Chapter 2
Situating India and the United Kingdom in the Anti-Terrorist Debate

It is necessary to locate the anti-terrorism debate in India and the United Kingdom in the dynamics of their respective experience and perceptions with regard to terrorism. Without doubt, the threat of terrorist violence has been very real in both cases. The anti-terrorist political debate and the subsequent policies have reflected not only the character of a subsisting threat but also the periodic shifts in/or perceptions about terrorism. The debate on countering these 'real' terrorist threats, however, at various times, has been overwhelmed by 'politics' that have given prominence to ideological, political power or personality considerations. Although, issues such as terrorism have been at the core of the ideological confrontation between dissimilar political entities, in political systems of multi-ideological parties, such a confrontation has reflected not only opposing principles on terrorism but also personality and party conflicts primarily for political power.

It must be noted at the outset that a comparative study of the two cases here will have very little analytical value if it is limited to a review of the terrorist challenges faced by the two for various reasons, the first of which is the fact that we are discussing here a comparison between an island state on the one hand and a continental state on the other. The vast differences in terms of population, religious and cultural affiliations and ethnic composition will render such an
exercise futile in terms of identifying similarities or differences between the two.

The objective, hence, of this chapter will be to identify the core contentions in the perceived terrorist challenges that have subsequently spurred and shaped the anti-terrorist debate and policy-making. For instance, the cause of violence in both the states in itself is a matter of debate and this debate has significantly influenced anti-terrorist legislations, particularly in India. The aim will be to identify the various strains of such disputations to see how these have impacted on the debate when anti-terrorist laws are made.

Domestic anti-terrorist debates, in recent times, despite its own unique characteristics, have taken place in the background of the manner in which terrorism is playing on the vulnerability of the states in the international system. While a certain amount of distinction can be drawn in terrorists’ rationale and practice from one region to another or from one state to another, general trends such as the decline in political objectives of the terrorists, their armoury of weapons – augmented by recent advances in information and communications technology – innovative tactics and the threat arising out of state sponsorship have been discernible in most cases. The following section highlights these general trends.

**Declining Political Character**

Terrorism, as understood until recently, focused on certain objectives and acted against a well-defined set of ‘enemies’. The pattern of terrorist activities until the
1980s indicated that the political or ideological content was comprehensible and targets were chosen according to what was amenable to the terrorist’s cause. The killing of nine Israeli athletes by a cell of the Palestinian Liberation Organization (PLO), the Black September, in the 1972 Munich Olympic Games may be cited as a classic example of how most terrorist motives have been understood. Bruce Hoffman calls it ‘the premier example of terrorism’s power to rocket a cause from obscurity to renown’. In the period from 1990-2000, however, in 52.2 per cent cases of selected terrorist incidents globally, the perpetrators of the acts remained unknown.¹

Although analysts have attributed this to a number of reasons,² the dilution of the ‘political’ content in terrorist acts is better explained by the proliferation of groups, without stated objectives, particularly in the 1990s, which have been offshoots or breakaways of established organizations or have been newly formed for other reasons.³ For established groups, while continuing to rely on their stated objectives, this is a tactical innovation for operational purposes where members

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¹ This figure has been computed from a total of 650 cases compiled in chronological surveys of international terrorist acts prepared by the International Policy Institute for Counter Terrorism (ICT), Israel and the report on terrorism released by US State Department Annual Survey of International Terrorism (Pattern of Global Terrorism) for the year 2000 in their official websites,  
(1) http://www.state.gov/s/ct/rls/pgtrpt/2000/2444.htm  
(2) http://www.ict.org.il

² Some analysts have attributed this to the ‘new rationale’, which they feel is more ‘religion inspired’ than political. They argue that terrorism is gradually being defined in terms of a ‘religious-culture war’, wherein, a new “Islamic Internationale” is out to defend cultural intrusion into Islam and for whom ‘terrorism’ against any ‘infidels’ is but the most effective strategy to thwart this intrusion. Paz, Reuven, “Is There an Islamic Internationale?” available at http://www.ict.org.il.

³ Ved Marwah in his book Uncivil Wars: The Pathology of Terrorism in India, (New Delhi: HarperCollins Publishers, 1995), at various places, mentions the names of groups such as Al Faran, Al Umar, Allah Tigers, Al Jung, Zia Tigers, Mahaza-e-Azadi, Dukhtran-e-Millat, Pasdaran-I-Inquilaabi Islam, Jamat-e-Islami, Al Umar Mujahideen, etc. who have operated in Kashmir at various times. The numbers of these groups go up to 44.
are divided into small cells, often under different names, to carry out activities more criminal than political in nature. This also enhances their attack capability by increasing mobility and the ability to make quick tactical decisions and allows them to remain incognito as and when it suits them.

There have been a host of newly formed organizations built around charismatic appeals or are issue-based expounding certain extremist ideologies (left or right or religious or millenarian) or criminal objectives.\(^4\) White supremacist groups, neo-Nazis, extreme Left-wing groups, extreme right groups, ethnic militias and the so-called ecological ‘defenders’ are on the upswing and are relying on violence to achieve their objectives.\(^5\) The 1995 bombing of the Alfred Murrah Federal Building and the Aum Shinrikyo in a Japanese underground subway in 1995 has increased fears of millenarian assaults in the future.

The implications of this new development particularly on democratic states, which allow even extreme ideological/political aims within the democratic process, have been grave. Although some of these small groups may not be a serious threat by themselves, they have played the very damaging role of support


\(^5\) Rik Scarce, for example, talks of the “Eco-Warriors” who are guided by a kind of spiritualism known as ‘Deep Ecology’, which exposit that human beings are not the measure of all things and urges the individual to look beyond the self and be part of the eco-system. He also points out how eco-warriors are beginning to indulge more and more in violent activities although not on a major scale. Scarce, Rik, \textit{Eco-Warriors: Understanding the Eco-Radical Movement} (Chicago: The Noble Press, Inc., 1990), p. 3.
networks, thus, enhancing the “military and non-military capability of terrorists at the strategic level”. 6

Technology and Innovation

Technology has become the most potent weapon in the hands of modern day terrorists. Innovative tactics and technology have allowed terrorists to leverage limited resources by enabling them to rely more on their cunning and the firepower of their weapon systems than on their strengths in terms of manpower. Technology, while boosting the strike capability of the terrorists, has also given them a range of targets to choose from. 7 It has also motivated and enabled networking among various groups.

The Internet has become a very important source for groups to learn new evolutions in tactics, weapon techniques and get in touch with other groups. When groups resort to terrorism, it is possible that they are either been morally guided or are simply following the successful examples of other groups in other parts of the world. “Cybotage”, relating to information related engagement with an enemy,

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7 Paul Wilkinson points out that developments in science and technology have resulted in high rise buildings, huge shopping malls, nuclear and other installations, gas pipelines, railway stations and airports which become an attractive target for terrorists. See Wilkinson, Paul, Technology and Terrorism (London: Frank Cass, 1993), p. 3. Cindy Combs also makes this point and further notes that, in recent times, there has been a “transition from personal to impersonal terrorism, wherein the target has changed from a specific tyrant to a randomly selected, symbolic individual remotely related to the target of terror”. Combs, Cindy C., Terrorism in the Twenty-First Century, (New Jersey: Prentice Hall, 1997), p. 145.
has posed as a new threat given the massive dependence on computer networks for a whole lot of activities.\(^8\)

Terrorists realize they are economically and militarily weaker than government forces and, therefore, their success or failure depends heavily on their cunning to stay tactically a step ahead. This may entail the use of even rudimentary weapons like the ones that were used in the hijacking of the planes that flew into the World Trade Center and the Pentagon on 11 September 2001. Such a strategy, however, has to be highly coordinated. This requires tremendous technological support in terms of logistics.

Explosives, for long, have been the choice of terrorists for the firepower they give and they have been moulded and manipulated into all sorts of bombs. They remain the most simple and efficient device for their purpose. Science and technology has enabled the creation and easy assembling of a variety of explosive substances. For example, in November 1987, Picatinny Liquid Explosive (PLX), a slightly yellow liquid with 95 per cent nitromethane and 5 per cent ethylenediamine, in a whisky bottle, with 350g of Composition C4 in a radio was used in the downing of Korean Air Flight 858.\(^9\) Many of these have been made for maximum impact and to escape detection by counter-terrorist agencies. There are

\(^8\) The term “cybotage” has been borrowed from Lesser, Ian O., et al., *Countering the New Terrorism* (Santa Monica: RAND, 1999), p. 45. They have used it to mean computer terrorism, particularly, hacking into information stores or websites and disrupting communications.

also arrays of sophisticated small arms that have found their way into the arsenal of the terrorists.

Most analysts seem to agree that in the near future, although the use of weapons of mass destruction (WMD) by terrorists may not become a trend, certain groups with enough resources will have no aversion in carrying out an attack with these weapons.\(^\text{10}\) Brian Jenkins, for example, once wrote “terrorists want a lot of people watching, not a lot of people dead.” He, however, writes in 2000, “the notion that analysts offered once about the constraints on terrorists behaviour are eroding … large-scale discriminate violence is the reality of today’s terrorism.”\(^\text{11}\) The advance in science and technology is expected to help in miniaturization of these weapons and remove the problems with regards to storage, detection and delivery. Post-Cold War writings on this issue have focused on ‘defense and preparedness’ indicating that most security analysts feel this form of terrorism waiting to happen on a large scale. The fear of terrorists getting hold of WMDs has arisen out of the fact that biological, chemical and nuclear materials are readily available to anyone having the money and will.\(^\text{12}\)


\(^\text{12}\) Biological and chemical agents or components of these agents are widely sold over the counter for industrial purposes. They are also prepared and experimented upon in various clinical laboratories. These agents can be either stolen or bought and later manufactured through the services of trained chemists or biologists. In the case of nuclear materials, manufacture may be the toughest part given the highly sophisticated procedure and infrastructure. Procurement through theft or payment of money, however, seems to be possible. Jessica Stern, for example, argues that “loose nukes” in the former Soviet Union pose the gravest danger due to the military meltdown, threat to the nuclear economy, inadequate security and smuggling of nuclear materials.
Suicide Terrorism

The 1990s witnessed increasing instances of an altogether new phenomenon of suicide terrorism. Though constituting only 4.5 per cent of total terrorist incidents in the period from 1991-2000 they have accounted for 13 per cent of total deaths. And, incidents of suicide terrorism have been on the increase ever since. In most recent cases, Iraqi and Palestinian resistance have been the two main theatres of suicide terrorism.

