2.1. Introduction

The killing of Osama Bin Laden, the leader of Al-Qaeda, in 2011 was considered to be a defining moment in the American led fight against terrorism. However, even after his death, Al-Qaeda continues as a global threat.\(^1\) The problem of terrorism challenges the political stability, economic growth and international image of the nation. India is a nation of multiplicity of tribal, social, religious, cultural and communities, often involved in conflicts, clashes, riots, attacks and killings between and among the various groups.\(^2\) Among all the conflict ‘Terrorism’ is used as both a tactic and strategy of the weaker side in a conflict. An individual who uses violence, terror and intimidation to achieve a result is a terrorist. The offensive measures taken to prevent, deter, and respond to terrorism is called counter terrorism and the defensive measures used to reduce the vulnerability of individuals and property to terrorist acts, to include limited response and containment by local military forces is called anti terrorism.\(^3\)

B. McClure points out that “Terrorism is another form of dissent or protest.”\(^4\) The range of action begins with legal and accepted forms of dissent, such as individual oral protest; petition or grievances, and peaceful demonstration and finally escalates to illegal and unacceptable behavior such as sabotage, personal assault, bombing, kidnapping and assassination”.\(^5\)

2.2. Origin of Terrorism

Terrorism has received the blessings of history and its origin itself probably antedates recorded history. It was perpetuated in the world since long for multiple reasons and it is old as the Roman Empire. However no definite date and time can be assigned for its initiation. The

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Roman Empire used banishment, expropriation of property and execution to discourage opposition. The Spanish Inquisition used arbitrary arrest, torture and execution to punish religious heresy. It originated in different regions and the countries of the world at different times as is evident from the terrorist activities in the past several decades with religion being a strong motivating factor behind terrorist activities until the French Revolution.

Terror was advocated by Maximilien Robespierre during the French Revolution. The word terrorism was first used in reference to the region of terror in 1789 during the French Revolution. It was derived from French word terrorisme, which is based on the Latin verb terrere (to cause to tremble). It dates back to 1795 when it was used to describe the actions of the Jacobin Club in their rule of post-Revolutionary France, the so-called “Reign of Terror.” During the Jacobin dictatorship terror was used as an instrument of political repression and social control. It is related to the use of force for the purpose of creating fear and used as a mean to attain their unlawful, illegal objectives whatever they are having in their mind. At international level, it is a criminal act which is directed against a state with intention to create terror in the minds of person(s).

Terrorism is as old as civilization itself and existed in ancient India. In Ramayana, Demon king Ravana terrorized the three worlds. Kansa in Mahabharata unleashed a region of terror. Mauryan Empire while defeating the Nandas of Magadha also caused terror while fighting in battle. It was used by ideologies of both the Right and the Left wing, by the former to repress a population and by the later to win self determination and independence. It was used by governments as an instrument of state, as well as by guerrillas and insurgents as an instrument of subversion.

9. Ibid.
11. Ibid.
2.3. Incident of Terrorism in Mumbai, 2008

President George W. Bush has branded the terror attack on twin tower as ‘first war of 21st century’ as about five thousand person died and several were injured causing terror in the mind of people of the whole world.12 Terror attack at Mumbai in 1993 has killed more than 200 persons, in 2005 about 200 person and finally in 2008 in Mumbai terrorist attack on Taj Hotel, Trident-Oberoi, Leopold Cafe, Chhatrapati Shivaji Terminal and Nariman House killed about 200 persons including Indians and people from US, UK, Israel, Japan and from other countries and about 300 were injured. In this many police officials, including head of Anti-Terrorist Squad, were killed along with 9 terrorists. One terrorist Muhammad Kasab was caught injured. On 30th October 2008, there were twelve high intensity serial blasts with the use of RDX and plastic explosive at four district of Assam- Guwahati, Kokrajhar, Barpeta and Bongaigaon. Six of the blast occurred in Guwahati at Ganeshguri, Fancybazar, Bhangagarh and Hatigaon and overall fatalities recorded was 70 death and injury to 300 innocent persons.

**TABLE 1.**

<table>
<thead>
<tr>
<th>Years</th>
<th>Civilians</th>
<th>S.F.P</th>
<th>Terrorist</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>1212</td>
<td>437</td>
<td>1610</td>
<td>3259</td>
</tr>
<tr>
<td>2006</td>
<td>1118</td>
<td>388</td>
<td>1264</td>
<td>2770</td>
</tr>
<tr>
<td>2007</td>
<td>1013</td>
<td>407</td>
<td>1195</td>
<td>2615</td>
</tr>
<tr>
<td>2008</td>
<td>1030</td>
<td>372</td>
<td>1217</td>
<td>2619</td>
</tr>
<tr>
<td>2009</td>
<td>721</td>
<td>431</td>
<td>1080</td>
<td>2232</td>
</tr>
<tr>
<td>2010</td>
<td>759</td>
<td>371</td>
<td>772</td>
<td>1902</td>
</tr>
<tr>
<td>2011</td>
<td>429</td>
<td>194</td>
<td>450</td>
<td>1073</td>
</tr>
<tr>
<td>2012</td>
<td>252</td>
<td>139</td>
<td>412</td>
<td>803</td>
</tr>
<tr>
<td>2013</td>
<td>304</td>
<td>193</td>
<td>388</td>
<td>885</td>
</tr>
<tr>
<td>2014</td>
<td>246</td>
<td>104</td>
<td>275</td>
<td>625</td>
</tr>
<tr>
<td>Total</td>
<td>7084</td>
<td>3036</td>
<td>8663</td>
<td>18783</td>
</tr>
</tbody>
</table>

Source: Annual Report, Ministry of Home Affairs, GOI.

Table 1 shows that the fatalities to civilian, security forces and even the terrorist has gradually decreased after 2008 except the security force fatality in 2009 which recorded higher rate of fatalities to them. The fatality status of 2014 must be acted upon by the government to bring it in negligible ratio.

Further there has been terrorist attack in other parts of the country like Jaipur, Delhi, Bangalore, Hyderabad, Lucknow, Ayodhya, Guwahati, Ahmadabad, Kolkata and J&K. Unfortunately, except in case of Mumbai terrorist attack on 26th November 2008, other terrorized attack in India could not draw adequate attention of international communities and international media. The Mumbai attackers were well trained militants, came on 26th November 2008, at around 9.30 p.m. from Arabian Sea on small boats latched with rifles, magazines of ammunition, pistol, several hand grenades, around 18 pounds of military grade explosives. They are employed with sophisticated technology including global positioning system handset, satellite phones, voice over internet Protocol phone service, and high resolution satellite photo of the target. They attacked Mumbai with automatic weapons which continued for 62 hours of battle.

The National Security Guard (NSG) was deployed after 90 minutes of the attack begins but the mobilized units Commandoes did not arrive on the scene until the next morning. Three ministers of Maharashtra had resigned acknowledging security lapses. Reports have arisen indicating that some degree of warning was available to Indian authorities although it was not clear as to how actionable such intelligence was. There is a total intelligence failure on part of various intelligence agencies in India though U.S. intelligence has warned Indian authorities about potential attack from the sea against hotels and business centers in Mumbai but it was not materialized.13 There was lack of coordination among the intelligence agencies and even the Mumbai police was not informed and the entire security apparatus was caught by surprise. The coastline was exposed to be porous for the terrorist who could sail directly to India undetected by the costal guards. It was not only the failure of intelligence but also resources, apparatus and Security forces.14

The Ram Pradhan Committee has pointed about lapses in the law enforcement agencies at the time of Mumbai attack and suggested measures to prevent terrorist attack. The committee has highlighted the attack as ‘war like’ and found that the Maharashtra Police system was not well equipped and lack capabilities to prevent or combat terrorist attack like of Mumbai in 2008. The report was rejected by the Government of Maharashtra.

2.4. Meaning and Definition of Terrorism

2.4.1. Intricacy of Universal Definition of Terrorism

Terrorism is entwined with issue of law, history, philosophy, morality, and religion. A clear definition of terrorism will help in understanding the nature of problem and more importantly, it provides the basis to have governance aspects of combating terrorism. Terrorism being recognized as a global phenomenon, attempts in the past for arriving at an internationally accepted definition of terrorism have proved futile though between 1936 and 1986 more than 109 definition of terrorism were provided.16 Among several reasons of failure to arrive at a workable definition are viewing terrorist as freedom fighters, involvement of state in supporting terrorism rather than fighting against it, association of terrorism with organised crime, advancement in science & technology, means and mode of communication etc. The absence of a universal definition has hindered counterterrorism operations and limits the effectiveness of both international and domestic lawmaking efforts to counter terrorist activity while maintaining the rule of law and fulfilling human rights obligations.17 Martin Schmid has also proposed that the lack of a concrete definition of terrorism results in unaddressed terrorist acts and may sometimes encourage states to commit unjustifiable abuses under the pretext of combating terrorism.

While defining terrorism each state keeps certain issues in mind in terms of its sociological, political, religious, linguistic, Ideological and legal background, historical experiences and sense of basic value system and all these factors do influence the definition of terrorism. Different stakeholders such as terrorist groups, states and social scientists have arch differences over the definition of the terrorism depending on the complexity of the circumstances.18 Grant Wardlaw opined that a major stumbling block to the serious study of terrorism is that at base it is a moral problem.19

15. Supra Note 7.
2.4.2. Meaning of Terrorism

According to Oxford Dictionary, the term ‘Terrorism’ implies: ‘Use of Terror especially for political purpose’. It further clarifies that a Terrorist uses violence to cause terror for political ends. Needless to point out that both Terrorism and Terrorist are nouns of ‘Terror’ which itself is well known term. Dictionary of Social Sciences states that “Terrorism refers to the illegitimate use of force by those who oppose existing social, political or economic arrangements”.

