVICE

NEW DELHI, July 27. - More than two years after the Intelligence failure at Kargil, the government is setting up a Defence Intelligence Agency as per the recommendations of the Group of Ministers, formed to look into the Subrahmanyam Committee report.

The chief of the DIA will be a lieutenant-general of the Army or his equivalent in the Navy and Air Force. When he is appointed, he will report to the chief of defence staff. The DIA will be a joint services command and the chief may have under him two or three major generals or their equivalent from the Navy and Air Force. The agency is expected to increase coordination and intelligence-sharing among the three services, but it may not have a lot of "external assets". Much of that will remain with the Research and Analysis Wing.

The DIA chief will be a deputy chief of defence staff - one of the four under the CDS. But he will, to increase coordination, wear several hats. He will be an advisor to the defence secretary, the defence minister and the Cabinet. This, it is believed, will help to ensure that the defence Intelligence input can directly reach the decision-makers. Even though the DIA is being formed, the three services will continue to have their own Intelligence-gathering units. The director-general, Military Intelligence, the director, Naval Intelligence and the director, Air Intelligence, will continue their work for the services.

The DIA will be part of the CDS's secretariat that will include a vice-chief of defence staff and four deputy chiefs, including the DIA head. The defence minister and then, the Cabinet have already cleared that and the financial implications of the new structures are being worked out by the finance ministry.

After the clearance, the defence ministry's implementation cell will take over. The announcement of the structure of the CDS's office and the joint-service command at the Andamans has not been made, but if it's announced within a month, it may have to be done in Parliament. The Andamans command will be headed by a top Naval Vice-Admiral. His successors would be from the other services. Surveillance would be one of the major tasks of this command.

The new structures could mean the increase in the number of senior defence officers like Generals, Admirals and Air Marshals. This could mean new posts. Or, the services may have to give up a post or two.

THE STATESMAN

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BSF to guard India-Bhutan border

STATESMAN NEWS SERVICE

SILIGURI, Nov 30. — For the first time, Border Security Forces are to be deployed along the Indo-Bhutan border. The BSF will be raising 12 new battalions for the purpose.

Stating that the modalities of the deployment are being worked out, the IG, BSF, North Bengal Frontier, Mr KS Vohra, said the decision was taken at the director general's level, in view of increased insurgency along the Indo-Bhutan border. With the Special Services Bu-

BANGLA INFLUX

KOLKATA, Nov. 30. — Infiltration of Bangladeshi minorities into India has increased along the South Bengal border since last October due to oppression by fundamentalists in Bangladesh, Mr SB Kakati, IG, BSF (South Bengal) said today.

He said, till November, 8340 people have been caught after crossing the border. About 21,000 Bangladeshi nationals who had crossed over to India with valid documents last year have not yet gone back, he added. Mr Kakati said, 23 hard core criminals have fallen to BSF bullets this year. — SNS

reau now being deployed at the Nepal border, the deployment of BSF along the Bhutan border would bring the three interna-

tional borders, which North Bengal shares with Bangladesh, Nepal and Bhutan, under the control of para-military forces.

Justifying the decision to deploy the BSF along the Bhutan border, Mr Vohra said the tendency of the North-east ultras and militants of North Bengal to set up hideouts inside Bhutan and rake up trouble inside this country from those bases has been a matter of concern for years.

Primarily engaged in guarding the Bangladesh border, the BSF's North Bengal establishment falls short of the sanctioned 17 by six battalions, who are at present working in Jammu and Kashmir.

THE STATESMAN

'EXPECTING CONG. SUPPORT WAS A MISCALCULATION'

Govt. firm on POTO: Advani

By Neena Vyas

1/12 HD-1
9-0 & N. Security

NEW DELHI, NOV. 30. The Union Home Minister, Mr. L.K. Advani, said today that his Government had earlier hoped to get the support of the Congress for the Prevention of Terrorism Ordinance (POTO) because several State Governments, including the Congress-ruled States, had introduced special legislation to deal with organised crime. At the same time, he expressed his Government's resolve and determination to go ahead with POTO.

"We are ready to take any suggestion from the Opposition and other quarters to improve the ordinance to make it effective," he said.

By implication, he suggested that it was natural for the Centre to expect the Opposition support for the legislation which, it has been claiming, is "similar" to the State-enacted laws. Although he did not spell this out further, there was a hint that this support was now not forthcoming and that it was a miscalculation to expect it.

So far, the BJP leaders in Government and

the party had been claiming that finally the Congress would support POTO, or that it was opposing it for the sake of opposition, or that it simply wanted amendments to be brought before supporting it. But today, Mr. Advani's remarks suggest that the Government is no longer banking on the Congress support.

Speaking here at a seminar on 'Security Forces' Morale and Human Rights — the Right Balance', Mr. Advani said a "right balance" needed to be struck between concern for the morale of men fighting terrorism in very difficult circumstances and concern for the human rights of citizens. Terrorists not only target innocent people, but often operate from thickly populated places using them as human shields, making it difficult for security forces to engage them without hurting innocent people.

Admitting the "poor quality of investigation, procedural lapses, sloppy prosecution and other shortcomings in the criminal justice system", Mr. Advani virtually justified bring-

ing in POTO to overcome those shortcomings.

The Law Minister, Mr. Arun Jaitley, who delivered the keynote address, noted that 61,000 civilians and around 9,000 security personnel had lost their lives to terrorism in India. The new ordinance aimed to give power to stop terrorist funding and confiscate the profits of terrorist crimes.

He almost justified the clause that could affect the media too by saying that "although free media was a must, we cannot become a society driven by the media". The law, as it applied to every citizen and makes it obligatory for him to give to the police any information he may have about any terrorist act, must also apply to the media and can in no way impinge on its freedom. He also justified the sealing of a house under the POTO in Kashmir — terrorists had rendered over five lakh persons homeless (he was possibly referring to the Hindu Pandit refugees). If 10 innocent persons were rendered homeless by POTO, "it was a small price to pay," he said.

THE HINDU

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D.S. N. Sankar

Amnesty criticises Govt. on POTO

HO-13
1/12

By J. Venkatesan

NEW DELHI, NOV. 30. Amnesty International India (AII) has lambasted the Government for bringing the Prevention Of Terrorism Ordinance (POTO) "that endangers several constitutionally and internationally accepted human rights standards."

In a statement, it said the perceived heightened threat to security and law and order in the light of the September 11 incidents must be seen as an opportunity to further strengthen the criminal justice system rather than enact a new draconian law.

Expressing serious concern, it said that "a weak criminal justice system if armed with draconian laws is only likely to end up victimising the socially and politically marginalised or those who are perceived as a threat to those with the power to influence the criminal justice system."

Ratification of POTO by Parliament would be a setback to the protection and promotion of civil liberties and human rights in general. The AII called upon all MPs, political parties, the media and all sections of civil society to work actively to prevent the ratification of POTO.

Referring to statements of senior Ministers of the Union Cabinet that those opposing POTO were anti-nationals, the AII said this itself was an indicator that POTO might be used to criminalise acts of dissent and opposition by political activists and mass movements.

On the justification of POTO on the ground

that similar legislation had been enacted in the U.S. and the U.K., the AII said "a shadow criminal justice system is unacceptable" and added the Government's proposal to imprison people without charge or trial was draconian and should be dropped immediately.

The AII also severely criticised the U.N. Security Council's resolution adopting wide-ranging measures to combat terrorism and asking the member-States to take effective steps to control terrorism.

The AII said it was concerned that the terms "terrorists" and "terrorist acts" in the resolution "is open to widely differing interpretations and facilitate violations of human rights in States that are bound to implement the resolution." "The provisions in POTO that allow for presumption of guilt, identity of witnesses to be kept secret and discretionary in-camera trial virtually reverse severe fundamental principles of jurisprudence enshrined in the Constitution, Cr.P.C. and international human rights instruments", the AII said and added "POTO is in danger of being a law that cannot guarantee justice".

New DG for NCB

NEW DELHI, NOV. 30. Mr. M.K. Singh, Additional Director-General, BSF, has been appointed Director-general (DG), Narcotics Control Bureau (NCB), an official release said today. Mr. Singh, who is 1967 IPS cadre, replaces Mr. Gopal Achari. — PTI

Fears over 'double agents' in Rajasthan's border districts

STATESMAN NEWS SERVICE

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JAIPUR, Dec. 1. - The double agents in the bordering districts of Rajasthan, who are on the 'pay rolls' of both the Indian intelligence agencies as well as Pakistan's ISI, are becoming a menace for Central intelligence agencies and local police alike.

State and Central agencies have already listed about three dozen such 'double agents'. They try to give the impression to both the opposing agencies that they are working for them exclusively. "We are keeping surveillance on their activities, but cannot swoop on them till we have proofs against them", said a senior Central intelligence officer requesting anonymity.

"We have asked all our officers posted in the bordering districts to maintain surveillance on suspected double agents and keep a tab on all the 'rags-to-riches' cases that have suddenly mushroomed in these border districts", said the additional director general, Rajasthan police, intelligence branch, Mr Arun Duggar. But such investigations take a long time, sometimes months before the police get some proof against them, said Mr Duggar.

Recently, Rajasthan police arrested two brothers, working for Indian and Pakistan intelligence agencies for over a decade. They could be arrested only after a month and a half's surveillance, the ADG explained. Such people are becoming a menace for us and are likely to create law and order problems in border districts, he added.

To keep check on espionage activities, the state administration has also unofficially requested STD and PCO booth owners to keep a check on phone calls made to Pakistan and inform the local police about anything worth suspicion.

What's more alarming is the fact that in recent past there are many 'rags-to-riches' stories of people who managed 'favours' from intelligence agencies in the name of spying. Since, all these 'favours' are unofficial and is kept secret by all intelligence agencies, there's little the local police can do, remarked a senior officer of a border district of Rajasthan.

"The intelligence agencies help them to cross the border with a hope that they would fetch some good news from the other side, little knowing that the persons we are helping cross the border are selling our information to ISI, purchas-

ing contrabands and coming back to India with information 'of hardly any use', he disclosed, revealing the modus operandi of the double agents. "And we can't rule out involvement of our security agencies into it", he added.

The recent arrest of the two brothers and double agents for over a decade, Ramjan and Noor Mohammad, is the best example. "They were taking favours both from the Indian intelligence agencies as well as from ISI and were running their business as well", the officer pointed out. While Ramjan worked for the Indian military intelligence, Noor was a BSF informer. Both used to collect information from the Indian side, pass them on to the ISI and vice-versa. Till a decade ago, they were living in a kuchcha hut, but today they are at least millionaires if not 'crorepatis' - a story that raised many eyebrows till they were finally nabbed by the state police.

"We can't rule out the theory that army officers were among those who used to shelter and give them information. Our investigations is still on and we can't comment much on it", revealed a senior state police officer investigating the 'double-agents' case.

9- D & N. Security
THE STATESMAN

- 2 000 2001

Advani calls for vigil on the border

By Our Special Correspondent

NEW DELHI, DEC. 1. While calling for the utmost vigil on the borders to counter the threat of terrorists from Afghanistan infiltrating into the country, the Union Home Minister, Mr. L.K. Advani, today said that India was "closely monitoring" the rapidly changing situation in that country.

He said the security forces needed to maintain extreme vigil along the borders as there were apprehensions that terrorists operating in Afghanistan could infiltrate into India after the defeat of the Taliban militia there.

Addressing the 36th Raising Day function of the Border Security Force (BSF) here, Mr. Advani said that after the September 11 terrorist strikes in the United States there was a universal feeling of hatred and revulsion against state-sponsored terrorism. "This has given us an opportunity to root out terrorism from our country."

The Afghan developments posed several questions on the future of that country and its impact on Pakistan.

"Future developments may deepen our problems or ensure that Pakistan loses its potential to

create trouble in Jammu and Kashmir," he said. After September 11, Mr. Advani said, India's war against terrorism had become the world's war. "Those countries which were not able to gauge the gravity of terrorism in India also realised that the menace needs to be wiped out globally."

Announcing a grant of Rs. 1 crore to the BSF welfare fund, he said comprehensive housing facilities would be provided to BSF personnel and their families. He also presented gallantry medals to BSF personnel and widows of martyrs.

The BSF Director-General, Mr. Gurbachan Jagat, said that a modernisation plan would be implemented in phases. There was manpower shortage in the BSF on account of anti-insurgency duties, and effort would be on bringing in more technological aids.

The Raising Day parade also included a performance by BSF "daredevils" on their motorbikes.

The Union Home Secretary, Mr. Kamal Pande, and senior officials of the BSF and other Central paramilitary forces also attended the parade.

THE HIND

- 2 DEC 2001

POTO DEBATE-I

Compared To TADA, Some Definite Safeguards Against Misuse

By SANKAR SEN

The Prevention of Terrorism Ordinance has sparked off animated, and at times angry, discussions and debates. It will also dominate proceedings in the winter session of Parliament. Many political parties, lawyers and human rights activists are up in arms against the Ordinance. They have dubbed it a black law and expressed misgivings that this is likely to be misused like the previous Terrorist And Disruptive Activities (Prevention) Act.

The chairman, National Human Rights Commission, has also gone on the record that the Ordinance is unnecessary and the existing laws, if properly enforced, and implemented, are adequate to combat the menace of terrorism. Leaders of the government and many senior law enforcement officers, however, decry this Poto phobia and favour a powerful and effective law to arm the law enforcement agencies to take on the terrorists. Thus the battle lines are sharply drawn.

Gross misuse

It may be recalled that the Terrorist And Disruptive Activities (Prevention) Act lapsed in May 1995. The constitutionality of the Act was upheld by the Supreme Court in the case of Kartar Singh vs State of Punjab (1994). Again in Sanjay Dutt's case also (Dutt Sanjay vs State 1994), the Supreme Court speaking through Justice Mr JS Verma (present chairman of the NHRC) justified the existence of Tada by observing that it was enacted to cope with "escalating terrorist violence in the country", and there was material before the court to indicate that foreign agencies were active in assisting the flow of arms into the country and the need of the hour was to strike a balance between the interests of the nation and the rights of the Tada accused. Further, the court held the view that the mere possibility of misuse did not affect the constitutionality of the law.

However, gross misuse gave a foul odour to Tada. When the NHRC started reviewing the Tada cases along with senior officers of state governments, it was found that in many cases, people had been detained under Tada with the motive of depriving the accused of bail. As a result of the review, the number of Tada cases came down drastically from 60,000 to 6,700.

The state government that misused it most was Gujarat under Chimanbhai Patel. Even though the state was not plagued by terrorism, the Gujarat government had jailed about 19,000 persons under Tada.

It was flagrantly misused against the workers of the Bharatiya Kisan Union,

The author is a former Director, National Police Academy.

bootleggers and ordinary criminals. The Bihar government had not even given official notification of the implementation of Tada, but some of the superintendents of police on their own initiative, as the then home commissioner of Bihar told the NHRC, implemented the act in their own districts.

Though Tada was not renewed because of widespread criticism, there was a definite feeling in knowledgeable quarters that the country needed a special law to combat the hydra-headed monster called terrorism. Officials of the home department of the government of the United Kingdom, who visited the NHRC in 1995,

convinced that emergency measures were needed to contain terrorist violence.

British bill

The Bill was subjected to only two hours debate in the House of Commons and approved without a division. The Bill gave power to the home secretary to proscribe an organisation as illegal and authorised the police to detain suspects arrested under the Act for 48 hours and for a further five days with the home secretary's approval.

The Act of 1976 was re-enacted with amendments in the form of Prevention of Terrorism (Temporary Provisions) Act



expressed the view that the police and the security forces would not be able to checkmate the terrorists without a stringent anti-terrorist law.

It may be mentioned in this connection that the United Kingdom had enacted a major piece of anti-terrorist legislation — Prevention of Terrorism (Temporary Provisions) Act of 1974 and 1976. Following two bomb explosions in Birmingham pubs on 2 November 1974, in which 20 people died and 180 were injured, British public opinion was

1984 which gave power to the authorities to exclude persons from entry into the country in order to prevent terrorism and other extensive powers to deal with terrorists. The British police were not thus asked to deal with the menace of terrorism by the ordinary laws of the land, but at the same time were not allowed to misuse the law.

The report of Lord Shackleton reviewing the operations of the Act recommended its continuance.

It may be borne in mind that Poto is

certainly not the outcome of a sudden brainwave of the Union government. The law commission in the report released in April 2000, felt the need for a special law to deal with terrorists, especially when terrorist operations have become complex, trans-national, and assumed the form of a proxy war by a hostile neighbour. The law commissioner's report pointed out that cross-border terrorism till April 2001 had taken a toll of 30,000 civilians and 5,101 security personnel and cost the exchequer around Rs 64,000 crores.

The special anti-terrorism Ordinance promulgated by the government is based on the law commission's and it excludes some of the obnoxious provisions of the Tada, which led to human rights violations and includes some definite safeguards. First, Section 34 of the Poto provided for appeal against any judgement or order of the special courts to be set up to deal with offences under the Ordinance to the High Court both on facts and law.

Better provisions

Earlier Tada limited the possibility of appeal to one court, the Supreme Court, and not to both the Supreme Court and the High Court as the Criminal Procedure Code provides. The Supreme Court in Kartar Singh's case observed that "the indisputable reality is that the Supreme Court is beyond the reach of the average person considering the fact of distance, expenditure, etc".

Second, the period of police custody of a suspect has been reduced from 60 to 30 days and, as per Section 51 of the Ordinance, the person arrested has to be informed of his right to consult a legal practitioner as soon as he is brought to the police station. Members of his family have to be informed of the arrest without delay and the arrested shall be permitted to meet his legal representative during the course of interrogation.

Third, Section 59 of the Ordinance provides for constitution of Review Committees presided over by a person, who is or has been a judge of a High Court. The Review Committees are expected to provide safeguards against arbitrary and illegal detention. Fourth, the Ordinance contains provisions (Section 57) for punishment of the police officers, exercising powers corruptly or maliciously and compensation to the victims of unlawful arrest or detention.

The new Ordinance thus tries to take note of and provides safeguards against abuse and misuse that had earlier characterised the operation of Tada.

(To be concluded)

THE STATESMAN

3 DEC 2001

India makes third-rate weapons, says George

HT Correspondent
New Delhi, December 3

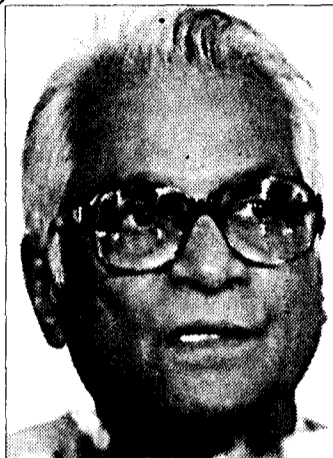
DEFENCE MINISTER George Fernandes on Sunday urged the public-sector defence ordnance factories not to be paranoid about involvement of the private sector in India's weapon-manufacturing programmes.

Addressing the valedictory session of the Conference of General Managers of Ordnance Factories, Fernandes also did some plain-speaking on capabilities of the Government-owned defence production set-up.

He asked ordnance factories to pull up their socks and accepted that these were not as advanced as their competitors worldwide.

At the same time, he lauded the role of the private sector and said its contribution in the development of submarines and Agni Intermediate Range Ballistic Missile and submarines was "unimaginable".

The Minister recalled Saturday's felicitation ceremony for Dr Kota Harinarayan — the architect of India's Light Combat Aircraft (LCA) project — at Hyderabad, during which the latter profusely thanked over 200 private companies which had closely assisted in the develop-



GEORGE FERNANDES

ment of the LCA.

Several top Defence equipment manufacturers from around the world today wanted to collaborate with India.

"MiG and Sukhoi want to collaborate. British Aerospace wants to collaborate too. So also does Dennil of South Africa," Fernandes disclosed.

The technical expertise for the propellant factory being put up in his constituency at Nalanda in Bihar too was South African, he added.

The bigger concern should be

how to make the country more secure, he said. "The revolution in military affairs (RIMA), demonstrated its telling effect in the Gulf War. It showed how a technologically superior power could completely overpower a powerful nation without losing a man," he said.

Describing India as a third-rate weapon-producing nation, he said India had to look up for its defence requirements to countries like South Africa, which he termed as a "second-rate producer of weapons".

Doing some blunt talk on India's capabilities, the Minister said while it could indigenously produce the T-72 tank, it had to approach Russia the moment Pakistan acquired the superior T-80 tank. "We have to reach a stage where we are not dependent on others," he said.

Pointing out the perils of technological dependency, Fernandes said even though sanctions were lifted, spares for the British-made Sea King Naval helicopter and the Sea Harrier jets were still not being supplied.

He regretted that the Ordnance factory set-up did not have any R&D set-up worth the name despite having an annual turnover of Rs 6,200 crore.

THE HINDUSTAN TIMES

CAG REPORT LIKELY TO BE TABLED IN WINTER SESSION

Arms came after Kargil conflict

SFI 9/12 9-D & N. Leung

Shivnath Jha in New Delhi

Dec. 3. — The Kargil battle could be fought all over again. By politicians this time and over a Comptroller and Auditor-General's report.

The CAG's special review of Kargil defence purchases reveals that more than 99 per cent (by worth) of weapons and material bought for the conflict (end-May 1999 — mid-July 1999) was received after it was over.

More than 120 contracts, worth Rs 2175.4 crore, were finalised, but a staggering 75 per cent (by worth) were signed after the conflict ended! Supplies that arrived late include special clothing, ammunition and arms.

The Comptroller and Auditor-General's study was conducted after questions on Kargil procurements were raised in Parliament in 1999

The report is with the President, waiting to be tabled in Parliament. It's likely to be tabled in the current session.

The report raises several questions about one of the most controversial aspects of government work — defence contracts.

And in an interesting twist, one of the major irregularities identified by the CAG is in the purchase of thermal hand-held imagers, the device that Tehelka reporters, posing as defence agents, offered to defence ministry officials.

The Comptroller and Auditor-General says that 81 per cent of the total expenditure on Kargil purchases materialised after January 2000 and beyond, i.e. six months after Operation Vijay.

Another damning observation is that Rs 1,046 crore, around half the total expenditure, was spent in foreign

exchange, for supplies that came long after the guns had stopped booming.

The Comptroller and Auditor-General says the delivery schedule stipulated in the contracts were too long to meet operational requirements.

Contracts concluded after the outbreak of hostilities with a lead time of more than 90 days were unlikely to meet operational requirements, the CAG observes.

defence procurement, "including the limited number of vendors."

In 35 cases, the report says, rules and procedures were "relaxed".

This resulted, among other things, in paying Rs 44.21 crore more for certain items; ordering supplies worth Rs 260.55 crore which didn't meet qualitative requirements; being saddled with ammunition that had crossed their shelf-lives (worth Rs 91.86

Major contracts concluded after Operation Vijay

- May 1999 to July 1999 55 contracts, Rs 558.83 crore
- August 1999 to November 1999 35 contracts, Rs 984.58 crore
- December 1999 to May 2000 33 contracts, Rs 621.70 crore

Delivery schedules were too long to meet the operational requirement

- Under 90 days 41 contracts, Rs 234.51 crore
- Between 91 days and 120 days 21 contracts, Rs 263.03 crore
- Between 21 days and 150 days 9 contracts, Rs 97.10 crore
- Between 151 days and 180 days 16 contracts, Rs 76.92 crore
- Over 180 days 36 contracts, Rs 1491.53 crore

Almost 90 per cent of the contracts concluded for Operation Vijay falls in this category. In only 20 items, worth Rs 159 crore, were deliveries scheduled to commence before end-July 1999.

The defence ministry's response, the report says, was that even though the process of procurement was initiated in the context of Operation Vijay, "there was a continuing need to equip the armed forces in view of the prevailing situation".

The ministry attributed the long lead time to the "peculiar nature" of

crore); buying material in excess of authorisation/requirement (worth Rs 107.97 crore).

This apart, ammunition worth Rs 342.37 crore was contracted for import on grounds of operational emergency even though it was being produced in ordnance factories/public sector undertakings, the report says.

Fernandes finds few takers,
page 2

Ex-servicemen denied benefits,
page 3

THE STATESMAN

4 DEC 2001

All-party meet on Poto may not break deadlock

57-1 9/12 J.P.S.N. Kulkarni
Statesman News Service

NEW DELHI, Dec. 3. — The Centre seems to be in a Catch-22 situation on Prevention of Terrorism Ordinance. Either it'll have to beat a retreat and let the Ordinance pass, or take the controversial step of calling a joint session of Parliament to pass the Bill.

Tomorrow's all-party meeting, convened by the Prime Minister, will not change the situation, politicians across the board said.

Mr Atal Behari Vajpayee today admitted in the Lok Sabha that the Centre should have held wider consultations with political parties before promulgating Poto.

The government has said it's open to Opposition's suggestions on Poto. While it may consider Mr N Chandrababu Naidu's suggestion that provisions on journalists be diluted, it isn't willing to commit any further.

The Congress today virtually dashed hopes of any breakthrough at tomorrow's talks. "We stand by our view that Poto is a flawed Or-

dinance, promulgated unilaterally, which can't be set right through amendments. If there really is a need for a special law to deal with terrorism, it could be done by either making adequate modifications in the existing laws, such as National Security Act or Unlawful Activity Prevention Act, or by enacting an altogether new law, but not Poto", said the party spokesman, Mr Jaipal Reddy.

With the rest of the Opposition parties, such as the Left and Samajwadi Party, taking a similar view, it's unlikely that the all-party meeting will break the deadlock.

BJP leaders are facing a dilemma on calling a joint session of Parliament. The government's parliamentary managers would rather let the Bill lapse than press for a joint sitting, because they don't wish to antagonise the Opposition to ensure smooth functioning of the two Houses.

BJP hardliners, however, have a different reason to push for a joint session. After making Poto such a big issue, to the extent of comparing it with nationalism, they don't

want the government to be on the defensive, especially since the Uttar Pradesh Assembly polls are due shortly. The BJP spokesman, Mr VK Malhotra, said not passing the Poto would be like "not serving the country."

So far, two joint sessions of Parliament had been held to executive legislative business — on the Dowry Prohibition Bill in 1961 and on Banking Service Commission (repeal) Bill in 1978.

Meanwhile, in the face of the Opposition's criticisms, Mr Vajpayee today denied having said in Hyderabad that a section of the society was creating unrest and that the Opposition was not cooperating with the government in making laws to fight terror.

"There's no question of doubting the patriotism of any community. The proposed law against terror was not aimed against any particular community...", he told the Lok Sabha. He clarified that what he had said yesterday was that if the minorities had any fears on Poto, they could bring it to the government's notice.

Sleuths sniff Nepal Maoist links with KLO, Ulfa

Kinsuk Basu
Siliguri, December 3

DAYS AFTER the Maoist bloodbath in Nepal, Intelligence agencies here have found specific evidence that suggests an alliance of sorts between Nepal's ultra Left with the Ulfa and the Kamtapur Liberation Organisation (KLO).

Worried, security agencies working in North Bengal have sent reports to the Union Ministry of Home and the Ministry of External Affairs. In August, some Maoist activists came down to North Bengal and held three meetings with Ulfa and KLO leaders. These conclaves were held in the dense forests of Panbari, Khaubari and Nathua-haata forests off Jalpaiguri district in North Bengal.

What transpired in these meetings isn't known, but the report says that besides assuring the Maoists of moral sup-

port, the Ulfa promised to supply sophisticated weapons from its base in Thailand.

The agencies claim that besides the NSCN (I-M), the Ulfa too has a strong base in Thailand, from where it acquires weapons such as AK series rifles.

The deal with the Maoists would have fetched the cash strapped outfit funds.

The justification of the KLO presence stems from the Ulfa's realisation that it would be virtually impossible to do anything in the Dooars without the support of the militant Rajbanshis.

The intelligence agencies are trying to link up the three meetings with the Maoists striking out at the Nepalese Army with the latest weapons.

But what is more worrying for the intelligence agencies is the emerging trend of a regional alliance between three

extremist outfits in this part of the country. Experts hold that the link up, if not based on ideology, is symbiotic — one standing beside the other for gains ranging from money to military training and weapons.

Sleuths have also learnt that almost a month after these meetings, the KLO struck in Cooch Behar. They abducted sons of two PWD contractors who had refused to cough up money. While one of them was killed and the body thrown in a dump along the Assam-Cooch Behar border, the other youth is still reported to be in custody, much like plantation owner Roshan Lal Garg, who was picked up earlier last year.

Kathmandu, meanwhile, has sent a group of 100 police officers to Siliguri for advanced training by special force. The team reportedly crossed over on November 27 and is mid-way through their training schedule.

THE HINDUSTAN TIMES

- 4 DEC 2001

CLIPPING

Cong-Shiv Sena in close civic poll fight

THE RESULTS for elections to Maharashtra's 167 municipal councils, which started pouring in on Monday night, showed Shiv Sena and Congress in a neck-and-neck fight, with both capturing seven civic bodies each. Of the 32 results declared, BJP got three municipal councils while NCP got two, according to election office here on Monday night. Shiv Sena and BJP had fought the polls together, while Congress and NCP had tie up in 20 councils.

PTI, Mumbai

Purulia armsdrop case

THE SUPREME Court on Mon

India & US⁽¹⁾ revive defence policy group

4/12/01 D & W Clark's

New Delhi, December 3

INDIA AND the US today revived the Defence Policy Group (DPG), which had been suspended after the 1998 Pokhran tests, and discussed the prospects of joint

between Feith and Narain would focus on training, educational opportunities, defence technology sharing and other related aspects.

Defence officials said Delhi is expected to refer to the sup-

THE HINDUSTAN TIMES

4 DEC 2001

POTO: the onus is on PM

By Harish Khare

9-12/12
D & N

NEW DELHI, DEC. 3. The onus for saving the controversial Prevention of Terrorism Ordinance (POTO) rests entirely on the Prime Minister. Before he meets the leaders of political parties tomorrow, Mr. Vajpayee would do well to realise that the case for the POTO has been badly handled by his Home Minister and others in his Cabinet. Without such a realisation, Mr. Vajpayee would not be able to reach out to the opposition parties. Three elements need Mr. Vajpayee's attention.

First, the Prime Minister has to understand that he and his Government have yet to make the case that the national interest demands that there should be an effective and potent law to put down the terrorists and their network. Mr. Vajpayee can come to this understanding only if he is willing to face the unpleasant fact that so far his ministerial colleagues have tried to sell the POTO as a political proposition, rather than as a national imperative. Indeed so partisan have his ministerial colleagues been in their advocacy that Mr. Vajpayee would have to dip into his own credibility to salvage the proposed law.

Second, the Prime Minister has to convince the country that the proposed law is aimed only at the terrorists and not against political rivals, civil rights activists and other democratic dissenters. Mr. Vajpayee has probably no choice but to declare his Government's intention to amend appropriately Section 3(8) and Section 14 of the proposed law in order to protect mediapersons.

Mr. Vajpayee's ministerial colleagues have argued that these provisions are no different

from the existing provisions of Section 187 of Indian Penal Code and Section 39 of the Criminal Procedure Code. None of them has made a credible case that if the Government is already empowered, how the POTO, with its stiffer penalties, would help fight the battle against the terrorists.

Third, and above all, Mr. Vajpayee should be prepared to send the law back to the drawing-board in order to convince the country that it would not be misused. It is not enough for his Ministers to hand out certificates to themselves about their honest intentions; once enacted as law, this anti-terrorist legislation would outlast the NDA Government and its Home Minister. And, in any case, civil society is not easily going to give up its concern for democratic rights. A government which measures the success of its fight against terrorism by making a body-bag count, would have to do something more than merely reiterate its honest intentions.

Conceptually flawed

The POTO is a conceptually flawed instrument in the fight against terrorism. Two basic changes would have to be introduced in order to minimise the potential for misuse. First, the proposed law be amended to provide for jurisdiction limited to only those part of the country which are deemed to be affected by terrorism. It makes no sense, for example, to arm police officers in Karnataka or Orissa with sweeping powers. Terrorism is not a nationwide phenomenon; if it is Mr. Advani's contention that it is now an all-India menace, then it would be a poor advertisement of his stewardship of the Union Home Ministry.

The second conceptual flaw in the POTO is the identification of the "Designated Authority" by a rank (Joint Secretary to the Union Government, and a Secretary rank officer to a State Government). Similarly, Section 7(1) designates the investigating officer as "not below the rank of Superintendent of Police". Only a foolish man — totally unfamiliar with the 'thana' level ambience — would argue that a DSP personally would investigate an offence; no DSP does dirty his/her hands with investigative work. Rightly or wrongly, the task of investigation is left to the sub-inspectors and inspectors level officials, with all their limitations and vulnerabilities.

Instead, the Government could possibly think of specifying by name, and empowering only those officers in a few States who, at any given time, are actually engaged in investigating terrorists and their criminal activity. After all, the objective of the law is to help break the terrorists and their network; therefore, only those officers who are pro-actively involved in this task need to be empowered, rather than everyone above a particular rank.

If these conceptual flaws have to be corrected then the legislation would have to be drastically overhauled. The onus, then, is on the Prime Minister to ensure that the narrow minds in his Government do not make the enactment of POTO a matter of prestige for his regime. It is up to Mr. Vajpayee to drum up sufficient support for an anti-terrorist law, and that he can do so only by credibly arguing that his Government's sights are set against the terrorists and terrorists alone.

Amendments will not do: Congress

By Our Special Correspondent

NEW DELHI, DEC. 3. An all-party meeting to discuss the contentious Prevention of Terrorism Ordinance (POTO) has been called tomorrow evening, the Prime Minister, Mr. A.B. Vajpayee, announced in the Lok Sabha today.

Mr. Vajpayee made this announcement even as the issue was strongly raised by the Opposition in the Lok Sabha which alleged that the Prime Minister's remarks on POTO in Hyderabad were provocative and totally improper. Mr. Vajpayee defended himself even as he admitted that he should have consulted the Opposition before the ordinance was finalised and promulgated.