Although, indoctrination and economic rewards have played a major role in motivating terrorists to carry out suicide missions, extreme loyalty to their leaders and to the cause have also played a part. Suicide missions have been in most of the cases highly effective. Terrorists suffer fewer casualties while inflicting severe destruction on their targets. Questions about whether this tactical innovation has become the most serious and potent weapon in the hands of terrorists are being raised. Tactically speaking, suicide missions involve the 'element of surprise' on the one hand, and the ultimate sacrifice of death whether the mission succeeds or not, on the other. Against such missions by terrorists there is very little defense.


This number has been computed from a total of 650 cases given in a chronological survey of international terrorist acts for 2000 by the International Policy Institute for Counter Terrorism (ICT), Israel and the chronology released by US State Department annual survey of international terrorism (Pattern of Global Terrorism) in their official websites.
Although, virtually all groups have engaged in suicide terrorism, the LTTE has made use of this tactic for most of its operational objectives. Walter Laqueur says that the Tamil Tigers "make a specialty of suicide missions in which women apparently figure as often as men."\textsuperscript{14} The use of this tactical innovation by the LTTE has dispelled the notion held earlier that religious and cultural fervour drive most of these suicide missions.

\textbf{State Sponsorship}

State-sponsored terrorism has come to be an equally formidable challenge. This has happened in two ways. First, states have used terrorism to repress the people, making them "apolitical or politically malleable and weaken the population’s willingness to support revolutionary or other anti-government movements."\textsuperscript{15} The systematic elimination of opposition to a certain regime and suppression of dissent by covert and terror tactics also come within the ambit of this type of terrorism. This type of terrorism has generally been employed by those states that do not enjoy widespread legitimacy among the populace. This type of terrorism is not practiced openly as in earlier times, given the increased international attention to domestic, human rights and other humanitarian issues.

Secondly, states have used terrorism as an instrument for specific foreign policy objectives. This became particularly popular during the Cold War. This type of

state’s involvement has included support such as funds, weapons, training facilities, logistics, intelligence and diplomatic facilities. This type of involvement can be less covert because often “the benefits outweigh the relatively minor disadvantages of keeping a nation’s support secret.”\textsuperscript{16} States also support terrorists because it is the safest and the cheapest way to engage an enemy without the fear of retribution. In many cases, states can escape identification, retaliation and sanctions.\textsuperscript{17} From a purely military perspective, too, terrorism has greater utility.\textsuperscript{18} There are very few men and material involved in this type of engagement and it is therefore far more attractive than even a very low-scale conventional war.

Of the above two, it is the second type of state sponsorship of terrorism that has serious implications for global security in the future. The sponsorship by states has moulded terrorists’ strategies, doctrines and targets, particularly, in the post-Cold War period. It has enhanced their financial, logistics, material and other capabilities, enabling them to play a major role in contemporary affairs.

State sponsorship of terrorism entails three real dangers.\textsuperscript{19} First, the danger of terrorist activities may escalate into full-scale war between two nations and which may eventually drag in other actors, particularly, major powers. This is what

\textsuperscript{17} Ian O. Lesser, et al., \textit{Countering the New Terrorism}, p. 15.
\textsuperscript{18} Hanle, \textit{Terrorism}, p. 188.
\textsuperscript{19} Grant Wardlaw makes these points. For a discussion of the dangers of state sponsored terrorism by him see Wardlaw, Grant, \textit{Political Terrorism: Theory, Tactics, and Counter-Measures} (London: Cambridge University Press, 1989), pp. 175-186.
Lacquer calls the 'Sarajevo Complex'. Secondly, there is the danger of over-reaction by major powers, who might take unilateral military action against certain states who support terrorism, particularly, if the major power feels that its interests are being threatened. This type of unilateral over-reaction has grave implications for international relations in the long run. Thirdly, there is the danger of the gradual obliteration of democratic norms and functioning in the victim-state paving the way for internal turmoil and more violence. State-sponsored terrorism becomes more deadly because terrorist capabilities are enhanced. Terrorists with state support do not depend on the local population for support and hence they need not be concerned about alienating popular opinion or provoking a public backlash.

It may be necessary here to mention a nation's inability to control the activities of certain, often-powerful groups, within their own countries. In some states, particularly, where democratic institutions are weak, the elite runs the entire governmental process often with the help of certain powerful groups. These groups, which are in many cases established terrorist groups, are given a lot of free hand in the government. Lebanon, for example, could not deny operational freedom to well-armed Hizbollah forces. Afghanistan, until recently, was fully controlled by the Taliban and had been the cradle of al Qaeda forces.

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20 The phenomenon of terrorism escalating into war has been called the Sarajevo Complex by Walter Lacqueur. See for example, “The Criminology of Terrorism: History, Law, Definitions, Typologies” available at http://faculty.ncwc.edu/toconnor/429/429lect01.htm.
21 Iain O. Lesser, et al., Countering the New Terrorism, p.15.
22 Ibid., p. 67.
Similarly, terrorist groups in Pakistan are associated with or are the armed wing of legitimate political parties. For example, Hizb-ul-Muzahideen is the armed wing of the Jamaat-e-Islami, the Lashkar-e-Toiba is affiliated with the Ahle Hadith political group and the Hizb-e-Wahadat is associated with Shia political parties.  

Jessica Stern points out that it is difficult to promote Jihad in Kashmir without inadvertently promoting sectarianism in Pakistan, particularly between the opposing Tehrik-e-Jafariya-e-Pakistan (TJP), a Shia party, and the Jamaat-ul-Ulema-e-Islam, a Sunni party, which was formed to offset the TJP. The point here is that ‘terrorism’, in these circumstances, has been entrenched in the political fabric resulting its impact being felt even in the external sphere and relations with other countries.

Terrorist Challenges in the United Kingdom and India

The above new trends and challenges have been a part of the recent experiences with terrorism both in India and the United Kingdom albeit in somewhat different ways. In the UK, for example, the proliferation of groups have been more in the realm of issue-based violent activists, while in India the same has involved the new offense strategy of restructuring a ‘parent-body’ into small cells, often under new names, for operational efficiency. India faces in much more severity state-

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sponsored terrorism on its soil. In the UK, the same has only involved the use of UK territory by states for the purpose of funding terrorism.25

A number of other terrorist threats unique to the two have significantly shaped the anti-terrorist debate and policy making. To understand the nature and magnitude of the emerging new challenges in the UK and India, and the underlying rationale in decision-making in both cases, the discussion of this chapter is divided into the following five sections: i) the nature of their protracted conflict, ii) variety of actors, iii) the intensity of violence, iv) third-party involvement and, v) peace initiatives.

**The Nature of Protracted Conflict**

Both India and the United Kingdom have had a very similar background of protracted conflicts. In the United Kingdom, the decades old Northern Ireland conflict has its roots in the 1921 partition of Ireland. In India a number of the conflicts have been traced at least to the year of its independence in 1947, though these are also often explained in terms of India’s colonial legacies and the ‘partition’. In both cases, the ensuing conflict has suggested a mix of social, economic, political, territorial, religious grievances accompanied by violent insurgent guerrilla and urban warfare and sectarian and community attacks and killings. It has not only been intermittent terrorism but also of determined attacks

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25 The UK rationalised its stringent measures to attack terrorist financing in both its Terrorism Act 2000 and the Anti-Terrorism, Crime and Security Act 2001 on grounds that legitimate organizations based in the UK were actually collecting funds for supporting groups such as the Al Qaeda and Hamas.

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from well-organised groups with considerable support from the local population.

The United Kingdom

It is generally agreed that the principle terrorist threat to the United Kingdom has been the nature of terrorist acts emanating from Northern Ireland, although, it has experienced acts of terrorism such as, kidnapping and killing of its nationals abroad, the hijacking and destruction of its aircraft and killings of UK nationals by foreign terrorists in the UK.26 There have also been cases of domestic terrorism by extreme right groups such as the Angry Brigade.

Although Northern Ireland Catholics assert that their activism has involved undoing the nature in which they were separated from the parent South, various analysts see two major issues as having characterized the beginning, the sustenance and the continuation of the “troubles” in Northern Ireland. First, long years of civil and political oppression by the protestant majority on the Catholic minority resulted in growing dissent of the policies of the Stormont Administration on the one hand, and the British government, on the other. The dissent, for example, was characterized by the 1960s civil rights marches, which in time became violent and subsequently was directed against British troops that had come to establish law and order. This violent period also saw the

26 Until the early 1990s, nearly 3000 people were killed in Northern Ireland since 1969. During the period, apart from the 250 killed in the bombing of Pan Am 103 over Locherbie in 1988, 107 people were killed by terrorists in England and none in Scotland and Wales. 89 of these were killed by Irish paramilitary groups (IRA or INLA), 18 by foreign terrorists (all Arabs or Iranians) and none were by indigenous British terrorists. Of the 18 only one was British (a young woman police constable shot from the window of the Libyan Embassy). The other 17 victims were all foreign, mainly Arabs, Iranians and Israelis. See Clutterbuck, Richard, “Terrorism in Britain”, Wroxton Papers, Series B, The Changing Agenda of British Politics, Paper B8, London, p. 45.
reappearance of the Irish Republican Army (IRA) in the form of the aggressive Provisional Irish Republican Army (PIRA), a breakaway group of the IRA, and displaying a much more concerted effort to be united with the South.

Secondly, the central paradox of the conflict has been "not one of right against wrong, but one of right against right." The republican demand for unification with the South has been pitted against the loyalist demand to maintain the status quo. Most analysts have argued that it is for this very reason that conflict has dragged on and will most probably persist. According to Peter Chalk, for example, the PIRA would never give up their claim for unification and the loyalists would never allow themselves to be subsumed in a predominantly Catholic republic. Adrian Guelke also makes similar observations. According to him, the perceptions of the conflict by the chief protagonists in the Northern Ireland conflict have been significantly different. While the PIRA sees the conflict as a classical anti-colonial liberation struggle the Ulster Defence Association (UDA) sees it as one where the Ulster protestants were a community under siege, surrounded on all sides by enemies.

The Northern Ireland Conflict

The roots of conflict in Northern Ireland has been traced to the partition of Ireland

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28 Ibid., p. 74.
in 1921, with the southern twenty-six counties gaining independence from Britain and the other six north-eastern counties remaining part of the United Kingdom. The new state of Northern Ireland had an in-built Protestant majority (roughly 65 per cent Protestant and 35 per cent Catholic at the time of partition) and acquired its own parliament and considerable autonomy within the United Kingdom.\(^{30}\) However, a chronically insecure Protestant majority, an alienated Catholic minority, electoral malpractice, ethnic and religious bias in the distribution of housing and welfare services, and a declining economy gradually brought tension and the Stormont Administration (Northern Ireland Parliament) could not command full political legitimacy. Due to governmental negligence and prejudices, especially against the Catholic minority, sectarian strains became overt by the 1960s. Subsequently, the Catholics launched a civil rights movement to campaign for a more equitable access to political power, social provision and cultural recognition. This met with resistance from the Protestant community and violence erupted on the streets. There was whole-scale movement of populations in urban areas into separate Protestant and Catholic communities.

