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Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **THE IMPACT OF TERRORISM ON HUMAN RIGHTS VIS A VIA CIVIL LIBERTIES.**

AUTHORED BY - TANISHKA KASANA

## **INTRODUCTION**

*"The Roots of Violence: Wealth without work, Pleasure without conscience, Knowledge without character, Commerce without morality, Science without humanity, Worship without sacrifice, Politics without principles." (Young India, 22 October 1925)*

— Mahatma Gandhi

Terrorism clearly became a mad violator of human rights, according to the National Human Rights Commission, in the wake of the very recent Mumbai terror attacks in which numerous people were killed. The NHRC further went on the remark that a terrorist had no religion. He does not believe in the tenets of religion because no religion preaches such insane violence. Therefore, terrorism of whatever hue must be unequivocally condemned by all. In what can be called one of India's worst terror attacks in Mumbai, militants attacked high profile landmarks, including the Taj Mahal Palace and Tower Hotel, the Oberoi Trident Hotel, Metro Theatre and the Chhatrapati Shivaji Terminus (formerly Victoria Terminus) railway station. At least 101 people, including a foreign tourist and four top police officers, were killed and over 250 injured. The crisis continued for days with terrorists holding people hostage in the two five-star hotels.<sup>1</sup>

The tug of war in between Human Rights and Terrorism becomes a matter of global concern. The welfare has always been regarded as major objective of welfare state and a ladder to social & mankind development. But development and ruin are associated with each other. It is said that if development is as old as the human being then it is along with the practice of terror which is as old as welfare and civilization itself. From ancient times to present individuals, rebel groups and government have used violence to eliminate enemies, to spread fear and alarm



and to attract attention of political or religious causes.

<sup>1</sup> Singh, Ranbir Prof. (Dr.) \*Critique of recent legislations on Terrorism ..... (7-30)26 Journal of the National Human Rights Commission, Vol. 8, 2009

## 1. What are Human Rights?

Human rights are universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by State agents that interfere with fundamental freedoms, entitlements and human dignity. The full spectrum of human rights involves respect for, and protection and fulfilment of, civil, cultural, economic, political and social rights, as well as the right to development. Human rights are universal—in other words, they belong inherently to all human beings—and are interdependent and indivisible.<sup>2</sup>

International human rights law is reflected in a number of core international human rights treaties and in customary international law. These treaties consist of in particular the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols and there are also some other important core universal human rights treaties for example, International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. There is a growing body of subject-specific treaties and protocols as well as various regional treaties on the protection of human rights and fundamental freedoms.

## 2. What is terrorism?

The international community has adopted a number of international treaties that are designed to combat specific types of terrorism, such as the hijacking of aircraft; at the UN level to date there has been no agreement on a definition of terrorism.

There is no established definition of terrorism in international law, regardless of many attempts to achieve one by intergovernmental organizations, governments, and academics. One International



Court of Justice judge has observed, —terrorism is a

<sup>2</sup> The Charter of the United Nations, Art. 55 (c), the Universal Declaration of Human Rights, art. 2, and the Vienna Declaration and Plan of Action term without any legal significance. It is merely a convenient way of alluding to activities, whether of States or individuals, widely disapproved of and in which either the methods used are unlawful, or the targets protected, or both.<sup>3</sup>

However, as such, much is at stake in the definition of terrorism. To call an act terrorism is to assert not just that it possesses certain characteristics, but that it is wrong. To define an act as a terrorist act also has significant consequences with regard to co-operation between states, such as intelligence sharing, mutual legal assistance, asset freezing and confiscation and extradition.

Terrorism occurs in many different contexts and takes different forms. Without seeking to define terrorism here, we can consider some of its consistent features including:

- Its organized nature (whether the organization involved is large or small);
- Its dangerousness (to life, limb and property);
- Its attempt to undermine government in particular (by seeking to influence policy and law-makers);

Its randomness and consequential spreading of fear/terror among a population.

A prevailing characteristic of acts of terrorism is that they are crimes even if they have an additional quality that requires that they be considered —terrorist in nature. Terrorist acts are criminal acts and subject therefore to the normal rigours of criminal law. It does not make a difference to the applicability of human rights standards whether the issue under review is deemed to be a terrorist act as opposed to any other serious criminal act.

It is believed that early states practiced terrorism in different forms long before, rebel groups did. For instance Empire builders of ancient times used brutality to frighten large population to discourage resistance and revolt and to achieve political goals. For example the Assyrians of the 700BC treated conquered people cruelly. They remove their skins while they are alive. Period peasants and lower urban classes use

3 R. Higgins, *The general international law of terrorism*, in R Higgins, M. Flory, (Eds.), *Terrorism and international law* (London, 1997), p. 24.

acts of terror to overthrow their rulers and the states use terror as instrument of intimidation and repression In the renaissance.

