

Crisis of a Troubled Age

Suddenly all are in it together—ruling Congress in the lead, opposition Bharatiya Janata Party (BJP) enjoying their conventional anti-terror wisdom, political left lying low, no doubt, for the loopholes. After a brief discussion in parliament, ostensibly to respect parliamentary decorum the National Investigation Agency Bill 2008 and the Unlawful Activities (Prevention) Amendment Bill were passed without much furor. The real purpose of the tougher law is to keep anybody supposed to be involved in ‘terroristic’ activities, real or imaginary, behind bars without trial for 180 days. Law and Order being a state subject, the left is making some noises here and there without really showing any resolve to fight the Centre’s long-term design to curtail state’s power by the backdoor under the pretext of combating terrorism. The popular notion of treating states as greater municipalities is likely to get re-enforced because under the new law national investigation agency (NIA) officers will have sweeping powers to take action against terror-related offenders without consulting respective state authorities. There are so many draconian laws to silence the aggrieved and yet they need more to show the world that India is a democracy without democrats. The budget season is not far away. Nor is the next general election a distant reality. All things considered they want staples, popular staples, to sell in vote market. And the bogey of terrorism is a nice ploy to terrorise ordinary people. After America and China, India may qualify as the biggest prison house for the poor and political opposition. Prison population is on the rise. So is political chaos. And surprisingly there are no political prisoners! Those who are arrested even during peaceful and non-violent agitation against dispossession and deprivation are tried under different sections of criminal law. All are ‘criminals’, if not terrorists.

But political aspect of terrorism is not that simple. The very definition of terrorism varies from place to place and from time to time. Kashmir terrorists despite their religious tag are treated as liberators in Pakistan. To the people of North East those who die in ‘encounter’ with security forces are martyrs, fighting for the liberation of people. The ‘terrorists’ of British period are today honoured as freedom fighters entitled to pension. To defend oneself under the new law will be difficult and cumbersome as well. Even lower courts are so costly these days that ordinary people never hope to get justice and the new detention law, rather counter-terror law will designate special courts to try the arrested making justice even more costlier and murkier.

That such laws are always used against political dissidents is a fact of life. To talk about adequate safeguards against misuse of the law is ludicrous because all Acts have safeguards and lacunae as well to bypass them.

India is already a police state, notwithstanding the existence of a functional democracy. The way human rights activists are being terrorised in different states under different notorious state laws has no parallel in the world. Then the ‘naxalites’ (or maoists) simply disappear or die in false encounter while the lucky ones languish in jails for life without trial. The rising incidence of custodial death in India’s police lock-ups is being condemned by all international human rights bodies. All this is happening without any tougher law. In other words existing laws are no less pervasive and harsh than the envisaged new ones.

This anti-terrorism law has a foreign angle aimed at sending message to Pakistan. But home-grown terrorism is under severe attack even from some ruling quarters. While debating the anti-terror bills in parliament the Union Minority Affairs Minister A R Antulay made some odd comments, regarding the murder of Maharashtra’s Anti-Terrorism Squad chief Hemant Karkare, to create an embarrassing situation for his party—Congress, as also the main opposition—BJP. In plain language he hinted at the possibility of misuse of the new law against the minority community. But terror-hysteria was so overwhelming that nobody had any time to think over Antulay’s anecdotes. The point at issue is whether human rights activists will be allowed to fight against violation of human rights under the new law.

After all confidence cannot be restored from the top. One of anti-terror rhetorical pronouncements is to make the November tragedy of Mumbai sound a lot like the holocaust. The new law will not appeal to the wretched of the earth who are suspicious of government’s every ‘pious’ move and for good reason. Maybe, ‘there is more than what meets the eye’. □□□