

THE STUDY OF TERRORISM IN JAMMU & KASHMIR

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DECLARATION

I hereby declare that the dissertation entitled “**THE STUDY OF TERRORISM IN JAMMU & KASHMIR**” is an authentic record of original research work carried out by me under the guidance and supervision of Dr. S. PARTHIBAN, Assistant Professor, Department of Politics and Public Administration, University of Madras in partial fulfillment of the requirements for the award of the degree of Master of Arts in Political Science. This work has not been submitted for the award of any other degree or diploma at any board or institution.

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CERTIFICATE

This is to certify that the dissertation entitled “**THE STUDY OF TERRORISM IN JAMMU & KASHMIR**” is a record of bonafide carried out by SHARAN KUMAR S (REG NO: 31320117) under my supervision for the award of the degree of Masters of Arts in Political Science. I further certify that this research work has not previously been submitted for the award of any degree or diploma with similar title to any candidate of this or other universities.

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THE STUDY OF TERRORISM IN JAMMU AND KASHMIR

CONTENTS

TITLE	PAGE NO
Declaration	
Certificate	
Acknowledgement	
Contents	
Chapter 1- Introduction	

CHAPTER 1

INTRODUCTION

Today, the problem of terrorism is spreading not only in a single country but also throughout the world and it has now become a hot topic of the present society. The word “terrorism” is such horrible that no civilized sensible man can dare to have it. It causes innumerable hardships, injuries, miseries and agonies to peace loving citizens and state administrative machineries (Sehgal, Global Terrorism ‘Socio-politico and Legal Dimensions’, 1995).

We daily see, hear and read on the Television, Radio and in the News Papers that many persons killed by terrorists, half of dozen killed in the cross-firing, a large number of innocent person injured by bomb blasts, three to four officers and civilian kidnapped and beheaded, some houses gutted, railway tracks and pipe-line damaged, a petrol pump and Bank looted etc. etc. India is witnessing the most serious terrorists threat in its long history in Jammu, Punjab, North-East regions and other states (AVSM, 1993). The impact of terror is clear as Bandhs, strikes and sudden closure of shops, factories, banks, institutions occur at the bidding of the powerful militants. Many antisocial demands are making way while the sun of violence shines (K.P.S. Gill, 1999).

Terrorism is an organised effort, involving a series of violent acts that produces terror in the minds of effected as well as of the likely to be affected. It aims at inspiring terror, which is psychological experience (Dhall, 1995).

1.1 Meaning and Definition of Terrorism

According to the Oxford Dictionary the term ‘terrorism’ implies “use of terror especially for political purposes”. It clarifies that a terrorist uses violence to cause terror for political ends. The phenomenon of terrorism can be defined as a strategy whereby violence is used to produce certain effects in group of people so as to attain some political ends. One of the effects of such a strategy is often fear. However, there can be also other effects (Jenkins B. , 1975). The terrorism, which is defined as a strategy or as a part of a strategy for attaining political ends or power has certain other components such as:

(i) Terrorism is manifested in acts of socially and politically unacceptable violence.,

(ii) There is a consistent pattern of symbolic or representative selection of the victim or objects of acts of terrorism.

(iii) The Revolutionary movement deliberately intends their actions to create psychological effects on specific groups and thereby change their political behavior and attitudes. (Martha Genshaw Hutchinson, 1972)

1.2 Concept of Terrorism

In order to understand the concept terrorism, we must, in the first instance know the meaning of the words “Terrorism”, “Terrorist” and “Terror” which are discussed as under:

Terrorism

- ❖ According to the Persian linguistics the word ‘terrorism’ has been derived from the Persian verb ‘terrigan’, which means to ‘shiver’ or which reveals to shiver. According to the Bailliy and Breal the word ‘terrorism’ states the word ‘terreur’ which is equivalent to the Persian verb ‘terrigan’ and the Latin verb ‘ters’ or ‘tres’ reveal the same meaning “shivering”.
- ❖ The origin of the word ‘terrorism’ is the Latin verb ‘ters’ from which the word ‘terror’ is derived. It means to create the fear in the minds of public by using the unlawful methods and Lethal weapons.
- ❖ According to die Arabic Linguistics Association the word ‘terrorism’ is derived from the root word ‘rahbah’ or word ‘Irhab’ which means to ‘fear’ or ‘frightened’. The word ‘Irhab’ and ‘Irhabi’ are recent additions word of the language of Arabic. The word ‘Rahbah’ however has several meanings in the ‘Holy Quran’ one of which is ‘awe’ and ‘piety’.
- ❖ According to the AL Read dictionary of Arabic the word ‘irhabi’ terrorism means “terror caused by acts of violence such as murder, casting explosives or sabotage” and ‘al Irhabi’ means “he who resorts to terrorism by murder, planting explosives or sabotage to establish a power or topple another”
- ❖ In view of R.K. Pruthi the term ‘terrorism’ has lost its distinctive meaning because of the familiarity and has also become a description used by any individual or group for

whatever displeases them in behavior of others. It has become part of several recent deprecatory phrases “Intellectual terrorism”, ‘minority terrorism’ “authority terrorism” etc. (Pruthi, 2002).

Terrorists

- ❖ According to the Yonah Alexander the terrorists are those who “use” or “threat” violence against the random or civilians in order to intimidate or to create generalized pervasive fear for the purpose of achieving political goals” (Alexander, 1976).
- ❖ According to the Arabic Dictionary AL Waseet the terrorists are those “who resort to violence and achieve their political objectives”.
- ❖ In Arabic Dictionary A1 Monged the meaning of word ‘Irhabi’ ‘terrorists’ are those who resort to violence to establish their power”.
- ❖ Arabic Dictionary A1 Read states that the terrorists are those “who cause terror by their acts of violence such as murder, casting explosives or sabotage in another word ‘al irhabi’ ‘terrorists’ means those “who resorts to terrorism by murder, planting explosives or sabotage to establish a power or topple another”.
- ❖ The Oxford Dictionary defines the ‘terrorist’ as “one who uses terror inspiring methods in governing”.
- ❖ The Republican of French Revolution of 1789, defines the terrorist as “one who adopts or supports terrorism especially during the region of terror, a member of political extremist group in czarist Russia, an alarmist, scare monger.”
- ❖ In Webster’s International Dictionary the ‘terrorist’ has been defined as “an advocate or practioner of terror as a mean of coercion, one who panics or causes anxiety”.
- ❖ In Encyclopedia a ‘terrorist’ has been defined as “a supporter of a dissident faction who resorts to violence in order to intimidate and coerce people for political ends.
- ❖ A terrorist has also been defined as a person who indulges:
 - i. in wanton killing of persons.
 - ii. In violence or
 - iii. In the disruption of services or means of communications essential to the community or
 - iv. In damaging property with a view to putting the public or any section of the public in fear or affecting adversely the harmony between different religious, racial, language or

regional groups or castes or communities; or coercing or overawing the government established by law; or endangering the sovereignty and integrity of India,” (The Terrorist-Affected Areas (Special Courts) Act. 1984; section 2(h)).

Terror

The word ‘terror’ has been derived from the Latin term ‘terrere’ which means to frighten which has been defined as “a person or thing causing intense fear, the quality of causing dread, terribleness, a program, of terrorism.

- ❖ According to Black’s Law Dictionary the word ‘terror’ is defined as “Alarm, fright, dread, the state of mind induced by the apprehension of hurt from some hostile or threatening even or manifestation, fear cause by the appearance of danger. In an indictment for riot at common law, it must have been charged that the acts done were to the terror of the people.”
- ❖ In Webster’s International Dictionary the word ‘terror’ is defined as follows
“A state of intense fright or apprehension, stark fear, one that inspires fear, a frightening aspect, an appalling person or think”
- ❖ In Funk and Wagnalls Standard Dictionary the word ‘terror’ has been defined as, “An overwhelming impulse of fear, extreme fright or dread, that which or one who causes extreme fear, an intolerable terror”.
- ❖ The word ‘terror’ has also been defined in the Words and Phrases (West Publishing company) as “the term ‘terror’ signifies more than ‘alarm’ or ‘force’. It is agitating or excessive fear which usually benumbs the faculties. It is one of passions the existence of which will sometimes reduce a homicide from murder to manslaughter of but it is never necessary an element of self-defense”.
- ❖ According to another Webster’s Dictionary the word ‘terror’ means, “the sue of force and violence to intimidate, subjugate etc. especially as a political policy.”

T.P. Thornton defined the terror as, ‘terror is a symbolic act, designed to influence political behavior by extra normal means entailing the use or threat of violence. The terror may be used in two forms or ways for achieving political goals.

First is mobilizing forces, these forces are sympathetic to cause.

Second is immobilizing forces; these are forces unsympathetically to cause. The mobilizing forces achieve their goals to sympathetically cause to the population and unimmobilising forces cause unsympathetically to the population.

In ordinary parlance, terror means intense, overpowering fear and use of terrorizing method for governing or resisting a government

1.3 General Definition of Terrorism

Terrorism is “the deliberate use of means of producing a common danger, which shall constitute an act of terrorism chargeable against any person employing crime against the life, liberty, or physical integrity of persons or against governmental or private property for the purpose of propounding or putting into practice political or social ideas will be punished.

Fourth International Conference held in Paris again took up the subject of terrorism and defined as;

“All offences, preparatory acts for such offences as well as agreements and conspiracies aimed at imposing a political or social determine through violence or intimidation will be considered as an act of terrorism”

At the fifth International Conference, it was decided, on the basis of a new report (Roux) that terrorism and crimes of common danger should be examined separately and terrorism was defined as:

“If any act is committed, in order to express, propagate or carry out a political or social doctrine, which causes a common danger to life, health or physical integrity or to private property or that of the local community or state, or causes the danger of interrupting public communications or the functioning of public utilities, it will be considered as act of terrorism”

The Sixth International Conference for the unification of penal law defined as

“Any international acts directed against the life, physical integrity, health or freedom of a. head of state of his/her spouse, or any person holding the prerogatives of a head of state, as well as crown princes, members of governments, peoples enjoying diplomatic immunity and members of the constitutional, legislative, or judicial bodies, producing a common danger or a state or terror

calculated to cause a change in or impediment to the operation of the public authorities or to disturb international relations.”

According to the government of Haiti the terrorism has been defined as

“Any threat or act of violence committed by a person or group of person on foreign territory or in any other place under international jurisdiction against any person with a view to achieving a political object.”

The government of France proposed to define ‘international terrorism’ more narrowly as:

“Any heinous act of barbarism committed in the territory of a third state by a foreigner against a person possessing a nationality other than that of the offender for the purpose of exporting pressure in a conflict not strictly internal in nature.”

The International Encyclopedia of the Social Sciences defines terrorism as:

“Terrorism is a term used to describe the method or the theory behind the method whereby, an organised group or a party seeks to achieve its avowed aims chiefly through the systematic use of violence. Terroristic acts are directed against persons who as individual agents or representatives of authority interfere with the consummation of the objectives of such a group.”

The definition of terrorism is inherently controversial. The use of violence for the achievement of political ends is common to state and non-state groups. The difficulty is in agreeing on a basis for determining when the use of violence (directed at whom, by whom, for what ends) is legitimate. The majority of definitions in use have been written by agencies directly associated to a government, and are systematically biased to exclude governments from the definition. Some such definitions are so broad, like the Terrorism Act 2000, as to include disruption of a computer system where no violence is intended or results.

The contemporary label of “terrorist” is highly pejorative; it is a badge which denotes a lack of legitimacy and morality. For terrorist groups, it is important to be accepted as something other than a terrorist group. Groups that have described themselves as terrorist are therefore almost unknown. It is equally important for a group’s opponents that the label “terrorist” be applied. The term “terrorist” is therefore always disputed. Attempts at defining the concept invariably arouse debate because rival definitions may be employed with a view to include the actions of certain

parties, and excluding others. Thus, each party might still subjectively claim a legitimate basis for employing violence in pursuit of their own political cause or aim (<http://en.wikipedia.org/wiki/definition.&.terrorism>).

1.4 Difference Between Terrorist and Freedom Fighter

Freedom Fighters are those persons who have been the victims of alien, illegal and repressive regime for some time without any access to effective legitimate remedies for their sufferings, therefore, they exercise their rights of self-determination against such regime (O'Day, 2004). The right to self-determination does not give the freedom to the freedom-fighters to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedom of others. According to United Nation Charter, no individual or group of individuals of that particular country could be recognized as freedom fighters, as this would promote the sub-nationalism within a country and can promote disharmony. The right to self-determination is well recognized by the United Nations as an alienable right of people. However, it does not mean that some genuine cases of freedom fighting, like of India and Israel prior to their independence, would be allowed to the secessionists movement in the country.

Even an individual or group of individuals hold nationality of an independent sovereign nation as recognized by the United Nation. They have no moral or legal right to claim themselves as freedom fighters. 'Freedom-fighters can do no wrong' ought not to be the maxim. The freedom fighters may commit a crime. Therefore, their acts of violence should be identified as acts of terrorism. Even during war, killing of the innocent persons, use of excessive force, inhuman weapons, bombing on civilians by inhuman manners etc. are considered as war crimes or crimes against the humanity which is not permissible during war and could not be permitted during the peace situation. All such inhuman acts should be treated as acts of terrorists (United Nation Charter, article 1, para-2).

