

# LEGALFOXES LAW TIMES

## “TERRORISM A THREAT TO HUMANITY”

By Martina Thapa



A convoy of vehicles transporting Indian security personnel on the Jammu–Srinagar National Highway was assaulted by a vehicle-borne suicide bomber near Lethapora in the Pulwama district of the erstwhile state of Jammu and Kashmir on 14 February 2019.

### **ABSTRACT**

*The topical emphasis of terrorism research has been criticized for being too narrow, event-driven, and overly dependent on governments' counterterrorism policies. Terrorism is defined as the use of unlawful force or violence against people or property in order to threaten or coerce a nation, the civilian population, or any part thereof, in order to achieve political or social goals. It goes after ethnic or religious groups, governments and political parties, businesses, and media outlets.*

*Terrorism in India has grown to a great extent in the last two decades. Terrorism has emerged as the most recent threat to international stability and, in particular, to India's national security. Terrorists are becoming more sophisticated and capable in every facet of their operations and support. Weapon technology is becoming more widely available, and terrorist organizations purchasing power is growing as a result of the ready availability of both technology and skilled personnel to operate it. Terrorists are posing a significant threat to humanity's life, growth, and creation, in addition to threatening democratic and freedom values. India's human rights document is probably taken into consideration by way of the use of the Human Rights Council under the UPR technique in March 2008*

*For the prevention of terrorism, strict provisions are needed. If a law against terrorism is enforced in a country like India, it should be so strict that the perpetrator is brought to justice and does not get away with it because of loopholes or flaws. The importance of special laws to fight terrorism cannot be overstated; however, the issue is with their enforcement and the misuse of powers granted to authorities under the special laws.*

**Keyword: Terrorism, Terrorist, Anti-Terrorism, Human Rights, United Nation.**

## **INTRODUCTION**

To label anyone, a group, or a political party as a "terrorist," one must first understand what "terrorism" is. The expression "terrorism" derives from the French word "terrorisme," which is derived from the Latin verb "terrere," which means "to make tremble."

According to Oxford English Dictionary, Second Edition, 1989

Terrorism is a strategy designed to threaten or terrorize people. Terrorism, according to the Encyclopedia Britannica, is described as the organized use of violence to establish a general atmosphere of fear in a population in order to achieve specific political goals.

Terrorism is described as the use of violence or other harmful actions against civilians for political or ideological reasons. Terrorism is described by the European Union as an act aimed at "destabilizing or undermining a country's fundamental political, legislative, economic, or social structures." Terrorism is characterized as "the unlawful use of force and violence against persons or property to threaten or coerce a government, a civilian population, or any part, in furtherance

of political or social objectives," according to the Federal Bureau of Investigation's Code. Depending on the source, base, and goals of terrorism, Terrorism is classified as either domestic or foreign by the FBI, depending on the terrorist's origin, foundation, and goals.

The United Nations Organization (UNO), the European Union, the United States, and other countries use more than 100 meanings of the term "terrorism." Terrorism's contemporary meaning is inherently contentious the lack of consensus on a concept of terrorism has hampered the implementation of effective international counter-terrorism initiatives.

Terrorism is a form of violence perpetrated by individuals or groups who believe they have been wronged historically. It isn't a recent phenomenon; its origins can be traced back to antiquity. In India, this is a contentious and divisive subject that needs a much broader perspective. Terrorism has existed on the Indian subcontinent for over half a century. Under Article 355 of the Indian Constitution, the Central Government has a duty to protect States from internal disturbances one of the arguments is that these laws stand in the way of fundamental rights of citizens guaranteed by Part III of the Constitution. Terrorism has emerged as the most recent threat to global peace, especially to India's national security. Terrorism, whether committed by individuals, gangs, or state powers, is a crime against humanity that has wreaked havoc on communities around the world. The terrorists have not only put the values of democracy and freedom in jeopardy, but they have also posed a significant threat to humanity's life, growth, and development. Terrorism has taken on a new dimension as a result of modern technology, as highly advanced weapons are now readily available to terrorist organizations. There are many terrorist organizations operating independently of other foreign terrorist organizations all over the world. Terrorism incidents have increased dramatically in this century, which is cause for significant concern.

