

TERRORISM IN INDIA: A SOCIO-LEGAL HUMANITARIAN APPROACH

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ABSTRACT: Terrorism has now become a worldwide phenomenon. Terrorism means an armed violent movement directed against governmental as well as non-governmental agencies, involving premeditated attack with arms, ammunition, and explosives against civilians, and resorting to intimidation tactics such as hostage-taking and hijacking, but not seeking territorial control. Political frustration, Political necessities, religious and racial fanaticism and personal political interests are some of the main causes of terrorism. The world has been witnessing wide spread violence and terrorism at both national and international levels. Many times, the efforts taken up by the Governments and international organizations such as the United Nations and other apex bodies and humanitarian organizations have not brought sufficient and needed results. In the Third World countries, violence has become the order of the day. Terrorism and especially terrorism by indiscipline army has become a menace for the civil society. Millions of people have lost their lives, homes, and properties due to cross border terrorism. Terrorism took a centre flag in the international scene after the 11 September 2001 bombings of the World Trade Centre twin towers and the Pentagon. Since it was the first time such an attack was experienced in the United States, the entire country shook up to the core including the President George W. Bush. A similar incident took place back home in India when terrorists targeted the Parliament on 13th December 2001. It was for the first time that such a serious attack was mounted on the heart of India, Worlds biggest Democratic Republican country.

This paper emphasizes on terrorism, Different types of terrorism and the need to establish mechanisms for strengthening collaborations among governments and competent national authorities and to promote exchange of information, particularly on the possible exploitation of modern technology to protect civilian and our nation from Terrorist Attack. Attention also needs to be paid to concluding bilateral and multilateral agreements in combating and preventing terrorist acts with particular emphasis on the issue of extradition national and international level.

Key Words: Terrorism, Law, Humanitarian, Peace, Unity and Happiness.

I. INTRODUCTION:

The term terrorism has been derived from the Latin word terror which means great fear. Terrorism has been a part of this human civilization since its evolution and is not a concept of the new economic world but the means, ways and methods of terrorizing has become more gruesome, destructive, and lethal in due course of time. Terrorism may also include acts of unlawful violence and war against human Civilization.

Today, both the world at large and India in particular, face daunting challenges in the task of protecting human rights of common people regardless of the country they belong to. No country in world can be said to be free from the deadly scourge of terrorism. With the specter of terrorism continuing to target innocent and defenseless people, the task has been ever challenging for the institutions around the world In all such tragic situations, it has been mostly the common people, men, women, and children whose rights have been violated. In fact people from all walks of life, irrespective of their caste, creed, colour or religion have been equally affected by violation of their Human Rights.

Coming back to the National level, India has had its fair share of terror attacks and it seems we, as a nation, have learnt to live with it. Mumbai had witnessed Serial blasts again and again in local trains, congested part of this metro Politian city and crowded market places in Delhi shook the nation. But, emergence of terror in cities like Bangalore and Hyderabad, known as the IT and high tech hubs, has come as an eye opener. The newer generation of terrorists is home grown, intelligent, well educated,

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and sophisticated. Knowing that India is an emerging global economy, it has been intelligent of them to target the financial centers and centers of economic significance and it is not an act of amateurs.

II. DEFINITION OF TERRORISM:

According to the Unlawful Activities (Prevention) Act, 1967 Section 15² define Terrorist act: [(1)]³ whoever does any act with intent to threaten or likely to threaten the unity, integrities & security ⁴[, economic 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 poisonous 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 [(iia)]⁵ damage

to, the monetary stability of India by way of production or smuggling or circulation of high quality counterfeit Indian paper currency, coin or of any other material; or]

(iv) damage or destruction of any property in India or in a foreign country used or intended to be used 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

(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 ⁶[an international or inter-governmental organization or any other person to do or abstain from doing any act; or] commits a terrorist act.

According to UN General Assembly Resolution Terrorism is 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 considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.⁷

UN security Council defined Terrorism is a Criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act.⁸ A UN Panel 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."⁹ According to Department of Defense Dictionary of Military Terrorism is 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.¹⁰

The European Union defines terrorism terrorist offences are certain criminal offences set out in a list comprised largely of serious offences against persons and property which given their nature or context, may seriously damage a country or an international organization where committed with the aim of: seriously intimidating a population; or unduly compelling a

² . Subs. by Act 35 of 2008, s. 4, for section 15 (w.e.f. 31-12-2008)

³ . Section 15 renumbered as sub-section (1) thereof by Act 3 of 2013, s. 4 (w.e.f. 1-2-2013).

⁴ . Ins. by s. 4, ibid. (w.e.f. 1-2-2013).

⁵ . Ins. by s. 4, ibid. (w.e.f. 1-2-2013)

⁶ . Subs. by s. 4, ibid., for "any other person to do or abstain from doing any act," (w.e.f. 1-2-2013).

