CHAPTER-V
TERRORISM IN PUNJAB- CONTROL AND COMBATING

5.1 INTRODUCTION
After 9/11 incident of New York (USA), the terrorism is globalized. At present, there are three boiling areas which are in the fierce grip of terrorism i.e. India, Pakistan and Afghanistan axis, Israel-Palestine area, Central Africa and Southern Europe Axis. India, Pakistan and Afghanistan axis is troubled by Talibans, Al-Qaida, Jamaat-Ul-Ahrar, Tehrik-e-Taliban, HUM, HUJI, LeT, JeM, HM, IM, Naxal groups in Central India and various groups in N-E states of India. Israel-Palestine axis is in the grip of Hizbollah and HAMAS. Central African states like Yemen, Somalia, Nigeria, Iraq, Syria, France, Belgium, Germany etc are troubled by ISIS (Daesh) and its allied groups and Al-Qaida. J&K specially Kashmir Valley is suffering from cross-border terrorism where LeT, JeM, HM, Ansar-Gazwat-Ul-Hind (Al Qaida)etc groups are active which are sponsored and trained by ISI of Pakistan.

Though, the terrorism has been under control in Punjab since 1993 but sporadic incidents are being reported. Various group active were KCF, KLF, Babbars, BTFK and KZF etc. Almost, all the groups were finished but Babbars and KZF groups have remained active. Though there is no major incident in Punjab since log but target killing is going on. However, ISIS is pressurizing the remaining activists in Pakistan but no major incident has occurred because the people of Punjab are not with the terrorists. J&K is quite active and cross-border terrorism has made the residents of Kashmir, a hell. Sometimes, the spillover of the terrorists has affected the Punjab i.e. Dina-Nagar P.S. attack in July 2015 and Pathankot Air-force attack in Jan, 2016. Such like incidents are still expected. It cannot be said that Punjab is completely out of terrorism.

In all sorts of controlling crime or terrorism, the government’s aims is to uphold the human right of the residents. The basic policy adopted all over the world to control and combat terrorism is given by Stephen Seggler in his book, “Terrorism in 1990s”.

The basic purpose of all laws is to protect the human rights of an individual, whatever the situation may be. Some drastic steps are required to protect the human rights of the community in terrorism environment. The basic guidance regarding the human rights is given in Universal Declaration of Human Rights-1948 and International Covenants on Human Rights.

5.2 INTERNATIONAL COVENANTS ON HUMAN RIGHTS
Universal Declaration of Human Rights, 1948 by UNO is the guiding spirit to uphold the human rights. Accordingly, the Fundamental Rights in Part III and Directive Principles of
State Policy in Part IV of our Constitution have been included keeping in view the above mentioned Declaration.

i. Civil and Political Rights (UNO) – These are covered under Articles 21, 22, 23, 19 (1) d, 14, 20(1), 20(2), 20(3), 25, 19 (1) (a), 19 (1) (b), 19 (1) (c), 15 (1), 29, 30 and 16 (1) of Indian Constitution.

ii. Economic, Social and Cultural Rights: These are enumerated under Art 41, 39(d), 43, 39(a), 14, 41, 45, and Art 38 of our Constitution.

Both these rights when combined is called as International Bill of Human Rights. The human rights incorporated in Indian Constitution (Part III) called as Fundamental Rights are enforceable by the courts. These cannot be taken away or abridged by the executive or legislature except by some amendments during Emergency. The Directive Principles of State Policy enumerated in Part IV of the Constitution are not enforceable by the courts. However, Art 37, makes it clear that these are nevertheless fundamental for the governance of the country. Some of them have been declared fundamental rights by the courts/Legislature.

5.2.1 OTHER RIGHTS NOT SPECIALLY ENUMERATED

Some rights are not enumerated in the Constitution. But they are recognized by the SC as part of existing Fundamental Rights such as in Art 14, 19 & 21. These emanate from the existing rights. For example, it has been held that right to life and personal liberty enshrined in Article 21 of our constitution is of widest amplitude and several un-enumerated rights fall with in Art. 21. These rights include the following.


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\(^1\) AIR 1980 SC 4709
\(^2\) AIR 1997 SC 625
\(^3\) AIR 1999 SC 625
5.2.2 PROTECTION OF HUMAN RIGHTS ACT 1993

On 28th September, 1993, the President of India promulgated an ordinance which established National Commission of Human Rights for the redressal of grievances in regard to human rights violations. Further, a bill on human rights i.e. Protection of Human Rights Act, 1993 in order to replace Ordinance was passed on December, 18, 1993 in Lok-Sabha. The bill got the assent of the President on January 8, 1994 and thus the Protection of Human Rights Act came into force. Section 2 (d) of the Act defined human rights as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution as embodied in International Covenants and enforceable by the courts in India. This Act provides for the establishment of NHRC and State Human Rights Commissions.

5.2.3 TERRORISM AND NATIONAL HUMAN RIGHTS COMMISSION

The counter-terrorism measures are of great concern in today's world. Still we have not been able to finalize the definition of terrorism against which we have to fight4. There is great hue and cry all over the world against human rights violations by both the terrorists and the security forces. Rather, human rights violations have become a fertile ground for breeding terrorism. Therefore, the importance of promoting economic, social and cultural rights to contain such conflicts of terrorism versus human rights must be realized and propagated. Thus the protection of political rights and protection of social, economic and cultural rights must go hand in hand. Complete denial of certain rights like right to food, health and education etc. are causative factors of conflict and terrorism. Therefore, the NHRC and SHRCs can play the vital role in this respect.

Terrorism seems to have become endemic to the modern society5. Terrorism has become a strategy more than ideology, which is being used by individuals, groups or states for different purposes. It is an act of violence or threat carried out with specific objectives. It is also a way to express resentment against the state when state does not listen to peaceful protests and demonstrations for the reasonable and genuine democratic demands but it is an undemocratic process against the state6. The state terrorism has a policy or process consisting of three basic elements.

i. The decision to use terrorism as a systematic weapon.

ii. The threats or acts of extra-normal violence.

4 Singh, Kavita; Human Right and Anti-terrorism laws in India, Central Law Publications, Allahabad-2010 p.159
5 Stern, Jessica; “The Ultimate Terrorists” (Cambridge) – 1999 pp. 11-30
6 Kaur, Kulwant, (Ed); Global Terrorism, Issues, Dimensions and options, New Delhi (2005) p.166
iii. The effects of this violence upon the immediate victims or on development works and on integrity of a nation.

Now a days, some terrorist groups project that they are fighting for self determination and liberation & they pose as freedom fighters\(^7\). Everyday, the peace living people are killed by the terrorists in J&K, Punjab, North East and Chhatisgarh. The biggest threat of terrorism is from cross border terrorism. The terrorists have hideouts in the neighbouring countries and they are getting training and other logistic support from them\(^8\).

Thus human rights are those rights which people have, by virtue of their human beings. These rights are essential for all the individuals as they are consonant\(^9\) with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare. All these rights which are essential for the maintenance of human dignity may be called the human rights. D.D. Basu defines the human rights as those rights which every individual must have against the state or other public authority by virtue of his being a member of human family, irrespective of any other consideration. The human rights are as old as civilization. The history of the human rights may be traced as far back as in the Babylonian laws, Assyrian laws, Hittiti Laws and in the Dharma of the Vedic period in India. According to St. Thomas Aquinos, these rights are rooted in natural law and divine law which were revealed to men in part discoverable by man through his god given right reason. Aristotle wrote in the politics that justice, virtue and right change in accordance with different kind of Constitution and circumstances. The original concept of human rights may be traced in the Greco-Roman natural law doctrines of ‘Stokism’ which held that a universal force pervades all creation and that human conduct should be judged according to the law of nature. The rights of the man known as human rights were first formulated in the Magna Carta in 1215. Magna Cartawas given by the king, John of England to the English Baron. The Magna Carta set forth the principle that power of the king was not absolute. The expression of human rights have been found in the English Petition of Rights of 1612, the English Bill of Rights of 1689, American Declaration of Independence of 1776, the Constitution of the United States of 1787, 1789, 1865, 1869 and 1919, the French Declaration of the Rights of man and of citizens of 1789, UN Declaration of Rights 1948, the India Declaration of Rights in 1950. The human rights are of two kinds i.e. civil and political Rights and Economic, Social and Cultural Rights, as mentioned earlier.

\(^8\) Kumar, Dr. Ashok; \textit{Dynamics of Global Terrorism}, K.K. Publications, New Delhi, 2014 pp. 323-324
\(^9\) Protection of Human Rights Act, 1993 Sec 2 (a)
All human rights are universal, indivisible, interdependent and inter-related. The international community must treat human rights globally in a fair and equal manner, on the same footing and with same emphasis. The General Assembly of UN, through a resolution adopted Universal Declaration of Human Rights on December 10, 1948. These rights are included in International Covenants. American Convention on Human Rights, 1969 also stipulated these rights as essential rights of human beings. It further provides that no person shall be denied these rights solely on the grounds of race, colour, sex, language, religion, political or other opinion, social origin, economic status, birth or any other conditions. The Indian Constitution has guaranteed these rights in Part-III of the Constitution i.e. Fundamental Rights. But these rights are not absolute and may be suspended in the time of war or in emergency period or in time of threat to the independence and security of state.

UN Charter talks of Universal brotherhood and live and let other live. This leads to social development in the countries & the World. The terrorists and security forces violate the human rights and impede the social development. The human rights of the common citizens are violated & the people live in fear. The state governments have failed in tackling effectively the terrorism, insurgency and the organized crime. In J&K, the terrorists are killing innocent people and this is the gross violation of the human rights of the people. About 250000 Kashmiri Pandits & 50000 Kashmiri Muslim have migrated from Kashmir and above 80000 people lost their lives till 2008. A DIG in Orissa, Sh. Jaswinder Singh was killed in Rayagada area by the naxalites. A large number of security personnel were killed in Chhattisgarh and Jharkhand states. Officers of the ranks of Brigadier, Colonels & Captains of the Army have been killed by the terrorists in J&K. The inhuman incidents are increasing day by day in many states, according to statistics released by the NHRC from time to time.

On the other hand, the security forces are accused of torturing people, killing them in fake encounters, keeping them in illegal custody, thus violating the human rights of the people. Article 21 of the Constitution provides, “no person shall be deprived of his life or personal liberty except according to procedure established by law. The expression “life or personal liberty” has been held to include the right to live with human dignity and thus it guarantees protection against arrest and assault by the state and its functionaries. Article 22 also guaranties protection against arbitrary arrest and every person so arrested by the police is required to be produced in the court within 24 hours from the arrest. Security forces have

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10 U.N. resolution of Vienna Conference, 1993
11 General Assembly Resolution, 217 December 10, 1948
12 Kumar, Dr. Ashok; *Dynamics of Global Terrorism*, K.K. Publications, New Delhi, 2014 p.346
13 Id pp.336-337
been accused of illegal custody, torture during interrogation and killing in fake encounters. Custodial deaths are a common feature in terrorism ridden states. The security forces cannot have the revengeful attitude against the terrorists. They are supposed to uphold the Constitutional provision while dealing with the terrorists. In Kartar Singh’s case, the validity of TADA was upheld by the Supreme Court in the light of Article 21. In Thankappan case, the court granted Rs. 3 Lac as compensation to the petitioner for keeping his son in illegal custody by the security forces. In Sunil Batra case, the court held that articles 14, 19 & 21 outlawed the torture in India. In Arvind Singh Bagga case, the guilty police officers for custodial torture were prosecuted and compensation given to the victim & it was recovered from the guilty police officials. The right to life and personal liberty is the most precious, sacrosanct, inalienable and fundamental of all fundamental rights of the citizens. It is bull work against infringement of Fundamental Rights by the state. In case People’s Union for civil liberties, the court granted compensation of Rs. 1 lakh each to the terrorists killed in fake encounters with the warning that administrative liquidation cannot be permitted. In Praful Kumar Sinha case, compensation of Rs. 25,000/- each was given to the three persons killed in police custody & the amount was ordered to be recovered from the concerned police officials. In Inder Singh case, SC ordered the CBI investigation in a kidnapping case of 7 persons by the police officials. In Harbans Kaur case, SC ordered enquiry in to the disappearance case. There were sensational reports of atrocities by the security forces in Assam & J&K. The security forces tortured, gave electric shocks, kicked, trampled and sexually assaulted. However, a strict action is required to be taken against terrorists, insurgents, drug peddlers and criminals indulging in organized crime.

5.3 LEGAL PRINCIPLES AGAINST INTERNATIONAL TERRORISM

International terrorism has to be curbed at any cost, otherwise, it will prove disastrous to the world. On December 10, 1934, the League of Nation unanimously passed a resolution to constitute a committee of experts with a view to draft a tentative International Convention to curb terrorism and to be offensive in the pursuit of political terrorism after the assassination.

14 Id pp.339-340
15Kartar Singh v. State of Punjab, 1994 CrLJ 3139
16Thankappan v. UOI 1997 CrLJ 1542 (Ker)
17Sunil Batra v. Delhi Administration AIR 1980 SC 898
19M.C. Mehta v. UOI, AIR 1986 SC 1086
21People’s Union for Civil Liberties V Union of India, AIR 1997 SC 1203
22Praful Kumar Sinha v. State of Bihar, 1994, Supp (3) SCC 100
24Harbans Kaur v. UOI, 1995 (1), SCC 623
of King Alexander of Yugoslavia and the PM of France Louis Barthou in October, 1934. In 1937, International Conference was held in Geneva. Two Conventions adopted were Convention for the Prevention and Pursuit of Terrorism and second, the Convention for the Creation of International Criminal Court. These conventions did not come into force for want of requisite ratification. After UNO, many conventions were concluded as below:-

4. The SAARC Regional Convention on Suppression of Terrorism, 1987. The salient features were; a) Recognition of extradition b) Inclusion of serious offences c) Incompatible extradition d) extradition of person suspected e) Notification and Information to the requesting state& No obligation of extradition g) Affording drug Mutual Assistance and Cooperation.
7. SAARC Summit for Suppression of Network of Terrorism, 2007
8. International Terrorism Conference, 2008 – It was resolved that the terrorists cannot be considered equated to the real freedom fighters. Every sovereign state has the right to defend its territory, people, property and has the right to make specific laws to deal with the terrorism.
9. International Terrorism Conference, 2009 – It was held in Delhi and called for Global Legal Framework for dealing with sponsors, abettors and perpetrators of terrorism.

The UN has requested all states, through various resolutions, to prevent and suppress the International terrorism and implement fully International Anti-Terrorist Conventions and to cooperate each other through bilateral and multilateral agreements and arrangements, protect their national and other persons against terrorist attack and bring to justice the perpetrators of such acts, exchange information on terrorism liberally, cooperate on administrative and judicial matters in order to prevent the consequences of terrorist acts. UN resolutions are:-

i. Resolution 46151 – Measures to eliminate International Terrorism.
iv. General Guidelines by security council to the states for curbing terrorism\textsuperscript{25}.

God has created everyone equal and belongs to one family i.e. mankind. Everyone should respect the human rights of others. Everyone has his own ideas and thinking. But everyone is equal before law. Everyone has a right to be protected by the state & the people. The violation of human rights is a threat to the welfare and dignity of the entire human race. John P. Humphery has said, “there is a revolutionary development in the international laws of human rights. It is very sad to comment that human rights are being violated in a big way both by the terrorists & the state. People are killed without rhyme & reason. People are starving and minorities are denied equal rights.”

In order to uphold the human rights, the state\textsuperscript{26} should not adopt the same methods as adopted by the terrorists as the state and terrorists cannot be equated. The state should not be ruthless to its citizens. of course, top terrorists should be shown no mercy. No innocent person should suffer. Every action of the forces should be accountable to rule of law. Police should not resort to indiscriminate torture.


“Unfortunately, the Indian Government is a classic example of proliferating laws, none of which can be effectively applied because the moral authority of the Indian Government has been extinguished and because the needed clarity of purpose and thought is absent. Not surprisingly, therefore the government falls back to creating a new law for every new crime and a new security force for every new criminal. But the primary effort lies in seeking contrainized instant formula, there is no such thing as solution\textsuperscript{27}.

Rights of the Indian citizens were framed in the Constituent Assembly of India after elaborate discussions and debates. The moving spirit behind the rights was the adherence to the people of human equality and dignity which was denied to Indians during colonial rule. A commitment to ideas of equality, liberty and justice for all was endorsed in the Objective Resolution of the Constituent Assembly. The Fundamental Rights Sub Committee was entrusted with the important task of formulating the Fundamental Rights of the people of India. Though, there were certain differences over the form of the rights and their scope, but in the final analysis, the consensus emerged on certain points. For instance, the rights were to

\textsuperscript{25} Kumar, Dr. Ashok; \textit{Dynamics of Global Terrorism}, K.K. Publications, New Delhi, 2014 pp. 160-176

\textsuperscript{26} Singh, Gurcharan, Advocate Jammu; \textit{State Terrorism and Human Rights Management of Strife in terrorist environment}-2001 p. 5

\textsuperscript{27} Singh Jaswant (Former Defence Minister); \textit{The Beleaguered state}, Seminar May 1988
be worded positively and as such should be legally enforceable or practicable. The judiciary would be entrusted with the power of judicial review and be the independent protector of the rights of the people.

Certain rights like those relating to education and women rights were believed to be more in the nature of social and economic policy. These rights were seen as not amenable to legal enforcement. Thus the Fundamental Rights incorporated were of political in nature, while directive principle comprise the social and economic rights. Rights were guaranteed to all Indians without discrimination. A balance was, however, sought between the rights of the various sections of the population. Religious minorities were given due consideration and special care was taken to provide for advancement of the weaker and backward sections of the society. SC/STs were given right to overcome the disabilities they had suffered historically. Unlimited scope of rights was not preferred. Each right was hedged in with condition which limited reasons of law & order, security and integrity and public morality etc. of the individual and the country.

Human rights violation is committed generally by the police in the handling of terrorism. Policing is the concern of entire society and to have a civilized and professional police in India is the responsibility of entire nation. Police is not a bunch of sadist or psychopaths. Thousands of policemen have given their lives to protect and safeguard the integrity & unity of nation and have rendered a yeoman’s service in managing terrorism and putting down organized crime. The police is assigned the negative role. The police-politician nexus is another reason for the police not to be fair and effective in dealing the criminals. The nexus needs to be totally broken. In order to wipe off the violation of human rights by police, we have to change the attitude of police. Drastic changes are needed in Police Act of 1861. Though some changes have been made but it is not enough. People accept the police to be ruthless with the terrorists and hardened criminals. Rather than the police indulging in fake encounters and taking over the role of judiciary, we should bring changes in criminal judicial system. To give adequate and speedy punishment to the hardened criminals, NHRC & SHRCs should act as propagator and guarantor of human rights.

