

Teachers and the War on Terrorism

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POTA and Civil Rights

The interesting thing about the topic of POTA is that there is a significant common ground between those who support it, and those who oppose it. The common ground is that everyone agrees that POTA is a draconian law. Those who support it do so precisely because it is draconian; they think that the current context is such that nothing less than draconian laws are needed. The characterization of POTA as draconian, therefore, is not a product of left-wing activism. Mrs. Sonia Gandhi, who is not known to be a left-wing activist, has used the expression repeatedly in her speeches.

There is also considerable agreement as to why POTA is to be characterized as draconian. There is a clear perception that there are aspects of the Act that violate some well-enshrined principles of natural justice. For example, natural justice requires unconditional protection to the accused to enable him to prove that he is innocent; there are aspects of POTA that infringe upon this principle: confession of an accused can be used as evidence against him, filing of chargesheet can be delayed by upto six months, an accused under POTA cannot ask for bail, and so on. It is nobody's case that POTA is harmless or that it promotes civil rights. So, the only issue before the nation is whether there is some *other* justification for POTA that overrides considerations of rights.

A direct justification for POTA is written in the title itself: prevention of terrorism. POTA is supposed to be an instrument in the hands of the Indian state as it participates in the global War on Terrorism. Does POTA prevent terrorism? According to official US documents, "terrorism" is defined as "the calculated use of violence or threat of violence to attain goals that are political, religious, or ideological in nature [carried out] through intimidation, coercion, or instilling fear."¹ We might all agree on the literal meaning of this definition without agreeing on where to apply it. This gives the term its well-known ambiguity. As Noam Chomsky points out, the literal definition cannot be used, "for one reason, because it is a close paraphrase of official government policy; accordingly, the

propagandistic version is preferred: terrorism is terrorism that is directed against the U.S. and its friends and allies”. The shift from literal meaning to propaganda enables the US to lead the world *against* terrorism while engaging in terrorist acts of unprecedented scale in history.

The official definition thus leads to two basic forms of terrorism depending on who is carrying out “the calculated use of violence through intimidation, coercion, or instilling fear”. It could be either a group of individuals or an organization functioning essentially outside the jurisdiction of the state, or, it could be the state itself. The point is poignantly expressed by Mr. S. A. R. Geelani in his statement after he was sentenced to death by the designated Special Court for POTA. “I have always considered terrorism”, he said, “be it unleashed by the state or by parties outside the state, as condemnable and have clearly criticised it”.² No doubt, the current protests against terrorism, that has engulfed the world since 9/11, basically concerns the parties mentioned by Geelani: terrorism of the state, and elusive transborder organisations capable of causing massive violence such as 9/11 or the attack on the Indian Parliament.

In either case, it is obvious that the expression “prevention of terrorism” has no real meaning. Laws need states to formulate them. Which state will formulate a law to prevent the terrorism of the state? The point applies, by extension, to all organizations that satisfy the official definition, and which are supported or encouraged by the state, even if these organizations are not direct arms of the state.

For the other variety of terrorism, that is, for people who attacked the Indian Parliament, or the Akshardham temple, or who are constantly engaged with the security forces in Kashmir, the expression “prevention of terrorism” again has no real meaning, since these groups function outside the scope of the law in any case, POTA or no POTA. When people are prepared to give their lives in suicide attacks or in direct encounters with the police and the army, it is obvious that they wouldn’t care about what is written on a piece of paper somewhere.

In fact, it could well be that such groups welcome the enactment of draconian laws that infringe upon civil rights. As civil rights are curbed, the space for open democratic expression of dissent shrinks, while dissent itself grows because of the application of the laws themselves. The real terrorist hopes, with some justification, that some of this

unexpressed dissent will flow to swell their ranks. In any case, there is no evidence to suggest that laws such as POTA have any effect on the acts of non-state terrorism under discussion. If anything, terrorism of the most atrocious kind has been on the increase since the inception of POTA, as event after event brutally testify.

