

UPROAR, WALKOUT OVER MINISTER'S REINDUCTION ✓

# U.S. copter did not violate Indian airspace: Fernandes

By Our Special Correspondent

NEW DELHI, NOV. 29. The Defence Minister, Mr. George Fernandes, asserted in the Lok Sabha today that there was no violation of the Indian airspace by the U.S. naval helicopter even as angry Opposition members staged a walkout from the House, charging him with occupying the post "immorally."

As soon as Mr. Fernandes rose to make a statement during zero hour on allegations of airspace violation by a U.S. chopper in Chennai on Monday, the Opposition members were on their feet amid much noise that engulfed the House for the next few minutes. As Mr. Fernandes went ahead with the statement, the Opposition members staged a walkout much to the discomfiture of the Minister and embarrassment to the Government.

The uproar against the reinduction of the Samata Party leader in

the Union Cabinet in the face of the incompleteness of the Tehelka-expose inquiry already resulted in a walkout and an adjournment of the Lok Sabha for three hours during question hour last week.

Mr. Fernandes, to whom the Opposition has refused to field any questions, was subjected to similar treatment today in the Lok Sabha by the Congress member, Mr. Savshibhai Makwana. "All his life he has been talking of morality, why is he occupying the chair immorally," Mr. Makwana said.

When Mr. Makwana refused to put any supplementaries, the Speaker, Mr. G.M.C. Balayogi, ruled withdrawal of the question. On Wednesday, the Congress member, Mr. K.K. Birla, took a similar stand in the Rajya Sabha.

In his statement, made in response to the direction given by the Chair on Wednesday, Mr. Fernandes assured the members that no overflight over the Kalpakkam nuclear installation had taken

place by the U.S. helicopter that was flying over international waters at a speed of about 125 to 140 kmph at a height of 5000-6000 feet.

"There has been no report either from the Air Force, Navy, the Civil authorities or the Airports Authority of India to indicate that there has been any violation of Indian airspace by the helicopter off the US naval ship on November 26," he said.

On receipt of information from the Airport Authority at the Chennai Airport regarding the detection of an unidentified helicopter on their radar 123 km from Chennai, flying over international waters, the naval authorities immediately contacted USS John Young to confirm if a helicopter was airborne from that ship.

"On receipt of confirmation from USS John Young, the ship was advised by the Indian Navy to call back the helicopter to the ship immediately, though this

was not in violation of Indian airspace. The helicopter eventually landed onboard USS John Young when the ship was still about 60 km from the Chennai coast," the Minister said.

"I would like to inform the members that the territorial waters and the national airspace extend up to 12 nautical miles or 22 km from our coast and the waters beyond this limit are international waters wherein ships can operate without restriction," Mr. Fernandes said.

The Government had received specific requests for assistance in connection with "Operation Enduring Freedom" from certain friendly countries, including the U.S. "Those requests that conform to our existing policy guidelines for overflights and refuelling of aircraft and port calls by naval ships have been approved. The guidelines rule out India's participation in combat operations, Indian military units operating under a foreign flag other than operation mandated by the U.N. or the provision of bases on Indian soil for any foreign units.

"It is in this context that the USS John Young was given permission to dock at Chennai commercial port," he said.

Meanwhile, Admiral Dennis Blair, Chief of the U.S. Pacific Command, said here today that the flight of the U.S. helicopter, was "conducted entirely" in international airspace.

In his first official reaction, Admiral Blair asserted that the chopper had "not flown over any Indian facility." The ship, on a port visit to Chennai, was outside the Indian territorial waters and the helicopter returned to its deck when it was still in those waters.

"There was a misunderstanding on the procedure to be followed, but this is a kind of activity which is routine," he said. The Admiral said they were in touch with their Indian counterparts to "understand the procedures here because we are looking forward to more port visits by our ships".

## Censure motion: Congress will relent on words, not on rule

By Javed M. Ansari

NEW DELHI, NOV. 29. The stalemate over the censure motion moved by the Congress on the reinduction of the Defence Minister, Mr. George Fernandes, continues. The Lok Sabha Speaker, Mr. G.M.C. Balayogi's efforts today to find a way out failed with both the Government and the Congress sticking to their stated positions. Another meeting between the two sides is scheduled for Monday.

The treasury benches are objecting to the manner in which the motion is worded. The Congress motion apparently seeks the disapproval of the House to the reinduction of Mr. Fernandes into the Council of Ministers. The Government thinks that this amounts to questioning the prerogative of the Prime Minister. Hence its objections to the motion in its present form.

At today's meeting in the Speaker's chamber, the Parliamentary Affairs Minister, Mr. Pramod Mahajan, conveyed the Government's objections to the motion moved by the Congress spokesman, Mr. Jai-

pal Reddy, as well as to the Opposition's insistence on getting it discussed under Rule 184, which is a censure motion. The Congress, on the other hand, cites last year's case when the House discussed the continuation of three Union Ministers chargesheeted in the Babri Masjid demolition case.

However, the Congress today indicated through Mr. Reddy that it was willing to reformulate the motion. But it is unwilling to relent on its demand to have the motion discussed under rule 184. "Words can always be changed, but we insist on having the issue discussed under rule 184," said Mr. Reddy.

Apparently at the meeting in the Speaker's chamber, in which the Congress was represented by its Deputy Leader, Mr. Shivraj Patil and Mr. Reddy, Mr. Mahajan expressed the Government's reluctance to have the issue discussed under Rule 184. The Congress should not insist on holding the Government to the precedent set last year. He also said that a final decision could be taken only after discussing the matter with the Prime Minister and the Home Minister.

THE HINDU

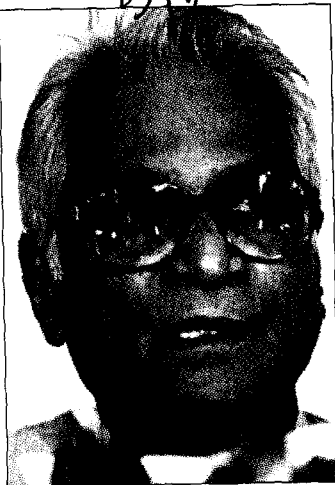
# House furore again over Fernandes reinduction

HT Correspondent  
New Delhi, November 28

IN A repeat of last week's events in the Lok Sabha, the Opposition persisted with its boycott of Defence Minister George Fernandes in the Upper House on Wednesday.

There were heated exchanges between the Treasury and the Opposition during Question Hour when Congress member K K Birla said he did not wish to pose any query to the Defence Minister. As Rural Development Minister Venkaiah Naidu took up cudgels on Fernandes' behalf, Suresh Pachauri and other Members questioned the Samata leader's reinduction as Minister midway through the Tehelka probe.

The issue also came up during Zero Hour in the Lok Sabha when Congress Members sought to know from Speaker G M C Balayogi the fate of their notice for a discussion on the issue under Rule 184. Terming Fernandes's reinduction as a grave act of "impropriety" by the Prime Minister, Jaipal Reddy, joined by Priya Ranjan Das Munshi, said the Government was dodging the issue.



GEORGE FERNANDES

But the House could not turn a blind eye to it, he said.

Pacifying the Members, the Speaker said the matter was under his consideration.

It is learnt that the issue would be settled at the Floor Leaders' meeting convened tomorrow by Balayogi. In the Rajya Sabha, Chairman Krishan Kant said it was an "aberration and not the correct thing" to oppose a Mem-

ber selected (as a Minister) by the Prime Minister and sworn-in by the President, K R Narayanan. "This has not happened in Parliamentary History," Kant told the House.

When the Chairman asked whether the Member intended withdrawing the question, Mr Birla replied that he did not want to put the question to the defence Minister. Thereafter, Kant ruled that the question stood withdrawn. The Chair's ruling didn't, however, immediately curtail the turmoil. For a while, Opposition Members continued shouting that George Fernandes's re-induction as the country's Defence Minister was an insult to Parliament.

**Speaker's move:** Lok Sabha Speaker GMC Balayogi has convened a meeting of floor leaders of political parties tomorrow to resolve the Government-Opposition stand-off on the reinduction of Fernandes as Defence Minister, adds PTI. The Government does not favour the Congress notice of censure motion on the matter being admitted as it feels the Prime Minister's prerogative cannot be questioned.

THE HINDUSTAN TIMES

23/11/77

# Pushing the POTO

By Kuldip Nayar

*The Government's purpose is not to challenge the terrorists but to chastise those who oppose saffronisation and are committed to civil liberties and human rights.*

*D S N. Kumar  
HD-10  
28/11*

I THOUGHT we had closed the chapter on the right to stay free. The ousting of the British had registered our determination and the Constitution had enshrined the resolve. The challenge came during the Emergency (1975-77) when one lakh people were detained without trial. Yet, we were able to roll back the misrule by ousting all those who were part of the oppressive machinery. The Congress Government again revived the MISA of Emergency-fame in the shape of the TADA in 1984 in the wake of the happenings in Punjab. But the measure did not stay for long because its misuse had killed thousands of innocent people and put some 75,000 men and women behind bars, only one per cent of whom were convicted.

After a lapse of several years, the BJP-led Government has promulgated the Prevention of Terrorism Ordinance (POTO). The Union Home Minister, Mr. L. K. Advani, has thrown down the gauntlet. It is for the people to pick it up. They are the ones who will be picked up on mere suspicion.

The history of preventive detention is littered with examples of state terrorism. The measure will be used once again against trade unionists, human rights activists and members of minorities rather than against the terrorists. Once again it will be a reign of terror. The National Human Rights Commission's repeated advice has had no effect on the Government.

The existing laws are good enough to fight terrorism. Leading jurists have also pointed out that there is no need for special legislation and that the administration has enough powers to deal with any untoward situation. But the Government's purpose is not to challenge the terrorists but to chastise those who oppose saffronisation and are committed to civil liberties and human rights. The craze for power has made the Government go beyond the proposals of the Law Commission which set the ball rolling. The Government did not send the ordinance to the Parliamentary Standing Committee of Home Affairs for its opinion.

Mr. Advani appears to have made the

ordinance a matter of prestige. He has gone to the extent of saying that those who oppose the ordinance are supporting terrorism. In the face of such a statement, what do the safeguards against the misuse of the POTO mean? It is going to be the same old game: them against us, the rulers against the critics. And the police will see to it that the will of their political masters prevails.

No one is opposed to the fight against terrorists. People all over the country suffer at their hands. But the suffering at the

hands of the police is no less. There is no rule which is not bent

## HUMAN RIGHTS DIARY

and there is no excess which is not committed when word comes from the top to fix someone. What remedy does the common man have against state tyranny? Even the power of law courts has been curtailed. If it is power, the Government has already too much for the liking of civil society. The National Security Act, the Armed Forces Special Powers Act, the Disturbed Area Act, the Special Court Act and the Unlawful Activities (Prevention) Act — all of them are special laws. Ordinary laws are no less severe. Rajiv Gandhi's killers were sentenced to death under the ordinary law, not the TADA.

On top of it, the security forces indulge in encounters. The disappearance of civil liberties activists is common. Till today, the police have not produced human rights activist Khalra of Punjab despite the Supreme Court's order. The POTO will be yet another instrument of oppression. The Government seldom pursues real terrors for political reasons. Those who committed terror and killed thousands in Delhi in 1984 and Mumbai in 1993 have yet to be brought to book.

In any case, Mr. Advani is the last person who should be telling us what terrorism is. He has been charge-sheeted in the Babri Masjid demolition case. He is the

one who should answer whether such an act amounted to terrorism or not. It is, however, intriguing that the POTO, unlike the TADA, does not say that alienating people or affecting the harmony among different sections is a terrorist act.

Never has independent India been subjected to warrantless electronic surveillance. This is the worst kind of attack on an individual's liberty. What differentiates democracy from dictatorship is personal freedom; the first guarantees it and the second fetters it. I recall that the

Congress Government once brought a Bill to intercept mail. Parliament passed it. But the then President, Giani Zail Singh, refused to sign it because he considered it interference in a citizen's privacy. When we have fought terrorism for more than a decade without resorting to what America and Great Britain are doing, why should we now introduce such draconian measures which are bound to be misused as has been the experience? Even then there is no provision in the latest U.S. measure to detain any national even for a day. The POTO, on the other hand, gives the police the power to hold anyone for six months without trial. And it is the suspect who has to prove that he is not a terrorist.

Had the POTO been there in 1987, I could have been hauled up as a journalist. I had gone to the Golden Temple, Amritsar, to collect information on Operation Bluestar. Three young Sikhs recognised me. They took me to a room within the temple premises. They discussed with me the pros, not cons, of the demand for Khalistan. When I asked them how they would achieve their objective, they said Pakistan and China had promised to help. I laughed at their naivety. I did not ask their names because I did not consider it relevant to what I thought I would write. In my article I wondered how many from

among the Sikh youths had been brainwashed into believing something which even on the face of it was preposterous. Some in the police must have read the article but none bothered me.

Again were I to go to the Northeast and publish today an interview with some of the militants who wanted independence, I would probably be hauled up. One, such an article may be considered a pat on the back for the terrorists. Two, the authorities would ask me the names and whereabouts of those militants. If I were to disclose their identities, I would block the avenues of any contact in the future with such people. Nations no longer lose freedom to outsiders. The danger is from insiders who, in the name of security or protection, curb an individual's say. Individual or organised terrorism is bad enough but state terrorism is worse. It squeezes out all that is good in a nation with the sanction of law.

Take the one-year-old State of Chhatisgarh. The incident took place at Nagarnar the other day. The Government decided to set up a steel plant there. Records were fabricated to show the consent of the gram sabhas concerned for land acquisition for the site. Even the Home Ministry's guidelines (1974) on the establishment of big industries were flouted: an alternative means of livelihood on a permanent basis for individuals directly displaced and indirectly affected in the zone of influences needs to be provided. Some Nagarnar people gathered to voice their protest. But they were lathi-charged and tear-gassed. Forty-five people were seriously injured. The authorities are not repentant.

The human rights activist, Mr. B. D. Sharma, visited Nagarnar to assess the situation. He was aware about the developments since the villagers had filed a serious complaint alleging fabrication of records with the National Commission for Scheduled Castes and Scheduled Tribes. It was clear to him that the police action was largely to teach the villagers a lesson for the complaint made by them. If the POTO becomes a law, the Chhatisgarh Government may declare leaders of the area terrorists.

THE HINDU

28 NOV 2001

# India not under pressure to join U.S.-led coalition: Jaswant

9-F Poin...  
10-13  
27/11  
By Our Special Correspondent

**NEW DELHI, NOV. 26.** The Government today said that it was not under pressure from the United States to join action against terrorism and discounted the possibility of India not having a say in the formation of a broad-based government in Afghanistan.

The External Affairs Minister, Mr. Jaswant Singh, told an anxious Opposition in the Rajya Sabha, that India had "observer status" at the U.N.-sponsored Bonn talks where primarily the Afghans would be deliberating on their future government.

India was part of the Group of 21 countries which stood for development of Afghanistan. "How can a solution to Afghanistan be found without India...We are in the neighbourhood," he said.

Intervening in a short duration discussion on the September 11 attacks, its impact on the country and the retaliatory action against Afghanistan, Mr. Singh said, "No one can pressure India and one billion human beings". India had withstood pressure even after the 1998 nuclear tests and had been waging a battle against terrorism for the last two decades.

The Prime Minister, Mr. Atal Behari Vajpayee, who was present during the hour-long intervention by Mr. Singh, would reply to the discussion tomorrow.

India, Mr. Singh said, was not an appendage of any country and it was not New Delhi but the U.S. which had joined the country in

its battle against terrorism. "It is a reflection of mentality...(we must) have the self confidence. They (U.S.) have joined us."

He said he had repeatedly drawn the U.S. attention to the danger posed by the Taliban and now both the U.S. and Pakistan which gave birth to the Taliban had abandoned it. It was a measure of success for India's attempts to build international opinion against terrorism.

The South Block, he said, had been reiterating for the last three

years that Pakistan and Afghanistan were running a terrorism factory against Indian interests. Now that the factory was being dismantled, how could any one not welcome it as India would be benefitting from the move in the form of closure of avenues for terrorist groups including those operating in Jammu and Kashmir.

On the Prime Minister's recent tour of the U.S., Russia and the United Kingdom, he said, it was for the first time in 50 years that the visits were undertaken to two

key nations at the same time. This reflected the significance the world community attaches to India. On suggestions that oil reserves in the Caspian Sea could be a motivation for the U.S. to establish presence in the region, he said the Centre had well addressed the issue of energy security. Refuting charges from the Opposition that India had not discussed the emerging situation with other nations, Mr. Singh said he was in touch with his counterparts in China, Iran, Saudi Arabia, the Arab League, Turkey, Egypt, Tunisia, Morocco while the Prime Minister spoke to the Palestinian leader, Mr. Yasser Arafat. There were discussions with South Africa and the Chairman of the Non-aligned Movement.

While not elaborating on India's role in the future set up in Afghanistan, Mr. Singh said the country steadfastly supported the Northern Alliance and had played host to slain Commander Ahmed Shah Masood earlier.

Listing out a string of steps taken to concretise relations between India and Afghanistan, he said, apart from the one million tonnes of wheat and credit line of \$ 100 million, a team of doctors had operationalised the Indira Gandhi Hospital in Kabul. Artificial limbs, medical equipment and even videos and audio cassettes of Hindi films were sent. A Kabul-Amristar flight would be restarted and also another connecting Mazar-e-Sharif.

## I have nothing to say: PM

By Our Special Correspondent

**NEW DELHI, NOV. 26.** The Prime Minister, Mr. Atal Behari Vajpayee, today suggested that after a comprehensive intervention by the External Affairs Minister, Mr. Jaswant Singh, in the Rajya Sabha on a discussion on the post-September 11 situation, he had nothing more to say.

"I have nothing left to say. I don't think the House needs any further discussion", Mr. Vajpayee said after a hour-long intervention by Mr. Singh. The offer of Mr. Vajpayee, who is scheduled to reply to the two-day discussion on the subject, was however not accepted by the Opposition with senior Congress leaders, Dr. Manmohan Singh and Mr. Arjun Singh, emphasising that many issues raised by them needed Mr. Vajpayee's reply.

Mr. Arjun Singh had earlier said the Government must look at the Rajiv Gandhi assassination case as an act of global terrorism since the organisation involved in it had been banned and even the Supreme Court had convicted some people in the case.

It was time the Government unravelled the conspirators and brought them to book. The CBI too had sent Letters Rogatory to 25 nations in the case. The country was acquainted with terrorism when Mahatma Gandhi was gunned down and later when Indira Gandhi and Rajiv Gandhi were felled by such acts.

Mr. Vajpayee shared the Rajya Sabha Deputy Chairperson, Dr. Najma Heptulla's sentiments that India should take the initiative for rebuilding the Bamiyan Buddhas destroyed by the Taliban.

27/11/01

27 NOV 2001



# Cong. firm on opposition to POTO, but ranks appear confused

Times News Network

**NEW DELHI:** While the Congress remains unyielding in its opposition to the prevention of terrorism ordinance (POTO), there appears to be confusion within its ranks. They are unsure of how to respond to the charge that Congress-ruled states have similar laws.

The party's legal experts, including Kapil Sibal, who was asked by party president Sonia Gandhi to compare the provisions of the state laws with those in POTO, made the case that the two legislations are very different. In fact, Mr Sibal even went so far as to say that the two laws were as different as "potatoes and tomatoes" and that the Congress should not be defensive about having such laws.

However, this view is in contrast to that of the party's mouthpiece, *Congress Sandesh*, released on Friday. Titled "POTO, an attack on democracy," the editorial describes the POTO-type laws in Maharashtra and Karnataka as "dracon-

ian" and calls for their withdrawal. The editorial says, "With regard to such draconian laws existing in Karnataka and Maharashtra, the chief ministers of these two states must immediately re-examine these laws and do away with them so that our opposition to POTO carries greater conviction with the people".

The editorial board of *Congress Sandesh* comprises senior party leaders like N.D. Tiwari, K. Natwar Singh, Mani Shankar Aiyer, Salman Khursheed and Anil Shastri.

The meeting of Congress chief ministers and senior leaders convened by party president Ms Gandhi on the session-eve had firming up the party's position to oppose POTO in the strongest possible terms. It was also decided that the party would defend the legislations in its states on the ground that they were better defined and targeted against organised crime.

The definition of terrorism in POTO, according to the Congress, was far too loose and sweeping. There was no mention

of withdrawal of the controversial state legislations. Congress leaders privately admit that they were on a weak wicket on this issue, but the party decided to take on the BJP, because it launched an all-out offensive against the Congress for opposing POTO.

This dichotomy figured at last week's meeting called by Ms Gandhi, where Maharashtra CM Vilasrao Deshmukh said his government was willing to re-examine the law if any misuse was reported. Similarly, Karnataka's S.M. Krishna too said his ministry would be willing to dilute provisions in his state's proposed law.

With the opposition refusing to relent, the debate on POTO with the government in the home ministry consultative committee remained inconclusive on Friday. The discussion will resume on Monday. While the opposition alleged that the government had failed to come up with an amended version of the proposed law, the government wanted the opposition to specify the provisions they wanted amended.

CPM leader Sourinath Chatterjee said that the meeting was an "eyewash" as the government had failed to bring the amended version of the law as discussed earlier, and Congress spokesman Jaipal Reddy said his party had told the government to "bring in a new legislation, comprising all the democratic provisions suggested by the Congress."

BJP leader Madan Lal Khurana termed the 90-minute consultative committee meeting as "inconclusive." He indicated that the government may drop certain controversial provisions from POTO to protect the freedom of the press.

Later, addressing a formal press briefing, Mr Chatterjee, who participated in the meeting, said that since all parties were opposed to terrorism, the government should not have "bypassed" them by promulgating the ordinance.

"This attempt of the government is not sincere," he said, adding that views of chief ministers should have been elicited, as ultimately it is a state subject. Describing the

current exercise of holding consultations as "unproductive," he said that it was meant only to show that the government believes in doing something through consultation.

Congress leader Avtar Singh Bhadana said that his party would stick to its position and oppose POTO in Parliament. The opposition members were of the view that the government should have consulted political parties before deciding to promulgate the ordinance.

Minister of state for home I.D. Swami told reporters the opposition MPs agreed that there should be a law to fight terrorism but the government should have held wider consultations before bringing POTO. Mr Swami said the opposition members wanted more time to suggest specific changes in the proposed law.

The meeting was presided over by Union home minister L.K. Advani and other central ministers present including law minister Arun Jaitley and minister of state for home affairs Vidyasagar Rao.

THE TIMES OF INDIA

24 NOV 2001

# It is saffron attack, says historian

By Our Staff Correspondent

PATNA, NOV. 23. A prominent historian, Prof. R.S. Sharma, today described as a "saffron attack" on historical study the move of the National Council of Educational Research and Training (NCERT) to delete passages from history books considered objectionable by the Sangh Parivar. He said it was not clear what passages had been deleted from his book on ancient India for Plus Two students, but it was an "explicit denial of knowledge and views" at the formative stage.

The BJP-led Government was doing away" with the study of history at the school level, he alleged. It was an "attack" on historical studies and students were being denied any debate on subjects necessary for forming their own views on crucial issues. Those at the helm of affairs were "imposing" on the youth what they considered the Hindu viewpoint. Prof. Sharma charged that the NCERT had "violated" the agreement with him which said that no modification or adaptation would be effected without his approval.

## NCERT stand

By Our Special Correspondent

NEW DELHI, NOV. 23. The National Council of Educational Research and Training (NCERT) today justified the deletion of certain portions from the history textbooks. In

a statement this evening, the NCERT defended itself against charges of "saffronisation of education" saying the action was taken based on a Delhi Assembly resolution recommending deletion of objectionable comments against any religion.

The NCERT, which decides the syllabus for all the Central Board of Secondary Education schools, sent a notification on October 19 saying it had deleted certain portions and statements from the history textbooks of various classes. Following this the CBSE issued a circular on October 23 asking schools affiliated to it "not to teach or even discuss" the portions.

The NCERT statement said that the request was made in response to the large number of complaints received from representatives and religious leaders of several communities who pointed out that the books contained information that hurt their sentiments and could cause confusion in the minds of their children.

The parents had reportedly said that some of the books ignored the cultural sensitivities of certain communities and made sweeping statements. While refraining from commenting on the veracity of such comments, the statement said it had been often found that such information had the potential of creating confusion in the minds of

children, leading to a skewed perception about their religious figures.

## 'Cong. too changed syllabus'

By Our Special Correspondent

NEW DELHI, NOV. 23. The Bharatiya Janata Party's complaint is that when it comes to meddling with history what is sauce for the goose is not considered sauce for the gander — the "secularists" can get away with changing what they want, but when "saffronists" change the syllabus or add and delete from curriculum, a hue and cry is raised.

Mr. V. K. Malhotra, BJP spokesperson, today said recently a Congress MLA in the Delhi Assembly had moved a resolution seeking to remove certain references to Sikhs in a class 11 textbook of the NCERT and it had been adopted by the Congress.

A circular was then issued on October 12 to the Principal Secretary, Education, Delhi Government, asking him to take necessary action. The same circular had also objected to comments about "various religions" in the textbook, 'Ancient India.'

Mr. Malhotra strongly defended the NCERT's latest stand recommending that certain portions of the prescribed textbooks not be taught, and pointing out that no questions would be asked on those paragraphs and chapters during examinations.

THE HINDU

24 NOV 2001

BID FOR CONSENSUS RUNS INTO ROUGH WEATHER

# Govt. has a 'closed mind' on POTO: Opposition

HD-1  
29/11

9-93 N. S. S. S.

By Our Special Correspondent

**NEW DELHI, NOV. 23.** The Vajpayee Government's bid to hammer out a consensus on Prevention of Terrorism Ordinance (POTO) appears to have run into rough weather, with an enraged Opposition accusing it of having a "closed mind" on the ordinance.

A meeting of the Parliamentary Consultative Committee of the Union Home Ministry today witnessed senior Opposition leaders taking on the Government for what they termed as its "failure" in placing its POTO cards on the table.

The CPI(M) described the committee meeting as "unproductive" as the Government had come with a "closed mind." As the meeting remained inconclusive, it would be resumed on Monday, it was officially stated here.

The meeting saw the senior Congress leader, Mr. Arjun Singh, going on the offensive, saying there was nothing to discuss with the Government as it had failed to come up with any suggestions on POTO. In a similar vein, his colleague, Mr. Suresh Pachauri, criticised the Government for taking "political parties for a ride". He also rapped the Government for failing to initiate any consultation with the political parties before going ahead with the promulgation of the ordinance.

The CPI(M) leader, Mr. Somnath Chatterjee, who participated in the meeting, said the Vaj-

payee Government had organised the meeting "just to show that there had been consultations on POTO". He said its "real intention" was to see that the ordinance lapsed so that the BJP could make it an issue in the Uttar Pradesh Assembly poll campaign.

Mr. Chatterjee said the BJP wanted to portray the Opposition as an "unwilling" player when it came to fighting terrorism and fundamentalist forces. The party wanted itself painted in nationalist colours by putting on display its commitment to fight fundamentalist forces.

Addressing a press conference later, Mr. Chatterjee said the BJP Ministers and its party president were already carrying out a campaign against the Opposition on the subject which reflected their approach. The Government sought to exploit the post-September 11 situation to usher in a "draconian law" and asked the Government to explain the "hurry" in promulgating an ordinance when Parliament was scheduled to meet.

## Changes needed: Vaiko

The general secretary of MDMK, Mr. Vaiko, told the meeting that POTO might be a bitter pill to swallow but in the context of the September 11 developments such a law was necessary. But considering the bitter experience in the enforcement of the Preventive Detention Act, the Defence of India Act, MISA and

later TADA, the possibility of misuse of POTO could not be ruled out. Hence, certain changes were necessary to POTO.

To allay the fears of journalists that they would be compelled to furnish the source of information, Mr. Vaiko wanted Section 3 (8) of POTO scrapped. Similarly, in the provision regarding confessional statements before a magistrate within 48 hours of the arrest, he said it should be reduced to 24 hours. He also wanted reconsideration of the definition of "meeting" under the Act as this provision was liable to be misused by police.

Mr. Ramgopal Yadav of the Samajwadi Party and Mr. G.M. Banatwalla of the IUML rejected POTO outrightly, describing it as an "anti-minority" measure.

Earlier, in his opening remarks, the Union Home Minister, Mr. L.K. Advani, is said to have told the members that the Government had incorporated all the six observations of the Supreme Court when it upheld the Constitutional validity of TADA. The Government wanted to hear the Opposition suggestions either focussing on what was unacceptable to it in POTO and if it wanted an entirely new law to replace it.

Mr. Advani is believed to have told the members that the Prime Minister had already made it known that an all-party meeting on POTO would be held soon.

**Jaitely stand criticised: Page 13**

THE HINDU

24 NOV 2001

# NCERT omissions a breach of agreement: historian

Editor of Culture

MAILIN VERMA

STATESMAN NEWS SERVICE

PATNA, Nov. 23. — Prof Ram Sharan Sharma, eminent historian, has said the decision taken by the National Council of Educational Research and Training to remove certain sections from his book, *Ancient India*, is a "breach" of agreement. In an interview with **The Statesman** today, Prof Sharma said the saffron-brigade in the government was bent upon "communalising" the curriculum. "People should come forward to stop distortion of history," he said.

The NCERT has decided to omit certain passages from several other history books. Apart from Prof Sharma's *Ancient India*, books written by Prof Romila Thapar, Prof Arjun Dev and Prof Satish Chandra had to face censorship.

Prof Sharma showed the agreement letter, signed in 1980, which clearly says the "NCERT will obtain the author's approval for the modification/adaptation of the original book."

"The NCERT has neither contacted me nor sought my approval for the changes in my book," he said. "It's a clear breach of agreement.... I think the NCERT has signed similar agreements with other authors too."

Prof Sharma said he was not opposed to the "inclusion" of the RSS point of view in his book. "But it shouldn't be at the cost of the facts."

Prof Sharma said a historian can not possibly go by the Sangh's argument that the "historicity of Lord Rama or Lord Krishna can't be questioned because they are gods."

The proponents of Hindutva have objected to Prof Sharma's characterisation of the Aryans

as nomads before their induction into the Brahminical fold. Commenting on this, Prof Sharma said language is one of the "basic markers of ethnicity." He said the people living around river Sindhu, Afghanistan, Pakistan, Iran, Turkmenistan, etc, speak the Indo-Aryan and Indo-Iranian languages. Research proves beyond doubts that the Aryans were not indigenous community of India, he said. "But the RSS is determined to show that the Aryans were indigenous people and the Indus valley civilisation was their gift to India."

The historian said the NCERT has omitted certain passages from the chapter on Lord Mahavir from the latest edition of his book, published in 2001. "They have done it without consulting me," Prof Sharma said his Ancient India was thrown out of circulation in 1978 by the "obs-

curantists" in the then government. He recalled that the communal forces raised as many as 49 objections to the book at that time. He said he replied to all the objections in his book, "In Defence of Ancient India" and the book was "re-recommended" for standard XI in 1980.

A circular issued by the CBSE to delete certain portions from the history textbooks taught in schools rocked the Rajya Sabha today and the Opposition forced an adjournment. The problem started during Question Hour when Mr Arjun Singh (Congress) raised a supplementary on the policy of writing textbooks and accused the government of "Talibanising education in India". This sparked protests from Treasury benches leading to noisy scenes for nearly 15 minutes.

The BJP charged the Congress and the Left with adopting double standards on the issue of rewriting the NCERT textbooks. While these parties want certain portions

## STATESMAN NEWS SERVICE

to be removed as they calculated these hurt certain sections of the society, they were not forthcoming in removing those sections that depicted Indian culture in poor light. While defending the NCERT's decision to remove the portion describing Guru Tegh Bahadur as a robber, the BJP spokesperson, Mr VK Malhotra, said the Congress government in Delhi too had sought removal of the same portion.

Even the National Commission for Minorities had supported the decision, he said, while pointing out that the Congress had gone to the extent of demanding arrest of the author of the textbook containing such references. Similarly, the West Bengal government had removed certain parts from the text which it considered objectionable.

On reports that the Delhi government has also agreed to the changes in the textbook regarding Guru Tegh Bahadur, the Congress spokesman said the issue of distorting history should be looked into in its totality.

It was strange the students were taught that the Aryans were beef-eating nomads and cattle grazers, while Aurangzeb was presented in a positive light.

The Congress, on the other hand, seemed to carry on with the new term "Talibanising Hindutva" that they had coined. Congress spokesman Mr Jaipal Reddy said, "Hinduism is tolerant, humane and has equal respect for all religions. But the efforts to censor the NCERT textbooks and thus distort history shows that the Sangh Parivar is Talibanising Hinduism."

He said the RSS should not make history their instrument to achieve political goals.

THE STATESMAN  
24 NOV 2001

# George embarrassed in LS

STATESMAN NEWS SERVICE

NEW DELHI, Nov. 22. — Mr George Fernandes and the government faced an embarrassing situation in the Lok Sabha today when Opposition members refused to allow him to speak, forcing the Speaker to adjourn the House till lunch break.

The defence minister also faces the threat of a censure motion under Rule 184, notices for which have been given by the Congress.

Mr Fernandes's reply to questions by Mr Prabodh Panda (CPI) and Mr GPS Gowda (Congress) was listed during the question hour this morning as the first item on the agenda. Though Mr Fernandes was not allowed to speak, his written reply to the questions was laid on the table.

There was uproar when the members refused to take the reply. One of them said: "How can we take the reply from the minister who's occupying the office illegally." There were shouts from the

Congress and CPI-M members who questioned Mr Fernandes speaking on transparency in the defence deal while he himself was not cleared by the Venkataswamy Commission probing the Tehelka tapes.

The Speaker, Mr GMC Balayogi, was on his feet to pacify the members so the question hour could continue. But it didn't help.

The Prime Minister and the home minister were not present in the House when the Opposition disrupted the proceedings.

There were few members in the Treasury benches who came to Mr Fernandes's defence. Only two Samata Party members were seen countering the Opposition charge.

**Cong notice:** The Congress has given notices for a censure motion under Rule 184 against Mr Fernandes's re-induction into the Cabinet while the Venkataswamy Commission was still probing the Tehelka scam.

The party will press for moving the

motion tomorrow, signalling yet another round of confrontation with the government. This motion is devised as a double-edged weapon to gun for Mr Atal Behari Vajpayee and Mr Fernandes.

It says: "The manner and the circumstances of Mr George Fernandes's re-induction into the Cabinet is a blatant assault on India's democratic traditions. It has no precedence in the political history of independent India. It is also an affront on the Justice Venkataswamy Commission, which the government unilaterally appointed rejecting our demand for a JPC. We have given notices under Rule 184, for a discussion. We want to know what were the reasons for the Prime Minister to re-induct him. We also want an explanation why Mr Fernandes changed his position of not returning to the government before getting a clean chit from the inquiry commission. We also want to protest the application of double-standards by the government — in taking action against

the Army men while letting away politicians and IAS officers caught in the Tehelka scam."

He disagreed with the government's contention that nothing was found to substantiate Mr Fernandes's personal involvement in the Tehelka scam.

What the party will do if the motion is disallowed?

The spokesman, Mr Jaipal Reddy, said that so far the government's contention was that the Prime Minister would reply to the matter (re-induction of Mr Fernandes) only if there was a specific question on it.

Therefore, there is a whole motion for him to respond.

Asked whether the defeat of the motion would ensure legitimacy for Mr Fernandes's continuation, Mr Reddy said: "In democracy, legitimacy is not gained through numerical strength, but the moral conduct of persons.

This is a contaminated Cabinet which has so many tainted ministers." On whether the Congress would continue

with the "blockade of Mr Fernandes", Mr Reddy said today's protest was spontaneous and the Congress finalises its floor-strategy on a day-to-day basis. **BJP challenge:** The BJP ruled out the government accepting any discussion on the prerogative of the Prime Minister to re-induct Mr Fernandes as the defence minister.