At the all-party meeting tomorrow, the Government will perhaps be making a final attempt to dis-

cuss the issue with political party leaders and hammer out a consensus on POTO — a consensus which has so far eluded it.

However, there is very little chance, if any, that the Government will achieve any success tomorrow. Party lines have hardened with the Congress, Left, the Samajwadi Party and the Rashtriya Janata Dal having made it absolutely clear that they reject POTO "totally." At tomorrow's meeting, the Government will only be going through the motions of trying to arrive at a consensus.

Mr. Jaipal Reddy, Congress spokesperson, today "rejected" POTO outright, adding that "it was so flawed that amendments cannot set it right." The Congress demand is that the Government start the process afresh by consulting all parties on a possible

anti-terrorism law. He pointed out that the Prime Minister had himself accepted today that the Government had made a mistake by not consulting Opposition parties earlier.

The party has also asked Mr. Reddy and Mr. Kapil Sibal to prepare a booklet on why POTO should not be passed for wide circulation.

The BJP, on the other hand, has begun saying that the party had not yet made up its mind whether it wants to get the POTO legislation passed at all. In short, it has hinted that it may prefer to cash in on this electorally after a rejection by the Opposition.

The optional plan to get it passed, if it so decides, would be to call a joint session of Parliament, but that can be done only after it falls in the Rajya Sabha. At the same time, party leaders dis-

closed that attempts were being made to soften the Bahujan Samaj Party and some independent MPs to get their support on POTO.

The BJP spokesperson, Mr. Vijay Kumar Malhotra, today demanded that the Opposition spell out clearly what amendments it wants in the proposed law. He charged that Opposition leaders were "unnecessarily creating a fear psychosis in the minds of the minorities."

Mr. Malhotra insisted that POTO had enough safeguards. He also emphasised the need for a special law to deal with terrorists after September 11. Recently, terrorist activities had increased in Jammu and Kashmir, Orissa, Andhra Pradesh and elsewhere and certainly fear of India as a target for terrorists had also increased.

SR 11/100

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POTO DEBATE-II

Constant Monitoring Can Help Avoid Misuse

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One of the main planks of criticism from many lawyers and human rights activists is that Section 32 of the Ordinance makes certain confessions made to a police officer, not lower in rank than the Superintendent of Police, admissible in evidence. This is contrary to Section 25 of the Indian Evidence Act 1872, which excludes from evidence confessions made before a police officer. It is necessary to stress from the angle of law enforcement that this statutory distrust of the police is based not on any theory of jurisprudence or any logical formulation. It was incorporated in law in 1872, because the illiterate, untrained and lowly paid police officers of the time, were not considered worthy of the trust.

Confessions before the police officers are admissible in evidence subject to prescribed safeguards in all advanced countries. However, no one wants that confessions before the police should be relied upon if they are unfairly obtained. All that is wanted is that evidence obtained in such confessions must not be lost to the court, which in any case, is expected to rigorously scrutinise the evidence before coming to any conclusion.

Witnesses

Further, it has to be borne in mind that regarding crimes committed by terrorists, witnesses are unwilling to depose before the court due to the fear of retaliation by the terrorists, and there is hardly any existing arrangement to provide protection to witnesses who testify against terrorists. It is a fact that but for the special rules of evidence under Tada which make confessions before the police admissible, not a single conviction would have been possible in the Rajiv Gandhi murder case. Further, the validity of a confession made by an arrested person under Poto will need to be endorsed before a magistrate before it can be considered as admissible in evidence in a court of law.

For granting bail, Poto lays down that no person accused of an offence punishable under the Ordinance shall be released on bail unless the court gives the public prosecutor an opportunity of being heard (Section 48 Clause 6). Senior law enforcement officers can cite many cases where release of dangerous criminals and terrorists on bail without justification helped them to carry on further depredations to the detriment of the law-

abiding citizens. At least, the court must hear the public prosecutor before deciding whether to release an accused terrorist on bail or not.

Information

Again Section 14 of the Ordinance prescribes obligations to furnish information regarding offence committed by the terrorists to investigating officers and the failure to furnish information or deliberately giving false information is punishable. A similar provision exists in the UK's Prevention of Terrorism

48 hours.

Evidently, it has to be faced that after 11 September, a new situation has emerged. Countries like the USA, the UK, Israel, and India face risks of serious terrorist strikes. Induction of Fidayeen (suicide squads) has introduced a new dimension in Kashmir militancy. Fanatical terrorist groups unafraid of their own obliteration are likely to resort to devastating strikes against our vital assets not only in Kashmir but in different parts of the country and may use weapons of mass destruction, nuclear, biological and chemical. This kind



(Temporary Provisions) Act 1984.

Law enforcement authorities under the Ordinance are now empowered to seize immovable property provided they have reason to believe that it could be used for terrorism; while attaching such property relevant records and documents have to be produced before the special court within

of apocalypse is very much within the realm of possibility.

Terror

Again, Musharraf is likely to export to Kashmir many of the Taliban returning from Afghanistan, and this will significantly raise the level of terror and violence.

The existing criminal justice system is not designed to cope with a situation like this. To deal with this menace the police need powerful anti-terror laws to intercept communications, cut off supply of funds, trace hideouts and seize property of the terrorists. In this context, it is worth mentioning that in the USA, immediately after the Oklahoma blast, the Anti-Terrorism Bill (1995) was passed which authorised summary trial, immediate deportation out of US of persons suspected to constitute danger, and non-disclosure of the identity of the witnesses. Such provisions were thought necessary after two blasts in which 170 people had been killed. And now after 11 September, the US Congress introduced scores of bills and legislation to fight terrorism.

The US Attorney General, John Ashcroft, has also asked Congress to upgrade and strengthen a number of laws to enhance anti-terrorist efforts. Similarly, stringent anti-terror laws have been passed by most of the European countries who have not suffered even one-thousandth of the casualties that have occurred in India. In India, states like Karnataka and Maharashtra have preventive detention laws that have helped the police to tackle organised crime, and terrorist operations.

Human rights

Law enforcement officers wedded to the cause of human rights strongly feel that the acts, methods and practices of terrorism in all its forms and manifestations, as emphasised in the declaration adopted in the World Conference in Vienna (1993) "are activities aimed at destruction of human rights". For effectively fighting against terrorism, states need stringent and anti-terrorist laws. The United Nations has also mandated that all states must adopt necessary legal instruments to prevent terrorism and strengthen international cooperation in combating terrorism.

For successfully combating terrorism, the security forces have to be equipped with stringent and realistic anti-terrorist laws. It is necessary to arm them with powers but, at the same time, it must be ensured that they act within the four corners of law and do not misuse the authority. Constant monitoring by courts, review authorities and civil oversight agencies are called for.

(Concluded)

THE STATESMAN

4 DEC 2001

4 DEC 2001

All-party meet fails to break Poto deadlock

HT Correspondent
New Delhi, December 4

THE ALL-PARTY meeting called by Prime Minister Atal Bihari Vajpayee expectedly failed to evolve a consensus on Poto, with a major chunk of the Opposition, including the Congress and the Left parties, totally opposed to the ordinance and the draft legislation to replace it.

The absence of consensus and the near-certain failure of the proposed bill in the Upper House where the Opposition outnumbered the ruling combine did not deter the Government from announcing that it would bring the bill in the Lok Sabha next week and in the Rajya Sabha thereafter.

"There is no question of withdrawing the Ordinance. We will like it to be converted into a law," Parliamentary Affairs Minister Pramod Mahajan told newsmen.

sons as he summed up Prime Minister Atal Bihari Vajpayee's remarks at the meeting which was attended by representatives from 23 political parties.

The only assurance that emerged out of the two hour meeting was addressed to the reservations expressed by some NDA allies when the PM said that the Government would "seriously consider" the amendments that were suggested and come before Parliament.

Stating that four kinds of views marked the deliberations, Mahajan said that while the Congress and the Left were totally opposed to Poto and wanted it withdrawn, the former also stated that it wanted a legislation to fight terrorism to be brought through proper procedure that included vetting of the draft by a standing committee.

Parties like the RJD and SP, on their part, underlined that the

existing laws were sufficient to fight terrorism and a special legislation was not required.

Parties like the AIADMK and PMK supported Poto. The DMK, Trinamool and JD (U) (U)--NDA allies--stressed that there should be no misuse. Others like the TDP wanted suitable modifications. The NCP, according to Mahajan, agreed to support the bill if the Government accommodated the changes it suggested to the bill.

Meanwhile, outlining the Congress' opposition to Poto, Leader of Opposition in Lok Sabha Sonia Gandhi maintained that the ordinance was "very defective" and cannot be corrected even by amendments. She wanted the Government to have wide-ranging consultations and formulate a new law.

"We are disappointed because government is not prepared to listen to our views," Sonia Gandhi

BJP UNDAUNTED, TO TABLE BILL IN PARLIAMENT

LONG BEFORE the Prime Minister's all-party meeting, the BJP geared up for moving the Poto bill in Parliament. It issued a three-line whip to its MPs

to be present in the two Houses from December 12 onwards. Parliamentary Affairs Minister Pramod Mahajan told the BJP Parliamentary Party that the legislation would be introduced, along with some amendments, in the Lok Sabha on December 10 or 11 and put to vote on December 13.

The government sees no difficulty in the passage of the bill with the amendments in the Lok Sabha as it commands majority. The allies are willing to back the bill if the media is

kept out from its ambit. It's main worry is the Rajya Sabha where it does not have the numbers.

Under Article 108, if a bill passed by one House is rejected by the other House, the President can call for a joint sitting. If the bill is passed by a majority of the total number of members of both the Houses "present and voting", it is deemed to have been passed by the two Houses. Lok Sabha and the Rajya Sabha MPs add up to 782. The government says the combined strength of the NDA is 433, which is enough for the passage of the bill in the event of a joint sitting.

HTC, New Delhi

terrorist attacks in the US and declarations that India would be targeted.

said. Earlier, at the meeting, the PM stressed the need for a special law after the September 11

PM rejects Opp demand, Poto won't be dropped

Statesman News Service

NEW DELHI, Dec. 4. — The Prime Minister today rejected the Opposition's demand that Prevention of Terrorism Ordinance be allowed to lapse. The country needed a special law to tackle terrorism and the government wouldn't drop the Bill, he said at an all-party meeting here.

He allayed fears that the law may be misused by the government, saying the courts, media, National Human Rights Commission and Parliament wouldn't let that happen. The people too have become more vigilant.

Mr Atal Behari Vajpayee assured the Opposition leaders that the government would consider their views on the Ordinance.

The NCP chief, Mr Sharad Pawar, said his party would support

the Bill if the government made certain amendments to it. The AIADMK and MDMK backed the government's stand.

Other Opposition parties, including the Congress and Left, remained firm on their stand. While Mrs Sonia Gandhi and Left Front leaders demanded a new legislation on the issue, Mr Shivraj Patil (Congress) pointed out the flaws in the Poto Bill. The Samajwadi Party chief, Mr Mulayam Singh Yadav, said there was no need for such a law.

The NDA parliamentary managers are now gearing up for a joint sitting of Parliament to pass Poto, though it's up to Mr Vajpayee to decide whether the rarely-used parliamentary procedure will be invoked.

The BJP has asked all its MPs to attend Parliament on 12 and 13 December and from 18-21 December. The party has asked its allies to issue a similar whip.

The Poto is scheduled to come up for discussions in the Lok Sabha on 12 December, though it may be tabled earlier. Voting may take place the next day. After the Lower House passes the Bill, it'll be introduced in the Rajya Sabha for voting on 18 December. The government may move a couple of amendments to make the Bill more acceptable.

Government managers think that since neither the government nor Opposition is ready to change its stand, the Bill will be defeated in the Rajya Sabha where the NDA doesn't have a majority.

The other possibility is a last minute compromise by which the Opposition may cooperate indirectly by walking out of the House at the time of voting.

If the Bill was defeated in the Upper House, the Cabinet may request the President to call a joint sitting of Parliament.

5 DEC 2001

TWO OUTFITS DECLARED 'TERRORIST ORGANISATIONS'

PWG, MCC banned under POTO

By Our Special Correspondent

NEW DELHI, DEC. 5. Even as a controversy rages over the need for the Prevention of Terrorism Ordinance (POTO), the Central Government today invoked it to slap a ban on two Left wing extremist organisations — the Communist Party of India (Marxist-Leninist)-People's War (popularly known as the PWG) and the Maoist Communist Centre (MCC). Both were declared "terrorist organisations" under POTO with immediate effect.

"The Communist Party of India (Marxist-Leninist)- People's War and all its formations and front organisations and the Maoist

Communist Centre and all its formations and front organisations have been declared terrorist organisations under the provisions of Clause (a) Sub-Section (2) of Section 18 of POTO with immediate effect," an official press note of the Home Ministry said here.

The ban came in the wake of stepped-up naxal violence in Andhra Pradesh, Orissa and Bihar. With this, the number of organisations banned and declared "terrorist organisations" under POTO has gone up to 25. The Ordinance had proscribed 23 outfits, including several Pakistan-based organisations such as the Jaish-e-Mohammad and the Lashkar-e-Taiba which

are operating in Jammu and Kashmir.

The PWG has already been banned in Andhra Pradesh. The group is active in Orissa, Chhatisgarh and the tribal areas of Madhya Pradesh while the MCC activities are confined to Jharkhand.

As the ban has been invoked under POTO, there is no mandatory legal requirement to get the validity of the ban determined by a judicial tribunal as is done under the Unlawful Activities (Prevention) Act, 1967.

Denouncing the "mindless" violence being perpetrated by the PWG in Andhra Pradesh, the Prime Minister, Mr. Atal Behari

Vajpayee, has said the outfit has spread its tentacles to other States also. Addressing a public rally in Hyderabad on Sunday, he said that misguided youth were being drawn into the fold of extremism. The PWG was living in an illusory world of bringing in change through the gun, he remarked.

'Al-Qaeda plan to target Parliament'

By Our Special Correspondent

NEW DELHI, DEC. 5. The Union Home Minister, Mr. L.K. Advani, today disclosed that the Al-Qaeda terrorist outfit had plans to carry out strikes in India, the U.K. and Australia.

Describing it as a "very wide, deep-rooted and massive conspiracy", he told the 74th annual meeting of the FICCI here that his information was based on confessions by a suspected terrorist recently arrested in Mumbai.

Though he did not give the suspect's name, Mr. Advani said that "shocking" confessions revealed that he had undertaken training in flying in the U.K. and Australia.

"We have been able to verify some of the basic things which he told the police in Mumbai and these have turned out to be true. We have reasons to believe that the other part of the confessional statement may also be true and it appears to carry some weight," he said.

Apart from the September 11 attacks, the Al-Qaeda had plans to target the Parliament House. Mr. Advani said investigations were still on and the leads provided by the suspect were being pursued by the police in Mumbai to verify how far the terror links had spread.

Cabinet to discuss amendments

NEW DELHI, DEC. 5. The Prime Minister, Mr. Atal Behari Vajpayee, today said the Union Cabinet would discuss tomorrow amendments to the Prevention of Terrorism Ordinance. Replying to questions in this regard at an Iftar hosted by the Jammu and Kashmir Chief Minister, Dr. Farooq Abdullah, he said "the Cabinet will discuss amendments to POTO tomorrow." However, he did not elaborate on the amendments. Mr. Vajpayee declined to comment when asked whether the Government was considering the convening of a joint session of Parliament to adopt the Bill if it failed in the Rajya Sabha.

As reporters shot more questions, Dr. Abdullah deftly took the Prime Minister away. — PTI

Cong. accepts challenge

By Javed M. Ansari

NEW DELHI, DEC. 5. The battlelines are drawn, and neither side is prepared to compromise on the controversial POTO. While the BJP had already threatened to convene a joint session of Parliament to get the Bill passed and the Opposition has refused to back down and promised to "fight till the end" for civil

liberties. "The Government has been on a confrontational course from the very beginning, but we accept their challenge," said the Congress spokesperson, Mr. Jaipal Reddy. He, of course, admitted that there was a provision in the Constitution for such a recourse. He also sought to put the onus of the confrontation on the BJP which, he said, was intent on gaining political mileage rather than developing a consensus on the issue. "The consultations (all-party meeting convened by Mr. Vajpayee) that they held last night were farcical," said Mr. Reddy.

He rebutted the BJP argument that it was the Opposition's rigid attitude on the issue which was leading to a confrontation. The Government was well aware of the fact that the ordinance would not pass muster in the Rajya Sabha, yet it had issued an ordinance in a bid to present the issue as a fait accompli to the country, he added.

Mr. Reddy said the Government had not only failed to make a convincing case, its action had also laid bare its intention of deriving political mileage from the issue. "Mr. Advani's statement that it was a win win situation for the BJP politically is but one example of their political desperation," said Mr. Reddy.

Supplies for Kargil troops defective: CAG

Shivnath Jha in New Delhi

Dec. 6. - There were no boots, gloves, sleeping bags, special woolen socks or caskets for the troops who fought in Kargil as most of these items were defective, procured after the operation was over or lying in stock at various Central

ordnance depots (CODs), according to a special audit carried out by the Comptroller and Auditor-General (CAG).

The report, to be tabled in the Lok Sabha on 11 December, revealed that about 3,438 pairs of multi-purpose boots procured at a cost of Rs 1.85 crore were "completely useless" as sizes of the boots turned out to be "too small for any adult's use".

It states that about 150 aluminium caskets worth Rs 1.47 crore were rejected on the ground of being "overweight" and "welded" rather than being die pressed.

The caskets had been kept in stock as of June 2001. The average weight of the caskets was 55 kg instead of 18 kg which was agreed during the time of contract in August 1999 with Buitron and Baize, USA, for 500 aluminium caskets and 3,000 body bags at a total cost of US\$ 1.5 million equivalent Rs 6.55 crore.

The report further says "Despite this being a new purchase, no acceptance test and evaluation was carried out. There was also no indication either in the record of the minutes of the Prime Negotiation Committee or scrutiny in the ministry that the reasonableness of the cost with reference to the material used had been conducted".

Similarly, for supply of 6,254 pairs of gloves, a contract was concluded with Camp SPA, Italy, at a total cost of US\$ 372,363 (Rs 1.60 crore).

The audit report revealed that the urgency shown in concluding the contract wasn't carried forward when the supplier proposed in August 1999 to use a fabric of a colour different from the one used in the trials.

After dithering over the matter, the government delayed conveying its approval till December 23, 1999. "The gloves were supplied only after in December 1999 -

January 2000. As of May this year, only 15,935 gloves had actually been issued to the troops," it says adding "the troops had to make do with defective gloves during the operation".

For sleeping bags, an RFP was issued on June 15, 1999 to four vendors for supply of 42,000 sleeping bags to be delivered from July to September, 1999. However, only two firms responded within six days. The PNC later split the order - 32,000 to the lowest bidder (Aptec) and 10,686 to the other bidders to ensure timely supply. The delivery schedule was also amended. However, only 5,000 bags were received on 27 September.

"Thus it failed to serve the need of operation," the report maintains and says "in fact, as on September 2000, 10,000 bags were held at COD, Kanpur and another 13,843 at COD, Delhi Cantonment".

THE STATESMAN

- 7 SEP 2001

Govt. to tone down POTO

By Our Special Correspondent

NEW DELHI, DEC. 6. In an effort to enlist wider parliamentary support for the controversial Prevention of Terrorism Ordinance (POTO), the Union Cabinet today decided to tone down some of the provisions of the proposed law, including the much-talked about 'anti-media' clauses. It is believed that Section 3(8) would be deleted while the operative life of the law would be reduced from five to three years. HQ-1 7/12

The Cabinet, which met late this evening, on the eve of the Prime Minister, Mr. Atal Behari Vajpayee's Japan trip, took a second look at the proposed legislation. Since Parliament is in session, there was no official word on the decision reached in the Cabinet. The details of the amendments agreed upon would be revealed only when the Government introduces the Bill in the Lok Sabha next week.

Section 3(8) of the Ordinance, promulgated by the President on October 24, had sought to provide one-year jail term for anyone who failed "to disclose (terrorist-related) information as soon as reasonably practicable to the

police". However, for now the Government has left another controversial clause, Section 14, untouched. Section 14 says "the investigating officer may require anyone to furnish information in their possession in relation to such (terrorist) offence". The two clauses had been widely criticised as potentially inimical to the freedom of the Press.

The demand for these changes has been most effectively voiced by the Vajpayee Government's crucial ally, the Telugu Desam. In his remarks at the Chief Minister's Conference on Internal Security, on November 17 last, the Andhra Pradesh Chief Minister, Mr. Chandrababu Naidu "invited special attention to the provisions of Section 3(8) and Section 14 of the Ordinance". Mr. Naidu had also demanded that the validity of the legislation be reduced from five years to three years.

The Cabinet is believed to have decided to amend Section 8, as per the suggestion of the Nationalist Congress Party chief, Mr. Sharad Pawar, at the last all-party meeting convened by the Prime Minister. The Bill would be suitably amended to provide a judicial mechanism for forfeiture of a

suspected terrorist's property, even though the "designated authority" would still have the power to attach such property.

The Prime Minister has been keen to give the impression, if he could help it, that the country's political opinion backed his Government. In fact, Mr. Vajpayee had given sufficient indication of the mellowed-down approach earlier at an *iftar* function.

Unlike some of his ministerial colleagues who had aggressively talked about summoning a joint session of the two Houses of Parliament in order to overcome the Government's lack of majority in the Rajya Sabha, Mr. Vajpayee pointedly refused to say anything about it. The Prime Minister also noted that his Government would continue to strive for the requisite consensus for a new anti-terrorist legal regime.

The 'concessions' agreed upon today not only reflect the Vajpayee Government's parliamentary realities, they also show that the NDA regime cannot ignore voices of protest from civil rights groups and other democratic forums.

THE HINDU

- 77 SEP 2001

'Govt. will not retract on POTO'

By J. Venkatesan

NEW DELHI, DEC. 6. "The Government will not retract even if political consensus eludes on the Prevention of Terrorism Ordinance (POTO)," the Union Law Minister, Mr. Arun Jaitley, asserted today.

"We cannot become helpless for want of a consensus. It is imperative to give a chilling message to all terrorist groups that acts of terrorism will not be tolerated any more," he said while speaking at the interactive session 'India's security: the legal challenge' of the 74th annual session of the Federation of Indian Chambers of Commerce and Industry (FICCI) here.

On the issue of consensus, he said "political consensus gets sacrificed when politics overtakes it." In this context, he said "it is important that we decide as to what type of country we want — a soft pathetic state or a country which knows how to address constant assaults that are taking place daily."

He underscored that there was a direct correlation between security and an unstinted economic activity. Reeling out statistics, Mr. Jaitley said already Rs. 45,000 crores had been spent on anti-insurgency operations; more than 61,000 civilians and 9,000 security personnel had lost their lives fighting the terrorists.

"It is shocking to note that so far 48,000 kg of RDX has been seized, enough to probably blast each inch of Indian soil. This magnitude of terrorism cannot be tackled by velvet gloves but by iron hands," he added.

Justifying the ban on terrorist organisations including the People's War Group (PWG) and Maoist

organisations, he said "the PWG has been discouraging the strong economic establishment in Andhra Pradesh by targeting industrialists and industry." He was of the view that "terrorism creates political instability and an environment where developmental process takes a back seat and nobody benefits in the process and the whole nation suffers." Dispelling apprehensions about the misuse of POTO, Mr. Jaitley emphatically stated that it was intended to be used only against terrorists and not against innocent people.

Having a dig at human rights organisations for criticising POTO, he said they never condemned insurgents and had a tendency to dismiss them as a misguided lot, but did not fail to blame the police and paramilitary forces.

J&K badly hit: Farooq

The Jammu and Kashmir Chief Minister, Dr. Farooq Abdullah, shared the views of Mr. Jaitley that POTO was essential to contain terrorism. Some vested interests were resisting the POTO under the garb of protecting minorities, he said and maintained that his Government would use POTO in the State to contain terrorism.

The tourism industry, hotel business and local handicrafts had collapsed in the State due to terrorism. More than one lakh people had died in the past two decades in terrorist attacks, he added.

The Chief Minister said the only solution to the Kashmir issue was through conversion of the Line of Control (LoC) into an international border or targeting the militant camps in Pakistan-occupied Kashmir.

Opposition targets ban on outfits

By Our Special Correspondent

NEW DELHI, DEC. 6. The Centre's decision to ban the People's War Group (PWG) and the Maoist Communist Centre (MCC) under the Prevention of Terrorism Ordinance (POTO) has been questioned by the Opposition parties while radical Left outfits demanded its withdrawal.

The Congress said the decision was aimed at creating an illusion of radical action under POTO and that it was nothing but a "pathetic attempt to provide justification for the controversial Ordinance." The party spokesperson, Mr. S. Jaipal Reddy, said the Centre had banned organisations that were already banned before and it was done to justify POTO.

The Communist Party of India charged the Vajpayee Government with "baring its fangs against Left movements". The CPI central secretariat said that though it was opposed to the PWG's methods, "bracketing them with the Jaish-e-Mohammad or the Lashkar-e-Taiba

shows that the Government is out to curb any dissent and attack all movements."

A party release said the Government had started using POTO selectively against some organisations while turning a blind eye to outfits such as the Bajrang Dal and the VHP which were "openly challenging the rule of law and democracy in the country and intimidating the minorities."

The Revolutionary Socialist Party leader, Mr. Abani Roy, said the Centre had applied POTO on the MCC and the PWG to justify the Ordinance. It appeared to be in response to queries from Opposition MPs during an all-party meet last week as to why the Government had not put POTO to use if the current situation demanded such laws. The two factions of the Communist Party of India (Marxist-Leninist) — Liberation and New Democracy — also spoke against the ban, demanding its revocation.

The Liberation group issued a

release stating that the decision was an "insult to the basic conventions of parliamentary democracy." While underground outfits such as the PWG and the MCC were already banned in some States, the "loaded reference to all their formations and front organisation is mischievous and arbitrary and is liable to be used indiscriminately to harass and persecute the oppressed rural poor fighting for basic rights and human dignity."

The party general secretary, Mr. Dipankar Bhattacharya, said that while his outfit did not subscribe to or even condone the "anarchist activities" of the PWG and the MCC, they opposed the ban.

The New Democracy group said the decision showed the Centre's desperation in view of the coming Assembly elections in Uttar Pradesh where it was trying to whip up communalism. It also condemned the "fulminations" of the Union Home Minister, Mr. L.K. Advani, against the revolutionary Left in India and Nepal.

Terrorist law again and again — II

By K. G. Kannabiran

HD-11
7/12

The Prevention of Terrorism Ordinance (POTO), like its predecessor, the TADA, defines only a terrorist act and not terrorism. In 'OTO, "overawing Government by law established" is no longer a terrorist act. This expression is an imperial device to keep resurrectionary natives at bay. This expression is replaced by "with the intent to threaten the unity, integrity, security or sovereignty of India".

The other half of 'the terrorist act' is striking terror in the people or any section of the people. The process of curbing terrorism bars all democratic dialogue and debate. Discussions on such a law should not be confined to the interpretation of words and provisions of the statute. It is not the legality that needs to be debated. It is the politics behind the legislation that needs to be discussed and debated. That is what the BJP and we did to Indira Gandhi in the mid-1970s.

The enlargement of the remand period to one year is preventive detention by other means, which avoids the high profile *habeas corpus* proceedings in the High Courts or the Supreme Court. The proceedings before a criminal court will be news confined to the district or city, and this will effectively conceal the news of daily arrests. No grounds need be shown for the arrest, just a promise of a chargesheet on the 360th day.

This Act targets personal liberty by providing a crippling procedure for arrest, investigation and trial. That procedure itself is an invitation for flouting even the minimal norms provided by the statute. The statute is an abrogation of Article 21 as defined in Ms. Maneka Gandhi's case where procedure for forfeiting life and liberty are not informed by fairness and justice. The war against terrorism cannot dispense with the compliance of this Article.

This measure makes inroads into the Right to Privacy by making it lawful to tap telephone and other electronic systems of communication in whatever licensed form the facility is available. Behind your back, an application can be made to secure permission to tap your phone. The provisions in this regard provide for a hierarchy of authorities who grant and review the grant of permission.

In emergencies, the Additional Inspector-General of Police can, apprehending death or physical injury to any person or to prevent conspiracy or conspiratorial activities, authorise the investigation officer to intercept a telephone line and obtain approval later. All these interceptions will be transcribed into tapes or some such mechanical or other comparable devices and these will be preserved in a sealed condition for 10 years. The emergency power given to the Additional Director-General of Police will alone become the ordinary power, eroding the entrusting of the original power to the 'competent authority'.

The evidence collected by this means can be

used against the accused and is admissible in evidence. Mercifully, the accused is entitled to copies of the interception 10 days before trial and not when the chargesheet is filed. There is an arbitrary rider to this right. It can be waived by the court. One thought that waiver is personal to the right of the accused. On what principle is this right transferred to the court?

Apart from this, several persons' right to privacy is bound to be interfered with in the process of investigation. How is the State going to account for the needless intervention of so many persons' right to privacy. Is it valid to trample upon the right to privacy on such a large scale for targeting a minuscule number of terrorists?

The innumerable public and STD/ISD booths will be tapped and the licensees of

OPINION

these booths will become part of the police network of information. There have always been such unauthorised intrusions. That is why the PUCL initiated proceedings against telephone tapping and the Supreme Court held that the Right to Privacy is a fundamental right. It traced this right to Article 21 and clause 17 of the ICCPR to which India is a signatory.

Yet another inroad made by the ordinance is into the fundamental right to assembly and association. A person will be a terrorist if he is a member a terrorist gang or organisation; if he is a member of an organisation after it has been declared unlawful under The Unlawful Activities (Prevention) Act 1967; and if he threatens a witness or any person in whom the witness may be interested. A person who has in his possession any information of material assistance to the police and is not willing to pass this on is punishable with one year imprisonment. Presspersons unwilling to act as informants — for, that is what it means — will be offenders under this Act.

The print media rose in arms, not against the Act itself, but against this specific provision affecting their right to free speech. More than affecting free speech, non-disclosure of the source is an important aspect of the right to carry on business of selling news.

Freedom of speech and expression, freedom of association and assembly are interlinked and banning one will amount to banning the others.

A few years after independence and soon after the Constitution came into force, all enumerated rights in Part III came up for defining. So also the right to association. The old colonial Criminal Law Amendment Act 1908 had a section devoted to banning organisations and associations. Its stated purpose was to restrain civil disobedience. Despite its notorious role in restraining freedom movement, these laws were adopted as the Independent Indian Gov-

ernment found in these provisions nothing inconsistent with the provisions of the Constitution. Free India's Madras State brought in an amendment basing the deprivation of the right of association on the subjective satisfaction of the stated authority, with an advisory board thrown in by way of abundant caution to review the continuance for further periods.

The drafting of this provision was patterned on the principles on which the Supreme Court expounded and validated the law of preventive detention in A.K. Gopalan's case. Armed with this Amendment, the State Government banned the Madras Education Society set up by the Communist Party of India. V.G. Row questioned the validity of the ban and the court held that the principles, which validated the preventive detention law, are not applicable to the other two freedoms. Stressing the importance of the freedom of association, the court laid down that legislation leading to deprivation can only be by adjudication by an independent tribunal, where the grounds for ban has to be objectively established.

That is how the Unlawful Activities (Prevention) Act 1967 came to be passed with a provision for an independent tribunal presided over by a sitting High Court judge to enquire into the existence of the grounds for banning the organisation as notified by the Government. It is only after the approval of the tribunal that the notification comes into force. A timeframe is fixed for notifying the tribunal and latter to complete the enquiry. Nonetheless, the Government has powers to ban forthwith an organisation from the date of notification.

Under the present Ordinance, the terrorist organisations are already listed in the schedule to the Ordinance. This will automatically form the schedule to the proposed Act. The executive list incorporated into the Act will become the legislative judgment for their banning.

The practice of passing an ordinance just a few weeks before a Parliament session has to be condemned as not acceptable. Parliament cannot be converted into a mere approving body of executive legislation.

How does one disprove the accusation that he is a member of a banned organisation? I am appearing for some of the accused who are charged with Lashkar-e-Taiba.

There is nothing to prove that such an organisation exists or operates in India. When patriotic sentiments are aroused, accusation is proof and as the accused happens to be a Muslim, an inference, not covered by the Evidence Act, has to be drawn.

Law and order cannot be an adequate reply to questions raised by terrorists. Those issues have political roots. The fact that certain organisations in Punjab have been listed in the schedule only tells us that State terrorism has not been successful. Impunity is unchecked in governance because law and order is seen as governance.

(Concluded)

Opposition unmoved by terror law toned down

HT Correspondent
New Delhi, December 7

THE CONGRESS and other Opposition members remained firm in their opposition to Poto today, dismissing the Government's proposed amendments to the draft legislation as "marginal and cosmetic" and a "sop" to NDA partners.

"We will oppose it as vigorously as before, both on procedural grounds and through amendments when it comes for consideration. We will show how many features of Poto continue to remain draconian," Congress spokesman Jaipal Reddy said.

Since the NDA lacks majority in the Upper House, the Congress stand douses Prime Minister Atal Bihari Vajpayee's hopes that the revised Bill would be passed "unanimously" in Parliament. Before leaving for a five-day trip to Japan, he had voiced the hope that the amendments would pave the way for its unanimous passage.

The BJP has the option of pushing the Bill through a joint sitting of the two Houses, but it may be hampered by constraint of time. For one, the business of the next two weeks is virtually decided down to the last working day of the Winter Session on December 21.

Moreover, the Opposition is unlikely to cooperate with the Government in extending the House by a day to enable a joint sitting at 24-hours' notice when

ADVANI ROOTS FOR POTO

LK ADVANI used the platform provided at the International Security, Safety and Fire Exhibition on Friday to lobby for the Poto.

Opening the exhibition at Pragati Maidan, the Home Minister said time had come to put in place a new legal regime that would help strengthen the country's security forces in waging what he described as the "new kind of war".

