Mumbai Terror Attacks

An Analysis

Samarjit Ghosh
The Institute of Peace and Conflict Studies is not responsible for the facts, views or opinion expressed by the author.

The Institute of Peace and Conflict Studies (IPCS), established in August 1996, is an independent think tank devoted to research on peace and security from a South Asian perspective.

Its aim is to develop a comprehensive and alternative framework for peace and security in the region catering to the changing demands of national, regional and global security.

Address:
B 7/3 Lower Ground Floor
Safdarjung Enclave
New Delhi 110029
INDIA

Tel: 91-II-4100 1900, 4165 2556, 4165 2557, 4165 2558, 4165 2559

Fax: (91-II) 4165 2560
Email: officemail@ipcs.org
Web: www.ipcs.org
MUMAI TERROR ATTACKS

AN ANALYSIS

SAMARJIT GHOSH
Research Intern, IPCS, New Delhi

An Overview

While attempting to examine the occurrence and impact of terrorism in cities, it is essential to define what one perceives as terrorism. Apart from defining the phenomenon in terms of acts of terror, it may be taken as an act of violence employed either without objective, or for political motives, directed at civilians. What is important in this definition, is that though we may not lay the blame of a terrorist action at a state, we do allow for the occurrence of such an incident, as even though terrorist acts perpetrated by individuals and groups, as opposed to a state, might have different elements, their effects on people and the polity are, to an extent, similar, and hence, should not be ignored.1

In the 21st century, cities have become, more often than not, targets of terrorist activities. To an extent, this concentration on a geographical zone may be explained by the role that a given city plays in a state’s development and its presence in the larger world community, as also the level of visibility it offers for terrorists. However, it is increasingly likely that the focus on a particular city as the target of the strike is not limited to the attributes of the city itself, but also to the larger idea it may portend.

Though terrorists activities are by no means outside of the ordinary in India,2 terrorism entered new territory with the November attacks in Mumbai, and while the target was not new and tactics similar to those employed herein have become commonplace in Kashmir, the Mumbai attacks showed an unprecedented combination of detailed planning and organization, multiplicity of targets and indiscriminate killing on a large scale in a major city.3

I
What Happened?

It will be many months before it is clearly and factually established what happened in the Mumbai incidents, for eyewitness accounts, statements from the security forces and the government, and the outcome of the investigations pursued by various parties [both domestic and international] as yet, present a very confusing picture. And the aim of this paper is not to provide a detailed account of the same. However, what is clear4 is that a group of ten, very heavily armed men [nine of whom were killed, and one taken into custody] attacked multiple targets, including the main railway terminus in Mumbai (Chattrapati Shivaji Terminus), a café in the Colaba locality (Café Leopold), known and perhaps famous for being frequented by Westerners, a Jewish centre in the same neighborhood (Nariman House), and two hotels (the Oberoi-Trident and the Taj Mahal). It is believed that the terrorists commandeered a small fishing vessel at sea and subsequently, used a dinghy to come ashore in the Cuffe Parade area,


following which they took separate taxis to their individual destinations. Firing took place in each of these locations, as also disparate bomb blasts and hostage situations, leading to casualties numbering 164 dead, and 308 injured. 26 of the dead were foreigners of different nationalities.

The operation to end this took a little more than 60 hours, during which time, the terrorists were said to be in contact with commanders elsewhere. The greater majority of the fatalities were Indian citizens, though many targets appear to have been marked because of the likelihood of many foreigners being present, and survivors reported that Britons and Americans were specifically sought out.

II
Indian Perceptions and Reactions

These incidents galvanized public opinion and outrage, both in India and the international community, and viewpoints of varying nuances have been observed accordingly.

First and foremost, the majority of people in the country are of the opinion that the hallmark of Pakistani involvement in this incident was undeniable – the exactitude of whether it was due to the complicity of the government remained undecided, but the Pakistani military was squarely blamed.5 On this particular note, that is, on the complicity (either overt or covert) of the Pakistani military, the opinions of experts in the international community (the United States in particular) are in concert with the Indian point of view.6

Second, while the Indian media laid the blame on Pakistan’s door soon after the incidents occurred,7 the Indian government did exercise admirable restraint in preventing itself from echoing the same sentiment. However, in his address to the nation soon after the attacks began, the prime minister did make reference to the complicity of ‘our neighbors’8 in the attack, which was subsequently interpreted by the Pakistani media as squarely implying Pakistan.9

Third, while the idea of sharing information and evidence with the Pakistani authorities was entertained initially10, aided by the fact that the composite dialogue process between the two countries caters for such an accommodation,11 there have been commentators both in the media and in strategic analysis who expressed their doubts about the viabilities of such information sharing, as also to doubts about the purposefulness of the same, given Pakistan’s reluctance in admitting its role in the given attacks.12

Fourth, commentators in India have severely resisted the implication that India and Pakistan are both victims in the fight against terrorism, (despite the governments of both states coming to

---


7 “We took Mumbai attack orders from Pakistan,” The Indian Express, December 01, 2008.

