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The development of efficient and effective counter-terrorism strategies have posed challenges for many governments since the events of September 2001. For India – with a population of over one billion people, experiencing rapid urban development, and significant resource and funding constraints - these challenges may seem overwhelming.

Approaching the third anniversary of the 2008 Mumbai terrorist attacks, this Briefing Paper reviews the responses of Indian policing and security agencies to a seemingly well-orchestrated insurgency campaign. Highlighted in this paper are the dilemmas in policing mega-cities; effective and efficient co-ordination of security agencies across national, state and local divides; and the training and responses of frontline police officers to incidents of terrorism. As this Briefing Paper notes, India's dilatory responses will continue to leave its citizens vulnerable to terrorism for the foreseeable future.

This Briefing Paper highlights the work of Dr Ashutosh Misra, a CEPS Research Fellow with expertise in South Asian cultural, political and security studies. Dr Misra was formerly a Research Fellow, and Pakistan and Jammu and Kashmir Watcher, at the Institute for Defence Studies and Analysis (IDSA), New Delhi, a think-tank of the Indian Ministry of Defence.



Dr Ruth Delaforce
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Third Anniversary of 2008 Mumbai Terrorist Mayhem: Lessons for India

Dr Ashutosh Misra

Recap of the 60 Hour-Siege

26 November 2011 marks the third anniversary of a dark chapter in India's encounter with terrorism. Three years ago, ten heavily armed terrorists of the Pakistan-based Lashkar-e-Toiba (LeT), trained by the Pakistan's intelligence agency, the Inter-Services Intelligence (ISI), carried out a brazen 60-hours spine-chilling siege of the Mumbai city in which 170 people including security personnel and 26 foreign nationals were killed (Annual Report, 2008-09). In groups of two, the terrorists began their bloody operation at the Leopold Café in Colaba, a favourite tourist spot, and then moved to the Chatraparti Shivaji Terminus railway station, Cama hospital and Nariman House (owned by the orthodox Jewish community), firing indiscriminately, hurling grenades and planting bombs in taxis, on the way. Eventually, they entered the Taj Mahal hotel and the Trident Oberoi hotel, taking hostages and isolating western (American and British) tourists by ascertaining their nationalities from their passports. In one instance, while they killed the hostages, including a Singaporean girl, they spared the lives of a couple from Turkey, regarding them as their 'brethrens'.

Subsequent investigations revealed that the terrorists had captured the Indian merchant vessel "Kuber" after killing its navigator Amarsingh Solanki, and then used an inflatable speed boat to enter Mumbai through the sea route, equipped with automatic weapons, grenades and explosives (Indian Express, 25 May 2009). In the subsequent counter-terrorist operations undertaken by the by the Mumbai police, Mumbai anti-terrorist squad (ATS) and National Security Guard (NSG), the frontline commando force, all, but one of the terrorists - 22 years old Ajmal Amir Kasab - were killed.

Investigations, Confessions and Convictions

During the disjointed and ill-coordinated security operations, Kasab was captured alive and has since been held in the Arthur Road Jail in Mumbai. Kasab has been sentenced to death by the local Mumbai court on four counts under the *Unlawful Activities Prevention Act 1967*, of waging war against India, murder, conspiracy to commit murder, and abetment. During investigations he confessed that the objective was to destabilise India, seek the liberation of Kashmir, and terrorise and kill as many people as possible (Indian Express, May 25, 2009).

Pakistan, after initial denials over the nationality of the terrorists, conceded that they were indeed Pakistanis (Kamal and Baruah, 2009). Under intense Indian and international pressure, Pakistani Interior Minister Rehman Malik also admitted that



The iconic Tajmahal Hotel in Mumbai in flames during the 72-hours siege by Lashkar-e-Toiba terrorists in November 2008

part of the planning was done in Pakistan. India had provided several dossiers, based on the investigations of Kasab and transcripts of the wireless intercepts of the communication between the terrorists and their handlers in Pakistan, to the Pakistani authorities to act upon. Pakistani authorities later arrested the alleged mastermind, Zaki-ur-Rehman Lakhvi, and five others, including Hammad Amin Sadiq, Zarar Shah, Mohammed Ashfaq, Javaid Iqbal, and Abu Al-Qama. However, India has maintained that Hafeez Saeed is the key accused who must be arrested for undertaking this and other terrorist attacks against India. In an interview in June 2011 Pakistani Interior Minister Rehman Malik responded, "We had detained him (Hafiz Saeed, LeT leader). The law does not go by statement but evidence. If we are provided actionable evidence we will act against him" (Indian Express, June 29, 2011). Pakistan's Information Minister, Sherry Rehman, also officially acknowledged that Kasab was a Pakistani national (Dawn, January 8, 2009). In November 2011, the Pakistani government dropped the *Jamaat-ud Dawaa* - a front organisation for the LeT - from the new list of proscribed terror groups, indicating an unwillingness by the Pakistani establishment to act against Hafiz Saeed and LeT, an organisation with a global reach that has also reportedly established links with al-Qaeda (Hindustan Times, November 8, 2011).