⁷ . The UN General Assembly Resolution 49/60 (adopted on December 9, 1994), titled "Measures to Eliminate International Terrorism,".

⁸ . UN Security Council Resolution 1566 (2004) .⁹ Defined by U.N. Penal on 17th March 2005

¹⁰ . Department of Defense Dictionary of Military Terms defines terrorism as:

Government or international organization to perform or abstain from performing any act; or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization.¹¹

United Kingdom defines terrorism to include an act “designed seriously to interfere with or seriously to disrupt an electronic system”. An act of violence is not even necessary under this definition.¹²The United States has defined terrorism as: “...activities that involve violent... or life-threatening acts... that are a violation of the criminal laws of the United States or of any State and... appear to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and...(C) occur primarily within the territorial jurisdiction of the United States...”¹³

III. HISTORICAL BACKGROUND:

The first terrorist movement as appears from the history is of “sacarii” a religious sect in Zealots struggle in Palestine during 66-73 A.D. The “Society of Assassins” was another terrorist group in the medieval period the leader of which was Hassan Ibu-al-sabash who realised that a small disciplined force with a planned, systematic long term campaign of terror would be an effective political weapon.¹⁴

French Revolution was followed by the ‘region of terror’ (1793-94),Maxmilguien Robespierre ruled a country of 27 million with the band of twenty-two colleagues only by the use of terror as in instrument.¹⁵ Terrorism was a reliable weapon in the hands of anarchists during 19th century.

Bakunnin (1814-16) being the most significant anarchist regarded terrorism as a legitimate weapon to fight against injustice, tyranny, capitalism, he state authorities and political organisations. It has played a vital role in the Russian Revolution (1874-81) as an instrument against Tsarist rule. The difference between anarchist’ terrorism and the terrorism in Russian revolution was the former was individualistic whereas the latter was in an organised form Irish terrorism dates back its roots to 1860s which assassinated Lord Mountbatten in 1979.

Armenian terrorism which started in 1860s killed many Turkish officials and representatives .Terrorism was employed in America also by Ku Klux Klun, a secret racial organization since its formation in 1861 till its defeat in the American Civil War (1861-65) and remained active till 1944.¹⁶

Till the late nineties, the impact of terrorism was felt in some Asian nations also like India, Sri Lanka and Afghanistan. Thousands of people were killed and lakhs wounded. Transborder terrorism, internal terrorism and communal riots were putrefying the largest democracy from all sides and the rest of his world sat viewing the dance of death as spectator’s.¹⁷ For instance, Germany struggled against the terrorists of the *Rote Armee Fraktion* (RAF) in the late 1970s, the conflict in Northern Ireland started in the 1960s (and continues), and Spain combats *ETA*, a phenomenon inherited from the Franco dictatorship.

IV.CLASSIFICATION OF TERRORISM:-Terrorism can be classified as follows;

1. National and International Terrorism
2. Revolutionary and Sub-Revolutionary Terrorism
3. Repressive Terrorism
4. Bio-Terrorism
5. Nuclear Terrorism

11 . The European Union defines terrorism for legal/official purposes in Art.1 of the Framework Decision on Combating Terrorism (2002). This provides that

12 . The United Kingdom’s Terrorism Act 2000

13 . United States under the Federal Criminal Code. Title 18 of the United States Code defines terrorism and lists the crimes associated with terrorism. In Section 2331 of Chapter 113(B).

14 . Water Laquer “Terrorism”(London1978),p.8 2.

15 . Water Laquer “Terrorism”p.p21 to24

16 . Water Laquer “Terrorism”p.p21 to24

17 . Louis D.Mitcell”The Klan Today”, The Crises (New York), Februry, 1978.

1. NATIONAL AND INTERNATIONAL TERRORISM:

National or domestic terrorism is violence by a group of citizens against another group or government. It is confined to the territorial limits of a country. International terrorism is of global dimension where the territorial indulges in their activities aboard sometimes in more than one country. The elements of international terrorist activities are: i. perpetrator, ii. Victim/target, iii. in more than one country. International terrorism has also been described as the act of terror which is carried out by individuals or group controlled by a sovereign state.¹⁸

According to Brian Jenkins "international Terrorism" is warfare without any territory, waged without armies. It is warfare that is not limited territorially; sporadic battles may take place worldwide. It is warfare without neutrals, and with few or no civilian bystanders.¹⁹ International terrorism comprises the incidents of International consequences; the acts of terrorism may be committed by the non-governmental group as the agents of the governments.

2. REVOLUTIONARY AND SUB-REVOLUTIONARY TERRORISM:

Revolutionary terrorism means the act of violence to bring change in the government or political system of the country. In it, there is an ideology or a definite programme to justify revolution and terror. Sub-revolutionary terrorism does not aim the revolution but aims the government to accept the desired policy or programme and to act accordingly. This kind of terrorism is not employed to capture the power but to compel the government to do as desired by the terrorist group.