"Terrorism is a new challenge. It needs a new legal infrastructure and the Government is determined to create it," Advani told a gathering of Central Industrial Security Force officials, security personnel and reporters. The CISF has been organising this bi-annual exhibition since 1987 in association with the India Trade Promotion Organisation.

"I differ with my colleagues in Parliament who say the existing laws are adequate. They argue that new laws like the Misa, Tada, and NSA have been misused by the Executive. But, for that matter, any law can be misused," Advani said. "Terrorism is a new kind of menace and it needs a special law, a new legal infrastructure."

HTC, New Delhi

the session is on. But if the House is adjourned sine die, a longer notice period is needed to reconvene it for a joint sitting.

The onset of Christmas and end-of-year festivities could make things a little tough for the Government. More so since the first session of Parliament in the new year begins with an address by the President to the two Houses in a joint session. As it is, the ordinance is slated to lapse at the end of the month.

Sidestepping queries whether the Congress-ruled States will invoke Poto, Reddy maintained that the party was at present essentially concentrating on defeating the Bill. He lambasted the BJP for trying to create a

false impression that the country did not have a law to fight terrorism. Asserting that there was no dearth of legislations, he underlined that since terrorists operated outside the pale of law, the new legislation could end up trapping innocents.

Echoing Reddy's views, CPI(M) leader and Rajya Sabha member Nilotpal Basu said Poto should be allowed to lapse and new discussions started.

CPI national secretary D Raja said the amendments were not substantial and the basic character of the Bill remained "anti-democratic". He said Poto should be withdrawn and "if the Government is really serious, it should remove the lacunae in the existing laws".

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Stand-off on POTO continues

D. N. Sekhri

By Javed M. Ansari

NEW DELHI, DEC. 7. The stand-off between the Opposition and the Government on the POTO issue seems to show no sign of abating. The Government's attempts to win support for the ordinance by effecting amendments last night failed to have the desired effect. Two of the principal Opposition formations, the Congress and the Left parties today rejected the amendments.

The Opposition parties feel that the changes are not up to the expectations. "The Government had made the changes to save its face amongst the allies. The changes are marginal and cosmetic. Our position is unchanged and undiluted and we will oppose

this draconian measure tooth and nail," said the Congress spokesperson, Mr. Jaipal Reddy.

The Prime Minister, Mr. Atal Behari Vajpayee, however, hoped that the ordinance would find favour with Parliament when the issue comes up before it next week. "The objections of all concerned have now been taken care off," he said before leaving for Japan on a five-day visit.

Mr. Vajpayee's confidence appeared to stem from the fact that the Cabinet, at its last night meeting, decided to curtail the operational period of the proposed law from five to three years.

In a apparent bid to contain the criticism emanating from the media the Cabinet also sought to

effect changes to those sections in the ordinance that impinged on the freedom of the press.

Law needed: Advani

Meanwhile, the Union Home Minister, Mr. L.K. Advani, continued to campaign vigorously for adoption of the ordinance. Justifying the need for POTO, he said the country needed the anti-terrorism law to fight a new kind of war. "Terrorism is a new challenge and it needs a new kind of legal infrastructure, which the Government is determined to create."

Matching Mr. Advani's aggressive posturing, the Congress maintained that its opposition would be at both the procedural level, as well as through amend-

ments, in order to buttress its charge that despite the changes, the measure continued to be draconian. "The changes are meant merely to mislead and hoodwink the people", said Mr. Reddy.

The CPI(M) continued to appear unimpressed by last night's amendments and urged the Government to scrap the ordinance and begin afresh the process of putting together a new anti-terrorism law. Rajya Sabha MP, Mr. Nilotpal Basu, said "the bill should be allowed to lapse and *de novo* discussions started."

The CPI National Secretary, Mr. D.Raja felt that the amendments were not substantial and the basic character of the bill continued to be "anti-democratic and fascist."

THE HINDU

1991

Cosmetic changes do not make Poto less ugly, says Opposition

Times News Network and Agencies

NEW DELHI: The opposition on Friday rejected the "marginal" amendments the government has proposed in the anti-terrorism bill, describing them as "cosmetic changes". But Prime Minister Atal Behari Vajpayee expressed confidence that the measure would be approved by parliament.

The Congress and the Left parties said the "draconian" bill would be opposed in parliament as and when it was tabled and that their aim was to defeat it.

"The amendments appear to be marginal and cosmetic and are intended only to save the face of NDA partners. We are therefore of the view that the amendments do not deserve any consideration," Congress spokesman S. Jaipal Reddy said. He said the Congress would oppose the bill as vigorously as before to show that it still remained a "draconian" measure.

Describing the proposed amendments in Poto as "cosmetic" changes, CPI (M) leader and Rajya Sabha member Nilotpal Basu said Poto should be allowed to lapse and *de novo* discussions should be started.

“If the government is really serious, it should remove the lacunae in the existing laws.”

— CPI leader D. Raja

CPI national secretary D. Raja said the amendments were not substantial and the basic character of the bill remained "anti-democratic". He said Poto should be withdrawn and "if the government is really serious, it should remove the lacunae in the existing laws".

On the other hand, the Prime Minister expressed optimism that

Poto would be approved by parliament "unanimously" as the cabinet had agreed to effect major amendments, taking into account the concerns voiced by the opposition as well as some NDA partners.

"The objections of all concerned have now been taken care of (with the amendments). This has paved the way for the unanimous passage of the legislation in parliament," Mr Vajpayee told reporters before departing on a five-day visit to Japan.

On Thursday night, the Union cabinet had decided to curtail the operational period of the proposed law from five to three years and scrapped a clause which affected freedom of the press. The cabinet also decided to set up a judicial mechanism for forfeiture of properties of terrorists, while keeping the powers of attachment of such properties with the designated authority, who would be an officer of the joint secretary rank.

Govt committed to Poto: Advani

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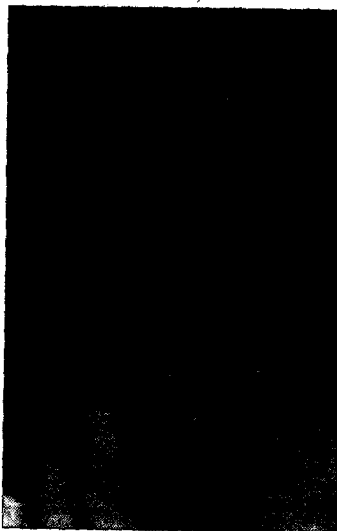
SD & N Limits

STATESMAN NEWS SERVICE

NEW DELHI, Dec. 8. — Mr LK Advani today said the government would not abdicate its responsibility over the Prevention of Terrorism Ordinance even if it fails to achieve a consensus on the issue.

"Our government tries to accommodate all viewpoints and work out a consensus for various issues. Unanimity or no unanimity, we can't abdicate our responsibility as security is the major ingredient in building up a perfect nation. Consensus shouldn't become an excuse for inaction," said Mr Advani while addressing the annual general meeting of Punjab Haryana Delhi Chamber of Commerce and Industry.

Referring to the Swadeshi issue, Mr Advani said: "It's not against multi-national companies. It's a mantra for indigenous industrial houses



Mr LK Advani

to achieve the multi-national standards to compete in the world market." Mr Advani said the government is trying to simplify things for business.

He hoped matters would get

easy from 1 April 2002 with the imposition of Value Added Taxes.

Mr Advani said the Indian economy is increasingly facing stiff global competition. Hence, it has to prepare itself for the unfolding free trade regime being introduced by the World Trade Organisation.

"We've time till 2005 to ...become more competitive. In India, infrastructure costs have tended to be high like the cost of industrial power in our country is among the highest in the world," Mr Advani said.

The purpose of the power sector reforms, which "our government has been trying to push through, is reducing the cost of power for Indian industry. We want to make power both adequate and affordable. But this can't be done by governments alone," the Union home minister said.

Enough concessions on POTO: Advani ✓

By Our Special Correspondent

NEW DELHI, DEC. 8. The Union Home Minister, Mr. L.K. Advani, today gave sufficient notice that the Vajpayee Government had made whatever concessions it could make to the critics of the Prevention of Terrorism Ordinance (POTO) and now the Government would try its best to put the bill on the statute book.

Speaking at an annual gathering of businessmen, Mr. Advani asserted that "unanimity or no unanimity, we cannot abdicate our responsibility as security is the major ingredient in building up a perfect nation." He was indirectly referring to the changes the Cabinet had reportedly agreed to make the proposed law in order to accommodate the criticism from the political parties; these changes have not satisfied the Opposition, and the Congress, the Left and the Samajwadi Party, among others, remain committed to getting the bill defeated in Parliament.

Claiming that "our Government has an approach of accom-

modating every viewpoint and work towards consensus approach towards various issues," Mr. Advani, nonetheless, noted that lack of consensus could not become an excuse for inaction. The Home Minister's remarks this morning suggest that the Government is prepared for a political confrontation with the Opposition on POTO.

Advice to businessmen

Since Mr. Advani was in a mood for a bit of plain-speaking and he had a thing or two to tell the businessmen. Referring to the fact that about Rs. 25,000 crore worth of power was being stolen every year, he noted: "What is worrisome is that the power is stolen not so much by poor people. As we see in Delhi, it is rich businessmen and shopkeepers and residents of posh colonies who are the biggest culprits."

"This shows the enormous responsibility that business associations have to check malpractices committed by members of their own fraternity."

THE HINDU

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POTO in practice is dangerously different from POTO in theory

Knuckleduster as law

BY PREM SHANKAR JHA

HR-8
8/12
9-10-8-12
9-10-8-12

TEN YEARS of violence in Punjab took more than 50,000 lives. Three-fifths of the dead were innocent civilians. Sixty-one per cent of these were Sikhs who were killed by their Sikh terrorist 'liberators'. Yet, in all these years, terrorist threats to policemen, judges and their families so paralysed the normal system of criminal justice that only one militant was ever convicted in a court of law. The judge gave him an exceptionally lenient sentence of five years in prison, but that did not save him. Three months later, he was dead.

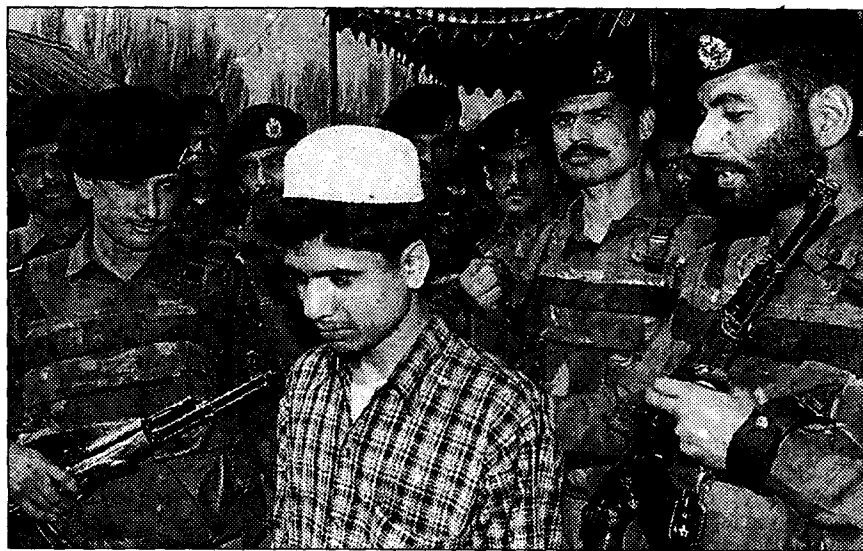
Confronted by threats to their own lives and the inadequacy of existing laws, the enforcement agencies have increasingly taken the law into their own hands. Fake encounters and custodial deaths have followed. But this is only the tip of the iceberg. Once a citizen is officially linked to a terrorist organisation in any way — even by suspicion alone — he becomes prey for the police. Repeated interrogations whenever there is a terrorist incident, frequent arrests on minor charges, constant harassment of family members and extortion become commonplace.

POTO is the latest of a succession of efforts to find a way of bringing the punishment of terrorists back within the fold of the law. It might have been acceptable if it had confined itself to restoring the due process of the law, in however truncated a form. Parts of POTO do, in fact, attempt to do this. But a much larger part confers draconian powers to intimidate and punish people on the basis of suspicion alone.

The lacuna that needs to be filled is not a dearth of laws against the resort to violence. As the National Human Rights Commission has pointed out, all the crimes that are listed in Chapter II of the ordinance are substantially covered by various sections of the Indian Penal Code and special acts that are already in force. But the IPC also provides rights to the accused, such as the right to bail and a public trial. It also prescribes safeguards that limit the kind of evidence that can be used against a detenu.

These are the rights that have, in their present form, become insurmountable obstacles to the trial, conviction and incarceration of terrorists. Bail, for instance, presupposes that the accused can, if he absconds, be traced through his many links to society. It ceases to be a deterrent against a terrorist who has cut these links. Informers are an essential part of a battle against terrorism. But for obvious reasons they cannot give evidence in an open court. Witnesses and even judges fear for their lives. Confessions are retracted when the immediate fear of death recedes.

POTO tries to get around these hurdles by making it possible to appoint special



PROVEN GUILTY BEFORE TRIAL?: Alleged Kashmiri militant under BSF custody

courts; to transfer cases from areas where they cannot be kept free from intimidation; to hold *in camera* trials; and admit confessions made before a police officer of or above the rank of a superintendent of police. To facilitate investigation, it extends the period for which a detenu can be held in police or judicial custody for up to 180 days before being produced before a special court. These are the portions that, however distasteful, need to be enacted to bring the punishment of terrorists back within the pale of the law.

Where it goes seriously wrong is in the draconian powers of arrest and seizure of property it confers on the executive. In theory, POTO provides a number of safeguards. An arrest under POTO must be authorised by at least an SP. The arresting officer must submit a report to a designated authority, who will be an official of the seniority of a joint secretary in the central government or a secretary in the state government. The detenu goes to judicial custody only after he concurs with the arrest.

The arrested person has to be informed of his right to legal counsel; his family has to be informed of his arrest immediately and he has to confirm in writing that the police have done so. Confessions before the police must be freely endorsed by the detenu before a chief metropolitan officer or judicial magistrate within 48 hours. The magistrate has the right to ascertain that it has not been obtained under duress by sending the detenu for a medical check-up before a doctor of the rank of a civil surgeon of the state health service. When organisations are banned, the ban is subject to review by a committee headed by a

retired high court judge.

If the above safeguards work, they could reduce — perhaps eliminate — fake encounters and other custodial killings. However, a closer look shows that they are almost completely illusory. The only *ex-ante* check to arbitrary arrest is the need for endorsement by the SP. The only *ex-post* check is the need for endorsement by a joint secretary or equivalent state officer. Both these checks are *within* the executive branch of government and, therefore, constitute no check on the executive as a whole.

The ordinance assumes that by virtue of their age and seniority, senior officials will be fair, objective and strong defenders of democratic and human rights. Students of history will readily recognise this as the image that the British assiduously projected of themselves to legitimise their colonial rule. Its brazen evocation in POTO shows how far from democratic the spirit of the Indian bureaucracy actually is.

The truth is the exact opposite of the fiction. Eighteen years of anti-terrorist operations in Punjab and Kashmir have shown that senior police and paramilitary officials consider it their primary duty to shield their juniors from being held accountable for their misdeeds, on the grounds that it would damage their morale.

For the same reason, the individual's right to counsel and to inform his family already exists in TADA, the Kashmir Public Safety Act and other laws, but is too often honoured in the breach. Dismal experience also suggests that magistrates

and doctors chosen by the police are too often mere rubber stamps.

POTO's worst feature, however, is that it legitimises the meting out of severe punishment in advance of the trial, let alone conviction, of a suspect. What is more, it consciously sets out to administer this punishment not only to the suspect but also to his family. In other words, the true purpose of POTO is not to restore 'due process' and thereby strengthen the rule of law, but to legalise intimidation and punitive deterrence.

Nowhere is this more apparent than in the absolutely unfettered right it gives the State to confiscate property. The clauses concerning property occupy twice as much space as those pertaining to the arrest and detention of persons. Justified on the ground that they are intended to prevent terrorists from benefiting from the 'proceeds of terrorism', what they actually do is to confer on the police the right to confiscate or attach anyone's property by simply calling him a terrorist.

The goal, as one Kashmiri family has already found out, is to turn the entire family of a POTO detenu into beggars overnight. And POTO allows the State to do so on mere suspicion, before the detenu is tried and convicted. Even friends, distant relatives and acquaintances will become legal prey, for POTO will allow the State to attach or confiscate the property even of people whom it is not prosecuting for an offence under the ordinance.

The burden of proof that any property was acquired through a *bona fide* transaction rests on the accused and his family and friends. What will constitute proof is left entirely to the designated authority and the courts to decide.

In an attempt to save POTO, the government has decided to protect journalists from the obligation to furnish information to the authorities, and reduce the duration of the law from five to three years. The first is a sop, and the second is only symbolic. If POTO is to reinforce and not destroy the rule of law, what it needs is real safeguards against abuse.

It needs a review committee that includes lawyers, retired judges and respected citizens, to assess the government's case before an arrest is made. Attachment or confiscation of property should be limited to movable property and leave enough to the family to enable it to survive. The burden of proof must remain on the government. Failure to comply with the rules of disclosure of the rest and provision of legal counsel must lead to instant release of the detenu. Finally, and most importantly, if a detenu is not produced before a special court within the prescribed 180 (preferably 90) days, he must be released.

THE HINDUSTAN TIMES

- 8 DEC 2001

BJP tries isolating Cong

571 on Poto

9 10/12
United News of India

BHOPAL, Dec. 9. — All Opposition parties, except the Congress, have realised the importance of Prevention of Terrorism Ordinance and have softened their stand on it, said the Union minister of state for information and broadcasting.

“Mr A B Vajpayee’s efforts to reach a consensus in this regard have borne positive results and the Opposition has realised the relevance of the Ordinance,” said Mr Ramesh Bais.

Several states, he said, were implementing laws more stringent than Poto. “The Centre is trying to implement the Ordinance to deal effectively with anti-national elements...The Congress’s opposition is beyond comprehension. Political protests on such a sensitive issue aren’t in the interests of the country.”

The Union minister of state for home, Mr ID Swamy, too voiced an opinion on the Congress’s stand: “It’s an ego problem for the party,” adds PTI from Chennai. He was confident that Parliament would pass Poto. Mr Swamy said that during the recent CMs’ meet, some participants from Congress-ruled states said the Centre should have consulted them before promulgating the Ordinance. Such consultations were not necessary, he said. Mr Vajpayee, however, assured the meeting that all parties would be consulted before the Bill was piloted in Parliament.

The AICC secretary, Mr V Hanumantha Rao, however, iterated that the Congress was firm on defeating Poto in Parliament, adds UNI from Vijayawada.

Another report on page 3

Govt sticks to Poto but concedes changes

By Manoj Joshi
Times News Network

NEW DELHI: A senior Union minister has said that the government intends to take the Prevention of Terrorism Ordinance (Poto) bill to its logical conclusion. "We have heard the opposition and accepted a number of their valid suggestions, but now we are determined to go ahead and make it law even if it requires a joint session of Parliament," he said. Further discussion on the contentious bill in Parliament is slated for Tuesday.

The government's acceptance of the changes in the bill reflects its decision to obtain the widest possible consensus. However, the Left and the Congress remain steadfast in their opposition to the bill. According to government sources,

"They have no amendments to suggest since they are against the entire bill." Many of the changes made reflect the views of Nationalist Congress Party chief Sharad Pawar and Telugu Desam Party chief N. Chandrababu Naidu.

The government has now accepted that the term of the bill will be three years and not five, a concession to Mr Naidu. It has deleted the entire section 8, which, critics said, could be misused against journalists and political opponents of the government.

Government officials acknowledge that the changes in the provisions relating to the confiscation of property used for terrorism were needed. Earlier provisions accorded the power to the police — but the government has now accepted that such draconian power must be exer-

cised through judicial supervision.

It also concedes that Poto must make a distinction between a foreign-origin terrorist and an Indian national. "We cannot treat a member of the Lashkar-e-Toiba and the Hizbul Mujahideen in the same manner," conceded a home ministry official.

The Union minister says that the government has accepted 7 of 9 proposals made by Mr Pawar at the all-party meeting on Poto earlier this month. "Mr Pawar was keen that there be no comparison of Poto with the MCOCA Act for tackling organised crime in Maharashtra and we agree with that," said the official.

While the government has accepted a number of provisions, it has yet to act on suggestions calling for stringent punishment for

those misusing the law. The government is aware that the torrent of criticism that it has faced over Poto is really a manifestation of the distrust the average citizen has for the law and order authorities, but it appears unable to act on this.

Meanwhile, reports from Chennai said that Union minister of state for home I.D. Swami on Sunday said the Ram temple would not be made an issue in the coming Uttar Pradesh assembly polls as the BJP was part of the NDA and followed the coalition agenda.

Replying to a question, Mr Swami, who is here to participate in a meeting, told reporters that the BJP was bound by the NDA's common minimum agenda, in which the Ayodhya issue did not figure.

THE TIMES OF INDIA

10 DEC 2001

'PWG's inclusion in Poto list will lead to more violence'

By T. Sunil Reddy
Times News Network

HYDERABAD: With the People's War Group (PWG), the most militant outfit operating in Andhra Pradesh, included in the list of terrorist organisations under Prevention of Terrorism Ordinance (Poto), police officials engaged in counter-extremist activities fear greater violence from PWG cadres.

The PWG and its frontal organisations are already banned by the state government and police forces are in hot pursuit of the Naxalite cadre, who use the dense forests as their hideout. The Andhra police are presently acting under the AP Security Act, which unlike Poto, has limited provisions to check the Naxal group's activities. Under Poto, people providing shelter, food and funds to the Naxals can be arrested and tried.

The PWG has been maintaining that it cannot be equated with terrorist groups as it had a clear political ideology and goals, but the mindless destruction wrought by its cadres prove otherwise.

It has a very systematic network of couriers, who form the backbone of the Naxalite group. It also has an excellent support mechanism, be it in the administration, police or media, to air its viewpoints. Hundreds of professional revolutionaries (PRs), those who sympathise with Naxals, but take up some other job as a cover, form part of this network.

Though the police could somewhat break the courier network of Naxalites and manage to infiltrate 'renegades' into the underground cadre, they have failed to break the PR system. With Poto, the police intend to control the PRs.

It is believed that for some time

now the police had stopped arresting Naxalites as the extremists kidnapped senior IAS officers and politicians to secure the release of their cadre. With the result, the number of fake encounters are on the rise in the state. Poto is unlikely to change the situation.

But police intelligence sources add that bringing PWG under Poto would affect the group's plans to forge unity among the several CPI(M) Naxalite groups in the country. A few years ago the PWG, operating in Andhra Pradesh, and parts of Orissa, Maharashtra and Chattisgarh, merged with Party Unity of Bihar and became a formidable force in both Bihar and Jharkhand. The resurgent group even entered into a truce with the Maoist Communist Centre (MCC) in Bihar, posing a further challenge to the law enforcement agencies.

THE TIMES OF INDIA

1 0 DEC 2011

ANTI-TERRORISM LAW-I

POTO Must Be Rescued From Political Rivalries

By NR MADHAVA MENON

57-4
10/12

Admittedly terrorism has emerged as the greatest threat to civilised existence in modern times. It is quite different from other crimes in several respects. The terrorist is often invisible and not easily identifiable. His object is ingenious ways to maximise the impact. Its victims are mostly innocent persons who are forced to play its game. Thus perceived, terrorism is a threat to everything we hold dear including our lives.

If there is one country which suffered the most by terrorist attacks, it is India. Thousands of innocent lives have been lost and enormous wealth destroyed. In the process, development is retarded and the State institutions have become weak.

Strategies

There are many strategies and methods to contain terrorism. One such is to investigate its causes, examine and remove legitimate grievances through political, administrative and legal processes. Sometimes extreme economic deprivation, organised exploitation, police brutalities and continued denial of justice by State agencies can result in breeding widespread discontent and organised resistance through terrorist methods. In democracies such instances are rare; but when they do occur, it displays the indifference and callousness of the political establishment. Governments may sometimes resort to terrorist-type violence to cover up its own faults which eventually boomerangs and results in political instability and insurgencies. India has had many experiences of this kind of terrorism as well.

However, in the present context, public discourse on terrorism is focussed mainly on three more or less distinct categories of violence: (a) Cross-border terrorism or low-intensity war encouraged by countries inimical to India. This is obviously the most dangerous for which the State should be sufficiently empowered, if necessary, with powers not permissible under ordinary circumstances. POTO is claimed to be a response to such situation. (b) Ideological terrorism feeding on fundamentalist and militant intolerance. Given the delicate communal balance and the famine-like situation obtaining in some parts of the country, terrorism and counter-terrorism are possible developments for which the governments in power and political parties are mostly to be blamed. Heavy-handed police action is no answer to this challenge. It is to be dealt with by

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political and administrative processes. (c) Economic terrorism which is an organised crime by which established financial institutions and processes are undermined with or without the connivance of corrupt elements in power in order to ruin the economy of the country and extinguish the livelihood of the people.

Technology and globalisation seem to have facilitated this type of terrorism particularly in the developing countries. The

destruction of property and creation of terror all round are what are objectionable in terrorism as a crime.

Crimes

It is a hybrid crime which participates in many established crimes and more. That "more" component of terrorism is precisely what is significant today and what defies precise definition in law. If it could be clearly focused in the proposed legis-



response to this form of terrorism is also different from the first category which is now an issue before Parliament.

Definition

It is doubtful whether one definition of "terrorism" can comprehend all forms of terrorism. recent attempts to define the term in the United Nations and in European Union seem to focus mainly on the use or threat of use of violence by an organised group to achieve their objects through terror in disregard of the laws and established procedures. Of course, violence which perpetrates justified killings,

lation, it would confine itself to the type of terrorism the nation is presently concerned with. Furthermore, the anti-terrorism law would become irrelevant once the terrorism is contained and the normal criminal laws are able to cope up with the situation.

One thing evident in the continuing debate on POTO is the widespread popular dissatisfaction with the management of police powers by the State. Successive governments have misled the police to suppress political opposition and perpetrate corruption in public life. Even when high-power committees appointed by suc-

cessive governments have recommended urgent reforms in police and criminal justice administration, all political parties conspired to keep the police under their thumb demoralising the police almost to the point of irrelevance and potential threat to the people!

How can sensible people agree to arm the very same police with more and more powers which the politicians who control them are bound to use for their nefarious ends with ostensible legitimacy and authority of law? They will advance their political agenda by unscrupulous methods using the police and all the brickbats and disaffection will stick with the police, many of whom are excellent human beings with character, patriotism and professionalism.

Agitation

People who have mobilised themselves against POTO should now launch a nationwide agitation for criminal justice reforms lest the country should pay a very heavy price later. Let political parties on both sides of the fence be exposed thoroughly so as to shame them to act on the Dharam Vira Report (National Police Commission) and the Law Commission reports on police and judicial reforms. This is the best guarantee against all types of terrorism in the long run.

Coming to the justification or otherwise of POTO, one needs to extricate the debate from the ego clashes and political rivalries into which it has unfortunately fallen clouding the public vision of the menace and the response. Given the global scenario after the 11 September incidents and the State policy of encouraging terrorism against India by our hostile neighbour, one has to, even though reluctantly, agree to emergency provisions to deal with the invisible enemy firmly and decisively with all the powers the State can command. Is this possible with the existing criminal laws and processes?

The fact that the existing laws could not make a dent during the last two decades is evidence enough to hold a contrary view. The argument that such emergency powers may be abused, however true, is no argument to deny its need to contain the escalating terror. The argument that drastic measures in criminal procedures would seriously affect human rights is largely true; but the question is, are there reasonable restrictions in the law, given the object and the need. This is a question of constitutionality to be determined finally by the highest court of the land.

(To be concluded)

THE STATESMAN

10 DEC 2001

George on the defensive over CAG report

Statesman News Service

J. D. M. Daniels
NEW DELHI, Dec. 11. — Both Houses of Parliament today witnessed an unruly Opposition reacting to media reports on Kargil defence purchases. The Statesman had carried a CAG report, which said there were several irregularities in the contracts. Following the ruckus in Parliament, Mr Fernandes called a press conference.

Very rarely has Mr Fernandes looked so uneasy. By the time he had left a press conference that he had called at Parliament House, it appeared that he didn't have all the facts and was not convincing at all. That he was sitting next to BJP leader, Mr VK Malhotra, who interrupted frequently, made it all the more difficult.

Even defence ministry officials said the conference, over which the shadow of the Bofors deal fell, was called hurriedly and the minister had not got himself properly briefed about the case involving the purchase of aluminum coffins

costing \$2,500. Mr Fernandes read out a long and detailed explanation, but sharp questions caught him fumbling. And at times, when he tried to give an explanation, the barrage of questions was too overwhelming. On a number of occasions, he couldn't hear the questions and had to ask Mr Malhotra for help.

He was also defensive on the issue. "Who is responsible?" asked reporters about the high price of the casket about which the Comptroller and Auditor General has been so critical. "Let the Public Accounts Committee of Parliament decide. The PAC will fix the responsibility," he replied. "So, you have no responsibility?" asked reporters. "Won't you order an internal inquiry?" All Mr Fernandes could say was that the defence ministry could not take over the agenda of the PAC.

A main issue was why the caskets were not "tested"? He said the contract was signed at the height of the war. But the caskets came much later in March 2000, it

was pointed out

"If the Army acts on it, I do not see how the government could have anything to do with it," he replied. He also refused to answer if there was any motive behind the CAG report.

"Do you smell a rat?" he was asked. Finally, reporters pointed out to him the parallels with the Bofors case. The CAG had also brought up the Bofors case, something defence officials admitted.

The point of contention remained the price of the air-tight aluminum coffins for dead officers and men, which the Army wanted in place of wooden ones that leaked.

They appeared to have cost \$172 in 1994 in Somalia, but were priced at \$2665 five years later, during the Kargil war. The defence minister said the 1994 price was not received on paper — it was just a point soldiers on UN missions had mentioned. But that only raised a question about whether the CAG was going to town on the basis of wrong information.

12 DEC 2001

Kargil coffin politics returns to haunt BJP

FROM RADHIKA RAMASESHAN

New Delhi, Dec. 11: The chickens have come home to roost. In 1999, the BJP and the Sangh parivar chanced on a "novel" strategy of squeezing the emotive value of the Kargil war by making elaborate arrangements to send the bodies of the slain soldiers in decorated caskets to their families instead of a funeral in the war zone, as was the practice.

Five months later when the country went to polls, the BJP's Kargil strategy paid dividends in some seats and helped its alliance reach the magic figure that brought Atal Bihari Vajpayee back to power.

Two years later, the same coffins have come to haunt the NDA government, thanks to a special report prepared by the Comptroller and Auditor-General (CAG) of India on the Kargil-era procurement. The report detected gross irregularities in the purchase of coffins by the army. It brought Parliament to a standstill today and had the BJP at its wit's end on how to evolve a counter-offensive.

According to the CAG, an inflated amount was paid for the

aluminium caskets bought to send the bodies. Many of these caskets were found to be oversized and useless. Now the army is left with caskets valued at Rs 1.47 crore but too heavy to be used.

The Opposition was quickly off the mark to turn the BJP's coffin strategy on its head. Just as home minister L.K. Advani rose to introduce the anti-terror Ordinance in the Lok Sabha, members defied the newly-adopted code of conduct, marched into the well of the House and raised slogans: "Coffin chor, gaddi chhodo" (Coffin thief, give up your post). Another MP shouted: "This government is a thief. While the soldiers were shedding their blood, the government was busy making money."

Defence minister George Fernandes, who was reinducted into the Cabinet only last month after the Tehelka disclosures, was the target of the combined ire. Opposition leaders of the Upper House have threatened to force adjournments unless he is sacked.

Fernandes, who was brought to a BJP press briefing to narrate his version, fumbled all the way through. A press note prepared by his ministry was full of mis-

takes and the corrections were personally put out by him. All that he said in defence was he had quit as defence minister when the coffins were actually delivered and by implication could not be made accountable.

Fernandes said no inquiry would be ordered and the matter would be left to the public accounts committee of Parliament. He blamed the CAG for basing its report on "hearsay".

So far, the government seems inclined to back Fernandes. However, BJP leaders in Uttar Pradesh and Uttaranchal, which will go to polls next February, were worried about the fallout. Uttar Pradesh BJP president Kalraj Mishra was seen in Parliament anxiously eliciting the details from MPs. Uttar Pradesh had the largest number of martyred soldiers in 1999 and most of them came from Uttaranchal, which was then part of the state.

"The issue is not just about corruption, it is linked to national pride. We went on an emotional high after the Kargil war and it helped us. We fear that this episode may pull us down equally swiftly because the very word *kafan* (coffin) is emotionally fraught with memories of Kargil," an MP said. (See Page 6)

Opposition queers Govt pitch on POTO, joint session looms large

■ NDA gears up for a fight, BJP asks its MPs to stay put in Delhi

EXPRESS NEWS SERVICE
NEW DELHI, DECEMBER 11

POTO was today ousted by the "coffin scam" concerning Kargil martyrs that shook Parliament. In the Lok Sabha, an agitated, slogan-shouting and uncontrollable Opposition brought the proceedings to a halt, forcing three adjournments. Union Home Minister L K Advani's attempts to introduce the Bill in the House was frustrated.

With an adamant Opposition determined to block the proceedings, POTO's fate hangs by a thread. The Government, though, is gearing up for a joint session of Parliament to pass the Bill. Late this evening, eager North Block officials were de-

scribing the changes made in POTO, hoping that this would pacify the Opposition by and large.

During a meeting of the BJP parliamentary party earlier in the day, Advani urged the Opposition to support POTO since the Government had already made amendments on the lines suggested by them. BJP parliamentary party secretary Vijay Kumar Malhotra, however, gave enough indications that the joint session would be the Government's most potent weapon to rein in the Opposition on the issue. He disclosed that the party had directed all its MPs to stay put in Delhi till December 24. But the



decision on the joint session will be taken only after December 18, when its fate in the Rajya Sabha would be known.