In early and mid 19<sup>th</sup>C the focus of terrorist movements were typically to assassinate government officials, bombing government facilities and murder people who oppose them or who support the social political system they struggle against. They usually chose prominent often symbolic targets to create the impression that they could strike when ever and where ever they choose.

In the year 1930 Adolf Hitler of Germany and Benito Mussolini of Italy used terrorism and to discourage oppositions to their government. Many revolutionary movements in Africa, Asia and elsewhere that fought to end colonial rules or to promote particular ideology adopted terrorist tactic.

Now days many terrorist groups begun forming networks, found state sponsors and operated on an increasingly global scale. Advancement in communication technology has also advanced the impact and strategies of terrorism. The increased using of internet and web sites has provided the terrorists network with fast and anonymous way of communicating with one another. The most common types of terrorist incidents include bombings, are explosive devices that are cheap and easy to make and also use kidnapping and hostage taking to establish a bargaining position and elicit publicity. Successful kidnapping and hostage taking befits the terrorists to gain money, release of jailed comrades and publicity for an extended period.

Other common type of terrorist incidents include armed attack and assassinations, Hijacking or skyjackings and cyber terrorism which provides a communication on computer networks to today fast – paced world. Unfortunately all type of categories of terrorism is there in India and India is the worst terrorist hit country in the whole world since the existence of this planet. Long back in our history we had seen various incidents of violence & mass killing. Here it is needles to mention the time of Egyption civilization and Ancient Indian civilizations. One can take example from Alexender the great or from Ashoka the great. It may be the issue of controversy

that the history directly associated with the war of statehood but it can be categorized in another manner for simplicity and to get the immediate solution that

the war of statehood is some how responded with today's war from liberation frontiers for example war from LTTE, Al-Qaida, Bodo, Zehadi, ULFA, Hizzbul Muzahuddin, Lashkar-e-Toyba, Zamat-E-Islami, Ulemma-A-Hind, Hamas are few name. Above noted group has been declared as non-state actor by different governmental agencies and by the state too.

### 3. **Human Right and Terrorism**

Peace and security is two facet of one coin and inter-linked and these are with human rights. Denial of human rights has its effect on peace, harmony and tolerance. In order to bring peace and tranquility in the society, inequalities prevailing in the society in any manner should be removed. Perhaps, India is the only country in the world, which has embraced all religions and cultures without hesitation and fostered all sorts of ideologies, whether it is political, religious or philosophical. The strength of India lies in its national values like secularism, democracy, fraternity, universal brotherhood and tolerance. The effort of fundamentalist and terrorist elements in disrupting the national secular fabric of India has threatened the unity and integrity of the nation. India is knotted with the concept of rule of law. Power of the State is divided among the main three organs, the Legislature, the Executive and the Judiciary. The role and responsibility of each organ has been properly mentioned, the Judiciary being given the prime place, and planted as the instrumentality of the Constitution to test the validity of acts of each organ through the concept of judicial review. For the survival of human rights which India is determined to conserve and preserve. fortunately when founding fathers of the Constitution of India were deliberating upon the contours of our system of governance, available to them were several models of the rights-based regime including the principles enshrined in Magna Carta, the corner-stone of liberty and the principles against arbitrary and unjust rule; the UK Bill of Rights, 1689; US Bill of Rights, 1791; the Declaration of the Rights of Man and of the Citizen, adopted in 1789, by the National Constituent Assembly of France; Universal Declaration of Human Rights, 1948 etc. India borrowed wisdom from these various instruments, but charted its own course developing a full-fledged elaborate chapter on 'Fundamental Rights'.

The Constitution of India guarantees, to all persons, citizens and aliens alike, amongst others, equality before law; equal protection of the laws; guarantee against discrimination; freedom of speech & expression; freedom of peaceable assembly; freedom to form association; freedom of movement;

freedom of fair procedure; protection of life & personal liberty; freedom against exploitation; freedom of conscience; freedom to profess practice & propagate religion and so on & so forth. The Constitution facilitates a State action to be invalidated should it be found to be inconsistent with or imbued with the trait of abridging the fundamental rights. The Supreme Court of India is the guarantor and vested with the responsibility of securing enforcement of fundamental rights through wide-ranging powers.