8 “Prime Minister’s Address to the Nation,” South Asia Terrorism Portal, November 27, 2008.


11 “Joint-Statement of Third Meeting of India-Pakistan Joint Anti-Terrorism Mechanism,” South Asia Terrorism Portal, June 24, 2008.

such a conclusion previously\textsuperscript{13}) stating that while this might be true on the surface, terrorist attacks on Pakistani soil and against the Pakistani establishment are primarily carried out by elements of either the Al-Qaeda or the Taliban (or one of its variants), while those in India are carried out by elements of the Lashkar e Toiba or the Jamaat ud Dawa, neither of whom (so far) have been proved to be responsible for any attacks in Pakistan, not to mention actively restrained, despite domestic and international resolutions/sanctions regarding the same. Also, the fact that if and when elements from either group do need to be taken into custody, they are done so with a convenience revealing of the complicity the Pakistani military shares with the same.\textsuperscript{14}

Fifth, an opinion which was stated, but did not contribute to reasonable debate, on the incident, was that there was a very severe, almost Rashomon, effect in the Indian media\textsuperscript{15} with commentators being convinced that any event in this matter could and perhaps should be interpreted in a manner subjective and distinct.\textsuperscript{16} However, in the system of democracy that we enjoy in India, such an occurrence is understandable, while whether it is preferred or not is strictly a subjective question, not relevant to the present debate.

Sixth, the contention has also been aired, that in the past, India has tended to respond to such incidents with more rhetoric than action,\textsuperscript{17} and that perhaps there should be a shift in the paradigm, to the effect that India shouldn’t have to explain to the world what it is or not going to do, and just do it;

Ambassador Satish Chandra, former High Commissioner to Pakistan, was of the view that, “As a country, India possesses the right to take action in a manner befitting the threats to its security, to the extent that it is capable of, and the same need not be a matter for public discussion or consumption.”\textsuperscript{18}

III Pakistan’s Responses

The responses of the Pakistanis to the incident in Mumbai, and the ensuing Indian comments on the same, came thick and fast.

First, a belief was uniformly aired that despite signing the Joint Anti-Terror Mechanism in 2006, and reiterating the same subsequently,\textsuperscript{19} India, that is, the government, and the people, were yet to appreciate that Pakistan too was a victim of terrorism\textsuperscript{20}, and that this incident would help India to understand that while it is

\textsuperscript{13} “Joint-Statement of Third Meeting of India-Pakistan Joint Anti-Terrorism Mechanism,” \textit{South Asia Terrorism Portal}, June 24, 2008.

\textsuperscript{14} Arvind Panagriya, “Myths from Mumbai,” \textit{The Indian Express}, December 16, 2008.


\textsuperscript{16} External Affairs Minister Pranab Mukherjee, in a meeting with the secretary general of the Arab League, stated various options which India could pursue with regard to the Mumbai incident, while never stating what official policy actually was. However, his statements were interpreted differently by two different newspapers; “India open to military action against Pakistan,” \textit{The Economic Times}, December 03, 2008 and “Pranab rules out military action,” \textit{The Hindu}, December 03, 2008.

\textsuperscript{17} “Bloodbath in Bombay: India’s Leading Voices Speak Out,” \textit{Carnegie Endowment for International Peace}, transcript of conference held on December 9, 2008.

\textsuperscript{18} Author’s interview with Ambassador Satish Chandra, New Delhi, December 28, 2008.

\textsuperscript{19} “Joint-Statement of Third Meeting of India-Pakistan Joint Anti-Terrorism Mechanism,” \textit{South Asia Terrorism Portal}, June 24, 2008.

convenient to lay accusations on the Pakistani establishment, of being complicit with extremists and militants, it is not as easy to control them. Also, a point made by India was conceded, that is, the attacks in Mumbai were carried out in a highly meticulous manner, but with the rider that this could only have been carried out with the complicity and participation of an organized, disenchanted domestic group, and that India needs to put its own affairs in order before asking Pakistan to do the same. It must be mentioned that though initially there were assumptions aired in the Indian media of domestic complicity in these attacks, they were brushed aside in light of the Pakistani link, and thereafter never mentioned.