Parliament, however, reflected a different mood throughout the day. "Coffin choron ki sarkar nahin chalegi," was one of the first slogans to reverberate in the Lok Sabha as soon as it assembled, setting the tone for the day's unscheduled agenda. The Opposition, all its members on their feet, demanded suspension of question hour and a full-fledged discussion on CAG report on the purchase of coffins for the Kargil martyrs.

CONTINUED ON PAGE 2

INDIA EXPRESS

12 DEC 2001

Conduct rules flouted, Opp tears up Poto Bill

50/12/12
J
P.S. Ar. News

Statesman News Service

NEW DELHI, Dec. 11. — The Opposition MPs today tore into pieces the Bill on Prevention of Terrorism Ordinance and flouted the newly framed rules on code of conduct for members.

The last time Parliament witnessed such pandemonium was during the United Front rule when some allies of the government tried to prevent the introduction of the Women's Reservation Bill.

Today, the members on the Treasury benches looked "helpless" and were unable to stop the unruly behaviour of their fellow members on the Opposition side.

Mr LK Advani, who rose to introduce the Bill on Poto, could hardly complete a sentence when agitated members, led by Mr Mulayam Singh Yadav, tore the Bill and stormed into the Well of the House. Mr Advani was not allowed to introduce the Bill.

The conduct of the Opposition members should have attracted

the newly framed rules of "automatic suspension" for five days for having entered the Well. But the Speaker did not call the names of the MPs, who were inside the Well. Prominent among those who defied the rules were Mr Mulayam Singh Yadav, Mr Akhilesh Singh and several junior Samajwadi MPs, Mr Raghuvans Prasad Singh and Mrs Kanti Singh of the RJD, and a couple of CPI-M members but not its leader Mr Somnath Chatterjee who was seen standing outside his allotted seat.

The rules say: "A member coming into the Well of the House and on being named by the Speaker stands automatically suspended from the House for five consecutive sittings or the remainder of the Session whichever is less."

The catch is the Speaker has to call the names. But he did not exercise his prerogative. Mr GMC Balayogi was not available for comments. The Opposition in fact wanted the Speaker to invoke the rules and get the members suspended. In the post-lunch sitting, the

entire Opposition, including Congress MPs were seen storming the Well of the House, which was adjourned for the day.

Raising slogans too is an offence under the new rules in the Lok Sabha. That too was defied as the Opposition raised slogans in front of the Speaker's Chair "Sharm karo sharm karo... kafan choron ki sarkar nahi chalegi".

The Speaker has called an all-party meeting of the floor leaders tomorrow to discuss the situation.

The BJP spokesperson took strong exception to the Opposition holding the House to ransom and described it as a Black Day in Parliament's history.

"It is Black Day in history especially in view of the 25 November Code of Conduct drawn up after a joint sitting", he said. "The resolution has been ripped into bits with the members rushing into the Well of the House and surrounding the Speaker's chair," he added.

BJP adopts hawkish stand on Poto: page 2

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18/12

Poto likely to be re-promulgated

J. D & M. K. Kumbhar

PARLIAMENTARY BUSINESS

Dec. 12. - The controversial Prevention of Terrorism Ordinance is likely to be re-promulgated after it lapses on 24 December. Top functionaries in the government are determined to push through the Ordinance if it is not allowed to be introduced and voted in both Houses of Parliament.

It is, however, not yet clear whether the new ordinance would incorporate all amendments that had been made in the Bill to placate the ruling coalition allies and Opposition parties.

The government's threat of convening a joint session of both Houses of Parliament in case this was passed by the Lok Sabha where they have a majority and defeated in the Rajya Sabha where the Opposition is in a majority, has become almost meaningless under the circumstances. The government would be in majority if a joint sitting of both Houses is convened on the issue.

Article 108 of the Constitution clearly states that a joint session could be convened by the President if a Bill is passed by one House and rejected by the other, if one House suggests amendments which are not

accepted by the other House and if the Bill remains pending in the other House for more than six months after being passed by one House.

The manner in which the Opposition is forcing adjournments daily it is unlikely that these conditions for a joint sitting would be satisfied. As per provisions contained in Article 123 of the Constitution, Poto would lapse within six weeks of re-assembly of Parliament unless approved by it.

The winter session was convened on 19 November and the ordinance will lapse on 24 December. Highly placed sources said the government was committed on Poto and its lapse could not be allowed. "The ordinance could be re-promulgated. There is no legal or constitutional bar in re-promulgation of Poto."

Top functionaries in the government feel that the Opposition is creating a ruckus in Parliament to use the CAG report on coffins for Kargil martyrs as an election issue in Uttar Pradesh. An aggressive stance on Poto would be the ruling NDA's reply.

The BJP has issued a three-line whip to all its members to remain in the capital till December 24 expecting that the House may either be extended or in case the bill is defeated, there could be a joint session for its passage.

THE STATESMAN
13 DEC 2001

CAG also indicts govt in purchase of gloves, boots

13/12
**Opposition
united, in no
mood to relent**

Times News Network

NEW DELHI: The report of the Comptroller and Auditor General (CAG) of India on the sleaze pervading defence purchases during the Kargil operation has literally opened a can of worms.

As if the coffin scam and the grave financial impropriety during the emergency purchase of weaponry was not enough, the report has also indicted the defence ministry for similar lapses in the purchase of high-altitude specialised clothing, including special gloves, multi-purpose boots, bullet-proof jackets, sleeping bags and special woollen socks, for soldiers.

Take bullet-proof jackets, for instance. The army required 20,000 such jackets, 11,000 of them exclusively for high-altitude use during 'Operation Vijay'. The ministry had divided the quantity among three vendors on the ground that the lowest bidder was not able to supply the entire lot by August 31, 1999. The ministry then concluded three contracts for 40,000 jackets with the firms at varying prices at a total cost of Rs 51.65 crore.

The CAG report, however, stated that splitting the procurement could not be justified since only 11,000 jackets had been required by August, 1999. Therefore, it said, placing orders with two other firms at prices 80 per cent higher than the lowest bid had entailed unjustified additional cost of Rs 15.77 crore.

The report said although the pay-

ment procedure had been amended to enable payment against proof of despatch, the Centre had not been able to arrange for speedy supplies of essential items of clothing. Some of the cases the CAG report has cited are:

■ An order for 35,075 pairs of boots had been placed with a new firm in Italy. On delivery, the sizes of the boots were found to be of different specifications, rendering 3,438 pairs of sizes 5 and 6 worth Rs 1.85 crore too small for adult use, and thus completely useless.

■ Although a contract for 52,808 pairs of gloves costing Rs 11.82 crore had been concluded in June-July, 1999, and the delivery was to begin in August 1999, the government took four months to approve the fabric colour, which in turn resulted in the gloves being received only after December, 1999.

■ 3.06 lakh pairs of special woollen socks, procured at a cost of Rs 5.86 crore from a Swiss firm to meet 'Operation Vijay' requirements, could not be issued to the soldiers due to inadequacies in the contract, resulting in them being rejected by the directorate general of quality assurance.

■ Although another firm was willing to supply sleeping bags at the lowest tendered cost, the government insisted on placing the entire order for 42,686 sleeping bags only with the lowest vendor, who failed to adhere even to the revised delivery schedule.

Times News Network

NEW DELHI: A united and determined opposition appears to be in no mood to let the government off the hook on the coffin scandal and will persist with its demand for the resignation of defence minister George Fernandes. Having disrupted the proceedings of both houses of Parliament for two days on the issue, the opposition is unlikely to allow Parliament to function on Thursday either.

Opposition parties, now acting in close concert, will chalk out their floor strategy on Thursday morning. Indications are that they will not relent. Opposition leaders held a series of meetings on Wednesday and unanimously decided not to settle for anything less than the resignation of Mr Fernandes.

A flurry of activity in the opposition camp was set off by the Congress holding an internal meeting, and following it with a meeting of floor leaders in the chamber of Manmohan Singh, leader of the opposition in the Rajya Sabha. The opposition leaders then met in CPM leader Somnath Chatterjee's room where this position was reaffirmed. Keeping up their united front, the opposition leaders will now meet at the Congress office on Thursday to finalise their next course of action.

Lok Sabha Speaker G.M.C. Balayogi also convened two meetings to resolve the deadlock.

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THE TIMES OF INDIA

13 DEC 2001

PM stands by Fernandes

Sudesh K Verma
in New Delhi

Dec. 12. — The Prime Minister, back in the capital, seems to have put toughness back in the government's and the NDA's response to l'affaire George Fernandes.

Sources said Mr Atal Behari Vajpayee made it clear that Mr Fernandes was here to stay. He met the defence minister today and assured him that his Cabinet berth was secure. To the BJP ministers he said the Opposition's demand for Mr Fernandes's resignation was not to be considered.

Another toughline the government took was on the Opposition's "disruptive" tactics in Parliament. Like yesterday, both Houses were adjourned today amid pandemonium. If this continues — and the Opposition has said it will — the government may ask the President to prorogue Parliament, NDA floor managers said.

Yesterday, there was a bedlam when the Opposition came down on Mr Fernandes over a CAG report on defence purchases. The minister later held a press conference, which, even defence ministry officials admit, showed signs of inadequate preparation.

Today, the government's and BJP's responses were better. The Union law minister, Mr Arun Jaitley, was fielded to defend Mr Fernandes and to try and puncture the Opposition's balloon.

Mr Jaitley flatly rejected the demand for Mr Fernandes' resignation, challenged the Opposition for a debate and said Parliament was not a forum for shouting slogans.

He argued the "low price" of the aluminum caskets didn't "exist on paper", and that comparisons were being made on a "weak" basis, such as suggestions made by a soldier, serving an UN mission, on a company selling cheap coffins.

Mr Jaitley, who tackled queries

better than Mr Fernandes did yesterday, asked the Opposition to debate the issue in Parliament, instead of disrupting it.

The Prime Minister, unlike during the Tehelka controversy, was combative, sources said. During talks with BJP ministers and the defence minister, Mr Vajpayee was reported to have said that the

George accepts 'Z-plus' security

Statesman News Service

NEW DELHI, Dec. 12. — Mr George Fernandes today accepted "Z plus" security cover for himself, relenting to pressure from security agencies concerned over threat to his life from Pakistan-based militant groups. The defence minister accepted the security cover after the Union home ministry intervened.

Officials said Mr Fernandes's security was reviewed last night. This followed a wireless intercept by military intelligence at J&K border that Pakistan-based militants were planning suicide attacks on important personalities, including Mr Fernandes and the minister of state for external affairs, Mr Omar Abdullah.

Mr Abdullah's security too has been upgraded. Two attempts had been made on him in Annanag and Lolab Valley.

CAG had found faults with several ministries. "If ministers resign owning moral responsibility for the acts of lower-level employees, they (the ministers) wouldn't be able to function."

The BJP had reportedly taken legal opinion on the advisability of cutting short the winter session. Legal advice, leaders said, was on

the lines that the government shouldn't be on the defensive and instead ask the President to prorogue the two Houses.

The BJP spokesperson, Mr VK Malhotra, said Opposition members had made similar noises after Balco was sold to Steflite. But they fell silent after the Supreme Court approved of the deal.

LS furore: Despite attempts by the Speaker, Mr GMC Balayogi, to restore order in the House, the Lok Sabha couldn't do any business today and had to be adjourned thrice. "Dismiss Mr George Fernandes or dismiss us from the House," Mr Raghuvans Prasad Singh told the Speaker.

Mr Balayogi called the Lok Sabha floor leaders twice. Mr Pramod Mahajan said the government was ready for a discussion. But Opposition members shouted back: "No discussion, there has to be action."

Within minutes of the Lok Sabha assembling, Opposition members shouted slogans and were on their feet demanding Mr Fernandes's dismissal. The Speaker adjourned the House till noon.

A meeting was held in the Speaker's room. It was attended by, among others, Mr Shivraj Patil, Mr PR Das Munshi (both Congress), Mr Somnath Chatterjee (CPI-M), Mr Mulayam Singh Yadav (SP) and Mr Raghuvans Prasad Singh (RJD). But no agreement was reached. The House met again at noon (Zero Hour), only to be adjourned till 2.30 p.m. The Deputy Speaker, Mr PM Sayeed, was in the Chair then.

Soon after, Mr Chatterjee called a meeting in his chamber. Besides Mr Yadav, Congress MPs attended the meeting. It was decided that the protests in Parliament would continue. At 2.30 p.m., the Lok Sabha met again for a few minutes, but the Opposition didn't allow any businesses to be done. The House was adjourned for the day.

Opp insists on George ouster

9-10 & 11 Dec 2001
HFI
18/12

HT Correspondent
New Delhi, December 12

PARLIAMENT SEEMS locked in its second logjam of the year, this time over the Kargil expenditure issue. No business could be transacted in any of the Houses today, the second day in running, with the Opposition adamant that Defence Minister George Fernandes must resign and the Government firm on resolving the matter through a debate.

Left leader Basudev Acharya said the Opposition won't even accept a statement from the minister on the CAG's findings, as there had been no shift from its position that Fernandes' reinduction, even before the Venkataswamy Commission had cleared him on the tehelka tapes issue, was "illegitimate".

Lok Sabha Speaker GMC Balayogi did not bother to come to the House in the afternoon after adjourning the House twice in the morning. In his place, Deputy Speaker PM Sayeed executed the formality of giving the members off for the day when the House met again at 2.30 pm.

Question Hour was not held in any of the Houses. In the Rajya Sabha, the Opposition stalled the proceedings shouting "coffin chor gaddi chhor". Rajya Sabha Chairman Krishan Kant adjourned the House till noon, and later for the rest of the day. No listed business could be conducted.

Home Minister LK Advani, though present in the Lok Sabha, made no effort to present the Prevention of Terrorism Ordinance

MORE SCAM

AFTER POINTING out glaring lapses and improprieties in the purchase of specialised mountain warfare equipment for the Kargil war, the CAG has said even non high-altitude weaponry deals were pushed through by the Defence Ministry in the name of Operation Vijay. "Though deployment of T-72 tanks was not possible in high altitude," the Defence Ministry had used the pretext of Operation Vijay and the relaxation of procedures to push through a deal worth \$ 27.17 million in July 1999 for delivery of 2,800 rounds of T-72 ammunition from Israel and another 7,000 rounds within six months, the CAG said.

PTI, New Delhi

(Poto) Bill. The Defence Minister's absence was conspicuous, though several of his party members, including Nitish, Kumar were present.

Trouble began shortly after the Houses met as members raised the issue of the CAG findings about irregularities in defence procurement, including coffins for the Kargil martyrs. "Kafan chor gaddi chhor (coffin swindler should quit)," the Opposition MPs shouted.

Displaying the CAG report, they demanded immediate resignation of the Defence Minister.

While the Rajya Sabha was adjourned for the day at noon after its initial adjournment, the Lok Sabha proceedings were halted twice before Deputy Speaker PM Sayeed called it a day when the House met at 2.30

pm. Prime Minister Atal Bihari Vajpayee, who returned last night after a five-day tour of Japan, was present in the Lok Sabha when the House met.

Two rounds of meetings at Speaker GMC Balayogi's chambers this morning had failed to make a breakthrough. In fact, the newfound floor coordination among the non-NDA parties was cemented further by the perceived emotional appeal of the issue with its Kargil links.

"Sack Fernandes or suspend us," the RJD's Raghuvanshi Prasad Singh told Parliamentary Affairs Minister Pramod Mahajan. The Minister did not rise to the bait which would lead to mass suspension of Opposition MPs and enlarge the conflict to the Opposition's advantage.

The day was marked by hectic consultations in the opposing camps. The Government's offer of a debate was clearly aimed at defusing the issue. But the Opposition stuck to its "Sack George" demand to keep the issue alive.

Law Minister Arun Jaitley's defence of Fernandes this afternoon was evidence enough that the Government's would try to wear out the Opposition as it had done when the Tehelka bomb exploded. But with polls imminent in some key States, this may not be easy. The Opposition decided today to meet here tomorrow morning and finetune its strategy to step up pressure on the ruling NDA for Fernandes' removal as Defence Minister.

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INDUSTRIAL

13 DEC 2001

POTO and POTA: a resolution

HO-10 14/12 By Rajeev Dhavan 9-08 M. Srinivas

DESPITE THE attack on Parliament, the Prevention of Terrorism Ordinance (POTO) should not be re-enacted. POTO is due for a decent burial. But, it is to be replaced by POTA. The 'O' for Ordinance will be replaced by 'A' for Act. If the Government has its way, POTO will not die; but, its soul will transmigrate into the Bill attempted to be tabled in Parliament on December 11, 2001. With no chance of POTO being mechanically affirmed in its present form, its death was inevitable. The Government is now doing what it should have done in the first place. Ordinances are arbitrary because they skip the parliamentary process before enactment. But having found the democratic path, the Government should not rush through the future POTA through Parliament. When the Congress tried to extend TADA in 1995, the Bill for doing so went through the full democratic process of examination by a Joint Committee albeit under Opposition (including the BJP's) pressure. Even if to Mr. Tony Blair's discomfiture, British anti-terrorist legislation (from which POTO claims some inspiration) is being severely criticised in Parliament — especially by their House of Lords. To bypass the full parliamentary process for POTO is democratic terrorism.

The BJP-led Government remains unrepentant on POTO. Faced with public protest, it has contrived three allegedly major concessions on POTO. The first is the shorter life span provision so that the future POTA lasts for three years. Even this concession is copied from British suggestions; and, is intended to show that the Government did its job while in power. The second concession is over the 'spy-on-your-neighbour' provisions whereby all persons (including journalists but not lawyers) have a duty to report every single rumour to the authorities on pain of imprisonment for three years and unlimited fine whilst being denied bail. This concession is to buy out the journalists. The third concession is an admitted due process flaw in POTO. Confiscation of allegedly terrorist property can take place even without a person being tried and through an administrative process. Now, it is proposed that a proper judicial

*Fighting terrorism cannot become a political fashion...
The sensible compromise is a new offence of terrorism
investigated and tried through ordinary procedures.*

process will decide appeals on such forfeiture. But, the initial peremptory forfeiture will remain in administrative hands. These three proposals are hardly concessions. The core argument against POTO remains unanswered.

The real question is whether POTO is necessary? And, if necessary, which parts are essential to strike the correct balance between the need to confront terrorism

and protecting civil liberties. Let us examine the issues.

(i) The first issue is whether, independent of POTO, the existing law which includes wide ranging offences, a law on unlawful associations and an already tough Criminal Code is strong enough to combat terrorism. Before 1985 and between 1995-2001, the existing law was found to be effective. But, let us assume something more is needed. A compromise solution would be to create a new offence of 'terrorism' similar to Section 3 of POTO, but refine this definition so as not to include ordinary cases of damage or disturbances to public order or preparatory offences within its scope. This does not require either a new POTO or POTA but simply an amendment so that a new offence of 'terrorism' is inserted as Section 124-B of the Indian Penal Code.

(ii) The second issue is whether this extraordinary offence requires to be supplemented by an extraordinary procedure proposed in TADA or POTA so that confessions to the police can be made the basis of conviction, bail is denied for one year until innocence is proven, investigative periods are statutorily extended to 6 months and so on. This extraordinary procedure is not necessary. India follows a different system of bail, investigation and confession from other countries. Woe betide us if 'confessions' to the police and extended investigation without bail replace our already tough procedure which already includes 60-90 days for investigation, no confessions except before

a magistrate and tough bail so that 70 per cent of our jails are already crammed with people denied bail. The compromise is: create an extraordinary offence but not an extraordinary procedure. This means Chapter VI of POTO amending the Criminal Code must be deleted from POTA.

(iii) The third issue is whether a future POTA should contain provisions for banning terrorist organisations (Section 18-

22: Chapter III of POTO) and the sections dealing with proceeds of terrorism (Sec. 6-17 of POTO) be retained. Provisions for banning such organisations already exist under the Unlawful Activities Act, 1967, including provisions for freezing assets. It may be that the Act of 1967 needs to be re-examined. But, this may not be necessary. But, these provisions (Sec. 6-22) need to be deleted from POTA.

(iv) The fourth issue relates to the issue of the 'interception of communications (Chapter V of POTA). The model for this is admittedly existing state legislation. In fact, the correct model should be the Supreme Court's PUCL judgment (1967). But, interception exists at present for reasons other than terrorism. This was openly disclosed to the Supreme Court. The phones of all kinds of persons were and are being tapped. After POTA, such tapping will continue to exist independently. If a statute is to be enacted to control post-office and electronic spying by the state, let there be a separate statute that deals with this which goes through Parliament under a Joint Committee Procedure as a permanent addition to our legislation. So, the suggestion is that Chapter V of POTO should be deleted and relocated in a separate Act after full parliamentary scrutiny.

(v) The fifth issue concerns special courts (Chapter IV of POTO). Special Courts are permitted by the Constitution. The Supreme Court law on this was laid down as far back as 1952 and was consoli-

dated in the Special Courts Reference of 1979 and the V. C. Shukla case (1980). As long as special courts are not designed as convicting courts which use a summary procedure inconsistent with the due process, Indian law has accepted them. The issue of special courts for special offences needs justification; and should be debated separately to encompass specific offences. It cannot be that sedition is tried by ordinary courts and terrorism or aggravated threats to security by special courts. So, for the moment, chapter IV can be deleted. This is consistent with Law Minister, Mr. Arun Jaitley's proposal for fast track courts for important cases.

The upshot of all this is that for the present the huge edifice of POTO or POTA is not needed. What may be required is a simple amendment of the Indian Penal Code so that a new offence of 'terrorism' is inserted as Section 124-B. But, the present definition of 'terrorism' in Section 3 of POTO needs re-examination. The massive abuse of TADA cannot be overlooked. In December, 2001, Britain's House of Lords expressed disquiet about a POTO-style legislation amenable to abuse. The Government's case for POTO is exaggerated. The Opposition should have no difficulty in accepting a new offence of terrorism. But, the rest of POTO must go. Some matters included in POTA belong to an independent legislation after they have been thoroughly considered by Parliament. It follows that POTO with all its extraordinary empowerments is not necessary. All that is needed is a new offence of terrorism.

It is in everyone's interest that all these controversies over POTO come to a dignified end. The BJP wants to show it is serious about 'defence' and India's sovereign integrity whilst the Opposition is not. This over-stylised oneupmanship ill becomes discussion over an issue of this measure. Fighting terrorism cannot become a political fashion. POTO-style statutes empower the police with disastrous results. The sensible compromise is a new offence of terrorism investigated and tried through ordinary procedures. This is not too difficult to agree upon. Meanwhile, no further POTO by ordinance. No joint session of Parliament to roller POTA through.

LAW AND SOCIETY

ISI behind attack: Fernandes

By Our Staff Correspondent

PATNA, DEC. 15. The Defence Minister, Mr. George Fernandes, today directly held Pakistan's Inter-Services Intelligence responsible for Thursday's attack on Parliament and said New Delhi would provide the evidence to Islamabad whenever it deemed it necessary.

Mr. Fernandes was here on a day's visit to oversee the development of the Bihta Airbase as an alternative to the ones at Gorakhpur and Bagdogra.

He turned down the U.S. offer of making available the FBI's help in combating terrorism saying the country's intelligence and investigative agencies were as good as any in the world.

Mr. Fernandes said Pakistan

was pumping money directly from its budget for training terrorists and providing resources. He claimed that the terrorists were being dealt with more firmly now than before. Over 1,800 terrorists were killed during the current year so far, while the figure for the previous year was around 300 less. Besides, training camps along the Pakistani border had been destroyed.

On Pakistan's statements that it would not mind a limited presence of U.S. forces on its soil, he said Pakistan was a sovereign country free to take its own decisions. He said that such a move would not lead to any tilt in the regional balance of power.

He stressed that India enjoyed a close relation with the U.S. on de-

fence cooperation, including structured strategic dialogues and joint training exercises. Moreover, in the ongoing fight against terrorism "we are partners".

On the repercussions of the fall of the Taliban, Mr. Fernandes said no influx into Kashmir had been noticed and if there was any terrorist movement it would be dealt with firmly.

The Indo-Nepal border had become sensitive and necessary action had been taken to protect the border from our side.

Regarding the 'coffin' scam, Mr. Fernandes reiterated there were blemishes in the purchase but declined to divulge facts to the media, saying he would first clarify the situation in Parliament.

Left sticks to stand

By Our Special Correspondent

NEW DELHI, DEC. 15. Criticism notwithstanding, the Left today reiterated that while the country stood together in the fight against terrorism, it was not improper to question the Government on the inadequacy of steps taken to tackle the menace.

Condemning the December 13 attack on Parliament, the Left parties sought a probe into it and an explanation from the Home Minister, Mr. L. K. Advani, for not taking action to prevent the incident despite having prior information of the impending strike.

The Communist Party of India (Marxist) said the party was one with the country in presenting a united face against terrorism but expressed doubts over the Government's ability to address its concerns. Charging the Vajpayee Government with "compounding the situation," its politburo member, Mr. Sitaram Yechury asked: "Despite a tipoff by the Maharashtra Government (on the im-

pending attack), which even the Prime Minister and the Home Minister were knowing, what have they done to prevent it?"

The Vajpayee Government was trying to push the Prevention of Terrorism Ordinance through, instead of fighting terrorism, he said. "POTO is already in force but that did not prevent the attack on the Parliament House."

The Communist Party of India, while underlining the seriousness of the situation, accused the BJP-led Government of "pushing its agenda. The grave attack should not be used as an argument to sweep under the carpet the issues that have been raised by the Opposition. The Government does not know how to fight terrorism within the country and it talks of hot pursuit," its national secretary, Mr. D. Raja, said.

On busting militant training camps across the Line of Control, the CPI(M) said it would take a stand after the Government came up with its version of the attack.

The CPI, on the other hand, suggested that the Government observe restraint and not take steps that could escalate tension between India and Pakistan. "It is a serious attack and the Government should look into the lapses," Mr. Raja said.

The CPI-ML (Liberation) too demanded that the Government come out with the whole truth about the incident since the attack pointed to "serious loopholes and lapses in the security system." It also expressed concern over the BJP's "plan" to postpone the parliamentary process and demanded that the rest of the winter session be held as scheduled.

In a statement, the party rejected the United States offer of FBI assistance. "What is needed is a thorough and sincere probe of our security system which includes dubious defence deals as well as security lapses," the party's central secretariat member, Mr. Ranjit Abhigyan, said.

Pak. parties demand 'impartial' probe

By B. Muralidhar Reddy

ISLAMABAD, DEC. 15. Leaders of different political parties in Pakistan have demanded an "impartial" inquiry into the attack on the Indian Parliament even as the Lashkar-e-Taiba maintains that the Pakistan Government cannot act against it as it operates in Kashmir. Representatives of different parties, while condemning the attack in New Delhi, said that India should agree to an "independent inquiry" instead of "deriving political advantage".

The Pakistan Muslim League leader, Mr. Gohar Ayub, claimed that India would try to take full advantage of the situation and malign Pakistan in the backdrop of the ongoing campaign against terrorism in Afghanistan and the situation in Israel and Palestine.

He felt India and Pakistan should not go to a situation where the relations between the two countries would deteriorate. The incident was a grave security lapse as it took place despite prior information and it would be better if India accepted the U.S. offer of help for a probe.

The former Law Minister, Mr. Iqbal Haider, said the people involved in the attack were not only enemies of India but also not friends of Pakistan.

Captain Haleem Siddiqui, former Minister, said Pakistan condemned all forms of terrorism, including state-terrorist, sectarian and religious terrorism. The PML leader, Mr. Khurshid Mehmood Kasuri, said Islam did not allow attacks on civilians. India wanted to use the incident to its advantage.

Lashkar denies hand

Denying involvement of his outfit in the incident, the chief of

the Lashkar-e-Taiba, Prof. Hafiz Mohammad Sayeed, said "we never adopted such programmes and missions.

We do not target civilians. We do not consider it correct to attack Parliament. We consider it against Shar'iat to kill common people. "Jehad" absolutely does not allow it. Such allegations are repeatedly levelled against us. Whenever such an incident takes place, the Lashkar-e-Taiba is blamed. I say with certainty that they do not have any evidence".

On India's demand for action against the Lashkar, Prof. Sayeed said that Pakistan could not impose ban on it because "jehad" (holy war) has been going on in Kashmir and the Mujahideen were waging a "jehad" in Kashmir.

Shocking, say church groups

NAGPUR, DEC. 15. The Catholic Bishops' Conference of India (CBCI), the National Council of Churches in India (NCCI) and several other evangelical churches and related organisations here have strongly condemned the terrorist attack on the Parliament House.

"It was shocking to learn about the attack" the NCCI general secretary, Rev. Dr. Ipe Joseph, said in a joint statement issued on Thursday after the ecumenical meeting of various Church groups.

Condemning the attack, the church groups have appealed to the Government and the people to fight and crush terrorism with all the resources. — PTI

We are economically prepared: Sinha

By Our Special Correspondent

CHENNAI, DEC. 15. Short of declaring that India was economically prepared for a war against Pakistan, the Union Finance Minister, Mr. Yashwant Sinha, said today that fear of economic difficulties would not deter the Government from taking "any action, if it is essential".

"I am confident that our economy will not be destabilised. We are a strong and resilient economy," he insisted at a media conference at the State BJP office here, to a pointed query on whether Indian economy could afford a war against Pakistan.

Speaking in an unmistakable language of conflict, he said: "There is a great deal of anger in the country at what was attempted at Parliament. India is a very angry nation now."

Asked whether India was planning a U.S.-type retaliatory attack, he said: "We are keeping our options open."

As the Pakistan-based terrorist groups — Jaish-e-Mohammed and Lashkar-e-Taiba — had been held responsible for Thursday's strike, a demarche had been sent to Pakistan and an appropriate response was awaited. "All other options are open," he added.

Accusing the Congress of politicising the terrorist strike, the POTO issue and the controversy over purchase of coffins by the Defence Ministry, Mr. Sinha said it was "very unfortunate".

If the stalemate over introduction of the Bill on Prevention of Terrorism continued, the Government had the option of resorting to the procedure of convening a joint sitting of Parliament, he said. However, the Government had not yet decided on the issue, he clarified.

THE HINDU

6 DEC 2001

BJP on the offensive on POTO

By Vinay Kumar

NEW DELHI, DEC. 15. Making brave efforts to step out of the shadow of the stunning attack on Parliament House on December 13, the ruling BJP-led coalition appears all set to adopt an aggressive posture over the controversial issues like "Kargil coffin" and POTO which have seen a united Opposition stalling proceedings in both the Houses for the last three days.

Though only informal contacts have been established among all the 24 constituents of the ruling National Democratic Alliance, the leading partner, BJP, seems confident that it would be able to "expose" the "facade" of the unity in the ranks of the Opposition parties when Parliament resumes its sitting on Tuesday.

After the terrorist strike on Parliament, the BJP-led Government has stepped up efforts to spread "awareness" among the public about the dangers to internal security, the sinister designs of the terrorists and the need to build up global opinion against terrorism. As a first step, it has used the services of a number of Central Ministers during the three-day holiday of Parliament session.

If the Home Minister, Mr. L.K. Advani, was in Ahmedabad today, the Defence Minister, Mr. George Fernandes, and the Civil Aviation Minister, Mr. Shahnawaz Husain, were in Patna, the Information and Broadcasting Minister, Ms. Sushma Swaraj, is slated to be in Lucknow on Monday; the Rural Development Minister, Mr. M. Venkaiah Naidu, the Disinvestment Minister, Mr. Arun Shourie, are south-bound in Hyderabad and so is the Urban Development Minister, Mr. Ananth Kumar, in Bangalore. While Dr. Murlu Manohar Joshi will hold fort in Kolkata tomorrow, the party's forceful defender, the Union Law Minister, Mr. Arun Jaitley, will tour Amritsar and Jalandhar during the weekend. All of them are expected to inform the people about the gravity of the attack on Parliament and rubbish the Opposition campaign against the Government move to legislate a tough anti-terrorism law. From here, the BJP leaders are likely to pick up the campaign and tour the country from December 18 to 30.

"The Opposition is united only

in stalling the proceedings in the House. They have no real agenda and their opposition to anti-terrorism law is based on superficial grounds," the BJP spokesman and MP, Mr. Vijay Kumar Malhotra, told newsmen today. Describing the Congress as a "satellite" of the CPI(M), Mr. Malhotra felt that the Congress had relegated its role of the main Opposition party to the background. The party was being "driven" by the CPI(M), which was setting the agenda.

"The Congress is in a fix. It is speaking in many voices over POTO. The party appears confused, as on the one hand it says storming of Parliament was a "monumental security lapse" and on the other wants to fight terrorism by weak laws," Mr. Malhotra said.

He said the Opposition "unity" was not in the national interest but to further their interests in the coming Assembly polls in U.P., Punjab and Uttaranchal.

Mr. Malhotra said the BJP MPs had echoed popular "feeling" to the Prime Minister for destroying terrorist camps wherever they were situated, including in Pak-occupied Kashmir. Vehemently denying that the party was building up a "war hysteria", he charged the Opposition with indulging in "double-standards" over how to wipe out terrorism.

He rubbished the Pakistan statement that Indian intelligence agencies were responsible for the attack on Parliament, saying it was "totally absurd." Calling upon the Government to step up its efforts to mobilise world opinion and support against the audacious attack on the country's symbol of democracy, Mr. Malhotra expressed the hope that the U.S. and other leading nations would lend their full support to India's security concerns. On the "Kargil coffin" issue, Mr. Malhotra said it was the Government which had asked for a CAG special audit into all Kargil purchases in February 2000. "How can we be accused of shielding the guilty? Let the Public Affairs Committee recommend what kind of action it wants, we will go ahead with it. It is an established procedure that CAG reports are examined by PAC and action recommended by it. If it wants a probe by the CBI, the Government will order it," he added.