The distinction between them is from the objective point of view. The main object of terrorists is to use threat or violence individual acts of violence or a campaign of violence designated primary to instill fear. What they claim to be their political and economic object is not "an

objective” but “a set of demands” an objective is a well discerned or perceptible plan while demands are simple expression of desire of an individual or group of Individuals.

The primary object of the freedom fighters is to acquire independence by any means. Their means may be moral, immoral, legal, or illegal etc. It needs to be mentioned that they (freedom fighter) to achieve independence, submit a list or set of demands to the government concerned. Some of their demands may be accepted or not by the Government but they do not deviate from their primary or main purpose. But, in case of terrorism, the same is not accepted.

Independence and self-determination is the main objective of the freedom fighter. But, terrorist does not have such objectives but they claim to have the same. They are deceptive and fluctuating and their main objectives are also same i.e. deceptive and ambiguous. They compromise on partial autonomy and try to stress on the Government concerned to release their colleagues, who are confined or arrested by the government concerned. As a matter of fact, that they resort to violence and terror to get their demands or objectives to be accepted by the government concerned. Due to such deception and ambiguous nature, they become the victims of self-deception and puppets of their own illusions and disillusion. It is also rightly said that terrorism as an objective is a failure (Brain, 1978).

The second important difference between terrorism and freedom-fighters is related to nature and intention. The nature and intention of terrorists are recognized as violence that create fear psychosis (Jenkins B. M.). This is a significant aspect of terrorism. Michael Arson believes that terrorists are cruel members of the society not the freedom-fighters (Johnson, 1974). The acts of terrorists demonstrate the cruelty of an individual or group of individuals, however such group may be large. While the acts of freedom-fighters do not demonstrate such behavior. Innocent persons are not their targets. Their acts represent common conscience of the people (Pachnanda, 2002).

Violence is not precondition or an essential condition for freedom fighting. The solitary aim and object of the freedom-fighter is to get independence at any cost or by any means i.e. through peaceful negotiation or tactical revolution. But in case of terrorism, terrorists think that violence is a pre requisite and essential condition for getting and achieving their goal. There could be no terrorism without violence. Violence is the philosophy of terrorism and it must be adopted by all

terrorists. They (terrorists) usually think that without the use of violence, they could not achieve their goal.

The third difference between the Terrorism and Freedom-Fighters is related to the scope and areas. Both have different kind of areas. The area of terrorism is an international while area of freedom fighter is national and within country. The nature of terrorism may be transnational through which the terrorists wish to achieve certain political objectives. It does not rely on the means available within the region but they seek assistance from across the border and use the international forums to get their demands accepted. They operate in all over the world. They recruit the persons from an international community to perpetrate violence and terror in the world or any part thereof. They maintain contacts on international level for acquiring arms and weapons and to carry out their destructive job at national or international level. But in case of freedom fighters, the areas are limited they act within the national boundary of their country. Their means and objectives are confined to geographical boundary. They may get moral support from the foreign countries but they do not depend on them. They have co-operation of the masses. They would not achieve their goal without it. They liberate the people from bond of slavery, injustice, discrimination, ignorance, exploitation victimization etc., without their support and co-operation, they might not achieve their objectives or goals i.e. independence.

Freedom fighters or revolutionaries do not capture and kill the school children but terrorists usually do so. Freedom fighters do not blow up buses, trains, and airplanes but the (terrorists) do so. Freedom fighters do not assassinate the innocent politicians, businessmen and top scientists but terrorists oftenly do so. Freedom fighters neither hijack the airbuses, or airplanes nor hold innocent hostage men, women, and children but terrorists do so and murder

In short, terrorists are not freedom fighters. The idea that one person's terrorist is another is freedom fighter cannot be sanctioned.

1.5 SIGNIFICANCE OF THE STUDY

Terrorism has been a threat not only to India's democracy but countries worldwide affecting the enjoyment of rights of people. Terrorism has slammed and affected almost every sphere of human life, be it economic or political or social life. Broadly, terrorism is the antithesis of

independence, development and human rights. The frontier regions of India, especially regions bordering Pakistan are the worst affected regions by terrorism. Terrorism in India is characterized by communist, Islamists and separatist groups. Communist terrorist groups are by far the most frequent perpetrators and the main cause of terrorism deaths in India. The most immediate and measurable impact of terrorism is physical destruction. Terrorists destroy existing plants, machines, transportation systems and other economic resources. On smaller scales, acts of terrorism may blow up different public places, markets or religious places. India has been consistently working towards fighting the menace of terrorism at both global and national front, this research examines the terrorist incidents in Jammu & Kashmir. The impact of terrorism is always negative for the economy, and physical destruction is a large reason. Productive resources that might have generated valuable goods and services are destroyed, while other resources are almost invariably diverted from other productive uses to bolster the military and defense. None of these create wealth or adds to the standard of living. Government and citizens are far more inclined to give up economic and political freedoms in exchange for security with the rise of number of terrorist activities. This could result in higher taxes, higher government deficits and higher inflation which adversely affect enjoyment of the rights of citizens.

1.6 OBJECTIVES OF THE STUDY

- ❖ To analyze the in-depth meaning and understanding of the concept of terrorism.
- ❖ To discern the causes and consequence of terrorism.
- ❖ To study the impact of terrorism in Jammu and Kashmir.
- ❖ To offer the suggestions to problem of terrorism.

1.7 RESEARCH QUESTIONS

- ❖ What are the main root causes of terrorism?
- ❖ What is the impact of terrorism?
- ❖ What can be done to combat terrorism?
- ❖ What is the main reason of terrorism in Jammu and Kashmir?

1.8 METHODOLOGY

The study of terrorism in Jammu and Kashmir employs qualitative research methods that rely on secondary data and material gathered from books, journals, newspapers, magazines, and the internet.

1.9 CHAPTERISATION

CHAPTER-1

The first chapter of the study deals with Introduction, meaning and definition of terrorism, significance of study, objectives of study, research question, review of literature, methodology and chapterization.

CHAPTER-2

The second chapter focuses the origin of terrorism in India, legal principles of terrorism in international and national.

CHAPTER-3

The third chapter concerned with the causes and consequences of terrorism

CHAPTER-4

The fourth chapter deals with the impact of terrorism in Jammu and Kashmir

CHAPTER-5

The fifth chapter is conclusion offer suggestions to problem of terrorist

1.10 Review of Literature;

List of Books

Ted Gurr in his book '**Why men rebel**' explores why people engage in political violence (riots, rebellion, coups, etc.) and how regimes respond. Though written long before the current rash of insurgencies, it has a lot to say about what is happening in the early 21st century. His book presents instead a general theory of political violence, and points like the above must be

extrapolated by readers from its postulates. Gurr states and argues sixty-five hypotheses and corollaries, some of which are genuine, if not altogether original, insights into the phenomenon of political violence. His reasoning is comprehensive and solid in an area where so much contemporary thought is sheer fantasy, and his book would deserve circulation outside the field of political science were it not for the fact that for anyone not driven by professional interests. Gurr limits and distorts his discussion of all the related problems, such as the question of legitimacy. The justice of a regime is the ultimate root of its legitimacy, although the historical and political ramifications are innumerable.

Hannah Ardent in her book '**On Violence**' tries to explain the subject of violence in a historical context and questions the nature of its use. She also re-examines the relationships between politics, war, violence and power and uses other theorists to differentiate her point. She defines the key concepts that must be understood for the construction of any 'theory of violence'. Concepts such as power, authority, force, legitimacy and explains and defines power, violence, authority, force, strength and clarifies their relationships with one another and evaluates these concepts and provides examples to enhance understanding of the subject.

Terror and Containment Perspectives of India's Internal-Security by **K.P.S. Gill** in this book he examines many of the deeper linkages, the less obvious implications of a range of terrorist movements, low-intensity war and internal conflicts in India. Book argues The collapse of the Soviet Union has destabilized long-established cold war equations and unleashed violent processes of transformation, of jockeying for power and control, and of neo-colonial and political adventurism. Terrorism is at the heart of the new paradigms of covert aggression that underlies these processes, and this scourge is spreading across the Indian sub-continent in an ever-widening arc that constitutes an immense threat, specifically to the security, stability and integrity of the nations within this region, and to world peace in general.

ARTICLES

Mess in Nagaland NSCN runs the state by proxy by **Maj. Gen Ashok K Mehta** discussed about the nine-year-long ceasefire in Nagaland between the main separatist group NSCN (IM)

and the Central Government and their demand for a Greater Nagaland which encompasses Naga-inhabited territories in Manipur, Assam and Arunachal Pradesh. Through this article he concluded that from Nagaland the Indian Army learnt its basics about counterinsurgency.

Kashmir is of 'vital interest' to Pak: Musharraf by **K.J.M. Varma** discussed the statement given by President Pervez Musharraf saying that Kashmir is its "vital national interest" and a solution to the problem was acceptable only if it met the aspirations of Kashmiris and He also pledged to continue providing political, diplomatic and moral support to the Kashmiris' cause.

CHAPTER-2

Historical background

Terrorism has become a worldwide phenomenon. It is not a modern invention. It has been recurring theme in the story of human kind. The word 'terrorism' has been derived from the Latin verb 'ters' which means to 'terror' or state of intense fear and submission to it. It is equivalent to the word 'fear' and in the French verb 'terreur' which means/reveals the same meaning 'Shiver' or 'Shivering'. It includes that conduct which creates the fear or terror in the minds of general public or groups or individuals in the form of killing, injuring or endangering of members of public. According to the Encyclopedia of the social sciences terrorism means. "A term used to describe the method whereby an organised group or a party seeks to achieve its avowed aims chiefly through the systematic use of violence. Acts of terror are directed against the persons who are individuals, agents or representatives of authority likely to interfere, with the objective of such a group. Death or destruction is part of program of action and if he is caught, his behavior during trial is generally directed primarily not towards winning his freedom but towards speeding a knowledge of his doctrines" (gupta, 2002). The primary aim of the terrorists is to create the terror in the public mind or to erode psychological support to the government machinery by spreading fear among the government officials and their supporters. They kill, injure the innocent persons and also destroy the public and government property. The word terrorism entered in modern vocabularies only in the fourteenth century through the French Language. The first English usage was recorded in 1528. The basic mechanism of terror was captured in an ancient Chinese proverb "kill one, frighten ten thousand" (B.S. Dhall, 1995). The problem of terrorism has existed throughout the world in some form or the other. The ancient Greek historian Xenophon (c 430- c 349 BC) wrote of the effectiveness of psychological warfare against enemy populations. The Roman emperors such as Tiberius (reigned AD 14-37) and Caligula (AD 31-37) used banishment, expropriation of property and execution as means to discourage opposition to their rule. The Spanish inquisition used arbitrary arrest, torture and execution to punish, what is viewed as religious heresy. It is curious to note that use of terror was openly advocated by Robespierre during the French Revolution, leading to the period of his political dominance, called the 'reign of terror' (1793-94). This revolution had really laid the foundation for democratic systems.

During the French Revolution in Paris a wave of executions followed. In the provinces repressions on mission and surveillance committee instituted local terrors (Bryee Marxwll, 2003). In the latter half of the 19th century, terrorism was adopted by adherents of anarchism in western Europe, Russia and the united states. They believed that killing of the kings, presidents, prime ministers and other government officials would pave the way to achieve revolutionary changes in the society. Terror was, therefore adopted as a virtual state policy though an unacknowledged one, by such totalitarian regimes as those of Nazi Germany under Adolf Hitler and the Soviet Union under Joseph Stalin. In these states, arrest, imprisonment, torture and execution were applied without legal guidance or restraint: Terrorism was used by one or both sides in anti-colonial conflicts in Ireland and the United Kingdom, Algeria and France, Vietnam and France/United States and disputes between different national groups over possession of a contested homeland Palestinians and Israel and in conflicts between different religious dominations (Catholics and protestants in northern Ireland) and in internal conflicts between revolutionary forces and established governments (Rao, 1994)

2.1 Origin of terrorism in India

During the British regime, the revolutionaries trying to overthrow the British Government were termed as “terrorists” and Netaji Subash Chandra Bose was considered as a source of inspiration of such “terrorists” The Judiciary, during the British regime in India, dealt with such revolutionaries as “terrorists” under the provisions of the Indian penal code, which is also in force at present.

