CHAPTER – I
INTRODUCTION

1.1 GENERAL

The subject of Ph.D Thesis, “CAUSES AND CONTROL OF TERRORISM IN STATE OF PUNJAB - A SOCIO LEGAL STUDY” has been chosen after deep and deliberate thinking as the terrorism had been faced by the people of Punjab from the front and bravely. The terrorists moving around and committing heinous crimes were normally seen. Lakhs of people suffered and about twenty-five thousand persons including innocent people, security personals and youth ascribed as terrorists sacrificed their precious lives and crores worth of property was destroyed. The terrorism has put off the progress of Punjab back to twenty years. The research on such a subject will be useful to the coming generations and to the security forces fighting terrorism.

1.1.1 THE PROBLEM

If we go back to the history, the toll of lives due to terrorism is much more than the total killings in all the wars in the world. In Punjab, over 25000 persons have been killed within a short span of around 15 years. Since the advent of civilization, the world is facing terrorism in one way or other. This will be brought out in detail in the genesis of terrorism. Terrorism by Ku Klux Klan in America, Russian revolution, French revolution, Terrorist movements in Europe, IRA terrorism in U.K. Palestinian movements HAMAS and Hezbollah, LTTE of Sri Lanka, Talibans in Pakistan and Afghanistan are well known. Now, ISIS in Iraq, Syria, France, Belgium etc.; Palestinian terrorist groups in Israel; Talibans in Afghanistan, HUJI, HuM, TTP in Pakistan and HUJI in Bangladesh are creating havoc.

In India, various outfits in N.E. seven sister states, LeT, HM, HUJI, HuMetc in J&K, CPI (Maoist) in Central Indian States and Indian Muzahideen in Hinterland of India are highly active. Cross-border terrorism in J&K is troubling the state. Innocent persons and security personnel are being killed. Punjab is being affected by cross-border terrorism. Naxal terrorism from 1969-71 in Punjab was effectively controlled under the leadership of Sh. Ashwani Kumar, IPS, the then IGP Punjab. The terrorism prevailed in Punjab from 1978 to 1993; which was eradicated completely under the will of S. Beant Singh as C.M. Punjab & effective leadership of Sh. KPS Gill, IPS, the then DGP Punjab. The terrorists killed Nirankaris, Hindus, Sikhs & other minorities. However, the terrorism was completely eradicated in 1993 but sporadic incidents of terrorism are being committed. Some outfits having base in U.K., U.S.A., Canada, Germany etc. are active in Punjab. Babbars, KLF, KZF, KCF outfits are active in Punjab and some activists of KLF have been apprehended recently.
who were involved in seven cases of killings of prominent persons. Still, there are lot of activities by Punjab extremists in U.K., U.S.A., Canada and they extend all out support for recruitment of new persons, their training and other financial matters. The subject of research is *Causes and Control of Terrorism in State of Punjab- A Socio Legal Study* and there is a need of deeper research in modus-operandi of the terrorists and also the aspects of control of terrorism in Punjab in such a short time. Both the doctrinal and non-doctrinal methods are being used for the research. Sensitive districts qua terrorism have been selected and the reply on questionnaire will be collected from various samples, which will be analysed to come to conclusion & further giving suggestions regarding prognosis of terrorism in Punjab.

Normally, all types of isms do not go well with the society but the terrorism is the most sinister form of political violence. Terrorism is, actually, a curse on mankind. This insanity is perpetuated by fanatic acts of deranged barbarians who have no value for human life. Thousands of innocent people who have no links with the terrorists have lost their lives in terrorists attacks. The toll of lives in two World Wars was 2crores and 90 lac persons, whereas the toll of lives because of terrorism in the 20th century is over 4 crores. Many Prime Ministers, Chief Ministers and other important personalities were eliminated by the terrorists. The number of soldiers lost in four wars in India after partition is around 6000 persons but the loss of lives because of terrorism is above 2 lac. The word terrorism has been derived from Latin word, “terrere” and French word “terrine”, meaning “to cause to tremble and was used for the first time by “Robespierre” in “French Revolution” in 1789. Terrorism is a systematic attempt to cause intense fear in the minds of the people for political, economic or social purposes.

Terrorism has crippled the life in several states and countries causing economic breakdown leading to unemployment, hunger, untold misery and also paralysed the social and economic fabric of society. Terrorism has become a worldwide phenomenon. It has been a recurring theme in the story of a human kind. The primary aim of the terrorists is to create fear in the minds of the public and to erode psychological support to government machinery in order to achieve the political goals. The basic mechanism of terror was captured in an ancient Chinese proverb, “Kill one, frighten ten thousands”\(^1\). Che Gauvera and Carlos Merghilla are the two most prominent names in the arena of terrorism. The philosophy of terrorism goes by the old maxim that “the power blows out of the barrel of the gun”. By killing the targets, the terrorists want to send the message to the remaining population and

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\(^1\) Kumar, Ashok (Dr.) – *Dynamics of Global Terrorism*, KK Publishers, New Delhi, 2014 p.1
also to those who oppose their ideology/aims/objectives.

The problem of terrorism has existed throughout the world in one form or the other. The ancient Greek historian Xenophone (430-349 BC) wrote of the effectiveness of psychological warfare against enemy population. The Roman emperors such as Tibris (reigned 14-37 AD) and Calligula (31-37 AD) used banishment, expropriation of property and executions as means to discourage opposition to their rule.

Terrorism is not a new phenomenon. Since long, we have entered ‘age of terrorism’. The major reason for this lies in the very nature of contemporary civilization. Terrorism is low tech, low cost and high result route to worldwide audience. Terrorism displays a readiness to kill at random, not in anger or hatred but in cold blood to produce political shock waves with the intent of bringing about the change. Terrorists attack the soft targets for reasons of convenience. Terrorism involves surprise and therefore need to be planned in advance, though specific targets may be selected for reasons of opportunity. Left has no monopoly on terrorism, there is a right terrorism also. But Left terrorism has more incidents, damage and victims than the right terrorism. Right terrorists act less systematically, but in a more shocking way. Terrorists will never fail to claim responsibility for their violence to gain publicity. Political terrorism is essentially, "Propaganda by deed", hence advertising is the basic purpose. The aim is to provoke the government and disorganize the system of governance in order to exploit this to the advantage of terrorist groups.

Terrorism practiced by states or sub groups or individuals found throughout the human history. During biblical times, Jewish Sicarri known for the use of short sword (SICA), used to strike down rich collaborators, who were opposed to violent resistance against Roman conquerors. In the eleventh century, Shiite group called as assassin under Hassan-Al-Banna opposed the terrorists to suppress their religious beliefs in Sunni dominated Persia. Eventually, the group was suppressed by the Mongols in the nineteenth century. In USA, Ku KlaxKlan group was set up after the defeat of confederacy in the American Civil War to terrorise farmers & slaves & their supporters.

Much oppositional terrorism in the nineteenth and early twentieth century was directed towards overt issues of the major autocracies and imperial regimes of Europe-Russia, Germany, Austria-Hungary, Italy and Spain but after 1870s, anarchist terrorism also

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2 Ibid
3 Id p. 2
4 Om Parkash, S – Terrorism in India, EssEss Publications, New Delhi; 1997, p. 93
targeted the Constitutional governments, particularly the French Third Republic. The issue for nineteenth century revolution was the struggle for social and political justice, the transformation of politics and society from within, in keeping with the legacy of French Revolution. Anarchists who originated the concept of "Propaganda of the deed" sought to abolish social and political institutions entirely seeing them as repressive and unjust. They prized spontaneity and disdained organization, relying instead on the symbolic properties of terrorism. Revolutionaries in Russia sought to establish a new political order through the mobilization of the masses. The idea of the conspirational revolutionary underground leading the masses in the Jacobean or Blanquist tradition was an important step in the evolution of terrorism. Left–wing terrorists in Italy and Germany in the 1970s and 1980s also presented themselves as social revolutionaries. The left extremism challenged the legitimacy of the state on grounds of fundamental structural injustice. Cycles of mass protests in what seemed to be stable, prosperous and cohesive societies unexpectedly created a favourable climate for terrorism. Small groups were able to exploit conflicts subjected by them in capitalism and liberalism with the signal that the time of revolution was ripe. The confused capacity for protest with the potential for revolution, overestimated the extent of social disequilibrium and under estimated the resilience of liberal democracy. Nevertheless, their actions shook both society and government Red Army Faction (RAF) through its successor groups could attract wider publicity and challenged the government commitment to democratic principles. Terrorism was an unseen phenomenon & mostly students and intellectuals were involved. Furthermore, the Red Brigades and Red Army Faction, like their anarchist predecessors, resorted to terrorism as a primary method. In Italy, ultimately, the state was successful in bringing terrorism to an end. The terrorism remained to some extent in Germany, even after reunification. The government's overreaction contributed to the persistence of sporadic terrorism.

Inspired by the success of Cuban Revolution, the Left-Wing terrorism developed in Latin America in the later 1960s and 1970s, with far more destructive consequences than in Europe. Although ultimately unsuccessful, it served as a model for aspiring revolution in Western Europe, the United State and Canada. There were revolutionary movements in the form of terrorism in Argentina, Peru, Columbia etc. The Violence of SenderoLuminose (SL) in Peru was deeply ideological rather than ethnic. Peru's economic crisis brought the

5 Crenshaw, Martha (Ed.), Terrorism in Context, the Pennsylvania State University Press, University Park, Pennsylvania, 1995, p. x
6 Ibid.
emergence of S.L. group as a major social and political force in 1990s. Terrorism is a carefully planned part of a long term strategy of attrition meant to reduce the government's authority and to bring about a rural revolution along Maoist lines.

The next comes the role of ethnic groups as separate ethnic or religious identities, with the object of control of territories or secessionism. In some cases, the repression of the majority united the minority resulting in civil war. This was true in case of IRA, ETA (The Euskadi ta Askatesuna – Basque Homeland and Freedom), Arab-Isralei conflict, Argentina's FLN etc. Religion was an important factor in Irish terrorism, Iranian revolution and Islamic revolution throughout the Middle East countries.\(^7\)

Now the world is facing the Wahabi terrorism in the form of ISIS and Al-Qaida. India is facing cross-border terrorism and LeT, JeM, HM, HUM, ISIS, Al Qaeda are a big threat to national integrity and unity of our country.

Terrorism is actually a curse on mankind. This sanity is perpetrated by fanatic acts of deranged barbarians who have no value for human life. Thus, the terrorism is a cheaper form of warfare and needs high handling but people on the margins must be won over. The demands put forward should be accepted which are in public interest in general. The cooperation of the people must be elicited and government should not succumb to the illogical demands of the terrorists.

In a class struggle, the armed struggle of the Urban Guerrilla points towards the essential objectives.

a) The physical liquidation of the chiefs and assistants of the armed forces and the police.

b) The expropriation of government resources and those belonging to the capitalist latifundists and imperialists with small expropriations used for the maintenance of individual urban guerrillas and large one for the sustenance of the revolution itself.

The conventional logistics of the Urban Guerrillas are food, fuel, equipment and ammunition. These can also be expressed by way of mechanisation, money, arms, ammunition & explosives. The techniques of the Urban Guerrilla has five basic components:-

a) One part is related to the specific characteristics of the situation.

b) Second is the requisites that match these characteristics.

\(^7\)Id. p. xvi
c) Third is the definite objectives in the actions initiated by the Urban Guerrillas.

d) Fourth part is related to the types and characteristics modes of action for the Urban Guerrillas.

e) Fifth relates to Urban Guerrillas’ methods of carrying out his specific action.

The technique of the Urban Guerrillas is the aggressive attack & retreat and to wear out, demoralize and distract the enemy forces. Urban Guerrillas should know the area better than enemy, take enemy by surprise, greater mobility & speed, information source better and must be in consensus of the situation. For terrorist activities, guerrillas should have adequate knowledge of how to make explosives & use it to give maximum damage to the enemy.⁸

High explosives – RDX, PETN, C₃, C₄, Semtex etc.

Low cost explosives – Ghee tin, NHNO₃+Al powder (outer ring) + Kclo₃ + Sugar (inner ring), H₂SO₄ in Tube or Capsule.

High Tech Terrorism – Morter, RPG, Missiles, AA guided missiles, stinger missiles, High explosives, RC speed boats, surface mines, spore-farmingBacterium, Deadly gases C060, Nuclear energy & C & B weapons, Sarin Nerve Gas, Anthrox, Thio Glycol (Mustard Gas), CN & CS (gases), Insulin - Biological agents etc.

The basic problem in terrorism is that there is no single and consensus definition of terrorism. However:

1. It symbolises some violent activity used as a mean & attain political objectives.

2. The dramatic means employed to arouse public awareness and draw world attention to a particular cause.

3. The direct objective of a terrorist group is not physical suppression of the enemy’s conventional force but to inflict psychological pressure on target population.

4. External support is crucial for the survival and success of a group.

5. Invariably, it enjoys outside link in terms of ideology, finance and military technology (state-sponsored terrorism). Distinctions are made between nationalist and separatist terrorist groups.

⁸Merghilla, Carlos—Mini manual of the Urban Guerrillas; Paladin Press Boulder, Colorado pp. 6,12-13,30-31
6. Technological advances have greatly facilitated the frequency and intensity of terrorist operations.⁹

The term Fidayeen is used to describe various Palestinian guerrilla/commando groups that has become part of various Palestinian Liberation organisation (PLO) since mid sixties. Fidayeen in English means those who sacrifice and hence carries a psychological connotation¹⁰. “We may have different religions, different languages, different coloured skin, but we all belong to human race:“We all share the same basic values”. Said Kofi Annan.

The followers of Hassan Ibn Sabbah, known as Assassins, who operated about 900 years ago in Egypt are among the best remembered early terrorists. These early terrorists pioneered the assassination as a political institution. Terrorism as a means of acquiring political power manifested during the French Revolution¹¹.

Fighting terrorism is like being a goal keeper, you can make a hundred brilliant saves but the only shot that people remember is the one that gets pass you, says Paul Wilkinson.

1.1.2 WHY RESEARCH ON TERRORISM

1. The research on terrorism earlier has been on small scale and even peripheral.

2. The allotment of funds for research on terrorism has been minimal.

3. The terrorism is a growing threat and increasing danger to internal and international peace and security¹².

4. Priority has not been given to research on terrorism. It is a neglected area.

Terrorism research so far has been in favour of Western Governments and there has been no impartial and objective research on terrorism. There have been many weaknesses in the study of terrorism. The major weaknesses in the field of study on terrorism are as follows:

A) TERRORISM IS A TRUNCATED OBJECT OF STUDY. The terrorism can be perpetrated by state actors and by small groups of non-state actors i.e. non state or anti state terrorism. The research on terrorism is generally focussed on non-state actors and the terror tactics by sovereign state are ignored.

⁹Kurz, Aviat (Ed) Contemporary Trends in World Terrorism (Tel Aviv-1987 ) pp. 1-13
¹⁰ Ibid p. 14
B) **THE TERRORISM IS A SKEWED RESEARCH FOCUS.** The terrorism research is not funded by the sovereign states and thus their aspect of political and social activity relating to terrorism/insurgency is not taken up. Thus the researchers suit their projects to the funding agencies.

C) **THE TERRORISM RESEARCH IS A POLICY ORIENTED.** The research is based on policy orientation as to how to control and combat terrorism insurgency. The actual part of research is sacrificed. The research becomes prescriptive to seek solution to narrowly perceived problems.

D) **THE NARROW CONCEPTUAL FRAMEWORK OF STUDY** precludes the possibility of comparing institutionalized and non-institutionalized form of actions or legalized and criminalized forms.

E) **LINEAR, CAUSAL MODELS** - The research on terrorism is generally incident based. All aspects of terrorism are not probed. There is no feedback and interaction with the passage of time.

**WHAT NEEDED IS**

(a) To broaden the object of study to include all forms of terrorism and contexts in which terror tactics are employed. (b) To avoid the skewed research (c) To avoid prescriptive research which inevitably narrows the focus. Non applied research on terrorism is the best means of advancing theory if not practice. (d) To seek a conceptual framework, which permits analysis of the socio-political context of individual incidents and events. Such a framework must address the issue of legitimization and power. (e) To focus the research on terrorism as a tool of social and political action. This would permit the development of theory which could accommodate the historical dimensions.\(^\text{13}\)

Terrorism is one of the most heinous crimes ever witnessed by the mankind during the course of its outrage history. This amounts to an act of sacrilege against humanity since its perpetrators pay scant or no regard to the inherent values and worth of human life. It is clear cut of genocide and tyrannicidecrime and apart from chosen targets, a large number of innocent masses are eliminated. It undermines the authority of regime and causes insecurity among the citizens.\(^\text{14}\)

\(^{13}\) Id pp. 3-6

1.1.3 AREAS OF RESEARCH

1. The gravity of the problem of terrorism both at national and international level.

2. Profile of the terrorists and terrorist organization.

3. Weapons used by the terrorists.

4. Designated and non-designated terrorist organizations.

5. Legal principles & measures against terrorism.

6. Concept of terrorism.

7. Definition of terrorism


10. Global scenario of terrorism and efforts to combat.

11. Terrorism in India specially in J & K, Punjab & North-East States, insurgency & naxalism in other parts of the country

12. Statutory safeguards for prevention, control and abatement of terrorism.


Terrorism is a ferocious violence of human against human and causes fear psychosis and mass-scale terror. It is often called the “apex of violence” as the terrorists hardly pay attention to ethical and moral justification of crime and the means adopted to commit. One important fact about the nature of terrorism is that it is by its very character low profile symbolic violence carried out in accordance with a systematically conceived highly organized purposive design. A violent act will be called a terroristcrime only if it is done with some objectives i.e. for social, economic or political purpose. In the words of Wilkinson and Stewart, “Terrorism has been generally recognized as a special method of struggle to obtain specific political results and there are at least five major participants in the process of terror:”

a. The perpetrators of violence
b. The immediate victims

c. The wider target of society which the terrorists seek to intimidate

d. The neutral bystanders with in the society experiencing the terrorism.

e. The international public opinion so far as is aware of these events.15

1.2 MEANING OF TERRORISM

Literally, ‘terrorism’ like other ‘ism’ is a system of views or methods or theory behind the methods strongly believing in use of “terror” towards achievement of certain objectives. Terror in the ordinary parlance is an intense & extreme fear & use of terrorising methods for governing or resisting a government authority.

Terrorism is a social phenomenon originating from the unrest created by socio-economic and political causes. Yonah Alexander defines terrorism as “the use of violence against random civilian targets in order to intimidate or create generalised pervasive fear for the purpose of achieving political goals.”16 According to Schiniel, the terrorism is an anxiety inspiring method or repeated violent action, employed by individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby in context of assassination the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly or selectively from a target population and serve as message generators. Threat or violence based communication processes between terrorists, victims and main targets are used to manipulate the main targets (audiences) 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.17

The word terrorism has been derived from Latin word "terrere" meaning "to cause to tremble". The word terrorism was first used by Robespierre (Jacobian) during French Revolution. Terrorism is not new to the world. Man’s history is a regrettable (lamentable) story of terrorism. Terrorism is only a means of exploitation, a concept that seems to have influenced every field of human endeavour leaving no era or arena free from its crunch. Even, today, when the science and technology has advanced so far, in the words of Dr. S.

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15 Id p. 2
16 Das, Bharat B (Dr.), Terrorism and POTA, National Seminar on Human Rights, Education, Law and Society, NALASAR University of Law, Hyderabad, December 9-10, 2002 p. 87
17 Jain, Sharda, Politics of Terrorism in India (1995) p. 39
Radhakrishnan, man still exploits man in a capitalist society. Terrorism has great devastating effect resulting in extensive loss of life and property. Two World Wars took toll of lives of 2 crores and 90 lakhs but the terrorism took toll of lives over 4 crores during the 20th century.

1.3 TERRORISM AS A CONCEPT

It is obvious that the terrorism is the weapon of the weak because one resorts to terrorism when one is not able to match the might of the opposite group or of a Government. Che Guevara and Carlos Merghilla are well known names in Guerrilla, warfare. The terrorist resort to extreme violence in order to send the message to others that if they did not toe their lines, they will also meet the same fate (of victim). Violence in the legal sense is “the unlawful exercise of physical force”. The violence due to the war is excluded. Violence also includes the violence perpetrated by the State Government as a coercive power. There are various kinds of violence i.e. communal violence in the industrial field; dacoity and smuggling menace; family feuds; violence in the rural, urban and cosmopolitan cities; international power politics and its relationship with the violent behaviour and finally the political violence.

The violence saw the fall of Roman Empire, reformation in capitalist society, as in 1789, change in Russian system and finally the dramatic rise of middle class power. Violence has won in Afghanistan, Iran, Egypt, Tunisia etc. Satro the Philosopher says that violence is one of the facets of life and it is at close quarters having taken part in the French Resistance Movement in World War – II and the violence succeeded there and in France afterwards, as during the Algerian Crises. The latest Philosopher is Dr. Fanom, a Negro by birth from the French west Indies. He preached his doctrine that the violence is required not on account of its necessity and utility but on account of its moral effect. Man has always been fascinated by power. He feels that the man belongs to a violent species. His history is a long succession of war and his myths and religion are saturated with concern for power. Modern history was inaugurated by three great movements i.e. Renaissance, the Maritime Discoveries and the Reformation. Each of these contributed to its quota to the proportion and popularization of violence. We shall keep in mind that the important aspect of the problem is the conflict between ethnic groups. Social scientists conceptualize a conflict situation in terms of the four concepts of prejudice, discrimination, social tension and social violence. Violence is a virtue.

20 Id pp. 79-80
when it is applied in right direction for real basic issues in order to protect the public interests. When violence is used for personal gain by individuals then it becomes an evil. According to Rousseau, the conception of the Noble Savage, “man was born free but is everywhere in chains.” Noble Savage was the primitive man, unrepresented by culture, education and social conditioning. When this freedom is replaced by repression or restoration, violence has liberty value. This theory has been developed by the anarchists to justify the violence pragmatically and morally. A person behaves in a violent manner because of pathetic condition in nature. He is biologically defective creature, who does not know his legal limits. According to Charles Darwin, the life was viewed as continuous free fight and individuals justify the value of survival by means of violence. This violence is in the light of the animal origin. Human conflicts expressed by unarmed means in the form of sports contest, judo, athletics, wrestling and boxing do not amount to violence but armed conflicts create horror of violence. The human situation forces him to be violent for survival. The socialist’s found violence is the purifying mean which brings solution to the modern world and hence they give high moral value to violence. Psychologically, man considers himself as the abandoned child of the nature, naked and exposed, weak and shy and without weapon. So such helpless condition force him to violent means for his survival as well as assimilation of anger. Individuals react violently when he receives injustice and inhuman treatment from the different members of his species. Therefore, both his condition in nature and human situation make man to be violent. Basically, man is single human being made in the image of God and is unique. Therefore, violence can never be justified. Yet, despite these contradictions, man always tries to justify violence.21

1.3.1 TERRORISM IS THE DIRECT PRODUCT OF GLORIFICATION OF VIOLENCE. THE ELEMENTS FOUND IN THE CONCEPT OF TERRORISM ARE

I. The indiscriminate and random killing of persons, especially civilian and non-combatants.

II. The emphasis is on the surprise nature of attacks.

III. The quest for shocking the community, through media coverage.

IV. The existence of self-proclaimed political agenda or cause to justify these attacks.

The notion of terrorism as a concept can be seen as a social product, an image,

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21 Singh, Gurcharan, Advocate Jammu; State Terrorism and Human Rights management of strife in Terrorist Environment, PPA Phillaur, 1998, Article 10
psychological representation or social conception. Studies have been made of the social, political, economic, religious and intellectual factors relating to and the actors resorting to violence. It is assumed that these factors and actors create the conditions for applying the term “terrorist” regardless of the gravity of the violence or seriousness of the threat. A second way of viewing the problem is to examine the actions of actors that called as terrorists, in the hope that as research proceeds, it will be possible to refine the description by adding their attributes. There are at least two dimensions to terroristic activities i.e. there is the fight against the enemy but it is carried out in the name of people, social class, nation or religious community. Ethnocentric or ideological blinders should not keep us away from both aspects. Two facets of terrorist operations i.e. terrorist operations against enemies but to win the people should not be forsaken. Generally, the terrorism follows a cycle of birth, growth and decline. This life cycle may be simple or intricate, long or short. All instances of terrorism are marked by both continuity and ruptures, continuity in so far as the ideology or religion or other factors. Secondly, organizational doctrine may shift in order to attract recruits from new background, thus creating ideological ruptures. An inability to recruit may be the most important cause of decline. Thirdly, a decisive step occurs when the person accepts the commitment to become a professional or semi-professional revolutionary or when alien, he or she agrees to participate in underground operations that often lead to becoming a full-fledged terrorist. Fourthly, the aspect of terrorism may be a part of broader historical process. Fifthly, the success or even the repetition of terrorism is not inevitable. Terrorism can be distinguished as a method of action is excessive violence and when the means becomes an end, terrorism is logic of action. The impact of performance i.e. performance value, performance quality and attention to be drawn is an important faith of concept.

1.3.2 THE PURPOSE OF TERRORISM

1. TO OVERawe THE GOVERNMENT ESTABLISHED BY LAW.

2. TO STRIKE TERROR IN THE MINDS OF THE PEOPLE OR ANY SECTION OF THE PEOPLE.

3. TO ALIENATE ANY SECTION OF THE PEOPLE.

4. TO ADVERSELY AFFECT THE HARMONY BETWEEN DIFFERENT SECTIONS OF THE PEOPLE.

22 Crenshaw, Martha (Ed); Terrorism in context, The Pennsylvania State University Press, University Park Pennsylvania, 1995 p. 57
The development of the concept on terrorism is aided and affected by various factors i.e. humiliation of the people, rapid increase in population, economic offences, soft attitude towards criminals, issuing policies of the government, repression of the basic human rights, political frustration, foreign support, hunger for publicity, liberation of fellow terrorists, psychological reasons, religious fundamentalism, narco-terrorism and above all the abject poverty among the people.

Regarding Punjab, there were two types of violence i.e. expressive or structured and institutional violence. The former arises primarily in response to feelings of hate or rage, while in the second case, such feelings are secondary although they may arise during the course of committing violent acts. Institutional violence is used to send some message. Punjab terrorism was basically caused by emotional exploitation of youth because of egoism. Emotional exploitation of youth is also coupled with the audacity of the youth.

1.4 DEFINITION OF TERRORISM
There are various kinds of terrorism as per the situation in the country like civil disorders, political terrorism, non-political terrorism, Quasi terrorism, committed political terrorism, official or state terrorism and cyber terrorism. There may be many reasons which may contribute to the growth of terrorism i.e. historical injustice, colonial factors, domino syndrome, frustration against corruption, autocracy and misrule, technological advancement, cheapest instruments of bargain, ideological, have and have not class struggle, religious fundamentalism, nexus and psychological aspects. Other factors may be high population growth rate (so called youth bulges), high unemployment, lagging economy, political disenfranchisement, ethnic conflict and territorial conflicts. Terrorism is basically a political violence. There are about 100 definitions and there are no consensus on definition as one man’s terrorist is other man’s liberator.

1.4.1 NEED FOR DEFINITION
Need for defining terrorism is there because of the following reasons.

1. LEGISLATION FOR PUNISHMENT – A definition of terrorism is necessary to legislate laws meant for handling terrorism and punishing the offenders.

2. INTERNATIONAL COOPERATION– An internationally accepted definition of terrorism is required to strengthen cooperation between countries in the struggle

23Kaur, Kulwant (Ed); Terrorism: A Theoretical perspective of Global Terrorism, Issues, Dimensions and Options, Kanishka Publishers, New Delhi, (2005) p. 60
24Singh, Kavita (Dr.) – Human Rights and Anti-Terrorism Laws in India- Central Law Publications – Allahabad, 2010 p.1
against terrorism to ensure its effectiveness and ratification of International
Conventions on Terrorism.

3. STATES SPONSORING TERRORISM – States sponsoring terrorism use terrorist
organisations as a means to their own ends. Terrorist organisations depend upon states
for the financial assistance and operational convenience. Some Organizations become
puppet in the hands of states.

4. OFFENSIVE ACTION: -The states struggling against terrorism must retain the
initiative. The states are required to be offensive and for this, the help of other
countries is required. So, the internationally accepted definition is required.

5. ATTITUDES TOWARDS THE POPULATIONS SUPPORTING TERRORISM–
In order to fight terrorism, the states have to have the support of the population of the
country. In order to have legitimacy of the state with its population, a definition is
required so that the state should act within the required limit.

6. PUBLIC RELATIONS – Adequate publicity and acceptance in the public is required
so that the state has the legitimacy nationally and internationally. On the other hand,
the legitimacy of the terrorist organizations have to be undermined. Hence, a concrete
definition of terrorism is required.

7. TO FACE THE HUMAN RIGHTS COMMISSION & OTHER BODIES– State
Human Rights Commission and private bodies against human rights violations have
to be faced by the terrorism fighting forces. Thus, a detailed definition is required.

1.4.2 COMMON THREADS OF DEFINITION

There is clearly a wide choice of definition for terrorism. Despite this, there are
elements in common among the majority of useful definitions. The COMMON THREADS
OF THE VARIOUS DEFINITIONS IDENTIFY TERRORISM AS;

Political, Psychological, Coercive, Dynamic and deliberate, media exploitation,
operations in permissive societies, illegality of methods, preparation & support

1. POLITICAL – A terrorist act is a political act or is committed with the intention to cause
a political effect. This is a war but here the violence is directly applied for the political
purpose.

2. PSYCHOLOGICAL– Emotional exploitation is the basic aspect in terrorism. The

25Id pp. 68-72
intended result of terrorist acts causes a psychological effect or terror. The purpose of killing the target is to target the wider audience in order to send the message to specific ethnic minority decision-making elites in the society.

3. COERCIVE – Violence and destruction are used in the commission of the act to produce the designed effect. All types of violence is used to send message to the wider audience. Violence is coercive and effective and it causes a great sense of fear in the masses.

4. DELIBERATE – It is deliberate and planned activity in order to achieve particular goals. It is rationally employed on specifically selected targets and in general not a random act. The victim or target selection can appear random or unprovoked but the targets have the symbolic value that can be attributed towards goal.

5. MEDIA EXPLOITATION – The victims of violence may not be the actual targets of the terrorists, but the purpose is that information of the attack must reach the target audience. Wide publicity for the cause is the main aim. Terrorists want that their aim should be recognized by the general people through the media. Wide publicity of the aims is the basic purpose.