On the 21st day of September 2004, The Prevention of Terrorism (Repeal) Act, modified into enacted to repeal the essential act i.e. the prevention of Terrorism Act, 2002. And it modified into said in the repealed act that not some issue withstanding within the precept act shall have an effect on the previous operations, arrests, crook court docket instances, research and so on. Completed below this act. That manner the individuals who have been arrested in the -12 months span of this act, nevertheless persevered to fight for their release, however because of the truth there was no anti-terrorismulation in vicinity after the repeal of the act, the pains had been completed based on well-known law.

The simplest Anti-terrorism Law which prevails in India is the Unlawful Activities (Prevention) Act, 1967 (UAPA). This regulation turn out to be enacted with the aid of Parliament in 1967 to permit the imposition of much less costly restrictions on the rights to freedom of speech and expression, peaceful assembly, and formation of institutions or unions inside the interest of sovereignty and integrity of India. The true Act changed into geared in the direction of illegal sports activities of a widespread nature, and stringent provisions on terrorism have been added best later via several amendments starting in 2004, following POTA repeal which grow to be eventually amended in 2008 in reaction to the Mumbai terrorist assaults. The amended UAPA blanketed the definition of a terrorist act underneath segment 15 and created new terrorist offenses. It furthermore improved the duration of detention without bail and modified the presumption of innocence to that of guilt in which splendid conditions were met, therefore bringing inside the stringent provisions for which POTA modified into in advance criticized.

The modern amendment in UAPA have end up achieved in 2013, which in large detail concerned with the economic and financial elements of terrorism. A man or woman may be punished underneath UAPA, for the offenses mentioned in the act, irrespective of the fact that the offenses are dedicated outdoor India<sup>1</sup>.

### **NATIONAL INVESTIGATION AGENCY**

The NIA became born on 31-12-2008. It features because of the reality the Central Terrorism Law Encounter Agency. It's most important function is to investigate and prosecute offenses affecting the sovereignty, protection, and integrity of the us. According to the guidelines of NIA, it has to provide help to and are trying to find help from precise intelligence and investigation organizations of the Central Government and State Government. It also offers for installing of Special Courts for quicker trials and hassle-free listening to be heard on an everyday basis<sup>2</sup>.

### **Unlawful Activities Prevention Act, 1967/Unlawful Activities Prevention (Amendment) Act, 2008**

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<sup>1</sup> Ofelia Casillas, "Familial DNA Testing Raises Privacy and Civil Rights Concerns", available at <http://www.aclu-il.org/familial-dna-testing-raises-serious-privacy-and-civil-rights-concerns/> accessed on June 6, 2012

<sup>2</sup> S. Viswanathan, "Suspects forever: Members of the "denotified tribes" continue to bear the brunt of police brutality," Frontline, Volume 19 - Issue 12, June 8-21, 2002, available at <http://www.frontline.in/static/html/fl1912/19120450.htm> ,accessed on 13-6-15.

The authentic Act modified into used to rate offenders further to the widespread crook regulation. The modification inserted Section 43A to 43F. These gave remarkable powers to the investigating officials. The Anti-terror invoice emerge as surpassed inside the Rajya Sabha in 2019. The Bill seeks to amend the UAPA 1967. The vital shift is that now it allows the government to label a person as a terrorist if they may be contributing to any of the terrorist sports activities. The cutting-edge provisions provide additional powers to the Director-General, National Investigation Agency (NIA) to provide approval of seizure or attachment of belongings while the case is investigated via the use of using the business enterprise. Masood Azhar and Hafiz Saeed may be the primary global terrorists to be banned as humans in India after the UAPA amendments are notified through the authorities. According to the reports Hafiz Saeed turn out to be the thoughts behind the 2008 Mumbai terror assaults, Masood Azhar became held accountable for the modern assault in Pulwama further to the 2001 assault on parliament.

### **Information Technology Act, 2000**

In the modern worldwide of cyber crimes and cyber terrorism, it's far very vital to have sufficient jail suggestions that would address the equal. The enacted underwent Amendments inside the 12 months 2008 and after that Section, 66F modified into introduced that criminalized cyber terrorism. The punishment that can be offered underneath this Act is of life imprisonment. It covers a ramification of legal guidelines that cover various cyberinfrastructure.

