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To,
Ms. Reena Binnai

Subject: Letter of Acknowledgment for the Publication of Research Paper

Dear Author,

Kindly refer to your article/Write up on "IMPACT OF TERRORISM ON HUMAN RIGHTS: A CRITICAL STUDY IN INDIAN PERSPECTIVE" sent to us. In this regard, this is to inform that the aforementioned article has been reviewed by us and is being published in the next issue of Legal Desire Journal (ISSN No 2347-3525).

With Regards,

Anuj Kumar
Founder
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IMPACT OF TERRORISM ON HUMAN RIGHTS: A CRITICAL STUDY IN INDIAN PERSPECTIVE

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The tug of war in between Human Rights and Terrorism becomes a matter of global concern. However, the style of terrorism is quite different according to the various circumstances. The demands of Human Rights are emerged where terrorism violates the minimum basic rights of any individual. Hence, the term of ‘Human Rights’ and ‘Terrorism’ is reciprocal. In India, national and international terrorist groups operate incessantly and menacingly, destroying national properties, killing innocent. The state has limited physical resources to control this menace. On the other hand, the terrorists has been posing a great threat to the internal security of the country. Problem of terrorism is an old one but challenges are new. It has drastically affected the world economy and people’s life. It is a curse on mankind. There is a close connection between human right and terrorism. Terrorism is known to have existed, in one form or the other at several stages in the recorded history in almost all parts of the world after the 9/11 attacks on the world trade centre in united states and the December 13, 2001 attacks on the Indian parliament and November 26, 2008 attack in Mumbai, terrorism assumed new dimension and has come to threaten the very foundation of modern civilized society. India is no stranger to terrorism. It has been a long-time sufferer of terrorism, be it in the North-east, Punjab or in Jammu & Kashmir. However, since the last half a decade specially, terrorism has increasingly spread to other parts of the country.

Meaning

The term terrorism comes from the French word terrorism, which is based on the Latin verb Terre. It means “to make tremble”. The first Mesopotamian Empire that of Sargon of Akkad, was founded on terror. The same was later true of antiquity’s first military empire, the Assyrian, whose brutal methods of reprisal were intended to crush the spirit and break the will. Announced with warlike violence, terror remains suspended like a sword in times of peace over the heads of all who dare to rebel. In the despotic societies that make up the major portion of history’s fabric, it has served as the tool of enslavement and guarantor of mass obedience. State terror, whether implicit or overt, has haunted the centuries as war’s boogeyman, the specter of mass murder. Once unleashed, it can set an example to constrain behavior without the necessity of fighting. The Mongols and Tamerlane used terror in this way to reduce cities without having to resort to siege.

Definitions

The UN General Assembly Resolution 49/60 (adopted on December 9, 1984), tilled “Measures to Eliminate International Terrorism,” contains a provision describing terrorism.
Criminal acts intended or calculated to provoke a state of terror in the general public a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the consideration of a political, philosophical ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.

**UN Security Council Resolution 1566(2004) gives definition**

A UN panel, on March 17, 2005, described terrorism as any act “intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do from doing any act.

**Under Indian Legislations**

According to Section 3(1) of the Terrorist and Disruptive activities (Prevention) Act, 1985 (TADA) does not define who a “Terrorist” is but defines a “terrorist” act as follows: “whoever with intent to overawe the government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people or to adversely affect the harmony amongst different sections of the people does any act or thing by using bombs, dynamite, or other explosive substances or inflammable substances or fire-arms or other lethal weapons or poisons or noxious gases or other chemicals or any other substances (whether biological or otherwise) of a hazardous nature in such a manner as to clause or as is likely to cause, death of or injury to, any person or persons or damage to, or destruction of property or disruption of any supplies or services essential to the life of the community” this definition is comprehensive enough to cover all terrorist acts of violence when compared with other definitions.

