CONCLUSION

Terrorism is a relative concept. In its various forms it has assumed the character of a world wide challenge of violence, over the order of democratic society. It has deeply disturbed the conscience of mankind. The use of violence to threaten and terrorise is well known from ancient times. Assassination of enemies and heads of State- Kings or Caliphs was well known. History has recorded many such events.

In the past, after many a battle being fought, it was usual to put to death the defeated King or his powerful right hand man. This was to done to do away with the opposition, and also strike terror in the minds of the civilian population.

However as time passed terrorism was used as a method to ferment dissent and dissatisfaction with the ruling order. According to Greek mythology terror was a way of seizing power.

In the modern era it has come to take the place of an "on going war" or a low intensity conflict. Most countries in the World are grappling with this problem. Today terrorism is not only a political problem, but it has social and economic connotations as well.
As early as in 1926 at the First International Congress of Penal Law at Brussels, terrorism was discussed. The world by then had witnessed terrorism in various forms – kidnapping and killing of diplomats, seizure of embassies and over-throw of popular governments. The League of Nations had brought about a Convention on Terrorism in 1937, however it did not come into force.

During the period of colonial domination a variety of acts – eg. bombing trains, disrupting supplies and attempts on the lives of important British Officers were used by the Nationalists. After our independence the Government has been dealing with terrorism for over five decades- from the problem we had with Telengana, Jammu and Kashmir. Nagaland, Mizoram, Naxalite Movement, Punjab and other areas prone to violence. South Asia has witnessed a proliferation of movements by ethnic and linguistic minorities. Most groups and organizations seek, redressal of their grievances by violent acts. Walter Laquer a well known authority on the subject has stated that terrorism is a response to repression, unchecked it can lead to heightened militancy and insurgency which could be a serious threat to the very basis of society.

In Latin American countries like Argentina, Bolivia, Brazil, Columbia etc., kidnappings and assassination are common. In Germany terrorists
belonging to the Baader Meinhof kidnap and murder public figures. The Irish Republican Army practice bombing of public places. Indonesia battles communist forces, Philippines – Muslim groups in the South and in Russia, Chechan separatists—all manifestations of the same problem-Terrorism. National and international terrorism are often said to be the two sides of the same coin.

Terror is derived from a Latin word which means to tremble or frighten. This was first noticed during the French Revolution. Today it covers a variety of acts, from insurgency, militancy, state sponsored terrorism trans-border terrorism and international terrorism. The oldest definition is provided in Act 1 of the Convention of Terrorism, of the League of Nations. There terrorism refers to “criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public”. According to Walter Laqueur “terrorism is an attempt to destabilise democratic societies and to show that their governments are impotent”. While the former described the act, the latter focuses attention on the motive. Most jurists consider it a word of uncertain legal content.
The problem that confronts most States today including the United Nations is a legal definition. However this still eludes the world community. There is no consensus among States as to a precise legal definition. In the absence of a definition, it would be impossible to criminalise the act either nationally or internationally. Due to the confusion both prosecutors and judges would not be in a position find the accused guilty. Most governments have a subjective approach to the issue of terrorism. A terrorist to some could be a freedom fighter to another. Terrorism is not only a political problem it has serious social and economic connotations.

The U.N. brought about various measures to combat terrorism in accordance with the principles of the Charter. Acts of terrorism have been on the increase from the hijacking of planes to escape from prosecution on religious and political grounds in the 1960's. Later groups and organizations took hostages, blew up aircraft, asked for ransom or release of other terrorists and indulged in acts of violence. Various conventions and protocols were brought about in order to prevent, combat and eliminate terrorism in all its forms and manifestations. The U.N. urged its members review all existing international legislation and ratify them. Further, it directed the States to incorporate relevant provisions into domestic legislation. The aim is to ensure an adequate international response. Criminal acts intended to provoke fear
and terror in the general public under any circumstances is unjustifiable. The aim has been to enhance efficient implementation of all legal instruments in order to combat terrorism. The U.N. Secretariat also set up a center for International Crime Prevention in order to enhance cooperation among its members to suppress and eliminate terrorism.