### **ANTI-TERRORISM LAWS OF STATES**

Not quality at the countrywide degree however we've got laws to address terrorism on the State diploma additionally. Some of them are Karnataka Control of Organized Crimes Act, 2000, The Maharashtra Control of Crimes Act, 1999, The Jammu and Kashmir (Public Safety) Act 1978, Armed Forces Special Power Act 1958, and The Disturbed Areas Act.<sup>3</sup>

These are some of the cutting-edge-day enactments that attempt to address terrorism within the state of the taking region of this kind of sports in the destiny is the precept goal of these enactments. However, it's far vital to word that there had been numerous changes which have

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<sup>3</sup> Telecom Enforcement, Resource and Monitoring (TERM) Cells, Department of Telecommunications, Ministry Of Communications & Information Technology, <http://www.dot.gov.in/term/term-security>

been delivered about within the U.S.'s terror regulation after, India faced a number one blow within the call terrorism inside the Mumbai attacks.

The phenomenon of terrorism have grown to be a global situation within the Nineteen Sixties even as a chain of plane hijacking hit the headlines. In democratic global locations, it's miles crucial that people have the proper to express their views with none fear. If the actual grievances are not regarded into, the humans produce other democratic and nonviolent methods to be had to them to attract the eye of the authorities. However, in cutting-edge-day years some people have started resorting to terrorism to specific their desires. The innocent and helpless peoples have emerge as their sufferers. The rule of regulation is predictable and the rule of thumb of thumb of terror is unpredictable. The query of fighting global terrorism has been continuously on the time desk of worldwide regulation and worldwide institutions. The Law Commission of India undertook a have a examine of the protection state of affairs for assessing the want for whole terror laws. After the expiry of TADA, the Law Commission became entrusted with the undertaking of enacting suitable law for preventing terrorism and exceptional anti-country wide sports activities. The Law Commission in the long run advocated the Prevention of Terrorism Bill, 2000 which have become a changed model of TADA. However, sooner or later Prevention of Terrorism Ordinance, 2001 have grown to be promulgated thru the President. The National Human Rights Commission (NHRC) rejected the draft invoice submitted by way of the use of the Law Commission and harassed the want for looking at and protective 'national integrity' and 'character dignity' – each being the primary values of the Constitution and there was a need to stability the ones two<sup>3</sup>. According to the NHRC –the problem which the Criminal Justice System in India confronted is associated with (a) right research of crimes, (b) green prosecution of criminal trials, and (c) the prolonged days in adjudication and punishment in courts. None of the troubles, however, may be solved through using the usage of the ones enacting prison guidelines. Even the contemporary UAPA Amendment Act that is additionally known as the Anti-Terror Bill that have become passed with the aid of the use of the Rajya Sabha in 2019 has additionally attracted masses of grievance. It gives unjustified powers to the government and does not art work in a healthy and tremendous way to fight the hassle of terrorism.<sup>4</sup>

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<sup>4</sup> Sunil Kumar Agarwal, Implementation of International Law in India: Role of Judiciary, DEAN MAXWELL & Isle Cohen Doctoral Seminar In Int'l L., McGill U., at 1

### **INSTANCES OF TERRORIST ASSAULT**

In the modern past the terrorist acts consisting of the very last month Boston Marathon Bomb Blast (fifteenth April, 2013), assaults on •global Trade Centre, New York (eleventh September , 2001), assaults at the Indian Parliament (13Lb December, 2001), Mumbai attack (twenty sixth November , 2008), the Malegaon blasts or the Serial Blasts in Delhi, Ahmadabad , Surat, Mumbai Local Trains, Guwahati and plenty of greater has come to threaten the very basis of present day civilization society and people acts assumed new dimensions. India has been a long time sufferer of terrorism be it in the North east, Punjab or Jammu and Kashmir however now terrorism has dangerously unfold to other components of the united states with help of International groups and organizations actively taking element in terrorism m developing percent. Human rights and Terrorism may be take a look at thru manner of following case prison recommendations

The Supreme Court of India in *Kartar Singh v State of Punjab*<sup>5</sup> wherein it become determined that the United States has been within the organisation grip of spiraling terrorist violence and is caught amongst lethal pangs of disruptive sports activities.