The party even dared the Opposition to bring a no-confidence motion against the government on the issue. But asking the Prime Minister to explain why someone was made a minister was wrong and against parliamentary norms or tradition, the party spokesman, Mr VK Malhotra, said.

The issue was "non-debatable" and the Opposition shouldn't use it as a pretext to disturb Parliament, he said.

**Military instalations:** Mr Fernandes will visit military installations in the Gujarat area this weekend.

Some of them, including air force installations close to the border, were damaged during the last earthquake.

THE STATESMAN

23 NOV 2004

## Heavy Ordinance

22/11 Weeks of persuasion and propaganda later, the government still hasn't had its way with the Prevention of Terrorism Ordinance (POTO), and thank God for that. The rather inelegantly-named Indian anti-terror legislation has come up against some spirited opposition at a time similar laws have sailed through other democracies, including the greatest of them all, the United States. The only thing that can be said for the American counterpart of POTO is that it makes for a more imaginative acronym, USA-PATRIOT (Uniting and strengthening America by providing appropriate tools required to intercept and obstruct terrorism). Other than this, the objective of both legal measures is the same: To arm the state with draconian powers. The USA-PATRIOT Act has threatening implications particularly for the millions of aliens for whom America has long been the only land of opportunity. It permits the attorney-general not only to incarcerate non-citizens (including lawful permanent residents) on a mere suspicion, but to deny them re-admission should they be found engaging in speech protected by the First Amendment. Since then, president Bush has further expanded executive power in a way that severely curtails the American notion of freedom. Henceforth, foreigners accused of terrorism will be tried in military tribunals, while the administration can legitimately track down and question thousands of immigrants as well as monitor conversations between the detainees and their lawyers. On another day, president Bush would be dragged over the coals for daring to touch the civil liberties that have been so precious to generations of Americans. But post-Sept 11, patriotism has been the overriding theme of all American actions, providing justification for the most inexcusable curbs on freedom.

One can almost hear the wistful sigh of the Indian administrators: Why can't we be more like the Americans? Just as well, we aren't. It is not as if the Indian democracy hasn't had its share of travails. In one fell swoop, the Indira Gandhi-imposed Emergency took away the fundamental rights of citizens. Then there have been scores of legislations enacted precisely on the grounds that extreme situations mandated extreme measures. The Maintenance of Internal Security Act (MISA) was followed by the National Security Act (NSA) which, in turn, was followed by the notorious Terrorist and Disruptive Activities Act (TADA). The drill was always the same: Those in government, regardless of their ideological persuasion, would seek to ram the law through in the name of patriotic duty and dissenters would be dubbed anti-national. And this despite the proven failure of each one of these laws. Take only TADA: More than 65,000 persons were arrested under it, only a fraction were charged and fewer than one in a hundred was convicted. Finally, as happened with each one of its predecessors, TADA had to go. Now, POTO has surfaced and with the same excuse that these are extraordinary times. The simple fact is that politicians will always contrive to present situations as extraordinary. Because the aim is not so much to tackle one or another menace as to infringe on the rights of the ordinary citizen. The fundamental requirement of democracy is democratic space. When that shrinks, the result is a sham democracy — whether the country in question is India or the United States.

THE TIMES OF INDIA

22 NOV 2002

# Amendments in Poto likely

SF-8  
2/11

J-D B N Dec 1/11

STATESMAN NEWS SERVICE

NEW DELHI, Nov. 20. — The NDA's parliamentary managers today appeared to be working on the twin strategy of making amendments in Poto and dangling the threat of a joint sitting, if the Opposition did not agree to pass the bill in both Houses once the objections were dropped.

The provision relating to disclosure of information, which brings in journalists within the ambit of the proposed bill, is likely to be dropped. The waiting period for bringing the confession of a person before a magistrate may be reduced from 48 hours to 24 hours. Both the amendments are likely to satisfy the Opposition.

The amendments are awaiting a nod from the Union home minister, Mr LK Advani, who was absent at the NDA meeting yesterday.

When he chairs the meeting of the consultative committee on Thursday, he is likely to seek others' views on the amendments.

The all-party meeting on the issue is expected in the first week of next month. The government wants to avoid confrontation at the beginning of the session and hence prefers to leave the proposed Poto bill for consideration later on. In the meantime, the

## TRINAMUL STAND

KOLKATA, Nov. 20. — For the first time since the controversy over Poto surfaced, Miss Mamata Banerjee said her party would request the Centre to amend certain provisions of the ordinance.

While leaving for Delhi this evening she said, "We'll urge the Centre to consider amending certain clauses of the ordinance. The Centre should handle the ordinance carefully and should be cautious in its implementation, if passed in Parliament." — SNS

government would try to work out a strategy to evolve a consensus. The second half of the session is likely to be devoted to Poto. Senior BJP leader, Mr Vijay Kumar Malhotra, said the government could easily get the Bill passed by a joint sitting, but it didn't wish to divide the country on such a sensitive issue.

"If the bill falls through in the Rajya Sabha, that will electorally benefit the BJP during the Assembly elections, but national interests are more important, and hence the need to evolve a consensus," he said.

The joint sitting of the Parliament would be a last resort, a BJP minister said.

THE STATESMAN

21 NOV 2002



# Cong offers help only for revised POTO

EXPRESS NEWS SERVICE  
NEW DELHI, NOVEMBER 20

**C**ONGRESS chief Sonia Gandhi today reaffirmed her party will not support POTO as it is now. But she promised to cooperate in a larger consultative process for an anti-terrorist legislation that "is not anti-democratic and liable to misuse by sectarian forces".

Sonia was addressing a meeting of the Congress Parliamentary Party in the morning. She lashed out at the BJP for trying to portray the Congress as being soft on terrorism. "The nation knows the price the Congress has paid in its fight against terrorism. It does not need a certificate from a Govern-

ment that escorted three hijackers in a VIP-like manner to Kandahar," she said.

Sonia's speech listed the issues which the party will focus on this Parliament session. These in-

Supreme Court orders at Ayodhya.

She referred to the irony of mounting grain stock and persistent malnutrition and declining PDS offtake. Recalling she had

**"Nation knows our role in fighting terror. We don't need any certificate from a Govt that escorted hijackers to Kandahar"**

clude saffronisation of education, Doha Declaration of WTO and its implications for the country, reinduction of George Fernandes as Defence Minister and attempt to clear him of Tehelka charges before Venkataswami Commission has submitted its report, and VHP's flouting of

## Rejects joint session

**■ NEW DELHI:** The Congress on Tuesday said it would oppose any move to hold a joint session of Parliament to pass POTO. Acknowledging the Centre had the constitutional authority to ask for a joint session, spokesman Jaipal Reddy said using this power for controversial and divisive POTO will be misuse of privilege. —ENS

over the next few months.

She said farmers have not yet received the minimum support price either for grain or cash crops. And the economy is in the doldrums and growth has plummeted. "The Centre cannot hide behind the excuse of a global

slowdown. Its policy failures are to blame for our predicament," she said.

She lashed out at the Centre for trying to blame the Congress for the economic slowdown. The Congress has never played partisan politics on vital national issues, Sonia said. It is exaggeration to suggest that a lack of consensus on economic legislation is responsible for the present problems, she said.

Sonia began her speech with tributes to Madhavrao Scindia and Vijaybhaskar Reddy and wound up admonishing her MPs for playing truant. She urged them to spend more time in the House than in the Central Hall so that the party makes its presence felt.

NO DATE FIXED FOR ALL-PARTY MEET

# BJP allies for safeguards against misuse of POTO

By Our Special Correspondent

NEW DELHI, NOV. 19. The National Democratic Alliance has "supported" the Prevention of Terrorism Ordinance promulgated by the Government, but not unreservedly.

At the start of the winter session during which the ordinance will have to be approved by Parliament if it is not to lapse, what this apparently means is that the allies have pressed for some amendments to be incorporated, although no specific changes were discussed today.

At a meeting of the allied leaders at the Prime Minister's resi-

dence here today, members expressed "apprehensions" that the new draconian legislation could be "misused against the press, political opponents and any specific community". They "requested" the Government to "take necessary steps" to remove those apprehensions in a two-paragraph resolution that was adopted.

## Maneka stays away

Significantly, two important allies which have publicly expressed reservations on POTO — the Trinamool Congress Party and the Akali Dal — were absent

today. Their representatives were not among the 24 members who attended. Another absentee was Ms. Maneka Gandhi, who stayed away after having conveyed that she would attend the meeting. She was unhappy about being deprived of the Ministry of Culture which has been taken away from her and given to Mr. Jagmohan.

Earlier, the Government had been toying with the idea of calling an all-party meeting tomorrow to discuss POTO, but now the thinking seems to be that such a meeting should be called after the issue is thrashed out during the consultative committee meeting

of the Home Ministry scheduled towards the end of this week.

The Defence Minister and convenor of the NDA, Mr. George Fernandes, said later that while it had been decided "there shall be an all-party meeting to discuss POTO" no specific date had as yet been fixed or announced by the Government or the Prime Minister. He replied in the negative when asked whether these hectic rounds of discussions with allies and the Opposition parties on POTO after the ordinance had been promulgated was putting the cart before the horse. The implication was that the Government had acted constitutionally — it had the right to issue ordinances — and it was all right for it to discuss the issues involved after issuing the ordinance and such a discussion was not a farce.

Mr. Fernandes confirmed that there were several leaders who had raised concerns about POTO during the two-hour discussion. Mr. Murasoli Maran, Commerce Minister and DMK leader, was one of them. He reported his personal experience of the misuse of MISA. Others pointed out that both MISA and TADA had been repeatedly misused and there could be no guarantee that something similar would not happen with POTO.

It is seen as significant that the allies are also suspicious that the new law, if enacted, could be used against a "specific community". Clearly, the reference was to Muslims. The meeting began with the External Affairs Minister, Mr. Jaswant Singh, briefing the members about the developments related to the Afghan war. Later, it was the Law Minister, Mr. Arun Jaitley, who briefed the NDA on POTO and explained some of the salient "safeguards" in the proposed legislation which were absent in MISA and TADA.

But the members sought and got assurances that the Government would take the "necessary steps" to remove the "apprehensions" of misuse of the POTO even as they expressed unanimous support for the new law seen as "necessary" in the "prevailing extraordinary circumstances".

## Opposition chalks out strategy

By Our Special Correspondent

NEW DELHI, NOV. 19. The non-Congress Opposition parties today decided to move an adjournment motion over Ayodhya developments in the Lok Sabha tomorrow and follow it up with another on the plight of farmers.

The parties, including the Left, Samajwadi Party, Nationalist Congress Party, Rashtriya Janata Dal, Janata Dal (United), Indian Union Muslim League and the Janata Dal (Secular), which met here on the opening day of the winter session of Parliament identified issues to be taken up in a coordinated manner.

Interestingly, there appears to be a thaw in the relations between these parties and the Congress. This became possible after the CPI(M) Parliamentary Party leader, Mr. Somnath Chatterjee, had a meeting with the Congress president, Mrs. Sonia Gandhi, last evening, where an understanding was arrived on floor coordination.

Mr. Chatterjee told correspondents today that the Congress Deputy Leader in the Lok Sabha, Mr. Shivraj Patil, who was also present last evening, would coordinate on behalf of his party with the non-Congress Opposition.

It seems that Mr. Chatterjee will make his services available to help bridge the "communication

gap" between the Congress and the non-Congress Opposition, especially the Samajwadi Party. He said the Opposition parties have agreed to take up issues on which there was a similarity of views.

## SC notice to U.P. Govt., CBI

NEW DELHI, NOV. 19. The Supreme Court today issued notices to the Uttar Pradesh Government and the Central Bureau of Investigation (CBI) on two petitions challenging an Allahabad High Court order quashing the framing of charges against the Union Ministers, Mr. L.K. Advani, Dr. Murli Manohar Joshi and Ms. Uma Bharti and top VHP leaders in the Babri Masjid demolition case. — PTI

Details on Page 12

Significantly, the Samajwadi Party chief, Mr. Mulayam Singh Yadav, who till now had opposed any coordinated move by the Opposition parties along with the Congress, seems to have reconciled.

At a separate press conference today, when asked whether this session would see the Opposition presenting an united face, the SP

chief said taking up issues on which different parties shared similar views could not be construed as some kind of "merger". However, this time the AIADMK was conspicuous by its absence at the meeting of the non-Congress Opposition.

Referring to other issues, Mr. Chatterjee said the reinduction of Mr. George Fernandes, POTO, Ayodhya developments, the recent three-nation tour of the Prime Minister, "failure" at the WTO Doha round, Malegaon violence and worsening economic situation would also be raised during the session.

Mr. Chatterjee took objection the Rs. 812 crore grant to Punjab announced by the Prime Minister on the grounds that it appeared that States with political affiliations with the NDA were being favoured. He said the Centre did not release funds to Bihar under the package after creation of Jharkhand or for flood relief.

Among those who attended the meeting chaired by Mr. Chatterjee were Mr. Ajay Chakraborty (CPI), Mr. Bir Singh Mahato (AIFB), Mr. Sanat Mandal (RSP), Mr. Ramji Lal Suman (SP), Mr. Shrinivas Patil (NCP), Dr. Raghuvansh Prasad Singh (RJD), Mr. G M Banatwala (IUML), Mr. Simranjit Singh Maan (SAD-A), Mr. Haribhau Mahale (JD-S).

THE HINDU

20 NOV 2001

# Allies want Poto fears removed

STATESMAN NEWS SERVICE

NEW DELHI, Nov. 19. - The Centre appeared to be softening on the controversial Prevention of Terrorism Ordinance today after the NDA rejected the contention that there's no reason for apprehension about misuse of the proposed legislation. DSN

The provision that deals with disclosure of information might be taken off or drastically amended.

Realising that the NDA might be jolted by a hardline approach, government managers decided not to rake up the issue of a possible joint sitting of the Parliament till the NDA's house is set in order. Talking about it now would lead to the possibility of a confrontation, said a BJP leader.

Mr George Fernandes, told mediapersons after a two-hour meeting that the NDA requested the government "to take necessary steps to remove any apprehension that it can be misused against the press, political opponents or any specific community."

The NDA urged the government to remove misgivings about Poto's misuse by amending the proposed Bill. Many NDA leaders reportedly argued at the meeting that the provision that raised apprehension about journalists

■ See POTO: page 8

THE STATESMAN

20 NOV 2001

20 NOV 2001

# Opp wants 'sitting duck George' in House

## STATESMAN NEWS SERVICE

NEW DELHI, Nov. 19. — Though some Opposition MPs greeted Mr George Fernandes today with cries of "shame, shame" when he was introduced to the Lok Sabha as the re-inducted defence minister, Poto and Ayodhya, not Tehelka, is likely to be the focus of initial anti-government strategy.

Since it was the determined blockade of Parliament proceedings by the Opposition rather than any moral guilt that forced Mr Fernandes to quit last time, the ruling front especially the Samata camp is naturally worried about what course the Opposition will now take after he made a controversial re-entry into the Cabinet. The Prime Minister giving his colleague the clean chit, even when the Venkataswamy commission probe is on, has added to the controversy.

The Opposition leaders say Mr Fernandes is the perfect 'sitting duck' for

them. Yet the strategy in the Opposition camp now appears to be to needle Mr Fernandes rather than trying to trip him again by paralyzing Parliament over his re-induction issue.

Many Opposition leaders informally say the new rule arming the Speaker with powers to suspend members entering the well of the House is a major handicap in executing long-term disruptions.

Further this new rule was evoked with the support of the Opposition leaders and therefore they are duty-bound to maintain the decorum of the House.

However, there are also a few tactical reasons for not going all-out against Mr Fernandes now. Some recent rulings by the Venkataswamy commission, rejecting Mrs Jaya Jaitley's contentions before it, has generated "excitement" in the Opposition camp and therefore they don't want to jump the gun now.

Second, the Opposition feels a breakdown of the winter session over the Fernandes issue, would deny them a tactically important opportunity to attack the government over issues like Ayodhya, Poto, the fallout of Doha meet on Indian farmers and the Afghan issue as this session is being used as the 'launching pad' for the campaign for the politically crucial Uttar Pradesh and Punjab elections.

That doesn't mean that Mr Fernandes will get away easily. Today's "spontaneous jeering" came as a warning for the defence minister who looked embarrassed more so when the ruling side watched in silence till the Speaker appealed to the Opposition to proceed with the obituary references.

The Opposition is planning to raise the issue in big way and would demand a full-fledged discussion. Mr Somnath Chatterjee said: "The issue of Mr Fernandes' re-induction is all

the more sensitive since it amounted to the Prime Minister encroaching in area of judiciary and investigations". Mr Jaipal Reddy added: "While appearing before the commission, the efforts of the government side has been to blatantly target the Tehelka company."

If the government could take action against some army personnel on the basis of Tehelka report, why then are the politicians being spared?"

The non-Congress Opposition today decided to move an adjournment motion tomorrow on the Ayodhya issue and is trying to coordinate with the Congress to make it a joint move. As the Prime Minister's invitation for the all-party meeting on Poto, expected for tomorrow, hasn't come about till this evening, the Poto issue would be raised in zero hour tomorrow. Mrs Sonia Gandhi would spell out the strategy to the Congress parliamentary party tomorrow morning.



Mr George Fernandes: in the 'hot seat'

THE STATESMAN

20 NOV 2007

TUESDAY, NOVEMBER 20, 2001

## THE POLITICS OF POTO

IF THE UNION GOVERNMENT banked on achieving a measure of consensus on the proposed legislation to check terrorism, its plan seems to have come totally unstuck. With the Congress and other Opposition parties declaring their total rejection of the Prevention of Terrorism Ordinance (POTO) in its present form, the proposed new law on terrorism seems destined to die still-born. In an important sense, this is not a bad thing at all. While a general omnibus law on terrorism is not necessarily objectionable, the country shouldn't shed tears over the passing of a legislation, which contains many worrying features and which runs the real risk of being subject to misuse. From a civil rights point of view, India's experience of the now mercifully defunct Terrorist and Disruptive Activities (Prevention) Act (TADA) has been a far from happy one. It is true that POTO is a softer version of its much-reviled predecessor in a couple of critical ways, particularly with respect to the conditions for securing bail. But overall, the provisions of POTO, which widens the definition of terrorism, are severe enough to raise legitimate fears about possible abuse, victimisation and general violations of human rights.

The BJP-led Government has blamed the Opposition for scuppering the proposed legislation, but it is the former that should shoulder most of the blame for failing to achieve a consensus. Given the sensitivity of the issue, what was the need to rush through with an Ordinance? It would have been far more appropriate for a Government which has declared it is in favour of a consensus on a new terrorism law to have brought it up in the form of a Bill before Parliament and have its provisions discussed in a responsible manner and with an open mind. By adopting the Ordinance route, the Government has contributed to the Opposition's suspicion that POTO may have less to do with terrorism and more to do with politics. State-

ments issued by BJP Ministers and party bigwigs to the effect that opposing POTO is tantamount to being soft on terrorism have only helped stoke such suspicions. The crucial Assembly election to Uttar Pradesh is only months away and the BJP has already made it no secret that its ostensibly tough line on terrorism will form the main basis of its campaign plank.

To equate opposition to POTO with being unpatriotic or with a willingness to compromise on terrorism issues is a cynical political ploy and deserves to be condemned roundly. On the other side of the power divide, the Opposition is not exactly innocent of playing politics with POTO either. Enactment of similar laws in Congress-ruled States is a case in point. At a more abstracted level, it is something of a tragedy that a subject such as terrorism — which is serious and important enough to warrant the forging of political ranks — can create so much dissonance and disunity. Until now, much of the political cut and thrust of the discussion over the new terrorism legislation has been cynical and self-serving. As Parliament meets to discuss the provisions of the draft Bill, it is imperative that the level of the debate is raised beyond mudslinging, name-calling and petty politicking. The Government cannot carry the proposed legislation through in the Rajya Sabha, where it suffers from the lack of a majority, without Congress support. So, unless there is a radical change in the already staked out positions, the conclusion of the debate is foregone. The terrorism Bill in its existing form is a dead letter though the Congress(I) has held out the compromise of a Parliamentary Committee to examine it. Nevertheless, it is important that the contours of the debate, particularly on a sensitive and important issue such as terrorism, are shaped by reason and open-mindedness and not by bias and political prejudice.

THE HINDU

20 NOV 2001

# Dump Poto or change it, says Opposition

CL MANOJ  
STATESMAN NEWS SERVICE

NEW DELHI, Nov. 18. — The Prime Minister has called an all-party meet on Poto on 20 November — a last-ditch effort to break the deadlock. The Opposition, meanwhile, has decided to do some hard bargaining.

"Dump Poto or dilute it to our demands" is the clear message from the Opposition camp after a series of session-eve strategy sessions today, including one between Mrs Sonia Gandhi and CPI-M leader, Mr Somnath Chatterjee.

Mr Atal Behari Vajpayee's move to call an all-party meeting against the backdrop of some measured voices of discord from some NDA allies, is being interpreted in the Opposition as a sign of desperation for a way-out on Poto front. "They talk about a consensus only when they land in trouble.

If Mr Vajpayee was serious to know our views, he could have introduced Poto in Parliament for discussion. Instead they opted for an ordinance with an eye on UP elections. Look at Mr Advani. He has now found time to call a meeting of the consultative committee to discuss Poto. Last time around, I had asked why was he not discussing it in the committee and whether he would accuse me also of helping terrorists because I oppose Poto". Mr Chatterjee told The Statesman after his meeting with Mrs Gandhi and her new deputy Mr Shivraj Patel at 10 Janpath.

Mr Jaipal Reddy said: "We are convinced that Poto is a mixture of many wrong intentions. We feel the government should take a fresh look at Poto". The Congress leaders said the best course would be to dump Poto by sending it to some Parliamentary committee. "If the government is serious, it should dilute

the Poto by removing all that objections we have been raising", a senior party leader said. Some of the amendments the Congress is planning are aimed at disarming Poto considerably.

Mr Chatterjee's meeting with Mrs Gandhi underlies the keenness to ensure complete unity in Opposition. Acting as the bridge between the mutually sceptical Congress and the Samajwadi Party camps, Mr Chatterjee talked to Mr Mulyam Singh Yadav to broaden the front. "I am happy there is a complete unity in the resolve of the Congress and the Left to fight Poto. There is also a lot of agreement on other issues that will be raised in Parliament".

The Opposition has also decided to wait for the government to make the first move in Parliament. While Mrs Gandhi held meetings with many party leaders to finalise the party strategy, the Left party MPs met to discuss the issue.

THE STATESMAN

19 NOV 2000

# CCS discusses Afghanistan

PRESS TRUST OF INDIA

9 - D & N Security  
ST-1 19/11

NEW DELHI, Nov. 18. — Mr Atal Behari Vajpayee tonight convened a meeting of the Cabinet Committee on Security and discussed the situation in Afghanistan after the fall of Kabul and several other provinces to the Northern Alliance. "On the eve of Parliament's winter session, the Prime Minister thought it necessary to be briefed along with other members of the CCS on the evolving situation in Afghanistan," Mr Jaswant Singh said after a 90-minute meeting of the CCS at Mr Vajpayee's residence.

The meeting discussed steps being taken by various ministries with regard to the developments in Afghanistan. He declined to elaborate. Besides Mr Singh, the meeting was attended by Mr LK Advani, Mr George Fernandes, Planning Commission deputy chairman Mr KC Pant, the cabinet secretary, Mr TR Prasad and others.

**SNS adds from Amritsar:** At a rally to mark the

bicentenary of the coronation of Maharaja Ranjit Singh, Mr Vajpayee said India had a big role to play in re-building a post-Taliban Afghanistan.

Tracing India's historical and cultural ties with Afghanistan from the days of Guru Nanak and Maharaja Ranjit Singh, he said the developments in Afghanistan were "a rejection of fanaticism" by the people.

"No fundamentalist has the right to deprive others of freedom and religion."

"Some people talk about freedom fighters in Kashmir. Whose *azadi* are these persons fighting for", he asked.

There have been close ties between India and Afghanistan over centuries, Mr Vajpayee said.

"Gurudev Rabindranath Tagore's *Kabuliwala* bears testimony to the strong and age-old Indo-Afghan bonds", he said.

■ Vajpayee announces projects for Punjab, page 8

THE STATESMAN

19 NOV 2007



9- D.S.N. L. L. L. L. L.

# Cong prepares ground for noisy POTO burial

■ Only compromise: if Govt withdraws it, sends Bill to Select panel

ARATI R. JERATH  
NEW DELHI, NOVEMBER 16

**T**HE stage is set for a showdown over POTO in Parliament with the Congress today rejecting the "anti-terrorism" ordinance outright.

The battlelines will be drawn at tomorrow's Conference of Chief Ministers on Internal Security where the Congress CMs have been directed to spell out the party's opposition to the controversial ordinance.

The Congress CMs were given a detailed briefing at 10 Janpath this evening on the party's defence against attempts to paint the opponents of POTO in anti-national colours.

If there were any doubting Thomases among them before the meeting began, they were silenced by the fact that Sonia Gandhi got Rajya Sabha MP Kapil Sibal, a strong POTO critic, to kick off the discussions. It was a clear signal to all those present that Sonia had made up her mind to oppose the ordinance.

At the end of the meeting, where the discussions on POTO went on for three hours, the Congress issued a brief statement describing the ordinance as "anti-democratic, suffering from serious legal infirmities and liable to abuse".

The statement pointed out that the Government had committed itself to a larger consultative process on an anti-terrorism law at a Chief Ministers Conference in August last year. "Without consulting political parties and in the absence of any urgency, the Government has promulgated an ordinance titled

CONTINUED ON PAGE 2



The Congress CMs at today's inter-state meeting. Anil Sharma

## Cong's moral high ground isn't so high

■ Example: Rajasthan wanted wiretaps

MANOJ MITTA  
NEW DELHI, NOVEMBER 16

**WHILE** the Congress party has rejected POTO, the dilemma of its state Governments is that in their feedback to the Centre last year three of them—Delhi, Karnataka and Nagaland—fully endorsed a draft of the anti-terrorist law.

Three other Congress-ruled states, Rajasthan, Madhya Pradesh and Maharashtra, extended "qualified support" to the draft Bill. But that is unlikely to make them look any better in the party's eyes because the "modifications" suggested by those states are mixed—some are for more safeguards and some to make the provisions even more stringent.

Worse, the Centre could also put the Congress party on the defensive by pointing out that POTO actually incorporates some of the written suggestions made by three of its state governments.

### RAJASTHAN

■ It wanted the Centre to borrow from a Maharashtra law the provisions authorising interception of communications. Chapter V of POTO is virtually

reproduced from the Maharashtra Control of Organised Crime Act (MOCA).

■ It suggested deletion of a provision empowering the special court to order a police official to pay compensation from his pocket to a victim of malicious prosecution. POTO however retains this salutary provision.

■ It proposed that the notorious bail provisions of the terrorist law be liberalised for petty offences, which carry a maximum sentence of three years. But POTO makes no distinction between the offences. Nobody accused under POTO can be granted bail unless the special court is prima facie satisfied that he is innocent.

■ Rajasthan suggested deletion of the "omnibus provision" criminalising non-disclosure of information as it is "likely to be misused." The Centre disregarded Rajasthan's apprehension of the powers that endanger journalists.

### MAHARASHTRA

■ Maharashtra also suggested inclusion of MOCA's interception provisions. The Central ministers have been

CONTINUED ON PAGE 2

### Pious platitudes

■ **NEW DELHI:** The Inter-State Council meeting of Chief Ministers on Friday recommended that Governors, after their tenure, be barred from contesting elections or participating in active politics. It also demanded that New Delhi hold mandatory consultations with the concerned State Government before appointing a Governor. — ENS \*

INDIAN EXPRESS

17 NOV 2001

# PM seeks all-party meeting on Poto

STATESMAN NEWS SERVICE

NEW DELHI, Nov. 17. — In an attempt to build a consensus on the Prevention of Terrorism Ordinance, the Prime Minister has decided to convene an all-party meeting before it is brought in Parliament.

Mr Vajpayee told the chief ministers' conference today: "The circumstances that have compelled us to bring this legal instrument are well known to you. We've held consultations with state governments and Law Commission before taking this step and have taken care to remove the shortcomings in Tada which lapsed some years ago without a successor anti-terrorist law."

Mr LK Advani, however, said: "It depends on the Prime Minister as to whether he wants to call leaders of Opposition parties jointly or prefers to invite them separately before it comes up

for discussion in Parliament."

The Union home minister said he was "pleasantly surprised that there were not too many differences on Poto." There was a consensus that terrorism was an evil and special laws were needed to deal with it. The states wanted it to have adequate safeguards so that the executive could not abuse it. Some chief ministers said the Opposition should have been taken into confidence before it was promulgated.

Mr Chandrababu Naidu said there was a need to have a strict law to tackle terrorism but the two provisions relating to disclosure of information should be diluted. Miss Jayalalitha supported the Ordinance.

Mr Buddhadev Bhattacharya said: "There is no need for a central legislation. Our experience in the past has shown that provisions of various Acts

such as Tada were misused and applied against political opponents. We've decided not to apply provisions of Poto in our state."

West Bengal will have its own anti-terrorist law which will be specifically targeted against insurgents, groups disturbing communal harmony, and involved in hijacking and kidnapping.

The BJP today appeared confident that the NDA and the allies supporting the government from outside would stand together on the controversial issue. The TDP's decision to support the NDA on Poto has boosted the BJP's confidence. "We knew that the TDP will support," a senior BJP leader said.

Some party leaders also calculated that the AIADMK and the Nationalist Congress Party, which are not members

■ See POTO: page 10

THE STATESMAN

18 NOV 2002

SF-10 POTO:  
D8NSW: 18/4  
(Continued from page 1)

of the NDA, would support the government. They are counting on the Trinamul Congress because Miss Mamata Banerjee can't be expected to do anything that could embarrass the government and further undermine her chances of joining the government.

**No FBI-type agency:** The Centre's proposal to set up a central law enforcement agency on the pattern of the USA's Federal Bureau of Investigation didn't find many takers at the chief ministers' conference.

This was the second time chief ministers, claiming that the agency would encroach on the states' jurisdiction of enforcing law and order, rejected the proposal. The proposal was opposed by chief ministers of non-BJP ruled states last year.

Mr Advani said there was disagreement over the issue at the meeting. The idea was to have a Central law enforcing agency to tackle organised crime and other cases that have all-India ramifications where a state's prior permission was not required before deploying them in a particular state or assigning it with some cases.

The Centre emphasised the need for detection and deportation of illegal immigrants. The need for ensuring that the illegal immigrants didn't get proof of identity was also discussed. Mr Advani said his ministry had done some ground work for a citizen's identity card and was contemplating implementing the idea. A Constitutional amendment would, however, be required if the scheme was implemented. Some states like Andhra Pradesh and Delhi said they wanted to have their own identity card scheme and would soon move in that direction.

THE STATESMAN

1 NOV 2002

# Subtle moves behind Poto

SF-10 18/11 9-28 N. S. S.

CL MANOJ  
STATESMAN NEWS SERVICE

NEW DELHI, Nov. 17. — As the government and the Opposition stick to their respective stands on Poto, some subtle, conciliatory signals have emerged from the rival sides on the eve of the Parliament session.

Many in the Opposition see a message in Mr L K Advani's move to call a meeting of the Parliamentary consultative committee attached to his ministry on 23 November to discuss Poto.

At the committee's last meeting 10 days ago, some Opposition leaders like Mr Somnath Chatterjee had protested against Mr Advani not discussing Poto. Mr Advani's move is seen as a signal that the government is not in a tearing hurry to push through Poto at the beginning of the session.

The meeting will provide an opportunity for a formal discussion on the issue before it is moved in Parliament.

The resolution passed by the Congress last night sends out a deliberate signal to the government, party sources said. The resolution reads: "The Congress believes that combating terrorism is the need of the hour. However, a larger consultative process is necessary to put in place an appropriate resolution". A senior party leader said if the government is not rigid on Poto, it could read a message between the lines of the Congress resolution.

Significantly, Mr Advani today underlined wider consensus on the need for a proper bill to combat terrorism. Some Opposition leaders said sending Poto to a house panel could be an honourable way of dumping it, beginning afresh the search for a "proper replacement".

The Congress deputy leader in Lok Sabha, Mr Shivraj Pa-



Union home minister Mr L K Advani presents a bouquet to Prime Minister Mr Atal Behari Vajpayee at the chief ministers' conference on internal security in New Delhi on Saturday. — AP/PTI

til, said statements from the government side (read Mr Advani) of a "win-win situation" sound political and therefore will be "responded to politically". He, however, said that the search for an effective law against terrorism should be done through proper discussions involving all parties.

Significantly, Congress circles refused to join issue on the BJP hint of a possible joint-session. "There may be a provision for it, but it will not be an easy option in this context for the BJP since it might be pushing the allies a bit too far. Besides, we think that option is being mooted by a majority section in BJP", another Congress leader said.

Some NDA sources said if the conciliatory moves fail and Poto is brought in the second half of the session, it will

## CONG CHARGE: JAITLEY SMELLS RAT

NEW DELHI, Nov. 17. — The Union law minister, Mr Arun Jaitley, today said the Congress was trying to use journalists as "holy cows" to fight its political battle against the proposed Poto bill. The Congress Opposition was mainly with an eye on the Uttar Pradesh assembly elections slated early next year, he alleged.

Earlier, warring sides used to place a cow in front of their army to use it as a religious shield, Mr Jaitley said. "Now the Congress is using journalists as holy cows in its opposition to Poto", Mr Jaitley said at a meeting of BJP workers.

The Congress contention will fall flat as there is nothing in the ordinance against journalists or their activities. "What the Congress refers to is the provision applicable to all citizens making it obligatory to inform the police if they had prior knowledge of a terrorist attack," he said. — SNS

suit the government. It will be to end the winter session on a "Poto note" with an eye on the "hard Hindu" vote-bank in the Uttar Pradesh elections.

The Opposition camp said: "If it comes to politicking to

the end" defeating Poto suits them too, given the caste and religious equations of its vote bank in UP.

**Jana barb at Congress:** The BJP President today charged that the Congress was talking in terms of a

"First withdraw Poto and send it to a select committee," only because it was scared of facing the Parliament on the issue, SNS adds from Bhubaneswar.

Addressing his first meeting in Orissa after taking over as party president, Mr Krishnamurthy lambasted the Congress for opposing Poto and referred to the recent statements of Mr Jaipal Reddy and Mr Kapil Sibal. "Will Mrs Sonia Gandhi wake up only when the PMO, South Block and North Block become targets of terrorist strikes? Should we not take precautionary and preventive measures?" he questioned while appealing "Don't allow political differences to come in the way of the nation's security". He hoped the Congress would behave and co-operate as a responsible Opposition on matters of national security. He also launched a 'support Poto' campaign here.

Mr Krishnamurthy also claimed that consultations had taken place at the chief ministers' conference, consultative committee and other fora on Poto. Some Congress CMs had supported the idea and one of them had even suggested that it should be made more stringent. Even Mr Somnath Chatterjee had stated that there was need for such a law but he had also expressed his reservations on certain clauses, contended Mr Krishnamurthy, while countering the charge that no prior consultations had taken place.

Explaining the background and the history of Poto, he said the idea originated from the criminal law amendment bill of 1995 by the then Congress government. This amendment was given up as it was found wanting in several areas. The matter went to the Law Commission, which submitted a draft last year and since then it has been discussed in several fora.

THE STATESMAN

18 NOV 2007

# Borders vulnerable to arms smuggling

STATESMAN NEWS SERVICE

NEW DELHI, Nov. 16. — The CBI has identified over two dozen arms smugglers working for different terrorist organisations both within the country and from across the border.