5.4 CONTROL AND COMBATING TERRORISM
Terrorism is a special type of violence and it has to be curbed with heavy hand but at the same time, we have to win the people on the margin. In democracy, the number count matters and the majority of people must support the government action and security measures. There

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28 Indian Constitution and Human Rights, Human Rights and India- Block-3 — Indira Gandhi National Open University-2004
are three responses to the situation i.e. Negotiation, Retaliation and Compromise.

1. **Negotiation**: Negotiation is the policy of states, which openly recognize that the terrorism is a form of politics and optimistically believe that any political problem can be solved by negotiation. Rather, it is in toeing the line of the terroristic forces as experienced in Afghanistan and Iran. This is not favoured even by the weakest governments as Sri Lanka, ultimately crushed the LTTE movement.

2. **Retaliation**: It is the chosen policy of embattled or isolated states with a terrorist enemy which either lies outside the borders of the state or if within has no meaningful political support or such support that the state cannot afford to recognize. This method was adopted in Biafra province of Nigeria, but no democratic government can afford to do this.

3. **Compromise**: This is also called hot and cold treatment. This is taking stern action against the top terrorists and winning the people on the margin. This method is adopted all over the world and we are adopting this method in India, especially in Punjab. The new recruits are brought in to the main stream as the idea is to win the public support.

Other points to be kept in mind while dealing terrorists are:-

1. Terrorism is a cheaper form of warfare and needs effective handling.
2. No deal in the back and not succumbing to terrorists pressure.
3. Not arousing the public hostility.
4. Not playing in the hands of the terrorists.
5. Government must have will to uphold the law.
6. Not to resort to general repression.
7. Government must be seen doing the work.
8. Middle approach – Tough action against the terrorists but winning over the people on the margin.
9. Terrorism will not win and it can be managed effectively.
10. To elicit public cooperation.
11. No State Terrorism. Government, Security Forces, NGOs, Human Rights Bodies and Commissions should be on one side and the terrorists on the other side.
12. Denying the publicity to the terrorists.
13. Meeting the genuine grievances.

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29Segglar, Stephen; *Terrorism in 1990*, p. 185
5.4.1 COMBATING GLOBAL TERRORISM
UN has directed the nation states to extend full cooperation in extradition and deportation schemes for the terrorists. Combating terrorism requires global coordination and global solution. 9/11 incident has brought a new sense of urgency to fight unitedly by the international community. Within weeks, the Security Council adopted a comprehensive resolution, which outlined a wide range of counter-terrorism measures to be taken by all member states. These were legally binding for all states under Chapter VII of the UN Charter. In Sept 2006, the UN reached an important milestone in its efforts to address terrorism with the UN General Assembly’s unanimous endorsement of the UN Global Counter-Terrorism strategy. In September 2008, member states reviewed the UN Global Counter-Terrorism Strategy and unequivocally asserted their commitment to implement the strategy. The strategy identifies four pillars of actions: measures to address the conditions conducive to the spread of terrorism, measures to prevent and combat terrorism, measures to built states’ capacity to prevent and combat terrorism and to strengthen the role of UN system in that regard and measures to ensure respect for human rights for all and the role of law on the fundamental basis for the fight against terrorism. The Secretary General established the UN counter-terrorism Implementation Task Force (CTITF) in June, 2005. This also included Interpol. Some initiatives that the Task Force is actively pursuing include fostering Private-Public Partnerships for the protection of vulnerable targets against the terrorists attacks, promoting the use of internet for terrorists purposes, protecting human rights while curbing terrorism and tackling the financing of terrorism30.

5.4.2 INTERNATIONAL COOPERATION ON TERRORISM
1. **Bilateral and Multilateral initiatives:** Bilateral treaties to counter terrorism and organized crime have been signed between India and other countries on bilateral basis. Such treaties/agreements are with a view to secure bilateral cooperation against various forms of crimes like terrorism, drug trafficking, money laundering, counterfeiting of Indian currency notes etc31.

2. **Mutual Legal Assistance Treaty:** In order to combat transnational organized crimes, trans-border terrorism and other serious offences such as drug trafficking, money laundering, counterfeit currency, smuggling of arms and explosives, India has signed Mutual Legal Assistance.

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30 Civil Services Chronicle, November 2015 PP 213-214
31 Kumar, Ashok and Vipul; *Challenges to Internal Security of India*, McGraw Hill Education (India) Pvt. Ltd., New Delhi, 2017, pp. 25-26
3. **Treaties in Crime Matters:** In this regard, Ministry of Home Affairs is the nodal ministry and operationalized these treaties with 34 countries.

4. **Joint Working Groups (JWGs) to counter Terrorism** - Ministry of External Affairs is the nodal authority for setting up of JWGs on counter-terrorism to exchange information and strengthen International Cooperation to combat terrorism and transnational organized crime. PP Division acts an interface on issues concerning Joint Working Groups on Counter-terrorism setup between India and other countries to discuss bilateral issues.

Dr. Man Mohan Singh former PM of India has said, "**Terrorists are terrorists. They have no particular religion or community. Labels are best avoided because if you do that you create a new set of grievances.**" The root cause, other than other grievances include poverty and severe and systematic social exclusions. These need to be urgently addressed.

Equally legal frameworks ensuring police accountability are necessary to prevent police abuses of their powers. Established principles of human rights and the rule of law are at risk from counter-terrorism measures that extend police powers and limits right for suspect through enhancing the latitude given to the police in pre-trial stages of the investigation, arrest, interrogation and detention. Democratic policing is built upon respect for the rule of law and human rights standards. A democratic police organization is one that:

   i. Is accountable to law & not a law unto itself.
   ii. Is accountable to democratic govt. structures and community.
   iii. Is transparent in its activities.
   iv. Gives up operational priority to protecting the safety and rights of individual private groups.
   v. Protects human rights.
   vi. Provides society with potential professional services.
   vii. Is representative of the communities it serves?

Human Rights are more than a set of ideals. They must determine both the way police do their job and the outcome of their action. The Police and the Criminal Evidence Act (PACE) in UN sets out safeguards to protect against abuse of police powers to stop and search, arrest, detain, investigate, identify and intern detunes. Post 9/11 attacks in USA, US government galvanized the need of new response emphasizing two major legal elements i.e. control of financing of the terrorism through tighter international monetary mechanism and security by force, using police and the military as the means to achieve this. The
Commonwealth report deprecated the role of militarized police for counter-terrorism purpose. The Assam Rifles, Bangladesh Rapid Action Battalions, Black Mambas of Uganda etc. are the examples, which are used for the purpose of counter terrorism. Even Australia amended in the context of, extending existing powers of the Australian Security Intelligence Organization (ASIO) and police officers to forcibly remove, interrogate and strip search the suspected terrorists and enabling incommunicado detention.

Terrorism is universally prohibited under all circumstances and no person should be subjected to cruel, inhuman treatment or punishment. Until, recently, torture was considered as a gross violation of human rights. The concept of security forces that the terrorism is the only deterrent to terrorism is not true. The UN Human Rights Committee emphasizes that in spite of the difficulties government may face in fighting terrorism, no exceptional circumstances, whatsoever can be evolved as a justification for torture. Not only the torture is illegal but it is plainly counter-productive. Practices of torture by police alienate whole community and breed contempt for the law, creating fear and hatred against law enforcers and diminishing their legitimacy. Practice of torture support the very objective of terrorists. To be effective, the powers provided to the police to counter terrorists must be appropriate, humane and complying with the standards set out in International law. Harsh policies complied with harsh laws only increase the motivation for terrorism. Police response to terrorism has to be just, fair and legitimate state action.

K-Kouffa, UN Special Rapporteur on terrorism and Human Rights said, “fear of terrorism out of proportion to its actual risk and generated either by states themselves or by other actors can have undesirable consequences such as being exploited to make people willing to accept counter terrorism measures that unduly curtail human rights and humanitarian law. Undue fear can foster religious or ethnic intolerance. Exploiting of fear of terrorism can also damage international solidarity, even to the degree of impairing cooperation regarding reducing or preventing terrorism.

Article 9 of International Covenant on Civil and Political Rights mention that everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except procedure established by law.

Harsh anti-terrorism laws have been passed. TADA was replaced by POTA and POTA is replaced by The Unlawful Activities (Prevention) Amendment Act (UAPA). India’s key anti-terrorism law simply reinforces repressive powers of police to arrest, detain and interrogate individuals without charge or trial.
5.4.3 SCRUTINY OF POLICING FOR EFFECTIVE ACCOUNTABILITY

Effective accountability requires scrutiny of policing as below:

i. Strengthening of Democratic institutions.

ii. An independent judiciary.

iii. A responsible & repressive executive.

iv. At least one independent statutory body such as Ombudsman or Human Rights Commission or ideally dedicated body sitting outside the traditional arms of the governments that deals with complaints against the police.

Two terms i.e. human rights and terror look like simple anti-thesis i.e. human rights good and terror bad. They are opposed to each other. Terrorists violate the normal life of citizens, where as the human rights permit the people to have a good quality and satisfied life. Human Rights define what we are supposed to stand for and tie our hands when we seek to defend ourselves. To believe in Rights is to say we will not do certain things to fellow citizens or fellow human beings, no matter what human rights connected to the individuals and are not political or civil status. Even if you are a bad person, you carry with you the human rights. For the state or society, these rights are pre-commitments. As Ronald Dworkin has pointed out that there is no general trade off between our liberty and our security in times of terrorist threat, but between our supposed security and liberty of small suspect groups, like particularly the subsets of these groups that are in violation of immigration regulations. These abridgements of the rights of a few are easy to be justified politically when the threat of terrorism appears to endanger the majority. Temporarily taking away rights is justified in the larger interests of society and it is public justification and constitutional survival. The International Covenant on Civil and Political Rights allows states to derogate or suspend rights of political participation; habeas corpus, free assembly, immunity from search and seizure and freedom from detention before trial but not absolute non-derogable rights such as immunity from torture, cruel and unusual punishment, the infliction of death or free belief. Nations that signs the Covenant are required to publically announce and justify their derogation in UN Treaty Bodies. Now the question arises whether the rights are indivisible. We can argue that in dangerous times, the same rights just turn out to be more fundamental than others. As a counter-terrorism measure, emergency suspension of certain rights is justified. But this should be for a small time and for the specific purpose. All these things should be subject to judicial review. Abraham Lincoln had insisted that without exceptions,

Igeneeff, Michael; Human Rights, The laws of War and Terrorism– 2002 p. 39
the rule could not be preserved. Of Course, it is the function of Legislature, a free press, a well-organized civil society and an independent judiciary to keep the executive under scrutiny. If we are at war with terror, it means the terrorists are at war with us. So it is justified to deviate from pre-commitment. The question is which commitment i.e. human rights or the laws of war. These are closely related but are contradictory. Sometimes, the laws of war & human rights overlap. Sometimes, as in the case of torture, human rights and the laws of war impose the same ethical limitation on counter terror strategies. The larger point is that human rights cannot survive a complete guide for actions, when terrorists wage a war against a state. Moving beyond the limitation imposed by human rights does not mean passing from ethical limitation to barbarism. It simply means passing from one strategy of pre-commitment human rights to another laws of war. The laws of war seeks to save, for conditions where combat is necessary, those ethical restrains that are built into human rights. We have to be constant and strict consistency means public accountability. In America, the executive is accountable to American courts and the American Congress. In India, every action of the executive should be subject to judicial review.

From the angle of terrorists, the right of self-determination is an important justification. They feel that they are indulging in terror from this aspect of human rights of the people. For example, the Palestinian struggle is the struggle for human rights and act of terror find justification in the claim to self-determination. Human Rights do not motivate terror. Yet, terrorism is not just criminality, since it seeks to attract civilian support and it does so by making political claims that are grounded in moral principles. The attack of terrorists on 9/11 in New York did not leave behind any justification. Killing civilians for political purpose can never be justified. The terrorists normally justify the killings in retaliation of actions of the state agents. Sometimes, those who follow non-violence win as in case of Gandhi Ji and Martin Luther King. The right of revolution is not a human right. It must be kept in mind that continuous denial of human rights lead to rebellion.

The subject of terrorism is confined to political sociology. It has developed with the development of human personality and state. It is as old as human face. Terrorism is a great economic burden and serious problem for the government and the people, which has taken many innocent human lives, destroyed public property, disturbed the peace, law and order in the society and administration of the polity. Basically, the terrorists are violating the human rights in a big way. It is also alleged that many innocent persons have been killed in fake encounters and their dead bodies have not been given to their bereaved families. Many people were missing. Many people, allegedly, have been killed in police custody. The law as a
protector of human rights does not permit the police to kill or torture person in police custody. The Universal Declaration of Human Rights and Fundamental Rights enshrined in our Constitution do not permit the violation of human rights in any term. There is a political slogan, “Govt. of the people, by the people, and for the people.” No one is above law. Every person must be punished according to the law. The most agonizing is that when the government adopts the repressive measures in order to terrorize the citizens.

Terrorism, strictly speaking, is an art of intimidation of innocent people, threatening their lives, destroying their property, depriving them of their liberty and creating terror amongst them. The state uses terror by torturing and killing in fake encounters. Moreover, the state also finances non-governmental specialized agencies to carry out various forms of intimidation of innocent persons.

There is a difference between state terrorism and terrorism by a group of people. Some give views that terrorism and state terror are two sides of the same coin. When the state terrorize its own people, there is a reaction and some people use counter measures against the state i.e. in the form of acts of terrorism. Thus state terror breeds terrorism in society. But the state has two options i.e. solve the problems of the society and suppress the terrorists to maintain law & order. But the practical view is that tough action should be taken against top terrorists but in case of marginal terrorists, they should be won over and brought into the mainstream.

5.5 NATIONAL MEASURES TO CURB TERRORISM

General Assembly and Security Council of UNO can give only guidelines for combating and curbing terrorism but it is the states themselves to be enthusiastic in controlling and combating terrorism. General Assembly has called on all states to take appropriate measures at the national level and cooperate with each other to eliminate International Terrorism. The states may take the following measures in this regard:

i. Ratification of International Conventions: Though, no single Convention for combating International Terrorism has been formulated, yet few Conventions have been adopted to curb specific forms of terrorism.

It is the duty of the states to ratify all such Conventions. Further states are required to enact legislation to curb and combat all forms of terrorism.

ii. Extradition or Prosecution: Extradition of criminals is easy when there is extradition treaty between the territorial state and the requesting state. States should be liberal in

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33 Singh, Kavita; Human Right and Anti-terrorism laws in India, Central Law Publications, Allahabad-2010 pp. 156-159
interpretation of extradition treaties and the criminals relating to terrorist crime should be immediately migrated to the requesting state. This will help in cracking the case and bringing the criminals to justice.

**iii. Conclusion of Bilateral treaties:** Different states should have bilateral treaties especially regarding the terrorists crime. There should be treaties to confiscate the properties of the terrorists and drug runners. The confiscation agreement is the first of its kind in the world and is likely to have great impact on the activities of the terrorists.

**iv. Mercenaries:** A large number of terrorists acts are committed by paid murderers and whores of war called as mercenaries. Govt has more than once condemned mercenaries and qualified it as an international offence. All states should ban the training of terrorists and mercenaries, mercenary services, recruitment, dispatches and transportation of mercenaries to different parts of the world. General Assembly created a committee in 1980 to formulate an International Convention against Mercenaries. Accordingly, the Convention against recruitment, use, financing and training of mercenaries was adopted on December 4, 1989, which called on all states to refrain from organizing, instigating, assisting or participating in acts in other states.

**v. Mutual Cooperation:** Mutual cooperation among states to exchange influence and apprehension of terrorists is of paramount importance. It will also be helpful in the conclusion of special treaties and in prosecution or extradition of perpetrators of terrorist acts.

    All the states will have to take drastic steps to eliminate terrorism. They should jointly take steps to take specific and effective measures with courage & determination to save innocent people from being a victim of International Terrorism.

**5.5.1 MEASURES FOR REFORMS AND REHABILITATIONS**

Terrorism both of international and domestic has emerged as a major threat to not only public order but also to national security. The use of terror as a tool to furthering separatist interests has been the scourge of the country since the last quarter of 20th century. The marriage of religious and ethnic ideologies with separatist movements has complicated the issues involved in countering terrorism and the fight back itself has become a public order issue in some instances. Further, nexus of terrorism with organized crime as evidenced in the infamous Mumbai serial blast cases and riots of 1992-93 and the phenomenon described as Narco-terrorism, only aggravates its threat potential. The problem of terrorism is no longer confined to some border states but even our political institutions, economic assets and scientific establishments in the hinterland and have become vulnerable terrorist targets.

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34Moilley, Virappa; *Second Administrative Reforms Committee, Vth Report*, GOI, June 2007 p.288

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Many states in the country from Uttar Pradesh to Tamil Nadu and Maharashtra to West Bengal are today affected by Left Wing Extremism in varying degrees. The creation of Naxalite groups and a steady expansions of their base across the country in a systematic and coordinated manner are matters of serious implications for public order as well as national security. By exploiting administrative inadequacies and socio-economic issues domestically while engaging into strategic linkages with other militant and criminal groups across the border, these groups are able to spread the reign of terror and lawlessness, in pursuit of their so called ideological objectives. In such cases, matters have gone beyond the general issues involved in maintenance of public order and our ability to address various complex issues relating to socio-economic development of the people of the affected areas itself is being tested. As a large part of the area is tribal, their rights and sensitivities have also got to be addressed.

Reforms in the Criminal Justice System: No doubt, the people have lost faith in the criminal justice system because of the following reasons.

1. Extraneous influence in public order management.
2. The root causes of the problem are not being addressed by the administrative agencies.
3. No efforts are being made for long term solutions of the problems.
4. Administrative decisions are being guided by political expediency.
5. Inadequate involvement of civil society, NGOs and social workers in Public order management.
6. Lack of an institutional mechanism defining the roles and responsibilities of the various stakeholders in conflict resolutions
7. Lack of appropriate training for functionaries of civil administration and the police on public order issues.
8. Lack of modern technology and equipment with the police
9. Absence of computerized databases on criminal, antisocial and anti-national elements.
10. Lack of specialized well trained wings in police organization of many affected states to deal with problems like left wing extremism.
11. Lack of a cohesive all India policy and legal framework to deal with problems of order affecting security of state such as terrorism and LWE.

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35 Id p. 253
12. Ineffective performance monitoring systems for public order management functionaries.
13. Lack of accountability of the police and administration to the public
14. Lack of empowerment of junior ranks at the cutting edge levels of administration to effectively deal with problem at the nascent state.

