

# India As A Victim of Terror

## Abstract

This article is related to the history and meaning of terrorism. There are given the national and international reasons for the commencement of terrorism in society. There have been given some legal measures of Indian Government to fight against it. At last there have been given some suggestions to counter terrorism.

**Keywords:** Terrorism, Counter, India, World, Forces, Act, Reason, state, Area, Government.

## Introduction

*"Terrorism is a significant threat to peace and security, prosperity and people."* Ban Ki-moon<sup>1</sup>

Terrorism in India includes religious, left-wing, ethno-nationalist and Norco terrorism. Indian situation between Asia to principle areas of elicit opium production to golden crescent & golden triangle leads to heavy influx of drugs & arms. India has a neighbor of hostile nuclear, Pakistan with the land border of 3400 km who sponsors state terrorism and fundamentalists force. India also has an unsolved border of 5800 km with China, a country that has active nuclear & military cooperation with Pakistan. India has long sea border of around 7700 km which is prone piracy & smuggling. There is adjoining and absorbent boundary of inadequate, smaller SAARC Nations such as Nepal, Bangladesh, Myanmar and Sri Lanka with additional problems such as unlawful migrator, occupation and trafficking in the border belt and effect in public extremism. The regions with extended guerrilla activities have been J & K, East Central and South Central India due to Naxalism and seven sister of North East India.

The Government of India, in July 2016, since 2005 that proclaims 707 lives and left over 3200 bruised. Some well known instances of terrorist activities in India are Mumbai attacks of 26/11, 1993 Mumbai sequential bomb blast, Akshar-Dham temple attack in 2002, attack on parliament 2001, attacks on armed force camps grounds in Pathankot Uri and Pulwama attack and many more.

Media is always reporting that apparent and associated terrorism in India to be subsidized by Pakistan chiefly by its Inter Service Intelligence also known as ISI. US government alleged Pakistan of empowering and flouting Anti-India terrorist cells functioning on its territory in 2012. Though, Pakistan has always repudiated its contribution. The South Asian Terror Portal (SATP) has arranged 180 terrorist clusters that have functioned inside the India territory in the past 20 years. Several of them listed as trans-national terror webs functioning in or from adjoining South Asian motherlands such as Bangladesh, Pakistan and Nepal of these 38 are on the recent list of terrorist groups and by India in its first schedule of the Unlawful Activities Prevention act of 1967.

India-Pakistan relations had continued to remain tense from many years. As if now the talk between these two countries seems distinct. Use of intentionally indiscriminate violence as a means to create terror or fear. In order to achieve political, religious and ideological aim, it is used in this regard primarily refer to violence against innocent civilians or non-combatants. Broad categories of political organizations had been criticized of being involved in order to further their objectives including left wing or right wing of political organizations, national groups, religious groups, revolutionaries and ruling governments.

## Aim of the Study

The object the study is to understand the real problem of terrorism in India.

## History

The word terrorism has gain popularity since the attacks on World Trade Center, New York in 9<sup>th</sup> September, 2001. The roots and practice of term can be traced back at least to the 1st century AD. Sicarii Zealots a radical offshoot of zealots which was active in the Zudaya province of the



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beginning of the 1st AD, for in fact terrorists. The term terrorism itself was originally used to describe the action of the Jacobin Club during the rain of terror of French Revolution. In Jan 1858, Italian patriot Felice Orsini threw three bombs in an attempt to assassinate French Emperor Napoleon III. 825 were killed and 142 injured. The incidence played a crucial role for the development of the early terrorist groups.