6. OPERATIONS IN PERMISSIVE SOCIETIES - Terrorists conduct more operations in societies where individual rights and civil legal protection prevail. Terrorists normally avoid repressive governments.

7. ILLEGALITY OF METHODS – Terrorism is a criminal act, which cannot be justified in any manner. The violations of civil criminal laws are self-evident. Not only the local laws are applicable but the activities are also covered by the ICC.

8. PREPARATION AND SUPPORT - The actual terrorist operations are the result of extensive preparation & support. That is why you should win the people if you have to be successful in the future.

9. DYNAMIC – Terrorist groups demand change, revolution or political movement. They are generally radical in approach and want immediate change to restore the basic values. Nobody commits violence on strangers or innocents to keep things “just the way they are”

1.4.3 DIFFERENT DEFINITIONS OF TERRORISM
1. MAXMILAN ROBESPIERRE, the arch apostle of the Reign of Terror says, “Terror is nothing other than prompt, severe, inflexible justice and thus it is an emanation of virtue”. Robespierre first used the word terrorism.
2. As per OXFORD DICTIONARY, the Terrorism is ‘the use of terror especially for political purposes’. Terrorism is used to imply certain effects and the most important is fear. Terrorism is part of strategy to achieve political ends and power. The other effects are:
   
i. Terrorism is manifested in acts of socially and politically unaccepted violence.
   
i. There is a constant pattern of symbolic or representative selection of the victim or objects of acts of terrorism.
   
   iii. The revolutionary movements deliberately intends their action to create psychological effects on specific groups and thereby change their political behaviour and attitudes.  

3. Terrorism may be defined as the use of threat of violence designed to install fear and undue submission.

4. One of the earlier attempts to define terrorism was made by Hardman, who defined it as, “the methods or theory behind the methods whereby an organised group or party seeks to achieve its avowed aim chiefly through systematic use of violence. The terrorism is indeed a systematic, if not discriminatory use of violence. There is only one basic dogma that the desired end is to be achieved by using violence and intimidating people”

5. Thornton attempted to define emphasizing the symbolic character of terrorist acts. He says, “it is an internal war which does not believe in securing ends through persuasion and consent.”

6. According to FBI, the terrorism is the unlawful use of force or violence against life and property to intimidate or coerce a government, the civilian population or any segment thereof, in furtherance of political or social objectives.

7. U.S. state department defines terrorism as “premeditated and politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine state agents.

8. U.S. Department of Justice says that the terrorism is the violent criminal conduct apparently intended:

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26Crenshaw, Martha Hutchinson: The concept of Revolutionary Terrorism, Journal of Conflict Revolution Vol 16 No. 3 (1972) 1 pp. 383-396
I. to intimidate or coerce a civilian population

II. to influence the conduct of govt. by intimidation or coercion, and

III. to affect the conduct of government by assassination or kidnappings

9. U.S. Task Force defines terrorism as the unlawful use or threat of violence against person or property to further political or social objectives. It is usually intended to intimidate or coerce a government, individual or groups or to modify their behaviour or policies or situation. Terrorism is the symbolic act designed to influence political behaviour by extra-normal means entailing the use of threat or violence. The terrorist freely commit acts of violence and do not merely threaten us with violence.

10. Eugen V. Walter has defined terrorism as a process of terror involving elements, “the act or threat of violence, the emotional reaction and the social effects.” This definition obviously covers some essential elements of terrorism. The terrorists imply the most heinous means to attain their political goals.

11. Paul Wilkinson has defined terrorism as, “Coercive intimidation” which is in particular a systematic use of murders and destruction in order to terrorise the individual, groups community or government in to conceding to the terrorist’s political demands. In terrorism, the ends may be humane but the means are very inhuman. The ends may be liberating the section of masses but the means may involve liquidation of other sections. It is a politics. Terrorism poses latest threat to human rights and dignity to-day. It appears to strike at the very roots of a political community at its basic value.

He classified terrorism in four ways i.e. repetitive terrorism (complete suppression), revolutionary terrorism, war terror (the terrorists apply all kinds of arms and weapons to terrorize the people) and sub-revolutionary terrorism (acts committed art of political and ideological considerations)

12. U.S. department of Defence defined terrorism as the calculated use of violence or threatened use of force or violence by a group or individual committed against persons or property to coerce and intimidate government or societies often to achieve political, religious or ideological objectives.

13. J. Goodwin defines terrorism as the strategic use of violence by an oppositional political groups against civilian or non-combatants and is usually intended to influence

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27 English, Richard: Terrorism, How to respond.
several audiences.  

14. D. Byman defines terrorism that it involves threat or violence against the authorities to achieve a political purpose and have a psychological effect. Terrorism is perpetrated on immediate victims.  

15. According to Combs, the Terrorism involves heterogeneous violence used or threatened with political aims. It can involve a variety of acts, targets and actors. It possesses an important psychological dimension, producing terror or fear among or directly threatened groups and also wider implied audience in the hope of maximizing political connection and achievements.  

16. Lacquer defines Terrorism as “the use of covert violence by a group for political ends, ‘regarded it as a part of political strategy or politics by other means.  

17. League of Nations Convention (1937) defined terrorism as, “all criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular systems in the minds of particular persons or a group of persons or the general public”. This convention confines terrorism to situation where the state per se is a target.  

18. According to academic consensus definition, “terrorism is an anxiety inspiring method of repeated violent action employed by clandestine or 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.”  

19. U N General Assembly Resolution (1999) says that the terrorism is the criminal act intended or calculated to provoke a state of terror in the general public, a group of person or particular person or in any circumstances unjustifiable, whatever the consideration of a political, psychological, ideological, racial, ethnic, religious or other nature that may be violated to justify them.  

20. Honourable Supreme Court attempted to define terrorism in case (Dr. Justice A.S. Anand), HITENDRA VISHNU THAKUR v. STATE OF MHR.  

The Court has outlined that it is not possible to have precise definition of terrorism or to lay down what constitutes terrorism. It may be possible to describe it as a use of violence, when its most important result is not merely the physical and mental damage of the victim but the prolonged psychological effect it produces or has the potential of  

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30 Goodwin, J. – A Theory of Categorical Terrorism.  
31 Combs, Terrorism in the 21st Century  
33 AIR 1994, SC 2623
producing on the society as a whole. There may be death, injury or destruction of property or even deprivation of individual liberty in the process but the extent and reach of the intended terrorist activity travels beyond the effect of an ordinary crime capable of being punished under the ordinary penal law of the land and its main objective is to overawe the Government or disturb the harmony of society and not only those directly assaulted with a view to disturb even peace and tranquillity of the society but also create a sense of fear and insecurity.

21. There tend to be two approaches for defining terrorism, either identifying with the victims or with the perpetrators. US Analyst of terrorism, Brian M. Jenkins argues that the terrorism should be defined by the nature of the act, not by the identity of perpetrators. A definition must include concept of violence or the threat of violence. This violence is intended to have an effect on victims; typically the terrorists want a lot of people watching instead of lot of people dead, instilling fear in the intent of the terrorists accompanied by causing deliberate injuries to the innocents. The violent act of threat will have a political motive. He defines terrorism as an act or threat of violence or a campaign of violence mainly intended to intimidate. He called it “violence for effect”.34

22. According to Hoffman, terrorism is the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change. It has political aims and motives. It is designed to have far-reaching psychological repercussions apart from effects of violence. It is conducted by an organisation with in identifiable chain of command or conspiratorial cell structure whose members wear no uniform or identifiable insignia. It is not mostly perpetrated by a sub-national group or non-state entity.35

23. Terrorism is a social phenomenon originating from the unrest created by socio-economic and political causes. It is low cost and high result route to worldwide audience. The dictionary meaning of terrorism is the systematic intimidation as a method of governing or securing political and other ends.

24. Yonah Alexander defines terrorism as “the use of violence against random civilian targets in order to intimidate or create generalized pervasive fear for the purpose of achieving political goals. The terms random, civilians and political have a very limiting connection.

25. Encyclopaedia of social sciences defines terrorism as methods whereby an organized group makes to achieve its avowed aims chiefly through the systematic use of violence.

26. Michael Stohl defines terrorism as, “the purposeful act or threat of act of violence to create fear and complaint behaviour in a victim or audience of act of threat.”

27. Oleg Zinam defines terrorism as “the use of threat of violence by individual or by organized groups to evoke fear and submission to attain some economic, political, socio-psychological or other objectives.

28. James M Poland defines terrorism as the premeditated, deliberate and systematic mayhem, murders and threatening of the innocent to create fear and intimidation in order to gain a political or tactical advantage usually to influence an audience.

29. The Convention for the Prevention and Punishment to terrorism defines acts of terrorism as criminal acts directed against the state or intended to create a state of terror in the minds of particular persons or group of personal of the public. Thus the acts of terrorism is not confined to the offences against the state only but also against the particular person or group of persons.

30. According to Central Intelligence Agency (CIA), terrorism is the threat or use of violence for political purposes by individuals or group, whether acting for or in opposition to the established governmental authority when such actions are intended to shock or intimidate a larger group wider than the immediate victims. This is also called Grant Ward Law’s definition.

31. International Institute for Strategic Studies, London defines terrorism as the use of violence against people not directly involved in conflict by groups, operating clandestinely, which generally claim to have high political or religious purpose and believe that creating a climate of terror will assist attainment of their objectives.

32. An American Legal expert says, “Terrorists do not threaten just a nation or people or an individual, they are literally at war with the rule of law, with the norms and ideals of civilization itself.”

33. US House of Representatives Permanent Select Committee on Intelligence, Department of Defence defines terrorism as the illegitimate premeditated violence or threat of violence by sub-national groups against person or property with the intent to coerce a government by instilling fear among the populace.

34. As per US Vice-President Task Force-1986, terrorism is the unlawful use or threat of

violence against persons or property to further political or social objectives. It is usually intended to intimidate or coerce a government, individuals or groups or to modify their behaviour or political objectives/aims.

35. The Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA) defines terrorism or terrorist act under Section 2 (h) and 3(1) of the Act. The terrorist act is, “the intent to overawe the government or to strike terror in the people with a view to alienating any section of the people or adversely affecting the existing harmony between different sections of the population. In case Madan Singh v. State of Bihar37, SC upheld the definition of terrorism under TADA Act. SC took a strong view in case Kartar Singh v. State of Punjab38 that the country is in the firm grip of terrorist violence. It upheld TADA.

36. According to POTA,39 the terrorist acts have been defined as: “acts 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, thus any act or things by using bombs, dynamite or other explosive substances or inflamable substances or fire arms or 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 essential to the life of the community or causes damage or destruction of any property or equipment used or intended to be used for defense of India, any State Government, or any of their agency, or detains any person or threaten to kill or injure such person in order to compel the government or any other person to do or abstain from doing the any act40 or that person is or continues to be a member of an association declared unlawful under the Unlawful Activities (Prevention) Act – 1967 (37 of 1967) or voluntarily does an act aiding or promoting in any manner the objects of such association and in either case is in possession of any unlicensed fire arms, ammunition, explosive or other instrument and substance capable of causing mass destruction and commits any act resulting a loss of human life or grievous injury to any person or causes significance damage to any property, commits a terrorist act.41

37. Cyber Terrorism is defined as the unlawful use of force or violence against persons or

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37 Appeal (CrLJ) 2003, p. 285
38 (1994) 3 SCC 569
39 Sec 2(g) Prevention of Terrorism, Act 2002
40 Ibid Sec 3(1) a,
41 Id Sec 3(1) b.
property to intimidate or cause a government, the civilian population or any segment thereof, in furtherance of political or social objectives by the worldwide network of computer and/or computer network those use the TCP/IP network protocols to facilitate data transformation and exchange.

38. Terrorism has been defined in sec 2(h) of Terrorist Affected Areas (Special Courts) Act – 1984.

39. In Webster’s International Dictionary, the expression terrorism is defined as, “systematic use of terror as a means of coercion.”

40. In Black’s Law Dictionary, the word terror is defined as, “alarm, freight, dread in the state of mind induced by the apprehension of hurt from some hostile or threatening event or manifestation of fear caused by the apprehension of danger. It must have been charged that the acts done were “to terrorise the people.”

41. In Func and Wangall’s standard dictionary, the terror has been defined as, “an overwhelming impulse of fear, extreme freight or dread that which or one who causes extreme fear and an intolerable fear.

42. Alex Schmid⁴², compiled around 109 definitions of terrorism. Schmid defined terrorism as, “terrorism is the method to combat in which random or symbolic fiction save as instrumental target of violence. These instrumental nucleus share groups or class characteristics which forms the basis for their selection for victim’s action. Through previous use of violence or the credible threat of violence, other members of that group or class are put in a state of chronic fear (terror). This group or class, whose member’s sense of security is purposively undermined, is the target of terror. The purpose of this indirect method of compact is either to mobilize the target of terror in order to produce disorientation inordinate or compliance or mobilize secondary targets of demands. (e.g. a government) or targets of attention (e.g. public opinion) to charges of attitude or behaviour favouring the short or long term interests of the users of this method of combat. Schmid’s definition does not allow for a relativist concept of terrorism i.e. one man’s terrorist is another man’s freedom fighter. Lambert⁴³ counters the definition as; it does not include the acts where the “targets of terror” are absent i.e. where act of violence has a more immediate and direct purpose.

It is difficult to offer a precise objective definition. Terrorism takes different

⁴²Singh, Kavita (Dr.) – *Human Rights and Anti-Terrorism Laws in India* – Central Law Publications – Allahabad, 2010 p. 49
⁴³Ibid p. 49
forms, although, it is usually equated with political sub-version. It is employed at times by governments and it is used as an instrument of syndicate crime. The criterion for defining the crime “terrorism” are generally subjective, since it is mainly based on political considerations, Above all, terrorism is prompted by a wide range of motives, depending on the point in time and the prevailing political ideology.44

43. According to Elagab, the term terrorism is used to define criminal acts based on the use of violence or threat of injury and which are directed against a country or the inhabitants and calculated to create a state of terror in the minds of the government officials, an individual or a group of persons, or the general public at large: It could be work of an individual, but more often is the work of an organised group whose philosophy is based on the theory that the end justified the means.

44. R. Thackrah defined terrorism as an organized system of extreme and violent intimidation to create instability with in democracies. International terrorist seek to launch indiscriminate and unpredictable attacks on groups (Police, Army, Multinationals Business etc.) or nations to change the politico-economic balance of the world.45

45. U.S. Code Title 22 chapter 38 Sec 265 f(d) defines terrorism as, “premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents usually intended to influence audience.”46

46. Western Nations as well as the United Nations, proposed by Schmid and Jorgman in 1988, defined terrorism as, “Terrorism is an anxiety-inspiring method of repeated violent action, employed by clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby the direct targets of violence are not the main targets. Targets are chosen randomly in order to send message.”47

47. International Institute for strategic studies, London has defined terrorism, “terrorism is the use of violence, often against people not involved in a conflict by groups operating clandestinely which generally claim to have high political or religious purposes and believe that creating a climate of terror will assist in the attainment of their objectives.”48

48. International Law Commission gives various categories of what constitute terrorist

44 Id p. 50
46 World Focus – Terrorism and Geo-politics – Meenakshi Press, Daryaganj, New Delhi – Feb, 2016 p. 31
47 Id p. 86
48 Id p.123
49 Id pp. 50-51
acts. i. Any act causing death or grievous bodily harm or loss of liberty to a Head of State, persons exercising the prerogative of the Head of State, their hereditary or designated successors, the spouse of each persons or person charged with public functions or holding public positions where the act a directed against them in their public capacity.

ii. Acts calculated to destroy or damage public property or property devoted to a public purpose.

iii. Any act likely to imperil human lives through the creation of public danger, in particular the seizure of aircraft, the taking of hostages and any form of violence directed against persons who enjoy international protection or diplomatic immunity.

iv. The manufacture, obtaining, possessing or supplying of arms, ammunition, explosives or harmful substance with a view to commission of terrorist act.

This definition lacks the various aspects such as the intention to spread terror, does not cover nuclear terrorism, terrorist financing etc.

49. The European Commission in September 2001 stated that a list of offences treated as act of terrorism where they are committed intentionally by individual or groups against one or countries or their institutions or populations in order to threaten and seriously undermine or even destroy their political, economic or social structure.

50. Definition of terrorism given in MALIMATH COMMITTEE\textsuperscript{50}Report – The Committee on criminal Justice Reforms appointed by the MHA under the chairmanship of Justice Malimath has defined the offence of terrorism. This committee admits that it is difficult to define terrorism and to have precise and objective definition because of the following reasons.

i. The terrorism takes different forms, although it is usually equated with political subversion.

ii. The criteria for defining terrorism is generally subjective since it is mainly based on political considerations and the approach of the government.

iii. It is used as an instrument of syndicated crime.

iv. Terrorism is prompted by a wide range of motives depending on the point in time and the prevailing political ideology. Thereby the Malimath Committee supports the definition given

\footnote{\textsuperscript{50}Id pp. 66-67}
in Article I of the League of Nations Convention on Terrorism-1937 i.e. criminal acts directed against a State and intended or calculated to create a state of terror in the mind of particular person or a group of persons or the general public. This definition has undergone a change as the terrorism seems to be mere for political power.

51. DEFINITION UNDER UA(P) AMENDMENT ACT 2004- SEC 15 \(^{51}\) OF UAPA 2004 defines the terrorist act i.e. “whoever does carry act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country:

(a) by using bombs, dynamite or other explosive substances or inflammable substances or fire events or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological, radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause.

i. death of or injuries to any person or persons; or

ii loss of, or damage to, or destruction, of property; or

iii disruption of any supplies or services essential to the life of the community in India or in any foreign country, or

iv damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purpose of the Government of India, any state government or any of their agencies, or

b) overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or

c) detains, kidnaps or abducts any person and threatens to kill or injure such person or does any other act in order to compel the government of India, any state government or the government of a foreign country or any other person to do or abstain from doing any act, commits a terrorist act.

Under UA(P) Amendment Act 2008, the Act amends Sec 15 and defines terrorist act, as persons who does any act with intent to threaten or likely to threaten the unity, integrity,

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\(^{51}\) Id p.77 and NIA Criminal Law Review, SVP, NPA Hyderabad- 2014-15 P 93
security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country shall be a terrorist act.

52. The word terrorist has been derived from the Persian word, “Terridan” which means to shiver or which reveals to shiver. It means to create the fear in the minds of the people by using the unlawful methods and lethal weapons. In Arabic language, terrorist is derived from word, “Trhab or rahbah” which means to cause fear or frightening.52

53. According to the Arabic dictionary A.L. Waseet, the terrorists are those, “who resort to violence and achieve their political objectives”. In Arabic dictionary A L Marged, the meaning of Irhabi terrorists i.e., they are those who resort to violence to establish their power. A terrorist has also been defined as a person who indulges:-

i. in wanton killings of persons

ii. In violence or

iii. In the disruption of services or means of communications essential to the community or

iv. In damaging property with a view to putting the public or any section of the public in fear or affecting adversely the harmony between the different religious, social language or regional groups or castes or communities or coercing or overawing the government established by law or endangering the sovereignty and integrity of India53. The main aims of the terrorist are to create a terror or fear in public mind or to erode psychological support to the government machinery by spreading fear among the government officials and their supporters.

54. Webster’s international Dictionary defines word terror as a state of intense fright or apprehension, stark fear, one that inspires fear, a frightening aspect, an appalling person or thing. According to another Webster’s dictionary the word terror means, “the use of force and violence to intimidate, subjugate etc., especially as a political policy. The terror may be used in two forms or ways for achieving political goals. First is mobilizing forces, these forces are sympathetic to cause and second is immobilizing forces; these forces are unsympathetic to cause. In ordinary parlance, terror means intense, overpowering fear and use of terrorizing method for governing or resisting a government.54

55. Fourth International Paris Conference held in Paris in 1931 defined terrorism as all

53 The Terrorist Affected Areas (Special Courts) Act, 1984 Sec 2 h
54 Kumar, Ashok (Dr.) Dynamics of Global Terrorism, K.K. Publications, New Delhi, 2014, p. 54
offences, preparatory acts for such offences as well as agreements and conspiracies aimed at imposing a political doctrine through violence or intimidation.

56. According to Fifth International Conference held in Paris in 1935, if any act is committed in order to express propagate or carry out a political or social doctrine which causes a common danger to life, health or physical integrity or to private property or that of the local community or state, or causes the danger of interrupting public communications or the functioning of public utilities, it will be assumed as an act of terrorist.

57. According to Chalmer Johnson, Terrorism is political goal oriented action involving the use of extra-ordinary violence performed for psychological rather than material effect and the victims of which are symbolic rather than instrumentals.55

58. An Adhoc committee on terrorism in 1979, defined terrorism as any act of violence endangering or taking innocent human lives or jeopardizing their fundamental freedom and affecting more than one state, such act being committed as a form of coercion to secure some specific ends.56

59. According to “The Asian-African Legal Consultative Committee (AAICC)”, the terrorism is a violent act or acts or attempts of such acts, perpetrated by states or individuals or groups of individuals against innocent civilians or nations of states not involved in on-going conflict, calculated to cause fear or and panic to general public, and intended to coerce a state or an institution to conform to a course of conduct by political consideration of the perpetrators57.

60. Robert A Fried Lander says that it is not necessary to have an exact legal definition, if terrorism is dealt with as a common crime. Concentration on the elements of actuary may be all that is needed by way of definition, for murder, arson, kidnapping, serious bodily harm and infliction of severe mental distress are criminal acts in themselves and need only to be proved as such.58

61. According to M. Cherif Bassiouni, International terrorism will be defined as strategy of terror, inspiring violence containing international elements and committed by individuals to produce outcomes.59

62. According to Thomas M. Frank and Best B. Lockwood, the definition of terrorism

55 Id pp. 55-56
56 Id p. 57
57 Id
58 Lander, Robert A Fried, “Terrorism Encyclopedia, of Public International Law” (1986) p. 373
59 Kumar, Ashok (Dr.) – Dynamics of Global Terrorism, KK Publications, New Delhi, 2014 p.58
involves at least five elements as follows:-

1. Public or private actors,
2. Wide range of acts
3. What constitutes the International component.
4. Motive or intent
5. Victims.

63. According to J.J. Paust, the terrorism involves the international use of violence or threat or violence by the precipitators against an instrumental target in order to communicate to a primary target or threat of supreme violence. An action of violence is labelled as terrorism when its psychological effects are out of proportion to its purely physical results.60

64. Martha Crenshaw says that terrorism are the means to accomplish certain objectives with International support.61

65. According to Jay Millin, the terrorism is a substitute for averting warfare. When diplomats & policemen fail to curb terrorism, then the soldiers take over the responsibility to curb the terrorism.

66. According to Lawrence Zelic Freedman, terrorism is defined as the use of violence when its most important result is not the physical and mental damage of the direct victims but the psychological effect produced on someone else.62

67. According to Ajit Singh Bains, terrorism is an act of intimidation of innocent people, threatening their lives, destroying their property, depriving of their liberty and creating tension among them.63

68. As per Goshe, terrorism is a method of conflict primarily based upon violence.

69. R.K. Pachnanda defines terrorism as state of terror, “panic and a fear psychosis” created by the terrorists in order to force, coerce and blackmail the authorities using the violent means to accede to their demands.64

70. General V.P. Malik (Retd.) says that terrorism is an act of war and needs to fight with

60 Id pp. 58-59
62 Kumar, Ashok (Dr.): Dynamics of Global Terrorism, KK Publishers, New Delhi, 2014, p. 60
63 Ibid p. 60
64 Pachnanda, R.K.; “Terrorism and Response to Terrorist threat” 2002 p. 4
multi-dimensional plans.\textsuperscript{65}

71. Noel O Sullivan says that political terrorism occurs when a group whether holding government office or outside government resolves to pursue set of ideological objectives by methods which not only subvert or ignore the requirements of domestic and international law, but which rely for their goals primarily upon the threat or use of violence. This definition applies not only to Islamic group like Al-Qaida, Hamas, H.M. but also to secular outfits like IRA, ETA, Al Fatha etc.\textsuperscript{66}

72. U.S. Code of Federal Revolutions defines terrorism as the 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.

73. As per U.S. National security strategy, terrorism is pre-mediated and politically motivated violence against innocents. British Terrorism Act, 2000 defines terrorism so as to include not only violent offences against persons and physical damage to property but also acts “designed seriously to interfere with or seriously to disrupt an electronic system. These acts are designed to influence the government or to intimidate the public or a section of the public and be done for the purpose of advancing a political, religious or ideological cause.\textsuperscript{67}

74. The militancy is an organised crime/violence in society caused by the political movement and violence is perpetrated for political purpose by the individual or groups. Militants or terrorists are synonyms words. Extremism is perpetrating of violence for ideological objectives. It has intellectual roots and is constantly nourished through the radical propaganda and doctrinal preachments. The best example is Naxalism. Experts hold very extremists views on political, economic and social issues. They adopt & preach the radical measures to achieve political goals.

Insurgency is an act of rebellion against the regime and the insurgents have mass support in an area. Insurgents take upon armed struggle against the military might of the state. The examples are NNC and NSCN in Nagaland, MNF in Mizoram, PLA in Manipur, People’s Revolutionary Party (PLA) in Manipur, Tripura Upajati Tuba Samity (TUTS) in Tripura&TNV (Tripura National Volunteers) in Tripura.

Revolution is the most intense & violent eagerness and best articulated of all social

\textsuperscript{65} The Tribune (Chandigarh) July 21, 2006, p. 10
\textsuperscript{66} Kumar, Ashok (Dr.) – \textit{Dynamics of Global Terrorism}, KK Publications, New Delhi, 2014, p. 61
\textsuperscript{67} Id pp. 63,64
movements in orders to bring new social order. Mercenary is an act done by a motivated person with desire to make money. They are professional people/Criminals. Guerrillas are the terrorists who carry on terrorist activities on the organized scale. They hold the territory with in the state.68

75. DEFINITION BY OXFORD ENGLISH DICTIONARY – Anyone who attempts to further his views by a system of coercive intimidation69. This is a planned, calculated and indeed systematized act.

76. According to M. ROBESPIERRE, terror is nothing but justice, prompt, severe and inflexible; it is therefore an emanation of virtue.70

77. US FBI DEFINES TERRORISM – The unlawful use of force or 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.71

78. U.S. DEPARTMENT OF DEFENCE DEFINES – The unlawful use of or threatened use of force or violence against individuals or property to coerce or intimidate governments or societies, often to achieve political, religious or ideological objectives.72

79. U.S. STATE DEPARTMENT – Defines terrorism as premeditated politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents usually intended to influence audience.73,

80. The term terrorism means pre-meditated as well as politically motivated violence perpetrated against non-combatant targets by sub-nationals as clandestine agents. Violence is the story about base human relationships, power and struggle, social behaviour, religious and politics. Some do it with words, some with human kill, while others with the gun.74

In all acts of terrorism, it is mainly the psychological element that distinguishes it from other political offences which are invariably accompanied with violence and disorder too. Fear is indeed not merely making civilian the direct target of violence but also by exposing them to a sense of insecurity. It is in this context that SC observed:

68 Id pp. 65-72
70 Id p. 16
71 Id p. 38
72 Id
73 Id
74 Id p. 44, 45
“It is not possible to give a precise definition of terrorism or to lay down what constitute terrorism but it may be possible to describe it as a use of violence when its most important result is not merely the physical and mental damage of the victim, but the prolonged psychological effect it produces or has the potential or producing on the society as a whole, if the objects of the activity is to disturb harmony of the society or to terrorise people and the society, with a view to disturb even tempo, tranquillity of the society and a sense of fear and insecurity is created in the minds of a section of society at large, then it will, undoubtedly be held to be a terrorist act.  

81. Drawing on to Geneva Convention of 1949, Mark Seldar defined terrorism as the systematic use of force of violence and intermediation against civilian population and the natural social environment that sustain them. Individual may carry out terrorism; also groups or states under condition of social conflict including war, may carry out terrorism. It has often been stated that terrorism is the weapon of the powerless. But even a cursory survey of the history of human conflict reveals that the most egregious terrorism has been conducted by mooring states. Mark Seldar calls this a state terrorism.  

Terrorism differs from mob violence as it is carried out by a narrowly limited organization and is inspired by a sustained progress of large scale objectives of which terror is practiced. The basic edifice of a modern state, like democracy, state security, rule of law, sovereignty and integrity, basis human rights etc. are under the attack of terrorism. Though the phenomenon of terrorism is complex, a terrorist act is easily identifiable when it does occur. TADA& POTA do not define the term terrorism but only terrorist acts. Noam Chomsky relates a story: St. Augustine tells the story of a pirate captured by Alexander, the great, who asked him, “how he dare molest the sea”. “How dare you molest the whole world”, the pirate replied because, I do it with my little ship only, I am called the thief, doing it with great navy, you called yourself an emperor”. Chomsky proceeded to observe, “it captures with some accuracy the earnest relations between the U.S. and various minor actors on the state of international terrorism. After 1972 Munich Olympics killings, Ambassador Charles W. Yost said: “the fact is, of course, that there is vast amount of hypocrisy about the subject of political terrorism. We all righteously condemn it except when we ourselves or friends of our engaged in it, then we ignore it or gloss it or attach to it tags like ‘liberation’ or ‘defence of world’, or ‘national honour’ to make it seem other than what it is.” The aspect of terrorism can

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76 Singh, Kavita (Dr.): Human Rights and Anti-Terrorism Laws in India – Central Law Publications – Allahabad, 2010 pp. 46,48
be organized around three themes; the historical context of the concept of terrorism; the causal relationship between terrorism and its political social and economic environment; and the impact of terrorism on the setting\textsuperscript{77}.

All definitions contain the following elements i.e. violence, force, political, fear, terror emphasised, threat, psychological effects and anticipated reaction, victim target differentiation, purposive, planned, systematic organized action, method of combat, strategy, tactics, extra-normality in breach of accepted rules, without humanitarian constraints, coercive, extortion, induction of compliance, publicity aspects, arbitrariness, impersonal, random character, discrimination, civilians, non-combatants, neutrals, outsiders as victims intimidation, innocence of victim emphasized, group movement, organization as perpetrators’, symbolic aspect, demonstration to others, in-calculability, unpredictability unexpectedness of occurring of violence, clandestine, covert nature, repetitiveness, serial or campaign character of violence, criminals and demands made on third parties.\textsuperscript{78}

Some of the common factors in most of the definitions are;

1. It is understood as politically motivated violence because of its destructiveness and potential revolutionary consequences.
2. Violence is generally directed towards soft targets.
3. Terrorism is essentially a group phenomenon
4. Terrorism must be seen as criminal, unfair and illegitimate use of abnormal force.
5. It is a deliberate attempt to create fear.
6. It involves in intimidating governments, security forces and society in general
7. Terrorism gets itself manifested as opposition to establish authority.
8. It uses calculated propaganda.

