

Impact of Terrorism on Human Rights: A Critical Study in Indian Perspective

Patode S. R

Dept. of Commerce, ACS College, Shankarnagar Maharashtra, India

Abstract

The tug of war in between Human Rights and Terrorism becomes a matter of global concern. However, the style of terrorism is quite different according to the various circumstances. The demands of Human Rights are emerged where terrorism violates the minimum basic rights of any individual. Hence, the term of 'Human Rights' and 'Terrorism' is reciprocal. In India, national and international terrorist groups operate incessantly and menacingly, destroying national properties, killing innocent. The state has limited physical resources to control this menace. On the other hand, the terrorists have been posing a great threat to the internal security of the country. Problem of terrorism is an old one but challenges are new. It has drastically affected the world economy and people's life. It is a curse on mankind. There is a close connection between human right and terrorism. Terrorism is known to have existed, in one form on the other at several stages in the recorded history in almost all parts of the world after the 9/11 attacks on the world trade centre in united states and the December 13, 2001 attacks on the Indian parliament and November 26, 2008 attack in Mumbai, terrorism assumed new dimension and has come to threaten the very foundation of modern civilized society. India is no stranger to terrorism. It has been a long-time sufferer of terrorism, be it in the North-east, Punjab or in Jammu & Kashmir. However, since the last half a decade specially, terrorism has increasingly spread to other parts of the country.

KEYWORDS: human rights, terrorism, violet, limited, physical resources

The term terrorism comes from the French word terrorism, which is based on the Latin verb *Terre*. It means "to make tremble". 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.

Definitions

The UN General Assembly Resolution 49/60 (adopted on December 9, 1984), titled "Measures to Eliminate International Terrorism," contains a provision describing

terrorism. 4 Criminal acts intended or calculated to provoke a state of terror in the general public a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the consideration of a political, philosophical ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.

UN Security Council Resolution 1566(2004) gives definition A UN panel, on March 17, 2005, described terrorism as any act “intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do from doing any act.

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 overawe the government as by law 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” 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 Explanation-For the purposes of this sub-section, “a terrorist act” shall include the act of raising funds intended for the purpose of terrorism. Under this Act “Terrorist Acts” shall include ‘Underworld’, ‘Supari’, ‘Protection money’ or ‘Khandani’ ‘Organized crime’. There is no universally accepted definition of terrorism; many definitions of terrorism include war crimes and crimes against humanity.

IMPACT OF TERRORISM

The impact of terrorism in maintaining law and order, in assuring peace and tranquility, is an alarming issue both at the national and international level. Global terrorism has, in fact, become an unprecedented challenge to the human civilization itself. We are compelled to live in most threatening conditions that is harmful for the society.

Terrorism brings sufferings and miseries to human beings. It being immoral and inhuman act puts under threat the rights and freedom of innocent people. It, therefore, abuses the fundamental human rights of the victims, particularly, the right to life, the right to physical integrity and the right to personal freedom. The increasing number of innocent persons including women, children and the elderly have been killed, massacred or maimed by terrorist in indiscriminate and random acts of violence and terror which in no case can be justified. Terrorism and counter terrorism contain ill impact on the enjoyment of human rights as right to life, liberty, movement. Duty to impart Human Rights education is on the shoulders of the member States and defenders and activists of Human Rights because these rights are essential to live.

It has put a question mark on the most essential and basic human right of the people, i.e. right to life. The General Assembly has repeatedly expressed its deep concern about the worldwide escalation of acts of terrorism in all its forms, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings.

LEGISLATIVE RESPONSE

Not only the current literature on the United Nation and Regional Association’s role to counter terrorism through different treaties and conventions but also the relevancy of various counter terrorism legislative methods, adopted by the Indian Government. Independent India’s constitutional maintain is a proud one. In combating some of the most serious terrorist threat in the world, a durable enduring and ever improving commitment by India its project fundamental rights can serve as an international example and in recent years. The great scourge on humanity in recent times is the menace of terrorism. Even though it is not a new phenomenon, it attracted increased attention after the terrorist attack on the World Trade Centre in New York on 11 September, 2001. India has awakened to the threat of terrorism a long time ago, but the attack on the Indian Parliament on 13 December, 2001 and attack in Mumbai on 26 November, 2008 has prompted the Indian policy makers to take fresh notice of this desperate behavior of certain sections of the society. It is with this backdrop that an attempt has been made in

the paper to locate the various laws in India that aim at tackling extraordinary situations like terrorism and extremism.