The Security Council by its resolution 1456 called upon member States to adopt a comprehensive approach to put an end to terrorism. By placing sanctions on the Taliban and Al-Qaeda, States, were called upon to ensure the same. A Counter Terrorism Committee of experts will review the reports submitted by member States after implementing the Conventions.

In recent times some governments have felt that the U.N. Security Council on occasion has assumed legislative powers on behalf of States. This according to India is not envisaged under the Charter. Some provisions create binding legal obligations on the members to follow which infringes on the sovereignty and jurisdiction of Parliament.

In a recent development the Security Council adopted a resolution to prevent weapons of mass destruction from falling into the hands of non-state entities and terrorists. The fear that terrorist groups, organizations or a
mercenary could use the threat of use of a nuclear weapon to gain concessions from governments is a possibility in the world of today.

The United Nations, its General Assembly and Security Council seriously need to decide upon a common co-operative approach to deal with terrorism. A precise definition is necessary. Committees are required to function in a pro-active environment in order to deal with practical realities. It is time to adopt a pragmatic approach and set aside the rhetoric that is noted during such sessions. A plan must be formulated with States adopting the provisions of international law within the domestic a sphere. Recalcitrant States must be persuaded to follow procedures, whether it concerns a national or civilian of another country. Considerations such as “most favoured nation status” should apply only to commercial transactions and not to terrorism.

What needs to be discussed in detail is extradition or prosecution of terrorists for their crimes. Many countries do not wish to extradite their nationals to face criminal charges in a foreign land. Also, some do not wish to prosecute terrorists found within their country for terrorist crimes committed elsewhere. Further States must determine what is “Political Offence” and its limitations thereof. Mere enunciation by the Security Council is insufficient it needs to be translated into rules and procedures. In the light of the events
taking place, States must clarify this in no uncertain terms. In many cases, it is noted that States use this as an excuse to prevent extradition of the alleged offender. Understandably it may make a deep incursion into state sovereignty which all governments guard zealously, but now it needs the urgent attention of the world community.

Further it is necessary to distinguish terrorist activity from "self determination" and revolution from insurgency. These words have acquired a significant meaning over the decades. The humanitarian approach has been practiced for far too long. The meaning and divisions between them have blurred over the years. It is closely linked to peace, order and national security. It has also been a means by which many a dictator took over the reigns of power. And it is also a method used by Governments to quell civil disobedience with a firm hand thus justifying the use of force. The parameters need to be clearly demarcated. The method and means employed to fight a repressive regime is quite different from terrorism. Disrupting commuter services by bombing trains during rush hour as witnessed in the Madrid Bombings is a terrorist act. Forcing an elected democratic government to do what it dictates and thereby alter the international response of countries involved in other activities around the world indicates terrorism. The United Nations is the only organization capable of deciding such matters. If the
members follow up the work of this world body till date as stated in Chapter – III much would have been accomplished.

In the face of the growing challenges posed by terrorism, regional organizations have fared better in coming to a consensus on combating terrorism. Many countries adopted a concrete action plan and formed the TREVI group as discussed in Chapter-IV. Co-operation and consultation with the groups is best suited to deal with regional problems. The European Union is confronted with the serious task of combating terrorism. However, it is easy for terrorists to plan in one country, transact in another, recruit from a third State, attack the target in another, and flee across international borders. Law enforcement and investigating authorities would have to deal with the magnitude of the offence across Europe. The E.U. countries have brought into being measures to suppress and combat terrorism.

The U.K. has vast experience when dealing with terrorism. The Irish Republican Army and the Sinn Fein adopted terror tactics against the British government. Bombing civilian targets, assassinating public figures and other acts of violence placed the Government in a defensive position. Although the problem has political and religious connotations, the British government dealt with it firmly. In fact many office bearers of these terrorist outfits, were
prevented from preaching sedition against the government. Gerry Adam's speeches were also banned from being transmitted by the B.B.C. (In any news items the audio was cut-off).