The first case of terrorism which arose was under section 124-A of the Indian Penal Code and is known as the Joginder Chander Bose case (Queen Empress v. Jogindra Chander Bose, ILR 19 Cal. 35.). During the Freedom movement, many freedom seekers were considered as “terrorists” by the British Government. Activities of such freedom seekers also considered/concluded as crimes. But, they were justified in those days as their intentions were to drive away the foreign rulers. They never killed the innocent people during the movement. By resorting to non-violence they were exhibiting their anguish and dissatisfaction and non-cooperation with the British rule. (Queen Empress v. Bal Gangadhar Tilak, ILR 22 Bom .53) When India was close to become an independent country, Mr. Jinha, Muslim Leader, demanded a separate Muslim country for the Muslim community. The British Government accepted the demand of Mr. Jinha and finally

decided to leave the shores of India. In August 1947 India and Pakistan became an independent country. But British government could not settle finally, the fate of Kashmir. In Jammu and Kashmir where ruler, Maharaja Hari Singh, was unable to make up his mind by August 15, 1947 he offered a standstill agreement to both India and Pakistan for a status quo. But, the Pakistan was very keen to get the Jammu and Kashmir and could not await longer. Pakistan ordered General Akbar Khan to raid on the Jammu and Kashmir, General Akbar Khan attempted to capture the Jammu and Kashmir across the border. Most of the citizens were murdered and raped by the Pakistan forces and tribesmen in the Baramulla Muzaffarabad, Mirpur and Poonch towns. Even nuns in a convent and a hospital were not spared. This was the first terrorist incident that took place in Kashmir India.

Then the Maharaja asked for military assistance from India, which was rendered and raiders and free looters were pushed back from the Jammu and Kashmir. The Pakistan could not succeed to capture the Jammu and Kashmir. Since then, Pakistan has made many attempts to capture the Jammu and Kashmir. Pakistan, directly and indirectly supports the terrorists against the India (South Asia Terrorism Portal: <http://www.satp.org>). , the menace of terrorism has become a complicated problem for India. There seems to be no end of it. The Pakistan, through terrorist activities, has been continuously trying to weaken the India since 1947 and India also has been witnessing terrorist violence since then. It is a well-documented fact that leaders of some of the most dangerous terrorist organizations/groups are in Pakistan and are continuously trying to motivate the youth to take recourse to the terrorist/extremist activities. According to an estimate, nearly 56,000 people have been killed in the terrorist violence in Jammu and Kashmir and other parts of India (The Decline of Terrorism in J & K, 2007). Governor S.K. Sinha said 41,333 persons were killed in the state since 1989, and 16,284 civilians killed by militants where 24,126 civilians including men, women and child were injured, 5,006 security personnel and 20,043 militant were also killed in the period (Ali, 1993).

2.2 Terrorist Organisation

There have been many terrorist's organizations/groups operating in Jammu and Kashmir and other parts, of India. The government has notified groups as terrorist organizations (Prevention of

Terrorism (Repealed) Act, 2002) operating mainly in Jammu and Kashmir, North-East and Naxal affected states. These are as under:

- (i) Babbar Khalsa International
- (ii) Khalistan Commando Force
- (iii) Khalistan Zindabad Force
- (iv) International Sikh Youth Federation
- (v) Lashker-e-Toiba/parban-e-Ahle hadis
- (vi) Jaish-e-Mohammed/Talrik-e-Furan.
- (vii) Harkat-ul-Mjuahideen/Harkat-ul-Ansar/Karkat-ul-Jehad-e-Islami.
- (viii) Hizb-ul-Mujahideen/Hizb-ul-Mujahideen Pir Panjal Regiment.
- (ix) Al-Umar-Mujahideen.
- (x) Jammu and Kashmir Islamic Front
- (xi) United-Liberation Front of Assam.
- (xii) National Democratic Front of Badland.
- (xiii) People's Liberation Army
- (xiv) United National Liberation Front
- (xv) People's Revolutionary Party of Kangleipak
- (xvi) Kangleipak Communist Party
- (xvii) Kangepyaol Kanbalup
- (xviii) Manipur People's Liberation Front
- (xix) All Tripura Tiger Force
- (xx) National Liberation Front of Tripura
- (xxi) Students Islamic Movement of India.
- (xxii) Deedar Anjuman.
- (xxiii) Communist Party of India (Marxist-Leninist) People's War, All its Formations and Front organizations.
- (xxiv) Maoist Communist Centre, All its Formations and Front Organisations.
- (xxv) A1 Badar
- (xxvi) Jamiat-ul-Mujahideen.
- (xxvii) Al-Qaida.
- (xxviii) Dukhtaran-e-Millat

In North-East the region has been plagued with armed insurgency in the states of Assam, Manipur, Nagaland Tripura and Meghalaya. These extremist's outfits have not only developed active inter-links with each other but also receiving covert assistance in diverse forms from neighbors across the border. A significant number of deaths have occurred in these states. There are also other states which are suffering from the Naxalism problem. These states are Andhra Pradesh, Madhya Pradesh, Orissa, Chhattisgarh, Jharkhand, Uttar Pradesh, West Bengal Bihar, Tamil Naidu and others. A significant numbers of deaths have also been occurred in these states.

2.3 Legal principles against terrorism

Some, measures have been taken both at National as well as international level to combat terrorism. For systematic study of the legal principles, we can classify it into following parts.

1. International Legal Principles
2. National Legal Principles

International legal principles

The attempts to control international terrorism started from with the league of Nations which unanimously adopted a resolution in December. 1934, instituting a committee of experts to draft an international Convention to curb offences in pursuance of political terrorism. Later on, an International convention was convened in Geneva which met from November 1 to 16, 1937. The conference examined and adopted two conventions the Convention for the Prevention and Punishment of Terrorism, and the Convention for Creation of an International Criminal Court.

The first convention received only one ratification, that of India in January 1941. However, both conventions did not come into force for want of ratifications. After the coming into force of the United Nations, a few conventions have been concluded for the suppression of the specific forms of international terrorism which are as under:

(i) Air Craft Hijacking Beside the General Assembly Council Resolutions 2251 (XXIV) and 2645 (XXV) and the Security Council Resolution 286 (1970), International civil aviation organisation (ICAO) adopted three conventions

(a) The convention on Offences and Certain Other Acts Committed on the Board of Aircraft at Tokyo, 1963 (The Tokyo Convention, 1963)

(b) The Convention for the Suppression of Unlawful Seizure of Aircraft of 1970 (The Hague convention, 1970).

(c) The Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 1971 (The Montreal Convention, 1971).

(ii) Acts against Internationally Protected Persons, 1974 The main purpose/ and object of the adoption of this convention was to render inescapable the punishment of the crimes committed against persons entitled to special protection.

(iii) Taking of Hostages The main object of this convention was to control the offences against the Taking of Hostages and to take effective measures for prevention, prosecution, and punishment of all acts of taking of hostages and manifestation of international terrorism. (General Assembly Resolution 34/116.)

(iv) Convention to Ensure the Safety and Security of the United Nations and Associated Personnel, 1994 The primary object of this convention was to oblige to states to establish jurisdiction in respect of the united nations and associated personnel and quickly to conclude agreements on the status of United Nations operations and personnel. (General Assembly Resolution 49/59)

(v) Convention for the Suppression of Terrorist Bombings, 1997 The main object of this convention was to prevent the activities of the terrorists, who unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a

place of public use, a state government facility, a public transportation system or an infrastructure facility, or with intent to cause death, serious bodily injury, or to cause extensive destruction of such place, facility or system such person shall be considered as terrorist and punishable under the convention. (General Assembly Resolution No. 51/164.)

(vi) Convention for the Suppression of the Financing of Terrorism, 1999

The primary object of this convention was to suppress the funds to be used to carry out acts that are considered terrorist activities. The funds and finances the means, assets of everything/kind, whether tangible or intangible, movable or immovable, bank credits, travelers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit etc. (General Assembly Resolution 54/109.) Without the funds, it is impossible to carry out the activities. Therefore, to control the terrorism suppression of funds is very necessary'.

National legal principles

After attaining Independence, India has been continuously witnessing the violence in one form or the other. According to an estimate, the Government of India has enacted certain laws or legal principles from time to time. These prominent are as follows

- (i) The Armed Forces Assam and Manipur (Special Powers) Act, 1958.
- (ii) The Unlawful Activities (Prevention) Act, 1967.
- (iii) The Jammu and Kashmir Safety Act, 1978.
- (iv) The National Security Act,' 1980.
- (v) The Assam Preventive Detention Act, 1980.
- (vi) The Anti Hijacking Act, 1982.
- (vii) The Suppression of Unlawful Acts Against Safety of Civil Aviation Act, 1982.
- (viii) The Armed Forces (Panjab & Chandigarh) Special Power Act, 1983.
- (ix) The Terrorist Affected Areas (Special Courts) Act, 1984.
- (x) The Terrorist and Disruptive Activities (Prevention) Act, 1985.
- (xi) The Terrorist and Disruptive Activities (Prevention) Act, 1987
- (xii) The Terrorist and Disruptive Activities (Prevention) Amendment Act,1993.
- (xiii) The Unlawful Activities (Prevention) Amendment Act, 2019.

CHAPTER-3

CAUSES AND CONSEQUENCES OF TERRORISM

There are several factors for the emergence of terrorism. Some may be genuine and some less-genuine. Some genuine causes include socio-economic, political motivation and frustration, regional disparities, intervention into religious, social and personal freedom of the people, communalism and secessionism etc. and other less-genuine reasons for growing of terrorism are illiteracy, increase of population, soft attitude of government towards criminals and economic offences etc. But, it does not mean that these less-genuine reasons are not responsible for emergence of terrorism (Sehgal, 1995).

These causes are responsible to lead to erupt frustration anger and anxiety in the minds of the people and finally this frustration and anger explodes in forms of violence in the society. Violence breeds violence. There have been millions of 'freedom-fighters' and 'terrorists' in different parts of the world and all these belong to different nationalities, ethnic groups different religious and different ideologies. After all these differences, they all have the common things i.e. disagreement, dissatisfaction with the established government' of state (R.K. Dasgupta, 2002).

The responsible factors of emergence of terrorism may briefly be classified as under;

- (i) Socio-Economic Factors
- (ii) Political Factors.
- (iii) Regional Disparities

3.1 Socio-Economic Factors:

Socio-economic causes or refers gross economic inequalities in which there is exploitation of man by man. where the majority consists of the affluent and richer section. They lead a life of luxury. This class exploit weaker sections who are deprived of their basic necessities and becomes helpless. Such factors contribute toward the growth of an atmosphere which is conducive to promote the 'terrorism' There have been several examples that the political parties and their leaders thrive on creating an atmosphere of hatred between the different groups in society. Their attempts include rigging of polls by capturing booths and fighting opposing electorate at different stages of elections. In such incident, the affected or aggrieved persons lead to or contribute towards the growth of terrorism (Sehgal, 1995).

Economic inequality and widening gap between rich and poor is undoubtedly a very important cause leading to terrorism in human society. Hamilton says in his empirically tested formulation that "terrorism has emerged among the rich and poor oppressive". The rights and privileges of the deprived sections must be protected to check the increase of terrorism in the society. Economists have reasons to believe that those who commit criminal acts respond to incentive of terrorism. They also believe that such people commit crimes with a hope to become rich or better off and they, doing so, use the resources in disruptive activities. Their main aim is to get better conditions. In this context, many more analysts believe that if in a society, a significant number of people, or some identifiable sub-group of a larger population, feel discriminated and have some social, economic or political grievances, the emergence of a social unrest movement is likely to lead to terrorism. This movement may seek and demand equal rights, privileges and justice for allegedly discriminated- or frustrated or deprived people or may even demand a separate homeland or a separate state." (centril, 1958) There are a number of examples of terrorism particularly, the revolutionary terrorism, occurring, in the different states, due to the real conditions of discrimination, deprivation, frustration, injustice, misery, poverty and unemployment among a large section of people in a society. There are a number of states suffering from this factors i.e. Nagaland, Tripura, Assam, Mizoram, Manipur, Andra Pradesh and Chhattisgarh etc. This does not mean that only social and economic grievances are sufficient conditions for raising the terrorism. Walter lacquer says that terrorism has emerged in response to repressive. Hamilton says in his umpiring tested formulation that "terrorism has arisen among

rich and poor, oppressive and relatively unoppressive societies. It has been used to promote causes with no popular support as well as causes endorsed by a large majority. Clutter Buck and Lacquer feel that terrorism does not emerge due to poor and exploited but it emerges due to ideal elites and unparalleled affluence rather than the desperate poverty.

Terrorism may also arise in those societies, where the reasonable demands of a large sections of the people are unreasonably denied by the society while the society has the capacity to satisfy the demands of people. Such people become conscious and try to catch up the activities of terrorism to fulfill their reasonable demands.

Ted Robert Gurr in his Book 'why men rebel' has argued that 'Decremental Deprivation' is a cause of terrorism 'Decremental Deprivation' occurs when the value capabilities of a given large section of people drastically declined due to one or several reasons by the established regime and such 'Decremental Deprivation' leads to in form of terrorism. Gurr further argues that the success of Bol Sheviks movement in seizing power in Russia in 1917 was due to large part of Decremental Deprivation (Gurr, 1971). The root of causes of terrorism are not deprivation oppression but the perception and experience of injustice and belief that, such injustice is not natural or inevitable, but arbitrary, unnecessary and remediable. In an inflation of growing expectations, the unfilled promises of abundance, equality, independence and sovereignty provoke bitter frustration and spreading feeling of needlessly suffered injustice that can and should be terminated by

violence (Kumar G. , 2003).

