CHAPTER-VII
CONCLUSION AND SUGGESTIONS

7.1 GENERAL

The failure to cope with the rising tide of terrorism signifies the failure of the complete system. There has been a persistent tendency to put the entire onus of failure on the police & security forces. This is myopic & counterproductive. Other branches of the government are also equally responsible and should be held accountable. Only a response that coordinates the combined efforts of the police, security forces, intelligence agencies, the judiciary, the civil & political executive, the legislature, correctional institutions and government policies can prove effective in countering the growing menace of terrorism. The political will with deeper research and debate is the most essential for concerted action to defeat this scourge¹.

During the terrorism days and even after that there was great pressure on the minds of the policemen and their families. There was great latent impact on the families as was felt by them whether their bread winner would return safe and sound at night. The policemen’s wives used to narrate that they continued to pray till the arrival of their husbands from field duties. Thus there was stressful impact causing wear & tear on the lives of the policemen and their families. This stress & wear & tear caused nervous breakdown, hypertension, alcoholism and drug addiction in the ordinary way of life of policemen & their families. The children suffered from parental care as the father was fully involved day and night in the life & death situation. The children were grown up under gun culture and in certain situations, the marriages were broken up. Some police families & their relatives were kidnapped, killed and in some cases a huge ransom had to be given to save them. The targets were the school going children. It is to the credit of the Punjab Police that every situation was tackled successfully. Police leadership had to work very hard to restore the psychic confidence among public & the police families. Since the children of the policemen stopped going to school because of fear of kidnapping and killing, four police schools were opened in Punjab for the protective study of the policemen children. Some policemen had to face litigation encouraged by so called Human Rights Organizations & some are still facing. The other wings of administration forgot that it was their duty also to fight terrorism².

In Mahabharta it is written, “To those who fall in war, victory or defeat makes no difference. All the good people – the courageous, the upright, the humble and the

¹ Das, PM, “Terrorism: The untold story” (2002) p. 25
² Id p. 14
compassionate – die first. The unscrupulous survive, and the victory becomes the defeat of
the goodm³.

On 11th November, 2000, NHRC concluded the matter of police abduction leading to
crushed cremations, informed to it by the Supreme Court of India in December 1996, with an
order on compensation that also claims the return of ‘near normalcy’ in Punjab. “Before
parting with this order, we would like to observe that after unfortunate turmoil in Punjab,
things have returned to near normalcy. Both the state authorities and the citizens should,
therefore, treat this order an application of balm to whatever wounds were still left and to
engage themselves to make the state of Punjab more prosperous and peaceful in keeping with
the great traditions of the state”. On the initiative of “The Committee for Information and
Initiative on Punjab (CIIP) an NGO, against the evidence of disappearances, arbitrary
executions and illegal cremations in Punjab, NHRC limited the scope of enquiry to 2057
cremations divided in to three lists of 585 identified, 274 partially identified and 1238
unidentified corpses burnt at the three cremation grounds of Amritsar mentioned in the CBI
report. Ultimately, NHRC disposed off the matter with its 10th October, 2006 order awarding
arbitrary sums of monetary compensation to 1245 victims (with two categories of deemed
custody and without custody). 194 families received the grant of monetary relief at the rate of
RS. 2.50 lakhs each and second category Rs. 1.75 lakhs to each of 1051 victims. The order
also appointed a retired High Court Judge of Punjab & Haryana High Court to ascertain the
identities of remaining 814 persons cremated in the district of Amritsar4.

Tim McGirk writes in “The Independent” published in London that finally the
security forces have managed to crush Sikh militancy. He explained the meaning of success:
“No longer can you rent an AK 47 assault raffle for an evening of killings and extortions, the
“English Wine Shops” and pubs, once shut down by puritanical Sikhs, are again filled with
boisterous crowds and at Chandigarh University young women are no longer scared that if
they wear jean they will be accosted by bullying militants, who will shave off their hairs.”

7.1.1 AKALI DEMANDS
The Akalis had put up the list of around 45 demands to the Central Government in
September 1981 and hoped to be settled through negotiations. The specific demands could be
categorized under four heads i.e. 1. Religious 2.Territorial 3.Economic 4.Constitutional
claims. Sant Longowal as per White Paper issued by the GOI put forwarded the following
demands:-

⁴ Id pp. 7-21
⁵ Id p. 32
a) Grant of holy city status to Amritsar on the pattern of Hardwar, Kashi & Kurukshetra.
b) Installation of Harmandir radio at the Golden Temple to relay Kirtan.
c) Permission to Sikhs travelling by air to wear Kirpan on domestic & international flights.
d) Enactment of an All India Gurudwara Act.

No section of people had ever demanded Khalistan and Government of India had been justifying the violence & repression against Sikhs because of this only. Regarding the territorial demands, after about 19 years of agitation, Punjabi Suba was formed in 1966 and large tracts of Punjabi speaking areas like Dalhousie from Gurdaspur District, Chandigarh, Pinjore, Kalka, Ambala City, Una Sub Division, Shahbad, Guhla Sub Tehsil, Tohana, Rattia Block, Sirsa sub Division, Six sub divisions of Ganganagar District etc. were left out. Chandigarh was built as a capital in lieu of Lahore and it is still a Union Territory, though Indira Gandhi gave the award transferring Chandigarh to Punjab in January, 1970 and it was to be transferred to Punjab before January 1975. During the census, the majority of Hindu population did not mention Punjabi as Mother Tongue. The transfer of Chandigarh was categorically mentioned in May, 1985 Rajiv Longowal accord to Punjab by January, 1986.

7.1.2 RIVER WATERS

The crux of the economic demands by Akalis was to control & manage its own rivers water resources. India had seen twelve major famines from 1765, the year in which the East India company had assumed the suzerainty over Bengal till 1875, the year of great uprising against the Britain. Developing Canal irrigation was thought of by the English to check the scourge of famine. They were convinced that the canal irrigation and the development of railways & roads only can meet the challenge of famine. English constituted the Upper Bari Doab canal (UBDC) ad opened in 1859. This started from Madhopur and transversed through Deenanagar, Batala and Amritsar. Sidhwan Canal project was completed in 1937. Rachna Canal project had many new colonies coming up including Lyallpur. Lower Chenab canal built below Wazirabad irrigated over 1.5 million acres of land by 1900. The major contribution of all this settlement & development was by the Sikhs. When water supply from rivers in Punjab was cut off to Pakistan after partition, the Inter Dominion Agreement of May, 1948 had important provisions i.e. the proprietary rights in the waters of rivers in East Punjab vest wholly in the East Punjab Government and the West Punjab Government cannot claim any share as a matter of right. This means that riparian right of the state was upheld and the question of water diverting to other states was not accepted. Then Bhakra & Harike Barrage came up. India contrived an interstate agreement of division of water of three rivers in East

6 Id p. 317
Punjab allocating 8 MFA to Rajasthan, 7.2 MFA to Punjab and 0.5 MFA to Kashmir. When Sirhind canal project was completed, an agreement between the British Govt. & States of Patiala, Jind&Nabha was signed in 1873 in which the non riparian states were asked to pay an annual sum as seigniorage to British Govt. on Sutlej waters supplied to in proportion to the quantity allotted. As per Article 24 6 (3), 162, 246 (1), 262, the Constitution retained the principles of provincial autonomy in matters of river waters. Following the reorganization of Punjab in 1966, the Central Government constituted the BhakraNangal& Beas Management Board (BBMB) for the administration, management and operation of the projects and provided more waters to Haryana & Rajasthan. Indira Gandhi by River Water Award of 1976, allocated more waters to Haryana and Akalis in 1971 challenged this in Supreme Court. This petition was withdrawn by Congress Government in 1980. In 1982, the project of SYL was launched at Kapoori in Patiala District, which was resented by Punjabis. The project is still abandoned.

Capt. Amrinder Singh Govt. in 2004, passed Punjab’s Termination of Agreement Act, 2004. This was regarding SYL, annulling the agreement on SYL canal water. It is still pending in Supreme Court as Presidential Reference. Badal Government passed Punjab Sutlej Yamuna Link canal Rehabilitation and Re-vesting of Property Rights Act, 2016. Punjab Government returned the amount to Haryana Government, which was returned in the form of cheques to Punjab Government. The matter is pending in the SC. Haryana moved an application to Apex Court to stop the Punjab Government from returning land to the farmers. SC has given the stay.

**7.1.3 CENTRE-STATE RELATIONS**

Regarding the Centre State relations, the Constitution has made the Centre all powerful. The Governors, who were meant to protect the Constitution, started interfering in the working of State Governments. Constitution ensures that the State Governments works as puppets of Central Government. Articles 246 (1), 248 & 254 read with entry 97 of the Union List give the Union residuary powers of Legislation and under Articles 200 & 210, the President can deny assent without assigning any reason. IAS & IPS officers are remotely controlled by the Central Government. Finance Commission and Planning Commission work under the control of Central Government. SC judgment in *West Bengal v. the Union of India*\(^8\), gavea finding in favour of a basically unitary character of the Constitutional framework. In another case of Sea Customs Act, the Supreme Court declared that the powers of Union in the

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\(^7\) Id p. 342  
\(^8\) AIR 1963 SC
sphere of taxation were overriding & unquestionable. In the third case affecting the University of Ahmadabad in Gujarat, the SC ruled that the Central Government could compel the State University to employ a medium of instruction other then the recognized language of the State. Thus the unconditional supremacy of the Union over States have been upheld by the Courts. H.M. Servai, a noted jurist had advocated that there should be balanced relations between Centre & States& independent judgments of province must be respected. Dr. B.R. Ambedkar in Constituent Assembly debates had upheld the independent identity & functioning of states & one is not subordinate to the other as both the Union& States are created by the Constitution & one is supposed to coordinate with each other.

7.1.4 ANXIETIES OF IDENTITY & THE AKALI RELIGIOUS DEMANDS

A Sikh is identified by five symbols i.e. Kangha, Kara, Kachha, Kesh and Kirpan. His identity must be protected. Guru Nanak advocated the way of life with three commandments: KiratKaro, Nam Japo, VandChhako i.e. work hard, remember God through NAM and practice sharing. Sikh religion has guru’s kitchen and Guru kaLangar. The followers eat together in the community kitchen after recitation of Gurbani. Guru GranthSalokas contain even the hymns of all saints belonging to different religions. There was close association between Akbar & three Sikh Gurus i.e. Guru Amar Das, Guru Ram Das and Guru ArjanDevJi. It is held that Akbar visited Guru Amar Das Ji at Goindwal Sahib & the land of present Harmandar Sahib was given as a gift to BibiBhaniJi, daughter of Guru Amar Das Ji. The foundation stone of Harmander Sahib was laid by SainMianMir Ji. Guru TeghBahadar Sahib, the 9th Guru was slain by Aurangzeb, as he sacrificed his life for the Hindus. After the martyrdom of his father in Delhi, Guru Gobind Singh Ji raised Khalsa, a martial race. Guru Gobind Singh selected his Sikhs and asked the Sikhs to obey them & Sikhs have been told that after 10th Guru, Guru Granth Sahib should be obeyed as their Guru. Swami DayanandSarswati founded AryaSamaj. AryaSamaj in a way opposed Sikh religion and Sikh way of life. Sikh leaders formed SGPC on 15th Nov, 1920 and took control of several Gurudwaras. Soon, some Congress leaders questioned the claim of Sikhsof their distinctiveness. LalaJagatNarain, an AryaSamaj leader, who headed the Maha Punjab Samiti opposed the formation of Punjabi suba. He also addressed the NirankariSamagam where 14 AkhandKirtanis were killed on 13th April, 1978, which marked the beginning of unrest in Punjab State. Punjab Kesari in his daily newspaper of 9th September, 1978 had written that the 9th Guru was accompanied by other Hindus like BhaiMatiDassJi etc., when martyred in Delhi. The Khalsa fraternity was created by Guru Gobind Singh Ji with the intention to turn

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Hindu community to martial race. Therefore, to call Hinduscorpus like by SantBhinderanwale, was like abusing his own blood. Akali Dal headed by Sh. Talwandi took out a procession in Ludhiana on November 2, 1978 and he called Bhinderanwale as “DhaiTotru”\(^\text{10}\).

### 7.2 OBSERVATIONS

War begets war and violence begets more violence. Terrorism and war can’t be the solution of human problems. Any type of terror should be considered as an act against humanism and civilization. Now the time has come when all the countries should sit together to formulate global strategy to handle catastrophe of terrorism. There is a need of universal code of conduct that should be above all religious sentiments and political motives. Sincere efforts should be made to bridge gaps among groups and counties in terms of resources, opportunities etc., which would save the human civilization from clutches of Terrorism.

The framework of counter-terrorism policy must be clearly articulated. All such legislation framed must remain open to amendments in the light of evolving experience. If certain laws are found to be susceptible to abuse or to have caused unacceptable hardships to the innocents, then such type of law must be entirely rejected & redrafted.