5.5.2 RIGHTS OF TERROR VICTIMS UNDER THE INDIAN CRIMINAL JUSTICE SYSTEM

Victims of the crime are not being treated properly by the criminal justice system and all rights are given to the accused as per various court orders\(^{36}\). Now concept of victimlogy emphasizes on the rights of the victims. UN Declaration of November 29, 1985 adopted the Declaration of Basic Principles of Justice for victims of crime and abuse of power. The declaration was constituted to recognize the need to set norms and minimum standards in International law of the Protection of Victims of Crime. Four major components of rights of victims recognized by U.N. are access to justice and fair treatment, restitutions, compensation and assistance. The different channels of redressal of grievances are open to victims i.e. the police station, senior police officers and the Magistrate. In *R. Gandhi v. UOI*\(^{37}\), adequate compensation was ordered to be paid by the court to the Sikh riots victims in Coimbatore aftermath the assassination of the then PM Smt. Gandhi. However in case *Sri Lakshmi Agencies v. Govt. of Andhara Pradesh*\(^{38}\), the court declined the prayer of compensation to loss of life and property with the observation,

“It is only when the officers of the state do any act positively or fail to act as contemplated under law leading to culpable inaction, that the state is liable to pay damages. There should be direct nexus for the damage suffered on account of state action and if that is absent, Art 21 of the Indian Constitution is totally inapplicable. Provisions under Cr.P.C. are also available for compensation but these are used very seriously by the court. Law commission in its 152\(^{nd}\) report rendered liberal compensation and required to introduce sec 375A Cr.P.C. but it was not accepted. Even in its 154\(^{th}\) Report, it recommended compensation but was not implemented. The Constitutional right of a victim of custodial crime to receive compensation was reiterated by the Supreme Court in *Nilabati Baherav. State of Orissa*\(^{39}\), Delhi High Court in *KamlaDeviv. Government NCT Delhi*\(^{40}\), awarded Rs. 50,000 compensation for death in

\(^{36}\) Id pp. 267-269
\(^{37}\) AIR 1989 Mad 205
\(^{38}\) (1994) Andhara LT 341
\(^{39}\) AIR 1993 SC 1960
\(^{40}\) WP(C) 173/1997
bomb blast in Delhi, Malimath Committee on reforms of CJS, had strongly recommended to look after the interests of the victims. It has concluded that a time has come to a comprehension law being enacted for protection of witnesses’ and members of his family. Malimath committee has also recommended that:

“The victim has a right to be represented by an advocate of his choice, provided that an advocate shall be provided at the cost of the state if the victim is not in a position to afford a lawyer”.

Govt. in the code of criminal prevention (Amendment) Act, 2008 passed on 18th December, 2005, has defined victim and has provided that state government in coordination with the central government will prepare a victim compensation scheme. This is introduced in Sec 375A (1) & (2) when the court recommends compensation, the District Legal Authority is empowered to decide the quantum of compensation. If after the trial, court disagrees with the recommendations of compensation, court can declare suitable compensation itself. Also where the accused is not identified the court can order the suitable compensation to the victim. As per sec 357 & 359 of Cr.P.C., the court may grant compensation to the victim out of the fine imposed on the accused in the order of sentence of conviction.

Militancy is a brutal curse. The terrorists choose their time and target and vanish after killing. The authorities who have to act after such incidents are expected to act quick in response and restraint. The rule of law should be allowed to prevail and the system should absorb the shocks of the tragedies. The innocent victims must be paid due attention and their demands must be met by the authorities. A social welfare state should compensate the million victims of the crime, who are poor and helpless to protect their dignity. The state and society must change their attitude towards victims of crime. The state and courts should also protect the victims and full justice should be given.

5.5.3. INSTITUTIONAL FRAMEWORK TO TACKLE TERRORISM

Prior to 2008, Intelligence Bureau was playing an important role in the fight against terrorism, along with State police and other security forces. IB acted as a coordinating agency, where the operations and investigations were looked after by the state police. After the assassination of Indira Gandhi, a special commando force (NSG-National Security Guard) was created to engage & neutralize the terrorists. NSC commandos are trained in high risk tasks like counter hijacking and counter terrorists operations. After 26/11, Mumbai attacks,

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42 Id p.284
43 Kumar, Ashok and Vipul; Challenges to Internal Security of India, McGraw Hill Education (India) Pvt. Ltd., New Delhi, 2017, pp. 14-16
many steps were taken in respect of fight against terrorism. NIA, NATGRID, MAC etc were constituted.

1. **National Investigation Agency (NIA)** is a federal agency which was constituted under NIA Act-2008 in order to combat terror in India. NIA has concurrent jurisdiction which empowers the centre to probe terror attacks in any part of the country, covering offences including challenges to the country’s sovereignty and integrity, bomb blasts, hijacking of aircrafts and ships and attacks on nuclear institutions. It also deals with counterfeit currency, human trafficking, narcotic or drugs, organized crime, plane hijacking and violation of atomic energy Act and weapons of mass destruction. State government may request for entrusting the investigation of terrorism cases or central government can take over the investigation of the cases. It aims to be a specialized agency in counter-terrorism cases.

2. **NATGRID**: The NATGRID or National Intelligence Grid is an Integrated Intelligence Grid that will link the databases of several departments and Ministries of the GOIso as to collect comprehensive pattern of intelligence that can be readily accessed by the intelligence agencies. It is counter terrorism measures that collect the various data pertaining to the individual. The combined data will be available to eleven central agencies i.e. RAW, IB, CBI, Financial Intelligence Unit, CBDT, DRI, ED, NCRB, Central Board of Excise and Customs and the Directorate General of Central Excise Intelligence. NATGRID is a tool that will enable security agencies to locate/obtain the relevant information on terror aspects from pooled data of various organizations. It will help identify, capture and prosecute terrorists and help pre-empt terrorist plots.

3. **Revamping of Multi Agency Centre (MAC)** – MAC is a multi-agency centre for counter-terrorism to share terrorism related intelligence inputs on day to day basis. Centre is created at Delhi and subsidiary units in various states. It was created after Kargil war and revamped after 26/11 Mumbai incident. Centre operates on 24 hr basis. It also acts as a data-base in the form of National Memory Bank. Within a short time, MAC has proved its utility.

4. **National Security Guard**: A specialized agency to fight terrorism was created under NSG Act 1980. Four new hubs have been created i.e. at Hyderabad, Kolkata, Chennai and Mumbai with Manesar as an apex body. These are created to improve the reaction time. NSG played a big role in Operation Black Thunder in Amritsar in 1988.
5. Coastal Security Scheme Revamped – The issue of coastal security surfaced after 26/11 Mumbai attack. Coastal guards were strengthened. Fishermen were given ID cards. Shipping Ministry was asked to register all vessels fishing & non-fishing both. The area for protection and patrolling were divided among state policy coastal guards and Navy.

6. Efforts are being made to set up National Counter Terrorism Centre (NCTC) but to some states, it is not acceptable.

There is a need to have pinpointed intelligence so that preventive steps could be taken. Though IB & state intelligence branches are supplementing each other, yet it is not enough. However, information and vital inputs from other government departments and nongovernment agencies like financial transactions, passport and visa related crimes, cross border infiltration, information relating to recovery of fake currency etc. still need to be streamlined, co-opted and factored into facilitate the unveiling and investigation of a larger terror plot. We also need to educate and train civil society, media, corporate houses, hotels etc. which can provide further aid in the task of intelligence gathering. People’s participation in preventive terrorist attacks is highly required. We need to evolve a system where people of all age & walk of life send the information about suspicious men or material inspite of the fact how trivial it is. The police needs to be trained specifically as to how to elicit active cooperation of public in this regard. People need to be educated in respect of this.

There is a big scope of improvement in training and equipment with the security forces. Though, the Central government gives the money for modernization to the states, yet there is scope for improvement. Though, IB coordinates all the operations, yet there is a need of some agency to coordinate comprehensively when multi-operations are carried out. With creation of four more NSG hubs, we are in a better position for quick response and swift operations. Though NIA is doing good job but the state’s capabilities to have better investigation set up is required. Special track courts are required to try the terrorist cases.44

5.5.4 CONTROL AND COMBATING TERRORISM: STATE ENDEAVOURS TO CONTROL TERRORISM
State apart from having population, definite territory, government and sovereignty, has the supreme power and responsibility to maintain stability and equilibrium, policy making and serving the common man and other welfare functions towards the society. Though, the state has the coercive powers to enforce law but the important aspect is to serve the society and satisfy the maximum demands of the maximum number of people in the society.

44 Id pp. 20-23
i. **Civilian approach** – The handling of normal crime and law & order problems by police, patient police work, folding plots, defusing bombs, arresting and trying culprits, diplomatic expulsions etc. are the normal duties of the state. Special forces like commandos are to be used to meet the special situations.

ii. **The Military approach** – The second approach is to use army as have been done by Israel, Pakistan, India and other countries.

The various endeavours which the governments takes to combat terrorism are by two methods:-

1. Through Central level
2. Through State Level.

1. **Central Level measures** – The Central government takes steps on national level to combat terrorism. The policy should encompass the following:-

i. Never submitting to blackmail  
ii. Declare areas disturbed when required  
iii. Ensure security forces remain humane and apolitical  
iv. Implement social, economic and political reforms  
v. Treat combating terrorism above party interests.  
vi. Adopt uniform policy.  
vii. Policy of the government on psychological operations and countering of propaganda.  
viii. Revamp armed police and PMF and make them more responsive and service oriented.  
ix. Creation of specialist counter-terrorist forces.  
x. Meet the genuine demands.  
xi. Rule of law should prevail.  
xii. There should be political will to curb and control terrorism.

**State Level Measures:** State Government may take the following steps.

i. Create clean and efficient administration.  
ii. Well equipped, impartial, possessive high moral and effective police force.  
iii. Education and motivation of youth with emphasis on moral values.  
iv. Maximum job opportunity  
v. Educate and make aware the people about protection from the terrorists.  
vi. Revamp and use state intelligence services effectively.  
vii. Establish liaison with all agencies dealing with law and order and leaders of various social and political groups.
It is a fact that government has to use the Army to quell violence to bring peace like that in Golden Temple, states in N.E., Hazrat Bal in November 1993 in J&K. Even Army was used in Pakistan and Saudi Arabia to bring order and peace in the famous religious places\(^{45}\).

To fight the terrorists ideologically, take the following steps:

1) Understand the causes
2) Take steps to alienate the terrorists/extremist organizations.
3) Political, economic and social justice should be ensured.
4) Conveying the deprived that there is lot of space for work and progress
5) Policemen, Planners, experts and implementations should jointly discuss the methods to counter terrorism.
6. Media to be made aware of its moral responsibility.
7. Global Terrorism- To study and to have analysis.
8. Terrorism is a long battle & needs political will to fight.
9. Needs comprehensive study to redress the grievances.
10. To strengthen the democratic forces.
11. To strengthen the legal framework.
12. To control and secure the borders
13. Take effective policy decisions.
14. Terrorism – Social, economic, political and cultural aspects to be neutralized.

Edwin Meese III, Ex U.S. Attorney General has developed a strategy to counter terrorism. He said that by formulating any strategy, the following points must be kept in mind.

1. In confronting terrorism, government delegates the responsibility and authority to the civil and security authorities. These authorities should remain in balance, make no concessions, handle the situation swiftly, get the hostages released, apprehend the terrorists and minimize the political damage.

2. A sound political climate should be created in which it becomes difficult for the terrorists to develop an infrastructure for refuse and support. Adequate intelligence should be gathered and shared with other agencies.

3. Government should be decisive and support the security forces. It must prevent the terrorists from achieving their objectives.

4. The terrorists should be brought to trial effectively and speedily.

5. Public must be educated about the real nature of terrorism that this is pure crime and not idealism.

Five principles to guide international policy to respond to threats and problems of violence:-

1. Legitimize and strengthen international institutions, especially the U.N.

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\(^{45}\) Singh, Gurcharan Advocate Jammu; *State Terrorism and Human Rights*. Article in Perspective, PPA Phillaur, 1999 p. 30
2. Coordinate law enforcement and intelligence gathering institutions around the world, building on such organizations as Interpol etc. The International Police Organization has 179 member nations.

3. Financial regulations of the transfer of money around the world should be streamlined.

4. Use International Courts to punish the criminals.

5. Narrow global inequalities.

5.6 CONTROL AND COMBATING TERRORISM IN PUNJAB

As per Oxford Dictionary, the terrorism is use of terror especially for political purposes. Violence in the legal sense is “the unlawful exercise of physical force”. War is excluded as it is a lawful force.

Acharya Vinoba Bhave said, “We must establish the independent power of the people – this is to say, we must demonstrate a power opposed to the power of violence and other than the power of punish”.

5.6.1 PROFILE OF THE TERRORISTS (PUNJAB)

This part of the study is based on the terrorist violence in Punjab and its recruitment. There were two phase of recruitment i.e. first phase from 1978 to 1985 and second phase from 1986 to 1993. The first phase starts with the critical call of Sant Jarnail Singh Bhinderanwale after 1978 clash with Nirankaris and subsequent development when he appealed the Sikhs to take up weapons (Shasthradharini Bano). He exhorted by saying that every village should have young men with motor-cycles and revolvers and asked them to use the weapons against the enemies of faith. He identifies the enemies as government and its agents, Hindus, Communists and all those who oppose his brand of ideology. The second phase started after the Blue Star and wood-rose. Sant and his close lieutenants were killed in Blue Star. The maximum number of boys joined from Border area i.e. Tarn-Taran, Batala, Sultanwind, Ajnala, Gurdaspur and Ferozepur. The terrorists were mostly from rural areas. Rural area terrorists were lowly educated but terrorists from urban areas were highly educated. Specially, the terrorists belonging to Babbars were diehard in Maryada and their think tank was from highly educated class. Most of them were teachers from the universities and colleges. In the second phase, the terrorists from other areas of Punjab also joined. They were lowly educated and acted more as criminals than crusaders. They indulged in unwanted

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46Sterba, James. P (Ed); Terrorism and International Justice, Oxford University Press, 2003 pp.1-20
47Puri, H.K., Judge, Parmajit Singh and Sekhon, Jagroop Singh; Terrorism in Punjab – Understanding Grassroot Reality, HarAnand Publications, New Delhi, 1999 p. 51
killings, rapes and extortions. Even some Hindu boys joined the terrorists, may be because of fear or greed.

The rural youth joining the terrorists groups were socially isolated, frustrated, unattached to families, personally maladjusted, druggists, suffering from diseases and marginalized.

5.6.2 INSIDE THE MIND OF A TERRORIST
1. Path to violence to achieve the objectives. No fear of strength of the opponents.
3. Fidayeen attack – To take revenge of inner grievances i.e. intrinsic anger.
4. Life in the group – Mere radicalization in the group – Mob psychology.
5. Leaving terrorism – Difficult, you cannot leave
6. Some terrorists are highly educated & tech savy.
7. Young age with good physical strength.

Rebellion is a state of mind but it is also a manifestation of state apathy, says Ted Gur, a noted scholar in his book, “Why Men Rebel”. This is the tension between your actual state and why you feel you should be able to achieve in “perceived discrepancy between value expectations and value capabilities”. Thus the more intense and prolonged a feeling of frustration, the greater the probability of aggression. In order to counter terrorism, Jerraled M Post, Prof. of Psychiatry in Washington University says that we must get into the minds of the terrorists. The terrorists are recruited at the young stage and believe in retributive justice. They believe in “an eye for an eye” to get the justice. An apprehended terrorist says that it was definitely unpleasant to kill people but it was necessary for a higher cause.

5.6.3 THE BASIC REASONS OF TERRORISM
The basic reasons of terrorism in Punjab were as follow:
i. Emotional exploitation of youth by Bhinderanwale because of egoism and audacity.
ii. Nexus among smugglers, criminals and religious bigots supported by the politicians.
iii. Weapons from across the border.
iv. Western countries’ help by way of finances, recruitment and weapons.

5.6.4 FOLLOWING WERE THE TERRORIST OUTFITS ACTIVE IN PUNJAB
1. All India Sikh Students Federation (AISSF)
2. Dashmesh Regiment

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49 Indian Police Journal – Jan-March 2014 P-12
3. Dal Khalsa
4. Babbar Khalsa International (BKI) Still active
5. Bhinderanwale Tigers Force of Khalistan (Manochahal)- BTFK-M
6. Bhinderanwale Tigers Force of Khalistan (Sangha)- BTFK-S
7. Khalistan Commando Force (KCF-P) – Panjwar (Still active)
9. Khalistan Liberation Army
10. Khalistan Liberation Force (KLF) - Still active
11. Khalistan Liberation Organization (KLO)
12. Khalistan Mukti Fauj (KMF)
13. Malwa Kesari Commando Force (MKCF)
14. Khalsitan Mukti Force (KMF)
15. Akal Federation (AF)
16. Khalistan Saffron Force (KSF)
17. Khalistan Zindabad Force (KZF)- (Still active)

5.6.5 STRUCTURE OF AN ORGANIZATION
The chief of the outfit was called General and his structure was as below:

1. General (Chief)
2. Lt. General
3. Major General
4. Area Commander

Ideology was an important factor in pushing the activists into terrorism, which determined the mode of action. The activities of the terrorists were centered on vendetta, family disputes, mercenary interests and assertion of power in their respective village situations. Such activities later on became the reason of decline of the people’s support. Joyce Pettigrew observed that the terrorism was defeated not by the state but by the misdeeds of the terrorists.

5.6.6 ANTI-TERRORISM LEGAL MEASURES
For combating terrorism in Punjab, following anti-terrorism, legal measures were taken:

1. The Arms Act, 1959 – The Act enacted earlier was quite useful against anti-social elements carrying arms & ammunition. Section 2 (1-B), 26, 27, 28 and 29 are applicable.

In the cases relating to possession of unauthorized arms and ammunition, the judicial
trends are very clear. If the accused is found in possession of arms and ammunition without license, then the same is punishable. However, to cover such cases under the anti-terrorism laws in addition to the unauthorized possession of arms, some linkages or nexus with the terrorists or terrorist activities have to be established by the prosecution. In order to hold a person guilty for possession of unauthorized arms and ammunition under anti-terrorist laws, following things must be proved against the accused.

1. That the accused was in possession of arms and ammunition\(^{50}\).
2. That he was in conscious possession of such arms\(^{51}\).
3. That he was in possession of parts of the arms\(^{52}\).
4. The recovery of such arms or parts from the accused has been effected by the police officer\(^{53}\).
5. The testing of the fire arms has been done to know that it was in the working condition or not\(^{54}\).
6. That the matching of empties with the live ammunition has been made\(^{55}\).
7. That the laboratory testing of ammunition has been effected\(^{56}\).
8. That the nature of the ammunition/weapons have been ascertained i.e. whether these are capable and sufficient to cause mass destruction\(^{57}\).
9. That the accused was found with weapon in the notified area\(^{58}\).