3. REPRESSIVE TERRORISM:

Repressive terrorism is also called as 'state terrorism'. State terrorism now many states have involved in act of terrorism, directly or indirectly for the fulfillment of certain objectives, may be a matter of policy, the act is referred to as state terrorism. Involvement of a state in such acts may be in different ways and in varied degrees. For instance, firstly, the act may be committed by the authorities of a state in respect of some of its citizens residing inside or outside the territory with a view to intimidating them, or against colonialism, or against national liberation movement. Secondly an act may be committed by a state by way of giving assistance to the latter. The range and intensity of the act may be different from case to case. It is to be noted that all the ways of terrorism have not only been condemned by the international community, they are contrary to the well established rules of International law. Further they are contrary to many international conventions and declaration.

Such examples of State sponsored Terrorism:-

1. Terrorism in Jammu and Kashmir, aided by Pakistan.
2. The wholly unjustified and illegal invasion of Afghanistan by the us-led forces in October 2001.
3. The invasion of Iraq of 1991 and 2003 are the clear cases of state terrorism in its fully fury.
4. The assassination of Benazir Bhutto in December 2007 is a glaring example of state aided terrorists.
5. Terrorists attack on Hotel Taj In November 2008, Mumbai is an example of state terrorism aided by Pakistan. Generally state sponsored terrorism has its origin in diverse causes, are Colonialism, Communalism, socialism, Obscurantism, Political prosecution, human rights violation, economic exploitation, Unemployment, alienation, communication gap and an overall moral decay of society.

4. BIO-TERRORISM:

In Bio-terrorism, the disease is related causing germs with the intention to kill a large number of people and to create panic, amongst others. Since 'Bio' means living plants and animals so it also means the using animals or human beings by the terrorists to create terror. Since, Bio-terrorism is practically use of germs (micro-organism) as weapons of mass destruction of people, the most appropriate term is 'microbial terrorism'.²⁰ The disease like Cholera, Small Pox and plague can be spread. These are epidemics and may cause much harm. The disease like 'anthrax' is not epidemic but its virus can be mixed with the telecom or other provider and spread to a 'large populace. This is a deadly disease which requires timely treatment. On-treatment of the same may cause death of one from every five.²¹ The terrorist may possess such techniques so as to use them as tools of warfare. Recently after revengeful attack by America on Taliban in Afghanistan for flushing out terrorists, America has become susceptible to Anthrax bacteria or virus through the powder found in envelopes sent through mails.

5. NUCLEAR TERRORISM:

¹⁸ . Edward Mioses, Transnational Terrorism-New kind of Warfare, Rand Paper Series(Santa Monica, California 1974 p.562

¹⁹ . Brian M Jenkins, 'International Terrorism, New kind of warfare' Rand paper series santa monika California)1974.p.52 20 . Dr.Jugal Kishore, 'Bio-Terrorism-a Public Health Meance' Employment News Weekly,Dec.1-7,2001.pp.1,3 and 4

21 . S.K.Kapoor," International Law" ,pp.877-879

There is a great danger in case the terrorist organizations possess nuclear weapons. The terrorists strike by the use of nuclear weapons may cause devastating Consequences. The terrorist may possess such weapons by theft of nuclear weapons or theft of nuclear materials and their use or threatened use in a crude house made bombs. The terrorists may also be provided nuclear weapons by the nations instigating terrorist acts .The measures to prevent the possession and use of nuclear weapons by the terrorists need to be devised by the United Nations.²²

V. TERRORISM MAY ALSO BE CLASSIFIED INTO TWO OTHER CATEGORIES:-

A. EXTERNAL TERRORISM

B. INTERNAL TERRORISM

All forms of cross-border terrorism are called external terrorism. Jammu and Kashmir, which decided to remain a part of the Indian Territory during the partition of India into two nations, India and Pakistan, after India's freedom, has been the victim of external terrorism.

The second kind of terrorism is internal terrorism. Any form of disturbance or antisocial activity against a State by its own people is called internal terrorism. Such activities may be to fulfil a legal or illegal demand by illegal means. All forms of rioting, an activity of mafias or dons or taking up of arms against the State by any group individually or on the backing of any other State comes within the ambit of internal terrorism. This type of terrorism is seen in the North Eastern States of India, and once prevalent in Punjab.

VI. THE CAUSES OF TERRORISM:

- (i) The avoid desire of some nations to extend their territories and establish their supremacy and might over other nations.
- (ii) Some indignant youths taking up arms against the State on the abetment by certain antisocial elements.
- (iii) The indigent conditions or insatiable greed or desire to make quick money making certain sections of people engage in activities against the State.
- (iv) Certain educated youths, who though holding high degrees, failing to make way to the job market, thus depressed, their minds becoming malleable and falling easy prey to the anti-State activists who use them against their States.