Economic factors and issues are considered very important source of political violence or emerge of terrorism. When these economic factors or discontent expectations and aspirations are not fulfilled by the authority, lead to disturbances and turmoil forms. According to the Aristotle and Marx, the principle cause of revolution is the aspiration for economic or political equality on part of common people and they (people) were exploited on both level i.e. economic and political (Wellson, 1905). When people made to feel that their legitimate aspirations are repressed or unfulfilled then they become frustrated and this frustration choose the proper channel of expression which lead to political violence.

According to Gurr, “Economic values are more salient for most people than other values because some minimal level of economic good is necessary for continued physical existence” Economic dissatisfaction may cause political violence. (Gurr, 1971)

Socio-Economic factors of terrorism results into various problems in the society. These are briefly discussed as under:

- (a) Unemployment
- (b) Poverty
- (c) Illiteracy
- (d) Homelessness, Desperation and lack of Opportunity.
- (e) Wrong Policies of Government
- (f) Accumulation of Wealth in few Hands
- (g) Deprivation of Basic Rights and Violation of Fundamental Freedoms

(a) **Unemployment:** It is considered as a prime factor for emergence of terrorism. It is a valid reason for youth becoming restless. Employment is considered as a source of livelihood. Unemployment is exploitation of the youth power and denial of opportunities to them, thus become the prime factor of terrorism. It is pity that even the professional graduates are feeling alienated today. Unemployment is one of the most alarming social problems in India. However, this problem/factor is not peculiar to India alone, but is now assuming global dimensions and so terrorism is spreading. All the developing countries in the world carry a crushing burden of employment persons. The unemployment persons, whether they be new entrants, experienced persons, old persons, casual workers or under employed suffer seriously for want of economic opportunities. When the employment is not available to young persons they become frustrated, disillusioned and mentally sick. Finding no outlet for their constructive energies, they lead heavily towards the anti-social activities and become in disciplined and recalcitrant youth (AVSM, 1993).

(b) **Illiteracy:** ‘Illiteracy’ is also considered as a contributory factor to terrorism. It is generally presumed that an illiterate may easily be misled by the people as against a well-educated person.

Education, therefore help in overall development of personality of a person. Terrorists, sometimes misled illiterate masses either in the name of religion or otherwise and prepare them to join terrorism. The poor persons, generally from rural folk fall prey to their slogans of self-determination. They, leaving aside national stream, gets derailed and trapped in the terrorist circles. But, on the other side, we also find that most of the terror attacks are well designed articulated and master mind by well-educated persons of the society including doctors, engineers and professors.

(c) **Poverty;** Poverty is also considered as one causes of the of the terrorism. The economic inequality and the widening gap between the rich and poor is considered to contribute towards the growth of terrorism. The Problem of terrorism cannot be tackled so long as there is a concentration of wealth in a few hands at the cost of millions of poverty-stricken masses around the globe. India, where the wealth of the nation is concentrated in the hands of a few privileged people, and millions of people are wailing in a poverty every day. The intellectuals therefore, must define in clear

terms the socialist pattern enshrined in the Constitution of India, i.e. whether this pattern is aimed at to level the gap between the poor and rich and also in order to prevent the concentration of wealth, the socialization of wealth of the nation is of utmost importance forum so that each and every person could lead a life of dignity.

(d) **Homelessness, Desperation and Lack of Opportunity Homelessness,**

desperation and lack of opportunities- make the life of a person miserable. The cumulative and resultant effect of them helps in the derailment of mind of person. He easily gets influenced by the dreamy life of wealth and leisure. Terrorist organization generally are in need and search of such derailed personalities. They are recruited and trained for different nefarious activities and are promised to give huge wealth and a comfortable life, But, it does not mean that all persons who are devoid of basic necessities would turn to terrorists; but it is certainly a factor which helps in their preparedness to take 'terrorism' as a career.

(e) **Wrong Policies of the Government;** The wrong policies specially non application of mind in the implementation and administration of developmental policies are a major factor which is responsible for the miserable living conditions of thousands of people in India and the world at large. Rampant corruption in the implementation level further add fuel to fire. Hardly 10 percent funds of such policies are actually used in the programmes and rest of funds are eaten away by the so called middlemen and administrators. People who are already living in drastic graphical and social conditions are further pushed behind. Resultantly, they are neither involved the democratic process nor in the developmental process. About 30 percent population of our country are fighting for bread and butter even 75 years after independence. These people get frustrated and may fall prey of anti-national forces including terrorist organisation.

(f) **Accumulation of Wealth in Few Hands;** India got independence in 1947 and the Constitution of India came into force in 1950. In the last 72 years, it appears, that the goal of social and economic justice enshrined in the preamble is far from reality. Actually, the things are going just opposite to what is prescribed in the Directive Principles of State Policy. The people who were rich have become neo-rich and the poors are losing their identity and are reduced to nonexistent level having no participation in the national building and processes. The social and economic justice for all is a fallacy and the doctrine requires to reconsideration. These people easily join anti-social forces to destabilize the country. Basic economic needs of all must be fulfilled, otherwise, deprived sections of society may turn hostile and violent

(g) **Deprivation of Basic Rights and Violation of Fundamental Freedoms:**

The police and enforcement agencies of our country are infamous for violation of fundamental rights and freedoms of the people. In the name of interrogation, brutalities are committed. Fake encounters by security agencies and police are also not uncommon. Innocent people, sometimes, are killed and their dead bodies disposed of without postmortems. In these situations, the victims and their society gets isolated from the government. They have no faith whatsoever in the administration. Resultantly, they are approached by anti-social forces for help and assistance. These anti-social groups taking advantage of their indifferent conditions of mind, exploit them for ulterior objectives.

3.2 Political Factors

Political factors are another cause of terrorism and it has emerged as an explosive cause for terrorism in recent history. Political frustration means lack of opportunity for political participation to a group in large pluralistic society. Due to non-redressal of grievances and discontents among a large section of people, who generally act on behalf of a passive majority, lead to terrorism.

Ted Robert Gurr has argued that political violence is a consequence of a significant gap developing between the value expectations of a group of people and value capabilities of that group. Aspirational deprivation leads to emerge as terrorism and it (aspirational deprivation) happens when value capabilities of a group remain stand still or constant while its value expectation increase. Gurr points out in this regard that the violence caused by Black Americans in the 1960's is an example of violence caused by aspirational deprivation. Black's demands for immediate equality had come up against the realities of continuing discrimination and prejudice, resulting in wide spread dissatisfaction and frustration. (Gurr, 1971)

Politics of the ruling party, in its bid to keep held on power structures, directly or indirectly knowingly or unknowingly breeds terrorism. Undue political interference in administrative and police functioning, patronizing the criminals and terrorists. A political criminal-terrorist's nexus is an important cause of terrorism. The toleration on part of government towards certain kind of terrorists, particularly when it is question of 'my enemy's enemy is my friend', emboldens the perpetrators. Corruption on part of government functionaries demoralizes the police cadres. When the government shows too leniency to the 'youths' to appease certain sections of population or at times, becomes too repressive, terrorism tends to flourish (Jain, 1995).

Hannah Arendt suggested that the acts of extreme revolutionary violence in Industrialized societies may be the revolt against the rule of 'Nobody' (Arendt Hannah, 1972)

Bernard Krick also suggested that in an age of bureaucrats, tyrannicide is plainly less useful than terror. Sometimes, political power holders and power seekers very conveniently and deliberately ignore the intelligence reports about the subversive activities of some insurgent's terrorists and hard criminals. In other cases, even the top political leadership is found to be a party, directly or indirectly, to subversion and destabilization of the country. A weak as well as an unresponding leadership permits terrorism (kaplan).

Incapability and leniency of the government in the way of handling of some highly inflammable or sensitive situations leads as a catalyst for terrorism. An overreaction and under reaction may also invite to terrorism. Excessive use of force to quell protest or squash dissent may aggravate the situation by providing the rationale to use terrorist method as to retaliate, to some already potential violent elements. “Development of such action-reaction syndrome then establishes the structure of the conflict between the regime and the challenges” (Arendt Hannah, 1972).

3.3 Regional Disparities

Regional disparities are also an important cause to the emergence and growth of terrorism. This cause occasionally takes the form of separatist movements. Ted Robert Gurr said that ‘progressive deprivation’ and regional disparities may lead to terrorism. As an example of progressive deprivation Gurr notes the waves of Rioting in colonies when liberalizing tendencies and reforms did not result in prompt independence (Gurr, 1971).

Regional disparities is a highly inflammable cause that serve or exists in many part of the world and every nation or state have a large number of highly soft aware linguistic, religious, cultural and ethnic groups with significantly concentration of economic infrastructure at selected places either instigated or ignored by government results into regional disparities among the various regions compelling this (the ignored peoples) demands to regional autonomies and failure to fulfill their demands they lead to regional terrorism (Jain, 1995). The stages of this regional terrorism may be called an open revolt against the government or outside entrepreneurs. This follow violence with soft targets which might also include the local not toeing the line of terrorists (Jain, 1995). Many times interference in religious, social and personal freedoms of people by the government results into emotional outburst which leads to terrorist violence (Welldon, 1905). It is said that, “Terrorists are not born but created by the particular sociological, economic and political conditioning process.” (Welldon, 1905) Men by nature are freedom loving and possessive and any challenge to these basic instincts may amount to fueling a fire of terrorism. It is fact that sometime some unimaginative persons give wrong interpretation to the things or facts and mislead or misguide innocent peoples and incite or instigate them to resort to violence. It is also a hard fact that many a time, young innocent boys are lured to lead terrorism either for huge money or for any cause, which they are told is a sacred one (Gurr, 1971). Many

significant number of political autonomist and separatist movements are, at present, active in many countries according to their geographical locations. These may be listed as. Tamils in Sri Lanka, Kurd in Iraq, Bretons and Serbs and Slaves in Yugoslavia, Irish Catholics in Northern Ireland, Quebec secessionists in Canada, Basques in Spain, Corsicans in France, and Kashmiri Militants and Sikhs in India and Baluch's and Sindhis in Pakistan (Jain, 1995).

All these groups motivate or provoke to the people develop a strong self-awareness sense and demand not only of formal recognition of their identities, special constitutional safeguards, more autonomy and decentralization of political power but also completely separate sovereign status.

3.4 Causes/Emergence of Global Terrorism

A root cause of terrorism is what facilitates the murderous acts of the terrorists and helps them to go unpunished. We again owe it to Mr. Kofi Annan for introducing a healthy balance in this debate on the so-called root causes and removing any confusion. He told the Madrid summit on March 10 "Groups use terrorist tactics because they think those tactics are effective, and that people, or at least those in whose name they claim to act, will approve. Such beliefs are the true "root cause" of terrorism. Our job is to show unequivocally that they are wrong".

1. There may five root causes of continuing and thriving terrorism. These are discussed below:

- (a) Soft State
- (b) No Action Against the States Sponsoring Terrorism
- (c) Double Standards
- (d) Non-implementation of U.N. Principles
- (e) Powerless Police and Security Agencies

(a) Soft State: The first and the foremost root cause of thriving terrorism is the failure of the international community and the individual Victim-States to make it clear to the terrorists that

terrorism does not and will not pay. A soft State, which fails to deal with terrorism effectively and lets itself be intimidated by the terrorists, is the primary root cause.

(b) No Action against the States Sponsoring Terrorism: The second root cause of thriving terrorism is the failure of the international community to act firmly against the State-sponsors of international terrorism. Terrorism bred by other States withers away when deprived of such support.

(c) Double Standards: The third root cause is the double standard adopted by certain nations in their attitude to terrorism. For them, terrorism is what threatens the lives of their citizens and their national interests. What threatens the lives and interests of others is acceptable and understandable behavior, even, if, perceived by the victims as terrorism. India has been a major victim of the double standards by the US and other Western countries. One finds these double standards not only in governmental, but also in non-governmental, including academic circles. It is such double standards which convey a wrong message to terrorists that terrorism pays in certain circumstances.

(d) Non-Implementation of U.N. Principles: The-fourth root cause of thriving terrorism is the unsatisfactory implementation of UN Security Council Resolution No.1373 by many States, particularly Pakistan, and the failure of the international community to act against them. Pakistan has repeatedly avoided extending mutual legal assistance to India in the investigation and prosecution of terrorism related cases. It has avoided the arrest and deportation of 20 terrorists figuring in the INTERPOL'S Red Comer Notices, who are wanted in India for indulging in acts of terrorism. It has violated the Conventions of the International Civil Aviation Organisation by failing to arrest and deport hijackers. It has avoided freezing the bank accounts of many jihadi terrorist leaders and organizations and of Dawood Ibrahim, the notorious mafia leader, who was declared by the US Treasury Department as an international terrorist in October 2003. The US had requested the UNSC to move for the freezing of his bank accounts. Pakistan has chosen to ignore this (Jain, 1995).

(e) Powerless Police and Security Agencies: The fifth and final root cause of thriving terrorism is found in our own civil society and not in those of others. That is the opposition of our liberal elite to the legal empowerment of our police and other security agencies to enable them to perform effectively their counter terrorist responsibilities. Indira Gandhi and Rajiv Gandhi were in the forefront of the national and global battle against terrorism and sacrificed their lives.