In India, The Unlawful Activities (Prevention) Act, 1967 in section 15 inserted through amending Act of 2008 contains definition of 'Terrorist act'. It says that whoever does any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country, - (a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause—(i) death of, or injuries to, any person or persons; or (ii) loss of, or damage to, or destruction of, property; or (iii) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or (iv) damage or destruction of any property in India or in a foreign country used or intended to be used for the defense of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or (b) overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or (c) detains, kidnaps or abducts any person and threatens to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or any other person to do or abstain from doing any act, commits a terrorist act<sup>2</sup>

The views that preserving the rule of law and recognition of individual's liberty constitutes an important component in a democracy echo what was said by Supreme Court of India in D.K. Basu vs State of West Bengal wherein it was held that a suspect cannot be tortured even if there is a prospect of the crime going unpunished<sup>3</sup>

The Supreme Court of India in Kartar Singh v. State of Punjab ultimately upheld the constitutionality of TADA in almost all respects, although it did seek to rein in its potential misuse by requiring relatively modest safeguards<sup>4</sup>

In the case of People's Union for Civil Liberties Vs. Union of India (UOI) (2004) 9 SCC 580 the constitutional validity of the Prevention of Terrorism Act, 2002 was discussed. The court said that the Parliament possesses power under Article 248 and entry 97 of list I of the Seventh Schedule of the Constitution of India to legislate the Act. Need for the Act is a matter of policy and the court cannot go into the same. Once legislation is passed, the Govt. has an obligation to exercise all available options to

prevent terrorism within the bounds of the constitution. Mere possibility of abuse cannot be a ground for denying the vesting of powers or for declaring a statute unconstitutional. Court upheld the constitutional validity of the various provisions of the Act<sup>5</sup>

- Devender Pal Singh Vs. State of N.C.T. of Delhi 2002 (1) SC (Cr.) 209 In a case where 9 person had died and several other injured on account of perpetrated acts The court said that such terrorist who have no respect for human life and people are killed due to their mindless killing. So any compassion to such person would frustrate the purpose of enactment of TADA and would amount to misplaced and unwarranted sympathy. Thus they should be given death sentence<sup>6</sup>

Sanjay Dutt Vs. State through C.B.I 1994 SCC 410 The expression possession though that of section 5 of TADA has been stated to mean a conscious possession introducing thereby involvement of a mental element i.e. conscious possession & not mere custody without awareness of nature of such possession and as regards unauthorized means and regards without any authority of law.

#### **Argument against**

That an offence coming under the Arms Act has been brought under POTA, irrespective of whether a person carrying such arms has any nexus with a terrorist.

#### **Argument in favor**

Firstly the section clearly says that any person who has unauthorized possession of arms that is does not possess a proper license for the arms. This section is only making the law stringent by stating that anybody who possesses arms should also possess proper license from the proper authority. Secondly it also states weapons should be capable of mass destruction or biological or chemical substances of warfare so why would any person without any reason possess such kind of weapons and that to unauthorized<sup>7</sup>

#### **Reasons**

To understand the basic reason of terror, one need to first know the different types of terrorism in the world depending on the country, the political system and the time of history. The types of terrorism are very different-

- 1- Criminal
- 2- Political-
  - 1-Sub State-
    - a) Social revolutions
    - b) nationalist separatist
    - c) religious extremist
    - d) right wing
    - e) left wing
  - 2-State sponsored
  - 3-Regime State

There are some common reasons behind the emerging spread of this ideology of terrorism, such as-

#### **Social & Political Injustice**

People choose terrorism when they trying to right what they perceive to be a political, social or

historical wrong. When they have been deprived of their land or rights derived the same.

#### **Belief**

The belief that violence or its threat will be effective and bring in change. Another way of saying this is the belief that violent means justifying the ends.

#### **Imbalance between Opponents- Relative Strengths**

The stronger side having strong equipped force over shadows the weaker side forcing them to shift to terrorism or guerilla warfare. In such cases the weak side does not have the resource to mount an effective campaign or structural or economic disruption. Instead they try to induce fear in the general population attacking infrastructure & resources hoping that a fearful population will have political impact that will force the strong opponent to make concessions.

#### **Modern Technologies Widespread Targets**

Terrorism is spreading fast in the modern era as more technologies now available to conduct acts of terrorism. Targets of terrorism are more widespread then never before.

#### **Communication Networks**

Sophisticated means of communication such as print media, social media and the internet helped terrorist to quickly promote the ideologies and ht the campaign and exploits cyber terrorism.

#### **Intolerance in society**

Another reason is growing intolerance in society dur to increasing population and decreasing resources.