Under the Prevention of Terrorism Act, (POTA) 2002, it is defined as:

Whoever-

(a) with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or fire arms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (weather biological or otherwise) of a hazardous nature or by any other means whatsoever, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community or causes damage or destruction of any property or equipment used or intended to be sued for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies, or detains any persons and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act;

(b) is or continues to be a member of an association declared unlawful under the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), or voluntarily does
an act aiding or promoting in any manner the objects of such association and in either case is in possession of any unlicensed firearms, ammunition, explosive or other instrument or substance capable of causing mass destruction and commits any act resulting in loss of human life or grievous injury to any person or causes significant damage to any property, commits a terrorist act

Explanation-For the purposes of this sub-section, “a terrorist act” shall include the act of raising funds intended for the purpose of terrorism. Under this Act “Terrorist Acts” shall include “Underworld”, “Supari”, “Protection money” or “Khandani”, “Organized crime”.

There is no universally accepted definition of terrorism; many definitions of terrorism include war crimes and crimes against humanity.

IMPACT OF TERRORISM

The impact of terrorism in maintaining law and order, in assuring peace and tranquility, is an alarming issue both at the national and international level. Global terrorism has, in fact, become an unprecedented challenge to the human civilization itself. We are compelled to live in a most threatening conditions that is harmful for the society.

Terrorism brings sufferings and miseries to human beings. It being immoral and inhuman act puts under threat the rights and freedom of innocent people. it, therefore, abuses the fundamental human rights of the victims, particularly, the right to life, the right to physical integrity and the right to personal freedom. The increasing number of innocent persons including women, children and the elderly have been either killed, massacred or maimed by terrorist in indiscriminate and random acts of violence and terror which in no case can be justified. Terrorism and counter terrorism contain ill impact on the enjoyment of human rights as right to life, liberty, movement. Duty to impart Human Rights education is on the shoulders of the member States and defenders and activists of Human Rights because these rights are essential to live.

It has put a question mark on the most essential and basic human right of the people, i.e. right to life. The General Assembly has repeatedly expressed its deep concern about the worldwide escalation of acts of terrorism in all its forms, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings.

LEGISLATIVE RESPONSE

Not only the current literature on the United Nation and Regional Association’s role to counter terrorism through different treaties and conventions but also the relevancy of various counter terrorism legislative methods, adopted by the Indian Government. Independent India’s constitutional maintain is a proud one. In combating same of the most serious terrorist threat in the world, a durable enduring and ever improving commitment by India its project fundamental rights can serve as an international example and in recent years. The great scourge on humanity in recent times is the menace of terrorism. Even though it is not a new phenomenon, it attracted increased attention after the terrorist attack on the World Trade Centre in New York on I
September, 2001. India has awakened to the threat of terrorism a long time ago, but the attack on the Indian Parliament on 13 December, 2001 and attack in Mumbai on 26 November, 2008 has prompted the Indian policy makers to take fresh notice of this desperate behaviour of certain sections of the society. It is with this backdrop that an attempt has been made in the paper to locate the various laws in India that aim at tackling extraordinary situations like terrorism and extremism.

Ordinary criminal law may not be adequate to tackle the above situations and therefore it may be necessary to pass certain extraordinary legislation to deal with such extraordinary situations. The legal regime to control terrorist activities may be classified into International legal regime and National legal regime. In India, there is a number of series of laws relating to terrorism. These laws are as follow as:-

(i)  The Indian Penal Code, 1860  
(ii) The Preventive Detention Act, 1950  
(iii) The Armed Forces Special Powers Act, 1958  
(iv) The Unlawful Activities (Prevention) Act, 1967  
(v) The Maintenance of Internal Security Act, 1971  
(vi) The Criminal Procedure Code, 1973  
(vii) The Terrorist Affected Area (Special Courts) Act, 1984  
(viii) The Terrorist and Disruptive Activities (Prevention) Act, 1985  
(ix) The Terrorist and Disruptive Activities(Prevention) Act, 1987  
(x) The Terrorist and Disruptive Activities(Prevention) Act, 1987 (Amendment) Act, 1993  
(xi) The Prevention of Terrorism Act, 2002  
(xii) Unlawful Activities (Prevention) Amendment Act, 2004  
(xiii) Unlawful Activities (Prevention) Amendment Act, 2008  