The British government was instrumental in initiating measures against terrorists. They put an end to arms smuggling and other activities that are closely linked to terrorism. The public was kept informed and educated by various programmes initiated by the government public participation in the detection of crime is an important factor for investigative agencies and prosecutors. In furtherance of anti-terrorism efforts Britain remains one of the foremost states in dealing with its suppression and elimination.

Post Eleventh September 2001, the U.S. initiated various efforts to deal with security and public safety in the wake of the worst attacks on its population. A unilateral approach in dealing with terrorist acts directed against U.S. nationals or property is its policy. Policies formulated as a cover-up for expansionist tendencies is unlikely to fulfill its primary objective. Aiding terrorist networks to militancy by funding or arms supply is objectionable.
However with NATO, the U.S. presently is after the dreaded terrorist Osama Bin Laden, the Al-Qaeda and the Taliban. This effort is viewed by most countries seriously as the threats issued by them are highly publicized.

The State of Israel has faced repeated attacks right from its inception in 1948. Israel, in such matters has dealt effectively with threats and terrorist attacks, especially from Palestinian networks. It exercises the option of deporting detainees or destroying dwelling places. It is the only state that uses force and its military option, in the face of such threats. Suicide bombers from across the border are known to wreak havoc amongst the civilian population.

The South Asian Association of Regional Cooperation (SAARC) has made some progress, but has yet to formulate a concerted effort to deal, with terrorism. South Asia is said to have one-fifth of the world’s population. In this region various kinds of terrorism, extremism, militancy and low intensity conflicts (LIC) are known to be practiced. Besides, the struggle of ethnic minorities is another issue that most Governments have to deal with i.e., India, Pakistan, Sri Lanka, Bangladesh, Nepal etc. The proliferation of such movements have received various responses from Governments - from insurgency to terrorist. The incidence of terrorism can be said to be influenced by the situation in Afghanistan, where large quantities of arms and
ammunitions were sent to be used against the Soviets. The market for arms and equipment is an ongoing process. Together coupled with the illegal narcotic trade, a continuous supply of finances fund these LIC’s and terrorist activities.

It is suggested that all governments renew measures to tackle the sale of such drugs, which in turn would significantly affect the sale and supply of arms. Arms limitation or reduction treaties are not an answer to this problem, the manufacture and supply of arms and ammunition must be tackled at the grass-roots level. The prospects of increased terrorist activity needs the urgent attention of the World body. Negotiated solutions to long standing problems will noticeably bring down the number of terrorist attacks both nationally and internationally. Regional organizations and NGO’s play an important role.

India has taken an important stand when dealing with terrorism. Terrorism is nothing new to the Indian Sub-Continent. The political scenario since the early decades of the last century has been witness to violent upheavals. There were bombings and derailment during the independence struggle, Later communist violence in Telengana, the Naxalite movement in Calcutta, Khalistan movement in Punjab, militancy and insurgency in Jammu and Kashmir and insurgency in the North East. What started in Nagaland
spread across the entire region. The Government has adopted various measures.

1) Negotiated with the terrorists and signed a peace accord in Punjab, or

2) Negotiated with the terrorists and given in to their demands, paid ransom, released, terrorists or others. eg. the hijacking of the flight from Nepal to Afghanistan, abduction of Rubaiya Syed, or

3) Used military force as in Jammu and Kashmir, Assam, Nagaland, (Bodoland) etc.

Many favour the deployment of the army to check terrorism. The government has tried the policy of appeasement, in order to integrate the diverse forces into the main stream. This is an ongoing process of the administration.

Besides the above mentioned, the government has introduced many legislations to deal with terrorism. The importance given to the rule of law is amply illustrated by the role of law in this great sub-continent.

The Terrorist and Disruptive Activities Act, the Explosive Substances Act, the Arms Act, the Explosives Act, the National Security Act deal with grave infractions of law. In order to preserve law and order, the govt must
take all preventive measures to preserve the security of state and the interests of its citizens.

The Prevention of Terrorism Act is the latest legislation brought to effectively, control and prosecute alleged terrorists. As terrorist violence intensifies, they strike terror in the minds of innocent civilians.

