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# Terrorism: A Threat to Humanity

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## ABSTRACT

*In the present era, terrorism has come out as an great threat to the country's autonomy and peace. India is also greatly affected through it. The supporters of terrorism are advancing themselves and their technologies day by day. Nowadays, everything is available easily and through this terrorist organization are getting help easily not through only monetary level but through other ways also. This is becoming a great danger for the countries peace. These organizations are damaging the countries peace and want to destabilize the nation. They are becoming a challenge for a healthy democracy as well as for humans. Some hard needy steps has to be taken to counter this type of crimes. In our country, laws are to be made that much perfect that it will become free from loopholes and none can get free away from him. Although strict laws are made in our country but the main problem lies with the implementation of those laws due to wrong use of power by authorities and by many other reasons.*

## I. INTRODUCTION

Terrorism is there from the beginning of the human history and it is not a new thing. But it is difficult to define what it really is. Many groups are formed in the beginning of the human history out of which assassins are the earliest known ones. Although they are known today also but their ending are not good as known by the history.

It has now become a great difficulty for today's government to fight against these groups and to maintain the peace in the society. It has now become a serious issue for the world security. Thepropagation of this type of thinking by any community by any individual or group is a serious crime known all around the world. These organizations has not become a serious threat for the peace loving societies and nation but also for the world security. With terrorism, no sustainable development is possible. Most of the tools are available easily to terrorist due to which they are becoming more dangerous. All these information are available one the single hand of the terrorists. There are other terrorist groups also who are completely different from famous terrorist organizations all around the world. They are surviving on their own without

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help of other groups. The increase in the number of organizations is a serious threat to the peace loving nations of the world.<sup>3</sup>

## II. MEANING OF TERRORISM

To explain any term, we had to first know the meaning of the term. So as to describe what a person makes a terrorist we have to first know what terrorism means. The term 'terrorism' has taken from the French word 'terrorisme' which mean 'to cause to tremble.' Terrorism is a way to cause terror as per the Oxford Dictionary. It is also defined as the to use force to bring forced changes in the society on gun point to achieve certain objectives by creating a mind-set of fear among the people.

The word terrorism has more than 100 definitions all over the world by different countries and various International organizations like European Union, United Nations Organisation (UNO), United States of America and other nation countries. Although, the modern definition of terrorism is controversial in nature. The first attempt to make an internationally acceptable definition of terrorism was made under League of Nation which in reality never came into existence. All the peace loving countries of the United Nations has not also till now settled on a single definition and it is one of the major obstacle in combating the terrorist activities.

## III. MAJOR CAUSES OF TERRORISM

There are various causes for the terrorism but these are clubbed here in the following categories:

- Political Causes :Some of the politicians are engaged in the informal relations with the people engaged in terrorist activities. For some political benefits these activities are propagated. It is also one of the main cause for the propagation of terrorist organizations in our country.
- Economic Causes :It is a well saying that if people doesn't have any work then they will indulge in illegal activities. It is one of the major factor why people indulge in terrorist activities. Unemployment, Land reforms, exploitation of people and caste based discrimination are some the factors responsible through which people indulge in terrorist activities. These difficulties have given a point of rise to various terrorist organizations like Maoist and Naxalites.

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<sup>3</sup>ShrutiPandalai, *Combating Terrorism: Evolving Asian Perspectives* (Pentagon Press LLP, Institute for Defence Studies and Analyses, New Delhi 2019)

- Ethnic Causes : Due to the feeling of exploitation and discrimination in their own land, feelings of hate rises. These type of feelings mainly arises in North-eastern states like Manipur, Nagaland and Arunachal Pradesh.

- Religious Causes : The religious exploitation and discrimination of some communities rises to abnormal sentiments in the people. These type of sentiments are mainly seen the states of Punjab and Jammu and Kashmir. In 1970's Sikh community was ignored in masses. It has rises into riots in 1980. While in 1980's, instability is there in Jammu and Kashmir. Religious exploitation of Hindus in the state of Jammu and Kashmir has risen instability. Muslim youth are tried to get influenced through the ill mentality by the terrorist groups. The movement for the Khalistan has been on rise in Punjab from several decades. To conclude, it can be said that the people get easily divided on religious bases.

#### IV. PREVENTION OF TERRORISM THROUGH LAW

Many International organizations like UN and league of nations has tried to settle down on a particular definition of terrorism since long time. The United States of America has take strict steps against the terrorist organizations after the attack of 2001. The former president of USA Bush has implemented USA PATRIOT ACT 2001 to stop and punish all the terrorist activities in their country and all around the world. United Kingdom has also implemented various statues to counter terrorism out which some are Anti Terrorism Crime and Security Act, 2001, Prevention of Terrorism Act, 2005 and Terrorism Act 2006.

Since the exponential growth of the terrorism in our country and after the attacks of Mumbai and on Indian Parliament, the government has taken bold steps to counter the terrorism in our country. Some of the major statues enacted by our legislature are as follows :

1. Formation of an agency to professionalize the authorizes and the processes of examinations of the accused through an act passed by the legislature name National Investigation Agency Act 2008.<sup>4</sup> It is landmark step taken by the government to counter the terrorism.
2. The modification of Unlawful Activities (Prevention) Act, 1967<sup>5</sup>.
3. Major changes in the Code of Criminal Procedure, 1973.

The authority formed by the act of 2008 is to effectively counter the terrorist activities in our country. The act makes a level of understanding between the states and the union government

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<sup>4</sup>National Investigation Agency Act, 2008, No. 34, Acts or Parliament, 2008 (India)

<sup>5</sup>Unlawful Activities (Prevention) Act, 1967, No. 37, Acts of Parliament, 1967 (India)

to deal with the terrorism which is a global problem. This act however doesn't dilutes the powers of the state governments to investigate against any person or officer and they are free to carry any investigation.