THE HINDU

16 DEC 2001

CLUES POINT TO JAISH, LASHKAR

Professor among detenus

By Our Staff Reporter 16/12

NEW DELHI, DEC. 15. Central security officials are confident of cracking the case of attack on Parliament House on Thursday with the interrogation of those arrested in Srinagar and Delhi today. Top intelligence sources said all evidence collected so far pointed in the direction of the Jaish-e-Mohammad and that the Lashkar-e-Taiba could have provided crucial back-up in the operation by helping to smuggle in explosives.

Delhi Police sources said that at least 10 more persons, including a professor of Arabic at the Zakir Hussain Evening College, had been picked up in the past 24 hours in different parts of the city for questioning.

At least two suspects arrested in Sopore in Baramulla district of Kashmir on Friday were flown in here by a special flight this morning. One of them has been identified as Asif Hussain Khan, an orchard owner, who is alleged to have facilitated the transportation of explosives.

Police detained Prof. Abdul Rehman Geelani a day after the incident for questioning. Police came across his phone number in the list of the calls made by the terrorists through their cellular phones. Prof. Geelani is said to be a relative of the Hurriyat Conference leader, Sayeed Ali Shah Geelani, who heads the

Jamat-e-Islami. Police also detained a man from Zakir Nagar in South Delhi who is suspected to have drawn a sketch of the Parliament House for the terrorists. Two women, residents of South Delhi, who are believed to have assisted the terrorists, are being questioned. Some other suspects have been picked up from Jamia Nagar, the Walled City and Adarsh Nagar. The two suspected Pakistani nationals, who were picked up while on their way to the airport on Thursday, were released on Friday.

In another development, the South Delhi police seized 41 wireless handsets and phones along with other communication devices. The wireless

Was woman suspect present in House?

NEW DELHI, DEC. 15. One of the two women being questioned for her alleged links with the terrorist attack on Parliament was present in the visitors' gallery of one of the Houses on Thursday, police sources said today. The two women — Sunita Sharma and Janaki Asrani, residents of Delhi — are suspected to have assisted the attackers in getting inside information about the building and the functioning of the Parliament House. — UNI

equipment was packed in some cartons found abandoned near a house in the B-Block in Defence Colony this morning by a local domestic help. Police, however, claimed that the incident was not related to the attack on Parliament.

They said that around eight teams, each headed by a police officer of the ACP rank, have been formed to investigate the case. Teams have been despatched to Srinagar, western Uttar Pradesh and Hyderabad.

The investigations were reviewed at a high-level meeting chaired by the Union Home Minister, Mr. L.K. Advani, in which the Home Secretary, Mr. Kamal Pandey, the Intelligence Bureau director, Mr. K.P. Singh, and the Delhi Police Commissioner, Mr. Ajai Raj Sharma, were present.

PTI reports:

One suspect was detained in Uttar Pradesh and two in Maharashtra, police sources said.

The second-hand white Ambassador car had been bought from a dealer in Karol Bagh area of central Delhi only two days prior to the attack and the buyer had given an address in Sopore, they said. Personnel of Jammu and Kashmir police and 'spotters' have arrived here to help identify the suspects being rounded up.

Prayers before attack?: Page 8

'INDIA WILL NOT BE COWED DOWN'

We'll respond to terrorism on many fronts, says PM

HPD-1
16/12

By Malabika Bhattacharya

SHANTINIKETAN (West Bengal), DEC. 15. In a veiled warning to Pakistan, the Prime Minister, Mr. Atal Behari Vajpayee, today said India's response to terrorism — a manifestation of which was the Thursday's strike on Parliament — would be unveiled across many fronts.

On a day's visit to the university town as Chancellor of Vishwabharati founded by Rabindranath Tagore, Mr. Vajpayee said the attackers on Parliament were "beyond the pale of humanity."

In his 20-minute address at Amrakunj, traditional venue for the Vishwabharati convocation, the Prime Minister did not name Pakistan and link it with terrorism directly but left no one in doubt on the identity of the "neighbourhood promoter of terrorism."

It was for the first time in the history of Vishwabharati that a Chancellor — always the Prime Minister — chose to dedicate a good part of the convocation address to ways to combating terrorism and violence reflecting a nation's contemporary concerns.

That Mr. Vajpayee's call for a tougher response to growing terrorism was aimed at Pakistan was further evident when he said that certain regimes (like that of Gen. Pervez Musharraf's) were found openly using terrorism as state policy.

"What is worse, acts of terrorism are sought to be justified in the name of religion, although no religion sanctions hatred and violence. We saw it on September 11 and we have seen it again on December 13," he said.

While laying in line India's concerns at the heightened violence and terrorism, the Prime Minister, however, underscored the need for an emphasis on truly meaningful education, the lack of which, he said, contributed to the



The Prime Minister, Mr. Atal Behari Vajpayee, conferring the honorary doctorate in literature, "Desikottama," on the sarod maestro Ustad Amjad Ali Khan at a convocation ceremony at the Vishwabharati at Shantiniketan on Saturday. — AP

spread of hate. But the country had resolved to deal with terrorism "in other appropriate ways because we cannot expect its (terrorist's) sponsors to understand this fine relationship between education and peace."

"Those behind the dastardly attack on our Parliament should know that India's democracy and India's people, cannot be cowed down by terror," he added.

Among those present at the convocation were the Deputy Chairman of Planning Commission, Mr. K.C. Pant, the Trinamool Con-

gress leader and MP, Ms. Mamata Banerjee, leading academics and cultural personalities.

About 2000 students received their degrees, diplomas and certificates from the Chancellor who, departing from practice, in a symbolic gesture, handed over a certificate made of the traditional 'chhatim' leaf to the Vice-Chancellor marking the beginning of the day's proceedings. As he recaptured the looming shadow of terrorism, Mr. Vajpayee quoted Tagore — *Chitta jetha bhay shunya uchha jetha sheer* (Where the mind is without fear and the head is held high) — to build a bulwark

THE HINDU

16 DEC 2001

Cybercafes hub of terrorism

Security in New Delhi

Dec. 16. — The Delhi Police has stepped up vigil at cybercafes and public call offices in sensitive areas of the capital after the attack on Parliament. Terrorists are increasingly using such information hubs.

For the past two days, police officers have been holding meetings with PCO and cybercafe owners in areas like the Jama Masjid, Nizamuddin and Sarai Jullena.

Cybercafes have come under spotlight following the Red Fort incident. The alleged mastermind of the Red Fort attack, Ashfaq Ahmed, had opened a computer centre, Knowledge Plus, in Gafoor Nagar.

There has been "strong pressure" on cybercafe owners to keep an eye on their customers. After the attack on Parliament, such instructions have been re-issued to cybercafe and PCO owners.

"We have asked PCO owners not to give privacy to people dialling numbers in Pakistan and other Islamic countries," said a policeman at Nizamuddin Dargah.

Cybercafe owners said there has been an increase in the number of "semi-literate" cybercafe users. "Although they generally come for a chat, we can do nothing to check what they are doing," said a cyber-

cafe owner at Batla House in south Delhi.

Sunil, who works in a cybercafe at Chakkawali Manzil in Nizamuddin, said most of these Internet users generally chat with people in neighbouring countries. "These people do not take any help from us. Hence, we can't observe what they are chatting about."

"They generally delete the history of the text of chat, so we can't even access their online discussion after they leave," another cybercafe owner said.

A cybercafe owner at Batla House said he has noticed a few shady characters frequenting his joint. But he can't possibly refuse them entry as they are influential in the area. And this holds true for other owners too.

With police breathing down their necks, many owners have started refusing customers while others have started maintaining proper registers and are entertaining only "known faces." Mr Rajendra Singh of B2 Cyber Wash at Sarai Jullena said they have started closing down after 10 p.m., while earlier they used to be open till late in the night.

But, it is not just the cafe users. Police have also put the owners on their check list. "Opening a cybercafe is an excellent foil for a terrorist, as they can maintain unhindered contact with the masters across the border," said a senior police officer.

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Professor guided the 'fidayeen'

9-8/12/01

By Devesh K Pandey

NEW DELHI, DEC. 16. Three of the four persons who supplied logistic support and provided a safe haven to the five 'fidayeen' to mount a daring attack on Parliament here on December 13, studied at the prestigious Delhi University; one even turned out to be a highly qualified lecturer.

Syed Abdul Rehman Geelani, an Arabic lecturer at the Zakir Hussain College (Evening), was arrested by the Special Cell of the Delhi police for his role in the conspiracy hatched by Pakistan-based terrorist outfits, Jaish-e-Mohammad and Lashkar-e-Taiba. Born in Baramullah in Kashmir, Geelani came to Delhi after completing his graduation from Lucknow. He did his Master's and M.Phil in Arabic from Delhi University. He had his primary education and studied the Koran and Arabic from a "madrasa" at Muzaffarnagar, Uttar Pradesh. Later, he joined the Zakir Hussain College here in 1997.

During interrogation, Geelani disclosed that he was in the know of the conspiracy since the day the 'fidayeen' attack was planned. Sources said, intelligence agencies had been tapping Geelani's telephone for some time as he had contacts in Pakistan.

Geelani revealed that he became part of the conspiracy due to his ideological leanings. He was closely related to the main Jaish-e-Mohammad co-ordinator in Delhi, Mohammad Afzal, and his cousin, Shaukat Hussain Guru,

who have also been arrested. He also knew the terrorists who had come to the Capital to execute the plan.

The cousin-conspirators, Afzal and Hussain Guru, who hail from Sopore in Baramulla, also had their higher education from Delhi University.

Hussain Guru, better known as Shaukat Hussain, revealed that he did his graduation from Delhi University in 1991 after his schooling in Sopore. He shifted to Delhi in 1998 following which he took up the job of a commission agent at Azadpur Subzi Mandi. Hussain claimed he was initiated into terrorism by Afzal.

Afzal — the key link between Jaish-e-Mohammad's supreme

commander in India, Ghazi Baba, and the fidayeen — revealed that he too did graduation through correspondence from Delhi University in 1993. He said he joined the JKLK in 1990 after completing his education in Sopore. He crossed over to Pakistan and underwent a 75-day training in an ISI-backed camp at Muzaffarabad in Occupied Kashmir.

Afzal sneaked into India, but had to take refuge in his cousin's Mukherji Nagar house here the same year after a vigorous operation was launched to nab him. He was later coaxed to join the Jaish-e-Mohammad and was assigned the job of bringing the "fidayeen" to Delhi and extending them logistic support.

He is innocent: Brother

SRINAGAR, DEC. 16. Prof. Abdul Rehman Geelani, who has confessed to his links with militants who attacked Parliament last week, is "falsely implicated" in the case and whereabouts of four members of his family are not known, according to the academic's brother.

Immediately after Delhi Police Commissioner, Mr. Ajai Raj Sharma's press conference in New Delhi giving details of the breakthrough in the case, Abdul Rahim Geelani, the academic's brother, told reporters at his Tawheedgunj residence in Baramulla that his brother was "innocent" and falsely implicated by police.

"We have no news about Geelani's wife, two children and a brother who were staying with him in New Delhi," Rahim said.

He said efforts to contact them did not succeed and "there is no news about their welfare. We are worried about their fate."

Meanwhile, the Principal of the Zakir Hussain College, in which Geelani works, tonight said he did not believe the lecturer could be involved in the attack. "I don't think that Geelani Sahib has anything to do in this matter. I think he is a simple man who is only interested in learning and teaching", Mr. Riaz Omar told a TV channel. — PTI

THE HINDU

17 DEC 2001

MONDAY, DECEMBER 17, 2001

THE DEMARCHE AND STARK CHOICES

THE DASTARDLY ATTACK on the Parliament House and the venomous challenge from the terrorists understandably has compelled New Delhi to deliver a demarche to Pakistan about those who are suspected to have masterminded the evil plot. The External Affairs Minister, Mr. Jaswant Singh, has identified the Pakistan-based Lashkar-e-Taiba (LeT) as the prime culprit. Without laying bare the facts, he cites the existence of "entirely credible" but purely "technical evidence". India's intelligence agencies have apparently unearthed this following the terrorist strike which was eventually foiled on December 13. It is in this context that Islamabad has been asked to exert its political influence over the LeT as also another Pakistan-based terrorist outfit, the Jaish-e-Mohammad (JeM), which operate openly on its territory in every conceivable way. In a quick response, though, Pakistan is dismissive of India's demands using the extraordinarily insensitive pretext that New Delhi itself might have stage-managed the failed terrorist attack in order to defame the presumptive "freedom struggle" of the people of the Kashmir valley. Not to be missed in the familiar din and bustle of this latest India-Pakistan fracas is an objective reality of crisis proportions. The two countries are now staring at some definitive choices that could make all the difference between war and peace in South Asia and beyond.

In the increasingly dizzy environment of anti-terror rhetoric, India seems to be counting much on the moral indignation of the international community at this stage. This is why it is important that the process of marshalling evidence against the Pakistan-based attackers, the LeT and the JeM, be a credible and authoritative one. This can be done by fixing the culpability of these organisations in a reasonably transparent exercise which places the issue beyond doubt. To suggest the need for a superior touchstone is not to make light of the evidence that New Delhi

has already gathered. There is a lesson to be learnt from the fact that the U.S. has felt compelled, at the height of its ongoing anti-terror war in Afghanistan, to release what it classifies as a providentially obtained video-record. This pertains to Osama bin Laden's confessions (or, celebrations) as regards his suspected role of orchestrating the terrorist offensive that traumatised America and the civilised world on September 11. Now, abhorrent as the politics of terrorism is, the world at large cannot be blamed for its sense of propriety in wishing to ensure that the terrorists are identified as such in a convincing fashion.

For New Delhi, which has notified its latest priorities to Islamabad through a demarche, a logical follow-up is to embark on a sensible diplomatic offensive. The global community has not so far been sensitised sufficiently to India's enormous concerns about the terrorist threats to its proud democratic and secular culture. India lags far behind Pakistan for the propaganda stakes (in a robust sense of the term) on the international stage. The world needs to know that the Kashmir issue, which has a definitive history peculiar to the ethos of India and Pakistan, cannot be equated with the Palestine question which, in a basic sense, is related to the political displacement of an entire civil society. Should New Delhi decide to engage the international community (inclusive of Pakistan) by giving non-polemical diplomacy a chance at this stage, the cause of meaningful restraint will be served indeed. In any case, a substantive element of strategic restraint is already inherent in the nuclear deterrence that both India and Pakistan possess. Yet, as the Vajpayee administration evaluates the strategic options before it, the people of India must not lose sight of their situational dilemma that a heightened terror-specific war with "hot pursuit" and cross border attacks carries with it the danger of turning into a fullscope war with Pakistan.

THE HINDU

INTERNAL SECURITY

Better Coordination And Intelligence Sharing Necessary

By GURMEET KANWAL

55-9 17/12
India's internal security environment has been further destabilised by the Maoist insurgency that has suddenly flared up in Nepal and the recent shenanigans of the People's War Group in Andhra Pradesh and Orissa. Naxalites of the PWG are coordinating their activities with the ultra-leftists of the Maoist Communist Centre who are active in Bihar, Jharkhand and Bengal. The PWG agitation in the Telangana area extends over several states. Both the organisations have been banned under the Prevention of Terrorism Ordinance.

Subterranean tensions have been simmering for long in the Ramnad coastal belt of Tamil Nadu, fuelled by the Liberation Tigers of Tamil Eelam. The occasional violent outbursts of the Ranvir Sena and the erstwhile Jharkhand Mukti Morcha, the latent movement for autonomy in the Gorkhaland region in northern Bengal and the increasing fundamentalist Islamist influence along Rajasthan's border with Pakistan do not augur well for internal stability.

Conflict management strategy

The long-drawn low intensity conflict (LIC) in Jammu and Kashmir shows no sign of winding down. Pakistan is continuing to wage a "proxy war" against India by providing active support to foreign mercenary terrorists despite having joined the international coalition against terrorism. Pakistan has apparently learnt no lessons from the rout of its protégé, the Taliban. In keeping with its long-term strategy to destabilise India, the Pakistan army will spare no effort to push defeated Taliban militiamen and their mercenary Arab guests into J&K to add fuel to fire.

The militancy in some of the north-eastern states is also continuing though the cease-fire with the NSCN is holding in Nagaland. The tenuous Assam peace accord has not brought the expected dividends. Bodo and ULFA militants are still waging a relentless campaign to achieve their political objectives despite the efforts of successive elected governments to reach out to them. The battle being waged against the security forces by disgruntled elements in Tripura hits the headlines with disquieting frequency. Militancy in Punjab, though dormant at present, could rear its ugly head again if the state exhibits signs of complacency. These are all pointers that India's internal security will remain in a state of flux and that foreign organisations will keep the militancy pot boiling in India.

The prevailing internal security environment demands an astute national-level conflict management strategy, comprehensive policy formulation and vigorous implementation, while simultaneously ensuring that requisite steps are initiated to address the socio-economic problems that lead people to militancy. Law and order is basically a state subject and, ideally, the

The author is a former Senior Fellow, Institute for Defence Studies and Analyses, New Delhi.

constabulary and provincial armed police of the states infested by militancy should be capable of handling all but the most vicious forms of militancy with only short-term supplementary support from the central security forces. However, Pakistan's "proxy war" and the level and intensity of the militancy in various states have led to the increasing involvement of the central government's police and para-military forces and the Indian army to

forces at the disposal of the state and central governments should be upgraded to enable them to tackle internal security problems. They must develop an army-like ethos and must raise their standards to match the army's levels of leadership, motivation and training. The CRPF is the most suitable force for reorganisation as the primary central force for counter-insurgency operations. Its leadership should be drawn through lateral induction of



bring the situation under control.

The employment of the central security forces for internal security duties and counter-insurgency operations is mostly ad hoc and diverts their attention and resources from their primary roles. Besides regular infantry battalions and other units of the army, the Rashtriya Rifles (RR), the Territorial Army and the Assam Rifles (AR), which are under the army's operational control, have been deployed for internal security duties for over a decade. Other central government CPMFs include the Border Security Force, the Central Reserve Police Force, the Indo-Tibetan Border Police, the Central Industrial Security Force and the Special Service Bureau.

Unified command

The employment of a plethora of forces inevitably results in the lack of cohesiveness and dissonance in the execution of policy. To reduce the employment of the army for internal security duties, the capability of the police and para-military

volunteers from the army, as was done when the BSF was initially raised. CRPF units should be suitably equipped with modern close quarter battle weapons and battalion-level support weapons.

For high-grade insurgency operations with foreign support, the Assam Rifles (in the north-eastern states) and the Rashtriya Rifles (in the rest of the country) should be employed. Both these forces are army led and are organised into cohesive sector-level headquarters and battalions. The regular army should not be employed for internal security and counter-insurgency duties unless it becomes absolutely unavoidable due to the presence of well-trained and well-armed foreign militants and secessionist tendencies become evident. Even then it should only be for short-duration surgical operations under the umbrella of the Armed Forces Special Power Act.

Another grey area in the management of counter-insurgency operations is the lack of cohesion between the state

9-D 5 N Leunbs
government machinery and the central security forces for the planning and conduct of operations and day-to-day coordination, including the sharing of intelligence. A Unified Command must be established at the apex level in each state mired in militancy.

It should be headed by the Chief Minister and should comprise the concerned corps commander of the army, the Chief Secretary, the Director General of Police and the senior representatives of other CPMFs involved in counter-insurgency operations, besides pooled civilian and military staff. The Unified Command should provide directional thrust for the conduct of operations as well as for waging a battle to win the hearts and minds of the estranged people as both must go hand in hand if the root cause of the insurgency is to be eliminated.

When a state is under President's rule, the Governor himself must head the Unified Command. Similarly, at the zonal and district levels, lower tiers of the Unified Command must be established. The divisional and brigade commanders of the army should head these with corresponding civilian and police representation and, in sectors where the army is not deployed, by the concerned inspector general of police. Only then will it be possible for co-ordinated operations to be launched to achieve the laid down aims.

Long term solutions

The intelligence apparatus for gaining information about the plans and movements of various militant organisations and their linkages with foreign benefactors must be streamlined. Each type of force involved in counter-insurgency operations has its own intelligence agency and is loath to share intelligence with other forces. This results in a disjointed and uncoordinated approach and increases the human and material costs of conducting successful operations.

The Unified Command must establish institutionalised intelligence gathering, analysis and dissemination structures at the directional, operational and the functional levels so as to achieve synergy in the conduct of operations. The communications system must be modernised and made compatible.

Finally, all out efforts need to be made to find political solutions to the ongoing insurgencies. It needs to be understood that there cannot be a military solution to a socio-economic problem. The army and other security forces can only achieve temporary military control over the law and order situation and facilitate a semblance of normalcy to return. Such control lasts only as long as the forces remain in situ and, even then brazen acts of violence by *fidayeen* suicide squads cannot be eliminated. The root causes of insurgencies require sensitive political handling for resolution and long-term strategies that are not based on vote bank politics.

Taking it easy

THE STATESMAN

EC 2001

ALL OPTIONS BEING CONSIDERED, SAYS ADVANI

Pak accused of attack

5/11
13/12

Statesman News Service

NEW DELHI, Dec. 16. — The government today directly accused Pakistan of engineering the attack on Parliament. Investigating agencies have credible evidence to substantiate the charge. The conspiracy was hatched in February.

Two Pakistan-based terrorists groups, Jaish-e-Mohammed and Lashkar-e-Taiyaba, had joined hands to launch the attack on orders from the ISI.

Mr LK Advani today told TV channels that the government was considering all options and that country's political and military leadership would take an "appropriate" decision on the demand for "hot pursuit", adds PTI.

In the demarche given to Pakistani high commissioner, he said, reference was made to the Lashkar and Jaish and the Centre expected that Pakistan would act against them.

The Delhi Police commissioner, Mr Ajai Raj Sharma, said the five ultras who had stormed Parliament — Mohammed, Hamza, Haider, Rana and Raja — were Pakistani nationals. The Jaish chief in India, Ghazi Baba (a Pakistani) had plotted the operation.

The revelations debunk General Pervez Musharraf's statement that there was no evidence of any

Pakistan-based group being involved in the attack.

(Meanwhile, Mohammed Afzal, Shaukat Hussain and AR Gilani, a Delhi University lecturer, were arrested yesterday in connection with the attack, adds PTI.)

Numbers mystery

Statesman News Service

NEW DELHI, Dec. 16. — While Intelligence sources say seven militants had attacked Parliament, Delhi Police is sticking to the "official" figure of five, all of whom were shot dead. Neither did police have anything to say about the "sixth terrorist", speculation about which started after ministers commented on TV about the missing militant. More 'spin' came from a Delhi official who said the attack team comprised seven ultras, but two had not entered Parliament. They were picked up for questioning later.

Ghazi Baba had told his Delhi-based coordinator, Mohammed Afzal, that the Jaish's founder chief, Maulana Masood Azhar, and Lashkar's Zaki-ur-Rehman had joined hands under the ISI's pressure and that they had been ordered by Pakistan to launch a

suicide attack in Delhi in which the Lashkar would provide all support. Afzal met Ghazi at Abu Hills, Pehalgam, in February.

"The Lashkar and Jaish were under pressure from the ISI to do 'something' and they came together for this," Mr Sharma said.

Did Pakistan have prior knowledge of the attack? "The ISI link is very, very clear," Mr Sharma said.

Mohammed Afzal, one of the two men arrested from Srinagar, was trained in PoK. He joined the JKLF in 1990 and was trained for two-and-half months at Muzaffarabad. He entered India in 1990. Mr Sharma said Afzal came to Delhi because of stepped-up anti-militancy operations in J&K.

In February, the Jaish recruited Afzal through Tariq, an associate of Ghazi Baba alias Doctor. It was then that Afzal met Ghazi at the latter's hideout in Pehalgam. Between February and December, Ghazi introduced Afzal to the Pakistani militants who stormed Parliament on Thursday.

The militants' operational base was at Mukherjee Nagar, Delhi, where Shaukat Hussain, Afzal's cousin, and his wife, Afshan alias Navjot Sandhu, were staying. Before leaving for the operation, the militants had left Rs 10 lakh for Ghazi and a laptop.

More reports on page 3



(Above) The men behind the attack: Mohammed Afzal (right), Abdul Rahman Gilani (centre, with glasses) and Shaukat Hussain (extreme left) in police custody on Sunday. (Below) Bodies of the terrorists who attacked Parliament (from left) Haider, Raja, Hamza, Mohammed (leader of the suicide squad) and Rana. — AP/PTI



Tagore heritage status

KOLKATA, Dec. 16. — The Centre and Unesco are examining the issue of conferring the status of "national heritage author" to Rabindranath Tagore. This could protect the copyright of the poet's works permanently, the Union HRD minister, Mr MM Joshi, said here today. — SNS

Naga sadhus

DEHRA DUN, Dec. 16. — Uttaranchal police have ordered a probe into reports that Naga sadhus are policing women's colleges in Haridwar to check eve-teasing. — PTI

Avoid hot pursuit: USA

Press Trust of India

WASHINGTON, Dec. 16. — The USA today virtually asked India not to attack terrorist camps across the border because that would further escalate tensions in Indo-Pak relations.

In an interview to NBC TV, the US secretary of state recognised India's legitimate right to self-defence, but said: "I think we've to be very careful on this because, if in the exercise of that right of self-defence, states are going to be at each other, it might create a much more difficult situation which could spiral out of control."

On India's threat to retaliate against Pakistan after the attack on Parliament, General Colin Powell said: "It's important to note President Musharraf immediately condemned the attacks... He's taking action against two organisations that have been tentatively identified as the ones which might have been responsible for this."

Pakistan rejects charge

Press Trust of India

ISLAMABAD, Dec. 16. — Islamabad today rejected New Delhi's charge that Pakistan-based terrorists were behind the attack on Indian Parliament and, instead, suggested a joint probe into the incident.

The Delhi police chief, Mr Ajay Raj Sharma, today said two Pakistan-based outfits — Lashkar-e-Taiyaba and Jaish-e-Muhammad — were responsible for Thursday's

suicide mission. But the Pakistani defence spokesman, Maj-Gen Rashid Qureshi, said: "India is jumping to hasty conclusions without the conducting a preliminary inquiry. It isn't proper."

He said Islamabad wanted a joint inquiry into the incident by India and Pakistan. "We would like to assist the joint inquiry into the attack. Pakistan will take firm action if anybody is found involved in the attack."

A report from New York says Pakistan has asked terrorist

groups active on its soil to keep low for the time being. There has reportedly been no order to the groups to stop their activities.

The government has asked a militant group to move its headquarters to Pakistan-occupied-Kashmir, the *New York Times* today quoted a leader of the group as having said. "But nothing was mentioned about stopping attacks on Indian outposts. All they told us to do was move our visible means of operation out of the spotlight."

'CONDUIT' HELD BY J&K POLICE

House-owner, property dealer arrested

By Devesh K. Pandey

NEW DELHI, DEC. 17. A property dealer and the owner of the house used as a hideout by the "fidayeen" (suicide) squad which carried out the December 13 attack on Parliament have been arrested by the Delhi police, along with a student staying on the third floor of the same building.

The three, arrested on Sunday night, were identified as Subhash Malhotra, the owner of A-97 in Gandhi Vihar used by the militants as a hideout; Devendra Pal Kapoor, the property dealer who helped Mohammad Afzal, the man coordinating the operations of the "fidayeen" in Delhi, to hire the accommodation; and Ram Avtar, the student. All of them have been booked under Section 188 of the Indian Penal Code.

In a related development, agency reports here claimed that the Jammu and Kashmir police had picked up Tariq, the conduit between the Jaish-e-Mohammad commander in India, Ghazi Baba, and Mohammad Afzal.

Police said Devendra Pal disclosed that Afzal introduced himself as Maqsood of Muradabad in Uttar Pradesh and that he had come to Delhi to pursue further studies. Devendra Pal took Afzal to Subhash who showed him an accommodation on the second floor of his three-storey building.

The second floor flat had earlier been rented out to Wasim Malik in March last. He vacated the house after three months. Malik's antecedents had been verified by the police.

Subhash's wife claimed that Afzal moved into the new accommodation in mid-November. But

before they could get his antecedents verified, the attack on Parliament happened.

Police sources said Afzal used the hired accommodation as a hideout for the militants. The house was also used to stock chemicals and explosives bought from Tilak Bazar in North Delhi to fabricate the bombs. Interrogation of Subhash revealed that he knew nothing about the design of the terrorists.

Subhash was arrested on the charge of not getting the identity of his tenants verified by the local police. Devendra Pal too was arrested on the same charge.

Ram Avtar, living as a tenant on the third floor of Subhash's building, was arrested for not getting his identity verified. He hails from Ajmer in Rajasthan and was preparing for the civil services examinations.

The three were today produced at the Tis Hazari Courts and were remanded to judicial custody till December 31.

The Special Cell sleuths are looking for a Jordanian student who is said to be very close to Syed Abdul Rehman Geelani, the lecturer at Zakir Hussain College arrested on Saturday for his role in the December 13 conspiracy. The student, identified as Al Kareem, had been living at Jubilee Hall on Delhi University's North Campus until recently.

In another development, the autopsy on the bodies of the five militants was conducted at the Lady Hardinge Medical College mortuary here and the bodies were handed over to the Waqf Board for burial.

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THE HINDU

18 DEC 2001

Kargil coffin trail leads right to the top of MoD

Raju Santhanam

NEW DELHI, Dec. 17. — A fresh set of documents, including copies accessed from the Texas Notary Public's office, reveals that the controversial Kargil coffins case goes beyond a mere financial scam as pointed out by the Comptroller and Auditor-General.

These documents reveal that for a full four months the Government of India had issued a letter of credit to the supplier without the requisite counter-guarantee. In a defence deal worth about Rs 6 crore the waiver of the counter-guarantee can be done only at the highest level in the ministry.

A perusal of the documents reveals that even as the Kargil war was coming to an end, M/s Buitron and Baiza of 6120 Spring Field, Texas, was in August 1999 awarded a contract valued at US \$15,05,000 to supply in the first lot, 150 aluminum caskets and 900 pieces of body bags, in the second, 200 caskets and 1,200 body bags and in the third, 150 caskets and 900 body bags.

The Defence Ministry had claimed that this fell in the category of emergency purchases. However, the staggered and extremely liberal delivery schedule allowed to the supplier nails the lie.

Emergency purchases stipulate delivery within a week. In this case, the first delivery was to take place four months after the order was placed, in December 1999, the second in February 2000, and the final lot in April 2000. By this time, the conflict was long over.

9-D&N Security
But why was such a sluggish delivery schedule accepted by the government? The only conclusion one can draw based on the documents was that it would have allowed the supplier enough time to raise funds. Who is the supplier?

According to section 7 of the contract signed by SL Bunker on behalf of the President of India and Buitron Baiza, "the seller confirms and declares that the seller is the original manufacturer of the stores referred to in this contract and has not engaged any individual or firm, whether Indian or foreign to intercede, facilitate..."

Published reports suggest that he is only a mortician who had done work in Somalia. In other words, the Defence Ministry drew up a delayed delivery schedule so that the mortician could raise funds. But that was not all.

Section 2 of the payment terms of the contract says: "The firm is required to submit one Warranty Bond for 10 per cent of the value of the contract. This Bond should be submitted within 30 days from the date of receipt of Contract Purchase Order." The contract order was signed on 2 August 1999 but the warranty bond in the form of a bank guarantee was not given within 30 days. Yet on 31 August 1999, the State Bank of India, under instructions, opened a letter of credit for US \$ 406,350.

The counter-guarantee was provided only in December. For four full months the government stood the risk of the supplier merely walking away without fulfilling the contract. Obviously the

THE STATESMAN

18 DEC 2001

PAK TROOPS MOVE CLOSE TO BORDER

Cabinet mulls military option

9-11 & 18/12

Statesman News Service & Agencies

NEW DELHI, Dec. 17. — The Cabinet Committee on Security today discussed military and diplomatic options after last Thursday's terrorist attack on Parliament.

With tensions in the Indo-Pak ties mounting — both sides have cancelled the Id-ul-Fitr leave — and Islamabad moving forces towards the border, there is increasing talk of strategic strikes on terrorist camps across the LoC, but no final decision has been made.

An Air Force officer said a considerable body of opinion within the services favoured "surgical strikes" on the camps that haven't been wound up, contrary to what is widely perceived. A senior Army officer said "pin-point information" was necessary because the camps, many of which cleared after 11 September, were very close to towns or villages.

There's a feeling that such strikes may not escalate into a full-fledged conflict, something the minister of state for external af-

5-1 18/12
fairs, Mr Omar Abdullah, too said in an interview.

Indian forces had a novel way of responding to shelling from Pakistan, an officer said. Whenever Indian positions are pounded, the forces target farmhouses of Pakistani commanders, many of which are across the Punjab border, and the shelling stops for a while.

Some officers are confident that "surgical strikes" won't lead to a war. Even if hostilities escalate, the thinking is, it'll be confined to conventional warfare.

The pros and cons of such a possibility are still being considered and there are many doubters. Even during the Kargil conflict, the Centre, despite requests, didn't allow the military to cross the LoC. There isn't just the pressure from Washington, the presence of its troops in Afghanistan is also being taken into account.

Mr Jaswant Singh today said Pakistan had amassed troops along the LoC. The Prime Minister is aware of the build-up and it was discussed by the CCS. Is India planning any tough measures? Mr Singh said Mr LK Advani would

make a statement in Parliament tomorrow.

The CCS, Mr Singh said, reviewed the progress of the probe on the Parliament House attack.

On Islamabad's plea that it wanted to be involved in the probe, the minister said he couldn't give details of the deliberations at the CCS meeting because Mr Advani would make a statement tomorrow. Among those who attended the meeting were Mr Advani, Mr George Fernandes, Mr Brajesh Mishra and officers of the services. Border action teams: Long before the debate on crossing the LoC to strike terrorist camps started, small groups from Pakistani and Indian armies have been going across and striking targets.

The Border Action Teams have been operating since the Kargil conflict. They don't exist officially and no confirmation is available though there has been a lot of talk on this, even on TV channels.

The argument for such actions is that they are aimed at throwing out intruders. Some BAT actions took place even before the Kargil conflict.