The NHRC believes that the menace of terrorism and militancy must not be left to the agencies of the State like the police and the armed forces alone, rather it should be collectively fought by all sections of the society. That is why it has continued to lay emphasis on the socio-economic dimensions of the problem and also called for an effective enforcement of laws and good governance to ensure transparency and accountability in dealing with those who may be guilty of human rights violations. The problem, which the criminal justice system in India faced, according to it, related to (a) proper investigation of crimes, (b) efficient prosecution of criminal trials, and (c) the long delays in adjudication and punishment in courts.

CONCLUSION AND SUGGESTIONS

Human Rights have been evolved as a new religion of the changing world in order to bear the real fruits of humanism. So without education, Human Rights cannot be available to the people, particularly to the needy people. The right to development is impossible without the recognition of the right to education and in this respect, following some suggestions may be offered by the researcher. These are as follows-

- The human rights education at all the levels, primary to university and from rural to royal must be made easily available in order to touch the untouched people. These
all will be fruitful not only to arrest human rights violations but also be boon in implementing different plans of the government for achieving social-economic justice in India.

- More autonomy should be given to the National Human Right commission to make it more competent and effective to ensure the Protection of human rights.

  (a) To reform and educate the armed forces,

  (b) To setup ‘Human Rights Cell’ in every police station and jail to help the needy persons in judicial process and for other assistance to ensure his or her rights.

  (c) To make proper and adequate reforms to the prison system. There should be uniformity of standard in prison administration and treatment of prisoners. The approach to treatment of prisoners should be reformative and rehabilitative, rather than retributive or deterrent. The system of ‘open prison’ should be encouraged and institutionalized.

  (d) To make initiative in dialogue between policy makers, the armed forces and human rights proponents, in taking actions and dealing with insurgency and terrorism must be initiated.

  (e) To frame some guidelines to both Television and AIR to increase involvement in enhancing human rights awareness.

- Only value oriented education can eradicate problems of present generation as well as of human community. Mahatma Gandhi said, ‘Value oriented education is essentially an education of self-realization’. Gandhiji wanted that education should be for the hand, head and heart. Job oriented curriculum should be introduced.

- Stop implementation of draconian laws ‘A decision should not be made purely by following the texts; if it is lacking in reason and good sense, it causes great injustice’.

- The internal security of India is a serious matter. It deserves attention at the highest level, and professionals with the highest degree of competence and integrity should be appointed National Anti-Terrorism Commission. This should not be merely an advisory body, but a commission that has powers to seek legal, administrative, and institutional reforms and formulate policies with a view to fighting terrorism and implementing them swiftly.

- We need police reforms and reforms relating to the criminal justice system: both are urgent imperatives. There have been a number of reports based on careful studies of each of these issues, but little or no effort has been taken to implement the recommendations. Institutionalised corruption in India is a social reality across all governmental institutions. This has also affected India’s ability to effectively ensure national security. The governance reforms relating to fighting terrorism should take place at all levels.

- Our intelligence machinery should be urgently reformed so that institutions such as the Research and Analysis Wing (RAW) and the Intelligence Bureau (IB) are better prepared to perform their functions in an effective manner. The RAW, the IB and other agencies need to be empowered and made more relevant so that they are able to gather information that would be useful in preventing attacks.

- There is no doubt that intelligence-gathering is a long and arduous task, but the Central government needs to put good governance systems in place so that effective gathering of intelligence becomes possible. A related issue is the sharing of
intelligence between the Central government and the State governments and among
the state governments.

- Terrorism is an issue of utmost importance in national security and the Central
government has to work closely with State governments so that any information
relating to possible terrorist attacks or movements or security risks is quickly
shared. The legal and constitutional framework should be put together to ensure
that fighting terrorism jointly becomes the legal obligation of both the State and
Central governments.

- To empower the vigilance apparatus there is a lot more to be done There should
have been many more closed circuit television (CCTV) cameras that actually work
and are able to provide information in real time to the security establishment. Security
needs to be stepped up in all public places.