The major amendments introduced by the legislature in Unlawful Activities (Prevention) Amendment Act 2008 are made to help the National Investigation Agency through the procedural changes and the type of power given to the authorities. This act doesn't only empowers the agency with keeping the accused for custody of more than 30 days but also gets an extension for filing a chargesheet after delay of 180 days if the judiciary gets informed about the valid reason. The act doesn't only deal with the crime only but with the intention of crime also. It means that if any sensitive material has been found from the accused then he can be charged with the Section 43E of the act.

The amendments in the Code of Criminal Procedure, 1973 doesn't changes too much but it provides a supportive procedure for the agency to investigate easily.

The UAPA act has now given a greater time to the agency to take the suspects in their custody almost double after the recent amendments. The agency was made with the intention to grasp the terrorist activities happening in the nation with to overcome the loopholes of the system and to provide a better system for nation to combat against terrorism. It is made to make a balance between the human rights and security and integrity of the nation. Both the acts are made to help each other to combat the fight against terrorism. This statute empowers to make any law in necessity by the government to combat against terrorism. Nowadays, the terrorist activities are not only disrupting the demand and supply chain but also affects the lives of people a lot. These acts are made in contrast with International commitment of our country towards United Nations to fight against terrorism.

The attack on the Indian parliament and the attack of 9/11 has changed the mind-set of the world towards terrorism and in response to it the Prevention of Terrorist Activities Act (POTA), 2002 was introduced. The constitutional approach towards this act was upheld by the apex court of the country in the case of *People's Union for Civil Liberties v. Union of India*<sup>6</sup>. Various changes are made in the act to minimize its misuse. Terrorism has widely affected the India's social, economic and political background. The various cause of terrorism are from social to political and historical to geographical. The *Kartar Singh v. State of Punjab*<sup>7</sup>, the apex court observed that our country has been greatly affected by the terrorism and there is absence of strict laws

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<sup>6</sup>2004 (9) SCC 580

<sup>7</sup>[1994] 3 SCC 569

against it. By laws made against terrorism Mainer times criticized by the human rights organisations by saying that it curbs the basic fundamental rights of the peoples. The aim of the statues is to control the terrorist activities and these are of temporary nature and not of permanent. Due to the exponential growth of terrorist violence the government become obliged to introduce such type of acts.

## V. CRIMINAL JUSTICE REFORM AND TERRORISM

Terrorism has harmed the countries terribly in the long term. These organizations becomes a great threat to the peace loving nations of the world. They have not only challenged the pillars of democracy but also greatly affected the human kind. Some recommendations are made by the law commission to make suitable statues for fighting against terrorism and anti- nation activities. National Human Rights Commission has also made some recommendations on the same subject. For fight against terrorist activities the law commission of India has done a study to make a tough statute. Experts has opined that India requires a strict and permanent anti-terror law at the instant time.

The executives has recommended *Prevention of Terrorism Bill, 2000* which is a advanced version of an older act. However, the act was promulgated by the President of India. The National Human Rights Commission (NHRC) has advised to strike a balance between the national interest and individual interest and rejected the draft. <sup>8</sup>According to commission, the difficulties faced by the criminal justice system are as follows:

1. Investigation of all type of related crime
2. Delay in investigation because of strict procedural rules
3. The long period of trials in the courts

Although, their is many difficulties arises to combat against these problems so that the innocent person doesn't gets punished. Our country is yet to make necessary statues and amendments to provide a peace loving nation to the people of our country<sup>9</sup>.

## VI. CONCLUDING REMARKS

It is to be noted that special statues are needed for the special circumstances as the society cannot live in the barriers all the time. Individuals rights are becoming like necessary evil for

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<sup>8</sup>National Human Rights Commission Annual Report 2002-2003(National Human Rights Commission New Delhi, India 2003)

<sup>9</sup>National Human Rights Commission Annual Report 2002-2003 (National Human Rights Commission New Delhi, India 2004)

today's world. These type of laws are emerging as a great tool to fight against terrorism.

Most of the International treaties and statues remains ineffective as most of the countries works themselves to fight against these hazardous crimes. United Nations has also formed a number of statues to fight against these type of crimes. The countries doesn't want to compromise their autonomy and sovereignty at any cost. There is a need of strict laws to combat against these crimes. A law has to be made that much strict that no ways are their for the accused persons to go outside. We also need to take care of our neighbouring countries like Pakistan who are hub of terrorists that they cannot propagate their ideology to citizens of our country and they will also make tough laws to combat against these hazardous crime.

The establishment of the National Investigation Agency Act (NIA) is the best step taken to fight against these terrorist individuals and organizations. Fighting terrorism is not a responsibility of a single nation but of all the peace loving countries. According to this act, both state and union governments will work together. The announcement of National Counter Terrorism Centre (NCTC) modelling US NCTC for drastic change in the intelligence processing. It will help in working together of different organizations through which better results can be obtained. All the work of agencies like RAW, IB, JIC, NTRO, NIA , NCRB or NSG will be coordinated now . There is no doubt that it exponentially helps to fight against all forms of terrorism at national as well as international levels.<sup>10</sup>

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<sup>10</sup>Antony meets Army Chief, seeks stir action against guilty officers, <https://m.timesofindia.com/india/Antony-meets-Army-Chief-seeks-stern-action-against-guilty-officers/articleshow/5375253.cms> (last accessed on Aug 3 2020)