Second, that whenever a terrorist attack occurs in India, the response that is conventionally followed by both the Indian government and the media, is to point the finger at Pakistan, exchange threats of war and suspend all forms of diplomacy, and that while, regrettably, terrorists from Pakistan have attacked India before and may do so again, it is India which is jeopardizing the peace process and the people-to-people interaction between the two countries by breaking off or suspending diplomatic relations with Pakistan each and every time, when clearly there are extremists in both countries who would like nothing better than that the countries be at odds with each other. This opinion, incidentally, is one of the few emerging out of Pakistan, which is supported by international commentators as well.

Third, while certain commentators in Pakistan did blame the jingoism in the media to be originating only from the Indian side [to the effect that the media and New Delhi had announced a Pakistani link within hours, partly to remove focus from upcoming elections and its own intelligence lapses and hence, the damage to people-to-people ties should be blamed squarely on India], there were some who were firm in their belief that it [the jingoism] was a problem on both sides of the border. They agreed that while there are those on the Indian side who would perhaps like nothing better than to bomb Pakistan, there were others, who have pushed for restraint and diplomacy.

Fourth, they concurred that while the government and the opposition parties on the Indian side has banded together, it has not happened so in Pakistan, where the opposition has taken the government severely to task, and perhaps this is an instance when the Pakistanis can learn from their Indian counterparts.

Fifth, there was a consideration that the initial proposal to send the ISI chief to India was indicative of a surrender to Indian contentions, which was firmly and correctly addressed when the Pakistani army exercised its prerogative to rescind that arrangement.

Sixth, it was lamented that while the Pakistani public is wont to disavow the plausibility of any allegations made by the Indian government with regard to Pakistani-based elements engaging in terrorism in India, it becomes incredulous when they blame the same for terrorist

---


activities at home, and fail to see the dichotomy in their perception.\(^{28}\) Also, an aspect of the incident with which the Pakistani government could safely side with was the international community’s counsel to the Indians to exercise restraint, for not only would it be detrimental to Pakistan’s role in the war on terror, but also that a conflict between the two major powers would have a negative impact on the entire subcontinent.\(^{29}\)

\[\text{IV} \]

\textbf{Inadequacies}

An attack of the scope and intensity as that in Mumbai would put to the test the counterterrorism and intelligence gathering capabilities of any country. Yet, it bears examination as to what extent or degrees this attack could have been prevented.

“As investigations have revealed, there was no lack of generic threat intelligence. The problem lies in coordination and making sure the intelligence gets to the right people at the right time,” says Gen. V R Raghavan, Director of the Delhi Policy Group.\(^{30}\)

Admittedly, a problem not specific or limited to India. Nonetheless, the way intelligence was and is collected, processed and acted upon, specifically in this incident, highlighted serious and in some cases, longstanding, lacunae in India’s intelligence establishment.\(^{31}\) In India, intelligence is assessed and disseminated by a Joint Intelligence Committee that lacks the time, resources and expertise adequately to process and prioritize such material. The Intelligence Bureau (IB) (at the domestic level) is constitutionally and legally constrained,\(^{32}\) and there are persistent coordination problems between IB and the Research & Analysis Wing (RAW).\(^{33}\)

Coastal security, or the lack thereof, is also a problem. In 2001, a Ministry of Defence report\(^{34}\), aimed at the reformation of the national security system, warned that India’s long coastline and prime coastal cities have, to a great extent, been left unprotected and unsecured. Given the ubiquitous disputes between the state governments and the Coast Guard, so far as coastal security is concerned, there is a need for greater clarity on the subject, especially since the coast’s vulnerability to smuggling and infiltration has increased. Hence, an updated security system in concert with the rising threats was overdue, and while this report was approved by the Cabinet Committee on Security, even seven years down the line, the measures therein have not been implemented.

Even once adequate intelligence about the attacks was received, it wasn’t processed to a level which would demand quick action and sufficient graveness to the issue. The fact that India’s counterterrorism response unit, the National Security Guard, took more than eight hours to reach Mumbai, even though it’s trained for a quick response, is evocative of this inadequacy.\(^{35}\)


\(^{30}\) Author’s interview with Gen. V R Raghavan, Delhi Policy Group, New Delhi, December 24, 2008.