Terrorism covers a wide range of area and the definition of terrorism is not easy to be concluded because the nature of terrorism includes the various aspects. Thus it may be summed up as the terrorism is a systematic attempts to cause intense fear in the minds of people expressly for political, social or economic purposes. Terrorism is the use or threat of

\textsuperscript{77} Crenshaw, Martha (Ed); \textit{Terrorism in context}, The Pennsylvania State University Press, University Park Pennsylvania, 1995, pp. 3-4

use of violence usually against human beings. It is a strategy which is usually brought to bear over a period of time by organized groups according to a set programme, a means to attain political goals which in view of those resorting to it, could not be attained by ordinary lawful means.

Security forces feels that a strong hand is needed to curb the terrorist activities and only a ruthless approach can wipe out terrorism. This is not true. It is said that a drop of blood of tyrant acts as seed of many terrorists. Thus the number keep on multiplying and in turn the repression leads to more and more crime in order to take revenge.

Since long, we have entered the “age of terrorism”. The major reason for this lies in the very nature of contemporary civilization. Firstly, the present complex technological society is highly vulnerable to unsuspected, ruthless, random acts of small groups of dedicated and determined terrorists because it is very difficult to protect all the vulnerable targets. Secondly, it is very easy to obtain highly sophisticated weapons. The terrorists are, even, having weapons of mass destruction i.e. chemical, biological and nuclear weapons. Thirdly, sub national groups have emerged and they are quite powerful. Fourthly, the advancement in science and technology is turning modern society into a potential victim of terrorism. Fifthly, communication and transportation networks have enabled the terrorists to have international network of terrorism and centralized command. Sixthly, since the world is shrinking, the terrorists are assured of wide publicity. Terrorism is low teach, low cost and high result route to a worldwide audience\textsuperscript{79}. In addition to these factors, the factor which contribute to terrorism are confrontation between East and West, ideologies of right & left and rise in ethnic, linguistic, racial and religious and national consciousness of groups throughout the world. Moreover, some state system also support terrorism and violence like Palestine, Afghanistan, Pakistan, Iraq, Iran, Somalia, Uganda, South Yemen etc. Liberal democracies are not free to take action against terrorists as a matter of civil liberties or state policies.

Terrorism displays a readiness to kill at random, not in anger or hatred but in cold blood to produce political shock waves with the intent of bringing change. Terrorism is not a war in which by convention many classes of persons are given immunity. Terrorists ignore the conventions defying the neutral theory, non-combatants and forbidding the taking of hostages and ill treatment of persons. In fact, terrorists attack soft targets for reasons of

\textsuperscript{79} Om Parkash, S; “Terrorism in India” EssEss Publications, Darya Ganj, New Delhi; 1997, p. 93
convenience. Terrorism involves surprise and therefore need to be planned, though specific targets may be selected for reasons of opportunity.

Terrorism and state terrorism are often looked upon as two sides of the same coin. State terrorism is the abuse of legitimate power for the legitimate purpose of national defense, domestic order and state security. This is to oppress various groups of terrorists. This ultimately leads to guerrilla action by the terrorists. International terrorism is different from domestic terrorism as International terrorism transcends the national boundaries.

An attempt to belittle the problem of terrorism is shortsighted. Any declaration to eliminate or finish terrorism is misconceived, unless backed by strong political will. The number of terrorists in every country is limited and the terrorism can be rooted out. Khomeini succeeded in crushing out terrorism within three months. The power of the state is infinitely greater than that of terrorists. It is quite difficult for the democratic forces to be ruthless. Italian authorities were able to defeat the Red Brigades strictly within the laws by a mixture of political reforms, penetration in terrorist ranks and reduction of prison terms for penitents.

Terrorist movements do not have an unlimited life span. If terrorists realize after a few years that their movements have not been successful, their resolve is weakened. The establishment of new independent state would not put an end to terrorism. On the other hand, there could be an intensification of the struggle between various terrorist group and between moderates and radicals. Terrorism is hard to define, as it is value-laden concept. There are, however, some objective criteria's for distinguishing a terrorist act from mere political violence, insurrection and guerrilla warfare. While, there is no terrorist personality, there are certain beliefs, needs and traits common to terrorists. They look upon themselves as sacrificial criminals, in a worthy cause and look upon their conflict with the regime a just and righteous. There are three major approaches to a psychological understanding of terroristic behaviour. (1). The frustration organism hypothesis is drawn from general and experimental psychology. (2). The Narcissistic rage theory and the confuse identity theory are grounded in psycho-analytically oriented development psychology. (3). The group psychology approach has its roots in group dynamics of the three approaches, the psycho-analytical approach is dominant presently but the experimental approach needs to be encouraged. Research in the psychology of terrorism can be helpful in two specific ways to the policy makers i.e. by planning a crisis management centre and secondly by using the knowledge of conflict resolution and strategy in arriving at accords with terrorists through third party intervention.
Understanding the psychological makeup of the terrorist is pertinent to the shaping of government response to terrorism. Counter-measures have to be tailored to an assessment of the terrorist’s perception and motives. The success of policy deterrence depends upon how the terrorists perceive the threat. Policy intended to contain terrorism may instead lead to its escalation. Democrats are concerned with suppressing terrorism so that democratic process may be upheld. But they have to remember that terrorist may completely be wrong about what they are fighting for, but it is unlikely to be wrong about what they are fighting against.\(^{80}\)

One of the major problem of definition of terrorism is whether terrorism is a moral problem or not. Some clauses of political terrorism are justifiable whereas others are not. For a definition to be universally acceptable, it must transcend behavioural description to include individual motivation, social milieu and political purpose. Thus, many academic students of terrorism seem to find little difficulty in labelling an event as ‘terrorist’ without making a moral judgement about the act. Another difficulty is of connection between those who study terrorism and the policy makers and law enforcers because the latter groups often reflect the analytical techniques of the former as being of inefficient relevance to the real word. The third difficulty is the political support given to certain militant group by some countries like LeT and JeM supported by ISI of Pak. As a social meaning of terrorism, legitimacy is a social product and when it extends to the fighting groups like PLO, they convert themselves from the abstract to the material. Even some governments behave like this. The individual terrorist is portrayed as irrational with aims of self-interest or illogical destructiveness. The effect of terrorism also depends upon the weapons used by the groups. Another factor is whether terrorism is to be identified with the victim or with the perpetrator.\(^{81}\) Wilkinson says that one of the central problems in defining terrorism lies with the subjective nature of the terror. Because of the complex interplay of the subjective forces and of frequently irrational individual responses, it is very difficult to accurately define terror and to study it scientifically. Some scholars feel that use of terrorism is not always politically motivated, some people vent their rage or engage in symbolic acts as a protest against society and they legitimise their actions of violence. Normally, the employment of terror as a weapon of psychological warfare for political ends is the terrorism. According to Thornton, one of the first and most vital tasks of an insurgent group is to disrupt the inertial relationship between

\(^{80}\) Id pp.131-133
\(^{81}\) Law, Grant Ward, *Political Terrorism*, Cambridge University Press, 1998 pp. 3-8
the incumbents and the citizenry. It is the extra normal nature of the use of force that distinguishes it from other forms of political violence. Extra-normal means, which affects the audience wider than the prime target, the design of the creation of violence and symbolic nature of the target. Horton used another two words for terrorism i.e. enforcement terror by the state actors, and the agitation terror (terror by the non-state actors, who want to ascend the power). May used the other two forms for terror i.e. the regime or state terror and the seize of terror (revolutionary movements). Walter views terrorism as a process of terror having three elements i.e. the act or threat of violence, the emotional reaction to extreme fear on the part of victim or potential victims and the social effects that follow the violence (or its threat) and the consequent fear. Wilkinson has outlined the four kinds of terrorism i.e. criminals (for material gains), psychic, war (paralyse the enemies) and political terrorism. Another analysis of Wilkinson is political terror (unorganised terror) and political terrorism (organised terrorism). Wilkinson divides political terrorism in to three types: revolutionary terrorism (to bring political revolution), sub revolutionary terrorism (terror used for political motives other than revolution or govt repression) and repressive terrorism (use of terrorist violence for the purpose of suppressing, putting down or quelling or restraining certain groups, individuals or forms of behaviour deemed to be undesirable by the oppressor). Revolutionary terrorism is characterised by four major attributes i.e. it is always a group phenomenon (may be a small group), the violence is justified as an ideology, there exist leaders capable of mobilizing people for terrorism and alternate institutional structure are created so that revolutionaries can partake action to develop its policies and codification of behaviour. According to Hutchinson, the essential properties of political terrorism are: (1) It is a part of revolutionary strategy. (2) It is manifested in acts of socially and politically unacceptable violence. (3) There is a pattern of symbolic or representatives selection of the victims or objects of acts of terrorism. (4) The revolutionary movements deliberately create a psychological effect on specific groups and thereby to change their political behaviour and attitudes.

Wilkinson finally defined the terrorism as : political terrorism is the use or threat to use, of violence by an individual or a group, whether acting for or in opposition to established authority, when such action is designed to create extreme anxiety and for fear inducing effects in a target group larger than the immediate victims with the purpose of coercing that group into according to the political demands of the perpetrators.\textsuperscript{82} The Primary purpose of terrorism is to create a fear in order to get the concession, obtain maximum publicity for a cause,

\textsuperscript{82} Id pp. 9-16
provoke repression, break down social order, build morale in the movement or enforce obedience to it.\textsuperscript{83} The terrorism is developed as a strategy and it leads to guerrilla tactics and insurgency ending with revolutionary war. Colonel Georges Bounet, a French Military analyst had proposed the following equation. 

\[
\text{RW (Revolution War)} = G \text{ (Guerrilla tactics)} + P \text{ (Political activity)}\textsuperscript{84}
\]

Che Guevara says that only top & selected targets should be hit. Carlos Merighela advocated the provocation for repression by the authorities\textsuperscript{85}.

The effect of terrorism is the extra expenditure on internal security for the protection of persons and property. Secondly, the liberties are cut and the society acts as an oppressive society.\textsuperscript{86}

412 men, women and children were hacked to death by the terrorists on the night of December 29, 1997, in three isolated villages is Algeria’s Elizane region. 400 persons perished when a group of Shah’s opponents burnt a cinema in Abadan during the last phase of monarchy in Iran. 328 persons were blown-up when Air India aircraft was exploded by Sikh terrorists in 1985. 278 were killed in the Lockerbie disaster in Scotland in 1988, which was commissioned by Libya’s Col. Ghadafi and carried out by the terrorists. 241 US marines lost their lives when their barracks were attacked by suicide bombers in Beirut in 1983. 171 were killed when Libyan emissaries put a bomb on a French UTA Plane in 1985. 169 men were killed in the bombing in Oklahoma City in 1995. Two USA embassies in Nairobi & Dar-es-Salam (Kenya&Tanzania) were attacked by Al-Qaida and hundreds were killed. The attack on World Trade Centre has internationalized the terrorism.\textsuperscript{87}

The word terrorism usually has a negative meaning. Karl Heinzen& Johann Most, the German radicals were pioneer of using WMD & believed that murder was a political necessity. They were theoreticians. Michael Bakunin was another theoretician of terrorism originally from France but was active in Russia. He published the revolution catechism which presented the rules of conduct for terrorists. He recommended that terrorists should single out the most capable and intelligent enemies & kill them first\textsuperscript{88}.

Narodnaya Volya or Peoples will terrorism was counterproductive. Social

\textsuperscript{83} Id pp. 41-42
\textsuperscript{84} Id p. 46
\textsuperscript{85} Id p. 48
\textsuperscript{86} Id pp. 60-61
\textsuperscript{88} Id pp. 13, 15
revolutionary party was founded in 1900. It had its armed wing & mostly the activities were pro labour & poor. Peoples will terrorism was limited to two major cities but social revolutionary terrorism was spread throughout the country.  

The terrorism is a specific method of struggle rather than a synonym for political violence or insurgency. Brian Jenkin has aptly described it as a kind of weapons-system. It is by no means the monopoly or exclusive weapons of any particular ideology, political philosophy or religion. It is the deliberate and systematic use of coercive intimidation. It is to send message to insider audience to accede to the aim & objectives of the terrorist group. There are at least five major participants in the process of terror, the perpetrator of the violence, the immediate victim, the wider target group or society which the terrorist seek to intimidate, the neutral by-strangers within the society experiencing the terrorism and international opinion, in so far as it is aware of these events. Typical tactics of the modern terrorists are explosions and incendiary bombings, shooting attacks and assassinations, hostage taking and kidnapping, hijackings etc. We can distinguish terrorism in to internal terrorism and inter-national terrorism. International terrorism can be categorized into nationalist terrorists, ideological terrorists, religious fanatics, single-issue fanatics and state sponsored international terrorism of Terrorist groups is motivated by a legitimate grievances or sense of injustice and can claim a degree of popular legitimacy of the cause.  

P Nicholas O Berry defined terrorism as threat or use of illegal violence to weaken a hated political authority. The political authority can be a government, party, minority, class, race, religious, regions or any combination of above. The political authority is one which has the followers. The terrorism is the weapon of the weak. Theoretically, every terrorist’s action can be defeated by the target of terror. Much depends upon as to how the target reacts. Five responses that target can take are ever reaction, power deflation, failed repression of moderates; massive intimidation and appeasement. Thus, the success or failure of terrorism purely depends as to how the targets react.  

The main difference between terrorism and other forms of violence is that terrorism employs inordinate force repeatedly against unarmed civilians to erode the political will of the targeted entity to resist. Political terrorism aims to make a targeted entity politically and economically unstable and undermine the morale of the people by spreading despondency

89 Id p. 18
91 Id pp. 293-294
and panic. At an abstract level, terrorism therefore meets the basic criteria of war. According to Barry Buzan, the three main components of state are:

(a) Physical; The people and territory of a state
(b) Institutional; the infrastructure and the constitution of the state.
(c) Metaphysical; the concept or idea of the state as it is acknowledged and accepted by the people.

1.4.4 INTERNATIONAL CONVENTION ON HUMAN RIGHTS

168 member states participated in the discussion of a single agenda item on International terrorism on October 1, 2001. The International Convention on Human Rights in its resolution 2001/41 dated 20th April, 2002 called upon the international community to give attention to the right to restitution, compensation and rehabilitation for victims of grave violation of human rights.

Kofi Annan, the then UN Secretary General had said in November 1994, we are all determined to fight terrorism and to do our utmost to vanish it from the face of the earth. But, the force we use to fight it should always be proportional and focused on the actual terrorists. We cannot and must not fight them by using their own methods by inflicting indiscriminate violence and terror on innocent civilians, including children.  

Terrorism is a weapon of the weak. If the weak just adopts non-violent methods and political system does not respond and then he uses violence, which is normally justified. But in case of Osama Bin Laden, he does not speak, he only kills the people. In that case, declaration of war against him is justified.

1.4.5 THEORIES OF TERRORISM

The account of major prevailing theories of terrorism will help in understanding the theoretical basis of terrorism and problem of tackling the terrorism.  

A. Anarchist Theory: Anarchism is a theory of governance that rejects any form of central or external authority, preferring instead to replace it with alternative forms of organization such as non-conformism and plain old rugged individualism. Anarchists do not believe in any law or governmental authority. Anarchism is often referred as the nineteenth century political philosophy.  

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93 Id, pp. 87-90
century roots of terrorism, the term first being introduced by Pierre-Joseph Proudhon. It is the
notion of free and equal access to all the world’s resources to enable positive freedom as
opposed to negative freedom. Major anarchist figures like Karl Heinzen and Johann Most
contributed to the idea that murder-suicide constituted the highest form of revolutionary
struggle and even advocated the use of weapon of mass destruction. Anarchists believe that
the targets should be innocents in places like shopping places, bazaars, cinemas and bank
squares. Modern anarchism does not support terrorism and hence is a weak theoretical link
between the two.

B. **Fascist Theory:** Fascism support terrorism at home and abroad. Fascists demonize
the enemies as sub-humans, who deserve extinction. Enemies are blamed for the past
problems in the country and frustrated fascist turned to terrorism when they could not gain
the control over their countries. Fascists do not believe in equal rights. Fascists are anti-
modern in its glorification of land and at the same time they believe in pro-modern military
technology and favour big business, mass mobilization of people and liberal attitude towards
women taking part in the movement. Two well-known fascists i.e. Hitler and Mussolini are
well known who endangered the peace in the world in thirties-forties of the Nineteenth
Century.

C. **Religious Theory** – Criminologist have pointed out that discipline of theology,
religion and philosophy have an important link with terrorism. It is estimated that a quarter of
all terrorist group and about half of the most dangerous one are motivated by religious
consensus. They believe that their cause is sacred and God demands action against the erring
people. Religious terrorism is based on the interpretation of the fundamental tenets of the
religion which people abdicate with the advancement. In such cases, there is a religious
leader who exploit the people psychologically and project himself as a defender of the faith.
Despite being an important cause of terrorism, the most militant religious group adopt
terrorism as a last resort. Osama Bin Laden, Bhindranwale, Abu-Bakar Baghdadi etc. are well
known names in respect of religious terrorism.

D. **Economics rational choice as a theory of Terrorism:** The discipline of economics
has many concepts i.e. supply and demand, costs and benefits etc. which link with the
understanding of terrorism. Many groups feel that it s not improper to indulge in terrorism,
when they tend to gain something after resorting to other methods. According to this theory,
the terrorism is not a pathological phenomenon and resorting to terrorism is not an aberration.
Factors that enhance the national choice of terrorism include place, size, time and climate of
international opinion the left extremist. The left extremists and IRA come under this category.

E. **Globalization theory of Terrorism:** Globalization is the term used to describe the current economic order to reap the fruits of free trade. However, it has produced disparities economically among the countries like Greece is facing now. Global inequality provides the occasion of breeding the terrorism easily. Globalization has fuelled explosive pattern of social polarization within and between the nations, which has been accepted as a cause of terror. Globalization theory is further tied in to ideas about colonialism, imperialism and neo-colonialism.

F. **Sociological Theory of Terrorism:** Modern sociological perspectives are primarily concerned with the social construction of fear or panic and how institutions & processes especially the media, primary & secondary groups, maintain that expression of fear. These frustrations lead to the form of aggression resulting in terrorism. Another aspect of this theory is the relative deprivation when one compares with the past and present necessities of the life. Another aspect is the moral justification of violence which is based on the idea that encompasses all the way a person neutralizes or removes any inhibitions they have about resulting act of horrible violence.

G. **Psychological theory of terrorism:** It is mostly accepted that the terrorists typically suffer from low esteem and are attracted towards charismatic leaders and enjoy risk-taking. As per this theory, the terrorists feel that they are doing nothing wrong when they kill or injure people. This psychological condition is known as anti social personality disorder or psychopathic personality disorder, which is reflected by an absence of empathy for the suffering of others. There appear to be unique sub-cultural phenomenon which develop, support and enhance a penchant for cold blooded calculated violence. Let wing extremism, IRA and Punjab terrorism are the examples of psychological exploitation of youth because of poverty and egoism respectively.

H. **Sub-Nationalism Theory:** There are 800 sub-national groups in the world, who crave for independence. Terrorism in North-Eastern States and Punjab comes under this category. Ethnicity is the main plank. Shias and Sunnis are fighting in Middle East. Independence achieved by Eritrea and East Timore have encouraged the other sub-national and ethnic groups for independence.

The Case studies on terrorism show that terrorism, as a general phenomenon cannot be adequately explained without situating it in its particular political, social and economic
contexts. The so-called revolutionary groups fought for political and social justice. Those who could not manage mass upsurge indulged in terrorist activities. Initially, the terrorism is considered a conspiratorial style of violence calculated to alter the attitudes and behaviour of multiple academics. It targets the few in a way that claims the attention of many. The extensive violence which is an organised violence is distinguished by its high symbolic and expensive value. This discrepancy between the secrecy of planning and the visibility of results gives it even more shock value. The decisions behind the terrorism are secret and the participant in commission of terrorist crime are very few. The links between the violence of terrorism and historical facts and conditions do exist. A general theory based on condition is impossible because the final decision depends on the judgements individual political actors make about these conditions. Like any other political decision, the decision to use terrorism is influenced by psychological consideration and internal bargaining, as well as by reasoned or strategic reactions to opportunities and constraints, perceived in the light of the organisation’s goals. Both causes and consequences of terrorism can only be understood in terms of interactions among political actors, primarily governments and opposition, at specific points in history. The scope of analysis extends to outcomes as well as motivation. But it also seems that realistic appraisals of the impact of terrorism is often lost in a side of sensationalistic exaggeration. The process of violence is taken as interactive. Sometimes the response of the government agencies may promote violence by oppositional groups. Finding an effective democratic response to terrorism is a policy problem that is central to the politics, both international and domestic, of our time. Apart from objective historical factors, equally important are subjective conditions. There are two types of actions i.e. legitimate and illegitimate. The term terrorist is often meant to employ illegitimate. It is thus necessary to recognise that an important aspect of terrorism is its social construction, which is relative to time and place, thus to historical context. Since terrorism is a political label, it is an organizing concept that both describe the phenomenon as it exists and offers a moral judgement. In contemporary policies, calling adversaries, “terrorists” is a way of depicting them as fanatic and irrational so as to foreclose the possibility of compromise, draw attention to the real or imagined threat to security, and promote solidarity among the threatened. Thus the true nature of the opponent is revealed and protected. When PLO is termed as a terrorist organisation, Israeli policy makers had closed the doors of recognition or negotiation with

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PLO. Thus political labelling is a dangerous concept\textsuperscript{95}. In USA, the term labelling of terrorism attract the idea of “surrogated war”. In USA, every policy campaign, whether directing against drugs, wasteful energy consumption, smoking or other social ills, merits the status of war. The crisis becomes an emergency. Terrorism become the sort of aggression that is dangerous to appease.

Several factors may be relevant to the motivation behind terrorism i.e. the socialization of the individuals who become terrorists, the quality of terrorism as both responsive and sustained behaviour, its representation and continuity with non-violent form of political action, its purpose, which is to produce social change and the availability of opportunities. The attraction of extremist violence for people with little to lose, free time, high energy levels, and a longing for excitement may be the factors that link the demographic characters of a society or levels of unemployment to terrorism. German and Italian left wing terrorist identified with the resistance to fascism during the Second World War. The experience undergone by Jews or Palestinians in refugee camps or in prisons or in detention centres or the treatment given to them are also the instigating factors. Another general factor that may cut as a stimulus or as facilitator is exposure to ideologies that justify violence or to evidence that violence works. These ideologies are much to the experience of national liberation movements in the post war world. The French revolution has already proved that violence was both morally right and politically efficacious. Social support through public opinion showing approval to the goals behind terrorism is very important. The development of terrorism is also related to context because it is systematic, deliberate and sustained overtime. It is not spontaneous or purely expressive like forms of civil violence say riots. The terrorism has to be justified in terms of widely held social values. It makes an explicit claim to political violence. The terrorist project the bringing out a better society for all, thus acting in the interest of collective good and impress the critical audience.\textsuperscript{96}

In either situation, one active link between organization and environment is the recruitment process. The cadres are replenished with the changed circumstances and their goals and targets shift accordingly. The terrorism and violence increases with the quick victory. Another important factor is the purposefulness of terrorism as a style of violence. These strategies may influence the leaders, not the audience as the priorities of the public varies from place to place. The terrorism can then merge into a cycle of revenge and

\textsuperscript{95} Id pp. 8,9
\textsuperscript{96} Id pp. 14-15
retaliation which neither side fully controls. In this respect, then it may come to resemble communal violence. The audience react to the purpose of terrorism and the particular method of terrorism i.e. style of violence. The multiple audiences for the terrorism may diverge significantly from one another in terms of their sensitivities and predispositions. In general, the effects of violence may not predict consequence. Indira Gandhi’s killers had not anticipated the mass killings of Sikhs in Delhi. It is partially possible to deal successfully with terrorism without resorting to coercion. The reforms also are not sufficient to prevent or to halt terrorism. The repercussion and reforms have to be combined as warranted by the situation. The meaning of terrorism changes as politics and society change.

1.4.6 TYPES OF TERRORISM

Terrorism is becoming a high complex phenomenon and acquiring new dimensions. Experts visualize the possibilities of ‘super-terrorism’ in the years to come with terrorists raising the stakes of violence to unprecedented new heights of destructiveness. Terrorist activities fall in to different categories, depending on the actor or perpetrator of an act, identification of victims & target, purpose or motivation, political orientation and ideology of the actor. Following are some of the categories of terrorism:-

**International Terrorism:** When two neighbouring states are involved in terrorist activities across the border directly or indirectly, it is called cross-border terrorism when third state is involved or terrorism is abetted in third country, the terrorism becomes international. When the sphere of application of any type of terrorism transcends the boundaries of the nation states, it becomes International terrorism. According to US deptt. office for combating terrorism, international terrorism is when terrorism is conducted with the support of a foreign govt or organization and/or directed against foreign nationals, institutions or governments. Even the local groups conniving with foreign nationals for the commission of terrorist acts is also covered by International terrorism. The menace of international terrorism was recognized only after 9/11 incidents in USA. Drug money is laundered for the purchase and smuggling of weapons to be used by the terrorists. The laundered money value of drugs from only Pakistan was about 13 billion dollars. The terrorists come from affluent background and keep on moving in to various countries freely and planning the terrorist activities

According to UN Adhoc committee on International terrorism, it is a heinous act of barbarism committed in the territory of a third state. 9/11 attack and Pentagon attack came under this category, which was meticulously planned by Osama Bin Laden as a protest against the USA

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for working contrary to the interests of the Middle East. Terrorist activities by Kashmiri militants within the state is of national character but the cross-border terrorism is of International character.98

**Territorial Terrorism:** On careful analysis, it will appear that most of the terrorist groups fall within the category of territorial terrorism. This can also be called political terrorism and it gets impetus from the neighbouring states or areas. Around two-thirds of terrorist groups operating in India are from Pakistan, Afghanistan and Pak Occupied Kashmir. Political or territorial oriented terrorism can be classified as international or domestic depending upon the area of operation of a particular terrorist act by as ascertaining the nationality of a terrorist and of the nation.99 In the modern technology age, and interdependence of a various terrorist groups, no terrorist act can be classified as purely domestic, yet a distinction can be made between the two. Whereas the domestic terrorism is the systematic violence which is largely confined to a single nation state or to specific areas within the state. International terrorism in its most obvious manifestation is a terrorist attack carried out across the international frontiers or against a foreign target in the terrorist’s state of origin.100

**Terrorism by the State and Against the State:** Terrorism may be classified into state sponsored terrorism and terrorism against the state. Struggle for independence by hardliners like Shaheed Bhagat Singh, Khudiram Bose, Bismal, Raj Guru, Sukhdev etc. was the terrorism against the state. On the other hand, repression by Hitler, Mussolini, Stalin, Islamic revolution in Iran, Israel’s operations in Palestine etc. are the dazzling examples of state-sponsored terrorism. The members of the Stern gang or Irgun group, when unable to fight the British authorities, resorted to hit and run tactics. They were termed as terrorists by the British and American media. When Israel came in to existence in 1948, all these terrorist gangs joined the armed forces of Israel and now they are openly killing the people in Palestine. But they are no more termed terrorists by the media of the developed countries. Some countries are condemning the killings but USA is supporting it as an act of self-defence.

There is another criterion where stronger states indulge in terrorism against weaker states and vice-versa. USA’s attack on Afghanistan and Iraq are acts of terrorism against the

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98 Islam, Nazrul 9/11 and Global Terrorism: A study of perceptions and solutions, Viva Books Private Ltd. (2005), PP. 9 to 15
99 Sinha, R P, “Terrorism in a psychological perspective” Civil Services Chronicle, April 2011 P-62
100 Paul, Wilkinson, “Problem of Definition of Typology” (1989) P-12
101 Wardlaw, Grant; **Political Terrorism**, Cambridge University Press, UK, 1998 p. 102
weaker states. On the other hand, 9/11 attack of WTC and Pentagon is the act of terrorism against a stronger state, allegedly by a group supported by some weaker states. Since media is controlled by the state, the violence against state gets a wide publicity and condemnation. Against this, the state sponsored terrorism does not get the same publicity. USA attack on Iraq was to teach lesson to Saddam Hussain for not selling oil to them at their price. The prevailing ISI’s attacks in Syria and Iraq are also US sponsored. USA’s drone attack on ISIS activists are there just to protect the interests of Saudi Arabia. USA does not want to end the stalemate in Levant region for its own interests to get the oil at cheaper rates as Syria had refused to toe the USA line.

**State Sponsored Terrorism:** It is the terrorism sponsored by one state against other state for selfish ends. The main aim is to terrorise the people and destabilise the other state. The state sponsored terrorism are proxy terrorism has added a new dimension to the term “Subversive Intervention”. Earlier coined by Wright to denote subversive activities engineered by one state to create civil strife, revolt, treason in another state. Pak, Iraq, Iran, Libya, North Korea, Sudan, Syria etc. are the examples of terrorism sponsoring states. These countries supports terrorism by way of weapons, training, funding, harbouring the terrorists groups. Iran provides support by way of training & funding to the extremist groups in Persian Gulf, Africa, Turkey, Central Asia etc. Iraq had provided all support to terrorists against USA, Israel and Kuwait. Now Iraq is fighting tooth & nail ISIS, Al Qaida and groups in Iran & Turkey. Syria is sponsoring terrorist groups, which are fighting in Israel, Middle East, ISIS and Turkey. Libya’s Ghadaffi was a well of terrorist groups against Iran, Iraq & USA. Now it is fighting the ISIS in its area. Cuba had been a safe heaven to the various terrorist groups i.e. US fugitives and Latin American terrorist groups. The National Liberation Army and the Revolutionary Armed Forces of Columbia maintained a permanent presence in Cuba Island. North Korea is harbouring terrorist outfits earlier operating in Japan. The Philippine terrorist groups purchase weapons from North Korea. Sudan has been the heaven of various terrorist groups like Al Qaida, Hezbollah, Al Gama la al Islamaya, Egyptian Islamic Jehad, Palestinian Islamic Jihad and HAMAS. Pakistan’s good terrorists & bad terrorists are well known to the whole world. The Talibans of Afghanistan are the biggest terrorist sponsoring groups and they harbour the hijackers of Indians Airlines, 814.