Supreme Court of India as a long way lower back as in 1994 dwelt at duration on it and drew a difference among a merely criminal act and terrorist act in its judgment Hitendra Vishnu Thakur v State of Maharashtra "It can be possible to provide an cause of it (Terrorism) as use of violence at the way to disturb even pace, peace and calmness of the society and create a experience of worry and lack of confidence."

Apart from Universal Declaration of Hum an Rights, 1948, there are one of a kind some critical international normative framework concerning human rights, high-quality practices are worldwide covenant on civil and political rights, Convention in competition to Torture and Other Cruel, inhuman or Degrading Treatment or Punishment, 1984; Convention on the Rights of the Child, 1989; United Nations Code of Conduct for Law Enforcement Officials.

### **TERRORISM WHETHER SOLUTION LIES WITH IN INTERNATIONAL LAW**

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<sup>5</sup>1962 SCR (2) 395

The hassle of world terrorism expanded currently consequently the mind were given usually to govern it.[26] The problem changed into first time taken up via the twenty seventh Session of the overall assembly. International terrorism has nowadays manifested itself in numerous office work together with

- (a) Air craft hijacking
- (b) Kidnapping of diplomatic personnel and different parents and assault on Diplomatic missions.
- (c) Taking of hostages
- (d) Terrorism in battle of National liberalization
- (e) Terrorism in Armed conflicts.
- (f) Nuclear terrorism.

#### Causes of International terrorism

It is but every other element to be scientifically explored; the identification of reasons of global terrorism can also furthermore no question be time eating but cannot be averted.

Although many states inside the global are through the use of terrorism. Sufficient collective win has now not advanced in the global network to take collaborative movement in the direction of it. There are some executive. And non officers who useful aid it. Their argument is that there are a few gouts in the international which rent techniques of terrorism in the direction of human beings.<sup>6</sup>

The begin of global terrorism however can be traced again to as early as 1948 even as Israel became created through a partition of Palestine and the Palestinian Readers refused to in reality receive the arrival of states. Several Palestinian organizations determined terrorism with the intention of destruction of Israel and the appearance of independents country of Palestine, The global therefore witnessed the rise of terrorism within the Middle East Roots of suicide terrorism

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<sup>6</sup> E.B. Beenakker, The implementation of international law in the national legal order: a legislative perspective (June 5, 2018) (Ph.D. dissertation, U. of Leiden), <https://openaccess.leidenuniv.nl/bitstream/handle/1887/63079/01.pdf?sequence=3>.



is a ultra-modern face of worldwide terrorism inside the present day-day context a no. Of causes for terrorism may be recognized. In a few techniques selfish, uncaring behavior on the part of human beings replicate the adolescent level of character in which personal worries or grievances crush humans. The shikh noor-ud-din wali has with vehemence, force and pressure expressed the concept of surrender of the evil in numerous modes and those thoughts it oft repeated in his poetry.

### **INSTANCES OF INTERNATIONAL TERRORISM**

Most companies which might be accused of being a terrorist enterprise deny the use of terrorism as an army tactic to accumulate their goals and there's no intentional consensus on the bureaucratic definition of terrorism. Therefore, this listing is or companies which may be or had been within the component, prescribed as terrorist organization by way of the use of different businesses together with the united global places and countrywide gouts, in which the proscription has an exquisite impact on the institution's sports.

Osama Bin Laden comes from quite rich capitalist own family of Saudi Arabia. The Bin Laden Corporation, which specializes in creation, is an MNC in its very own proper with projects and offices at some point of the globe<sup>7</sup>.

### **THE EFFECT OF TERRORISM ON HUMAN RIGHTS**

Terrorism hobbies at the very destruction of human rights, democracy and the guideline of thumb of law. It attacks the values that lie at the coronary heart of the Charter of the United Nations and specific worldwide gadgets: appreciate for human rights; the rule of thumb of law; guidelines governing armed battle and the protection of civilians; tolerance among peoples and international places; and the nonviolent choice of battle. Terrorism has an instantaneous effect at the amusement of some of human rights, especially the rights to life, liberty and bodily integrity. Terrorist acts can destabilize Governments, undermine civil society, jeopardize peace and safety,

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<sup>7</sup> V.G. Hegde, Indian Courts and International Law, 23 LEIDEN J. INT'L L. 53, (2010)  
<https://www.cambridge.org/core/services/aop-cambridge-core/content/view/S0922156509990331>.

threaten social and financial improvement, and might specifically negatively affect high quality businesses. All of these have a right away impact at the entertainment of vital human rights.<sup>8</sup>

The adverse effect of terrorism on human rights and protection has been identified on the very nice diploma of the United Nations, notably via using the Security Council, the General Assembly, the preceding Commission on Human Rights and the ultra-modern Human Rights Council.