In simple words terrorism is the state of fear created through the act of violence. Terrorism is the public harassment, wave of agitation, protest against the government, damage to public and private property, in order to draw the attention of authorities. It can be asserted that terrorism is absolutely against peaceful political set-up. Therefore, Terrorism is a calculated move in a political game. It is an important means for non-state actors who lack resources to achieve these objectives.

2.4.3. Synthesis of War or Systematic act of Violence

To find the meaning of terrorism it is relevant to look at the etymology of the word violence which is strongly inter-connected with word terrorism. The term violence is derived from Latin term ‘violaer’ that means to violate or to go against the socially accepted norms or to misuse it. Similarly, terrorism means to impose one’s own interpretations of religious teachings, socio-cultural, and politico-economic values and norms through violence in the society. Very briefly terrorism means the physical and mental process of terrifying individual and certain groups of society through the element of violence.

Cindy C. Combs has coated a loose contemporary definition as “Terrorism can be referred to as a synthesis of war and theatre, a dramatization of the most prescribed kind of violence - that which is perpetrated on innocent victims - played before an audience in the hope of creating a mood of fear, for political purposes.”

Violence is perceived to

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advance objectives, most typically by inciting fear and bringing attention to the terrorist’s cause, and by increasing the bargaining power of the groups engaged in terrorism. Thomas C. Shelling has also suggested that “Terrorism is one form of violent coercion, a bargaining process based on power to hurt and intimidate as a substitute for the use of overt military force.” Terrorism, therefore, is not merely an act of violence; it is propaganda by deeds. It means that some practical demonstration are necessary to awaken the consciousness of masses which was based on several ideological conviction. At the level of the community, violence raises national consciousness and mobilizes oppressed people and binds them together into a new nation. Hardman defines Terrorism as “the method or the theory behind the method whereby an organized group or party seeks to achieve its avowed aims chiefly through the systematic use of violence.”

A legal luminary of United States, Eduardo Jimenez Arechaga defined ‘Terrorism’ as a crime committed ‘with deliberate intention of causing panic, disorder and terror within an organized society, in order to destroy social discipline, paralyze the force of reaction of society, and increase the misery and suffering of the community.’ N. P. Thornton defines that “the use of terror is a symbolic act designed to influence political behavior by extra-normal means, entailing the use or threat of violence”. Agreeing with this, William Laugh believes that “terrorism is political, goal oriented, involving the use or threat of extra ordinary violence, performed for psychological than instrumental.”

2.3.4. The League of Nations Convention on Terrorism, 1937: One of the earliest attempts to clarify the definition of ‘act of terrorism’ is provided by Article 1 of the League of Nations Convention on Terrorism, 1937 which defines terrorism as “criminal acts directed against a state. Such act is intended to create a state terror in the minds of particular person, or group of persons or the general public and the act of terrorism includes crime against person and property, criminal acts against property or i

25. Supra Note 21.
26. Supra Note 19. pp 30-31
27. Frantz Fanon, The wretched of the Earth, Grove Press, New York, 1996, p.73
29. Supra Note 4, p xviii.
weapon offences and ancillary offences. Article 2 emphasized on the phrase “any willful act causing death or grievous bodily harm or loss of liberty to the heads of State or persons exercising the prerogatives of the head of the state or their hereditary or designated successor; the wives or the husband of the above mentioned persons; persons charged with public functions or holding public position when the act is directed against them in their public capacity.” According to Article 3 of the convention the commission of crime, extends to the act of attempt, conspiracy, incitement, willful participation and knowingly given assistance.

The league’s definition makes no distinction between civil and International conflict or between such conflicts and their spread to the third countries. According to Walter Lacquer, “Terrorism has attempted to destabilize democratic societies and to show that their government is impotent.” He views it “as the use of threat of violence, a method of combat or a strategy not an ideology to achieve certain goals that its aim is to induce a state of fear in the victim.

2.4.5. United Nation: Article 2(1) of the UN General Assembly’s Draft Comprehensive Convention on International Terrorism provides that a person is said to commit an offence if that person, by any means, unlawfully and intentionally, causes death or serious bodily injury to any person; or causes serious damage to public or private property or systems which result or likely to result in major economic loss.

The General Assembly Resolution 51/210, described terrorism on the line of League of Nations as “criminal acts intended or calculated to provoke a state of terror”. It is of political, philosophical, ideological, racial, ethnic, religious or of any other nature and are unjustifiable.


31. Ibid.

32. Ibid.


34. Ibid


36. Supra Note 7, p. 8.
The definition of terrorism proposed by the Secretary General of the UN in September 2005 was accepted by France which state that terrorism is “any act meant to injure or kill the civilians and the non-combatants, in order to intimidate a population, a government, or an organization and incite them to commit an act against the perpetrators or on the contrary stop them from doing so.”

2.4.6. The European Union uses a definition of terrorism for legal/official purposes which is set out in Article 1 of its Framework Decision on Combating Terrorism. This provides that terrorist offences are certain criminal offences set out in a list comprised largely of serious offences against persons and property which, given their nature or context, may seriously damage a country or an international organisation. It is an act committed with the aim of seriously intimidating a population or unduly compelling a Government or international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

2.4.7. United States: The United States defines terrorism as “violent acts” or “acts dangerous to human life” that appears to be intended to (i) intimidate or coerce a civilian population; (ii) influence the policy of a government by intimidation or coercion; or (iii) affect the conduct of a government by mass destruction, assassination or kidnapping.

The United States of Defense defines terrorism as “the calculated use of violence or threat of unlawful violence to inculcate fear; intended to coerce fear or to intimidate governments or societies in pursuit of goals that are generally political, religious or ideological.” Within these definitions there are three key elements- violence, fear and intimidation- and each elements produces terror in its victims.

The FBI uses the term of terrorism as unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. The U.S. Department of State uses the

37. Ibid
38. Ibid
definition of terrorism contained in Title 22 U.S.C. Section 2656f (d) as “premeditated politically-motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.” These definitions stress the respective institutional concerns of the organizations using them. The FBI concentrates on the “unlawful” aspect, in keeping with its law-enforcement mission. The Department of State concerns itself with “politically motivated” actions by “sub-national” or “clandestine” actors, a focus appropriate to the Department’s functions of international relations and diplomacy.

2.4.8. United Kingdom: The Prevention of Terrorism Act, 1974 defines terrorism as “the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the public in fear.” According to the UK Terrorism Act, 2000, terrorism means the use or threat of action where the use or threat is designed to influence the government or to intimidate the public or a section of the public and is made for the purpose of advancing a political, religious or ideological cause, and that involves serious violence against a person; involves serious damage to property; endangers a person’s life, other than that of the person committing the action; creates a serious risk to the health or safety of the public or a section of the public, or is designed seriously to interfere with or seriously to disrupt an electronic system.

2.4.9. The Canadian Anti-Terrorism Act defines terrorist activity in its Criminal Code as “an action that takes place either within or outside of Canada that is taken for political, religious or ideological purposes and intimidates the public concerning its security, or compels a government to do something, by intentionally killing, seriously harming or endangering a person, causing substantial property damage that is likely to seriously harm people or by seriously interfering with or disrupting an essential service, facility or system.

2.4.10. The Australian Anti Terrorism Act 2005 provide definition to terrorism on the same line as of U.K. The action or the threat of action is made with the intention of advancing a political, religious or ideological cause and is made with the intention of coercing, or influencing

43. Phillip B. Heymann, Terrorism And America: A Commonsense Strategy For A Democratic Society, 1998, p Xi
44. Supra Note 36.
45. Supra Note 36.
by intimidation, the government of the Commonwealth or a state, Territory or foreign country, or of part of a state, Territory or foreign country; or intimidating the public or a section of the public is within the preview of terrorist act.\textsuperscript{46}

Member-States of the United Nations have not arrived at a consensus regarding the definition of terrorism. \textbf{Schmid and Jongman} reported different definitions currently in use among leading academics.\textsuperscript{47} The UN’s ‘academic consensus definition’ given by \textbf{Alex P. Schmid} is perhaps the most widely accepted one. According to him, “terrorism is an anxiety-inspiring method of repeated violent action, employed by semi-clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby-in contrast to assassination - the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat and violence-based communication processes between terrorist organization, imperiled victims, and main targets are used to manipulate the main audience(s), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought.”\textsuperscript{48}

The short legal definition proposed by Schmid to the United Nations Crime Branch (1992) is that Act of Terrorism = Peacetime Equivalent of War Crime.\textsuperscript{49} Many words, including activists, guerrillas, insurgents, extremists, militants, rebels, radicals, fighters, gunmen, separatists, commandos, captors, and perpetrators, have been used to describe terrorists.\textsuperscript{50}

Drawing to the Geneva Convention of 1949, \textbf{Mark Selder}\textsuperscript{51} defined terrorism as the systematic use of force of violence and intermediation against civilian population and the natural social environments that sustain them. Terrorism for \textbf{Richard Folk} means “any type of

\textsuperscript{46} Supra Note 36.
\textsuperscript{48} Supra Note 16, p.88. See also, http://www.erta-tcrg.org/analyses/definitions.htm [accessed on 11-0-2015 at 12.58 p.m.]
\textsuperscript{49} Ibid.
political violence that lacks an adequate morals and legal justification”. 52 He recognizes terrorism within our culture.” 53 He defined terrorism as “political extremism that resorts to indiscriminate violence against innocent persons in the service of either revolutionary or governmental causes.” 54 Charles Tilly, focus is on state sponsored terrorism. He does devote attention to the importance of recognizing the role that political regime, whether democratic or authoritarian, plays in the contentious disputes that generates terrorism. Government has long made use of violent tactics for a variety of purposes, including defending “the beneficiaries of inequality from challenges by victims of inequality.” Moreover, “all governments maintain control over concentrated means of violence in the form of arms, troops, guards and jails”. More specially, government train and employ “specialist in the deployment of violent means”. Some of whom operates openly as a deterrent or threat, while others function in secrecy behind the legal system. 55

2.4.11. Position in India

Since independence India was fighting back on subject relating to national security. 56 India also depends on robust non-emergency criminal law system. After emergency rule ended, political and economic instability exacerbate by security threats kept the Indian polity in a state of extreme upheaval. 57

2.4.11. A. Terrorist Affected Areas (Special courts) Act, 1984: During 1980 the movement in Punjab, the government passed the Terrorist Affected Areas (Special courts) Act, 1984 to control the situation. This statute contains the first legislative definition of a “terrorist.” under section 2(h) which states that a person who indulge in killing or whose act is violent or who disrupts essential services, or damages property, with the purpose of intimidating the public, coercing the government, endangering the sovereignty or integrity of India. The act of person if adversely affects the harmony between different religious, racial, language or regional groups or castes or communities are a terrorist. 58 The person act is punishable provided the act is

53. Ibid.
54. Ibid.
58. The Terrorist Affected Areas (Special Courts) Act, 1984, Section 2(h).
done in affected area so designated by the government by notification as per section 3 of the Act.