The civil rights movement were not only against the breakdown of social and welfare services but also due to the increasing grievances of the minority community over the unfair use of acts and statutes, particularly, the 1922 Special Powers Act.\(^{31}\) Laura Donohue argues that this statute was initially used to bring civil order to the province but as violence began to decline, the government began

\(^{30}\) General statistics of Northern Ireland has been downloaded from http://cain.ulst.ac.uk/.

to utilise regulations under this act to prevent the expression of republican ideals. According to her, it was the manner in which these regulations were applied that “denied legitimacy to the political aspiration of a broad portion of the minority” and ultimately gave rise to the civil rights marches in the 1960s.

In 1969, the London government deployed the British Army in an attempt to restore order. This was, however, for the militant nationalists a restoration of the traditional symbol of oppression and there was a concerted effort to remove the British presence and unify with the rest of Ireland. The Provisional Irish Republican Army (PIRA) became active. By early 1970, the Provisional IRA had started its campaign of violence against the British army – alleged by them as being “deployed to act as the ‘policeman’, with a ‘tradition’ formed in the colonies,” which ran counter to normal policing.

One of the immediate responses to the violent insurrection was the introduction of “internment” without trial under the 1922 Special Powers Act. By 1972, however, it became clear that the local Northern Ireland government was unable to handle the situation. Invoking its powers under the Government of Ireland Act, the

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32 Donohue says that from 1922-1950, 90 meetings, assemblies, processions were banned. These included events such as the 1916 Easter Uprising commemoration, 1798 Rebellion remembrances, St. Patrick’s Day, Gaelic sports events, anti-partition meetings, unemployed worker’s gatherings and protests related to republican prisoners. She also says that under this act, the government implemented measures that governed censorship of printed matter and banned newspapers such as The United Irishman and Resurgent Ulster, prohibited the erection of monuments and also prohibited the use of the Irish flag. See Donohue, Laura K., “Regulating Northern Ireland: The Special Powers Acts, 1922-1972,” Historical Journal, Vol. 41, No.4, December 1998, pp. 1112-3.

33 Donohue, “Regulating Northern Ireland”, p. 1114.

London Parliament abolished the Northern Ireland government in March 1972.

It was at this juncture that the Ulster Defense Association (UDA) came into being against what it called the “betrayal” of the London Administration to the “Catholic enemy”.\(^{35}\) It emerged as an umbrella organisation of the various local vigilante groups. The UDA’s main assertion was the continued existence of Northern Ireland within the United Kingdom and the restoration of the Northern Ireland Administration. It saw the ‘Direct Rule’ imposed from Britain as a gradual surrender of the North for a final union with the Irish Republic.

With the formation of the loyalist paramilitaries, the pattern of violence changed by the early 1970s. The inter-communal rioting that characterised the late 1960s was gradually replaced by a triangular low intensity conflict between the British army, republican paramilitaries (mainly the PIRA, but including smaller violent groups like the Irish National Liberation Army (INLA) and loyalist paramilitaries (the Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF) and the Ulster Volunteer Force (UVF)).\(^{36}\) By the mid-1990s, more than 3500 people had been killed, a significant number given Northern Ireland’s small area and 1.6 million population.


\(^{36}\) Darby, for example points out that one of the main actors in the initial moments of the conflict has been the British army about whom not much has been on record. Darby, John, “Northern Ireland: The Background to the Peace Process,” available at http://cain.ulst.ac.uk/events/peace/darby03.htm.
India

Three issues have remained paramount with regards to the nature in which 'terrorism' has been viewed in India ever since its independence in 1947 — the issue of Kashmir, insurgency in the Northeastern states and Left-wing extremism. The Khalistan movement in Punjab that entered the map of terrorist violence in India with a series of spectacular acts in the early 1980s, including the bombing of the Air India Flight Kanishka, killing 329 passengers on 23 June 1985, subsided by the mid-1990s. Some analysts have tended to leave out Left-wing extremism while studying terrorism in India but others see it as a potent threat. In all the cases the conflict has been protracted resulting in the loss of lives of thousands.

i) The Kashmir Conundrum

There have been two major views on the chief sources of insecurity in Kashmir. The first has argued how the continued exercise of 'rights' over the territory of Kashmir by India and Pakistan has sustained the conflict. The second view deals with fundamentally issues of governance, the constitutional status of the state, and other socio-economic factors.

37 For some, Left-wing violence has assumed importance, especially after the successful insurrection of the Maoists in Nepal, in recent years and because of the reported link between the Maoists in Nepal and the Left-wing groups like the People War Group (PWG), Peoples War (PW) and the Maoist Communist Center (MCC). For an account of the reported linkage between Maoists in India and Nepal see Khanal, Krishna P., “Post-11 September Developments in Nepal: Implications for curbing the Maoist Insurgency,” in Dipankar Banerjee and Gert W. Kueck, *South Asia and the War on Terrorism: Analysing the Implications of 11 September* (New Delhi: India Research Press, 2003), pp. 23-37.

38 Jonah Blank, for example says that “neither India nor Pakistan can afford to ‘lose’ Kashmir” for two reasons. First it has become “central to both nation’s identities” and secondly, both the countries would not like to set a precedent for other ‘secessionist’ activities in their respective territories. See Blank, Jonah, “Kashmir: Fundamentalism Takes Root,” *Foreign Affairs*, Vol. 78, No. 6, November/December, 1999, p. 37.
Many Kashmir analysts have critically viewed the gradual erosion of the special and autonomous constitutional status of Jammu and Kashmir as per the terms of the accession agreement and embodied to a certain degree in Article 370 of the Constitution of India. This happened through various constitutional amendments. For example, the position of the Sadar-i-Riyasat was converted into a Governor and that of the Prime Minister into a Chief Minister. Article 356 concerning President's Rule was made applicable to the state and the Parliament was given the authority to make laws during President’s Rule in the state. According to the terms of the accession agreement, the Union of India was given control of only three subjects, defence, external affairs and communications.

This ‘constitutional jugglery’ in due course, transformed Kashmiri hopes of determining their own future into a sense of betrayal and coercion into becoming another state of the Indian Union. Many Kashmiris argue that Lord Mountbatten’s commitment that “… as soon as law and order have been restored in Kashmir and its soil cleared of the invader, the question of the State’s accession should be settled by a reference to the people”, 39 has gradually been abandoned. In the mid-1950s, Jawaharlal Nehru’s assertions that “the geopolitical situation militated against a plebiscite … and that a plebiscite depended on Pakistani withdrawal from all of Kashmir (as specified by the UN), including the areas it had conquered in 1948-49”40 has been seen by Kashmiris as further consolidating India’s

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39 Quoted in Marwah, Uncivil Wars, p. 36.
position on the state.

The Congress government at the Centre has been accused of manipulating the normal political and electoral processes of the state resulting in people’s discontentment and shattering their faith in the government. Sheikh Abdullah who was the most vocal Kashmiri leader was seen by Delhi as obstructing ‘integration’ and for the most part of his political career remained behind bars. The other way in which Delhi tried to control Kashmiri politics was by either aligning with the Sheikh’s National Conference to capture power and thus control the Party or engineer defections in the Party in order to put up a more compliant government. The 1987 state elections that saw the National Conference-Congress alliance coming to power was the final thaw when the results were accused of rampant rigging. People took to the streets in violent agitations.

Many scholars argue that the above actions increased the ‘sense of alienation’ felt by the common people in Kashmir, resulting in less participation in governmental affairs, and intensifying the feeling of ‘betrayal’ and the advent of armed conflict in the region. This Kashmiri nationalism, fuelled by government apathy and other socio-economic factors, in course of time, also erupted into what has been termed as “pan-Islamic” fundamentalism bringing in Afghan, Arab and other ‘jehad’ mercenaries into the state of Jammu and Kashmir.

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A number of Kashmir watchers disagree with the views of present-day security and policy analysts who see the support extended in terms of financial and logistics to separatist groups in Kashmir, chiefly by Pakistan, as the most important reason for the continuing violence in the state.43 This, they argue, has been evidenced by the fact that foreign terrorist groups first arrived in Kashmir in April 1993 – by the time violence was deeply entrenched in the state.44 Others, however, disagree to this and point out that Pakistan’s support for separatism in Jammu and Kashmir had begun right from the beginning in the form of operational freedom in Pakistan to local Kashmiri separatist groups. For example, the Jammu and Kashmir Liberation Front (JKLF) that spearheaded the demand for ‘azadi’ in the initial years reportedly had a Pakistan office, headed recently by Amanullah Khan. Pakistan also supported groups such as the Hizb-ul-Mujahideen and the Jamat-i-Islami and also created a number of pro-Pakistan groups such as the Muslim Janbaz Force, Al Umár, Allah Tigers and others – small terrorist cells for the purpose of creating terror and promoting Islamic religious sentiments among the Kashmiris.45 They also argue that the support has continued to the present through both official government positions taken on the issue and through clandestine infiltration of men and material.

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43 This is not to say that they do not feel the involvement of Pakistan as the second most important factor. The subject of Pakistan’s involvement will be the subject matter of another section.
44 Afghan mujahideen mercenaries were reportedly sneaked into Doda district in Kashmir from Markaz Dawatul Arshad, a center for worldwide Islamist activities, sponsored by ISI beginning April 1993 and by the end of the year there were estimated 1200 Afghan mercenaries in the district. Marwah, *Uncivil Wars*, p. 132.
Despite these differences in views, there is a general perception that any resolution of the conflict in Jammu and Kashmir will be dependent on a triangular resolution of various issues. Pakistan's role has been seen as fundamental because of its massive sway over militant groups in Kashmir. The Indian government, for example, asserts that any talks on Kashmir would be contingent on a move to rein in terrorists by Pakistan. Pakistan, however, continues to declare that it supports the 'separatist cause' of the Kashmiris as a matter of national importance.