**Regional Terrorism:** It means terrorism limited to a particular region. This occurs

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102 Id P-103  
103 Id PP-104, 105  
due to ethnic, caste & communal problems & other social aspects. LTTE, GNLF, Khalistani Groups etc. are the regional character of terrorism. PLO & IRA are the examples of National terrorism.

**Fanatic Terrorism:** It involves self-sacrifice or focuses on self-sacrifice or stringent moral codes of particular religious groups. J&K & Punjab groups of terrorists are the example. They project the superiority of their religion over others. HAMAS & Hezbollah and the diehard Muslim outfits are the other examples.

**Narco Terrorism:** The drug lords not only run their own estate but help in spreading violence to remain in their nefarious profession. They help in purchasing and smuggling of weapons. The narco-terrorism has taken new form of technique & revolution to remain in power. Cocaine, Hashish, Poppy Husk & heroin have threatened the sovereignties of many countries. LTTE, Talibans, LeT, JeM and other drug lords in Afghanistan have been running their terrorist organization from narco terrorism. The smugglers from across the border bring explosives and weapons from Pakistan & commit heinous terrorist crime in J&K & Pakistan. Khyber and Jamrau markets are famous for weapons sale & Narcotics illicit trade. ISI is reported to be utilizing the money for spreading terrorism in Punjab & J&K purely form narco terrorism. The illicit money to the tune of 8 billion dollars is earned in Pakistan from this illicit trade. Drug mafia in Pakistan has become so powerful that it even threatens the lawful government. They are running parallel government and people at higher level i.e. politicians, sportsmen, industrialists, military men & businessmen are involved in the nefarious trade. The recruits in J&K are lured on money, taken across the border & trained to be the terrorists. Golden Crescent & Golden Triangle neighbouring our country on the West & East respectively are the source of drugs of various varieties.

Afghanistan is the most glaring example of link between the terrorists and drug lords. The country is by far the leading producer of opium in South-West Asia. The annual opium cultivation is estimated to yield up to 2500 metric tons or even more. Drug trafficking has financed the secessionists movement of LTTE. Drug trafficking has been used in sending weapons and RDX to Punjab from Pakistan by ISI and other non-state actor organizations. It is also dealt in detail separately at the end.

**Urban Terrorism:** It is the form of terrorism adopted by Carlos Merghilla that the terrorism should be started from Urban centres as you have resources, hideouts and latest techniques for spreading terrorism.

**Domestic Terrorism:** It is the individual/private terrorism against the people and ultimately hitting the state.
**Political Terrorism:** All types of terrorism is meant for political purposes. The terrorism is used to rig the elections & frighten the opposite parties. Now criminalization of politics has become a threat to the civilized society. Many criminals have become very senior politicians. A report was published on March 13, 2008, in ‘The Tribune’ that 1300 cases have been reported against MPs/MLAs. The response of a government had been persuasion, cooperation and compromise. The political people to remain power use the criminal elements and they are successful. The political patronage & clemency against criminal elements leads to political terrorism.  

**Suicidal or Fedayeen Terrorism:** In order to complete the task, the terrorists sacrifice their lives. Fedayeen terrorist leads to extensive damage & great loss of lives. It is used to kill the top protected people like S. Beant Singh late C.M. of Punjab. Palestinian terrorism experts says that this is the only method to meet the challenge of mighty trained army of the government & human bombs can not be defeated not even by nuclear bombs. The perpetrator takes his death as a martyrdom for the same cause. LTTE & Islamic fundamentalists have been using to target the projected targets like killing of Sh. Rajiv Gandhi & attempt on the life of then President of Sri Lanka, Smt. Bandaranaike. 9/11 incident of World Trade Centre attack is an example of fidayeen attack. The HAMAS, Hezbollah, Al-Qaida, Tehrik-e-Taliban of Pakistan, LeT & JeM & IM etc outfits are openly using fidayeen attacks against the targets.

**Ideological Terrorism:** Naxalism is an ideological terrorism. USSR sponsored ideological terrorism in Japan, Germany, Italy in the form of cross border terrorism. The best example is of terrorist outfits like JeM, LeT, HM, Khalistani and these terrorists are sent to J&K and other areas in India by Pakistan/ISI. Similarly, HAMAS, Hezbollah etc. are active in Israel occupied area of Palestine. ULFA, NSCN, PLA etc. outfits are trained in Myanmar and China. HUJI has bases in Chittagong hills in Bangladesh and is active in West Bengal and Assam. Fake Currency is pouring in J&K and Punjab from POK and East Punjab and in Bihar and West Bengal from Nepal and Bangladesh.  

**Terrorism – Weapons of Mass Destruction (WMD): Bio Terrorism:** There are certain micro-organism that are practically used as biological weapons along with chemical and nuclear weapons and these are designated as weapons of Mass Destruction (WMD). France was the first country to use bacteria as biological weapons to thin out army in the late

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105 Id pp.110-111
106 Id p.119
107 Singh, Kavita; Human Rights and Anti-terrorism Laws in India; Central Law Publication, Allahabad-2010 – p.82
1930s. Later on many states started using the biological weapons. Pathogenic microorganism which release certain poisonous toxins and lethal at very low concentration are the most potential source of bio-terrorism. Some potential typical examples of biological warfare agents are anthrax, botulism, plagues & small pox. Bio-terrorism is considered to be another easy accessible form of asymmetric warfare adopted by the terrorist forces. Industry, buildings, water supplies and agriculture are more vulnerable and potential threats for crippling the economy, terrorizing the masses psychologically, causing deaths and ill-effects on living systems. For tackling the threat, the people should be educated about the threat of bio-terrorism and to take preventive measures in case of eventuality. Secondly the strengthening of emergency response capabilities, identification of hospitals, notifying the affected areas & good communication are required. Thirdly the networking and coordination of various agencies to be used in case of eventuality. Fourthly, it is to understand the research on molecular biological studies. Fifthly, it is to evolve the effective management policy.

These biological agents can be produced at low cost and that is why these are termed as “poor man’s atomic bomb and poor man’s weapons of mass destruction.”

**Chemical, Biological, Radiological and Nuclear Terrorism**\(^{108}\): Weapons of Mass Destruction can be used by the desperate terrorist groups. Al Qaida is boasting of having nuclear bombs. Radio-active material or dirty bombs were used by Chechnya terrorists in Russia. Al Qaida is also claiming of having nuclear bombs. First major use of chemical weapons was done in Japan on March 20, 1995 by Shinrkyo Cult where Sarin gas was used in Tokyo subway system. 12 persons were killed and 5500 were injured. This is a low cost method and can be developed easily by individuals with limited education and facilities. The material can be purchased easily from the market. We should be careful of various terrorist groups having nuclear weapons.

In 1972, members of the Rising Sun in USA possessed 30-40 kgs of Typhoid bacteria for use against water supplies in major Midwest cities. In 1980, Police in Paris discovered a biological laboratory with clostridium Botalinum culture belonging to the German Baader-Meinholf gang. In 1986, typhoid was used by the Rajneesh religious cult in Oregon to contaminate salad bars in restaurants, resulting in 750 cases of food poisoning.

\(^{109}\)Weapons of Mass Destruction or Super-terrorism is in the offing. Chemical, Biological, Nuclear or radio logical terrorism has been seen in Japan, Russia, Japan, Russia, USA etc. The Anthrax disease causing death in Florida is the first instance of bioterrorism.

\(^{108}\) Id pp. 82-84

\(^{109}\) Bhardwaj, Shweta, Bioterrorism, A scary weapon of war, civil services Chronicle, December 2001, p. 12
Then US Mail contaminated with Anthrax spores in New York was noticed. Bioterrorism is the most fiercest aspect of terrorism which causes havoc to the lives & property. The deadly virus and bacteria can infect and kill millions of people with in hours. Biological or germ warfare is the military use of harmful micro-organism or toxins as weapons to destroy humans, animals & crops. These biological weapons can be viral, bacteria, fungal, sickettscal and protozoan. These biological agents can mutate, reproduce, multiple and spread over a large geographic terrain by wind, water insects, animals and human transmission.

**Psychological Perspective of Terrorism:** Psychological terrorism is basically emotional exploitation of an individual. The emotions and sentiments are exploited to the extent that the self is dead and there emerges an emotionality where thoughts are tightened, reasons are routed and wisdom is wheedled. Here, remains the command executor whose command capsule is energized to blow and blast at the correct target, irrespective of blowing their own self. That is why, there is growing emergence of suicide squads, the ‘fidayeen’. Motive is another psychological force which is aroused in the perpetrator in the name of God, Allah and motherland. The holy religion is also dragged as it happens in the case of religious fanaticism. This psychological aspect will lead to the instinct of ‘thanatos’ (trend) i.e. death instinct, to kill or die or destruction. Thanatos makes the life valueless and the perception of death becomes the ultimate end.\(^\text{110}\)

**Terrorism: Secular and Religious:** Terrorism may be classified into secular and religious categories. The left-wing extremist groups like MCC, PWG, CPI (Maoists) use terrorism with the aim of overpowering the class enemies and establishing the rule of the proletariats. The ruling parties use counter-terrorism measures to keep check on the activities of the terrorists. Both al-Fatah and Hamas Struggle for liberation of Palestine areas occupied by Israel. The members of both the outfits are Muslims. Al-Fatah uses the terrorism in the name of secular nationalism but latter does it in the name of religion. Stern and Irgun gangs of Israel and Jewish religious terrorist organization fought for Zionist cause which is purely religious. KKK in USA is fighting for catholic cause, hence a religious terrorism.

**Terrorism by us and against us:** Terrorists for some are the terrorists and for some they are liberators or freedom fighters. When the Afghans Mujahideen were fighting against Russia in 1985, they were termed as fighting the holy war and when they fought against USA, they were termed as bloody terrorists. The ANC under Nelson Mandela was fighting


\(^{111}\)Kumar, Ashok; *Dynamics of Global Terrorism*, K.K. Publications, New Delhi, 2014, p.106

\(^{112}\)Singh, Kavita; *Human Rights and Anti-terrorism Laws in India*; Central Law Publication, Allahabad, 2010, pp. 80- 81
against the racist regime to get the civil rights, they were termed as terrorists and now ANC is in power in South Africa, known as liberators and freedom fighters. HAMAS organization is the freedom fighters for Palestinian people but they are terrorists for Israel. Kashmiri terrorist organizations are the freedom fighters for the separatists but they are the terrorists for Indian population. US secretary of State George Shulz stated, “we know the difference between terrorists and freedom fighters, and as we look around we have no trouble distinguishing one from the other. Because those who are with them are freedom fighters and those against them are the terrorists.”

**Terrorism: Self financing and financed by others:**

Terrorist groups may be financed by the group itself or they may be financed by other organizations or sometimes by the state. Hezbollah and GIA (Amin Islamic Group) in Algeria are financing themselves but Afghan Muzahideen fighting Soviet Union in Afghanistan were recruited, trained, armed and funded by USA and Saudi Arabia and Pakistan through intelligence agencies i.e. CIA, ISI, & MIG. Muslims from different countries of the continents were recruited, trained and encouraged to fight the evil empire in the name of Jehad. After the Soviet withdrawal from Afghanistan in 1989, the same Jehadis waged Jehad against USA, Pakistan, India and certain Central African countries like Yemen, Somalia, Syria, Iraq and Saudi Arabia.

**Cyber Terrorism:** The use of internet for the commission of crime is called as cyber crime. The cyber terrorism is the convergence of terrorism and cyber space. It is generally understood to mean unlawful attacks and threat of attacks against computers, networks and the information stored therein when done to intimidate or threat or pressurize the government or its people in furtherance of political or social objectives. Cyber terrorism is an attack that should result in violence against person or property or at least cause enough harm to generate fear. Attacks that leads to death or bodily injury, explosions, plane crashing, water contamination or severe economic loss would be examples. Serious attack against critical infrastructure could be acts of terrorism. Some of the weapons, basically computer software programme at the disposal of cyber terrorists are:

1. Logic bombs which are programmed to destroy or rewrite the target’s data on command.
2. Computer worms which use up disc space by replicating themselves until the computer’s memory is gone.

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113 Id
3. Minor attack came the form of ‘data diddling’ where information in the computer is changed. This may involve changing medical or financial records or stealing of passwords.\textsuperscript{114}

9/11 incident of demolishing twin towers in New York on 11\textsuperscript{th} Sept, 2001 will always haunt us like a nightmare. The use of technology has always been there in criminal and terrorist activities. Cyber terrorists may strike cyber space involving initially every service that is dependent on the computer system or networks. We find it in conventional terrorism in the shape of new weapons and gadgets. We have already seen WMD i.e. Biological, Chemical and radiological terrorism in different countries. The threat of Nuclear terrorism always exists. We have seen the Tokyo subway incident in 1995 in which Sarin gas was released and many were killed & injured. It is believed that the sect was engaged in an active bio weapons program and was exploring the use of Ebola virus for weaponization. The term cyber terrorism was first used by Barry Collin, a senior research fellow at the Institute of Security and Intelligence, California in 1980’s convergence of terrorism and cyber space. Thus, cyber terrorism is unlawful use of force or violence or its threat against persons or property to intimidate or coerce a government, civilian population or any segment thereof, in furtherance of objectives that are generally political, religious or ideological through the exploitation of computerized systems deployed by the target. Computer systems and networks have penetrated in Govt. organizations & every walk of life. The entire national security is heavily dependent on the large networks of computers and information programming. Military organization, space department, nuclear research department, banking & financial organizations communication, industry sector etc are fully dependent on computers.\textsuperscript{115}

With the advancement in computerized services, equally cyber crime has increased. Newer cyber weapons are developed and these act as what may be called as “Digital ICBM”. They cross at the speed of light and inflict massive damage to the target and difficult to trace. It was said that, “do not send a man, where you can send a bullet” and the same in cyber crime age, it is said that, “do not send a bullet where you can send a byte. Most of the cyber weapons are available free on internet and the good computer knowledge is required. A failure may jeopardize the whole operation and expose the cyber attack but it will not expose

\textsuperscript{114}Dubey, Aarti, “Cyber Law and Terrorism,” National Seminar on cyber laws and legal election, souvenir, NALASAR University of Law, Hyderabad, December 22-24, 2001, p.39
\textsuperscript{115}Chander, Mukesh, SSP CID GOA Police Journal, All India Police Service Congress – Jalandhar, 24-26, May, 2004, (Organised by BPR&D, New Delhi, pp. 115-116
the attackers i.e. terrorists involved. Finding the possibility of success lies in a conventional attack, terrorists are more likely to make use of cyber terrorism. The following could be the targets of cyber attack.

1. Electrical power generation and distribution systems including nuclear power stations.
2. Banking and financial system including stock exchanges.
3. Transportation control systems like metro rail, air traffic controls, rail & air passenger reservation systems.
4. Communication system including satellite communication, cell phone communication, microwave links GPS etc.
5. Gas/Oil and Water Control systems.
6. Internet back bones
7. Health/food systems
8. Government & administrative systems.
9. Military & defense installation including crime control, communication, computers & intelligence
10. Emergency response systems like police, ambulance and fire brigades.

Al Qaida, Hezbollah, HAMAS, LeT, ISIS are using computer technology. Bin Laden’s group used encryption including stenography to communicate with each other.\footnote{Id pp. 117-121}

There have been enormous computer security breaches. In the event of cyber attack, we need to have a crisis management group to deal such breaches. In India, we have IT Act 2000 but it is not a comprehensive legislation to deal with the cyber crime and terrorism.\footnote{Id pp. 122-123}

**Growing Menace of Cyber Terrorism:** International technology has revolutionized the entire globe. Cyber crime is one such vice i.e. a new dimension of crime is the biggest worry as this is committed with the help of computers and internet. Thus, cyber terrorism is the gravest form of terrorist crime. Tomorrow’s terrorist can do more damage with a computer mouse than with the bullet or a bomb. Cyber terrorist refers to cyber space & terrorism. This means that the term refers to any dangerous, damaging and destruction activity, that takes place in cyber space with the intention to further social, ideological, religious, political or similar objectives or to intimidate any person in furtherance of such objectives. Thus, the cyber crime & cyber terrorism differs only on the basis of motive and intention of the perpetrator. Another workable definition of ‘cyber terrorism’ is that, “it is the
premeditated and politically motivated attack against information, computer systems, computer programmes and the data which results in violence against non-combatants targets by sub-national groups or clandestine agents. The tools & techniques used by the cyber terrorists are hacking, cracking, trojan horses virus, computer viruses, computer worms, electronic mail related crimes, denial of services attacks & cryptography, spotting attacks, E-trends etc.\textsuperscript{118}

The emerging issues and challenges that are being faced by criminal justice system across the globe in the wake of increasing commission of cyber crime & cyber terrorism are jurisdictional issues; technical challenges that hinder law enforcement’s ability to find and prosecute the criminals operating crime; legal challenges resulting from laws & legal tools needed to investigate cyber crimes & operational challenges to ensure that a network of well trained, well equipped investigators and prosecutors, who work together even across the national borders.\textsuperscript{119}

The comprehensive strategies to tackle the emerging problem of cybercrime should have the following components.

i. Emphasis on adequate in built security features in the computer system.

ii. Establishing legal framework and evolving investigative techniques to gather evidence.

iii. Information Cooperation\textsuperscript{120}.

Information, information based processes, information system and computer based networks. Information warfare is classified in three categories. The first class is personal information warfare, the second is corporate information warfare and the third is global information warfare which is a mode of cyber warfare waged against industries, global economic forces or against entire countries or states. It is evident that threat of electronic “non-explosive” terrorist assaults is growing with every passing day because of globalization of internet user and poor control of the government. Internet already serves as an arena for propaganda and psychological warfare. Al Qaida, Talibans, ISIS and Hezbollah are openly using internet for terrorism purposes.

\textsuperscript{118} Singh, Gurjit – The growing menace of Cyber Terrorism: Challenges before the Criminal Justice System – Paper read in All India Police Seminar Congress, held by Punjab Police and BPR &D in Jalandhar on 24-26, May, 2004 Delhi-Journal pp. 1-10

\textsuperscript{119} Id pp. 10-12

\textsuperscript{120} Id p.12
1.4.7 PROFILE OF A TERRORIST:
The terrorists are generally male, unmarried and their age ranges between 14 to 28 yrs. They are mostly educated but the perpetrators of crime are dropouts from schools & colleges. Their brief profile is as under:-

**Age** – They are within the age group of 14 to 28 yrs. They are young & professionally well trained. In J & K, the boys under 20 years of age have joined the terrorist outfits. Some are dropouts from schools. The terrorist leaders exploit the youth socially, economically and politically.

**Sex**- The terrorists are generally male but very few female terrorists. Leela Khalid of PLO was a well-known terrorist. LTTE, ISIS and CPI (Maoists) are using women terrorists to plant explosives, as they are not easily suspected. They are generally young and unmarried.

**Education** – Women terrorists are generally well educated. They are allowed to join for taking revenge and making more money. They are young & un-married.

**Marital Status**- They are normally unmarried women/girls. In certain cases, they are married too as married women join the outfits in the name of Jihad. Terrorist outfits pay them the monthly salary.

**Origin** – They generally come from rural areas being unemployed. Many people from urban areas also join to make more & more money.

**Weapons used by the terrorists** -Different types of weapons are used by the terrorists such as rifles of various bores, AK-47/AK 56, GPMG; Rocket Launchers, Mortars, Explosive of various types, Pink Guns, Sniper rifles, Bombs, Chemicals, Biological, Radiological and Nuclear weapons, Blister Weapons, Nerve gas etc.\(^{121}\)

In the profile of modern terrorist, the terrorists have no fear of strength of the opponent. They are tech-savy and well-educated. They have high intelligence & are highly motivated. They have no fear of death and ready to be fidayeen. They are disturbed and psychopath mentally. They are of young age and with good physical strength. Even now, women also come forward to join them &they are ready to be members of suicide squad.

1.4.8 WHO IS A TERRORIST?
According to political/sociologist, L. Horowitz, the study of the biography of a terrorist draws some general conclusions about the terrorists as below:

\(^{121}\) Id pp. 41-42
1. A terrorist is a person engaged in politics who makes little difference if any distinction between strategy and tactics on one hand and principles on the others.

2. A terrorist is a person prepared to surrender his own life for a cause considered transcendent in value.

3. A terrorist is a person for whom all events are volatile and none are determined.

4. A terrorist is a person who possesses both a self-forfeiting prophetic elements and a self-destructive element.

5. A terrorist is a person who is a young, most often of middle class family background, unusually male and economically marginal.

6. A terrorist performs his duties as an avocation.

7. The terrorist distinguish himself from the casual homicide in several crucial respects i.e. he murders systematically rather than at random, he is symbolic rather than passionate and his actions are usually well planned rather than spontaneous. Terrorism is thus a sociological phenomenon where as homicide can be more easily interpreted in psychological term.

8. The terrorist by definition is a person who does not distinguish between coercion and terrorism because he lacks access to the coercive mechanism of the state.

9. A terrorist is a person who, through the acts of violence advertises and dramatizes a wider discontent.

10. A terrorist believes that the act of violence will encourage the uncommitted public to withdraw support from a regime or institution and hence make wider revolutionary acts possible by weakening the resolve of the opposition.

11. A terrorist may direct his activities against the leadership of the opposition by assassinating the Presidents and power holders. Other terrorists may direct their activities against the symbols of establishment and agencies.

12. A terrorist does not have a particularly well defined Ideological persuasion.\textsuperscript{122}

13. An attitude of a terrorist group is very important. The egoism of the group feeds on the activism of its members. The self-assertive behaviour of the group is based on the self-transcending behaviour of its members, which often entails sacrifice of personal interests and

even of life in the interest of the group.

Terrorism is conducted by an organization with an identifiable claim of command on conspiratorial cell structure whose members wear no identifying insignia. Terrorism is perpetrated by a sub-national group or non-state entity.  

1.4.9 HOW TERRORIST GROUPS WORK

According to counterterrorist specialist James Fraser, a terrorist group is organized something like a Pyramid. Sustained terrorist campaign requires organization and resources. At the very top, there are few leaders who, make the overall policy and plans. Below them, there is a larger group who actually carries out attacks. This is called the active cadres. Some members are specialized in particular activities such as intelligence or surveillance, bomb making or communication. The next lower and broader level of pyramid is composed of the active supporters. These supports provide intelligence and working, weapons and supplies, ammunition, transportation and safe houses. Finally, a different group of positive supporters, who agree with the goals of the terrorist group, help spread their ideas and provide money and other support. In smaller groups, some terrorists may play several roles. Most terrorist groups receive little public support and do not have access to resources needed to mount a major campaign. Terrorist groups have to preserve their whereabouts and identity secret. The active terrorists are divided into groups of about five people called cells. Each cell is usually organized for a particular role. All the cells do not know each other & keep secret. The cell leader controls the operations. The members of the terrorists groups generally have high morale but lack in systematic training and resources.  

According to Che Guevera, given a suitable operational terrain, enemy, injustice etc., a hardcore of thirty to fifty men, in his opinion are enough to initiate an armed revolution in any Latin American country.  

Historical experience suggests that there is little hope of destroying a revolutionary guerrilla movement after it survived by the first phase and acquired the support of a significant segment of the population – Mao Zedong.  

An unpopular state can be overthrown by three methods i.e. Coup, insurgency&

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126 Id p. 11
Terrorism. Terrorism is the strategy of overthrowing government by violent means. Terrorism is a weapon of the weak. Jews used the method of terrorism against British in Palestine from 1945 to 1948. Terrorists seek to change the existing political system by use of force & by undemocratic means. Acts of terror are used for publicity, to ensure the support and cooperation of the people and to break the will of the government. Terror is to legitimise the power of the terrorists. Terror is used to make ethnic population to migrate from an area like in Punjab and J&K. Terror & counter terrorism measures alienate the people. Indiscriminate used of terror or state terror is always unproductive.127

Terrorists &insurgents need funds to buy arms and equipments to pay to their followers. Apart from foreign help, organised crime like smuggling, bank robberies and abductions to get ransom money are the main sources of funding. Even the smuggling of gold, which is above 400 tonnes of gold annually fetches the smugglers a profit of Rs. 4000 Crores. Indian smugglers net around 1 lac crores per year from Narcotic smuggling. Politicians need muscles and money power to contest elections &the organized crime provides the both. Indian election laws need to be changed.128 No terrorism can succeed without the external support.

The outcome of a new revolutionary war can be predicted by the analysis of certain determinants. These are appeal of the cause, popular support, quality of leadership, military efficiency, internal unity, equipments, terrain and sanctuaries.129

In organized crime, they kill the specific targets but in terrorism, the random killing is done to send the message to the wider targets. Organized crime in directed to achieve the financial gains whereas in terrorism, the objectives is the political ends. “Terrorism is the deliberate and systematic assault on civilians to inspire fear for political ends. Political ends also include ideological or religious motives.130 The Ku Klux Klan, the outcome of defeat of Confederacy in the civil war in America is active since 1860 and is indulging in violent attack on Black Americans & their supporters.

The attributes of personality depends upon the original surrounding, hereditary relations, friends & relatives; Secondly, the new environment. Jafferson said that sometimes the violence by opposition makes to understand better the problems of the people & thus

127 Id pp. 20-23
128 Id pp. 28-30
129 Id p. 38
strengthens democracy. The violence is committed more in the election year.

The environmental perspective seems to have relevance in understanding the current day socio pathology of violence, i.e.

1. The physical milieu can contributes to a sense of coherence in individual by providing a place of identity.

2. Environment constraints shape and give structure to our everyday activities.

3. The physical environment creates and sustains a sense of community and the impact of this has on human health and well-being.\textsuperscript{131}

The psychodynamic factors as identified by Abraham Kaplan, which have a causative affect on terrorist acts, are:

1. **Absolute ends** – This is the last resort to go in for violence to achieve the objectives. According to Anarchist Mikhail Bakunin, whatever aids revolution is ethical and all that hinders is unethical & criminal. The terrorist absolution is doctrinaire.

2. **Response to lack of self-esteem** – The terrorist is not simply fighting for a cause, the cause fights for him. The terrorist sees himself as occupying a secondary status, hence he grabs his activities as a struggle for national independence.

3. **Revolutions are made by the upwardly mobile** – Resolutions, are made by the intellectuals & rich people. Resources are required to carry on the struggle and psychologically, the most important resources are self reliance, self confidence, self esteem.

4. **The label of freedom fighters reinforces terrorist activities** – Liberators or freedom fighters label motivate the terrorists.

5. **Realisation of self determination** – The ultimate goal is political.

6. **Terrorism is a magic** – Terrorists believe that violence will produce immediate results.

7. **Stress on perceived injustice** – The terrorists project the perceived injustice given by the state and thus justify their activities.

8. **Perception of self as morally superior** – The terrorists projects as the liberators of populace. They project as morally superior than other people specially the member of the authorities.

\textsuperscript{131}Om Parkash, S – *Terrorism in India*, EssEss Publications, New Delhi; 1997, p. 25
9. **Deprivation factors** – The terrorist have not achieved their aim & that deprivation motivates them to indulge in violence to get the deprived aims.\(^{132}\)

Walter defined violence as destructive harm including not only physical assaults that damage the body but also the many techniques of inflicting harm by mental or emotional means.\(^{133}\)

Gelles concluded that violence is an adaption or response to structural stress. He was of the view that structural stress produces frustration, which is often followed by violence.\(^{134}\)

### 1.4.10 METHODS/MODUS OPERANDI OF TERRORISTS

The common modus operandi of the terrorist\(^{135}\) is as under:-

i. Hijacking  
ii. Kidnapping  
iii. Assassination  
iv. Bombing  
v. Human bombing/fidayeen bombing  
vi. Travelling & mobility  
vii. Explosives  
viii. Hand Grenades  
ix. Hideouts  
x. Communication  
xi. Identity Cards  
 xii. Finance  
xiii. Extortion/robbery/theft.

I) **Hijacking** – Hijacking has been a favourite weapon of terrorists to compel the authorities to concede the demands. It began in 1948 and there were 45 successful hijacking from 1948 to 1967 and about 876 hijackings from 1968-1994. Between 1969-1971, Cuba was the popular destination of hijackers & 95 hijacked aircrafts were taken to Cuba. In some cases, it was for taking refuge in the West. In India, the planes were hijacked by Sikh terrorists to Lahore. Hijacking of Indian plane on way to Lucknow from Kathmandu to Kandhar and got released three hand core Pakistan terrorists i.e. Masood Azhar etc. is a very heart rendering episode. 9/11 incident of hijacking & destruction of World Trade Centre is highly frightening incident. ISIS hijacked Russian plane & German plane recently killing all the members. The main purposes of hijacking are ransom/monetary gain, release of their comrades, to take revenge of killing etc. Even, the people not in sound health have also indulged in hijacking. India has been victim of hijacking in many cases i.e. in 1970, 1976, 1989, 1993, 1999 etc. A total of 16/17 attempts have been made for hijacking & in case of 14, there have been actually hijacked & 3 were failed by crew staff. In 8/9 cases, these were for political reasons relating to Punjab or Pakistan or Indo-Pak relations.

II) **Kidnapping** – The terrorists kidnap the person either for ransom or to fulfil the political objective. Normally, the victim is killed if demand is not met. Sometimes, they kidnap the important person in order to get release their colleagues already in police custody. Prime Minister of Italy Aldo Mero & General James Dozier of NATO were kidnapped & killed.

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\(^{132}\) Id pp. 33-34  
^{133}\ Id p. 36  
^{134}\ Id p. 37  
^{135}\ Kumar, Ashok: Dynamics of Global Terrorism, K.K. Publications, 2014, pp. 123-126
Dr. Rubiya Sayeed D/o Union Minister Mufti Mohd. Sayeed was kidnapped by Kashmiri terrorists in 1989 to get released 6 hardcore Pak Militants & GOI released all the terrorists. Romanian Ambassader to India Mr.Radu was kidnapped by Punjab terrorists in 1991 but was released without any condition. In 1991, Prof. Mushir-Ul-Haq VC of Kashmir University & Sh. H.L. Khera, the G.M. HMT were kidnapped but were released. Some foreign tourists were also kidnapped in Kashmir.