Terrorist activities and organized crime are closely interlinked. With the use of modern communication systems, latest technology, unlimited finances and transport facilities, the terrorist can strike in any corner of the World. With this in view, the government enacted POTA. The Indian Penal Code was not meant to apply to terrorist acts and organized crime. This was brought about to supplement the existing criminal justice system.

Many other countries like UK, USA and Russia have also enacted legislation to deal with the rising incidence of terrorism. The U.N. reiterated time and time again that member states must criminalise the offence and prosecute the offenders under the provisions of law. This initiative by the Government of India reflects the interest to fulfill her international obligations.
The criminal justice system, to seek a balance between the rights of the individual and the interests of the community. Most democratic societies have placed limitations on the rights of the individual which has modified the existing legal systems. Derogations are permitted in the strictest emergencies. Judgments in many cases, in particular that of Kartar Singh reflect judicial attitudes in the changed world scenario of bombs and dynamite, mayhem and murder.

However fetters are forged to some extent when human rights issues are invoked. The threat posed to the sovereignty of the nation is different from allegation of ordinary crimes against the individual. The decision of the Supreme Court in State of Jammu and Kashmir Vs. Jammu and Kashmir Bar Association (1994 SCC (3) 708) is exemplary of the high standards maintained by the justice delivery system. In many countries terrorists have been treated differently with no legal laxity for their conduct, this judgement upholding basic human rights of the terrorists stands apart.

The role of NGO’s is bringing lapses on the part of the government to light is well known. The security forces are usually called upon to fight insurgency and terrorism. It is submitted there is confusion at the administrative and political level in deciding which agency will deal with
terrorist and disruptive activities. The Police are not trained for this "modern warfare" Further they have their own limitations, the army has none. In recent times the army has come under attack for use of excessive force. This is documented by many international human rights organizations. The government must take suitable action to redress grievances and restore the confidence of the public. Enforced or Involuntary Disappearances, ethnic cleansing and "fake" encounters must be put an end to. Further it is suggested, to equip all forces, security, paramilitary police etc. with training and equipment to deal with the situation.

It has been noted that many states use counter terrorist strategies for their illegitimate ends. There is a distinction between effective action and the protection of international human rights law. This is particularly true of South Asia. Most governments make use of the threat posed to national security to enforce stringent provisions of law. The Report of Human Rights Watch stated that the U.S. and its allies used anti-terrorist campaigns for their own ends as in Afghanistan. The recent report exposing the degrading the treatment meted out to prisoners in Iraq by the United States has shocked the world. It is submitted that the U.N. exercise control in such situations and place the details before a Human Rights Committee. The U.S. and its allies cannot get away by flouting international conventions including the Geneva
Convention Relative to the Treatment of Prisoners of War and other provisions of International Law. Discussion and action by the World body, would have its own deterrent effect on erring states.

The sale of narcotic drugs by cartels is a source for the funding terrorism. By the illegal sale of drugs, substantial sums are raised that are spent on funding terrorist activity. There is a close nexus between drug trafficking and terrorism. Such activities take place along borders and have international ramifications. The Golden Triangle and the Golden Crescent regions are responsible for the sale of illegal drugs. Drug control requires high priority by States. India has played a lead role in curbing the sale with many seizures near the Pakistan border. Interpol has reportedly stated that these traffickers are the major source of funding worldwide terrorist organizations. Efforts must be made by enforcement agencies and other agencies to make seizures of such drugs and prosecute the offenders. The areas known for opium cultivation in Afghanistan and Pakistan need to be identified and standing crops destroyed. All drug networks need to be prevented from smuggling drugs along the routes. This would effectively stop the cartels from their profitable business. This in turn would substantially reduce the funds available to terrorist organizations and networks. India has made efforts in controlling this by an enactment – the Narcotic Drugs and
Psychotropic Substances Act. It is submitted that the United Nations Drug Abuse Control Agency introduce suitable provisions to deal with it and recommend the same to the Counter Terrorism Committee. It is necessary to sever the links between terrorism and other forms of organized crime. There is a need to strengthen law enforcement capacity in these countries.