A number of renewed peace overtures since 1999 has only created a mild and cautious optimism among India-Pakistan watchers. India continues to feel that Pakistan is not fundamentally committed to a breakthrough on Kashmir and that it is bent on redrawing the boundaries and carving out Jammu and Kashmir on Pakistan's terms. Pakistan, on the other hand, feels that any resolution of the Kashmir issue should be outside the 'status quo' of India's Kashmir. Many analysts have been pessimistic about the early resolution of the issue.

ii) The North Eastern Region of India

Fundamentally opposed conceptions of the conflict in the North East states of India have plagued the understanding of the most important root causes of the conflict in the region. The Government views ethnic sensitivity issues augmented by economic ailments as determining the nature of conflict in the region. The conflict protagonists, in many cases, however, assert that their activism is essentially political, involving territorial issues traced back to colonial India.
Naga nationalism, for example, which erupted into a violent movement in the 1950s, arose out of what many Naga scholars feel was a sense of betrayal by the Indian government over the terms of the Akbar-Hydari Agreement of 26 June 1947 that had recognized, to some extent, the historical validity of Naga territorial claims. The Naga National Council (NNC), the then chief Naga political voice, argued that the Indian Constituent Assembly, after independence, completely ignored the part of the Agreement which stated:

... the Assam Governor as the agent of the Government of India (GOI) would hold special responsibility for the period of 10 years of Naga areas and after which the NNC would be asked whether the period of the agreement was to be extended or a new agreement would be required concerning the future of the Nagas. 46

This provision was understood by the Nagas as putting the onus on them to determine the nature of their political affiliation. The government of India, on the other hand, argued that the provisions under the Sixth Schedule of the Indian Constitution rendered the above clause irrelevant.

Subsequently, in March 1956, the NNC established the underground Federal Government of Nagaland with an armed wing – the Federal Army in response to what it said were gradual attempts by the government to assert its authority over the Naga areas through its armed forces that entered Nagaland between 1952 and 1956 and the conduct of elections in 1952.

The granting of Nagaland state with a 'special' constitutional status under Article 371A after the 16-Point Agreement was negotiated between 26-28 July 1960, instead of resolving Naga social and territorial aspirations, seems to have added new dimensions to the conflict. The government asserted that Article 371A took care of the unique Naga socio-cultural aspirations and the state of Nagaland gave the Nagas administrative freedom. Most of the Nagas argued that the 16-Point Agreement did not have their mandate as it was negotiated with the Naga Peoples Convention (NPC), an organization hitherto unknown, leaving out the NNC that had for long been the political voice of the Nagas. The Nagas pointed out that the NPC was an organization sponsored by the government and was formed on the eve of the negotiations.

Similarly, a majority of the Nagas accused the government of misleading the Nagas into believing that the NNC had decided to give up arms on the basis of the Shillong Accord that was signed in November 1975. The six Articles-Agreement was denounced by many Nagas and ushered in a new chapter in the conflict. T. Muivah formed a breakaway group, the NSCN-IM (Nationalist Socialist Council of Nagaland – Isaac-Muivah), on 31 January 1980, reverting to the pre-1955 position of political and armed confrontation.

In July 1997, a ceasefire agreement was signed between the Government and the NSCN-IM, making it possible for its collective leadership, T. Muivah and Isaac
Swu, to come to New Delhi in January 2002 and negotiate for a possible end to the conflict. The discussions, however, continue to elude tangible results.

Apart from the NSCN-IM there are a host of other insurgent groups fighting for either autonomy or a special political/administrative status or secession. Since the 1980s, Assam has been facing violent insurrection from the United Liberation Front of Assam (ULFA) with an agenda of a full-scale liberation of Assam from the exploitation by India.\(^47\) The situation in Assam has been further compounded by the presence of migrants from Bangladesh and other parts of India against whom the locals have taken severe actions including mass killings. In Manipur too, there are a number of groups fighting for secession.

Tension between ethnic communities has definitely been a conflict-multiplier in the region. A number of violent insurgent groups, representing minority communities, have been formed in recent times to offset a dominant or a 'foreign' community. The Kuki National Army (KNA) in Manipur, the National Liberation Front of Tripura (NLFT) and the All Tripura Tiger Force (ATTF) in Tripura have been such groups. Further, resolution of the grievances of one community has caused the insecurity of a neighbouring community.\(^48\)


\(^{48}\) The creation of the Bodo Territorial Council, for example, only furthered tension between the Bodos and non-Bodos living within the newly created Council. See Prabhakara, M.S., “Another Round in Assam,” *Frontline*, Vol. 19, No. 23, November 9-22, 2002, pp. 28-9.
Analysts feel that in some ways fundamental misconceptions by the government and hence misconceived policies since independence towards the region have been largely responsible for the current state of affairs.\(^{49}\) Each of the state in the region is made up of different communities with distinct practices and language and its own set of problems, which also means that resolution of these need to be community-specific. The people in the region have also not taken kindly to the host of ‘extra-constitutional’ legislations that give sweeping powers to the army personnel.

iii) The Naxalite Movement

Agitational activity of the communists began almost immediately after India’s independence and continued for nearly three and a half years seriously affecting Telengana in Hyderabad. In the early years of the movement, Prime Minister, Jawaharlal Nehru, in a speech, termed the militant mass movement as an “anti-national campaign, worse than an open rebellion and aiming at total disruption which would result in widespread chaos”.\(^{50}\) In the 1960s, communist violence became widespread in West Bengal, spreading from there to Andhra Pradesh and northern Bihar. During the emergency of 1975-77, it was the communists who spearheaded mass protests against the Congress government of Indira Gandhi.\(^{51}\)

Many of its cadres were arrested including its leader, Jayaprakash Narayan. Left-

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49 Udayon Misra, for example, argues that the tendency of looking at the problems of the region through a common ‘Northeast’ perspective, as has been practiced, has been too simplistic, given the diverse culturo-historical tradition and the different stages of economic development of the different communities. Misra, The Periphery Strikes Back, pp.1-2.


wing groups, today, operate in many other states. The chief protagonists have been the People’s War (PW), the People’s War Group (PWG) and the Maoist Communist Centre (MCC).

These groups protesting against repressive governmental policies, upper-caste oppression and the intrusion of foreign business into India have indulged in intermittent violence, which the government has termed as extremely damaging and in recent times as ‘terrorism’. The range of their targets has included political figures, administrative personnel, the police and corporate houses. The upper-castes have particularly been targeted for alleged oppressive practices against the so-called lower caste or minorities. It may be noted that in many cases these Left-wing groups have significant followings particularly in rural areas where feudal tendencies are more overt.

In the late 1990s, the resurgence of the Maoist insurgency in Nepal furthered the communist consolidation in the Indian states neighbouring Nepal and in the view of many analysts have become a serious threat to the security of India.\(^52\) There was also a rapid spread of the movement in other states. Left-wing groups are active so far in Andhra Pradesh, Chattisgarh, Maharashtra, Madhya Pradesh, Orissa, Bihar, Jharkhand, parts of West Bengal and Uttar Pradesh. In recent reports, the PWG leadership has been attempting to mobilize people in urban areas with their most important objective being the consolidation of a strong base

\(^{52}\) Left-wing violence came up as a major issue in a conference on “Internal Security” attended by the Chief Secretaries and the police Chiefs of all the states in New Delhi on 17 January 2003.
in the capital, Delhi. This movement, which could not be sustained in the cities and had shifted to rural guerrilla warfare, is making a come back to the urban areas.

The Variety of Actors

One defining characteristic of the actors in the terrorist violence in the United Kingdom and India has been the number of groups involved in violent and terrorist activities. In the United Kingdom there has been a just a couple of organizations, while in India the number has been numerous. In the UK, terrorist activities have been confined to Northern Ireland and the mainland. Scotland and Wales, for example, has not experienced any deaths related to terrorist violence.\(^{53}\)

In India terrorism has taken place in almost all the provinces of the Indian Union. The UK has also had relatively few cases of incidents related to foreign terrorists accounting for the death of only 18 people in the period from the early 1970s to 1993.\(^{54}\) Britain has also no indigenous terrorist groups except may be the Angry Brigade, a revolutionary student group that set off a series of explosions in 1970-71 but killed no one. On the other hand, in India, the presence of foreign terrorists has been very destabilising. There are also a host of home-grown dissident groups that have taken on to terrorist methods in the course of time.

United Kingdom

The chief protagonists in the Northern Ireland conflict have been the two

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\(^{54}\) Ibid., p. 1.
paramilitaries at the other ends of the sectarian divide – the Provincial Irish Republican Army (IRA) and the Ulster Defence Association (UDA) and to a lesser extent the nationalist Irish National Liberation Army (INLA). The Ulster Freedom Fighters (UFF) have also staged terrorist activities and have acted as an independent group but many analysts point out that the group has been merely a “flag of convenience” for elements in the UDA.

The origins of the PIRA lie in the split of the IRA into two wings in 1969-70 over tactics. The Official IRA chose for a more moderate civil rights approach to the conflict. The PIRA, on the other hand, chose a more offensive approach after the OIRA called for a ceasefire in 1972. The first of its violent campaign took off on 21 July 1972, when they set off twenty-two bombs in Belfast killing nine people and injuring over a hundred.

Moxon-Browne sees the emergence and resilience of the PIRA as a result of the ‘passive support’ it receives from the people. According to him, the people see the PIRA as a defence force for the Catholic ghettoes against incursions of the British army raiding parties and Loyalist gunmen. He further argues that the creation of a “political atmosphere” whereby PIRA would become virtually redundant and where tacit support would be transformed into outright rejection

would be the only way to keep the PIRA out of job. 57

The other party to the conflict has been the Ulster Defence Association (UDA), formed in September 1971, as an umbrella organisation encompassing a number of Loyalist street vigilante groups. Though the UDA’s stated objectives had been to safeguard its localities from attacks by the nationalist groups, it has played a military role that has involved the use of terror methods. 58 For example, in 1972-73, it was accused of a series of bombings in Northern Ireland and the Irish Republic. It has also been responsible for a number of sectarian assassinations. Members of the UDA, according to Arthur Aughey, have used names such as Ulster Freedom Fighters (UFF) or the Red Hand Commandos (reportedly a fringe organisation within the UDA) to carry out terror activities in order to save the mother organisation from being implicated in these activities. 59 The UDA has been the only paramilitary group in Northern Ireland that has not been proscribed under Schedule 2 of the Emergency Provisions Act. 60

The sectarian character of the conflict in Northern Ireland makes it evident that

58 Colin J. McIlheney, for example, asserts that the use of terror has always been a key element in UDA strategy, be it either to impress upon Westminster the holocaust which would follow British withdrawal, or as a retaliatory weapon against the IRA. McIlheney, Colin J., “Arbiters of Ulster’s Destiny? The Military Role of the Protestant Paramilitaries in Northern Ireland,” Conflict Quarterly, Volume 7, Spring 1985, pp. 34-5.
59 For example, one of the four people arrested in connection to the killing of a Catholic, John Turnley, an Irish Independence Party politician, was found to be an officer commanding the general wing of the UDA in Larne, Northern Ireland. Similarly those arrested in the attempted assassination of Gerry Adams, the Sinn Fein MP from West Belfast, although claimed by the UFF, were found to have links with the South Antrim Brigade of the UDA. See McIlheney, “Arbiters of Ulster’s Destiny?” p. 35.
the parties to the conflict have significant followings from their respective populations. This has implications for policy-making. Labeling them as 'terrorists' have only compounded the problem and further antagonized the people against the government.