From our recent experience, we have learnt that terrorist attacks against innocent and unsuspecting civilians threaten the preservation of rule of law as well as human rights and terrorism can broadly be identified with the use of violent methods in place of the ordinary tools of civic engagement and political participation. A suggestion that can be made in this regard is that of treating terrorist attacks as offences recognized under International Criminal Law, such as ‘crimes against humanity’ which can then be tried before a supranational tribunal such as the International Criminal Court (ICC). In some circles, it is argued that the judiciary places unnecessary curbs on the power of the investigating agencies to tackle terrorism. In India, those who subscribe to this view also demand changes in our criminal and evidence law - such as provisions for longer periods of preventive detention and confessions made before police officials to be made admissible in court. While the ultimate choice in this regard lies with the legislature, we must be careful not to trample upon constitutional principles such as substantive due processes’. This guarantee was read into the conception of ‘personal liberty’ under Article 21 of the Constitution of India by our Supreme Court

In *Madan Singh Vs. State of Bihar*<sup>4</sup> the expression —Terrorism‖ was observed to be —the peacetime equivalent of war crimes‖ as stated by a noted United Nations official, Dr. Alex P Schmid. It would not be wrong to say that this act is not only against

<sup>4</sup> AIR SC, 2 April, 2004

the whole country even it is against the rule of law and also against the humanity.

Right to life is the most precious fundamental right guaranteed Under Article 21 of the Constitution of India. Unfortunately, the —right to life‖ has been exposed to serious threats and risks from terrorists. All terrorist attacks make the whole atmosphere panic and full of fear.



As President Aharon Barak of the Israeli Supreme Court stated|| war against terrorism is a war of law-abiding nations and law-abiding citizens against law breakers.|| The basic message that every citizen of the whole world should remember is that threat to security and the rule of law posed by terrorism should not give rise to measures which themselves tend to undermine fundamental democratic values, human rights or principles of the rule of law.

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

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

One cannot fight an enemy as draconian as terrorism with laws and rules meant for the civilised. It must not be forgotten that it is only by deploying methods such as these that terrorism can be effectively dealt with. Otherwise the rule of law may fail and terrorism may come to rule.

Terrorism is one of the most sensitive issues; its origin is diverse, which has assumed alarming magnitude internationally. Terrorism as a political weapon to express dissent with state policy or to overthrow the government is recent development. The cause for terrorism, we need to look at the bigger picture. Freedom and oppression are factors not only in conflict between minorities and nation states, but in small, everyday conflicts between parents and teenagers, managers and employees, governments and citizens and wherever power is distributed unequally. Terrorism is a complex problem. It is resorted as willful choice by organizations for political and strategic reasons. Those who practice it assume collective rationality.

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

Terrorism thus had become a serious threat to the sovereignty and integrity of the country succeeded to a large extent in creating panic and sense of insecurity in the minds of the people. We need repressive measures to control the terrorism. What is the remedy then? What should be done to mitigate the suffering of common man and ensure safety, sovereignty and national security? It cannot be denied that in a democracy the politics of vote bank does play a prominent role. But there should be a death of political will to tackle such grave issues with determination and seriousness without least regard to political considerations. The close analysis has revealed that terrorism promises power, prestige, privilege and even wealth. These are attractive to youth people from poverty ridden background and serve as a powerful impetus for joining the terrorist group. It has been found that at times the joining of terrorism is enormously satisfying. It has provided a route for advancement, an opportunity for recognition and excitement. The Government can meet such challenges effectively not by repression but education facilitating the young generation to earn their livelihood decently. It can be controlled by educating people and providing employment to the younger generation. No terrorist activity, whether internal or sponsored can flourish without local support. Therefore, mechanism should be established to monitor such activities. It is no use being wiser after the event. Security check after bomb explosion has little meaning. A terrorist is an intelligent person. He should be met by a specialized force, especially created for this purpose.

Human rights are universal values and legal guarantees that protect individuals and groups against action and omissions primarily by state agents that interfere with fundamental freedoms, entitlements and human dignity. The general rule of human right involves respect for, and protection and fulfillment of civil, cultural, economic, political and social rights, as well as the right to development.

International human right law which binds all state embodied a number of international human treaties and customary international law. These treaties include in particular the international covenant on economic, social and cultural rights, and international convent on civil and political

rights with its two optional protocols and other conventions and protocols. As the human rights committee observed in its general comments No 24 (1994) and No 29(2001) some rights in the international convention on Civil and political rights reflect norms of customary international law. To these rights there are no circumstances whatsoever in which derogation from them is permissible.