#### **Globalization**

Increasing globalization of the society has come to transact national boundaries spreading terrorism. In the Indian context the reason of over the past few years have been plenty. It is the fact that consolidation as a secular, federal and democratic state still evolving and the diversity of multi ethnic and multi religious society often exploited fundamentalists forever.

#### **Lack of employment**

The absence of sufficient employment and unequal development resulting poverty and accompanying frustration has encouraged the unemployment youth to take up criminal acts in narcotics.

#### **Indian Context**

1. Ineffective Anti-Terrorist Legislation
2. Weakness in the intelligence structure human as well as technical & the arm forces
3. Unimaginative media management & coverage
4. Reactive response and slow government decision making
5. Lack of clear strategy and policy on internet security

#### **Legal Frame Works**

"The war we are fighting today against terrorism is a multifaceted fight. We have to use every tool in our toolkit to wage this war - diplomacy, finance, intelligence, law enforcement, and of course, military power - and we are developing new tools as we go along". Richard Armitage<sup>8</sup>

India although has already started progressing on various institutional and legal frame works to tackle terrorism such as-

1. National Intelligence Agency (NIA) was set up after the 26/11 Mumbai attacks to tackle terrorist activities in India.
2. National Intelligence Grid (NATGRID) is an integrated intelligence grid that will link the data bases of several departments and ministries of the Government of India. So as to collect comprehensive patterns of intelligence that can be readily excess by Intelligence Agencies. It is counter- terrorism measure that collects & Collates a host of information from Government data bases such as-
  - Tax and Bank Account Details,
  - VISA & Immigration Record,
  - ITINERARIES of Rail and Air Travel.
3. India has a Multi AgencyCentre (MAC) for counter terrorism with a mandate of sharing terrorism related intelligence inputs on a day-to-day basis.
4. Various legal framework (Laws) have came up such as-
  - a. Terrorist & Disruptive Activities ( Prevention) Act,1985(TADA),
  - b. The Maharashtra Control of Organized Crime Act, 1999 (MCOCA)
  - c. Prevention of Terrorism Act,2002(POTA),
  - d. Unlawful Activities (prevention) Act,2008(UAPA),
  - e. National Investigation Agency Act,2008(NIA),
  - f. Uttar Pradesh Control of Organized Crime Act,2017 (UPCOCA)

Indian law as it views today has come about in weird circumstances as the prior legislation was found accomplished of being ill use. This law is fewerstrict than the earlier anti-terrorism acts in India and is not prepared by way of express provision for discretion to deal with enormous variety of terrorist movement or other eventsassociated with execution of terrorism.

Lord Denning said: "*The freedom of individual must take second place to the security of the state*"<sup>9</sup> Recently, no less a person than the Chief Justice of India said, "The international community could not fault India if it chose to enact tough measures to deal with the menace of terror. So there is needed to make stringent law to tackle terrorism."<sup>10</sup>

#### **Policy to Encounter Terrorism**

The nature of the International Terrorism that fights us today it is pure that a long periodstrategies needed strugglingagainst terrorism. It has to be broadlyspoken in all faces- political/ diplomatic, internal, economic, social, military etc. The policy needs to be developed from the national goals and ideas to protect fundamentalethics, such as-

1. To merge as secular, federal & democratic state of freedom of speech, fairness and justice;
2. To look afterdominanceand international integrity;
3. To encourage socio-economic development& progress.

India should learn from the experiences of other countries. However, the same time we need to realize clearly that our situation is particular to us and

there are no direct lessons to learn except re-evaluation of our own experiences.

A Strategy must be realistic and cannot similar to the US model of world-wide capability or these real strategies of reliance on massive and immediate retaliation. As the respective environment capabilities are different, this bring us to the first strategy which is-

International terrorism cannot commendably be fought single-handedly. As have been our know-hows so distant. All countries must seam hands to control it. Pakistan funded proxy war must be more uncovered and international stress should be pragmatic. We must focus more antagonistic lead, fairness of cause and backing of Pakistan in this concern. Both through non-state and state players as well as tribe to isolate Pakistan in the international community of countries. A robust message requires to be conveyed to Pakistan than India means business established by acts and engagements, all paces to deliver this must be applied such as subtlety, business, sports and military.