Maintaining that involvement of locals as well as lower ranking officials of law enforcement agencies, including the police, differs from area to area, highly placed sources in the agency said the Indo-Nepal and Indo-Pakistan border districts have become highly vulnerable.

"We have information of alleged involvement of policemen. We are investigating it," sources said. A senior official said as per the agency's data bank - used solely for investigation purposes - besides a large number of terrorist

groups, "over two dozen organisations are allegedly involved in smuggling of arms and ammunition."

While four major groups are operating in the west coast along Gujarat, Maharashtra, Goa, Karnataka and Kerala, five other groups are active on the Indo-Pakistan border, stretching over 2,896 km across J&K, Punjab, Rajasthan and Gujarat.

The data bank, comprising details of the terrorist groups, their strength, area of operation, funding agencies and process of recruitment suggests that some hardcore militants of Afghanistan and Pakistan are using the west coast route for smuggling contraband using cargo vessels. "They have made this area vulnerable by smuggling out mandrax, gold, nar-

cotics and foreign currencies," sources said.

The CBI spokesman, Mr SM Khan, said: "The CBI is trying hard to train its officials and strengthening the state of preparedness to deal with any eventuality in future relating to terrorist activities."

A senior CBI official, credited with investigating several terrorist cases, said: "Some of them have established a close nexus with locals and the police to deliver the consignments into India." The agency sleuths have shortlisted some 'suspects' and are keeping a close watch on them.

"Defying all administrative measures launched by the Nepal government, at least 10 groups, including the three who have recently shifted their operation from Indo-Pak border -

especially in Rajasthan and Punjab following strict surveillance - are running a parallel administration on the Indo-Nepal border along Uttaranchal, Uttar Pradesh, Bihar, Sikkim and West Bengal," the CBI official said.

The Indo-Nepal border has also become vulnerable for illicit trade of RDX and fake Indian currency, he added. Some foreign officials, posted in Nepal, are allegedly protecting the smugglers.

The Pakistan ISI is also involved in the smuggling he alleged.

The CBI official maintained that though Aftab Ansari, one of the major illicit arms supplier to India was hiding in Dubai, his group members were active on the Indo-Pakistan and Indo-Nepal borders.

THE STATESMAN

THE STATESMAN

17 NOV 2001

# POTO: PM for consensus

By Our Special Correspondent

NEW DELHI, NOV. 16. Stressing that the need of the hour was to produce "a robust, practical consensus" between the Centre and the States, the Prime Minister, Mr. Atal Behari Vajpayee, sought to strike a note of reconciliation on the proposed controversial law against terrorism. Inaugurating the seventh meeting of the Inter-State Council, Mr. Vajpayee told the Chief Ministers that there was a "need to strengthen the States without weakening the Centre."

Instead of adopting the cantankerous tone taken by some of his Ministerial colleagues on the controversial Prevention of Terrorism Ordinance (POTO), the Prime Minister merely pleaded with the Chief Ministers to have an open mind when they gather again tomorrow for the Chief Ministers' Conference on Internal Security. However, he did stress the need "for an enabling legislative framework" that would help the country meet the threat of terrorism in all its new manifestations.

For most of the time, Mr. Vajpayee's accent was on underlining the essence of "our cooperative federalism," despite the fact that a majority of the States are being run by non-NDA parties. In an effort to underscore what has come to be known as "the Vajpayee approach," he noted: "for myself, I have never encountered any difficulty in interacting with the Chief Ministers who belong to parties other than those represented in the National Democratic Alliance."

Acknowledging this "unprecedented degree of political pluralism in the country," he reaffirmed the basic Constitutional position: a "prosperous, progressive, self-confident and united India" can only be one in which a "strong Centre" co-existed happily with "strong States." This vision, according to Mr. Vajpayee, "precludes any notion of confrontation between the Centre and the States, or between the States." And the differences, if any, were to be sort-

ed out democratically by "reliable institutions," of which the Inter-State Council was one.

As Mr. Vajpayee saw it, there were two major areas of concern before the nation which required a degree of understanding and consensus between the Centre and the States. One was internal security (which would be dealt at length in tomorrow's conference) and the other was "development" related issues, including fiscal self-reliance.

The Prime Minister served notice on the Chief Ministers that they

## Cong. sets its face against POTO

By Javed Ansari

NEW DELHI, NOV. 16. The Congress today reiterated its opposition to the Prevention Of Terrorism Ordinance (POTO) promulgated by the BJP-led NDA Government. A high-level meeting of the party that included its Chief Ministers, senior party leaders and the AICC general secretaries, categorically rejected the Ordinance. "The legislation is anti-democratic, suffers from serious legal infirmities and is liable for abuse" the party said in a statement issued later.

Details on Page 11

could no longer expect the Centre to provide funds endlessly to cope with the States' financial profligacy.

For one reason, this approach did not promote "responsible management of the State finances"; and, for another, the Centre no longer had the surplus funds to keep on underwriting financial mismanagement.

He also impressed upon the Chief Ministers to "take concrete steps to bring about decentralisation of financial and administrative powers right up to the grassroots level" in conformity with the spirit of the 73rd and the 74th Constitutional amendments.

THE HINDU

THE STATESMAN

# POTO: an assault on democracy

By Rajeev Dhavan

J. D. & N. Reddy

*There is no case whatsoever for bypassing Parliament by ordinance. POTO is a fraud on parliamentary democracy.*

HD-12  
16/11  
**A**CRONYMS ARE dangerous. POTO (the Prevention of Terrorism Ordinance), is one such acronym being marketed as a panacea to fight terrorism in India for the next five years. Its predecessor, TADA (the Terrorist and Disruptive Activities (Prevention) Act), had a long reign of 10 years (1985-1995). It was the most misused and abused anti-civil liberties legislation since Independence. POTO is no better.

Is POTO related to TADA? History reinforces POTO's antecedency. Parliament enacted TADA in 1985 and extended and enlarged it on five occasions from 1985 to 1995, often with insufficient scrutiny (at an average of 3 hours and 2 minutes per debate with the debate in 1993 featuring only 8 speakers. But, in 1995 — following strong opposition from the Left and the BJP — Parliament examined a compromise TADA through a Joint Committee and decisively rejected the Congress' attempt to re-introduce it in any form. On February 2, 1999, the Home Ministry restored a draconian version of TADA (by 1995 concessionary standards). The Law Commission was summoned to the fray, it held meetings on December 20, 2000, and January 29, 2001, and submitted an admittedly modified version of TADA to the Government on April 13, 2001 through its 123rd Report (2001). Meanwhile, following its strong stance on February 20, 1995, the National Human Rights Commission (NHRC) countered the Law Commission by unreservedly rejecting the Commission's draft statute of July 14, 2000, in toto as wholly unworthy and inimical to civil liberties and democracy while accepting the need to examine the financial aspects of terrorism. But even the Law Commission's velvet glove draft did not satisfy the Government. POTO added two draconian chapters on "Terrorism Organisations" (Chapter III) and "Interception of Communications" (Chapter V), proscribed 23 Organisations and peremptorily promulgated POTO during the inter-session of Parliament on October 24, 2001. The fact that the new chapters claim inspiration from legislation from Andhra Pradesh and Maharashtra can never justify their indiscriminate application. But the Government desperately wanted POTO.

Why an Ordinance? Government by Ordinance is an extreme step. Why was POTO promulgated on October 24 when the next session was only five weeks away. The Government's claim that it had only mechanically promulgated a consensus legislation is absurdly false. The Law Commission's Draft on which POTO is based was rejected by the NHRC. Two new chapters are added. Twenty-three organisations are banned which should have been banned under the more rigorous Unlawful Activities Act, 1967. There is no case whatsoever for bypassing Parliament by ordinance. POTO is a fraud on parliamentary democracy.

Is POTO really necessary? The NHRC, consisting of the former Chief Justice of India, Mr. J. S. Verma, and two Supreme Court judges (Justices Mrs. Sujatha Manohar and Mr. K. Ramaswamy) rightly points out that the need for POTO is "substantially taken care of under the existing laws" — including provisions of the Indian Penal Code relating to the sovereignty and integrity of India (Ss. 153B), conspiracy to overawe by criminal force (Sect. 121A), collecting arms and ammunition (Sect. 122), sedition (Sect. 124A), promoting enmity between groups (Sect. 153A, 295A) offences against body Chap. XVI and property (Chapter XVII), offences under the Arms Act 1959, Explosives and Explosive Substances Act (dealing with weaponry), Armed Forces Special Power Act 1958 (for disturbed areas), Unlawful Activities Act 1967, anti-Hijacking Act 1972, Preventive Detention statutes of all descriptions, the Narcotic Act 1988. Punishments could always be increased, by Parliament. In my view, Sec.124-B could be added creating a new offence of "terrorism". But why not use the ordinary procedure of the Criminal Procedure Code (Cr.P.C.) rather than the extraordinary processes of TADA or POTO?

Was TADA genuinely abused? TADA's

story is the most abused peace time non-emergency legislation of Independent India. The statistics are startling. Till 1994, some 76,000 people were arrested. Acquittals were low — in November 1993 assessed at 0.81 per cent in some areas. Non-terrorist Gujarat saw a conspiratorial communal use. By the year 1999 (years after TADA lapsed in 1995), 1,344 cases were yet to be investigated and 4,958 trials

## LAW & SOCIETY

to be completed. In the Shaheen Welfare case, an embarrased Supreme Court ordered the review of needless arrests and detentions. Potentiality for abuse is not a ground for unconstitutionality. But, even the Law Commission agrees that unconstitutionality is not the only test. The process is the punishment. Like TADA, POTO will encourage local police terrorism, communalism, mindless arrests, compulsory jail not bail and long drawn trials. Draconian laws invite such state terrorism to wipe out civil liberties. Potential abuse cannot be ignored.

It POTO really draconian? The short answer is yes. The definition of terrorism is still too wide and could be used against strong protests outside Government buildings. Bail will not be granted unless "he is not guilty of committing (the) offence" (Sect. 48(7)). The investigation period can stretch to 120 days (Sec. 48(2)). The "citizen spy" provisions requiring even journalists (but not lawyers) to reveal information of material assistance carries a punishment of 3 years and unlimited fine (Sect. 3(8) and 14) — compared to the normal punishment of 3 months and a Rs. 200 fine with bail. POTO permits confessions to the police (Sect. 32). The strong presumptions against the accused continue (Sect. 4 with 27 and 52). The curious concept of a preparatory offence goes well beyond the normal criminal law concepts of "attempt" and abetment (Sect. 3(3)). The new compensation provision (Section 56) for mala fide abuse is impossible to prove

and, militates against the good faith, immunity provided by POTO (Section 57). Properties of alleged terrorists can be confiscated even if they are not tried. The summary post-confiscation procedure cannot mitigate the width of the abuse and consequences (Section 6). Unwelcome organisations can be banned more easily (Chapter III) in a manner inconsistent with the Supreme Court decision in V. G. Row's case (1952) injuncting banning by notification. Yet, 23 organisations have been statutorily banned. More will follow. The power to intercept communication (Chapter V) is extremely wide. It is designed to permit 17 days of interception by a Joint Secretary with relative impunity stretching to 60 days. The nation may never know how, why and for what reason. There is lip service to the procedure prescribed by the Supreme Court's PUCL decision (1995). But, these provisions are wide, new and need scrutiny. Lay political appointees reviewing interception and organisational bans may outvote the Chairman Judge (Sect. 59). That Superintendents of Police and their Deputies have been placed in-charge of various investigations and powers is hardly a safeguard. It is impossible to believe that the mayhem caused by TADA was not to the knowledge of these officers. The Special Judges will be chosen with political care and confirmed, perhaps, by uninformed judicial oversight.

What next? It is clear that POTO is wider and worse than TADA. The safeguards are insufficient. The political reason for POTO is self-evident. The BJP has already declared that those who oppose POTO are anti-national. Democratic discussion on POTO is subject to political blackmail. Promulgating an Ordinance as a *fait accompli* is itself pre-emptive political terrorism. The central question remains: Why not a new definition of 'terrorism' enforced only by the Cr.P.C. procedure? POTO assumes that India's one billion people are potential terrorists and there are terrorists under every bed. Each Indian citizen is being asked to spy on every other citizen on pain of imprisonment without bail. This is a solution looking for a problem. POTO is an assault on democracy. It should be rejected.

THE HINDU

16 NOV 2001



## Fernandes rules out third-party mediation

18/11 By K. Balchand

**PATNA, NOV. 12.** The Defence Minister, Mr. George Fernandes, today supported the U.S. decision to continue military operations in Afghanistan during the holy month of Ramadan and reiterated that there would be no third-party mediation in resolving the Kashmir problem. *J. D. & N. S. S.*

Mr. Fernandes, on a two-day visit to Bihar, did not comment directly on Saturday's joint statement by the U.S. President, Mr. George W. Bush, and the Pakistan President, Gen. Pervez Musharraf, on Kashmir but said a third party could not come into the picture. It was for India to resolve the Kashmir dispute. And the entire Kashmir, a major part of which is in Pakistan's control, and the part gifted by Pakistan to China, was part of India.

The Minister was confident that the U.S. action would not stop once the objective in Afghanistan was realised. The issue had figured in talks the Prime Minister, Mr. Atal Behari Vajpayee, had had with Mr. Bush and the British Prime Minister, Mr. Tony Blair, and their Defence Secretaries.

UNI reports:

Mr. Fernandes ruled out the possibility of a long-term military tie-up with America but said some U.S. proposals were under consideration in view of the war in Afghanistan.

# Cong. to chalk out strategy to rebut Govt. charges

By Javed M. Ansari

**NEW DELHI, NOV. 10.** The Congress president, Ms. Sonia Gandhi, has convened a meeting of the Congress Chief Ministers on November 17. The third such conference, all the 11 Chief Ministers are expected to attend it.

Ms. Gandhi's decision to interact frequently with the party Chief Ministers reflects a new management style. It is an attempt to ensure that the party's central leadership and the state leaders are on the same wavelength.

It is also an attempt to take them on board and take their inputs on the position the party should adopt on the legislations that are to be introduced in the winter session of Parliament.

In the past, the party was embarrassed that the leadership in the States had adopted positions on political and economic issues different from the one taken by the AICC.

Some time ago, the party was embarrassed when the Madhya Pradesh Chief Minister, Mr. Digvijay Singh, came out in favour of

the HRD Minister's proposal of teaching astrology in colleges, a move that was being vehemently opposed by the party at the Centre. Similar differences also exist on the issue of economic reforms.

The main item on the agenda for the November 17 meeting will be the Prevention Of Terrorism Ordinance (POTO) promulgated by the NDA Government.

The BJP has been accusing the Congress of adopting double-standards of supporting similar measures in the States that it has governments in and of opposing it at the Centre.

The two Congress-ruled States where similar measures are in use are Maharashtra and Karnataka.

The discussions will centre on the strategy to be adopted to rebut the Government's charge. The Chief Ministers are expected to highlight the fact that the laws in their States are meant to deal only with organised crime and mafia, unlike POTO which deals with terrorism in an imprecise manner.

The main concern of the Con-

gress on POTO is as much with its text as with the potential for gross abuse by the Hindutva forces to polarise the U.P. electorate.

Senior Congress leaders believe that POTO is a deliberate Government move to paint the Congress as being soft on terrorists. The Congress leaders point to the irony of a government whose Foreign Minister escorted terrorists to freedom in Kandahar.

Ms. Sonia Gandhi is also concerned about the Malegaon incidents, and is keen on ensuring that such incidents are not repeated in the Congress-ruled States.

She will urge the Chief Ministers to be on their guard against attempts to create trouble and to ensure that the minorities do not feel insecure.

The last Chief Ministers' conference held on June 16 took up economic issues and it is possible that the issue will once again come up for discussion, especially in view of the Prime Minister's plan to have a special National development Council meeting on economic reforms.

## Journalists union demands withdrawal of POTO

By Our Staff Reporter

**NEW DELHI, NOV. 10.** Rejecting the Prevention Of Terrorism Ordinance (POTO) "in toto", the Delhi Union of Journalists (DUJ) today passed a resolution demanding immediate withdrawal of the ordinance "as it was Emergency through the backdoor".

Meeting at the Press Club of India, DUJ members also decided to wear black badges for a day on a date to be announced later before Parliament's winter session to build up pressure against the POTO, which was aimed at "targeting voices of dissent".

"If need be, we will organise protests and come out on the roads," they said. The union also urged the Opposition, Congress, to make its stand clear on the POTO which, it said, was more draconian than the earlier TADA.

Speaking on the occasion, the columnist and Rajya Sabha member, Mr. Kuldip Nayar, hoped that the POTO would never become a Bill as it would be defeated in the Upper House of Parliament in the absence of the Vajpayee Government having a simple majority.

"But for a last-minute change in the mind of the Congress, the ordinance is as good as defeated," he said, adding, "what is more dangerous is that an atmosphere is being created that anyone who opposes the POTO is not patriotic and is anti-national."

Criticising the NDA Government for not consulting the Standing Committee of the Union Home Ministry, Mr. Nayar said: "Till date we (MPs) have not even got a copy of the ordinance. This is how they treat the MPs who are going to debate on it."

Mr. Nayar said that the POTO

was a "legal form of Emergency where dissent would be smothered and criticism wiped out". Saying that the existing laws were sufficient to tackle the menace of terrorism in the country, he wondered "what was the necessity for such an ordinance?"

Mr. Justice Rajinder Sachar, jurist and human rights activist, criticised the media for keeping quiet against the "draconian TADA" when human rights organisations spoke against it. According to him, the POTO was more of psychological terror and a political move.

The DUJ president, Mr. S.K. Pande, termed the POTO as a method of "press censorship" like the one witnessed during the Emergency under the Maintenance of Internal Security Act (MISA).

# Terror Ordinance won't curb rights, says Jaitley

HT Correspondent  
Mumbai, November 7

THE UNION Minister for Law, Justice and Company Affairs, Arun Jaitley, today called upon all political parties to unite on the issues of national security and economic growth.

Reacting to criticism by the Congress and other political parties over the Prevention of Terrorism Ordinance, he said Poto does not infringe upon the freedom of individuals and there are provisions in the Bill to safeguard people from misusing it.

"The Poto has provisions that will help the police to keep track of intercepts made by terrorists. This evidence can then be submitted before the court. The Poto has provisions to confiscate assets generated by terrorists through subversive activities," he said at a meeting of the Organiser Forum in Mumbai this afternoon.

The Law Minister said the country is now in a better position to highlight terrorist activities in Kashmir as the West has become more aware of global terrorism.

"In the past 15 years, 54,000 people died in terrorist attacks. India has been telling the world for several years that Pakistan has been perpetuating terrorism in Kashmir but no one listened. However, after September 11 things have changed and the United States now says that all forms of terrorism should be stopped," Jaitley said.

Stressing the need for all political parties to chalk out a common agenda on economic growth as well, he said, "Even today the livelihood of 75 per cent people

## Andhra HC admits writ against Poto

Ashok Das  
Hyderabad, November 7

THE ANDHRA Pradesh High Court on Wednesday admitted a writ petition challenging the validity of the Prevention of Terrorism Ordinance (Poto) and issued notices to the respondents to file their counter.

A division bench, comprising Chief Justice Satyabrata Sinha and Justice V V S Rao, issued notices to the Union Government, Attorney-General of India and the National Human Rights Commission to file their counter affidavits within three weeks. The matter would be posted for hearing within four weeks.

The writ petition was filed by CPI(M) State secretary B V Raghuvulu questioning the various provisions of the recently-promulgated Poto. The petitioner contended that Poto was unconstitutional and it would deal a death-blow to the cherished constitutional values.

In a 35-page affidavit, the petitioner contended that Poto constituted a serious violation of the right to life guaranteed under the Constitution. The petition dealt with the dangerous consequences likely to ensue in the event of the Ordinance being enforced.

The petitioner also claimed that there was no need to bring in a new legislation since there were sufficient laws and 93 statutes to deal with violence. The Poto is harsher than the repealed Terrorist and Disruptive Activities (Prevention) Act (TADA) and contains all evils, which have been denounced by civil liberty groups, he added.

He pointed out that the Union Government was trying to justify the introduction of Poto citing the September 11 terrorist attacks in the US and the recent terrorist acts in Jammu & Kashmir. The bench permitted the petitioner's counsel S Ramachandra Rao to bring to the court's notice if and when any action or arrest is made under Poto..

in the country is based on agriculture. They depend on monsoon. But there has been an improvement with regard to economic growth. From a nation of shortages we are slowly becoming a nation of surpluses," he said.

The Union Minister pointed out that while the South Asian economies — except China where there is no democracy —

are in doldrums with a negative growth rate, India is the fastest growing democracy in the world with a growth rate of 5 per cent.

"In the past one and half years there has been no protest in Kashmir and in the last panchayat elections there was 80 per cent turnout. The local Kashmiri youth is no longer interested in protests and the threat now is from outside," he added.

# Poto climbdown likely

STATESMAN NEWS SERVICE

NEW DELHI, Nov. 7. - Mr LK Advani today hinted at the possibility of the government considering some amendments to Poto in the winter session of Parliament before its adoption.

Mr Advani also clarified that he had indeed said at the BJP's Amritsar national executive that "those who ensure (Poto's) defeat wittingly or unwittingly make terrorists happy". The law minister, Mr Arun Jaitley, had quoted him as saying so but the party chief, Mr J Krishnamurthy, had denied it.

On Mr Vajpayee's comment on a possible consensus over the terror ordinance, Mr Advani said: "I entirely endorse what the Prime Minister has said... Everybody has a right to suggest amendments when it is moved in Parliament. If the House decides there should be some changes in the provisions, the government will consider. After all, nobody can take a totally rigid stand".

The government would move the ordinance for adoption as a Bill in the second or third week of the session, due to begin on 19 November. Poto will be discussed extensively at the home ministry's parliamentary consultative committee on 23 November prior to its placement.

Though the consultative committee met today

to discuss Poto, the discussion remained inconclusive, with Mr Somnath Chatterjee raising the question of conflicting media reports.

Mr Advani said the objections to Poto on grounds of it being a reincarnation of Tada were related to the clauses on confessions from the accused. Citing Mr Arun Jaitley's article, he said: "No accused would have been convicted had there been no such provision in Tada. The ordinary Evidences Act does not recognise various evidences as admissible in court. The law bars certain evidences be used as evidence. We have recorded evidence where Dawood Ibrahim ordered the killing of certain persons but that wouldn't be sufficient to convict him as it would not be used as evidence. This has been taken care of in Poto, and will increase conviction rates of the accused".

Based on the Punjab experience, the government has inserted certain clauses in Poto which protect bonafide action on the part of officials. Clause 56 of the ordinance reads: "No suit, prosecution or ... proceeding shall lie against the Central or state government or any other authority for anything done in good faith or purported to be done in pursuance of this ordinance".

■ Parliament ignored in Poto, page 8

THE STATESMAN

8 NOV 2001

# Advani for truce with media on Poto

4-6  
SUDESH K VERMA  
STATESMAN NEWS SERVICE

NEW DELHI, Nov. 6. — The NDA is rattled by media criticism of the Poto. The government's chief strategist and the brain behind the Ordinance, Mr LK Advani, has apparently decided to call a truce with the media.

Some ministry officials said the provision which mandates a person to disclose information relating to terrorism may be diluted to send the message that the government wasn't in favour of gagging the press.

The home minister had called some ministers and MPs to brief them on

Poto. The idea is to prepare a team of NDA leaders to face the Opposition during a debate on the issue, in the ensuing winter session of Parliament and in different public fora to dispel any misapprehensions among the public.

Mr Advani said this to some leaders of NDA's allies and ministry officials at a meeting in the home ministry.

He reportedly agreed to the suggestion of the senior BJP leader, Mr Vijay Kumar Malhotra, that there was a need to talk to media representatives and remove misgivings on the provisions.

Even when the Union law minister, Mr Arun Jaitley, and the disinvest-

ment minister, Mr Arun Shourie, argued that the issue was being blown out of proportion as the particular provision on disclosure was not different from the one in CrPC. Mr Advani, however, argued that technicality wasn't as important as the message, a source said.

Mr Malhotra reportedly sought to know the reason for including the provision in the Poto when it was already there in the CrPC indicating that the latter combined with the Poto could take care of the need for a stringent law, a source said.

Among those present at the briefing by home ministry officials were the Shiv Sena minister in the Cabinet, Mr Suresh Prabhu, Mr Nitish

SND News

Kumar (Samata Party), Mr Omar Abdullah (National Conference), the BJP president, Mr Jana Krishnamurthy, the party general secretary, Mr Sunil Shashtri, and Mr Malhotra.

These leaders were invited to prepare themselves for strong defence of the Poto.

Each provision which has been termed objectionable by the media and the background in which the Ordinance was passed, were discussed threadbare.

The laws framed by Andhra Pradesh, Tamil Nadu, Maharashtra and Karnataka were discussed to establish that the Poto had relied on these laws.

## JAYALALITHA STAND

CHENNAI, Nov. 6. — Miss J Jayalalitha today virtually endorsed the Poto, promulgated on 24 October, saying there was a strong need for arming the government with necessary powers to tackle terrorism, and therefore stringent legislation was not only essential but also inevitable.

However, Miss Jayalalitha said there was a need for a wider debate and a consensus had to be evolved on the subject before the Ordinance was issued.

-- SNS

THE STATESMAN

7 NOV 2001

# Cong. assails Advani over POTO

By Javed M. Ansari

HD-1  
9-03 Nov 2002

**NEW DELHI, NOV. 5.** The Congress today joined issue with the Union Home Minister, Mr. L.K. Advani, over his statement terming opponents of the controversial Prevention of Terrorism Ordinance (POTO) as those supporting terrorists. "Such simplistic and fanatical propositions betray his hollowness, and anyway we do not need a certificate from somebody who is the prime accused in the Babri Masjid demolition case," said the party spokesperson, Mr. Jaipal Reddy.

6/11  
The party also accused the BJP of playing politics with the issue. "Their motives are highly partisan and are dictated by political considerations with an eye on the Uttar Pradesh Assembly elections." He said the Government's intentions were mala fide and the whole idea behind it was to score debating points rather than fight terrorism.

The Congress also rejected the Prime Minister, Mr. A.B. Vajpayee's call for a consensus on the POTO on the ground that he was not sincere in his appeal. "Not only is it belated but also insincere," Mr. Reddy said and added that if the Government was really serious it would have held consultations with the Opposition parties before promulgating the ordinance. He was, however, quick to discount the impression that the Opposition was looking for a meeting to push through its amendments. "We are not angling for a meeting on the issue," he said.

The AICC has asked for information from the State Governments like Maharashtra and Karnataka (which are ruled by the Congress and which have similar anti-terrorist laws in force. The party does not want to invite the charge of adopting double standards of initiating a particular law in the States where it is in power and opposing it at the Centre.

**CPI criticises BJP: Page 11**

THE HINDU

6 NOV 2002

6 NOV 2002

# US cause goes beyond Kabul, says Rumsfeld

6/11 5/1  
STATESMAN NEWS SERVICE

NEW DELHI, Nov. 5. — The US "effort against terrorism" will be a global one, Mr Donald Rumsfeld said today, speaking to reporters after a meeting with Mr George Fernandes.

Mr George Bush had clearly said the effort against terrorism would be global, Mr Rumsfeld said. The fight against terror will go on even after the Afghan campaign ends.

Asked if the issue of terrorist camps across the LoC had cropped up at the meeting, Mr Rumsfeld said they had discussed "terrorism in a broader sense". "We talked of terrorism that affects both our countries and concerns we share and ... the ways to deal with the problem." India has been "very specific and cooperative. We appreciate it."

On Mr Fernandes' statement about the US attacks on Afghanistan being a waste of explosive on barren mountains, Mr Rumsfeld managed the situation saying: "You bet!" But he went on to refute the proposition, saying few campaigns were as precise as this.

This attack is an exercise in self defence, Mr Rumsfeld said. "We are taking the battle to them." The accuracy and effectiveness of the attack is improving every day with the presence of special forces on the ground and accurate aerial surveillance, he said.

The defence secretary said the efforts would continue as the "terrorists were determined to kill other people". The problem was being "aggressively addressed", he added.

Mr Rumsfeld and Mr Fernandes said the modalities of a post-Taliban government had also figured in their talks.

Referring to sanctions on India, Mr Rumsfeld said most defence-related curbs had been lifted, and those that still remain are on nuclear and missile issues. The US and India are discussing the issue, he added, and dismissed the possibility of Pakistani nuclear weapons falling into wrong hands.

THE STATESMAN

6 NOV 2001



## India will ask U.S. to lift ban on hi-tech arms

NEW DELHI: Ahead of U.S. defence secretary Donald Rumsfeld's visit to India, defence minister George Fernandes on Sunday said New Delhi would ask Washington to immediately lift



G. Fernandes

the ban on the sale of hi-tech armaments and systems to take their strategic partnership to a higher plane. (PTI)

Appearing on a Doordarshan live chat show, he said there was a wrong notion that the U.S. had imposed a ban on transfer of hi-tech systems to India after the 1998 Pokhran tests.

In fact, the American denial of critical technology to India had come about as far back as the 1950s. S-D S N Leelady

Mr Fernandes said the time had now come for the two countries to see that the development of a strategic partnership leads to the removal of such bans.

Afghanistan-related developments would figure in his talks with Mr Rumsfeld on Monday, Mr Fernandes said. S J U

He reflected on all spheres of the country's defence preparedness, asserting that the government was committed to hi-tech armament procurement, including purchase and induction of systems like unmanned aerial reconnaissance vehicles, snow mobile sensors, anti-mine vehicles and other equipment vitally needed for the country's operations.

Declaring that India's policy should not be Pakistan-centric, he said the aim of the U.S.-led alliance against terrorism in Afghanistan, in which Pakistan was co-opting, was to target Osama bin Laden and the Taliban regime as well as to restore a broad-based government in the country.

The defence minister said it was Pakistan which had created the Taliban and was now participating in its destruction. (PTI)

THE TIMES OF INDIA

5 NOV 2001

HD-13  
5/11

## Defence services were at a standstill: Fernandes

9  
DGN  
Secy

**NEW DELHI, NOV. 4.** The Defence Minister, Mr. George Fernandes, today said that after his reinduction into the ministry three weeks ago, he was startled to find that decision making in the three services had almost been "paralysed".

Mr. Fernandes said he was not making any personal attack but added that during the past seven months the Army had only spent 15 per cent of its budgetary allocation for armament purchases while the same was 29-30 per cent in the Air Force and the Navy. He

said he had instructed speeding up of all procurement processes. He was taking part in a live chat show on Doordarshan.

Referring to Saturday's Defence Ministry announcement to allow multinational armament companies to have agents in India, Mr. Fernandes said despite a ban in the aftermath of the Bofors scandal, the country in the last 12 years has been unable to get rid of agents and middlemen in armament purchases.

A new mechanism to govern the operations of these agents

had come on the recommendation of the Central Vigilance Commission.

The Government's efforts were to ensure that country's defence plans did not suffer as a result of recent spate of allegations, particularly after the Tehelka expose.

At the present juncture India should not think of war and instead pursue other means.

Peace negotiations were underway with various Naga groups which helped check militancy in Nagaland. — PTI

THE HINDU

5 NOV 2001

# No going back on POTO: Venkaiah

By Our Staff Reporter

**RAJAHMUNDRY, NOV. 4.** Expressing confidence in the "collective will and wisdom" of Parliament that would ensure passage of the POTO (Prevention of Terrorism Ordinance) in the coming session, the Rural Development Minister, Mr. M. Venkaiah Naidu, asserted there was no question of going back on the issue.

He urged the Congress to keep the long-term interests of the country in mind and not to view the POTO in terms of gaining some political mileage.

Speaking to newsmen here on Sunday, Mr. Naidu, while asserting that necessary safeguards against misuse of POTO provisions had been incorporated, said his Government had still an open mind and was prepared to accommodate any suggestions that would help combat terrorism.

He reminded the Congress leadership of the stringent provisions in the Acts meant to combat organised crime in Karnataka and Maharashtra where the Congress was in power.

It was also the Congress which had introduced, "used and misused" the provisions of Maintenance of Internal Security Act, Defence

of India Rules, TADA, PD Act etc. "The Congress should look back and move forward," the Union Minister said. Referring to apprehensions raised by some human rights associations, Mr. Naidu dismissed them as "elitist statements of misplaced sympathy".

"Civil rights are for civil people and human rights are for human beings," he said, asserting that terrorists were inhuman and atavistic people who massacred people and played havoc with all aspects of civilized society. Special laws were required to deal with such people, he said.

He said by simply passing legislations the problem of terrorism could not be solved. In a vast country like India people's cooperation was needed to combat terrorism. The Government had the commitment to root out this menace.

"We are not expecting the U.S. or somebody else to fight terrorism in our country. We will fight it out on our own," he asserted.

He also urged the people to take a long-term view of the challenges of terrorism and be vigilant. India had been facing the problem of cross-border terrorism for a long time and was the worst victim of it. "No country recognised

our sufferings. It was only after the September 11 attack on the WTC and other targets in the U.S. that the world community started focussing on terrorism. Now it was the problem for the entire humanity," Mr. Naidu said. Mr. Naidu said more than 95 per cent of the people in the country wanted our defence forces to cross the LoC and destroy terrorists camps. "But the Government would have to think of repercussions of such a step," he said, asserting the Government reserved that option.

9-10-04  
5/11  
Solution for Cauvery  
dispute in a year'

By Our Special Correspondent

**BANGALORE, NOV. 4.** The Union Minister of State for Water Resources, Ms. Bijoya Chakravarty, is hopeful of the Centre resolving the Cauvery river water dispute between Karnataka and Tamil Nadu within a year.

She told presspersons at an informal meeting here on Sunday that 25 per cent of the issue had been covered, and the rest would be addressed within a year.

THE HINDU

5 NOV 2001

# Three-way alliance on Atal's agenda

GA FROM K.P. NAYAR 5/11

St. Petersburg, Nov. 4: India, Russia and America. For a week from today, this will be the unspoken networking Atal Bihari Vajpayee will attempt as he travels from St. Petersburg and Moscow to Washington and New York, ending an unprecedented trip by any Indian prime minister with a whistle stop in London.

If the idea of India, Russia and the US working together on the global stage catches on, it has the potential of replacing the oft-repeated proposal for India, Russia and China banding together to counter-balance the new world order which followed the end of the Cold War.

The idea of an India-Russia-China axis never got off the ground, although it was mooted before every important exchange of visits either between India and China or between India and Russia for the last several years.

India was never keen on an axis tying down New Delhi, Moscow and Beijing, although successive Indian prime ministers have been too polite to reject the idea, which caught the imagination of either the Russians or the Chinese at different times.

The idea of India, Russia and the US working together would, however, have been unthinkable before the terrorist attacks in New York and Washington on September 11.



Bush, Vajpayee and Putin

Q-F Points  
Even on this visit, it is unlikely Vajpayee will make public pronouncements proposing any formal or informal arrangement which brings together New Delhi, Moscow and Washington.

But at the highest levels of the Indian government, views are crystallising that in the context of the new and formidable challenges facing the world, increased trilateral cooperation among India, Russia and the US is not only desirable, but also possible.

These views will be tossed across the negotiating tables at various levels and in various forms during Vajpayee's stay in Moscow and Washington.

Rationalising such an arrangement, senior officials accompanying the Prime Minister point out that India,

Russia and the US are all now democracies, all the three committed to the values of freedom and equality, which are threatened by terrorism, religious extremism and intolerance.

All the three countries are pluralist, multi-cultural societies with India and Russia struggling to catch up with the US through their economic reforms.

Vajpayee has previously described India and the US as "natural allies". He has repeatedly talked about the bonds between India and Russia.