Besides Narco-terrorism, the newest challenge posed to the world community comes from the threat of Bio-terrorism. Authorities envisage a "health nightmare" that could be unleashed by an act of bio-terrorism. The use of biological weapons by terrorists would affect public order. Hospitals and health care facilities would be unable to contain and cope with an epidemic. The magnitude of such a disaster cannot be envisaged.

Effective health care systems would fail and doctors would be hard pressed to cope with the disease, find a cure, control public hysteria, and deal with the perpetrators of the crime. The threat it could pose to future generations is unknown.

No legal system in the world is capable of dealing with such a threat. The only provisions of law that are applicable are emergency provisions to deal with natural disasters. An effective response needs to be developed to deal with bio-terrorism. Legal authority needs to be vested in an agency
capable of responding the threats of bio-terrorism. Some NGO’s in the U.S. are working towards creating an awareness about a response to the threat of such an attack. However, till date threats exist from chemical and toxic weapons.

After a thorough analysis of various aspects of terrorism and the kinds of state response it evokes, it is found that terrorism can be broadly divided into three main categories.

1) Terrorism aided or supported by external States / organizations Eg. the ISI supported and funded militancy in Jammu and Kashmir, Euzkadita Azakatasuma in Spain and many European countries.

2) By terrorist activity the civil population strives for autonomy eg. Nagaland, Bodoland, South Asian Countries.

3) Where the terrorists struggle against the system and social order that is totalitarian and based on inequality eg. P.W.G, South Asia and South East Asia.

States are known to respondent to international terrorism in the following ways;

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1) By the use of diplomacy issues are sorted out on a bilateral level such as between Cuba and U.S. the TREVI Group of EU countries and SAARC.

2) Sanctions enforce international law, Economic sanctions are often used against erring States to force them to comply with their international obligations. In the Hostage crisis in Iran, the U.S. froze all financial transactions and amounts in American financial institutions in order to force Iran to release the hostages. Sanctions were also used against Libya and Syria.

3) Military force is used as a last resort in various serious situations such as the Israeli raid on Entebbe and in apprehending the hijackers of the Achille Lauro.

It must be noted that there is no particular way most states respond to terrorism.

The need of the hour is to focus attention on State sponsored terrorism. This is an important factor in national regional and international relations. Terrorist acts at the national level at times have been known to escalate into international terrorism. The demand for Palestine lead to horrific acts being
committed in the Middle East by the Abu Nidal group and Black September. This has lead to stained relations between Israel and the Arab World.

Many times the State is left with no option but to use force against its own citizens, in the name of public order or national safety. Interestingly it is noted that such extra judicial killings are treated differently by other States and the media alike. According to Noam Chomsky and Edward Herman in "Political Economy of Human Rights" have stated that such killings are treated with double standards by the western world. If they have close links to the western world, then the situation is underplayed where for example “states are forced to use violence against extremists (or communists) who are against the government. However, if the government is perceived adversarial to the western world, then widespread publicity is given in the name of human rights violations on the marginalized sections of society.

Unilateral measures are unable to combat terrorism effectively. International cooperation is required in this regard. It is said terrorists are not born but created. They perform violent acts in order to bring about systemic changes in society. States need to assume responsibilities to fight against and combat terrorism effectively in the 21st Century.
The present work is an attempt to highlight the problems and lapses inherent in States' response and the combating of terrorism. A critical appraisal of the problems presents the real obstacles in the successful implementation of a common approach to suppress and combat terrorism.

THE RESEARCHER MAKES THE FOLLOWING RECOMMENDATIONS:

Terrorism is cloaked in self-serving ideologies. It is necessary to have a clear understanding of what terrorism actually is, the gun toting landlords of Punjab, ethnic self-determination in Assam and Tripura or self-preservation from poverty as in Bihar, Bengal and Andhra Pradesh or the socially and economically oppressed people of Karnataka – Tamil Nadu border often called “Veerappan Country”. The Al-Umma alone symbolizes terror in Coimbatore. Armed politics is known to substitute terror for politics.