India is leveling its improved ties with the first world countries, multi-national bodies like UN, G20, BRICS, SCO are been used as platforms to further India's agenda of anti-terrorism. Next is internal strategy, there is a need to adopt proactive policies to confront the terrorists at the roots of the ideology of the fundamentalists, social evils and sources of terra-funding like narcotics and drug trade. India must also strengthen its anti terrorist laws and legal frame work. There is a need to modernize and enlarge intelligent networks, state police and Para-military forces in training, equipment and ethos.

In economic dimensions, there is need to spread the fruits of development more evenly throughout the country with granter development efforts in remote weaker sections of the society. Economic empowerment of the poor especially in areas like J & K and the Nuxel belts would automatically drive out the extremist elements and their ideologies would be abandoned.

Next is the social environment India must continue to moderate and secular polity by the media, intelligentsia, and religious institutions. There is an urgent to address the outdated education system in rural places specially those of the madarsas by quality modernization and lay down guide lines for uniform syllabus to all schools. There is also a need to upgrade a communication system so that television and telecommunication spread to remote and border areas, which are currently under constant reach of Pakistani propaganda.

The last is the military strategy India should clearly spell aloud a counter terrorism strategy or a doctrine. They should tackle the causes not just the symptoms. The aim of military operations should be to create a secure and suitable environment so that social, economic, political issues can be addressed effectively. Seeking political solutions to accommodate the aspirations without fully eliminating the terrorists, the structure and support bases only results in a fire fighting situation and actually prolonged terrorism. Effective surveillance and management of the borders to check infiltration also

necessary. There should achieve through technical means of surveillance backed by highly mobile specialized forces rather than the present system which is man power intensive. Foreign based terrorists have to be hit at the bases training camps and to centuries to end the surrogate terrorism or the proxy wars. Imaginative security of their vital installation, nuclear acids and airports required. Static posts are not the answer. Electronics sensors and effective intelligence is the need. There should be enough preventive measures against nuclear, biological and chemical attacks, as well as cyber terrorism.

#### Conclusion

"Our objective should be to firmly deal with terrorism and its sponsors, financiers, and arms suppliers. At the same time, our doors should always be open for processes which would restore peace, development, and progress to societies which have been devastated by terrorism over many generations." Atal Bihari Bajpai<sup>11</sup>

To fight against cross border terrorism, every country should make certain principles, like the soil of that country. A country should not be used to cause terror or terrorist attacks in the second country. The government should more forward to resolve their issue and to make strict laws against such terror strikes and the person who need to be punished, should be punished but there should not be any incanting. Joint surveillance of the countries should be done to cross border terrorism can be possible at a certain level of understanding. There has to be confidence in each other borders. To achieve that kind of confidence and to go for building that confidence, its going to take time., because India has its troops on one side and they have their on the other side. They are looking at each other not as friends, not as people having trust in each other.

#### Endnotes

1. Ban Ki-moon, South Korean politician and diplomat, 8<sup>th</sup> Secretary General of the United Nations From Jan 2007 to Dec 2016, remarks to security council open debate on Threats to International Peace and Security caused by Terrorist Acts, 4<sup>th</sup> may 2012
2. Section 15 of The Unlawful Activities (Prevention) Act, 1967, inserted through amending Act of 2008
3. D.K. Basu vs State of West Bengal (1997) 10 SCC 416
4. Kartar Singh v. State of Punjab 1994(4) SCC 569
5. People's Union for Civil Liberties Vs. Union of India (UOI) (2004) 9 SCC 580
6. Devender Pal Singh Vs. State of N.C.T. of Delhi 2002 (1) SC (Cr.) 209
7. Sanjay Dutt Vs. State through C.B.I 1994 SCC 410
8. Richard Armitage, an English film television, theater and voice actor in UK
9. Lord Denning, was a lawyer and judge in UK
10. The Chief Justice of India, 19<sup>th</sup> July, 2006
11. Atal Bihari Bajpai, Prime Minister of India, interviewed by Ha'aretz (Israel), on 8th sep, 2003