There can be no place of terrorism in democratic setup. In a democracy, differences should be sorted out through political dialogue. Today, the concept of democracy, secularism and mutual co-existence is undermined by the terrorists. Therefore, the problem of terrorism should be dealt with firmly. It is essential to evolve a new dynamic democratic ideology to eliminate terrorism from the face of the earth. It is high-time to the thinkers of the world to ponder seriously over this matter and try to find honest answers to the menace, otherwise their own liberal, independent thinking and secular values will be in danger of being run by the evil forces\(^\text{11}\).Equal vital in this battle is the concept of shared prosperity and technological advancement. Religion must remain purely a personal matter. Economic and scientific growth in democratic countries hold the key to the battle for overcoming the terrorism ridden global reality of today\(^\text{12}\).

The fight against terrorism can be addressed truly and effectively only when all nations realize that terrorism is a malaise that can strike at will in any part of the world, including those societies that currently may see vested interests in encouraging such tendencies\(^\text{13}\). It is high time that we should evolve the strategy to eliminate terrorism i.e. short

\(^\text{10}\) Id p. 363  
\(^\text{11}\) Jai Singh, Hari, “Countering Terrorism” special issue, Spectrum, the Tribune Jan 5, 2003, p. 1  
\(^\text{12}\) Ibid  
\(^\text{13}\) The Tribune July 31, 2003, p. 7
term and long term. The short term strategy should include putting strong and sustained pressure on the terrorists and their collaborators, denying them extra supply of oxygen through publicity and by other means. The long term measures should include fundamental reforms of the Indian polity and administration. The current culture of shallowness, softness and selfishness has to be abandoned and replaced by a culture of constructivity, creativity and compassion.

The law protectors have become the law violators. Human rights activists are as much against the state terrorism. If the nation is to preserve the fundamental values of a democratic society, every person whether a public functionary or a private citizen must display a degree of vigilance and willingness to sacrifice. The police lawlessness in uniform is providing a great danger to the human rights of the people and this requires the constant watch on all concerned in the interest safeguarding the fundamental rights of the people as human rights enshrined in the constitution.

The next generation of terrorist will grow up in a digital world, with even more powerful and easy to use hacking tools at their disposal. They are securing greater potential of cyber terrorism. In addition to cyber attacks against digital data and systems, many people are being terrorized on the internet today with threats of physical violence. On line stalking, death threats and hate messages are abundant.

There may be political, social or economic grievances by the people and efforts should be made to redress the grievances with in the Constitutional framework. The grievances should be attended to for long term and permanent solutions. Effective denial measures are required so that the terrorists are not successful in their mission. Denying them funds, weapons, secrets, publicity and the aura of martyrdom – all easier said than done. The new worry is ‘Jehad’ terrorism which is picking up fast. It has to be dealt with at the roots through psychological war and surgical military operations. The political, social and human elements of terrorism have to redressed through good governance which must include a tough policy on counter-terrorism.

A unified command of the civil and defence forces is absolutely essential to deal with any terrorist situation. This was implemented in Punjab, J&K and Assam. Of course, the problem of ego is a great problem. Civil & defence forces should work in unison. Government must act on four fronts i.e. prevention, protection, crises management and

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punishment. The action should be taken as per the guidelines of International Conventions. International community must come together. The fight against terrorism would be long and hard. This is fight for World peace and security in which the children of the future can enjoy a tomorrow free of violence and fear. UN is the only forum for establishment a World anti-terrorism forum which should be a permanent wing of the organization with clearly stated goals, tasks and working machinery.

There is an urgent need to evolve at least a functional definition of terrorism, as such absence of such a definition not only makes the task of enforcing International laws difficult and confusing, but it also becomes equally difficult to fix the liability on a state either for political motives or sovereign interest. International Criminal Court should be made to function more effectively.

In combating terrorism, there should be no surrender on the part of the government to the demand of terrorists. Internal Security must be largely handled by special anti-terrorist units, para-military and the police force. Army may be called only in extreme situation and in sensitive border areas. There is a need to modernize state police machinery including intelligence agencies and improve their working conditions. There should be perfect coordination between all states and central agencies.

7.2.1 TERRORISM AND FIELD SITUATION IN PUNJAB

The philosophy of terrorism goes by an old maxim that the power blow out of the barrel of the gun. Likewise, a terrorist believes in killing one and terrorizing thousands. Historically, terrorism in Punjab is generally reckoned to have begun with the clash between the Nirankaries and AkhandKirtanis on April 13, 1978, when 14 Akhand Kirtanis had died. It acquired monstrousness dimension after operation ‘blue star’ in June 1984. Since its inception different factors have been responsible for breeding and mustering this hydra-headed monster. The terrorism had social, political, economic, religious and external causes in its making and perpetuation as such, the battle against terrorism had to be waged on different fronts. Keeping in view the aspect of human rights, the surrender policy was launched. In 1992, the security forces had upper hand in Punjab. The terrorists were on the run. This was the time when surrender policy came to be recognized as a key to the human rights. The large number of terrorists were criminals, smugglers, boot-leggers, robbers and college/school drop-outs. Over 2000 terrorists alongwith weapons were made to surrender. The surrender policy provided for:-

a. The outlaws to be treated as per law.
b. Their rehabilitation into the main stream.
The terrorism in Punjab passed through various phases in its nearly 15 years old standing. Even after surrender, the terrorists may revert to terrorism again. Hence, their rehabilitation was a very important aspect. Some of them gave up terrorism and started living a normal life. They even extended all possible help to the security forces in the fight against terrorism.

The extent of terrorism came into light only after the murder of LalaJagat Narayan, proprietor of Hind Samachar Group of Jalandhar. The things came to the boiling point when SantBhinderanwale was arrested in LalaJi’s murder case. This is another story as to how he was released without bail. The atrocities committed by the terrorists on innocent persons led to the Blue Star Operation and this was the peak point in the history of terrorism in Punjab. Khalistan was declared in Golden Temple on 26th January, 1986. After that, the terrorists killed a large number of politicians, innocent persons, women & children. This led to the Operation Black Thunder in 1988. Year 1991 was peak in the killings by the terrorists. The people in general had gone against the terrorists as they troubled the innocent people and indulged in outrage in Punjab. The peasantry in the rural areas was the most affected. The families of the policemen were killed in large number. A good and effective leadership was provided by S. Beant Singh as CM and Sh. KPS Gill as DGP Punjab. It is felt that they were the real protectors of Human Rights, as in 1993, there was abrupt fall in the killings by the terrorists. It is a fact that the security forces were responsible for the violation of human rights to some extent but it was because of adopting tough stance and methods to end the terrorism. NGO groups of Punjab have also done a good work in the protection of human rights.\footnote{Punjab Police Records (Unpublished)}

ISI of Pak had planned the\footnote{Punjab Police Records (Unpublished)} strategy i.e. synchronized militancy, involving mercenaries and diversification plans i.e. concentrating on soft targets, encouraging Narco-terrorism, stress on explosives and assigning prominent role to foreign layer. Though, the terrorism in Punjab has been combated effectively but still few targets i.e. Sh. Rebeiro, Sh. Maninderjit Singh Bitta, Sh. P.S. Badal, Capt. Amarinder Singh CM Punjab, Baba Bhaniarawala, Baba SachaSauda Wale, the hardcore R.S.S. activists and Shiv Sena activists are on the hit list of the terrorists specially based in Pak, Canada and U.K.

Principles of human rights\footnote{Sharma, S.D.; Human Rights Spiritual Education, Hub for combating Terrorism, Indian Police Journal, (2010) p. 128} are based on justice, peace and prosperity. Recognition of inherent dignity, equality and inalienable rights of all members of human family is the...
foundation of freedom, justice and peace in the society. Justice can lead to peace and peace in
turn to prosperity. Peace cannot be achieved at gun point. Gandhi Ji said, “Peace does not
depend upon gun powder but on pure justice.” If these principles are violated by any human
being, it will create injustice to the humanity. In this context, it is apt to quote Martin Luther
King that, “Injustice anywhere is threat to justice everywhere. Justice needs to be done at
every step in every sphere of life.” Knowledge of human rights i.e. human rights spiritual
education is hub for imparting peace, tranquility and justice.

The picture of ground reality shows that what happened in the villages had little
relations to the political objectives or grievances of the Sikh community as articulated by
leaders and spokesmen. The world of fighters & that of the ideologies of the movement were
separate from each other. Each, in effect, contributed to validate the other framework of
discourse on the issue, kinship and school or village connection with the early entrance
marked the main routes of entry to a particular organization. Many of them belonged to pure
Jat Sikh farmers families. Many of them were unemployed or vagabonds. Many joined as
“Shaukia” i.e. adolescent riffraff. To have AK 47 by an individual was the symbol of power.
Many people developed relations with Singh/Babas to settle their score for old enmities. The
motivation was religo-political bases but none of them was known to have religious
orientation. Their commands relating to social codes were viewed as points for demonstrative
assertion of power. This has led in some cases to inter-group and intra-group warfare and
killings\(^\text{19}\).

What to talk of freedom and sovereignty of Sikhs, the most sufferers were Sikhs only.
78% of the persons killed by the terrorists were Sikhs. The idea to hit Hindus was to compel
them to migrate. Majority of Jat Sikhs migrated from the rural areas to the cities. The
movement collapsed when the terrorists killed the relatives of policemen and the policemen
united to chase the terrorists and neutralized them. The migrant labour, though, killed in great
number started pouring in Punjab. The end of terrorism frustrated the struggle too.

Though the objective of the armed struggle was announced in 1986, it was believed
that terrorists violence was motivated for that purpose from the beginning. By the end of
1992, over 25000 people were killed in violence. The killings were all accompanied by large
scale kidnappings for ransom, extortions, molestations, and rapes of women. A pervasive and
causing sense of fear and helplessness possessed the virile and fun loving people of Punjab in
a vicious group forged by the armed gang of terrorists on the one hand and atrocious, ‘weak-

\(^{19}\) Id p. 130
strong’ police composed largely of people of the same community on the other side. The violence brunt was faced by the rural areas of Punjab. More than 700 villages of Punjab had close encounter with terrorism violence\textsuperscript{20}.

During the two world wars, two crores and ninety lakh persons lost their lives, but because of terrorism, around 4 crores people have lost their lives during the 20\textsuperscript{th} century. In India, around 7 lakh people have lost their lives since independence. With this much loss, we should have learnt the lesson but this menace is on the increase in one form or other. The major responsibility of its nourishment was the cold war between two blocs. Now, when there is fall of USSR, the terrorism should have ended. But, still it is on the increase. Now, the major threat is from religious fundamentalism, especially Islamic fundamentalists and Jehadi terrorism of Late Osama Bin Laden i.e. Al Qaida, Hafiz’s Lashkar-e-Taiba and ISIL are a big threat to World civilization. ISIL of Abu Bakar Baghdadi had brought the world closer to World War. Two sects i.e. Shias & Sunnis of Islam are fighting.

Now the trends in terrorism are changing very fast. The World is threatened by WMD. Low cast war with blasts and sophisticated electronic equipments have complicated the matter. No target is safe. Cyber terrorism is another aspect, which is worrying the experts. Now, Narco-terrorism has brought all the world terrorist groups closer. Pakistan, Afghanistan, Columbia, Peru etc. are thronging on Narco-terrorism. This has become a business and no one knows where this is going to end.

In Punjab, we have gone back by 15 years in development because of terrorism. There has been a colossal loss of life and property. Though, the terrorism in Punjab is effectively managed and almost, all the terrorist outfits have dried up, yet the Pak/ISI factor is a big danger for revival of terrorism. KLF, Babbar and KhalistanZindabad outfits are getting training in advance technology of terrorism under the guidance of ISI in Lahore, Karachi, Peshawar and Mazaffarabad. Secondly, the foreign factors i.e. basis of World Sikh Organizations in Canada, USA, UK, Germany and Italy are a matter of anxiety. They are spreading venom against India & pro-Khalistan propaganda through social media.

Education begins at birth in the sub-consciousness and continues till death. Supreme Court headed by CJI V.N. Khare in Ranganath Mishra case\textsuperscript{21} observed, “Human Rights Special Education is a non-violent method, which has the capacity and capability to combat the violent atrocities of human beings”. It is not only essential of the development of

\textsuperscript{20}Puri, Harish, K; Judge, Paramjit and Sekhon, Jagroop Singh; *Terrorism in Punjab, Understanding the Grass-root Reality*, HarAnand Publication Pvt. Ltd. 1999 p. 10

\textsuperscript{21}Ranganath Mishra v. Union of India (2003) 7 SCC 133
individual but also for the stability and progress of society. The legal and moral principles of human rights are based on the ethics of co-existence, cooperation, wisdom and knowledge of humanity. Human Rights Education has the capability to control the evil will of human beings. In the global society, evil will is the root cause of terrorists problem. Thomas Hobbes said that the human beings are by birth barbarious, hateful, zealous and fighter. These habits can be controlled by good and quality education. John Rawls quoted Rosseau that Rosseau will not tolerate religions which say that outside the Church, there is no religion. Some religious fundamentalists disturb the peace in the global society. Spiritual education never teaches one’s religion is greater than others. The object of religion is to impart equality, non-violence, fraternity, co-existence and cooperation. In Sarla Mudgil’s case\textsuperscript{22} SC said, “religion is the right to choose his way of life in accordance of his basic belief and is ingrained in his personality.”