India

One of the salient features of the actors in India has been their exhaustive number and variety consisting of both foreigners and local groups. Some groups in India have proven support and have displayed loyalties from and to foreign terrorist groups. These groups have exhibited goals pertaining to outright secessionism, greater autonomy within the Indian Union or as a self-defense mechanism against attack from other communities/groups. Scores of groups have reportedly operated in Jammu and Kashmir in the last two decades. In the different states of the Northeast region insurgent groups have numbered over two dozens. There are also a number of smaller Naxalite groups apart from the MCC and the PWG.

In Jammu and Kashmir, except for the Jammu and Kashmir Liberation Front (JKLF) that entered the terrorism scene with the kidnapping of Rubaiya Sayeed, daughter of Union Home Minister, Mufti Mohammed Sayeed, on 8 December 1989 and which has displayed fundamentally local roots and support, most of the other groups have been accused of being sponsored by foreign sources, chiefly Pakistan. Groups such as Al Barq, Peoples League, Allah Tigers, Hizbul Mujahideen, Wahdat-e-Islami, Dukhtaran-i-Millat, Jamiat-ul-Mujahideen, Jamiat-
ul-Ulemmi Islam, Harkat-ul-Ansar, Laskar-e-Toiba, Markaz Dawal-al-Irshad Al Faran, Al Umar, Al Jung, Zia Tigers, Mahaza-e-Azadi, Pasdaran-i-Inquilaabi Islam and Al Umar Mujahideen have all proclaimed the objective of their struggle as the Islamicisation of the socio-political and economic life and merger of Kashmir with Pakistan, unification of Ummah and establishment of an Islamic Caliphate.  

All these groups came onto the terrorist scene in Jammu and Kashmir at different times since the late 1980s.

In the Northeastern region the demographic complexity has resulted in a unique situation where the various insurgent groups have exhibited different goals. While most of the groups have their stated objective as secessionism from the Indian Union, some other groups have been fighting for greater autonomy within the Indian Union. The Naga Nationalist Council of Nagalim (NSCN), the United Liberation Front of Asom (ULFA), the National Democratic Front of Bodoland (NDFB), the National Liberation Front of Tripura (NLFT), the Kanglei Yawol Kunna Lup (KYKL), the Peoples Liberation Army (PLA), the United National Liberation Front (UNLF) and a couple of groups in Meghalaya have all been demanding an independent homeland. Groups such as the Kuki National Army (KNA) and the Dima Halam Daoga (DHD) have played the role of defending their communities from suppression and attacks by other groups or communities.

A number of explanations have been given for the proliferation of groups in India.

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In Jammu and Kashmir, the dominant view is that this has happened due to moves by established groups, most of which are Pakistani-sponsored, to create small terrorist cells for operational reasons or due to revolts and power struggle within these groups. In the Northeastern region, ethnic-sensitivity issues and 'instrumentalist' theories of conflict have been used to explain this trend. However, critics and in many cases the protagonists themselves reject these views to say that these have been the product of historical aberrations and continued neglect of the demands by these people.

**Intensity of Violence**

Another marked and fundamental difference between India and the United Kingdom has been the intensity of violence in the two countries. First, in Northern Ireland, violence was most during the initial phases of the formation and activities of the PIRA. The year 1972, for example, has been the year of most deaths. From the mid-1970s there has been a gradual decline in the number of incidents and deaths for various reasons. In India, however, there seem to have been a gradual increase in the number of terrorist attacks and deaths since the early 1980s. There have been annual variations but there has not been a drastic change in the pattern of violence and death. A total of 3,289 people have reportedly been killed in Northern Ireland from the late 1960s until 1998, which is just a fraction of total deaths in India. But as analysts point out, for the size and the 1.6 million people of Northern Ireland the number has been massive.\(^6^2\)

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\(^6^2\) Robert M. Pockrass notes that had a similar calamity befallen the United States, proportionate to its population there would have been 345,000 dead and over 2.55 million injured. See Pockrass,
There is little to indicate that this aspect in both cases has been a matter of disagreement or debate. Critics have, however, not taken kindly to the huge variations in the statistical details of terrorist events given by various agencies. These differences in numbers have been indicative of the fact that statistics have been subject to manipulation in order to provide a point of reference for the agency in question. For instance, according to the South Asia Terrorism Portal the total fatalities from terrorist violence in 2001 (supposedly the highest since 1994) has been 6,383.\(^{63}\) The Ministry for Home Affairs statistics for the same period (also the highest since 1994) has been 4,177\(^{64}\) – a difference of 2,206 lives.

In Northern Ireland the most used terrorist weapon has been the ‘bomb’ of various types. In India, small weapons have resulted in the most number of deaths. This is also to say that the motives behind the various terrorist attacks in Northern Ireland and those in India have been markedly different. The one thing that one could draw parallel in the nature of violence between the two countries could be what Robert M. Pockrass says, “the cultural expectations that violence past, present and future was and is inevitable and even desirable.”\(^{65}\)

\(^{63}\) The source for this figure is South Asian Terrorism Portal available at http://www.satp.org/satporgtp/countries/india/database/fatalities.htm.


\(^{65}\) See Pockrass, “Terrorist Murder in Northern Ireland”, p. 342.
United Kingdom

The most spectacular events carried out by foreign terrorists on English soil have been the bombing of the Pan Am flight 103 over Locherbie in 1988 over Scotland, killing all 270 on board and the siege of the Iranian Embassy in London by six terrorists in 1980. Apart from these, other incidents have been occasional and targeted mostly at foreign targets on English soil.66

The Provisional IRA has been responsible for by far the largest number of deaths - 1,696 by the end of 1998, or just over half of the total.67 In the early stage of the conflict, the Official IRA was active in violence, but after declaring a ceasefire in 1972 reduced their military capacity, eventually becoming an entirely political organization. Dissidents within the Official IRA, however, formed the Irish National Liberation Army (INLA), which specialized in elite assassinations and they were responsible for the assassination of the Conservative Northern Ireland spokesman Airey Neave in 1979.68 Of the 210 deaths attributable to non-IRA republicans, the INLA has been responsible for 110.69

The various loyalist organizations have been responsible for 929 deaths, or 28 per cent of the total.70 The most active group has been the Ulster Volunteer Force

66 The links of 7/7 attacks were not yet fully established at the time of the submission of this thesis.
68 These figures have been taken from Hayes, Bernadette C. and McAllister, Ian, “Sowing Dragon’s Teeth: Public Support for Political Violence and Paramilitarism in Northern Ireland,” available at http://cain.ulst.ac.uk/issues/violence/docs/hayes/hayes00.htm.
69 ibid.
70 ibid.
(UVF), which planned and executed a series of sectarian murders in Belfast and this group have reportedly been responsible for 396 deaths. Although the Ulster Defence Association (UDA) has been responsible for comparatively few deaths, 102, they have generally operated through a surrogate organization, the Ulster Freedom Fighters (UFF).\textsuperscript{71} The remaining deaths caused by Loyalists are attributable to a variety of fringe organizations, or to unaffiliated individuals.

There have been basically four types of violence in Northern Ireland, according to Robert M. Pockrass:\textsuperscript{72} sectarian, intra- and inter-organisational violence, terroristic violence aimed at selected non-combatants and terroristic violence directed towards security force personnel. Sectarian violence has been the most intense in the late 1960s and early 1970s. By 1972 however, there was a shift in targets towards individuals and random civilian population not concerned with the conflict.\textsuperscript{73} This indicated a higher degree in lethality and the emergence of real terrorism in Northern Ireland. This phase combined attacks both on public/prominent officials and bombings of public areas, such as pubs and stations.

There have been some spectacular incidents in this regard. Popularly known as ‘Bloody Friday’ the PIRA set off two bomb explosions in July 1972, in Belfast killing nine people and injuring a host of others. This event was one of the first attacks of the PIRA after it took centrestage and after 14 civilians were killed.

\textsuperscript{71} ibid.
\textsuperscript{72} See for details, Pockrass, “Terrorist Murder in Northern Ireland”, p. 345.
\textsuperscript{73} Ibid., p. 346.
during a civil rights march in Derry by the British Army. On 4 February 1974, 12 people were killed in a bomb attack on a British Army coach traveling along the M62 in Yorkshire in England, and in May of the same year, 33 people were killed in car bomb explosions in Dublin city centre and in Monaghan. This attack was perpetrated by the Loyalist paramilitaries and reportedly resulted in the greatest loss of life in a single day so far in the conflict in Northern Ireland. The Birmingham pubs bombing on 21 November 1974, which killed 20 civilians, did much to bring the government in London to tackle the Northern Ireland issue on a much more serious footing, both in terms of anti-terrorist legislation and counter-terrorist strategies.

Other serious/spectacular incidents carried out by the paramilitaries in Northern Ireland include the killing of the British Ambassador to Dublin in August 1976, the blowing up of the yacht of Lord Louis Mountbatten, killing him, off the coast of County Sligo, the Brighton bombings in October 1984 when there was an attempt to eliminate the then Prime Minister, Margaret Thatcher and her Cabinet, the February 1991 missile attack on 10 Downing Street when the Prime Minister, John Major, was having a meeting with his Cabinet at the height of the Gulf War and the bomb attack in the Centre of Omagh, County Tyrone, which killed 29 people.

The United Kingdom has also experienced foreign terrorist assaults on its soil. Carlos the Jackal, a Venezuelan terrorist, who led the European Commando of the
Popular Front for the Liberation of Palestine (PFLP), attempted to murder Edward Sieff, President of Marks and Spencer in London in December 1973. Apart from this, most other attacks have been Palestinian attempts to assassinate members of the mainstream PLO stationed in London. Libyan, Syrian, Iraqi and Iranian groups have also reportedly perpetrated terrorist attacks in London, although most of the attacks were targeted at foreign victims.

India

There have been two major views on the reasons for the increasing intensity of terrorist activities in India. The first view points out that the presence of foreign terrorist groups particularly in Jammu and Kashmir has significantly raised the level of violence not only in the state but also in other theatres of conflict in India. This has happened not only through the support extended through materials and logistics to local militant groups but also by the export of terrorism to other parts of India. The consistent effort to render communal overtones to the conflict in Kashmir may also be understood in this light. These foreign terrorist groups have also played the most destabilizing role of inciting the locals to take up arms through inducements, or coercion, or threat.