2. The Punjab Security of State Act, 1953

This is an Act to provide for special measures to prevent activities prejudicial to the security of the state or the maintenance of public order. It came into force w.e.f. 26\(^{th}\) January, 1971. This Act was meant to check sabotage or to cause damage to any building, vehicle, vessel, machinery, apparatus or other property intended to be used for the purpose of government or any local authority, railways, aerodrome, canal bridge, telegram post, industry or business establishment etc. No person shall take part in quasi military organization which would function against the government authority. DM had the powers to prohibit the drills. Wearing or display of uniform, flags etc was banned. DM had to power to prohibit meetings

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\(^{52}\)Suresh Kumar v. State of Punjab, 1995 Cr.L.J. 2120
\(^{53}\)Vijay Pal Singh v. State of NCT Delhi, 2001 Cr.L.J. 3294 (SC)
\(^{54}\)Ajaib Singh v. State of Punjab 1998 (1) Cr.L.J. 1103
\(^{55}\)Mohinder Singh v. State of Punjab 1999 Cr.L.J. 263
\(^{56}\)Gurmail Singh v. State of Punjab 2002 Cr.L.J. 1828 (SC)
\(^{57}\)Kalapnath Rai v. State 1998 Cr.L.J. 369
\(^{58}\)Sanjay Dutt v. CBI Bombay, 1994 (5) SCC 410
& processions in the interest of the maintenance of order in the state. The police had the powers to search as per CrPC provisions. The violation of the various prohibitions are punished under sec 12 of the Act. This Act was also extended to Manipur by Amendment Act, 1954\textsuperscript{59}.

3. The Maintenance of Internal Security Act, 1971
This Act was quite useful to curb the activities of anti-social elements.

4. The Chandigarh Disturbed Areas Act, 1983\textsuperscript{60}
This Act was passed by the Parliament to make better provisions for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Chandigarh. This extends to whole of the Union Territory of Chandigarh. As per Sec 3, the Administrator has the powers to a part or whole of Chandigarh to declare the disturbed area. This Act gives powers to Magistrate or Police Officer not less than Sub Inspector or Armed Police not below the rank of Havaldar for fining or use force to maintain order in the disturbed area. They have the powers to destroy arms dumps, fortified positions etc. It has since been repealed in October 1983.

5. The Punjab Disturbed Areas Act, 1983\textsuperscript{61}
This is an Act to make better provisions for the suppression of disorder and for the restoration and maintenance of public order in disturbed area in Punjab. It extended to whole of Punjab. Disturbed areas means an area declared by the state government under Sec 3 of the said Act. Any Magistrate or Police Officer not below the rank of SI or Armed Police Officer not below the rank of Havaldar have the powers to fire or use force in order to maintain public order. They have the powers to destroy Arms Dump, fortified positions etc. It has since been repealed.

This Act was enacted on the basis of Armed Forces Special Powers Act, 1958 to enable special powers to be conferred upon members of the Armed Forces in the disturbed Areas in the State of Punjab and Union Territory of Chandigarh. It extended to whole of Punjab State and Chandigarh. Under Sec 3 of the Act, Governor of the State has the power to declare whole or part of the state as disturbed area. Special powers of Search etc. have been given to the Armed Forces of certain rank under section 4 & 5 of the Act. It has since been

\textsuperscript{60} Id p. 105
\textsuperscript{61} Id p. 112

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repealed after the control of terrorism in Punjab\textsuperscript{62}.

It was felt by certain agencies that these Acts along with a whole host of similar Acts gave virtually the police a licence to kill\textsuperscript{63}.

7. The Explosive Substance Act 1908

As per Sec 3, injury by explosion is punishable. As per Sec 4, the possession of explosive or any act to cause explosion are punishable. As per Sec 5, possession of explosive not for lawful object is punishable. The terrorists had resorted to explosives in a big way & they were prosecuted u/s 415 Explosive Act 1908. The Act was amended as The Explosive Substance (amendment) Act, 2001. The consent of DM is required for the prosecution of the case under this Act.

8. Prevention of Damage to Public Property Act 1984

This Act was enacted to provide for prevention of damage to public property and for matters connected therewith according to this Act. As per Sec 3 of the Act, any person who commits mischief by doing any act in respect of any public property shall be punished with imprisonment for a term which may extend to five years and with fine. Whoever commits mischief by doing an act in respect of any property being:

a) Any building, installation or other property used in connection with the production, distribution or supply of water, light, power or energy.

b) Any oil installation

c) Any sewage work

d) Any mine or factory.

e) Any means of public transportation or tele-communication or any building, installation or other property used in connection with; shall be punished with rigorous imprisonment for a term which shall not be less than six months, but which may extend to five years & with fine.


This Act is enacted by Parliament in the thirty first year of the Republic of India to provide for preventive detention in certain cases and for matter connected therewith.

The Central Government or the state government\textsuperscript{64} (a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the defence of India, the relation of India with foreign powers, of the security of India or b) if

\textsuperscript{62} Id pp. 142-143

\textsuperscript{63}Dhillon, Gurdarshan Singh; Truth about Punjab – SGPC White Paper-2000, p. 338

\textsuperscript{64} Sec 3 (1), National Security Act - 1980
satisfied with respect to any foreigner that with a view to regulating his continued presence to India or with a view to making arrangement for his expulsion from India, it is required to do, make an order directing that such person be detained.

10. Anti-Hijacking Act, 1982

The Act was enacted to give effect to the Convention for the suppression of unlawful seizure of aircraft and matter connected therewith. Sec 3 defines hijacking and Sec 4 enumerates punishment.

Criminal laws in order to combat terrorism were enacted during the 1980s in response to violence by Sikh extremists in Punjab\(^{65}\). Both civil disobedience and violence escalated shortly. After the negotiation broke-down with the Akalis, Government banned certain pro-terrorist Sikh organization in 1982. Some of the banned militant groups sought refuge in Golden Temple which became the main base of operation for the heavily armed militants. This led to the operation Blue Star and this also resulted into assassination of Mrs. Indira Gandhi, the then PM of India by her two Sikh guards, which further resulted in mass Sikh carnage in Delhi & other cities of India.

The Government used NSA in Punjab throughout the early 1980s. Government also amended the NSA in early 1984 to permit it to be used more aggressively in Punjab, extended the maximum period of detention from one year to two years, extended the deadline for referral to and advisory boards from 3 months to 6 months and permitting the government to dispense with advisory board review under circumstances. The President’s rule in Punjab was imposed from time to time in order to oppress the people. In early 1984. Parliament enacted the Terrorists Affected Areas (Special Courts)Act, which established courts to adjudicate certain scheduled offences related to terrorism. The TADA also instituted a stringent bail standards and individuals could be detained pending investigation from 90 days to 1 year\(^{66}\).


Most of these provisions were incorporated into mere sweeping TADA 1985, which was enacted in the wake of Mrs. Gandhi assassination. The State Government could use it freely. Sh. Jaswant Singh, former Central Minister remarked that Singling out Punjab for emergency treatment as of TADA has contributed to the psychological isolation of the beleaguered state. Thus, the enactment of a powerful nationwide anti-terrorism law without sufficient to constrain its misuse and ensure national uniformity its misuse and ensure national uniformity in its application led to human rights abuses and disparate patterns of

\(^{65}\)Terrorism in Punjab – Indian Democracy in Crisis (1993), HRW. Pb in Crisis pp. 11-26

\(^{66}\)Id pp. 157-158
enforcement throughout the country. TADA 1987 was passed with the amendment in 1993. Following are the provision of TADA which constitute the crime under the Act.

i. Commission of a terrorist act.

ii. To conspire, attempt to commit, advocate, abet, advise or incite or knowingly facilitate the commission of a terrorist act or any act preparatory to terrorist act.

iii. Harbor or conceal or attempt to harbor or conceal any person knowing that such person is a terrorist or

iv. Hold property that has been derived or obtained from commission of a terrorist act or that has been acquired through terrorists funds.

Human Rights advocates criticized the anti-terrorism practices of the centre and state government in Punjab and elsewhere in 1980s and 1990s. The role of security forces and the arrests of thousands of persons and extra-judicial killings was highly criticized. There were a large number of disappearances. TADA was considered to be an authority given to security forces to misuse their authority. TADA was also used for extortion and torture by the security forces. Up to 1994, 67507 persons were detained under TADA/POTA in whole of India.

TADA provisions, consistently were used in an arbitrary and discriminatory manner to target political opponents, minorities or Dalits and other lower caste groups or to prosecute ordinary criminal offenders with no connection to terrorism. In 1987, Punjab Director General of Police impliedly conceded that TADA has been used to keep the terrorists under custody so that they should remain away from the commission of terrorists violence. In case Kartar Singh V State of Punjab, SC though upheld the constitutionality of TADA but sought to rein in the potential misuse of that. SC noted with concern the sheer misuse and abuse of the Act by the police. Finding it highly unpopular, it was permitted to lapse in May, 1995 without any retrospective effect.

12. POTA-2002 and aftermath of its repeal

In 1999, the Law Commission of India undertook the study at the request of BJP led Government, whether new anti-terrorism law was necessary. The commission proposed a new Prevention of Terrorism Bill but there was lot of opposition to this. After 9/11 attack in 2001, government promulgated POTA. Human Rights Organization pressed the government to

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67 The Hindu, June 13, 2003
68 http://www.hrde.net
69 HRW Pb crisis p.149
70 (1994) 2 SCR 375
71 http://www.hindu.com, 2005
repeal this Act. Ultimately, POTA was repealed but some provisions found part of UAPA of 1967 as amendments. POTA’s substantive provision expands upon the similar provisions of TADA and may be placed into three broad categories. First POTA directly criminalized:
i) Commission of a terrorists act
ii) Conspiring, attempting to commit, advocating, abetting, advising or inciting, or knowingly, facilitating the commission of a terrorist act or any act preparatory to a terrorist act
iii) Voluntary harboring or concealing or attempting to harbor or conceal any person knowing that such person is a terrorist
iv) Possession of any proceeds of terrorism
v) knowingly holding any property that has been derived or obtained from the commission of any terrorist act or that has been acquired through the terrorist funds.

Secondly, like TADA, the statute defined terrorists act to include (a) any one of the several enumerated acts of violence if committed with intent to strike terror in the people or any section of the people or with intent to threaten the unity, integrity security and sovereignty of India or (b) commission of any act resulting in loss of human life or grievous injury to any person or causing significant damage to any property, if the dependent is a member of, or voluntary aids and promotes the objectives, if an association declared unlawful under UAPA and in possession of unlicensed fire arms and ammunition, explosive or other substances or without causing mass destruction. Of course, human rights activists feel satisfied that the vague provision of TADA have been excluded. The POTA’s definition of terrorist act is vague and overly broad. Under POTA, law authorized the government to ban any terrorist organization. The statute does not define terrorists organization in substantive terms. POTA defined a handful of other offences deemed terrorism related. POTA enhanced the penalties for several other criminal law offences if committed with intent to aid any terrorist.

Thirdly, like TADA, POTA relaxes many of the ordinary procedural rules. When an accused is produced in the court, the Magistrate may remand him up to 30 days and judicial custody up to 180 days. Thus a large number of people were arrested just to confine them for a long period in jail, so that they should not commit crime when they are out. The accused was not entitled to have counsel throughout the period of interrogation. The bails were totally denied. The above mentioned provisions were the most severe in POTA and the most inconsistent with the ICCPR. Supreme Court held in case People’s Union for Civil liberties V Union of India, that POTA offences are more complex, hence need more time to fully

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73 Sec 3(1) (b), POTA 2002
74 Sec 18, POTA-2002
75 Sec 52 (h) POTA 2002
76 Digest of Jurisprudence pp. 39-52
77 AIR 2004 SC 479
investigate the cases. But the continued detention of the alleged criminals is not justified. The bail was a virtual impossibility. Of course, UAPA has returned to the ordinary crime standards regarding bail and detention of the accused.

In Punjab, the confession before an officer of the rank of SP was admissible in the Court. Inspite of this, very negligible cases succeeded, though, the statements of the accused persons were video recorded. In above cited case, the SC upheld the POTA provisions authorizing confession before the police officer as above. UAPA amendments have eliminated POTA rules regarding the above.

**Special Courts and Procedural Rules**

Under TADA and POTA, the special courts were established to adjudicate offences under the statute of course, with the consultation of Chief Justice of the Punjab & Haryana High Court, Chandigarh. Special Courts were established in Amritsar, Jalandhar, Ludhiana, Patiala, Nabha Jail etc. Inspite of this, the effective results could not be achieved. The human rights activists expressed concern that the accused persons might be put to disadvantages to effective cross-examining and exposing the previous conduct and character of witnesses. The use of special courts and the procedural rules that apply in their proceedings infringe upon judicial independence and violates the right to a fair trial guaranteed by both the constitution and ICCPR\(^{78}\). Moreover, a single judge for this purpose feels that he would be singled out by the terrorists and this way, it had served no purpose. There was no procedure to protect the witnesses. There is no denying the fact that the witnesses were intimidated, even eliminated by the defendants.

Under POTA, the officers indulging in corruption & taking action maliciously, were punishable\(^{79}\) with two years imprisonment & fine. POTA, also, authorized the special courts to give compensation to those alleged accused persons who have been victimized. These provisions were dropped in amendments to UAPA. POTA conferred broad immunity upon government officials for action taken under the Act, “in good faith”. During terrorism, very negligible policemen were punished for the violation of law but after that a large number of policemen were convicted e.g. killers of Jaswant Singh Khalra, a prominent human rights activist.

**5.6.7 HUMAN RIGHTS CONCERNS IN THE ADMINISTRATION OF POTA**

It is a fact that some state government and certain police officials misused the POTA for personal gains. Dalits, tribals, other lower castes and religious minority communities were

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\(^{78}\) [http://www.nationalreview.com](http://www.nationalreview.com)

\(^{79}\) Sec 17, POTA-2002
harassed. In Punjab, this aspect was exploited for personal gains & pecuniary purposes. This was also misused for personal vendetta. In Punjab, it was used to put people behind bar as preventive measure. Even people who challenged POTA, faced retaliatory action. The authorities used it arbitrarily as selective and retaliatory steps against human rights defenders & other persons connected against the repression of the state. It was even used for violation of political speech and associational rights. POTA had been used to target less prominent individuals holding disfavoured political and ideological viewpoints.

These reports of human rights violations in cases under POTA are consistent with violations that long have been documented by advocates, journalists and government institutions outside the anti-terrorist context. Government institutions have extensively documented torture and other human rights violations by police and both the Supreme Court of India and the NHRC have noted with concern the frequency of counter killing by the police and the evidence that many of these killings have been staged or the result of other police misconduct. In response, both the court and NHRC have issued guidelines to be followed by the police to document and properly investigate all such deaths.

It is a fact that TADA & POTA have been used more for preventions, rather than detections of the cases. Sh. R.K. Raghavan, a former Director CBI, commented:

“The impact of laws such as TADA is more on prevention than on detection. It will be unfair to go merely by statistics of failures in courts. We will never know, even in a setting of high terrorist crime, how many offences in fact have been deterred by the greater discretion and freedom of field operations that the police enjoy enactments such as POTA”.

Even the lawyers were intimidated as they were defending the terrorists cases. The example of killings of advocates in Ropar & his wife and in Sangrur are well-known.

Concerning Legal Framework, we moved from TADA & POTA to UA(P)A–1967/2004/2008 with amendments in 2012. There are enough provisions to handle terrorism. This has been discussed in detail in Chapter-III. After 26/11, UA(P)A-2008 was amended in 2012 to make it more effective specially against economic offences committed by the terrorists.

5.6.8 COUNTER-TERRORISM MEASURES BY POLICE & SECURITY FORCES
For obvious reasons of security and strength of the Indian Nation, Punjab has always caught the imagination of every thinking Indian as Punjab being a border state has always suffered a

80 HRW Prison conditions in India, pp. 7-14
81 Raghavan, R.K.; Old wine in a new bottle, Frontline Oct 27- November 9, 2001
82 Indian Constitution and Human Rights, Human Rights and India- Block-3 — Indira Gandhi National Open University-2004, pp. 24-25
lot. In early eighties, if a Punjabi visited any part of country, his companions would ask him as to what is happening in Punjab and why is it so. How long will this last? IN the early nineties, he was asked a different question. How has Punjab succeeded in curbing a menace of terrorism. The success story of Punjab is the success story of our democratic traditions and values. It also speaks of dynamism of police and administrative structure of Punjab which had risen to the occasion. It is Sh. K.P.S. Gill IPS, the then DGP Punjab under whose leadership, the peace was brought in Punjab. The police suffered the most and over 2000 policemen sacrificed their lives in the battle including PMF, PHG & SPOs. Sh. K.P.S. Gill was very clear in approach that criminality manifesting itself in the form of terrorism had to be tackled through a purely professional approach. Sh. K.P.S. Gill came as IGPAP in September, 1984 and he studied the problem thoroughly. Then he became Additional DGP in 1987 and elevated to be DGP Punjab in April, 1988 and was in full command of the situation. He got 12000 additional force to augment the strength of police stations. He arranged the sophisticated weapons for the force like SLRs, AK 47 etc and trained the force to make it fit to fight the terrorists. The police started achieving the results. He was shifted to the centre as DGP/CRPF in November 1990 and rejoined the Punjab Police as DGP in November, 1991. He started operation Rakshak-II alongwith Army and PMF to prepare the forces to meet the security requirements of the February, 1992 elections. S. Beant Singh government came in to power and the government supported the security forces in all respects. The terrorists were on the run. As a revenge, they killed the families of the policemen in Amritsar, Sangrur, Hoshiarpur districts etc. Rather, this motivated the forces to fight the terrorists to the hilt. S. Beant Singh as CM and Sh. KPS Gill as DGP were the ideal combination to meet the crisis situation. The top terrorists were killed by the end of 1992, like Chhandran, Budh Singh Wala, Sukhdev Dasuwal Babbar etc. The information from public started pouring. Cordon and Search operations were effective. Night domination operations were started when the officers of the rank of IGs, DIGs and SSPs started moving in the rural areas at night. Mass contact programmes were started. Gradually, the Army deployment was reduced and the police on its own was enough to deal with the situation. The year 1992 was a great success when migration, kidnappings, demands for ransom and extortions and robberies totally stopped and the era of peace, prosperity, investments started. All this restored the confidence of the people. The surrender operations were launched and the terrorists including many dreaded ones started surrendering along with weapons. The terrorist crime was reduced to

83 Punjab Police Records (Unpublished)
30% in 1993. Broadly speaking the following operations brought the desired change:

1. Creation of new police districts, police stations and police posts.
2. Domination of villages saturated with the terrorists.
3. Increased flow of information and cooperating by the public.
4. Impressive results given by the Commando Bns.
5. Exposure of the terrorists as rabid immoral criminals.
6. Launching of operations based on information.
7. Launching of offensive operations after analysing the operational tactics and detailed modus operandi of the various terrorist groups.
8. Reshaping of routine operations.

The important thing was the close coordination of Police, PMF and Army. The senior officers of the rank of IGPs, DIGs, Brigadier& Commandants were themselves involved & led the force. Sh KPS Gill’s leadership to get the work from the officers was commendable. His indomitable courage, deep vision, large heartedness and the total commitment to the profession and national cause was in itself inspiring for his subordinates. He pressed the young officers in the fight against the terrorism. He personally guided the young officers because he felt that they could be useful for the organization because of the remaining years left with them to serve the nation. The Punjab Police became very confident, aggressive and result oriented force. The Punjab Police was sent to other states to tackle terrorism like Delhi, A.P., Chhattisgarh and Jharkhand. The terrorists were given a death blow. The criminality was crushed. The success story of Punjab was a story of high calibre, leadership, dedicated and disciplined constabulary and mature and wise political leadership. Punjab’s glory was restored.