In view of the preceding analysis, it is hard to dispel the apprehension expressed by Noam Chomsky in his letter to the Delhi University Teachers In Defence of S. A. R. Geelani. “The atrocities of 9-11”, Chomsky wrote, “were exploited in a vulgar way by governments all over the world, in some cases by escalating massive crimes on the pretext of “combating terrorism,” in others by implementing repressive legislation to discipline their own citizens with no credible connection to preventing terrorist threats, in some cases by carrying out programs that had not the remotest connection to terrorism and might even enhance it and that were opposed by the majority of the population.” In that sense, “the authentic threat of terrorism” is sought to be exploited “as a window of opportunity for intolerable actions.”³ Contrary to official proclamations, therefore, it seems that laws such as POTA, instead of preventing terrorism, in fact increase both forms of terrorism. POTA can only be viewed as an instrument for instilling fear and prejudice among the people. Notice that this consequence matches the official definition of terrorism.

Capitulation of Institutions

Before the enactment of POTA, these apprehensions were repeatedly raised not only by civil rights organizations, but also by much of the mainstream political spectrum, not restricted to the left. Most importantly, leading newspapers, who otherwise scrupulously adopted the propaganda emanating from the US in the name of War on Terrorism, opposed POTA in no uncertain terms. However, sensing the “window of opportunity”, the BJP-led government first promulgated the ordinance POTO by executive order, and then took the singular step of calling a joint session of the Parliament to turn the ordinance into an act. The entire opposition, led by the Congress, boycotted the proceedings; some members even of the ruling coalition either withdrew support or abstained from voting. But the government scraped through by roping in Mayawati’s BSP and Jayalalitha’s AIADMK.

Given the scale of the opposition before the enactment of POTA, it was natural to expect, in a meaningful democracy, that the media and the political opposition would not only continue with the protests, they would keep a sharp watch on how the Act was used by the law-enforcing agencies. In contrast, almost all opposition to the Act virtually died out once it was enacted. The only people to keep the flames of democracy flickering were civil rights organizations. An impression was created, with the obedient help from the media, that the atrocious attack on the Parliament left no options but to follow the government's suit, as if the promulgation of the Act earlier – recall that POTO was already in place when the Parliament was attacked – would have prevented the attack from taking place.

However, except may be from some sections of the upper classes, there was no popular demand that something like an internal emergency be imposed as a response to the attack. Yet, the government proceeded to do just that even as the actual cases of terrorist attacks, frequently on innocent civilians, continued unabated. Jayalalitha and Mayawati targetted their political opposition to arrest Vaicko and Raja Bhaiyya respectively under POTA, and threatened to arrest other members of the opposition in Tamilnadu and UP. The Home Ministry used the opportunity to control democratic dissent in Kashmir by arresting dissident leaders and journalists. More importantly, hundreds of hapless individuals, typically poor and muslim, were picked up virtually at random on charges most of which subsequently failed legal scrutiny, but only after they suffered months and years of incarceration and torture, without protection from the law. As noted, except for the valiant efforts by small groups of individuals working with civil rights organizations, the political order and the media not only stood and watched, they were frequently seen applauding the efficiency of the security agencies for making so many arrests in such a short time.⁴ No one complained as the budget for internal security was raised manifolds while the safety nets for common citizens, especially dalits, workers and minorities, were progressively withdrawn, as the noted civil rights activist Gautam Navlakha observed recently.⁵

Why have the media and the opposition fallen in line on the issue of POTA? What is it that has enabled an increasingly authoritarian state to impose its will on an otherwise pluralist society?⁶ How could so much fear and prejudice be injected into the minds of

the general population in such a short time? Why did the people of Gujrat vote Narendra Modi to power? Why hasn't the nation burst into massive rage as even the right to strike is progressively withdrawn from the working people? Why didn't the people of India come out in the streets to join the anti-war demonstrations, while millions marched in hundreds of cities across the globe? Why did the formation of the evil US-Israel-India military axis go virtually unopposed?

Needless to say, I do not have ready answers to these deeply disturbing questions.⁷ Nonetheless, it seems that the very asking of these questions suggests that the nation has already lost considerable democratic space in the recent years, the loss accelerating as the government attempts to exploit the window of opportunity created by the US-sponsored War on Terrorism. Analysis therefore must accompany resistance if the residual democratic order – in fact, the human race – is to survive.