CONTINUED ON PAGE 6 ►

■ LISTINGS 2 ■ STRIKEBACK 4-5 ■ OPINION 10-11 ■ SPORT 15-16

THE TELEGRAPH

5 NOV 2001

# Thousands of Dalits convert to Buddhism

HT Correspondent  
New Delhi, November 4

THOUSANDS OF "lower-caste" Hindus converted to Buddhism at a Dalit convention near the Jhandewalan temple today. They renounced the "casteist" Hindu religion, vowing never to return to the Hindu way of life.

The day-long convention passed off without any major incident at the Baba Saheb Ambedkar Bhawan on Rani Jhansi Road, largely because of tight police security.

While exact figures of how many actually converted were not available, thousands uttered the 22 essential pledges and promised to follow Buddha's eight-fold path. Leading the conversion was All-India Confederation of Scheduled Castes and Tribes chairman Ram Raj.

Sharing the dais, Raj and other members of his organisation and even the Buddhist monks conducting the conversion ritual criticised the BJP and BSP leader Mayawati. Around noon, Raj was tansured before

taking the 22 pledges. According to the Buddhist monks, all those who chanted the pledges with him became Buddhists automatically.

Later in the afternoon, hundreds of rallyists tried to cross police barricades near the Rani Jhansi Road roundabout and march to the Ram Lila grounds in Daryaganj for the final diksha ceremony. Two days ago, the central district police had revoked permission for the rally.

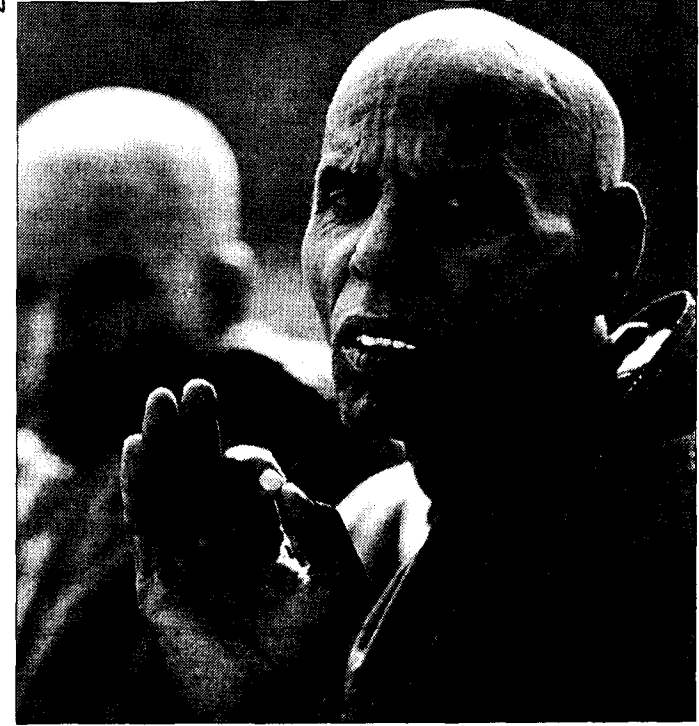
After about 15 minutes of futile efforts, the rallyists squatted on the road while their leaders criticised the BJP's Manuwa-di Government and Hinduism. A mass conversion ritual was quickly carried out there. "The Government does not want Dalits to overcome the age-old caste system and so it opposes conversion of Dalits to Buddhism," Ram Raj said.

The Deputy Commissioner of Police, Central district, said seven extra companies of police personnel had been called in to strengthen security around Ambedkar Bhawan.



AFP PHOTO

A sculpture of BR Ambedkar is moved to the stage ahead of a mass ceremony for Dalits who converted to Buddhism in thousands on Sunday.



AFP PHOTO

Buddhist monks at the mass conversion ceremony for Dalits.

# Army told to keep watch on LoC

STATESMAN NEWS SERVICE

NEW DELHI, Nov. 2. — Senior Army officers have been asked to "keep a watch" on the LoC and border with Pakistan where Islamabad has been massing troops. Some commanders of independent brigades have moved to advanced divisions' headquarters to study the situation.

Senior officers said today Pakistan held such exercises every year and that the situation was "not at all alarming". A few eyebrows are being raised because this year the exercise coincides with the Afghan war.

Army's 16 Corps, which looks after Jammu, said there was nothing to worry about and that it was prepared to meet any eventuality, SNS adds from Jammu. Brigadier PC Das said the Army was observing the situation and "was reasonably alert. We've kept our options open."

**George-Rumsfeld meet:** Mr George Fernandes and the US defence secretary will discuss the Afghan situation on Monday. Mr Donald Rumsfeld will meet the defence minister for about two hours in the morning on his way from Moscow to Islamabad.

General Mohammed Lamari of Algeria will visit India though the two countries don't have any major military ties.

**Firing:** Pakistani troops have fired in Akhnoor sector. The firing started at 9.15 p.m. last night and continued till morning.

**Ultras killed:** Security forces today killed about 20 militants in four encounters in Poonch district, close to the LoC. About seven ultras were killed in another encounter.

THE STATESMAN

4 NOV 2001

# Govt. defends POTO, says it is focussed

By Vinay Kumar

**NEW DELHI, NOV. 2.** Faced with sharp attack from the major Opposition parties to the Prevention of Terrorism Ordinance, 2001 (POTO), the Centre today sought to justify it saying that the Ordinance contained enough safeguards and was vastly different from the lapsed TADA in scope and key provisions.

Putting up a spirited defence for the new law, the Union Home Secretary, Mr. Kamal Pande, said the POTO was not "general and vague" but specific and focused. Denying that it was a reincarnation of the TADA, he said the ordinance was aimed at tackling the emerging threats arising out of use of chemical and biological warfare by terrorist groups.

Talking to a select group of newsmen here, Mr. Pande, aided by senior Home Ministry officials, explained the main features of the POTO, improvements over the TADA and safeguards incorporated in it to protect the interests of the accused persons.

He said the POTO was much "softer and kinder" than the already enforced Organised

Crime Act in Maharashtra, where even bail provisions were very rigid. Many of the provisions relating to definitions, provision of bail, presumption of guilt, confession before police officers, provision of appeal only with the Supreme Court, which had led to oppressiveness in the implementation of TADA, had either been diluted or dropped from the ordinance.

The terrorist acts have been precisely defined in the POTO and the expression "to alienate any section of the people or to adversely affect the harmony among different sections of the people" defined under the TADA has been deleted.

Referring to widely expressed fear that the new law would curb the freedom of the press by making it obligatory on journalists to disclose to the police any information relating to the activities of terrorists, Mr. Pande said the provisions in the ordinance were merely reiteration of similar provisions enshrined in Section 39 of the Cr.P.C. and Section 187 of the Indian Penal Code.

He said the ordinance provided for constitution of special courts for speedy trials and

contained provisions for protection of witnesses, including measures, such as holding the proceedings of the special court in camera.

The ordinance has clearly defined a "terrorist act", apart from including its usual nuances of explosives, weapons, violence and destruction. Fund-raising for a terrorist organisation had also been made an offence. Mr. Pande said the laws to deal with organised crime and insurgency, modelled on the erstwhile TADA, have either been enacted or being enacted in some States.

The Maharashtra Control of Organised Crime Act, 1999 is already in place. The Karnataka Control of Organised Crime Bill, 2000 and the Andhra Pradesh Control of Organised Crime Bill, 2001 have been passed by the respective legislatures and awaiting assent of the President.

Moreover, under the U.N. Security Council resolution 1373 of September, it was an international obligation on the part of India to put in place an anti-terrorism law.

## 'Cong. adopting double standards'

By Neena Vyas

**AMRITSAR, NOV. 2.** The Union Home Minister, Mr. L. K. Advani, today warned the Congress that if it did not support POTO it would amount to appeasement of terrorists and the "country will not forgive it."

Speaking during the discussion on the political resolution at the BJP's national executive committee meeting here today, Mr. Advani, charged the Congress with adopting "double standards". While Congress Governments were happily applying stringent special laws against organised crime in Maharashtra and now Karnataka (bill was awaiting presidential assent), it was opposing POTO. He said that POTO, in fact, had many safeguards against abuse and misuse. He also pointed out that a similar "double standard" was evident when the Rajasthan Government had adopted a law to deal with madrasas being used for wrongful purposes, the opposition party had come down heavily against the Uttar Pradesh Government for enacting a similar legislation.

He said POTO was absolutely necessary to fight terrorism, and it would be a dreadful mistake to oppose this law. He appealed to all parties to rise above partisan politics and come forward to cooperate in passing the draconian legislation. At the same time, he also warned his own party not to allow POTO to become an anti-minority instrument. For this, he said they would also have to counter the propaganda launched by the opposition parties that the BJP-led Government was in fact interested in using it as an anti-minority weapon.

Terrorism and how to deal with it was the subject of the political resolution to be released formally tomorrow. It was moved by Mr. Vijay Kumar Malhotra.

### 'POTO will get through Parliament'

The Union Law Minister, Mr. Arun Jaitley, is quite confident that the Prevention of Terrorism Ordinance, 2001 (POTO) will have no difficulty in getting through Parliament. "Maybe the Opposition parties will move a few amendments, but they will pass it, if they do not, they will have egg on their face and several parties have passed almost identical laws in the States they rule," he said.

Speaking to reporters on the sidelines of the BJP meet, he

pointed out that Maharashtra had a similar law for "organised crime" since March 1999, Karnataka recently passed a law which is waiting for presidential assent, Andhra Pradesh had adopted a similar legislation to deal with the Naxalite problem, and in West Bengal the State Cabinet had given the green signal for a similar law, but now the CPI(M) is having second thoughts.

Mr. Jaitley said that had it not been for the now lapsed TADA and its provisions for taking evidence which were not in the normal Indian Evidence Act, many of those who were convicted for conspiring in the Rajiv Gandhi assassination case "would have never been convicted". Ms. Sonia Gandhi, the Congress president,

would have to make up her mind to support the POTO, he said, "otherwise she will have egg on her face". He added, "It is no argument to say that a stringent law is needed to fight organised crime, but not for fighting terrorism."

About Mr. Chandrababu Naidu, the Chief Minister of Andhra Pradesh and supporter of the NDA Government, Mr. Jaitley said that, "he should amend his own State laws" before talking about amending the POTO.

Counting the various safeguards in the POTO, his view was that if India could not adopt the POTO, then the international community would laugh at its commitment to root out terrorism and terrorists.

## Cong. studying similar laws in States

By Our Special Correspondent

**NEW DELHI NOV. 2.** Having decided to oppose the new anti-terrorism Ordinance, the Congress is now trying to finetune its line of opposition; studying similar laws enacted by its State Governments, especially Maharashtra, to evolve a comprehensive strategy.

The party leadership does not want to be seen opposing a law at the Centre which its State Governments are implementing. The proponents of the ordinance have been pointing out that similar measures are already in operation in some Congress-ruled States, particularly Maharashtra and Karnataka. Hence, the party is keen on working out a strategy to avoid being seen adopting a contradictory position at the Centre and in States.

The Congress' initial opposition to the POTO was on account of the timing and the manner in which the measure was brought in by the Centre. The next day, the party spokesperson, Mr. Jaipal Reddy, said his party would oppose it "tooth and nail and ensure its defeat in Parliament". The Congress president,

Ms. Sonia Gandhi, had described the measure as "draconian".

Party sources said the purpose of the current exercise was to study the laws enforced by the Congress Governments and suggest measures the party should take. One of the options being talked about is to ask the State Governments to take back the measure. The leadership, concerned over the increasingly strident positions adopted by the BJP and the Samajwadi Party, has asked its Chief Ministers to be on guard to prevent outbreak of violence, besides directing them to ensure that the minorities do not feel insecure.

A team of senior leaders have been asked to monitor the situation and formulate a strategy.

Mr. Jaipal Reddy today took strong exception to the Prime Minister's statements made at Somnath and accused him of trying to strengthen the "stereotypical prejudices in the country". He said the statement was unfortunate, especially given the sensitive situation in the country.

THE HINDU

3 NOV 2002

# Assault on Ayodhya

By Rajeev Dhavan

*The Sangh Parivar plan to take over the disputed site is a menacing reality... Ayodhya is Indian secularism's biggest test.*

9-2 minutes

10-12  
11/11

THE VISHWA Hindu Parishad's (VHP) storming the makeshift temple on October 17 was not a stray incident. It has a context, a past and an ominous future. The future pattern of events was set by the Dharam Sansad meeting on January 18-21 at the Kumbh Mela in Allahabad. Three phases of a future concerted campaign were revealed. The first phase was the 'shivcharan' and 'jalabhishek' ceremonies from September 17 to October 16. This was to be followed by a second phase of collective 'japayajnas' from November 26. The third phase of building the Ram temple was to commence after March 12, 2002. On February 24, 2001, the VHP unequivocally demanded the return of the temple land. On March 27, the Ram Temple Construction Committee reiterated its three-phase plan and threat. All this was unequivocally conveyed to Mr. Atal Behari Vajpayee in February-March 2001. The Prime Minister was silent.

The plan to forcibly take over the Ayodhya site is a menacing reality. On September 8, the VHP president, Mr. Ashok Singhal, again confirmed the plan, adding that a 'chetavni yatra' with 5,000 sants would take place from January 22 to 27, 2002, with a mammoth gathering on Vasant Panchami at Ayodhya on February 17 to offer 'purnahuti' (the final offering). Strictly according to plan, the VHP launched 'jalabhishek' on September 17. Leaving nothing to doubt, on October 17 VHP stormtroopers led by Mr. Singhal entered the makeshift temple contrary to the law and explicating an affront to secular sensitivities. A nine-year norm from 1992 to 2001 was brutally broken. Unrepentant, by October 20, a clear post-Dussehra plan was unfurled which was, at once, divisive and provocative. 'Ramnaam sankalp raths' (Ram chariots) would go from house to house throughout the country to identify true believers, flag their houses and issue a rosary (tulsi mala). In Lucknow, near Ayodhya, four such chariots are to start on November 10. The whole country was to be mobilised — but especially the State of Uttar Pradesh. Some Muslims

have responded to this provocation by speaking the language of *jehad*.

We need to pause. This temple construction is not just linked to the impending elections in Uttar Pradesh. It threatens to split the country, with the BJP politicians looking the other way. Mr. Vajpayee has not shown statesmanlike qualities in dealing with this issue. Recall his 'Musings from Kumarakom' in December 2000 in support of the temple. The storm of protests to these musings did not deter him. By February 2001, he was forced into a silent acceptance of the VHP's ultimatum to build the temple. On April 11, Mr. L. K. Advani talked of the *de jure* temple at Ayodhya to the Liberhan Commis-

## LAW AND SOCIETY

sion. In this mood, talks of a negotiated settlement are a farce. The VHP has made it clear that there is nothing to negotiate. That is why the 1991-93 talks broke down. On August 27, 2000, Mr. Vajpayee misled Parliament to assert that meaningful talks were going on. But, with whom? In fact, no significant talks were taking place. He assured the press that the Ayodhya problem would be solved by the VHP's deadline of March 2002. So, the Government was dancing to the BJP's tune. This was really a green signal to the VHP and others to go ahead with their plan.

On October 11, Mr. Vajpayee decided to constitute a Ayodhya cell — apparently to evolve a negotiated settlement. But, this too, is a diversionary tactic in advance of the VHP's manoeuvre. It is impossible to believe that Mr. Vajpayee and his Government were not aware of the plans to enter the temple site. On October 17, the VHP stormed the makeshift temple. Mr. Vajpayee described this incident as "unfortunate, serious and a setback". But, surely, he knew what was going on. Then, the Government pretended to take neutral action. Officials were summoned. The Uttar

Pradesg Government ordered a probe. A conciliatory cover-up began. A real response was required. Mr. Vajpayee was clearly marking time until March, 2002 by when the VHP and others would precipitate a *fait accompli*.

India should not need reminding of the ghastly destruction of the Babri Masjid on December 6, 1992. But, despite the sense of horror at what happened, the Union and Uttar Pradesh Governments (both controlled by the Congress after President's rule was imposed on Uttar Pradesh) allowed matters to drift so that in December 1992, a 'makeshift' temple emerged on the site of the masjid's rubble. This should never have hap-

pened. Those who had destroyed the masjid received their conspiratorial reward of a makeshift temple at the controversial site. Mr. P. V. Narasimha Rao's Congress enhanced this reward with the Ayodhya Ordinance protecting the status quo as on January 7, 1993.

This was a communal status quo. The correct date of the status quo should have been that of December 6, 1992, so that neither the temple nor masjid could operate from that site. This elliptical status quo which rewarded those who had destroyed the masjid was blessed by the Supreme Court in 1994 in the interests of peace by a divided judgment. The discomfiture of the judges can be gauged from Mr. Justice Bharucha's dissent for himself and Mr. Justice Ahmadi. No doubt, the crisis has to be quelled. But, Mr. Justice Verma's majority judgment legitimating the Congress's status quo makes uncomfortable reading since it legitimises prayer at the temple — no less on the startling basis that Muslims can pray anywhere even in the open. However, the majority judgment is good law and must be followed.

What is the meaning of 'status quo' of

the site? Clearly, it preserves limited prayers at the makeshift temple. But, the Ayodhya Act, 1993, has to be read with the court's judgment and the Union's affidavit to the court describing the status quo. The status quo clearly meant that only the 'pujari' could enter the makeshift temple. Others could not enter it, but could only offer respectful prayers. The VHP's storming the temple on October 17 was a gross violation of a peaceful practice and a statutory and judicial status quo that had been accepted for nine years. These acts were illegal, a contempt and trespass and forcible entry. But there is no one who can take the matter further. The Supreme Court could issue a notice; but, it may not do so on its own even though a differently composed Supreme Court did convict Mr. Kalyan Singh for wilful neglect and disobedience of the court's orders on Ayodhya.

In a sense, both Mr. Vajpayee and the State Government have preempted an adverse court order by admitting the mistake and ordering a probe. Like the Liberhan Commission, the Uttar Pradesh probe will drag on. There are some allegations that the Central Reserve Police Force (CRPF) may have acquiesced to the VHP's forced entry. If Mr. Vajpayee is serious, he will ensure that criminal investigation and disciplinary action is taken immediately. He should consider initiating a contempt action. But, he will not do so since his approach to Ayodhya is partisan but under a 'secular' garb.

The situation that is emerging is alarming. It is worse than the warning signals of 1992. The plans made at the Kumbh Mela in January 2001 were not mere declarations. They were serious threats. They have been acted upon. They will divide the nation. The VHP and others will not wait till the Ayodhya case is over or for a negotiated solution. Mr. Vajpayee's game-plan is no less clear. He will watch and allow a communal situation to develop. India will be bitterly split apart. Ayodhya is Indian secularism's biggest test. India failed in December 1992. It cannot fail in March 2002.

THE HINDU

2 NOV 2002



## Whatever Northern Alliance wants, we will give: George

He was clearer about ties with Pakistan, saying that despite all the confidence-building measures India had been given no reason to trust it. The Lahore Declaration was not the only example of this but the most glaring one. "We signed the Lahore Declaration in February 1999 and in May they did Kargil. Since then, too, they have done nothing to show us we can trust them," he said.

On Jammu and Kashmir, Fernandes echoed the view taken by the army's Northern Command GOC, Lt-Gen Nanavatty, yesterday. "Alienation of the people, which provides terrorists a field to operate in, has to be done away with", he said, adding, both the

army and the state government are working to get the people back into the fold.

Asked why India was not taken seriously, he said the problem was that India was not considered a strong state. "We are a nation without discipline. We have more enemies within than any other nation and the general impression is that we are very porous and corrupt. That's why we are not taken seriously," he said. On the Venkatswami Commission proceedings he said that the work in the MoD was going on and his returning as the Raksha Mantri (RM) would not hamper it. "They can take their time to complete their work. There is no interference from us," he said.

NDIAN EXPRES.

2 NOV 2001

Terror masquerades as an anti-terrorism ordinance, piggy-backing on the September 11 attacks, says RAJINDAR SACHAR

# POTO, the Government's excuse for abuse

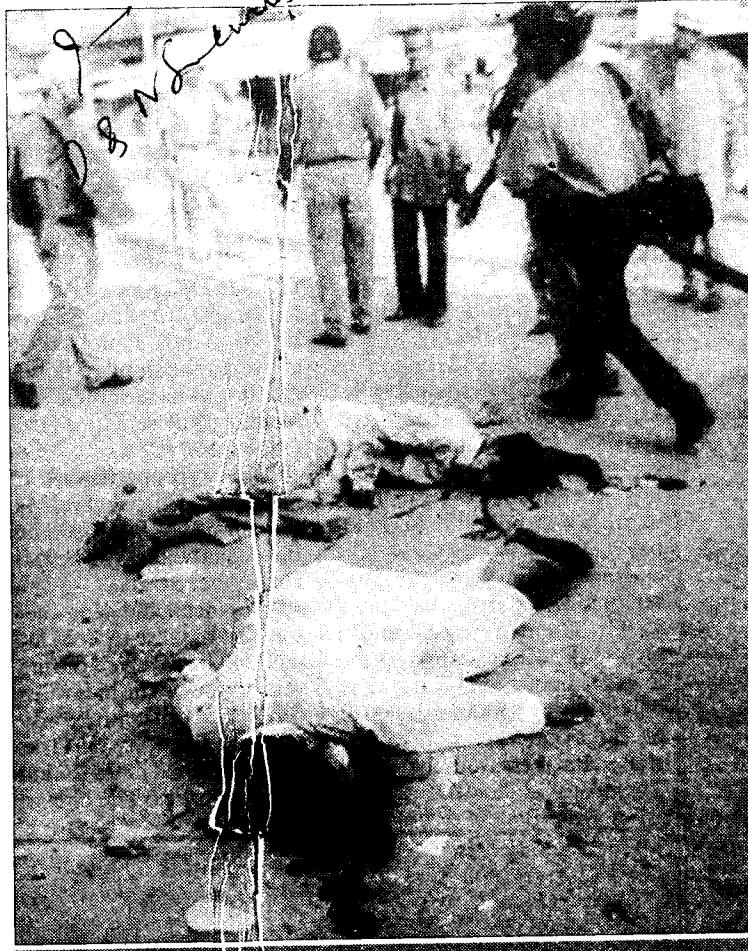
THE BJP Government has fired its first political salvo for the Uttar Pradesh elections by promulgating the Prevention of Terrorism Ordinance (POTO). The purported justification of immediacy to meet the challenge of terrorism is hollow. Ever since the lapse of TADA in 1995, no Government has felt such a necessity.

Even POTO, vetted by the Law Commission, and "basically modelled on repealed TADA" was with the Government for the last one year. Yet, the Government dared not introduce it because of opposition. Now, it has cynically taken advantage of the September 11 attacks in the United States.

Political motivation is writ large in the indecent haste in issuing the Ordinance before Parliament meets on November 19. Article 123 and 213 of the Constitution empower the President/Governor to promulgate the Ordinance. However, in this regard, the Supreme Court has said: "The power conferred on the Governor to issue ordinances is in the nature of an emergency power, for taking immediate action". The apex court has also emphasised that "the primary law making authority under the Constitution is the legislature and not the executive".

Considering the openly expressed adverse opinion from opposition parties and the Government's inability to pass the Ordinance in the Rajya Sabha, POTO will cease to operate, as mandated by Article 123, after the expiry of six weeks from the re-assembly of Parliament.

One of the objectionable newly introduced provisions is Section 18, which has been used to ban several organisations that have already been declared unlawful under the Unlawful Activities Act, 1967. This provision has been included against



**Even if SIMI wins its case under the Unlawful Activities Act, it may continue to be treated as a terrorist organisation even after POTO falls through in Parliament**

the recommendation of the Law Commission, which categorically stated that "We have not suggested herein any amendments providing for banning of unlawful organisations and for confiscation of their assets in as much as there is already an enactment in force viz the Unlawful Activities (Prevention) Act which deals with the said aspects."

The case of Deendar Anjuman, where the high court had even heard the matter under 1967 Act and reserved its judgment, has also been included. This action borders on interference with the judicial process and amounts to contempt. It's a different matter that the high court has now upheld the ban against the organisation.

Similarly, SIMI, which has been banned under the 1967 Act and whose case is still to be heard in the high court, has been included. Even if SIMI wins its case under the 1967 Act, it may continue to be treated as a terrorist organisation, paradoxically even after the Ordinance has been disapproved by Parliament.

This is because the Supreme Court ruled in 1985 in a decision of doubtful correctness that "an ordinance shall not become void from the commencement of its ceasing to operate as a result of the Legislature's disapproval of it". It also held that the expression "shall cease to operate" in Articles 123(2) and 213(2) means an ordinance, even if it has been disapproved by Parliament, will continue to be effective till as long as it was originally meant to last. A mere disapproval by Parliament of an ordinance cannot, however, revive closed or completed transactions.

This means that even if the Ordinance is disapproved, the organisations already proscribed under it will remain banned. Of course, it is open to Parliament to provide that while disapproving the ordinance. It may pass a law operating retrospectively to the effect that the disapproval of the Ordinance will also mean disapproval of the ban imposed under it on the so-called terrorist organisations.

POTO is designed to serve the NDA Government's agenda of banning an organisation without any accountability. For, some safeguards provided under the 1967 Act, wherein any notification declaring an association to be unlawful shall have to be confirmed within six months by a tribunal consisting of a sitting high court judge.

However, a change has been made in the ordinance empowering the Central Government to constitute a review committee of

## Six reasons why POTO's a problem

- Draft POTO ordinance has been lying with the government for one year
- Ordinance blacklists many organisations already declared unlawful under 1967 Act
- Deendar Anjuman banned though case against it was being heard in high court; thus ordinance interfered with judicial process
- Even if the ordinance is not approved by Parliament, the banned organisations will continue to remain 'terrorist'
- 3-member review committee to have sitting or retired judge; qualifications of other 2 members not yet known. Potential for misuse
- Provision to keep identity of witness secret will put accused at disadvantage

three members comprising either a sitting or a retired judge. The objectionable part is the other two members, whose qualifications are still to be prescribed. This provision is liable to be misused because the concurrence of the High Court is necessary for the appointment of the chairperson but not for that of the other members.

Thus the chairperson could be overruled by the two members handpicked by the government making a mockery of impartial adjudication. I doubt whether any self-respecting judge would like to be associated with such a committee.

Section 30 says if the special court is satisfied that the life of a witness is in danger, it is empowered to take any measure it deems fit to keep the identity and address of the witness secret. A deliberate omission has been made here: the Supreme Court, while examining the constitutionality of TADA, held that non-disclosure of identity will put the accused to disadvantage in effective cross-examination.

As Dr B.R. Ambedkar had said: "defending includes cross examination".

Also, the Supreme Court criticised such a provision, saying "whatever may be the reasons for the non-disclosure of witnesses, the fact remains that the accused persons to be put up for trial under this Act which provides severe punishments, will be put to disadvantage."

A confession made before the police is made admissible, even when a Supreme Court judge described this provision in an earlier TADA decision in 1994 as "unfair, unjust and unconscionable, offending Articles 14 and 21 of the Constitution".

The whole exercise of issuing such an ordinance is to create psychological terror, so that the arbitrary actions of the government are glossed over and a climate is created wherein opposition to such actions may be considered anti-national.

*(The writer is the former Chief Justice of the Delhi High Court)*

95 | 9.08 N. Delhly

# What Northern Alliance wants, we give: George

■ 'All's quiet and well on the Chinese front'

GAURAV C. SAWANT  
NEW DELHI, NOVEMBER 1

INDIA has been supplying both money and material to the Northern Alliance in Afghanistan. "They have traditionally been friends of ours and we have donated whatever they have asked for and we could provide," defence minister George Fernandes told *The Indian Express*.

Asked if this included tanks and artillery, Fernandes said: "Whatever they asked for they have got and will continue to get. But there are no human resources being provided except a military hospital at the Tajikistan border for their soldiers."

In an exclusive interview with this paper, Fernandes touched on several issues, including China — which he had once famously called India's 'enemy number 1', a statement he denied today — and Pakistan.

Relations with China were on the right track, he said. "We have a very correct relationship with China today. There isn't any problem along the borders, which are peaceful. The positive developments are that trade ties between India and China are

## It's Rumsfeld's turn



■ NEW DELHI: As part of high-level interaction between the two countries, US Defence Secretary Donald Rumsfeld is arriving here on

Nov 5 on a lightning visit for discussions on terrorism and Indo-US defence cooperation.

Rumsfeld, who is leaving Washington tonight on a hurricane tour of Russia and Central Asia, will reach New Delhi in the small hours of November 5 from Islamabad, sources said. — ENS

growing. And the old problems that we have about the borders are being discussed with the objective of reaching a peaceful and acceptable solution between the two countries," Fernandes said.

Asked if India could trust China, he said that country still enjoyed 'special ties' with Pakistan; the latter had acquired its missiles and nuclear capabilities with Chinese support. "Of course, this happened long ago, there are good developments on the India-China front," he added.

CONTINUED ON PAGE 2

INDIAN EXPRESS

## Army commander talks tough

*PRD-1  
11/11*

**JAMMU, OCT. 31.** A top Army commander today warned Pakistan that India reserved the right to take military action against its troops and terrorist groups if they continued to carry out "hostile acts" against the country like sabotage and infiltration.

In an unusually combative keynote address at a seminar on "Jammu and Kashmir: the way ahead" here, Lt. Gen. R.K. Nanavatty, GoC-in-C of Northern Command, said the "blatant aggression" being witnessed now in Jammu and Kashmir was not "entirely dissimilar" to that in August 1965, when India was compelled to undertake limited conventional operations against Pakistan in the Hajipur bulge.

"We are committed to restraint along the Line of Control and the international boundary in Jammu and Kashmir. If, however, the Pakistan Army or terrorists assisted by the Pakistan Army, continue to carry out hostile acts to include sabotage, infiltration, raids or intrusions in violation of the Shimla agreement, we reserve the right to take military action against Pakistani military and/or terrorist targets as deemed appropriate," the general said in what he called as a "message for the Pakistan Army opposite Northern Command".

— PTI

### **Pak. sees 'disparity' between Govt., Army**

**B. Muralidhar Reddy** reports from Islamabad:

Pakistan today said that there appeared to be "disparity and disconnect" between the Indian Government and Army.

*9-  
D 8 N Seem*

Answering a question on the reported comments made by Lt. Gen. Nanavatty, the Press Secretary to the Pakistan President, Maj. Gen. Rashid Quereshi, said the Defence Minister, Mr. George Fernandes, only a few days ago had ruled out the possibility of the Indian troops crossing the Line of Control.

Maj. Gen. Quereshi claimed that when the Indian troops opened "unprovoked" firing on the LoC on October 15, the explanation from the Indian Government was that the local commander did not have New Delhi's permission.

"We have been in favour of defusing the tension and taken a number of unilateral actions like withdrawal of forces from the LoC. Pakistan wants the main and core issue of Kashmir to be resolved with India through dialogue and peaceful means," he said.

At the same time, he said if India wanted to precipitate matters, Pakistan would take the "bare minimum" steps to defend itself. On the reported comment of the Indian general that the situation on the border was like the one prevalent in 1965, Maj. Gen. Quereshi shot back by saying that "it is not worthy of comment. If the Indians think they could take advantage of the situation, they are mistaken".

**THE HINDU**

1 NOV 2004 2.06

# UAE shielding Indian dons, alleges CBI

*'Mafia men given free run despite our pleas'*

By Pratyush Kanth  
Times News Network

NEW DELHI: The Central Bureau of Investigation (CBI) has accused the United Arab Emirates government of "total non-cooperation" in dealing with key figures of the Indian underworld who have made Dubai their base for many years now.

CBI sources gave TNN a list of 12 gangsters with their last known Dubai addresses and phone numbers. The list was provided to the UAE authorities early last year and includes Dawood Ibrahim, his younger brother Anis Ibrahim Kaskar, Mohamed Ahmed Dosa, Abu Salem and Eijah Mohammad Sharif. "Though Dawood has shifted his base to Karachi, he and his gang members come to the UAE every six months to get their visas extended. They also own several properties in Dubai," said a CBI source.

Every now and then, one of these 12 dons is arrested by the UAE and then released. "Whenever we come to know from our sources about their arrest, we immediately contact the authorities there through Interpol and our embassy," the source said.

Insisting that they have reports that Abu Salem has been detained by the UAE authorities, CBI sources said the agency had already sent across Salem and his wife's photographs, details of his Indian passport, fingerprints, crime record, and family history. "We have even given them his business addresses in their country — like Yusuf Trading Company, Raveena Yusuf Traders, Arfan General Trading, Al Aswana, King of Cars Trading besides information about the Robinson Company in London from where he gets his money laundered. What more do they want?" a CBI official asked.

CBI officials claim that the "rule of law" changes for the UAE authorities when it comes to the arrest and extradition of these underworld dons. "In the past, they have cooperated with us. They handed over eight hijackers in the 1984 Indian Airlines hijacking case, even forgoing the paper work, and also immediately arrested and sent back Niranjana Shah in the Harshad Mehta case. Their attitude changes only when it comes to these dons," the source said.

## DOUBLE TROUBLE



Dawood Ibrahim

Abu Salem

"How can we tell the world what the UAE authorities did last time when Abu Salem was arrested in 1997?" the CBI official said. "When our embassy official went to the police chief of Dubai for confirmation of his arrest, he was told the man who was arrested was one Akil Ahmad Azmi and that he had only a facial resemblance to Abu Salem. We immediately sent the documents proving that Akil was Abu Salem and that he was travelling on a fake passport."

CBI sources said a case was registered in India (RC1(A)/97 STF Delhi) but the UAE did not even bother to match the fingerprints of 'Akil' with Abu Salem. "We even sent the details of Abu Salem's wife, Samira Jumani, proving that his wife and Akil's wife were the same person. Even a red corner notice was issued by the Interpol, but the UAE turned a blind eye towards the Indian documents."

CBI officials gave another example of the arrest of Dawood's younger brother Anis Ibrahim in Bahrain on January 8, 1996. "Our ambassador forced the authorities there to allow the CBI to join the investigation. A team was sent from India and we interrogated Anis. Finally, we were told that he had been allowed to go to Dubai with their police officials," said the source.

THE TIMES OF INDIA

1 NOV 2001

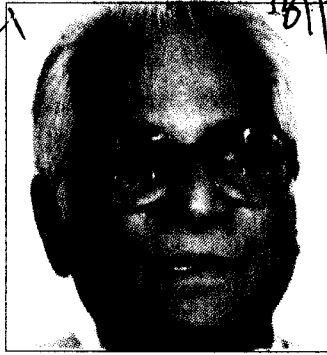
# Fernandes turns dovish

## Pak N-scientists 'handed over'

Vinay Menon  
New Delhi, October 30

DISCARDING HIS trademark hawkish posture, Defence Minister George Fernandes today added a measure of restraint in the Indian policy towards Pakistan on three specific counts.

First, Fernandes said he was confident that Pakistan would not allow its nuclear weapons to fall into terrorist hands. "I would give them credit of being people capable of handling their nuclear assets." Second, he said the US tactic of cashing in on 54 years of bonhomie with Pakistan might create civil and military disturbances in Pakistan. "This should be a cause of concern not only for the leadership of Pakistan, but also for India. Any break-up of Pakistan will jeopardise the stability of the subcontinent, with consequences that defy imagination." Third, Fernandes said the



GEORGE FERNANDES

Indian armed forces had till date "scrupulously" avoided decimating terrorist training camps "not far from the India's border" since most of them are near civilian population centres. "Any strike on them would claim innocent people, including women and children."

The Defence Minister, however, warned: "One should not rule

out the likelihood of India having to fight its own war against terrorism on its border once the US-led alliance calls off its engagement with Afghanistan and goes back to its five-decade-old cosy relationship with Pakistan."