In Abington School case\textsuperscript{23}, Justice Madison rightly expressed his anxiety, “we hold it for a fundamental and undesirable truth that religion or the duty when we owe to our creator and the manner of discharging it can be directed only by reason and conviction not by force or violence. The right of conscience is in the nature of peculiar delicacy and will little bear the gentlest touch of governmental hand.”

Normally, the National Policy determinate the counter-terrorism strategy. The major national consensus that determine security related policy are: national identity, sovereignty and economy. Thomas Robert Bugeand while addressing the French Parliament said, “Gentlemen, you do not make war with Philanthropic sentiments. If you want the end of war on terror, you have to have the means. You have to have human rights above all if you want to have rule of law.”

Human Rights groups have limited their role to monitoring and protecting human rights violations committed by state actors. The emergence of armed groups have caused destruction in civil society by resorting to murders, tortures and violence. The human rights groups must oppose the activities of those groups which are destroying the civil society. However, the mandate of human rights groups around the world has been to monitor, highlight and struggle against wanton violations of human rights perpetrated by the agencies of the state. Generally the state has the legal authority in the territory under control to use force to protect, maintain law & order and guarantee the protection of the fundamental rights of the citizens. NGO groups question the human rights abuse by the state. They ensure the

\textsuperscript{22}Sarla Mudgil (Smt.), President Kalyani v. UOI, AIR 1995 SC 1531
\textsuperscript{23}Abington School District v. Schemepp, 374 US 2003 (231)
state authority to come in line with the constitutional laws.

7.2.2. WHY HUMAN RIGHTS VIOLATIONS

All human rights violations must be strongly condemned by the citizens of a democratic country. However, if we see the totality, the violations committed by the police are the effect of other aberrations existing in the society. The main factors giving rise to human rights violations by the police are as below:

1. Lack of scientific equipment and scientific methods of investigation.
2. The public pressure to work out the cases at the earliest.
3. Lack of effective training.
4. Harassment of political rivals at the instance of ruling party.
5. Personal gains of the officials.
6. Lack of proper environment & healthy work conditions.
7. The failure to secure conviction of the dreaded criminals/terrorists.
8. War like situation by the terrorists and people seeking quick results.

It is the well settled principle of natural justice that the justice is not only be done but must also appear to have been done. The Supreme Court of India has held that where the police itself is blamed for a false encounter, people will not have any confidence in the investigation by the same police. The investigation needs to be handed over to some independent agency. For example in Pilibhit encounter case where ten persons were killed in encounter in 1991, investigation was given to CBI and the culprit police officers were convicted by the Court. It is a fact that the powers given to police in the name of national security or fighting terrorism, are often abused by the lower police officials as they are not properly trained in impartial and objective methods of investigation. Of course, there are certain brave officers who rise to the occasion and despite pressure from above they do their duties in the best possible manner to the best of their ability. But it must be kept in mind that the Indian Police is lowly paid, overworked, politically abused and has poor working conditions. It works more for the power holders and sycophants.

It is creditable that India has been able to maintain its democratic & secular form of government. But despite rhetoric of democracy, the mindset of the officials is more or less still feudal. The ethos of democracy, impartially, respect for human rights and exercise of restraint while utilizing powers is yet to be developed. Democracy is a way of life. It is a way of thinking. It is a mindset. Unfortunately, the mindset has not become democratic in India\textsuperscript{24}.

\textsuperscript{24} Singh, Dr.Surat, Singh, Hemraj; \textit{Law relating to Prevention of Terrorism}, Universal Law Publishers Co., Pvt. Ltd. – Delhi-2003 p. v
Enormous powers should not be given to the State agency in the name of protecting us against terrorism\textsuperscript{25}. If we give powers to face the emergent situations of law & order, we should ensure that enough transparency and safeguards are also there. Power with accountability should be the norm. Officers should not be allowed to cover up their illegal deeds under the cover of “Public Interest”. In this connection, the courts, particularly the trial courts, have to be much more vigilant in striking a meaningful balance between protecting the fundamental rights of the individuals on one hand and maintaining the public order on the other. Judges must keep in mind that the fundamental rights of life, liberty and dignity guaranteed in Indian Constitution do not stop at the gate of police station or Crime Prevention Agencies. The fundamental rights should be the guiding force even during the investigation. Courts should show zero tolerance to the undignified methods of investigation adopted by the police. A law abiding citizen should not feel fearful while going to police station. His dignity should not suffer while he goes to the police station to make a complaint. The vision of famous poet Rabindranath Tagore should set the standard for every Police Station or Crime Investigation Agency. A citizen after visiting police station should be able to say that he visited a place;

“Where the mind is without fear and where the head is held high\textsuperscript{26}”

In U.K., the police is far more aware of the citizen’s rights. The Supreme Court of India in the case

\textit{State of Rajasthan v. Union of India}\textsuperscript{27},

Observed, “The wisdom of man has not been able to conceive of a government with power enough to answer its legitimate needs and at the same time incapable of mischief.”

Even the judiciary could not be able to prevent the security forces and the state from misusing anti-terrorism laws. In case

\textit{Hitendra Vishnu Thakur v. State of MHR}\textsuperscript{28},

The Apex Court found that TADA was being used to circumvent ordinary criminal procedure & criminal law when the offence committed fell squarely outside the ambit of TADA. Of course, it is fair to say that TADA played its active role of preventing crime under terrorism. TADA finally lapsed in 1995. But in 2002 Government brought POTA which is nothing more than reincarnation of TADA with largely cosmetic changes.

\textbf{7.2.3 PHILOSOPHY OF HANDLING TERRORISM}

\textsuperscript{25} Id p. vi
\textsuperscript{26} Id p. vii
\textsuperscript{27} AIR 1977 SC 1361
\textsuperscript{28} AIR 1994 SC 2623
With the time, society changes, so do its values. Crime is increasing with the change in modus operandi because of fast technology changes and developments. Terrorism is a very big threat, the way the things are developing all over the country. Earlier, Talibans and Al-Qaida were a great threat to our northern borders but now fast development of ISIS in the Middle East & West Asia has forewarned us regarding cross-border terrorism through J&K and marine border. The foundation of freedom, justice & peace in the world is recognition of inherent dignity, equality and inalienable rights of citizens. Certainly, combating terrorism on one hand and protecting the human rights and fundamental freedom on the other hand came in conflict. There is a long history of terrorism in the world, in India and in Punjab even pre-partition and after that. The people in general have faced cruelty and horror let loose by the terrorists and also from the authorities. This has resulted in bringing out different Acts and Statutes.

Strong efforts have been made to define terrorism and still no consensus definition could be arrived at. However, we do know the difference between terrorist crime and organized crime. Organized crime is for financial gain whereas the terrorist crime is a political phenomenon. General definition are more wider and more ambiguous. However, the different types of terrorism, which the society experience needs introspection and remedies. One kind of terrorism is that of a fanatic, who uses force to intimidate the general population. Strong security measures, prompt and efficient police investigation and competent prosecution are necessary to ensure that such fanacts are adequately punished. But there is another kind of militancy which is carried by have-nots like dalits, adivasis, poor and dispossessed. The poor are excluded from the fruits of democratic process and to treat them squarely on the lines of terrorists will be a big error because state and other rich & mafia group have committed terror on them for decades. The state has always used repressive methods and this is a mistake of gravest kind. The handling should be on different lines. Their problems should be solved and the terrorism will certainly come to an end when their rights are assured and protected. They should be brought to main stream of democratic process. A third category of militancy branded as terrorism relates to the area of North-East. The terrorists are fighting for sub-nationalism. Army and security forces should segregate the terrorists and the innocent people should not be troubled. There should be close supervision over the activities of the security forces, who purposely hype the threat of terrorism to remain in position of power. The terrorism should be fought not by Army but by other police and

PMF and the erring official must be brought to book. Torture by the police should be checked so that the people tortured should not turn towards terrorism in anger and disappointment. It is, therefore, necessary that political and civilian control is reestablished and that the army and para-military forces should be assigned only legitimate tasks of national defense against external aggression. It is misnomer that militancy is fought by militant methods, rather benevolence and welfare approach are highly effective to win back the terrorist elements to the main stream. The state must uphold the rights of the people.

POTA and TADA were enacted to take strict action against the terrorists. Even then the terrorists’ conviction is very low. Judiciary blame the police for not properly investigating the cases. Judiciary also blames that the number of judges is too small to handle such a gigantic task. Confession to be recorded by an officer of police not below the rank of SP has not helped in conviction of the terrorists. The confession was extracted and the people had to languish in jail for a long time before trial. While reviewing the TADA law, the Constitutional Bench in Kartar Singh’s case rightly held:

“It is heart rendering to note that day in and day out we come across news of blood curdling incidents of police atrocities”.

In Gujarat, the State had detained the largest number of people under TADA i.e. approximately 20000, which included bootleggers, people campaigning against a power price hike and the students protesting the rise in the cost of milk. In fact, it was used as a threat against all those who differed with the Govt. & dared to voice it aloud. They were prosecuted under disruptive activities clause. They were lawfully locked up to cool their heels for months without a trial under the provisions. Conviction under TADA was not more than 3% of the cases. In many cases, charges were under TADA but conviction was under IPC.

Yet, the provision of confession was given that the senior officers will act with conscience, integrity and fairness. Justice Ramaswamy delivered a farsighted judgement saying:

“Such a provision shocked the conscience and smelt of unfairness. Conferment of judicial power on the police will erode public confidence in the administration of justice. It sullies the stream of justice at its source.” Two learned judge aptly warned:

“Killing of democracy by gun and bomb should not be permitted. But in doing so, the state has to be vigilant not to use methods, which may be counter-productive. Care must be taken to distinguish between terrorists and innocent.”

In the PUCL case, when the constitution of POTA was challenged, the Supreme Court held:
“The mere possibility of abuse cannot be a ground for declaring a statute unconstitutional”.

In North East specially in Assam and Manipur, the Army & Security forces are allegedly killing the alleged terrorists. It is alleged that Dalits, Adivasis and minorities are being targeted. Where a terrorist is apprehended, he must be put to trail before the appropriate court. The police should not subvert the judicial process by eliminating the terrorists. The NHRC recommendations and guidelines issued in 2003 in respect of encounter deaths should be strictly followed. Judicial enquiry should be held in every custodial death.

It is suggested that Indian Government should ratify the UN Conventions against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment-1984. It should also ratify the UN Optional Protocol to the Convention Against Torture. Civilian control over the police and the Armed Forces must be re-established. D.K.Basu’s guidelines issued by the Supreme Court regarding the arrest of the suspects by the police must be adhered to by the police. Guidelines by NHRC should be implemented in toto. The recommendations of the Malimath Committee show that there is an inclination at the highest level to negate the fundamental principle of ‘innocent until proved guilty’ and introduce coercive methods even in normal criminal law. This is dangerous for the nation. However, the morale of the police and chain of command must be upheld. The victims of violence should also be looked after and adequate compensation granted. Firstly, the reparation or compensation to the victims must be given. Secondly, CJS board should be constituted to decide the compensation. Thirdly, a comprehensive scheme of compensation should be brought by legislation for the terror victims. Fourthly, the victims need moral and sympathetic support and expeditious disposal of the cases and punishment to the offenders. Fifthly, the victim compensation scheme as suggested in 2008 Amendment should be constituted for the award of compensation to victims of terrorism also.

Militancy is brutal curse and the terrorists choose their time, target and kill and vanish. Those concerning the fight against terrorism must work in restraint. The rule of law should be allowed to prevail and the system should absorb the shocks of the tragedies. Justice Pandian in Kartar Singh’s Case has very rightly pointed out.

“True, our is country which stands tallest even in troubled times, the country that clings to fundamental principles of human rights, the country that cherishes its cultural heritage and rejects simple solution that compromise the values that lie at the root of our democratic system.”

Here comes the role of judiciary. If the judiciary is independent and does justice, the
terrorists/criminals are automatically sidelined from the mainstream as they cannot justify the violence to the society.

1. The terrorism should be fought ideologically. Voice of sanity must be made to be heard. Cooperation of nations must be sought.
2. Creating awareness that terrorism is harmful to all & will create hell & destruction.
3. Justice – social, political, economic must be given. Fundamentalism will not pay in the long run.
4. Terrorism will not win any war.
5. Policy planners, experts, enforcers must discuss jointly to control terrorism.
6. Media should play positive role.
7. Steps should be taken to check the nature of global terrorism.