University Teachers

Given the role of the media and the official political order, who will assist the people to resist? In my opinion, this urgent question reopens the old issue of the responsibility of the intelligentsia in interpreting and changing the world. In particular, teachers in the Indian university system enjoy perhaps the maximum benefits of the combined effects of democracy, freedom of expression, globalisation of knowledge, and skewed economic development. By their very location, they are partly immune from the repressive mechanisms of the state: who will dare touch a professor, unless of course he is just a lecturer of modest origins, young, muslim and has a Kashmir-connection? As a community, university teachers are still viewed with considerable respect by the rest of the general population. We have access to the pillars of power, media, the political and the legal systems, and institutions and agencies abroad. Most importantly, we have access to unlimited knowledge and are trained to disseminate it. In sum, we are in the most coveted position of being able to see through the cloud of propaganda and prejudice, and the freedom and the ability to do something about it.

By the same token, however, the community as a whole is not exactly the harbinger of real social change. We cannot be so opulent in this obscenely unequal world order without developing some vested interest in its continuance. On the other hand, our relative distance and autonomy from the real seats of power make us at least partly

vulnerable to the long arm of repression as an authoritarian state becomes increasingly belligerent. We need only recall the fate of intellectuals in Chile, Indonesia and, more recently, in the erstwhile East Pakistan. We are still some stretch away from that stage, but the current attacks on the autonomy and the size of the university system are pointers of things to come if we do not intervene. It is upto us then to decide how best we face these conflicting currents of history in the intervening time.

The least we can do, once we have unmasked the propaganda of the state, is to tell the powers that the truth is out. Once the truth is uncovered and laid before the people, someone somewhere will pick up the thread and proceed to develop more sustainable forms of resistance. If we still have the energy and the courage, we can use our relative insularity from repression to help raise a protective wall around this resistance so that it can grow inside.

Some of us in Delhi University feel that the task begins at home. We can and must unmask the truth about Iraq if we know how to do so, but it is not going to have a dazzling effect on the cause. But if there is a cause next door, perhaps involving some member of our own community, where the attack on civil rights, or maybe on a life itself, is a clear signal of the growing belligerence of the state, then our acts of resistance will have a clear meaning. We feel that the persecution of our colleague Syed Abdul Geelani is such a case.

(Talk delivered in the public meeting on “POTA and its Implications for Indian Democracy” organized by Punjab University Teachers Association, Chandigarh, 19 October, 2003)

Notes and References

¹ See Noam Chomsky, 'Peering into the abyss of the future', D. T. Lakdawala Memorial Lecture, New Delhi, November 2001. See also Edward S. Herman and David Petersen, 'Who Terrorizes Whom?', *Zmag.org*, October 2001.

² See the website of the All India Defence Committee for Syed Abdur Rehman Geelani, www20.brinkster.com/sargeelani.

³ See the preceding website for the full text of the letter; also, *Revolutionary Democracy*, Vol. IX, No. 2, pp. 51. See this journal, and the website

<http://www.mnet.fr/aiindex/new/indefenceofJilani092003.html> for information on Delhi University Teachers in Defence of S. A. R. Gilani.

⁴ For the role of the media in the Geelani case, see the press statement of 18 September, 2003 from the Delhi University Teachers in Defence of S. A. R. Gilani in the items cited in note 3. Some of this was subsequently reported in the *Statesman*, *The Hindu*, *Navbharat Times*, *Asian Age*, and other papers on 19 September. See the *Times of India* (X-files, 21 September) for a recent example of the biased role of the media; see the responses from Delhi University teachers (TOI, Letters to the Editor, 7 and 10 October).

⁵ See the press statement by Delhi University Forum for Democracy, 25 September, 2003, carried in the *Hindu*, 26 September.

⁶ See my 'A Parliament Adjourned', *Economic and Political Weekly*, Vol. XXXVI, No. 52, December 29, 2001 for some preliminary reflections on these questions.

⁷ See my 'On Reasons for the State', *Indian Social Science Review*, Volume 1, No.2, July-December, 1999, for some analysis of shrinking of democratic institutions in India.