### **ANTI-TERRORISM LEGAL GUIDELINES IN INDIA AND THE NEED OF POTA**

In the brand new millennium, we're dealing with the very real and increasing prospect that community aggressor, 1/three-charge armies, terrorist companies or even religious cults will are in search of for to wield disproportionate energy by way of the usage of obtaining and using weapons of mass destructions - Secretary Of Defense William Cohen of U.S.A.

First in Varanasi then in Delhi then in Mumbai nearby trains and I do no longer anticipate there is even a need to say the continuing terrorist's barbaric sports activities in Kashmir. The bomb blasts have outraged each patriotic Indian. No civilized state can allow this shape of barbaric inhumanity to be in part or completely supported or sponsored thru any neighbor or home insurgents. The simplest manner we can combat it's far to lower, if no longer get rid of, such occurrences. Prevention is critical; and legal guidelines like Pota can prevent such occurrences. Acquittals even in a case like Parliament attack passed off due to bad prosecution instead then because of Pota<sup>9</sup>.

After the Sep 11 attacks on the area alternate center the world's outlook inside the route of the terrorist and terrorist employer has changed the criminal pointers have come to be plenty extra stringent to lessen such sports. The Indian outlook additionally modified specifically after the thirteen December assault at the Indian parliament it truly is seen as an image of our democracy then it have grown to be essential to enforce a law which might be more stringent just so the terrorist cannot move Scot loose because of the reality after the lapse of TADA in 1995 following the wide spread complaint that it have become being abused there has been no law if

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<sup>8</sup> U.N., UPHOLD INTERNATIONAL LAW (2020), <https://www.un.org/en/sections/what-wedo/uphold-international-law/>.

<sup>9</sup> What is International Law?, FINDLAW (June 20, 2019), <https://hirealawyer.findlaw.com/choosing-the-right-lawyer/international-law.html>.

you want to be used as a weapon in competition to the growing terrorist sports activities sports in India.

India is facing multifarious disturbing situations within the manipulate of its inner security. There is an upsurge of terrorist sports activities, intensification of circulate border terrorist sports and insurrection organizations in one in every of a type parts of the U . S . A .. Terrorism has now acquired global dimensions and has end up the task for the entire global. The gain and strategies adopted through terrorist agencies and organization take gain of contemporary-day-day approach of conversation and era using excessive tech centers to be had in the form of verbal exchange system, shipping, state-of-the-art fingers and various one of a kind manner. This has enabled them to strike and create terror amongst human beings at will. The criminal justice tool changed into no longer designed to cope with such sort of heinous crimes. In view of this case it have turn out to be felt essential to enact law for the prevention of and for coping with terrorist sports activities.<sup>10</sup>

In 2002 March consultation of the Indian parliament the Prevention Of Terrorist Activities Act changed into introduced and it had massive competition not even inside the Indian parliament but in the route of India particularly with the human rights organization because they concept that the act violated most of the fundamental rights furnished within the Indian charter. The protagonists of the Act have, but, hailed the law on the floor that it is been effective in ensuring the fast trial of those accused of indulging in or abetting terrorism. POTA is beneficial in stemming "state-sponsored skip-border terrorism", as envisaged thru the then Home Minister L.K. Advani. The Prevention of Terrorism Act, 2002 (POTA), have become visible as a controversial piece of regulation ever because it come to be conceived as a weapon towards terrorism.

### **THE NEED OF POTA**

It is generally stated that terrorism is a low intensity battle. But the loss, which our U . S . A . Has suffered inside the last a long term due to the upward push of terrorist sports activities, has been on a very big scale. This united states of country has fought four excessive intensity wars and in

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<sup>10</sup> Public International Law: Introduction to Public International Law Research, U. OF MELBOURNE  
<https://unimelb.libguides.com/internationallaw>

those wars we've were given out of place extra then 6000 human beings. We have already lost greater then 70000 civilians. In addition, we've were given have been given out of place more then 9000 safety employees.