India has realized that the best way to put an end to cross-border terrorism is to maintain an amicable relationship with its neighbour.

The links between terrorists groups operating in India and other countries are quite clear today therefore India has called for concerted global actions to counter terrorism and to ensure the enactment of measures such as sanctions against states responsible for sponsoring terrorists acts across international borders. The government of India has actively supported various international declarations and conventions to eliminate terrorism which is a prime violator of human rights. Some of the international conventions which embody the international law and principles governing the checking of international terrorism, however, need a special mention in this regard:

- ❖ **Convention for the Prevention and Punishment of Terrorism, 1937**
- ❖ **Convention on Prevention of Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents, 1973**
- ❖ **The International Convention against the taking of Hostages, 1979**
- ❖ **Convention to Ensure the Safety and Security of the United Nations and Associated Personnel, 1994**
- ❖ **International Convention for the Suppression of Terrorism Bombings, 1997**
- ❖ **Convention for the Suppression of Financing of Terrorism, 1999**

²² . The Meance of terrorism in India, Tushar Essay for IAS

The above conventions and a few other international and regional conventions have not been able to suppress the acts of transnational terrorism mainly because these conventions have not been ratified by most of the States of the World. Therefore, the most effective ways in which the substantial progress could be achieved for curbing terrorism lies in the universal adherence to these conventions by all or most of the State. The Security Council also became active to curb the terrorism after the terrorist acts that took place in New York and Washington on September 11, 2001. The Council condemned unequivocally the attack by adopting Resolution 1368 on September 12, 2001 and called on all States to work together urgently to bring the perpetrators to justice. The Council called terrorism a threat to international peace and security. After condemnation of the incident, it adopted a resolution unanimously on September 28, 2001 with steps and strategies to combat terrorism.

The world community must dissuade disaffected groups from choosing terrorism as a tactic. The world community must deny terrorism as a means to carry out their attacks. State must be deterred from supporting terrorist groups. The weak States are exploited by terrorists as here they can hide from arrest and train or recruit personnel, States must, therefore, be capable to combat terrorism. While tackling terrorism, the States should not violate human rights and the rule of law. The vice of terrorism has crippled our nation. The adoption of a Comprehensive Convention against International Terrorism would provide a solid legal basis for the fight against terrorism. Legal systems in many countries have resorted to doctrines of necessity to incorporate 'exceptional' and 'extraordinary' legislation to deal with this surge of violence. The challenge for governments and legal systems is to deal effectively with violence within the framework of 'normal' laws and respect for human rights and fundamental freedoms.

VII. SOME OF THE INCIDENTS OF TERRORIST ATTACKS IN INDIA:

- ❖ The attack on the Indian Parliament on December 13, 2001.
- ❖ The simultaneous attacks on the Raghunath temple and Shivalaya temple of Jammu on November 24, 2002.
- ❖ Terrorist bomb attack at Tavistock Square, London, England on July 7, 2005
- ❖ Grenade blast inside the Jama Masjid in Delhi.
- ❖ Serial blasts in Delhi on October 29, 2005.
- ❖ The serial blasts at seven local railway stations in Mumbai on July 11, 2006. The instances of grenade attack in the Kashmir valley, which has amounted to 123 in the year 2006 alone.
- ❖ Taj Hotel in Mumbai attacked and bomb blast by terrorism on 26/11/2008 Terrorist strikes Mumbai on 13 July 2011 Wednesday killing 20 persons and injured over a hundred was at Zaveri Bazar in south Mumbai, a congested part of the city, the second at Kabutarkhana near Dadar suburban railway station in central Mumbai, and third at Opera House also in south Mumbai.
- ❖ The 2008 Assam bombings occurred on 30 October 2008, before noon in markets in Guwahati city and the surrounding area of western Assam. Reports indicated as many as eighteen bombs went off,²³ causing at least 81 deaths and 470 injuries.²⁴
- ❖ The 2009 Assam serial blasts²⁵ occurred on 6 April 2009 in the Maligaon and Dhekiajuli areas of the Assamese capital Guwahati on the eve of the Assamese Rajya Sabha MP and Indian Prime Minister's visit to address poll rallies. It also came during the campaigning phase of the 2009 Indian general election.
- ❖ The 2009 Guwahati bombings²⁶ occurred on 1 January 2009 in Guwahati, Assam, India. They occurred a few hours before Indian Home Minister P. Chidambaram was due to travel to the city. The bombing was carried out by the United Liberation Front of Assam (ULFA), and left 6 people dead and a further 67 injured.
- ❖ From the night of 1 May 2014 until the early morning hours of 3 May a series of attacks occurred on the Bengali Muslims in Assam, a north-eastern state of India. The perpetrator is unknown, but is suspected to be the National

23 . At least 61 killed and over 470 injured in 18 blasts in Assam Archived 12 February 2012 at the Wayback Machine

24 . Serial blasts in Assam, 20 dead, 100 injured". *The Times of India*. 30 October 2008. Archived from the original on 22 October 2012. Retrieved 30 October 2008.