3.5 Effects of Terrorism

Terrorism produces harmful effects and it may be diverse in nature. Terrorism may be disastrous for all countries, both rich and poor, and their people. The normal life is disturbed and peace and tranquility in social life get vanished. The atmosphere of uncertainty develops and everything seems to coming to a halt. The smoke of devastation hovers all around and fear psychosis among the common masses prevails. It (terrorism) breaks down the social, economic, political and legal structure of the affected countries and the entire process of development comes to a halt. The economy of the affected countries gets sheltered miserably. The maintenance of the rule of the law and human rights becomes almost impossible. The developmental processes of the country get terminated. Terrorism perpetrates violence, degrades morality and destroys the fabric of democratic societies. In this regard, Jerusalem Conference on International Terrorism held in 1979 deduced that terrorism is a serious and growing threat to the people of the all states which live under the rule of law, that it is no longer a national problem, but a global one that it cannot be contained, unless consolidated and concerted internal efforts are generated against it (Chattroraj, 2005).

For the purposes of study, the adverse effects of terrorism may be classified as under:

(i) Political Effects Terrorism has far reaching and dangerous effects on the political situation of the affected countries. The normal political activities are completely halted and disrupted. It produces the instability, hindrances to the growth of democracy and loses administrative authority. The normal political activities come to stand still and democratic institutions also come under heavy strain. The people of aspiration for a better living get a severe setback. The administrators find it difficult to exercise their activity freely and quite often developmental funds be used to the fuller advantages of the society. The routine works come under strain and the facilitating services revolved to the society get utterly disrupted.

(ii) Economic Effects The normal business and economics of the country gets a heavy a setback. The investment falls and the capitalists feel shy away their investment. The processes of growth come under the heavy strain and peace of change slowdowns. Terrorism derails the economy of the effected countries.

(iii) Social Effects Terrorism also disrupts the social activities of the people. The hundreds of educational institutions get destroyed or remain closed. Other social institutions hardly do any meaningful work owing to fear and uncertainty. The growth of social culture gets under heavy strain (Chattroraj, 2005).

CHAPTER 4

TERRORISM IN JAMMU & KASHMIR

The nature of the problem and issues of terrorism, insurgency and naxalism is different in different states in view of their varied social, economic cultural and geographical conditions. Therefore, for the convenience of study, the problem and the related issues are discussed.

India's northernmost state, Jammu and Kashmir, lies in the Himalayas and borders Pakistan, Tibet, and China. The state comprises the administrative regions of Jammu, which lies in the plains below the Pir Panjal range, and has a population of approximately 4.39 million Ladakh, bordering Tibet, with a population of 0.23 million and the Kashmir valley between the Pir Panjal and Panjri ranges, with a population of 5.44 million (http://planningcommission.nic.in/plans/stateplan/sdr_jandk/sdr_jandk.htm).

Jammu and Kashmir is the only Muslim majority state in India. However, the state is divided roughly along religious lines. Ninety-five percent of the residents of the Kashmir valley are Muslim, the overwhelming majority of whom are Sunni, while 50 percent of the population of Ladakh is Buddhist and 46 percent is Muslim (most of the Muslims of Ladakh are Shia). Jammu

has a very different religious make-up, with 66 percent of the population Hindu and most of the rest Muslim. The literacy rate is 54 percent, lower than the national average of 65 percent (BBC News, India/Pakistan government census,).

If there is a paradise on the earth it is here in India, in India, in India-Amir Khusro-Famous Medieval, poet (Musician and Philosopher 1253-1325 AD). The Jammu and Kashmir was a peaceful and beautiful state before 1947. There were no disturbance and the situation was normal. The famous Medieval poet, Amir Khushro said, if there is a paradise on the earth it is here in India.

There are various factors responsible for the emergence of terrorism in J & K namely; Historical, Political, sociocultural and Economic factors which have been discussed as under:

4.1 Historical Factors

Maharaja Harisingh, the autocratic ruler of state of Jammu and Kashmir, had also preferred to maintain the equal distance from both country India and Pakistan, to continue his autocratic dynasty rule, as well as the sovereign status of his government. Further, it appears that two major mistakes were made by the Government of India regarding the issue of J.& K viz.,

(i) accession was accepted provisionally and its finalization was made subject to the will of people to be ascertained through plebiscite/referendum.

(ii) The Kashmir issue was referred to United Nations by government of India, where security council passed the resolutions for holding plebiscite in Jammu and Kashmir (Design to Destabilize, 1989).

4.2 Political Factors

The people who opted' for gun to change the history of Jammu and Kashmir were given the arms, ammunition, financial help/assistance and training from across the border by Pakistan. Amanullah Khan, Chief Commander of the Jammu and Kashmir Liberation Front (JKLF) encouraged the Kashmiris youth the choose the way of violence and to recruit in Pakistan Interservice Intelligence (ISI) for launching the armed struggle. Pakistan provided the diplomatic, political, moral and financial support to local Kashmiris in the name of 'Azadi' (Chopra, 1989). The command and control of the JKLF and HUM ultimately headed over to the

non-Kashmiri militants. Due to this the situation in state become very worsened and after death of Sheikh Abdullah, general Zia had instigated a plan to train the Kashmiri youth to launch an “armed crusade” in the valley. But, it could not get much success and until the mid1980 that plan had again revived. The Indian Analysists analyzed that trouble was instigated by the Pakistan. They also argued that Pakistan’s ISI had played a leading role in the Kashmir. The JKLF started to make the target Indian institutions like, police, judiciary, politicians and media and also raised the slogans of liberation of Jammu and Kashmir from India (“The National Herald, June 15, 1991).

4.3 Socio-Cultural Factors

The socio-cultural factors are also treated as major causes for eruption and emergence of terrorism in the name of ‘Jehad’ in the Jammu and Kashmir. The creation of Pakistan as a Muslim majority country in the neighborhood of Kashmir provided an ideal solution, in which radical political Islam was propagated, promoted and transported to Kashmir. The propagandists of two-nation theory took the refuge of certain Quranic verses which stress that Islam does, not recognize the barriers of language, race, and domicile and thus discarded the Kashmiri nationalist as an un-Islamic ideology Such type of ideological position found its supporters both in Pakistan as well as western world (G. Parthasarathy, 2005).

The political groups organizations like Jamat-i-Islami opened its schools to educate Kashmiri children their religion and Islamic solidarity as against traditional Sufi Islam of Kashmir and Kashmiriat. The Kashmiri peace loving secular citizens were denied their avenues of employment in the government institutions by the hardcore elements. The Islamists introduced dress code for women, forced the people to close the cinema halls, wine shops, entertainment television channels, discouraged people to visit shrines and institutions involved in promotion of Kashmir language and culture (Dogra, 2005).

4.4 Economic Factors

The economic factor is considered one of the main reasons for Kashmiris to accede to India. The abolition of feudalism was the main reason for National Conference to win the support of Kashmir peasants and poors. The land reforms were carried out in the state of Jammu and Kashmir, the supporters of the ruling party managed to protect their economic interests through

illegal means. A large number of estate of un-irrigated land under maize, apple, almond and walnut trees were kept away from the Land Reforms Act, to benefit some of the top level members of National Conference. The infrastructural development was confined to the urban areas only and a huge population was denied roads drinking water, electricity, schools, hospitals and other socio-economic facilities. The admission in professional colleges became the monopoly of the influential and the government services were provided to the supporters of the ruling party and the people who could pay for being appointed. The corruption of all sorts became the main incentive for upward movement and merits were neglected in admissions to higher education and employment. The various poverty eradication schemes launched in the state were mis-appropriated and the benefit accrued mostly to the well-to-do class. The peasant people have no access to power structure; To fight against all these factors the armed struggle became necessary for frustrated and unemployed youth. Therefore, the economic factors took the back seat in the political struggle in Kashmir but these are part and parcel of the turmoil in Jammu and Kashmir State (Prem Kumar, 1989).

4.5 Terrorist Groups

There are a number of terrorist groups operating at a rapid role in the Jammu and Kashmir. These groups create terror through bombs explosions, indiscriminate firing at innocent, very Important Persons and Important functionaries of the government and attack on the security forces with purpose for grouping on snatching the Jammu and Kashmir. These groups are listed as under:

- (a) Laskhar-e-Toiba (LeT)
- (b) Harkat-ul-Ansar (HuA)
- (c) AL Mansurin (AM)
- (d) AL Nasirin (AN)
- (e) Jamaat ud-Dawa (JuD)
- (f) Jaish-e-Mohammed (JeM)
- (g) Freedom Force (FF)

- (h) Farzandan-e-Milat (FeM)
- (i) AL Baar (AB)
- (j) United Jihad Council (UJC)
- (k) Hizb-ul-Mujahideen (HuM)
- (l) Jamaat-e-Islam (Jel)
- (m) Jammu and Kashmir Liberation Front (JKLF)
- (n) Harkat-ul-Jehadi-e-Islami (HUJI)
- (o) AL Umar (AU)
- (p) Muslim Janbaz Force (MJF)
- (q) Kashmir Freedom Movement (KFM)
- (r) AL Madad
- (s) AL Mustaffa
- (t) Liberation Islamic Jung (LU)
- (u) AL Bert AB
- (v) Allah Tiger (AT)
- (w) Ikhwan-ul-Musalmeen (IUM)
- (x) Islamic Students League (ISL)
- (y) AL Shamas Organisation (ASO)
- (z) Jammu and Kashmir Students Liberation Front (JKSLF)
- (aa) Mujahideen-E-Islam (MEI)
- (bb) AL Inqlab (AI)
- (cc) Janriq Jihad Isiamia (TJI)
- (dd) Pisdarani Islam (PI)
- (ee) Teriqul-Jehad (TuJ)

(ff) Dukh Taran-e-Mllat.

(gg) People's League (PL)

Today, peaceful, beautiful and normal situation of Jammu and Kashmir has become deteriorated, exploited and breed disaffection among the different sections of society.

Through the 1950s and 1960s, there was increasing political discontent with the central government 's attempts to manipulate politics in Jammu and Kashmir. Political leaders who demanded genuine autonomy and pro-plebiscite activists were repeatedly jailed. In 1964 the first militant group, the Jammu Kashmir Liberation Front (JKLF), was formed to fight for an independent state. In 1975, in a move that largely discredited him with pro-independence Kashmiris, Sheikh Abdullah, who had originally led popular dissent against Maharaja Hari Singh and later against political control by Delhi, signed an accord with Indian Prime Minister Indira Gandhi that promised greater autonomy to Jammu and Kashmir (https://en.wikipedia.org/wiki/Sheikh_Abdullah). Sheikh Abdullah's National Conference party, however, won an overwhelming victory in the 1977 state elections, which were considered to be free and fair (Ganguly, 1990). Parties like the Jamaat-e-Islami, which openly advocated allegiance to Pakistan, were virtually wiped out politically (Akbar). After Sheikh Abdullah's death in 1982, his son Dr. Farooq Abdullah took over as chief minister. Once again, New Delhi interfered in Kashmiri politics. The ruling Congress party removed Farooq Abdullah in 1984, and then his successor, G.M. Shah, in March 1986, when for the first time the central government imposed governor's rule—direct rule by New Delhi—in the state (<http://indiacode.nic.in/coiweb/welcome.html>). Governor Jagmohan took charge of the state administration until fresh elections could be held. In 1986, Prime Minister Rajiv Gandhi and Farooq Abdullah signed a new political agreement establishing an electoral alliance. This only added to a sense of betrayal among Kashmiris, who were shocked at Farooq Abdullah's compromise with the very Congress party that had pushed him out of power two years earlier (Akbar).

Many Kashmiris had already turned against Farooq Abdullah because of allegations of widespread corruption and incompetence during his previous rule. After Farooq's perceived sell-out to the Congress party, there seemed to be increasing support for a new opposition party,

the Muslim United Front (MUF), a collection of Islamic and secessionist parties that included the Jamaat-e-Islami (Singh, 1995). Many Kashmiri youths supported this coalition, which contested the March 1987 elections to the state assembly. The state elections of 1987 were the turning point in the history of Jammu and Kashmir. There were mass arrests of MUF candidates and party workers and widespread and credible allegations of vote-rigging (Balraj Puri, 1993). Kashmiris became disillusioned with electoral politics and there was enormous resentment against the victorious National Conference-Congress coalition that claimed victory in the elections. “Journalist Tavleen Singh writes in her well-regarded book, *Kashmir: A Tragedy of Errors*: The rigged election was the beginning of the end.... Nearly everyone I met said that most of the youths who had acted as election agents and workers for MUF candidates were now determined to fight for their rights differently. They had no choice but to pick up the gun, was the message I was given” (Singh, 1995).