2.4.11. B. The Terrorist and Disruptive Activities (Prevention) Act, 1987: This new act defined terrorism in largely the same manner as the Act of 1984 with difference that in earlier Act the term terrorist was used and in later terrorist act. Section 2(h) state the meaning of terrorist act with reference to section 3 with heading punishment for terrorist act. It states that whoever with intent to overawe the Government or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature in such a manner as to cause, or as is likely to cause, death of, or injuries to, any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community, or detains any person and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act, commits a terrorist act. The definition has extended the meaning by defining the means used for causing terror and its clear resultant on person of society or to government.

2.4.11. C. Prevention of Terrorism Act, 2002:

The Act defined the term terrorist act by section 2(g) read along with section 3. Terrorist act means an act done with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature or by any other means whatsoever, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services

59. The Terrorist and Disruptive Activities Act, 1987, Section 2(h) and 3.
essential to the life of the community or causes damage or destruction of any property or
equipment used or intended to be used for the defense of India or in connection with any other
purposes of the Government of India, any State Government or any of their agencies, or
detains any person and threatens to kill or injure such person in order to compel the Government
or any other person to do or abstain from doing any act is said to done a terrorist act and he is
a terrorist.

Further, the section states that a person who is or continues to be a member of an
association declared unlawful under the Unlawful Activities (Prevention) Act, 1967 or voluntarily
does an act aiding or promoting the objects of such association and is in possession of any
unlicensed firearms, ammunition, explosive or other instrument or substance capable of causing
mass destruction and commits any act resulting in loss of human life or grievous injury to any
person or causes significant damage to any property, then is said to commits a terrorist act and
he is a terrorist. Moreover, a terrorist act also includes the act of raising funds intended for the
purpose of terrorism.

2.4.11. D. The Unlawful Activities (Prevention) Act, 1967; Amendment of 2004

The Act before amendment of 2004 does not contain provision for terrorism. The
Act was having objective to provide effective prevention of unlawful activities of individual and
association. After amendment of the Act in 2004, the meaning assigned under the repealed
POTA was incorporated under this Act. It defines a ‘terrorist act’ under section 2(k) read
along with section 15. Similar definition as of POTA was incorporated for terrorist act. The
act also punishes raising funds for terrorist act, harboring and being a member of terrorist
gang, terrorist organization and punishes person or association for holding proceeds of
terrorism.

60. The Unlawful Activities (Prevention) Amendment Act, 2004, Section 2(h) and 15.
61. Ibid, Section 17.
62. Ibid, Section 19.
63. Ibid, Section 20.
64. Ibid, Section 21.
2.4.11. E. The Unlawful Activities Prevention (Amendment) Act, 2008:

The first part of Section 15 contain meaning of terrorist activities is same as of POTA and 2004 amendment to UAPA. The intent to strike or likely to strike terror in people or section of people or in foreign country is a terrorist act. The person is also said to done terrorist act if overawes by means of criminal force and cause death of public functionary or detain, kidnap or abduct any person with intention to compel the government to do or abstain from doing any act.

2.4.11. F. The Unlawful Activities Prevention (Amendment) Act, 2012:

The amendment of 2012 has extended the meaning assigned under UAPA 2008. The definition of person who is liable under the Act was extended to an individual, a company, a firm, artificial juristic person or any agency or office controlled by them. Meaning to the term terrorist act is expanded to cover economic security which includes financial, monetary and fiscal stability, food security, energy security, ecological and environmental security. Definition of terrorist act also extends to cover smuggling or circulation of high quality counterfeit Indian currency.

2.5. Common Elements of Terrorism

Having complex and variety of definition available one can find some elements common among the majority of useful definitions. There common elements are with respect to mode or process of creating violence that amount to terrorism.

2.5.1. Political: A terrorist act is a political act and is committed to achieve a political goal. The systematic use to commit ordinary crime and to terrorize person or governments into conceding to the terrorist’s political aims. There may be three types of politically motivated systematic terrorism. first, repressive terrorism, which is used most commonly but not exclusively by states to suppress, put down or constrain certain groups or individuals; second, sub-revolutionary terrorism, which is employed for variety of purposes short of revolutionary seizure of power such as coercion or intimidation, vengeance or punishment and third, revolutionary
terrorism, which has the long term objective of bringing about political revolution, i.e. a fundamental change in the power structure and often in addition, fundamental changes in the socio-economic order. Clausewitz’ statement that “war is a continuation of policy by other means” is taken as a truism by terrorists. They merely eliminate the intermediate step of armies and warfare, and apply violence directly to the political contest.\textsuperscript{70} Over a decade ago, a U.S. State Department official summarized, “The ultimate goals of terrorism are political…Politically motivated terrorism invariably involves a deeply held grievance over some form of injustice. The injustice may be social or economic, but it is nonetheless blamed on a political authority.”\textsuperscript{71}

2.5.2. Psychological

The act of terrorism causes a psychological effect in the mind of general people causing terror. They don’t target the actual victim but the audience. According to the ideology of terrorist group psychological effect is created. Terror is the term which indicates fear of unknown, some pre-contended and unprecedented happenings which may shatter human psychology and may cause psychological, physical or mental trauma.\textsuperscript{72} Regardless of the objectives and format of terrorization, its basic process involves an unpredictable, powerful force, threatening the victim with annihilation. The experience is immensely stressful and generates in the victim feelings of total helplessness and powerlessness. Islamic terrorist does not intend to create fear in Muslims but they target to create fear in non-Muslims. Thus, terrorism is having long lasting traumatic effect on the whole society and the world. It make the country and the world under the state of shock and terrorized state of affairs affecting the individual and social prosperity and the prosperity of the nations.

2.5.3. Violent

Violence, coercion, destruction or threats to commit such act are the common elements of terrorism to produce the desire result. The violence created by terrorist act create mental agony and badly damage the mental growth of human being particularly of children which is having far reaching effects on their minds. Coercion is an attempt to induce a desired behavior

\textsuperscript{70} Karl von Clausewitz,\textit{War, Politics and Power}, Regnery Gateway, Chicago, 1962, 83
or action from individual, groups or government. Terrorism can be described as the threat of violence, individual acts of violence or a campaign of violence designed primarily to instill fear, to terrorise. Victims are totally unrelated to the terrorist cause and violence is targeted at the people watching it. It involves the strategy of selective target that may cause massive destruction or cause mass killings. Kidnapping, killings, hijacking, threatening to economic security, destroying property of individual or of military institution or of government or causing disharmony in the society are the resultant of terrorism. Even if causalities have not been done directly but potentiality to cause the same is enough. Use of violence or threat of violence to inculcate fear is important. Mere possession of Weapons of mass destruction by the terrorist may cause terror. Moreover, a successful hostage taking or abduction may result into releasing them unharmed but the moot question is whether the terrorist were having the capacity and opportunity to inflict fear by causing violence or state of violence or not?

2.5.4. Dynamic

Terrorism is a dynamic concept and keeps on changing. It's having socio-economic, political, psychological, ideological dimensions. Though Kashmir is a political issue but it is also a socio-economic and cultural issue. At the level of dialogue it is also a psychological problem. Terrorism has its own regional, national or sub-national context. Terrorism in Jammu and Kashmir is different from the terrorism in North east India. The terrorist groups demands changes with change in movement and revolution. With the use of various means to cause terrorism, the concept becomes more complex in nature and it may be described by the means so employed to cause terrorism with objectives it tries to achieve.

2.5.5. Deliberate

Terrorism is a systematic act directed to achieve a particular goal. To cause terror require a rational decision to select target whether general masses, or government officials or government property, schools, buildings, transportations etc and employ specific tactic either bombing, firing, hostage taking, kidnapping, destroying property or means of livelihood etc.. The target selected by the terrorist are not for achieving their direct goal or they are the only victims the terrorist are in search of but it is just symbolic in nature to cause fear in general people and give a deep psychological effect.
In 2004, the Security Council, in its resolution 1566 (2004), identified elements of a definition, referring to “criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or abstain from doing any act”.\textsuperscript{73}

2.6. CAUSES OF TERRORISM

The threat posed by complexity of terrorism needs to be understood to arrive at a workable solution for it which is possible only by identifying its existing causes. There are several reasons such as social, economic, religious and political etc. all these factors contribute in the enhancement and flourishing the terrorist activities. Multiple reasons are listed here, of which some seems to be more applicable than others, and some others tend to go together for identification of more or less causational factors.

2.6.1. Helplessness and Hopelessness

Helplessness which leads to hopelessness is the psychological state that enhances terrorism in the society. The people when get overlooked in the society, made to suffer socially, economically, politically and received injustice get hope to take revenge by adopting terrorism. Violent behavior are expressed when one find persistently neglected from the society. Feeling helpless is a cause to find hope to attract the attention of the state and the people. It is witnessed from the long standing political disputes such as insurgency in northeast, extremism in Bihar, Kashmir etc where the objective of the people have not been given due attention due to which some of them started militant movements.