Ordinary criminal law may not be adequate to tackle the above situations and therefore it may be necessary to pass certain extraordinary legislation to deal with such extraordinary situations. The legal regime to control terrorist activities may be classified into International legal regime and National legal regime. In India, there is a number of series of laws relating to terrorism. These laws are as follow as:-

- (i) The Indian Penal Code, 1860
- (ii) The Preventive Detention Act, 1950
- (iii) The Armed Forces Special Powers Act, 1958
- (iv) The Unlawful Activities (Prevention) Act, 1967
- (v) The Maintenance of Internal Security Act, 1971
- (vi) The Criminal Procedure Code, 1973
- (vii) The Terrorist Affected Area (Special Courts) Act, 1984
- (viii) The Terrorist and Disruptive Activities (Prevention) Act, 1985
- (ix) The Terrorist and Disruptive Activities (Prevention) Act, 1987
- (x) The Terrorist and Disruptive Activities (Prevention) Act, 1987 (Amendment) Act, 1993
- (xi) The Prevention of Terrorism Act, 2002
- (xii) Unlawful Activities (Prevention) Amendment Act, 2004
- (xiii) Unlawful Activities (Prevention) Amendment Act, 2008
- (ix) The National Investigation Agency Act, 2008

The NHRC believes that the menace of terrorism and militancy must not be left to the agencies of the State like the police and the armed forces alone; rather it should be collectively fought by all sections of the society. That is why it has continued to lay emphasis on the socio-economic dimensions of the problem and also called for an effective enforcement of laws and good governance to ensure transparency and accountability in dealing with those who may be guilty of human rights violations. The problem, which the criminal justice system in India faced, according to it, related to (a) proper investigation of crimes, (b) efficient prosecution of criminal trials, and (c) the long delays in adjudication and punishment in courts.

CONCLUSION AND SUGGESTIONS

Human Rights have been evolved as a new religion of the changing world in order to bear the real fruits of humanism. So without education, Human Rights cannot be available to the people, particularly to the needy people. The right to development is impossible without the recognition of the right to education and in this respect, following some suggestions may be offered by the researcher. These are as follows- The human rights education at all the levels, primary to university and from rural to royal must be made easily available in order to touch the untouched people. These suggestions will be fruitful not only to arrest human rights violations but also be boon in implementing different plans of the government for achieving social-economic justice in India.

More autonomy should be given to the National Human Right commission to make it more competent and effective to ensure the Protection of human rights.

- (a) To reform and educate the armed forces,
- (b) To setup „Human Rights Cell“ in every police station and jail to help the needy persons in judicial process and for other assistance to ensure his or her rights.
- (c) To make proper and adequate reforms to the prison system. There should be uniformity of standard in prison administration and treatment of prisoners. The approach to treatment of prisoners should be reformative and rehabilitative, rather than retributive or deterrent. The system of ‘Open Prison’ should be encouraged and institutionalized.
- (d) To make initiative in dialogue between policy makers, the armed forces and human rights proponents, in taking actions and dealing with insurgency and terrorism must be initiated.
- (e) To frame some guidelines to both Television and AIR to increase involvement in enhancing human rights awareness.

Respect for human rights and human dignity is the foundation of freedom, justice and peace in the world. Terrorism brings sufferings and miseries to human beings. It being immoral and inhuman act puts under threat the rights and freedom of innocent people. It, therefore, abuses the fundamental human rights of the victims, particularly, the right to life, the right to physical integrity and the right to personal freedom. The increasing number of innocent persons including women, children and the elderly have been killed, massacred or maimed by terrorist in indiscriminate and random acts of violence and terror which in no case can be justified. 9 As we all know Right and Duty both are co-related, it is like two sides of a same coin. Normally people are more conscious about their rights rather than their duty. All man are woven in same garland of human community. What we are doing, it is only for the benefits of the human community. So, every human being should always be concerned about his duty. If we are humanly aware about our ‘Human body’ setting aside all ‘Human Wrongs’ then the ‘Human Rights’ will definitely be recognized, to discover a new ‘Human-world’.

SELECTED REFERENCES

Ujjwal Kumar Singh, The state democracy and anti terror laws in India. Edi. 2007, Sage Publication, New Delhi, India.

Ved Prakash, Terrorism in India, vol. 3, 2009, Kalpaz Publications C-30,

Satyawati→ Nagar, Delhi-110052, India. Wardlaw Grant, Political Terrorism: Theory, Tactics, and Counter-Measures, 2nd ed. 1989, Cambridge University Press, Cambridge, London U.K.

Yogesh K. Tyagi, Terrorism and International Law, (1987) pub. Indian Society of International Law, New Delhi, India.

Kavita Singh, Human Rights and Anti-Terrorism Laws in India, 1sted.2010, Central law Publication, Allahabad Surat Singh, Law Relating to Prevention of Terrorism, 2003 Ed, Universal Law Publication Co.Pvt.

The Indian Penal Code, 1860.

The Preventive Detention Act, 1950.

The Armed Forces Special Powers Act, 1958.

The Maintenance of Internal Security Act, 1971.
The Criminal Procedure Code, 1973.
Indian Evidence Act, 1872.
The Unlawful Activities Prevention Act, 1967.
The Terrorist and Disruptive Activities (Prevention) Act, 1987.
The Unlawful Activities (Prevention) Amendment Act, 2004.
The Unlawful Activities (Prevention) Amendment Act, 2008.
National Investigation Agency Act, 2008.
Indian Journal of International Law.
Indian Law Institute Journal.
Journal of the National Human Rights Commission.
<http://www.terrorism-research.com>
<http://www.thehindu.com/news/national/coordinates-global-approach-needed-to-combat-cyber-terror-pilot/article2592165.ece>.