Many of those youths were supporters of the pro-independence JKLF. Many other MUF workers joined their ranks. There were several demonstrations with protestors shouting anti-India slogans (Singh, 1995). Militant groups successfully organized a boycott of the 1989 Indian parliamentary elections. Meanwhile, a militant campaign of violence began, with the JKLF claiming responsibility for a series of explosions in Kashmir, damaging government buildings and public transport. The JKLF openly admitted that it received arms and training in Pakistan (http://news.bbc.co.uk/2/hi/south_asia/4099740.stm). The law and order situation began to spiral out of control. On December 8, 1989, the JKLF abducted Rubaiya Sayeed, daughter of the new home minister in the Indian government, a Kashmiri named Mufti Mohammad Sayeed (<https://www.hindustantimes.com/india-news/tada-court-summons-rubaiya-sayeed-in-her-1989-abduction-case-101653676901001.html>). She was freed when the government complied with ransom demands and released five detained members of the JKLF. National attention was suddenly focused on Kashmir. In Kashmir the public mood had initially changed: most Kashmiris did not support the kidnapping of a young, unmarried woman. But when the released militants were brought to Srinagar, jubilant crowds celebrated in the streets. Support for the militants soared, with many Kashmiris treating the release of the five as a victory against New Delhi (Singh, 1995). Taken aback, the Indian government dispatched more troops to the state (<http://www.rediff.com/news/1999/dec/16blood1.html>). In January 1990, Jagmohan already unpopular because he was seen as party to New Delhi's dismissal of an earlier elected

government, was once again appointed governor. Chief Minister Farooq Abdullah resigned in protest. Governor's rule was imposed, putting New Delhi into direct confrontation with the Kashmiri rebels.

Jammu and Kashmir by then had fallen into near civil war. There were daily protests as tens of thousands marched on the streets, calling for independence. The militant groups, with arms and training from Pakistan, continued their attacks, murdering and threatening Hindu residents, carrying out kidnappings and assassinations of government officials and suspected informers, and engaging in sabotage and bombings. Hundreds of thousands of Hindu Kashmiris, known as pandits, fled the valley. Militant groups that espoused an extremist Islamist ideology issued threats to shopkeepers and others engaged in business that they considered un-Islamic, including liquor dealers and cinema hall owners (Watch, 1991). In a book called *My Frozen Turbulence in Kashmir*, Jagmohan claims that law and order had collapsed when he took charge in 1990, with the valley —stricken with violence, bloodshed and brutality (Jagmohan, 1991).

Unwilling to acknowledge or appease disenchanted Kashmiris, the Indian government termed the rebellion as Pakistan's proxy war with India. Indian security agencies responded with unprecedented brutality to quell the rebellion (Watch, 1991) Counter-insurgency laws such as the Armed Forces (Jammu and Kashmir) Special Powers Act and the Jammu and Kashmir Disturbed Areas Act were enacted in 1990, giving security agencies draconian powers of detention and interrogation. Since it was virtually impossible to identify the militants, who had local support, civilians were subjected to terrible abuses by state security forces. The Indian army and other state forces carried out large numbers of summary executions, custodial killings, torture, —disappearances, and arbitrary detentions (<http://www.hrw.org/campaigns/kashmir/1996/>). Security operations included regular warrantless searches, usually in the middle of the night, and after grenade and sniper attacks by militants upon security posts, security guards would storm the neighborhood nearby, setting fire to buildings, and randomly beating up residents. Writes journalist Humra Quaraishi: Through those months, journalists, both Indian and foreign, reported on havoc Jagmohan's policies were wreaking on the lives of ordinary Kashmiris. Going back to those reports, the year 1990 seems to me the year of the written forewarnings that were never heeded (Quraishi, 2004).

Peaceful demonstrations were dispersed by indiscriminate firing by the security forces. In this report, we describe three such incidents, in January 1990 in Srinagar, in October 1990 also in Srinagar, and in 1993 in Bejbehara. Many former militants say that they joined the armed groups because they were furious at the violations and wanted revenge (Quraishi, 2004). The basis of the armed conflict gradually changed from a secular demand for independence to a war grounded in Islamic terms. The pro-independence JKLF became weaker and was gradually replaced by the religious extremist Hizb-ul-Mujahedin, which promoted accession to Pakistan. Several JKLF members and supporters were killed, allegedly by militants belonging to the Hizb-ul-Mujahedin.

Jagmohan's administration came under increasing criticism, and eventually, five months after his re-appointment, Jagmohan was recalled and a new governor appointed (The Origins of Impunity). Jagmohan has refused to acknowledge that human rights violations took place under his watch, insisting that the —militants and propaganda outfits, and the rumor mill, which had always worked overtime in Kashmir, were soon busy churning out stories of excesses, of atrocities, of hundreds of persons being killed (Jagmohan, 1991). But he adds, —Sitting in your office, you cannot really say with precision whether the force used was excessive (Jagmohan, 1991).

Meanwhile, after a series of collapsed coalition governments in New Delhi, the Congress party came to power again in 1991, led by P.V. Narasimha Rao. But despite the change in governments, the policy towards Jammu and Kashmir remained the same. While there were some efforts at talks with the separatists, troops continued to act with brutality.

In mid-1992 the government launched a catch-and-kill' policy to execute captured militants (India's Secret Army in Kashmir, , 2003).

Human Rights Watch reported in 1993:

In August 1992, Indian government forces launched a new offensive against the militants, called Operation Tiger, a campaign of surprise raids designed to capture and kill suspected militants and terrorize civilian sympathizers. Summary executions of detainees and indiscriminate attacks on civilians escalated during the operation, and during the one that followed, called Operation

Shiva. Over the next several months, the security forces also engaged in frequent arson attacks, burning houses, shops and entire neighborhoods (Human Rights Watch and Physicians for Human Rights,).

India offered to negotiate with militant groups, but often claimed that there were no Kashmiri representatives with whom they could hold talks. In response, on March 9, 1993, the All-Parties Hurriyat Conference (APHC), an umbrella organization of over twenty groups, some demanding independence and others accession to Pakistan, was founded to act as the political voice of the movement (<http://www.globalsecurity.org/military/world/pakistan/aphc.htm>) By the mid-1990s, Indian forces had gained the upper hand in the major towns and villages of the Kashmir valley. But the nature of the conflict had changed. While in the early years of the conflict the militants were usually from the Kashmir valley, by 1996 the Kashmiri component of the battle for secession had largely been subdued. Amnesty offers had encouraged many to surrender. Others had been killed or detained. Many dropped out of combat but stayed in Pakistan administered Kashmir.

By the mid-1990s, the battle for Kashmir was taken up largely by foreign fighters drawn from the waning Afghan war (Swami). The groups they belonged to represented a dangerous development in the conflict as they had no accountability to the local populations. They operated openly out of Pakistan, often with the support of the Pakistan army and intelligence services, particularly the Interservices Intelligence agency (ISI), Pakistan's powerful military intelligence service (Joshi, 1991). Young Pakistanis responded to the appeal for religious war in Kashmir.

After a few months of training, they were sent into Jammu and Kashmir. The Pakistani army helped to arrange the infiltration of the militants across the Line of Control (Ghulam Hasnain, 2001). These organizations seldom claim responsibility for any attacks, and often change their names, particularly after they have been banned. Some, like the Harkat-ul Ansar, (A Human Rights Watch Report, 2006) Harkat-ul-Mujahedin, Al Badr, Jaish-e-Mohammad and Lashkare-Toiba have, over the years, been blamed for several attacks in which civilians were executed. The Harkat-ul Ansar, for instance, calling itself Al Faran, kidnapped six Western tourists in July 1995. One, a Norwegian, was beheaded. There is still no news of the others, who were British and U.S. citizens (Santhanam, 2003).

The Indian government responded to the influx of foreign fighters into Jammu and Kashmir by expanding the army's role in the conflict. By 1993 the government had introduced the Rashtriya Rifles, an elite unit created specifically for counterinsurgency operations in Jammu and Kashmir. In 1999, militants and Pakistani troops infiltrated into Indian territory, occupying areas in the Himalayas in the Kargil and Dress sectors of Jammu and Kashmir. India responded with force. The U.S. administration of President Bill Clinton, fearing an all-out war between the now nuclear-armed neighbors, stepped in to defuse the situation, getting Pakistani Prime Minister Nawaz Sharif to withdraw the intruders (Devin T. Hagerty). Soon after, Nawaz Sharif was deposed by his army chief, Gen. Pervez Musharraf, in a bloodless coup. India-Pakistan relations fell to an all-time low as violence peaked in Jammu and Kashmir (Pervez Hoodbhoy, 2003). In December 1999, militants hijacked an Indian plane to Kandahar, Afghanistan, and secured the release of three Pakistani militant leaders as ransom (Indian Hijack Drama Over,, 1999). In December 2001, an attempted attack on the Indian parliament was foiled by security forces; six policemen and a gardener were killed in the exchange of fire, as were the five militants. Over twenty others, including some journalists, were injured (Indian Parliament Attack Kills 12,, 2001,). India accused Islamabad of organizing the attack. (India Recalls Parliament Attack , 2002,) India began to deploy troops to the border, as did Pakistan. As both sides began to threaten nuclear conflict, the international community stepped in once again to pull both sides back from the brink.

After the attacks of September 11, 2001, Pakistan was successfully pressured by its main international supporter, the United States, to withdraw overt support to groups that were active in Afghanistan and Kashmir to demonstrate its commitment to the —war on terror. Militant infiltration decreased noticeably. According to Indian government reports, while 3,500 militants are believed to have crossed into Jammu and Kashmir in 2001, the number dipped to 237 in 2005 (Sharma R. , 2006). A slowing down of the peace process in 2006, however, has coincided with a gradual increase in attacks by militants, which the army blamed on increased infiltration (http://www.hindustantimes.com/news/181_1754237,0006.htm).

According to the Indian army, which does not necessarily provide reliable statistics, the proportion of foreigners among those killed had steadily increased until 2003 when it was reportedly as high as 70 percent reflecting that the insurgency in Jammu and Kashmir was being run primarily by Pakistan-based groups, but then began to drop

(http://www.armyinkashmir.org/v2/statistical_facts/ft_actual_data.shtml). The army said that in 2004 only 374 of the 976 militants killed, or 38 percent, were foreigners. In 2005, the number of militants killed had dropped to 178; fifty-nine of them were reportedly foreigners (Army in Kashmir, Terrorists killed in J&K up to July 12, 2005). While these numbers have been disputed because the armed forces in Jammu and Kashmir have frequently killed civilians and later claimed they were foreign militants, they still likely reflect the trend of decreasing infiltration by non-Kashmiri fighters, as India has little incentive to under-report infiltration from Pakistan.

India insists that Pakistan should close down militant training camps and put an end to militant's infiltration into Jammu and Kashmir. Pakistan says that the camps have been shut down. However, it allowed militant groups to openly undertake relief work after the October 2005 earthquake, leading to fears of further militancy in the future.

After the earthquake, centered in Pakistan-administered Kashmir but also causing substantial damage in Jammu and Kashmir, India and Pakistan opened up five points on the Line of Control to deliver relief materials to the worst-affected Pakistan-held areas. Opened several weeks after the earthquake, and only under considerable Kashmiri and international pressure, the efficacy of these relief points remains unclear. However, the delay is explained by the concerns of Indian security officials about the revival of the militant groups who took over relief operations in Pakistan-administered Kashmir, and fears that donations for relief might be used instead to recruit and train more militants (http://www.armyinkashmir.org/v2/statistical_facts/ft_actual_data.shtml). In Azad Kashmir, militant groups were the first on the scene dispensing relief goods and aid. These groups won much local appreciation for their rescue and relief efforts. This could not have been possible without logistical support from sections of Pakistan's intelligence apparatus. Seen in this context, the post-earthquake role of militant organizations actually underlines the continuity of the Pakistani military-militant relationship rather than an unexpected revival of militant fortunes in the aftermath of natural disaster. Very possibly, the Pakistani military sees the earthquake as an opportunity to craft a new role for the militant groups rather than attempting to disband them.

Jammu and Kashmir state remains a heavily militarized and armed area according to the International Center for Peace Initiatives, there are about five hundred thousand army and

paramilitary personnel deployed in Jammu and Kashmir and some seventy-nine thousand police (Cost of Conflict Between India and Pakistan).

4.6 Operation Topac

Operation Topac , under which Pakistan launched its proxy war against India, was brilliantly conceived and skillfully executed. Pakistan's President, General Zia-ul-Haq's concept was to exploit the religious sentiments of the Kashmiri people, whip up passions on communal and sectarian lines, fan the flames of religious fundamentalism as in the process gradually create conditions for waging a jihad.

Before launching its proxy war in Kashmir, Pakistan also initiated measures to exploit the disgruntled elements among the youth of Punjab to fight for the creation of an independent Sikh State of Khalistan. The intention was to destabilize India by creating conditions of insecurity in two contiguous front-line Indian states and to tie down the Indian security forces, particularly the Indian Army, in internal security duties. It was expected that prolonged employment in internal security duties would weaken the Indian Army and degrade its conventional superiority over the Pakistan Army. All this was to be achieved through a low-cost option, without getting directly involved.

Phases of Operation Topac

The game plan of the state sponsor terrorism (proxy war) has been projected in Operation Topac by Indian security analysts on the basis of intelligence inputs received from Pakistan. The credit goes to Indian analysts who called correctly predict the three stages of the Operation Topac. The proxy war went along the counters of the Operation Topac.

The Pakistani dictator, Gen. Zia-ul-Huq, died in a mysterious plane crash on August 17, 1988. But not before he had put Pakistan on road to a diabolical anti India plan. The plan, codenamed Operation Topac is still under implementation.