2.6.2. Political Deprivation

Political deprivation is the main root causes of terrorism. Political issues have equally contributed to the growth of terrorism which is one of the means to acquire power is inspired by psycho-dynamics of mankind. Politicization of violence is the tactics of terrorist to gain public support. Unless they make a call for a greater common cause, such as liberation, autonomy, secession etc. terrorism is unlikely to receive public attention without which the very

purpose of terrorism would be defeated. Violent criminal behavior designed primarily to generate fear in the community or substantial segment of it, for political purpose and political gain.\textsuperscript{74} When political rights of individual are not granted then certain individual or group adopt method of terrorism to show their anger and prove that terrorism is a viable instrument of political change and they are having capability to overawe the government. For example guerilla warfare of communist in Northeast states, Naxal in Bihar and Jharkhand, Insurgency in Jammu and Kashmir, M.P., Tamil Nadu etc.

Some of the factor associated with it are, evasion of land ceiling laws, encroachment and occupation of government and community lands by powerful section of society, poor implementation of laws prohibiting transfer of tribal and non tribal rights including traditional rights, eviction from lands traditionally used by tribal’s, displacement and forced eviction, lack of food security.

2.6.4. Poverty and Economic Disadvantages

Mahatma Gandhi has asserted ‘Poverty is the worst form of violence’. Aristotle had stated that “Poverty is mother of Terrorism and Revolution”. Total economic equality has never existed in the history of mankind and poverty, inequality of wealth & assets in different parts of the world contributed in excelling the terrorism. Due to growth of population, urbanization and migration from rural to urban areas, there is a tremendous pressure on the economic system of the country. As the resources are scarce, each group tries to obtain these scarce resource which lead to competition among the various groups. Those group which does not get due share in the economy feel disgraced and neglected and try to reassert their dominance by resorting to waging armed struggles against the authority. Muslim countries have acute problem of poverty and therefore an easy prey for terrorist organisation to find poor people to carry out their terrorist objects. Illiteracy, hunger, economic disparity, unemployment in any given country provide safe haven to flourish terrorism and their related activities.

Large section of people in the developing countries believe that the global capitalism led by US is responsible for such income disparity, poverty, inequality and uneven development primarily due to adverse terms of trade which are in favour of developed countries. Developed countries

have often blamed developing countries for bad governance, fiscal deficit, wasteful expenditure on avoidable items, excessive interference of the state leading to unemployment and neglect of private sectors. But since, 2008 due to recession in global market and failure of private financial institutions in developed countries, they have made their country’s economic condition suitable for terrorist organisation to pose threat. Some of the factors leading to terrorism are corruption and poor provision or non provision of essential public services including primary health care, education, incompetent and ill trained, poorly motivated public servants, misuse of power by police, perversion of electoral politics and unsatisfactory working of local government institutions.

2.6.5. Easy Access to Technology and Weapons

Terrorists in the past used simpler technologies for committing crimes, but switched on to most sophisticated advanced technologies as per advancement in science and technology all over the world. The use and access of more evolved sophisticated weapons of biotechnology, chemical, nuclear technology in future cannot be ruled out by criminals and anti-social elements. With the use of internet and mobile networking and handy software has made possible to have rare image of any place or area, to obtain knowledge about various arms and ammunition, there manufacturing skills, knowhow and its use which has facilitate the terrorist to access it easily to achieve their target. As countries such as the US become more reliant on technology, they will be more susceptible to terrorist attack. An inverse relationship can be created between sophistication of technology and amount of people required to perform a mission. One individual, armed with laptop and mobile can achieve significant result as compared to large armies.

2.6.6. Sheer Success of Terrorism

Terrorism is employed to achieve their objectives easily and quickly at a gun of terror. With causing or threatening to kill, kidnap, destroy property, hijack aircraft etc are the means adopted by the terrorist to get their demand accepted and fulfilled government or any foreign organisation. It has become the easiest method to create terror and get recognition in the world. Terrorists are more result oriented than pacific talks or agreements or movements. Therefore, sheer success is also a cause of rise in terrorism.

75. Supra Note 12.
76. Supra Note 72, p112.
77. J.K.Mohanty, Terrorism and Militancy in Central Asia, Kalpaz Publication, Delhi, 2006, p.37
2.6.7. Lack of Democracy and Dictatorship

A democratic government represents the people participation in governance. If the people are having any grievances and their basic rights are denied then it may be resolved by the political and legal means so provided. Justice K.G. Balakrishnan has quoted John Locke that “the end of law is not to abolish or restrain, but to preserve and enlarge freedom”.\(^78\) Freedom is the key to democratic society, which is highly prone to terrorism compared to totalitarian, communist or military government. People have direct access for redressal of their grievances in a democratic set up.\(^79\) The State is obligated in a democratic country to protect and preserve the rights, liberties and freedom of person and when adequate protection is not received or the rights and liberties are taken away arbitrarily then the people undertakes violence as a means to redress their grievances.

Moreover, the government creating fear in people with their dictatorship or autocratic power and try to suppress any opposition or curtail freedom can turn into usurpation of power. In such undemocratic state of affairs people does not find alternative mechanism to redress their grievances and some of them expresses their grief before the government by use of violence as a means of terrorism. Cuba, Congo was examples where force was used by people against autocratic and communist states to show their disagreement.\(^80\)

2.6.8. Religious Extremism

Religious extremism is another cause of terrorism. There are several kinds of religious patronages to terrorism for the formation of religious doctrines and beliefs like Jihad in Islam and Holy war in Christianity. They take terrorism as a divine duty or sacramental act. Though the definition of these concept are no less lengthy and cumbersome but at a time it becomes a cause for justifying terrorism so to defend itself from state repression and aggressive reaction. The accused persons were of the Hindu religious belief, having deep routed anger over the terrorist attack committed by Jihadist terrorist within and form the cross border on Hindu temples and Hindus in India. They conspired to take revenge by committing terrorist attack on Muslims places of worship and other places which are densely populated by Muslims had.

\(^79\) Supra Note 77, p.47
\(^80\) Supra Note 18, pp.35-46.
attacked on Mecca Masjid at Hyderabad which resulted into death of 9 and injuries to 58 persons. Among the accused were Swami Aseemanand.\textsuperscript{81}

There are governess and the states whose policies towards a particular religion or religious cult in general encourages terrorism. The reaction by the authorities or law enforcement agencies just reinforced fear and paranoia and led a group to become more aggressive or to fall into violence.\textsuperscript{82} Religion has been taken as a moral justification for creating terror, killing innocent and allowing the terrorist to believe that they are doing it for some spiritual duty. India has face several terrorist attack in the name of religion or caused by religious fundamentalist. ISI separatists movement in Jammu and Kashmir, Punjab, Jammu and Kashmir Islamic Front with Mafia gangs are responsible for Mumbai attack in 1993, Lajpat Nagar, Delhi attack in 1996, attack on Parliament house in 2001, Akshardham temple, attack at Ayodhya, Hyderabad, Aurangabad, and recent attack of Mumbai 2008.

2.6.9. Biological and Social Elements

Man is a social animal and violent by its nature. In society which is fragmented, incoherent and based on hierarchy, a certain section always feels ignored or laid down due to biological instinctual, social learning and frustration aggression. Sigmund Freud’s has said that “man is embodied with instinct urge and appetite of attacking and subjudicating others”. Thus, some human beings by their nature are diverted to violence. Moreover, growth of individual in an oppressed society or social discrimination, creates a sense of revenge or a kind of discrimination among them to raise their status in an upward direction, in order to put them at par with others.

2.7. New Dimension of Terrorism

Terrorism may be classified into different kind or category on the basis of different factors like Level of operation (National, International, and Regional), Goal and objectives, Ideology, Means and Method employed in causing terrorism. The Major types of terrorism commonly identified includes:-

\textsuperscript{81} State Vs. Devendra Gupta and others before the Additional Metropolitan Session Judge Cum Special Court for NIA cases Hyderabad, A.P., available at http://www.nia.gov.in/NIA-Cases/DLI/2011/02-2011-NIA-DLI.aspx [accessed on 12-09-2014 at 12.48 a.m.]

2.7.1. **International Terrorism**

Terrorism as it appears today has found a permanent place on the international political scene. The pattern of terrorism is same although the preparatory have varied motives. Terrorism conducted with the support of a foreign government of organisation and or directed against foreign nationals, institutions or government. International terrorism has involved groups seeking or overthrows specific regimes, to rectify national or group grievances or to undermine international order as an end in itself. In Palestine the America was in support of Israel and USSR in Al-Fateh a militant (PLO) is glaring example of international terrorism.

Panna Kaji has provided some essentials of international terrorism. According to him International terrorism is a systematic and purposeful use of extraordinary and intolerable violence by individual acts or groups which is designed primarily to terrorize or instill fear. Such violence is used indiscriminately or selectively against enemies to achieve political ends. It creates a psychological or physical effect on people. It transcends national boundaries, through the choice of a foreign victim or target, commission of the terrorist act in a foreign country or efforts to influence the policies of a foreign government.

2.7.2. **National Terrorism**

The nationalist movements in colonized states are regarded as terrorism by government in power. According to Daniel Byman, deliberate violence by substantial ethnic group for creation of separate state or for the elevation of the status of one ethnic group over the other is ethno-national terrorism. The objective of the national terrorism is to strive to have a separate state and their movement is motivated by factors like ethnic, religious or tribal groups, cast, linguistic etc. the terrorist claimed themselves as freedom fighter and cause violence to attract the foreign national on their demands. Irish republican Army in UK (IRA) and Palestine liberation organization (PLO) in Palestine, Tamil groups in Sri Lanka and insurgent groups in North East India are some of examples.