III) Assassination- Killings by the terrorists are very common & the purpose has been to take revenge, killings after kidnapping when demands are not fulfilled, to cause terror in the minds of people, political targets etc. The important assassinations have been of Mrs. Indira Gandhi, Sh. Rajiv Gandhi, S. Beant Singh, CM Punjab, Smt. Benazir Bhutto (2007), Solomion Bandaranaike PM of Ceylon, General Zia-Ul-Huq. President of Pakistan, Sheikh MujiburRahman, President of Bangladesh etc. Brain Baley described five categories of assassinations.

  i. First is related to tyranicide- The despotic ruler is killed to save the people from his tyranicide rule like those of Nazi ruler of Czechoslovakia & Nicholas-II of Russia. The killers would claim that they struck for liberty.

  ii. Second is related to political rivalry - The example is of Trolskig killings & also that of shooting of Benigno Aquino in Manila. Even killing of Benazir Bhutto & Sh. Rajiv Gandhi come in this category.

  iii. Third is expedient assassination i.e. assassination of Patrice Lumumba, PM of Congo.

  iv. Fourth category is most prevalent i.e. plotting a camp like killing of Anwar Sadat of Egypt by Muslim fundamentalists.

  v. Fifth is to kill and idea or for perceived injustice, personal grievances or paranoid. Killing of Archduke Ferdinand, Martin Luther King, Johan F. Kennedy, Indira Gandhi etc. came under this category.

In addition to above, the important assassinations were of President Mohd. Ali Rajai, P.M. of Iran in 1981 by the terrorists, President of Egypt Anwar Sadaat in 1981 when he was reviewing a parade in Cairo, Pope John Paul-II, in Rome in 1981, Indira Gandhi, PM of India in 1984 & Sant Harchand Singh Longowal in Punjab in 1985, Rajiv Gandhi in 1991, Smt. Bhutto in 2007 etc.

IV) Bombing – The use of bombs for assassination by the terrorist is as old as civilization. There are more than hundred form of bombs, the terrorists have improvised it. It may be in
the form of letter post, parcel bomb, shopping bag bomb, tent case bomb, car bomb, hand bomb etc. Car bomb are being mostly used by ISIS, Al Qaida and LeT/JeM terrorists.

V) Human bombs – Human bombs or fidayeen bombs were used predominantly by LTTE and now by ISIS. In Punjab, S. Beant Singh, CM Punjab was killed by Fidayeen attack by LTTE. The fidayeen are motivated to the extent that they are ready to sacrifice their lives for the cause.

VI) Travelling and mobility – The terrorists generally move by cars as they can hide themselves & easy to carry weapons. In Punjab, they used bullet motorcycles, maruty cars & vans. They have started sending their couriers by trains. They keep on changing the vehicles as per area and convenience.

VII) Explosives – The use of explosives is cheap & highly damaging method used by terrorists. It is commonly used for arson, vandalism and assassination. The terrorists generally used incendiary explosives (bottle filled with a mixture of gas & oil), fuses (clocks for delayed action fuse) and T.N.T.

VIII) Hand-Grenade – Hand Grenades are easily available and are very effective for killing innocent people & create terror in the minds of people.

IX) Hide-outs – they live in places where they are least suspected. They live in five star hotels, jungles, valley, rented houses in middle class localities and people sympathetic to the cause. They adopt the normal life style to avoid suspicion. In Parliament attack, they lived in middle class locality in Delhi. IRA used two-faced houses, one side used by the terrorists & other side by the genuine people with licence & identity cards.

X) Communication – Communication is done in coded words. Cell phones are rarely used, only for essential communications. In certain cases, the couriers are sent.

XI) Identity Cards – They keep identity cards in the form of passport, driving licence, social security or employment cards and other papers to prove their legitimacy.

XII) Finance – Huge amount of money is required to run the terrorist organizations. The money is collected by donation, extortions, dacoities/robberies and even some states fund the organisations. ISI funds the LeT, JeM & good Talibans. The militants are paid salaries. In Punjab, SBI bank at Ludhiana was robbed off Rs. 5.7 crores in dacoity, which they used for purchasing weapons and giving salaries to the militants. Kashmiri outfits are financed by ISI. Naxalite groups in Jharkhand, Chhattisgarh and A.P. indulge in extortion, regular payment from business houses and voluntary donations from employers and other rich people. Latest funding is from narco-terrorism (drugs) & fake currency.
XIII) Extortion, robbery & theft – The terrorists indulge in extortion, robbery & theft & fund their expenditure to run the organizations. Three young Americans were arrested by FBI in 1978, who were part of conspiracy to steal the American Nuclear missile submarine & were sentenced. An employee in North Caroline Stole 65 kgs of enriched uranium in powder form. In April 1985, Radioactive Plutonium was found in New York’s water supply which was put by the terrorists. A French Journalists, Patrick Brethem concluded a deal for 187 kgs of enriched uranium and a kg of Plutonium at a price of 73 million dollars. 136 175 cases of illicit trafficking of nuclear materials have been reported by IAEA since 1993. The extremists in Naxal area extort money to the tune of 1400 crore annually in mineral rich areas, where hundreds of industries are located.

1.4.11 TERRORISM MAY BE CLASSIFIED INTO:

a) International Terrorism    b) Domestic Terrorism.

a) International Terrorism- means activities with the following three characteristics:

i. It involves violent acts or acts dangerous to human life that violate federal or state laws

ii. It appears to be intended;

1. To intimidate or coerce a civilian population

2. To influence the policy of a govt. by intimidation or coercion.

3. To affect the conduct of a govt. by mass destruction, assassinations or kidnappings

iii. It occurs primarily outside the jurisdiction of the country or transcends national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce or the locale in which their perpetrators operate or seek asylum.

b) Domestic Terrorism- means activities which involve acts dangerous to human life that violate federal or state laws;

i. to intimidate or coerce a civilian population

ii. To influence the policy of govt. by intimidation or coercion

iii. To affect the conduct of a govt. by mass destruction, assassinations or

136 Id pp. 130-132
The world terrorism comprises of terror and ism which means philosophy of creating terror or fear or destruction among the people. The first category is global terrorism & second is domestic terrorism\textsuperscript{138}. Terrorism can be defined as an extremely, violent and horrible tactics used by its perpetrators or insurgents to terrorise the populace into accepting its cause as legitimate\textsuperscript{139}.

1.4.12 A WORKING DEFINITION OF TERRORISM

“Criminal acts including against civilians, committed with the intent to cause death or serious bodily injury or taking of hostages, with the purpose to provide a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a govt. or an international organization to do or abstain from during any act, which constitute offences with in the scope of and as defined in the international convention and protocol relating to terrorist, are under no circumstances justifiable by consideration of a political, philosophical, racial, ethnic, religious or other similar nature”\textsuperscript{140}.

Terrorism is an extreme form of expression, which is most contrary to be values of democracy, civilization and humanity. Among the terrorist groups Pkk/KADEK/KONGRA-GEL(Kurdistan Workers Party) can be singled out as one of the most dangerous terrorist organisation in the world. PKK is active since 1980 in Turkey& has killed over 3000 Turkish citizens including women and children. PKK has also tried to hit Turkey economically.

1.4.13 WHO ARE THE TERRORISTS & WHY DO THEY HATE

In terror and just response, Noam Chomskkey accepted as a definition of terrorism as, “the calculated use of violence to attain goals that are political, religious or ideological in nature, through intimidation, coercion or instilling fear. The short-term strategy after 9/11 incorporates the following principles.

i. Make no concession to the terrorists& strike no deals

ii. Bring terrorists to justice at the earliest

iii. Isolate and apply pressure on states that sponsor terrorism forcing them to change their behaviour.

iv. Bolster the counter-terrorist capabilities of those countries that work with the U.S. &

\textsuperscript{137} Id pp. 31-32  
\textsuperscript{138} Id p. 67  
\textsuperscript{139} Id p. 68  
\textsuperscript{140} UN Security Council Resolution, 1566 (2004)
require assistance\textsuperscript{141}.

According to Noam Chowsky (In Terror & just response), terrorism is the deliberate use of violence or threat of such directed upon civilians in order to achieve political objectives.

Louis P Pojman in the Moral Response to Terrorism &cosmopolitanism defines terrorism as the horrific violence against unsuspecting civilians as well as combatants, in order to inspire fear and create panic, which in turn will advance the terrorist’s political or religious agenda.

Terrorism is premeditated politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience\textsuperscript{142}.

He has also defined terrorism as the use or threat of violence against innocent people to elicit terror in them or in some other group of people, in order to further the political objectives.

In his essay, “The doctrine of the Sword”, Gandhi Ji wrote- I do believe that where there is only a chance between cowardice and violence, I would advise violence. Thus, when my elder son asked me what he should have done, had he been present when I was almost fatally assaulted in 1908, whether he should have run away and seen me killed or whether he should have used his physical force, what he could & wanted to use and defended me, I told him that it was his duty to defend me, even by using violence\textsuperscript{143}.

In traditional just war theory, there are two basic elements on account of Just cause and an account of just means. Just cause is usually specified as follows:

1. There must be substantial aggression.
2. Non-belligerent correctives must be either hopeless or too costly.
3. Belligerent correctives must be neither hopeless nor too costly.

Traditional just war theory assumes, however, that these are just causes and goes on to specify just means as imposing the requirements.

\textsuperscript{141} Streba, James. P (Ed), \textit{Terrorism and International Justice}, Oxford University Press, 2003 pp. 1-20
\textsuperscript{142} Streba, James. P, \textit{Terrorism and International Justice V State Department}, p. 206
\textsuperscript{143} Gandhi, M.K. , “ Doctrine of Sword”, in \textit{Non Violent Resistance} (New York Schocken books, 1961 p.132)
1. Harm to innocents should not be directly intended as an end or a mean.

2. The harm resulting from the belligerent means should not be disproportionate to the particular defensive objective to be attained.

The just war theory allows the use of belligerent means against unjust aggressors only when such means minimize the loss and injury to innocent lives, overall. Secondly, it allows the use of belligerent means against unjust aggressors to directly threaten the innocent lives, not simply to prevent injury to innocents. Thirdly, it allows the use of belligerent means to directly or indirectly threaten or even take the lives of, unjust aggressions when it is the only way to prevent serious injuries to innocents cannot be justified for the sake of achieving a greater good when the harm is

1. trivial

2. early repairable (as in the case of lying to a temporarily depressed friend to keep her away from committing suicide).

3. non repairable but greatly authorised by the consequences of the action. This is relevant to the possible justification of terrorism144.

The encyclopaedia of the social sciences defined terrorism as; A term used to describe the methods or the theory behind the method whereby organized group or party seeks to achieve its avowed aims chiefly through the systematic use of violence. Terrorist acts are directed against persons who as individual agents or representative of authority interfere with the consummation of the objectives of such a group145.

Ted Robert Gur in Why Men Rebel has argued that political violence is a consequence of a significant gap developing between the value expectations of a given group of people and the value capabilities of a group146.

According to counter-terrorism specialist, James Fraser, a terrorist group is organized something like a pyramid. At the very top, there are a few leaders who make the overall policy & plans. Below them is somewhat larger group of terrorists who actually carry out attacks. This is called active cadre. When an operation is planned, the leaders can link several cells together operationally in a ‘column’ so that intelligence, support and combat activists

144 Id pp. 211-212
145 Gur, Tedd Robert, Why Men Rebel p.12
can be brought to bear the cell system, preserve secrecy and complete the objective.\textsuperscript{147}

1.5 CAUSES OF TERRORIST VIOLENCE

At the individual level, some experts have distinguished rational, psychological and cultural origins. Rational terrorists think through their goals and options, making a cost benefit analysis. Psychological motivation for resorting to terrorism derives from the terrorists’ personal dissatisfaction with his/her life and accomplishments. A major cultural determinant of terrorism is the perception of outsiders and anticipation of their threat to ethnic group survival. At the group level, terrorism can grow out of an environment of political activism, when a group’s goal is to redirect a government or society’s attention towards the grievances of activist social movement. The political violence by a group may be from injustice or strategic choice or morality. The violence is indeed directed at achieving certain social change oriented goals, regardless of whether we agree with those goals or with the violent means used to attain them. Collective violence is justified as sometimes it can help achieve their social goals. Two sociological concepts i.e. structural theory and relative deprivation theory provide useful explanatory analysis for this process. Structural theory focuses on social conditions of the group as well as that of the state authority. Structural theories of revolution emphasize that weakness in state structures encourage the potential for revolution. According to this view, a government beset by problems, such as economic and military crisis is vulnerable to challenges of insurgent forces. Relative deprivation theory focuses on feeling of deprivation and frustration and sustained repression which may lead to political violence. Terrorism is a necessary process to build the esteem of the oppressed people and provides a means to justify political violence.\textsuperscript{148}

According to Robin Fox, there is always an animal instinct in the human being, which lead him to commit the violence because of various circumstances. On the basis of frustration/aggression hypothesis, a human being goes through these stages to commit violence i.e. arousal, readiness, display, menace, attack, ritual fight and violence. The extent of violence also depends on some of the hormones involved in propelling the sequence, starting with adrenaline, getting a good boost from testosterone, serotonin, and ending with a flood of endorphins if successful. Predator-Pray, sequence for violence is arousal, stalk, attack and kill.\textsuperscript{149}

“We must establish the independent power of the people this is to say, we must

\textsuperscript{147} Id p. 136
\textsuperscript{148} www.sagepub.com/martirees 2e
\textsuperscript{149} Fox, Robin- An Article – The human nature of violence pp. 3-5
demonstrate a power opposed to the power of violence and other than the power of punish,” said Acharya Vinoba Bhave

1.5.1 TYPES OF VIOLENCE

Since the use of violence had been associated with political movements, it is essential to distinguish between the various types of violence:150

1. Violence can be the outcome of a non-violent policy in theory, plan and organization. For example, the non-cooperation movement led to the Chaura violence & civil disobedience too resulted in many acts of violence.

2. Violence can be isolated, unplanned and unrelated with the organizational programme. In course of revolutionary movements, there may take place numerous criminal acts but these cannot be treated as a part of revolutionary movement.

3. Violence arising out of non-political clash such as labour management and police disputes, agrarian skirmishes between land-lords and tenants etc. may not necessary be connected with the political organization.

4. Violence complied with non-violent propaganda may be turned into a strategy for bringing about revolution for gaining people political ends.151

Darkheim, Larsons and Morton who counter political agitations, crime, suicide, alcoholism, religious enthusiasm and drug addiction are all to be manifestation of disaffection with or alienation from society. The violence saw the fall of Roman Empire. After French revolution, Karl Marx in his “Das Capital” recorded the acts of cruelty and violence that occurred in the factories of the Industrial Revolution in England, where workers were flogged, tortured and ill-treated. Thus, according to Marx, violence could be used as retaliation not by an individual but by social organizations in the atmosphere of favourable conditions.152 Sorel in his book “Reflection on Violence” he looked at violence as protector of society. “Protective violence” was considered as the most appropriate method of obtaining immediate material advantage.153

Sarte, the philosopher of existentialism must figure in any account of political philosophy of violence. Violence is one of the facts of life as it is at close quarters having

153 Id, p. 13
taken part in the French Revolution, after the revolution, movements after World War-II and also during the Algerian crisis.\textsuperscript{154}

The subjugated minorities also resort to unlawful methods as soon as the legal means fail and become inadequate. The latest philosopher of violence is Dr. Fanon, a negro by birth from the West Indies, a medical man by profession and follower of Sarte; who preached to negroes not only under colonial rule but even after they had attained independence, the necessity and utility of violence as a means to progress. He preached his doctrine in the “Wretched of the Earth”, one of the great political documents. He urged violence not only on account of its necessity and utility but on account of its moral effect.\textsuperscript{155}

Man has always been fascinated by power. He belongs to a violent species. His history is a long succession of war with interludes of peace in localized times and places. His myths and his religion are saturated with concern for power.\textsuperscript{156}

History tells us that some transformation have been brought with very little violence. In England, some extremely violent undertakings have resulted in no basic changes at all. There have been comfru-opera revolutions in which many people were killed & there have been true revolutions without blood-shed.\textsuperscript{157}

It is true that violence can be used more easily in a democratic society than elsewhere, but it is also true that violence in a democratic society looses much of its revolutionary impact. The proper mixture of legality and violence is most difficult to determine in democratic societies that once the proper formula has been found the results have the best chances of becoming permanent.\textsuperscript{158}

Political power is acquired by means of military superiority and skill in diplomacy. It is also maintained by the same means. Therefore, violence is essential in political freedom movements.\textsuperscript{159}

Modern history was inaugurated by three great movements, the Renaissance, the Maritime Disorder and the Reformation. Each of these contributed its quota to the promotion and popularisation of violence. The renaissance was, according to Claire Brinton, are of the

\textsuperscript{154} Id, pp.13-14
\textsuperscript{155} Id p.14
\textsuperscript{156} Mecelland, David C, Power (the Inner experience), New York, 1975 p. 3
\textsuperscript{157} The American review; supplement, Resolution; Delhi, Allied Publishers Pvt. Ltd, 1972 p. 74
\textsuperscript{158} Ibid
\textsuperscript{159} Hardyal, Social conquest of the Hindu race and the meaning of equality-San Francisco, USA Hindustan Gaddar Party & Hindustan Freedom Movement- A Count Papers – NA-1, Delhi
most violent free all periods of modern history.\textsuperscript{160}

Discussing the “Psychology of Violence” HC Ganguly writes that an important aspect of the problem is conflict between ethnic groups. Its root cause is position scarcity, or resource scarcity. Social scientists conceptualize a conflict situation in terms of the four concepts of prejudice, discrimination, social terrorism and social violence. The concepts can provide a model for most of the social violence in different societies. However, the influence of external factors like political, economic, demographic and social on conflict, cannot be underestimated.

1.5.2 REASONS OF VIOLENCE

Various reasons of terrorist violence have been attempted by various Jurists/Scholars like Haanah Arendt in her classic “On Violence” (1964), Thomas Thornton in “Terror as a weapon of Political agitation (1969), Robert Ted Gurr in ‘Why Men Rebel’ (1970), Martha Crenshaw in ‘The Causes of Terrorism (1981)’ and Walter Lacqueur in “The Age of Terrorism (1987)”. Arendt has forcefully argued that the acquisition and exercise of power are the principle reason for all kinds of violence including terrorism, riots, revolution and greed based crime. He highlighted the nexus between violence and power. It is the realization of a person’s helplessness that leads him to violence. It is an attempt to acquire or maintain power or control by intimidation by instilling a fear of destruction and physical violence. Thorton analysed the distinct reasons and advantages of terrorist violence in internal war situation. TeddGurr has concentrated on psychological discontent, which made individual and community amenable to mobilization for recourse to violence. Walter Lacqueur attributed the use of violence to political ends.

Walter defined violence as destructive harm including not only physical assaults that damage the body but also the many techniques of influencing harm by mental or emotional means. As per Paul Wallace, ethnic, religious, and linguistic factors provided the fuel in 1980s, exploiting into movements of political violence directed against the state and in turn involved the repressive measures that often were seen as state terrorism. Ernest Vander Haag defines violence as physical force used by a person directly or through weapons to hurt, destroy or control another or to damage, destroy or control an object. He used violence synonymous to physical force and when necessary to quality it as legitimate or illegitimate\textsuperscript{161}. Lao Tze has said about violence, “The more weapons of violence, the more misery of

\textsuperscript{160}Ruthriowsami, M, Violence-Causes & Cure,Journal of Madras University, Vol XI, p.3
\textsuperscript{161}Haag, Ernest Vander, Political Violence and Civil Disobedience (New York)-1972, p. 54
mankind. The Triumph of Violence ends in ceremony of mourning”.

HENCE, THE CONCEPT OF TERRORISM VIOLENCE IS:

1. It is pre-meditated and is designed to create a climate of extreme fear.
2. It is directed at a wider target/audience than the immediate victim.
3. It, inherently, involves attacks on random or symbolic targets, including civilians.
4. The acts of violence committed are seen by the society as extra-normal breach of social norms and cause a sense of outrage.
5. Terrorism is generally used to influence the political behaviour in some way, for example to force opponents into conceding some or all of the perpetrators demands and to provoke an overreaction to serve as a catalyst to publicise a political or religious cause to inspire followers to emulate violent attacks to give vent to deep hatred and the thirst for revenge and to help undermine government’s instructions designated as enemies by the terrorist. It sends wider message. It influences the behaviour of community and specific groups.

The terrorist acts, on campaign, have two objectives i.e. tactical goals of publicity and recognition of claim and in-turn achievement of objectives i.e. freedom, or other goals. This concept of freedom with the terrorists is wrong as Nani Palkhiwala says, “since man does not know how to behave, the necessity arises of legal responsibilities to prevent liberty from degenerating into licence. No Virtue is absolute, not even freedom. One man’s freedom fighter is another man’s terrorist.” The terrorism always involves criminal acts i.e. the use or threat of use of violence against person in the form of murders, kidnapping or hostage killing, the use of violence against property and assets in the form of vandalism, arson and bombing. Left Terrorism or Red terrorism has more incidents of killing and damage to property but in black terrorism or Right Terrorism it has less incidents but they are highly dreadful. Terrorists will never fail to claim responsibility for their violence in order to gain publicity. There are three main approaches i.e. political, psychological and military. In political system, the violence emerges out of country’s political institutions. The psychological approach concerns with the study of the terrorist themselves i.e. recruitment and induction in terrorism, their personalities, beliefs, attitude and careers. Military approach is to deal the terrorists strictly. Also, the process of terrorism is a compound of three elements; the act or threat of violence, the emotional reaction and the social effects.
1.5.3 TERRORISM AND POLITICAL VIOLENCE

In democracy, all the decisions are taken with the good of the largest number in mind. By definition, this leaves out some segments of the population from getting the benefits. Whenever, there is perception in the mind of the some people that they have been denied justice and there is a political bias, they manifest their discontentment in to agitation leading to violence. This is how the political violence is born in democracy. There are plenty of volatile elements in the society to convert this tendency to seek remedies through violence in to organised violent activities. The affected state reacts with ferocity and unleashes counter violence. Thus, innocent people get caught in this vicious and never ending circle and suffer. Political violence manifests in the shape of adventurism i.e. hostage taking, hi-jacking of aeroplanes, destruction of political targets etc. Adventurism graduates in to political extremism. From this stage, it moves on to terrorism putting people in fear of death. Terrorism creates a fear psychosis in the population and often petty criminal elements explore this situation by indulging in criminal activities under terrorist banner. Since, causes of political violence are rooted in politics, the cures are also found in political process to uphold the law & order, internal security and safety of human beings and property, the security force act which starts with usurping of human rights of the individuals and groups. Security forces should act in a manner that they should resort to confidence building measures, assuring the safety of the affected people. They should discharge their duties lawfully & ethically. Human rights of local people should be upheld. Human rights are all about human dignity. It is very much possible to carry out internal security operation without trampling on the dignity of the population in the operational areas. Personnel should be taught to distinguish between firmness and rudeness.162

Terrorism has now acquired global dimensions and has become a challenge for the entire world. The reach and methods adopted by terrorist groups and organizations take advantage of modern means of communication and technology, has enabled them to strike and creates terror among people at will. Terrorism is a world-wide phenomenon which has unfortunately now come to stay in India. Terrorist is a person who creates an overwhelming inputs of fear or extreme fright or dread.

Society has always remained violence stricken. The violence spreads faster than the tradition of the discipline. Now, the terrorism is a global phenomenon. It is very difficult to ascertain when it originated in the ancient period. It was basically originated from the

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162 Subramanian, S: Human Rights and Internal Security Operations; p. 54
grievances of the people in general or the state’s failure to fulfil the legitimate expectations of the people. Grave social injustice led to violence and then to extreme violence i.e. terrorism, which by and by engulfed the whole world.

Terrorist is not a modern phenomenon\textsuperscript{163}. It finds mention in ancient Greece and medieval Italy. The origin of present day terrorism can be traced to the Sinai War of June, 1967, when in a few days, Israel decimated the armed forces of some of the Middle East Countries and occupied large tract of their land. The Arab world retaliated with terrorism against Israel as it could not fight and match the forces of Israel openly. The religion has also enmeshed with political aspirations. In the words of R. Venkatraman, the former President of India; the response to this ‘spectrum of challenges’ has to be ‘multi-dimensional’. While addressing the Seventy First Annual Conference of the Indian Society of International Law, he underlined the need to mobilize the process of ratiocination that have taken the shape of legal energy.\textsuperscript{164} He said “Lego-philosophic” minds can arrest the world in so arranging or ordering human affairs as to make them consistent with the evolution of collective human thought. What is involved in the process is not just the maintenance of the powers of the States or ‘order’ but ‘order with law’. Within the boundaries of a state, the balance is not so difficult to maintain. But in trans-national affairs, the task becomes difficult.\textsuperscript{165}

Terrorism driven by religious aspects has become a great threat to the security of the nation and it strikes the very roots of the tolerance. It has acquired the perception that the justice cannot be achieved by normal methods of protest& agitations, thus the groups resort to terrorist activities. The onslaught of the security forces aggravate this and cycle goes on. In India, we face rise of ethno-religious, linguistic and regional conflicts. They include Colonial legacies, the forces of modernization, exigencies of modern electoral policies, the movement of ethnic populations across the porous borders and the decay of indigenous political institution\textsuperscript{166}

India’s social structures has been a unique blend of diverse religious, cultures and ethnic groups and inspite of all this, India has always remained a unified society. J & K, Assam, North-East States and Central Indian States have been the economic neglect in the perception of affected masses. Because of the corruption, the allocated funds did not reach

\textsuperscript{163}Malimath Committee Report on Criminal Justice Reports in India, March, 2003 pp. 216-217
\textsuperscript{164}Ibid
\textsuperscript{165}Id p. 217
\textsuperscript{166}Singh, Kavita (Dr.) – Human Rights and Anti-Terrorism Laws in India – Central Law Publications – Allahabad, 2010 pp.-2
the targeted groups. The linguistic reorganization of the states gave impetus to various groups of the ethnic and cultural basis. This can be seen from Andhara Pardesh & Punjab states. However, the reasons behind the spread of terrorism in various areas of our vast country are different but one common factor is the mis-governance and inaction on the part of the government and administration. J & K is facing cross-border terrorism and proxy war since 1988. Pak adopted this method to avenge the creation of Bangladesh. Extra-territorial sponsorship of terrorism, porous borders, diplomatic complexities in dealing with safe havens across the border and the deficiencies in our own criminal justice system have made the task of countering terrorism extremely arduous and complex\textsuperscript{167}. Yet the valour and sacrifice of our security forces, the alertness and high degree of cohesion among various agencies, a broad political consensus backed by strong public opinion, democratic legitimacy of the state and the economic and social strength that form the bedrock of our nation have greatly helped in withholding the onslaught of terror. Punjab and Mizoram are a great success in totally eradicating terrorism.

Extra-ordinary laws to meet extra-ordinary situations are required and our Parliament passed many such laws like TADA, POTA & UAPA. Supreme Court upheld the validity of such special laws. Though the security forces handled the situations effectively but the human rights of people and the Constitutional values of the people were protected. The terrorist upsurge the individual freedom. The anti-terrorist laws emerge as the dividing line between the chaos and order. These laws are the protective of the rights and duties of the individual. All the laws made by the legislatures are always in tune with the Universal Declaration of Human Rights and Fundamental Rights enshrined in our constitution.

North-East\textsuperscript{168} region consisting of seven sisters states i.e. Assam, Nagaland, Manipur, Tripura, Meghalaya, Mizoram and Arunachal Pradesh consist of around 200 ethnically diverse groups with distinct languages, dialects, and socio-cultural activities. Some areas want separate states. Some areas need autonomy and some areas need statehood. Militancy started in Nagaland for separate statehood. It further spread to Manipur, Tripura, Mizoram and Assam. Because of militancy and operation of Army, the areas could not be properly developed. The porous border has facilitated the movements of the revolutionary groups. Drugs & Arms trafficking are common through porous borders. Security forces even at the cost of their lives as in Manipur’s recent loss of 18 Army jawans have done a great service to

\textsuperscript{167} Id pp. 3-5
\textsuperscript{168} Id pp. 9-10
the nation in maintaining this area.

It is fact that the attack by various groups of militants have united the middle class. There is awakening for enforcing of human rights by the people. It is a fact that the human rights movements have been subverted and undermined by corporate interests internationally and in our country. We are facing the extensive violation of human rights in the form of terrorist crime and human rights justification specially in the democratic nation.

1.6 CAUSES FOR THE GROWTH OF TERRORISM

Terrorism is an act of war, not only against the State but also against the civilization. Following factors can be responsible for such a situation.

1. During the liberation struggles of the former colonies, certain modes of violence have become acceptable methods of correcting the perceived social injustice. The radicals have now adopted those violent methods as an aura of legitimacy.

2. Poverty & rising expectations are the important causes in our country. Ethnic groups fight against inequality and deprivation.

3. The growth of communication has helped in dissemination of ideas. The normative justification for political violence is caused by frequent exchange of ideas.

4. Because of the easy availability of modern weaponry & explosives a handful of people can create terror among a large section of people. The transistor bomb explosion at some places in the recent past is an example.

5. The growing links between various groups within country & even across the countries has helped in the spread of terrorism in modern times. The ethnic groups in other countries collect funds & weapons for the outfits fighting for some cause.

6. Active assistance of hostile country in providing shelter, training, funds & weapons have also encouraged terrorism.

7. The effect of cold war i.e. earlier Soviet bloc spread terrorism & now USA bloc is responsible for Islamic terrorism. The creation of Al-Qaida through Osama –Bin-Laden is the handwork of U.S.A.

8. Growing nexus between terrorists, smugglers, illicit drug suppliers and illegal manufactures of arms has developed a set of holy alliance. Narco terrorism is destroying many countries. Heroine-Kalashnikov collective culture is threatening many equations.
9. Ill governance in India is another factor. Right to property is abolished. The land acquisition of small farmers & tribal people have encouraged terrorism.

10. The religious intolerance i.e. Islamic fundamentalism is on the rise.\textsuperscript{169}

Terrorism, thus, is the most sinister forms of political violence. It is generally defined as the systematic use of threat & violence to secure political goals. It is an organized violence to intimidate people and targets and it is not different from political terror, which occurs in isolated acts and in the form of extreme indiscriminate & arbitrary mass violence. Political terrorism, is thus, the systematic commission of murders and destruction or the threat of murders and destruction in order to terrorise individuals, groups, communities or governments in to conceding to the terrorist’s political demands\textsuperscript{170}. “It is either a punitive measure or to take revenge or to force the victims to negotiate the demands which the terrorists consider to be legitimate and just. In other words, it has become a part of the political process for achievement and promotion of certain goals & interests.”\textsuperscript{171}

After the terrorists struck World Trade Centre on 11\textsuperscript{th} September, 2001, the terrorism adopted the international Scenario, President Bush declared that the USA is now in a state of war, which showed the gravity of the situation.