The other views the increase in terrorist activities as being rooted in the domestic circumstances. There has been a considerable increase in the number of militant

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For example, the Akshardham Temple attack in Gandhinagar, Gujarat on 24 September 2002 and attack on the Raghunath Temple in Jammu and Kashmir on 24 November 2002 in which a total of 49 people were killed have been understood as revenge killings in answer to the Gujarat carnage against the Muslims.
groups with local roots displaying all kinds of justifications. The newest terrorist phenomenon in India has been the significant increase of extreme Left-wing groups and their activities. In this view, domestic conditions have created the necessary breeding ground not only for the rise of disgruntled locals but also for entry of foreign terrorist influence and activity. Recent past has also witnessed debates about nuclear terrorism or terrorists gaining access to WMDs.

Spectacular terrorist activities have been carried out by the foreign terrorist groups operating in Kashmir. To name a few, the hijack of Indian Airlines Flight IC 814 to Kandahar, the Parliament Building attack and the attack on the Red Fort have been taken very seriously by India. When it was proved that Pakistan-sponsored terrorists were involved in the attack on Parliament Building, India immediately cut off all diplomatic relations with Pakistan and prepared itself for military confrontation. The tension following the massive military build up along the Line of Control (LOC) subsided only after the Pakistani President made an official announcement on 12 January 2002 that Pakistan territory will not be used for terrorist strikes against other countries.

In the Northeast part of the country although there has been a relative calm especially from the major insurgent groups, smaller groups such as the NDFB and the NLFT have escalated their level of violence targeting particularly immigrants and domestic migrant workers, both of whom they call ‘foreigners’. The NDFB, for example, between January to November 2002, reportedly gunned down 89
people, most of whom were migrant non-Bodo workers in Assam.\textsuperscript{75} Similarly, the activities of the NLFT have been a serious cause of concern in recent times. There have been regular attacks on non-tribals (Bengalis from erstwhile East Pakistan) in Tripura. In two massacres, the NLFT in January and August 2002 gunned down a total of 48 non-tribals.

What has been particularly disturbing has been the reports of people killed almost on a daily basis in various parts of India. Naxalite groups are escalating their activities and influence even in areas traditionally not their domain. A report, for example, says that while there has been a relative decline in the number of civilians killed in major theatres of violence in India during 2003, deaths due to Left-wing extremist violence had, on the other hand, increased compared to the previous year.\textsuperscript{76}

**Third Party Involvement**

In both India and the United Kingdom the root cause of some of the core contentions lie with a third party. In the United Kingdom, although sectarian conflict has been much more pronounced in Northern Ireland, most scholars agree that the ‘nationalistic’ appeal to be reunited with the South has given the PIRA the necessary support to continue to be the main spokesman of the Catholics.\textsuperscript{77} The


\textsuperscript{76} See Swami, Praveen, “Fewer Terror Attacks, Yet Little to Cheer About”, *The Hindu*, Wednesday, 31 December 2003. The total civilian deaths during 2002 were 482 and the total deaths projected in 2003 were expected to be 488.

\textsuperscript{77} Charles Townshend, for example, notes that the ‘politics’ in the Irish Republic after the partition in 1922 has to a very large extent determined the nature of the ideals and activities of the IRA,
PIRA draws its moral strength from the South and have also received diplomatic, material and other support in its struggle from the Irish Republic. It may, however, be noted here that a much more cooperative attitude towards the resolution of the conflict has created a favourable climate for a dialogue and a more dynamic way of dealing with the issue. For example, the establishment of an Intergovernmental Conference in November 1985 enabled ministers from London and Dublin to discuss matters of common concern, thus facilitating other political initiatives culminating into the Good Friday Agreement in April 1998.

In India, Pakistani contention that Kashmir should be given the freedom to choose its own destiny has clashed with the Indian stand that Kashmir is entirely an internal affair of India. Pakistan asserts that it will continue to support the struggle of the Kashmiri people. India accuses Pakistan of carrying out this support through the export of terrorism into the region. India has justified its consistently tough stand on terrorism on this basis. A bulk of Indian policy makers see Pakistan's Kashmir policy as a form of military engagement akin to war.

*The United Kingdom*

The Irish Republican Army (IRA) was born in the now Irish Republic. After the partition in 1922, the IRA found itself in a new role of the "guardianship of a which subsequently became the chief spokesman of the nationalist community in the North. One of the first indications of this, according to him, has been the nature of support extended to the IRA in what has been called the "border wars" in Northern Ireland. See Townshend, Charles, *Political Violence in Ireland: Government and Resistance since 1848* (Oxford: Clarendon Press, 1983), p. 378.
national ideal as yet unrealised".\textsuperscript{78} The IRA received support from the local populace in the South, particularly, during the so called “border wars” which was more of a sectarian clash in the Northern community boundaries between the nationalists and the loyalists. The British government understood this nationalistic appeal that the republican paramilitary forces in Northern Ireland commanded and during the 1960s attempted to win over their confidence in various ways. Prime Minister Lemass, for example, tried to attract the Catholics in the North through a “higher economic standard of life” than in the South.\textsuperscript{79} Efforts were also made to engage the South for a gradual detachment of ties and support for the Northern paramilitaries.

Lemass facilitated the South’s trade negotiations with Britain that culminated in the Anglo-Irish Free Trade Agreement in January 1966. This process saw improved relations between the two countries with implications for subsequent interaction on the Northern Ireland issue. The South gradually, by placing more focus on its own economic reconstruction, was more interested in improving bilateral relations with Britain rather holding on to the Irish question as traditionally posed.\textsuperscript{80} For the IRA this was a gradual dilution of republican ideals of the political leaders in the South. It was forced to stand alone and subsequently remained inactive due to depleting moral and material support.

\textsuperscript{78} Townshend, \textit{Political Violence in Ireland}, p. 374.
\textsuperscript{80} Ibid., p. 10.
There is little to suggest that efforts by the British government to accord recognition of the indispensable role of the South in any resolution of the Northern Ireland issue has been challenged whether from within the government or without. On the other hand, a number of political initiatives with the South were attempted. One of the solutions the British government decided was for a devolved power-sharing administration in which the Republic was to play a significant role. The support for such a solution was found across party lines. In 1974, such a scheme was tried when a power-sharing executive took office at the Stormont following the Sunningdale Agreement, which involved the establishment of a Council of Ireland and a North/South Commission. The experiment was, however, short-lived and the administration collapsed.

The second attempt was in 1985 when the British government “went over the heads of the people of Northern Ireland” and reached an agreement with the Republic of Ireland – the Anglo-Irish Agreement. This Agreement gave the Irish government a consultative role in Northern Ireland’s affairs. Although this fell short of joint authority, the Agreement institutionalised and made permanent the co-operation between the two governments on the management of the conflict. The Irish government was now in the position to act as a formal guarantor for Northern Ireland’s nationalist community. In return, the Irish government, for the first time, recognised the existence of the State of Northern Ireland and that

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81 For details about the British Government’s political initiatives involving the Irish Republic see http://cain.ulst.ac.uk/issues/politics/polsol.htm
83 ibid.
Northern Ireland should remain part of the United Kingdom.\textsuperscript{84}

The role of the Irish republic in the Northern Ireland crisis, thus, may be characterised more as a facilitator for a political solution notwithstanding the moral support it has extended and, to some measure, continues to extend to the nationalist sentiments of the Catholics in the North. The Republic of Ireland continued to play a critical role in the Irish peace process in the 1990s that saw the signing of the Good Friday Agreement in 1998.

\textit{India}

Despite repeated denials by Pakistan, its role in the escalated terrorist threat to India has been proved without doubt.\textsuperscript{85} Although a number of hostilities between India and Pakistan can be traced to the partition in 1947, other developments have sustained the conflict between the two. The justifications offered by Pakistan for its continued support to the Kashmiri cause have not roped in many followers. Many analysts see two reasons for the current role being played by Pakistan in Kashmir. First, India’s support to Bangladesh during its liberation in 1971 is nursed by Pakistan as a deliberate act to dismember it and Pakistan, many feel, is determined to pay India back in some measure.\textsuperscript{86} It has been argued that the subsequent wars were attempts by Pakistan to make good the humiliation it faced

\begin{footnotesize}
\begin{itemize}
  \item \textsuperscript{84} ibid.
  \item \textsuperscript{85} See for example, US State Department, \textit{Pattern of Global Terrorism Report 2003}, p. 8, which says “extremist violence in Kashmir, meanwhile, fuelled by infiltration from Pakistan across the Line of Control threatened to become a flashpoint for a wider India-Pakistan conflict.”
  \item \textsuperscript{86} Jessica Stern, for example, says that Pakistan has two reasons to support terrorism in Kashmir. First, to pay India back for East Pakistan and secondly, as a cheap way to keep Indian forces tied down. Stern, Jessica, “Pakistan’s Jihad Culture,” \textit{Foreign Affairs}, New York, Vol. 79, No. 6, November/December 2000, pp. 115-6.
\end{itemize}
\end{footnotesize}
in East Pakistan in the background of past hostility and embarrassment on Kashmir and other issues.

Secondly, Pakistan regards the Kashmir insurgency as a cheap way to keep India tied down both domestically and internationally. Pakistan’s conventional inferiority, augmented, however, by its nuclear capability has allowed Pakistan to leverage its diplomatic, political and clandestine offensive against India. For example, post-Kargil Kashmir is witnessing a much more aggressive phase of militancy. This has been attributed to the ‘nuclear’ element in its Kashmir policy. Many Indian scholars see other issues that have been irritants in relationship such as, water-sharing, Sir Creek and other boundary issues, as part of the wider Kashmir agenda. Pakistan has made it clear that resolution of these is contingent on a resolution of the question of Kashmir.

The government of India has been particularly incensed at the simultaneous activities of the Inter Services Intelligence (ISI) and the Field Intelligence Unit (FIU), both Pakistani government agencies, in the Kashmir valley and in other theatres of conflict. These two are accused of engineering insurgency among the Kashmiris by allowing its youth to escape to Pakistan to get military training and to return with arms, facilitating infiltration of both its regular military agents along with irregulars.

India has been concerned about the shelter given to wanted 'terrorists' in Pakistan. It was reportedly in Pakistan that Maulana Masood Azhar, a HUM ideologue, and freed from an Indian jail in return for the hostages of Flight 814C, announced in Pakistan after his release in front of thousands of his supporters that he was "going to organise a 500,000 Mujahideen force to fight the Indians."\textsuperscript{88} Dawood Ibrahim, the mastermind of the 1993 Mumbai blasts, and other wanted criminals have reportedly found shelter and other operational freedom in Pakistan.