\(^{32}\) “India Tightens Security, PM Admits Intelligence Failings,” \textit{Agence France Presse}, September 18, 2008.


\(^{35}\) “Why did NSG take 9 hours to get there?,” \textit{The Times of India}, November 30, 2008.
Also, no attempt was made to cordon off the attack sites or to control the flow of information to the media. Not only is this crucial in any terror situation, it is especially so in one situation whether the terrorists were engaged in mass killing and taking hostages. No screening was implemented, either officially or unilaterally by the media, and it is only to a certain extent that this can be blamed on the same. The responsibility must rest at the doors of the government authorities, both at the state and federal level, who are supposed to have officers and mechanisms in place to tackle such a situation, or one close to it.36

V
Recommendations / Steps Taken

The Parliament of India did come together in addressing the issue, and passed a bill, endorsing, among other things, the establishment of a National Investigative Agency. The NIA, which is to be established per the passing of the eponymous bill, is to be entrusted with the investigation and prosecution of offences coming under the rubric of the Anti-Hijacking Act, Suppression of Unlawful Acts Against the Safety of Civil Aviation Act, the SAARC Convention on Suppression of Terrorism Act, the Weapons of Mass Destruction Act, the Atomic Energy Act, the Unlawful Activities (Prevention) Amendment Act, as also offences against the state, as mentioned in Chapter VI of the Indian Penal Code.37

The NIA will have an overarching jurisdiction into law and order matters all over the country. It would be a police force created and administered by the central government, which would endow all personnel above the rank of sub-inspector with powers throughout the territory of India. And though law and order is technically a state subject, all information pertinent to the jurisdiction of the NIA would be forwarded to it, and if and when the NIA decided to take control, the authority of the state government would be superceded, including in matters of records and evidences. And while the Terrorist and Disruptive Activities (Prevention) Act of 1987 and the Prevention of Terrorism Act of 2002 endowed both the state and the centre the power to establish courts to try the pertinent cases, the NIA revokes the state’s powers in this matter, leaving the centre in charge. The only compromise as compared to the previous acts is that confessions made to the police would not be admissible as evidence, but the detention without trial for 180 days, as under the previous acts, continues.38

Although a host of recommendations have been suggested for India to take, both at the domestic, as also the international level, from the government, the strategic community, the public, so on and so forth, they may be coalesced in the following ones:

A military strike against the terrorist infrastructure in Pakistan is expected to present the Pakistani government with a fait accompli - either face the prospect of continuing military pressure from India, or agree to its demands and clamp down on the anti-India terrorist groups in particular, and militants in general. However, the efficacy of any such strategy rests not on the initial damage wrought but on the promise of further destruction to come.

“If India is to take action via calibrated military strikes, it cannot be limited to that extent. The action must be sustained through covert intelligence operations against the targeted terrorist outfits,” says Brig. Gurmeet Kanwal, Director of the

36 Author’s interview with Gen. Raghavan, Delhi Policy Group, New Delhi, December 24, 2008.


Centre for Land Warfare Studies, a Delhi-based think-tank.\(^{39}\)

The credibility, therefore, of such a threat would depend on India’s ability to impose further costs, should Pakistan refuse to give in.\(^{40}\) Also, previously, when military action had been broached, in terms of coercive threats post the December 2001 attacks on the Parliament, the key objective of cessation of cross-border terrorism had not been achieved,\(^{41}\) and hence, action to that effect must be thoroughly looked into before being employed. In fact, the very people who have been drawing the comparisons that the Mumbai attacks have to the Twin Towers attacks of 9/11, also caution that authorizing military strikes would mean playing into the hands of the very elements they seek to target.\(^{42}\)

The composite dialogue process, which has been followed for the past four years (albeit, at times, sporadically) should be utilized to coordinate relations between two countries. There have been two viewpoints to what approach may be employed, per the same—the dialogue may either be resumed from where it stood prior to the fifth round;\(^{43}\) or through incentivisation, not in the sense of giving further incentives to Pakistan, but unfreezing parts of the dialogues in the future, only in response to further moves by Pakistan.\(^{44}\) It’s true that the diplomatic process might be more long-drawn, but may ultimately, prove to the best bet in ensuring democracy and justice wins out.