Almost six lakh people in this thestate have emerge as homeless due to terrorism. Outside the expenditure on our navy, absolutely for retaining the complete set up to combat insurgency, to combat bypass-border terrorism, the monetary fee itself has been Rs 45000 crore. The budgetary increase itself within the closing 15 years, due to terrorism or anti-insurgency sports, has been 26 instances. We haven't any record of the explosives which have been utilized in various additives of the united states of the United States. We have a document of crime. But the explosives which have been confiscated via our safety groups weigh 48000 kilos.

What are the regions which is probably affected: It isn't simplest Kashmir; Punjab too has suffered. Also Mumbai, Delhi and one-of-a-type regions of the USA of a similar to the North East. Development has suffered, the monetary system has suffered. You have now a brand of Maoist terrorism; People's War Group and top notch agencies. A huge a part of Andhra Pradesh, Orissa, Madhya Pradesh, Chhattisgarh and Jharkhand proper as a good buy as the Nepal border is affected. We had insurgency and terrorism in Tamil Nadu. We out of region of our former prime ministers to this type of terrorism.<sup>11</sup>

Every time any individual feels responsible and might pay a nice below enterprise regulation, we take it as a conviction after which declare that the conviction rate is forty%. In heinous crimes like homicide, the conviction price under the so-referred to as ordinary processes has come down to six.5%. There are numerous reasons for this. One is that after we deal with hardened criminals, some of our antique notions of crook regulation should exchange. It is an unhappy fact that crime in India has turn out to be a low threat organization. It is an excessive earnings commercial enterprise with a 90 three% opportunity that you can dedicate a hard crime and escape with it.

So it turns into very important in a rustic like India that if a law regarding terrorism is enacted it want to be made so stringent that the culprit be sold to eBook and does not circulate scot-loose in fact because of the loopholes and lacunaes inside the normal law due to the truth while our

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<sup>11</sup> M.P. Tandon and V.K. Anand, International Law and Human Rights, at 50 (Allahabad L. Agency 2017).

neighboring nation Pakistan that's the purpose of perpetrating terrorism in India and might have such stringent crook suggestions why cannot we have got have been given such criminal recommendations.<sup>12</sup>

## **LAW RELATING TO PREVENTION OF TERRORISM**

### **-NATIONAL LAWS ON TERRORISM**

- **TERRORISM AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT,**

1985 and 1987TADA represents a period in India's anti-terror law history when, for the first time, a federal or central law was enacted with the express purpose of combating "terrorist" and "disruptive" activities. The act was first enforced as a temporary measure for two years in May 1985 in the form of the separatist movement of 'Khalistan,' and it was limited to Punjab and bordering states.

However, it was reintroduced in 1987 by an ordinance, with a provision for a two-year extension for legislative review. TADA 1987 was expanded on a regular basis, the most recent being a two-year extension in 1993. TADA became more stringent as a result of the simultaneous expansion, and it also gained a broader geographical application. By 1993, it had expanded its operational area to include the majority of the world, bringing it under the control of more than 95 percent of the population. The implementation of exceptional provisions such as the concept of "terrorist acts," detention, bail, remand, prosecution, tribunal, and enhanced punishment would be one of TADA's most striking features.

The enormous and overwhelming powers conferred on the central government to make rules for enforcing TADA's provisions and to create dedicated courts to try TADA cases have always been a source of contention.

- **THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967**

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<sup>12</sup> How does international law apply in a domestic legal system, THE PEACE AND JUST. INITIATIVE, <https://www.peaceandjusticeinitiative.org/implementation-resources/dualist-andmonist>.

The description provision of the Act does not include a definition of the term "terrorism," but it does include a definition of a terrorist act. The term "terrorism" should be interpreted in light of the concept of a terrorist act.