- The State police forces are phenomenally ill-equipped and do not have the training
or support to fight terrorism. While it may be useful to establish anti-terror cells in
every State, the focus ought to be on creating a framework to develop sound anti-
terror response mechanisms that will involve huge coordination between various
agencies including disaster management teams, fire-fighters, State police forces,
Central government security agencies, the RAW, the IB and others at the State and
Central level.

- There is a dire need to establish a federal agency or central law enforcement agency
for combating terrorist activities. Another problem with the India has been the
police and intelligence forces which have been highly undermanned, under
resourced and primitive in their day to day functioning.

- A comprehensive set of counter-terrorism laws, must be drafted and given a
permanent place in our statute books.

- The intentions of the central government in setting up the NCTC are based on valid
security assessments that the country is facing but the concerns of states are also of
significance. Establishment of the NCTC would also demonstrate India’s strong
commitment in fighting terrorism. Therefore it is imperative for all governments at
the central and state levels to place national security concerns above partisan
politics to deal with the issue of terrorism.

- It is not only the duty of the Government to combat terrorism but it is equally the
duty of every one. The State should ensure that no citizen should feel insecure just
for belonging to any religion, caste, creed, sect or gender. The spirit of secularism
and unity in diversity must be ingrained in every youth of this country by proper
education and through awareness.

Respect for human rights and human dignity is the foundation of freedom, justice and
peace in the world. Terrorism brings sufferings and miseries to human beings. It being
immoral and inhuman act puts under threat the rights and freedom of innocent people.
It, therefore, abuses the fundamental human rights of the victims, particularly, the
right to life, the right to physical integrity and the right to personal freedom. The
increasing number of innocent persons including women, children and the elderly
have been either killed, massacred or maimed by terrorist in indiscriminate and
random acts of violence and terror which in no case can be justified.
As we all know Right and Duty both are co-related, it is like two sides of a same coin. Normally people are more conscious about their rights rather than their duty. All man are woven in same garland of human community. What we are doing, it is only for the benefits of the human community. So, every human being should always be concerned about his duty. If we are humanly aware about our ‘Human-duty’, setting aside all ‘Human-Wrongs’ then the ‘Human-Rights’ will definitely be recognized, to discover a new ‘Human-world’.

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Terrorism and Human Rights: An Analysis

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Introduction

In India, national and international terrorist groups operate incessantly and menacingly, destroying national properties, killing innocent. The state has limited physical resources to control this menace. On the other hand, the terrorists have been posing a great threat to the internal security of the country. Kasab's hanging compel us to rethink, the failure of our intelligence and security agencies to anticipate and thwart 26/11. Kasab died peacefully whereas his victims died a violent death. No doubt terrorism is a offence against humanity. Problem of terrorism is an old one but challenges are new. It has drastically affected the world economy and people’s life. It is a curse on mankind. This insanity is perpetuated by fanatic act of deranged barbarians who have no value for human and human rights. Innocent persons who have no link with or knowledge of terrorist have lost their lives in terrorist attacks. There is a close connection between human right and terrorism. Terrorism is known to have existed, in one form or the other at several stages in the recorded history in almost all parts of the world after the 9/11 attacks on the world trade centre in united states and the December 13, 2001 attacks on the Indian parliament and November 26, 2008 attack in Mumbai, terrorism assumed new dimension and has come to threaten the very foundation of modern civilized society. The way these attacks were carried out redefined the term terrorism, however subsequently at the national level front there have been many acts of violence that one finds difficult to identify with. India is no stranger to terrorism. It has been a long-time sufferer of terrorism, be it in the North-east, Punjab or in Jammu & Kashmir. However, since the last half a decade specially, terrorism has increasingly spread to other parts of the country.