25 . https://en.wikipedia.org/wiki/2009_Assam_bombings, on 14.06.2023, 07.10 p.m.

26. <https://economictimes.indiatimes.com/news/politics-and-nation/serial-blasts-in-guwahati-5-killed-30-injured/articleshow/3922632.cms>

Democratic Front of Bodoland's Songbijit faction.²⁷ Speculated to be revenge for not voting for the National Democratic Front in the Lok Sabha elections, the death toll reached 32.

❖ In 2015, Nimisha alias Fathima, a resident of Thiruvananthapuram, along with her husband Isa Bexin Vincent, left India from Kerala with a group of 21 from Kerala and joined ISIS. Nimisha, a Hindu converted to Islam with her husband. They both worked for ISIS in Afghanistan and in Syria, and her husband died while working with the Muslim terrorist organization ISIS in Afghanistan²⁸.

❖ On 3rd April 2021 Sukma-Bijapur attack: : 22 soldiers including 14 Chhattisgarh policemen and 7 jawans of the CRPF, including 6 members of its elite CoBRA unit, were killed in a Maoist ambush on the border of Bijapur and Sukma districts in southern Chhattisgarh. One CRPF jawan was held captive by the Maoists²⁹.

❖ On 23rd March, 2021 5 security personnel were killed when a bus carrying over 20 security personnel was attacked by Naxals using an IED in Narayanpur district of Chhattisgarh. At least 13 security personnel were injured in the attack.³⁰

❖ On 3rd April, 2021 During a raid on a Maoist hideout in the forests of Bijapur district in Chhattisgarh state, 30 security personnel were killed, and at least 31 others were wounded, in an hours-long gun battle with Naxal rebels, who fought against the security forces with automatic weapons and grenades. The body of one rebel was found, and at least 20 security personnel were reported missing.³¹

❖ On 13th November, 2021 26 naxals were killed in an encounter with the Maharashtra police at the Mardintola forest near Korchi in Gadchiroli district, Chhattisgarh border. Milind Teltumbde, a member of the CPI (Maoist) central committee, was among those dead.³²

❖ On 4th January, 2022 CPI (Maoist) attacked Gurucharan Nayak, the former BJP MLA of Manoharpur, in West Singhbhum district of Jharkhand. Nayak escaped but Maoists slit the throat of his two bodyguards, snatched their AK: 47 rifles and fled. Two bodyguards died in the incident.³³

❖ On 2nd September, 2022 two cadres of CPI (Maoist) killed in an encounter by security forces in Saraikela Kharsawan district of Jharkhand.³⁴

❖ On 26th November, 2022 four naxals, including two women cadres, were killed by security personnel in Bastar division of Bijapur district, Chhattisgarh. Weapons and explosives were also seized, such as .303 and .315 rifles, and a musket.³⁵

❖ On 5th February, 2023 three armed Maoists hacked Chhattisgarh BJP leader Neelkanth Kakkem to death. He had reportedly been receiving death threats.³⁶

❖ On 11th February, 2023 in a second attack within a week in the state of Chhattisgarh, Deputy Chief of BJP of Naraynpura district was shot dead outside his home by two assailants suspected to be Maoists.³⁷

27 . Twenty-two Muslims killed in sectarian attacks in Assam". *Reuters*. 2 May 2014. Retrieved 6 May 2014.

28 . "Police vetting video of Keralite IS woman who wants to return home". *The Hindu*. 16 March 2020. Kerala woman asks court to allow her daughter who had joined ISIS to return to India". 26 July 2021.

29 . Sood, Sanjiv Krishan. "Chhattisgarh Maoist ambush shows leadership failure – both by security forces and the government". *Scroll.in*. Retrieved 7 April 2021

30 . "Maoists blow up bus with 40 jawans in Bastar, 5 killed - Times of India". *The Times of India*. 24 March 2021. Retrieved 25 March 2021. ^ PTI (23 March 2021). "Five policemen killed as Naxals blow up bus in Chhattisgarh". *The Hindu*. ISSN 0971- 751X. Retrieved 25 March 2021. "Chhattisgarh: Five security personnel killed in IED blast in Naxal-hit Narayanpur". *The Indian Express*. 24 March 2021. Retrieved 25 March 2021

31 . "Five troops killed as Indian forces raid Maoist rebel hideout". *Al Jazeera*. 3 April 2021. Retrieved 3 April 2021. Gupta, Rishabh M. Pratap and Swati (5 April 2021). "At least 22 Indian security personnel killed in clash with Maoist insurgents". *CNN*. Retrieved 5 April 2021.