Terrorist act is defined in the Act as “Whoever, 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 in India or in any foreign country, does any act by using bombs, dynamite or other explosive substances or inflammable substances or firearms 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, 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 in India or in any foreign country or causes damage or destruction of any property or equipment used or intended to be used for the defense 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 person and threatens to kill or injure such person in order to compel the Government in India or the Government of a foreign country or any other person to do or abstain from doing any act, commits a terrorist act” (Section 15). The above definition did not exist in the 1967 Act. The previous Act only defined and dealt with unlawful activity.

- THE PREVENTION OF TERRORIST ACT 2002:

After TADA expired in 1995, the Indian central government passed the Prevention of Terrorism Act in a joint session of parliament in March 2002 to strengthen India's ability to combat potential terrorist threats. The Indian Supreme Court had struck down the criminalization of "abetting" a terrorist in TADA, but POTA reinstated it.

- THE MAHARASTRA CONTROL OF ORGANIZED CRIME ACT, 1999 (MCOCA)

Which came into effect on April 24, 1999. Following the expiration of POTA in 1995, this law was enacted to address the rise in organized crime in Maharashtra, especially in Mumbai, as a

result of the underworld. This legislation was passed by the Maharashtra Assembly in view of the growing menace of organized crime. Both organized crime and terrorism include murder, abduction, arson, theft, burglary, bribery, trafficking in narcotics or dangerous drugs, coercion, and violence; eventually, the support systems and sources of financing are always the same.

However, there were several cases of power abuse for ulterior motives. In the custody of law enforcement officers, the statute's strict protections came to be violated.

- **THE MAINTENANCE OF INTERNAL SECURITY ACT,1971**

Within the country and across borders, espionage and threats to national security were on the rise. To effectively deal with threats to India's defense and stability, it was deemed necessary to have powers of preventive detention. Since the current laws to deal with the situation were deemed insufficient, the President issued the Maintenance of Internal Security Ordinance, 1971. The Maintenance of Internal Security Bill, 1971 was introduced in parliament to replace this Ordinance with an Act.

- **THE NATIONAL SECURITY ACT,1980**
- **THE SAARC CONVENTION (SUPPRESSION OF TERRORISM) ACT, 1993**



#### **-STATE LAWS ON TERRORISM**

- **THE PUNJAB SECURITY OF STATE ACT,1953**
- **THE CHANDIGARH DISTURBED AREAS ACT,1983**
- **THE ASSAM DISTURBED AREAS ACT,1955**
- **THE ASSAM MAINTENANCE OF PUBLIC ORDER (AUTONOMOUS DISTRICTS) ACT,1953**
- **THE NAGALAND SECURITY REGULATION,1962**
- **THE PUNJAB DISTURBED AREAS ACT, 1983**
- **TAMIL NADU PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG-OFFENDERS, FOREST OFFENDERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS, GRABBERS AND SLUM ACT, 1982**

- THE MAHARASHTRA CONTROL OF ORGANISED CRIME ACT,1999

**-LAWS ON TERRORISM PERTAINING TO THE ARMED FORCES**

- THE ARMED FORCES (ASSAM AND MANIPUR) SPECIAL POWER ACT,1958
- THE ARMED FORCES (ASSAM AND MANIPUR) SPECIAL POWERS (AMENDMENT) ACT,1972
- THE ARMED FORCES (PUNJAB AND CHANDIGARH) SPECIAL POWERS ACT,1983
- THE ARMED FORCES (JAMMU AND KASHMIR) SPECIAL POWERS ACT, 1990

**-THE MAJOR INCIDENTS OF TERRORIST ATTACK ON INDIA IS:-**

- 12 March 1993 - Series of 13 bombs go off killing 257
- 14 March 2003 - Bomb goes off in a train in Mulund killing 10
- 29 October 2005 Delhi bombings
- 2005 Ram Janmabhoomi attack in Ayodhya
- 2006 Varanasi bombings
- 11 July 2006 - Series of seven bombs go off in trains killing
- 26 November 2008 to 29 November 2008 - Coordinated series of attacks killing at least 170.
- Parliament attack in 2001
- Jaipur Blasts in 2008 80 people were killed and more than 170 were injured.
- Uri Attack in 2016 On 18 September 2016 Uri in Kashmir where 17 jawans were killed 20 more army personnel were injured
- Pulwama Attack in 2019 on 14 February, 2019 one of the deadliest terror attacks on our brave security forces in Pulwama. In the attack at least 40 CRPF personnel were killed.