Concept of terrorism: Terrorism is not new, and even though it has been used since the beginning of recorded history it can be relatively hard to define. Terrorism is an organized system of intimidation. It is broadly defined as ‘violent behavior designed to generate fear in the community, or a substantial segment of it, for political purposes’. Terrorism has been described variously as both a tactic and strategy; a crime and a holy duty; a justified reaction to oppression and an inexcusable abomination. Obviously, a lot depends on whose point of view is being
represented. Terrorism has often been an effective tactic for the weaker side in a conflict. As an asymmetric form of conflict, it confers coercive power with many of the advantages of military force at a fraction of the cost. Due to the secretive nature and small size of terrorist organizations, they often offer opponents no clear organization to defend against or to deter.

**Definition**: Terrorism is the most heinous activities in the world. The term "Terrorism" comes from the French word 'Terrorisme', which is based on the Latin verb "terrere" (to cause to tremble). The Jacobins cited this precedent when imposing a Reign of Terror during the French Revolution. After the Jacobins lost power, the word "terrorist" became a term of abuse. In modern times "Terrorism" usually refers to the killing of innocent people by a private group in such a way as to create a media spectacle. In November 2004, a United Nations Security Council report described terrorism as any act "Intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do or abstain from doing any act". In many countries, acts of terrorism are legally distinguished from criminal acts done for other purposes, and "terrorism" is defined by statute.

The United States Department of Defense defines terrorism as "the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological." Within this definition, there are three key elements—violence, fear, and intimidation—and each element produce terror in its victims.

The FBI defines as "Terrorism is the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives."

The U.S. Department of State defines "terrorism" to be "premeditated politically-motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience. It is also defined as "a method whereby an organized group or party seeks to achieve its avowed aims chiefly through the systematic use of violence."

Terrorist acts are directed against persons who, as individual agents or representatives of authority, interfere with the consummation of the objectives of such a group.

Terrorism is the systematic use of terror especially as a means of coercion. "terror" comes from the Latin verb terrere meaning to "to frighten". The terror cimbricus
was a panic and state of emergency in Rome in response to the approach of warriors of the Cimbri tribe in 105 BC. Terror means a state of intense fright or apprehension, or stark fear.

*Types of terrorism*

In early 1975, the Law Enforcement Assistant Administration in the United States formed the National Advisory Committee on Criminal Justice Standards and Goals. One of the five volumes that the committee wrote was entitled Disorders and Terrorism, produced by the Task Force on Disorders and Terrorism under the direction of H.H.A. Cooper, Director of the Task Force staff. The Task Force classified terrorism into six categories.

1. Civil disorder—A form of collective violence interfering with the peace, security, and normal functioning of the community.

2. Political terrorism—Violent criminal behavior designed primarily to generate fear in the community, or substantial segment of it, for political purposes.

3. Non-Political terrorism – Terrorism that is not aimed at political purposes but which exhibits “conscious design to create and maintain a high degree of fear for coercive purposes, but the end is individual or collective gain rather than the achievement of a political objective.”

4. Quasi-terrorism—The activities incidental to the commission of crimes of violence that are similar in form and method to genuine terrorism but which nevertheless lack its essential ingredient. It is not the main purpose of the quasi-terrorists to induce terror in the immediate victim as in the case of genuine terrorism, but the quasi-terrorist uses the modalities and techniques of the genuine terrorist and produces similar consequences and reaction. For example, the fleeing felon who takes hostages is a quasi-terrorist, whose methods are similar to those of the genuine terrorist but whose purposes are quite different.

5. Limited political terrorism—Genuine political terrorism is characterized by a revolutionary approach; limited political terrorism refers to “acts of terrorism which are committed for ideological or political motives but which are not part of a concerted campaign to capture control of the state.

6. Official or state terrorism—“Referring to nations whose rule is based upon fear and oppression that reach similar to terrorism or such proportions.” It may also be referred to as “Structural Terrorism” defined broadly as terrorist acts carried out by governments in pursuit of political objectives, often as part of their foreign policy.
Dealing with the menace of terrorism more effectively, countries have come up with anti-terror legislations as and when required. At the international level International Instruments have been adopted by the United Nations for prevention of terrorism. The anti terrorism laws contain quite a few extraordinary provisions not found in ordinary laws in India. The terrorism, which has derogatory connotation and which falls in the category of tyranny and genocide, to be tackled on a worfooting for the protection of the State and its people, and thus can hardly be feasible if normal laws applicable in normal times are to tackle an abnormal situation created by terrorism.