The writ of the government did not run in certain areas. Schools were not functioning normally. National Anthem could not be sung in the schools & functions. Inspite of the best efforts of the terrorists, they failed in creating Hindu-Sikh divide. However, a number of people were killed by the terrorists where 60% were Sikhs. The situation changed after democratically elected government came in power under S. Beant Singh. Sh. KPS Gill, IPS was the DGP of the state. The militants in Punjab had no cohesive organization. There were over 100 groups & gangs operating and most of them had no ideological background. They indulged in killings, looting, extortions and rapes. They were mostly criminals. Many boys had AK 47 as a status symbol and an easy route to money and luxuries. There were few

\[84\] Id
powerful militant groups like BKI, KCF, KZF, BTFK, AISSF, Damdami Taksal, Gurjant Rajasthani group of KCF, Satta Chhina gang, KNA etc. Each group had many sub groups which were fighting within for supremacy. There were many panthic committees & out of these, Panthic Committee of Dr. Sohan Singh was the most dreaded. There was internal gang war between the groups & with in the groups. There was no chain of command. Pak ISI was guiding them. Sikhs in general wanted autonomy & not independence. Of course, Sikh psyche was hurt after Blue Star but was restored after Black Thunder i.e. the way the terrorists defiled Darbar Sahib. The people were fed up from the reign of terror, extortionist demands & interference in their personal lives by the terrorists. The democratic government became popular and Panchayat elections further consolidate the peace and support of the people. The success of the security forces bred confidence. After Bhinderanwale, there was no unified command. The top leaders of various groups like Sangha, Uppal. Gurjant Singh Rajashtani, Gurjant Singh Budh Singh wala, Sukhdev Babbar, etc were eliminated and many top terrorists surrendered as there was no public support in the rural areas. The dominance of different groups in different areas was shattered. The security forces showed an excellent cooperation and coordination in dealing with the militants. Night domination gave excellent results. Though militants were armed with deadly weapons like AK-47, AK-56, rocket launchers & IEDs but the security forces in Punjab were equipped with latest weapons & bullet proof tractors to be used in isolated farm houses or villages as bases. Though the militants had sanctuaries in Pakistan but fencing on the border& vigil by BSF made it difficult to cross the border at will. Though the situation in Punjab is under control but the pressure has to be maintained, let it may not relapse. The remaining militants either should be liquidated or brought in main stream. The political issues like SYL must be addressed. Economic growth and adequate employment are the best insurance against insurgency & terrorism.  

There are two methods of fighting domestic terrorism. One is hardening the targets & to fight the terrorists as a defence measure. Secondly, to go all-out offensive i.e. to chase and neutralize the terrorists. The two greatest obstacles to deal with the problem of terrorism are recognizing the nature of the threat and will to fight that it can be defeated. The measures to fight terrorism suggested by Benjamin Netanyahu, Israel P.M. are as below:-

1. Impose sanctions on supplies of nuclear technology to terrorist states – USA should lead the world to prevent the proliferation of nuclear technology to North Korea, Iran

Sarkar, B (Col.), Tackling Insurgency and Terrorism, Blue Print for Action, Vision Books, New Delhi, 1998, pp. 43-48
etc. There should be complete check on the activities of Pakistan Government as Pakistan is the nursery of terrorism. The trade with the terrorist state by the Western World should be discontinued. USA & other progressive countries should impose sanctions on terrorist countries. All countries should unite together to eliminate ISIS terrorism as France & Belgium are under attack from ISIS\textsuperscript{86}.

2. Impose diplomatic, economic and military sanctions on the terrorist states themselves:- After democratic resurgence in North Africa, the world map is changed. USA & Iran have come closer. USSR is helping Syria. Pakistan need to be handled strictly. Diplomatic & economic sanctions need to be imposed on Pakistan, Afghanistan, Syria & I.S. controlled area. North Korea is becoming a big danger. Israel & Palestine need to be handled carefully as both are terrorists sponsoring states. UN should play a bigger role against the terrorist sponsoring states\textsuperscript{87}.

3. Neutralize terrorist enclaves: The terrorist enclaves breeding terrorism like HAMAS, Hezbollah, Talibans in Pakistan & Afghanistan, ISIS, Iran should be smashed. The local administration there is unable to check the terrorist activities. Yemen, Somalia, Nigeria are other countries where terrorist outfits like Al Shabab and Boko Haram are creating havoc. All countries should get together to eliminate the terrorists from these area\textsuperscript{88}. LeT\&JeM in J&K, Hezbolah in Lebanon, PLO-Hamas serfdom in Gaza and AlQaida in Afganistan should be smashed.

4. Freeze financial assets in the most of terrorist regime and organizations:- Financial assets of major outfits like Talibans, HuM, LeT, JeM, Al-Shabab and Boko-Haram should be sealed. Oil raw material should not be purchased from the terrorist outfits\textsuperscript{89}.

5. Share Intelligence:- The countries should share intelligence and act. The movement of the terrorists should be tracked & neutralized. Terrorists are terrorists & hence no terrorist can became the freedom fighters. USA should coordinate to take stern action against the terrorists\textsuperscript{90}.

6. Revise Legislation to enable greater surveillance and action against organizations inciting to violence, subject to periodic renewal:- The terrorists have to be neutralized. Hence the effective surrender of terrorists is required. Various legislations need to be

\textsuperscript{86}Netanahu, Benzamin (Israel P.M.), \textit{Fighting Terrorism}, The Noon Day Press, New York, 1992, pp. 132-133

\textsuperscript{87}Id pp. 134-136

\textsuperscript{88}Id pp. 136-137

\textsuperscript{89}Id pp. 137-138

\textsuperscript{90}Id pp. 138-139
reviewed & renewed to make surrender effective & to facilitate the following measures:-

i. Outlaw fund i.e. raising and channelling of funds to terrorists groups.
ii. Permit investigation of groups spreading terror and planning the violent overthrow of the government.
iii. loosen warrant requirements in terrorist cases.
iv. Restrict ownership of weapons.
v. Tighten immigration laws.
vi. Require periodic legislative review to safeguard civil liberties

7. Actively Pursue Terrorists: There should be will on the part of government to eliminate terrorism from its areas. There should be complete coordination among the security forces & the governments bordering states. Elimination of terrorists should be the top priority of the incumbent government.

8. Do not release jailed terrorists:- The terrorist groups coerce the governments to release the jailed terrorists. The release of JeM terrorists Masood Azhar etc. is an important lesson for us. The released terrorists are responsible for Parliament attack, Bombay attack & Pathankot Airbase attack. The government should not succumb to the blackmailing of the terrorist groups.

9. Train special forces to fight terrorism: The terrorists are highly trained and to meet their ability, the security forces should be trained to their level of competence. Punjab had commandoes and A.P. had Grey hounds.

10. Educate the public and media to strike a balance. There is always an effort on the part of terrorists to demoralize the public. Thus, the public must be educated about the day to day developments. The cooperation of the public must be sought. There may be instances when civil liberties of the people have to be curtailed, people must be told about this. The leaders of all the political parties should join to face the onslaught of the terrorists.

11. Effective means to make it impossible for the terrorists to hijack or blow up a plane and not conceding to their demands.

91 Id pp. 139-142
92 Id p. 143
93 Id p. 144
94 Id pp. 144-145
95 Id pp. 146-148
12. Good governance to redress political, social and human aspects of terrorism. Denying publicity, expeditious trials, prosecution and deterrent punishment to the terrorists should be given.

13. Trans-border & International Terrorism- To check effectively by extradition & prosecution.

14. UN & other agencies and other countries to come out effectively against terrorism.

15. Effective action against money laundering and Narco-terrorism.

16. Special laws for special occasions and reforming Criminal Justice System.

17. The fight against terrorism is a long term war and hence long term planning should be drawn up.96

5.7 COUNTER-TERRORISM POLICIES
Social injustice, unresponsive governments etc. may be objective causes of political violence. Government should react to all types of injustice. The following options might be suggested as part of an anti-terrorist campaign.

1. The cause of violence should be identified and attempt be made to find long-term solution to the underlying causes of terrorism. All remedial inequalities in society must be given up.

2. Increase the size and powers of security forces i.e. increase manpower, search & entry powers, power to detain without trial etc.

3. Introduce capital punishment for terrorist activities.

4. Have legislation limiting rights of assembly and increasing control over the member of society by way of identification cards, registration of residences and extensive use of computerized files.

5. Establish the special forces to meet the inordinate situation. Forces in Punjab like Commando & greyhound in A.P. were set up.

6. Announce a policy of no-negotiation and do not succumb to blackmailing except credible nuclear threat.

7. Increase physical & procedural security i.e. targets involving government or private security.

8. Introduce internment without trial or special, legal procedure designed to limit intimidation of witnesses.

96 “The Black Cat” – Special Issue – 2003 by NSG New Delhi PP -13, 14
9. Introduce legal limits on media keeping in view the freedom of press, free speech and other liberties.

10. Introduce special anti terrorists legislation as the terrorism can not be tackled by the ordinary law.

11. Make highly illegal on the part of private persons to pay ransom, extortion or donations to the terrorist organisations.

12. Promote and become a signatory to international treaties for extradition & trial of the terrorists. All International obligations should be met.

13. Research & Develop alternative to hostage negotiations.

14. Suggest that the terrorists groups adhere to the customary laws of war, Geneva Conventions & Nuremberg Principles.

15. Develop & use high inclusive technology as pre-emptive moves.

Thus we should know what are the principles around which our counter-terrorism strategy is built up\textsuperscript{97}.

Apart from above, the following points should be kept in view:

1. The Government must be open and honest with clear political will.

2. Government shall fully back the security forces. There should be no policy vacillations.

3. The anti-terrorist measures should be directed against the terrorists only. Illegal repression goes in favour of terrorists.

4. The government & forces should act with in legal framework. The executive control of anti-terrorist operation should be under civil authority.

5. Intelligence based counter terrorist measures should be launched\textsuperscript{98}.

5.7.1 INTELLIGENCE COLLECTION

Intelligence gathering is vital for launching counter terrorist operations. The terrorists attack the targets by surprise. By surprise attack, they achieve the following aims:

1. They attack by surprise where the security authorities are unprepared.

2. To force the authorities to react unprepared and adopt repressive measures which become counterproductive.

3. The force is deployed all over the area, hence response is inappropriate.

\textsuperscript{97}Wardlaw, Grant; \textit{Political Terrorism}, Cambridge University Press, UK, 1998 pp. 66-68

\textsuperscript{98}Id pp. 69-70
4. To allow the terrorist to operate in big number, which outclass the number of security forces.
5. To allow assault from an unexpected direction. The attack is cost-effective & more damaging.
6. To facilitate exploitation of unexpected timings.
7. To capitalise on the use of unexpected tactics.

Hence pinpointed intelligence is required to counter the attack of the terrorists. Interception of terrorist is very important to get the intelligence. The Australian Joint Services Staff Manual Glossary outlines four steps to get the intelligence.

A) **Direction** – Determination of intelligence requirements & Agencies to be appointed to collect the intelligence.

B) **Collection** – System procurement of intelligence.

C) **Processing** – Evaluation, analysis, integration & interpretation

D) **Dissemination** – Whether oral, graphic or written.

A typical framework of the terrorist organizations & its propaganda is given below:

a) Type & nature of operations  
b) Relationship to reviewing & linking process.  
c) Organisation 


d) Ideology 

e) Propaganda Clarification 

f) Tactics  
g) Weapons  
h) Targets.  
i) Audience  
j) Media coverage  

After collecting information, one can analysis as below:

a) Purpose, reason or cause of the event  
b) Nature of the situation  
c) Groups/individuals involved  
d) Number of person expected  
e) Location effected of time/duration of the event  
g) Potential for disorder  
h) Effect on the law enforcing agency, visiting dignitaries & other individuals  
i) Significance of the event  
j) Evolving patterns & trends i.e. recommendations

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99 Id pp. 138-139
b) For intelligence collection as per Punjab Situation, following factors were taken into considerations:

1. **Leadership** - Leadership of the terrorist organization is an important aspect. Here, Sant Jarnail Singh Bhinderawale was the main leader. His policies and utterances were kept in view. He was exploiting the emotions of the youth and was openly exhorting one community to indulge in violence. Under such situation, it is difficult to collect intelligence as the members of the organizations were highly motivated.

2. **Terrain** – In order to resort to terrorism, the terrain aspect is very important both to the terrorists and the security forces. It is very difficult to carry out anti-terrorist operations in hilly terrain. But the Punjab terrorism was an urban terrorism. It was very difficult to carry out operations by the security forces in thick urban areas.

3. **Public Support** – Basically it is the majority to whom the people support. IN the beginning, the people were supporting the terrorists on religion basis. But later on, the people supported the security forces as the people were convinced that the terrorists are criminals, not crusaders.

4. **Contacts and Hideouts**: This is also an important aspect as the terrorists need contacts and hideouts to evade the security forces. In Punjab, the terrorists had hideouts in Gurudwaras & urban population. In J&K the hilly terrain & forest area act as the hideouts.

5. **Outside Support**: The terrorism in Punjab & J&K was a cross-border terrorism. Pakistan & ISI was providing weapons, training and all other assistance. Even the western world was providing finances and weapons. With the change in International scenario, Punjab terrorism could be managed effectively.

5.7.2 **AID TO INTELLIGENCE**

Following are the aid to intelligence from where one can get intelligence, collate and act:

1. Observation Sources
2. Interrogation of the terrorists
3. Contacts and victim
4. Open Channels
5. Interception of mails
6. Open Dialogue
7. Surveillance
8. Use of Scientific Aids
9. Surveillance on jailed terrorists
10. Collation and maintenance of records i.e. preparing gang lists & the categorization of the terrorists
11. Effective communication network and interception
12. Coordination with the states
13. Infiltration
14. Cat operations.

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100 Id p. 144
Recruitment of Sources – It was very difficult to recruit sources as there were many handicaps in functioning. While recruiting source, we have to keep in mind the nature and style of the terrorists, ground situation, institutional handicaps etc. Recruitment should be from lower level to higher level of infiltration.


5.7.3 TERRORISM AND INSURGENCY
1. Normally, acts of terrorism do not lead to insurgency. Only a small minority of terrorist campaigns succeed in expanding their struggle into wider insurgencies. In Punjab, Tarn Taran & Mand areas had the insurgency.
2. The key factors which determine a terrorist campaign expanding in to insurgency is as below:-
   a) Its capacity to win wider support of the population.
   b) A degree of repression let loose by the government & its security forces leading to an increase in popular support for an insurgency.
   c) The availability of leaders capable of inspiring and sustaining a wider insurgency.
   d) Access to sufficient weapons to initiate a wider insurgency.
3. Mostly armed conflicts are intrastate rather than interstate and the overwhelming majority of insurgencies are ethnic or ethno religious in their underlying motivation.
4. Generally, insurgencies result in high crime, killings & mass rapes. These are committed both by the insurgents and security forces. No Geneva Conventions are adhered to.
5. Hence terrorism in the context of intrastate conflict is more dangerous than other form of international or domestic terrorism.
6. Though they start at a small pace but ethno-nationalists insurgencies are particularly dangerous because they can quickly escalate to out of control\textsuperscript{101}.

The terrorists can be divided in the following groups

\textsuperscript{101} Wilkinson, Paul; \textit{Terrorism versus Democracy}, Frank Cass Publication, London, 2000, pp. 16-17
\textsuperscript{102} Id pp. 19-20
EMERGENCE OF MODERN TERRORISM

The major factors are:

1. The development of social movements dedicated to achieving national self-determination or the revolutionary transformation of the socio economic order. The ethnic & anti-colonial aspects hastened these.

2. The belief of many of these groups that terrorism was an effective and legitimate weapon to help attain their goals.

3. The acquisition of the necessary techniques and resources to mount terrorists attacks on campaign.

Terrorism is a low cost, low risk, potentially high yield method of struggle for all kinds of groups & regimes.

Peace Process: Oslo declaration of Principles of September 1993 between the Israeli Government & the PLO. Yasar Arafat led terrorist groups tried its best to break the declaration. Number of Israelis were killed in Israel by HAMAS & Hezbollah. Peace process was attempted in IRA dispute.

THE HARDLINE APPROACH TO COMBAT TERRORISM

The key elements of this approach can be summarized as below:

1. Overreaction and general repression, which could destroy democracy for more rapidly and effectively than any campaign by a terrorist group should be avoided.

2. Under-reaction or failure to uphold the constitutional authority of the government & the law will bring anarchy and effective action should be taken against the terrorists, war lords, mafia gangs and drug barons.

3. The security forces must act within the law & uphold democratic legitimacy.

4. High quality intelligence is required to combat terrorism and it should be developed to pre-empt the heinous offences.

5. The secret agencies should be under the control of the elected government & should be accountable to it.

6. The emergency law framed against terrorism should be temporary and be kept on reviewing by the Parliament. Terrorists should be successfully prosecuted & put behind bar.

7. Terrorists are connected not for belief but for crime & hence no special status be given to them & no concession be given to them.
8. Propaganda by the terrorists must be met effectively by the government otherwise they will achieve their object to which they have not been able to achieve by bombs & bullets.

9. Terrorist demands should not be met. Release of hostages, terrorists in jail or ransom should not be granted as there is no end to such things. The terrorists will blackmail the government. Any major concession will be a propaganda, morale boost for the terrorism and help in sustaining their campaign\textsuperscript{106}.

Special anti-terrorists legislation should be subject to three crucial safeguards:-

1. All aspects of the anti-terrorist policy and its implementation should be under the overall command of the civil authorities and hence democratically accountable.

2. Government & the security forces should observe normal legal principles & the terrorists should be put to trial before the court of law.

3. Special powers & the special laws should be for limited period & be approved by the legislature body. Emergency powers should be clearly and simply drafted, published as widely as possible and administered impartially\textsuperscript{107}.