7.2.4 TERRORISM AND NATIONAL SECURITY

The maintenance of Internal Security is the biggest challenge facing the country. The following are the specific issues, which have an impact on our internal security.

1. Problems of national assimilation and integration, particularly of the border areas in the North and North-East and growing insurgency.
2. Porous borders with Nepal, Bhutan, Mynamar, Bangladesh and Sri Lanka which enable illegal transborder movements and smuggling of weapons and drugs. Fencing is very costly & guarding every inch on the border is not possible.
3. The possibility of Jehadi elements fanning the flames of insurgency in J&K after the U.S. withdrawal from Afghanistan.
4. Golden Crescent and Golden Triangle in India’s neighbor pose the big threat to the culture & habits of the people of India. Smuggling and trafficking, narcotic trade and unproductive life style of people are a big danger.
5. Weak governance, large scale of corruption and erosion of human values, political interference, poverty, lack of social justice etc. have disenchanted the people.
6. Maoist insurgency spreading to other areas largely due to absence of a strategic plan to deal with the problem.
7. The growing fundamentalism, radicalization of the youth, rise in intolerance, polarization of society, hardening class barriers etc.
8. Economic terrorism is the big threats to our polity. The fake currency notes are pouring into India through Pakistan & Nepal border. Pak/ISI is printing the fake notes in Peshawar.

30 Civil Services Times, New Delhi, Nov 2015 Issue No. 11 pp. 27-28
7.2.5 GUIDELINES FOR NATIONAL POLICY AGAINST TERRORISM

1. **Anti-Terrorism Policy**: We should clearly lay down the policy to counter terrorism that there shall be no compromise with terrorism. Policy should be as to how to combat and react in case of terrorist incident. That the sponsoring terrorism would be treated as a hostile activity. Those involved in terrorism overtly and covertly shall be dealt with severely.

2. **Anti-terror Law**: Special situation needs special laws. We should see that after TADA and POTA, whether UA(P)A is enough to counter terrorism. So far, it is satisfactory.

3. **Religious Extremism** – We must take adequate steps against Islamic fundamentalists.

4. Launching of Systematic National campaign for eradication of terrorism.

5. Organization of comprehensive and integrated system of security.

6. National awakening about Terrorism and terrorists.


10. Accelerated development of terrorists affected areas.

11. Mobilization of public in the fight against terrorism.


13. Priority employment to the youth from terrorists affected areas.

14. Posting of honest and brave officers in terrorists affected areas.

15. Effective coordination among forces and intelligence agencies.

The rise of fundamentalism has turned into a grim threat to the societies across the West Asia, Africa and Far East. Edward Said had suggested that the best way of eradicating terrorism was to get rid of causes. The religious and social contexts largely differ, yet the premises are more or less similar. We need to seriously consider our perception of the forces of terrorism in global context. Apparently, the underlying motive of terrorism is power struggle. Whether, it is Boko Haram, Al Qaida, ISIS or the Wahabis in Saudi Arabia, each branch of Jihadist fight to assert its supremacy. Though it is projected that all this is done for Islam but the subtext is to scramble for maximum control over the geo-political and social landscape. After CharlieHebdo attack, we are indeed faced by an enormous challenge to find a balance between categorical condemnation of violence and the democratic principles of the

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31 ibid
Fundamental Rights to free expression. Protest is a valid right in a free society but it cannot be used in a gratuitously violent manner. Brutality of US and NATO forces also need to be condemned. The rise of home grown jihadists in France is another big challenge inspite of the fact that France is more liberal to immigrants. Unfortunately, a sizeable portion of these immigrants have not been assimilated. Though, to play in the hands of the extremists by denigrating Islam would be a step in the wrong direction, but the millions of moderate Muslims should rise against relentless tide of violent extremism. We should strike a right balance between free speech, secular tradition and the demands of a multicultural society\textsuperscript{32}. Terrorism is a specially organized crime with a political purpose. The terrorists are very ruthless and indulge in wanton killings, kidnappings, abductions and extortions. It sends shock waves as a lesson to others. When we handle the terrorist crime, the authorities cannot pay back in the same coin as the terrorist want Govt. to react in the same manner in order to serve their purpose. If the terrorism has been curbed effectively, it is because of three factors i.e. tough action against the top terrorists, winning over the people on the margin and the impartial/justifiable approach of the judiciary. Here we are supposed to have majority on our side as required in our democratic setup\textsuperscript{33}.

\textbf{7.2.6 STEPS TO DEAL NAXALISM, INSURGENCY AND TERRORISM INTERNATIONAL LEVEL:}

a. Now the terrorism is a global phenomenon and therefore, there is an urgent need to have a unanimous universal definition of terrorism. It is very difficult to punish the individual and the state without a viable definition of terrorism. Even, our Supreme Court has also remarked that the failure on the part of UN to evolve a consensus definition of terrorism has complicated the issue on both at national and international level. More so, the definition of terrorism must be free from all prejudices and must include all kinds of violence including even the counterfeiting, conspiracies and offences aimed at uprooting social and religious ideas. It should also include the preparation act of resorting to violence by the terrorists.

b. The list of all terrorist organizations should be prepared and such organizations should be declared unlawful. No country should allow such organization and the violators should be severely punished.

c. States should ensure that WMD should not fall into the hands of the terrorists.

d. UN must impose severe sanctions against the state indulging in organizing, instigating, facilitating, financing, assisting and participating in the commission of the terrorist

\textsuperscript{32}Walia, Shelley, \textit{"Terror Bites"}, The Hindu, Mohali, Jan 25, 2005, p. 10

\textsuperscript{33}Sehgal, B.P. (Ed.) Terrorism – Socio-Politico and Legal Dimensions (1995) p. 143
activities\textsuperscript{34}.
e. There should be a universal extradition treaty to extradite the terrorists belonging to any
country. The states should cooperate in extradition.
f. The funds & finances of the terrorists should be confiscated and the states should cooperate
in taking severe action against the persons and agencies financing the terrorist activities.
g. There is an urgent need to have an exclusive International Criminal Court to try the
International crime falling within in the definition of terrorism.
h. Strict control should be imposed on the movements of the terrorists and strict vigil must be
kept on passport, identity card & other authentic documents.
i. Terrorists should be awarded exemplary punishment to send message to other terrorist
groups.
j. All the states should unanimously condemn the terrorist activities in all forms &
manifestations, whether resorted by a group or individual or International community.
k. The states should not provide safe heaven to the terrorists, abettors & financiers.
l. States must enact severe anti-terrorist laws & should effectively implement such laws.
m. States should ensure speedy trial of cases relating to terrorism.
n. States must set up an exclusive intelligence cell to monitor the terrorist activities. The
states must share the intelligence on cross-border terrorism\textsuperscript{35}.

\textbf{7.2.7 NATIONAL LEVEL}
1. The tough anti-terrorism laws should be enacted, there should be speedy trial & severe
punishment should be given to the terrorists. Government should not spend much time to
decide the clemency petitions of the terrorists. Govt. should have will and seriousness
2. There should be perfect coordination among various agencies dealing with anti-terrorism
operations.
3. The Govt. must set up special training camps for police, PMF and other forces employed
on anti-terrorist operations. Govt. should set up special forces to counter terrorism.
4. The captured terrorists should be handled by a separate cell. They should be put to
sustained interrogation & speedily follow up action should be taken.
5. Govt. should provide the sophisticated weapons to the security forces fighting terrorism.
6. The officers who are honest, dedicated & committed should be posted in the terrorism
affected areas. There should be no political interference in the fight against the terrorism.

\textsuperscript{34} Kumar, Ashok; \textit{Dynamics of Global Terrorism}, K.K. Publications, New Delhi, 2014, p. 408
\textsuperscript{35} Id 408, 409
7. The genuine grievances of the people must be redressed speedily specially in the terrorist affected areas.
8. The security forces personnel indulging in smuggling of arms, narcotics & explosives should be dealt with severely.
9. The visit of VIPs and the people receiving them should be properly regulated specially in the terrorist affected areas.
10. The people of the area must have full confidence in the security forces, administration & the Government. If not, the Government should ensure the confidence building measures. Government should encourage the people to give information to the security forces.
11. The corruption in the security forces & administration should not be tolerated because corruption breeds terrorism. Government should take strict steps to eradicate corruption.
12. Government should provide relief and essential commodities to the people living in terrorist affected areas.
13. The youths of the area should be won over & brought in the main stream. They should be given training and employment.
14. The Government should constitute special economic intelligence cell to obtain hard & actionable information on terrorist funding\(^\text{36}\).
15. The Prevention of Money Laundering Act, 2005 should be enforced and the property of the smugglers indulging in Narco-terrorism must be confiscated.
16. National Centre for Counter Terrorism (NCTC) must start functioning and there should be effective coordination of information from different states & agencies.
17. Security network around VIPs, religious places & other places of strategic & historical importance should be tightened.
18. The security personnel involved in human rights violations should not be spared.
19. There should be regular coordination meetings between NIA, CBI, IB, state intelligence Branches and other agencies dealing with anti-terrorist operations.
20. The Armed Forces Special Protection Act, 1958 wherever it is possible should be withdrawn. It will improve the relations between the government & the people of the area.
21. The efforts should be made to solve Kashmir Problem. The residents of the area should be kept in regular dialogue & their hearts & minds should be won.
22. As per APJ Abdul Kalam, our late President, in respect of low intensity proxy war, Government should launch the national campaign to eradicate terrorism and states should

\(^{36}\) Id p. 410
have comprehensive integrated system of security having several components like economic & energy security. Government should launch a national awakening about terrorism among citizens. Govt. Should adopt a resolution that India will be transformed in to safe, prosperous, happy and socio-economically developed nation before 2020. National campaign against terrorism will help in preventing hotels & homes from being used as hide outs & shelter by the terrorists.

He emphasized to develop economically the areas along the border and the areas affected by terrorism. The negotiation process with the terrorist outfits must be continued. The public should be involved in the fight against terrorism and atleast, the public should support the anti terrorist operation in the area. There should be speedy disposal of the cases relating to terrorism. Govt. should launch “the Peace Mission” having four major components namely economic zone near LOC, social development in difficult areas, a state level movement to eliminate terrorism and citizen security. Social and religious bodies should provide humanitarian assistance to the affected people. Minimum two year NCC training in colleges should be started to promote discipline among students to counter terrorism. The police patrolling in the areas should be in open vans. The helicopter patrolling can be pressed in to service to locate the movements of the terrorists in the remote areas.

The former defence Minister A.K.Antony, while inaugurating the 10th Asian Security Conference, 2008 suggested that there should be continuous dialogue not only between the governments of states but also of the defence establishment in order to build strong channel of communication & to dispel mistrust. That the mechanism must be developed to share intelligence about terror groups, criminals, drug cartels and other subversive networks indulging in violence & subversion. Overall, the strategy needs to be chalked out to take strict action against the terrorists with the cooperative approach.

Everybody loves peace as it is stable and aims of good life. Man by nature loves peace & peace will ultimately prevail.

7.2.8 TERRORISM AND FINANCIAL WARFARE

Financial Warfare is a hidden war having far reaching global effect. USA used this to squeeze and isolate America’s principle enemies i.e. Al-Qaida, North Korea, Iran, Iraq & Syria. Financial war is a novel set of financial strategies to hit the enemies. Afterthis, Al Qaida had also felt scarcity of funds. It is harder and riskier to raise and move money around

37 Id pp. 410, 411
38 Id pp. 412-413
the world. Because of financial sanctions imposed by America, Iran, North Korea, Iraq, Syria etc felt the impact of financial pressure. The era of financial war began after 9/11, as USA Government developed techniques for use against the terrorists, rogue regimes and other illicit financial actors. Money is a source of power and it was a life blood for terrorist organizations, criminal syndicates and rogue regimes. Millions of dollars move by Hawala & money laundering. Al Qaida pays to the families of the deceased operatives and also cover the training expenses of the recruits. Iran’s national budget includes support to the Hezbollah and HAMAS terrorist groups. North Korea uses the illegal money to maintain both the internal order and other nefarious activities. Organized criminal groups use the money to expand their business companies. After 9/11, USA created the office of Foreign Assest’s Control. A small group of CIA, FBI, State, Defence, Treasury and White House actors began to meet separately to coordinate operational activities. 