The Kargil intrusion was phase-2 of Operation Topac (Sharma R. , 1999). Four month before his death, Gen. Zia called a meeting of top Army Generals and ISI officials at his residential office. The meeting was a hush-hush affair. Intelligence reports indicated that a top Afghan Mujahideen leaders and two prominent Kashmir terrorists also attended the secret meeting. President Zia delivered a crucial speech. Zia unveiled Operation Topac in his speech. Operation Topac was

meant to be a new version of Operation Gibraltar¹ an anti-India Pakistani operation which flopped in 1965. In intelligence coup of sorts for India, a few months after Zia presented Operation Topac before his top Generals, the Indian intelligence agencies were given by friendly intelligence agency a copy of Zia's speech delivered at the April conclave. The speech was reproduced in the April – June 1999 issue of the prestigious Indian Defense Review (IDR) as follows (Das, 2005):

Gentleman, I have spoken on this subject before, therefore, I will leave out the details. As you know due to our preoccupation in Afghanistan, in the service of Islam, I have not been able to put these plans before you earlier. Let there be no mistake, however, that our aim remains quite clear and firm – the liberation of the Kashmir Valley – our Muslim Kashmiri brothers cannot be allowed to stay with India for any length of time, now. In the past we had opted for ham handed military options and therefore, failed. So, as I have mentioned before, we will now keep our military option for the last movement as a coup de grace, if and when necessary. Our Kashmiri brethren in the Valley, though with us and their hearts and minds, are simple-minded folk and do not easily take to the type of warfare to which, say a Punjabi or an Afghan takes too naturally, against foreign domination. The Kashmiris however, have a few qualities which we can exploit. First his shrewdness and intelligence, second his power to persevere under pressure; and the third, if I may so say, he is a master of political intrigue. If we provide him means through which he can best utilize these qualities – he will deliver the goods. Sheer brute force is in any case not needed in every type of warfare, especially so in the situation obtaining in the Kashmir Valley, as I have explained earlier (Sharma R. , 1999).

Here we must adopt these methods of combat which the Kashmiri mind can grasp and cope with in other words a coordinated use of moral and physical means, other than military operations, which will destroy the will of the enemy, damage his political capacity and expose him to the world as an aggressor. This aim, Gentleman, shall be achieved in the initial phases.

In the first phase, this may, if necessary, last a couple of years. We will assist our Kashmiri brethren in getting hold of the power apparatus of the State by political subversion and intrigue. I would like to mention here that as no Government can survive in Occupied Kashmir unless it has the tacit approval of Delhi, it would be unrealistic to believe that the MUF or any such

organization can seize power through democratic or other means. In view of this, power must —apparently remain with those whom New Delhi favors. We must therefore ensure certain favored politicians from the ruling elite be selected who would collaborate with us in subverting all effective organs of the State. In brief, our plain for Kashmir, which will be codenamed as Operation Topac‘ will be as follows (Sharma R. , 1999).

Phase 1

A low-level insurgency against the regime so, that it is under siege, but does not collapse as we would not yet want central rule imposed by Delhi. We plant our chosen men in all the key positions; they will subvert the police forces, financial institutions, the communication network and other important organizations (Sharma R. , 1999).

We whip up anti-Indian feelings amongst the students and peasants, preferably on some religious issues, so that we can enlist their active support for rioting anti-government demonstrations. Organized and trained subversive elements and armed groups with capabilities, initially, to deal with Para-military forces located in the Valley. Adopt and develop means to cut off lines of communications between Jammu and Kashmir and within Kashmir and Ladakh by stealth, without recourse to force. The road over Zojila up to Kargil and the road over Khardungla should receive our special attention. In collaboration with Sikh extremists, create chaos of terror in Jammu to divert attention from the Valley at a critical juncture and discredit the regime ever in the Hindu mind. Establish virtual control in those parts of the Kashmir valley where the Indian Army is not located or deployed. The Southern Kashmir Valley may be one such region (Sharma R. , 1999).

Phase 2

Subsequently, exert direct pressure along the Line of Control (LOC) by large scale sabotage and infiltrate mercenaries and Special Forces to attack vital targets in rear areas (Kanwal, 1999). Exert maximum pressure on the Siachen, Kargil and Rajauri – Punch sectors to force the Indian Army to deploy reserve formations outside the main Kashmir Valley. Attack and destroy base depots and HQ, located at Srinagar Pattan, Kupwara, Baramulla, Bandipur and Chowkiwala by covert action at a given time. Some Afghan Mujahideen, by then settled in Azad Kashmir, will then infiltrate in selected pockets with a view to extending areas of our influence. This aspect

will require detailed and ingenious planning. The fiasco of Operation Gibraltar (1965) holds many lessons for us here (Sharma R. , 1999).

Finally, a Special Force under selected retired officers belonging to Azad Kashmir, with the hard core consisting of Afghans, will be ready to attack and destroy airfields, radio stations, block Banihal Tunnel and Kargil-Leh Highway. At a certain stage of the operations, Punjab and adjacent areas of Jammu and Kashmir will be put under maximum pressure internally by our offensive posture. Kargil intrusion was phase second of Operation Topac (Sharma R. , 2006).

Phase 3

At an appropriate stage, using religion as a motivating and binding factor, give a nudge to the Jihad' to peak and, if necessary, be prepared to exercise the military option to liberate Jammu and Kashmir (Kanwal, 1999).

Detailed plans for the liberation of Kashmir Valley and establishment of an independent Islamic State in the third phase will follow.

We do not have much time. Maximum pressure must be exerted before the general elections in India and before Indian Army reserves, which are still bogged down in Sri Lanka, become available. By the Grace of God, we have managed to accumulate large stocks of modern arms and ammunition from US consignments intended for Afghan Mujahideen. This will help our Kashmir brethren achieve their goals. Even if we create a kind of Azad Kashmir in some remote parts of occupied Kashmir as a beginning, the next step may not be as difficult as it appears today. On the other hand, it should also be noted that a part of the Indian Army, particularly the infantry, will be well trained by now for such a situation due to their experience in the north-eastern region and more recently in Sri Lanka. But the situation in Kashmir will be somewhat different; more like the Intifada of Palestinians in towns, and on the pattern of the Mujahideen in the countryside to attack hard targets. A period of chaos in the state is essential in the circumstances. And what of our Chinese friends?

They can do no more than ensure that Indian forces deployed against them are not move out: but this may be required only in the last or the third stage of our operations. Of course, if we are in serious trouble, the Chinese and our other powerful friends shall come to our rescue one way or the other. They will ensure if we do not win, at least we don't lose (Sharma R. , 1999).

Finally, I wish to caution you once more that it will be disastrous to believe that we can take an India in a straight contest. We must, therefore, be careful and maintain a low military profile so that Indians do not find an excuse to pre-empt us, by attacking at a time and at a point of their own choosing, at least before phase 1 and 2 of the Operation are over. We must pause and assess the cause of operations after each phase, as our strategy and plans may require drastic changes in certain circumstances. I need not emphasize any further than a deliberate and objective assessment of the situation must be insured at every stage, otherwise a statement will follow with no good for Pakistan (Sharma R. , 1999).

In this action plan for the current proxy war, Pakistani agencies arranged for weapons training on a massive scale to Kashmiri youth at specially set-up training camps in Pakistan/POK. The training of these militants started, according to J.K.L.F. Chairman Amanullah Khan, on 31 July, 1988 and it went on (In an Interview to Newline, 1990). Pakistan also established a few transit camps for various militant groups at various centers. Some of the training camps were located near Peshawar, Pakistan-Afghanistan border. Some early 1990 reports indicated that Pakistani agencies had shifted new training camps to inside Afghanistan (DPA, , 1991).

At the same time, Pakistan arranged for officer facilities free of cost, including buildings and telephone for most of the militant outfits operating in the Valley, in order to have better control of them (Sreedhar, 1999). Six political groups from Indian occupied Kashmir, as they call it here, have already rented offices and houses. Some accommodation has been provided free by Pakistani fundamentalist parties. Although all they deny it, the groups are said to be arming themselves. One Kashmiri leader, Raja Muzaffar of the JKLF, showed Kathy Evans (Author) crumpled receipts for Rs. 2.5 million for guns he bought a fortnight ago from arms dealers in Pakistan's tribal belt. The bill included \$900 for transporting weapons to Srinagar. The groups appear to be providing basic military training to fresh recruits who make their way each day through Indian Army lines (Evans, 1999).

The proxy war (Operation Topac) has failed to achieve its objectives. As the situation on Kashmir is totally different from what was in Afghanistan, the cost of sustaining proxy war is becoming prohibitive for Pakistan. In fact, India can easily raise Pakistan's cost of Proxy war in many ways. For example, LOC firing costs Pakistan more than it does India. Counterstrike strategy can dismantle the infrastructure in POK and Northern Area where an insurgency force of

Kashmiris can easily hit targets. Pakistan Army has been testing the threshold of Indian policy makers. It will be disastrous for Pakistan to raise the threshold. Proxy war can be a two-way affair. Pakistan is in no position to annex Kashmir by direct war or by proxy war (Dutta, 2002). To depend on China for annexation of Kashmir is a wrong assessment of the ground reality now, because China cannot afford a proxy war by Bin Laden in Xinzing for creation of an independent Muslim State of Turkestan.

ISI Role in Kashmir

According to the documents prepared by India's Ministry of Home Affairs, the ISI has the following four broad policy objectives:

- (i) Sustain Kashmir movement at minimal cost and force its settlement on terms acceptable to Pakistan.
- (ii) To weaken India's potential strength and national will by hitting at its perceived —Fault lines and to pursue the policy of thousand cuts.
- (iii) To prevent India from emerging as strategically dominant power in the region.
- (iv) To render Indian borders porous and bordering states vulnerable.

The ISI has drawn up elaborate plan for action at different planes, such as political, propaganda, para-military and covert-to achieve the above-mentioned policy objectives (Sharma R. , 1999).

Pakistan has two armies from the 1980s, from the days of Afghan war. There is an army of the State, a regular army whose members are recruited, trained and armed by the State and funded by the defense budget, much like our own army. Their strength is around 5, 50,000. But there is an Army of Islam in Pakistan, raised, trained, armed and funded not only by Pakistan's ISI but also by the CIA, by the French intelligence and the intelligence agencies of other countries, to fight against the Soviet troops in Afghanistan. Pakistan which calls it the Army of Islam and its total strength is believed to be 2, 00,000, as well trained and as well motivated, in fact more motivated in this cause, than the State army of Pakistan. So it is this army of Islam, which is being used by the Pakistani State to wage this war against India in Kashmir and in other parts of India in order to attain its objective (B. Raman, 2001).

This army of Islam, which is being fronted by Pakistan comprises essentially of four components the Lashkar-e-Toiba, which is the armed wing of another organisation, the Markaz Dawa-ul-Irshad, which came into being during the Afghan war, the second is Harkat-ul-Mujhahideen, another outfit which came into being during the Afghan war but in those days it used to be called the Harkat-ul-Ansar. It has been forced to change its name after the U.S. designated it an international terrorist organisation. The third terrorist organisation in the army of Islam is the Jaish-e-Mohammad, created by Maulana Masood Azhar, a splinter group of the Harkat-ul-Mujhahideen. Massod Azhar, earlier belonged to the Harkat-ul-Mujhahideen and had fought in Somalia against American troops there in 1993. He was one of the terrorist released in exchange for the safe return of Indian hostages of the IA flight hijacked to Kandahar in December 1999. The last is the Al Badr group. These four groups constitute the army of Islam and among these the Ai Badr is of East-Pakistan vintage. You may all heard of the slaughter of the intelligentsia in the erstwhile East-Pakistan which is now Bangladesh, this slaughter of Bengali intellectuals was masterminded by the Al Badr and Jamait-e-Islami at the instance of the Pakistan army. The Pakistan army chief, Gen. Yahya Khan used the Al Badr group to carry out intimidatory killings of civilians who were in the forefront of the freedom movement. This group laid low for a while after 1971 and their members were later sent to Afghanistan and are presently diverted for terrorist's campaigns in Jammu & Kashmir. The other three groups are essentially of Afghanistan war vintage and were raised by the Pakistanis with the full knowledge and support of the Americans and the Saudis to fight the Soviet troops in Afghanistan and are today diverted to Jammu & Kashmir.

In the initial years of the trouble in J&K when the proxy war against the Indian armed forces started in 1989, it was the pro-azadi groups like the Jammu & Kashmir Liberation Front (JKLF), which was in the ascendancy. Pakistan was alarmed over the fact that this group was not under the control and therefore brought in the Hisb-ul-Mujahideen, which the militant wing of the Jamiat-e-Islami, a pro-Pakistan group, which is for the merger of the state of J&K with Pakistan.