Basking in his second avatar as Defence Minister, Fernandes made these observations at a special address titled *Where to Begin and How to End* at the seminar on terrorism organised by the Institute of Conflict Management. His views came less than 24 hours after media reports of a covert US operation to take control of Pakistan's nuclear assets if President Musharraf is overthrown in a coup and the bomb falls in the wrong hands.

Fernandes's stance also distances him from the hawkish postures of L K Advani and A B Vajpayee. The Prime Minister has ruled out a dialogue with Musharraf in New York.

THREE NUCLEAR scientists who worked for the Pakistan Atomic Energy Commission and were arrested by the Intelligence agencies last week, have reportedly been handed over to US authorities. But Pakistan's military spokesman Maj-Gen Rashid Qureshi denied the report, saying one of them, Bashiruddin Mehmood, was in hospital.

Bashiruddin's family said he was brought home on Friday and was again picked up on Sunday noon. Media reports say Bashir and his colleagues — Abdul Majeed and Mirza Yousaf — have been handed over to a joint investigation team of the FBI and the CIA for interrogation.

Bashir ran an NGO in Afghanistan. US intelligence believes he was connected to al-Qaida and was developing a nuclear programme for Afghanistan, a news report said. *HTC, Islamabad*

THE HINDUSTAN TIMES

# Centre defends Poto, Opp up in arms

SANJAY SINGH  
STATESMAN NEWS SERVICE

NEW DELHI, Oct. 30. — The government doesn't seem afraid of the Opposition's opposition to the Prevention of Terrorism Ordinance and eventually, the ordinance failing to get ratified by the Parliament.

The Opposition parties today gave enough indication of how they would react when the ordinance would be moved for ratification in the coming winter session of the Parliament.

At the all party meeting convened by the Prime Minister, Mr Atal Behari Vajpayee, at the Parliament House, almost the entire Opposition, including the Congress and the Left parties, opposed the provisions of the ordinance.

The ordinance is a "double edged weapon" for the government, an official said. The gov-

ernment can convince the Opposition of its merits and the necessity of having a new legal regime, whereby the law enforcing agencies are armed with special powers to deal with the increasing menace of terrorism.

Senior government functionaries, however, don't seem worried about the fact that the ruling coalition doesn't have a majority in the Rajya Sabha and the DMK, a key ally of the coalition, voiced its dissent about the "Draconian measures" contained in the ordinance.

An official said, even when the government would make every effort to get it ratified by both Houses of the Parliament, if it fails and the ordinance is allowed to lapse, it could potentially turn into a political issue.

The government could blame the Opposition for not realising the seriousness of the situation even when the international

community was favouring strong action against terrorism.

India has been on the receiving end of terrorism for the last ten years and the security forces find it difficult to combat the menace due to lack of any special powers to tackle the "extra-ordinary situation", the official said.

The law minister, Mr Arun Jaitley, strongly defended the ordinance today. He said the Poto was the least harsh legal system as compared to similar laws of developed countries like the USA, UK and Germany.

It had several in-built safeguards against the misuse of the provisions against innocent persons, he said. Mr Jaitley said, the new legal system was not brought in haste. It had, in fact, been delayed. He said the criticism, that the bill would curb fearless reporting by the media and those interviewing the leaders of organisations, was baseless.

## MAMATA SOFT ON ORDINANCE, THANKS TO RAILWAY LURE

KOLKATA, Oct. 30. — Miss Mamata Banerjee who had earlier led a fierce agitation against the implementation of the Tada, has wholeheartedly welcomed the Centre's Prevention of Terrorism ordinance. In fact she has denounced the West Bengal government's decision not to implement the ordinance as a "constitutional impropriety".

Political circles interpreted her statement as a move to get closer to the Prime Minister following reports of her induction into the Cabinet soon. "She will not take any stand that has the potential to scuttle her chances of becoming the railway minister again. That's why she is not opposing the ordinance though she had earlier agitated against the Tada," a Trinamul leader said. Mr Buddhadev Bhattacharya had announced the Centre's Prevention of Terrorism Ordinance will not be implemented by the West Bengal government because of its draconian provisions.

He had said the state government's existing Prevention of Organised Crime Act will effec-

tively control terrorism. A state cannot be forced to implement the Centre's ordinance as law and order falls under the state list.

Miss Banerjee, however, said: "Criminal law is on the concurrent list and hence the state government should not dither on implementation of the Central ordinance."

Though the Trinamul leader has not gone through the entire ordinance but she finds it "more or less okay, barring one particular provision" which she refused to elaborate.

She said the CPI-M's decision smacks of hypocrisy as they were implementing an ordinance which is not very different to the Centre's ordinance.

Fearing misinterpretation of the ordinance Miss Banerjee said: "The ordinance needs to be handled carefully and strict vigil should be maintained in this regard. We should rise above petty political considerations and act against terrorism. One should not associate caste, creed or religion with measures undertaken to counter terrorism", she said. — SNS

THE STATESMAN

# Govt ignores protests, says Poto not draconian

PTI & UNI

NEW DELHI, Oct. 29. - The all-India Muslim Majlis Mushawarat today criticised the government's move to introduce the Prevention of Terrorism Ordinance, saying it "violates human rights and safeguards" provided to minorities in the Constitution.

The government today responded by saying "extra-ordinary laws" were needed to deal with "extra-ordinary situations". "We have seen the worst kind of terrorism. You cannot tackle it with ordinary laws..." the information minister, Mrs S Swaraj, said.

The Mushawarat general secretary, Mr Ahmed Ali Quasmi, called Poto a "conspiracy" against Muslims, Christians and other minorities, and appealed to Muslims institutions, the *ulemas* and community leaders to prepare a joint line of action.

"Earlier, the government had called *madrasahs* breeding grounds of terrorism to create a fake internal security threat ... prepared a list of 500 *madrasahs* and

through these tried to link Muslims with terrorists. Now on the pretext of controlling terrorism, it has adopted a black law like Poto," Mr Quasmi said, recalling that the erstwhile Tada was mainly used on innocent Muslims.

Mr Quasmi called upon Congress, Samajwadi, CPI-M, CPI, Forward Bloc and BSP leaders to ensure that the law is not passed by Parliament, and to pressure the government into withdrawing it at the earliest.

It will also be a test for leaders of secular constituents of the NDA, such as Mr Chandrababu Naidu, Miss Mamata Banerjee, Mr Karunanidhi, Mr George Fernandes and Mr RV Paswan, he said, asking these parties to clarify their stand on Poto.

The Mushawarat will cooperate with all like-minded organisations to "finish off" Poto, he said, calling persons or groups not joining the movement anti-Muslims and anti-national.

Meanwhile, Mrs Swaraj said: "Journalists have greater access to information and, there-

fore, have to shoulder more responsibility", adding that even under current terror laws, journalists are required to furnish classified information if needed. "These provisions have only been emphasised under the new ordinance to deal with an extra-ordinary situation."

**Karunanidhi on Poto:** Mr M Karunanidhi today said in Chennai that Mr Vajpayee should hold talks with representatives of all political parties and consider their views before enacting any law on terror, adds SNS.

Referring to protests against Poto, he said while strong laws are necessary, "it must be ensured that such laws are not misused." "Any new law ... should be enacted only after proper consultations and after taking into consideration views of all parties."

**CPI will oppose Poto:** The CPI leader, Mr AB Bardhan, has said in Imphal that his party would oppose the Poto, adds SNS from Imphal. Mr Bardhan has called the new terror ordinance a draconian measure.

THE STATESMAN



# Ordinance bans 23 terror groups

581 26/10 9. D & N Security  
STATESMAN NEWS SERVICE

NEW DELHI, Oct. 25. — A new anti-terrorism Ordinance, banning 23 terrorist outfits, including Pakistan-backed Lashkar-e-Taiyaba and Harkat-ul-Mujahideen, has been promulgated.

The home ministry said the Prevention of Terrorism Ordinance (Poto) had "built-in safeguards to make it more humane for the innocent". It is the first comprehensive "legal salvo" to deal with terrorism and terrorist organisations.

The government said some provisions in Tada, which were not specific and allowed misuse, have not found a place in Poto. It will have to be approved by Parliament during the Winter Session, beginning on 19 November.

The Union home secretary, Mr Kamal Pande, said after the 11 September terrorist attacks in the USA there was need for special measures.

Poto provides for a jail term of up to 10 years for any person having links with banned organisations, death penalty if the terrorist act resulted in the death of a person and a minimum sentence of five years, extendable to life imprisonment, for any other act.

The Ordinance defines terrorist acts as "acts done by using weapons and explosive substances or other methods in a manner as to cause or likely to cause death or injuries to any person or persons or loss or damage to property or disruption of essential supplies and services with intent to threaten the unity and integrity of India or to strike terror in any section of the people".

Poto provides for proscribing terrorist organisations under a set procedure. The banned outfits include Deendar Anjuman, Students Islamic Movement of India, most militant outfits operating in Jammu and Kashmir and the North-east and the LTTE, Khalistan Commando Force, Jammu and Kashmir Islamic Force, National Democratic Front of Bodoland and United Liberation Front of Assam.

Mr Pande said the NSCN-IM had been left out of the list as the government was holding talks with it. Names of organisations can be deleted or added depending on the situation.

The law, which places responsibility on people to disclose any information they have on terrorists, can be applied to journalists too. Failure to furnish the information called for or deliberately

■ See ORDINANCE: page 8

THE STATESMAN

25 OCT 2001

## TADA's POTOstat

21-12-10  
9-08-10  
Taking opportunistic advantage of heightened public sensitivity towards terrorism in the wake of the September 11 attacks, the Vajpayee government has thrust on to the statute books an anti-terror law that is badly conceived, deeply flawed and designed for misuse. Given unpleasant public memories about the now-lapsed Terrorism and Disruptive Activities (Prevention) Act, or TADA, government spokespersons insist the new law incorporates a number of safeguards that its earlier avatar lacked. At one level, this is true. The Prevention of Terrorism Ordinance (POTO) improves on TADA's bail provisions, it raises the bar on the admissibility of confessions obtained in police lock-ups, and sanctions penalties for police officers found guilty of invoking the law against suspects on mala fide grounds. And because it does not consider as 'terrorist' an act of speech or writing, the country will hopefully never have to witness the shameful spectacle of a senior jurist like Justice Ajit Singh Bains being dragged through the courts as a TADA prisoner simply for making a speech that the Punjab government disapproved of. (That said, POTO also incorporates some decidedly nasty provisions that take its scope beyond that of TADA. The new law, for example, incorporates 'proactive duty' clauses making it mandatory for citizens to furnish information about terrorist activities that the police suspect them of possessing. Failure to part with this information could lead to imprisonment for two years. In the best of places, a provision like this can be problematic. In a country like ours — where the police routinely abuse their powers — such a clause will be downright disastrous.)

While the debate about specific provisions will no doubt rage fast and furious within and without Parliament — (POTO must be ratified in both Houses in the next session or else it will lapse — it is worth asking whether India needs a specific anti-terror law in the first place) If the experience of our war against terrorism since the mid-1980s is anything to go by, TADA was a demonstrable failure. It did indeed lead to the arrest of a large number of people but hardly one per cent of them ever ended up getting convicted. This despite the reversal of the burden of proof and the identity of prosecution witnesses being kept hidden from the accused. What the low conviction rate suggests is that the purpose of TADA was not so much to punish terrorists as to incarcerate individuals that state governments considered troublemakers. Sometimes they may have been terrorists or criminals but often they were simply farmers, trade unionists, students, opposition party activists and minorities. There could be no more compelling evidence about TADA's misuse than the fact that Gujarat — a state not known to have suffered from a terrorist problem — had the highest number of detainees under the law. So far, all the indications are that the new anti-terrorism ordinance is designed primarily as a preventive detention measure rather than as an instrument to convict and punish terrorists. Should a state government decide that it will use POTO to go after its opponents, none of the law's safeguards will work because supervision and review have essentially been left to the executive rather than the judiciary. In sum, the law will be abused by governments. When Parliament convenes next month, MPs across the board should vote out the ordinance.

THE TIMES OF INDIA

26 OCT 2001

9  
D. S. R. S. 51-6  
PIE IN THE SKY ✓

Do not write off GSLV 2410

**T**HE Indian Space Research Organisation is a sacred cow. Neither political leaders nor the media take a critical look at its performance for fear of being branded unpatriotic. Whenever it launches a rocket into space, its scientists are applauded as being second to none in the world. It is no surprise therefore that Atal Behari Vajpayee, congratulates scientists and engineers involved in Monday's successful launch of the Polar Satellite Launch Vehicle and said that it was "yet another step forward by us in offering reliable multiple orbit launches not only for India but also for the global community." It is sad that we still have to depend on the European space agency Arianespace to place in orbit the INSAT 3C satellite. It has been in queue in Kourou for a slot on a Ariane launch vehicle. Meanwhile, the order book of ANTRIX Corporation, ISRO's wing to market commercial launches, is empty. The reasons are not far to seek. ISRO is yet to successfully launch its Geosynchronous Satellite Launch Vehicle capable of carrying a payload of 2,500 kg into a geostationary transfer orbit. When the maiden flight of the GSLV was aborted on 28 March, it was said that it would be relaunched within days. When it did take off eventually, it failed to place the satellite it was carrying into geosynchronous orbit.

The significance of Monday's launch of PSLV, sixth in the series, was its successful placing into orbit an Indian Technology Experiments Satellite (TES), German space agency DLR's Bispectral Infrared Detection satellite (BIRD) and a Belgian company's Project for On Board Autonomy (PROBA) satellite. TES will give India access to one-metre high resolution images from space. The high orbit manoeuvring of TES can enable it to be positioned any way required to observe a particular location or site using the step-and-stare techniques of remote sensing. The satellite could be made to revisit a particular site within three days. Motivated by security considerations in the wake of the Kargil conflict, TES was designed, built and launched by ISRO. Sale of high resolution satellite photographic data can fetch good revenue. While India can be proud of the advances made in space research, its lapses, like the aborted GSLV mission, should not be swept under the carpet.

//

THE STATESMAN

26 OCT 2001

598 26/10

# ORDINANCE:

9-11-73 No. 26/10

(Continued from page 1)

furnishing false information to the investigating officer shall be punishable with imprisonment for a term which may extend to three years or fine.

**Govt confident, Opp. critical:** The Union government appears confident that it would be able to persuade the Opposition to support the Bill in Parliament.

However, the Opposition Congress and Left today vowed to defeat what they called the "draconian" Ordinance in Parliament. Without the support of the Congress, the largest party in the Rajya Sabha, the government cannot get the Bill through in Parliament. As per the law the

Bill has to be presented in the coming session of Parliament.

But the Union parliamentary affairs minister, Mr Pramod Mahajan, said as the Opposition too was concerned about terrorism it would support efforts aimed at tackling the menace.

The government also plans to get the Ordinance on passport amendment converted into an Act. The Cabinet meeting today decided that Bills be introduced in Parliament to replace the Ordinances.

The Bill seeking to replace the passport Ordinance is also linked to terrorism as it empowers the government to suspend passports or travel documents of any

citizen suspected to be a terrorist. Even persons suspected of having links with terrorist organisations fall within the purview of the Ordinance.

The Congress spokesman, Mr Jaipal Reddy said: "An Ordinance cannot be promulgated once the notification for the Parliament session is issued. The government promulgated the Ordinance today just a few hours before the official notification of the winter session of Parliament".

The CPI-M general secretary, Mr Harkishen Singh Surjeet, said: "The Left parties will oppose the Bill in Parliament and defeat it. Through this ordinance the BJP is merely trying to polarise the people with an eye to the coming UP elections".

THE STATESMAN

11-11-73

WE CAN TACKLE TERRORISM WITHOUT CROSSING LoC: ADVANI

# 'Hot pursuit option still open'

By Our Staff Reporters

**NEW DELHI, OCT. 24.** Asserting that hot pursuit was now acceptable to the international community as a legitimate way of attacking terrorist camps outside a country, the Union Home Minister, Mr. L. K. Advani, said once again today that "as of now we do not propose to avail ourselves of this option."

Replying to media queries after the 40th Raising Day parade of the Indo-Tibetan Border Police here, Mr. Advani, however, did not rule out the possibility. "Such decisions (of hot pursuit) are not announced in public," he said, "under the present circumstances, we are confident of tackling this menace without crossing the Line of Control."

Earlier, addressing the ITBP jawans, Mr. Advani said he pitied the Pakistan ruler who was "forced to eat his own words." Without naming the Pakistan President, Gen. Pervez Musharraf,

he said, "I hope no one gets to see a day like this. I pity him. (*Mujhe un par daya aati hai. Taras aata hai*). Three months ago, he described the terrorist activities in Kashmir as a "freedom struggle" and the militants as freedom fighters. But in the aftermath of September 11, when the terrorists attacked the Jammu and Kashmir Assembly on October 1, he was forced to publicly condemn it saying it was a terrorist activity."

Mr. Advani said: "For whatever reason, good faith seems to have prevailed and he has conceded that there is terrorism in Jammu and Kashmir. Terrorist organisations like the Lashkar-e-Taiba and the Jaish-e-Mohammad should be immediately banned. Britain has already taken action against them. I hope good faith will prevail on Pakistan and the U.S. also in this regard."

Islamabad had resorted to proxy war, cross-border terrorism

and attacks on soft targets after it was defeated in the three wars it fought against India. But, "they (Pakistan) received a severe drubbing from us. (*Baar baar yahan se pit kar gaye. Unki buri tarah thukai hui. Unki jam kar dhulai hui*). In 1971, they had attacked us to snatch away Jammu and Kashmir. Instead they lost East Pakistan, now Bangladesh."

Reiterating that India had suffered the most because of terrorism, Mr. Advani said: "Terrorism in Jammu and Kashmir is our problem. We will tackle and win our war against terrorism whether any country helps us or not."

It was important to learn a lesson from the way the U.S., its people and the media responded to the September 11 attacks. The entire country had stood as one and even the rival political forces had thrown their weight behind the U.S. President, Mr. George Bush.

At the end of his speech, he announced a grant of Rs. 25 lakhs for

facilities like satellite phones and television sets to the ITBP jawans posted in far-flung areas.

## Charges rebutted

By Our Special Correspondent

**NEW DELHI, OCT. 24.** India today rebutted Pakistani allegations about troop and artillery movement along the Line of Control (LoC). While dismissing the allegations once again, New Delhi gave signs of being exasperated by the repetitive nature of these charges.

The Defence Ministry maintained that India had no intention of stoking tension along the border. An official recalled that the country had refrained from transgressing the LoC despite extreme provocations such as the Kargil war. The conversation on Tuesday between the Directors General of Military Operations (DGMOs) was not unusual as they normally took place on Tuesdays every week, he added. By mentioning the fact that the DGMOs had spoken over the phone, Islamabad had sought to imply that concern was voiced by its side over Indian artillery and troop movement. The Indian High Commissioner to Islamabad, Mr. V. K. Nambiar, was also summoned by the Pakistan Foreign Secretary who sought clarifications on Indian troop movement.

The Defence Ministry had clarified some days ago that there was no additional movement of troops along the LoC. Military traffic does pick up just before winter because of special deployments during the season and routine turnover of units.

Meanwhile, the Foreign Office declined to add to the "war of words" with Pakistan. Official sources felt that Pakistan's concerns were unfounded as there had not been any troop movement or relocation of air assets to forward locations.

## It's for India to decide: Pak.

By B. Muralidhar Reddy

**ISLAMABAD, OCT. 24.** Responding to observations made by the Prime Minister, Mr. Atal Behari Vajpayee, in New Delhi on Tuesday, Pakistan today said it desired a meaningful dialogue for peace, but maintained that "you cannot clap with one hand."

The Pakistan Foreign Office spokesman, Mr. Riaz Mohammad Khan, gave elaborate reasoning for Pakistan's apprehensions about Indian intentions and said that "for resumption of meaningful dialogue there is need for political determination on the part of India."

Mr. Khan's response came at the regular press briefing, even as the Foreign Minister, Mr. Abdul Sattar, earlier in the day called upon the United Nations to ensure the implementation of its resolutions on "other issues." It was a clear reference to the 1948 Kashmir resolutions adopted under Chapter VI that cannot be enforced.

Mr. Khan complained that Pakistan had been hearing hostile and threatening noises from the In-

dian side in the recent weeks. Some important functionalities of the Indian Government had been talking of "specific action," "pro-active policy" and "hot pursuit." "These extraordinary circumstances required robust response to reassure our people that Pakistan is fully prepared to defend its unity and integrity," he said in an obvious reference to the recent statements made by the Pakistan President, Gen. Pervez Musharraf, vis-a-vis India.

Mr. Khan said the resolutions adopted by the U.N. on Kashmir were under Chapter VI (not enforceable) and maintained that it was the case with a majority of the resolutions adopted by the U.N. during the Cold War era. The argument of Pakistan is that till 1990 in most cases resolutions under Chapter VII (enforceable) could not be adopted as one permanent member or the other exercised the veto power.

On the influx of refugees from Afghanistan, Mr. Sattar said that although Pakistan's capacity was limited and stamina strained, it was trying its best to lend services in kind for the temporary care of the displaced persons.

THE HINDU  
25 OCT 2001

# President sits on TADA replacement Bill

9-  
D.S. November  
5/11

29/10

SANJAY SINGH  
STATESMAN NEWS SERVICE

NEW DELHI, Oct. 23. — President KR Narayanan is being "cautious" about the proposed Prevention of Terrorism Ordinance and is seeking "wide-ranging legal opinion" before giving his assent to the controversial provisions.

This is worrying the top brass in the government. They fear the President might return the ordinance with some suggestions — a move that will "embarrass" the government. Opposition parties and human right groups have already criticised the proposed ordinance. The issue is likely to figure prominently in the chief ministers' meeting, to be held in November.

The Union Cabinet approved

the draft ordinance last Tuesday. The new legal framework intends to provide more teeth to the law-enforcing agencies and fill the void created due to the scrapping of TADA. The government, however, claims that adequate safeguards have been inserted to protect human rights.

A senior Rashtrapati Bhavan official said the ordinance had reached the President's office last Friday for his clearance but till now the President has not signed it. "The President is studying the implications of the ordinance with great caution. He is also seeking wider legal advice on this matter," the official said.

He, however, said the fact the ordinance has not yet been returned with the presidential assent can't be strictly descri-

bed as 'extraordinary', but rather as reflective of the context under which the ordinance was approved by the Cabinet and the high-profile nature of the ordinance.

Government sources said they were concerned about the "delay in the President's signing the ordinance". They are still hopeful that Mr Narayanan will sign it after satisfying himself on all possible aspects. It's not clear to senior officials what Mr Narayanan has in mind or what conclusion he would reach after getting legal opinion. They did not rule out the possibility of the President returning it to the government with his suggestions. Though it's not binding upon the government to accept his suggestion, it would embarrass the government.

THE STATESMAN

10 OCT 2001

# India falling behind China, says George

STATESMAN NEWS SERVICE

NEW DELHI, Oct 27. — With a large section of the Indian people alienated and as many people indisciplined, India is falling behind China, Mr George Fernandes, said today.

It was an unexpected outburst, at an unexpected place — the Field Marshal KM Cariappa lecture — though armed forces top-brass who attended, returned nodding that the defence minister had done some much-needed straight-talking.

Mr Fernandes' attack was not on a certain person or group, it was directed against the entire political system. Starting slowly, he warmed up by pointing out that most people were on a holiday this week before saying that de-

spite all this talk about the Indian Millennium, "China has won the race even before we have learnt to run it." China's economic growth rate was 3-4 times more than America's, he said, regretting that industrial captains and leaders of working people (he had been one) were not aware of this.

His 'alienation' broadside hit hard. He felt that the rest of India overlooked the North-east and the entire Himalayan region. "We look at distant territories as if it were a colony," he said referring specially to Arunachal Pradesh.

He felt that our feelings about such areas were like the British — they had to remain 'colonial agencies.' "The situation hasn't changed much," he regretted, adding

that many officials felt going there was a punishment posted there still spend time here," he said.

He said the main reason for insurgency in the North-east was the alienation of the people, which began immediately after Independence. Some initiatives have been taken by the government and the Army and 3,000 insurgents have laid down arms. But immediately after, they have started looking for employment. He felt that internal security problems cannot be resolved if such issues can't be addressed.

Speaking about the people of the Himalayan region, he said: "we aren't as caring about the Himalayan people as we should." He said the people of the area feel strong-

ly about their language and culture, and neglecting such aspirations will ensure India pays a very heavy price.

Mr Fernandes didn't spare people affiliated to the defence ministry. On Garden Reach Shipyards in Kolkata he said the workers were working for two-and-a-half hours even though they were being paid for eight. Then, they were asking for overtime, which meant double pay.

"When I acted tough, they threatened to strike. I said I'll shut down the unit. Now, the 'contact' time has increased a little," he said. "We don't realise the damage we're causing," he regretted adding later that "if we don't correct the mistakes of yesterday...we may not do our country service."

Mr Fernandes said India is so divided that concerns of three-fourths of the people are not the concerns of the others.

He said when the Supreme Court of India asked "phantatis" that operate in the Connaught Place area to stop ferrying passengers in October 1997, papers showed that the owners were ready to rise in revolt. He felt the Supreme Court decision threatened the security of 80,000 people.

This year's lecture was by Lieutenant-general VR Raghavan (Retd.). He spoke on "Comprehensive security for India." This included issues like military, economic and environmental security. The Army chief, General S Padmanabhan, made the opening address.



Mr George Fernandes



Mr Jiang Zemin

THE STATESMAN

23 OCT 2001

## TERROR VS LIBERTY

### Freedom of detenus, and of the press

THE government's decision to promulgate an anti-terrorism ordinance is not defensible, no matter how many invocations to national security are made. First, the winter session of Parliament is a few weeks away and nothing suggests that a great and emphatic victory against terror will be lost by this delay. Equally important, legislation that seeks to override normal criminal law and procedures need to go through very careful parliamentary scrutiny. For example, the provision in the ordinance that an FIR will be taken up by a review committee leaves out, for suspicious reasons, the logical addition that the detenu be able to represent himself at the review. What good is an unilateral review, more so in cases where the pressure will be on the investigative agencies to produce results. Clauses like these need thorough debate. It is surprising and dangerous, that the government persists in bypassing parliament even after the experience with the Terrorist and Disruptive Practices (Prevention) Act. Tada had been a millstone around the neck of Indian civil liberties till the burden became too heavy even for the administration. Either an excess of nationalist fervour, of the kind the BJP is susceptible to, or a calculation that anything goes in these days of Osama scare, or probably a combination of both, has led the cabinet to clear the ordinance.

Another provision calling for a great amount of debate makes it a must for all citizens, journalists not excluded, to inform authorities about "terrorist offences". Journalists should be as guilty as anyone else should they aid and abet crime. The problematic thing about terrorism is that it is no ordinary crime. So, for example, were a reporter to be contacted by a Kashmiri militant outfit, which seeks to get its version across, should he clear the story with his editor or should he run to the nearest police station: The ordinance says the latter but to force the media to be, in effect, police informers would be an extraordinary subversion of press freedom and the public's right to information. This provision is potentially a tool for not only restricting news that the government finds disagreeable but also a means to threatening journalists. Is our nation-state so fragile that the government has to coerce the media to give up the one right — protection of its sources — that every interpretation of democracy holds vital? The issue is serious because when news is related to violence against state institutions, what the government classifies as terrorist may well be interpreted by an independent media in a more nuanced fashion. The ordinance questions journalists' right to differ from the government — and that is not something to be taken lightly, not only by the media but by society as a whole. Parliament exists in part to be the first, in terms of importance, forum to express such doubts and critiques. If the Union cabinet understands democracy, it should scrap the ordinance and encourage a full public debate.

THE STATESMAN

21 OCT 2001



# Israeli Arrow for Delhi's defence

SRINJOY CHOWDHURY  
STATESMAN NEWS SERVICE

NEW DELHI, Oct. 20. - India is negotiating with Israel for the purchase of the Arrow 2 anti-missile and anti-aircraft system. The system could be used to defend the capital.

An Indian team has met Israeli defence officials for talks regarding the acquisition and technology transfer. This would mean that the missile-system can be manufactured here. The Arrow, considered the most effective missile system against ballistic missiles, is a theatre-defence system, meaning it can cover a large area against missiles or rogue aircraft. The Russians had offered the S-300V, a similar missile, several years ago.

There is a plan to manufacture the Israeli Barak anti-missile system, to be used to protect seven of the Navy's ships. Negotiations have been on for a while but the attack on the WTC has made the issue urgent. Senior defence officials today said the Arrow could be used to defend the capital.

For, the enemy could try to destroy the brain of the Indian defence establishment by targeting the New Delhi area. On Black Tuesday in the USA, the terrorists did that by targeting the Pentagon.

The situation could be even more critical if the incoming missile has a nuclear warhead.

For all the hype, the Patriot anti-missile system was a failure during the Gulf War. The Arrow has been developed by Israel with US help. The missile system consists of a radar station, missile batteries and a control station. The missile can hit an incoming missile about 50 km away from the city it is protecting.

One additional advantage is its proximity-fused warhead. This warhead blows up even if it is two seconds flying distance away from the incoming missile, meaning it does not have to make a direct impact to destroy it. It can be just as effective if it misses its target by about 40 metres. It has cost an estimated US \$ 1.5 billion to develop the system.

Seven Barak vertically-launched systems have already been acquired for the Navy. Now, there is a plan to see if it can be manufactured by Hindustan Aeronautics. Discussions for a technology transfer are on. Seven ships, including the only aircraft-carrier, the INS Virat, will have the Barak.

Two new destroyers and several of the older ships will be fitted with the Barak initially.

# India-Iran-Russia bloc a foil to Pak plans

H BULA DEVI  
STATESMAN NEWS SERVICE

NEW DELHI, Oct. 20. - India, Russia and Iran forming a front in chalking out a road map for Afghanistan can be a major irritant for Pakistan. The front would neither allow Pakistan to have a veto in Afghanistan nor let in any Taliban element into a future government.

It is not only a testing time for Pakistan, which is facing both internal protests and other Islamic countries' wrath, but also a paradoxical chapter in Pakistan's history. It had continuously supported the Taliban, but now it has to cooperate in destroying it. While Pakistan is keen to see some representation from the Taliban in a future government in Afghanistan, the majority of countries are against it.

The fact that Islamabad is still in constant touch with some Taliban leaders is clear from the fact that the militia's tribal affairs minister, Jalauddin Haqqani, today held talks with the Pakistani foreign ministry officials in an unscheduled meeting. Pakistan's foreign ministry spokesman Mr Riaz Mohammad Khan confirmed it while stating that they talked upon the prospects of a broad-based future government in Afghanistan.

New Delhi is under no illusions, according to government officials, that Pakistan wouldn't continue to have influence over Afghanistan, given the geographical and social structure of Pakistan and Afghanistan. But India is totally against Pakistan having a monopoly in the future establishment.

India favours a government in Afghanistan having multi-ethnic representation and doesn't have elements of the Taliban or export of terrorism in the centre of its policy, said a diplomat.



J&K National Panthers' Party members at an anti-USA demonstration in front of the UN office in New Delhi on Saturday. - AP/PTI

Moscow supports New Delhi. It wants India to play a bigger role in the post-Taliban situation in Afghanistan and hopes that Pakistan would stop pushing for elements of the Taliban in the establishment.

According to Russian foreign ministry officials, Iran is a major player in this scenario. The reason being Iran has wide influence in the ethnic minority factions in Northern Alliance. It not only has influence over Ismail Khan, the former Governor of the Herat province who had escaped from a Taliban prison, it has a lot of say in Sayaf whose leader is Abdul Rasool Sayaf. It also has influence over Gulbuddin Hekmatyar, a former Pushtun heavyweight who is currently in exile in Iran. The composition of the Northern Alliance is 42 per cent Pushtuns, 20 per cent Tajiks, 16 per cent Hazaras, 12 per cent Uzbeks and .06 per cent others.

# No defence against anthrax attacks

HT Correspondent  
New Delhi, October 19

THE ANTHRAX germ has easy access to Indian homes. Just send it by foreign mail.

In spite of the raging scare in Delhi and other parts of the country, the authorities still have no proper system to scan foreign mail for the deadly bacteria.

The Safdarjung Mailing centre, which handles northern India's biggest volume of foreign mail, for instance, has no system to check if an envelope contains the deadly powder.

Officials at the centre said they had received no instruction from higher-ups. "We have been reading about this new disease.

But the authorities have not deemed it necessary to brief us," a senior postal officer at the centre said.

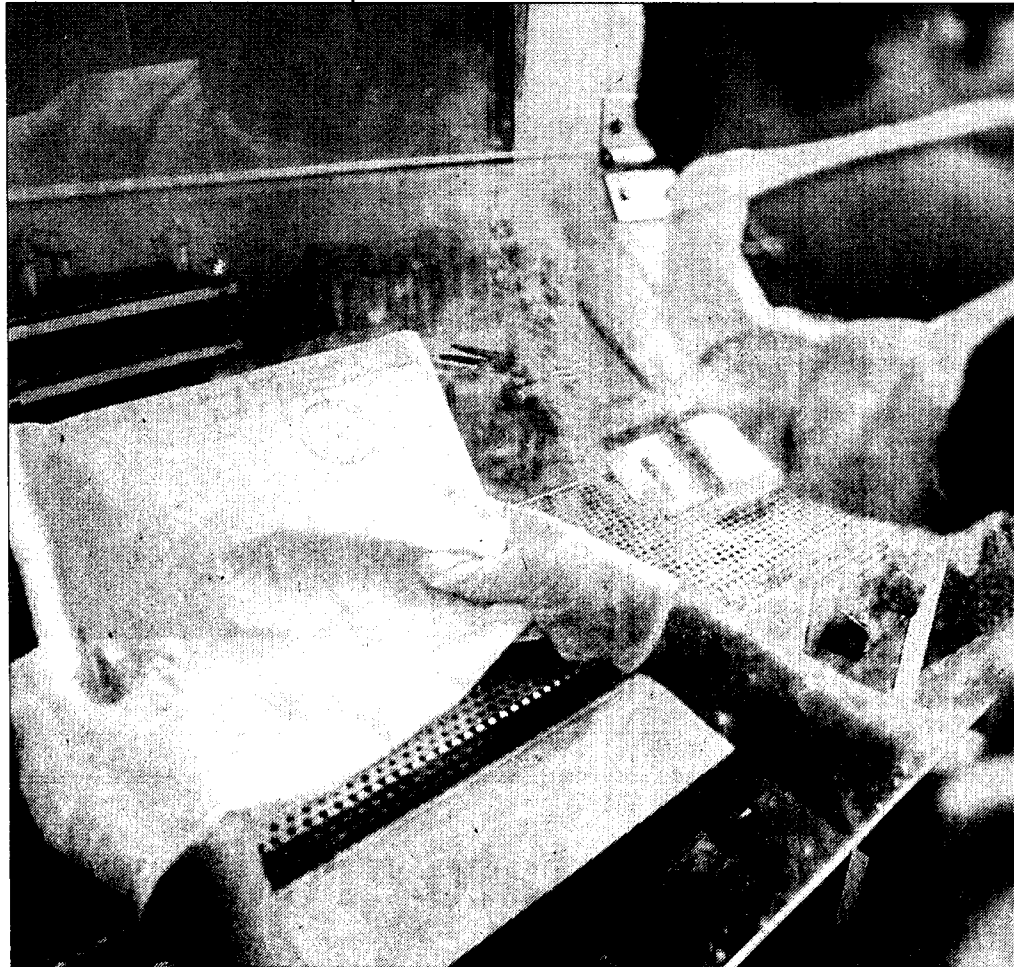
According to him, the centre receives volumes of mail from all across the world.

But what he finds particularly worrisome is that the biggest bulk of this mail is from America.