Finance Intelligence unit of USA, FINNIT, targeted one Sheikh Said alias Mustafa al-Yazid, a close confident of Osama Bin Laden and Al Zawahiri, who was the main financer of Al-Qaida. The data of SWIFT (Society worldwide Interbank Financial Messaging Source for Financial Transaction) based in Brussels was perused which led to the apprehension of a top Al Qaida Terrorist Humbali of Indonesian Islamist Group JemmahIslamiiyah (JI) operating in Indonesia, Malaysia, Singapore, Philippines and Thailand. He was responsible for 200 killings in Bali Island in Indonesia. To spread WahabiSalafi philosophy, Soud Govt. is giving money to the charity institutions all over the world and this money was used by the Islamist Fundamentalists. The donated money was used by Talibans, Al Qaida & Haqqani groups to finance Afghanistan war. Thus USA was able to close some of branches of the main Islamists charity organizations i.e. Al Haramain Foundation. All other finances/donors of S.A. and Kuwait were traced and action taken. After 9/11, USA shut the Hawala system being used by Al Qaida & Talibans to siphon money. In Abu-Dhabi meeting on Hawala, India urged for harsh steps against Hawalatransactions, USA identified the important choke points of Hawala Transactions such as Dubai, Doha, Istanbul, London, Frankfurt, Hongkongetc.

The first on the financial hit list of USA treasury was Dawood Ibrahim, a notorious Indian crime lord who represented the important link of international organized crime with terrorism. He had built a smuggling empire known as “Company D” flourishing in South Asia, Middle East, Europe & Asia. Company D expanded to include a wide network of

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40 Id p. 95
narcotic traffickers, money launderers and smugglers. Dawood alias Sheikh Dawood Hassan was actively helping and financing Al-Qaida & LeT. All this resulted in Mumbai killings of 257 persons and injuring 700 persons, in 1993. Dawood remained protected by Pakistan 41.

After this US treasury took action against bad banks, through which money was transferred to terrorist organizations. Treasury tracked that North Korea is indulging in illicit financial dealing with Macau based BDA bank. Action was taken against Beneo Delta Asia (BDA) Bank. In 2003, action was taken against Saderat Bank in Beirut, which was funding Hezbollah. Treasury next cut Iran’s Bank Saphah. The final bullet in the financial campaign was the Central Bank of Iran. US Treasury also took action in Syria against persons& banks, which were responsible for money laundering 42.

Al Qaida was hit hard financially, which was evident from the papers recovered from Abbottabad compound in May, 2011. US treasury also seized the property of Al Shabab group active in Somalia. Al Shabab is linked with Al Qaida. In retaliation to this, Al Qaida in Arabian Peninsula (AQAP) has labelled the “Operation Hemorrhage” against USA. We have to be highly careful from cyber & media world. David Headley, the American recruited by LeT was able to use Google maps to help plot the Mumbai attack in 2008. Oscar Morales, an unemployed Columbian engineer used Facebook in 2007 to mobilize 11 million people around the world to march against FARC and to give voice to the anti-kidnapping movement. Julian Assange of Wikileaks is giving startling state secrets straining diplomatic relations among the nations 43.

Money laundering can be defined as the use of funds with criminal intent. Definition of money laundering used by USA is the use of legitimate funds for illegal purposes. Terrorist financing is a criminal act. The definition of terrorist financing comes from Art 2 (1) of the International Convention for the Suppression of Financing Terrorism. Terrorist financing is different from money laundering. In case of money laundering, the proceeds of illicit activities are laundered or layered in ways to make proceeds appear legitimate and the ultimate aim is usually the attainment of more money. With terrorist financing, the source of funding or financing is often legitimate as in the case of charitable donation or profits from store front business and the ultimate goal is not necessarily the attainment of more funds. The ultimate aim of terrorist financing is destruction. It is difficult to attribute certain types of

41 Id p. 123
42 Id p. 336
43 Id p. 430
activities or movement of money directly to terrorism\textsuperscript{44}.

According Terrorism Index-2014 prepared by IEP (Institute for Economic & Peace), top 5 nations having terrorism are Iraq, Afghanistan, Pakistan, Nigeria and Syria. The top terrorist Organizations are ISIL (Daesh), Boko Haram, Al Qaida, Talibans and LeT.

Mr.AshcraftGhani, the President of Afghanistan inaugurated “In the Heart of Asia-Instanbul Process (HOA-IP)” Sixth Ministerial Conference, held at Amritsar on December 4, 2016. This was participated by Sh. Modi, the P.M. of India and the Ministers of Foreign Affairs of Member Countries. It expressed concern over the security situation in Afghanistan because of the high level of violence caused by Talibans, ISIL/Daesh, HaqqaniNetwork, Al Qaida, Islamic Movement of Uzbekistan, East Turkmenistan Islamic Movement, Lashkar-e-Taiba, Jash-e-Mohd, TTP, Jamait-Ul-Ahrar, Jundullah and other foreign terrorist fighters. LeT&JeM target India. Haqqani Network attacks Afghanistan. Jundullah, ETIM and IMU operate in China, Central Asia and Iran. TTP and Jamaat-Ul-AhrarareactiveinPakistan. The conference appreciated the efforts of Afghanistan against Taliban Terrorism. The Declaration Commended the Govt. of Afghanistan for successfully pursuing peace talks with Hizb-e-Islami’sGulabdinHikmatyar. The declaration also commended the countries for giving shelter to refugees from Afghanistan, Syria and Iraq\textsuperscript{45}.

LeT of Hafiz Sayeed, HM of SayeedSalahudin, JeMetc. are active in J&K. The politicians who are aligned with the terrorists do not deserve police protection in J&K. Terrorists are terrorists and there should be no mercy for them\textsuperscript{46}. Separatist leaders must be dealt with strictly. According to Sh. G. Parthasarthy, the composite dialogue with Pak should be discarded. We merely, need to convey our readiness to discuss issues when the time is appropriate\textsuperscript{47}.

7.2.9 TERRORISM & PEACE PROCESS IN J&K:

Sh. Arun Joshi has suggested four steps to correct squinted view of Kashmir.

1. Discard the notion that military approach can solve the problem.
2. Pak needs to be dealt with sophisticated diplomacy. The present diplomatic approach is not correct.
3. We should set our own house in order in J&K.
4. Kashmiris by & large are peaceful. They need trustworthy peace\textsuperscript{48}.

\textsuperscript{44} Id p. 440
\textsuperscript{45} Jain, Mahendra (Ed), PartiyogtaDarpan, SwadeshiBima Nagar, Agra-2, March 2017 p. 86
\textsuperscript{46} Id pp. 94, 112
\textsuperscript{47} Parthasarthy, G, Back to the Valley, The Tribune, CHD, 06.04.2017
\textsuperscript{48} Joshi, Arun, Four Steps to correct squinted view of Kashmir, The Tribune Chandigarh 06.04.2017
It is very good that after a longtime, Indian Government has come to understanding with NSCN-IM groups in North East through interlocutor, Sh. R.N. Ravi, a former Special Director of I.B. These examples indicate that three necessary conditions must be fulfilled for the success of peace process. Firstly, the parties in conflict must realize that neither of them can win the arrived conflict against the mighty authority of the Government. As a result, both parties must be willing for a peaceful solution and democratic sincerity towards arriving at a solution. Secondly, both parties must have a tentative idea about how much they can dilute their original demands. Government must be clear as to what concession could be given to the agitating parties. Finally, the parties in conflict must have the ability to sell the negotiated formula to their stake holders. Under these conditions, Govt. of India broke peace with MNF, NDFB, NSCN-I etc.

7.2.10 TERRORISM AND IMPEDIMENTS

Terrorism is not a new phenomenon in the world. It existed as anarchists, revolutionaries, fundamentalists, French terror and dissidents against the established authorities or in the form of ruling tyrants having no tolerance to dissent. Today’s terrorism is globalized and hardly any country is beyond its reach. Its object is to overawe, create sense of fear, insecurity and loss of confidence in the minds of the people at large in order to prevent the smooth running of the government & ultimately overturn the government. After World Trade Centre attack where around 5000 persons lost their lives and property worth about 20 billion dollars were damaged, Sh. L.K. Advani former Home Minister of India and George W. Bush, former President of USA had said that terrorism is a global problem and all the countries should fight the terrorism collectively. India is facing terrorism in J&K, Punjab, Chhatisgarh, Jharkhand, A.P., Bihar, West Bengal and N.E. States. Our northern states are troubled by cross-border terrorism with Pakistan. Apart from loss of lives & property, we have lost the PM, ex PM, the CM and a former Army chief. Some conclusions drawn are discussed as below.

i. No consensus on Universal Definition of Terrorism: - There is no consensus on the definition of terrorism because of international politics. This has been considered a biggest hurdle to deal with terrorism. Thus the states are facing difficulty in arriving at the definition and then remedy of terrorism in respect of their countries. Efforts have been made to come to consensus in the International Conventions but no result. These laws exempt the freedom

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50 Kumar, Ashok (Dr.), Dynamics of Global Terrorism, K.K. Publications, New Delhi, 2014 p. 396
51 Sehgal, B.P. (Ed), Terrorism- Socio-Politio and Legal Dimensions, Deep and Deep Publications, New Delhi, 1995 p. 143
fighters and those seeking self determination from their ambit. The terrorist groups active in Africa were exempted as they were fighting against colonial government. SC of India has also expressed concern about the definition of terrorism. It said that the lack of clear definition is set back to taking counter measures against the menace of terrorism. SC said that the perpetrators of terrorist crime act beyond normal law & thus need to be punished under special laws. The court pointed out and said, “the old adage” one man’s terrorist is another man’s freedom fighter is still alive. \[52\]

ii. Different factors responsible for Emergence of Terrorism: For emergence of terrorism, the following factors are responsible.

(a) Socio-economic factors (b) Political frustrations (c) Regional Disparities

The Socio-economic factors breed widespread unemployment, illiteracy, poverty, population, wrong politics of the government, allowing of earning of huge money, humiliation of people and deprivation of fundamental freedoms and basic rights of the people. The economic inequality & poverty are the opportunities to exploit the poor by the rich. The people retaliate in the form of terrorism and ultimately either want a separate state or overthrow the government. The common man feels that their political aspirations are ignored by the government. Ted Robert Gurr said that political ignorance and continuous violence could result in to terrorism. Regional disparities means ‘progressive deprivation’ and the deprived people revolt against the authorities, demand justice and ultimately people resort to terrorism under perceived injustice. Terrorists are not born but created by the particular sociological, political and economic conditioning process. Thus in order to curb the terrorism, the reasonable & justifiable demands must be met by the authorities as soon as possible.

iii. Different forms of Terrorism: Terrorism has many forms which may be classified as international terrorism, state terrorism, state sponsored terrorism, regional terrorism, political terrorism, religious terrorism, urban terrorism, ideological terrorism, counter-terrorism, individual terrorism, biological terrorism, suicidal terrorism, and transnational terrorism. In order to terrorize the people, the terrorists use different methods i.e. hijacking, kidnapping, assassinating, black mailing, ransom, killing, bombing, suicide bombing and explosives etc. There are many countries which sponsor terrorism and are also funding the terrorists groups. Kidnapping is done for ransoms, extortions and the release of hardcore terrorists. If demands are not met, the kidnapped person is killed. MasoodAzhar of JeMalong with two hardcore terrorists were got released from J &K after hijacking Indian Flight I/C 814 to Kandhar. The

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52 Kumar, Ashok (Dr.), Dynamics of Global Terrorism, K.K. Publications, New Delhi, 2014 p. 397
terrorists live in five star hotels & enjoy the life.\(^{53}\)

**iv. Funding of the terrorists:** Many countries sponsor terrorism & finance them. USA in 2000 declared that six countries namely Iran, Iraq, Libya, North Korea, Sudan & Syria are the terrorism sponsoring states. They support the terrorists by way of funding, training, weapons, explosives and hideouts. Black September Organization had received US 7 million dollars for executing attack on Israeli Athletes in Munich Olympic Games. LeT&JeM are fully financed & trained by Pak/ISI. ISI is openly supporting Al Qaida & Taliban. Full expenditure of the terrorist training & hideouts, food, trekking kits, guides & posters are provided to the cross-border terrorists in J&K & Punjab. Pakistan is providing safe heaven to the terrorists. ISI is training the terrorists.\(^{54}\)

**v. Limitation of International Conventions:** Many Conventions to suppress terrorism i.e. International Conventions, Regional Conventions, European Conventions & SAARC convention have been adopted. These conventions have proved ineffective because of many limitations. Some of the conventions have no binding force. The UN Resolution have also remained ineffective in the absence of enforcement machinery and sanction for their violation.\(^{55}\)

**vi. Impediments in Combating Internal Terrorism:** There are many impediments which hamper the fight against terrorism. There is lack of extraditions treaties between the states. The states provide asylum to the perpetrators of the crime. Thus the terrorists escape punishment. They are someone’s terrorists and the same are some’s liberators. Many security personnel openly indulged in harbouring of the terrorists. Many security organizations were providing weapons and other necessary equipments. The terrorism is not condemned by the states with one voice.\(^{56}\)