Terrorism has a direct impact on the enjoyment of a number of human rights, in particular the right to life, liberty and physical integrity. Terrorist acts can destabilize governments, undermine civil society, jeopardize peace and security, and threaten social and economic development. It threatens the dignity and security of human beings everywhere, endangers or takes innocent lives, creates an environment that destroys the freedom from fear of the people, jeopardizes fundamental freedoms, and aims at the destruction of human rights.

It has an adverse effect on the establishment of the rule of law, undermines pluralistic civil society, aims at the destruction of the democratic bases of the society, and destabilizes legitimately constituted governments. It has adverse consequences for the economic and social development of states, jeopardizes friendly relations among states, and has a pernicious impact on relations of cooperation among states, including cooperation for development. It threatens the territorial integrity and security of states, constitute a grave violation of the purpose and principles of the United Nations.

Terrorism attacks at the very destruction of human rights, democracy and the rule of law. It attacks the values that lie at the heart of the charter of the United Nations and other international instruments namely, respect for human rights, the rule of law, rules govern in armed conflict and the protection of civilians, tolerance among people and nations, and the peaceful resolution of conflict. Till date international fraternity and non-government organizations are unable to define the status of such non-state actors. After analysis and overview it can be categorized differently from terrorist groups. Hence the present research problem with regard to the impact of terrorism on the Human Rights has been proposed to find some concrete solution to the problem in Indian perspective and the research has been proposed in such a way that the solution may be a milestone before the Global community to curb the problem.

This research work raises the issue of violence against state as a state problem and for the entire state problem state has to find out the solution within its territory and if state is showing in-competency and in-capability in doing so she can ask for all such state problems

when international peace & security is in question. At the time of International peace and security state may be held responsible under an age old principle of International Law. At the time of examination of state responsibility state may be held responsible for state actors only. Then who will be responsible for non state actor.

Terrorism and Human Rights are natural enemies with no possibility of their co- existence. No person who supports human rights can support terrorism, which results in a grave violation of human rights of innocent citizens. The growing menace of terrorism is a fight between barbarism and civilization and is a morally degrading means of struggle with no justification whatsoever. It is not nearly heinous criminal act it is more than near criminality.

India suffered a heavy toll of life and property due to terrorism the terrorist violence has taken away innocent lives, destroyed property and jeopardized fundamental freedoms and rights of the people, more particularly uncertain sensitive states like Jammu & Kashmir, Punjab and the North Eastern States of Assam, Mizoram, Nagaland and Manipur. Moreover the country has lost two top leaders, one Ex Army Chief, one Chief Minister, several politicians, bureaucrats and army and police officers to assassins. The terrorist organization have also resorted to most brutal means of killing by hanging, strangulating, beheadings, maiming, slitting of throats, nailing, chopping of nose and ears.

## **TERRORISM AND ACT OF VIOLENCE**

### **1. Meaning of Terrorism**

Throughout history, power has more often than not been wielded through terror- that is, by inciting fear. All despotic societies have been founded on fear, as have so- called totalitarian regimes in the modern era. Submission to the established order and to force has been most of humankind's sole avenue to security and, ultimately, to freedom. Without reaching all the way back to prehistory- itself ruled by terrifying insecurity vis-a-vis nature, wild beasts, and other men- the use of terror to govern began at the very birth of organized society as a means of dissuasion or punishment.



"Terrorism" comes from the French word *terrorisme*, and originally referred specifically to state terrorism as practiced by the French government during the 1793–1794 Reign of Terror. The French word *terrorisme* in turn derives from the Latin verb *terre* meaning "I frighten"<sup>1</sup>. The first Mesopotamian Empire that of Sargon of Akkad, was founded on terror. The same was later true of antiquity's first military empire, the Assyrian, whose brutal methods of reprisal were intended to crush the spirit and break the will. Announced with warlike violence, terror remains suspended like a sword in times of peace over the heads of all who dare to rebel. In the despotic societies that make up the major portion of history's fabric, it has served as the tool of enslavement and guarantor of mass obedience. State terror, whether implicit or overt, has haunted the centuries as war's bogeyman, the specter of mass murder. Once unleashed, it can set an example to constrain behavior without the necessity of fighting. The Mongols and Tamerlane used terror in this way to reduce cities without having to resort to siege.