"The biggest volume of mail we get is from the US. It's ridiculous but the authorities are keeping mum," the man said, refusing to be named.

Postal employees at the Gol Dak Khana and Dak Bhawan sorting centres too have not been given any devices to guard against anthrax or other forms of germ attacks.

With no gloves or facemasks provided at any of the sorting and distribution centres, the employees are now viewing all letters and parcels as "possible anthrax bombs".



A laboratory assistant at the School of Tropical Medicine, Kolkata, inspects an envelope which contained white powder on Friday.

"We are exposed to death threats, but nobody seems to care for us," a lady working at Gol Dhakhana said.

Postal officers, however, say that after the "bacteria scare" gripped the US, sorters at

different mailing centres had been instructed to take special precautions while handling suspicious-looking packets. But employees posted at different units say there is no way how you can screen all

packets.

"Since we are not authorised to open any mail, the best we can do is only separate such mail and inform our officers," an officer posted at the Safdarjung Mailing Centre said.

## If you've got the deadly mail...

HT Correspondent  
New Delhi, October 19

IF YOU got anthrax in a letter or package, would you be able to see it? The answer to that is: generally, yes. For anthrax spores to be used as a weapon, they need to be dried and processed into a stable, powder-like form that will disperse in the air.

The most refined bacterial spores form a fine, white dust. Cruder preparations have a brownish tint and are heavier.

In case one comes in contact with powder suspected to be containing anthrax spores, one should:

- Immediately wash the exposed area with anti-septic solution like Dettol, spirit or aftershave.

- Ensure that the bacterial spores do not come in contact with one's body fluid in the nose, eyes and mouth.

- All parts of the building where anthrax spores are detected should be fumigated with a disinfectant.

- All abrasions and wounds should be bandaged as the infection can be easily picked up if exposed to the bacterium.

Initial symptoms may resemble common cold or flu. After several days, the symptoms may progress to severe breathing problems and shock. Without immediate treatment,

anthrax inhalation can be fatal. Remember, direct person-to-person spread of anthrax is very unlikely. It is not a communicable disease.

Anthrax can be spread:

- Through skin contact with infected animal or animal products.

- Through inhaling anthrax spores

- By eating contaminated meat.

### No vibhuti by post

Several temples in Kerala have decided to suspend the delivery of prasadam by post. Prasadam, usually holy ash (*vibhuti*) or sandal powder in Kerala, resembles white powder — enough to create a scare when it reaches post offices, a report from Thiruvananthapuram said. Many well-known temples accept offerings by money order and dispatch prasadam after pujas are performed.

"There are chances of creating confusion and panic. We usually send prasadam to Malayalees in Europe and America after offerings are performed.

Since the situation in the world has changed dramatically, we decided not to add to the present confusion," said an official of a famous shrine in north Malabar.

HR-8 9/08/10  
**TADA Part II**

19/10

THE UNION government is rightly concerned about an anticipated new wave of terror which terrorists based in Pakistan might want to unleash in the days to come. This concern is reflected in the home ministry's preference for a new version of the Terrorist and Disruptive Activities (Prevention) Act (TADA). Therefore, the hasty promulgation of the Prevention of Terrorism Ordinance (POTO) was not unexpected. However, when the first draft of this proposal was mooted last year, it was strongly opposed by the National Human Rights Commission, civil liberties groups and eminent legal experts, including former law minister Ram Jethmalani, on the ground that the new measure is yet another variant of TADA and is bound to be misused. And though POTO is being floated as a softer version of TADA, fears remain.

The apprehension about what is being dubbed as TADA Part II is due to the fact that hundreds of innocent people were hauled up by the police under TADA, often on charges which were never proved. The majority of those accused under TADA were acquitted after long spells in prison because the authorities almost always had no evidence to back their accusations. Besides, TADA was perceived to be a blatantly undemocratic law whereby the accused had almost no option for judicial redress. The way it was indiscrimi-

nately used to target a minority community especially after the Bombay riots of 1992-93 and the blasts which followed, is testimony to the fact that excessive powers almost always lead to police excesses. Surely, if the State is sincerely concerned about clamping down on terrorism, there are enough laws in the statute book which can be effectively used to fight the menace.

The same arguments will come back to haunt the POTO, though an accused might have a thin edge now in terms of proving his or her innocence, when compared with TADA. The NHRC had earlier stated that the draft Prevention of Terrorism Bill has several clauses which would have "a chilling effect on human rights". These include imprisonment if one fails to reveal information which the State considers as a threat to national unity and integrity. By this argument, if a journalist talks to a criminal or a terrorist, he can be put behind bars for an unspecified period if he refuses to reveal information about his source. Clearly, no government can be trusted with such draconian powers, especially one whose soulmates in organisations like the RSS, VHP and Bajrang Dal have demonstrated a virulent antipathy towards the minorities. Fighting terrorism is one thing. But using the opportunity provided by a tense atmosphere to introduce repressive laws is unacceptable.

THE HINDUSTAN TIMES

13 OCT 2001

Firing from across LoC in Jammu: Defence officials deny

# PM no to talks with Pak; George to visit Siachen

SRINJOY CHOWDHURY & JAYA MENON  
STATESMAN NEWS SERVICE

NEW DELHI/CHENNAI, Oct. 18. — A day after the US secretary of state urged India and Pakistan to resume dialogue, the Prime Minister ruled out formal talks with Islamabad.

Mr George Fernandes will visit Siachen on Saturday, for the 19th time as defence minister. He'll hold talks with the three corps commanders in J&K and visit sensitive border posts.

In Chennai, Mr Atal Behari Vajpayee ruled out holding talks with Pakistan on the Kashmir issue. "There is no proposal to have formal talks with Pakistan."

He said he was satisfied with his talks with General Colin Powell. "We had a free and frank talk. India's position had been explained." Mr Vajpayee had made it clear to Gen. Powell that Indo-Pak talks could resume only after Islamabad stopped fostering terrorism in J&K.

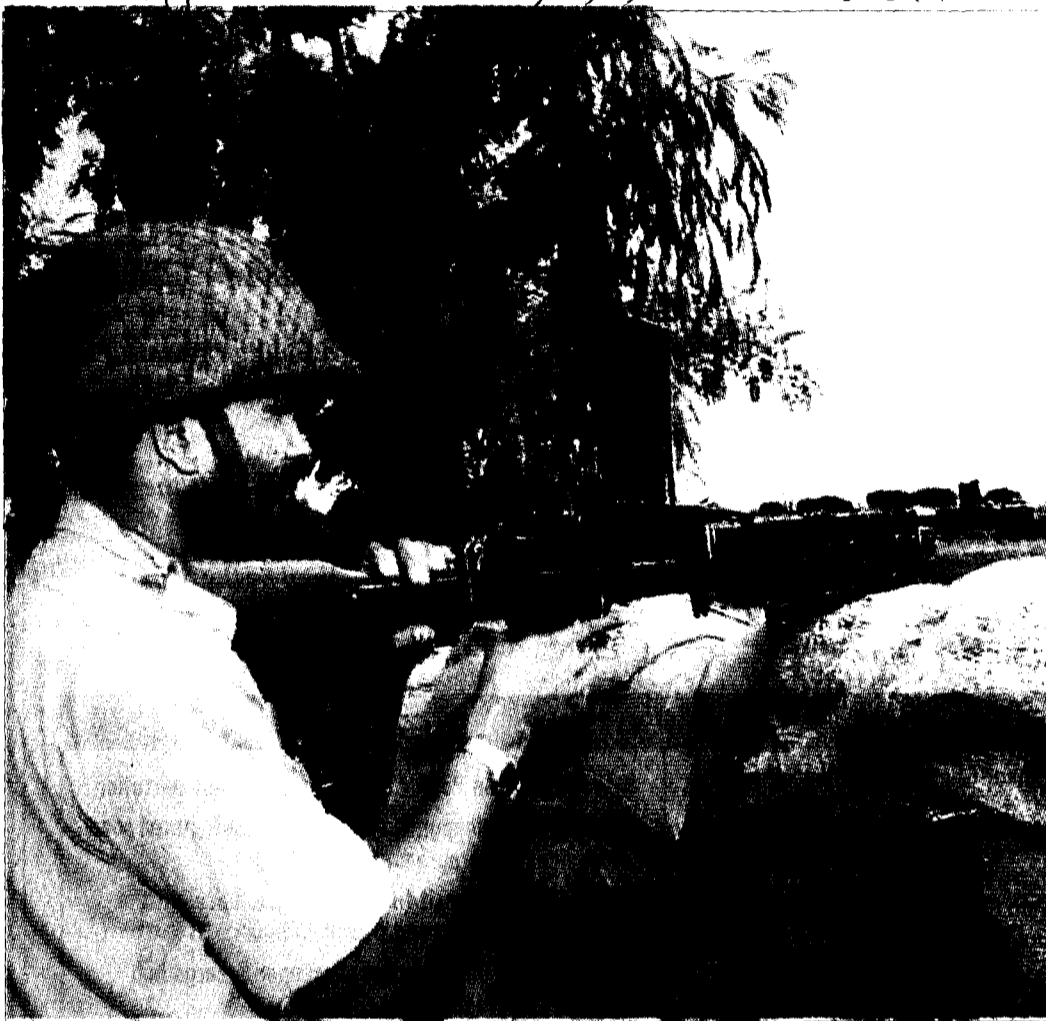
Mr Fernandes's visit to J&K will include a trip to the glacier, Partapur (headquarters of the 102 brigade) and Turtuk (scene of the Kargil conflict two years ago). The defence minister will also meet commanders of 14, 15 and 16 Corps.

**DGMOs:** The Indian and Pakistani Directors General of Military Operations had an unscheduled talks over phone yesterday.

The DGMOs usually speak to each other on Tuesdays. Yesterday's talk was reportedly at the "specific request" of the Pakistani DGMO. Lt.-Gen. SS Chahal told his counterpart that India wouldn't take advantage of the unrest in the region. He also made it clear that if there was any infiltration attempt from across the border, India would be "duty bound" to take action.

A defence ministry spokesman denied Pakistani charges that the Air Force had made offensive deployments on the border.

He denied heavy shelling or heightening of tensions on the border. There has been no esca-



A soldier keeps vigil at the Line of Control in Akhnoor sector, 40 km from Jammu, on Thursday. — PTI

lation of tensions and nobody has been called from leave, he said. On movements of units, he said: "Normal units are being routinely turned over".

Army officials in Jammu today denied any firing on the LoC and international border. They claimed security forces shot dead nine militants in Doda and Surankot during the day. There were "some errors" in reports quoting the defence spokesman about heavy firing in certain areas, they said.

Earlier agencies reported had that Pakistani troops had targeted the civilian area of Chicken Neck, Jammu, last night with heavy calibre weapons

and automatic grenade launchers. There was no reports of any casualties, but the unprovoked firing has created panic among the residents.

Pakistani troops have reportedly stepped up firing in Akhnoor and Chamba sectors along the international border and Line of Control since last night.

Militants today made an abortive attempt on the J&K works minister, Mr Ali Mohammed Sagar, and rural development minister, Mr Ajay Sadhotra.

In the Northern Sector, troops scuttled a major infiltration bid, killing six armed militants near a forward post at Tootmar Gali. Police said 32 militants and

four jawans have been killed in J&K since last night.

**Afghan mercenaries:** Intelligence agencies have reported that 14 Afghan mercenaries operating in Kashmir have gone back to Afghanistan to help the Taliban fight the USA.

**Jaish threat:** The Jaish-e-Mohammad has warned that it would step up suicidal attacks across India, PTI adds from Srinagar. The outfit said it would avenge the shelling on civilians by Indian troops and the VHP's threat to build Ram Temple at the disputed site in Ayodhya.

■ Editorial: India's  
strikeback, page 8

THE STATESMAN

19 OCT 2001

THURSDAY, OCTOBER 18, 2001

## THE TERRORISM ORDINANCE

40-10  
18/10  
THE UNION CABINET'S approval of the promulgation of an ordinance to combat terrorism paves the way for the law enforcing agencies to be armed with additional powers to tackle the scourge. The Prevention of Terrorism Ordinance, which is based on a draft Bill prepared by the Law Commission of India, is the result of a perceived vacuum which had arisen after the much-abused and widely-discredited TADA had lapsed. In some ways, the Ordinance is an intermediate measure. It does address some of the concerns raised about the TADA by building in some significant safeguards which may help in acting as a check against abuse. At the same time, it is a much more stringent piece of legislation than the Criminal Law (Amendment) Bill, which has now been withdrawn from the Rajya Sabha. 9-93-18/10

One of the most problematic aspects of the TADA related to the unduly restrictive provisions vis-a-vis bail, which resulted in undertrials spending unjustifiably long periods in prison. The gross injustice of this has been highlighted from time to time, most recently when as many as 45 undertrials who had spent an average of seven years in Mysore jail in connection with the so-called 'Veerappan associates cases' were finally acquitted by the TADA court. The provisions for bail have been relaxed under the Ordinance via a number of measures which will hopefully give undertrials the opportunity of a much fairer hearing. At the same time, it has to be stressed that the Ordinance — which, at the end of the day, is still stern and restrictive — will continue to raise legitimate fears about abuse and victimisation.

Easily, the most disturbing clause it has introduced is the one which relates to the furnishing of information. All those who possess information which could either prevent a terrorist act or help in apprehending or prosecuting someone accused and fail to turn such details over to

the authorities are now liable for punishment. Even the now-defunct TADA did not contain such a provision, which carries the real danger of being misused. It is hardly surprising that this has met with strong opposition within the media (which, by the very nature of the job it undertakes, acquires information about terrorists) and among human rights activists (who fear that such a provision could be used to bring wholly innocent people within the terrorism net).

In this extraordinary age (of aircraft-borne suicide squads and biological weaponry) there is no doubt that we need extraordinary measures to tackle the threat of terrorism. The question is how far tough-minded legislation — which, in this case, may be milder than the TADA but pretty severe all the same — will go in dealing with the menace. As the Law Commission itself has noted: "It is not as if the enactment of such a legislation will by itself subdue terrorism". The question is whether it will help to check terrorism more effectively. Even here, the answers are by no means clear. If a draconian TADA did not help much in curbing the scourge, how will arguably less stringent legal measures succeed in doing so?

Those in support of the new law for terrorism argue that the provisions are less severe, or at any rate no different, than those that prevail in some Western nations. Even if this is true, it is important to remember the appalling abuse of the TADA by police authorities when it was in force. The TADA experience demonstrates that legislation which gives the police excessive power runs the risk of resulting in the harassment of innocent people. Therefore, on the eve of the new terrorism ordinance taking effect, it is imperative to strike a composite note of caution, concern and consternation: ensure that the new anti-terrorism measure is not misapplied and exploited in the way that its unkind and unmourned predecessor was.

## TADA by another name

There is no substitute to meticulous policing

WITH the Prevention of Terrorism Ordinance, 2001 all set to replace the defunct TADA in the next few days, here's a sobering reminder. Remember the case of Ahmed Omar Saeed Sheikh, possible key link between the Kandahar hijack two years ago and Terror Tuesday, whose writerly account of his own role in the hijack drama this paper unearthed just days ago for public viewing. Well, just a year before he was released along with Maulana Masood Azhar at Kandahar in December 1999, Sheikh was 'acquitted' by a TADA court of the charge of terrorism. This was because of a string of procedural lapses. The prosecution failed to show any evidence establishing Sheikh's association with Harkat-ul-Ansar despite a detailed confessional statement from Sheikh. He also appears to have profited from the apparently unbridgeable distance between Delhi and Ghaziabad. He was being tried for cases relating to the same criminal act in both places and the prosecution in Ghaziabad failed to use the confessional statement he made in Delhi, and so on. As the Vajpayee government ushers in a new-look TADA through the back door — through an ordinance, though winter session of Parliament is round the corner — Omar Sheikh's case has something to say. It is not the severity of the law that makes it effective. There are simply no short cuts, no substitutes, for good old fashioned investigation and prosecution.

The ordinance suffers from another false conceit: It projects itself as less draconian than

TADA. While it does introduce new safeguards to those arrested — such as confirmation of the FIR by the Director-General of Police and the Review Committee within 10 days and a month respectively, and immediate intimation of the arrest of the accused to a family member — their efficacy is questionable. There is no provision, for instance, for the detenu to make a representation before the Review Committee. The ordinance also widens the definition of 'offence', unacceptably so. The government has included the contentious clause that makes it mandatory for everyone — including the media — to furnish information about terrorism offences to investigation officials. Freedom of the media depends upon the right of journalists to keep the identity of their sources confidential, among others. If draconian laws rob them of this right, valuable sources may dry up. True, the rights and privileges of mediapersons are no greater than those of other citizens, but the media performs a function other citizens are not called upon to do and which is so vital to any democracy — of providing information. This ordinance can gravely jeopardise their work as professionals.

These are insecure times we live in. But in times such as these, it is even more necessary to maintain a sense of proportion. Instead of rushing through a new quick-fix that promises to make the country a safer place, the NDA government needs to pay some attention to strengthening the existing crime investigation and prosecution machinery and the criminal justice system.

INDIAN EXPRESS

18 OCT 2001

# LoC attack cleared after Advani's visit to J&K

H BULA DEVI  
STATESMAN NEWS SERVICE

NEW DELHI, Oct. 16. — India's pro-active action yesterday along the Line of Control and international border was a "pre-emptive defensive move" on the basis of Intelligence reports on infiltration and terrorist camps across the LoC.

After the 1 October suicide attack on the J&K Assembly in which 38 people were killed, Intelligence agencies had been asked to prepare a report on the ultras' hideouts, their movements and the nature of their arms storage.

Mr LK Advani visited Srinagar on 3 October and held a corps commanders' meeting.

Sources said a green signal was given to the security forces to carry out simultaneous attacks on the terrorist hideouts and infiltrations on the basis of the Intelligence reports

Apparently, yesterday's shelling to stop infiltration was not a lone incident. Similar action took place in the first week of this month after the security forces got a signal to be pro-active.

The Army's "punitive action" is considered a normal exercise. The fact remains that the "pre-emptive defensive move" coincided with Mr Colin Powell's visit to Islamabad and New Delhi.

The military Intelligence has reported that terrorism in the region hasn't changed after 11 September.



Jawans load ammunition in the Mendhar sector on the Line of Control with Pakistan in Kashmir on Tuesday. — AP/PTI

THE STATESMAN

# ORDINANCE:

(Continued from page 1)

to replace the Tada, was introduced in the Rajya Sabha but couldn't be passed. The inter-ministerial group that examined the Bill found it too weak to combat terrorism. The Cabinet, therefore, decided to withdraw it from the Rajya Sabha, Mr Mahajan said.

The government also decided to approve an ordinance which will empower the Centre to suspend passports or travel documents for a period not exceeding four weeks subject to its satisfaction that the same are likely to be impounded or revoked.

This intends to prevent criminals from leaving the country even when action for revoking their passports has been initiated. This provision will take care of the time gap between the action initiated and the decision on revocation. Now there's no statutory provision to prevent such persons from leaving the country during this period.

Mr Mahajan said the measure seeks to give the Centre the power to extend the four-week period till such time that the proceedings under Section 10 of the Act are concluded. A new Section 10 B will be introduced to validate the intimation issued by the Centre to immigration authorities restricting or prohibiting immigration of any holder of passport. The Passport (Amendment) Bill 2001, to replace the ordinance, will amend the original Passports Act of 1967.



# Army to be ruthless: George

## Strikes across LoC not ruled out

STATESMAN NEWS SERVICE

NEW DELHI, Oct. 16. — The defence minister today took a hard line against Pakistan. He didn't rule out strikes on terrorist camps across the Line of Control.

Asked whether he wasn't ruling out strikes, Mr George Fernandes said: "Everybody can come to his own conclusions." About striking the camps, he said: "The exact details of such policies shouldn't be revealed." He later suggested that if the decision was made public, the action wouldn't be "effective."

"India will be ruthless in dealing with infiltration... One has to be ruthless." Retaliatory action will always be taken and there'll be no "holding back." Is this a change in policy? He said the Army would act decisively and "with no holds barred."

Mr Fernandes's statements are very different from the ones made by the foreign minister, Mr Jaswant Singh, who held the defence portfolio till yesterday. Mr Singh had ruled out crossing the LoC.

The defence minister underplayed statements of the US secretary of state. When pointed out that Mr Colin Powell hadn't directly referred to the recent attack on the J&K Assembly, Mr Fernandes said: "What he says is not our concern." Will he meet Mr Powell? He said diffidently: "If necessary." Reacting to another statement by Mr Powell, he said: "Virtual reality isn't the reality."

On the Army attacking militants and destroying Pakistani posts, Mr Fernandes said the troops had taken steps to prevent terrorists from sneaking in-

to India and that 30 terrorists had been killed. Earlier this month, 11 terrorists had been killed with no casualties on the Indian side. He said such actions happened daily. Artillery was not used, but small arms, air-defence guns, grenade launchers and mortars were used.

He confirmed that 11 Pakistani posts in Akhnoor had been destroyed. The action is being seen as a message to the USA before Mr Powell's visit: India won't tolerate terrorism.

The minister, however, seemed to distance himself from Mr Farooq Abdullah's remarks about the need for stronger action. "If some extreme step has to be taken, as he would like to have, that's a big decision and can't be taken on the spur of the moment..."

He said the terrorist training camps were still functioning across the LoC, but seemed to be a little less active. There have been reports of some mercenaries going back as well as some recruits returning to J&K.

Mr Fernandes refused to speak of Afghanistan's future and was in no mood to trust Pakistani intentions. He said Kashmir was India's problem, but not necessarily the most dangerous place on earth — an American point. Who knew, he asked, WTC would be so dangerous.

The minister made it clear that he wouldn't discuss anything about the Tehelka expose or the Venkataswami panel. Regarding the advanced jet trainer, he said: "All the files are in Vignyan Bhavan (where the panel's hearings are being held).

■ LoC attack cleared after Advani's visit, page 8



The US Secretary of State, Mr Colin Powell, at Delhi airport on Tuesday. — AP/PTI

## Cabinet okays Ordinance against terrorism

STATESMAN NEWS SERVICE

NEW DELHI, Oct. 16. — The Centre today approved an Ordinance to make non-disclosure of information on acts of terrorism an offence. The Ordinance will provide more teeth to law enforcing agencies in their fight against terrorism and fill the void created after scrapping of Tada.

The Ordinance will replace the Criminal Law (amendment) Bill 1995 that was found to be too weak to tackle terrorism.

The Prevention of Terrorism Ordinance, 2001 was approved by the Cabinet at a meeting held at the Prime Minister's residence. It'll define terrorist organisations and make it an offence if people possessing information on terrorism fail to furnish it to investigating officers, the parliamentary affairs minister, Mr Pramod Mahajan, said.

Terrorist acts have been defined as those committed by using weapons and explosives or other methods to cause death and injuries,

damage property, disrupt essential services and threaten the country's unity.

The government has tried to remove fears of harassment by taking safeguards which includes reduction of the maximum period of police remand from 60 days under the Tada to 30 days. The director general of police and the review committee will have to confirm the FIR within 10 days and 30 days respectively.

To prevent misuse of the Ordinance, the probe will be conducted by an officer not below the rank of deputy superintendent of police. Confessions recorded by such an officer will be admitted as evidence.

Also, intimation of the arrest will have to be provided to a family member of the accused immediately after the arrest and a lawyer on behalf of the detained person will be allowed during interrogation.

The Criminal Law (Amendment) Bill, intended

■ See ORDINANCE: page 8

THE STATESMAN

17 OCT 2001

H.F.S 18/10  
 Cabinet confusion <sup>9-10-10</sup>

**T**HE RETURN of George Fernandes to the cabinet demonstrates that you believe anything that any senior member of this ministry says at your own peril. Take Mr Fernandes himself, for a start. When he announced that he was resigning over the Tehelka scandal, he declared that he would not return to the government till his name had been cleared. A few weeks ago, he told a television interviewer that he did not think that the Venkataswami Commission would be able to submit its report before the end of the year. Did that mean, the interviewer asked, that he would break his earlier undertaking and return to the cabinet anyway because the commission was taking so long? Oh no, said Mr Fernandes, he could never do that. Under no circumstances would he accept any government post — let alone cabinet office — until his name was cleared by the commission.

Consider also Jaswant Singh's curious approach to the truth. A month ago, this paper reported that Mr Singh had told a meeting of foreign office civil servants that his workload was getting too heavy and that he would shed the defence ministry and retain the foreign office.

No sooner had the report appeared than Mr Singh instructed the foreign office's external publicity division — which functions these

days as Jaswant Singh's personal press office — to issue denials. He was not giving up the defence ministry. He may have said what we reported, but it was only a joke. And so on.

A month later, Mr Singh has been eased out of the defence ministry — a move he had known was inevitable when he made his remarks to his civil servants — and the hapless external publicity boffins who had been made to issue denials on his behalf have been left looking foolish. No matter. Mr Singh is already on to his next trick. The evening before the reshuffle, he made the boffins arrange for him to give TV interviews during which he declared that he wanted Mr Fernandes to return to the defence ministry. This was his way of declaring that he had magnanimously agreed to vacate the defence minister's chair, in the hope of scotching speculation that he had been moved out.

What is going on? What kind of government is it when the foreign minister makes his minions tell untruths on his behalf? What kind of credibility can a cabinet have when the defence minister takes a principled moral stand and then does the very opposite, eagerly rushing to occupy the very ministerial office he had once so high-mindedly disclaimed? Mr Vajpayee is the one politician Indians think they can trust. Should he be filling his cabinet with men whom it is so difficult to believe?

THE HINDUSTAN TIMES

16 OCT 2002

# Fernandes gets back Defence

By Our Special Correspondent

**NEW DELHI, OCT. 15.** Brushing aside widespread indignation over the Tehelka-tainted Mr. George Fernandes' return to the Union Government, the Prime Minister Mr. Atal Behari Vajpayee, today inducted the National Democratic Alliance convener into his Cabinet as Minister of Defence. In a mini-expansion, another former Minister, Mr. Harin Pathak, was also inducted as Minister of State for Defence.

The President, Mr. K.R. Narayanan, administered the oath of office and secrecy to them at a ceremony in the Rashtrapati Bhavan. Mr. Vajpayee and most of his senior colleagues attended the ceremony.

Later, a Rashtrapati Bhavan press communique said that on the advice of the Prime Minister, the President "has directed that Mr. George Fernandes will be allocated the portfolio of Minister of Defence in the Ministry of Defence and Mr. Harin Pathak the portfolio of Minister of State (Defence Production and Supplies) in the Ministry of Defence."

After the swearing-in ceremony, Mr. Vajpayee, interacting with newsmen, strongly defended Mr. Fernandes' induction, asserting that there was no charge against the Samata leader in the Tehelka tapes.

He argued that nothing had come out against Mr. Fernandes in the ongoing Venkataswami Commission of Inquiry. However, the Centre would extend full cooperation to the Commission. Mr. Vajpayee made it a point to mention that Mr. Fernandes resigned last March on his own.

Explaining the rationale for Mr. Fernandes's return, the Prime



The President, Mr. K.R. Narayanan, the Vice-President, Mr. Kishan Kant, and the Prime Minister, Mr. A.B. Vajpayee, with Mr. George Fernandes and Mr. Harin Pathak, who were sworn in as Ministers, at the Rashtrapati Bhavan on Monday. — Photo: V. Sudershan

Minister said Defence was an important portfolio and, considering the fast-changing world situation, there was need for a Minister who could devote time in full to this Ministry. Mr. Jaswant Singh, who had a major responsibility as the External Affairs Minister, too had made similar comments.

The Prime Minister said Mr. Fernandes had done a good job as

Defence Minister before, during and after 1999 Kargil war and had made a significant contribution to the Ministry.

Mr. Vajpayee ruled out any change of portfolios before the winter session of Parliament beginning next month, putting to rest speculation whether he was about to change, once again, his views on Mr. Sharad Yadav's usefulness, or otherwise, at the Ministry of Labour. Mr. Vajpayee also dashed the hopes of ministerial aspirants from the Trinamool Congress and the Pattali Makkal Katchi, who have rejoined the National Democratic Alliance, by suggesting that at present there was no proposal to expand his Cabinet.

Asked whether the Centre was considering a "pro-active policy" in Jammu and Kashmir, Mr. Vajpayee said the issue was being reviewed constantly and a decision would be taken as and when required.

Mr. Vajpayee also put on record that New Delhi did not agree with the statement by the U.S. Deputy Secretary of State, Mr. Richard Armitage, that Kashmir was one of the most dangerous places in the world.

On the letter of the Leader of the Opposition, Ms. Sonia Gandhi, expressing concern over recent developments, the Prime Minister said that while it was

natural for everyone to be concerned over the impact of the opposition to the ongoing action in Afghanistan, he felt there was no threat to the internal security of the country.

A UNI report quoted Mr. Vajpayee as saying the country was fully geared to face up to the threat of Osama bin Laden's Al-Qaeda network, which had asked the U.S. and its allies to stop supporting India on the Kashmir issue.

"We have to face this threat and it is a serious situation," he said.

## I have returned on PM's request

**NEW DELHI, OCT. 15.** Hours after he was reinducted as Defence Minister, Mr. George Fernandes today said he had come back to the Government on the specific request of the Prime Minister but felt there was no "moral question" involved in his being in the Cabinet and Defence Ministry.

"I was told by the Prime Minister on Friday that I should be back in the Government... I have returned on the specific request of the Prime Minister," he told the Star News TV channel.

Asked if the moral ground on which he had resigned earlier was not valid anymore, Mr. Fernandes said "there was never a moral question in this."

He said the defence of the country and restoration of the troops' morale which was shaken by "this wretched" Tehelka would be two of his main priorities after assuming charge once again.

Reacting to the Opposition criticism of his reinduction, he said "I will ask them to produce charge against me. You cannot say that you are tainted. You are this. You are that... By your shouting in the streets and in Parliament, I do not become an accused." Asked if he would be "cautious" in future, he said "I will work with my own conscience... There are many Tehelka-type people in the country who want dishonesty and not integrity." — PTI

## Shameful, says Sonia



The Congress president, Ms. Sonia Gandhi, waving to her supporters at the party rally in Lucknow on Monday. — PTI

**LUCKNOW, OCT. 15.** The Congress president, Ms. Sonia Gandhi, today termed as "shameful" the reinduction of Mr. George Fernandes into the Union Cabinet as Defence Minister.

"Handing over the security of the country to a person, who had to put in his papers because of corruption charges, is a matter of shame," she said addressing a Congress "parivartan rally" here.

Without naming anyone, Ms. Gandhi said "it is a shameful act on the part of those who reinducted a tainted person into the Union Cabinet." — PTI

Another report on Page 11

## A chance for India, Pak.: Farooq

By Mukund Padmanabhan and Shujaat Bukhari

**SRINAGAR, OCT. 15.** The international campaign against terrorism presents a large window of opportunity for both India and Pakistan to get rid of the scourge, said the Jammu and Kashmir Chief Minister, Dr. Farooq Abdullah.

In an exclusive interview to *The Hindu*, he said that it was an opportunity that should not be allowed to slip, and that India should use this to persuade the world that any form of terrorism should be stamped out.

Dr. Abdullah said that Pakistan

would be forced to see reason and shut down militant camps on its



soil. If it failed to do this, global pressure would be on that country just like it was on Afghanistan today.

There was information from intelligence sources that militants, mainly Afghans, were leaving the Kashmir valley after the outbreak of the war in Afghanistan. However, Dr. Abdullah maintained that infiltra-

tion from Pakistan continued as before.

Asked if he would continue to press the Centre to be on the hot pursuit of militants across the border, he said the situation was complex and therefore, the Government would "lie low" on the issue.

Maintaining that a dialogue with the Centre on the issue of autonomy for Jammu and Kashmir was on, Dr. Abdullah refused to spell out the details. "It is a good thing that nobody knows anything about this."

Details on Page 12

TUESDAY, OCTOBER 16, 2001

## STILL UNDER A CLOUD 10-10

THE RE-INDUCTION OF Mr. George Fernandes as the Defence Minister, without waiting for the findings of the Venkataswami Commission currently going into the defence purchases-related Tehelka expose, has reduced to a farce the very rationale behind his resignation six months ago in the wake of the murky revelations. His return, effected in an unseemly hurry, is in stark contrast to the rehabilitation of Mr. Harin Pathak, who was sworn in as a Minister of State along with Mr. Fernandes and who, like him, has been assigned to the same Ministry as before — Defence. Mr. Pathak who had to quit about a year ago after being chargesheeted by a Gujarat court in a criminal case has since been acquitted. The irony of it all — a cruel one at that — is that Mr. Fernandes' re-entry — as Defence Minister to boot — has come just a few days after the inquiry panel had rejected the contention that the Tehelka videotapes were 'doctored', thereby upholding the credibility of the portal's version, even if in a broad sense. If this reveals a streak of defiance, one could also discern a lurking contempt for the labours of the Venkataswami Commission itself. So much for the Centre's sincerity in setting up the probe and its earnestness about tracking down the corrupt elements and identifying systemic weaknesses.

But then, the Prime Minister, Mr. Atal Behari Vajpayee, had never concealed his sympathies for Mr. Fernandes even in the face of Tehelka's damaging expose. Only when it became well-nigh impossible for him to fend off pressure from the crucial partners of the ruling National Democratic Alliance — notably the Telugu Desam Party and the Trinamool Congress — and also from a section of his own party, the BJP, did Mr. Vajpayee persuade himself to secure the resignation of Mr. Fernandes. Behind the facade of 'solidarity' projected by the NDA partners, for obvious reasons, was an acute consciousness of the untenability of Mr. Fernandes' continuance in office and the unwisdom of persisting with the dubious 'conspiracy'

theory. His declared resolve to run a "clean and transparent" Defence Ministry notwithstanding, at least two aspects of the sordid reality the Tehelka tapes had brought into sharp focus are too serious to be wished away or glossed over. First, that several officials in the Ministry and in the key decision-making positions in the Army were on the take, and, second, that the very residence of the Minister served as the venue for an apparently murky monetary transaction involving his own party chief. These and other facets of the expose added up to a milieu of all-pervasive permissiveness obtaining in the official establishment related to an area of critical importance to national security. As the one at the helm, Mr. Fernandes has certainly a lot to answer for the squalid state of affairs in the departments under his charge.

*J. D. N. Srinivas 16/10*  
The argument that the proceedings of the Venkataswami Commission are getting prolonged and the panel is unlikely to come up with its findings for several more months (implied here is the presumption that Mr. Fernandes would get a clean chit) is specious. No less so is Mr. Vajpayee's line that the Samata veteran has "no case" against him and "nothing incriminating has come to light" during the panel's inquiry. That the External Affairs Minister, Mr. Jaswant Singh, needed to be relieved of his additional charge and 'Defence' required a full-time Minister is unexceptionable. In fact, two such heavy portfolios should not have been clubbed in the first place. The point at issue is not about the necessity or urgency for a full-fledged Defence Minister. Nor is it about the competence or suitability of Mr. Fernandes for the assignment. It is primarily about more basic values and vital societal concerns such as probity in public life, political morality and, in a broader sense, the rule of law. By taking Mr. Fernandes back into his Cabinet in the way he has done, Mr. Vajpayee has clearly ill-served these causes and in a brazen fashion.

THE HINDU

16 OCT 2002

# George's return may ignite Oppn rebellion.

14/10  
Our Political Bureau  
NEW DELHI 14 OCTOBER

WITH THE re-induction of George Fernandes in the Union Cabinet almost a certainty now, the Vajpayee government is headed for a political embarrassment. The Opposition parties have said they would oppose the move.

Mr Fernandes, who put in his papers in the wake of the Tehelka revelations in March this year, is set to return to the South Block on Monday as the country's defence minister. An indication of the government thinking along these lines was given on Sunday by external affairs minister Jaswant Singh, who holds the additional charge of the defence ministry.