**vii. Violations of Human Rights:** There is a blatant violation of human right both by terrorists & then by the security forces. In J&K, 250000 Kashmiri Pandits & 5000 Muslims have left Kashmir. Around 50000 people are estimated to have lost their lives. The Security forces have killed many people. They have been tortured. They have not been given proper facilities of the place of their camps. The people in the camps are living in sub human conditions. Many cases of disappearances of the persons have been reported. Many girls have been raped. Thus the people are grinded between the onslaught of the terrorists & action by

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\(^{53}\) Id p. 398  
\(^{54}\) Id p. 399  
\(^{55}\) Ibid  
\(^{56}\) Id pp. 399-400
viii. Killing of Hindi Speaking Persons – Some outfits have killed over 50 Hindi speaking migrants in Assam & around 100 injured in the name of ethnic cleaning. It has wide ranging repercussions.

ix. Abuse of Anti-Terrorist Laws: It is a fact that anti-terrorist laws have been misused by the persons in authority against the political opponents, members of minority communities, journalists, dalits & adivasi communities, women, old people and persons who were struggling for socio-economic rights. TADA & POTA have been misused in Gujarat, Punjab, J&K and Jharkhand. POTA was slapped on a 17 year old girl RopniKharia of Tali Village in Gumla District of Jharkhand because she was training women to stand against all types of repression & oppression. In A.P., a revolutionary Telgu poet ArvindBabu was booked under POTA with the allegation that he had links with PWG. 25 dalit & adivasis were booked in UP under POTA.

x. Supply of weapons and Assistance to Terrorists by Enforcement Agencies: The black sheep in enforcement agencies are reported to be supplying weapons & other material to the terrorists for the sake of money etc. Many security personnel have been arrested. In Punjab, many policemen deserted and joined the terrorist groups. Labh Singh alias SukhaSipahi, the then chief of KCF was a constable in Amritsar Police. The persons who attacked Mr. Ribiero, the then DGP Punjab in 1986 in PAP Mess, Jalandhar were almost all the deserted policemen. Three jawans working for LeT were arrested on July 25, 2006 in Poonch District, J&K for supplying arms & ammunition to the terrorists. In Doda district, three policemen were arrested on August 1, 2006 on charges of stealing AK 47 from the police station store & supplying to the terrorists. Recently, Orissa’s IGP, Sanjeev Marik was suspended for alleged links with the criminals from Bihar. Chattisgarh Police arrested Vinayak Sen, Vice President of PUCL under UAPA 2004 and in incriminating documents relating Naxalism were recorded from his house. A large number of insurgents were arrested from the home of ruling MLA in Assam. Many Govt./Non Govt. agencies are providing funds to ULFA. A large number of people have been arrested in J&K & Punjab having terrorist links & hideouts.

xi. Poor performance of the Cops & Security Forces – very few members of the police force & other security agencies are working with dedication and commitment. Escaping of terrorists/criminals from police custody is very common. In Mumbai, some policemen have

57 Id
58 Id p. 401
59 Id
60 Id pp. 402-403
links with the underworld. Five senior cops were caught on camera while dancing in party hosted by an underworld in Mumbai\textsuperscript{61}.

\textbf{xii. Blatant Corruption:} - The cross border Narco terrorism is all due to corruption among the security forces. The smugglers/terrorists are permitted to enter after charging money. A large number of Bangladeshi nationals enter Punjab from Pakistan with or without fake documents. E.D. is busy in Punjab to bust the narcotic syndicate where JagdishBhola, a Dy. Sp. Of Punjab Police is arrested & many policemen are suspected to be involved in this racket\textsuperscript{62}.

\textbf{xiii. Delay in cases} - Offences relating to terrorist activities constitute a serious threat to the life of the individuals and to the security and stability of the state. The conviction rate of terrorist cases is only two percent. Now around 3.1 million cases are pending in 21 High Courts & 20 million cases are pending in subordinate courts in the country. The important terrorist cases like Parliament attack case, Bombay blasts case, Hyderabad blast case, assassination of S. Beant Singh the then Chief Minister case etc. were inordinately delayed. Lack of evidence or no evidence helps the terrorists to escape from Punishment. Wassan Singh Zaffarwal was extradited after 12 years but was set free because there was no evidence. In another case, Kulbir Sigh Bara Pind (Jalandhar) of KCF was acquitted as there was no evidence. Even some judges have gone susceptible to the corruption\textsuperscript{63}.

\textbf{xiv. Ineffective intelligence network:} Though it is very difficult to collect evidence in terrorist cases, yet the quality of intelligence in respect of these is very poor. The coordination among various agencies is very poor\textsuperscript{64}.

\textbf{xv. Misuse of the intelligence agencies:} There is lot of political interference in the network of intelligence agencies. Sometimes, the intelligence agencies are misused by the politicians for their selfish ends. Many a times, very sensitive reports are ignored giving an opportunity to the terrorist to strike. The murder of IshratJehan case by CBI is the worst example for handling so poorly\textsuperscript{65}.

\textbf{xvi. Political motivation in dealing with terrorists,} In India, we lack political will like that of Sh. Beant Singh to curb terrorism. The political parties care for their vote bank at the cost of terrorism. Terrorism cannot be checked without the strong and efficient machinery. Many state government refused to implement POTA. J&K, Manipur, Karnataka, Punjab, Assam,
Tripura & M.P. refused to enforce POTA in their respective states. Rather Maharashtra passed the MCACA (Maharashtra Control of Organized Crime Act – 1999) to control the organized crime. The executive and judiciary under the political will can effectively curb the terrorism and Punjab is one example. The political parties should give the priority to national interests over their own interests66.

xvii. **Judicial Response** – The SC has always emphasized on stern action against the terrorists and no lenient view should be taken against them. The Police and other security forces must take effective action against the hardened criminals, underworld armed gangs, hired killers, drug peddlers, smugglers, and perpetrators of organized crime. No leniency should be shown on the name of protection of their human rights because the common people suffer. It is strongly felt that the terrorists in the present scenario are not entitled for any kind of concession or right.

xviii. **Inadequate Judicial system**- The number of judicial officials is much less as compared to the international average. There is no proper protection to the witnesses. Nobody wants to depose against the terrorists. The special court took 13 years to pronounce the judgement in Bombay 1993 blast case, which send wrong signals to the people. In America, the justice is swift, decisive and deterrent and Indian Courts should also follow the American Courts67.

xix. **Soft attitude of the Government**- Government is adopting the soft attitude towards terrorists & hardened criminals. The courts have awarded death sentence to many terrorists & hardened criminals but the government takes years to decide their clemency petitions. The criminals are living a grandeur life in the jails. We have not learnt the lesson the way USA Govt. has dealt aftermath of 9/11 attack in Newyork. We do not have a clear-cut policy to deal the terrorists attack & thereafter how to check this. We generally indulge in blame game.

In Lal Singh’s case68, the court held that the confessional statement of co-accused under certain circumstances can be relied upon. In JayawantDattaray Surya Rao case69, the court again said that confessional statement made by the accused and recorded by the police officers under the Act is substantive piece of evidence and can beused in trial against accused, co-accused, abettor and conspirator etc. for offences punishable under POTA. In N. Ansari70 Case, a writ petition filed under Articles 226/227 of the Constitution was not entertained by

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66 Ibid pp. 404,405
67 Id, p. 406
69 JayawantDattary Surya Rao v. state of MHR, 2002, Cr.L.J. 226 (SC)
the court which was filed against the search to be made u/s 7 of POTA, 2002. In Deedar Anjuman case, the SC dismissed the petition of the accused as he was involved in the activities which were prejudicial to the security, harmony and secular fabric of the country. Government declared his association as unlawful association under UA(P)A Act, 1967. In the matter of bail, SC has ruled that in the terrorist cases, the appropriate forum of bail is the Designated Court & no other court should interfere in bail matters until & unless there is abuse of process & there is grave injustice. Thus the courts have taken tough stand in terrorist cases but the government has not taken effective steps.

7.2.11 TERRORISM TO CONTINUE

The terrorism will remain and continue to remain in one form or the other. Following are the factors which suggest the likelihood of continuity of terrorism.

1. Terrorism is spreading to other countries at fast rate. The number of countries experiencing some sort of terrorist activities each year has gradually increased.
2. Though USA, France Afghanistan, Pakistan, India, Israel etc are the favourite countries for terrorist attack, yet around 60 countries have come under attack of the terrorists.
3. Though many terrorist groups have dried up, yet total volume of terrorist activities has grown.
4. Social media is very active and the terrorism has been globalized. The local conflicts ultimately end with terrorism.
5. It is seen that there is religious intolerance and that’s why the terrorist activities by ISIS is persisting. 800 ethnic groups are struggling for independence and resorting to terrorism methods. The terrorists spread is such that they find new methods to hit the targets in order to send the message.

Terrorism is going to escalate in the coming times because of the following reasons:

1. Like soldiers in war, terrorists who have remained in the field for many years have been brutalized by the long struggle, resort to killing under desperation.
2. With the passage of time, the terrorists loose the intensity of publicity. So they use greater coercive power to attract the greater publicity for the cause.
3. Terrorists have become technically more proficient, enabling them to operate on a higher level of violence.

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71Deedar Anjuman v. GOI 2002 Cr.L.J. 710 (SC)
73Wilkinson, Paul and Steward, Alasclair. M (Ed); Contemporary Research in Terrorism, Aberdeen University Press, UK, 1989 p. 583
4. The workout terrorist groups are replaced by more ruthless elements.
5. Religious fundamentalism i.e. acts of violence approved by God motivate the terrorist groups to go in for greater destruction.
6. The state sponsored terrorists are provided with resources and technical know-how to operate at a higher and more lethal level of violence\textsuperscript{74}.

\textbf{7.2.12 FUTURE TARGETS WOULD BE}

The likely targets in the future would be:

1. Representatives of the governments & symbols of nations-notably diplomats, airlines, high police & military officials.
2. Economic systems, corporate world, nuclear reactors, technical centres & big industries, refineries, telecommunication.
3. Policy makers & high officials.
4. Political leaders and foreign nationals.
5. Religious bigots etc\textsuperscript{75}.

Finally,

1. The terrorism will certainly persist & probably it will increase.
2. Large scale incidents will become more common.
3. Terrorists will use high technology & may resort to WMD.
4. The states will continue to exploit terrorism. Those countries who cannot afford war will resort to terrorism at a higher scale.
5. The states will divert more \& more funds for cross border terrorism, for combating and target killings.
6. Religious fundamentalism will be at the peak.
7. Secessionist groups will be more active\textsuperscript{76}.

According to Gen N.C.Vij former chief of Army Staff, India, we should focus on curbing infiltration, strict action against hinterland terrorists and winning the hearts \& minds of the common people/population. According to J.J. Singh former chief of Army Staff, India, we should have policy of Iron Fist for the terrorists and velvet glove for the people to win hearts \& minds of the people.

\textbf{7.2.13 THE NEW TRENDS EMERGING IN TERRORISM}

\textsuperscript{74} Id p. 584
\textsuperscript{75} Id p. 586
\textsuperscript{76} Id p. 589
The new trends in terrorism would be as follows:

1. Globalization of Terrorism: - Most countries are in the grip of terrorism.
2. Suicide killers or martyrs or fidayeens.
3. Non conventional weapons – chemical, biological, radiological & nuclear weapons. Sarin gas in Japan was used. Super terrorism i.e. chemical, biological, radiological and nuclear terrorism will prevail.
4. Cyber terrorism:
5. Islamic fundamentalism will be on the rise. The debatable points would be Islam versus globalization, Globalism versus democracy and holy war versus just war. Pak Islamic outfits like ISIS, Talibans, LeT, Al-Umma, SIMI, Muslim Defence Force, Al Qaida, Muslim Revenge force, JeMet etc are active in most of the countries.
6. Religious Terrorism – 42% terrorists predominantly belong to various religious faiths.
7. They can be checked either by the change of motive or by the change of their activities.

Controlling terrorism then becomes very simple if we focus on how to create peace instead of how to control terrorism. We may not totally uproot the terrorism but we can control the terrorism by adopting the following methods:

1. Uniform opportunity mechanism.
2. Employment opportunity
3. Impartial role of mass media.
4. Literacy
5. Global Cooperation
7. Human rights education-
   According to Martin Luther that “Injustice anywhere is threat to justice everywhere”. Justice needs to be done at every step in every sphere of life. So human rights education is hub for imparting peace, tranquility & justice.
8. Reformative Theory: The terrorist can be reformed by the social change of their surrounding. They can be checked either by the change of motive or by the change for their activities.

77 The Black Cat – Special issue-2003 by NSG – New Delhi pp. 14-15
9. The Special & Strict Laws – Strict laws with good intelligence input & effective preventive measures can curb terrorism.

