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Terrorism: A Threat to Global Peace and Stability

HRISABH ANAND¹

ABSTRACT

Barack Hussein Obama, the former president of the USA Once said that no religion in the world is responsible for terrorism only the people who are doing those things are responsible for the violence and terrorism. Every individual on this planet is having the right to live their life peacefully, but terrorism is an act that makes the life of people hell who suffers because of it. Terrorism is the act of using violence and threat against the common civilians or the government of a country to fulfill their ideological, political, or social objectives. Terrorism has emerged as the most recent threat to international peace and, in particular, to India's national security. Terrorists are becoming more sophisticated and capable in every facet of their operations and assistance. Weapon technology is becoming more widely available, and terrorist organizations' purchasing power is expanding as a result of the ready availability of both technology and skilled personnel to operate it. Terrorists are posing a severe threat to humanity's life, progress, and development, in addition to harming democratic and freedom principles. For the prevention of terrorism, strict provisions are required. If legislation against terrorism is implemented in a country like India, it should be so strict that the perpetrator is brought to justice. In this paper, I will discuss what are the lacunas and loopholes in the laws related to terrorism in India, what are the most affected areas of India due to terrorism like J&K, and I will also be discussing how the world is getting affected due to terrorism. What are the international laws and treaties? Some of the major terrorist attacks in India and around the world.

I. INTRODUCTION

In the 21st century, our world is developing at a very rapid rate, and people are moving towards a better life. But in today's world also, we humans are facing a very big threat, and that is TERRORISM. So what terrorism the history of the term terrorism traces back to the 1790s during the revolution in France, and the word terrorism was used to define the acts done by the revolutionaries on their enemies in this act, they used to do mass public executions by the use

¹ Author is a student at Lovely Professional University, India.

of the guillotine.² The United Nations General assembly resolution vide number 49/60 was embraced on 9th December 1994 with having the title as, "steps for alleviation of global terrorism." Terrorism is defined therein as "when an offensive act with having an intention or calculation to call forth a state of intimidation or terror in the mass, among the common public or an individual for political motto, will always be unjustified, whatever be the consideration of a political-ideological, racial, philosophical, religious, ethnic or any other nature that may be conjured-up. to justify them³." For a long time, many of the scholars have also tried to define terrorism some of them are-

(i) "Terrorism is defined as the use or threat of using violence, a battle tactic, or a strategy to attain a certain goal. Its goal is to instill terror in the victim, which is brutal and goes against the humane principal rule. Publicity is a critical component in terrorist strategy." By- Walter Laqueur, (ii) "Terrorism is defined as "the use of violence against random civilian targets in order to scare or generate widespread fear in order to achieve political objectives." By- Yonah Alexander⁴. So after analyzing all these different definition, I can define terrorism as the act done by a certain group of people in which they use threat and violence against the common people of a country, which pressurizes the government of that country to fulfill the ideological, religious or political goals of that group of people. India is one of the most rapidly growing countries in the world, but as per the reports of the ministry of home affairs, India is also one of the most affected countries due to terrorism; many type of terrorism prevails in India, like Terrorism of the Islamic faith, separatist terrorism, and left-wing terrorism are all examples of terrorism. Even after 75 years of independence, India faces a lot of terrorist activities on its land, like the Islamic terrorist groups funded by Pakistan in Jammu and Kashmir, the separatist groups in Punjab, Assam and other northeastern states and many groups in the southern states. As per the list of the ministry of home affairs a total of 49 terrorist groups operates in India including the groups like Lashar-e-taiba and Jaish-e-Mohammad which were responsible for the attacks of 26/11 and the parliament attacks of 2001. Since its independence in 1947 India is constantly facing several challenges due to terrorism and to tackle these serious problems many laws specially related to terrorism prevails in India some examples of such laws are (i) NSA, (ii) AFSPA, (iii) UAPA all of these acts have the same objective to control the terrorist activities in India. And not only India but many other countries in the world who are suffering

² Terrorism, available at: <https://www.britannica.com/topic/terrorism> (last visited on April 05,2022)

