PREFACE

Violence is as old as our civilization. It has been resorted by humanity as a means to an end. One of the shape it has taken is terrorism committed by both non-state parties like individuals, groups or organisations and the state through its apparatuses meant for maintaining peace and security in the society. It was resorted to in the past by both state and non-state parties. It is being resorted to even today. What has become the disturbing phenomena is the escalation of terrorism to the extent that it has become a serious challenge to the security and integrity of the state, stability and public order, social and economic infrastructure rule of law and human rights. It has made peaceful and normal existence highly insecure and fearful. It has, infact become the greatest violator of human rights. It is in this perspective that both these issues, terrorism and violation of human rights need to be studied seriously.

Terrorism and human rights gained much currency in academic parlance especially after the Second World War. Increasing acts of terrorist violence and the ensuing violation of human rights made them the subject of discussion and analysis. Much has been written about terrorism and human rights but the complexity and controversy of the subject continues to persist, making both of them a debatable and ascertainable issue.

Terrorism is a controversial subject. It has as many views as there are scholars, often having contradictory views. The emotive nature of the subject 'terrorism' is one of the major contributing factors to its
complexity. any person defining it inadvertently injects his value judgement into the definition. Moreover its indiscriminate use as synonym for rebellion, civil strife, insurrection, kidnapping, highjacking, bombing etc. makes it more complex. Some governments are even prone to label as terrorism all violent acts committed either by political opponents, or individuals and groups seeking autonomy or independence. On the other hand anti-government extremist claim to be the victims of state-terrorism. Though there exist no universality of views on the subject. There are scholars who see it as a means to an end. Not an end in itself. It is not a mindless violence. It is a consciously chosen way of fighting by the weak who can not face the superior and better organised adversary in open combat. Terrorism is an act of intimidation of generally innocent people threatening their lives, depriving than of their liberty and freedom, creating a creeping sense of insecurity among them and degrading the quality of over all life. It is indiscriminate use of violence to achieve desired objectives. Terrorism by its very nature disrupts the generally accepted norms and standards of decency. It attacks the very mechanism through which states exercise control over their population. It brings to stand-still the economic advancement of the society.

The phenomenon of state terrorism like terrorism committed by non-state parties is also complex. It is susceptible to different meaning and connotations. This is also a subjective matter where values play a defining role. State-terrorism in comprehensive sense is seen as related
to the suppression of personal liberties of individuals or groups by a ruling authority. It has two perspectives. One is that it is born out of responses of the government/authority to the acts of terrorist violence. Governments as a response to terrorist violence either institute changes and reforms sought by the terrorists or they suppress them (terrorists). The other is that it is also committed by states to consolidate their control over the populace. The dictatorial states indulge in such terrorist acts of violence.

Terrorism whether committed by individuals or groups or state itself is against the very spirit of human rights, rights which reflect the fundamental moral commitment of the human civilization to equality, liberty and freedom of man, inviolability of his life and his protection against fear, arbitrary exercise of authority, exploitation and discrimination.

Terrorism and human rights though are entirely different concepts but they are in one way related with one another. Terrorism is the violator of human rights. And human rights even protect the rights of terrorists who violate the rights of others. The issue of terrorism and violation of human rights is a question of fundamental importance. This study is an attempt to analyse the issues of terrorism including state-terrorism and violation of human rights. The focus of study is Indian state of Punjab - the violation of human rights there during the period of terrorism both at the hands of terrorist and the Indian state. The purpose
of the study is not to investigate each and every case of violation of human rights. This is beyond the purview of this study. It is however analyses how the human rights of the people of Punjab were violated by both the terrorists fighting for a Sikh homeland, 'Khalistan', and the Indian state engaged in defeating the terrorism.

This study begins with conceptual analysis of the phenomenon of terrorism both state and non-state. In its discussion and analysis, the study unfolds the complexity the subject terrorism. It tries to ascertain the relationship between terrorism and human rights.

The Second chapter of the study is on the threat of terrorism to human rights in India. It discusses the violation of human rights in India both at the hands of terrorist and the Indian state. It analyses how state indulges into acts of terror transgressing the parameter of rule of law in the name of defeating terrorism perpetrated by non-state parties.

The chapter third of this study is a discussion on the causes of terrorism in Punjab. It analyses the factors which were responsible for the beginning of terrorism as well as its survival for more than a decade.

The fourth chapter exclusively deals with the violation of human rights in the face of terrorism committed by both terrorist and the state of India through its law and order enforcement mechanism or agencies.

The last chapter which is the conclusion throws light on the dynamics of violation of human rights by terrorism both state and non-state. It assesses how terrorism is the negotiation of life against the very
spirit of human rights which make a man a human being and his life worthliving.

The study is based on the published sources, books, journals, news magazines and newspapers. Despite my efforts and the help of others, there still may be some deficiencies of argument and solecism for which I alone shoulder the whole responsibility.