### 2.7.3. Religious Terrorism

Religious terrorism is terrorism motivated by religious faith and opinion of individual.\(^85\) Osama Bin Laden was motivated by Islamic faith to create terror and destroy U.S., Israel and India having religious cult of Christianity, Jews and Hinduism. By invoking religious appeals terrorist creates a radical collective identity on religious lines and live in their own world. Col. Gaddafi has called it as ‘Jihad’ which has been defined as a permanent war against the non-muslims.\(^86\) ISI separatists movement in Jammu and Kashmir, Punjab are responsible for Mumbai attack in 1993, Lajpat Nagar, Delhi attack in 1996, attack on Parliament house in 2001, Akshardham temple, attack at Ayodhya, Hyderabad, Aurangabad, and recent attack of Mumbai 2008. The killing of The Al-Qaeda on confirmation of death of Osama Bin Laden has declared that “the soldiers of Islam will continue planning ….until they cause the disaster that makes children look like elderly”.\(^87\)

### 2.7.4. Ethno-Nationalist Terrorism

There was an unprecedented worldwide upsurge of ethnicity in the 1870s and 1980s. Ethnicity and autonomy movements are closely interred connected.\(^88\) The identity of individual to their ethnic and religious value such as of Hindu-Muslim communities has resulted into hatred and animosity.\(^89\) Moreover, when the protection of ethnic group is traumatized by an occurrence of disastrous event, of unwarrantable violence and incessant threat then it produces a sense of fear of eradication of the victim group. When the survival of such group is at stake, conflict emerges. In north east India militancy and insurgency have ushered in great cooperation and nexus with each other groups within and without the region to protect and preserve their ethnic values and for which demand for separate state etc was moved. They are all trying to guard their ethnic identity which has cause to emerge a hot spot of insurgency movement with near around fifty active armed insurgent’s organisation operating and fighting the Indian states and with transborder features they have acquired a dynamic shape of conflict.\(^90\)

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85. Supra Note 74, p.15.
86. Supra Note 4, p.229.
87. Supra Note 1.
90. Supra Note 88, p.57-58.
2.7.5. State-sponsored Terrorism and State terrorism

State terror can often be a breeding ground for terrorism or of its military cousin, guerilla warfare though they in turn are not at all the same things. State terror is abuse of legitimate power of the methods of control normally available to a state for legitimate purposes of national interest, defence, domestic order and state security. The exercise of power unreasonably or the method and apparatus of state terror like false imprisonment, torture, disappearance, death squads create a climate of fear among a wider group than the direct victims. The terrorist commits the act of terror while concealing their identity and the state commits acts of secret terror. State terror directly acts against the political opponents, eliminating them or imprisoning them on doubtful charges.\textsuperscript{91} The state uses hidden groups to suppress anti state of government elements as a matter of foreign policy. It is a method of waging war but covertly to save expenditure. These groups are more effective in their attack as they are having financial, political and all logistic support extended by the state. Kargil intrusion and attack on Mumbai in 2008 was the state sponsored terrorism of Pakistan as it was established by the RAW interception of telephonic conversation.

2.7.6. Ideology oriented Terrorism

Terrorist have ideological coloration. Whether their true complexion is red or brown, ideologies provide justifications and rationalizations for violence and this factor cannot be neglected. Ideology and belief influence the nourishment of hatred and violence and terrorist organizations are inspired and guided by it.\textsuperscript{92} Most of the scientific formulation of the theory of the terrorism suffers from shortcoming due to neglecting the role and impact of ideology and beliefs of individual which is a guiding factor in aggravating hatred and violence. Individual values and goals themselves determine and inform the social and political action. Ideologies do influence the objectives of the terrorist operations. Person with secular ideology and one who is not having any attachment to religion can cause wide destruction for achieving political aims. Group who are from one religious sect will not target people of their own religion but will target maximum that are not of his religion.

\textsuperscript{91} Satish Chandra Pandey, \textit{International Terrorism and the Contemporary World}, 1st edition, Sarup & Sons, New Delhi, 2006, pp13-15
\textsuperscript{92} Supra Note 6, p.44.
Insurgents operating in Northeast are very selective in their target to achieve their political goals. Ideology oriented terrorism is of two kind, Left-wing and Right-wing terrorism. Left wing terrorist are always against the ruling government and are motivated by the land related factors, factors relating to displacement and forced eviction, livelihood related causes, social exclusion and governance related factors. Naxal and Maoist groups (CPI) in India and Nepal. Contrary to left wing extremism, the right wing groups always try to maintain status quo and may force government to acquire territory or interfere in protecting the rights of oppressed group of neighboring country.

2.7.7. Biological Terrorism

Bio-terrorism is the outcome of advancement in biotechnology and is one of the potential weapon of mass destruction has become a major threat to the international society. Biological Warfare (BW) agents are living microorganism or the byproduct of living organism that causes disease, incapacitation, death, and illness in people, livestock, and crops. Bio-terrorism can be caused by aerosol of the agents or pathogens considered suitable for military use include the bacteria that causes anthrax, tularemia, and brucellosis, plague, small pox. Terrorism can also be caused by water borne acute enteric infection or vector borne yellow fever, dengue or rickettsia. Since biological agents, incapacitating or lethal, produce a more prolonged period of illness than chemical agents, the impact on the health care infrastructure could be enormous. Like a nuclear weapons it push the nation beyond the “point of non recovery”.

The First World War has witnessed the use of Biological warfare by Germany. The September 11, 2001 terrorist attack on WTC and Pentagon made starkly clear how vulnerable people are to terrorism and there is all likelihood of use of biological agents by terrorist to extract higher death toll. It was alleged that several countries are in possession of chemical and biological warfare agents and they used it against their enemies. The Mujahedeen groups are

alleged to have employed biological agents during the Afghan crisis and the Communists were accused of using them in Laos and Cambodia. The Biological and Toxin Weapons Convention (BWC), prohibits the acquisition of biological materials for hostile purposes and armed conflict entered into force in 1975 with 140 participating nations. Officially it is known as the Convention on Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their destruction.

2.7.8. Chemical Terrorism

Chemical terrorism is resorted to by the use of chemical in solid, liquid or gaseous state. This is a great threat to public health and safety. The use of chlorine and mustard gases during world War-I prompted the prohibition to strengthen the international norms against this type of weapons which was reaffirmed by Geneva Convention Protocol 1925 but this protocol never truly entered into force. Chemical weapons are different from conventional weapons or nuclear weapons as the destructive effect of chemical weapons are not primarily due to any explosive force. According to the Chemical Weapons Convention signed in 1993, any toxic chemical is considered as a chemical weapon if it is used for purposes that are prohibited. Chemical warfare (CW) agents are poisonous man made gases, liquids or powders that have toxic effects on people and animals.

The sarin gas attack on the Tokyo subway on March 20, 1995 wherein, the liquid sarin evaporated slowly and spread through the packed subway cars and into station platform, chaos broke out as it caused trouble in breathing, headache, chest pain, uncontrollable coughing, choking, vomiting, impairment of hand-eye coordination, and loss of voluntary control over body functions. Many victims lost consciousness, collapsed and to be revived in hospital. In 1993, the Muslim terrorist bombed the World Trade centre in New York allegedly packed their bomb with cyanide in order to spread the poison throughout the building but it was burned in explosion.
industrial accident in Bhopal, India, in which the chemical methyl isocyanate was accidentally released, more than 20,000 people were killed.102

2.7.9. Nuclear Terrorism

The threat of nuclear terrorism has started worrying the law enforcement experts. Although still a low risk, the possibility has grown significantly in the recent years. Unsuccessful attempts to smuggle nuclear weapons were recorded in Europe. The International Atomic Energy Agency (IAEA) has confirmed 132 cases of nuclear smuggling since 1934. The scenarios visualized are horrendous there may be fabrication or stealing of a nuclear weapon for blackmail, a nuclear plant may be damaged for radioactive release, a nuclear weapons site may be attacked to spread alarm, a nuclear plant be captured for political concessions or release of prisoners, the scientist or personnel working at a nuclear plant may be held hostage, the convoy transporting nuclear materials may be attacked and so on.103 If the availability of atomic substance is made available or is reached in the hands of terrorist then nuclear weapon may cause mass destruction. Osama Bin Laden had tried a lot to acquire it with the help of state agencies in the late 1990s.104

2.7.10. Cyber Terrorism

The role of computer with respect to terrorism is that of modern thief who can steal more with a computer than with a gun. The terrorist can do more harm with a key than with a bomb. The internet has become a forum for terrorist groups and individual terrorist spread their message of hate and violence and to communicate the same. A terrorist attack on Delhi Red Fort on December 2000 revealed in investigation that the terrorist were using stenography105 as a means for communicating the terrorist designs online.106 On 2nd January 2002, the Chief Minister of Uttar Pradesh allegedly received e-mail from Laskar-e-Toiba, which threatened to blow up the Taj Mahal including some important government buildings and temple in Ayodhya.

104. Supra Note 36, p 8.
105. It is an art and science of communicating in a way which hides the existence of communication. In contrast to cryptography, where the enemy is allowed to detect, intercept and modify the message without being able to violate certain security premises guaranteed by a cryptosystem.
Consequently the securities around these cities were beefed up. The Supreme Court in 2002 received an e-mail threatening to blow up the court and Chief Minister and accordingly FIR for criminal intimidation was lodged under section 506 of IPC.

As the technology depth of cyber terrorists continues to evolve, mobile security will also play a critical role in anti-terrorism. As increasing number of customer have discarded their landline in favor of cellular phones, handset level vulnerabilities could cripple extensive communications infrastructure at a global level under the right condition. Eric Everson (security expert), stated that Universal Mobile Torrent (UMTs) will play an important role in malware distribution in the event of a national or global attack. Indian Parliament attack has revealed the massive use of mobile, internet in plotting and communicating with their counter part in the attack. Computer technology is used as a facilitator of terrorism as well as weapons or target. Several terrorist groups like the Peruvian Tupac Amarus, The Irish Sinn Fein, Dead Soul Extremists of Turkish and the Kashmiri Militants have their own internet website with which they coordinate their cross border activities.