Organized criminals mostly are motivated by the greed than wholesale destruction. Thus, the terrorist crime is not merely an organized crime. Criminal groups are fairly easy to be infiltrated and criminals can be turned against one another. But the terrorists are motivated by the fierce commitment to an ideology and their cells are hard to infiltrate, because they are deeply embedded in the surrounding culture. The usual tactics of law enforcement have had only limited effectiveness against terrorists.\textsuperscript{172}

The term “terrorism” means premeditated and politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.\textsuperscript{173}

The term International terrorism means terrorism involving citizens or the territory of more than one country. The term “terrorist groups” means any group practicing or that has significant subgroups that practise International terrorism. Thus the terrorist violence is

\textsuperscript{169} Id pp. 19-23
\textsuperscript{170} Das, P.M. (IPS), A Thesis submitted on Problems, Rehabilitation and Welfare of Terrorist Affected Police Families in Punjab, 2001 p.3
\textsuperscript{171} Id p. 4
\textsuperscript{172} Henderson, Harry, Global Terrorism, The complete Reference Guide, Checkmark Books, New York, 2001 p.3
\textsuperscript{173} Id p.5
motivated by the political considerations that it targets non-combatants.

According to BRIAN JENKINS, THE FORMER WHITE HOUSE ADVISOR, all terrorist acts are crimes. Many would be violations of the rules of war, if a state of war existed. All involve violence or the threat of violence, often coupled with specific demands. The targets are mainly civilians. The motives are political. The actions generally are designed to achieve maximum publicity. The perpetrators are usually members of an organized group and unlike other criminals, they often, claim credit for the act. And finally, it is intrinsic to terrorism act that it is usually intended to produce psychological effects far beyond the immediate physical damage. One person’s terrorist is everyone’s terrorist.\textsuperscript{174}

The concept of state terrorism is not dominant in the definition. As noted by linguist and activist Noam Chomsky: the term terrorism has come to be applied mainly to “retail terrorism” by individual or groups. Whereas the term once applied to Emperors who molested their own subjects and the world, now it is restricted to thieves who molest the powerful. Extricating ourselves from the system of indoctrination, we will use the term terrorism to refer to the threat or use of violence to intimidate or coerce generally for political ends whether it is the wholesale terrorism of the Emperor or the retail terrorism of the thief.\textsuperscript{175} Thus, the terrorism also encompasses the terrorist actions committed by the government themselves.

Terrorism is not much different from war except the wars are fought by the governments and wars are fought according to certain rules. The belligerents in the war shall not inflict on their adversaries harm out of proportion to the legitimate goals of warfare. Belligerents will not kill their prisoners after capturing them. Their purpose is to weaken the military forces of the enemy. Civilian population is not made the deliberate targets in the war. No weapon or other means and methods of warfare shall be used which are calculated to cause unnecessary or otherwise excessive suffering. These laws are not clearly observed by the terrorists. The goals in terrorism are different from those of warfare.

Terrorism and revolution is not much different: both kill individually and intimidate thousands. Revolution is the fierce form of terrorism. Revolutions generally implies an activity that is more focused, broader based and more systematically than terrorism. A revolution implies some base of support and some ability to create a new government to

\textsuperscript{174} Id
\textsuperscript{175} Id
replace the old. Revolution is regularly accompanied by the acts initially, either incidentally or by policy.\textsuperscript{176}

1.6.1 TERRORISM – ROOT CAUSES

Kofi Anan said in Madrid summit “groups use terrorist tactics because they think that those tactics are effective and that people or at least those in whose name they claim to act, will approve. Such beliefs are the root causes of the terrorism. The five root causes are:

a) Soft state
b) No action against the state sponsoring terrorism
c) Double standards
d) Non-implementation of UN Principles
e) Powerless police & security agencies

a) **Soft state**:
The weak approach of the state is the one of the main causes of thriving of terrorism. The approach of Pakistan towards good Talibans & bad Talibans is the main example. The release of the terrorists in 1999 from Sri Nagar jail led to Parliament attack, attack on J&K Vidhan Sabha, the kidnapping and killing of Daniel Pearl, an American Journalist in Karachi in 2002 etc.

b) **No action against the state sponsoring terrorism**:
The collapse of USSR and other communist states resulted in the collapse of leftist terrorist organizations in Italy and Germany. Jihadi terrorism is surviving because of support by Pak, Afghanistan and Bangladesh. No action is being taken against the sponsors of Terrorism.

c) **Double standards**:
India is the victim of double standards of USA, Pakistan and other Western Countries. Pak’s approach of good Talibans and bad Talibans is very dangerous.

d) **Non-implementation of UN Principles**:
Another root cause of thriving terrorism is the unsatisfactory implementation of UN Security Council Resolution No. 1373 by many states, particularly Pakistan. It has not deported 20 terrorists wanted by India. It has not freezed bank accounts of many Jihadi terrorists. Dawood Ibrahim is under the protection of Pakistan Agencies.

e) **Powerless police & security agencies**:
The security agencies are not permitted to work and there is no will on the part of some governments to curb the terrorism. Terrorism was curbed in Punjab when S. Beant Singh C.M. of Punjab had the will to root out the menace of terrorism from Punjab. Security agencies should be trained, equipped and given free hand to handle terrorism.\textsuperscript{177}

Effects of Terrorism: Because of terrorism, normal life is disturbed and peace and tranquillity in social life get vanished. Everyone feels insecure. There is a great loss of life and property.

\textsuperscript{176} Id p. 7
\textsuperscript{177} Kumar Ashok, *Dynamics of Global Terrorism*, K.K. Publications, New Delhi, 2014, pp. 95-96

79
1.6.2 THE ADVERSE EFFECTS OF TERRORISM ARE:

1. **Political effects:** The normal political life is halted and comes to an end. The people’s aspirations for better living get a severe setback. The administration finds it difficult to function. There is lawlessness. The democratic government comes to an end. The social life gets utterly disrupted.

2. **Economic effects:** The normal business and economy gets a setback. Investment falls and process of growth come under heavy strain. The terrorism derails the economy.

3. **Social Effects:** Terrorism disrupts the social activities of the people. The relations between different communities get strained. The existence of state gets heavy strain.\(^{178}\)

The causes of terrorism are numerous and varying, logical and understandable as well as conditional and irrational. They range from group interests to private considerations and may include colonization, resistance to foreign ruler, drives to change social and political reality to bring about a worldwide revolution or the desire for some spiritual purification\(^ {179}\). A general theoretical analysis on the causes of terrorism was done in an article on the causes of terrorism by Martha Crenshaw which outlines two basic factors responsible for the emergence of terrorism. One is the existence of certain ‘preconditions’ in a society that set the stage for its occurrence and second in the ‘precipitants’ that means the specific events that immediately precede the occurrence of terrorism.\(^ {180}\) There might be certain forces and factors invisibly at work or of course of events taking shape slowly and quietly in a society and finding some favourable conditions. These conditions may turn into systematic terrorist activities. Thus, terrorism does not have simply or single reason, nor is it limited to any single nation state. Once, it takes roots, it may acquire wide shape in some form or other. Some of the causes are outlined as below:

1.6.3 **GENERAL CAUSES**

Some of the causes are outlined as below:

1. **Social Causes** – A large number of modern nations/states contain highly self-aware religion, cultural and ethnic groups, with some of them insignificantly large numbers and concentrated, sometimes, in geographical compact areas. Either instigated by their group or due to the mistakes of the government, they come to complexes, like discrimination, fear of loss of identity etc. by slowly getting assimilated into majority fold, neglect or unfair treatment and the like. This causes damage and ethnic divide when the ethnic groups try to

\(^{178}\) Id pp. 96-97
\(^{179}\) Galor, Noem: International cooperation to suppress Terrorism-1985
\(^{180}\) The causes of Terrorism: The comprehensive politics; Vol 13 No. 4 July 1981 pp. 379-399
unite the ethnic groups to maintain other identities.\textsuperscript{181} The criminal conflicts between various rival communities like Blacks & Whites, Arabs and Jews, Protestants and Catholics and Hindus & Muslims have resulted in large amount of violence. India represents a glaring example of communal and caste riots, which amounts to scores of reported incidents every year. The major incidents take place between Hindus and Muslims and Upper Caste and Lower Caste Hindus.

2. **Economic Causes** – When People are made to feel that their legitimate aspiration are repressed or unfulfilled, they get frustrated. This frustration if not channelized properly, result in to violence & hence terrorism. Gurr’s concept of relative deprivation (RR), Caswell and Kalpan’s theory of ‘disparity’ between ‘value position and value demands’ and Brain Crozier’s belief in ‘frustration’ as a common element to all rebels etc related to the economic roots of terrorism in the form of aggression or revolution or internal war and class conflicts.\textsuperscript{182}

Terrorism can be traced in those societies which are experiencing a rapid economic expansion on the one hand, but simultaneously low or declining rate of opportunities, on the other like employment, education, urban facilities and like. Uneven development of one region may lead to outbreak of terrorism incidents in developing countries. In the under developed, poor and backward countries, terrorism may be result of lack of equal opportunities, unequal social relationships, mal-development, higher level of exploitation of one class by another and repressive politics of the government. But in developing countries like India, growth may also aggravate collective economic violence. Corruption among Indian politicians has led to routalization of everyday existence leading not only to communal violence, but also the increase of atrocities on the weaker section of society. \textsuperscript{183} There is another aspect of terrorism resulting out of economic disparities and backwardness. The economic crisis of late sixties and early seventies in India and the emergence of naxalism in West Bengal, Bihar and Andhara Pardesh can be understood in this direction. The young boys and girls drawn away from their families and homes, go in to self exile, pledging their lives to violent reforms. It leads to the problem of inequitable distribution of land on the basis of economic power. \textsuperscript{184} The modernization and development draw the uneducated migrant labour to the cities. When they do not get jobs, they fall in to the hands of the criminals & mafias, who exploit them for their nefarious activities. The changes produced by advanced

\textsuperscript{181} Jain, Sharda, Politics of Terrorism in India, 1995 p. 97
\textsuperscript{183} Id p. 21
\textsuperscript{184} “The Times of India” Dec 15, 1991 p.17
technology also lead to dislocation of a large number of people which ultimately results in
demonstrations, strikes and other forms of violence by displaced persons.

3. **Media Network** – The basic objective in terrorism is to get wide publicity of their cause &
activities. With the improvement and hype in media network, they get wide coverage. News
hungry newspapers, television, radio etc. always look for sensational news items and the
terrorists provide them. Terrorist activities are given front page coverage. The publicity given
by the press encourages the terrorists to commit more acts of terrorism. It also gives an
incentive to other fanatics to join the terrorist gangs. There is a competition for headlines
amongst many rival groups.

4. **Religious Causes** – Religion has been a source of strength to the human beings but
recently, it has been widely used for violence and Terrorism. Bhinderawale mixed religion
with politics and the result was loss of over 25000 lives in Punjab. Islamic fundamentalists
mixed religion with politics and the situation is very grim in Kashmir, Pak and Afghanistan.
The activities of Boko Haram in Algeria and ISIS in Iraq/Syria are heart rendering. As M.J.
Akbar writes, “We went to the Jihad filled with joy and I would have been in paradise eating
honey, water melons and grapes and resting with beautiful virgins, just as it is promised in the
Quran. Instead, my fate was to remain amid the unhappiness on earth.” The slogans that the
Islam is in danger, make the common people loose their identity and it turns in to violence.
Only a handful & brain washed terrorists are responsible for this terror violence. The
religious minorities are exploited to fulfill their aspirations for having a nation state. The
continuing role of priesthood in some counties and their influence on society is indicative of
the fact how important religion is becoming as a group mobilizer. The cry of Islam in danger
and Jihad against Kafirs are the manifestations of religious fundamentalist ideology. Kashmir
valley in India is a direct victim of this kind of religious terrorism. The terrorists may use
religious terminology such like jihad or dharma yudh or holy war but their objective may
have nothing to do with the religious teachings as such.\(^{185}\)

5. **Political causes** – Politics of the ruling classes, in their bid to keep hold on power
structure, knowingly or unknowingly breeds terrorism. Undue political interference in the
administrative functioning and the police, patronizing the criminals and terrorists and a
politico-criminal-terrorist nexus is an important cause of terrorism. The tolerance on the part
of government and certain politicians backing the criminal elements demoralizes the police
and the administration. The appeasement policy of the government further tend to encourage

\(^{185}\) Engineer, Asghar Ali ; *The politics of Religion and Religion as politics*, The Tribune, Jan 5, 2003 p.3
the terrorists. Govt’s way of handling some inflammable or sensitive situations both by way of overreaction or under reaction aggravate terrorism. In decisional and weak approach to handle hostage like situation or hijacking tend to boost the morale of the terrorists and they generally increase their attacks under such situations. The decision of late Rajiv Gandhi to send IPKF to Sri Lanka to dispel LTTE terrorism against backfired in to increase of LTTE activities in southern states and also the assassination of Sh. Rajiv Gandhi, himself. 186

6. Foreign support: The study of causes of terrorism is incomplete without a look at the foreign support factor. Lack of common international understanding and laws further aggravates the problems related to international relations of the countries. Though the main root causes of terrorism are internal but there are always some sort of support from the outside world especially the neighbouring countries. As in the case of secessionist challenges from their minority communities in many countries, particularly of third world, where as the internal factors create the objective conditions for its growth, rise and majesty, the external forces provide the insurgents with finances, weaponry, training and logistic support that are instrumental for prolonging the terrorism. This fact can be understood in the light of what Brian Jenkin called, “Surrogate warfare or a proxy war”187 Narco terrorism involves number of countries. Now international drug trafficking rackets are acting in a big way and there is a linkage of drugs and arms boosting organized crime and terrorism.

1.6.4 BASIC FACTORS FOR EMERGENCE OF TERRORISM

Martha Crenshaw ascertained that there may be two basic factors for the emergence of terrorism.

i. Existence of certain preconditions in a society that set the stage for its occurrence.

ii. Precipitants i.e. specific events that indirectly precede the occurrence of terrorism.

It is very difficult to outline causes of terrorism as its nature is very heinous and destructive. 188

A.B. Vajpayee, former P.M. of India admits that some people are dissatisfied with prevailing state of affairs or are angry having a sense of injustice or deprivation. They may strike to have a different social order.

General Musharraf, former President of Pakistan pointed out the following causes of terrorism:

(a) Denial of Rights (b) Unsettled disputes (c) Political Oppression (d) Poverty

186 Jain , Sharda; Politics of Terrorism in India, 1195. p. 102
187 Ibid
188 Kumar Ashok; Dynamics of Global Terrorism, K.K. Publications, New Delhi, 2014, pp.83-85
But Vajpayee Ji feels that the common enemies of both the countries are poverty, illiteracy, disease and unemployment. Terrorists like criminals are not born but created by the society. Basically, the terrorism is product of sick mind nurtured by a broadening sense of injustice and is sustained by hatred.\textsuperscript{189}

The factors responsible for origin of terrorism are socio-economic, political motivation and frustration, regional disparities, intervention to religious matters, social and personal freedom of the people, communalism, secessionism etc. Other general reasons for the growth of terrorism are illiteracy, increased population, soft attitude of government towards criminals & economic offenders etc. The main causes are i. Socio-economic factors ii. Political factors iii. Regional disparities.

i. **Socio-economic factors:**- This refers to gross economic inequalities in which man exploits the man. This develops the hatred among the people of different classes. There is rigging of elections and all these factors lead to terrorism. Economic inequality and the gaps between rich and poor is an important cause of terrorism in human society. The movements take the shape which may seek equal rights, privileges and end of discrimination. Revolutionary terrorism in Russia is the example of this. The terrorism in North-East and Maoist terrorism in Central India are the example of this aspect. Ted Rebert Gur in his book, “Why Men Rebel" has argued that “Decremented Deprivation” is the main cause of terrorism. Bolshevik movement was because of Decremented Deprivation.\textsuperscript{190} The root causes of terrorism are not deprivation of oppression but the perception and experience of injustice and belief that such injustice is not natural or inevitable but arbitrary, unnecessary and remediable. In an inflation of growing expectations, the unfilled provisions of abundance, equality, independence and sovereignty provide bitter frustration and spreading feeling of needlessly suffered injustice that can and should be terminated by violence.\textsuperscript{191} According to Aristotle and Marx, the principle cause of revolution is the aspiration for economic & political equality. People feel frustrated when they are made to feel that their legitimate aspirations and rights are repressed and discriminated. Socio-economic factors of terrorism results in various problem in the society as below:

(a) Unemployment (b) Poverty (c) Illiteracy (d) Homelessness, Desperation and lack of Opportunity (e) Wrong Policies of Government (f) Accumulation of Wealth in Few Hands (g)

\textsuperscript{189}Mohd, Mahmood Bin Mul, The Anatomy of Terrorism, The Hindu (New Delhi), December 4, 2001


\textsuperscript{191}Kumar, Ashok; Dynamics of Global Terrorism, K.K. Publications, New Delhi, p. 88
Deprivation of Basic Rights and Violation of Fundamental Freedoms\textsuperscript{192}

ii. **Political Factors** – Political ambition of party leaders and established ideological groups also promote terrorism. The democratic system has enhanced the ambitions of the people and when unfulfilled, the people feel frustrated & get in to terrorism. This may lead into civil war as seen in Punjab & now in Central India. An insurgency in North-Eastern areas is a cause of such political frustration. Tedd Robert Gurr has argued that political violence is a consequence of significant gap developing between the value expectations of a group of people and value capabilities of that group. Inspirational deprivation leads to the emergence of terrorism. Politics of ruling party to hold on to the chair & indulging in nefarious activities to remain in power also leads to terrorism. A Political, Criminal & terrorist nexus is an important cause of terrorism. Sometimes, the policy of appeasement aggravate the situation. Intelligence reports are ignored. There is an acute interference in Police working. A weak as well as an un-responding leadership permits terrorism. Ultimately, excessive use of force further breeds terrorism on a large scale. The late Rajiv Gandhi’s government decision to send IPKF in Sri Lanka backfired in to violence in some southern states & assassination of Sh. Rajiv Gandhi, himself.\textsuperscript{193}

iii. **Regional Disparities** - Regional disparities take the form of separatists movements. Every nation state has many linguistic, religious, cultural, and ethnic groups. When they are discriminated it takes the form of terrorism. Not to have a state of Punjab on linguistic basis led to Morcha but actually, this was historically the basis of terrorism in Punjab. Many a times, interference in religious, social and personal freedoms of people by the government results in to emotional outbursts leading to terrorist violence. Terrorists are not born but created by particular sociological, economical, and political conditioning process. Men by nature are freedom loving and possessive and challenge to these leads to frustration and disorder leading to terrorism. Many separatists movements are going on like Kashmiris, Kurds, Outfits in N-Eastern States, Basque & Baluchs in Pakistan. They lure the youth on historical backgrounds & in the name of autonomy, indulge in violence against the ruling government\textsuperscript{194}.

\textsuperscript{192}Id p. 89
\textsuperscript{193}Id pp. 92-93
\textsuperscript{194}Id pp. 93-94
1.6.5 **TERRORISM AND GUERRILLA WARFARE**

Guerrilla warfare is an aggravated form of terrorism at the initial stage. A number of important guerrilla movements steadily refused to resort to terrorism. It is a fact that most of the contemporary guerrilla movements either habitually or at various stages of their activities, use terrorism, at least as form of revolutionary tactics. Guerrillas are equipped with light military weapons and generally conduct raids, rather than seek pitched battles. They view themselves as soldiers under military style discipline. Guerrilla forces are supported by a large number of people who provide supplies and concealment as they share their views. Of course, sometimes, they observe the law of war. On the other hand, the number of terrorist groups is small and their actions are bombing, ambushes, assassinations, hijackings, and kidnappings. Many terrorist groups have a little support from public. They are not organized on army lines and have small cells. Their demands and negotiations are for things like ransoms, safe passage or the freeing of imprisoned comrades. Guerrillas sometimes use terrorist tactics and sometimes it is difficult to distinguish from terrorist organisations.\(^{195}\)

The terrorist may employ guerrilla warfare tactics, though all guerrilla warfare need not be connected to serve terrorism. Guerrilla warfare means irregular warfare. La Guerre de Guerrillas simply means the war of small bands. Guerrilla warfare adopts unconventional means, it may be tools of terrorism or even one of the phases in progression of terrorism but it is not to be treated synonymously with terrorism in itself. The purpose of the guerrilla is not to destroy the enemy by a few massive blows, his purpose is to continuously harass and keep under strain. **MAO SUMMED UP HIS PHILOSOPHY OF THE MECHANICS OF GUERRILLA WAR IN THE FOLLOWING FAMOUS WORDS.**

**THE ENEMY ADVANCES, WE RETREAT,**

**THE ENEMY HALTS, WE HARASS,**

**THE ENEMY TIRES, WE ATTACK**

**THE ENEMY RETREAT, WE PURSUE.**\(^{196}\)

Sometimes, states are attributed to resorting to state terrorism. Mao’s cultural revolution and Cambodia’s Pol Pot activities are the examples of state terrorism. They killed their political enemies. Hitler, Stalin, Mao’s death squads, Argentina and Guatemala’s death squads have killed more people than non-governmental terrorist groups.

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\(^{195}\) Id p. 9

After the World War-II, Britain, France & some other countries were seriously weakened economically. They did not have the capacity to defend overseas colonies. Hence, Third World countries gone very poor and could not be subject to control by European Governments. Almost, all of them struggled for independence. In Latin American countries, the people took up arms to gain freedom from rulers. The Cold War between Western & Eastern blocks also took serious turn. Soviet Union offered weapons, training and financial help to rebel groups. Overthrow of Cuban Government by Fidel Castro gave the base to Soviets for leftist revolution and guerrilla wars throughout Central and South America.

The proxy war of terrorism & rebellion offered practical advantage to leaders of both sides of the Iron Curtain. The terrorism had become more & more a substitute of war. According to terrorism expert Walter Laqueur, the Cold War created a crescendo of terrorism around the world. Two most important hotbeds of terrorism were Jews/Palestine problem and Ireland problem. Western democracies came in the grip of leftist terrorism. Groups such as GERMANY’S RED ARMY FACTION, FRANCE’S ACTION DIRECTE AND ITALY’S RED BRIGADES BASED ON MARXISM-LENINISM started the terrorist activities against governments and capitalists in urban population centres. In 1970/1980, they carried an extensive bombing campaigns as well as some shootings and kidnappings. In the United States, groups such as Weathermen and New World Liberation Front carried on similar activities but on smaller scale. As Walter Laqueur observed that the forces of terrorism in the Western Democracy seemed to shift from the Left to Right.

Left Wing ideology was initially all pervasive in the 1970s and this was regulated in the propagandas of national groups such as IRA, the Basque Separatist Group ETA and the Palestinian terrorist for example anti-imperialist slogans and calls for working class solidarity and so on.

After the collapse of Soviet Block in 1980s, left wing terrorism moved to extreme right. The advent of Islamic terrorism and its activities in USA is the proof of this. In the future, terrorism may come from both the right and left in response to economic globalization. Left opposes the control of the world’s economic resources by multinational corporations and decries what it seems as the inability of democratic governments to hold the economic standards accountable. The right views the globalism in the form of UN and other institution as a threat to sovereignty of countries, regions and localities. Extremists on both
sides have shown their willingness to use violence in order to be heard.\textsuperscript{197}

It is very difficult to define who is a terrorist. David Rapport says that terrorist is someone who has made decisions about issues that trouble us and confronts us with more than just the fact of violence. The terrorists picks up the cause for which the society is unwilling to come to grips with the cause the terrorist is pursuing. The terrorist indicates that he is willing to die or sacrifice himself for the cause. Violence inflicted on the others is the striking character of the act which ultimately galvanize the latent emotions. As Douglas Pike has concluded that force used or violence perpetrated is justified to the people.

The actions of the terrorists send the message to the public. A symbolic act can be classified into four basic components i.e. Transmitter (terrorist), intended recipient (target), menace (bombing, ambush) and feed back (reaction of the target). Basically, terrorism is for propaganda of the deed. The relationship between terrorism and media is complex. The media is not only a mirror but even a passive amplifier as both reflect and shape the public response. The public response starts with shock, fear and outrage and then demand that something should be done to prevent the reoccurrence. Counter-Terrorism means to prevent terrorism or to reduce its frequency & severity. It is important to understand the psychology, motivation & goals of the terrorists. Another part is the use of intelligence, surveillance, informers & devices to detect bombs and weapons. In order to prevent terrorist crime, the targets can be hardened & thus denying the terrorists to strike at will. Adequate security should be made at the airports and other targets. The demands put in by the terrorists,, should be met as far as possible.

1.6.6 GLOBALIZATION OF TERRORISM

Important incidents before globalization of terrorism:

1. The October, 1983 suicide bombing of the Marine Barracks in Beirut, Lebanon by Islamic radicals.

2. The December, 1988 downing of Pan Air Flight 103 over Lockerbie, Scotland.


The April 1995 bombing of the Alfred P Murrah Federal Building in Oklahoma city by individuals with strong belief associated with the Christian Identity Movement.

The June 1996 bombing of the Khobar Towers in Saudi Arabia presumably by Islamic Militants


As seen in 9/11 New-York and 26/11 Mumbai incidents of terrorism, the conventional terrorism can appear in new and deadlier forms. Al-Qaida & Talibans in Afghanistan and Pakistan, Boko Haram in Nigeria and ISIS in Iraq/Syria are getting stronger and have created havoc. Thus, terrorism is a global phenomenon & needs global response. WMDs are becoming more accessible to the terrorists. They appeal most to the new terrorist groups who seek total destruction for symbolic reasons. Even some terrorist groups claim to have access to nuclear weapons. Information systems are vulnerable to terrorist attack, although security is gradually being improved. Many counter-terrorism measures impose costs in money conscience or liberty. People demand both security and freedom and there is no single way to provide one while guaranteeing the other.198

Yet after 70 years of independence, India has been assailed by social and political violence, communal rioting, caste wars, and the political assassination of Gandhi Ji, Indira Gandhi, Rajiv Gandhi & S. Beant Singh. Communal rioting, caste conflicts, the threat of political assassinations and insurgency in the border lands remain a clear and present danger. The violence in Gujarat in March 2002, attacks on Raghunath and Akshardham temples and suicide attack on Indian Parliament on 13th December, 2001 or Army campus in Jammu on May, 14, 2002 and July 22, 2003, series of bomb blasts in Mumbai on 28th Aug, 2003 and 26/11 massacre in Taj & Oberoi Hotels in Mumbai etc. remind us that our future may be every bit as bloody as past.199

Modern terrorism is generally said to have appeared with the French Revolution of 1789, which gave the “concept of terror”. Revolutionary terrorism broke out in 1793-94 with Robespierre, Saint Just, Marat and Finche. The period which gave the name of terrorism is today known as state terrorism rather than individual political terrorism. The evolution of modern political terrorism is historically parallel to the development of the liberal state. It is

198 Id p. 29
precisely the permissiveness of the democratic and liberal ideas that provides the basis for even more liberal movements of thoughts. In these new ideologies, the limited framework of the state wars rejected. In this way, after touching weak points of liberalism; terrorism evolved at the same rate as liberal ideas were expanding.

In the last decade of the 20th century, a new format of terrorism i.e. regularly motivated terrorism has come up with limitless violence. The 1993 World Trade Centre bombing in New-York, the Tokyo-Sarin gas attack in 1995, the 1996 Oklahoma city bombing, the 1998 East African Embassies bombing are examples of the new and vastly more threatening terrorism, one that aims to produce causalities on a massive scale. Thus, in the new millennium, new forms of terrorist threat and assault, that are harder to distinguish from other criminal activities seem to point to a new era of indiscriminate violence, more dangerous and deadly than in the past. Now the terrorism has gone highly traumatic, particularly in the developing countries where criminal law enforcement agencies are susceptible to pressure & bribery from powerful drug barons.

Today, terrorism is undergoing all kinds of genetic change. New adversaries, new motivations and new rationales which have emerged in recent years coupled with today’s increased opportunities and capabilities to launch terrorism on a higher levels of lethality i.e. mass destruction and mass killings. The role of the new non-state actors has become more predominant as perpetrators of violence. These developments are primarily related to the spread of nuclear, biological and chemical weapons. Presently, the cybercrime has become an obvious international dimension. Now, the internet is dominating the entire world in the field of communication. Due to anonymous nature of the internet, it is possible to engage into variety of criminal activities with impurity and people with intelligence, have been grossly misusing this aspect of the internet to perpetuate criminal activities in cyberspace.200

Cyber space is constantly under assault. Cyberspace thrill seekers break into computer systems, steal personal data, trade secrets, vandalize web sites, disrupt source, sabotage data and systems, launch computer viruses and worms, conduct fraudulent transactions and harass individuals and companies. These attacks are facilitated by software tools which are easily available. Some attacks are conducted in furtherance of political and social objectives. The attacks that lead to death or bodily injury, explosion, plane crashes, water contamination, severe economic loss and serious attack against critical infrastructures could be acts of cyber

terrorism. Further to qualify as cyber terrorism, an attack should result in violence against persons and property or at least cause enough harm to generate fear.