10. Special technical knowledge: The people can be educated to fight terrorism with special technical knowledge.

7.3 CONCLUSION

In first chapter, the general aspects of terrorism, introduction to the problem, various definitions of terrorism, types and reasons of violence, characteristics of terrorism, causes and concept of terrorism, profile of a terrorist, theories of terrorism, globalisation of terrorism, various terrorist groups etc. have been discussed. It is a fact that no specific definition has been given to word “terrorism”, because one man’s terrorist may be another’s liberator/freedom fighter. The research aspect in terrorism has been neglected and has become a difficult task. The idea of terrorism is a common sense observation of the public. Wherever, the research has been done so far, it is biased in favour of the agency funding the research. In certain cases, the research has been done suiting to their countries/agency funding this. However, the obstacle to research has been dealt in many ways. First the notion of terrorism can be seen as a social product, an image, psychological representation or social conception. The public reaction needs to be seen to the events of terrorism. So we have to study the social, cultural, political, economic, religious and intellectual factors resorting to violence. Perpetrators of crime and factors leading to crime/violence determine the aspect of terrorism. Second view point is the examining of as to how people get involved & result in escalation of violence. In terrorism, there is fight against the enemy and that too in the name of people, social class, nation or religious community. Things keep on changing as today’s enemy may be tomorrow’s friend. This is one of the biggest obstacle in the fight against terrorism. The terrorism follows a cycle of growth and decline, a number of times and it may be a short or long, simple or intricate. The things change as per change in ideology and change in specific political conditions. An inability to recruit new members is the most important cause of decline. The third new point is the graduation of the new recruits to participate in underground operations and he gets totally involved in terrorism. Fourthly, the terrorism may be a major or minor phase in a broader historical process. Finally, the cyber phase may be different in different conditions and is a new area difficult to investigate. Terror is an end tool employed to reach the destruction but it has always some logic or justifiable cause behind the violence. Sometimes, the violence rises very high before the terrorism ends.

78 Kaur, Paramjit and Navdeep; Judicial protection of Human Rights in India, Unistar Books Pvt. Ltd, Mohali-Chandigarh, 2015 pp. 103-104
But the terrorism should be investigated with professional mind. The primary aim of the terrorist is to discredit the governmental authority by resorting to extreme violence. The basic mechanism of terror was captured in an ancient Chinese proverb, “kill one, frighten ten thousand” Our P.M. Sh. Modi has rightly said in Singapore recently (2017), “terrorism is a global challenge and a force larger than individual group. Its shadow stretches our societies and our nation, both in recruitment and choice of targets. It does not just take a toll of lives, but can derail economies. The world must speak in one voice and act in unison. Country must also be held accountable for sanctuaries, support, arms and funds”.

The second chapter covers the International and National Aspects of Terrorism at level. Terrorism has been there in various countries of the world since time immemorial. Roman Empire faced terrorism at the initial stage. Then the Islamic World faced the terrorism, mostly between Shias and Sunnis & this gave us word ‘assassination’. USA faced terrorism by Ku Klux Klan after its independence. USSR faced terrorism of the people and by the government in various forms. After 2nd World War, Europe faced the terrorism because of bi-polar ideology. The another reason was of American intervention in Vietnam, which was exploited by leftist forces in various universities in European Countries. Italy’s Red guards and Germany’s Red Army are well known. The left-wing terrorists indulged in killings, kidnappings and extortions. All these leftist organizations dried up after split of USSR. After World War-II, colonial states raised their head for independence in the form of violence. Hence, there was terrorist violence in African countries, which ended with their liberation from European nations. The word terror was first used by Robespierre in French revolution, which gave us liberty, equality & fraternity which finds place in Preamble of our Constitution. Earlier, there have been three boiling points i.e. Sri Lanka, Palestine and Ireland. Except Palestine, the terrorism has been managed effectively. Terrorism is globalized after 9/11 incident of WTC in Newyork. Islamic fundamentalism under Osama Bin Laden has raised the head after Russia’s exit from Afghanistan. Now, we have four boiling points i.e. Afghanistan, J&K, Middle East and part of Europe. ISIS, Al Qaida, Taliban, LeT, HAMAS, Hezbollah, Haqqani Network are active. At the national level, in eleventh century, a group called as thugs killed around one million people strangulating their victims with a silk tie. This group claimed allegiance to goddess Kali and killed people to supply her with blood for nourishment. This group was destroyed by the Britishers. After this, the state terrorism by Moughals&Britishers is well known. After independence, North Eastern states are facing terrorism in the form of insurgency. Though, many demands of the population in the form of separate states have been met but still, ULFA, NDFB, NSCN, ATTF etc. outfits are active.
Then India faced naxalism in West Bengal and now it has spread to nine states. PWG, MCC & CPI (Moist) are very active in Red Corridor Zone states of Bihar, Orissa, Chhattisgarh, Jharkhand, M.P., A.P., Telangana etc. Punjab faced naxal terrorism in 1969/70 which was well controlled. Punjab again faced Sikh terrorism at the behest of Bhinderanwale and was controlled in 1993. J&K is facing cross-border terrorism since 1948. LeT, SIMI, JeM etc. are quite active in hinterland areas of India, right up to Southern States. ISIS is recruiting boys from U.P., Kerala & Karnataka. LeT is responsible for 2008 Mumbai attack. The spill over of J&K is affecting Punjab in the form of Dinanagar and Pathankot attacks. Now, the major outfits troubling Northern India are LeT, JeM, HM, HuM, Al Qaida etc. Indian forces are giving befitting reply at the border. ISI of Pak is playing a revengeful role with the aim to partition India but people in India are fully united. Apart from cross-border terrorism, Punjab is facing terrorism from foreign based Indian diaspora groups. Still half a dozen cases of killings by the terrorist have been unsolved. The states sponsoring terrorism like Pak should understand that those who have helped the terrorists have suffered the most.

The third chapter is devoted to Legal Aspects of terrorism. Since, there is no unanimity on the definition of terrorism, it is very difficult to draft laws against prevention, detection and prosecution in terrorist cases. However, keeping in view the human rights of the people, UN as a whole and the nations individually have tried their best to have laws against terrorism. UN and America have suddenly woke up after 9/11 incidents of New York and globalization of terrorism. A large number of International Conventions, Regional conventions and treaties have been signed by the various Nations under the auspicious of U.N. and the details have been given in Chapter-III. Stringent anti-terrorism steps have been taken in SAARC Conventions and Treaties. At the National level, the Constitutional safeguards in the form of Fundamental Rights & its remedies have been adopted. There is a Law Commission 173rd report with remedies for curbing terrorism. Some steps have been mentioned in IPC, Cr.P.C. and Indian Evidence Act. Regarding the statutory safe guards, the central government have taken very stringent measures like Defence of India Rules, Maintenance of Internal Security Act, Armed Forces (Special Powers) Act, TADA, POTA and now UA(P)A, (2008/2012). Even the states individually had adopted some laws to curb terrorism like Punjab Disturbed Areas Act, 1983. The role of judiciary has been very laudable. There are certain judgements passed by US courts which act as good guidance to the subsequent judicial judgements. Indian Supreme Court has done a great service to the nation by giving landmark judgements in terrorism cases, by remaining very fair and unbiased. The judgements have indicated that the authority must take stern action against the
terrorists, who are bent upon cracking the democratic system and violating extensively the human rights of the common citizens. We should feel proud of Indian Judicial System. We have to guard against prevailing narco-terrorism, white collar crime and arms supplying gangs. At present, cross border terrorism in J&K and Punjab is the biggest problem. LeT, JeM, HM, HuM, HUJI and SIMI are bent upon destroying the fabric of Indian Democratic System. ISIS, Al Qaida, IM are active in hinterland of India. Naxalites are active in Central India and some terrorist groups like ULFA, NDFB, NSCN, ATTF, ISYKL etc are active in North-Eastern States. ISI is training and funding the activists of these groups. The government must have will to fight the terrorism and because of this, Punjab is at peace. We have to go a long way yet in the fight against terrorism and all the states must fight unanimously if we want to win the war of terrorism. Recently, Sh. Raj Nath Singh, the Hon’ble Home Minister of India has given the slogan of 5Cs for restoring peace in J&K i.e. Compassion, Communication, Co-Existence, Confidence Building and Consistency. Let us see as to how far this works in Kashmir.

The fourth chapter centres around “Terrorism in Punjab: Genesis and Causes”. The Punjab i.e. land of five rivers or SapatSandhu i.e. the land of seven rivers was a highly productive, irrigated and rich area. The foreign invaders Maongols, Moughals, Pathans, Afghanis etc. had always an evil eye on this rich and prosperous area. Moreover, it falls on the route to Delhi and every invader had to cross this area resulting in looting, raping and killings of the residents of Punjab. The invasions on this area by Mohd. Gauri, Nadir Shah, Ahmed Shah Abdali, Temur Lung etc are well known, the way they destroyed the Punjab and its surrounding areas. Many communities specially Sikhs opposed the tyranny by these invaders and this way, a culture of violence, aggression and defence developed. Maharaja Ranjit Singh ruled over Punjab but all the time, he remained fighting with the aggressive rulers. Ultimately, after his death, the English established control over Punjab. During the English rule, the freedom movement launched by Gandhi Ji was peaceful but it adopted the aggressive and violent postures in Punjab and Bengal by way of martyrdom of Shahid Bhagat Singh, Lala Lajpat Rai and others. Most of the credit of independence goes to Punjabis as they were in the forefront in taking part in independence movement, offering arrests and sacrificing their lives. After independence, Pepsu area faced violence in the form of large number of killings by the gangs of robbers & dacoits which was controlled by Sh. Rao, an advisor to the then Punjab Governor by neutralizing over 400 dacoits. This was the first spate of violence faced in this area. In 1969, there was spate of naxalite violence in which many politicians, police officials and innocent persons were killed and was effectively controlled.
under the effective police leadership of late Sh. Ashwani Kumar IP, the then IGP Punjab. Many naxalities were killed or arrested. After this, there was a spate of violence by the Sikh terrorists under the influence of Sant Jarnail Singh Bhinderanwale. The situation aggravated after the Vaisakhi 1978, killings of Akhand Kirtanis and later on killings of Baba Gurbachan Singh in Delhi, the Nirankari chief and Hind Samachar proprietor Lala Jagat Narain in Ludhiana. This started with the killing of Nirankaris en-masse. There are many causes of terrorism in Punjab from 1978-1993. It started with Nirankari clash on Vaisakhi, 1978 in Amritsar, which was exploited by Bhinderanwale. Following are the main reasons behind terrorist violence in Punjab.

i. Emotional exploitation of youth by Bhinderanwale on the aspect of egoism and audacity.

ii. Nexus of criminals, smugglers and religious bigots supported by politicians.

iii. Weapons from across the border. Active involvement of Pak/ISI by way of training, arming and financing.

iv. Abetment by the Western World for political ends. They financed WSO and ISYF in USA, Canada, U.K. and other European Counties.

Akalis had certain demands for which they agitated.

i. Some religious demands for relaying live Kirtan from Golden Temple and naming Flying mail as Golden Temple Express.

ii. Issue of SYL canal as there is no spare water with Punjab and as per riparian law, Haryana does not deserve water from Punjab rivers.

iii. Chandigarh and other Punjabi speaking areas to be merged in Punjab.

iv. Anandpur Sahib Resolution was taken as separatist demand, though it was for a strong federal system.

The Congress party propped up Bhinderanwale and tired to use him against Akalis, which worsened the situation in Punjab. Operation Blue Star made a permanent scar on the Sikh psyche. Delhi November, 1984 riots and operation Black thunder aggravated the situation. Later on the Panthic Committee came on the scene, started killing police officials, Nirankaris, Hindus and other people who opposed the terrorists. Many groups came up and killings increased because of competitive militancy among the various terrorist groups. The number of terrorists swelled during Woodrose operation when young boys crossed over to Pakistan because of fear of torture by the security forces, got training and weapons, came to Punjab and indulged in mass killings, rapes & extortions. Many young boys joined the
terrorists groups because of following reasons:-

1. Lust for sex.
2. Enmity/revenge at family level.
3. To settle land & other disputes.

Year 1991 was at the peak. Situation turned to the better after Russian fall in Afghanistan and cold war between big powers was over. Now Western World needed India to fight Islamic fundamentalism. There was will of Govt. under S. Beant Singh as C.M. Punjab from 1992 to 1995 and effective police leadership of Sh. KPS Gill IPS, the then DGP Punjab. Thus the terrorism in Punjab was controlled. Some sporadic incidents of terrorism are still going on as Babbar, KZF and rammants of KCF/KLF are there in Pakistan and ISI is coercing them for starting terrorism in Punjab. The number of Khalistani diaspora such as Council of Khalistan, The Khalistan Affairs Centre, The Sikh Youth of America, American Gurudwara Parbandhak Committee in USA, WSO, the Kamagata Maru Dal of Khalistan, The Sikh Youth of Belgium, Germany, U.K., Norway, Belgium, Canada & Switzerland based BKI & ISYF and Sikhs for justice in Canada are very active and are financing the terrorist activities in Punjab.