Historians of terrorism may point out that the word —terror| applies to the state terror of the French Revolution, when it is used in the year 1795 to describe the actions of the Jacobin club in their rule of post-revolutionary France, the so called Reign of Terror. Jacobins are rumored to have coined the violence, social threats or coordinated attacks in order to generate fear cause disruption and ultimately brings about compliance with specified political, religious or ideological demands, but they often neglect to add that, to varying degrees, the phenomenon was a constant of earlier eras and has also been prevalent ever since. After the Jacobins lost power, the word "terrorist" became a term of abuse. Although "terrorism" originally referred to acts committed by a government, currently it usually refers to the killing of innocent people for political purposes in such a way as to create a media spectacle. This meaning can be traced back to Sergey Nechayev, who described himself as a "terrorist". Nechayev founded the Russian terrorist group "People's Retribution" in 1869.<sup>2</sup>

Indeed, terrorism, the principal aim of which is to terrorize, is a historically far broader phenomenon than suggested by the term's current usage, which essentially boils it down to the description or analysis of the illegitimate use of violence in terrorist-type activities. The fact that the most notorious instances of contemporary terrorism have a religious dimension, notwithstanding their political aims, should serve to remind us that this has also been true historically of most forms of terrorism.

Indeed, the religious point of reference was long central to most societies, and this phenomenon has not yet exhausted itself. Nowadays, terrorism beats out guerrilla warfare as the preferred and practically exclusive weapon of the weak against the strong. Its primary target is the mind. In that sense, terrorism is the most violent form of psychological warfare, and its psychological impact is commonly understood to be far greater than its physical effects. Stooping to often pathetic means, terrorism is a way of creating power in the hope of seizing from below that which the state wields from on high.

## 2. Definitions

The concept of terrorism may itself be controversial as it is often used by state authorities to delegitimize political or other opponents and potentially legitimize the state's own use of armed force against opponents such use of force may itself be described as terrorism by opponents of the state. Various legal systems and government agencies use different definitions of terrorism in their national legislation. The difficulty in defining 'terrorism' is in agreeing on a basis for determining when the use of violence (directed at whom, by whom for what ends) is legitimate, therefore the modern definition of terrorism is inherently controversial.

The majority of definitions in use have been written by agencies directly associated with government, and is systematically biased to exclude governments from the definition. The definition of terrorism has proved controversial in various legal systems and government agencies use different definitions of terrorism in other domestic legislation. Moreover the international community has been slow to formulate a universally accepted or agreed, legally binding definition of this offence.

In modern times, 'terrorism' usually refers to the killing of innocent people by a private group in such a way as to create a media spectacle.

### 2.1. Dictionary

The **Black's Law Dictionary** defines 'terrorism' as the use or threat of violence to intimidate or cause panic, especially as a means of affecting political conduct.

According to the **Oxford Dictionary**, the term 'Terrorism' implies as under:

—Use of Terror especially for political purposes. It further classifies that a Terrorist uses violence to cause terror for political ends. Needless to point out that both ‘Terrorism’ and ‘Terrorist’ are the nouns of ‘Terror’ which itself is a well known term.<sup>11</sup>

Standard dictionaries try to define terrorism as under:

—The use of terror as a means of coercion. Terror is, a state of intense fear and apprehension.

Webster’s New Dictionary 1981 states terrorism as follows:

—terrorism: [Fr. Terrorism] the act of terrorizing; use of force or threats to demoralize, intimidate, and subjugate, esp. used as political weapon or policy, the demoralization and intimidation produced in the way.

## 2.2. Under Indian Legislations

According to Section 3(1) of the Terrorist and Disruptive activities (Prevention) Act, 1985 (TADA) does not define who a Terrorist is but defines a

—terrorist act as follows: —whoever with intent to overthrow the government as by law

<sup>11</sup> Sehgal, B.P. Singh, Global Terrorism-socio Political and Legal Dimensions" Deep and Deep Publication, New Delhi, 1995, p.59.

established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people or to adversely affect the harmony amongst different sections of the people does any act or thing by using bombs, dynamite, or other explosive substances or inflammable substances or fire-arms or other lethal weapons or poisons or noxious gases or other chemicals or any other substances (whether biological or otherwise) of a hazardous nature in such a manner as to cause or as is likely to cause, death of or injury to, any person or persons or damage to, or destruction of property or disruption of any supplies or services essential to the life of the community<sup>12</sup> this definition is comprehensive enough to cover all terrorist acts of violence

when compared with other definitions. Under the Prevention of Terrorism Act, (POTA) 2002, it is defined as: Whoever-

- (a) With intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or fire arms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature or by any other means whatsoever, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community or causes damage or destruction of any property or equipment used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies, or detains any persons and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act;
- (b) Is or continues to be a member of an association declared unlawful under the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), or voluntarily does an act aiding or promoting in any manner the objects of such association and in either case is in possession of any unlicensed firearms, ammunition, explosive or other instrument or substance capable of causing mass destruction and commits any act resulting in loss of human life or grievous injury to any person or causes significant damage to any property, commits a terrorist act.

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