The modern welfare state is required to be vigilant and therefore it is necessary to take steps to guard and preserve the interest as well as search for solutions to suppress and combat terrorism. In order to understand the complex question of terrorism, one has to probe beneath the surface with sensitivity.
Until states arrive at a precise legal definition of terrorism, the inclusion of "terrorist acts" should be sufficient to prosecute offenders under domestic legislation.

In this context, the researcher is of the view that a peaceful solution to this problem would help in resolving long-standing issues. Discussions and negotiations are bound to bring about the desired results. The use of force must be the last resort of the State. Even though the State of Israel has used the maximum force in dealing with terrorist attacks, yet at the same time it has deported terrorists out of its territory in the interests of the community.

State agencies need to enforce effective policing and border controls to deal with terrorist activities and other acts of organized crime like illegal trafficking in drugs, arms and ammunitions. It is necessary to dismantle criminal groups engaged in drug trafficking and organized crime. Cross border co-operation is necessary among states.

The concerned agencies must identify and isolate terrorists and raid their hideouts. Successful raids and publicity will have a deterrent effect. Enlightened media participation is necessary. If the group or network needs publicity for their cause or to claim attention then it is necessary to deny media publicity.
In this regard public support is required. Enforcement agencies need information about such activities. Suspicions by neighbours and reports need to be looked into immediately. The element of surprise would help in nabbing suspects. In order to this, the public need to be educated. Timely announcements and simple policies of the government both at Centre and State, is the need of the hour. In many western countries announcements are made at public places and thus the public are informed. Effective participation by the citizens would prevent many such places from becoming 'soft' targets to terrorist attacks.

India has enacted many laws and special enactments to deal with terrorism. However cases booked under TADA had a 1.5% conviction rate. This presents dismal picture. Investigative agencies, prosecutors and the criminal justice system need to usher in large scale changes to deal with terrorism.

It is submitted that almost all terrorist crimes fall within the definition of some crime or provision in the existing penal system. When cases are not prosecuted properly or by taking advantage of the loop holes in the law, many offenders escape the law with impunity. This does not instil confidence in the minds of the public Substantial evidence must be collected before the case
goes to trial. There must also be some procedures initiated to check the progress of the case at every stage.

In the light of the above the researcher is of the view that if incentives are offered by the government i.e., rewards for information, it would help the investigative agencies to get vital information. Under anti-terrorist legislation, when properties are forfeited to the State, this can be kept aside for offering rewards. This has been successfully used by the U.S. (Reward of thousands of dollars were offered for information regarding the killers of the journalist Daniel Pearl and for Osama Bin Laden).

A special unit with trained professionals must be setup up to deal with terrorism. A joint programme by the Central and State governments would be ideal. Here information could be coordinated regarding movement of arms and ammunitions; known persons said to have links with terrorists etc. An agency must be set up.

Intensive training must be imparted to the enforcement agencies i.e., police and para military, techniques and tactics need to be initiated at an early date. Co-operation with other countries would give an insight into their handling of such issues. Latest equipment, transport and communications must be provided to the officials. Terrorists are known to use the latest
technology. This would motivate the officers to give their best. It would also instil confidence in the public as to the efficacy of the administration to deal with terrorism and terrorist threats. It would also be in the interest of the government to declare amnesty for surrendering terrorists.

In order to curb excessive use of force a Grievance Redressal Committee should be set up. This would look into the complaints of the public who are injured in such attacks / encounters or if there has been a loss of property or just unnecessary harassment. The would act as a check on illegal acts, not authorized by the State.

Security at airports, vital installations and important industries must be provided with trained and competent personnel. This security must also include banks. Many banks have been looted in Punjab and Jammu and Kashmir. This would help prevent untoward incidents that effect the law and order situation in the State.

Terrorist activities are given a boost by large finances being made available from other sources. Financial transactions must be scrutinized by banking institutions when dealing with the transfer of funds. India has initiated many policies in this regard eg. fixing an upper limit for transferring money, photograph of the account holder, PAN number, proper
documentation etc. This in the long run will have the desired effect in blocking the transfer of funds for terrorist activities.