THE STATESMAN

Security beefed up at vital installations

By Lalit K. Jha

10/11
19/12

NEW DELHI, DEC. 18. Security at all major civic installations in the Capital, particularly those related to power, water, telecommunications and transport, has been reviewed and enhanced following the December 13 terrorist attack on Parliament.

J. D. & N. Sekhri
The step, within days of the shocking attack, has been taken as a precautionary measure by the bodies concerned in association with security and vigilance agencies.

This follows reliable intelligence inputs that "fidayeen" and terrorist attacks might be carried out not only at major Government buildings, residences of VIPs, and defence and security installations, but an attempt would also be made to cripple the city's basic civic infrastructure.

Prominent among these are sensitive telephone exchanges and communication towers of mobile phones; major electricity installa-

tions such as power generation unit, the grid stations and major supply lines; water treatment plants and its supply network; drainage and sewage systems; oil depots and, most importantly, the CNG and natural gas pipeline network of the Indraprastha Gas Limited, that crisscross the Capital.

Though security at these installations was beefed up after the September 11 terrorists attack in the U.S., it is again being reviewed and additional security measures provided at vital civic and infrastructural bases that constitute the lifeline of the Capital.

A special team comprising senior officials from security and intelligence agencies are visiting these complexes to assess the security level and recommend steps to be taken.

"We have further tightened the security of our complexes in the Capital," said Mr. R. P. Singh, Chairman of the Power Grid Corporation of India Limited. "Besides taking other measures, we have decided to arm the security

forces here," he added. As for the security of power generating units — already under the Central Industrial Security Force — vigilance has been intensified after their review in the past few days.

The Chief General Manager of the Mahanagar Telephone Nigam Limited, Mr. K.H. Khan, said a number of sensitive communication installations have been identified and security enhanced at all such places. Though he did not elaborate, Mr. Khan said: "Alternative arrangements have also been taken to keep Delhi's communication system functional in the event of some untoward incident."

Following instructions from the security and intelligence agencies, the Delhi Jal Board fearing that its water plant can be a potential target of bio-chemical attack has increased the number of water tests being carried out. It has also further tightened security around these plants. Vigilance has also been stepped up along the major water and sewage distribution networks.

THE HINDU

18 DEC 19

WEDNESDAY, DECEMBER 19, 2001 ✓

STEPPING UP INTERNATIONAL PRESSURE ON PAKISTAN

HD-10
19/12

INDIA'S MORAL AUTHORITY to prepare for prudent action against the terrorist threats to its democratic and secular polity should not be put to risk by rhetoric of the kind that the Union Home Minister, Mr. L. K. Advani, resorted to in the Lok Sabha on Tuesday. The Vajpayee administration must rein in its deep sense of anger so that India's genuine interests can be promoted with the required finesse in the tricky international arena. The country's intelligence agencies and investigative authorities seem to have already achieved a significant breakthrough in tracing a politically-motivated terrorist attack, which was bravely aborted outside Parliament House in New Delhi on December 13, to the Jaish-e-Mohammad and the Lashkar-e-Taiba, which freely operate with impunity from Pakistani territory. Required as an immediate follow-up is a well conceived blueprint of diplomacy that can also be backed by a reasonably fool-proof case against the Pakistan-encouraged terrorist organisations. Instead, Mr. Advani is setting out the nation's priorities in a bellicose fashion that does little justice to the sophistication and maturity of the political attitudes of the Indian people. This is not the time for any cliché-driven political sabre-rattling against the genesis of Pakistan as a "theocratic" state and, that too, in the bygone context of an "indefensible" two-nation theory.

S. D. J. M. ...
India's present crisis can and must be overcome with the pragmatic recognition that discretion is the better part of valour. The prime issue is not whether Pakistan can be bravely engaged in a military conflict despite the transparent nuclear deterrence that the two possess. If India cannot realistically consider launching overt military strikes against the terrorist networks inside Pakistan, the reason is weighty. It has much to do with not only the avoidable risk of an escalatory war but also the usual practices of organised terrorist groups to shift their operational bases to ward off strikes. More relevant to India's new dilemmas is

the reality that Islamabad has already come under the gaze of the global community on account of America's virtual demand that Pakistan's intelligence sleuths should not provide a safe passage or haven for Osama bin Laden and the Taliban leader, Mullah Omar, now classified as fugitives from Afghanistan. There are also reports of American pressure on Islamabad to contain the activities of Jaish-e-Mohammed and Lashkar-e-Taiba.

It is in this overall context that India should now explore taking the terrorism issue to the United Nations Security Council. The pith and substance of any such case must pertain exclusively to the solid evidence related to the foiled attack on Parliament House in New Delhi. Under Resolution 1373 that the Security Council passed last September, all the U.N. members are mandated to thwart every form of terrorism regardless of the motivations at work. The resolution was adopted under the U.N. Charter's Chapter 7 which explicitly provides for enforcement measures such as economic sanctions or military force. In contrast, the old U.N. resolutions on Kashmir are not enforceable in a mandatory sweep, as the Secretary-General recently noted in a different context. Minimal, therefore, is the attendant risk of India now opening a proverbial Pandora's Box as regards those Kashmir resolutions. More importantly, it is not at all beyond India's diplomatic ingenuity to drive home the historical dissimilarities between the latest issue of terrorism and the old Kashmir-related complaint as it was first presented by New Delhi itself before the U.N. So, the creative option of a possible U.N. remedy can encourage New Delhi on a related plane as well, as it seeks to deal with the latest U.S. suggestion that India share its evidence with Pakistan and launch a joint offensive against terrorism. India's historical activism in multilateral fora on every globalised aspect of peace and disarmament is the best guarantee of the country's credibility in internationalising the terrorism issue.

THE HINDU

19 DEC 2001

Star shoots down rifle slur

FROM OUR SPECIAL
CORRESPONDENT

Mumbai, Dec. 18: Film star Sunjay Dutt, accused in the 1993 bomb blasts case, today called into question the CBI charges against him, denying he had ever possessed an AK-56 rifle.

Appearing before a Tada court, Sunjay said he was in no way involved in any conspiracy to set off the blasts that had killed more than 300 people in the commercial capital.

Sunjay said he had never had an assault rifle and denied the charges the CBI had pressed against him seven years after the serial blasts that followed the post-Babri Masjid demolition riots in the city.

The CBI, which had accused the actor of possessing the assault rifle, had said he had got the gun taken away and destroyed to escape police detection. Sunjay appeared before designated Tada judge P.D. Kode to respond to the CBI allegations with lawyers Satish Maneshinde, Rajendra Singh and Farhana Shah.

Sunjay denied film producer Samir Hingora and Ibrahim Moosa Chavan had come to his house in a car laden with arms and ammunition just before the blasts. His lawyers questioned the confession police constable Pandharinath Shinde had made in this regard.

The CBI claimed Hingora had given the AK-56 rifle to Sunjay. Hingora and his associate Hanif Khadawala had told the police about the gun in Sunjay's house after they were arrested.

The CBI alleged the actor, who was in Mauritius during the blasts, had asked his friends on phone to destroy the gun.

Sunjay's lawyers also questioned the confessional statement police claimed the actor had made after his arrest. They said he had not made any voluntary disclosure to the two police officers, as claimed by the CBI.

The defence lawyers said Sunjay was "terribly fright-



A policeman frisks Sunjay Dutt outside the Tada court in Mumbai. (Reuters)

ened" after he saw "third-degree methods" that the police had used to extract confessional statements from the other accused in the case.

The CBI had said Sunjay

had "voluntarily" confessed to accepting the AK-56 rifle, a 9mm pistol and ammunition.

The agency produced a coil spring and an iron rod as evidence that Sunjay had destroyed

the rifle with the help of his friend in a foundry.

The lawyers, however dismissed the evidence, saying the items were not parts of the rifle.

'WE ARE UNITED IN STAMPING OUT TERRORISM'

Attack aimed at wiping out top leadership: Advani

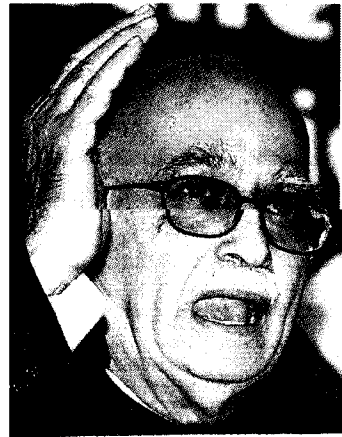
By Our Special Correspondent

NEW DELHI, DEC. 18. Asserting that the December 13 terrorist attack on Parliament was aimed at wiping out the "entire political leadership of India," the Union Home Minister, Mr. L. K. Advani, today blamed the Pakistan-based terrorist outfits, which are "known to derive their support and sustenance from Pakistan's Inter-Services Intelligence," for the incident.

Government proposed to respond to it. Mr. Advani described the attack as "undoubtedly the most audacious" and "the most alarming act of terrorism in the nearly two-decade-long history of Pakistan-sponsored terrorism in India."

The attack had led the parliamentarians and the people "to ponder why the terrorists and their backers tried to raise their stakes so high, particularly when Pakistan was claiming to be a part of the international coalition against terrorism."

"The only answer that satisfactorily addresses this query is that Pakistan, itself a product of the indefensible two-nation theory, itself a theocratic state with an extremely tenuous tradition of democracy, is unable to reconcile it-



self to the reality of a secular, democratic, self-confident and steadily progressing India, whose standing in the international com-

munity is getting inexorably higher with the passage of time," Mr. Advani said. Towards the end of his 10-paragraph statement, Mr. Advani briefly referred to the Vajpayee Government's proposed response to the attack, saying the supreme sacrifice made by the security personnel would not be allowed to go in vain. "Those behind the attack on the Parliament House should know that the Indian people are united and determined to stamp out terrorism from the country."

Recalling the hijacking of the IC-814 Indian Airlines flight to Kandahar in 1999, the terrorist attack in the Red Fort and the attack on the Jammu and Kashmir Legislative Assembly in Srinagar in October this year, Mr. Advani said all these incidents were masterminded and executed by militant outfits at the behest of the ISI. "The Lashkar-e-Taiba and the Jaish-e-Mohammad, in particular, have been in the forefront of organising terrorist violence in our country."

A similar statement was read out in the Rajya Sabha by the External Affairs Minister and Leader of the House, Mr. Jaswant Singh. The two Houses witnessed a lively debate which will continue tomorrow. The Prime Minister is likely to intervene in the Lok Sabha tomorrow.

PM rejects call for joint probe

By Our Special Correspondent

NEW DELHI, DEC. 18. The Prime Minister, Mr. Atal Behari Vajpayee, today crossed out the suggestion by Pakistan to initiate a joint probe into the December 13 attack on Parliament House while stating that punishment would match the dastardly terrorist strike.

Indicating this, Mr. Vajpayee told the BJP Parliamentary Party meeting that Pakistan's association was not possible since those responsible for the terrorist strike had links with the Inter-Services Intelligence there.

The Prime Minister told party MPs that the Government had sent documents pertaining to the attack and demanded Islamabad take action based on the evidence furnished by New Delhi, the BJP spokesman, Mr. V.K. Malhotra, told correspondents after the



meeting which was chaired by the Prime Minister.

Terminating the accusation by Pakistan that Indian agencies could have been behind the attack as baseless, he said, it was an attempt by Islamabad "to cover up its sins". The suggestion from the U.S. that India exercise restraint found apparent reference when Mr. Vajpayee observed that "we have been maintaining our cool

and they should now tell us what action we should take".

The Prime Minister said he had begun discussions with partners of the National Democratic Alliance on the issue and would have consultations with the Opposition. A meeting with the Leader of the Opposition in the Rajya Sabha, Dr. Manmohan Singh, yesterday was part of this exercise.

Aware of the intensity of feelings among the party members who had been suggesting that the Government take steps to bust terrorist training camps across the LoC, Mr. Vajpayee said while their feelings were understandable, they should leave it to the Government to take a decision. Even those who were earlier critical of India's action against militants had begun seeing reality after the December 13 attack, he said.

Advani's statement is inflammatory: Islamabad

By B. Muralidhar Reddy

ISLAMABAD, DEC. 18. Pakistan tonight accused India of trying to implicate it in the attack on Parliament and said that any action across the Line of Control could have "grave repercussions for the region".

In a statement, the Pakistan Foreign Office called upon India to adopt a responsible approach and end its "unreasonable rhetoric." It said the Pakistan Government had noted with deep concern the "inflammatory statement" made by the Union Home Minister, Mr. L. K. Advani, in Parliament today. "The Government of Pakistan rejects India's desperate effort to involve Pakistan in the December 13 attack as well as the provocative and self-serving statements emanating from New Delhi. We would like to remind the Indian Government that the attack had been condemned by the Government of Pakistan," it said.

Pakistan had asked India to furnish credible evidence and offered to take action against any individual or organisation found involved in the attack. It had also publicly offered joint investigation to the attack, but New Delhi has not responded to the offer, the statement said.

"The Indian effort to raise tensions through irresponsible and threatening statements despite Pakistan's announcement of cooperation with the inquiry in to the incident, exposes India's real intentions. India is as usual, seeking to be the accuser, the prosecutor

and the judge. This is contrary to all norms of international law and inter-state conduct and is unacceptable", it said.

A senior official in the Foreign Office said the Government was pleased with the position taken by the Bush administration. "India should heed the counsel of Washington and share all the evidence it has with us. We cannot be expected to act merely on the basis of allegations".

'Take evidence to U.N.'

Meanwhile, the Pakistan Foreign Minister, Mr. Abdul Sattar, has rejected the charges made by Mr. Advani, holding the two Pakistan-based organisations, Jaish-e-Mohammad and Lashkar-e-Taiba, responsible for the Parliament attack. In a brief appearance on the state-run Pakistan Television (PTV) today, Mr. Sattar said "the accusation lacked any credibility whatsoever".

"If India has the courage of its conviction and if it believes that its allegations are right, it should take the matter to the Security Council of the United Nations for impartial determination, instead of making prejudiced and biased allegations in order to defame the freedom struggle in Kashmir as terrorism," he said. He, however, refrained from attributing any motive to the attack on Parliament.

Besides Mr. Sattar's interview, the PTV, during its evening news bulletin, repeated a similar interview given by the Pakistan President, Gen. Pervez Musharraf, two days ago.

U.S. asks Pak. to control terrorist activities

WASHINGTON, DEC. 18. The United States has asserted that India has the right to self-defence and asked Pakistan to control terrorist activities in the country.

"India has a legitimate right to self-defence," the White House spokesman, Mr. Ari Fleischer, said. Asked if India could attack training camps in Pakistan, using a variant of the Bush doctrine, Mr. Fleischer said the U.S. President, Mr. George Bush, had urged both sides "to share information, work with each other, and take no action that would in any way hinder the war against terrorism, to which both India and Pakistan have committed themselves."

"The President counsels that this is a very difficult situation in the region and one that could spiral out of control," Mr. Fleischer said on Monday.

Reaffirming help in the investigation into the attack on the Parliament House, Mr. Fleischer said, "The Indians have arrested two individuals suspected in the attack, and the investigation is ongoing, being conducted by the Indian Government to bring to justice all those who were responsible for this. The U.S. has offered its assistance to India and that offer stands ready."

Meanwhile, the U.S. State Department has asked Pakistan to "address terrorist activities within their borders, especially the activities of militant groups." "Pakistan needs to be concerned about the activities of militant groups within its border and needs to take appropriate action on its part," the spokesman, Mr. Richard Boucher, said. — PTI

Pak. markings on weapons

By Pranab Dhar Samanta

NEW DELHI, DEC. 18. Investigators have discovered that the marking "Wah Nobel" on electric detonators recovered from terrorists who attacked the Parliament House here on December 13 were those of the Pakistan-based Wah Nobel Group of Companies.

A collaboration between the Saab company of Sweden and the Pakistan Ordnance Factories, the Wah Nobel Group of companies was founded in 1962. It is located on GT Road in Wah Cantonment in the Punjab province of Pakistan and specialises in "a wide range of commercial explosives, accessories and chemicals".

According to information available on its website, the company identifies its "core expertise" in the area of "traditional powder and dynamite explosives". However, it provides a range of choices in both categories of electric and non-electric detonators.

Informed sources say that since the electric detonators recovered from the terrorists had a delay mechanism, they probably belonged to Wah Nobel's family of milli-second and half-second delay detonators used commercially for bench blasting and tunnelling.

It is understood that Wah Nobel, while being a project initiated by the Pakistan Ordnance Factories, has a profile of products with both military and commercial use. Thus, despite taking orders from Pakistan's military estab-

lishment, Wah Nobel's products are widely used for mining, construction and ore extraction, among others.

According to the company's website, Wah Nobel has a broad profile starting from manufacturing explosives and accessories like detonators to industrial chemicals like fertilisers, dyes, lacquer and other related products. The company also claims to have obtained ISO-14001 and ISO-9002 certifications.

As investigators were gradually homing in on the countries from where the weapons, ammunition and explosives carried by the terrorists on December 13 originated, an intriguing profile was beginning to take shape.

Star-struck?

By Gaurav Vivek Bhatnagar

NEW DELHI, DEC. 18. Apart from having a weakness for good food — they are said to have devoured food worth about Rs 1,000 at the famous Karim's restaurant in the Walled City of Delhi on the eve of the December 13 attack on Parlia-

ment, the terrorists were also involved in the suicide mission also appear to have been "starry-eyed". Investigations so far have thrown light on some interesting aspects of the militants' lives. The recovery of a piece of paper bearing the name and address of a leading Bollywood actress, Ms. Preity Zinta, in the shirt pocket of one of the slain terrorists, Hamza, has baffled the investigators.

The police are trying to establish if it was a case of a simple "fan following" which made Hamza carry the name and address of the talented actress, or whether the militants had some other designs.

Likewise, a "love letter" was recovered from the Ambassador car in which the militants had driven into the Parliament House.

To start with, there were Austrian grenades, Chinese pistols, Pakistani detonators and AK-47s with Urdu markings on them. However, the chemicals — ammonium nitrate, sulphur and aluminium powder — used to make the explosives, wires, a remote bell to complete the circuit and an alarm clock as a timer, were procured here.

This, sources said, indicated that the militants wanted to restrict their supplies from outside to essentials which could not be procured or easily substituted in India.

Apart from these improvisations, investigators have found that the fuel tank of the white Ambassador car used by the militants was almost full. Like aluminium powder which was used to raise the temperature, sources said, the full tank of fuel would have only enhanced the impact of the blast.

'No back-up team of terrorists'

By Our Staff Reporter

NEW DELHI, DEC. 18. Despite the recovery of a huge quantity of explosives from the hideouts of terrorists involved in the December 13 attack on Parliament House, the Delhi police today asserted that "the module has been completely busted" and there are no more members of the group on the loose in the Capital.

The recovery of 30 kg of ammonium nitrate, two kg of sulphur and four kg of silver powder — besides seven detonators and half a bucket of prepared explosives subsequent to the attack — had given rise to suspicions that there was a back-up team for carrying out more strikes. But the Deputy Commissioner of Police (Special Cell), Mr. Ashok Chand, today said the group had been neutralised. He claimed that no fresh arrests were made and neither were there any raids.

As the police arrested six persons in connection with the attack, verification of the details pertaining to purchase of explosives, the car and mobile phones used by them is under way.

Since the group leader, Mohammad, is also suspected to be one of the hijackers of the Indian Airlines IC-814 flight, which was taken to Kandahar in December 1999, the Central Bureau of Investigation has joined the investigation for identifying the bodies of the slain terrorists.

So far, the investigating agencies have relied on the statements of Mohammad Afzal, Shaukat Hussain and Syed Abdul Rehman Geelani for identifying the dead militants. According to them, the deceased

include Mohammad alias Burger, Raja, Rana, Ahmed and Hamza.

Efforts are on to establish if Ghazi Baba was one of the men involved in the sensational IA hijacking. Ghazi Baba, along with Tariq, continues to be on the "most wanted" list of the investigating agencies.

'Clean chit' to Jordanian student

The special cell today also gave a "clean chit" to a Jordanian student, Mr. Al Kareem, who after completing his M.Sc. in physics from the Aligarh Muslim University had enrolled for a Ph.D at the Delhi University and was friendly with Geelani. "Investigations do not reveal his involvement in the case," Mr. Chand affirmed.

While police have not found any links between the Al-Qaeda outfit of Osama bin Laden and the terrorists involved in the attack, the Delhi Police Commissioner, Mr. Ajai Raj Sharma, said that all the slain terrorists were Pakistani nationals and that the photograph of one of them matched with one of the IC-814 hijackers. Efforts were under way to locate their addresses in Pakistan.

Injured policeman dies

PTI reports: The Delhi police head constable, Mr. Bijender Singh, who was injured in the December 13 attack on Parliament, died today, police sources said. With his death, the toll in the incident has gone up to 14, including the five terrorists.

Both the Houses observed a minute's silence as a mark of respect to the departed soul.

More reports on Page 11

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TAMIL NADU / DMK WARNS OF AGITATION

India recalls envoy to Pakistan • Samjhauta Express, bus service to Lahore discontinued from Jan 1

NO SAMJHAUTA

Udayan Nambodiri
New Delhi, December 21

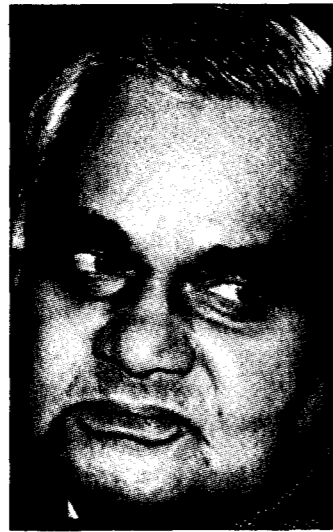
IN AN unprecedented move, India today announced the recall of its High Commissioner in Islamabad to protest the latter's failure to act against organisations involved in the December 13 attack on the Indian Parliament.

Rail and bus services between the two countries too have been called off with effect from New Year's Day.

An MEA spokesperson said the decision had been prompted by the "complete lack of concern on Pakistan's part and its continued promotion of cross-border terrorism". She recalled that Foreign Secretary Chokila Iyer had summoned the Pakistani envoy on December 14, a day after the attack, and issued a demarche outlining India's demands for action against specified terrorist groups.

"We have seen no attempts on Pakistan's part to take action", she said. The last Samjhauta Express and the Delhi-Lahore bus would cross the international border on December 31. "The extended time is being given to let citizens of the two countries, who have travelled recently, use these services to return home," she added.

Sources said Islamabad would also be asked to downsize its diplomatic presence in India. A list of 67 of the 125 officials attached to the Pakistani High Commission in Delhi has been



ATAL BIHARI VAJPAYEE



PERVEZ MUSHARRAF

ISLAMABAD WON'T RECALL ENVOY

IN A SURPRISE deviation from its habitual tit-for-tat line, Pakistan announced on Friday that it would not call back its High Commissioner in Delhi in response to the Indian move. It was more important to keep all channels of communication open, it said.

A statement released after a long meeting presided over by Foreign Minister Abdul Sattar

said: "Pakistan does not intend to respond in kind." Foreign Office sources in Islamabad told *Hindustan Times* that the decision not to withdraw Pakistan's envoy from Delhi was taken after Sattar had spoken to President Musharraf, currently in China on a state visit, about New Delhi's "extreme step".

HTC, Islamabad

drawn up by India for withdrawal of diplomatic privileges. This is expected to take effect after Deputy Chief of Mission Jalil

Abbas Jilani is summoned by the Foreign Secretary.

In strictly legal terms, the Indian step amounts to "scaling

down" its diplomatic presence in Pakistan. A step like this, taken with China in 1962 and Fiji in 1983, is meant essentially to convey displeasure and lack of intention to deal with a country at full-fledged sovereign level.

Pakistan, which has fought three full-blown wars with India apart from the 1999 Kargil conflict, has not been subjected to this kind of treatment before.

The measures were decided earlier today at a meeting of the Cabinet Committee on Security. Significantly, only political personalities were present, with the three service chiefs and the foreign secretary kept out of the meeting.

With High Commissioner Vijay Nambiar's recall, the Indian mission in Islamabad will be headed by his number two, Sudhir Vyas. Sources said some more decisions towards further reduction of the High Commission's staff strength would be announced in the next few days.

Coming in less than 24 hours after US President George Bush's statement on the Lashkar-e-Tayyeba, the step is seen in diplomatic circles here as a demonstration of Indian frustration at US "double standards". Though Bush listed the LeT for financial crippling, his statements glossing over General Pervez Musharraf's blatant backing of terrorism has upset India's political leadership.

Related reports on Page 9

HT EXCLUSIVE

'Pak had to pay the price'

Swati Chaturvedi
New Delhi, December 21

"PAKISTAN HAD reached the point of no return with its latest attack on democracy. We had to take action, which we have done. I want to make it clear that there are no hawks or doves in the Government. We are all one. Especially this constant refrain of differences between Atalji and me. It's simply not true," Union Home Minister LK Advani told *Hindustan Times* in an interview after the Cabinet Committee on Security (CCS) decided to break off diplomatic ties with Pakistan.

Advani made it clear that it was not a hurried step. "We said all options were open and we weighed the situation, took public perception into account and then took the decision after the CCS was briefed by the Army chief and our intelligence agencies. The meeting this morning lasted for nearly two-and-a-half hours and all members were unanimous that Pakistan had to pay the price," he said.

The Home Minister was scathing about US President



L.K. ADVANI

George Bush' statement that the Lashkar-e-Tayyeba was detrimental to both India and Pakistan. "I am astonished by this statement. It shows a complete lack of understanding. After all the LeT is a Pakistani group operating from Pakistan. So, where is the question of Pakistan paying a price for the LeT. I have always said, and following the recent events my conviction has got firmer, that we have to fight terrorism alone. So the decision we have taken today is a reflection of this" he said.

It is clear, Advani is now playing the main role in India's

diplomatic offensive against Pakistan. He will go to the US between the 8th and 15th next month and is likely to meet Bush and brief him on Pakistan's role in sponsoring terror from across the border. "I will obviously communicate our position and the detailed evidence we have which leaves no doubt that Pakistan is a terrorist state," he said. The Prime Minister asked the BJP MPs who had dinner with US Ambassador Robert Blackwill last night if they had got a briefing from Advani. The PM told them that they should make sure that they get a detailed brief from Advani.

Asked about the US demand for evidence, Advani said: "In many meetings with their Ambassador, even with Colin Powell, I have made it very clear that while we understand your compulsions within the Government it is very hard for our people, who see Pakistan as the main sponsor of terror, to understand how it has joined the fight against terror. There is a terrible dichotomy there," he said.

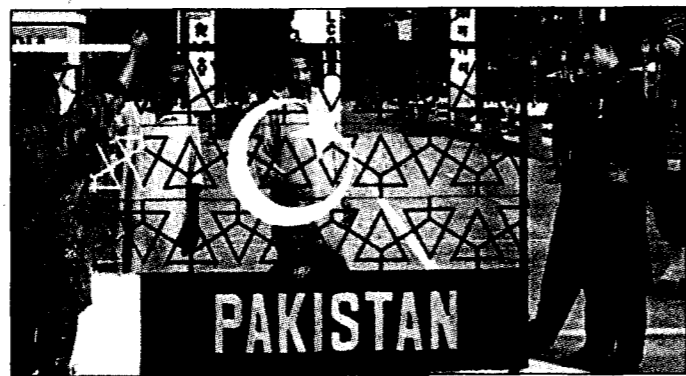
Retribution, but in gradual steps

Brahma Chellaney
New Delhi, December 21

FIRING THE first warning shots, India has unveiled a graduated response to the terrorist assault on the seat of its democracy. The response entails step-by-step movement up the retribution ladder to compel the Pakistan military to begin disbanding the various terror groups it runs in the name of Kashmir and jihad.

India's first actions amount to nothing more than a slap on the Pakistani wrist, but the signal they send out internationally is unmistakable: New Delhi means business. They convey that India cannot have normal relations with a terrorist state. More actions will follow unless the Musharraf regime begins to disband state-run terrorism.

India has delivered a clear message each to Pakistan, its chief patron China, and the United States. The timing is also significant as Musharraf is in Bei-



GATES HALF-SHUT: The Indo-Pak border at Wagah.

jing and President Bush has named as a terrorist organisation the most powerful of the ISI-run groups exporting terror.

The message to the beleaguered Musharraf, already under pressure on the western flank, is that India has had enough and will henceforth make Pakistan pay for its terror export.

A further downgrading of

diplomatic relations is likely. The arrested DU lecturer's confessed links with the Pakistan High Commission underscore the latter's role as an ISI nest.

The message to China, which has been propping up the Musharraf regime with critical economic aid, is that it has an obligation to moderate the behaviour of client Pakistan.

New Delhi waited patiently for Bush to reveal his action against Pakistan, but what he disclosed was a welcome but symbolic action against the Lashkar-e-Tayyeba, the ISI-controlled group that the White House disingenuously portrayed as a "stateless sponsor of terrorism".

Given that the US has provided Pakistan \$50 million worth of military components since September 11, not to fight terrorism but to upgrade its defence preparedness, Delhi's message to Bush is that it will fight the "decisive phase" of its battle against terrorism largely on its own.

India's graduated approach, through a measured exercise of options, seeks to penalise Pakistan not through immediate application of force, but by non-military retribution in the form of gradual, modulated steps. If these steps fail to achieve the desired results, the Indian military has been asked to prepare to inflict a calibrated response.

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Army waits & watches

FROM OUR SPECIAL
CORRESPONDENT

New Delhi, Dec. 19: Indian army chief General S. Padmanabhan today said he was not deploying forces to match the reported massing of troops by Pakistan along the border and the Line of Control.

"We are watching everything across the border with a great deal of interest and will round off our knowledge-base accordingly. Certain forces, which should have gone back, have not gone back," he said.

In October, Pakistan deployed troops, including armoured units, ostensibly for exercises. Since then, the directors-general of military operations have talked but in more than a month since the alarm was raised, Indian intelligence intercepts have not shown signs of a pullback.

But Pakistan this afternoon denied it was massing troops.

The Indian army's presence in Jammu and Kashmir is considerably high even otherwise and it is unlikely that reinforcements will be called for easily.

General Padmanabhan said the army was continuing with its plans as usual and was not altering its schedule of exercises. Both Indian and Pakistani armies hold exercises annually around this time of the year. Another Indian army exercise, a part of the annual routine, say official sources, is likely in Rajasthan next week.

"We have a very clear idea of where we are going, what we are doing. We are not a flappy army. Our plans are perfectly laid out. We are not going to make rapid changes in our plans. The Indian army will not be stamped into

anything. We know our strengths and we know our objectives," the army chief said.

His reaction to persistent demands from hawks to strike across the LoC: "Even if I was going to do that, I was not going to tell you. In any case, it is a political decision."

Defence sources said forces were not being mobilised because of the tension on the border. However, some officers had been asked not to go on leave.

Pak troop build-up

Indian military intelligence sources have recorded the movements of the Pakistani army along with armour over the past three to four days.

At the Shakargarh bulge in the Chenab-Jhelum corridor in the northern sector, holding formations of the 30 Corps and 4 Corps have moved close to the LoC.

The 30 Corps is normally based at Gujranwala and the 4 Corps at Lahore.

In the western sector, 4 infantry brigades of the 31 Corps have moved opposite the Punjab-Rajasthan border in the semi-desert area. The 31 Corps is normally based at Bahawalpur.

Four more infantry brigades of the 5 Corps, usually based in Karachi, have moved from peacetime locations to positions opposite Jodhpur Jaisalmer.

The infantry units have moved with a complement of armour. But the armour (tanks) are not on the border but close to it. According to military intelligence sources, the Pakistani army is taking "aggressive defensive" positions. "We have taken precautionary steps," the sources said.



Padmanabhan
(AFP)

THE TELEGRAPH

20 DEC 2001

Atal raises House pitch

J. D. & N. C. S. 20/12

HFI

20/12

HT Correspondent
New Delhi, December 19

PRIME MINISTER Atal Bihari Vajpayee assured the nation today that his Government had kept all options open in its fight against Pakistan-sponsored terrorism, but added that efforts should be made to "avert a war". A response to the attack on Parliament House would come after "due consideration" and after "all options other than war are explored and evaluated," he said.

Intervening in the debate on the Government's statement on the December 13 terrorist attack, the PM told both Houses of Parliament that India had maintained utmost restraint but things had reached their limits.

He said India was trying to explain Pakistan's involvement in the attack through diplomacy. "Terrorism can not be acceptable in any shape. The whole world will have to unite to fight it," he added. He turned down Pakistan's suggestion for a joint probe into the December 13 attack.

The PM said some "friends" were still advising restraint but his reply to it was: he wasn't commanding an Army but was the leader of a vast nation, and could not ignore the feelings of 100 crore people.

He said when President Bush called him up after the Parliament House attack, he had clearly conveyed it to the US President that the terrorists who had tried to storm the Indian Parliament had done it at the behest of Pakistan. "We are for an international coalition. After Afghanistan, the problem must be dealt with in India," he said.

There could be no different yardsticks or tests to determine what constituted terrorist activ-

ity. The menace would have to be seen in its totality. First, it was the J&K Assembly where the terrorists wanted to decimate the entire leadership and even looked for Dr Farooq Abdullah. The December 13 attack too conformed to a "well-planned conspiracy." The gang, which carried it out was not alone; there was "somebody" behind it. The Government's response would follow a process of all possible experiments and consultation, he added.

India always wanted good ties with its neighbours and had taken several steps that were appreciated by all. There was, however, no matching response. After his Lahore initiative, he had penned a poem, Vajpayee recalled, saying "There won't be any war now." But the gesture found a cynical response in the Kargil war.

Vajpayee said when he talked about the possible attack on Parliament House at a Mumbai public meeting, he was merely referring to the report of a committee which had identified all spots vulnerable to terrorist attacks.

On December 13, he had been held back at his residence by an MP who insisted on being heard out. It was then that he received a call from Sonia Gandhi, asking about his welfare, the PM recalled. Where the Leader of the Opposition was concerned about the PM's well-being, there could be no threat to the Republic, he said.