2.7.11. Environment Terrorism

Environment terrorism is a kind of terrorism where the terrorist target the natural resources of the nation to destroy or damage it. Such natural resources may be of crude oil, minerals, polluting water resources, destroying the roads and connecting bridges between two places, destroying land fertility and agricultural productive capacity etc. Saddam Hussein ordered to burn natural crude oil causing environment terrorism and impairing the nations economically.

2.7.12. Narco Terrorism

Narco-Terrorism is used as both a kind and a means and is another sinister dimension of terrorism. There are instances of terrorist and insurgent groups taking to illicit trafficking in drugs to finance their operations. Afghanistan is the most glaring examples of link between armed conflict and illicit drugs. A new dimension has been added to terrorism by the stepped up use of drugs on a global scale. Narcotics of the most beneficial variety are being peddled all

107. Ibid.
109. Paul Grishman, Cyber Terrorism; the Use of Internet for Terrorist Purposes, Axis Publication, New Delhi, 2010
over the world, not only to make a fabulous fortune through drugs addiction of the young, but also by terrorist to collect sizable funds quickly to finance their lethal trade. The motivating factor for Narco terrorism is monetary gain and to finance the terrorism in any country. The alarming significance of the increase in the quantity of the contrabands going through India is its close link with terrorism and the drugs pass undetected due to failure of social, political and law order machinery. With sharing boundaries with Nepal, Burma, Bangladesh and Pakistan the border sealing is the requirement to stop the menaces.

**2.7.14. Suicide Terrorism**

Terrorist who are ready and willing to give up their lives by taking the lives of many are the worst form of terrorism. They do not care about living but they thrust for martyrdom. Suicide terrorism was not old form of terrorism which was used to create mass fear. It was used by LTTE to show there capability by assassination of Rajiv Gandhi in 1991 followed by killing of Premadasa, President of Srilanka in 1993. Jihaddi terrorists also adopted the means and method of suicide terrorism. They attack on the BSF post in J&K, Legislative Assembly complex of J&K, Indian Parliament in 2001, Akshardham temple in 2002, Ayodhya in 2005, and the recent attack in Mumbai 2008 where the terrorist entered through the sea sore with full preparation to kill and be killed. The attack on WTC and Pentagon in 2001 was also a form of suicide terrorism where the terrorist was well known to die after crashing the aircraft with the building.

**2.7.15. Revolutionary Terrorism**

Terrorism originated from the French revolution and it is most commonly used to overawe a political system and replace it with a new one. It is having a long term objectives of bringing about political revolution, i.e. a fundamental change in the power structure and often in addition brings fundamental changes in socio-economic order. They claim to be revolutionary heroes yet they commit cowardly acts and lack qualities of humanity and magnanimity. They claim to be revolutionary soldiers but attack on innocent people. Italian Red Brigades, the German Red Faction etc are examples.


2.7.16. **Sub Revolutionary Terrorism**

Sub revolutionary terrorism employed for variety of purposes short of revolutionary seizure of power such as coercion or intimidation, vengeance or punishment. It is having objective not to abolish the existing government but to bring some modification suitable to their ideology, political demands, religious sentiments, bring equality etc. It tries to bring socio-economic-political changes in the existing structure.

2.7.17. **Transnational Terrorism:**

Kargil intrusion or Mumbai attack of 2008 has directly provided evidence of transformation in the nature of terrorism from domestic to transnational in nature. Terrorism does not remain as a domestic phenomenon where few actors for their cause are creating terror and fighting against the ruling government to achieve some political goal. It refers to operations across national borders by terrorist groups basically independent of any government. It is by nature more congenial to urban than rural based and attributable to a war punctuated regional conflict attended by deep seated feelings of bitterness and frustration.\(^{112}\) Terrorist are creating terror in one state and taking shelter in other or they receive funding from other states to cause terrorist act. Criminal acts related to organized crime trafficking in human beings etc are undertaken by the terrorist organisation to shelter their identity and also to raise funds to carry out their mischievous act to achieve political goals. Terrorist today are more organized in structured lines having hierarchical groups are depend upon transnational source for their funds, weapons, fighters and all logistic supports. There were forty two terrorist camps directed against India operating in Pakistan and POK and militants are waiting for infiltration in India.\(^{113}\)

2.8. **Terrorism and Other Activities**

The difficulty to arrive at a universal definition of terrorism can be minimized by eliminating similar activities that are not terrorism but may be termed as terrorism in certain circumstances. Guerilla warfare, insurgencies and revolutionary act, act of freedom fighters are often used interchangeable and synonymous with terrorism due to overlapping goals which are produced by them.\(^{114}\) It is important to distinguish between the terroristic violence from other forms with which it is freely confused.

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112. Supra Note 6, p.39.
113. Supra Note 1, p.103.
2.8.1. Terrorism and organized crime

Terrorism and organized crime differ in concept. Terrorism does not fall in the category of organized crime because its object is not to acquire money power but is motivated by political, ideological, psychological, religious and other factors. In modern times there is a growing nexus between terrorism and organized crime. Organised crime has been adopted to raise funds for financing terrorism or to provide shelter to the terrorist activities by under taking some organized crime. Organized crime means “an act or omission which is prohibited by law as injurious to the public”.\(^{115}\) Alan Block suggests that “organized crime is part of a social system in which reciprocal service is performed by criminals, their client and politicians”. The UN Organised Crime Control Act, 1970 states that “Organised crime is an unlawful activities of members of a highly organized, disciplined association engaged in supplying illegal goods and services”.\(^{116}\) Organised crime is having some basic characteristics as it works through the cooperation of various individual from planning to execution level of illegal acts or doing act to achieve legitimate objectives with unlawful means. It may employ violence, corruption and intimidation to accomplish its objectives.

Criminals are committing all kinds of crimes such as killings, rapes, kidnappings, gun running, drug trafficking, money laundering, dealing with fake currency notes, prostitution, extortion, corruption at political level etc. The existing criminal networks are utilized by the terrorist organisation which was seen in Punjab in 1980s, and continuing in various parts of India like Northeast, J&K, Bihar, M.P., Maharashtra, West Bengal etc. by Maoist, insurgents, CPI, Naxal groups. Dawood Ibrahim utilized the existing smuggling network in landing consignment of arms and explosive on the western coast in early 1993, used for causing serial blasts in Bombay.\(^{117}\)

A significant difference is that the ultimate ideological motivation of a group may limit the use of some legal mechanisms aimed at profit-oriented organized crime unless the terrorist group acts for an intermediate financial goal, such as self-financing. Sophisticated organized

\(^{115}\) Ibid.


\(^{117}\) Madan Lal Sharma, “Organised Crime in India: Problems & Perspectives”, Available at [http://unafei.or.jp/english/pdf/RS_No54/No54_10VE_Sharma.pdf](http://unafei.or.jp/english/pdf/RS_No54/No54_10VE_Sharma.pdf) [accessed on 21-09-2014 at 2.09 a.m.]
crime groups often try to arrive at an accommodation with authorities through political support and corruption, but may resort to terrorist tactics when threatened. Political gain is the prime objective of terrorism victimizing innocent people whereas economic gain is the motive of organized crime. Members of terrorism are having similar ethnic background, with no direct victim or structure which is absent in organised crime. Both organisation often collaborate to raise economic resources to support and carry out their objectives and their agencies. Example, connection between criminals and terrorists exist in illicit cigarette trafficking for financing terrorist activities.\textsuperscript{118}

In India, organized gang of Varadharajan Mudaliar (illegal activities included illicit liquor, gold smuggling, gambling, extortion and contract murders), Haji Mastan (gold smuggling), Yusuf Patel (gold smuggling), Karim Lala (drug smuggling), Dawood Ibrahim who was behind the serial bomb blasts in Mumbai, Tiger Memon and Mohammed Dosa are operating from Dubai for extortion of money from builders and film producers, killings, Chhota Rajan (Drug Trafficking and Contract Killings), Arun Gawli (Contract Killings and Protection Money), Late Amar Naik (Protection Money) and Choota Shakeel.\textsuperscript{119} In the 1990s the Sicilian mafia made a strategic decision to attack the Italian State to coerce changes in its enforcement policies, North Africa has experienced kidnapping for ransom, and a group calling itself Al-Qaida in the Islamic Maghreb has claimed responsibility for some incidents.\textsuperscript{120}

Organised crime groups and terrorist are acting in the same criminal sphere where artificial distinction is required to be maintained so to prevent organized crime including potential to prevent and combat terrorist threats. There is need of federal law to deal with this kind of crime with specific definition of organised crime in the legislation to tackle federal crimes and terrorism.

2.8.2. Terrorism and Insurgency

Insurgency is as old as war itself and has been the most prevalent type of armed conflict since the creation of organized political communities.\textsuperscript{121} 

\begin{itemize}
  \item \textsuperscript{119} Shankar Pratap Singh, “Transnational Organised Crime: The Indian Perspective”, is available athttp://www.unafei.or.jp/english/pdf/RS_No59/No59_38PA_Singh.pdf [accessed on 30-04-2014 at 3.42 p.m.]
\end{itemize}
Science defines insurgency as use of armed forces against an established government to achieve public purpose, which cannot in the opinion of insurgents be achieved by pacific means. It is also defined as struggle between a non-ruling and the ruling in which former consciously employs political resources and violence to establish legitimacy for certain issues considered as illegitimate.\textsuperscript{122} Insurgency is to revolt against the established civil or political authority, to control of all or a portion of territory, or force political concession in sharing political power. They try to win over the minds of population by showing that the existing government is incompetent and force government into political concessions and or power sharing. Such requirement of public support is absent in terrorism.

While insurgents need not necessary use terror to achieve their aim, and may use non violent method or political tactics but with employ of terror may be declared as terrorist.\textsuperscript{123} Like support of some portion of the population involved who are pressing their demand for a separate autonomous state for preservation of their distinct and unique culture and tradition resulted into the demand of separate State of Jharkhand, Telangana, Bodoland, etc.\textsuperscript{124} The members of insurgency group describe themselves as ‘insurgents’ because they are fighting for the cause of local people but terrorist never describe themselves as ‘terrorist’ rather they use term like “freedom fighter, soldiers or activists” for themselves.