Authorities need to know about suspicious transactions. Money laundering must be discouraged. India has enacted provisions to deal with the prevention of money laundering as discussed earlier. They must be effectively implemented. When funds are blocked then the terrorist is hampered and will have to abandon his plans. This has a deterrent effect. Once the usual channels are blocked they may turn else where to stock brokers, real estate or independent professionals. The government needs to review this urgently.

India must improve relations with her neighbours Pakistan, Bangladesh, Nepal, Bhutan and Sri Lanka in particular. Extradition treaties must be signed with regard to extradition of terrorists and other criminal offenders. Many aircraft have been hijacked to Pakistan and later blown up.

India must bring about some changes in foreign policy, we need the support and co-operation of other countries. At the U.N. India recommended a Comprehensive Convention on Terrorism. We have signed and ratified many treaties on terrorism, we need to effectively implement the provisions to successfully combat terrorism.
Arms and ammunitions are manufactured by many industries situated in the West. The Stockholm International Peace Research Institute has conducted research into the proliferation of weapons. A large quantity of weapons are available to terrorist gangs, networks and cartels. There must be a reduction in the manufacture of such weapons – both in terms of quantity and sophistication. This would reduce automatically the number of terrorist attacks.

India must introduce the policy of “no negotiation with terrorists” and should not in any circumstances release terrorists who are sentenced and serving terms in jails as in the Hazratbal Incident. This sends the wrong signals to the terrorists who can hold the government to ransom at will.

With regard to the Conventions and Protocols of the United Nations, mere criminalisation of terrorism is insufficient in the present circumstances. It is suggested that the Counter Terrorism Committee goes further in its search to combat terrorism by declaring any act of terrorism an “international crime”. This would oblige the member states to implement their international legal obligations and prosecute the perpetrators of such acts irrespective of their nationality, or the nationality of the victims or the place where the crime was committed. It may be recalled that in Re Piracy Jure Gentium the Privy
Council had declared universal jurisdiction over the crime of piracy and that any State could try the accused for the same. Similar policy should be followed in case of terrorists. Further this would improve the legal framework, against terrorism. It represents development of the principle of “aut dedre aut judicare” “extradite or prosecute.

When a person commits a terrorist act or is involved in the commission of the same he is beyond the protection of his state. He should no longer be considered a national but” Lostis Humani Generis”. As such he can be tried by any state for such offence.

It then becomes necessary for greater mutual co-operation and communication between States / Agencies. The Secretary General of the United Nations is required to play an important role is securing such co-operation and the exchange of information.

States must bring about new legislations or adopt existing legislation to cover such offences. The United Nations Conventions must be signed and ratified by all Members Further, it is necessary to freeze funds and assets, thus preventing terrorist groups and organization from receiving such funds. This would have a direct effect and curb terrorist activity eg. purchase of arms and ammunition.
Regional measures must be vigorously pursued by States in order to suppress and eliminate terrorism. The SAARC countries have left it to the political will of the member states to deal with measures to prevent terrorism. Further they are not obliged to amend or introduce legislation to tackle the problem of terrorism. In such circumstances there is little scope to control and combat terrorism.

The United Nations Office on Drugs and Crime could develop guidelines and assist in international cooperation against terrorism reflecting new and extended parameters of U.N. action. This would confirm the commitment of the U.N. and its members to fight against terrorism and transnational organized crime. Strategic and policy decisions must be taken by the Security Council together with a fresh set of initiatives to combat terrorism. This is the only alternative as the International Criminal Court has no jurisdiction to try offences relating to terrorism.

In a constitutional system, like ours, economic development can only take place when law and public order conditions are normal. As the sub-culture of violence escalates, a democratic polity with determined political will must take all steps to contain and combat terrorism. The analysis of the phenomenon called terrorism is likened to an inventory of criminal acts. The
vicious reality of terrorism can be effectively combated with the participation of the public. In the words of Sri. Atal Bihari Vajpayee, Former Prime Minister of India.

"Every Indian has to part of this Global War on terrorism ..... we must and we will, stamp out this evil from our land and from the world".