*International legal regime of terrorism*

The General Assembly of the United Nations has, on behalf of the international community, adopted various resolutions on prevention of terrorism. It has:

i. Expressed its alarm the acts of terrorism in its forms and manifestations aimed at the destruction of 'human rights' have continued despite national and international efforts;

ii. Bore in mind that the essential and most basic human rights is the right of life;

iii. Also bore in mind that terrorism creates an environment that destroys the rights of people to live in freedom from fear;

iv. Expressed serious concern about the gross violation of human rights perpetrated by terrorist groups, adding that such acts cannot be justified under any circumstances;

v. Emphasized the importance of Member States taking appropriate steps to deny safe havens to those who plan, finance or commit terrorist acts by ensuring their apprehension and prosecution or extradition;

vi. Reiterated its unequivocal condemnation of the acts, methods and practices of terrorism, in all its forms and manifestations, as activities aimed at the destruction of human rights, fundamental freedoms and democracy, civil society and having adverse consequences for the economic and social development of States;

vii. Condemned the incitement of ethnic hatred, violence and terrorism;

viii. Called upon States to take all necessary and effective measures in accordance with the relevant provisions of international law;

ix. Urged the international community to enhance cooperation at regional and international levels in the fight against international terrorism.

There are such important organizations, laws and conventions that have been taken positive action against terrorism. They are:-
In India, there is a number of series of laws relating to terrorism. These laws are as follow as:

i. The Indian Penal Code, 1860

ii. The Preventive Detention Act, 1950

iii. The Armed Forces Special Powers Act, 1958

iv. The Unlawful Activities (Prevention) Act, 1967

v. The Maintenance of Internal Security Act, 1971

vi. The Criminal Procedure Code, 1973

vii. The Terrorist Affected Area (Special Courts) Act, 1984

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xi. The Prevention of Terrorism Act, 2002

xii. Unlawful Activities (Prevention) Amendment Act, 2004

xiii. Unlawful Activities (Prevention) Amendment Act, 2008


**TERRORISM AND HUMAN RIGHTS**

Peace and security are two facets of one coin and inter-linked and these are with human rights. Denial of human rights has its effect on
peace, harmony and tolerance. In order to bring peace and tranquility in the society, inequalities prevailing in the society in any manner should be removed. Perhaps, India is the only country in the world, which has embraced all religions and cultures without hesitation and fostered all sorts of ideologies, whether it is political, religious or philosophical. The strength of India lies in its national values like secularism, democracy, fraternity, universal brotherhood and tolerance. The effort of fundamentalist and terrorist elements in disrupting the national secular fabric of India has threatened the unity and integrity of the nation.

From our recent experience, we have learnt that terrorist attacks against innocent and unsuspecting civilians threaten the preservation of rule of law as well as human rights and terrorism can broadly be identified with the use of violent methods in place of the ordinary tools of civic engagement and political participation. A suggestion that can be made in this regard is that of treating terrorist attacks as offences recognized under International Criminal Law, such as ‘crimes against humanity’ which can then be tried before a supranational tribunal such as the International Criminal Court (ICC). However, the obvious practical problem with this suggestion is that prosecutions before this Court need to be initiated by the United Nations Security Council (UN SC) and the latter body may be reluctant to do so in instances of one-off terrorist attacks as opposed to continuing conflicts. There are no clear and consistent norms to guide collaboration between nations in acting against terrorists; countries like the United States have invented their own doctrines such as ‘pre-emptive action’ to justify counter-terrorism operations in foreign nations. However, the pursuit of terrorists alone cannot be a justification for arbitrarily breaching another nation’s sovereignty. In this scenario, one strategy that has been suggested is that of recognizing terrorist attacks as coming within a new ‘hybrid’ category of armed conflict, wherein obligations can be placed on different countries to collaborate in the investigation and prosecution of terrorist attacks that have taken place in a particular country. In some circles, it is argued that the judiciary places unnecessary curbs on the power of the investigating agencies to tackle terrorism. In India, those who subscribe to this view also demand changes in our criminal and evidence law - such as provisions for longer periods of preventive detention and confessions made before police officials to be made admissible in court. While the ultimate choice in this regard lies with the legislature, we must be careful not to trample upon constitutional
principles such as ‘substantive due processes’. This guarantee was read into the conception of ‘personal liberty’ under Article 21 of the Constitution of India by our Supreme Court.\(^7\)