Time and again, in national debates in India, the government has consistently raised its ante on terrorism and justified its increasingly tough posture on this basis. For example, the debate on the extension of the Terrorist and Disruptive Activities Act 1987 (TADA) beyond its mandate consistently favoured its continuation, despite its indictment for serious abuse of human rights and other misuse. The argument offered was that India would be left unprotected from Pakistani-sponsored terrorist violence if TADA was completely revoked. The repeal of TADA in 1995 only enhanced the debate for the formulation of another comprehensive anti-terrorist mechanism.

Pakistan and India has already experienced four wars and a near major confrontation in late 2001 when it was proved that the militants who had stormed the Parliament building on 13 December 2001 were Pakistani-sponsored terrorists. This continues to prove the simmering hostility between the two. Attempts at improving relations have consistently been overwhelmed by the 

politics of discontent traced to the past beginning with the partition in 1947. The centrality of Pakistan in India's domestic, particularly, anti-terrorist policy has been made very obvious.

Peace Initiatives

The question on whether peace initiatives or other socio-economic incentives translate into a scale down in the rhetoric on terrorism or conflict with a consequent impact on national policy making, in this regard, has been a matter of serious study. In both India and the United Kingdom, political negotiations have marked the attempt to end hostilities. Ceasefire agreements and political packages have been negotiated and implemented and these have reduced the level of violence and settled some of the core contentions between the warring parties. This seems to have been far more successful in the United Kingdom than India.

United Kingdom

During the late 1980s and early 1990s, a number of healthy developments made it possible for a peace process to resolve the Northern Ireland issue. First, through the 1985 Anglo-Irish Agreement the British government recognised the validity of both the nationalist and unionist traditions. New legislation was introduced to deal with religious imbalances in education and employment. This period also saw further development of civil society in Northern Ireland, a development that was vital for creating the conditions for wider political change. The Republic of

89 For a good overview in this regard see Darby, "Northern Ireland" available at http://cain.ulst.ac.uk/events/peace/darby03.htm.
Ireland also, to a large extent, retreated from the demand for Irish unity.

Secondly, the militant republican movement underwent a number of significant changes. An internal debate on the sustainability of the conflict led to a questioning of the ‘long war’ or attrition strategy. The long period of conflict had incurred a heavy toll from the republican community in terms of lives, prison sentences and quality-of-life opportunities. The move towards a more political approach was confirmed by the emergence of new leaders, predominantly from the north, and the election of Gerry Adams as President of Sinn Féin in 1983. The significant aspect here was the initiation of a dialogue between the SDLP leader John Hume and Adams, which eventually led to closer co-operation between a coalition of pro-nationalist partners. Both leaders favoured a peacemaking model in which all of the participants in the conflict would cease violence, enter into negotiations and agree to share power. There was also a concomitant move towards a political approach within loyalist paramilitary organisations. The UVF and UDA showed signs of a compromise on the issue of power-sharing.

Thirdly, the changed attitude of the United States also contributed towards the start of the peace process. This was important because the Irish diaspora,

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90 ibid.
91 ibid.
92 ibid.
traditionally sympathetic towards militant republicanism, moderated their attitude and encouraged Irish republicans to consider the advantages offered by a ceasefire and a peace process. The emergence of a small group of Irish-Americans, with key political and corporate links, was instrumental in persuading the White House to become interested in Northern Ireland.

In 1990, the Northern Ireland Secretary of State Sir Peter Brooke authorised secret contact with the IRA in order to find the conditions under which republicans would consider calling a ceasefire and, in late 1992, the Irish Prime Minister Albert Reynolds authorised secret contacts between his officials and senior members of Sinn Fein. On 15 December 1993, the British and Irish governments published the Downing Street Declaration, which among other things, noted that “the British Government agree that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish.”

The result of the above initiatives was the declaration on 31 August 1994 by the PIRA ‘a complete cessation of military operations’. The British and Irish governments moved to establish the conceptual framework for any political negotiations through the publication of the Frameworks for the Future

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95 The United Kingdom Government, Downing Street Declaration, 15 December 1993.
The document stressed that the two governments wanted to see a "comprehensive settlement" that would return greater "power, authority and responsibility to all the Northern Ireland people."

In March 1995 the Secretary of State, Sir Patrick Mayhew, demanded for arms decommissioning as the formal precondition for Sinn Fein’s entry into talks. Sinn Fein, however, regarded decommissioning as a "diversion designed to mask an underlying British reluctance to enter into negotiations with them."97 In late November 1995 a new approach was attempted to bring the Sinn Fein back. Under this scheme an independent decommissioning body, chaired by former US Senate Majority leader George Mitchell, was set up which published its report on 24 January 1996.98 The Mitchell Report’s key recommendation that arms decommissioning and all-party talks should begin in parallel was, however, turned down. In February, the PIRA called off its ceasefire by detonating a massive bomb in London’s Canary Wharf, killing two people and injuring more than a hundred. It accused John Major and unionists of “squandering this unprecedented opportunity to resolve the conflict.”99

Labour Party leader, Tony Blair, took power in May 1997 with a massive parliamentary majority and he set about once again drawing Sinn Fein into the political process. By mid-June, the demand for decommissioning prior to Sinn

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98 ibid.
99 ibid.
Fein's entry into talks was dropped. The PIRA declared another ceasefire on 20 July 1997, and Sinn Fein entered the talks on 9 September. This development facilitated the drawing up of the draft of the subsequent Good Friday Agreement. Three institutions governing the relationship between the various parties were set up. First, relations within Northern Ireland were to be addressed by a power-sharing assembly that would operate on an inclusive basis. All of the main parties were to be members of a permanent coalition government and key decisions were to be taken on a cross-community basis. Secondly, relations between Northern Ireland and the Republic of Ireland were to be dealt with through the creation of a North-South Ministerial Council which would allow co-operation between the Northern Ireland Assembly and Irish Parliament on certain functional issues. As a safeguard, the Northern Ireland Assembly could only operate if the North-South Ministerial Council was also functioning. And thirdly, a British-Irish Council was to be established. A referendum was held on 22 May to ratify the Agreement. Seventy-one per cent of Northern Ireland's voters reportedly supported the Agreement and the Agreement received 94 per cent backing in the Republic of Ireland. 100

In terms of the debates and policy making on anti-terrorism, the above peace process resulted in evolving anti-terrorist approach and mechanism by reversing a number of long-held stances on terrorism. The Terrorism Act 2000, for example, was formulated in the background of a serious appraisal of the nature of anti-terrorist measures of the UK in the event of peace returning to Northern

100 ibid.
Ireland. This law removed Northern Ireland-centric measures such as 'internment' and 'exclusion' and extended anti-terrorism provisions to the whole of the United Kingdom when earlier laws were fundamentally targeted at Irish terrorism indicating the recognition of Northern Ireland as a region as any other in the United Kingdom. The provisions of this law were also primarily targeted at international terrorists.

India

The debate on peace initiatives in India has highlighted a number of complexities. First, the diversity in terms of groups and their political demands has made it extremely difficult for the government to come up with a comprehensive national policy in this regard. Territorial disputes between communities, for example, can only be resolved at the risk of antagonizing the group that believes it has come off worse in the deal. Examples of peaceful resolution of conflicts such as the Mizo Accord, the Bodo Accord, or the Gorkhaland Accord have not been applicable to other cases. The intransigent territorial or secessionist claims of some groups have also rendered most political initiatives into deadlocks.

Secondly, conflict in some cases has been promoted by certain vested interests with tall claims of a territorial or political nature but in most cases with criminal objectives. For example, there are some groups operating along vital narcotics and small arms trade routes for the purpose of safeguarding its economic interests.

101 For example, on 9 January 1996, Lord Lloyd of Berwick was asked to examine the permanent powers that were needed to combat terrorism if and when there was peace in Northern Ireland.
accruing from the trade of these materials.

Thirdly, poor execution of governmental packages of social and economic reconstruction in regions of conflict has proved to be unsuccessful in providing that envisaged alternative to violence. These packages have accrued only to the political and social elite.

In the case of Kashmir, all these complications have been compounded by Pakistan's obduracy despite India's demands for negotiation on terms that first focused on the stopping of Pakistan's support for terrorists. The Indian government believes that Pakistan's conscious policy in Kashmir smacks of its intentions of disintegrating Kashmir. Despite a number of agreements between India and Pakistan such as the Shimla Agreement, the Tashkent Agreement to resolve issues such as the LOC, provisions for water sharing, Siachen, Sir Creek and the Tulbul water dispute, the two continue to exhibit deep-seated hostility. A number of meeting between political leaders such as the Atal Behari Vajpayee-Nawaz Sharif meeting in Lahore, the Vajpayee-Musharraf meeting in Agra and so on have not translated into sustained peace.

These complexities have impacted on policy initiatives. While the government has been open to the ideas of initiating political negotiations it has consistently exhibited a cautious approach to such initiatives. Further there has been a feeling among the policy makers that these complex situation demands that negotiations
are carried out under terms and conditions that do not affect the fundamental national fabric of the country. The inflexible demands by most groups therefore have clashed with India’s national imperatives of balancing the various diversities.

The Politico-Legislative Response

The above sections highlight the contestations that have defined the nature of the ‘terrorist’ threat in India and the United Kingdom. In the United Kingdom, the centrality of Northern Ireland in the perceived terrorist threat is evident. In India the threat has been far more diverse. In both cases, however, the ‘threat’ has involved complex issues that have consisted of not only political violence but also economic, social, territorial and other disputations. In fundamental ways, therefore, the debates on both the root causes of conflict and an appropriate response to the ensuing violence have been mired in uncertainty. In other words, the complex interplay of various factors in these conflict scenarios have made it extremely difficult for policy makers to devise a comprehensive policy to respond to these situations. This is evident from the recourse to knee-jerk, short-term measures at various times. However, rooting their anti-terrorist responses in the legal principles of jurisprudence and the ‘rule of law’ has been an important element in both cases.

Legislative response to terrorism remains the most credible, long-term answer to the terrorism problematic. And in India and the UK, the legal legislative response
has been consistently used to address the problem. It is interesting to note that the legislative response to violence in India and the United Kingdom have exhibited very similar characteristics despite the perceivable dissimilarities in the nature of the terrorist challenges, making critics argue that the colonial legacy continue to determine a number of India’s political processes. There are some who, for example, say that the proposed comprehensive Indian Terrorism Act 2000 was picked up in chunks from the Terrorism Act 2000 of the United Kingdom. In both the cases there has been a gradual escalation in the response despite periods of political initiatives or de-escalation in violence. Initially the response in both cases has been situation specific and region specific. Now they have been made to encompass the entire country. The response in terms of anti-terrorist legislation in both the countries may be looked at under the following trends.