³ Various Definitions of Terrorism, available at : <https://dema.az.gov/sites/default/files/Publications/AR-Terrorism%20Definitions-BORUNDA.pdf> (last visited on April 05,2022)

⁴ What Is Terrorism?, available at: https://www.sagepub.com/sites/default/files/upm-binaries/51172_ch_1.pdf , (last visited on April 12,2022)

because of terrorism have many different laws to tackle the problem there are many conventions of the UNO many countries have signed different treaties with each other to prevent terrorist activities. But even after having all these laws and all the efforts to contain the problem there were a total of 10,172 terrorist attacks worldwide in the year 2020 which resulted in the death of almost 29,389 people so there are some problems with the laws that are prevailing throughout the world and this is something which is needed to be looked into that what are the loopholes in the system where the things are getting wrong due to which these activities are not getting controlled.

II. HISTORY OF TERRORISM

In the modern world people have a perspective that terrorism is a new concept but that's not true because terrorism existed in the past in some form or another. In the earlier times also people used violence publicly with the purpose of scaring and intimidating their opponents. There are evidences that during the 1st century Jews people who were also known as Zealots tried to overthrow the Roman Empire and for doing so they used the tactics of intimidation and assassination, this one of the earliest known evidences of terrorism in human history.⁵ But the word Terrorism which we use today was coined in France between 1793 to 1794 it was known as "*Regime de la terreur*" which means the regime of terror. The French Revolution devolved into lunacy when revolutionary leaders began collecting up and publicly guillotining dissidents⁶.

According to revolutionary leader Robespierre, terror is nothing more than justice, which justifies the deaths of 40,000 people.

In the 1870s, Russia was the first country to use modern terrorist tactics. Those attempting to remove the czar chose to undermine his authority by committing serious and public acts of violence in order to achieve three objectives:

- Attempt to topple the government
- Split the population in half.
- Provoke authorities to retaliate in a fearful manner.

Outside of Russia, anarchists, revolutionaries, and dissidents oppressed by the Ottoman and British empires quickly adopted these tactics. As a result, terrorism has become a worldwide issue that has been used to resist imperialism by weakening colonial governments, splitting

⁵ Terrorism in Historical Perspective, available at : https://www.digitalhistory.uh.edu/topic_display.cfm?tcid=94, (last visited on- April 13 2022)

⁶ MARK BURGESS, "A Brief History of Terrorism" page no. 2, (published on February 13, 2015)

population loyalties, and forcing colonial authorities to overreact. Of course, the concept of terrorism grew from there.

In the early 20th century anarchy loving organizations started embracing terrorizing methods to de-stabilize the government. For keeping in order, fascist administration started torturing their own citizens. After 2nd world war terrorism became an element of Africa and west Asia's anti-imperialistic struggle.

The Indian sub-continent was ripped into 2 different nation after the partitation of India and Pakistan in 1947. After the partitation took place both the countries witnessed several ethnic riots which are still considered as one of the most horrifying in the modern history of humans. After the partition the then maharaja of the princely state of jammu and Kashmir stayed neutral for some period as he wanted to make a separate nation but after some time due to some circumstances he decided to merge into India and he acceded into india but this move of accession by maharaja Hari Singh was not accepted by Pakistan as because according to it the majority of population in Kashmir are of muslim religion and till date Pakistan does not agree with the accession of J&K in India and since then Pakistan is accused of funding the militant activites in the state of J&K for destabilizing the conditions in that state as well and other parts of India. Since its independence only India has been witnessing some of the most horrifying terroristic activity in History of humanity. Some of the major terrorist attacks on India are -1. The 1993 Bombay blasts in which 12 terrorist bombings took place at different locations in Bombay which resulted in the death of 257 peoples and over 1400 people were injured. 2. Then the insurgent movement that turned violent as the militants started demanding the seperet nation of Khalistan which le to operation blue star in 1984 the operation took place in the complex of golden temple and the operation was against the sikh separatist led by Bhinderwala which were present in the golden temple after a gun fight that lasted for 72 hours the army was finally successful in taking the control of golden temple but this incident resulted in the deaths of 83 army personals and over 249 were injured. After the operation in the same year the then Indian PM, Smt. Indira Gandhi was assassinated by two of her bodyguards, supposed to be influenced by the Golden Temple incident and it resulted in countrywide anti Sikh riots killing hundreds of people.