In a significant development in the case, the name of David Coleman Headley emerged during investigations. It later turned out that Headley, a Pakistan born American and LeT operative, had undertaken an extensive reconnaissance of the Mumbai city, identifying entry and escape routes, and likely targets. In recent legal proceedings in the US, Headley testified that the ISI had planned the entire Mumbai operation in tandem with the LeT. In his testimony he implicated Major Iqbal of the ISI, Hafiz Saeed, Tahawwur Rana, a Pakistani-Canadian resident in the USA, and four others for involvement in the Mumbai attacks (Hindustan Times May 24, 2011).

Tahawwur Rana, who was later acquitted of the charges of providing material support to the Lashkar-e-Toiba in the Mumbai attacks, had put the spotlight on the ISI during the trial when he said in his defence that his actions "were done at the behest of the Pakistani government and the ISI, not the Lashkar terrorist organization". He argued acquittal on grounds of "Public Authority Defense," under which an act is undertaken at the behest of a government or its official authority. The objective was to claim immunity from criminal proceedings in United States courts under the Foreign Sovereign Immunities Act because "the ISI has authority to act in India to protect Pakistan's national interests" and he was acting as a state agent. The Illinois court

where the trial was being held, however, noted that "that he [Rana] is entitled to a public authority defense because he acted under the authority — whether actual or apparent — of the Pakistani government and the ISI." The court rejected the defense saying that the, "Defendant cannot rely on the authority of a foreign government agency or official to authorize his violations of United States federal law." Rana's defense plea again exposed the rogue nature of the ISI's operations and its close affiliation with Lashkar-e-Toiba and other terrorist groups. Eventually, Rana was convicted in another case for providing material support to the terrorist plot against the Danish newspaper *Jyllands-Posten* which had published the controversial cartoons of Prophet Muhammad in September 2005 (Rajghatta, 2011).

Pakistan later reportedly hired Dallas-based Locke Lord Bissell & Liddel law firm to block a lawsuit brought by the relatives of the 2008 Mumbai Jewish attacks in the USA. The lawsuit charged Lt. General Ahmad Shuja Pasha, the current ISI chief and his predecessor, Nadeem Taj, with complicity in the Mumbai attacks (Hindustan Times May, 24, 2011).

Mumbai City Since 26/11

On 13 July 2011, Mumbai bled again when terrorists detonated bombs in the busy market places at Zhaveri bazaar, Opera House and Dadar, killing 21 civilians and injuring another 100. The blasts paralysed the financial life of Mumbai, where gold and diamond trading is a major component. This was the ninth time Mumbai has been targeted in two decades. In 2006, a Mumbai local train was bombed in which 2009 people were killed.

In a country of one billion plus people, cities with a high population density like Mumbai, are a security nightmare for the police. Due to greater job opportunities than rural areas, Mumbai attracts people from far and wide, and providing blanket security on every nook and corner is absolutely impossible. A huge mass of people daily commute to Mumbai using public transport, working in crowded market places with numerous entry and exit routes. While CCTV cameras

can capture and reveal the footage of a terror suspect placing a bomb later, on the day, police personnel on the ground are surrounded by a sea of people and are likely to overlook or miss critical opportunities to intervene preemptively. As it is, the country has the lowest police-population ratios (PPR) according to international norms. Nationally, PPR for India stands at 160 police per 100,000 population; in Maharashtra the PPR stands at 155, much better than other states in India, but not sufficient by international standards.

India's Security Apparatus Revamp

In the wake of the Mumbai 26/11 episode, India thoroughly revamped its security apparatus to meet the rapidly changing nature of terrorism. However, India with its porous borders, deep-rooted ongoing disputes with neighbours, tense inter-community relations (especially between Hindus and Muslims), widening communal and regional faultlines, inter-agency lack of cooperation, dismal state of intelligence-gathering, and low police-population ratio, India is a long way from putting together a robust, let alone infallible, security apparatus. Indian Home Minister P. Chidambaram has admitted that there are serious gaps in Indian policing, with constant upgrades needed to reach full capacity.