32 . "26 Naxals killed in encounter in Maharashtra's Gadchiroli district". *The Hindu*. 13 November 2021. ISSN 0971-751X. Retrieved 28 November 2022.

33 . "Jharkhand: Maoist Attack On Ex BJP MLA Leaves His Two Bodyguards Dead". *Outlook*. 4 January 2022. Retrieved 22 September 2022.

34 . Two Maoists killed in gun battle with security forces in Jharkhand". *The print*. 2 September 2022. Retrieved 22 September 2022.

35 . Rashmi Tina (26 November 2022). "Bijapur Encounter: Three Maoists killed in encounter with police in Chhattisgarh's Bijapur | Raipur News - Times of India". *The Times of India*. Retrieved 28 November 2022.

36 . "Chhattisgarh BJP leader dragged out of house hacked to death by Maoists". *Hindustan Times*. 6 February 2023. Retrieved 15 February 2023.

❖ On 3rd April, 2023 five members of the CPI (Maoist) were killed in Chatra, Jharkhand. The Bihar-Jharkhand regional committee of CPI (Maoist) calls for a bandh in hand written posters in the two states on April 14 and 15 to protest the murders of their members.³⁸

❖ On 26th April, 2023 Ten members of the district reserve guard and a driver were killed in an IED blast near Aranpur in Dantewada district on April 23, 2023. 2023 Dantewada bombing.

VIII. LAW RELATING TO COMBAT OF TERRORISM IN INDIA:

It is primary duty of the Good government to provide protection towards citizen's life and property. It is said that the good governance is the panacea to all ills. When all the governments in and around the world are taking precise steps and enforcing various laws to check and impede the terrorist organizations and activities, India has taken a retrograde stand and repealed the only anti terrorism law POTA³⁹.

India may be an easy target for the terrorists or people who call themselves so because of the very reason that India doesn't have any official law to tackle the problem of Terrorism. The country has proved to be unable to curb the activities of barred organizations movement in India. Due to absence of strict laws the government was failed to go ahead to control Terrorist activity in different part of India. The Congress government's major undertaking after coming to power was the repealing of the Prevention of the Terrorism Act. India doesn't even have a proper legal backing to deal with terrorism. While many Nations world over strengthened their anti terror laws after 9/11, our country have taken retrograde steps by abolishing POTA. Thus there is an urgent need of an Anti terrorism law in India. Finally on September 17, 2004 the Union Cabinet in keeping with the UPA government's Common Minimum Programme, approved ordinances to repeal the controversial Prevention of Terrorism Act, 2002 (POTA) and amend the Unlawful Activities (Prevention) Act, 1967.

Two laws TADA⁴⁰ and POTA⁴¹ in India were enacted to deal with the menace of terrorism in different times. These two laws were heavily criticized and reprimanded by various parts of the society on the account that, these were contradictory and affected the Human Rights of the people. It was also argued that anti terrorism laws vitiated the due process of law. There was n uproar in all sections of the society and they were consequently repealed. That they flouted the basic concepts of legal infrastructure cannot be negated. A lot of criticisms have been faced by the Anti Terrorism Laws like, there is a lot of chances of the innocent getting convicted and harassed. Due to racist and caste feelings in this country it is very much possible than any individual who is innocent can fall a prey to such acts and suffer. Anti Terrorism Laws are also said to be misused all over the world, especially it could be so in India. The police mechanism of extracting confession by torture is refutable, and there is an acute lack of transparency in the government functioning in India. It is also said that harsh terrorist laws may alienate the common people and the police. This is exactly what the terrorist want to spread –hatred and revenge, ill feeling, disharmony in all and every person. Thus no matter how hard the Anti terrorism laws are criticized and discredited, they are the need of the hour.

Previous laws in India, to deal with terrorism were- the Terrorism and Disruptive Activities (Prevention) Act and the Prevention of Terrorism Act.

IX. THE NATIONAL SECURITY ACT WAS ALSO PASSED ALONG WITH THE UNLAWFUL ACTIVITIES (PREVENTION) ACT TO CHECK TERRORISM.

Severity of the earlier laws and their misuse only serves to underline the need to reframe the laws. Anti terrorism laws are an absolute necessity for society and it should not be treated as political issues even if the implementation is questioned by Human Rights Forum. Terrorism is not a passing phase thus the laws should be efficient, but should take some considerations like:

The Anti Terrorism laws should not be in contravention to any rule of law. The laws should be within the realm of legal principles.

The Anti Terrorism laws should be uniform and equal for everyone. There should be uniform application and execution of the laws.