India is a great exponent of peace, harmony and fraternity since time immemorial. Often quoted, “Vasudev Katumbhkam” has been mentioned in our scriptures thousands of year ago. India has been an ardent admirer and preacher of peace, friendship and brotherhood. We are firm believer of peaceful coexistence of mankind. We take a pride in conveying the eternal message of Ahimsa, Prem and Bandhutva (non-violence, love &brotherhood). India is a peace loving nation. Indian struggle for independence was fought by millions of people and won with the use of only one Gandhian weapon of Ahimsa. It was a war without weapon, a kranti without cartridges and a battle without bayonet. But no-body can breed an imagination that the same ‘Ahimsa’ would be put to burial so soon and violence would erupt and engulf the whole nation. TAKE THE LATEST ATTACK ON PARLIAMENT AND THE EASE WITH WHICH FIVE TERRORISTS MANAGED TO ENTER THE COMPLEX. AT SUCH TIMES, WE INVARIABLY LAMENT THAT THE WORLD’S LARGEST DEMOCRACY HAS BECOME SOFT AND VULNERABLE. REVENGE IS NOT THERE IN OUR INDIAN BLOOD. HOWEVER, BENEATH THE VEER OF A SOFT STATE, THERE IS ANOTHER INDIA WHICH HAS MANAGED QUITE WELL TO STAY united and democratic. With scores of sub-national, ethnic, tribal and vernacular groups, social and political conflicts are the recurring problems. We have effectively managed the violent atmosphere in many states.201

The theme of terrorism as ideology goes back to those medieval days when the Christian/Muslim Crusaders were considered the ultimate glory in the cause of faith. The search for “the holy grail” thus becomes a ground metaphor for one’s salvation. These sentiments remained enshrined in emblem and icons, in songs and stories. Ideology and faith remained there to apotheosise the past, but after the 16th century, forces of secularism, social justice and reasoning, the killing for the sake of one’s religion or community could no longer be taken as a tender of redemption or ‘moksha’ among the enlightened section of the society.202 From the nexus between theology and ideology, we may pass on to the second phase, which in the hands of Marx and Lenin developed a secular humanist character. Systematic terrorism in its modern form received great impetus in the late 18th and 19th centuries with the propagation of secular ideologies and motivation in the wake of French

202The Tribune, Oct 8, 2002, p.10
revolution. The Pro-imperial nationalism that led to the Meiji restoration in Japan in 1868 was accompanied by frequent terrorist attacks by Pokugawa Shogunate. In the Southern United States, the Ku Klux Klan was set up after the defeat of confederacy in the American civil war to terrorise former slaves and representatives of reconstruction administration imposed by the Federal Government. Adherents of anarchism across Europe and elsewhere carried out terrorist attacks on high officials, or even on ordinary citizens in the later 19th century. A glaring example of state sponsored nationalist terrorism was the assassination of Frances Ferdin in Sarajeve in 1914, precipitating World War-I. Stalinism did the Russian revolution of 1917 degenerate in to an instrument for the suppression of freedom, dissent and political opposition. It was then that communism lost its vision and direction and was ultimately destroyed mere by its own inner rot than by “the cold war” warriors of America and its allies. It must be considered that all tyrannies carry the seeds of decay and destruction with in themselves.203

The last decade of the twentieth century has been that the old paradigm of predominantly state terrorism has been joined by a new religiously motivated terrorism that neither relies on the support of sovereign states nor is contravened by the limits in violence that state sources have observed themselves or placed on their proxies. The 1993 World Trade Centre Bombing in New York, the Tokyo Sarin Gas attack in 1995, the 1996 Oklahoma city bombing, the 1998 East Africa bombing, World Trade Centre 9/11 attack, 26/11 Bombay attack etc. are examples of a new and vastly more threatening terrorism, ar that aims to produce causalities on a massive scale.204

1.6.7 THE NEW TERRORISM

The 21st century sees a new form of bloodshed in the name of Islam and possible retaliation by the democratic forces. Muslim Jehadis with Osama Bin Laden (since dead) as their new pontiff promising a paradise to the faithful survival, bared its fangs in America. Now, ISIS under Baghdadi & Boko Haram under Abubakar in Nigeria are creating havoc in the name of Jihad. The attack on Parliament in India on December, 13, 2001 was a watershed in the history of Pakistan sponsored terrorism targeting this country. Religious terrorism in Kashmir has become uncontrollable. Attack on Amarnath Yatries, attack on Akshardham temple in Gujarat, on September 24, 2002 and attack on the famous Raghunath temple in Jammu on 24th November, 2002 were movements of pure terror, blend and blinding on the

203 Simon, Steven – America and New Terrorism, Vol UZ No. I Spring New York, 2000, p. 59
204 Ibid
base of religious terrorism.\textsuperscript{205}

India, of course, does not face immediate threat from ISIS but India is earmarked as part of its proposed Caliphate. One Shafi Amir Head of Ansarut Tawhid Fi Bilad al-Hind (AuT) had recruited some men for ISIS, which were detained by Indian Investigation Agency (NIA). AuT is the split group of IM under Bhatkals in Karnataka. IS has also proposed to setup an organization called Jundl al-Khalifa al-Hind (Army of the Caliph in India) for recruitment in India. Muddabir Sheikh since arrested is the Ameer of this outfit. Rizwan Ali resident of Kushi Nagar in U.P. is the Naib Ameer\textsuperscript{206}. It is good thing that Muslims in India by & large are secular and are loyal towards Indian state and the system. Moreover, the violence perpetrated by ISIS has led to a hate campaign within the Muslim population against ISIS.

After 9/11, 2001 attack on twin towers in New York (USA) the terrorism scenario in the world is as under;

i. Globalization of Terror- Now, the majority of the countries are in the grip of terrorism. The terrorists can attack anywhere and can attack the most impregnable security network. The militants can strike anywhere they choose, be it New York, New Delhi, Madrid, Bali, Egypt and London.

ii. Attack against plural social order, secularism and democracy.

iii. There is weird interpretation of Islam. Buddha's Statues in Baniyan (Afghanistan) were destroyed earlier.

iv. Nexus of ISI-Al Qaida & Local terrorist groups resulting in Guerrilla war and lesson to adversaries.

v. Sudden increase in suicide killers or fidayeens or human bombs.

vi. Weapons of mass destruction i.e. chemical biological, radiological and nuclear terrorism shall be in practice for global war for terrorism. Non- conventional weapons i.e. sarin nerve gas was used in Japan by Aum Shrikyocult in 1995.

vii Spurt in Cyber terrorism.

viii Stepping up of secessionist activities in Eurasia i.e Chechnya, Indonesia, India,

\textsuperscript{205} Jena, Krishan Chandra (Dr.)- \textit{Measures for combating International Terrorism}, CrlJ Jan 2003, p. 18

\textsuperscript{206} Id pp. 30-31
Yugoslavia, China, Syria, Iraq, Yemen, Somalia etc.

ix. Under Islamic fundamentalism, the debatable points are Islam Vs Globalization, Islam Vs Democracy, Globalization Vs Democracy and Holywar Vs Justwar. Pan Islamic or Jehadi outfits like LeT, Al-Umma, HM, Muslim Defence Force, Al-Qaida, ISIS/Daesh, JeMetc are active in South Asia.

x. There is spurt in religious terrorism. 42% terrorist outfits predominantly belong to various religious faiths.

Terrorism has assumed a global dimension causing serious damage to communal harmony, social cohesion and inter-state security. People all over the world are in a state of tension, anxiety and fear. There are many reasons behind terrorism but more attention is now being given to religious terrorism i.e. terrorism in the name of religion. In the Indian subcontinent, there are two major religions-Hinduism and Islam. In this context, there is an easy tendency among many Hindus to blame Islam as a source of terrorism whereas many Muslims hold Hinduism responsible for all kind of violence. But both the religions advocate strong basis of peace and harmony among the people in general. It is a fact that true Hindu or Muslim can neither become a dogmatic nor can he a terrorist. The word Islam has been derived from the Arabic root 'salm' meaning peace. A true Muslim has another epithet Mumin i.e. Aman or Security. According to Prophetic traditions, a person cannot be a true Muslim if another person’s life, wealth and honour are not safe from him/her. In Quran, mischief is a major sin.

What makes terrorism global – several factors contribute to terrorism is global nature-1. First terrorism is not limited to any one region, state or jurisdiction. The force of its impact goes beyond any one designated area and humankind feels its repercussions.

2. Second, the increased mobility of terrorists to cross borders, acquire resources in numerous states and access advanced communication systems like the internet and creates a global setting.

3. Third, the victims of terrorist attacks are not necessarily even members of the same state. For instance, when a terrorist targets an aeroplane, the passengers potentially be citizens of numerous countries.

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207 Anisuzzaman (Prof, Dr.)– The Real teaching of Hinduism and Islam regarding Terrorism and Communal Harmony, Deptt. Of Philosophy, University of Dhaka, Bangladesh, p.1
208 Id p. 3
209 Id p. 4
4. Fourthly, the organizational structure of modern terrorist groups normally diffuse.²¹⁰

Boko Haram active in Nigeria was founded by Mohd Yusuf, who was killed by Nigerian Police in 2009 and is now headed by Abubakar Shekau. It has around, 15000 strong force and is practically controlling 15 local govt areas in North-Eastern Nigeria as on January 2015. Around 70,000 civilians have been killed in Nigeria since 2014. 2.1 million people have been driven from their houses. Around 2000 people are kidnapped since 2013. Five lakh children are forced to flee their homes in the last five months. It is close to IS and it means “Western Education is forbidden”.²¹¹

Kasab was caught in Mumbai November 26/11 2008 attack& he was tried and hanged. Fedayeen, MohdNaved alias Qasim Khan called as Kasab-II was captured in Udhampur during a terrorist attack.

There are five components of what is known as the creature of terrorism i.e. underlying conditions, international environment, states, organization and leadership. All five levels of their scourge must be systematically attacked and dealt with property. To have any chance of winning the war against terrorism, regardless of its sponsors, one must first eliminate the root causes i.e. hatred. Without removing the basic cause of hatred, we shall be killing the people²¹².

Steve Coil in the “Ghost Wars, a Chronicle gives a glimpse of the debate among counter-terror experts and policy makers. Should terror be treated as just another law and order problem or as a qualitatively different kind of assault on the sovereignty and integrity of the state? Coll quotes a highly reputed American analyst, Brian Jenkins: “Terrorists want a lot of people watching and a lot of people listening and not a lot of people dead”. Jenkin became famous for the much-quoted phrase, “Terrorism is theatre.”²¹³

1.6.8 THE STRATEGY TO WARD OFF THE THREAT

Neutralise extremist ideologies espoused by IS, monitor radical social media platforms, give counselling to radicalized youths and rope in NGOs and civil society to curb stigma of alienation among minority communities. The National Technical Research Organization will prepare a training module for state police forces to track social media.²¹⁴

²¹⁰ Chronicle, Civil Security, November 2015, p.212
²¹¹ The Hindu, Sept 19, 2015 p.12
²¹² Id pp. 30-31
²¹³ The Sunday Tribune, Chandigarh – April 2, 2015 – Kaffeeklatsch by Harish Kare (Editor –in-chief) p. 9
²¹⁴ The Hindu, August 2015, p.12
Charlie Hebdo killings in France where 11 persons were killed is due to Home grown terrorist groups. Groups active in Iran & India are Jundullah, LeT & Haqqanni network. Al Shabaab aligned to Al-Qaida is active in Somalia & Kenya. Talibans, Boko Haram, Al-Qaida & ISIS are creating havoc in the world.

1.6.9 CONFLICTS IN THE REGION CAN BE BROADLY GROUPED UNDER THE FOLLOWING CATEGORIES.

a) NATIONAL CONFLICTS: involving concept of a distinct homeland as a separate nation and pursuit of the realization of that goal by its votaries.

b) ETHNIC CONFLICTS: involving assertion of numerically smaller and less dominant tribal groups against the political and cultural hold of the dominant tribal group. In Assam, this also takes the form of tension between local and migrant communities.

c) SUB REGIONAL CONFLICTS: involving movements which are for recognition of sub-regional aspirations and often come in direct conflict within the State Govt. or even autonomous councils.

1.6.10 INDIA SUBDIVIDES TERRORISM IN TO FOUR MAJOR GROUPS:

1. ETHNO-NATIONALIST TERRORISM-This form of terror focuses on creating a separate state within India or independent of India or in a neighbouring country or

(b) on emphasizing the views/response of one ethic group against another. Tamil insurgents & insurgents from North East are the examples.

2. RELIGIOUS TERRORISM- This form of terror focuses on religious imperatives. Attack in Mumbai on 26/11is the example of this.

3. LEFT WING EXTREMISM – This form of terror focuses on economic ideology and people want to bring change through revolutionary means. The ideology of Marx, Erigel, Mao, Lenin etc. is considered as the only valid economic path. Maoist violence in Chhattisgarh & Jharkhand are examples of left wing extremism,

4. NARCO TERRORISM- This form of terror focuses on creating illegal narcotic traffic zones. Drug violence in North West India is an example of narco-terrorism in India.

IS as a threat perception to India may have the following dimensions:-

215 Id p. 82
216 Id pp. 86-87
i. Influencing the Indian population for recruitment of the youths by luring them to its ranks for reinforcing its fighters in Syria, Iraq & other territorial objectives.

ii. Influencing Indian Muslims to carry out lone-wolf attacks on the India territory with an objective of destabilizing its polity & society.

iii. Entering into alliance with local or regional terrorist outfits and strengthening them to increase turbulence in Kashmir.

iv. Raising the possibility of local grievances funding & global echo and refuge in IS propaganda.

v. Creating turbulence across south Asia with a view to extend and consolidate the Caliphate of Baghdadi in the region as it is home to substantial number of Muslims217.

1.6.11 TERRORISM IN J & K

The psychological polarization of the people is done218 by making them conscious of various material and spiritual deprivations. The people are made to believe that resorting to violence is the only way to deal with an oppressive regime and overthrowing of such a government is their religious & political duty. In Kashmir, Pakistan gradually manipulated public opinion in favour of a violent movement in four distinct stages.

1. Raising of anti establishment sentiments and giving it a religious bias.

2. Undermining and subverting the state authority and penetrating the security apparatus.

3. Induction of sophisticated weapons and infiltration of mercenaries and Jehadis to wage a proxy war

4. Sponsorship of armed groups to perpetrate the acts of terror and employment of surrogate forces to gain political objectives.

   Pak is waging social warfare to disrupt the communal harmony among the citizens219. The terrorist groups active in J&K are LeT, HKUM, HUJI, Hizbul Mujahedeen (HM), JeM and scores of the small groups.

   As counter measures in J&K, we have to win the heart & minds of the people. The mercenaries should be isolated & dealt severely. Government should reach down to the

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217 Karim, Afsir (Maj Gen (Retd.) (Ed.)– Aakrosh – Islamic State in South Asia – Ramifications and Challenges in India – Thomson Press, Noida – April 2016, p. 27
219 Id p.99
people through pro-active socio-political programmes. Mobilize the hard hitting Para-military forces to put the terrorists to be defensive. Improve supply of electricity, transportation system and industrial infrastructure to boost trade & industry. Steps should be taken on border to check cross-border infiltration. India should initiate diplomatic, political and military measures to destroy the Pak’s covert political and military infrastructure which threatens India.\(^{220}\)

We must make Pak & rest of the world very clear that Pak cannot win in a military victory in J&K & hence, no military solution is possible. The border of J&K with Pak should be sealed effectively so that cross border terrorism is made cost effective, The pro-Pak political group & terrorist outfits should be told in clear words that they should resort to democratic process & take part in elections if they want to wield political power. The world should be made clear that India is going to stay as secular country where the Muslims are the respectable citizens of India. Only 40% of the Muslim population live in J&K and they have equal rights to progress as those of all citizens of this country.\(^{221}\)

Zia-Ul-Haq launched the ‘Operation Topac’ i.e. fomenting insurgency and subversion against India in J & K. Now slogans of Jehad (Holywar) against secular and democratic order of India & for the establishment of Nizam-i-Mustafa (system based on Islamic shariat laws) were raised in Kashmir. The first phase of terrorism started in 1989 in Kashmir.

Naxal violence is presently synonymous to communist revolutionary ‘Terrorism’ in our country. Naxalites have an ideology through which they view the polity or society and hence a long them problem. It is clearly an aspect of political violence. The reaction between perceived deprivation and the frustration concept in frustration i.e. anger and the aggressive theory provides logical basis for explaining the meaning of violence. Political violence is a normal response to provocation. It is a response that is consistent with norms supporting its use. In broader terms there may be two kinds of theories of violence.

a) Social-bond theory- leading to a feeling of relative deprivation

b) Theory of polarization and cluster effect – explaining inter and intra community violence. The relative deprivation theory or frustrating aggression proposition suggests the greater the frustration, the stronger is the aggression against the source of frustration and similarly the greater the intensity of deprivation, greater is the magnitude of violence. A systematic

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\(^{220}\) Id pp.104-105

\(^{221}\) Id pp.116-117
analysis of political violence may be done on the basis of three components variables i.e. the extent of participation, the destructiveness of action and the span of time the violence lasts. The process of political violence is marked by three stages - those in which discontent is generated, politicised and actualized in political violence with each contingent on the preceding one. Thus the growth of Naxalite movement in India scourged by three reasons.

1. The movement coincided with the first united front government in West Bengal (1467) with the CPI(M) as its main constituent. It received the increasing official support, attention and press coverage.

2. Secondly, it was linked upon as a mass upsurge and armed struggle in India by the Chinese Communist Party.

3. Thirdly, Naxalbari became the symbol of armed peasant uprising and of Maoism in India and evolved as a new political movement deriving its name from it.

The causes of Naxal violence are firstly the denial of social and economic justice to the tribals. The gap between have &have not was widening. Secondly, government has no strategic plan to address the problem dismissing as a state subject. The government was not going to the root of the problem. With the gun, the dialogue might be the reasonable addition. The land of the tribal was usurped by the government and the industrialists. Nepotism and Favourism also leads to social discontent, leading to violence.

1.7 TERRORISM – CHARACTERISTICS

1. The first characteristic is the grave inhumanity of terrorism or what has been called the systematic use of violence or predilection of violent accessory socially and politically unacceptable violence or intimidation and continual bloodshed.

2. The second notable characteristic of terrorism is the hidden face of the perpetrators and anonymity of its threat or its unpredictability.

3. The third characteristic is the random selectivity of its targets or symbolic or representative selection of its victims or objects or indiscriminateness or arbitrariness.

4. The fourth feature is its disproportionately obtrusive effectiveness.

5. The fifth characteristic is the doctrinal appeal under scoring it. This is also called the logic

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223 Id p. 66
of paranoia taken to its ultimate, which is much influenced by intellectual and doctrinal fashions.

6. The sixth characteristic is the functional taciturnity or its Clandestine and secretive nature.

7. The seventh characteristic is its contagious imitativeness.

8. The eighth & the last characteristic is its utter disregard for moral considerations or its amoral and antinomian nature.\(^{224}\)

1.7.1 ROLE OF IDEOLOGY

1. Ideology plays a major role in most of the terrorist movements. Naxalism in India is a staunch political extremist movement committed to the Maoists ideology. Similarly, religious fundamentalist movements are strongly motivated by the concept of Jihad and want to attain martyrdom in the process.

2. Some researches show that there is no connection between poverty and terrorism. The persons belonging to privileged classes also participate the terrorist movements because of certain ideology. In fact, political involvement requires some minimum level of interest, expertise, commitment to issues and effort.

3. Individual terrorists feel that violence is the only alternative to situation that is perceived as unreasonable or unjustified.

4. Political liberty is better indication than poverty in a particular situation.

5. There is a direct relationship between ideology & terrorism. Individual attackers are motivated by religious ideology that glorifies suicides as martyrdom but groups have large strategic military goals.

6. Psychologists say that suicide bombers do not have suicidal tendencies. Mostly, they are educated members of middle class families who showed no sign of clinically depressed.

7. Where ideology predominates in terrorist movements, there military solution have failed miserably in tackling them.

**Role of relative deprivation** –

1. Poverty & globalization issues are very relevant to terrorism, Suicide bombers have some

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\(^{224}\) Das, P.M. (IPS); *A Thesis submitted on Problems, Rehabilitation and Welfare of Terrorist Affected Police Families in Punjab*, 2001 p. 3
relation to poverty and lack of education.

2. Nations experiencing the rapid growth have lower incidents of terrorism.

3. A sense of deprivation helps fuel terrorism. Terrorism may be considered a politics of extreme frustration, with a feeling that one wants to change the situation but have no resources.

4. Terrorism is motivated by feeling of being unrecognized. IRA & LTTE wanted international recognition.

5. For all types of terrorism, apart from ideology & deprivation, there are specific grievances, even the withdrawal of Army and certain laws from a particular area or their homelands. Hezbollah, Hamas, Checheniyas, LTTE & J&KLF etc. groups had this main objective.

6. Emotions, social ties, social networks and emotional bonds encourage the persons to join the terrorist groups.

7. Mostly, the terrorists are immigrants as they feel alienation and discrimination. They are either 1st generation or 2nd generation immigrants.

8. Terrorism is seen as a form of empowerment, which is felt by the oppressed, depressed and dispossessed groups. One suicide bomber say that If we fight or not, we will suffer.

9. A country’s relationship with another country, and not the former country’s level of religious radicalism, envisages its production of terrorist. In USA, there was no outside state sponsored terrorism, but the attackers mostly came from Muslim regions with close ties to the US.

   Terrorism is a symptom of sick society, it is better to cure the disease, rather than treat the symptom. It is more desirable to prevent the disease\textsuperscript{225}.

The purpose of terrorist violence is to challenge and delegitimize the state authority. Terrorism is attaining an international character cutting across the traditional regional and national boundaries. Basically, the ideology binds the terrorist. The people from various counties are joining ISIS putting the aspect of poverty and backwardness into backseat. Sometimes, the inability of the state to curb terrorism is condemned by the civil society and more persons are given to the security forces with more powers, which are generally misused. This is what happening in our country. This gives rise to another set of people i.e. human

\textsuperscript{225} Id p. 57
rights activists. The present system of criminal justice system is pro-accused persons. Thus to curb this menace of terrorism, special anti-terrorists laws are required. India is a democratic polity. Any law of the land has to be made keeping in view the democratic norms and that too within the ambit of Constitution of the country. There is no real democracy without the recognition of values and principles such as morality and justice. Above all, democracy cannot exist without the protection of individual human rights. So we have to have a balanced law & approach to the tyranny of the terrorists keeping in view the human rights of the people/society. The struggle against terrorism turns a democracy into defensive democracy or a militant democracy.

DAVID E LONGIN HIS BOOK– ‘The Anatomy of Terrorism’ has divided the characteristics into four groups/goals, strategies, operation and organization.

1. **POLITICAL GOALS**- The main objectives is political goal. It involves a deeply held sense of grievance over same form of injustice. The justice may be social or economic. The terrorists feel that the injustice can be assuaged only through the terrorist tactics. That is why, terrorism is very often termed as the last resort.

2. **STRATEGIC & TACTICAL OBJECTIVES**– First, terrorism creates terror by unreasonable violence or threat of violence to induce mass hysteria. Second, it maximizes publicity through all channels of communication.

3. **OPERATIONAL CHARACTERISTICS**- Terrorism adapts premeditated use of violence or threat of violence. It indulges in heinous offences. Terrorists do not have military goals. It indulges in low cost operations.

4. **ORGANIZATIONAL CHARACTERISTICS**- The terrorist operational units are usually small groups and they maintain internal discipline. The groups have shell type impregnable formation.

Paul Johnson in his pamphlet called, “The Seven Deadly Sins of Terrorism” read out in the Jerusalem conference on Internal Terrorism in 1981 has highlighted the following seven significant characteristics of terrorism.

1. The first is that terrorism idealises violence. The terrorist act on Nihilist philosophy which says that the violence is a cleansing force & it frees the oppressed from their despair. Sometimes, such philosophies are advanced by religious preachers to motivate the terrorists.

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226 Jha, S.K: *Genesis and Growth of Terrorism – Indian Police Journal* – Oct- Dec 2013, p.18
2. It rejects the positive process. They believe that the most effective way of destroying an idea is to destroy the man who holds it.

3. Terrorism promotes totalitarianism. It is supporter of the oppressor of the repressive force.

4. It rejects morality. Dostoevsky argues that the terrorist group can be only united by fear & moral depravity.

5. Terrorism posts no threat to the totalitarian states. That kind of states can always sustain itself by judicial murder, torture of prisoners and suspects & complete censorship of terrorist activities.

6. It exploits the apparatus of freedom in liberal societies. It is a threat to the rule of law, which is damaged by emergency legislation & special powers.

7. It will destroy the will of a civilized society to depend itself.\textsuperscript{227}

\section*{1.8 TERRORISM AFFECTED STATES}

Terrorism affected states include India, Sri Lanka, Indonesia, Japan, Spain, Malaysia, Philippines, Thailand, Russia, Kazakhstan, Egypt, Tajikistan, Uzbekistan, Lebanon, Yemen, Chechnya, USA, UK, Argentina, Columbia, PERU, Turkey, Italy, Greece, Germany, France, Belgium, Israel, Palestine, Nigeria, Angola, Bangladesh, Pakistan, Afghanistan etc. Al Qaida struck in London in 2005 to kill 45 persons, injuring 1000 persons in serial blasts for U.K. Forces fighting in Iraq and Afghanistan. In 2006, LTTE killed the top General in Colombo (Sri Lanka). In Egypt 88 persons were killed and 2000 injured when a car bomb blast ripped through the shopping mall and hotel area in the Red Sea resort.\textsuperscript{228}

In Sri Lanka, 65000 persons have been killed by LTTE till 2002. In USA, around 7000 persons were killed and 5000 injured. In Chechnya, 3000 were killed from 1995 to 2005. Around 4000 persons were killed in Israel, Palestine and Lebanon because of terrorism. Around 5000 people were killed in U.K. from 1996 to 2005. In Algeria, 15000 people have been killed. In Pakistan, 7000 persons were killed and 5000 injured. 1442 terrorists were killed in Pakistan in 2007. Many thousands have been killed in Afghanistan and Bangladesh. In Spain, 191 were killed and 1500 injured in 2004. In India around 60000 persons were killed. In Russia & Combined States, many thousands have been killed and injured\textsuperscript{229}.

\begin{itemize}
  \item \textsuperscript{227} Ibid pp.18-19
  \item \textsuperscript{228} Sharam, El Sheikh, \textit{“Terrorism now in Egypt”} The Tribune, July 24, 2005 p. 11
  \item \textsuperscript{229} Kumar, Ashok (Dr.) – \textit{Dynamics of Global Terrorism}, KK Publishers, New Delhi, 2014 p.34
\end{itemize}
1.8.1 OUTFITS ACTIVE IN PAK ARE

Balochis, Sindhis, Pathans, Muhazirs, Saraiks, Hind Kowans, Chitrals etc. demand more autonomy as they claim that Punjabis are exploiting.

1.8.2 SHIA SEPARATIST ORGANISATIONS
Tehrik-e-Jafaria, Pak Islamia Students Organisation, Sipah-e-Mohd Pakistan are there to fight Sunni terrorism

Al Qaida was founded by Osama BinLaden and Abdullah Azzam in 1988/89

Wahhabism, a revivalist movement of Sunni Islam, was initiated by Mohd. Ibn Abdal-Wahhab (1703-1992) from Najid, Saudi Arabia. The Wahhabis, Salafis and ahl al-hadith consider the earlier Muslims the best examples of Islamic practice & condemned the popular interpretation of Islam that accepts the cult of Saints and Shrines & tomb visitation. The Wahabis demand the revival of caliphate. They consider Islam as a code of life, not religion. Maulana Maudidi’s JEI in India & Sayyid Qutb a leading member of Muslims brotherhood in Egypt gave push to Wahhabism. SA Pumps million of petro dollars in to Madrasas & Mosques of the Subcontinent to propagate Wahhabi theology. This has resulted in the divide between Sunnis & Shias and also push to Taliban in Afghanistan & separatist movements in J&K.

The term-structured violence has been used for violence owing to extreme poverty. The violence includes the highest rates of disease and death, unemployment homelessness, lack of education, powerlessness, a shared fate of misery and the day-to-day violence of hunger, thirst and bodily pain. This is violence of everyday life.

India is a great exponent of peace and fraternity since time immemorial. Often quoted “Vasudev Katumbhkum” has been mentioned in our scriptures thousands of years ago. We are firm believer of peaceful co-existence of mankind. We take a pride conveying three eternal messages of Ahimsa, Prem and Bandhutiva (Non-violence, Love and brotherhood). The

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230 Karim, Afsir (Ed) – Aakrosh – Thomson Press (India) Ltd. Noida, Jan 2014 pp. 3-4
independence was achieved by Ahinsa under the benevolent leadership of Gandhi Ji. It was a war without weapon, a kranti without cartridges and a battle without bayonet. It is beyond our imagination that same Ahimsa will face the burial so soon and violence would empty and engulf the whole nation. We have witnessed the political assassination of Gandhi Ji, Indira Gandhi and Rajiv Gandhi, Communal rioting, caste conflict, the threat of political assassination, insurgency in the border lands remain clear and present danger. The massive violence in Gujarat in 2002, attacks on Raghunath and Akshardham temples, fidayeen attack on Parliamenton 13th Dec, 2001 or army camps in Jammu and series of bomb blasts in Bombay remind us that our future may be every bit as bloody as our past. Nowhere the Violence has been more continuous and extreme except in our border states i.e. J&K, Punjab and North-East States. Though the violence in Punjab is over but it is persisting at a small scale.232

Terrorism has been practised throughout history and throughout the world. The ancient Greek historian Serophone wrote to the effectiveness of emperors such as Tiberius (reigned 14-37 AD) and Caligula (37-41 AD), who used punishment expropriation of properties and executions as means to discourage opposition to their rule.233

According to Machael Stohl, the terrorism is the purposeful act of violence to create fear and a complaint behaviour in a victim or audience of act of threat234.

One of the Bhinderawala’s oft quoted statement was “JehraSikh hai, oh dardanahi, Jehra Darda, oh Sikh nahi”. (the Sikh is not scared, if he is scared, he is not a Sikh). There is still a fear that chapter of terrorism may be opened in Punjab as there is lot of support to such movement in the foreign countries and unrelenting efforts on the part of ISI in Pakistan.