The insurgency operates at regional level and confined within a nation boundary or within its neighborhood whereas terrorism being transnational in nature operates at national and international level. Demographic environment is essential condition for successful application of insurgency and the people recruited are the local residents but the terrorism does not know any boundary for applying violence or recruiting people. Further, terrorism is reactionary in nature while insurgency is revolutionary in nature. An insurgency is a movement with a political effort with a specific aim and is a form of warfare which has many names like guerilla war, peoples freedom of action whereas terrorism is often used as a weapon in a revolutionary war but it cannot be substituted for the war itself.\textsuperscript{125}

\textsuperscript{122} Christopher Kozlow, \textit{Jane’s Counter Terrorism}, USA, Jane’s Information Group, 2000, p.18.


\textsuperscript{124} S.P.N.Rai Sharma, \textit{Rising Trends of Terrorism in India}, Lucknow Police Prakashan, Lucknow, 1991, pp4-9

\textsuperscript{125} Supra Note 114, pp. 171-179.
Moreover, the ideology is the strong motivation for insurgency warfare whereas in terrorism it is obscure and keeps on changing from one to another as per response they receive from the government. Insurgency depends on rural support and confidence of masses which are vital to their causes and they enjoy topographical advantages in their operation against the security forces. Terrorism on the contrary, is based on urban society where economic discrimination, mental agony, suffering, easy availability of weapons, communication etc makes the terrorist successful in their hit-and-run-tactics.\textsuperscript{126}

The insurgency warfare does not require use of terror, indiscriminate killings of innocents, kidnappings etc as in terrorism. The use of means to achieve their political objective can be a determinative factor to distinguish their activities as terrorism.\textsuperscript{127} There are subordinate wings of terrorist organisation or insurgencies formed specifically to employ terror to achieve their objectives and operations. The insurgents also uses fire arms against the civilian population to create panic and realize taxes from them of those like Nagas and Koopies of Mijoram operate in scattered armed groups and ambush army, patrolling parties and security convoys. However, there are some difference between Terrorism, insurgency and guerilla warfare.\textsuperscript{128}

\textbf{2.8.3. Terrorism and Guerrilla Warfare}

The term ‘Guerilla’ is having Spanish origin meaning ‘little war’. It operates in rural area, in a small group to target the person and property of enemy particularly military, police and government officials.\textsuperscript{129} Maoists in India attack on police to replace or overthrow the existing government. They use unconventional warfare and mobile tactic and may grow large and use conventional military forces. Guerilla warfare, insurgencies and revolutionary act are often used interchangeable and synonymous with terrorism due to overlapping goals which are produced by them.\textsuperscript{130} Guerillas may fight with small number and often inadequate weaponry but they can and often do fight according to conventions of war, taking and exchanging prisoners and respecting the rights of non-combatants. Terrorists places no limits on means employed

\textsuperscript{126} Supra Note 77, pp.51-54.
\textsuperscript{128} Supra Note 124, pp 4-9.
\textsuperscript{129} Supra Note 123, pp. 346-347.
\textsuperscript{130} Supra Note 114, p117-122.
and frequently resort to widespread assassination, the waging of ‘general terror’ upon the indigenous civilian population, and even killing of innocent foreigners who may never have visited the country of the revolutionaries.\footnote{Supra Note 91, p 8.}

2.8.4. Terrorism and Militancy

Another terminology which is frequently used in context of terrorism is ‘Militancy’. Etymologically, ‘militancy’ according to Oxford Dictionary means ‘combative’ or ‘aggressively supportive’. But generally, this is a term which is more journalistic in nature and application. It used more often at the place of terrorism and insurgency. Academically the term carries a lesser degree of violence or no violence at all; while carrying forward the cause or the objective aggressively. Indian freedom fighter Tilak were considered as militants by Britisher’s for their aggressive posturing. But in modern relations, it is more similar to insurgency rather than terrorism for its basically local in nature.\footnote{Supra Note 77, p.53.} According to George Houghton, “Militancy springs from one’s value, is expressed as an attitude, and result in certain behavior. One’s values are those things in which one strongly believes. They are what one believes to be fundamentally important and true. The term is military one and carries the idea of defending, what one believes to be true”.\footnote{George Houghton, The Matter of Militancy, available at \url{http://www.faith.edu/resources/publications/faith-pulpit/message/the-matter-of-militancy/read} [accessed on 11-09-2013 at 1.00 a.m.]}  

2.8.5. Terrorist Gangs and Organisation

Terrorist organisation means those organisations which the government has banned by its order and listed under the schedule of the UAPA Act. Till present 37 organizations have been so declared as terrorist organisation (\textbf{Annexure-1}). Terrorist gangs are means an association other than the terrorist organized. Both the terrorist gangs and the terrorist organizations are involved in terrorist activities. Organisation implies that individuals band together exclusively or primarily to practice terrorism and is cellular in structure. There are some regional deviations and refinement based on operational requirements and administrative control. In this system, terrorist are deployed in small cell or firing groups. One member in each cell is designated leader and link man with the higher echelon. Each organisation has its command and control function.
2.8.6. Terrorist and Freedom Fighter

Revolutionary group engage in civil war against sovereign power that hold control of the land with aim to gain independence or oust the existing government. They may use violent or nonviolent method such as Gandhi used in India. In recent years, there has been a huge discrepancy in defining who constitutes a terrorist and who is a freedom fighter. Patric Clauson writes, “one man’s terrorist could be other man’s freedom fighter”.\textsuperscript{134} Calling a terrorist, freedom fighter and vice-versa, is an extreme example of dilemma. Terrorism has its own identity and so has the freedom fighting and it would be disgrace to allow to associate both the term together in democracy.

There are difference between a terrorist and a freedom fighter. First, after the state has been recognized as a Nation under the UN Charter, the citizens of that states cannot be regarded as freedom fighters as this would promote sub nationalism within a country and promote disharmony which are crime under IPC in India. so long the individual or group of individuals holds the nationality of an independent sovereign nation as recognized by the UN, they have no moral or legal right to claim themselves as freedom fighter and there act of violence could be identified as act of terrorism rather than freedom fighter.

Secondly, the main objectives of freedom fighter is to acquire independence by any available means but the primary objectives of terrorist is violence and intimidation reflected in their political or economic demands which get diluted when some of their demands are met or considered.\textsuperscript{135} The demand s of terrorist are deceptive and ambiguous in nature like for release of their colleague or some of their ulterior motive but the freedom fighters are motivated by their objectives of independence. Thirdly, violence is the weapon for terrorist to create a state of fear. Brian Jenkins has stated that “acts of violence, or a campaign of violence designed primarily to instill fear is, terrorism”.\textsuperscript{136} Violence is not pre condition for freedom fighters and are resorted only in repressive conditions otherwise nonviolence is a tool for freedom fighters.

Fourthly, freedom fighter exercise violence not against the general public but against the public functionaries, police or military and follow certain rules of behavior based on ethics

\textsuperscript{136} Brian M. Jenkins, *New Modes of Conflict*, Rand Corporation, Santa Monica, pp. 406.
but the terrorist employ violence means towards unidentified target which include general people. Terrorist does not follow any ethics and target soldier, women, children. Fifthly, Act of terrorism lack moral justification and their act create panic in the socio-political environment which is not similar in the case of freedom fighter.\textsuperscript{137} Lastly, the freedom fighters limit their activities, means and end within their national boundary and try to get support and cooperation of people to achieve their aim of independence but terrorism is transnational in nature and seeks support from across border and may have nexus with organized crime to destabilize the economic, political, social structure of the country and to eliminate the people of that country.

2.9. Tactics, Strategy and Source of Strength to Terrorism

Terrorist movement may be motivated by nationalist, ethnic, religious, ideology etc and according they may undertake insurgency, Naxalism, Maoism, Guerrilla or terrorism as a tactics to spread mass casualties or state of fear. Sri Manmohan Singh, has termed left-wing extremism as the biggest challenge to India’s internal security. The nexus between terrorist outfits, left-wing extremism and north East insurgents posed a new challenge to security forces. The Maoist used their link with northeast insurgents group to acquire sophisticated arms, including rocket launchers, surface to air missiles and sniper rifles. Documents seized during the raids by security forces revealed that their budget for buying sophisticated arms crossed several hundred cores rupees. Dangerous alliance between Red guerrillas and Tamil Tigers led to their joint training camps and meetings in the forest of south and central India.\textsuperscript{138}

The Maoist used informal contacts with Tamil Tigers to buy arms from neighboring countries like Nepal and Bangladesh. Insurgency in India is also fueled by foreign countries, including Russia and United States, with supply of arms and ammunition to Maoist and Insurgents. Ultras also use locally manufactures arms, including among others pipe guns, revolvers and improvised pistols. The Jammu and Kashmir has taken the form of terrorism, indiscriminate killings of civilians, surprise attacks on the government buildings and security related installations, streets protest, stone pelting, anti-government procession and agitation. There were forty two

\textsuperscript{137} Supra Note 77, pp.41-44.
\textsuperscript{138} Supra Note 1, p.103.
terrorist camps directed against India operating in Pakistan and POK and militants are waiting for infiltration in India.  

The target of terrorist or allied association may be of people in general, threatening public functionaries, killing or kidnapping people of public functionaries, or any foreign national or authorities, destroying property including commercial units, warehouses, docks, airport, vessels, transport communications and means, water supply, food supplies, Industries, property of defence, Power stations of radioactive plants, nuclear reactors, telephone exchange, post offices, banks, television stations, schools and colleges, railways etc.

The terrorist may use wide range of highly sophisticated weapons including, country made revolvers and pistol, AK-47 rifles, rocket launchers, jute bombs, pipe bombs, petrol bombs, toka/gear bombs, transistor bombs, time bombs, hand grenades, land mines, human bombs, and weapons of mass destruction (Biological, chemical and nuclear warfare agents), and moreover, use of cyber networks to cause stand still to government electronic document, stealing electronic data, and causing widespread terror among people by emails, facebook alerts, twitter.