The definition of terrorism should be precisely narrowed down to exclude criminal activities. Acts where the essence of terror is missing should not be included in the purview of the special laws. This would avoid unnecessary conviction and harassment of convicted persons.

37 . "Suspected Maoists kill BJP leader, Nadda targets Chhattisgarh govt". Hindustan Times. 11 February 2023. Retrieved 15 February 2023.

38 . "Maoists call 2-day bandh". The Times of India. 13 April 2023. ISSN 0971-8257. Retrieved 13 April 2023.

39 . Prevention of Terrorism Act, 2002

40 . The Terrorist And Disruptive Activities (Prevention) Act, 1987

41 . Prevention of Terrorism Act, 2002

There should be greater protection given to the witnesses so that there is greater participation and co operation by the public without any fear and influence. India needs an anti terrorism law but we need to first strengthen the law enforcement machinery. Be more security enabled and sharpen our intelligence services. To stymie terrorist organizations' and weaken the capabilities of terrorist organization there is an urgent need to enact counter terrorist laws. Anti Terrorism laws should be viewed as an efficient response within the rule of law. With the NSA Coming into force India has also come in the League of Nations boasting of efficient Anti Terrorism Laws and legislations during this time. Although the Act has been in force since 1967, the Parliament only inserted a dedicated Chapter towards punishing terrorist activities in 2004 by way of the UAPA Amendment Act, 2004 (Chapter IV). Thereafter, amendments were made to the legislation in 2008 and 2013 as well.

Prior to the redesigning of UAPA⁴², terrorist activities were primarily dealt with under the now repealed Terrorist and Disruptive Activities (Prevention) Act, 1987 ('TADA') and Prevention of Terrorism Act, 2002 ('POTA'). Over the years, a number of challenges have been made to the constitutional validity of both TADA and POTA.

These challenges were mainly on the ground that the Union did not have the legislative competence to enact these laws. For instance, in *Kartar Singh v.State of Punjab*⁴³, the validity of TADA⁴⁴ was challenged on the ground that it dealt with the issue of 'public order', which was within the legislative domain of states. Nevertheless, the Court upheld the validity of TADA⁴⁵. The Court held that 'public order' covered issues of lesser gravity and more serious threats covered in TADA⁴⁶ fell within the Union's domain relating to national defence.

A similar challenge was mounted against POTA⁴⁷ in *PUCL v Union of India*⁴⁸ which too was repelled by the Court on similar grounds. By contrast, the UAPA has never been challenged on the ground of legislative competence.

The Court has scrutinized specific provisions of the above legislations on various occasions. For instance, the Court in *Sri Indra Das v. State of Assam*⁴⁹, read down Section 10 of UAPA⁵⁰ and Section 3(5) of TADA⁵¹, both of which made mere membership of a banned organization, criminal. The Court held that a literal interpretation of these provisions would make them violative of Articles 19 and 21 of the Constitution. This was in line with the previous decision in *Arup Bhuyan's* case where the Court had held that 'mere membership of a banned organization will not make a person a criminal unless he resorts to violence or incites people to violence or creates public disorder by violence or incitement to violence'.

X. EFFECTIVE MEASUREES TO BE TAKEN FOR ESTABLISH MECHANISMS TO STOP TERRORIST ACTIVITY:

1. International crime and terrorism pose a threat to individual freedom, democracy, and rule of law. States are obliged to control criminals and terrorists and maintain law and order.
2. Human rights should not become the first victim in the war against terrorism. States should rather endeavour to adjust human rights to the best standards available. They should also improve their human rights records, e.g. by co-operating with international specialized organizations. In doing so, States will thus increase their ability to co-operate internationally in the struggle against terrorism.
3. The war against international terrorism takes place in very different strategic situations, ranging from peace to international armed conflict. Best practice guides and rules of engagement should clearly instruct State agents on the means and methods available at a given time in a given environment to fight against international terrorists. Lawyers must be available to military commanders, to help to clarify situations.
4. The non-derogatory rights (right to life and prohibitions on torture and inhuman or degrading treatment) must be respected under all circumstances; torture to facilitate interrogation and extrajudicial killings of suspects are crimes under international law
5. United efforts should be made at international level to curb this menace from the civilized society.
6. A well defined, comprehensive, and integrated strategy should be followed.