"I agree that the portfolio should be given to my friend George Fernandes again. He's the right person to take over the responsibility in the present circumstances," he told a news channel late this afternoon.

The jumbo-sized Vajpayee government is scheduled to go in for a limited expansion on Monday. Mr Harin Pathak, the BJP MP from Ahmedabad, is also likely

to stage a comeback in the Union council of ministers. He was forced to step down after being chargesheeted in a case of rioting.

The decision to bring back Mr Fernandes seems to have been prompted by the developments unfolding in the country's north-western neighbourhood. With the external affairs minister indicating his desire to shed the additional responsibility bestowed upon him, a full-time defence minister had become a necessity.

Indeed, the aftermath of the events of September 11 seem to have provided the right opportunity to the Vajpayee government to take Mr Fernandes back in the Union council of ministers. With people's attention riveted on the US-led air strikes against Afghanistan and its fallout across the

world, the Samata veteran's re-entry was not, the government feels, likely to create any ripples.

There was also the realisation the Venkataswami Commission probing the Tehelka expose is not likely to submit its report in the near future. There is a feeling in government circles that the panel is dragging its feet.



**Fernandes: Kicking up dust**

*The Economic Times*

15 OCT 2002



# Riding out the shockwaves

19-19  
19/10  
A full scale war has erupted in our neighbourhood. Neena Vyas discusses the implications for internal security.



Security forces are on the alert across the country in the wake of the bombing of Afghanistan.

hand with alienation of the people.

The huge influx of refugees from Bangladesh has created new areas of discord and ethnic strife in Assam and elsewhere, and the Home Ministry believes that under the cover of continued economic migration from Bangladesh, trained terrorists regularly infiltrate India.

Of course, on September 11 when two airplanes rammed into New York's World Trade Center, and one struck the Pentagon in Washington (a fourth crashed in Pennsylvania missing its target) what was witnessed was an entirely different scale of terrorism. And now with American warplanes dropping their lethal cargo on Afghanistan, a full-scale war has erupted in our neighbourhood. The danger of this war being perceived as a crusade against Islam — with inevitable violent reactions from the minority Muslim population — is frighteningly real, especially in the context of the U.S. talking about expanding its attack on Afghanistan to bring to heel countries such as Iraq.

Already there is loose talk about communal problems erupting in Uttar Pradesh where the Assembly elections are due in March. The "compulsions" of creating and then consolidating vote banks along communal and caste divides has been the favourite pastime of parties in the State. The Vishwa Hindu Parishad has begun talking about the Ram temple at Ayodhya, some see the ban on the SIMI as a part of the politics of Uttar Pradesh and, on the other side the "mullahs" are trying to whip up a pro-Osama bin Laden pro-Islam frenzy among the Muslims.

The internal security implications of these developments are enormous) but at the same time, it is being emphasised that India was already facing all kinds of terrorism, and not only in Kashmir and the Northeast. Over the years the people have almost learnt to live with all kinds of uncertainties — a bus full of passengers being ambushed by terrorists and shot dead, sudden eruption of communal riots, caste clashes that leave behind scores of

dead and burning homes, and even railway accidents that claim hundreds of victims.

The new internal security imperatives simply mean more of the same thing — more policing, more vigilance, stricter checking, additional posts in the Indian Administrative and Indian Police Services, bigger budget for the Home Ministry, more discussions, meetings and bulky reports, and finally, hopefully, better preparedness.)

The Government has started processing a plan under which States will no longer be dependent on the Centre for security needs, except for additional reinforcements. A brand new reserve police force, the Indian Reserve Force, is being raised at the level of the States for which the Centre will pay. Home Ministry officials agree that the available police forces are stretched to their limits.

At a recent meeting of State Chief Secretaries and Directors-General of Police, the Government discussed and considered the new requirements

of security. States were asked to protect vital installations and all public places. It was pointed out that after September 11 any threat of use of weapons of mass destruction by terrorists could not be taken lightly — and worst case scenarios are the use of small nuclear weapons, biological and chemical weapons and germs as weapons. The Health Ministry has asked States to ensure that hospitals are equipped to fight "biological weapons" such as anthrax, or even typhoid and cholera which can be "delivered" through the water supply systems.

The recent move to bring disaster management under the Home Ministry (it was earlier with the Ministry of Agriculture) was a response to the new security scenario. The Government now wants a 3-tier disaster management cell in place right down from the district level up to the State and the Centre. The process of setting these up and equipping them with mobile hospitals and tools necessary for relief and rescue work has begun.

## Criminal lapses

*It is not new laws that the country needs, but urgent correction of the system which is supposed to deliver justice.*

THE HYSTERIA generated by the dramatic September 11 air strikes against the United States is being used virtually as a cover by the Government to bring into the statute books a law to deal exclusively with terrorists, a law that will replace the lapsed Terrorists and Disruptive Activities (Prevention) Act.

In fact, an ordinance on this is expected very soon. This is a knee-jerk reaction. It is yet to be seen what shape the new law takes, although it is understood it will have sufficient safeguards against human rights violations.

The TADA was a draconian legislation that should never have been enacted. Hundreds, if not thousands, were arrested and kept in jails without charges being filed against them, and without trials. And even after being armed with a law that virtually dispensed with the Indian Evidence Act and legitimised as conclusive "evidence" statements made to the police, the criminal justice system failed to deliver, it failed to convict thousands arrested under the TADA.

It can be no one's case that terrorists should not be arrested and given the maximum punishment. But clearly what needed to be done (and was not done) was speedy and thorough investigation, the building up of foolproof cases, and speedy trials. In short, a total streamlining of the criminal justice system which is in a state of total collapse.

Forget about serious crimes such as sedition, terrorism and murder, even the trial of simple traffic accident cases takes years, and civil suits

take decades. It is not new laws that the country needs, but urgent correction of the system which is supposed to deliver justice.

The three hardcore terrorists released for the hostages in the 1999 hijacking of an Indian Airlines plane from Kathmandu to Kandahar — Masood Azhar, Ahmed Sayeed Omar Shaikh and Mushtaq Ahmed Zargar — had all been in Indian jails for years. Clearly, the police failed to investigate (confident that they could be kept in jail for ever), and the result was that they were never convicted, and their guilt was not established in the eyes of the world.

By keeping them in prison for years, the Government was inviting disaster. There was the kidnapping of some foreigners (one of the demands made was the release of Masood Azhar), and presumably, when that did not work, the hijacking was planned.

The net result is there for all to see. For now it is being established, slowly but surely, that at least one of them, Omar Shaikh, was connected directly to the terrible disaster in the U.S. which has further resulted in the bombardment of Afghanistan in which many more innocent lives have been and will be lost. Masood Azhar's links to Osama bin Laden have also been known and established.

Unbridled powers to the police, draconian laws, and a collapsed judicial system can hardly be the recipe for containing terrorism. In fact, it could add fuel to the flames by increasing the alienation of the people. — N.V.

Mr. I. D. Swamy, Minister of State for Home, has indicated that "by and large things are already in place." However, what was needed urgently was the strengthening of the intelligence-gathering system and the creation of a separate top intelligence cell in all States and at the Centre. These cells should be able to collect, sift, separate and analyse swiftly all information gathered by various agencies and send it on to the Centre, where again the information would be collated, sifted and analysed. What was needed was a system where there would be a very quick response to whatever information is collected.

His view was that no Government could possibly anticipate terrorist attacks everywhere and anywhere at all times, especially when determined

suicide squads are prepared to carry out bold attacks. The only way to prevent these is through better intelligence. And this the Government is proposing to do.

The situation in Jammu and Kashmir has not stabilised. But the "perceptible change" over the last few years was that terrorist organisations from across the border are not able to recruit local Kashmiris as easily as before. More and more they have become dependent on mercenaries and foreigners, including Pakistanis and Afghans. Mr. Swamy felt that with the new situation in that region, demoralisation was bound to set in, although at the same time efforts to carry out some "spectacular" attacks, like the one on the Kashmir Assembly, may also be redoubled.

# George on seat edge

FROM RADHIKA  
RAMASESHAN

**Agra, Oct. 13:** The Prime Minister's search for a new defence minister has turned into a cliffhanger between George Fernandes and K.C. Pant.

The decks were more or less cleared for the reinduction of Fernandes as defence minister and Harin Pathak as minister of state for defence on Monday. Fernandes met Atal Bihari Vajpayee today for half-an-hour and highly-placed government sources had confirmed that he would be reinstated at 12 noon on Monday.

However, the proposal has run into opposition from within as well as without the government.

A section of the BJP is trying to resist Fernandes' rehabilitation because the Venkataswami Commission probing the Tehelka disclosures has yet to give him a

clean chit. This section is believed to be pitching for Planning Commission deputy chairman K.C. Pant who had served as defence minister in the Congress regime.

The Congress and the Left, too, launched a high-pitched campaign against Fernandes' re-induction, fuelling speculation that the Cabinet shuffle plan had been deliberately leaked to test the political waters. However, the Prime Minister is said to be in favour of reinstating Fernandes.

Sources said Trinamul Congress leader Mamata Banerjee and nominees of the Pattali Makkal Katchi (PMK) were likely to be taken into the Cabinet in a "larger" expansion sometime before the winter session begins in November.

Mamata may get the rural development ministry because there is increasing pressure from

within the party to get minister M. Venkaiah Naidu to take on the job of the organisation's general secretary. The post fell vacant after Narendra Modi took over as Gujarat chief minister.

Ever since Fernandes put in his papers after the Tehelka expose, foreign minister Jaswant Singh had been juggling the two portfolios.

But after the September 11 terror strikes in the US and the subsequent attack on Afghanistan, Vajpayee was under pressure to have a full-fledged defence minister.

It was felt that Singh was far too involved with the external affairs ministry to be able to devote enough time to defence.

The sources hinted that civil aviation minister Shahnawaz Hussain may be taken off the department after the Alliance Air hijack fiasco and given some other ministry.

THE TELEGRAPH

14 OCT 2002

# Tehelka tapes genuine, says probe panel

New Delhi, October 12

THE VENKATASWAMI Commission today ruled the tehelka tapes genuine, rejecting a plea to send them to experts for checking their authenticity.

"No prima-facie case about doctoring has been made out at all. It is inappropriate at this juncture to refer the unedited tapes in the custody of the commission to a panel of experts," Justice K Venkataswami said after days of arguments from various counsels.

The commission took exception to the fact that the Government had not asked for checking the authenticity of tehelka tapes on its own but said the "clouds of doubt" should be removed after the matter was raised by other parties.

"It is curious especially considering that it (Government) had proceeded with inquiries of the defence personnel and others based on these very tapes themselves," the commission said.

The commission said none of the noticees, who have raised doubts over the veracity of tapes, have seriously disputed their oral participation as well as physical appearance in the tapes, but only certain conversations.

This was not sufficient to cast doubts over the genuineness of the tapes, especially considering the fact that tehelka.com has sworn an affidavit that the tapes are original.

On the argument of Jaya Jaitely's counsel that the tapes had been doctored with "malafide intention", the counsel for tehelka said no prima-facie case has been made out justify-

## BANGARU APPOINTMENT IMPROPER: CONG

THE CONGRESS on Friday condemned the "back-door" appointment of Bangaru Laxman as chairman of the Rajya Sabha committee as "absolutely improper".

Congress spokesman Jaipal Reddy accused the BJP of making a conscious attempt to dilute the gravity of the implications of the tehelka expose by appointing Bangaru.

Former Defence Minister George Fernandes, on the other hand, hailed Laxman's appointment.

HTC, New Delhi

ing reference of the tapes to a panel of experts and described the request as "irresponsible". He said the mere possibility of tampering was no ground for questioning the veracity of tapes coupled with the fact that no motive has been made out or even suggested.

Meanwhile, the Government has submitted an affidavit before the commission on the inquiry done on First Global owner Shanker Sharma, who was allegedly involved in "massive operations" along with Buffalo Network (owners of tehelka.com) before the expose which led to stock market crash.

Additional Solicitor-General Harish Salve, representing the Government, alleged that the information in the affidavit showed that Operation West End was not a "bonafide journalistic exercise",

HTC & PTI

THE HINDUSTAN TIMES

13 OCT 2001



# Package to tone up internal security soon

By Neena Vyas

NEW DELHI, OCT. 11. Following the September 11 terrorist strikes against the United States and the Jaish-e-Mohammad strike on the Kashmir Assembly, the Home Ministry is putting together a new package to take care of the heightened internal security threat perception.

The internal security apparatus is to be revamped — intelligence gathering is to be strengthened and the process of collating and sifting information streamlined, more posts are to be created at the higher rungs of the bureaucracy in the Ministry to create a "core group" of senior officers, and the earlier proposal for raising a new reserve police force based in the states has been activated and given a push. Besides, there is the ongoing programme of modernising the police force which aims at equipping it with better weapons, improved mobility and quicker communications.

To fund this exercise, the Home Ministry has also forwarded a demand to the Finance Ministry to increase the budgetary allocation. While the Minister of State for Home Affairs, Mr. I.D. Swamy, confirmed this, he was reluctant to put a figure on the new demand, which is expected to be substantial.

The recent drama of a fake hi-

jack alarm involving a flight from Mumbai to Delhi, the string of bomb hoax calls, and the renewed communal tension as a result of the ban on SIMI and some provocative statements which have come in support of Osama bin-Laden has created a situation in which the government does not know what to expect next. But what it does want to do is to put into place a strengthened and more sensitized machinery.

A "core group of senior officers" is to be created in the Home Ministry. Apparently, the search

is on to identify the officers. For this, additional posts will have to be created and cleared by the Finance Ministry which is otherwise on a downsizing exercise and has put a freeze on new posts.

The Home Ministry has also re-activated the earlier proposal of creating a new Indian Reserve Force which will be based in the States but the expenses would be borne by the Centre. The recruitment exercise for the new force has already begun, particularly in Haryana, the home State of Mr. Swamy. He expected each State to

raise a battalion at least, while the bigger States and those with insurgency problems may raise even two.

The idea is to make States almost self-sufficient in dealing with not only the routine law and order problems but also the extra burden of policing as a result of the new and increased threat perception. The Centre would also be able to draw on this force in addition if needed by a neighbouring State. This would reduce the dependency of the States on the CRPF which is overstretched.

THE HINDU

## Assam, Centre differ on 'madrassas'

By Our Special Correspondent *J P B N*

**GUWAHATI, OCT. 9.** Assam does not share the Centre's perception that all madrassas in the country pose a security threat, or that they are all centres of ISI activity and should be kept under surveillance. This was stated by Mr. A.F. Golam Osmani, MP, and Mr. Mohammed Afzal, ex-MP of the Minority Affairs Department of the APCC and AICC respectively, today.

They told mediapersons that the Assam Chief Minister, Mr. Tarun Gogoi, while addressing the APCC minority cell here on Monday, had said that the Centre had issued "directives" to the States to keep a watch on the madrassas but he was not going to be "dictated" by the Centre and eye all the madrassas

with suspicion. Mr. Afzal was also critical of the Centre's decision to ban the SIMI. According to him, most Muslim organisations were opposing SIMI's activities and "we had half finished the SIMI when the ban was imposed."

He said the Centre wanted to target all Muslims in the name of SIMI and that the ban had actually strengthened the organisation.

Mr. Osmani, while stressing the need for speeding up the development of the Char (riverine) areas inhabited by the Muslims, said the budget provision for this had remained pegged at Rs. 1.1 crores since the late Hiteswar Saikia's time. And 60 per cent of the money went to meet the establishment cost.

THE HINDU

10 OCT 2001

WEDNESDAY, OCTOBER 10, 2001

## TERRORISM AND INTERNAL SECURITY

THE APPALLING SEPTEMBER 11 terrorist strikes in the United States have raised questions about managing internal security in countries around the world. Therefore, it is perhaps inevitable that India also embarks on a process which increases its degree of preparedness against acts of terrorism and which results in the acquisition of greater expertise in disaster management. It is true that this country has been a victim of the export of terror for many years. But what the World Trade Center/Pentagon attacks have provoked — with the use of hijacked commercial aircraft as payloads for destruction — are fears of a changing and even more hazardous form of international terrorism. The Union Home Minister, Mr. L. K. Advani's warning that the threats from nuclear, chemical and biological weapons can no longer be dismissed out of hand may sound somewhat alarmist. But it does — in a grim and unpleasant way — draw attention to the need of learning the right lessons from the terrorist strikes on the United States. Both the necessary arrangements to deter such strikes and the necessary expertise to handle the emergency situations which arise as a result of them need to be evolved. *J. D. B. N. Selvaraj*

Against such a background, the suggestion that a new Central agency be set up to tackle crimes related to terrorism, hijacking and attacks on sensitive installations is generally not a bad one. While the Centre does have its compulsions for establishing such an agency to deal with crimes with national security implications, it is absolutely imperative that any such mechanism contains the necessary safeguards to ensure that the responsibility of the State Governments is not infringed. If the idea of setting up such an agency finds wide acceptance, it will only be on the condition that the delicate institutional balance between Centre and States on questions relating to law and order is not skewed inequitably. Not surprising, a few States are reportedly

uncomfortable with the idea of establishing such an agency. As for the proposal to set up a National Disaster Management Agency, apparently to be modelled on the lines of FEMA in the U.S., there can be few objections. The minimum action programme outlined by Home Secretary, Mr. Kamal Pande — which includes the setting up of State-level disaster management agencies with sub-units in all district headquarters — is also well worth acting upon. Recent experience suggests that systems and procedures alone can never prevent terrorist strikes — particularly if they are carried out by suicide squads — but it is the duty of the Government to do whatever it can to insulate the people from such attacks as well as manage their horrendous aftermath.

Drawing up a list of vulnerable targets, equipping the police for search and rescue work, establishing mechanisms of civil defence, upgrading dog squads — the sooner such proposals are implemented, the better. But such measures have to be clearly distinguished from attempts to formulate new terrorist legislation or frame a new law that replaces the now defunct and discredited TADA. The bureaucracy and the political executive of varying hues all suffer from the unfortunate misconception that the lack of sharp legal teeth is an important reason for the country's failure to make a quick meal of terrorism. This is plainly false. The country's security forces are already armed with wideranging powers under the existing laws to deal with terrorists. Moreover, TADA-like laws can be put to horrible misuse and our experience has clearly demonstrated that terrorism feeds off the human rights abuses perpetrated under the legal cover such legislation provides. However real or serious the threat of terrorism, nothing justifies the introduction of draconian legislation which inevitably results in gross human rights violations and which, at the end of the day, is likely be counter-productive.

THE HINDU

10 OCT 2001

# Govt plans new terror ordinance

Anil Anand  
New Delhi, October 6

THE ELUSIVE political consensus on a new law to replace the controversial Tada has made the Centre contemplate the promulgation of an ordinance to combat terrorism.

The ordinance is expected to be on the lines of the Prevention of Terrorism Bill-2000 that the Law Commission had drafted over a year back.

The proposed legislation had proved to be a non-starter in the face of serious objections by a number of States and political parties. The gross misuse of Tada was among the reasons then cited by the Bill's opponents to resist any reincarnation of the discarded law.

Sources said the proposal for bringing the ordinance was under deliberation in the Ministry of Home Affairs. A final decision on it may take some time, though.

The Bill, on which the Government had failed to evolve a consensus, had specific provisions for forfeiture of proceeds or properties of terrorists, particularly those operating from a foreign land. The proposed law, the panel claimed, had ample safeguards to prevent its misuse.

If promulgated, the ordinance, inspired by the draft Bill, would vest more powers in security forces for effectively combating terrorism in Jammu and Kashmir and the North East. In certain official quarters, the need for such a move has been strongly felt since the September 11 terrorist strikes in the US and their fall-out in the region.

Sources explained that the interregnum between now and the Winter Session of Parliament — when the ordinance can be made the basis of an Act —

would provide the Government an opportunity to test its efficacy. "This will also help us build a political consensus on the proposal in the light of the changed circumstances," the sources maintained.

However, the NDA-Government could encounter resistance from within, given its political implications for some of the alliance partners. A conference of Chief Ministers to discuss internal security is scheduled sometime in November. Politically, it would be more correct for the Centre to get the ordinance endorsed by the participants in view of their past reservations.

On its part, the Law Commission had forcefully justified the new law. "A legislation to fight terrorism is today a necessity in India. Here is a case of organised groups or gangs trained, inspired and supported by...elements trying to threaten the country's sovereignty," the Commission noted, adding: "It's necessary to have a special law to deal with the special situation."

Former Director General of BSE, Prakash Singh, has welcomed Home Minister LK Advani's decision to set up a federal investigative agency to probe terrorist activities. "The Government should now issue an ordinance to prevent terrorism," PTI quoted him as saying.

Former CBI director DR Karthikeyan, who headed the special investigative team that probed Rajiv Gandhi's assassination, said: "The Government should not delay the promulgation of a stringent law on terrorism."

Singh said the pattern of many crimes and activities associated with terrorists indicated that it was beyond the resources of the police and CID in States.

A federal agency to investigate such special crimes that have larger sweeps, inter-state and even trans-national areas "was a step long overdue", he said.

Law Commission member NM Ghatate told PTI that he has recommended that the Government introduce the draft Bill on terrorism as an ordinance and put it up for debate in Parliament.

Former D-G of Punjab and Assam police, KPS Gill, however, said the IPC should be amended to include terrorism as a criminal offence, instead of introducing Bills on terrorism. "Define a terrorist act and then bring it under IPC," he told PTI.



L K ADVANI  
Tough measures

THE HINDUSTAN TIMES

- 7 OCT 2002

---

# Centre mulls anti-hijacking manual

Jay Raina  
New Delhi, October 5

INDIA IS set to formulate a "national doctrine on hijacking" spelling out all the management parameters of such crisis situations.

It includes constitution of autonomous management groups at all airports authorised to take spot decisions, technical modification of the squawk button to differentiate normal hijacking from forced piloting of the planes for

missile-like strikes against select targets apart from in-built directions to shoot down a civilian aircraft, in case of extremely serious situations.

According to top Government sources, the doctrine—the first of its kind — will ensure quick response time and instant anticipation of the hijack fall out. The proposed management group at each of the highly-sensitive airports will be located in the ATC premises and manned by a compact and well-knit team compris-

ing senior officers from police (commissioner or its equivalent rank), the civil aviation security outfit, Intelligence Bureau and the National Security Guards.

In case the services of the Air Force are required, a senior officer from within the force will be designated to take instant decisions, including the shooting down of the hijacked aircraft, if the need arises.

In the proposed scheme of things, the profile of the existing Crisis Management Group head-

ed by the Cabinet Secretary will be confined to an advisory role to provide the necessary back up, if the need arises.

Sources said the doctrine will detail all operational aspects, such as immobilising the hijacked plane from take-off, once it lands at any Indian airport, handling of situations wherein a hijacked aircraft from a foreign country seeks permission to land at any airport apart from managing the growing menace of anonymous telephone calls.

THE HINDUSTAN TIMES

6 OCT 2002

# Advani warns against terrorist attacks

By Our Special Correspondent *AD*

**NEW DELHI, OCT. 5.** The Union Home Minister, Mr. L.K. Advani, today warned that threats of terrorist strikes using "small nuclear bombs" and other "chemical and biological weapons of mass destruction" can "no longer be taken lightly". The country needs to be prepared to handle such emergencies while sensitising the people about the danger. There were lessons to be learnt from the terrorist strikes in the United States.

He was addressing a day-long meeting on internal security attended by the Chief Secretaries and the Directors-General of Police, during which presentations were made on scenarios relating to biological and chemical weapon attacks.

Mr. Advani said Pakistan's proxy war against India was bound to fail "although it could continue to inflict some wounds on us".

The Home Ministry's immediate answer to tackling internal security problems, especially

terrorism, is tougher laws and yet another Central law enforcement agency to investigate "federal crime". There was need for new legislation to deal effectively with terrorism and organised crime (the pointer was to a new law to replace the TADA), he said, exhorting the officials to accept a new central law enforcing agency. Although it was not said so, the idea was to create a sort of an Indian version of America's FBI. The suggestion was that crimes related to terrorism, counterfeit currency, hijacking and attacks on sensitive installations should be brought under federal crime.

The security forces and the people had to "raise their levels of commitment" to root out terrorism, Mr. Advani suggested even as he lamented the lack of such unity at home. The Media and the Opposition had the right to oppose in a democracy, but a "perpetually adversarial stance becomes negative".

It was a familiar theme that has been repeated several times by the Bharatiya Janata

Party, which has been pointing out that the American media and the Opposition were completely united in the face of the attack on September 11, which was not the case in India.

*S-D & N Security*  
The meeting discussed the need to eliminate the chances of forged identity documentation such as passports, driving licences, ration cards and so on even as it was admitted that touts abound and must be finished.

The CBI was not enough, it was overburdened, and in any case its primary responsibility was to investigate corruption, the Home Secretary, Mr. Kamal Pandey, said, justifying the proposal for a new agency.

He admitted that there was no green signal politically and that some States might be wary of allowing a central agency to interfere in law and order, entirely a state matter. But clearly the Centre is hoping to use the atmosphere and hysteria created by the strikes in the U.S. to push through its agenda.

THE HINDU

# 'Hijack' victims can go to court: experts

By Devesh K. Pandey

NEW DELHI, OCT. 5. Passengers aboard the "hijacked" Alliance Air plane who were "taken hostage" for over four hours in what turned out to be a false alarm can take recourse to the law and claim compensation for the 'mental agony' they underwent during the whole drama, say legal experts.

"Since the passengers were illegally confined due to negligence on part of Alliance Air officials, airport authorities and other agencies, the agencies are liable to pay compensation," said the president of the Delhi High Court Bar Associate, Mr. A.S. Chandhiok. Mr. K.C. Mittal, Former Standing Council of the Delhi Government, said what transpired during the whole drama was a fit case for the consumer courts under clauses pertaining to deficiency of service.

The passengers can approach the consumer forum and claim compensation only on an individual basis which also largely depends on their status and circumstances affecting them physically, mentally or monetarily. "They can also file a suit in the High Court if their demand for compensation is above Rs. 5 lakhs," said Mr. Mittal.

The kind of publicity given to the sequence of events starting from "hijacking" of the plane to the final announcement that it was a false alarm had already

proved it beyond doubt that the passengers were subjected to a great deal of harassment. "Therefore, it is highly likely that their case is considered by the court."

The passengers could also file a writ in the High Court against the Union of India, if it was proved that several government agencies were involved in the affair. "But for this we will have to wait for the final report of the enquiry committee constituted to investigate the incident," Mr. Mittal said.

## Doubts over crisis management

By Pranab Dhal Samanta

NEW DELHI, OCT. 5. For all the references by the Civil Aviation authorities to the September 11 terrorist strikes in the U.S. as a justification for taking the anonymous call received by the Alliance Air office here on Wednesday night as seriously as they did, it is baffling that the air defence systems were not put on alert.

While the Defence authorities were in the know of the "hijack" from the military liaison unit posted at the Delhi Air Traffic Control (ATC), there was no message by the high-power Crisis Management Group (CMG) to alert the air defence systems in the initial hours of the "hijack".

Going by official narration of events, all the authorities concerned with managing the crisis

were under the impression that the hijack was "real" for most part of the four-hour drama. If this was the case, then the CMG was dealing with a situation where a hijacked plane was headed for the Capital.

At that point, no contact had been established with the hijackers, no demands made, and the fear that the plane could be diverted at any time from the flight path was very much alive. It had an eerie resemblance to the methods adopted by the hijackers on September 11 in the U.S., the only exception being that the pilot was able to intimate the ATC here.

Yet the air defence system was not put on alert. If there were to be any deviation from the flight path by the plane on approaching Delhi, no fighter-aircraft or any other aspect of Delhi's elaborate air defence system was on alert. It is reliably learnt that it would have been quite impossible for the air defence system to respond immediately if any such request came along at the 11th hour.

Fortunately for those who handled this crisis, there are not many takers for the official version of what happened on Thursday. The list of questions being raised against top aviation security officials is only increasing by the day. And the only response so far to these has been that the Ahmedabad ATC probably garbled the message.

THE HINDU

- 6 OCT 2002

# States told to expect terror attacks

HT Correspondent  
New Delhi, October 5

THE CENTRE today asked the States to expect terrorist attacks with nuclear, biological and chemical weapons. It also sought to stress the need for a Central Law Enforcement Agency like the FBI.

State chief secretaries, home secretaries and police chiefs, attending a three-day meeting on internal security, were asked to reconsider their opposition to the proposed central agency and give a serious thought to civil aviation security, which had forced the Centre to see it as an "integral" part of national security.

The matter came up for discussion on day one of the three-day meeting convened by the Home Ministry. Cabinet Secretary TR Prasad, who is chairman of the Crisis Management group (CMG), dwelt on the October 3 incident at Palam airport in which an Alliance Air aircraft was thought

to have been hijacked from Mumbai to Delhi.

The meeting also chalked out the broad parameters of a national disaster management plan, which the Centre and the States would follow in case of terrorist strikes similar to the September 11 attacks in the US. The delegates were sensitised to the threat from terrorists using "weapons of mass destruction". Inputs from the department of atomic energy, and the Ministries of Power and Telecommunications were circulated at the meeting.

Detailed presentations were made on the threat from biological, chemical and nuclear weapons.

Briefing newsmen, Home Secretary Kamal Pande said a "minimum action programme" outlining a national disaster management plan would be implemented soon.

The plan envisaged setting up State-level disaster management

agencies with sub-units in all district headquarters, drawing up a list of vulnerable targets including buildings, installations, monuments and important personalities, training and equipping armed police forces for search and rescue operations, revamping communication networks and introducing inter-State cooperation for disaster prevention, management and relief, he said.

Pande said most delegates had appreciated the "urgent" need for enacting an anti-terrorism law and a special legislation to control organised crime. He felt after the September 11 attacks in the US, most State Governments would accept the need for a central law enforcement agency to investigate crimes, which had national security implications.

However, the States demanded "built-in safeguards" in the proposed legislations so that the States' responsibility in law and order matters was not infringed.

## Morcha slams PM letter

THE LOK Morcha on Friday criticised Prime Minister Atal Bihari Vajpayee's letter to US President George Bush after the attack on the J & K assembly, saying that it amounted to an invitation to intervene in Kashmir. Leaders of the four Left parties, the Samajwadi Party and former Premiers V P Singh and H D Deve Gowda adopted a seven-point resolution, which warned that "seeking US intervention" would be detrimental to Indian interest.

HTC, New Delhi

An exhaustive document with plans suggested by the Bureau of Civil Aviation Security (BCAS) was circulated among the delegates. The document provided details on how civil aviation security could be geared up to meet the "new challenges".

THE HINDUSTAN TIMES

6 OCT 2002



W

*If SIMI can be banned for harbouring 'terrorist links', why can't the Bajrang Dal?*

# Much more than air guns

9-08-2001  
HLS  
6/10

BY A.G. NOORANI

IF THE entire opposition has condemned the government's ban on the Students' Islamic Movement of India — a disapproval shared by Jammu and Kashmir Chief Minister Farooq Abdullah and Justice V.R. Krishna Iyer — it is not because any of them is fond of SIMI's bigots. The opposition objected on September 28 on two related grounds: "The motive is clearly to polarise voters for the ensuing UP elections" and "double standards". Madhya Pradesh Chief Minister Digvijay Singh, who welcomed the ban, censured the Centre for sparing the Bajrang Dal. If fomenting violence and spreading communal hatred are valid grounds for banning SIMI, the Bajrang Dal's role too cannot be overlooked.

Union Home Minister L.K. Advani said on September 23, four days before the ban, that "it is a joke" to call the Bajrang Dal a terrorist organisation. "Sometimes I wonder what this Bajrang Dal camp is. Because when I ask people associated with it, they say they train people in using air guns. If that is supposed to be a terrorist organisation, it is a joke."

On January 25, 2001, in New Delhi, the Bajrang Dal's convener, Surendra Jain, announced that it would recruit about 3 million youths across the country to participate in the campaign for constructing a Ram temple at Ayodhya. A million will be a band of militant cadres armed with the *trishul*. Some 3 lakh will get "special training". He added that the Dal was not at all worried that its plan to raise a veritable army could lead to Muslim organisations doing the same. Let them do it too, he exclaimed. The Dal was not afraid of a confrontation.

The Bajrang Dal's leader, Vinay Katiyar, revealed its credo on November 30, 1992. "The country is not run by court orders... The judiciary has no authority to pass any orders regarding Ram *mandir*... if there is any *sangharsh* we are ready for it... *Kuch bigadne par hi kuch banta hai* (only when something is destroyed, is something born)."

The Bajrang Dal was in the forefront of the attack on the Babri masjid on October 30, 1990, and its demolition on December 6, 1992; as indeed were some leaders of the BJP and the VHP. It played a central role in Advani's *rath yatra* in 1990. Professor Richard H. Davis of Yale, who was in India then, recorded that "Bajrang Dal activists were given initiation prior to participating in the procession, during which they received a trident". At Ujjain, "they presented Advani with weapons and they



OILING THE HATE MACHINE: At a Bajrang Dal rally

often welcomed him by applying a ritual mark (*tilak*) of blood on his forehead."

Advani's partiality for the Dal is understandable, but not excusable. Even as attacks on Christians began, he blithely said at Baroda on August 2, 1998: "There is no law and order problem in Gujarat." He was sharply contradicted on October 8, by Gujarat's DG of police C.P. Singh: "One thing was clear in the pattern of incidents. It was the activists of the Vishwa Hindu Parishad and Bajrang Dal who were taking the law into their own hands which posed a serious danger to peace in Gujarat."

Eyewitnesses to the brutal killing of the Australian missionary, Graham Stewart Staines, and his two young sons on January 22, 1999, testified that the organised mob that did the gruesome deed shouted the slogans "*Bajrang Dal zindabad*", "*Bajrang bali ki jai*" and "*Dara Singh zindabad*".

Orissa's DG of police, B.B. Panda, told the press on January 24 that over 50 people suspected to be activists of the Bajrang Dal and the VHP were involved in the incident. He said this after arresting 49 people. Yet on January 25, Advani gave a clean chit to the Dal and its allies: "I have known these organisations for a long time and they do not have criminal elements." Four days later, a commission of inquiry, headed by Justice D.P. Wadhwa, was set up to probe into the murders.

There was widespread criticism of the Wadhwa report, which was submitted on June 21, for its sweeping exoneration of the Bajrang Dal. "There is no evidence that any authority or organisation was behind the gruesome killings." It came to light, on June 27, that there were other volumes besides annexures and record of evidence by witnesses.

This writer has perused the volumes containing written submissions by the counsel for the commission, Gopal Subramaniam. Justice Wadhwa's report totally ignored the outstandingly able work of a highly respected counsel. Subramaniam listed seven FIRs in which prime suspect Dara Singh (now accused) was "reportedly linked to the Bajrang Dal" and four others in which linkage with the BJP was reported.

He fairly summed up the mass of evidence: "The enquiries reveal the following: ... The Bajrang Dal is the youth wing of the Vishwa Hindu Parishad. Rabindra Kumar Pal alias Dara Singh is an activist/supporter of the Bajrang Dal. However, there is no documentary evidence to prove that he is a member or office-bearer of Bajrang Dal... Dara Singh had campaigned for the BJP during the last parliamentary elections in 1998... had also been seen in RSS rallies... He held out himself as a Bajrang Dal activist... believed in the strong propagation of Hindutva."

The counsel noted "the chain of events... and the probability of evidence

suggesting that he enjoyed such association". He recommended "a further inquiry by the CBI into all aspects of the conspiracy. It appears that even in order to rule out the involvement of any organisation, it is appropriate that a thorough investigation is undertaken by the CBI". Instead, Justice Wadhwa rushed to exonerate the Bajrang Dal.