In Madan Singh Vs. State of Bihar\(^8\) the expression “Terrorism” was observed to be “the peacetime equivalent of war crimes” as stated by a noted United Nations official, Dr. Alex P Schmid\(^9\). It would not be wrong to say that this act is not only against the whole country even it is against the rule of law and also against the humanity.

Right to life is the most precious fundamental right guaranteed Under Article 21 of the Constitution Of India. Unfortunately, the “right to life” has been exposed to serious threats and risks from terrorists. All terrorist attacks make the whole atmosphere panic and full of fear. As President Aharon Barak of the Israeli Supreme Court stated “war against terrorism is a war of law-abiding nations and law-abiding citizens against law breakers.” The basic message that every citizen of the whole world should remember is that threat to security and the rule of law posed by terrorism should not give rise to measures which themselves tend to undermine fundamental democratic values, human rights or principles of the rule of law.

Terrorist have no religion, no concept of communal or social harmony and value for human life. Communal harmony is not what they want. No religion propagates terrorism or hatred. Love for all is the basic foundation on which all religions are founded. It seems as terrorists have no mean to the lives of innocent people, they do not understand the amount of damage they do to the society. Millions of peace-loving citizens in the country are threatened to be put on a ransom by a group of people.

It is the Duty of every individual to ensure that terrorism is fought. Let it not be solely to the Government to do it. The society as a whole and every individual has to consider the disastrous effect of terrorism and join hands to fight the battle against terrorism. A combined effort of everyone is necessary to meet the grave challenge of terrorism. The nature of the terrorist activities has undergone a transformation. The activities have turned more brutal than ever before, and the modus operandi has seen a drastic change. Terrorists have become more sophisticated and know how to attack in places where it hurts the most.

One cannot fight an enemy as draconian as terrorism with laws and rules meant for the civilised. It must not be forgotten that it is only by deploying methods such as these that terrorism can be effectively dealt with. Otherwise the rule of law may fail and terrorism may come to rule. Terrorism is one of the most sensitive issues; its origin is diverse, which has assumed alarming
magnitude internationally. Terrorism as a political weapon to express dissent with state policy or to overthrow the government is recent development. The cause for terrorism, we need to look at the bigger picture. Freedom and oppression are factors not only in conflict between minorities and nation states, but in small, everyday conflicts between parents and teenagers, managers and employees, governments and citizens and wherever power is distributed unequally.

Terrorism is a complex problem. It is resorted as willful choice by organizations for political and strategic reasons. Those who practice it assume collective rationality.

It is a strategy of violence designed to promote desired outcomes by instilling fear in the public at large. The key element is public intimidation. That is what distinguishes it from other form of violence. In customary violence the victim is personally targeted but in terrorism the victims are incidental whereas terrorist intended objectives are used simply as a way to provoke social conditions designed to further their broader aims.

Terrorism thus had become a serious threat to the sovereignty and integrity of the country succeeded to a large extent in creating panic and sense of insecurity in the minds of the people. We need repressive measures to control the terrorism. What is the remedy then? What should be done to mitigate the suffering of common man and ensure safety, sovereignty and national security? It can not be denied that in a democracy the politics of vote bank does play a prominent role. But there should be a death of political will to tackle such grave issues with determination and seriousness without least regard to political considerations.