The terrorist are strengthened by support extended by the international organisation or neighboring countries making the terrorism as a transnational in nature. Moreover, nexus of terrorism with organized crime has made the terrorist organisation as self reliant as they can generate financial support by illegal activities such as drug trafficking, human trafficking, counterfeiting currency notes etc.

2.10. Unlawful Associations and Terrorist Organisations

Due to the historical, social, traditional, geographical and ideological factors, numbers of insurgents and terrorists groups are active in the North-East, Jammu and Kashmir, Bihar, Jharkhand and other parts of India, creating lot of problems of mass destruction, social disharmony, hindrance in the development and threatening to the popular participatory democratic government. According to the Schedule of the Unlawful Activities (Prevention) Act 1967, 37 organisation are declared as terrorist organisation and are banned, (Annexure-1). Apart from it there are some other small organizations, which are also directly and indirectly involved in the

139. Supra Note 1, p.93.
insurgent activities. These are Naga guerrillas, Revolutionary Government of Nagaland, National Socialist Council of Nagaland, (NSCN) (mother of all insurgencies in the region)\textsuperscript{140} Assam Tigers Force, All Assam Students Union, Bodo volunteer Force, Dima Halan Daogah, Harkat-ul-Jihad-al Islami, Islamic Liberation Army of Assam, Kamtapur Liberation Army of Assam, Idgah protection force, Kachin Independence army, Kamtapur liberation Army of Assam, Kamtapur Liberation Organization, Kanglei Yawol Kanna Lup, Muslim Liberation Army, Revolutionary Government of Manipur, the South Asia Terrorism, Portal, United Mizo National organization, United National Liberation Front, United People’s Democratic Solidarity, United Peoples Democratic Solidarity, United People Volunteers Army, United State Army, Revolutionary Peoples Front, etc.

\textbf{2.11. Technology and Terrorism: Reflection of Past and Present Experience}

Technology today is playing important role in protecting national interests and projecting national power. At the same time technology advancement in new weapons and acquisition of the same in the hands of terrorist has put before the nation a new challenge. Terrorist are developing new capabilities of massive attack and are switching over to most sophisticated advanced technology for committing terrorism. The use of more evolved sophisticated weapons of biotechnology and chemical technology and moreover uses of cyber technology have made them to show their reaction which is more lethal in temperament.\textsuperscript{141} The possibility to acquire chemical and biological warfare weapons by terrorist cannot be negated in future. Therefore, there is need to find out scientific technique and equipped our law enforcement agencies to fight terrorism with the help of technology.\textsuperscript{142}

Advancement in the means and modes of communication particularly cyber networking system has also made possible to reach far placed people easily and to get connected with large group of individual at a time on a click of finger. Even the threat of violence against small section of individual so to put large section of people in fear is terrorism as stated by an ancient Chinese philosopher, “kill one, and frighten thousand.”\textsuperscript{143} Acquisition of such sophisticated

\textsuperscript{140} Subir Bhaumik, \textit{Troubled Periphery, Crisis of North-East}, 2009, p. 98.
\textsuperscript{141} \textit{Supra Note} 72, pp. 109-113.
\textsuperscript{142} \textit{Supra Note} 72, p 7.
\textsuperscript{143} Yuvacharya, Dr. Anil Dutta Mishra, \textit{Terrorism, A Global Challenge}, 2009, p.1.
weapons and means of communication by the terrorist in furtherance of their terror objectives has changed the nature and dimension of terrorism in India and at the world. It has facilitated the terrorist to create fear, kill large number of innocent indiscriminately without risking to their lives or coming close to the target. Late Osama Bin Laden, a terrorist had threatened to acquire Weapon of mass destruction purposely to use it against American, Israel and India. The attack on world trade centre in September 2001 has shown the capability of terrorist to interfere with air navigation and use flight as missile to target WTC and other places which created panic and terror across the world.

2.12. Psycho-Social Effects of Terrorism

Terrorism by definition is anti-democratic in nature. Democracy is bound by the rule of law, due process and cannot resort to the same boldly methods used against it in combating terrorism and terrorist crime. Terror is the term which indicates fear of unknown, some pre-contended and unprecedented happenings which may shatter human psychology and may cause psychological, physical or mental trauma. Regardless of the objectives and format of terrorization, its basic process involves an unpredictable, powerful force, threatening the victim with annihilation. The experience is immensely stressful and generates in the victim feelings of total helplessness and powerlessness. This sense of helplessness in the people of society further leads to hopelessness regarding their personal and social well being. It denies the victim’s ability to control his behavior. Psychological and physical shock, characteristic of any severe trauma, follow. The degree of horror involved is perhaps best described by Weiss, who coined the term idiocide which means ‘death of self’ and continues an almost universal crime characterized by many degrees. The multiple threats to life, security, bodily integrity and self esteem precipitate in most victims a crisis reaction in which the emotions and behavior of the threatened persons are significantly disrupted.

The violence created by terrorist act create mental agony and badly damage the mental growth of human being particularly of children which is having far reaching effects on their minds. The role of media in the society also gives extra ordinary coverage to the menace

144. Supra Note 72, p.109.
created by the terrorism causing stress and shock or in other words we can say the uncontrolled media spreads the fear so generated by the terrorist. The people in the society lose faith, trust and confidence in the ruling government and machinery. There is widening of social division in the society which harms the social harmony and unity, integrity of nation. The fear so generated by terrorist attack effect on the economic viability of the country as the people are afraid to undertake social and professional responsibilities. They escape their activities of business, profession, trade and commerce and live in traumatic state which effect the social togetherness, economy of the country suffers and poverty increases. Thus, terrorism is having long lasting traumatic effect on the whole society and the world. It makes the country and the world under the state of shock and terrorized state of affairs affecting the individual and social prosperity and the prosperity of the nations.

2.13. Conclusion:

The Mumbai terror attack in 2008 was highlighted as ‘war like’ terror attack and it challenges the political stability, economic growth and international image of the nation. Terrorism originated in different regions and the countries of the world at different times as is evident from the terrorist activities in the past several decades with religion being a strong motivating factor behind terrorist activities until the French Revolution when the terror was advocated by Maximilien Robespierre. It is derived from French word terrorisme, which is based on the Latin verb terrere. Any examination of recent history clearly shows that democracy’s peculiar vulnerability to terrorism. Democracy is bound by the rule of law, due process and cannot resort to the same boldly methods used against it in combating terrorism and terrorist crime. Terrorism by definition is anti-democratic in nature. Terror is the term which indicates fear of unknown, some pre-contended and unprecedented happenings which may shatter human psychology and may cause psychological, physical or mental trauma.

There is no universal agreement on definition of terrorism. It is apparent that the definition of terrorism given in U.K., U.S., Canada, Australia do contain the cause for doing so like political, religious, ideological, such reference were not present under the definition extended by Indian special legislation. But the reference to act intended to threaten the unity, integrity, sovereignty of India under the definition means the act against the state as defined under section
121 to 130 of the Indian Penal Code though the term ‘Terrorism’ was not defined. In India, the attempt to define terrorism was made by TADA, 1987 which was pursued by the POTA, 2002. After repeal of POTA the same definition in extensive form was integrated in the Unlawful Activities (Prevention) Act, 1967 which was further extended by amendment of 2008 and 2012. Indian legislation has seen ever-broadening definitions of terrorism with the removal of sunset provisions and procedural safeguards. The definition provided under the UAPA is very extensive in nature covering various means of causing terrorism. There is a great controversy over how to term various freedom movements as a liberation struggle.

Moreover, there is a great controversy over how to term various freedom movements as a liberation struggle or terrorists’ movements. There are various causes of terrorism. The element of helplessness and hopelessness of people in the society where his political, social, economic and other rights are overlooked and he receive injustice. Political deprivation is another cause of terrorism including poverty and economic disadvantages, easy access to technology and weapons, easy and quicker achievement of objects by employing terrorism, lack of faith in democracy, religious extremism and last but not the least is biological and social traits of terrorist. Terrorist movement may be motivated by nationalist, ethnic, religious, ideology etc and according they may undertake insurgency, Naxalism, Maoism, Guerrilla or terrorism as a tactics to spread mass casualties or state of fear. These problems of terrorism are prevalent in India for a quite long time but yet no concrete measures were undertaken by the government to remove the causes of terrorism. Terrorism may be classified into different kind or category on the basis of different factors like Level of operation (National, International and Regional), Goal and objectives, Ideology, Means and Method employed in causing terrorism. There is shift in means and methods of terrorist attack from traditional to new sophisticated one.

Terrorism and organized crime differ in concept. Terrorism does not fall in the category of organized crime because its object is not to acquire money power but is motivated by political, ideological, psychological, religious and other factors. The definition of organized crime, terrorism or federal crime is not provided in the IPC and there is lack of central legislation on organized crime to control a combat it through entire India. Organised crime groups and terrorist are acting in the same criminal sphere where artificial distinction is required to be
maintained so to prevent organized crime including potential to prevent and combat terrorist threats. There is need of federal law to deal with this kind of crime with specific definition of organized crime in the legislation to tackle federal crimes and terrorism.

Guerilla warfare, insurgencies and revolutionary act are often used interchangeable and synonymous with terrorism due to overlapping goals which are produced by them. The legal meaning to this term must be provided in the legislation so that proper distinction between terrorism and insurgency, militancy, Naxalism, Maoism must be provided so that application of special laws becomes clear and will be helpful in identifying the person creating terror and measures to prevent and combat them.

Terrorist organisation means that organisations which the government has banned by its order and listed under the schedule of the UAPAA Act. Till present 37 organizations have been so declared as terrorist organisation. Terrorist gangs are means an association other than the terrorist organized. Both the terrorist gangs and the terrorist organizations are involved in terrorist activities.