The fifth chapter concentrates on “Terrorism in Punjab-Control and Combating” It is a single example in the world, where terrorism in Punjab was completely routed in the short period of around 15 years. Fighting terrorism means the upholding the human rights of the people as the terrorists violates the human rights of the common man by resorting to violence against persons & property. When terrorism is controlled, it is upholding the human rights of both people and the terrorists. The perceived injustice to the extremist elements, breeds terrorism. The terrorism is globalized after 9/11 incident of Newyork WTC Towers. Now North Africa, Western Europe, UK, USA, Afghanistan, Pakistan and J&K of India are in the fierce grip of terrorism. ISIS, Al Qaida, Talibans, HM, HuM, JeM, TTP etc are creating havoc in their respective areas of their stronghold. Punjab was in the grip of Sikh terrorists incited by SantBhinderanwale. About 25000 people lost their lives. Democratic setup was impaired. People suffered for no fault and the industry went out of Punjab. Punjab Police, suffered the big losses i.e. 2 DIGs, 4 SSPs & a number of other officers & jawans, who fought the terrorism bravely sacrificed their lives. Various Acts enacted by Central Government & Punjab Government were enforced. Year 1991 was at the peak when maximum persons lost their lives. Punjab faced Operation Blue Star and Operation Black Thunder. Even then, there was complete communal harmony. TADA & POTA was used but it attracted lot of criticism
as there were drawbacks in enforcement. Institutional framework was activated and drafted new rules/set up, wherever necessary. Then, the elections to Vidhan Sabha were held and S. Beant Singh took over as C.M. Punjab. He had the will to eradicate terrorism from Punjab soil. Sh. KPS Gill as DGP supplemented the will of S. Beant Singh to control & combat terrorism completely. Sh. Gill led the forces from the front and a success story of eradication of terrorism was written. Judiciary acted fairly & professionally. There was complete coordination among the various security forces operating in Punjab. Punjab police was the nodal force and all other forces were supplementing the local police. The terrorism was eradicated because of following reasons:

i. There was will on the part of Govt. to eradicate terrorism.

ii. Sh. Gill led the forces from the front and there was complete coordination among the forces. Police played the lead role.

iii. The judiciary played a constructive role & the human rights of both, the public & the terrorists were upheld.

iv. The border was fenced. Thus it was difficult to send the weapons & infiltrators. The cross-border terrorism was fought bravely.

v. The cold war was over & now the priority was on the part of Western Countries was to fight the Islamic fundamentalism. This could be done only by India.

The security forces were criticized for fake encounters but the security forces did wonders and the terrorism was completely eradicated. We should not be complacent as over half a dozen cases have been committed by the Punjab terrorists and the situation can erupt & relapse. HM, HuM, HUJI, JeM, Taliban & Haqqani Groups are trying their best to revive terrorism in Punjab. Credit goes to the people of Punjab as now they are not with the terrorists and people love peace. Strict steps should be taken against cross border terrorism. Some important terrorist killings have been solved. Punjab is again on the track of peace, welfare and prosperity.

The sixth chapter is devoted to Socio-Legal Aspects of terrorism in Punjab. In the introduction part, the factors around which the history of Punjab revolved were explained. Flowing of five rivers in Punjab, the influence of Sufi saints and Sikh Gurus, the reign of Maharaja Ranjit Singh, Bhagat Singh’s martyrdom, the partition of Punjab, trifurcation of Punjab and a new Punjab and rise of terrorism followed by Blue Star and Black Thunder affected the history and culture of Punjab. Post partition era has been divided in to four parts i.e. the politics of mergers, reorganization of Punjab, coalition politics and naxalism; from
autonomy to secessionism and post 1992, resurgence of democracy and a composite Punjabi identity. Almost, year 1978 was the commencement of terrorism in Punjab and terrorism breathed its last in 1993. This period can be divided in to three phases, The first phase is the period from 1978-1984 i.e. rise of Bhinderanwale, killing of Nirankaris& Blue Star Operation. The second phase (1984-1988) is Operation Woodrose, Panthic Committees and Operation Black Thunder. The third phase (1989-1993) started with very high terrorist crime in 1991, the formation of Congress Party Govt. in Punjab in 1992, killings of police families and finally complete control of terrorism in 1993. Though the terrorism was controlled fully, still some sporadic incidents have been reported. We lost S. Beant Singh, the then CM Punjab. The target killings increased in 2016 & 2017. River waters dispute is picked up and the case is pending in Supreme Court. SGPC moved an application in the court in 1985 seeking 1000 crore compensation in lieu of Blue Star Operation damages. In 2013, this case has been shifted to Delhi and is still pending. For Socio-legal study, questionnaire method of research has been used. The techniques used are interviews, case studies & perusal of police records and questionnaire method of data collection. The date was analysed by chi-square test and Kruskal Wallis-H Test. The Punjab has, at present, 22 districts and 10 districts touching border with Pakistan having maximum terrorists crime were selected. 400 samples of 8 categories of 50 each i.e. Men, women, Age 40-60, Age 60-80, Urban and rural were selected and their opinions in the format of questionnaire having six questions were recorded. On analysis of data, it is concluded that most of the people did not want to remember the old days as they had suffered the most. Very few persons narrated their experience as their close relatives were killed. It was very difficult to get reply from women candidates. Rural people had suffered the most. Most of the participants appreciated the role played by S. Beant Singh as CM Punjab and Sh. K.P.S. Gill as DGP Punjab. According to them, S. Beant Singh had the will to curb terrorism and Sh. K.P.S. Gill led the forces from the front. The participants appreciated the role of the security forces except very few, who were themselves sympathizers of the terrorists. With one voice, all prayed that there should be no revival of terrorism in Punjab. The majority spoke that there is no possibility of revival of terrorism in Punjab and about 40% participants had the apprehension of revival of terrorism. All in one voice spoke about the removal of grievances of the Punjabis i.e. solving SYL canal issue, Chandigarh Capital issue, and the issue of Punjabi speaking areas. They urged about quality education to youth, giving employment and strict action against drugs. There should be complete check on cross border terrorism and the security forces should be honest, well trained and given modern weapons. Steps should be taken against cyber crime, cyber
terrorism and weapons of mass destruction.

The seventh chapter is about conclusion and suggestions. Overall conclusion is given in previous pages but however, the conclusion is that the terrorism in Punjab is the emotional exploitation of youth by Bhinderanwale on religious issues, weapons from across the border and indirect motivation& financial help by the Western countries on ideological basis. After the fall of Russia, the things changed and Islamic Wahabi terrorism came in a big way. Western counties came closer to India because only India can fight Islamic fundamentalism being a lead country in South East Asia. A number of suggestions have been given while ending the chapter. The most important are the will of government, effective leadership of the security forces fighting terrorism, local police to play the lead role, complete check on the cross border terrorism, special laws to meet special situation and the meeting of genuine grievances of the people.

7.4 SUGGESTIONS

Punjab is the only example where the menace of terrorism could be eradicated in the shortest possible time. Credit goes to the will of Sh. Beant Singh Govt., sparkling and magnanimous leadership of Sh. KPS Gill, the then DGP and the cooperation of the people of Punjab as a whole. The people of Punjab rejected terrorism and now, there is absolutely no support to the terrorist elements. No new recruitment is coming forth.

There is a blatant corruption in the system and also lack of political will. Inspite of all odds, Indian judiciary has done well. The death penalty is given by Supreme Court in rarest of the rare cases as ruledin Bachan Singh v. State of Punjab, AIR 1980 SC 898. Jessica Stern, an expert on anti-terrorism and teacher in law in Department of Harvard University says, “hang terrorists at your own risk”. This means that you should be ready for retaliation in a big way. Law commission under Justice A.P. Shah, the former chairperson has recommended that the capital punishment should be awarded by the courts in terrorism and sedition cases only. At the same time, he feels that the decision of hanging by the SC in cases of YakubMenon and Afzal Guru seems to be politically influenced. It is not agreed because Bombay blasts in 1993 and attack on our democratic institution i.e. Parliament cannot be taken lightly. However, death penalty is removed in 130 countries and 40 countries are practicing the principle of rarest of rare case guidelines. A bench comprising Justice DoraiswamyRaju and Justice AjitPasayat of the Supreme Court, while upholding the punishment of life imprisonment awarded by a TADA court in Bihar to 20 persons observed that the acts of terrorism are invariably as peacetime equivalents of war crime.

Punjab has passed through a very delicate situation where thousands of persons and
property worth crores were lost. However, the people of Punjab has faced the onslaught of terrorism bravely and it has been curbed completely, inspite of the fact that Pakistan ISI is still instigating the Punjab terrorists residing in Pakistan to start terrorist activities afresh. Now Babbars, KLF and KZF outfits are active. The people of Punjab have suffered lot and they do not want the repetition of old black days. Even ISI has failed to find new radical elements.

Judiciary has done a good job at all levels and the timely rulings have acted deterrent to terrorists/criminals and at the same time to the exploitation by the security forces. Judiciary has upheld the human rights of the innocent as well as of criminals.

Thanks to people of Punjab that they have totally ignored the call of the terrorists for reviving terrorism. No new recruits are coming forward. Whereas, some elements in the foreign countries like Canada, UK, USA, Germany etc. are quite active and are trying to revive terrorism in Punjab by liberally financing the extremist elements. Terrorism in Punjab will remain under control but following factors have to be kept in mind.

1. Stern steps should be taken against cross border terrorism.
2. So long terrorism will remain in J&K, there will be always a danger to Punjab.
3. Central Govt. should take up the matter about the terrorist activities in UK, USA, Germany, Canada etc which pose a grave danger to Punjab situation. Indian Govt. should firmly request these countries to curb the activities of people inciting & financing the Punjab extremist elements.
4. Wahabi Islamic fundamentalism is a great danger to hinterland terrorism in India. ISIS, IM, LeT, JeM, HM, Al Qaida, etc. outfits are always a big danger to the unity and integrity of India. ISIS/Al Qaida through IM has spread its net in A.P., Karnataka, Kerala, Tamilnadu and U.P. Hard steps are required to curb their activities.

In order to handle terrorism, state police should be strong enough to tackle the situation but CPMFs and 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 interference as experienced in Punjab during the days of S. Beant Singh’s Government in Punjab. The forces fighting terrorism should be specially trained in modern weapons and methods to fight neo-terrorism. Regarding intelligence, we need a pin-point information to launch anti-terrorism operations. We, in India have IB, RAW, Military Intelligence, BSF-G Branch, Revenue Intelligence, Intelligence Bureau etc. and these require up gradation, as
these have failed to give sufficient information about the terrorist activities. Ultimately, we have to win the hearts and minds of the people and strict action should be taken against the hard core terrorist elements as mentioned in Indian Police Journal, 2003 (BPR&D) New Delhi p. 11.

Punjab has passed through a very delicate situation where thousands of persons and property worth crores were lost. However, the people of Punjab had failed the onslaught of terrorism bravely and it has been curbed completely; inspite of the facts that Pak’s ISI is still instigating the Punjab terrorists residing in Pakistan to start terrorist activities afresh. Now Babbars, KLF, KZF outfits are active. The People of Punjab have suffered a lot and they do not want the repetition of old black days. No new recruitment is coming forward even the ISI has failed to find the new radical elements.

On the basic of present research work, followings are some of suggestions in respect of control of terrorism:

1. So far, there is no unanimity on the definition of terrorism as what actually constitute the terrorist act. Thus it becomes very difficult to take action against terrorism sponsoring states. The pin pointed definition will help in taking action against the terrorists and terrorism sponsoring states. We should evolve the decisive definition of terrorism.

2. There are provisions for special courts under UA(P)A, MCOCA etc. but the trial in the terrorists cases keep on lingering on for a decade. Cr.P.C. should be amended to ensure the speedy disposal of such cases within a year so that it has impact on other persons accused of terrorist crime.

3. As we know that nobody is ready to give evidence due to fear of their life. Therefore, there is need to amend the Evidence Act to have complete burden of proof on the accused person and the witnesses should be given protection.

4. The victim party should be permitted to have advocate of their choice on government expenses. Reputed advocates should be engaged for successful prosecution of the terrorist cases.

5. There is a need to upgrade the scientific investigation aspects because no eye-witness would be available who would be present at the scene of crime. The faculty along with the trained staff in scientific methods and forensic medicine should be engaged to improve the investigation capability of the police including the training specifically for successful prosecution of the cases.
6. Except UA(P)A, there is no other law to deal the terrorist cases. Special laws for special situation need to be enacted because if the terrorists repeat the crime, there is no stronger provision in UA(P)A to deal such terrorists.

7. There should be strong political will for combating terrorism. All the people and representation of all political parties should have united approach against the terrorists.

8. We should have to find ways & means to fight against cyber terrorism, nuclear terrorism and super terrorism and a well-equipped research centre should be set up for this work.

9. The cooperation of the people is the foremost necessity among all the steps taken to combat terrorism. Therefore, the government should strengthen the civil society to cooperate with them at par excellence.

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