First, in both the cases, in response to increased levels of armed violence, the authorities have worked on two strategies to control the situation. While on one hand, there has been an attempt to create new criminal offences, on the other, the investigative and coercive powers of the security forces were enhanced. In the United Kingdom, following months of violent civil rights demonstrations the Northern Ireland Parliament invoked the 1922 Special Powers Act, with the provision for ‘internment’ without trial. There was a mandatory six-month sentence for riotous behaviour. The introduction of internment, however, did little to control the situation. Following the violence the Northern Ireland Parliament, the Stormont was finally dissolved and ‘Direct Rule’ was imposed from London.

1. The army and police should be allowed to hold suspects for up to four hours without charge, and for as long as 28 days on remand.
2. Setting bail should be transferred from magistrates, who were susceptible to intimidation to High Court judges.
3. A single high or county court judge sitting without jury should try political offences.
4. The burden of proof in firearms and explosives cases should be shifted from the prosecution to the defense.
5. Written affidavits should be accepted from murdered witnesses.
6. The standard for the admission of confessions should be lowered from that mandated by the English “judges’ rules” to those required by article 3 of the European Convention.
7. The abolition of the 1922 Special Powers Act and capital punishment in Northern Ireland.

Despite the severe measure violence continued unabated. Two powerful bombs ripped through two pubs in Birmingham on 21 November 1974, killing 20 civilians. It was this incident that resulted in the immediate enactment of the Prevention of Terrorism (Temporary Provisions) Act 1974 (PTA).\footnote{Street, Harry, “The Prevention of Terrorism (Temporary Provisions) Act 1974,” in Paul Wilkinson, ed., Terrorism: British Perspectives (Aldershot: Dartmouth, 1993), p. 91.} Both the Diplock recommendations and the PTA 1974 were applicable to Northern Ireland only. Some of the main features of the PTA included proscription of organisations, exclusion which prohibited a person from being in, or entering Britain, arrest and detention without warrant and an unprecedented form of travel control.
In the case of India, during the initial years of violent insurrection, the Armed Forces (Special Powers) Act was formulated in 1958 to respond to the increased level of attacks, specifically in answer to the Naga resistance movement. Section four of the Act confers the following powers to the armed forces:  

1. An officer (commissioned or non-commissioned) is given the power to fire upon or use as much force as necessary, even to the point of causing death, on any person if he is of the opinion that, that person is acting against the law. The officer can, however, do so only after giving due warning.

2. The officer is given the power to destroy any structure, if he is of the opinion that the structure may be used for armed attacks or as arms dump or a fortified shelter. The officer can order the destruction of any structure, if he is also of the opinion that it is utilised or likely to be utilised as a hide-out by armed gangs or absconders wanted for any offense.

3. The officer can, “without any warrant arrest any person against whom a reasonable suspicion exists that he has committed or is about to commit a cognisable offence and may use such force as may be necessary to effect the arrest.”

4. The officer can, “enter and search without warrant any premises to make any such arrests as aforesaid,” and may “use force as may be necessary.”

This Act was used to respond to various ‘disturbed’ situations anywhere in the country. This Act did not apply to Jammu and Kashmir until 5 July 1990. In Jammu and Kashmir, given its special status under Article 370 of the Indian Constitution national security acts are applicable only after special amendments are enacted in the Acts. The Jammu and Kashmir Public Safety Act 1978 was, however, introduced and some scholars and legal personalities have argued that the provisions of the act were in no way any different from the national security acts.  

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105 See for example, Iyer, States of Emergency, p. 213.
One of the earliest special security responses to terrorism in the aftermath of the Khalistan insurrection and the subsequent Indian army raid on the Golden Temple in Amritsar has been the Terrorist Affected Areas (Special Courts) Act in 1984. The government justified the Act by saying that due to increased level of "terrorist" and "criminal" activities, "the need was felt, in the public interest, to establish Special Courts for fair and speedy trial of offences." These courts could conduct any of its sitting anywhere, including at places other than their ordinary place of sitting. This piece of legislation has been one of the first indications of an overt anti-terrorist policy in India.

In the 1980s, both in India and the United Kingdom, there was a shift from a strategy that emphasized on 'offence' or 'defence' to one of 'preemption' through the incorporation of wider and harsher measures in their anti-terrorist mechanisms. It may be mentioned that until this period the legal response was restricted to terrorist affected areas only in both countries. In India the Terrorist and Disruptive Activities (Prevention) Act (TADA) was enacted in 1985 – the first comprehensive anti-terrorist legislation. It was applicable to the entire country except Jammu and Kashmir.

The Act apart from defining terrorism also provided for deterrence and punishment against those indulging in "disruptive" activities. 'Disruptive activity'
was defined as:

[a]ny action taken, whether by act or speech or through any other media, which questioned, disrupted or was intended to disrupt, directly or indirectly, the sovereignty and territorial integrity of India, or which was intended to bring about or support any claim, directly or indirectly, for the cession of any part of India or the secession of any part of India from the Union.\textsuperscript{108}

Some of the main features included, enhanced punishment including the death sentence, detention without charge of up to one year, record of confessions by magistrates, setting up of "designated courts" and wide powers to the Central government to make secondary legislations "for the prevention of, and for coping with, terrorist acts and disruptive activities."

The Act was supposed to expire on 23 May 1987, but it was re-enacted as the Terrorist and Disruptive Activities (Prevention) Act in 1987 and given a life of another two years and since then until 1995 the Act was continually extended by a period of two years.

In the United Kingdom, the Prevention of Terrorism (Temporary Provisions) Act 1989 was formulated and made applicable throughout the country, when the earlier 1974 PTA, focused only on terrorism in Northern Ireland. For Northern Ireland a new legislation, the Northern Ireland (Emergency Provisions) Act 1996, was enacted embodying more extreme measures. The main thrust of these responses was to "treat terrorist acts purely as another species of crime, its perpetrators as criminals rather than political offenders/freedom

\textsuperscript{108} Section 2(c) read with Section 4(2) of the Terrorist and Disruptive Activities (Prevention) Act 1985, \textit{Gazette of India, Extraordinary, Part II, s2, No. 13}. 
fighters/soldiers/prisoners of war."¹⁰⁹ Some of the same features of the Act remained unchanged from the earlier PTA. However, more powers were added. Proscription of various organisations were provided, stop, question and search powers were enhanced both in Britain and Northern Ireland, provisions to attack terrorist finances and material assistance to terrorists were included, wider powers of arrest and extended detention were given to the authorities and a choice of process including extra-judicial executive processes were given to the authority against a terrorist suspect.

In 2000 the United Kingdom passed the Terrorism Act, which not only widened the definition of terrorism to include international as well as domestic activities but also put the provisions of the existing legislations on a largely permanent basis. Under this act the Government in February 2001 added 21 international terrorist organizations to its list of proscribed organizations. One of the main features of the Act was an enhanced attack on terrorist funding in the UK. As of late 2001, UK authorities had reportedly frozen more than 70 million pounds ($100,000,000) of suspected terrorist assets.¹¹⁰

Like the UK, India also attempted to bring about a new legislation – the Prevention of Terrorism Bill after TADA lapsed in 1995. The Law Commission

was given the task of coming up with a report on the law and order situation in the country and the feasibility of a comprehensive anti-terrorism applicable to the entire country. The Commission submitted its report and a draft bill. However, due to lack of adequate support from the Opposition, in this case the Congress Party, the bill could not get through the Parliament.

In the aftermath of the 11 September 2001 attacks in the United States, both India and the United Kingdom passed anti-terrorist laws citing reasons of enhanced threat to their security both from foreign and domestic terrorists. The British Parliament in mid-December 2001 passed the Anti-Terrorism, Security, and Crime Act, providing authorities with additional tools in the battle against terrorism. The new legislation gives the Government legal authority to detain for six-month renewable terms foreign terrorist suspects who cannot be deported under UK law. It also provides for tightened airport security, allows security services full access to lists of air and ferry passengers, tightens asylum rules, and criminalizes the act of assisting foreign groups to acquire weapons of mass destruction.

In India too the Prevention of Terrorism Ordinance (POTO) was promulgated in December 2001 and eventually converted into an Act in March 2002. The government justified the Act by saying that there was a need for a law that will

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protect national security in view of the changed circumstances. According to government policy-makers, in the last decade terrorists acts are becoming more regular with more disastrous consequences to life and property. The attack on the Red Fort was the Jammu & Kashmir Assembly building is seen by India as a further escalation in the terrorist threat. According to the Government, the Twin Tower outrage has created a fear psychosis in the country and has made it possible for a large-scale disaster similar to the outrageous attack on the Parliament Building and hence there was need to pre-empt terrorist acts through tough laws. The lapse of TADA, according to the government, had also created a void and the country was in urgent need of an anti-terrorism law. Arun Shourie, Union Disinvestment Minister on October 31 in New Delhi, pointed out that POTO was a 'must' to win the bloody war of terrorism.\textsuperscript{113}

In terms of the response, therefore, it is apparent that in both the cases, there has been an escalation in anti-terrorist policy-making from more domestic concerns and involving areas within their respective jurisdictions that have been directly affected by violence to terrorist threats from sources beyond their borders. In the United Kingdom, this has happened despite a considerable scale-down in violence. The various laws have also incorporated provisions clearly intensifying the powers for the authorities for greater control and incarceration of persons accused of terrorism.

The hallmark of a democratic legislative response to terrorism lies in the ability of

\textsuperscript{113} See Hindustan Times, New Delhi, October 31, 2001.
the policy makers to devise measures that commensurate with the nature and level of the threat. The political-legislative debates that take place before formulating an anti-terrorist legislation, therefore, becomes the most important point of reference to understand the rationale and scope of the measures envisaged. While it is also important to understand the mood of the general public in the debates that take place outside the government, real policy decisions are taken by the government authorities and hence the legislative debate must be given prominence.

The attempt in the next two chapters, accordingly, will be to deal primarily with the legislative debates that moulded and institutionalized the anti-terrorist laws in India and the United Kingdom. They have been structured in such a way as to, first, narrate the Indian legislative debate, the purpose of which will be to identify the most important themes in the ‘politics’ and the recourse to anti-terrorist legislations. These themes will make up the substance of the subsequent chapter on the United Kingdom, wherein an attempt will be made to correlate the dominant features in the Indian debate to the United Kingdom’s debate in a comparative perspective for the purpose of identifying similarities and dissimilarities in terms of major issues raised during the debates. It will be a necessary exercise to detect certain issues being left out in one state while the same has been fundamental to the other and also to ask why certain issues that make up the heart and soul of an issue like terrorism have not featured prominently, if any, in both cases.