Normally terrorism has two dimensions – International and domestic. Terrorism in India especially in Punjab has another dimension namely cross border terrorism. International terrorism has not largely affected us. Internationally especially by USA, it has been identified that Pakistan is pushing militants across the borders of J&K & Punjab. They are attacking the civilian targets mostly. The arguments they advance is that the attacks on the civilians in J&K are part of proxy war over a disputed territory. It is internationally acknowledged that Pakistan is sponsoring ‘terrorism’ in J&K and Punjab& is indulging in proxy war. So India has to convince the international community that there should be international cooperation to fight the proxy war in India. Pakistan should be declared as Terrorism sponsoring state. Secondly, the local police should play the lead role and involve in anti-terrorist operations fully in the state. The Army & other security forces should fully supplement the police efforts in the fight against the militancy in the State. The police should be trained in the latest methods of fighting militancy. The weapons & other equipments should be changed to meet the requirements of the forces. In addition to above, the working of the prosecution agencies, judiciary, the legal procedures, prison administration, the role of media, the role of NGOs and the most important of all the nexus of some politicians with militants needs to be carefully

\textsuperscript{106} Id pp. 94-95
\textsuperscript{107} Id p. 117
examined. There should be a strong expression of political will on the ground in actions to curb the militancy. In some areas, competent prosecutors are not available. Police should be permitted to have a panel of eminent lawyer for successful prosecution of the militants. Media should be handled carefully and they should support at least the genuine efforts of the state in the fight against terrorism. There should be curb on the NGOs funding the terrorists nationally & internationally. Central & State governments must provide legal protection to bonafide police actions in the militancy areas. The government must make the funds available to the police to defend the cases against the police, so that the police & security forces should fight the militants without any fear. The liberal awarding of medals should be there to the forces which are fighting militancy as in Punjab, J&K, Assam etc. so that their contribution is acknowledged. The surrender policy and rehabilitation of terrorists not involved in heinous crime should be adhered to. The genuine grievances of the people should be solved by the authorities\textsuperscript{108}.

Today’s terrorists seek to inflict mass causalities & mass violence. Terrorist attacks are designed to kill as many people as possible. The priority is to prevent the terrorist attacks. Good intelligence is the best weapon against terrorism. We must know in advance regarding the nefarious designs of terrorist outfits so that we can prevent them. Our counter terrorism policy should involve certain basic principles. These should be:-

1. Make no concessions to terrorists and strike no deals.
2. Bring terrorists to justice for their crimes.
3. Create international opinion to force Nations to bar terrorist groups from activities such as training, recruiting, raising funds or hide behind political asylum.
4. There should be a National counter-Terrorism coordinator to prepare a comprehensive counter terrorism activities by various organizations& to focus the efforts to achieve a common objective. This has already been done\textsuperscript{109}.

**Major General Afsir Karim suggests the following solutions\textsuperscript{110}**:

i. Forming a special organization to counter terrorism which should have the capability of an armed and unarmed response, highly organized intelligence services and internal civil defence organization.

ii. Counter mobilization of population

iii. Create a safe physical environment through popular self defence, civic action in

\textsuperscript{108}Padmanabhaiyak, K and ors; *Report of the committee on Police Reforms*, MHA, GOI, New Delhi pp. 182-185

\textsuperscript{109}Id p.186

\textsuperscript{110}The Black Cat – special issue, 2003 by NSG-New Delhi p.13
coordination with hard hitting mobile and highly trained special forces.

iv. Devise special drills to safeguard soft targets, defeat capability of terrorists to bomb and kill through pre-emptive actions and continuous surveillance of terrorist movements.

v. Take appropriate measures at national level to limit Pakistan’s capability to support & abet terrorism.

vi. Stand up against secessionist and criminal organizations and break their nexus with Pakistan.

**Major General V. Oberoy** in his book “Combating Terrorism” says that there are four phases in to which anti-terrorist operations can be divided from the crucial planning to liquidation i.e.

i. discernment of the dimensions of the movement

ii. containment

iii. isolation

iv. elimination

1. **Discernment of the dimensions of the movement** – causes and motives, organization, modus operandi of its activities, targets, sources of finances and weapons, training and recruitments channels.

2. **Containment**: Geographical area, intensity of terrorist activities, expansion and growth of organization, mass support and public opinion.

3. **Isolation**: Stopping the flow of recruitment, area segregation and dominance by the security forces, intensive security operations etc.

4. **Elimination**: Ideological breaking, top level counter-terrorism measures, leading from the front, up-gradation of intelligence, cooperation from other agencies and government departments, not succumbing to political, economic and social pressures and extensive welfare measures in the area.

**Sh. Kalyan Rudra IPS** has given the following guidelines on counter terrorism measures:

1. To provide proper leadership to the forces & raising their morale is of utmost importance, on the lines of Sh. KPS Gill in Punjab. The officers should lead from the front. Morale building measures would include proper welfare measures, insurance cover, ex-gratia grants and rehabilitation schemes.

2. Augmentation of the State Police forces and up-gradation of their capabilities. This would include new police stations/police posts, specialized training to the forces,
recruitment of commandos/PHG/SPOs which should supplement the efforts of the local police.

3. To win the heart and minds of the local people & to strengthen their will to fight the disruptive forces.

4. Intelligence to be streamlined at the grass-root level. Proper sharing of intelligence with other agencies.

5. Effective coordination among forces & intelligence setup. Coordination among police & central forces is very important. Joint operations should be planned under one command.

6. Capabilities for effective covert actions must be developed.

7. To organize the psy-warfare campaign to project the shortcoming of militant leaders and the criminal nature of their activities. The misdeeds of the terrorists should be projected to the people. The themes of national integrity, communal harmony and positive aspects of nation’s activities should be highlighted.

8. A proper data bank of terrorists, their activities & various outfits should be built up for follow-up action.

9. Border management i.e. border fencing, flood lighting, patrolling, installation of sensors & stricter control over trans-border movements should be done.

10. Dedicated action groups should be setup or we can say mobile squads under good officers should be setup to apprehend the dreaded terrorists.

11. Strict action against ideologues, financiers, travel agents, racketeers, harbours etc should be launched.

12. Stringent laws to be legislated against the terrorists even at the cost of curbing certain liberties of the individuals. There should be a proper safeguard against blatant misuse of the provisions of law\(^{111}\).

When Sh. Barnala took over as C.M. Punjab in 1985, he constituted Bains Committee (Justice Bains of Punjab & Haryana High Court) (Retd.)) to screen the cases against the terrorists. Justice Bains Committee released over 2000 terrorists, which again started indulging in terrorist activities in a big way, ultimately leading to operation Black Thunder in 1988\(^{112}\).

In Punjab, it was seen that 75% of the terrorists were from 220 villages out of 12581

\(^{111}\)Rudra, Kalyan; India, New Security Challenges and Vulnerabilities, The Bright Law House, Delhi, 2003 pp. 24-27

\(^{112}\)Id p.135
(total villages of Punjab) villages. Their leader and the constituent groups were identified and tabulated. The terrorists were categorized in to hardcore and non-hardcore and the gangs were identified and tabulated. Thus the systematic action was taken\textsuperscript{113}.

Rather than remote control, the senior police officers should themselves lead the force, the way Sh. KPS Gill lead the force. Mr. Gill brought officers on deputation from other forces i.e. BSF, CRP etc. who were adept in fighting terrorism. All the terrorists were graded & the parties were put on work to arrest them. The intelligence system regarding the terrorists was restructured& the informers were duly rewarded. The reaction time of the security forces was reduced & the security forces were prepared to react within the shortest possible time. This gave confidence to the people. The active police stations from the view of terrorists activities were identified & were reinforced with the para-military forces and civil police. .303 rifles were replaced by German made SLRs, MK AK-36, LMGs & Ozzi guns & other sophisticated weapons. Each P.S. was provided with new vehicles. The bulletproof tractors were provided to be used in Mand areas & sugarcane fields. The trucks & vehicles used by the security forces were bullet proofed. The civil police/Armed police was increased & trained to be elite commandos, for anti-terrorists operations. A research cell was established to meet the technical requirements of the fighting force. Bullet proof workshop was set up in PAP Jallandhar Cantt. Mobile elevated Nakas with Bullet proof platform were introduced. Liberal rewards were announced to apprehend the top terrorists. Night dominant patrolling & operations were introduced. There was complete coordination between various Civil, Armed & Para Military forces. System of SPOs & VDS was introduced. The border fencing with Pakistan was completed. The Press was requested to give positive aspect to the fight against terrorism\textsuperscript{114}.

5.8 TERRORISM-OUTLINES OF ACTION PLAN
1. Apex body of the terrorists groups. Its constitution, leadership, recruitment, training and financing.
2. Categorization of areas affected.
3. Infiltration routes to be plugged. Interstate tracking of the terrorists and strengthening of border.
4. Police revamping.
5. Intelligence gathering and its collation & dissemination.
6. Local problem to be attended to.

\textsuperscript{113} Chandan, Rahul, \textit{KPS Gill, Dharelladar Police Officer (Biography)}, Chetna Publications, Punjabi Bhawan, Ludhiana 2014 p.133
\textsuperscript{114} Id pp. 150-166
7. Eliciting people’s cooperation.
8. Cooperation from other departments i.e. revenue, forest, education, jails, public relations (Information & publicity) etc.
9. The sources of financing of the terrorists should be dried up.
10. Coordination with foreign countries.
11. Offensive operations to be launched as preventive & detective measures\textsuperscript{115}.

5.8.1 FIELD COUNTER TERRORISM MEASURES TAKEN IN PUNJAB
For curbing terrorism, the following steps were taken:

1. Reducing the size of the districts & police stations concerning the terrorism affected areas and posting young officers.
2. Identification of nodal villages affected by terrorism.
3. Assessment of likely terrorist activities in an area carrying out preventive & offensive anti-terrorist measures. SPOs, PHGs, village defence pickets and even police pickets were deployed in sensitive areas.
4. Lists of the terrorists, their gangs and their classification were prepared. The rewards on hardcore terrorists were announced.
5. Effective liaison among the various security forces and coordinated offensive operations of search under one command& control were launched.
6. Raising commando force, which was trained and equipped with weapons sending to the operational area.
7. List of hideouts, contacts, sympathizers etc. prepared and all these places/persons were raided and searched.
8. Contingency plans were prepared.
9. Safe heavens and sanctuaries of the terrorist were eliminated.
10. Civilian terrorist victims were given economic help and their wards were recruited in the government services. The injured victims were treated free in the hospitals.
11. Out of turn adhoc promotions were given to the members of police forces, who took risk in fighting against terrorism. Their wards were recruited in the force. Liberal rewards were given.
12. Welfare and the pensionary benefits as the protection of the last pay till one’s superannuation in case the member of the force dies/killed in an encounter or otherwise.

\textsuperscript{115} The Black Cat- Special Issue -2003 by NSG, New Delhi PP – 13, 14
13. Active groups were pursued and missile squads were constituted to chase them.
14. Full knowledge of high and low explosives were given to the security forces & the people. The plans were prepared to counter them.
15. Motivating and winning over the public. The people just on the margin joining terrorism under compulsion were got surrendered and rehabilitated.
16. Interaction with the students in the colleges and schools was arranged. The young boys were educated about the menace of terrorism.
17. The weapons recovered were displayed for public in Chandigarh and other big cities in Punjab to make the people realize of the magnitude of the problem and extent of Pakistan’s mischief to destabilize India.
18. Coordination with other states & other central agencies.
19. No political interference permitted.
20. Emphasis was made on political will by the government in power.
21. Drug and arms traffickers, smugglers and harbourers were raided and their links with the terrorists were smashed.
22. Effective sealing of border to stop cross-border terrorism.
23. Strengthening of ground level intelligence.
24. Police morale & their welfare were given due attention.
25. Employment avenues were opened so that unemployed youth are employed.
26. The sensitive areas were dominated by pickets and anti-terrorists operations were launched.
27. Better weapons, bullet proof transport and effective communication were given to the security forces. The security forces were regularly trained in this respect.
28. The quality of recruitment & training was improved.
29. Goodwill operations were launched to win over the people & to elicit cooperation.
30. Surrender policy was put on action where even the dreaded terrorists surrendered & were rehabilitated.
31. Night domination operations were launched\(^{116}\).

5.8.2 CONTROL AND COMBATING TERRORISM IN PUNJAB- SPECIAL STEPS TAKEN BY SH. K.P.S. GILL THE THEN D.G.P. PUNJAB

In addition to above, the steps taken to fight terrorism in Punjab under the leadership of Sh. KPS Gill IPS, the then DGP Punjab.

The above objective of the terrorists revolves around publicity of the cause,

\(^{116}\) Punjab Police Records (Unpublished)
registration of the claim with the public and the achievement of the goal. Punjab faced cross-border terrorism. Under the excellent leadership of Sh. KPS Gill, we could manage terrorism effectively. Following steps were taken:-

1. Induction of top and middle level manager/leaders of the force, who would make it a common cause to achieve the goal of terrorism free Punjab and who would have the ability to inspire team work among subordinates.

2. Coordination of all forces i.e. Punjab police, CRPF/BSF, Army etc. under one command. Planning & Carrying out of the anti-terrorist operations under one command and control.

3. Creating special forces and training the same suiting to the ground realities i.e. Punjab Police Commandos etc.

4. Modernization of Police Weaponry- Effective Transport and Communication system was enforced. The vehicles specially patrolling vehicles and tractor were bullet proofed.

5. Research and development cell was made to function. The research cell did a good job in bullet proofing of tractors and bullet proof material for nakas& night patrolling.

6. Full powers were given to the officers in the field. They were fully protected in case of bonafide mistakes.

7. The officers led the force from the front. Even, Sh. KPS Gill himself led some anti-terrorist operations.

8. The good work done by the force was recognized and rewarded suitably.

9. The police was told to have human face and to elicit public cooperation. Terrorists on the margin were rehabilitated. The welfare resources for the victims were undertaken. Victims were compensated financially, jobs were given and free medical treatment was provided to the injured victims.

10. Night domination operations were started in order to restore confidence in people at night.

11. The lists of terrorists, their hideouts, financers and aids were prepared. The terrorists were classified as hardcore and non-hardcore. The rewards were announced. Effective operations like missile squads to apprehend the terrorists were launched.

12. Terrorism prone areas were provided with fixed pickets of security force/SPOs/PHGs, Civil defence pickets were also introduced.

13. Welfare measures for the victim jawans were initiated. In case of death, the pay as pension was protected. One member of the family was given the job. Adhoc
promotions were given to the police officials, who did good work on anti-terrorist front.

14. The police public schools were opened at various places to give education to the wards of policemen in a secured place.

15. Ground level intelligence was strengthened. There was special drive against arms, smugglers, drug smugglers and their harbourers.

16. The border was effectively sealed by fencing and covering by Army & other security forces.

17. Terrorists surrender policy was launched. Many dreaded terrorists surrendered & they were rehabilitated.

18. People were motivated to fight the terrorists. Steps were taken to neutralize the emotional and psychological aspects.

19. Mand area, the main hideout of the terrorists was got cleared & permanent pickets were stationed.

20. There was will of the government to fight and finish terrorism, under the political patronage of S. Beant Singh as CM of Punjab.

21. Mass contact programmes were started. Senior officers addressed the people and motivated them to fight terrorism. Some musical groups also went around Punjab to restore confidence among people.

22. Targets were given full protection.

5.8.3 THE MAJOR PRINCIPLES IN HANDLING TERRORISM ARE

i. No surrender to the terrorists and an absolute determination to defeat terrorism within the framework of the rule of law and the democratic process.

ii. An intensified effort to bring terrorists to justice by prosecution & conviction before courts of law.

iii. No deals and no major concessions, even in the face of the most severe intimidation and blackmail.

iv. Tough measures to penalize the state sponsors who give terrorist movement safe heaven, explosives, cash and moral and diplomatic support.

v. A determination never to allow terrorist intimidation to block or derail international diplomatic efforts to resolve major conflicts in strife torn regions, such as Afghanistan & Middle East. Suppression of terrorism in these areas is in common interests of the

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117 From Punjab Police Records
international society\textsuperscript{118}.

The major factors which helped in the tacking of terrorism in Punjab

1. Excellent Coordination between IB & Punjab Intelligence
2. Prevention of Smuggling of arms within border area because of fencing.
3. Unified command and control. Excellent Police leadership & even 2\textsuperscript{nd} ring was also good.
4. Political process started.
5. Fatigue of terrorism – moral aspect depleted.
6. Public apathy
7. Jealous among the leaders of various terrorists groups.
8. Loss of faith by public\textsuperscript{119}

Remedies: 1. winning over the hearts & minds of the people.
2. Involving the people of Punjab.
3. Taking the community into confidence & isolating the terrorists.
4. Administration System should have tolerance for criticism.
5. Handling media
6. Involving other parts of administration
7. Handling the complaints against police judiciously
8. The people have to be kept in high moral.
9. People were happy over the killings of top terrorists
10. Transparent machinery
11. Deployment of PMF- Strengthening the armed police, PS level operation launched, issuing of sophisticated weapons to the police.
12. Police Leadership – impartial and professional police& purely professional approach.
13. Do not condone corruption.
14. Special laws like TADA & POTA. Review of such laws by a Parliamentary Committee every year.
15. Terrorism should be taken as national problem.
16. People’s cooperation, participation & upholding the confidence of the people.
17. Government should tolerate dissent to some extent.
18. Demand for autonomy should not be misconstrued to separatism\textsuperscript{120}.

\textsuperscript{119}Lecture by Sh. S.C. Mehta Former Director IB, GOI
\textsuperscript{120}
5.8.4 SURRENDER POLICY
The terrorists believe in killing one & terrorizing hundreds. The terrorism had social, political, economic, religious and external causes. Thus the battle had to be made on many points against the terrorists. Success against the terrorists lies in fact that we have to attack on its three vital synergistic components i.e. the brains or ideology, the financial & logistic support to the terrorist organizations and the breeding ground i.e. recruitment. Thus surrender of terrorists hits all these dimensions. When a terrorist feels that it is useless to fight without any aim, he prefers to surrender, rather than to die. When Punjab Police had success in the operations, they were on the run & preferred to surrender. The life of a terrorist is saved & he wilfully cooperates the police. Over 1800 terrorists including two dozen hardcore terrorists along with deadly weapons surrendered only in the Border Range, Amritsar. The surrender policy provided for:

a. The outlaws to be treated as per law.
b. Their rehabilitation in to the main stream.

The political violence engulfed Punjab from 1978 to 1995, left around 13000 widows and 88000 children suffering. Victims from non-terrorist and terrorist background continue to relive the traumatic experience of the terrorism era. Women were targeted both by the terrorists & police. Akali Government encouraged the pro terrorist elements migrating from foreign countries to Punjab. Even Wassan Singh Jaffarwal, chief of a major terrorist group Khalistan Commando Force returned to Punjab from Switerzland in 2001. He served two years prison & was acquitted in many cases. Dr. Jagjit Singh Chauhan also returned to Punjab in 2001 after 25 years in exile. He was the earliest ideologue of the movement. He setup Khalistan government in exile in London, he setup a charitable hospital and personally dispensed medicines. He established an unsuccessful party that continued to advocate Khalistan. The return of Jagjit Singh Chauhan (since expired), and Wassan Singh Jaffarwal encouraged many other to follow. Kanwar Singh Dhani, an ideologue of Akal Federation established a social service institution to look after children of terrorists affected families.

5.8.5. WEAPONS RECOVERED FROM TERRORISTS IN PUNJAB DURING THE DAYS OF TERRORISM.

<table>
<thead>
<tr>
<th>Type of Arms</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.K. Rifles of different series</td>
<td>2497</td>
</tr>
<tr>
<td>Machine Guns</td>
<td>139</td>
</tr>
<tr>
<td>Ammunitions</td>
<td>850000 rounds</td>
</tr>
<tr>
<td>Explosives</td>
<td>2085 kgs</td>
</tr>
</tbody>
</table>

Id

Kartha, Tara, *Tools of Terror*, Knowledge World Press, Daryaganj, New Delhi, 1999, p.16
5.8.6 **KEY FINDINGS**

1. There was more than adequate impending trouble and the movements of weapons into the state.

2. The rise of militancy was directly proportional to the availability of weaponry. This was apparent from the comparison of first and second periods of militancy.