Despite India's earlier rejection, Islamabad once more requested Delhi today to agree to a joint investigation on the raid on Parliament.

India prepared but will not take hasty action, says Army chief, Page 9



MPs greet Prime Minister Atal Bihari Vajpayee with a traditional turban at a function shortly after his speech in Parliament on Wednesday.

AP PHOTO

THE HINDUSTAN TIMES

20 DEC 1998

Military phone lines blocked



Dec. 20. — As part of the security measures following the attack on Parliament, telephone numbers of some armed forces officers have been "cordoned off" from the rest of the exchanges.

This is the first time since the Kargil war that this has been done. Military lines were last blocked in 1999 for a few months.

Senior Army officers today said their telephones on the "337" level were "cordoned off" about two days ago.

Now, "outsiders" cannot call Army officers on "337" telephone exchange numbers unless they are themselves from the same level, an officer said. The Army officers can call anyone they like from their 337 telephones. The blocking is part of some

"modification" going on, an Army officer said.

If someone tries, a pre-recorded voice informs the caller that the telephone number has been changed and asks them to dial "3016889" for further inquiries. The 3016889 number takes callers to the Army Headquarter's military trunk exchange. It is at Sena Bhavan, near South Block.

MTNL's chief general manager, Delhi, Mr KH Khan, said: "We have not blocked any lines." However, he would not say if the defence forces had blocked the lines. "I cannot comment on that," he said.

Most senior Army officers have two telephones in office. One of them is the "301" exchange line that comes through personal staff and a direct "337" line that is picked up directly by the officer concerned.

An officer suggested it was possible that the "337" exchange lines are being kept clear for serious military work if there is a crisis in the near future.

Delhi digs in for diplomatic long haul

■ US wants evidence, Delhi aware of Washington's balancing act

EXPRESS NEWS SERVICE
NEW DELHI, DEC 20

THE United States demand for "evidence" linking Pakistan-based terrorist organisations to the December 13 attack on Parliament gives a taste of the difficulties in store for the Government's diplomatic efforts to smoothe out the Lashkar-e-Toiba and the Jaish-e-Mohammed.

Although Prime Minister Atal Behari Vajpayee had warned Parliament yesterday that there were "hurdles" ahead, US State Department spokesman Richard Boucher's statement seems to have caught

the Government off guard. The Foreign Office spokesperson gave an evasive response to the demand for "evidence", simply saying that while India would not share evidence with Pakistan, it was doing so with the US, United Kingdom and other "friends".



Official sources admitted they were perplexed by the statement from Washington today. They pointed out that India's demarche to Pakistan to take action against the Lashkar and Jaish was an outcome of an internationally recognised fact that these are terrorist organisations. India had simply asked for their offices to be closed, their leaders to be arrested and their finances to be frozen. This was legitimate action against groups that indulge in terrorism, it was pointed out.

In fact, UK High Commissioner to India, Rob Young, admitted to correspondents today

EXPRESS NEWS SERVICE
NEW DELHI, DECEMBER 20

INDIA today ruled out a dialogue with Pakistan on the sidelines of the SAARC summit next month. But Prime Minister Atal Behari Vajpayee said he would take part in the SAARC summit along with Pakistan President Pervez Musharraf and other regional leaders in Kathmandu. Vajpayee told the outgoing SAARC Secretary General Nihal Rodrigues that he is "greatly looking forward to" being at the SAARC summit on January 4.

This will ensure a meeting between Vajpayee and Musharraf in Kathmandu but the MEA spokesperson said the climate for dialogue is not "propitious". She said the situation after the Parliament attack by Pakistan-based terrorist outfits Jaish-e-Mohammad and Lashkar-e-Toiba and Pakistan's reluctance to take action against them "do not create a climate for dialogue".

Meanwhile, in Islamabad, Pakistan has also made it clear that it will not be requesting India for a bilateral dialogue on the SAARC sidelines. "Though we are willing to resume the dialogue, we will not request the Indian Prime Minister for a meeting with President Pervez

CONTINUED ON PAGE 2

CONTINUED ON PAGE 2

Terrorists wanted to take MPs hostage, targeted embassies too

By Our Staff Reporter

NEW DELHI, DEC. 20. The "fidayeen" (suicide) squad involved in the December 13 attack on Parliament had also identified high-profile embassies in the Chanakyapuri diplomatic enclave, the Delhi airport and the Delhi State Assembly as possible targets, it was revealed here today.

The "squad leader", Mohammad, came to Delhi in mid-October and conducted a recce of the Delhi Assembly and the embassies located in Chanakyapuri here. In the raids conducted on the terrorist hideouts after the attack, police recovered a sketch map of the Chanakyapuri area, police said. The prime accused in the attack on the Parliament House, Mohammad Afzal, now in police custody, told the media today that the plan to attack Parliament was finalised about 45 days ago at a meeting held by Ghazi Baba, supreme commander of Jaish-e-Mohammad in India, and the task was entrusted to Mohammad.

Afzal said the "fidayeen" plan

was to storm Parliament and take as many leaders as possible as hostage and then place their demands before the Government. This was why they carried dry fruits. Ghazi Baba, according to Afzal, was of the view that a decade of militancy in Jammu and Kashmir had not yielded results and it was necessary to hit the "heart of the Indian establishment".

Afzal told the media that on the fateful day Mohammad contacted him twice, around 10.40 a.m. and 10 minutes later for information about the presence and movement of politicians inside Parliament. However, Afzal was not able to furnish any information due to a power breakdown in his hideout. Mohammad then made a third call rebuking Afzal for not being "able to do such a small job". When power was restored and Afzal switched on the television, the attack had already begun.

Referring to the hijacking of an Indian Airlines flight to Kandahar two years ago, Afzal said that Mohammad was involved. Two days before the attack on Parliament,

Mohammad had told Afzal that he was inside the hijacked plane at Kandahar along with Ibrahim, brother of Maulana Masood Azhar, Jaish-e-Mohammad chief.

As for his own involvement, Afzal said that motivation from the militants, his poor economic condition and some of his earlier experiences with the security forces in Jammu and Kashmir had made him join hands with the militants.

A day before the attack, the militants had contacted their parents in Pakistan and exchanged pleasantries and Id greetings. Raja told his mother, who apparently broke down on the mobile phone, that they were "going for a big examination and would return if they succeed".

Several calls were made to West Asian countries in connection with "hawala" transactions. Police sources said that local PCOs were also used to make these calls.

Afzal warned of more "fidayeen" strikes in Delhi and elsewhere, and said that "planning and carrying out such attacks are an ongoing process".

Delhi answers US on television

K.P. NAYAR IN WASHINGTON
AND OUR DELHI BUREAU

Dec. 20: India's decision to telecast an interview with Mohammad Afzal, the key link in the attack on Parliament, has put the Americans in a quandary.

It comes a few days after the American government tomtommed a home video of Osama bin Laden as conclusive evidence of his involvement in the September 11 attacks. Having done this themselves, the Americans will find it difficult to reject the Afzal tape.

India put Afzal on TV a day after the US strategy became clear. It expects Pervez Musharraf to go after terrorists once Delhi provides evidence of terrorism spilling over from Pakistan.

State department spokesman Richard Boucher said: "President Musharraf has already clearly condemned this attack. He has said, or at least the government of Pakistan has said, that they intend to go after anybody who might be responsible for it. And, therefore, any infor-

mation or evidence that the Indians would provide or make public would provide a better basis to do that."

Boucher was asked if the onus would then be on Pakistan to crack down on anti-India terrorists. He replied that "there is already an onus... an obligation for everyone to act against terrorism".

After reading the writing on the wall, Pakistan is trying to stave off Washington's displeasure by offering more sops. Musharraf has given sanction for US forces to freely operate in Pakistani territory ostensibly in pursuit of al Qaida forces.

The common ground between India and the US became clear when Boucher said about the Lashkar-e-Toiba and Jaish-e-Mohammad. "We think those two groups have engaged in terrorist activities, but the specific case here needs to be investigated... Any evidence that India can provide to us or to others to establish that case would provide a better basis for going after the terrorists, and provide an even better basis for the government of Pakistan to

go after these terrorists."

India refused to share evidence with Pakistan. Foreign ministry spokesperson Nirupama Rao said: "We are going to share this evidence with our friends and partners who are united in their determination to fight terrorism." She added that India is sharing the evidence with the US, the UK, Germany and France. The Centre is confident it has enough proof to pin down Jaish and Lashkar and by extension prove Pakistan's involvement.

"If the US and the international community want us to produce written instructions from General Pervez Musharraf ordering the Pakistan-based militant outfits operating here to attack the Indian Parliament, then I am sorry we don't have this," a senior government official said.

Despite the apparent confidence of police and intelligence agencies, some officials believe there is no proof to work back the evidence to Pakistan. "The finger points at Jaish and Lashkar, who appear to have worked together on this. The trail breaks off here," an official said.

21 DEC 2001

Video footage of interview an evidence: lawyers

By Our Staff Reporter

NEW DELHI, DEC. 21. The video footage of the interview of the main accused in the December 13 attack on Parliament, Mohammed Afzal, with reporters here on Thursday, is fully admissible as evidence in a court, lawyers here say.

The interview, organised by the Delhi Police and telecast on different television channels, was conducted at the behest of senior police officers knowing fully well that it would work as a double-edged weapon puncturing Pakistan's propaganda as well as strengthening the case in court, says Mr. K.C. Mittal, chairman of the Bar Council of Delhi.

The Prevention of Terrorism Ordinance 2001, under which the four accused involved in the plot were booked, is categorical on the admissibility of a video footage as an evidence against the accused.

Section 32 of the Ordinance dealing with confession made to a police officer not below the rank of the Superintendent of Police (SP) says: "Notwithstanding anything in the code or in the Indian Evidence Act, 1872 (1,1872), but subject to the provisions of this section, a confession made by a person before a police officer not lower in rank than a Superintendent of Police and recorded by such police officer either in writing or on any mechanical or electronic device like cassettes, tapes

or sound tracks from out of such sound or images can be reproduced, shall be admissible in the trial of such persons for an offence under this Ordinance or rules made thereunder."

However, the Ordinance also mandates that after recording of the statement, the investigating officer shall produce the person along with his original statement within 48 hours before the court of a Chief Metropolitan Magistrate or that of the Chief Judicial Magistrate.

The court shall record the statement, if any, made by the person produced and get his signature or thumb-impresion, the Ordinance says.

"This is for the first time that video and audio tapes having statements of accused have been made admissible in a court," says Mr. S.S. Sindhi, a lawyer of Patiala House courts.

"The inclusion of video and audio tapes bearing statements of accused as evidence admissible in the court will now make it easier for the police to prove cases against hardcore terrorists, and in the case of attack on Parliament House, the video footage would prove clinching evidence for the conviction of the four accused," says Mr. Surender Miglani, a Delhi High Court lawyer.

More landlords booked

More landlords were booked across the capital today as part of the ongoing tenant-verification

drive launched by the Delhi Police in the wake of the attack on Parliament.

The number of people booked under Section 188 of the Indian Penal Code (IPC) in West Delhi stood at over 100.

Terrorists called hawala operators in Germany

By Our Staff Reporter

NEW DELHI, DEC. 21. The phone calls made to Germany by the 'fedayeen' involved in the December 13 attack on Parliament have been traced to hawala operators. The Indian High Commission there has been informed.

Sources said the list of calls made through the cellular phones recovered from the attackers revealed that they had made at least four calls to that country, apparently to get money.

This is for the first time that Delhi police have come across hawala operators in Germany who are in touch with Indian agents. Most transactions in the past were being carried out from West Asian countries by Dawood Ibrahim's men. Delhi police today conducted raids in the Walled City area and at Jamia Nagar in South Delhi to trace the local links of the hawala operators and picked up one person for questioning from Jamia Nagar.

THE HINDU

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'The decision to release Masood Azhar was wrong'

UNION HOME Minister LK Advani has turned the tables and is clearly enjoying it. With a rare smile on his face, and a dramatic gesture, he underlines the relevant portions of the Cabinet Committee on Security (CCS) communication to break off diplomatic relations with Pakistan. Besides scoring debating points, Advani, in a candid interview to *Suati Chaturvedi*, concedes that the decision to release Maulana Masood Azhar after the hijack of IC 814 was wrong. Excerpts from the interview:

What are the reasons behind the decision to break off diplomatic relations with Pakistan? With its latest attack on democracy, Pakistan has reached a point of no return. We had to take action, which we have done. It's not a step taken in haste. We weighed the situation and took public perception into account. It was only after the CCS was briefed by the Army chiefs and our Intelligence agencies that we took the final decision. All the members were unanimous in the opinion that Pakistan had to pay the price. We have always said that Pakistan is a terrorist state and the latest attack is simply outrageous. It is just providential that no MP died. Their aim was clearly to hit at the heart of the Indian political establishment and they have to face the punishment.

Hasn't the US displayed double standards in asking India for evidence and, at the same time, allow-

ing Israel to take action against Palestine?

I have always said — and following recent events my conviction has got firmer — that we have to fight terrorism alone. May be the US will understand our position, and that's all we should really expect from them.

In Jammu and Kashmir, we have fought terrorism all alone for a long time. And the kind of evidence we have gathered on Pakistan's role in terrorism is clinching. Even after this, if the US decides to include Pakistan as a major Islamic state in the war against terror, then our people cannot be expected to understand! Maybe those in the Government can, but in a democracy, people's opinion matters.

After what has happened, can the decision to release terrorists, including Masood Azhar, be justified? No. It was a wrong decision. In hindsight, we should have been tougher, and foreseen the consequences in the long-term. But why blame the Government alone? It was reflecting public opinion and public pressure. We are a soft state when it comes to security issues. Believe me, nobody liked the decision when it was taken in the Cabinet. But unfortunately, no one wants to take a position in which they have to suffer. I have been thinking for a long time that we should adopt a resolution in Parliament that we will not negoti-

ate with terrorists and not give in to any blackmail, whatever the consequences.

When you go to the United States next month, what will you be telling them?

I will obviously communicate our position and the detailed evidence we have. This leaves no doubt that Pakistan is a terrorist state. I feel that the US has a clear choice and it cannot afford to have double standards. All terrorists are the same, in several meetings with the US Ambassador and even with Colin Powell. I have made it very clear that while we understand their compulsion within the government, it's very hard for our public, which see Pakistan as the main sponsor of terror, to understand how it has joined the fight against terror. There is a terrible dichotomy there.

What other options are we exploring in taking action against Pakistan?

You will appreciate that I cannot go into all the details. I am the Union Home Minister, not the BJP party president. What I can tell you is that they will be given a proportionate answer for the terrible crime they have committed. Nobody can take India for granted. We will react in a reasoned and sensible way. See, what they have done is not just an ordinary act of ter-

rorism but an act of infamy. They were going after democracy and striking the citadel of democracy.

There has been criticism that the BJP MPs have acted like a mob bay-calling for blood. Your reaction to the calls to 'go to war with Pakistan'. They have not asked for war but hot pursuit. What is wrong with that? It is legitimate under international law. Even when Kargil happened, there was a lot of pressure to attack terrorist training camps. We were asked what is so sacrosanct about the LoC when they have done what they have but we resisted. We took a decision collectively that despite the provocation, we will not cross the line.

What about now? Has the situation changed in your view?

(Smiles) Do you really expect me to answer that question? We cannot make everything public. Take this case of breaking off diplomatic relations. Why should we make our reactions public in advance? We have already said we are considering all options. Nothing has been ruled out.

You have been personally pilloried on Poto. You described it as a win-win situation for the BJP. What will the government do now?

It's not just Poto. I am always being described as a hawk. Let me tell you

there are no hawks or doves in the government, only consideration of national interest. Yes, I did say that it was a win-win situation since I thought that the Congress which has passed much more draconian acts such as Tada and Maharashtra's act against organised crime would be with us on this, since terrorism is a slightly more serious problem. My assessment was obviously wrong which is why I said that they are obviously only opposing us on political grounds since there is an election in Uttar Pradesh. I stand by that remark. As far as Poto is concerned, we will re-promulgate the ordinance. This time around, we did not bring in that because the government felt and I felt, that after what happened, we should end the session on note of consensus. So, in case Poto bothered them, I even left it out of my statement in Parliament.

What about the questions of a security lapse in the incident?

This carping mentality bothers me. What kind of security lapse are we talking about? Look at the United States — four aircraft were hijacked. Did anyone raise questions of a security lapse? What about the large-scale intelligence failure there? But people rallied around. Here on the contrary, we start pointing fingers. I understand that you have to raise questions and security issues have to

28/11
9.08 v. Senthil
H-9



LK ADVANI

be addressed but not in this fashion.

What about reports of the rivalry between you and the PM. Don't such things bother you and actually affect your working relationship. I could not bear criticism initially. Now, I can take anything. It does not affect me. I do not know why people are trying to do this. Atalji and I have worked together for decades, there is no rivalry. These reports of differences between us are simply not true. Luckily, the trust and the working relationship between us has not been affected.

Gilani refuses to record confession in court

STATESMAN NEWS SERVICE

NEW DELHI, Dec. 22. — The probe into the Parliament attack case seems to have run into "snags". One of the suspects, SAR Gilani, today refused to record his confessional statements in the court of the chief metropolitan magistrate; VK Maheshwari.

The statements of Afshan, wife of Shaikat Hussain (another accused), wasn't recorded. Police, reportedly without giving any reason, said they prefer not to record her statements.

The statements that were recorded, those of Afzal and Shaikat, were "substantially the same as those broadcast on TV channels on 20 December," a police officer said.

The statements the two made before TV cameras were recorded by a police video camera. The taped confessions and the transcript have been submitted to the court. Criminal lawyers said it was not illegal to broadcast statements of accused, but what police did was "unethical".

Meanwhile, the bodies of the five

slain militants who had attacked Parliament have not reportedly been embalmed. The bodies are in deep freeze at Lady Hardinge Medical College mortuary.

Sources said embalming of a body costs about Rs 5,000. It takes only 45 minutes to embalm a body, but who will pay the Rs 25,000 needed to embalm five bodies?

"Islamabad hasn't acknowledged that the ultras were Pakistanis. Our government is convinced they're Pakistanis. They'll finally be buried

as unclaimed bodies. Till police decide what to do with them, they'll rot here," a hospital employee said.

The son of a metropolitan magistrate, Prem Chand alias Prince, who was detained yesterday because Afzal had stayed in his hostel was released late last night.

Mr Suraj Bhan, the magistrate, said: "Prem Chand had sublet one room to a man who he believed was a student but later turned out to be one of the terrorists killed on 13 December."

THE STATESMAN

23 DEC 2001

PAK MISCHIEF MAY LEAD TO WAR: INTELLIGENCE

Forces on alert but no hot pursuit yet

Mohan Sehay in New Delhi

Dec. 23. — Though the three wings of the defence forces have been placed on "high alert", the government has not cleared strikes against terrorists camps in PoK or the bases of Jaish-e-Mohammed and Lashkar-e-Taiyaba in Pakistan, sources said.

The Army and BSF have been put on alert along the border with China, Bangladesh and Nepal, officials added.

The Centre seems concerned over reports by intelligence agencies, including the military intelligence and RAW, that Islamabad may have some "intentional mischief" up its sleeve that could escalate the tensions, and may even lead to a war. Pakistan might start the conflict and yet hold India the "aggressor", thanks to the hype and build-up on both sides of the border after the 13 December attack.

(The Pakistani communications minister, Lt-Gen Javed Ashraf, however said there was slim chance of a war between India and Pakistan because both the countries were nuclear powers, PTI reports from Islamabad)

The Prime Minister, keeping himself abreast of the developing situation, has been informed that though India is restrained, 'conflict' could be forced on it by the other side.

The Cabinet Committee on Security that met this evening at

Mr Atal Behari Vajpayee's residence reviewed the situation along the Indo-Pak border. The committee reportedly took into account the presence of several terrorists camps on Indian soil, in J&K. These camps will have to be destroyed before the forces go in for hot pursuit.

Army officers said the ground

attacked.

An armed conflict with Pakistan can be avoided if Pakistan agreed to ban terrorist groups based on its soil and active in India, sources said. New Delhi has urged the Bush administration to tell Pakistan to wind up all the terrorists camps.

Meanwhile, a report from

After the CCS meeting, the foreign minister, Mr Jashwant Singh, said the Centre had decided to appoint a full-time ambassador to Kabul and help rebuild a hospital there named after Indira Gandhi.

Mr LK Advani said those spreading terror wouldn't be allowed to succeed and that Indians should be certain of "emerging victorious" against such forces a report from Hissar said. He urged the people to stand up against terrorists because security forces alone couldn't fight the battle.

The Union home minister was speaking at the 21st convocation of Chaudhary Charan Singh Haryana Agricultural University.

On India's response following the attack on Parliament, he said the Centre had neither ever hesitated in taking tough decisions nor had its decisions been influenced by anyone. "India is a huge country and we would like others to understand our problems."

Mr Advani cautioned the people against new weapons being adopted by terrorists. After the attack on World Trade Center, he said, the US President had announced: "It's a declaration of war".

The Prime Minister had cautioned the Americans much earlier, while addressing the Congress, that USA's distance from terrorism-affected countries was no guarantee of its safety.

More reports on pages 2 & 3

Pak Rangers kill two BSF men

JAMMU - Dec. 23 — Pakistani Rangers intruded into the Indian territory in Jamba sector and fired on a BSF patrol party, killing two men and injuring three this morning.

Sources said the Rangers had violated the International Border at Gader village and entered 500 metre into the Indian territory. The persons who were killed were J Prakash and K Bhai.

Syed Aslam, deputy chief (operations) of the Lashkar-e-Taiyaba, and another militant were killed in an encounter with security forces in Baramulla district last night. UNI reports from Srinagar. Baramulla, a National Conference leader and a militant were among the people killed since last night.

Fifteen Pakistani bunkers were destroyed, two ammunition dumps blown up and about 25 Pakistani soldiers injured after Indian troops repulsed a series of shelling from across the border. Pakistan said a soldier was killed and at least 12 injured by the Indian shelling.

forces may need at least two weeks from now to be fully prepared for a war; the movement of troops, armoury and ammunition began only 10 days ago.

The movement of troops along the border and the LoC are contingencies and not war-preparedness. The country should not be seen as being taken by surprise if its frontiers were

Islamabad quoting the Jammu and Kashmir Liberation Front chief has questioned Mr George W Bush's statement that the Lashkar-e-Taiyaba is a Kashmir-based group. Mr Amanullah Khan said the Lashkar was headed by a Pakistani national, Hafees Mohammed, while the Jaish-e-Mohammed was headed by another Pakistani, Maulana Masood Azhar.

THE STATESMAN

24 DEC 2001

Army on high alert, not in war mode

FROM SUJAN DUTTA

New Delhi, Dec. 24: The army has moved closer to achieving full strength with unit commanders being asked to determine their force-levels and requirements. Technically, it does not mean that all leave is cancelled forthwith and that all personnel on leave are being recalled for duty immediately.

"We have asked unit commanders to decide on their respective force-levels according to requirements," sources said today.

With the decision on leave left to unit commanders, it is likely that formations will want to move and take positions as they attain optimum strength. Last

week, the army had started restricting leave for officers.

Specialised courses run by the army for its officers and men have also not been suspended. In times of conflict, these courses are suspended and the men/women attending them are asked to report for duty to their respective units.

Defence minister George Fernandes, who left this morning to tour the front, said before leaving that "troops are on very high alert but we do not expect an outbreak of war. Troops have not taken battle positions."

Officially the word is still not out for a "general mobilisation". Right now, forces are being moved from peace stations in

Central and North India to positions near the international boundary in Punjab, Rajasthan and Gujarat. This means troops involved in counter-insurgency operations in the Northeast and those on the border with China in Sikkim and Arunachal Pradesh are not being moved to the western theatre. The deployment of forces in Jammu and Kashmir is near optimum. The Indian army has a total strength of about 11 lakh.

The international boundary continues to be manned by the Border Security Force. Army units are at least five kilometres away from the border. Along the Line of Control, however, the army is eyeball-to-eyeball with

Pakistani forces.

Naval sources said that a "general alert" had been sounded but frigates and destroyers have not been asked to move in battle formations. Neither have a significant number been put on a "time-alert", that is, sailors are not being asked to report for duty and prepare to move at short notice. At any given time, a small number of ships under the Western Command are always on a "time-alert".

The brainstorming in the top echelons of the military continues. Apart from drafting operational plans, commanders have also been closely monitoring geo-political developments in the sub-continent.

In informal briefings within the security establishment, there appears to be a growing consensus that there is little to achieve by attacking militant camps across the LoC.

Fernandes himself is understood to have conveyed as much to the Cabinet Committee of Sec-
urity. Since September 11, the camps are said to have retreated deeper into Pakistani territory or have restructured themselves.

In the circumstances, the idea of "hot pursuit" is being rubbished by security experts because the camps, wherever they might be, will be behind Pakistani defences which will pose a major threat to any "chasing" operation.

7 5 11 2001

Pak official charged with spying told to quit India within a week

Times News Network

NEW DELHI: India has declared the Pakistani high commission staffer, caught obtaining parliament documents, as *persona non grata* and asked the high commission to ensure that he leaves the country within a week. This was communicated to Pakistani deputy high commissioner Jalil Abbas Jilani when he was called in by joint secretary in the ministry of external affairs Arun Singh on Monday.

Describing as "absolutely untrue" the allegation that Mohammad Sharief Khan had been beaten or tortured, the external affairs ministry spokesperson said Khan had been found "engaging in activity inconsistent with his legitimate sphere of activity".

The expulsion marks another episode in the continuing Indo-Pak diplomatic exchanges. It has had a bearing on other bilateral relationships as well, with India retorting sharply to China's remarks on Kashmir, while welcoming U.S. initiatives against terrorist organisations.

U.S. Secretary of State Colin Powell rang up external affairs

minister Jaswant Singh on Sunday and the discussion also dwelt on India's concerns, sources said.

On the Chinese foreign office describing Kashmir as a "core issue", the MEA had a terse response, "We have seen the press reports. There is no change in our



Mohammad Sharief Khan

position in this regard. But we reject any suggestion that Jammu and Kashmir constitutes any such category." The spokesperson went on to state that Jammu and Kashmir constituted the core of India's nationhood. The critical issue between India and Pakistan

was for Pakistan to take action against terrorist groups.

The spokesperson said that so far, there had been no meaningful response from Pakistan. Instead, Pakistan was trying to divert attention from the real issue by speaking of border tension. "We are not contributing to the build-up of tension," the spokesperson said.

In response to a specific question on the freezing of accounts of the Lashkar-e-Toiba (LeT) and the Jaish-e-Mohammad (JeM), she said, "We have yet to see confirmation officially of what kind of action has been taken. We have to ascertain whether it is meaningful or not."

India would raise its concerns regarding terrorism at the forthcoming Saarc summit. Asked whether this could be raised since it might amount to raising a bilateral issue, the spokesperson said, "These are global issues" and would be inscribed "within the regional context also".

Meanwhile, the Delhi police have begun inquiring into whether Khan had anything to do with the December 13 attack on parliament.

THE TIMES OF INDIA

25 DEC 2001

Seized documents contained key defence data

By Our Staff Reporter

NEW DELHI, DEC. 25. The documents seized from Ajay Kumar, an upper division clerk in the Question Cell of the Parliament Secretariat, contained data pertaining to annual reports of various organisations engaged in research work relating to defence matters.

The documents included reports of the Uranium Corporation of India, the Design and Research Centre at Visakhapatnam, the annual report of Kandla Port in Gujarat, and the Indian Astro-Physics Institute. *HD-12/24/12*

The reports containing data regarding ongoing projects and achievements, are sent to the Ministries concerned for further action. They also contain sketchy details about the projects to be undertaken by the organisations in future. *S-D & N. Sen*

Informed sources said the documents did not contain "sensitive" data which could harm national interest. But, it would have certainly given a sketchy detail of the technological advancements made on the defence front. Some of the reports also had details of the money being pumped into various projects.

The Delhi police, along with Central Intelligence, are also investigating into a possible link between the spy ring and the December 13 attack. Sources said Ajay also had some connections in the Army whose telephone numbers were being tapped to trace them.

THE HINDU

25 DEC 2001

7-11-01 237

'Spy' arrested from Delhi phone booth

Statesman News Service

NEW DELHI, Dec. 26. — A man charged with supplying confidential information on troop movements and training given to certain sections of the armed forces, to a Pakistani agent, was arrested by the special cell of Delhi Police yesterday.

Samayuddin, 41, was arrested from a public telephone booth at Ansari Road, Daryaganj, while making a call to an ISI agent in Lahore, said the police.

The deputy commissioner, special cell, Mr Ashok Chand, said that Samayuddin was to supply the information to a person bound for the last Samjhauta Express to Pakistan.

At 4.15 p.m. yesterday, Samayuddin called the Lahore number, reportedly for one Iqbal Malik, of Indian origin. They spoke for about 40 seconds. The call cost

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NEW DELHI, Dec. 26. — The Statesman called the Lahore number 0092-42-7639456. This was the number Samayuddin called before he was arrested.

Initially the man answering the phone said there was no Iqbal Malik there. He maintained that the number belonged to the Fatima Guest House. A few seconds later — evidently prompted by someone else — he demanded to be told the Delhi number from which the call was being made.

A second call generated the response that this telephone number belonged to the Hafiz Guest House. On being asked for Iqbal Malik, he replied "Do you want to talk to Mufti Iqbal? He's a maulana of a masjid here in Lahore. He's not from India, he's a Pakistani. He's a very good man and he's very learned".

A third call generated the response that there was no one by the name of Iqbal. A few men carried on a hushed conversation in the background and suddenly the man who answered the phone conceded that there was a Mufti Iqbal.

"Woh kaam kya karten hain? (what does he do?)," the man on the other end wanted to know and then without waiting for a reply he asserted that this was not 763456 but 763457. — SNS

Rs 44 and Samyuddin paid with a cellular phone and Rs 1,17,500 in 500-rupee note. The police seized a cash later from his residence.

Senior police officers said that Malik, originally from Kirana in Muzaffarnagar, Uttar Pradesh, had left for Lahore in 1991. "He has been working for the ISI since then and is actively involved in their operations. He is running at least 120 agents in Delhi, Kanpur and Muzaffarnagar, that we know of," said an officer. When the owner of the PCO returned, Samayuddin was surrounded by five policemen and was being questioned. He was taken away thereafter, said nearby shopkeepers. The police added that yesterday Samyuddin had received documents from a man from UP and was to deliver them to a contact person in Daryaganj. When that person failed to turn up, he called up Lahore.

"We've already got information that he has managed to get highly confidential information about defence research and ordnance establishments in Kanpur and pass it on to the ISI," the officer said.

Talk to the ISI!

THE STATESMAN

Army chief set to head defence panel

FROM OUR SPECIAL
CORRESPONDENT

New Delhi, Dec. 26: General S. Padmanabhan will take over as chairman, chiefs of staff committee, on December 31 after Admiral Sushil Kumar retires.

Padmanabhan is also in the line for appointment as the country's first chief of defence staff (CDS).

The position of CDS was recommended by the group of ministers that has recommended changes in the defence structure. The group submitted its report in April this year. Many of its recommendations, such as the creation of an integrated defence staff, have been accepted. But the Union Cabinet is yet to take a decision on the CDS.

In other fresh appointments announced today, Vice-Admiral John Colin De Silva has been made vice-chief of naval staff and Air Marshal S.G. Inamdar vice-chief of air staff. Air Marshal Inamdar is currently air-officer-commander in chief, Eastern Air Command. He will take charge on January 7. Vice Admiral De Silva will also take charge in early January.

Rear Admiral S.C.S. Bangara has been appointed as the deputy chief of integrated defence staff (operations) on promotion to the acting rank of vice admiral and will take over on January 1. He is currently assistant chief of naval staff (IW and operations) at the navy headquarters.

Air Commodore J.S. Gujral, Air Commodore M. Dixit and Air Commodore S.L. Sud have also been posted to integrated defence staff on promotion to the rank of air vice-marshal.

Air Vice-Marshal Gujral has taken over as assistant chief of integrated defence staff (joint operations). AVM Dixit and AVM Sud will take over as ACIDS (perspective plans and force structure) and technical manager in the defence procurement board respectively.

THE TELEGRAPH

27 DEC 2001

HT Correspondent
New Delhi, December 26

THE DELHI Police today said it has busted yet another spy ring and arrested one person from Daryagani. He was carrying some "classified documents" about the Army.

The Deputy Commissioner of Police (Special Cell) said Ashok Chand Samayuddin, a resident of Muzaffarnagar in Uttar Pradesh, acted as a sawaari (carrier) for the ISI. The Special Cell of Delhi Police and Intelligence agencies picked him up when he was making an ISD call to Lahore. He was to leave for Pakistan by the last Samjhauta Express on January 1 and had travelled to Pakistan at least 11 times before.

Samayuddin told police that he

ISI carrier held with secret papers

HT-9 27/12
was in touch with Iqbal Malik in Lahore, an ISI agent. He said a man called Showkat had handed him the classified documents. The documents seized from Samayuddin reportedly have details on Indian troops movement.

"We have also recovered a mobile phone and its sim card is being analysed," Assistant Commissioner of Police LN Rao said. This is the second spy racket busted by the Delhi Police in three days. Earlier, a Parliament House staffer, Ajay Kumar, was caught handing over sensitive documents to Mohammed Shariff Khan of the Pakistan

another conduit. He said his other brother-in-law was also in touch with Malik.

Sawaaris are easy targets for ISI agents working in India who exploit the religious sentiments of the sawaaris, some of whom even get influenced by the calls for jihad. Agents use professional sawaris (those who visit Pakistan only for this purpose) to smuggle in drugs and explosives, while innocent passengers are targeted for bringing in fake currency.