The close analysis has revealed that terrorism promises power, prestige, privilege and even wealth. These are attractive to youth people from poverty ridden background and serve as a powerful impetus for joining the terrorist group. It has been found that at times the joining of terrorism is enormously satisfying. It has provided a route for advancement, an opportunity for recognition and excitement. The Government can meet such challenges effectively not by repression but education facilitating the young generation to earn their livelihood decently. It can be controlled by educating people and providing employment to the younger generation.¹⁰

There are a great number of terrorist attacks, not only at the national level but at the international level too. Some of them are very highlighted by the media, such as World Trade Centre attack, Taj attack and attack on Parliament of India etc. these all attacks are not hidden from any one. It is also very true that Judiciary has become more active now in
compression of previous days but still it needs more activeness. At my personal point of view, Judiciary bound by law and more than that it is the puppet of the hands of political parties. On the part of our judiciary and Administration, we are treating terrorists as our chief guests even in jails. We are bound to provide them fresh breads, fresh milk and all other facilities, in what they are in need. Why we are not treating them as hardcore criminals and off course terrorists? It would not be wrong to say that we are serving our best facilities to those, who has taken the life of so many innocent persons, who has snatched the son from his parents, father from his children, brother from his sister, husband from his wife and it is not the end of their act for which we are treating them as the brand ambassador. But judiciary is sitting as a statute.

Conclusion and Suggestions

Continuous and barbaric attacks of terrorists, deeply wounded Indian people. Terrorism is a problem we have been facing in India for more than two decades. Today, terrorism is perceived as a problem capable of destabilizing not only national but also international politics. Terrorism in recent times has affected both the developed and developing countries. Today, the impact of terrorism in maintaining law and order, in assuring peace and tranquillity, is an alarming issue both at the national and international level. Global terrorism has, in fact, become an unprecedented challenge to the human civilization itself. We are compelled to live in a most threatening conditions. Terrorism is thus a disease, an ailment caused due to variety of reasons which have been endeavored to be eradicated from time to time by enacting laws to curb and efface it. For instance preventive detention legislations both before and after independence has been in vogue to control crime and criminal activity for public benefit. It is noteworthy that the strategies employed were a combination of both the will of the State and the people to effectively fight terrorism. What is vital to fighting terrorism is the nature of response that each situation demands based on its geographical locale. The strategies employed in J&K would not yield desired results if applied to the situation prevailing in the North-East and vice versa. Similarly, the measures that helped to overcome militancy in Punjab cannot be a panacea for other versions of terrorism prevailing in the country. Another significant factor that also needs to be reckoned is that the weaponry employed by terrorists has vastly enhanced its lethal power. Use of missiles, biological and chemical weapons, latest innovations in technology and access to updated means of communications that the terrorist outfits are equipped with have to be countenanced with superior systems taking full advantage of latest advancements in technology and communications.
The lack of education which enables the leaders of terrorist groups who are normally more intelligent and well informed than others to persuade the young and unemployed to join them by instilling feeling that their poverty was due to apathy of the government which can be remedied either by over throw or by the change of the Government. Jihadist terrorism is currently the most prominent and relentless variety of terrorism, against which the intelligence and law enforcement agencies in the western countries spend most of their time and resources upon. Unlike other kind of terrorism, jihadist terrorism is not open to negotiations because it is not a movement to achieve some political mileage or to gain greater autonomy of any kind. In our fight against jihadist terrorism, we just cannot afford to lose patience, no matter what else we lose. The world has to brace up for the inevitable damage because this war will be won by the one who stands longer and not the one who fights harder.11

Education has been called the technique of transmitting civilization. Civilization is nothing but the humanization of man in society, and man is humanized only when he lives a life in harmony with his true aspirations and powers. Learning human rights should become a way of life and that way of life should lead to eradicate poverty, ignorance, prejudice and discrimination based on sex, caste, religion and disability. Terrorism and counter terrorism contain ill impact on the enjoyment of human rights as right to life, liberty, movement. Duty to impart Human Rights education is on the shoulders of the member States and defenders and activists of Human Rights because these rights are essential to live.

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