3. There was evident linkage to drug movement that grew in the later stages.

4. More than 75% of the violence was arrested to be around border districts of Amritsar, Gurdaspur & Ferozepur.

5. Militants in Punjab had no independent source of weapons (like the LTTE or even to a degree the Assam Rebels). No such deal was ever unearthed.

6. When militancy merges with the crime, it becomes diffused and both become more difficult to control.

7. The militants/criminals were more open to persuasion to foreign powers/ linkages because this was a profit based transaction.

8. In Punjab, the militancy degenerated to terrorism and they became criminals in the end. The resurgence becomes difficult when not linked to any definite ideology/beliefs as there was no early warning.

9. All the factors that sustain militancy in Punjab now lie more outside India than within.

10. The dangers of resurgence of terror in Punjab, cannot be ruled out in the near future. As with terrorism everywhere, the reaction time for the police to handle the problem will be vastly reduced and the need to keep a clear vigil becomes paramount. The cooperation of Punjab & J&K militants is set to increase. The base of militancy does not lie within the state. Therefore, a network of revival of militancy would be outside Punjab, not within.

11. This pattern is readily visible in J&K, where the invisible support structures stretch right across the country and outside it. This is true for Punjab too.\(^{122}\)

5.8.7 **DOWN FALL OF TERRORISM IN PUNJAB- REASONS**

From a secret note of Babbar Khalsa Organization, the following reasons have been mentioned for the downfall of Babbar Khalsa organization, which was the most prominent outfit working in Punjab. Even now, this outfit under Wadhawa Singh is active & is responsible for sporadic terrorist activities in Punjab.

1. Absence of over-groundFront: There has been no over-ground front which could give

\(^{122}\) Id pp. 195-196
effective guidance & direction to the achievement of the objectives.

2. Loss of Public Trust – The robbers, extortionists, criminals and rapists have entered in to terrorist organizations. They committed heinous crime which in no way could be justified. The common man in Punjab had lost trust in the crusader-ship of the various outfits. People had started migrating to urban areas & even outside Punjab.

3. Forcible Marriages & Rapes – Some members of the terrorist outfits have indulged in rapes & kidnapped girls for marriages. This was resented by the people in general.

4. Amassing wealth – Some members indulged in extortions and amassing wealth & that mostly was put into their private business.

5. Hired Killings – Some villagers on enmity basis used the terrorists for killing their enemies. This has totally changed the stance of the objectives of the terrorism movement.

6. Leadership Hunger – Some new outfits had emerged just to show the leadership of the publicity hungry terrorists. They had all turned to be criminals.

7. Giving up of religious & moral values – Many members had given up religious principles & turned complete criminals. They were killing innocent people just to get money from foreign countries & rich people.

8. Giving up the aims – The terrorist organizations had started with some aims but with the coming in of criminals in the fold of outfits, these outfits had totally gone away from the aims and objectives of the outfits.

9. Inter-gang rivalry - Many mushroom organizations had come up without aim. Inter-gang war was a common thing and the terrorist outfits were fighting within themselves.

10. Killing innocent policemen & their families – When the terrorists had started killing the innocent policemen and their families, whole police force as one army had struck against the terrorist outfits. In this way, they have caused complete damage to the organizations.123

5.8.8 WHAT MORE CAN BE DONE

For effective handling of terrorism, the way LeT & JeM have knocked at our door in Dinanagar (July 2015) and Pathankot (Jan 2, 2016), Government, Political parties, security agencies, civil society and media will have to play an effective coordinated role124.

Political – A strong political consensus should be built in the country to have national interests as supreme and non-negotiable. No vote bank politics should be practiced. There should be a political will like that of Late S. Beant Singh, the then CM Punjab.

Legal – We have seen TADA, POTA and now UA(P)A-2008 with latest amendments of

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123 Punjab Police Records (Unpublished)
124 Indian Constitution and Human Rights, Human Rights and India- Block-3 — Indira Gandhi National Open University-2004 p.21
2012, where economic offences committed by the terrorists invite the stringent measures. But we must have a system of prosecution so that terrorists are convicted within 6 months. Yakub Menon needs not to wait for 22 years for hanging.

**Police** – Strengthening the state police, enhancing their training capabilities and providing them with modern equipment for surveillance, investigation and operations is the need of the hour. We need to have modern forensic laboratories. Also, special equipment against cybercrimes is needed because most of the terrorists operate through cyber-crime network.

**Media** – The role of media is very crucial in the fight against terrorism. Sometimes, the media indulge in such a debate which is not in the interest of the security of the country. Media should debate the issues as warranted in a democratic setup but it should be in the national interest. The debate over banning SIMI is not correct as SIMI was acting not in the national interest. Discussion over human rights of the terrorists should not be encouraged.

**Public** – The public needs to be educated about the evil designs of our neighbouring counties. All the communities should promote inter religious harmony and work together for peace.**

### 5.8.9 IMPACT OF TERRORISM IN PUNJAB

In Punjab from 1978 to 1995, around 25000 persons were killed including around 2000 security personnel. Property worth crores was destroyed. Women and Children suffered in big way. The prominent persons of all the political parties were killed. The killings of security personnel were as follows:

- Policemen: DIGs-2, SSPs-4, SPs-9, DySPs-14, Inspectors-38, Sis-99, ASIs-188, HCs-396, Cs-1187, SPOs-180, PHGs-294

Families/relatives of policemen killed were – 262

The Press persons from media killed were 67 and mostly were from Punjab Kesari.

ISI had launched various operations i.e. Operation Strategic Depth in Punjab, Operation Topic in J&K, Operation Intelligence Encirclement in NE and Operation Garland in Hyderabad. Apart from above loss of lives, Punjab suffered as follows:

1. **Democracy impaired** – No elections were conducted for 5 years and thus democratic process was interrupted. People suffered from bureaucratic rule.

2. **The people really suffered** i.e. day time from police and night time from the terrorists. The people were totally alienated and they were compelled to join the terrorists gangs. Women were raped and dishonoured by the terrorists and also by the police/security forces. To give relief to the people, night domination was started,

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125 Id p.22
missile squads were formed to nab the gang leaders and bullet proofing of vehicle was done.

3. There was communal divide between the communities but it was not that apparent.

4. The nexus of smugglers, criminals, religious bigots and supported by the politicians developed. From which, Punjab is still suffering from drug menace.

5. The religious shrines were misused.

6. The new generation suffered in education and the education institutes could not be run properly.

7. Extortion and road raise incidents went up.

8. Rural people, at least one family member was pushed to join terrorist gang and this may be because of old enmity or just to survive.

9. People suffered from alleged reform movements i.e. to work in Punjab, dress code or reforms in marriage ceremonies.

10. Many people settled their personal score because of old enmity.

11. Killing of police officials, judicial officers, civil officers and prominent politicians were resorted. This demoralized the people & the administration.

12. The industry went out of Punjab leading to unemployment.

13. The people suffered from TADA & POTA.


15. Young boys lost their lives

5.9 INTERVENTION STRATEGY
Regarding social interventions, the impact of public support and impact of violence on victims was studied.

1. Visible Effects – Somatic effects, education, employment, skills, material, disintegration of family etc all the effects are studied and remedies taken.

2. Invisible Effects – Isolation, threat perception, trauma, re-victimization (backlash of patriarchy), break in support bases (kinship structures), glorification of male victims, stigmatization of women victims, various institutions (relieving experience), status marginalization, culture of violence, relational paradigm, ostracism etc, all are studied.

Relief- Relief is given by way of material assistance and health treatment. The victim

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126 Punjab Police Records (Unpublished)
127 Punjab Police Records (Unpublished)
families were given economic assistance, one job, free medical aid and other help as per need.

**Rehabilitation** – In rehabilitation, the victims were given help in health and education, material sustenance, and administration assistance. Victims were made aware of available aid schemes. Victims were assured of no police harassment.

**Integration**- Attention was paid to community sensitization and increase in community integration. State policy was to be convergent and integrative.

The support structure for conflict resolution was activated.

### 5.9.1 SOCIAL INTERVENTIONS

Police, communities and NGOs were trained to bring improvement in social environment. They were told to work together to restore confidence in law & order. In this matter, steps were taken at individual, collective and organization levels. Village resistance groups and urban resistance groups were setup. Public assistance operations were started. Management of religious places was ensured. Peace rallies were taken out. Relief and rehabilitation effects were monitored.

During search operations, efforts were made to win the people. Medical camps were started. Children were given sports material. The educated policemen were recruited and they were trained properly. They were taught human rights aspects. The public grievances were given priority and the complaints were redressed. Senior officers led the force from the front. The atrocities by the police were curbed with heavy hand. To restore confidence of the people at night, night domination was started. Liberal compensation was given to the victims. Steps were taken to check the glorification of the terrorists. Press was given due protection so that they act fearlessly. The cooperation of the media was elicited. The role of intellectuals, social organizations and NGOs were appreciated and encouraged as they acted as a cementing process.

### 5.9.2 TERRORISM IN PUNJAB- LESSONS LEARNT

1. Need to have a strong political will.
2. Strong, effective and generous leadership of the police.
3. Police must complete all the legal formalities of the cases.
4. Superior force and superior weapons i.e. Commandos & A.K. 47 etc.
5. Special laws for special situation.
7. Strict action against smugglers, arms traffickers and financiers.
8. Middle approach - Tough action against top terrorists but terrorists on the margins should be brought back & rehabilitated.

9. Constant pressure on linkages

10. Intelligence system to be geared up.

11. Drying supply line

12. Jails are nurseries, to be kept under surveillance.

13. To tackle frontal groups like Human Rights Groups/Human Rights Watch/Asia Watch.

14. Media management.

15. NGOs to be used to win over the terrorists.

16. To ensure justice to the aggrieved persons as injustice leads to frustration.

17. Police to be on the forefront to fight terrorism and no army.

18. Percolating factors to be remedied.

5.9.3 LESSONS LEARNT FROM PATHANKOT ATTACK AT PATHANKOT AIRBASE ON JANUARY 2, 2016

Pathankot Airbase was attacked by four terrorists in wee hours of Jan 2, 2016. It was a classic example of cross-border terrorism from Pakistan perpetrated by the joint strategy of ISI and the terrorists groups (JeM) in Pakistan. Though the attack was repulsed successfully killing all the four terrorists but we have lost 7 Airforce Security Jawans. There were gaps in the local security protocols and procedures. The experts feel that the “Operation Dhangu” or “Operation Dhangu Suraksha” named after the place of location of Airbase could be handled in a more effective manner. The first thing is that the credible information/intelligence could not be acted upon properly. It was intimated by intelligence sources in Delhi that Punjab, specially Pathankot was being targeted by cross-border terrorists. Punjab Police S.P. Sh. Salwinder Singh was abducted and released but follow up action was not taken seriously. Advance information could not be converted in to actionable operations. Something happened in Kargil in 1999, when the information given by a grazer was not taken seriously. Secondly in Pathankot operation, there was lack of single command in order to control the operation. So many security agencies were involved i.e. local police, Air force Security force, NSG and Army and each was acting independently. Thirdly, the local Army could have been involved right from the beginning for combing and search operations. Information with media management was poor. There was a need of having a single point media centre and the inputs/results would have been given by only tangible unified commander. The United Jihad Council consisting of LeT, JeM, HM etc. took the responsibility of the attack, on 4th January,

128 Id
As told by a Pakistani, Pak problem is that Pakistan is controlled by Punjabi lobby and it indulges in all sort of repressive measures to maintain stronghold in Pakistan affairs. Secondly, Pakis controlled by 3 As i.e. A for Allah (Mullahs), A for Army and A for America. Since we are facing cross-border terrorism, the gene similarity of both Punjabs is same i.e. aggressiveness in nature. In the words of our P.M. Sh. Modi, both India and Pakistan should fight unitedly the illiteracy, poverty and injustice. We have to concentrate on eradication of terrorism, water problem, water pollution and clean environment. Tear and terror go together.

5.10 SAD LIST TO GOVERNENT TO RELEASE SIKH PRISONERS
Oblate, Shiromani Akali Dal gave a list of 13 Sikh prisoners it wanted to be released. All of them are involved in heinous terrorist cases including the case of assassination of S. Beant Singh former CM of Punjab.

2. Devinderpal Singh Bhullar – R/o Dialpura Bhaika Distt. Bhatinda – convicted in bomb blast case of 1993 in Delhi killing 9 persons & Maninderjit Singh Bitta escaped unhurt. He was lodged in Institute of Human Behaviour and allied services (HBAs) at New Delhi as he is reportedly mentally unsound.
5. Lakhwinder Singh alias Lakha r/o Kansal Distt. Mohali – convicted in S. Beant Singh assassination case- lodged in Burail Jail. He was driver in Punjab Police.
7. Shamsher Singh r/o Village Ukasi Jattan in Rajpura District Patiala – convicted in S. Beant Singh assassination case and lodged in Burail Jail.

129 The Hindu, Jan4, 2016 pp.8-9

11. Gurdeep Singh Khera r/o Jallupur Khera near Jandiala Guru (Amritsar) – convicted in TADA case, lodged in Central Jail, Gulbarga (Karnataka)

12. Gurmeet Singh Fauji r/o Badgaon Bal village in Boondi (Rajasthan)- convicted in murder case & lodged in Bikaner Jail.


All the accused persons in jail in Ludhiana Bank dacoity case of 1987 have been acquitted by Supreme Court\textsuperscript{130}.

5.11 MAJOR TERRORIST ATTACKS IN PUNJAB OVER THE PAST 15 YEARS

Though, the terrorism was managed effectively but sporadic incidents of terrorism were reported in Punjab. Almost, all this crime is attributed to the cross-border terrorism.

1. March 5, 2001 – An 135 yards underground tunnel was detected by the security personnel across Indo-Pak border in Gurdaspur District. The tunnel was suspected to have been dug by the terrorists.

2. January 1, 2002 – Three Army Personnel were killed and five others injured when unidentified terrorists attacked them at a firing range in Damtal, close to Punjab’s border, in Himachal.


4. March 31, 2002 – Two people killed and 28 others injured in a bomb blast on Ferozepur-Dhanbad Express at Doraha, 20 Kms from Ludhiana. The bomb was planted by the terrorists.

5. April 28, 2006 – At least eight persons wounded in a bomb blast on a bus carrying 45 passengers at Jalandhar bus stand.

6. October 14, 2007 – Seven persons including a 10 yrs old child killed and 40 injured in a bomb blast at Shingar Cinema hall in Ludhiana city. The hall was full on the festive occasion of Id.

7. July 27, 2015 – Seven persons including a superintendent of police, killed when three terrorists carried out a strike on Dinanagar police station in Gurdaspur District. All the three militants were also killed.

\textsuperscript{130} The Sunday Tribune, Chandigarh, January 11, 2015 P. 12
8. Jan 2, 2016 – Four terrorists and 7 security personnel killed when militants in Army fatigues stormed an Indian Air Force base during early hours in Pathankot District.

9. Nabha Jail Break incident on 27.11.2016, where the people came in three vehicles and went away with Harminder Singh Mintoo, a KLF terrorist & 5 other gangsters. Nabha jail is a high security jail. Mintoo was arrested in Delhi. Some other accused person have also been arrested.

10. 7 Killed and over a dozen injured in car blast fidayeen attack in Maour Mandi (Distt. Bpathinda) on 02.02.2017, during elections of Punjab Vidhan Sabha, 2017. This was an attempt on Congress Candidate Sh. Harminder Singh Jassi, who escaped the attempt.

11. Two Sacha Sauda Dera followers Sat Pal Sharma and his son Ramesh Kumar r/o Ahmedgarh Mandi were killed at Nam Charcha Ghar, Jagera on 25.02.2017.

12. During the last one year, the following terrorists cases have been reported in Punjab, in addition to above cases.
   a. Attack on R.S.S. Sakha, in Qidwai Nagar, Ludhiana
   b. R.S.S. Leader Jagdish Gagneja was killed in Jalandhar.
   c. Shiv Saina leader Khanna, Durga Gupta was killed in Khanna.
   d. Amit Sharma of Hindu Takhat was killed in Ludhiana.
   e. Priest Surjit Masih was killed in Salem Tabri area, Ludhiana city on 15.07.2017.
   f. Ravinder Gosain, RSS Leader of Ludhiana was killed in city Ludhiana on 17.10.2017.

5.12 CONTROL AND COMBATING OF TERRORISM IN PUNJAB: ROLE OF JUDICIARY
The terrorists justify the violence in retaliation to atrocities by the state and the security forces. If the judiciary is fair and quick in decisions, the terrorists cannot justify the violence.

It is apt to quote Martin Luther King that, “injustice anywhere is a threat to justice everywhere”. Gandhi ji said, “peace does not depend upon gun powder but on pure justice”.

Hence, the role of judiciary becomes very important. If the judiciary is independent and does quick justice, the terrorists/criminals are automatically sidelined from the main stream as they cannot justify the violence to the society. We should be proud of our judiciary as it has acted strictly upholding the Indian Constitution and more so upholding the human rights of the citizens, as well as of terrorists/criminals. SC has commuted the capital punishment of the

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131 The Tribune, Chandigarh, January 3, 2016 P.3
terrorists/criminals to life imprisonment for keeping them in jail for a long period. This is a classical example of Indian judiciary of its fairness, impartiality, farsightedness and upholding of the human values\(^ {133}\).

While handling terrorism, any set up has to keep in mind the aspect of human rights. UN specially, UN commission for Human Rights is keeping watch that the various states do not violate the human rights of the people and do not indulge in genocide. Since, Punjab Terrorism has been combated effectively, apart from the role of the security forces, the role of judiciary in India is quite laudable. In our strong democratic set up, we have to have a strong judicial system, which can act impartially, independently, effectively and fearlessly. The top terrorists have to be kept behind bars, so that they are made ineffective and also send message of no nonsense to other terrorists groups. But people on the margin should be brought to the main stream. No innocent person should be victimized. That should be the judicial approach to terrorism in any country and this is the policy being practiced in our country. There is a need to keep check on the activities of the security forces for the violation of human rights.

Thus, in order to curb terrorism, no doubt, the harsh measures are required. The police and security forces work under great constraints. Any independent judicial system is perhaps, better than any institution to maintain the perfect equilibrium between the liberty of the individuals and the power of the state\(^ {134}\). Judiciary exercises its control over the illegal acts and powers of both legislature and the executive. As per our Constitution, judiciary has inherent powers to act independently. Judiciary has played an important role in the enforcement of anti-terrorism laws in India. Some important anti-terrorism cases decided by the judiciary regarding Punjab are being discussed.