Intelligence officers say that in the past few years several sawaaris have been caught smuggling

Rafiq immediately after her visa for Lahore was cleared. "Apart from the tickets, Rafiq paid Shahjahan Rs 1,000 to carry a bag of clothes to Lahore," a source said. She was asked to deliver the bag to a man called Shamim at Lahore station and bring back another bag for Shamim. She returned and handed the bag over to Rafiq. Rafiq was later arrested with fake currency worth Rs 3.5 lakh.

Agents also contact villagers in Uttar Pradesh, Bihar and Andhra Pradesh. "These poor people get easily lured by the prospect of a free trip to Pakistan to see their relatives... Many of them are not even aware that they are carrying contraband. They believe they are just returning a favour to a man who helped them meet a relative."

gling contraband goods. Many of them have relatives in Pakistan whom they would like to visit often. But the trips are expensive and that's where the ISI agents step in.

As passengers from all over the country have to board the train at Delhi, the agents operate from the Capital. "Once the visa has been cleared by the Pakistan High Commission, the agents get in touch with passengers and offer to sponsor their travel in return for bringing back a packet or two from Pakistan," a source said.

Shahjahan of Khajuri Khas was contacted by an agent called

Missiles of military diplomacy

FROM SUJAN DUTTA

New Delhi, Dec. 26: Defence minister George Fernandes' military diplomacy took centre-stage today, practically guiding the agenda for the brains trust of the Cabinet as it charts a course for the "war on terrorism".

Fernandes, often referred to as "General George" in army mess rooms, has set the agenda literally from the front. He could not return to the capital for the scheduled meeting of the Cabinet Committee on Security (CCS) this evening after touring Siachen for the 21st time and army and air force formations at Suratgarh and Halwara in the western sector.

But the forces under his command took military diplomacy a step ahead, cancelling the Army

Day parade on January 15 for the first time since the ceremony was instituted in 1949. The army's role in the Republic Day parade has also been scaled down.

The CCS will reconvene tomorrow. Besides Fernandes, defence secretary Yogendra Narain and senior officers of the services are expected to attend.

Fernandes told journalists accompanying him that India was putting its missiles at the ready. This was in response to reports that Pakistan had deployed its *Hatf I* and *Hatf II* medium-range missiles close to the border.

The veracity of reports on Pakistan's missile deployment is doubtful, with contradictory reports being attributed to the army's northern command

headquarters in Jammu. India, too, does not need to "deploy" missiles, because they can be fired from mobile launchers that can take position, shoot and move away.

It is likely that these launchers and missiles have been moved from deep country to take positions from where they can move in to bring targets within a firing range of a maximum of 200 kilometres. The army's "333 Missile Group" has moved from its usual station near Secunderabad.

The reports on possible "deployment" of missiles — with or without nuclear warheads — will inevitably send the chill down the collective spine of the international community. Some 18 nations have been actively working to defuse tension

between India and Pakistan.

The cancellation of the Army Day parade, too, is meant to be a signal to Pakistan from the armed forces that they mean business. The level of mobilisation by the forces can be gauged from this decision. The Indian army is 11-lakh-plus strong. Yet, tension on the border is perceived to be of such an order that it feels it is absolutely necessary to disengage 5,000 of its troops from ceremonial duties.

The army spokesman said Army Day celebrations have not been cancelled. Only the parade has been put off.

The army still has not put out a call for a "general mobilisation". If and when this happens, all service personnel will be asked over radio and television to report for duty immediately.

Domestic compulsions prevent drastic crackdown

THE TELEGRAPH

27 DEC 2001

Delhi calls off Army Day show

HT
HT Correspondent & PTI
New Delhi, December 26

9-03-12
FOR THE first time in the country's history, the Government has cancelled the Army Day parade on January 15 because of the troops deployment along the border. This has raised question marks over the Republic Day parade in the capital.

The Army Day parade marks the appointment of Gen K M Cariappa as the first Chief of Army Staff in 1949. In normal times, it would feature over 5,000 soldiers. Defence sources said the decision to cancel the parade was taken by Army chief S Padmanabhan as tanks, artillery and several troop formation have been moved closer to Rajasthan and Punjab borders.

The Union Cabinet is examining if the Republic Day parade should be held. But even if the Government goes ahead with the parade, it has to be scaled down since 80 per cent of the inputs are in short supply at the moment because of the troops movement. Pakistan continued to shell Indian positions for the fifth straight day today, killing four soldiers. Defence Minister George Fernandes today said the country's missile systems are "in position".

CCS meet: The Cabinet Committee on Security this evening deferred a decision on the next phase of diplomatic offensive against Pakistan till tomorrow. External Affairs Minister Jaswant Singh attributed this to the absence of Fernandes, who is on a tour of Siachen. Chaired by the Prime Minister, the meeting discussed the options of downsizing the High Commission's strength in Islamabad and withdrawing the Most Favoured Nation status to Pakistan.

THE HINDUSTAN TIMES

27 DEC 2001

Cross-border salute greets General George

FROM SUJAN DUTTA

New Delhi, Dec. 27: It is a photograph that has been taken, even shown but not exhibited: defence minister George Fernandes at the Ferozepur border with Pakistan where the Pakistani Rangers are giving him a guard of honour and a salute.

The event took place yesterday during Fernandes' tour of the western sector, when the defence minister was delayed on his return to New Delhi. For Pakistan, it can be a major embarrassment — a guard of honour and a salute given by a con-

tingent of its forces, smartly attired in battle regalia, to the Indian defence minister, even as the Indian armed forces continue with what is their largest mobilisation since 1971.

In July, when Musharraf came for the Agra summit, the Indian Air Force Chief, Air Chief Marshal A. Y. Tipnis, refused to salute the enemy, the man India has held responsible for the Kargil war — he shook hands instead.

Shortly after watching the closing ceremony at the Ferozepur border gate — that mirrors the daily beating retreat at the Wagah border — Fernan-

des said the deployments would be complete by the weekend. That was also the briefing given by the services chiefs to India's war Cabinet in the operations room of the defence ministry just before the Cabinet Committee of Security (CCS) met this evening and decided on stage II of its diplomatic offensive.

The briefing, given by the director-general of military operations and the services chiefs, focussed on the current situation on the border, the level of troops deployment, operational requirements, movement of militant camps, the

level of conflict on the Line of Control and on the international boundary.

External affairs minister Jaswant Singh said after the CCS meeting that "institutionalised mechanisms" in relations with Pakistan continue. Asked specifically on the weekly talks held by the Directors General of Military Operations (DGMO), Singh said "they are still open".

So far though, the DGMO-level talks — normally held every Tuesday — have not served to scale down the tension building up on the border. The DGMO-level talks were in-

stituted as a measure to manage conflict situations. It is now almost certain that the level of mobilisation that is "more than complete" is more than what had taken place either during Operation Brasstacks in 1987 or during the Kargil war in 1999.

The country's 11-lakh-plus strong army has summoned units of nearly all its formations, including some from the reserves, from peace stations. Indian Air Force has moved some assets to forward bases in the northern and western sectors on the APM (Adopt Precautionary Measures) level,

jargon that is used to instruct units to prepare in anticipation of an outbreak of hostilities.

The military briefing is understood to have also given an assessment of the movement of militant camps in Pakistan. Till about two months ago, an estimated 170 camps were said to have been there.

The number has gone down now, but some still exist and others have retreated deeper into Pakistani territory.

Intelligence has also suggested that there has been a movement of militants into PoK from other places in Pakistan.

Delhi rocks Pervez balancing act

OUR BUREAU AND AGENCIES

New Delhi/Islamabad, Dec. 27: As India announced a second round of steps to winch up the pressure on General Pervez Musharraf, Pakistani diplomats in Delhi warned that such a policy could prove counter-productive.

They said Musharraf's actions, which India finds inadequate, against terrorist groups have the broad support of the majority of the people, but only so long as he is not seen to be doing so under Indian pressure. India's measures today will make it doubly tough for Musharraf to act, they added.

"The President will move against terrorists at his own pace, he cannot be seen to be doing so under Indian pressure," a Pakistani diplomat said.

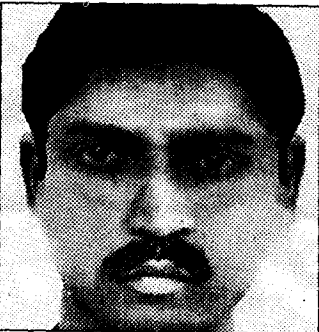
In the circumstances, it is unrealistic for India to expect the general to announce a fresh set of measures against the Lashkar-e-Toiba and the Jaish-e-Mohammad or any other terrorist organisation.

"Quiet diplomacy" on the part of India after the December 13 attack on Parliament would have made it easier for the President to act, the diplomat said.

An indication of the balancing act Musharraf has to perform was available today when he met delegations of Islamic clerics. He said Pakistan would continue its moral, diplomatic and political support to Kashmiris for their "right to self-determination".

At the same time, he emphasised that "because of our irresponsible attitudes and actions, we have not done any service to Islam" and accused sectarian outfits of using mosques to spread divisive hatred.

This is the second time in three days he has referred to the dangers Pakistan itself faces



Ghazi Baba, the chief of Jaish's India operations, and Tariq, Baba's Kashmir contact with the Parliament strike team. (PTI)

the West by siding with the US in the war against terror. As part of that coalition, he is now having to take steps under US pressure that might be seen as a betrayal of what some in Pakistan consider the "Kashmir cause".

There is a feeling in Pakistan that India has been chafing over Washington cosying up to Islamabad because of its Afghan compulsions. India's diplomatic moves following Musharraf joining the US-led coalition were aimed at projecting Pakistan as part of the problem and not the solution.

The attack on Parliament gave Delhi the opportunity to step up that campaign.

Foreign ministry spokesman Aziz Ahmed Khan said today Pakistan would consider if any further action against Lashkar and Jaish were needed.

In sharp contrast to the customary aggressive rhetoric at times of tension with India, Pakistan has been noticeably restrained, consistently discounting possibilities of war.

"Pakistan has been exercising maximum restraint and utilising diplomatic channels not to allow the situation to escalate," Khan said.

Military spokesman Major-General Rashid Qureshi said the use of nuclear weapons by either side should not even be considered in a confrontation.

Asked about India's buildup, Qureshi said: "What needs to be conveyed very firmly is that all defensive safeguards that Pakistan needed to take have been taken. We hope that better sense prevails."

Khan said Pakistan wanted to keep channels of communication open between the two countries. "Our ambassador is still there. We want these channels to remain open so that the situation remains calm."



Pakistani policemen stand outside the house of arrested Jaish-e-Mohammad leader Masood Azhar in Bahawalpur. Troops beefed up security on Thursday across Karachi, a busy port and the country's financial capital, and witnesses said anti-aircraft guns were deployed to guard the city's docks and airports. Paramilitary forces stood guard around the city's oil installations. In Muzaffarabad, an exercise was carried out to alert people for possible air raids. Traffic was halted for 15 minutes as sirens sounded. (Reuters)

Al Qaida alert after arrest

FROM MUKHTAR AHMAD

Srinagar, Dec. 27: About two dozen al Qaida activists have sneaked into Kashmir Valley, police today said quoting unconfirmed reports.

"We have unconfirmed reports that between 20 to 25 activists of al Qaida have sneaked inside the valley from Kupwara sector," inspector general of police K. Rajendra said. "We got the information from some sources, but it is not confirmed. We are trying to verify these reports."

Jammu police had on Monday claimed they had arrested an al Qaida activist, identified as Qamar Ayub, a resident of PoK. A huge quantity of arms and ammunition was recovered from him, the police had said.

"The group of al Qaida activists is reportedly led by Mullah Abrar, who is said to be a close associate of Osama Bin Laden. It is all unconfirmed. However, we have taken measures to tackle the situation," Rajendra said.

The police was in search of Jaish-e-Mohammad chief Ghazi Baba, the alleged mastermind of the attack on Parliament. "He was earlier with (the) Harkat-ul-Mujahideen, and later joined (the) Jaish-e-Mohammad," the inspector-general said.

Ghulam Mohammad Bhat, an employee with the Kashmir awareness bureau in Delhi was also arrested today. "Bhat is a Jamaat-e-Islami worker and was the main link between the militants and the Pakistani High Commission in New Delhi," Rajendra said.

Seven militants belonging to four pro-Pakistan outfits today surrendered and vowed to work for peace in the Valley, says a PTI report.

The militants, including a self-styled divisional commander of the Al-Fateh force, laid down arms before Rajendra at a function here.

POTO to be repromulgated with changes

By Our Special Correspondent

NEW DELHI, DEC. 29. The Union Cabinet today decided to repromulgate the Prevention of Terrorism Ordinance (POTO) with certain amendments aimed at addressing the criticism aired by the media and political parties against the original Ordinance.

In the new Ordinance, the controversial sub-clause 8 of clause 3, has been omitted. The provision was objected to by the media as it prescribed punishment for anyone who failed to divulge to the police any information in his or her possession, which he or she knew or believed to be of material

assistance in preventing commission of terrorist acts.

Likewise, the clause 8 has been modified to vest the power of forfeiture of the proceeds of terrorism in a Special Court instead of the Designated Authority as envisaged in the earlier Ordinance.

In addition, clause 7 has been changed to do away with the concurrent jurisdiction of the Special Courts and the Designated Authority and to provide for an appeal before the Special Courts against the orders made by the Designated Authority.

Announcing this, the Union Minister for Parliamentary Affairs,

Mr. Pramod Mahajan, said the new Ordinance also provides for laying of an annual interception report by the Centre before each House of Parliament and reduces the period of application of the Ordinance to three years as against five years in the original Ordinance.

Further, it provides for a transitional arrangement under which any offence under the POTO could be tried by a Court of Session until such time a Special Court was constituted.

The Cabinet meeting also decided to repromulgate the Ordinance to amend the Passport Act

aimed at impounding and revocation of the passports of anti-national elements, but with certain further modifications as suggested by a committee of MPs.

The new Ordinance prescribes a time limit within which a hearing is to be granted to the affected persons. The Cabinet also decided to repromulgate the Ordinance converting the Roorkey University into an IIT and approved the draft of a convention and protocol with Ireland for avoidance of double taxation and prevention of fiscal evasion with respect to income taxes and capital gains.

Changes cosmetic: Page 8

THE HINDU

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Softer Poto in the offing

551 STATESMAN NEWS SERVICE 20/12 9-D 8 N Security

NEW DELHI, Dec. 29.— The Union Cabinet today decided to re-promulgate an amended anti-terrorist ordinance.

The new ordinance would incorporate changes which had been earlier approved. The amendments include reduction of the life of the proposed law from five to three years, dropping of a provision with a view to protecting freedom of the press and modified provision of forfeiture of proceeds of terrorism.

Two other ordinances, which could not be passed by both Houses in the winter session, will be promulgated too. These deal with designation of Roorkee University as an IIT and amendments in the Passport Act enabling authorities to keep a check on holders of bogus passports and provisions relating to their impounding.

The Cabinet also approved the draft of the convention and protocol between India and Ireland for avoidance of double taxation and prevention of fiscal evasion with respect to taxes and capital gains. India has protocol in this regard with several countries. Ireland has now been added to the list. As per constitutional norms, Poto, promulgated on 24

October, would have lapsed on 31 December since it could not be passed by Parliament because the Bill wasn't allowed to be introduced.

The parliamentary affairs minister, Mr Pramod Mahajan, said the legislation would now remain in force for three years instead of five years from the date of its commencement. He said sub-clause (8) of clause 3, under which a journalist was required to divulge to police any information that he/she believes could be of material assistance in preventing a terrorist act, has been omitted. Clause 7 has been notified to delete reference to special courts, thus doing away with concurrent jurisdiction of the designated authority and special courts. The new ordinance also provides for an appeal against an order by designated authority to special court.

He said clause 8 has been modified to vest power of forfeiture of proceeds of terrorism in special court instead of designated authority. Sub-clause (3) of clause 47 of the Bill now makes provision for laying of an annual interception report by the government before both Houses, Mr Mahajan said, adding that in clause 62, similar provision has been made for orders and rules.

THE STATESMAN

Landmine blast kills 15 Army jawans

VIJAY THAKUR
STATESMAN NEWS SERVICE

JAIPUR, Dec. 29. — At least 15 army jawans died and several others were injured, some of them critically, when a landmine exploded in Gamnewala sector of Jaisalmer district yesterday.

Unconfirmed reports from the border have put the toll at 18, but no senior army officials were available to confirm the incident.

However, senior police officials admitted that such an incident took place in Jaisalmer district when army-men were laying landmines in the border areas. The officials said at least 15 people died in the blast.

"Since we haven't received any official communication

Terrorists shifted to Jodhpur jail

JAIPUR, Dec. 29. — In view of the increasing militancy in Jammu and Kashmir, over two dozen Kashmiri terrorists have been transferred from the jails in Kashmir to the Jodhpur jail.

While 15 terrorists were brought in a special plane from Kashmir to Jodhpur, another 10 terrorists will be reaching Jodhpur late this evening. Jodhpur jail is considered to be the safest jail in the country where the state administration has made hi-tech security arrangements for the militants. Even when militancy was at its peak in Punjab, most militants from the state were kept in Jodhpur and Ajmer jails because of the security arrangements.

There are already about 20 terrorists in the Jodhpur jail. After the new arrivals, the total number of terrorists in Jodhpur jail would go up to 45. — SNS

from the Army authorities, we will not be able to comment much on it," said a senior Jaisalmer district officer.

All the jawans were taken to a nearby temporary army

hospital where the injured jawans are being operated upon. According to district officials, one of the mines exploded accidentally killing 12 jawans on the spot. More than a

dozen others were rushed to the army hospital where three more succumbed to their injuries.

The explosion was so loud that villages within a five kilometre radius heard it. Initially the villagers thought the Pakistani army has attacked and the war has started. Only later did they learn that it was a landmine explosion, the local residents said today. This is the fourth landmine explosion in the state during the past fortnight.

The police refused to register a case of negligence as it was an Army matter. "It is a professional hazard, and they would themselves investigate if there was any negligence on the part of the army officers laying the mines," a senior police officer said.

THE STATESMAN

30 DEC 2001

New naval chief for stronger air arm

SRINJOY CHOWDHURY
STATESMAN NEWS SERVICE

NEW DELHI, Dec. 29. — "The combat readiness of the entire fleet will be the first priority," said Admiral Madhvendra Singh who took over as the Navy chief today.

In an interview to **The Statesman**, he called for a stronger and balanced fleet and strengthening of the fleet's air arm.

"We've been saying for a long time that we need three aircraft carriers. That is our goal. When one carrier was decommissioned (INS Vikrant), it was not replaced. We now have one carrier (INS Viraat) and it's old. We very urgently need to get an additional carrier and a second one to replace Viraat," he said.

Admiral Singh, who takes over while the Navy is still deploying, said it would be very difficult to get the expertise of air operations from a carrier if it were lost. "If Viraat were decommissioned, we'll be in deep trouble as we would have no platform

and we would have lost all our expertise. It's the worst thing that could happen."

Viraat still has a few years ahead of it, having been refurbished recently.

Negotiations for Admiral Gorshkov have been on for years. But it'll take the indigenous aircraft-carrier, the air-defence ship, perhaps a decade to be built.

On the submarine arm, he said the Centre had cleared a 30-year submarine building project. "The government has realised the importance of submarine building and work is progressing." He regretted earlier delays when the Navy

"lost out on time and expertise. The dockyard facilities (for submarine building) has deteriorated."

He, however, expressed satisfaction over the fact that work on the Scorpene submarine would begin shortly.

The fleet, he said, would have to be balanced and the Navy must have a strong anti-submarine and amphibious facilities. The admiral spoke of training — keeping the basic systems in place and strengthening human resource development facilities.



The new Chief of Naval Staff, Admiral Madhvendra Singh, inspects the Guard of Honour at South Block, New Delhi, on Saturday. — AP/PTI

THE STATESMAN

30 DEC 2001

'We can absorb N-strike and hit back, but Pak will be finished'

Swati Chaturvedi
New Delhi, December 29

Union Minister for Defence George Fernandes is gung-ho... ready to take on all comers, Pakistan, the United States and even the defence bureaucracy. My autobiography will be called "George: My life as an obstacle course" he says laughing. In a wide-ranging interview, Fernandes speaks about the clouds of war, defence procurement, the coffin scam and his return to the Cabinet

Are you happy with Washington's response to the attack on Parliament?
No I am unhappy. I have given expression to my unhappiness against the backdrop of the resolution adopted by the UN Security Council, which explicitly stated that countries could not harbour terrorists. I am angry actually, because this is the UN's resolution a week after September 11. Forget everything else.

Our men are dying for no reason. The Lashkar-e-Tayyaba and Jaish-e-Mohammad have their offices in Pakistan. Let us even accept that they are nothing but white angels who have come to herald the birth of Christ. But, what about the fact that Pakistan sent its units to fight alongside the Taliban even when the war on terrorism began. So, at the end of it all, what does the UN resolution mean to the US? My anger and concern is rooted in this. How can they see Pakistan as an ally? You are a big power therefore you will decide what is acceptable and what is not acceptable. So today, we must continue to face terrorism.

India has taken a slew of diplomatic measures against Pakistan. What about hot pursuit? There is a perception that the Army feels it would not be a good strategy.

We are not looking at hot pursuit at all. It has not been defined and could mean many things. It is actually on wherever our troops are located at the Line of Control, areas from where terrorists are pushed in, where there's lots of shooting. These are the areas where we lose our men, where we actually run down terrorists. We are now looking at the larger picture that arose when they attacked Parliament. Look, it's not just a piece of real estate. It was an attempt to destroy the entire leadership of the country.

Will there be a war?

The government is hoping that something emerges out of the diplomatic efforts, but Pakistan has to make amends. As of now, there seems to be no desire on their part to do so. War is a decision that will have to be taken at the appropriate time. We haven't yet decided that. Troop movement is on, but that is because Pakistan had already moved in its troops.

Pakistan says it is only reacting to Indian troop movement.

Not at all. Pakistan actually moved its troops in October in the Rajasthan sector. They said then that they were doing exercises and brought in their armour. It could have been a normal exercise. But an alert was sounded on our side at that point because of the way that exercises were progressing. We were concerned. We tried to ask them what they were up to. They claimed that after the exercise the troops would be withdrawn. But then there was no real return to the barracks.

Then December 13 happened and the build-up began the next day. Pakistan, unlike bin Laden, was aware that an act of this nature would invite retaliation.

The BSF too reported that Pakistani Army regulars were dressing in the uniforms of the Rangers and being stationed at the border. That's when we took the decision to move our men. Our complete mobilization on the front will take two-three days more. As things stand, we are vulnerable in Rajasthan as it is a long march for us. Logistics are a problem. Pakistan can just drive into the area.

You had stated in the past that Pakistan's nuclear deterrence was in safe hands. Do you still believe that?

I invited a lot of criticism for that remark. I must have been born under the wrong stars. It has been like this all my life. I still hold that to be true for the simple reason that those who deal with those weapons are sensible. Pakistan can't think of using nuclear weapons despite the fact that they are not committed to the doctrine of no first use like we are. We could take a strike, survive and then hit back. Pakistan would be finished. I do not really fear that the nuclear issue would figure in a conflict.

What about procuring of weaponry? The post-Kargil period saw emergency procurements. Will that happen now?

In Kargil, our men had to die because for seven years we had neglected defence purchases and procurement of weaponry. Where we had the weapons we did not have the ammunition. These things do not become available overnight. I can't show you papers. It is not possible. Can anyone responsible for defence procurement walk into a

shop and ask for things that the shopkeeper will then give without a thought?

There are no shops. Take the T-90 tanks. When Pakistan acquired the T-80 we had the T-72, so we were one age behind, we were not all right. We then tried to equip ourselves. It took time and we are still not there where we should be.

That's a serious statement coming from the Defence Minister.

What I mean is we don't have enough to feel comfortable. This is not to say that if war is going to be imposed on us we are not in a position to wage a war. However, when Kargil was thrust upon us we were not in a position.

What about the coffin scam? You have been pilloried.

Well, I have a whole lot of feelings on that. At a personal level I am hurt because in my entire public life of 53 years I have never been called a thief. It is possibly related to politics and the work I have done in the past three years.

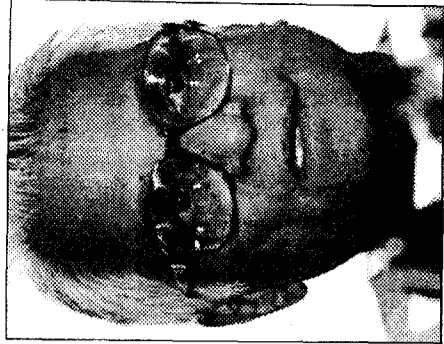
I have brought in transparency and said that all the transactions we have undertaken should be vetted by the CVC. This would

have hurt people who had a free run of the place. The only scam of the way it has been discussed. Otherwise, there is no coffin scam.

Why didn't you wait for the Venkataswami Commission to exonerate you before you rejoined the Cabinet?

I rejoined at the Prime Minister's insistence. What is the charge against me? If it is that we provided booze to someone and then they turned around and said something, well, then I am not guilty. Atalji called me and said, "You get back". I said "nahi Atalji rehney dijiye," (no, please let it be). He said my swearing in was the next day. I still refused and said I needed to talk to him. He replied in his inimitable style: "We will talk about small things and big things".

The notice from the commission was under a section that related only to my reputation. That it could be tarnished because of the rubbish people talk. That's about all. What is the charge in this? I did not resign because I was asked to go. I even had people suspended that same night and the next morning.



Why didn't you take action against your party people?

Let's first face this. Have you seen my house? My house is the place for anyone in need of any kind of succour. People who cannot get justice come to my house. There is no stopping anybody. We have the party president's office in my house and Jaya Jaitly was the president of my party. It is not the Ministry of Defence office. It is the house where I have lived for the past 11 years. To say that my house has been used or my office has been used is nonsense.

Non-combat Army unit moved to 'operational areas'

By Arunkumar Bhatt

MUMBAI, DEC. 30. The Maharashtra and Gujarat Area of the Army, headquartered in Mumbai, is a non-combat static organisation but most of its staff members, including the General Officer Commanding, Maj. Gen. A.S. Yadav, have moved to undisclosed 'operational areas.'

The Area is divided into several sub-areas — each headed by a brigadier. Its main job is to provide logistic support and do 'house-keeping' for combat formations stationed in its jurisdiction, for which its network is always in place and activated.

But this is not the only job the area commander and his staff do. Though exact details are not available, military sources here say they are also engaged in activities related to the command and control, information, logistics and medical care networks so that they can provide uninterrupted support to the combat units in case of an attack.

The organisational back-up is a helping hand to commanders of fighting formations who are busy deploying their troops and their weapon systems to cater to the operational requirements of their plans.

A combatant needs nearly 60 soldiers behind him to provide logistics. This is called 'teeth-to-tail' ratio. Good management of logistics and troops' reinforcements can go a long way in ensuring that the battle is not lost for want of a horse-shoe. And the static formations are being geared up to play this role.

Mumbai is not a garrison city. The only Army presence here, besides the Area Headquarters, are the Mumbai Sub-Area and the Embarkation Headquarters. Earlier, when troops were moved in ships from the city's port, the EHQ, as it is called, looked after their embarkation needs.

The EHQ is now engaged in handling military cargo that ships bring in. Its role is that of a clearing and forwarding agent. In case of a war, it will play a pivotal role, ensuring smooth dispatches of critical items to units in different sectors.

ANTI-TERRORISM LAW-II

Need To Reform Criminal Justice Administration

By NR MADHAVA MENON

5F-8 11/12
At present POTO appears to be well within the constitutionally permissible limits. This was what the Supreme Court said in the TADA case. This is what similar legislation in some States now operational seem to suggest. Again, this view is strengthened by the fact that more stringent procedures are now in the Statute Book of many liberal democracies all over the world.

Of course, human rights commissions and activists have to protest because of their apprehension that the governments might abuse the power as they did in the past. The remedy lies in greater public vigilance and quicker judicial interventions and not in letting the terrorists to have an upper hand over the State agencies.

Once the need for a special law, even for a limited period, is accepted in the present circumstances, the debate is on the nature and scope of the powers to be given to the police and the remedies available against possible abuse of powers. Here, there can be honest differences of opinion, the bottom line being that the powers should be sufficient enough to face the threat perception effectively. Unfortunately, the totality of the problem is not available in the public domain and is only available with the Government. Therefore, one has to give some credence to the Home Ministry's contention about the gravity of the situation.

Nevertheless, prudence demands that only the minimum necessary authority to interfere with citizen rights alone be allowed under the legislation and that too under strict judicial and quasi-judicial scrutiny. It is unnecessary to argue here as to how POTO is an improvement over TADA or how some State legislations are more drastic than POTO. Certainly, one cannot take the view that since State after State is adopting counter-terrorism laws, the Centre need not have a national legislation on the subject. This betrays ignorance of the nature of modern-day terrorism and the limitations of the State machinery of criminal justice to deal with such acts. Advanced technological abilities, financial strength, international networking and the fanatic loyalties of terrorist groups make them no match for police organisations even of the rich and developed countries.

A balanced approach towards counter-terrorism measures including the enactment of POTO, POCA and similar laws is what is needed in the country today.

Intelligence gathering before the event and preventive strategies to detect and neutralize terrorist attacks by detention of terrorists, confiscation of their properties and the incapacitation of their destructive potential are what are primarily intended by counter-terrorism laws.

This is where the normal criminal justice system is extremely inadequate and inappropriate. And this is precisely the power which can be abused if the

prevent unlawful detentions, provide punishment for erring police officers and allow interventions from the High Court in appropriate cases. Even bail facility is extended with the proviso that the public prosecutor should be heard before release on bail.

It is on the nature of duty of citizens, including journalists to give information on terrorists, that the law can become draconian in its enforcement. This



scrutinising agencies are not pro-active, sensitive to the risks involved and capable of striking down mala fide actions and excessive exercise of power without fear and favour.

It is very difficult to legislate in advance in all details to meet future eventualities the dimensions of which are not fully known. POTO has attempted to reduce the period of police custody, extend all rights of an accused to a POTO suspect, establish high-power review committees to

requires clarification or even deletion. On the question of admissibility of confession given to a senior police officer, there can be differences of opinion; it seems the balance of convenience would be on the side of the admissibility of such confessions in these situations.

Finally, a look at the terrorist offences which are not fully covered by existing laws and which the public ought to know to realise the importance of the legislation. It punishes those who commit terrorist acts,

those who abet such crimes, those who harbour terrorists and those who are members of terrorist organizations. Terrorist funds and properties can be seized and forfeited. It is a crime to acquire property through terrorism. Acquiring weapons for terrorism is also punishable.

Intimidating witnesses and not intimidating authorities having come to know of terrorism are both punishable. Organisations can be named, banned and notified as terrorist, the consequences of which are serious for those associated with it.

Special Courts to try offences are to be constituted from which appeal will be to the high court. Within 180 days police are obliged to complete investigations and file charge sheet. Bail provisions are restricted to one year after arrest (prima facie finding of accused not guilty). Confession to police under certain conditions is made admissible, on condition of being certified voluntary by the judge and the officer recording it being not below the rank of Superintendent of Police.

Now all these provisions and the safeguards provided to ensure fair implementation may not assure the people that these powers are for their welfare only and will not be misused to justify lawlessness by State agencies. This is because the police continues to be a stooge of the political executive with no freedom to act professionally. This is because courts are overburdened with cases and procedures can be easily manipulated by the rich and the powerful to their advantage. This is also because political adversaries and minorities have been at the receiving end of the ruling cliques who tend to use the administration for vote bank politics and personal aggrandizement.

There is no guarantee that the history of TADA will not be repeated. In short, while on the one hand there is a felt need for an anti-terrorism law and some tough measures to protect constitutional governance, there are justified fears on the other that the situation will worsen for the ordinary people with the new law in place. The final solution lies in reforming the criminal justice administration towards professionalism and accountability for which there is unfortunately neither political will nor democratic pressure at present. In the circumstances POTO will present itself as the most reasonable course of action and has to be suffered.

(Concluded)

1 1 DEC 2001

Pak. propaganda can create problems: PM

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By Our Special Correspondent

NEW DELHI, JULY 26. Kargil Vijay Diwas today saw the Prime Minister, Mr. Atal Behari Vajpayee, warn Pakistan that its propaganda about divisions within the Indian camp at the Agra summit could create problems for future talks. Talking to mediapersons on the fringes of the Kargil Vijay Diwas function here, the Prime Minister said there were no differences of opinion within the Indian delegation as was being made out by Pakistan. "No one in the delegation wanted terrorists to be called freedom-fighters. Nor did anyone want to ignore cross-border terrorism."

Denying that there were hardliners within the Indian camp who were against an agreement being reached, he said: "We were united and all decisions were taken together. This kind of talk by Pakistan can create problems for future talks."

Earlier, addressing the function, Mr. Vajpayee said India's commitment to peace should not be seen as a weakness as Kargil had proved that "we can protect ourselves" and make supreme sacrifices to do so. The country would give a befitting reply to anyone who had designs on its territory, he added.

He also informed the gathering — which included

some Kargil gallantry award-winners and the next of kin of those killed in the conflict — about the decision to institute two gallantry awards: Operation Vijay Star for the personnel from the armed forces involved in the conflict in the upper reaches of Kargil, and Operation Vijay Medal for the police and paramilitary personnel who took part in the Kargil operations.

Further, Mr. Vajpayee announced that the revised disability pension — currently being given to personnel who suffered disabilities after 1996 — would be extended to those maimed prior to the existing cut-off date. Another announcement he made pertained to medical facilities for ex-servicemen. Pointing out that the Government was aware of their problems, the Prime Minister said a committee under the Defence Minister would look into suggestions for the welfare of ex-servicemen. A fresh medical scheme for them would be finalised in the next three months.

Saluting the bravehearts killed in Operation Vijay, Mr. Vajpayee said Kargil had been a rare battlefield; not just because of the height of the theatre of conflict, but also because of the way the two sides were positioned with the enemy having the vantage of height while Indian troops had to move into their positions under the enemy's eye.

THE HINDU