For the Western Media, the conflict was a confrontation with a “global phantom enemy” waged through covert and overt military operations, alongside a public relations effort. For the Arab media, the GWOT (Global War on Terrorism) was an extension of US power and a result of social, political and economic ‘root causes’ implying political and diplomatic responses. With the advancement in technology and internet, information campaign has become more organized. Now ISI & AQAP (Al Qaida in Arabian Peninsula) have started taking out magazines on their terrorist activities and print media/electronic media

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233 Jena, Krishan Chandra, “Measures for Combating International Terrorism” CrLJ, Jan 2003 p. 18
234 Jain, Sharda; Politics of Terrorism in India (1995) p. 41
is being widely misused. AQAP came out with a magazine called ‘Aspire’ in 2010. ISIL is publishing annual report of its activities. I.S. is also publishing English Magazine “Dabiq”.235

1.8.3 TERRORIST GROUPS SUPPORTING OR OWING ALLEGIANCE TO ISLAMIC STATE

1. al-l’tisam of the Quran and Sunnah (Sudan Supporting)
2. Abu Sayyaf Group (Philippines supporting)
3. Ansar al-Khalifa (Philippines)
4. Ansar al-Tawhid in India
5. Bangsamoro Islamic Freedom Fighters (Philippines supporting)
7. Al-Hueda Battalion in Maqreb of Islam (Algeria)
8. Heroes of Islam Brigade in Khorasan(Afghanistan)
9. The soldiers of the Caliphate in Algeria
10. Jundullah (Pakistan-Supporting)
11. Islamic Movement of Uzbekistan (Uzbekistan supporting)
12. Islamic Youth Shura Council (Libya Supporting)
13. Jaish al-Sahabah in the Levant (Syria)
14. Faction of Katibatal Imran Bukhari (Syria)
15. Jamaat Ansar Bait al-Maqdis (Egypt)
16. Liwa Ahrar al-Sunnain Baalbek (Lebanon)
17. Islamic State Libya (Darnah) (Libya)
18. Shura Council of Shabab of Islam Darnah (Libya)
19. Lions of Libya (Libya)
20. Mujahideen Indonesia Timor (Indonesia)

21. Mujahideen Shura Council in the Environs of Jerusalem (Egypt)
22. Tehreek-e-Khilafat (Pakistan)
23. Okba Ibn Nafaa Battalion (Tunisia)
24. Mujahideen of Yemen (Yemen)
25. Supporters for the Islamic State in Yemen (Yemen)
26. al-Tawheed Brigade in Khorasan (Afghanistan)
27. Supporters of Islamic state in the land of two mosques (Saudi Arabia)
28. Ansar al-Islam (Iraq)
29. Leaders of the Mujahed in Khorasan (Pakistan)
30. Boko Haram (Nigeria)
31. Jund al-Khilafah in Tunisia (Tunisia)
32. Jemaah Islamiyah (The Philippines)
33. al-Murabitoun (Mali)
34. Mujahideen of Tunisia of Kairouan (Tunisia)

2015 reports claim that estimated foreign fighter population of the Islamic State in Syria & Iraq is around 20370 including 4000 Western recruits. ISIS is encouraging lone wolf attacks on the targets. Al Zawahari has stated that the media represents two thirds of the battle and has emphasised the importance of Jehadi media to counter Western media propaganda. The US, Israel, Turkey, the Khurds, S.A. & Egypt are aligned in a general way. The US, Iran, Kurds and other Western States like France are engaged in fighting the ISI/ISIL. Russia is aligned with Iran & Syria’s Assad. Iran and Houthithe rebels of Yemen are fighting Saudi supported Yemen Government.

During the terror days in France, the violence to attain political ends was codified by Robespierre. He deemed violence as “emanation of virtue” that delivers prompt, severe and inflexible justice. In his words, “If the basis of popular government in peacetime is virtue, its basis in a time of revolution is virtue & terror-virtue without which terror would be barbaric

236 Ibid pp. 17-18
237 Id pp. 19-20
238 Id p. 45
and terror without which virtue would be impotent. Since then, terrorism has manifested in different forms, morphing into mere radical, devastating, ruthless, organized & militarized activity with superb technical and propagation skills. 

1.9 VIOLENCE AND CRIME
For violence under crime and criminology, some social scientists believe that the crime helps in promoting social solidarity among people constituting the society. The inevitability and universality of phenomenon of crime has been described by Envile Durkheim in the following words.

“There is no society that is not confronted with the problem of criminality. Its form changes. The acts thus characterised by Harish Khare, are not the same everywhere, but everywhere and always,, there have been men who have behaved in such a way as to draw upon themselves penal repression.” The lawyer-sociologist Paul W. Tappan has defined crime as, “an intentional act or omission in violation of criminal law as felony or misdemeanor.” The crime is also designed as an act, which the group (social) regards as sufficiently menacing to its fundamental interests, to justify formal reaction to restrain the violence. Crime is an undesirable social behaviour. There are two schools of criminology:


2. Positive School – Established in 19th century by Lombroso, Garofalo and Terri of Italy. It defines crime on social terms.

1.9.1 ORGANISED CRIME (WHITE COLLAR CRIME)
The anti-social activities of the persons of upper strata in their occupation is known as white collar crime. Prof Southerland defined it as, “Crime committed by a person of respectability and of high social status in the course of his occupation”. He also added another definition that a white collar criminal as a person of upper socio-economic class who violates the criminal laws in the course of his occupational or professional activities.

1.9.2 TYPES OF WHITE COLLAR CRIME
The heads which come under WCC in USA are:

1. Frauds in business in relation to the sale of bonds and investments.

2. Adulteration of foods & drugs & misleading advertisements.

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3. Malpractices in the medical profession.


5. Trusts, Cartels, Combines, Syndicates etc formed to combat competition or to raise price etc.


1.9.3 WHITE COLLAR CRIME IN INDIA.

1. Misdeeds in business, commerce, trade and industry.

2. Food and drug adulteration.

3. Violation of Taxation laws.

4. Tax evasion & Tax avoidance.


6. White collar crime in profession.

1.9.4 ORGANIZED CRIME (VIOLENCE)

Violence is any deliberate human activity which endangers, injures or destroys human bodies, property or resources. When a larger number of people are involved in violence, it is called collective violence. Collective violence is of two types i.e. expressive and Instrumental violence. In expressive violence, people indulge in violence under some real or perceived grievances. Institutional violence is violence with some ulterior motives. The contributory factors are economic, political, social, psychological (frustration-aggressive theory). Violence in India is both personal & collective violence i.e. Terrorism, Hindu Muslim Conflicts, women -atrocities etc.

1.9.5 TERRORISM AND RELATED ORGANIZED CRIME-COMPONENTS

1. Exercised by organised groups. 2. Inspired by political motives. 3. Systematic & indiscriminate use of violence & breach of law 4. Use of violence intended to arouse fright or alarm.

Terrorism in the world of C.J. Hidayatullah of SC in case Arun Ghosh v. State of W.B. (1970/ISCC, cannot be classified as mere disturbance of public order, it is much more, rather a grave emergent situation created by external forces particularly at the frontiers of this country or by anti-nationals throwing a challenge to the very existence and sovereignty of the
country in its democratic polity.

Terrorism may be defined as form of organized crime prevalent in society in specific socio-economic environment and aims to highlight its cause or demand by creating a combination of fear & publicity. Terrorism has four critical elements.

1. It is an act of violence 2. It has political motive or goal 3. It is perpetrated against innocent persons usually civilians 4. It is staged to occur before an audience whose reaction of fear & terror is the desired result.240

**Impact of Terrorism on Children** – Inability to understand the nature events, relevant limitations to cope with the militants, lack of experience in enduring painful life events, relatively intolerance of painful life events, their dependence on others to seek help when needed.

**Impact of Terrorism on women** – women mostly suffer rape & violent abuse241.

Deoband was born in 1866 at Deoband (UP). Six Islamic scholars gave the birth to this Sect. Barelvi Sect was founded by Ahmed Raza Khan in 1980 to uphold traditional practices of Islam. Both sects follow Hanafi school of Islam. Barelvis’ feel that Prophet Mohd. Is Omnipresent and a light only, not in flesh & blood. Debandis feel that He is a perfect human242.

**1.9.6 CYBER TERRORISM**

1. Improving the national monitoring centres that give easily warning of attacks.
2. Increasing the number of highly trained computer security experts and investigations.
3. Training the system administrators and users in how to recognize hacker attacks and the social engineering techniques, hackers often use to the trick people into revealing their passwords.
4. Possibly creating software that can act as a cyber crime systems, automatically adopting to, targeting and neutralising the viruses243.

After 9/11 incident of bombing, entire world has woken up to the International Terrorism. Terrorism is the act of desperate people who feel that they are not able to achieve

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240Aakrosh, April 2013 Vol 16 No 59 P 50
241Id P - 55
242Id P-52
243Id P 139
their aim without resorting to violence. There are different varieties of terrorism i.e. socio-economic, political, religious or cultural. Naxalism is socio economic movement driven by extreme political ideology, while Kashmiri terrorist groups like Jaish-e-Mohd. And LeT are political movements inspired by religious fundamentalism. N-E militant groups like ULFA, NSCN etc. groups have more than the secular aspect. Sri Lanka, LTTE, IRA, the Spanish Basque and the Chechnya Separatists are purely political movements, while Al-Qaida, Islamic Jihad etc are the international terrorist groups based on religious fundamentalism. HAMAS, Hezbollah etc. based on religious ideology are the political movements fighting for political rights. JMB of Bangladesh is responsible for attack on Holey Artisan Bakery killing 22persons including an Indian Girl.

1.10 SOME OF THE DESIGNATED TERRORIST ORGANISATIONS;

1. Liberation Tigers of Tamil Ealam (LTTE): It was active in Sri Lanka and wanted to have a separate Tamil State. It was infamous for suicide bombings. Its leader Parbhakaran has been killed & the outfit has dried up so far.

2. Kach and Kahane Chain: It was founded by radical Israel American Rabbi Meir Kahane and its goal was to restore biblical state of Israel.

3. Kurdistan Workers Party (PHK): It was founded in 1974 as a Marxist Leninist Turkistan Kurds group to have independent Kurdistan.

4. Abu Nidal Organization (ANO): It was a breakaway group of PLO and founded in 1974. It has carried out terrorist attacks in 20 countries and killed over 1000 persons.

5. Abu Sayyaf group (ASG): It was founded in 1995 in Southern Philippine as a breakaway group from Moro National Liberation Front. The main activities of this organization is bombings, assassination, extortions and kidnappings.

6. Armed Islamic Group (GIA): It is an Islamic extremist group operating in Algeria. The objective of this group is to overthrow secular government of Algeria and setup Islamic government.

7. Aum Supreme Truth: It was set up in 1987 with the object to take over Japan. In 2000, Funuhiro Joyde took the control of this group, changed its name to Aleph and rejected the violence and apocalyptic techniques of its founder.

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8. **HAMAS**: A terrorist group formed in 1987 in Palestine and its objective is to establish Islamic Palestine State. It is anti-Israel.

9. **Al-Gama’a Al Islamiyya**: An Islamic terrorist group active since 1970 in Egypt.

10. **Basque Fatherland and Liberty (ETA)**: It is a Marxist group founded in 1959 in Spain to have independent Basque land. It is laying law now after autonomy was given by Spain to that area.

11. **Islamic Movement of Uzbekistan (IMU)**: This group is active in Uzbekistan, Tajikistan, Kyrgyzstan, and Afghanistan and its goal is to setup Islamic State of Uzbekistan.

12. **Japanese Red Army (JRA)**: It is a leftist terrorist organization is against Monarchy & the government setup.

13. **Hezbollah (Party of God)**: It is anti-Israel and anti-west and is operating in southern Lebanon, Palestine &Israel. Israel hold on 9000 Palestine persons & this group wants to get them released. Sheikh Hassan Nawallah is the leader of the group.

14. **Harkatul Mujahideen (HKUM)**: This group is breakaway group of HUA and is based in Pakistan and Afghanistan and liberalisation of Kashmir is their main objective.

15. **Al-Jihad**: This group is active in Cairo (Egypt) since 1970 and its objective is to setup Islamic State in Egypt. It has network in Yemen, Afghanistan, Pakistan, Sudan, Lebanon & U.K.

16. **Mujahedeen-e Khalq Organization (MEK or MKO)**: Founded in 1960 in Iran and was active in 2000 in Iran.

17. **National Liberation Army**: It is a Marxist insurgent group formed in 1965 by Fidel Castro & Che Guevara. It operates in Columbia and its main aim is to establish independent Govt.

18. **Palestine Islamic Jihad**: It originated in Gaza strip in 1970 and is a staunch opponent of Israel.

19. **Palestine Liberation Front**: It was formed in 1970 as a breakaway group from PFLP. Its base is in Iraq & Palestine and is operating in Tunisia& Palestine.

20. **Popular Front for liberation of Palestine**: Founded by George Abash and is operating in Syria, Lebanon and Israel occupied territories. Syria extends support to this group.
21. **Al Qa’ida**: It was setup in 1980 by Osama Bin Laden to fight against Soviet invasion in Afghanistan. Its purpose is to establish Islamic Caliphate and ousting of non-Muslims from Muslim countries. He is no more now & was killed in Pakistan.

22. **Popular Front for the Liberation of Palestine–General Command**: Its headquarters is in Damascus with basis in Lebanon and is supported by Syria & Iran. Its attacks are in Israel, West Bank and Gaza strip.

23. **Revolutionary Armed Forces of Colombia**: It obtains aid from Cuba and indulges in assassinations, kidnappings & extortions.

24. **Revolutionary People Liberation Party**: It operates in Turkey.

25. **Revolutionary People’s struggle**: It operates in Greece country.

26. **Sendero Luminoso (Shirang Path Or S.L.)**: It operate din Peru.

27. **Tapac Amaru Revolutionary Movement**: It operated in Peru and object was to establish Marxist regime.

28. **Revolutionary Organisation 17 November (17 N)**

29. **Revolutionary Nuccelep (RN)**

30. **Shining Path (S.P.)**

31. **United Self Defence Force of Columbia**

32. **Ansar-al-Sunnah**

33. **Asbat al – Ansar**

34. **Aum Shinrkyo**

35. **Jamatud-Dawa**

36. **Alex Boncayo Brigade**: It is operating in Manila and Central Philippines.

37. **Army for the Liberation of Rwanda** – This group is active in Congo, Rwanda and Burundi.

38. **Irish Republican Army**: It operated in Northern Ireland and object was to unify both the Irelands.

39. **First of October Anti-Fascist Resistance**: Group It is operating is Spain. It is Marxist -
Leninist group & object is to overthrow Spain government. It is anti-American group.

40. **Jaish-e-Mohammad**: It is based in Pakistan and is headed by Maulana Masood Azhar. Its aim to unite Kashmir with Pakistan.

41. **Lashkar-e-Tayyaba (LeT)**: It is an armed wing of MDI & was formed in 1989. Prof. HafizMohdSaeed is the chief of this group. It is highly active in J&K& Punjab. The object of this group is to unite Kashmir with Pakistan.

42. **Loyalist Volunteer Force (LVF)**: It is breakaway group from Loyalist Ulster Volunteer Force. It wants to endorse peace process in N. Ireland.

43. **New People’s Army**: It is a Maoist Group &active in Mindanao.

44. **Orange Volunteers**: It was active in Northern Ireland

45. **PIRA**: Breakway group of IRA and was active in Ireland.

46. **Red Hand Defenders**: It was operating in Northern Ireland.

47. **Revolutionary United Front**: It is operating in Sierra Leone, Liberia and Guineya.

48. **Boko Haram**: Islamist group, close to Al-Qaida and is active in Nigeria and Cameroon. It wants to overthrow secular Nigerian government. It indulges in blasts, kidnappings, extortions & killings.

49. **ISIS/ISIL**: Active in Iraq & Syria. Aim is to setup Islamic Caliphate.

50. **Talibans**: Active in Pakistan and Afghanistan.

51. **Babbar**: Active in Punjab & want independent State based on Sikh theology.


54. **TNSM – Tehrik –e-Nafaz-e-Shariat-e-Mohammadi**: Active in Pakistan

55. **Hizb-ul-Muzahideen (HuM)**: Active in J&K under Islahudin based in Pakistan.

56. **HUJI**: Harkat-Ul-Hihadi-Islami: Active in Bangladesh, Afghanistan and Pakistan.

57. **JeM**

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245Kumar, Ashok (Dr.); *Dynamics of Global Terrorism*, KK Publications, New Delhi, 2014 pp. 32-40
58. JMB (Jamaat-Ul-Mujahideen Bangladesh): Active in Bangladesh.

1.11 IDENTIFICATION OF PROBLEM AND JUSTIFICATION OF RESEARCH ON THE SUBJECT

The subject of research has been selected after due deliberations as apart from Punjab, whole of India is in the grip of terrorism. Rather, the terrorism is globalized. Though, the terrorism was managed effectively in 1993 in Punjab but sporadic incidents are still occurring. Over one and half dozen terrorist cases have not been solved. Like Nirankar is earlier, now, the terrorists are targeting Sacha Sauda sect followers. Some pro-terrorist elements are active in USA, UK, Canada, Germany etc and they are instigating and financing the unemployed youth in Punjab to start the terrorist activities afresh. Many modules of Babbaris and KZF have been busted by the police. ISI is trying its best to start the terrorists activities in Punjab, afresh. Punjab and J&K are in the firm grip of cross-border terrorism and Dinanagar and Pathankot terrorists incidents are eye-opener. The terrorism in Punjab has been fought on the ground and government and security forces have succeeded in the eradication of terrorism. This research work will be a guide to the coming generations and the security forces fighting terrorism. Moreover, the sporadic incidents of terrorism are still occurring in Punjab and this research report will be useful to the security forces.

1.12 OBJECTIVES OF RESEARCH STUDY

The main objectives of the present study are as under:-

- To study the problem of terrorism in National and International scenario.
- To study the problem of terrorism in Punjab with relation to past and present aspects.
- To study the causes of terrorism in Punjab.
- To study the legal aspects and special laws to curb the terrorism in India and Punjab.
- To study the role of Criminal Justice System (Police, Prosecution, Courts and Reformatory Agencies) in India and Punjab.
- To study the role of Governments in India and Punjab to curb the problem of terrorism.
- To assess the socio-legal aspects relating to the problem of terrorism in Punjab.

1.13 HYPOTHESIS

The main issues, which are to be investigated in the context of the present research study, are various causes of terrorism in Punjab including poverty, illiteracy, egoism, poor level of education, low moral values, corruption, perceived injustice to the Punjabis etc. Effective political will and strong determination to curb the problem by Administration including police can handle the menace of terrorism in Punjab.
1.14 RESEARCH METHODOLOGY

In Research methodology, both Doctrinal and Non Doctrinal methods of research have been used. In doctrinal method, all relevant literature, books, magazines, journals as primary sources and secondary sources have been gone through and notes prepared. In non-doctrinal research, questionnaire method of research have been used. For analysis, chi-square test and kruskal-Wallis test have been applied.

1.15 REVIEW OF LITERATURE

The books on terrorism written by experts and other literature available in the libraries (KUK Library and PURC Library) or in the market have been consulted. All types of literature on terrorism in the form of Journals, Articles, Magazines, Newspaper in the form of Primary sources and Secondary sources, have been gone through. Various reports on terrorism of Punjab police and Intelligence sources (unpublished) have been taken in to account. Constitution of India and all laws relevant to prevention of terrorism have been perused and taken in to account.


Many books on terrorism have been read and some of the books gone through are mentioned as below:-

1. Dynamics of Global Terrorism by Dr. Ashok Kumar
2. Terrorism in India by S. Om Parkash.
5. Terrorism & POTA by Dr. B. Bharat Das.
6. Terrorism in Context by Martha Crenshaw.
7. Terrorism : A theoretical perspective of Global Terrorism: Dimensions and options by Dr.KulwantKaur (Ed.)
8. Terrorism in the 21st Century by Comb.
9. Human Rights and Anti terrorism Laws in India by Dr.Kavita Singh
11. Inside Terrorism by Bruce Hoffman.
12. 9/11 & Global Terrorism by Nazrul Islam.
13. Life After Terrorism by Clayton C Bruce.
17. Terror in Punjab by Ram Narayan Kumar
18. Literature on Terrorism from Punjab Police Records.
19. The Constitution and the various Laws to curb terrorism.

1.16 SCHEME OF CHAPTERISATION
The purpose of the research is to formulate the “CAUSES AND CONTROL OF TERRORISM IN STATE OF PUNJAB - A SOCIO LEGAL STUDY”. Both the methods of research of doctrinal and non-doctorial have been adopted. The whole research report is divided into 7 chapters.

CHAPTERS - CONTENTS
1 - INTRODUCTION
2 - TERRORISM- INTERNATIONAL AND NATIONAL ASPECTS
3 - TERRORISM-LEGAL ASPECTS
4 - TERRORISM IN PUNJAB- GENESIS AND CAUSES
5 - TERRORISM IN PUNJAB- CONTROL AND COMBATING
6 - TERRORISM IN PUNJAB- SOCIO-LEGAL ASPECTS
7 - CONCLUSION AND SUGGESTIONS

CHAPTER –I
This chapter is regarding the INTRODUCTION of the subject. The subject has been chosen after due deliberations as the research will be useful to the coming generations and the security forces as the terrorism in Punjab was completely eradicated. In the research report, the sub-heads like “Why research on terrorism, areas of research, the meaning of terrorism, the different definitions of terrorism, characteristics of terrorism, causes of growth of terrorism, terrorism as a concept, causes of terrorist violence, types of violence, terrorism and political violence, theories of terrorism, terrorism by the states, profile of a terrorist, cyber terrorism, various terrorist outfits active in India etc. have been discussed in detail. These have been supported by the citations of various courts of Higher Judiciary. In the end,
CHAPTER-II
This chapter is devoted to TERRORISM-INTERNATIONAL AND NATIONAL ASPECTS. In terrorism at International Level, the areas covered are genesis of International terrorism, European Resistance Movement; Urban Operations, terrorism in various countries like LTTE, IRA, PKK, Al Qaida, Palestinian terrorist outfits, Red Brigades, Red Army etc. Various causes of terrorism at International Level have been discussed. After this, the aspects of domestic terrorism in India have been discussed. The sub heads i.e. genesis of terrorism in India, the nature of conflict in India, major challenges of terrorism in India, root causes of violence in India, important terrorist attacks in India, active militant outfits in India, cross-border terrorism, insurgency in the North-East, Left-wing extremism and its reasons, have been discussed in detail.

CHAPTER-III
In this chapter TERRORISM-LEGAL ASPECTS, Constitutional Aspects, all Anti-terrorism laws, CrPC, Evidence Act and IPC aspects have been discussed in detail. All these aspects have been supported by the court judgements. In the end, judicial approach to terrorism have been discussed that judiciary has done a great service in upholding the human rights of the common man, victims of terrorism and also of the terrorists. All important cases of terrorism like attack on Indian Parliament, Indira Gandhi Assassination, Bombay blasts etc. have been discussed in detail. Even some foreign cases regarding terrorism have been discussed.

CHAPTER-IV
This chapter is on TERRORISM IN PUNJAB- GENESIS AND CAUSES revolves around the objective of the research. In this chapter, history, background of terrorism in Punjab, Anandpur Sahib Resolution, Human Rights Violations in Punjab, Philosophy and belief of Sikhism, different Panthic Committees, different operations launched by ISI, Operation Blue Star, Operation Black Thunder, rise of Sant Bhinderwale, Yearwise pattern of violence in Punjab, Sant-Nirankari clash, the Punjab Problem, the Punjab Accord, role of political parties etc. have been discussed threadbare. The detail of all the history from start of terrorism in Punjab to the eradication has been drawn out.

CHAPTER-V
In this chapter TERRORISM IN PUNJAB- CONTROL AND COMBATING is the most important objective of the research. All aspects of protection of Human Rights in Punjab
have been discussed as the main object of any law & order consideration is to protect the human rights of the people. The doctrinal aspect of combating terrorism internationally & domestically have been brought out. International Covenants on Terrorism and role of UN in curbing terrorism have been discussed. Various Anti-terrorism legislations to curb Punjab terrorism have been enumerated, supported by various court judgments. Various terrorists outfits which were active in Punjab have been given. The methods of combating terrorism by various leaders of the forces in India specially by Sh. KPS Gill have been discussed in detail. Field Counter terrorism measures taken in Punjab have been discussed. In the end, role of judiciary in combating terrorism in Punjab has been discussed. The future of terrorism in Punjab and pathway out of terrorism have been discussed.

CHAPTER VI
Chapter VI, TERRORISM IN PUNJAB- SOCIO-LEGAL ASPECTS is the non-doctrinal study of the terrorism in Punjab. Questionnaire methods has been undertaken. In the beginning, the basic history of Punjab has been discussed. For selection of the districts, mostly the areas around the border was selected as it was the worst affected. Ten districts selected for study are Amritsar, TarnTaran, Majitha, Batala, Gurdaspur, Pathankot, Jalandhar, Kapurthala, Hoshiarpur & Ludhiana. Each group was further divided in to two age groups i.e. 40-60 years age & 60-80 years of age. Further these were divided into Male, Female and Urban and rural categories, thus dividing in to 8 categories. 400 samples of 50 of each category have been collected. Six questions have been formulated and data collected. The data has been analysed and Chi square and Kuruskal-Wallis H-test have been applied. The conclusion has been that people were not coming openly against terrorism and the people never wanted its revival as everybody has suffered during terrorism in Punjab.

CHAPTER VII
This chapter CONCLUSION AND SUGGESTION deals with the little background of evolution of terrorism in Punjab and role of ISI in cross border terrorism, guidelines as a national policy and hardline methods adopted in Punjab to eradicate terrorism have been discussed. The chapter ends with conclusion and some suggestions for the control and combating terrorism in Punjab.

1.17 CONCLUSION
No specific definition can be given to terrorism. Did Buinarottior Bebuf, the Carbonari or the Anarchists and the Bolsheviks in Russia between 1905 & 1907 acted like the terrorists. It is a fact that the terrorists are different from guerrillas. One side’s terrorist is another side’s freedom fighter. Thus the idea of terrorism is a common sense observation from the general public. All these things have made the research of terrorism, a very difficult
task. However, the obstacle to research has been dealt with in two main ways. First, the notion of terrorism can be seen as a social product; an image, psychological representation or social conception. It is necessary to examine how the society reacts to consider the events as events of terrorism. So we have to study the social, cultural, political, economic, religious and intellectual factors resorting to violence. One comes to a conclusion that the perpetrators of crime and factors create the condition for applying the term, “terrorist”, regarding of the gravity of violence or seriousness of threat. A second way viewing this problem is to examine the action or actors that perpetrate the violence are called the terrorists and the process as to how the people get involved and the way the violence escalates. Both the viewpoints are useful for studying terrorism. There are at least two dimensions to terrorist activities i.e. there is the fight against enemy but it is carried out in the name of people, social class, nation or religious community. Ethnocentric or ideological blinders should not keep us away from seeing both the aspects. We must keep in mind that fighting enemies is one aspect and winning friends is another aspect. Things keep on changing as to-days enemy may be tomorrow’s friends and vice-versa. There are instances of pure terrorism in which ends and means are mixed up and violence has no limits. The actor defines his or her personal identity as the subject of history but the enemy is an evil theory- a devil, savage or beast. The terrorists in their fight involve the political parties, religion & social groups, trade unions, churches, intellectuals, social movements and the mass media. Thus, terrorism fits into a set of relations that should be subjected to “synchronic” or structural analysis. On the other hand, terrorism follows a cycle of both, growth and decline. This life cycle may be simple or intricate, long or short. It may start with less intensity violence escalating beyond all limits. Thus the terror as a process of change should be subjected to historical or diachronic analysis. Firstly nearly all instances of terrorism are marked both by ruptures and continuities; continuities as the ideology or religion and ruptures such as ideology or religion rejected, transformed or distorted according to specific political conditions. The second point is the pattern of growth and decline in terrorist organizations especially the way old militants exit and new recruits enter. An inability to recruit may be the most important cause of decline. The third is the turning point in a terrorist when he uses gun or indulges in blasts or accepts the commitment to become a professional or semi-professional revolutionary or when he agrees to participate in underground operations. Fourthly, terrorism may be a major or minor phase in a broader historical process. It can be one phase and second may be a war phase.

Fifthly, the cyclic phases will not be same and it ought to be different under different conditions. The terrorism can be limited to certain areas or it can be without boundaries. Terrorism can be as a method of action and terrorism as a logic of action. Terrorism as a method of action, it is a common form of violence and it is a tool to be employed as a means of reaching a goal. Terrorism is always a method but under some curriculum in certain movements, the actors not only use terror as a tool but accept terror as an end in itself. The means becomes an end and in such cases of pure and extreme violence, terrorism is a logic of action that literally dictates the actors attitudes and behaviour. For example Abu Nidal terrorism can berated to be logic of action. Sometimes, the contradictory approaches of various terrorist groups for the single cause become the most dangerous.247

We should bury a number of stereotypes in terrorism. You may distinguish between Anarchism and Marxist –Lenins terrorism but it is together in left-wing terrorism. Secondly, when terrorism ends, the credit should go the counter terrorist operation. Sometimes, the violence rise so high, before effective curbing of terrorism. Thirdly, the terrorism cannot be explained in terms of a crises. It is difficult to examine the notion of crises. Sometimes terrorism is a conspiracy of secret services, police, government, state actors and non-state actors. It is a manipulated violence by violent actors, may be foreign powers or secret forces. This should also be investigated. The terrorism should be investigated with professional mind248. Acts of terrorism are directed against the persons who are individuals, agents or representatives of countries likely to interfere with the objectives of such a group. Death or destruction is part of programme of action and if he is caught, his behaviour during trial is generally directed primarily not towards wining his freedom but towards speeding knowledge of his doctrines.249 The primary aims of the terrorists are to create the terror in the public mind or to erode psychological support to the government machinery by spreading fear among the government officials and their supporters. They kill and injure the innocent persons and also destroy the public and government property. The basic mechanism of terror was captured in an ancient Chinese proverb, “Kill one, Frighten Ten Thousands”250. In the late 1960s, the Palestine terror groups not only disturbed the delicate balance in the Middle East but also became an awesome burden on the entire world. Terrorist group of Abu Nidal indulged in hijacking planes, explosions in the air, assassination of political leaders, blowing

247 Ibid pp. 604-605
248 Id pp. 603-604
249The Encyclopaedia of Social Security Volume 13, 14 pp. 575-579
250Dhall, B.S., “The Philosophy of Terrorism”, the Tribune (Chandigarh) Feb 25, 1995, p. 10
up cars, creating ghostly psychosis in the three continents of Europe, Asia and Africa\textsuperscript{251}.

Now the world is in the grip of religious fundamentalism. Al Qaida, ISIS, Talibans, LeT, Boko Haram, Al Shabab, JeM, HM etc. groups are calling the shots. If the world wants to remain safe from terrorism, we must have a definition of terrorism so that stern action could be taken against the terrorists and the state actors and non-state actors sponsoring terrorism. It must be kept in mind that countries propagating the terrorism suffered the most. So, all states should put in the united efforts to keep check on this menace of terrorism.

\textsuperscript{251}George, W, “\textit{Tale of Terror}”, The Hindustan Times (New Delhi) Feb 12, 2002.