**Judiciary in Punjab faced the terrorism bravely.** Earlier, Sh. R.P. Gaind, Addl Session Judge, Hoshiarpur had convicted the accused person in a terrorism case and immediately after that, he was gunned down in Jalandhar. Four Judicial Magistrates (Sh. H.R. Kaushik, Sh. Prem Goyal, Sh. R.P. Gupta and Sh. J.M. Prashar) and one Executive Magistrate (Sh. A.S. Ghumman) were killed by the terrorists in Punjab. Government of Punjab amended Sec 167 of CrPC and extended the remand period of maximum 15 days to 30 days in terrorism cases. The powers of remand in terrorism cases were also given to Executive Magistrates, which were withdrawn after some time. The important cases pertaining to Punjab are as below:-

\(^ {133}\) Kumar, Dr. Ashok; *Dynamics of Global Terrorism*, K.K. Publications, New Delhi, 2014 p. 398

\(^ {134}\) Jaswal, Paramjit and Jaswal, Nishta; *Human Rights and Law*, APH Publications (Corporation), New Delhi, (1996) p.129
1. Longowal Assassination Case: In case State of Punjab v. Gian Singh, Sant Harchand Singh Longowal was assassinated in a Gurudwara of Village Longowal in Sangrur District on 20.08.1995. Gian Singh, the main accused was awarded capital punishment. On appeal, the SC converted the capital punishment to life imprisonment in view of his long period of 13 years in jail. The court also ruled that the Designated Court can also pass the punishment of life imprisonment for the offence u/s 3(1) of TADA, 1985.

2. In case Kartar Singh v. State of Punjab, the petitioner challenged the validity of the Acts of The Terrorists Affected Areas (Special Courts) Act, 1984 and TADA, 1987. SC upheld the validity of the Acts but ordered that the Designated Courts should be careful in scrutinizing the cases under TADA so that Govt. does not become the law breaker.

3. In case Inder Singh v. State of Punjab, Dy. S.P. Baldev Singh, whose brother was killed by the terrorists, was alleged to have kidnapped seven members of a family in Amritsar District. The case was investigated by CBI and Dy. S.P. Baldev Singh and others were convicted for life imprisonment.

4. In case Bimal Khalsa v. Union of India, the validity of TADA was challenged, which was upheld by the Punjab and Haryana High Court.

5. In case Simranjit Singh Mann v. UOI, Sh. Simranjit Singh Mann an IPS officer questioned the Constitutional validity of POTA, 2002, as it infringes the right to life and liberty enshrined in Art 21 of the constitution. He, also, challenged some provisions of POTA, 2002. The Supreme Court held that the security of the state is of paramount importance. The sovereignty and integrity of the nation have to be preserved at all costs. The individual rights are sub-survient to the larger interests of the society and the state. However, any law depriving the personal liberty has to pass the test of reasonableness. The enactment of the impugned act was a national imperative. Liberty does not mean a license to create a terror and commit terrorist activities. A terrorist causes a terrible trauma to the people and his actions disentitle him to claim parity of treatment with the ordinary criminal. The challenge based on the guarantee of equality in Art 14 cannot be sustained. Even the confession is to be recorded by the officer not below the rank of SP. Thus the constitutional validity and the provision of POTA have been upheld and the petition was dismissed.

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135 AIR 1999 SC 3450
136 (1994) SCC 569
137 AIR 1994 SCW 4487
138 1988 Cr.L.J. 869 (IP&H) HC
139 (2002) Cr.L.J. 3368 (SC)
6. In case Devinderpal Singh Bhullar v. NCT Delhi\textsuperscript{140}, 9 person were killed in a blast in New Delhi in 1993 in a bid to kill Sh. M.S. Bitta, the then President of All India Youth Congress. He had a narrow escape. The trial court gave capital punishment to Bhullar. In appeal, SC said that any compassion to such accused persons who have no respect for human life would frustrate the purpose of enactment of TADA. Thus the capital punishment of Bhullar was upheld. However, in later appeals and review petitions, the capital punishment of Bhullar was commuted to life imprisonment on medical grounds, long delay in hanging and acquittal by one judge.

7. In S. Beant Singh Assassination case, S. Beant Singh the then CM of Punjab and 18 others were killed in a fidayeen attack on 31\textsuperscript{st} August, 1995 in Civil Secretariat in Chandigarh. Dilawar was a suicide bomber. Jagtar Singh Tara and Balwant Singh Rajoana were given capital punishment. On appeal, the capital punishment of Jagtar Singh Tara was commuted to life imprisonment by Punjab & Haryana High Court. Rajoana did not appeal. His case for hanging is still pending.

8. Ludhiana Shingar Cinema Blast Case- In this case, Six persons were killed in a blast in Shingar Cinema in Ludhiana city on May, 2005. For lack of evidence, four terrorists, Gurpreet, Sandeep, Palwinder and Rajinder Singh (belonging to Babbar Group) were acquitted by the special court.

9. On August 25, 2009, a Babbar Khalsa terrorist killed a person at Railway Station, Ludhiana. The accused has been awarded life imprisonment.

10. Dinanagar P.S. attack: Three LeT activists from Pak attacked P.S. Dinanagar on 27.7.2015, where 9 persons including S.P. Baljit Singh & two Home Guard jawans were martyred. All the three LeT activists were killed\textsuperscript{141}.

11. Pathankot Airbase attack\textsuperscript{142}: Terrorists of Jaish-e-Mohd attacked Pathankot Airbase on the early morning of 2\textsuperscript{nd} January, 2016. 7 Defence Personnel were killed. 4 terrorists were also killed. A Lt. Col. of NSG, an explosive expert was also killed. Masood Azhar and his brother Rauf Azhar based in Bahawalpur are behind this. The case investigated by the CBI is pending trial in the special court.

It is seen that in all these cases, the approach of judiciary has been fair, impartial and reasonable keeping in view the human rights and national integrity and unity of the country. After this half a dozen terrorists cases have been reported, which are still untraced.

\textsuperscript{140} 2002 (SCC) 209
\textsuperscript{141} The Hindu, Mohali, 28.07.2015 p.10
\textsuperscript{142} The Hindu, Mohali, 03.01.2016 p.10
THE FUTURE OF TERRORISM (PROGNOSIS)

It is very difficult to predict the future of political terrorism. At present around 800 ethnic groups are struggling in the world to get the independence. With the increase in facilities of transport and communication, it is likely to increase. However, it will purely depend upon transportation, communication, weaponry, changes in social structure and attitude, the role of UNO and powerful states like USA, Russia and China. The development and availability of sophisticated weapons is an important aspect. The terrorists have approach to any type of weapon specially precision guided munitions capable of operation at a considerable distance from the target and with significantly increased destruction power. Training in weapons is available in private training centres. With certain states supporting terrorist groups, the terrorists groups have access to sophisticated arms in sufficient quantities. Pistols/handguns in non-ferrous material/plastic are available and are difficult to detect. The high explosive is difficult to detect and can be moulded to fit any shape or cavity. Explosive is also available in tiny chips and is difficult to detect. In order to cause explosion, one has not to be on the spot and can be detonated from a distance. Now we are facing weapons of mass destruction i.e. Chemical, Biological, Radiological and Nuclear terrorism.

EFFORTS OF I.S.I. TO REVIVE TERRORISM IN PUNJAB

Efforts are on to revive terrorism in Punjab by ISI & some terrorists outfits. Rattandeeep Singh of BTFK was arrested of late and he told that ISI is set to revive terrorism in Punjab. ISI wants to cut India in to 1000 pieces. On the basis of information of Rattandeeep Singh, a heavy catcher of arms and ammunition & explosives were recovered from Malerkotala, which was marked with Babbar Khalsa stickers. According to Rattan Singh, all the officials responsible for eradication of terrorism in Punjab are on the hit list of the terrorists. The plan was to cause explosion in Amritsar, Ludhiana & Jullundhar. They are getting support from activists residing in Germany, France, Canada, England and America etc. Khalistan Zindabad Force’s Ranjit Singh Neeta, Babbar Khalsa’sWadhawa Singh, Khalistan Tiger Force’s Jagtar Singh & KLF’s Harminder Singh Mintoo (since arrested) are very active in Pakistan. Khalistani activists are being trained in Pakistan by ISI, LeT, JeM, HUJI, Talibans etc. There is coordination between Khalistani activists & J&K terrorist activists. This was clear from the interrogation of Harpreet Singh, Ranjit Singh and Sarwan Singh of KZF. One Dilbag Singh of KZF was arrested in Gauhati, who had come to get weapons for Punjab terrorists. It is said that killer of Beant Singh, Balwant Singh Rajoana has been declared Zinda Shahid by the Akal Takhat. Sant Harchand Singh Longowal, Beant Singh, General Vaidya, Hit Abhilashi & Mrs. Gandhi sacrificed their lives to bring peace in
Punjab\textsuperscript{143}. The recent cases of terrorist crime committed in Punjab have been worked out with the arrest of KLF terrorists.

Incremental changes in the nature of terrorism and terrorist organization and the political socialization of the country will certainly contribute in the increase of terrorism in the times to come\textsuperscript{144}. Private security personnel and private services would also increase the terrorism as they can have double face for the sake of gains. The hunger for oil is going to be the best reason for increase in terrorism. When we talk of state actors or state terrorism states may think that resorting to terrorism is justified. Like ISI, JeM, LeT and HM are justifying terrorism in J&K and Punjab (recent two incidents i.e. Dinanagar P.S. and Pathankot Air Base attacks in Punjab). When we discuss military responses to terrorism, Jenkin has listed four major types of military response to terrorism as follows:


We may also add arrest operations. If Army operations are not justified, then economic sanctions can be levied like trade embargoes, curtailment of investment, blocking borrowing through international agencies, denial of most favoured nation treatment and also slow down of technology transfer. The way the political violence is increasing, the future seems dark. Of course, we must keep in mind that for what the terrorists are fighting. The states must redress the genuine demands of the terrorists and must give justice\textsuperscript{145}.

1. After Sarin gas attack in Japan and 9/11 of World Trade Centre, New York, the terrorism is internationalized and there was start of use of chemical weapons. Thus we are at the threshold of chemical, biological, radiological and nuclear terrorism. As the fusion material is being stolen from erstwhile Russian States, there is always a possibility of use of nuclear weapons for terrorists activities. Moreover, North Korea is another unpredictable state. ISIS is the biggest threat in times to come. Europe is under direct threat from Al Qaeda and ISIS. Taliban’s are creating havoc in South East Asia.

2. Economic targets may be the priority because this is the way to demoralise a country. Secondly economic crime by way of cyber fraud, cyber war etyma be there in a big way.

3. It will be more & more difficult to have intelligence operations.

\textsuperscript{143} Punj, Balbir; \textit{Efforts to Revive Militancy in Punjab} – An Article in Punjab Kesari, Jalandhar, 26.09.2014
\textsuperscript{145} Id pp. 203-208
4. There will be more cases of revenge attack against the democracies. ISIS will target the kingdoms ruled by the kings supported by the USA. Hence, S.A, Jordan, & Gulf countries will be more vulnerable.

5. There will be more conflict among shias & shunis for supremacy in the Islamic world.

6. There will be more predominance of Islamic fundamentalism in the name of Islamization of the world. (Caliphate)

7. Terrorism has not ended with the end of cold war. Ethnic groups have come forward & now over 800 ethnic groups are struggling to have independence.

8. The terrorist attacks will be more lethal & devastating.

9. The terrorists would like to achieve by bombing etc., what they could achieve by ballot.

10. More & more state actors will be indulging in terrorism in order to destabilize the democracies.

11. Army & other security forces will be under greater attack. The terrorists groups will be more irrational & inhuman in approach.

12. Terrorists will depend more upon conventional weapons, which are very less costly as the bombs used in Oklahoma bombing killing 169 people constituted of Aluminium Nitrate and fuel oil.

13. All countries should have coordinated efforts to curb terrorism as single country will not be able to curb this.

5.14 THE PATHWAY OUT OF TERRORISM- SYSTEMATIC APPROACH

1. In colonial era, the governments were not having will as they were morally on weak feetings. Hence the will of the government is very important.

2. Long campaigns generally die like that of IRA. Hence the persistence of the operations is very necessary.

3. Effective Army/PMF operations have compelled the terrorists to abandon their pursuit of the target like Tupamaros campaign in Uruguay, LTTE in Sri Lanka etc.

4. Sometimes, the political solution solve the problem like Spain’s action in Basque.

5. In certain democracies, the terrorism has been dealt as law & order problem. The terrorists have been successfully prosecuted and peace is gained like in Sri Lanka and Punjab.

146 Id pp. 203-217
6. Educative process through media, meetings, persuasive groups have also achieved good results. But the genuine demands must be met and justice should be seen to be done.\textsuperscript{147}

7. There should be no surrender to the terrorists. The terrorists should be defeated within the legal frame and rule of law.

8. An intensified efforts to bring the terrorists to justice by speedy prosecution and conviction before courts of law.

9. No backdoor deal concession should be given.

10. Tough measures should be taken against the states sponsoring terrorism by way of safe heavens, explosives, cash and moral and diplomatic support.

11. All international situations should be decided on merits as the terrorism has became a major threat in Middle East and Afghanistan.\textsuperscript{148}

In Punjab, the Border Security Fencing and lighting along the Indo-Pak Border in Punjab went a long way in controlling movements across the border. Infiltration of armed militants & inflow of weapons was substantially reduced. Punjab Police dealt severely the remaining terrorists & the terrorism in the state was contained. This is the sole example in the World, the way the terrorism was curbed in Punjab. The doctrinal changes required to be introduced would be required to be introduced as below:-

1. A well designed anti-terrorism policy.
2. Legislative backup of law enforcement agencies
3. Unified command.

We, in India, do not have a well defined anti-terrorism policy. US state department had laid down the four basic tenets which guide the policy.

i. Make no concession to terrorists & strike no deals.
ii. Bring terrorists to justice for their crimes.
iii. Isolate & apply pressure on states that sponsor terrorism.
iv. Bolster the counter terrorist capabilities of countries that work with U.S.\textsuperscript{149}

We in India, should also formulate its policy on the above lines, keeping in view the local conditions and specific nature of the threat. Under Legislative back up, USA & UK have stringent Anti-terrorism laws. We, in India, had TADA, POTA now UAPA. Thus the

\textsuperscript{147}Wilkinson, Paul, Terrorism Vs Democracy, France Cass Publishers, London, 2000 pp.222-224
\textsuperscript{148}Id p.234
\textsuperscript{149}The Indian Police Journal April – June 2003 by BPR&D, New Delhi pp. 9-10
laws against terrorism are quite adequate. The stringent anti-terrorism laws were opposed by Human Right Groups. TADA & POTA lapsed. Unified command and then operations is the necessity of the situation. Organizational Support to the security forces should include:
i. Reforming & energizing the state police forces.
ii. Having specially trained force to tackle terrorism.
iii. Intelligence coordination & sharing.

State Police forces should be strong enough to tackle the situation but CPMFs & even Army are called, which operate for a long time denying the actual thrust and initiative to the state police forces. In Punjab, the Punjab Police took the lead role under Sh. KPS Gill, IPS, the then DGP Punjab. There should be no political interferences as practised in Punjab during the days of S. Beant Singh, as C.M. Punjab. The forces fighting terrorism should be specially trained in weapons & methods to fight the neo-terrorism. Regarding intelligence, we need a pinpoint information to launch anti-terrorism operations. We, in India, have IB, RAW, Military Intelligence, BSF-G-Branch, Revenue Intelligence, State Intelligence Branches etc. Ultimately, we have to win the hearts & minds of the people and after isolating hardcore elements, a strict action needs to be taken\textsuperscript{150}.

5.15 CONCLUSION
The terrorism in Punjab has been combated and controlled effectively. We must keep in mind that terrorism has been globalized after 9/11 incidents. Fighting terrorism is not the job of a single nation and there is a need of close cooperation and coordination of all the countries in order to get rid of terrorism. Hence three authorities are involved in order to fight the terrorism:
i. International level
ii. National level
iii. Domestic State level

Earlier, the western world was not that responsive regarding curbing terrorism. The incidents in USA, France, Germany, U.K., Belgium etc. have compelled the Western nations to fight the terrorism globally. In order to curb ISIS onslaught in Syria, Iraq and Turkey, Western nations are fully involved in the aid of Iraqi & Syrian forces. At the Central Govt. level, the aid in respect of additional security forces and financial help are being given to the states. Central Govt. has to coordinate steps being taken to curb the terrorism in various states. In this respect, the Central Govt. had always been liberal to extend due help to the state of Punjab. Terrorism is fought as a national battle. It must be kept in mind that the Central

\textsuperscript{150}Id pp. 11-12.
Govt. could have met some demands of the Sikh terrorists and situation could have been diffused. But due to political reasons, Central Govt. promoted Sant Bhinderanwale against Akalis and ultimately, everybody suffered.

Punjab has passed through a very delicate situation where thousands of persons were killed and property worth crores were lost. However, the people of Punjab faced this menace of terrorism bravely and it has been curbed completely, inspite of the fact that Pakistan’s ISI was instigating the Punjab terrorists by way of training, giving weapons and others aids. The following factors have brought normalcy in Punjab:

i. The political will to curb terrorism, in the forms of will of S. Beant Singh as C.M. of Punjab was the most important factor.

ii. The leadership of Sh. KPS Gill, the way he activated, trained and coordinated all the forces.

iii. Sh. KPS Gill led the forces from the front and he himself took active part in many operations.

iv. The lead role of operations was given to the local police & all other forces actively extended help.

Inspite of the loss of one additional Session Judge & 4 Judicial Magistrates, judiciary has done well in Punjab. Judiciary was very fair and professional. However, some remand powers were bestowed on the executive authorities, which were shortly withdrawn. As mentioned earlier, heinous offences of murders, robberies etc. were convicted by the courts. Judiciary had upheld the human rights of the innocent persons as well as of criminals.

Still some remnant terrorist groups in Pakistan and Western Countries are trying their best to revive terrorism in Punjab. KCF-Panjwar, KLF and KZF outfits are quite active. Many Babbars/KLF modules have been busted. The good thing is that terrorists are not able to find new recruits. Secondly, there is no public support. We must keep in mind that ISI is trying its best to revive terrorism in Punjab. If we want that terrorism should not raise its head again in Punjab, following factors should be kept in mind.

1. Dina Nagar & Pathankot Air base cases are because of cross-border terrorism. Govt. must take adequate steps against cross-border terrorism.

2. So long, terrorism will remain in J&K, Punjab will always be vulnerable.

3. Central Govt. should take up with government of UK, USA, Germany and Canada to stop terrorist funding and deport pro-terrorists elements from their countries.
4. Wahabi Islamic fundamentalism is a great threat to hinterland terrorism in India. ISIS & Al Qaida have spread its tentacles down up to Southern States of India. Strict steps are required to curb their activities.

Recent incidents of terrorist crime have been solved with the arrest of about half a dozen terrorists. Though the terrorism has been managed effectively but still we have to maintain pressure against the cross-border terrorism.

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