This data shows that after 1980, the terrorist activities are increased in India. India has fourth a war against the terrorism and in these wars we have lost more than 6000 people. We have already lost more than 70000 civilians. In addition, we have lost more than 9000 security personnel. Almost six lakh people in this country have become homeless as a result of terrorism.

**CONCLUSION**



Anti-terrorism acts in India, time to have been dealing with backlashes due to its indistinct nature and they frequently violate the Human rights of a convict or a suspect. There were loads of arrests below such criminal recommendations which nevertheless continue to be in prison without trials even after the repeal of the concerned act. Human Rights Council, in its hobby of India's anti-terrorism prison tips, want to offer smooth guidance to the Government of India to abolish its discriminatory and draconian legal suggestions and their similarly draconian implementation inside the U. S. If it wishes to be considered amongst civilized international places and worldwide locations. India claims to be the most vital democracy in the global, and consequently such felony suggestions that deny the entertainment of human rights to any man or woman do flow in with the winning nature of a democratic state

The assure of human rights and protection from terrorism cannot be over-emphasized. Combating and in the long run overcoming terrorism will now not be successful if the method to comfortable that society are not regular with human rights requirements. The crucial human rights ideas which can be maximum normally engaged within the combat in opposition to terrorism. It explains states' responsibilities in recognize of these rights at the same time as managing terrorism. Counter-terrorism strategies which is probably compliant with human rights no longer only keep away from certain crook pitfalls, however can also prove extra powerful in the long time at prevailing the ideological conflict closer to terrorism than techniques that themselves violate human rights. One of the facet consequences of terrorist hobby and the worldwide response to it is been the tendency to pit the thoughts of liberty and safety in competition to every one-of-a-kind. The notion of human rights safety has frequently been furnished as being in battle with safety from terrorism.

### **REFERENCES**

- Andhra Pradesh High Court. "Judgement on NIA, Hyderabad V Defender Gupta Criminal Appeal No.795 of 2013." March 12, 2014. [Http://164.Onehundred.12.10/hcorders/orders/2013/crla/crla\\_795\\_2013.Pdf](http://164.Onehundred.12.10/hcorders/orders/2013/crla/crla_795_2013.Pdf) (accessed March 29, 2016).
- ANI. "Malegaon blast: SC troubles be conscious to NIA, Maha executive." Business Standard, January 29, 2018.
- Ashley, Sean Paul. "The Future of Terrorist Financing: Fighting Terrorist Financing in Digital Age." Penn State Journal of International Affairs 02, no. 01 (Spring 2012): 10.

- Central Bureau of Investigation, Ministry of Home Affairs Government of India. “Section 6, Delhi Special Police Establishment Act.” 1946. [Http://www.Cbi.Gov.In/aboutus/ dspe.Personal home internet page](http://www.Cbi.Gov.In/aboutus/dspe.Personal%20home%20internet%20page) (accessed March 12, 2016).
- Chandrachud, Chintan. “INTERNATIONAL HUMANITARIAN LAW IN INDIAN COURTS: APPLICATION, MISAPPLICATION AND NON-APPLICATION.” In Applying global humanitarian regulation in judicial and quasi-judicial our bodies, by Derek Jinks , Jackson N. Maogoto and Solon Solomons, 389. The Hague: T.M.C. Asser Press, 2004.
- Chidambaram, P. “Combined Discussion on the movement for Consideration of the National research Agency Bill 2008 and the Unlawfull Activities (Prevetion) Amendment Bill, 2008.”
- Loksabha Database. December 17, 2008. [Http://164.One hundred.Forty seven.192/debatestext/14/17-12-2008.Pdf](http://164.One%20hundred.Forty%20seven.192/debatestext/14/17-12-2008.Pdf) (accessed September 12, 2016).
- Delhi High Court. “Syed Maqbool V State CRL.M.C. 3687/2013 and CRL.M.C. 3690/2013.” <http://delhihighcourt.Nic.In>. March 20, 2014. [Http://delhihighcourt.Nic.In/dhcqrydisp\\_o.Asp?Pn=62438&365 days=2014](http://delhihighcourt.Nic.In/dhcqrydisp_o.Asp?Pn=62438&365%20days=2014) (accessed April 02, 2016).