The VHP was set up by RSS chief M.S. Golwalkar in Mumbai on August 30, 1964. The VHP, in turn, set up the Bajrang Dal in May-June 1984, soon after the VHP's call on April 9, 1984, for removal of the mosques at Ayodhya, Varanasi and Mathura. The Dal was led by Vinay Katiyar, organisational secretary of the RSS' student wing ABVP. Its main purpose, he said, was "to implement the policies of the VHP".

It has acquired a formidable reputation. Professor Paul R. Brass calls it "a fighting 'protection' squad for the other organisations, a somewhat pathetic, but nevertheless dangerous version of the Nazi SA". It has a special place wherever use of violence is required.

"Riot specialists are specialists in the conversion of incidents in the relations between communities, in this case between Hindus and Muslims, into occasions for riots. When the time is right for the fomenting of a large-scale disturbance, then students, hooligans, low-caste persons from slums and outlying areas, criminals, and special squads of trained activists such as the members of the Bajrang Dal will be brought in. They are a reserve army, a mixture of lumpen elements and others."

Professor Yogendra K. Malik and V.B. Singh make a similar assessment in their work *Hindu Nationalists in India: The Rise of the Bharatiya Janata Party*; "Bajrang Dal, the VHP's youth wing, is its fighting arm. Consisting of lumpen elements, it reflects the contemporary political culture of India. In recent years, political parties and politicians in India have become dependent upon muscle power. Gangsters, criminals and hired hands are used frequently to achieve political goals."

"Vandalism displayed by the Ram *bhakt*s (devotees of Ram) and *kar sevaks* (volunteers) in recent years are the BJP, RSS and VHP versions of the vulgarisation of Indian politics. The Bajrang Dal, more than any other group in India, is able to mobilise all these elements in the cause promoted by the VHP." Quite a reputation for wielders of air guns.

THE HINDUSTAN TIMES

6 OCT 2002

9-08/11/11

## Plane ridiculous

HT-8 5/10

IT TOOK one mobile phone call for a nation to break into a sweat. The Alliance Air passenger plane that was at the centre of an early morning drama soon exposed the farcical nature of India's air security infrastructure. One needs to look beyond the sense of relief over the hoax and come to terms with how a country that prides itself for its technological prowess — it can detonate atom bombs and send satellites into space — found itself on the wrong end of a very unfunny joke. When the air traffic control in Ahmedabad received an anonymous call that flight CD 7444 would be hijacked, instead of carrying out standard counter-hijacking procedures, the pilot was told that "hijackers were in the passengers' cabin". What followed was the absurd situation in which the pilot thought that the hijackers were roaming about in the plane while the passengers thought that the hijackers were inside the cockpit.

Apart from the fact that no one actually suspected that nothing was wrong, those responsible for chalking out contingency plans outside seemed to have no clue as to what was happening inside. Before long, the media circus started relaying the 'hijack', perhaps sniffing a 'September 11 type' of news. It is to be noted that Minister of State

for Civil Aviation Shahnawaz Hussain was first alerted of the 'hijack' by the media. One does not suggest here that the aviation authorities and members of the government — who set up a crisis management group and met a full three hours after ATCs across the country were alerted about the 'hijack' — should have turned over and returned to sleep. But what is disconcerting is that no one had an inkling as to how to handle the situation.

Instead of expressing the view that the "crisis management machinery was in good condition" and congratulating its "preparedness", Mr Hussain should be asking why a cloud of misinformation was left hanging for so long — and continues to do so. There was some initial attempt to cover up the bungling as a "mock exercise" (as was announced from the cockpit). The confusion reached its climax when National Security Guard commandos stormed the aircraft and reportedly roughed up a passenger thinking that he was a hijacker. To top it all, civil aviation secretary A.H. Jung went on record on television that there were "two hijackers who spoke broken English". When the nervous titters have died down, what needs to be asked is whether the same machinery of ineptitude will kick into life if and when a real hijack takes place.

THE HINDUSTAN TIMES

11/09/2002

# How did the false hijack drama unfold



Relieved passengers at Delhi airport on Thursday after the Alliance Air drama ended. — PTI

SANJAY SINGH  
STATESMAN NEWS SERVICE

NEW DELHI, Oct. 4. — A supervisor in the Alliance Air's operations control room here received an anonymous call at 11.23 p.m., saying the CD 7444 flight was going to be hijacked. The caller ID didn't register the originating number.

This set in motion a chain reaction and the officials at the ground and control tower went on cautioning each other without verifying the caller's claim, leaving the nation alarmed for over four hours.

The New Delhi-bound Alliance Air CD 7444 with 46 passengers and four crew members was already airborne. It had left Mumbai at 11.15 p.m. and was to reach Delhi after an hour and 50 minutes. The message was passed on to the duty manager who promptly informed the airline managing director, ATC tower and other officials. The ATC informed the director general of civil aviation, Mr HS Khola, and chief of civil

aviation security, Mr Veeranna Avialli.

With the 11 September terrorist attacks on the USA still fresh in their minds and several intelligence reports suggesting planes could be hijacked, Mr Avialli said the pilot should be asked to lock the cockpit door and take all necessary precautions. The aircraft was then flying past Ahmedabad.

The message was passed to the Ahmedabad ATC with the instruction that it should be conveyed to the pilot.

Herein lies the catch. Nobody checked the authenticity of the anonymous call. The ATC dutifully sent a message to the flight commander: "Your flight will be hijacked. Take all necessary measures."

The pilot immediately locked the cockpit door, asked the passengers to fasten their seat belts, activated sensitised

internal phones and informed the crew members of the developments. The crew deactivated the front toilet.

At this moment one passenger got up and started moving towards the front toilet and when he was asked by the crew members to use the rear one he became menacing. He demanded that the cockpit

door be opened and wanted to meet the commander. When that was denied he returned to his seat, demanded a blanket and started searching for something in his hand bag. He also

shuffled from one seat to another.

This made the cabin crew suspicious. The pilot at 11.25 p.m. pressed the 5700 frequency and put the plane onto that, thereby sending a clear message that the plane had been hijacked. The flight, however, went on as scheduled and landed in Delhi at 12.55 am.

Since the 5700 frequency had been activated the entire drill, which had been revamped after the Kandahar hijacking, was put in motion. The crisis management group — comprising Mr Union home minister Mr LK Advani, civil aviation minister Mr Shahnawaz Hussain, national security advisor Mr Brajesh Mishra, defence, foreign and home secretaries and other officials — met around 12.45 a.m.

**Ahmedabad denial:** The Ahmedabad airport director, Mr RC Chitkara, today denied that the Air Traffic Control had got an "anonymous call" saying the Mumbai-Delhi flight was being hijacked. No air safety drill was conducted in Ahmedabad ATC's air space, he said.

"Two hours of tapes (the flying time) of different frequencies in Mumbai, Ahmedabad and Delhi control zones are being played and the transcripts being forwarded to the civil aviation authority."

Ahmedabad airport securitymen said they hadn't been alerted by the ATC and learnt about the "hijack" from TV news.

On page 8

■ After false alarms, it was passing the buck

■ Enter Sir, after mid-Autumn nightmare

■ Govt pats itself on the back

# Angry PM orders probe

STATESMAN NEWS SERVICE

NEW DELHI, Oct. 4. — The Prime Minister's "extreme displeasure" over the hijack drama forced the Centre to overturn an inquiry ordered by the civil aviation minister this morning, and replace it by a "more high-powered" committee.

The home ministry is reportedly "upset" because the civil aviation ministry showed "excessive panic". Home ministry officials said the "poor handling of the situation" added to the confusion. The ministry may take up the matter soon.

The new committee will be headed by a special secretary in the Union home ministry, Mr SB Mohapatra. It'll include Mr HS Khola, director general of civil aviation, Mr Hasan Ghafoor, director of security, Air India, and another official from the home ministry. He'll probably be from the Intelligence Bureau.

Civil aviation officials were replaced by others whose inputs would be more impartial, officials said. The committee has no deadline, but it's expected to submit report within 15 days. The earlier committee com-

prised Mr Khola, civil aviation secretary Mr AH Jung and another member of the DGCA.

Delhi Police today lodged an FIR against "unknown persons" under the Anti-hijacking Act and IPC sections on illegal confinement and kidnapping.

Efforts are on to trace the person who called the Alliance Air office late last night and said the plane was being hijacked. Some persons at the Air Traffic Control in Delhi and Ahmedabad, too, are likely to be questioned.

PMO officials said Mr Atal Behari Vajpayee and other senior government functionaries spent an anxious, sleepless night yesterday as news of the "hijacking" poured in. Around 4.30 a.m., the civil aviation minister, Mr Shahnawaz Hussain, said the incident was "a false alarm," ending the almost four-hour ordeal.

The new probe is also meant to dispel suggestions that the incident was a "dry-run" or a "mock exercise" aimed at testing the efficiency of the "reactive systems".

Mr Hussain said: "It wasn't a mock exercise, nor a planted exercise. The ATC, Ahmedabad, had received a phone call and the message was sent to the pilot.



Ambulances in waiting outside Delhi airport after the Alliance Air plane landed late on Wednesday night. — PTI

We had accepted it as a hijack." He said since the attacks on the USA, the government had been receiving several such calls. He is satisfied with the manner in which the security and other personnel had responded to the situation. **Two held:** Panicky behaviour

of two passengers on the plane landed them in police custody. Taking them to be "suspected hijackers", the airport police registered a case of hijacking and illegal confinement against Mr Sunil Kumar and Mr Inder Sharma, residents of Uttam Nagar, Delhi. An air-hostess said they were

making anxious strides along the aisle and frantically trying to enter the cockpit. Police later found the two were innocent passengers, frightened by the hijack rumour and were trying to enter the cockpit in search of a safe place. Police are interrogating them.

# Speculation over CIDS ends

9-03 N  
By Our Special Correspondent

410-12

NEW DELHI, OCT. 3. The ripples created during the institution of the country's first integrated defence establishment at the higher levels subsided today. The Appointments Committee of the Cabinet (ACC) has formalised the appointment of Lt. Gen. Pankaj Joshi as the first Chief of Integrated Defence Staff (CIDS).

Lt. Gen. Joshi inspected the guard of honour on October 1 and moved into his newly-created office the same day following orders from the Chairman of the Chiefs of Staff Committee (CoSC), Admiral Sushil Kumar. There was wild speculation because the ACC had not put its seal on Lt. Gen. Joshi's appointment, cleared in principle at all levels. Question marks were put on the efficacy of an integrated command at the higher level when the first appointment had itself run into problems.

Clarifying the situation today, official sources said there was a slight delay in putting up the relevant file to the ACC because of the air mishap which killed the senior Congress leader, Mr. Madhavrao Scindia.

410  
Lt. Gen. Joshi will be responsible for providing assistance to the CoSc Chairman "to enhance the efficiency and effectiveness of the planning process and bring about the jointness amongst the armed forces," said an official news release announcing his taking over as CIDS. He will be supported by a Joint Integrated Defence Staff with elements from the three services and various departments in the Ministry of Defence and the Ministry of External Affairs. This is the first time that the initiative of a combined intelligence set-up in the armed forces is being attempted.

Lt. Gen. Joshi was commissioned in the first battalion of the Eight Gorkha Rifles in December 1962. During his early career he served in Ladakh, actively participated in the 1965 Indo-Pak. conflict and served in Sikkim, where he was wounded in a mine lifting operation. He has held several important instructional and staff appointments. Lt. Gen. Joshi's command experience includes the command of a mechanised infantry battalion, and an armoured brigade in the semi-desert sector.

THE HINDU

4 OCT 2001

# Advani asks Islamabad to hand over Masood Azhar

HT Correspondent  
Srinagar, October 3

UNION HOME Minister LK Advani today demanded that Pakistan hand over Jaish-e-Mohammad chief Moulana Azhar Masood to India so that he could be brought to justice for killing innocent people.

The Home Minister also asked the United States to include Jaish-e-Mohammad, responsible for Monday's suicide attack on the State Assembly, in the list of banned terrorist outfits.

Speaking to newsmen at the end of the meeting of the Unified Command here this evening, Advani drew parallels between the September 11 attack on the Pentagon and World Trade Center and the attack on the J&K Assembly.

"Pentagon represents the military might and WTC the economic might of America, whereas, the J&K Assembly symbolises democracy, secularism and the Kashmiri peoples' accession to India".

The Home Minister, who is here on a day's visit to assess security situation, said Pakistan was angry with the people of Kashmir for having rejected the two-nation theory and choosing India. "The attack on the Assembly is a manifestation of that anger".

Advani said bin Laden had denied his involvement in the September 11 attacks. "But in sharp contrast, the Pakistan-

## Seven terrorists among 12 killed in J&K

TWELVE PERSONS including 7 militants and 4 security personnel were killed in Jammu and Kashmir and 3 persons abducted by suspected militants since Tuesday night.

Three securitymen were killed and four others injured when militants detonated an IED at Chadana post near the LoC in Uri sector of Baramulla. The troops were returning after an overnight operation in which two militants were killed. One militant and a jawan were killed in an encounter at Gali Pindi in Poonch. In another encounter at Dana Uripura village in Poonch, a Harkat-ul-Mujahideen militant was killed and a policeman injured.

A foreign mercenary identified as Abu Hamzullah of Pakistan was killed when Army raided a Lashkar-e-Tayyeba hideout in Buthoo forest in Baramulla on Tuesday night.

PTI, Srinagar

based Jaish-e-Mohammad publicly owned responsibility for Monday's attack," he said.

"We believe terrorism is a global menace. It is a new kind of war the world is experiencing. It is in this backdrop that when the United States said that it needs global response, we endorsed their statement", Advani said adding, India expects Washington to reciprocate and include the Jaish-e-Mohammad in the list of banned terrorist organisations.

While Islamabad has disassociated itself from the Jaish, "Moulana Azhar Masood is in Pakistan", Advani said. He insisted that if Pakistan was really earnest in fighting terrorism, it should hand him (Masood) over to India so that he could be brought to justice.

The real targets of the suicide attack were the Ministers, MLAs

and MLAs. The attackers were heard crying, "where is Farooq, where is the Assembly hall," Advani said. He said the attackers were Pakistani nationals, unfamiliar with the area. "They did not know that the building they rushed into was not the Assembly".

Earlier, the Home Minister visited the Assembly complex, the scene of Monday's attack. He was accompanied by a high-level team, including Union Minister of State for Home Vidhya Sagar Rao, Home Secretary Kamal Pandey and Special Secretary (Home) Ashok Bandhari.

Advani also addressed a meeting of members of both the Houses of the State legislature. The Governor, Chief Minister and the heads of all security agencies attended the meeting of the Unified Command.

THE HINDUSTAN TIMES

4 OCT 2001

# Centre calls meeting of chief secys, DGPs

SFS  
9/10  
STATESMAN NEWS SERVICE 9.08 N. D. S.

**ATTACKS NO JIHAD: NAQVI**

NEW DELHI, Oct. 3. — The Centre has convened a meeting of state chief secretaries and director-generals of police to discuss the internal security in the wake of the terrorist attacks in the USA.

The meeting convened by the cabinet secretary will be addressed by the home minister, Mr LK Advani.

Though the decision to convene the meeting was taken prior to the attacks, it gained importance because of internal security threats in the wake of the terrorist blast at the Jammu and Kashmir secretariat killing 38 persons and severely wounding over 70 others and the imminent possibility of an American attack on Afghanistan.

Sources said if the deliberations of the meeting require further discussions over some issues then the Prime Minister might convene a chief ministers' meeting in the near future.

The security agencies would make audio-visual presentations before the participants to make them aware of the seriousness of the issue.

Besides focusing on the manner in which security at vital installations in different states and for the

NEW DELHI, Oct. 3. — BJP national secretary, Mr Mukhtar Abbas Naqvi, today said at a Muslim Backward Sangh meet that terrorist attacks cannot be termed as jihad as innocent Muslims were also being killed in the process.

The manner in which the terrorists had killed innocent Muslims make it clear that they have no religion and their only intention is to explode, terrorise and destroy, Mr Naqvi said. — SNS

public at large could be strengthened, it would also discuss how the state governments could make the ban on SIMI effective in real terms.

The necessity of police reforms to handle the changing nature of crime and other related issues are also to be addressed.

The chief secretaries would be briefed about the Centre and states role in disaster management of all kinds. It would stress on reducing the response time in summoning manpower and logistical support when calamity, natural or otherwise, strikes.

**THE HINDU**

4 OCT 2001

# Govt sees Osama hand in Srinagar attack

SANJAY SINGH & SHIVNATH JHA  
STATESMAN NEWS SERVICE

NEW DELHI, Oct. 2. — The government has linked yesterday's terrorist attack in the Srinagar to Osama bin Laden, while the Intelligence Bureau claimed that the Union home ministry and state government had been alerted about possible attacks on government installations.

Mr LK Advani will visit Srinagar tomorrow along with his ministry and intelligence officials, including the home secretary, Mr Kamal Pande. He will inspect the blast site and meet the legislators on the Assembly premises. He'll also attend a meeting of the unified command — comprising Army, para-military and police.

Home ministry officials said they had enough evidence to suggest that the Jaish-e-Mohammed, which had claimed responsibility for the attack, had direct links with Osama and his Al-Qaida outfit.

Home ministry officials said the incident had exposed Pakistan's double-speak on terrorism. Islamabad had claimed that no terrorist outfit operated from its soil. It also condemned the blast. But Jaish's statement had debunked its posture, officials said.

The Centre had substantive evidence, gathered by intelligence agencies, to prove that when Maulana Masood Azhar, the Jaish chief, was released in exchange of the passengers of the Indian Airlines plane on 31 December 1999, he was re-

ceived and escorted to a safe place by Osama's men.

Officials said Jaish's links with the Harkat-ul-Mujahideen also suggest that Osama could have been involved in the attack. Osama and leaders of

- **Pervez vulnerable on Kashmir, page 5**
- **Editorial: Not in today's world! page 6**
- **Death toll rises to 36, page 8**

seven terrorist outfits — including Fazrul Rehman of Harkat-ul-Ansar, now called Harkat-ul-Mujahideen — had taken a written pledge in 1998 and issued a decree asking Muslims to launch a *jihad* to kill Ameri-

cans and their allies till Mecca was liberated from "infidels".

An IB official said the agency had forwarded over a dozen reports since 1 July to the home ministry, J&K chief minister, Dr Farooq Abdullah, and the DGP, Mr AK Suri, on the militants' changed strategy and possible attacks on government installations.

He said most of the ultras in the valley were operating in police uniform. In the last three months, especially after the 11 September attacks on the USA, the IB had analysed the militants' new modus operandi and warned against possible attacks on government buildings, including the Assembly complex. The inputs had suggested intensifying security measures. The official regretted the "complete

lack of coordination between the intelligence, government and the enforcement agencies."

"The information regarding a possible attack on the Assembly complex was forwarded on Thursday afternoon," he said. The IB also had information about the 7 August attack in which 11 people were gunned down at Jammu Railway station, 22 July incident in which 10 villagers were killed at Cherjee village and the 23 September attack in which 13 policemen were killed by the militants at the DIG office.

"We work as informers and can only feed information. We can't intensify security arrangements. It's the responsibility of the home ministry and the state government," the IB official said.

THE STATESMAN

3 OCT 2001

# First integrated defence structure becomes operational

ND-11  
M10

9-  
D & N Security

By Our Special Correspondent

**NEW DELHI, OCT. 1.** The first tri-Service integrated defence structure became operational today as part of the move to reform the defence management system. Lt. Gen. Pankaj Joshi, named the first chief of the integrated structure with its own flag and emblem, inspected the guard of honour.

But for a small technical hitch, Lt. Gen. Joshi becomes the first Chief of Integrated Defence Staff (CIDS). Sources said the Appointments Committee of the Cabinet is yet to formalise his appointment which has been cleared at all the other levels. Simultaneously, four Vice-CIDS, including a senior Lt. Gen. heading the integrated Defence Intelligence Agency (DIA), will also be appointed. The three other Vice-CIDS will look after joint medical command, joint planning and joint training command.

Integration at the ground level will begin a week later when Vice-Admiral Arun Prakash will take over as the first Commander-in-Chief of the integrated Andaman & Nicobar Command. The original plan was to integrate at the higher level of the three Services by creating the office of the Chief of Defence Staff (CDS), to be supported by the Vice-Chief of Defence Staff (VCDS) and other officers. But inter-Service turf wars and the need for wider consultations at the political level led to the Government deferring the creation of the post of the CDS, who was expected to provide single-point military advice to the Government. His role will also be central in executing any political decision related to nuclear weapons.

As an interim measure, the post of the VCDS has been converted to CIDS which will be occupied by Lt. Gen. Joshi. "We have also identified all other officers of the three wings of the armed forces," Defence Ministry sources said.

The Government is also going ahead with other structural changes to promote joint planning and execution. An Integrated Procurement Board, headed

by the Defence Secretary, Mr. Yogendra Narain, has been set up to cut down on delays in procurement of military equipment.

## New Vice-Chief of Army Staff

By Our Special Correspondent

**NEW DELHI, OCT. 1.** Lt. Gen. N.C. Vij today took over as the Vice-Chief of Army Staff. He succeeds Lt. Gen. Vijay Oberoi who retired on Sunday, an official news release said.

Vice-Admiral O.P. Bansal took over as Director-General of Coast Guard from Mr. Rameshwar Singh who also retired on Sunday after 40 years of service.

Lt. Gen. Vij was commissioned in the Dogra regiment and was decorated with the Param Vishisht Seva medal for exceptional performance in counter-insurgency operations and Ati Vishisht Seva medal.

He was also awarded the Uttam Yudh Seva medal for distinguished service as Director-General of Military Operations during Operation Vijay (Kargil War). Lt. Gen. Vij has also commanded a brigade in the east in counter-insurgency and high-altitude area and a Rapid division in the desert.

He has also commanded two corps for three years which included a strike corps and counter insurgency operations in the north-east.

He is known to be a specialist in military operations and as DGMO, he was responsible for conceiving plans for rescuing army personnel stranded in Sierra Leone. Vice-Admiral Bansal, who took over as DG Coast Guard, began his career as Flag Officer specialised in gunnery and took part in the 1971 war as gunnery officer on INS Talwar. His command appointments include command of Sultanate of Oman Navy ship Al-Mansoor.

Among an important shore appointment was Fortress Commander Andaman and Nicobar islands.

THE HINDU

- 2 OCT 2001



# Delhi displays wound to the world

FROM PRANAY SHARMA

New Delhi, Oct. 2: India has launched an international as well as a domestic campaign to swivel the Kashmir Assembly attack spotlight on the "incongruity" of the rapprochement between the US and Pakistan.

Soon after Prime Minister Atal Bihari Vajpayee sent a letter to President George W. Bush, the junior minister in South Block, Omar Abdullah, stressed that India's patience was fast running out and Pakistan should realise this. "Enough is enough," he said, asserting that "there is a limit to testing India's patience. It will be better if this limit is not tested".

Abdullah ruled out any change in New Delhi's policy and said it was not contemplating "hot pursuit" across the border to deal with terrorists in Jammu and Kashmir. "The government is not advocating any hot pursuit. But this is not an indefinite situation"

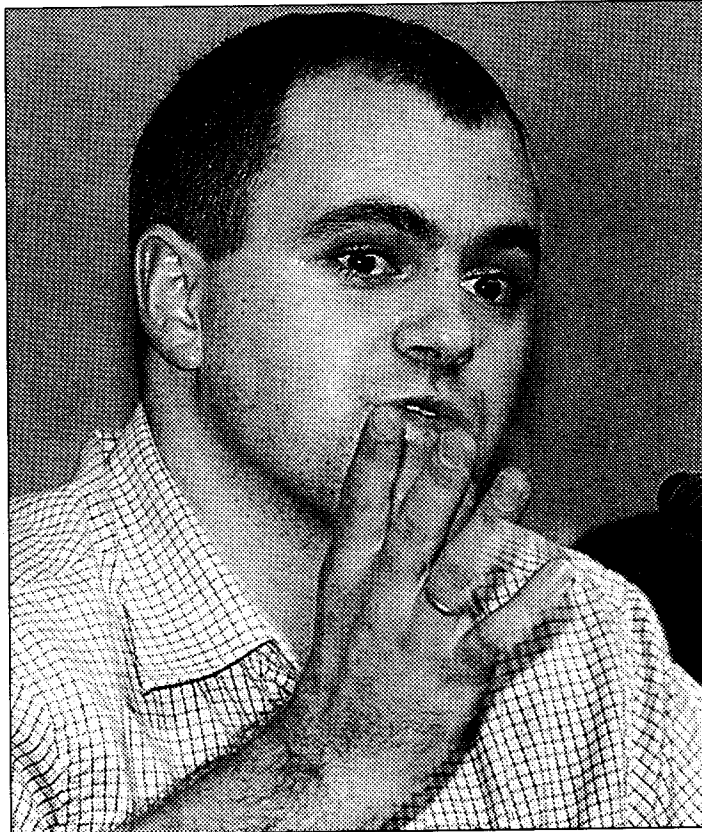
Asked what was the "lakshman rekha", he said: "It is not possible to quantify the limit as we are not in a position to pre-suppose what the militants are going to do. A section of the Indian population already feels that the limit has been reached."

But Abdullah called on the international community to keep in mind the close links between Pakistan and the armed rebel groups in the strife-torn state.

Indian policy makers see yesterday's attack as a Pakistani message intended for its domestic audience. "Pakistan's message is this: 'We have decided to go along with the Americans in their fight against the Taliban to ensure that there is no dilution in our Kashmir policy'," said an official.

Senior officials in South Block said the Prime Minister's letter to President Bush was aimed at delivering a clear message to Pakistan and the US, as well as the in-

MR PRESIDENT, PAKISTAN MUST UNDERSTAND THE LIMITS OF OUR PATIENCE



Omar Abdullah at the news conference in Delhi. (AFP)

ternational community.

By telling the Musharraf regime that India is running out of patience, New Delhi is trying to underscore that if the neighbour presses ahead with its policy of sponsoring cross-border terrorism, the Vajpayee government will have to act. On the other hand, it is also aimed at telling Islamabad that India is aware of its game plan and will not take it lying low.

The letter also makes it clear to the Americans that if a terrorist attack against your people is a crime, so is it in Kashmir. It is a sig-

nal to Washington that India will not accept the view that terrorism in Afghanistan is an evil, while it can go on in Jammu and Kashmir.

Abdullah told reporters that yesterday's suicide strike was a reminder of the links between the terrorists operating in Kashmir and the al Qaida network.

Describing Pakistan as "the fountainhead of terrorism" in the region, he said Islamabad was forced by international pressure to join the war against global terrorism. "Since then, it has been clear that these efforts are half-hearted



The following is the text of Prime Minister Atal Bihari Vajpayee's letter to US President George W. Bush sent last night after the terrorist attack on Jammu and Kashmir Assembly in Srinagar

Dear Mr President,

I write this with anguish at the most recent terrorist attack in our state of Jammu and Kashmir, which has killed 27 people so far and injured over 60, through a car bomb outside the state Parliament. A Pakistan-based terrorist organisation, Jaish-e-Muhammad, claimed responsibility for the dastardly act and named a Pakistani national based in Pakistan as one of the suicide bombers involved.

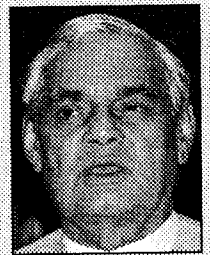
There has been understandable anger in the country at this wanton act of violence. Ironically, it comes only a day after the President of Pakistan announced on television that Pakistan has no terrorist groups operating from its territory.

Mr President, the world is still coming to terms with the horrendous events of September 11. India joined wholeheartedly with the United States in its goal for the destruction and defeat of the global terror network which you eloquently announced in your address to the Congress. With you we condemned any nation that continues to harbour or support terrorism.

We fully understand that in resolutely countering the terrorism that attacked USA on September 11 you are discharging your core responsibility for the interest and security of the people of the United States of America. We are with you and do not wish to overload the agenda in any way. However, incidents of this kind raise questions for our security which, as a democratically elected leader of India, I have to address in our supreme national interest. Pakistan must understand that there is a limit to the patience of the people of India.

I have asked my external affairs minister, Jaswant Singh, who is now in Washington, to convey to you more fully our sentiments in this regard.

With regards,  
Yours sincerely,  
A.B. Vajpayee



and Pakistan is hoping to use the umbrella of its reluctant support to the international coalition to minimise any damage to its terrorist structure in Afghanistan and to isolate the terrorist structure in Kashmir from the process."

Abdullah pointed out that while India is not asking the US to bomb the terrorist camps in Kashmir, it wanted Washington to put many more outfits like the Jaish-e-Mohammad, the Lashkar-e-Toiba and others on the terror blacklist and freeze their assets.

The minister said that after the

recent UN Security Council resolution on a global campaign against terrorism, Pakistan, which by its own admission has been extending diplomatic and moral support to the terrorist outfits, would find it difficult to do so. "Even the US cannot ignore what is happening in our region and remain satisfied by only taking action against Osama," he added.

Stating that Delhi has provided "credible" evidence to the US on Jaish's close links with bin Laden's group, Abdullah added that the Saudi exile had reached an

agreement with Harkat-ul Mujahideen leader Fazlur Rehman to launch a jihad against America and its allies. On resumption of talks with Pakistan, the minister said: "We will talk at the right time and at the right place. But this is not the right time."

Asked whether the situation in Jammu and Kashmir would ease if a broad-based government replaces the Taliban regime in Kabul, he said: "Some effect could be there but, for any meaningful de-escalation, Pakistan must stop sponsoring terrorism."

# THIRTYONE KILLED, COUNCIL GUTTED, SPEAKER RESCUED

## Suicide bomber targets J&K Assembly

By Shujaat Bukhari

**SRINAGAR, OCT. 1.** Twentytwo persons, mostly civilians, were killed and 60 injured when a suicide bomber blew himself up outside the Jammu and Kashmir State Assembly here today.

In the gunbattle that followed, two militants of the Jaish-e-Mohammad, four employees of the legislature and two BSF jawans were killed and 12 security personnel, including a Superintendent of Police and a Deputy Commandant, injured. The Legislative Council was gutted.

The Chief Minister, Dr. Farooq Abdullah, and his Ministerial colleagues had left the venue but the Speaker, Mr. Abdul Ahad Vakil, the Chairman of the Legislative Council, Mr. A. R. Dar, the Law Minister, Mr. Mushtaq Lone, and some other legislators were rescued by the Border Security Force.

Around 1.50 p.m., a Tata Sumo, bearing the registration number, JK01C-1342, forced its entry through a sealed point at the Jehangir crossing towards the Assembly complex. The militants, in

police uniform, had hijacked the Government vehicle from Babarshah area. The vehicle went past the barricade, where many security personnel are posted, to the gate. Three militants alighted from the vehicle while the fourth blew himself up along with the vehicle carrying explosives. The vehicle exploded with a deafening sound, killing at least 14 persons on the spot besides smashing a number of vehicles.

Meanwhile, the three militants sneaked into the complex, firing in all the directions. Mr. Lone, who was inside the complex, told *The Hindu* "I had just come out of the Assembly and was with the Chairman of the Council when the blast took place. We were told that the militants were inside and had shot at least four persons. The two persons I had sent to inquire about the incident returned with bullet injuries."

The Director-General of Police, Mr. A. K. Suri, and the Deputy-Inspector General, BSF, Mr. B. N. Kabu, came with reinforcements and rescued him, along with Mr. Vakil, Mr. Dar and many other legislators, Mr. Lone said.



All that remains of the vehicle used in the suicide attack in Srinagar. — Photo: Nissar Ahmad

The militants engaged the security forces in a gun battle inside the complex, which ended at 8.00 p.m. Two militants and two BSF

jawans were killed. Around 12 personnel of the Special Operations group, the J & K police, and CRPF personnel were injured. The SP of the SOG, Budgam district, Mr. Sunil Dutt, and the Deputy Commandant of 66 Battalion, BSF, were also injured. All the roads leading to the area have been sealed and a curfew-like situation is prevailing.

Police said the identity of the slain militants was yet to be established. They were not sure of what happened to the surviving militant. Most probably, he escaped, they said.

The deceased included an Under-Secretary of the Assembly,

Mr. M. K. Handoo, and the official driver of the Speaker.

The Assembly had completed its business for the day and the Council had been adjourned shortly before the blast. Dr. Abdullah had left the venue around 1.15 p.m. Mediapersons had also left.

The Jaish-e-Mohammad has owned responsibility for the blast and said the suicide bomber was Wajahat Hussain, a resident of Suba Sarhad Pakistan. The spokesman of the outfit, who rang up a local news agency, CNS, did not divulge the number of other militants or their identity.

More reports on Pages 11, 12

## Stern warning to Pakistan

By Our Special Correspondent

**NEW DELHI, OCT. 1.** India today issued a virtual ultimatum to Pakistan to stop aiding and abetting terrorism after militants led by a suicide bomber attacked the Jammu and Kashmir assembly today.

"India cannot accept such manifestation of hate and terror form across its borders. There is a limit to India's patience", a hard-hit-

ting statement issued by the Ministry of External Affairs after a meeting of the Cabinet Committee on Security concluded this evening said.

The Cabinet Committee on Security (CCS), presided over by the Prime Minister, Mr. Atal Behari Vajpayee, met for nearly two hours late this evening to discuss the prevailing security situation in Jammu and Kashmir in the wake

of the storming of the State Assembly. The statement described the Pakistani President, Gen. Pervez Musharraf's declarations that the offices of the Harkat-ul-Mujahideen, a known terrorist group had been closed as a 'cosmetic step' taken under international pressure. Pakistan, it said "continues to be a country that aids, abets and sponsors terrorism and terrorist networks."

THE HINDU

OF HINDU

2 OCT 2001

# Joshi takes over as first CIDS

New Delhi, October 1

LIEUTENANT-GENERAL PANKAJ Joshi today took over as the country's first Chief of Integrated Defence Staff (CIDS) and Lt-Gen NC Vij as the new Vice-Chief of Army Staff.

Gen Joshi, who was till recently the Central Army Commander, took over after laying a wreath at the Amar Jawan Jyoti and then became the first Lieutenant-General to inspect a tri-Service guard of honour at South Block before taking charge of his new assignment, signalling the Government's determination to move ahead with rapid integration of the three Services.

Joshi, who will be of the rank of Vice-Chief of Defence Staff, will work under the Chairman, Chiefs of Staff Committee, a post presently held by Navy Chief Admiral Sushil Kumar.

Officials said with the appointment of General Joshi, Government would appoint within a week four Vice-CIDS including one senior Lt-Gen heading the newly-constituted defence Intelligence agency.

The three other Vice-CIDS would look after joint medical



Lt-Gen Pankaj Joshi arrives at South Block to take charge as the first Chief of Integrated Defence Staff on Monday.

command, joint planning and joint training command.

A recipient of Param Vishisth

Seva Medal and Ati Vishisth Seva Medal, Joshi was commissioned into the Eighth Gorkha

Rifles and saw action in the 1965 Indo-Pak conflict. He was severely wounded in the Sino-Indian clashes in Sikkim in 1967 forcing him to walk on artificial limbs. Joshi has held important staff, instructional and command appointments, including commanding a mechanised brigade in the semi-desert area, command of an armoured division and the country's sole desert corps.

He has held the charge of additional director general mechanised forces and the commandant, college of combat, MHOW.

The new Vice-Chief of Army Staff, Lt-Gen NC Vij, is a highly decorated officer specialising in military operations and is the only officer after late Gen Sunderii to have the distinction of commanding two Army corps — including the country's strike corp and a counter-insurgency corp in the North-east.

Gen Vij was the DGMO during Operation Vijay against Pakistani intruders in the Kargil sector. He was also responsible for planning Operation Khukri to extricate trapped Indian peacekeeping contingent in Sierra Leone.

PTI