⁴² . Unlawful Activities (Prevention) Act, 1967

⁴³ . [1994] 3 SCC 569

⁴⁴ . The Terrorist And Disruptive Activities (Prevention) Act, 1987

⁴⁵ . The Terrorist And Disruptive Activities (Prevention) Act, 1987

⁴⁶ . The Terrorist And Disruptive Activities (Prevention) Act, 1987

⁴⁷ . Unlawful Activities (Prevention) Act, 1967

⁴⁸ . (UOI) (2004) 9 SCC 580

⁴⁹ . Prevention of Terrorism Act, 2002

⁵⁰ . Unlawful Activities (Prevention) Act, 1967

⁵¹ . The Terrorist And Disruptive Activities (Prevention) Act, 1987

7. States should rise above their parochial interest and resolve to tackle the problem as a comprehensive whole.
8. UN charter needs to be reformed in the present scenario, for establishing international peace and order in the world.
9. State sponsoring terrorism should be treated as enemy country.
10. State aiding terrorism must be condemned by world court according to the relevant provision of international law.
11. Developed and powerful nations should stop funding the states sponsoring terrorism.
12. Human Rights groups, Lawyers associations, and non-governmental organizations and Media persons should volunteer their efforts sincerely to eradicate terrorism on universal scale.

XI. ROLE OF NATO COUNTERING TERRORISM:

Terrorism poses a direct threat to the security of the citizens of NATO⁵² countries, and to international stability and prosperity. It is a persistent global threat that knows no border, nationality or religion, and is a challenge that the international community must tackle together. NATO will continue to fight this threat with determination and in full solidarity. NATO's work on counter-terrorism focuses on improving awareness of the threat, developing capabilities to prepare and respond, and enhancing engagement with partner countries and other international actors.

- NATO invoked its collective defence clause (Article 5) for the first and only time in response to the terrorist attacks of 11 September 2001 on the United States.
- NATO's Counter-Terrorism Policy Guidelines focus Alliance efforts on three main areas: awareness, capabilities and engagement.
- NATO's counter-terrorism work spans across the Alliance's three core tasks: deterrence and defence, crisis prevention and management, and cooperative security.
- A comprehensive action plan defines and determines NATO's role in the international community's fight against terrorism.
- A Terrorism Intelligence Cell has been established at NATO Headquarters.
- NATO advises and assists Iraqi security forces and institutions through NATO Mission Iraq and is a member of the Global Coalition to Defeat ISIS.
- NATO supports the development of new capabilities and technologies to tackle the terrorist threat and to manage the consequences of a terrorist attack.
- NATO cooperates with partners and international organizations to leverage the full potential of each stakeholder engaged in the global counter-terrorism effort.
- The Alliance's Strategic Concept recognizes terrorism, in all its forms and manifestations, as the most direct asymmetric threat to the security of NATO citizens and to international peace and pros.

XII. CONCLUSION:

Peoples of whole world have been affected by the global menace of terrorism. It is not only an assault on human decency and a negation of fundamental human values, but also knows no boundaries and poses serious threat to human rights. Terrorism has also come to represent a threat to international peace and security, especially when terrorists are armed, financed, and backed,

⁵² .North Atlantic Treaty Organization. Formed in 1949 with the signing of the Washington Treaty, NATO is a security alliance of 30 countries from North America and Europe. NATO's fundamental goal is to safeguard the Allies' freedom and security by political and military means.

directly or indirectly, by governments or their agencies. International terrorism is an international crime, threatening the integrity and political and social fabric of states and destroys public safety and security. Its sinister element is vastly magnified

in its impact when it enmeshes with drug trafficking, arms proliferation, international financial crimes, and generic forms of extremism, fundamentalism, separatism, and intolerance.

Human rights today are increasingly discussed in contexts of violence, use of force and terrorism. The idea that the central objective of human rights is to empower people through human development does not find adequate mention in contemporary debates. It is only when the capacities of citizens are fully developed, their choices make wider and freedoms expanded that human rights would have achieved their objective.

If all people get his basic rights, it means Right to live with livelihood why they are take step to revolution or terrorism. Terrorism is coming due to unhappiness amongst the people which may arise due to unequal treatment of subjects by the rulers, wrong polices of the government exploitation of the common people and freedom from overthrow.

But only repressive laws may not prove effective to control terrorism. To control terrorism effectively, we must have co- operation among us. Co-operation between citizens and police is also very vital. Our Intelligence agencies (C.B.I. & RAW, etc) need to be more alert. And above all, our judicial system should be more fair and speedy.

When we are living in this global country, we are well enjoying the fruits of globalization. At the same time, we have to fight against terrorism with global co-operation. Terrorism is a global problem. It cannot be solved in Isolation. All the countries of the world should work untidily to fight against this global menace. However, we must keep in mind that while taking anti- terrorist steps we must retain the dignity of human rights of any cost.

Terrorism is a crime against humankind. It should be dealt with in iron hand. The forces behind it must be exposed. The countries which support, militancy should be clearly identified and declared as "TERRORIST" states. What are needed are International co-operative efforts to check this evil. The need of the hour is a unified effort against it. 'Wars have won territories, wars have won wealth but no war has ever been known to have won hearts, for the only way to win the hearts is through 'love andpeace'.