When Pakistan realized that the Hizb-ul-Mujahideen was an ineffective as the JKLF, it sent to the army of Islam into India who are avowedly jihadi. More than 45 percent terrorists in the Valley and more than 50 percent of the terrorists in Jammu are Pakistanis and constitute the

fighting components of the army of Islam. The rest provide logistic support to them. They work as informers and gather intelligence for these groups, providing them with hideouts, supply them with food and vehicles and so on (B. Raman, 2001). So it is a very real war which is being waged against India, which has been going on since 1992-93 and groups about which it seemed we were not aware of, which never merited India's attention, Indian therefore never devised policies early enough to deal ruthlessly with these groups. There is, it seems, much confusion and more ignorance about these groups still, even among the intelligentsia in India. Recently, after the LeT attacked the Red Fort, there were high profile media men and women referring to this group as a Pro-Pakistani Kashmiri group. This group is not Kashmiri and is not pro-Pakistani. It is a Pakistani organisation. The majority its office-bearers are Punjabis and Pakhtoons and not even Kashmiris from PoK or Kashmiris from the northern areas. The most unfortunate thing about the intellectuals of India and with policy makers is that they do not have the interest or the patience to gather or at least listen to facts. If we need to devise effective policies, if we need to present our case effectively, we must have a mastery over facts. Go to Delhi and ask anybody in the establishment to give you a briefing on the Lashkar-e-Toiba who are its leads, how are they recruited, its origin, its operation and other details, 90 percent of them would not know anything because people do not have time for details nor do they have the patience to keep abreast of events. Some spoke persons for the Government says pro-Pakistani groups, somebody else says, Kashmiri militant's organizations, Doordarshan (DD) says something else. These are Pakistani organizations, manned to be a large degree by Pakistani ex-servicemen.

Now what is the ideology that motivates these groups? Abdul Ghani Lone of Hurriyat Conference has been saying of late that the original, political character of the war in Jammu & Kashmir has now been changed completely into becoming a religious agenda of these Pakistani groups. Whenever he says this, he is referring to the army of Islam, which is now controlling and masterminding the anti-Indian activities in J&K. there political and territorial agenda are not ends in themselves.

They are intrinsically a part of the Islamic religious agenda. You have to read their literature to really understand what drives them. They are saying that wresting Kashmir from India is not an ends in itself and that Kashmir is only a gateway to India. Yes, we want to capture Kashmir, they say and then go on to liberate Hyderabad and Junagarh, which in 1947, should rightly have been

given to Pakistan. We are therefore creating a network in these places, they say, to ultimately create two more Pakistan in India – one, for the Muslims north India and another for the Muslims of south India. This not a figment of my imagination or anything else’s for that matter. If you were to pick up the training and instruction manuals which have been captured from them. If you were to read what these terrorists themselves saying in their journals and their websites, it is clear that Islamic jihadies have a very definite purpose for their activities in India, and that is to create, besides the already created Pakistan, two more Islamic fundamentals in India by, two more Islamic homelands in India by fragmenting this country on ideological agenda and they have a political agenda also. Both agenda’s work for the ultimate Islamic political agenda. Some of us refer to them as pan-Islamic groups while I refer to this trained as international Islamism (B. Raman, 2001).

CHAPTER-5

SUMMARY AND CONCLUSION

5.1 Conclusion

No Consensus on Universal Definition of Terrorism

No universal definition of terrorism has been accepted so far due to international politics (Kulwant Kaur, 1995). Whether a particular act of violence is termed terrorism or not, is little relevance to a Government. This has been considered as the biggest hurdle to deal with the terrorism. The universal definition of terrorism is most important since the subsequent legislations of all the states would need to incorporate the common laws to deal with terrorism. What has been done so far by the states to deal with terrorism seems to be useless because the problem of terrorism is becoming more and more complicated (Sehgal, 1995). As a large number of offences that affect the daily life of civilians, fall outside the definition of terrorism while these offences are punishable under the various International Conventions and International laws (Article, 1979).

Funding to Terrorists the United States Departments annually issues a list of the states which are providing funds, weapons and other assistance to terrorist groups. In 2000, it declared the six countries namely Iran, Iraq, Libya, North Korea, Sudan and Syria as terrorism sponsoring States. According to the United States, these countries arrange to provide various kinds of support to various terrorist groups. The support includes an amount of funding, training, weapons, explosives and some sanctuary etc. (U.S Department of state, 2001). According to a report the Black September Organisation had received US \$ 7 million for executing its attack on the Israeli' athletes at the Munich Olympic games. The Lashker-e-Toiba and Jaish-e-Mohammed have been created by the Pakistani Intelligence agencies and are fully financed by it ('Let's no Spy on Each Other', 2006). According to another source, smaller terrorist groups which operate in Jammu and Kashmir and other States get Rs. 4 to 7 lacs per month and larger groups receive Rs. 20 to 30 lac per month ('Inside the Kashmir Terror Scam', 2006). In addition to funds, they also receive the communications equipment, weapons, explosives, food, trekking kits, guides and porters (Panchananda, 2002). The Inter Service Intelligence of Pakistan also arrange passports in various names for terrorists. These terrorists are also trained in the camps organized by ISI ('20 injured in Guwahati blast', 2007).

Limitations of International Conventions Terrorism has become a major problem at international level (Jasmeet Singh wadehra, 2002). It is no more confined to a few terrorist acts, such as hijacking or taking hostages, but become all-embracive. It has become a political tool in the hands of nation states, which they use with great impunity. To check the problem and to protect its innocent victims, attempts have been made by the united nations at various levels and few conventions pertaining to specific crimes, like hijacking or internationally protected people have been adopted (Article, 1979). The regional, conventions have also come-up viz the European Convention on Suppression of Terrorism and the South Asian Association for Regional Cooperation. These conventions, however, are limited in their scope and subject matter and are apparently ineffective to tackle the problem of terrorism which is wide spread and dangerous (Robert A Friedlander, 1979).

Moreover, these conventions suffer from many deficiencies. The United Nations Resolutions, which reflect the customary international law on many aspects of terrorism, is considered as an expression of opinion, with no binding force. The United Nations Resolutions also have remained ineffective in the absence of any enforcement machinery and sanction for their violation.

Impediments in Combating International Terrorism There have been certain factors which hamper the fight against international terrorism. There is lack of extradition treaties between the states (Article 16, 1999). The states provide the Asylum directly or indirectly to persons who are perpetrators of terrorist activities. Due to this they escape from the trial and punishment (Article 18, 1999). Dr. Dhalakia rightly said that there should not only be effective provisions for the purpose of extradition but also international terrorism must not be considered as an ordinary offence. There should be universal jurisdiction of all states over the crimes of international terrorism and exemplary punishment be awarded for the terrorists and other persons who are involved in terroristic activities. There has also been lack of universal and unequivocally condemnation of terrorism in all its forms and manifestation whether resorted by an individual or by a group or by state, or by members of international or national terrorist community. One state condemns of terrorists acts, while other state praise and supports. (Article 12, 1999)

Abuse of Anti-Terrorist Laws: It is hard fact that the Anti-terror laws have been used against the political opponents, members of minority communities, journalists, members of Dalit and Adivasi communities, women. Juveniles, old people and persons who are struggling for socio-economic rights. Many of such cases have come to light through human rights organizations and their networks functioning across the country (Sharma, 2007). The TADA was used far more often against those have nothing to do with terrorism. According to the Union Home Ministry, the total number of those arrested and put in Jail across country under the POTA was 257. The data indicates further that it is not in the terror wracked state of Jammu and Kashmir that the POTA has been extensively used, but in Jharkhand out of them 239 were Muslims and other Sikhs and Dalits (POTA Victims to Depose at People Tribunal, 2004).

Supply of Weapons and Assistance to Terrorists: The Enforcement Agencies are the main instrument for combating the terrorism and to maintain law and order. But, it appears that the Enforcement Agencies have become ineffective to maintain law and order and to control the serious situations. Today, Enforcement Agencies are supplying weapons and ammunitions to the terrorists instead of controlling the terrorism. Many Security Forces Personnel have been Arrested on the charges of supplying the weapons to terrorists. for example, On July 25, 2006, three Jawans who were working for the Lashkar-e Toiba were arrested in the Poonch District, Jammu and Kashmir. They were supplying the weapons and ammunitions to the terrorists (Mohan., 2006).

Blatant Corruption: There is widespread corruption in all fields of administration and at all levels. When the intelligence agencies report that a number of well trained and well-armed terrorists have crossed from Pakistan into India, the top leaders generally ignore it. Lacs of Bangladeshi nationals with their fake travel documents or no documents have entered into India, but hardly any serious action has been taken in the matter (Ram, 2002).

Ineffective Intelligence Network: Ineffective intelligence network also hamper operations against terrorism. It is generally due to the secretive organisation of the terrorists, fear of reprisals against informers and lack of co-ordination and co-operation among the various intelligence agencies working at the local regional and central levels (Judicial delay, 2006).

Political Motivation in Dealing with Terrorism: Lack of political will is also considered as an important reason to control terrorism. The political parties only care for their vote-banks and not the terrorism. Terrorism cannot be checked without the strong and efficient machinery. The graph of terrorist activities is continuously going up but there seems to be no impact on the authorities. Many state Intelligence Agencies and National Agencies are supplying the false statistics regarding the terrorist activities to befool the public (Judicial delay, 2006).

5.2 Suggestions

To deal with the highly complex problem of terrorism, insurgency and Naxalism, some important suggestions are offered. These may be divided into following two parts

- (i) International Level
- (ii) National Level

International Level

(a) As terrorism has emerged as a global phenomenon, therefore there is urgent need to evolve a universal definition of terrorism. In absence of such a definition it has become very difficult to impose liabilities on States which are sponsoring or otherwise providing assistance or support to terrorist activities. The Supreme Court of India has also said in this context, that failure on the part of United Nations to evolve a consensus on the definition of terrorism has complicated the issue on both at national as well as international level. More so such definition of terrorism must be free from all prejudices and must include all kinds of violence including even the counterfeiting, agreements, conspiracies and offences aimed at imposing social and religious ideas.

Further, it is suggested that such definition of terrorism must be comprehensive to cover all offences and preparatory acts as well as agreements or conspiracies which are hatched with or without motive by an individual or group of individuals or by a state against the life, liberty, or physical integrity of persons or against Government or private property for the purpose of

expressing, propagating or carrying out political, social or religious ideas or to cause a change of public authority or to alter the international relations through violence or threatening by violence.

(b) States should universally and unequivocally condemn the strikes of terrorists in all forms and manifestation, whether resorted by an individual or by a group or by state, or by member of international community.

(c) States should not provide the safe heaven to terrorists, offenders and others

(d) States must ensure speedy trial of cases relating to terrorists.

National Level

(a) The tougher anti-terrorism laws should be enacted

(b) Severe punishment should be given to terrorists for their activities.

(c) The Government should make proper coordination between the various agencies which are engaged in anti-terrorist operations.

(d) The Government should set up the special training camps for police, paramilitary forces and others which are employed in anti-terror operations.

(e) The Government should create Special and Forces to counter terrorism.

(f) The Government should create special separate cell for captured terrorists and their disposal

(g) The Government should provide the sophisticated weapons to the Police and Para-Military Forces which are fighting against terrorism insurgency and Naxalism etc.

(h) The Government must ensure that the officers with clean records only should be deployed in anti-terrorist operations. Inefficient and corrupt officers/officials should be kept at bay.

(i) The Government must not interfere in the working of security forces, police and other intelligence agencies.

(j) The Government should redress quickly the genuine grievances of the public in the affected areas.

(k) Government officers/officials involved in the smuggling of arms, explosives, etc. to terrorists must be severely dealt with.

- (l) The Government should prevent and discourage the unnecessary visitors at airports, railway stations and bus stands (including those who come in hordes to receive VIPs)
- (m) The Government should make effort to normalize the relations between police forces and civilians. It will generate confidence among the people and they would not only repose trust on the local police force but also help the administration to counter terrorism. The authority cannot curb or prevent the terrorism without support of masses.
- (n) The Government should make all efforts to eradicate corruption in administration and Para-military Forces which is responsible for growth of terrorism.
- (o) The Government should encourage the civilians to provide the information if any, about terrorists to the nearest police stations.
- (p) The Government should provide the essential commodities and relief to the terrorist affected people immediately.
- (q) The Government should motivate the youth of villages for counter-terrorism operations. They should be provided basic training for it.
- (r) The Government should constitute, Special Economic Intelligence cell to obtain hard and actionable inputs on terrorist funding
- (s) The Government should provide the UAVs to anti-Naxal Para-Military Forces to obtain intelligence on movement of Ultras.
- (t) Every State must provide adequate Security network around the religious places, places of historical and strategical importance.
- (u) Officers and officials of enforcement agencies deployed in affected areas if found guilty of human rights violation must not be spared and should be severely punished.
- (v) Enforcement Agencies must create the healthy environment among the masses.
- (w) The co-ordination between the various wings of police, CBI and CID should be encouraged and a monthly meeting among the heads of these organisations should be called to discuss important issues relating to terrorists.
- (x) The Government should not open more and more routes to Pakistan is constantly engaged in a proxy war with us.

(y) The establishment of a Central Investigating Agency for Investigation of certain crimes with inter-state and National ramifications including terrorism, organised crimes sedition, human trafficking, assassination of major public figures, acts threatening national security and serious economic offences must be established.

(z) The Arms Forces Special Protection Act (AFSPA) 1958 as applicable northeast states may be withdrawn

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