Key security measures introduced post 26/11 include passing of the *Unlawful Activities (Prevention) Act 2008* by parliament, giving more powers to security agencies to deal with terrorism; securing the porous border with Pakistan; creating a centralised National Investigation Agency (NIA) and Multi Agency Centre (MAC) within the Intelligence Bureau (IB) to coordinate intelligence and 29 subsidiary MAC control rooms in states; creating the coastal command to patrol the 7500 km coastline; establishing four additional National Security Guard hubs in Mumbai, Chennai, Kolkata and Hyderabad for rapid deployment of commando units in crisis situations; and establishing the National Counter Terrorism Centre (NCTC) along the lines of the United States Department of Homeland Security.

The creation of the NCTC still remains a

pipe-dream three years on, and there is still much to be desired in intelligence-gathering and inter-agency cooperation. Since 2005 there is a long list of unsolved terrorist cases, including bomb blasts at the market in 2005, the Jama Masjid in 2006 and 2010, Mehrauli in 2008, Varanasi in 2010, the High Court in New Delhi, in May 2011, and, in the latest instance, 13 July, 2011, serial blasts in Mumbai. In most cases either the trails have turned cold, or investigations have been deadlocked over mistrust and lack of cooperation between central and state agencies. In the Mumbai blasts, the NSG and NIA have been at loggerheads due to differences in opinion over the type of explosives and timer used in the blasts, making the task of the Mumbai anti-terrorism squad and Mumbai police difficult (Hindustan Times, January 8, 2011).

Video footage of the 26/11 attacks illustrate delayed and uncoordinated responses by the Mumbai police and anti-terrorism squad. Notwithstanding glimpses of bold initiatives taken by the some senior officers and a few constables on-duty on the day of the attack, video footage generally exposed Mumbai police as an ill-trained and under-equipped force, which at the Chatrapati Shivaji railway station also appeared to be a petrified force. The footage clearly shows that, while a couple of police constables decided to fight back, almost a dozen on-duty police constables with rifles fled the scene. The footage is a grim reminder of Indian police's preoccupation with numbers, and less with the quality of their training and weaponry (Hindustan Times, September 15, 2011). Following any major terrorist incident in India, its civil intelligence agencies, in particular, the Research and Analysis Wing (RAW) and Intelligence Bureau (IB) immediately come under public and media scrutiny, and criticism, for their alleged failures. Former intelligence officials argue that there are several reasons why Indian intelligence fails. These include: a lack of trained personnel at the operational level; inadequacy of modern training to combat terrorism; lack of electronic and technical equipments; failure to cultivate or manage human intelligence (HUMINT) in target areas; inadequate support from sister intelligence agencies; rudimentary level of centre-state cooperation and information sharing; lack of advanced

information systems and technology to monitor jihadi websites; and lack of accountability and freedom of non-disclosure under the Right to Information Act of 2005, allowing the intelligence agencies to operate behind a veil of secrecy with little accountability and oversight—legislative or otherwise. (Dhar, August 17, 2006). India, therefore, requires urgent improvements in both electronic surveillance and HUMINT. A lack of quality control in internal management, recruitment procedures and poor human source management has led to internal frictions and operational inefficiency. Besides, Indian intelligence agencies are also seen as exploitable instruments at the disposal of the apex political office, of the Prime Minister (Raman, 2010).

As India continues to take blow after blow, the security apparatus is undergoing a thorough overhaul and facelift; whether it will lead to greater security and success in counter-terrorism remains to be seen. The 26/11 Mumbai attack has established the utter lack of counter-terrorism of the police force and anti-terrorism units, a dismal response by the fire and emergency services, flawed hostage rescue plan and delayed action by the NSG, and poor strategic communications and information management leading to inadequate and ineffective counter terrorist response (Rand Corporation, 2009). As is generally the case, when it comes to India, it is all about the numbers (in other words reassurance policing) and less about quality or effectiveness. Be it the Indian or Mumbai police and anti-terrorism squad dealing with terrorism, or the para-military - for example, the Central Reserve Police Force (CRPF) fighting left-wing Maoist extremists in the *Red Corridor* - rising fatalities of police and security personnel indicate poor training, outdated weaponry, failure of intelligence gathering and, above all, a total lack of cooperation between central and state agencies. The cold truth today is that the common man in India feels insecure and has lost faith in the police and intelligence agencies to provide security against terrorist attacks. It is symptomatic of systemic failure and chronic pitfalls in India's security apparatus which will not disappear overnight. Till then, the country and its people are in for a long haul and have to learn to live with terrorism.

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