“I think continuing with the diplomatic interaction through the composite dialogue process, which India and Pakistan have been a part of for quite some time now, and which has benefited both countries, is the right course of action to take,” says Ambassador Salman Haidar, former Foreign Secretary.\(^{45}\)

Thus, what is required is dialogue at a candid and transparent level, between the governments and the peoples of both countries, which would be seriously endangered if the media in both countries continues to be a forum for giving voice to only extreme points of view.\(^{46}\)

The road to real improvement in terms of India’s internal security will be long and complex, but a beginning may be made by properly training and equipping our police and domestic security personnel, especially at the state level, who were found to be wanting, not in the courage or zeal to defend the public, but in logistics and matters of coordination, for nearly three days, by a handful of terrorists.\(^{47}\) One must also go deeper and attempt to cogently address the lacunae that exists between the mindset of the common citizenry and the police, to ensure that the problem of terrorism can be tackled at a broad-based level.

\(^{39}\) Author’s interview with Brig. Gurmeet Kanwal, Centre for Land Warfare Studies, New Delhi, December 29, 2008.


\(^{45}\) Author’s interview with Ambassador Salman Haidar, New Delhi, December 27, 2008.


VI
What Lies Ahead

The attacks brought fresh tension into the India-Pakistan equation, especially at a time when the Pakistani government had made friendly overtures, yet unprecedented, towards its rival. In fact, just three days before the terror attacks in Mumbai, President Zardari, speaking at a leadership summit organized by an English-language newspaper in India, had promised that Pakistan would exercise a ‘no first use’ policy as far as a nuclear threat towards India was concerned.48

If reports of the attackers’ Pakistani origins are confirmed, and current reports seem to indicate so,49 it would not only threatened the bilateral equation which is already in jeopardy, but also the existence of Pakistan’s new civilian government, only 8 months old – especially at a time when the state of Pakistan is in dire need of international support, in terms of its economy, which might now be jeopardized.50

There is also a belief on the part of many analysts, especially outside of the subcontinent, that whether or not the terrorists were non-state actors from Pakistan, it is unlikely that the government at any level was involved.51 However, there is also agreement on the issue that this does not absolve the Pakistani establishment from accountability, in terms of taking action against the aforementioned actors.52 However, the contention that the Pakistani government or military establishment is not involved, has not found much mileage in India, given the extent of the militant group in question’s activities in Pakistan.53 There is also the argument about whether it is simply inability on the part of the Pakistani military that they haven’t been able to take action against the militants, or perhaps a conscious decision,54 given that as instruments of foreign policy, the Taliban have been useful in balancing out Indian presence in Afghanistan, and the LeT, in provoking India to go one way or another.55 Nonetheless, if Pakistan shies away from taking action even now, the country will continue to be distrusted by all its neighbors in the subcontinent, and even the Chinese, who have long supported them, even to the extent of revealing a pro-Pakistan bias in their media reports on the Mumbai incident,56 would begin to worry about the spread of extremism from Pakistan.

The situation requires a radical revamping of South Asian security. Both sides must implement policies that go beyond what is perceived to be their conventional capabilities. The Pakistani government must disavow militancy, end any manner of support for the jihadis and accept international military and financial support to defeat them. The Pakistani government needs to recognize that the costs of supporting militancy offset its benefits, if

48 Vinod Sharma and Zia Haq, “There is a bit of India in every Pakistani: Zardari,” The Hindustan Times, November 22, 2008.


52 “Rice: 'non-state actors' may have used Pakistan for India attacks,” Agence France Presse, December 07, 2008.


any, and that Mumbai may be the last chance they have to take control of the situation. If the government does not act against the militants now, then it may lose control of the state, or find itself drawn into a calamitous conflict with India, in the wake of another terrorist attack. What Pakistan should do is take a civilian view of its national interest and not a military one, but in that circumstance, it would also need a military which does not take up a differential share of the government’s budget and rule over it, in the manner of a privileged elite.

India, for its part, must start by taking its own internal and external security measures more seriously. Towards the end of the last century, having suffering a major financial crisis, the government had come to terms with the aspects of its economic planning which had failed, and adopted an approach in congruence with economic development on a worldwide scale. A similar move is required now, and India must view this crisis as a wake-up call, to completely restructure its security infrastructure. If it is unable or unwilling to do so, the country’s impressive economic growth over the past few years, and its status as a symbol of democracy for over a half a century, leading to its reputation as a rising global power, will be for naught.