Further, there was a parliament attack in the year 2001. During the same attack, Terrorists assaulted India's Parliament on December 13, 2001, which continued for 45-minute gun fight in which 9 police officers and parliament workers were killed . During the same gun fighting, Security personnel also killed all five terrorists, who were identified as Pakistani citizens. The incident happened at 11:40 a.m. (IST), just as both Houses of Parliament had recessed for the

day. The alleged terrorists arrived in a vehicle through the VIP entrance of Parliament, dressed in commando outfits. The terrorist carrying car entered inside the Parliament premises with security badges of the Parliament and of the Home Ministry. The terrorists used AK-47 small arms, explosives, and grenades for attack, which resulted in tremendous explosions. The Central Hall of Parliament was packed with senior ministers and almost 200 members of Parliament ⁷.

Then occurred another attack known as 2008 Mumbai attacks which also became famous as 26/11 attack. It shocked the entire nation. In the 2008 Mumbai attacks, a series of terrorist assaults taken place duly executed by 10 member of L-e-T, a Pakistan's terrorist group. This terrorist attack involved 12 synchronized shooting and bombing attacks throughout Mumbai and the same continued for 4 days. The attacks started on Wednesday, November 26th, and it lasted up until Saturday, November 29th, 2008, drawing considerable international criticism. A total of 175 persons were killed, including nine attackers, and more than 300 civilians were injured.

Thereafter, in the recent years, many terrorist attacks took place mainly targeting the Indian army and trying to destabilize the country. This includes the attack on military camp in Uri, the attack on the convoy of the Indian army in the Pulwama district of Jammu and Kashmir in 2019, wherein a Suicide bombing through car on a bus carrying 40 CRPF personnel were caused in which all the 40 CRPF personnel succumbed to death. This list can go on and on. As per report of home ministry 2018 India is one of the most affected country due to terrorism in the world.

III. PREVAILING ANTI- TERRORISM LAWS IN INDIA

As India is a very vast country many anti-terrorism laws are needed in our country to deal with the problem of terrorism. There are many laws prevailing in India which are specifically made to tackle the problem of terrorism some of which are:-

1. UAPA (Unlawful activity prevention act) 1967

This act is considered as one of the first anti- terrorism law to be passed by the parliament in the independent India. Tough the UAPA was passed in 1967 the origin of this Act is said to be the recommendations of a committee duly assigned by the National Integration Council with the prime motto to look into the matter of "National Integration and Regionalization" which will further be used to put reasonable restrictions on certain Fundamental Rights. After

⁷ 2001 Indian Parliament attack, available at: https://en.wikipedia.org/wiki/2001_Indian_Parliament_attack , (last visited on April 15,2022)

submission of report by committee, the 16th amendments in the Indian constitution was done in the year 1963 putting certain limitations on Fundamental Rights, that is Freedom of speech and expression, Right to assemble peacefully, Right to form associations and unions.

As such, in order to implement these restrictions more effectively, the UAPA Act of 1967 was introduced. Since then the UAPA has gone through many major Amendments. Some of the most significant Amendments are the Amendments done during the 2004 and 2019.⁸ The amendment of 2004 empowered central government to declare any organization as a terrorist organization and it also empowered the government to ban those organization from operating in our country.

The most recent amendment done during the year 2019 pertains to declaring any individual as a terrorist and it even empowered the government to detain that person for more than 180 days without filing any charge-sheet .

2. TADA [Terrorist and disruptive activity (prevention) act, 1987]

The TADA act is widely considered as India's first counter- terrorism related Act which came into force on 24th may 1987 in the backdrop of Khalistani movement of Punjab. After having due impact by application of TADA, when it could be contained, subsequently it was implemented on countrywide basis. Further, for a considerable period of time, it was the main anti-terrorism related law in India.⁹ But it was heavily criticized due to some of the provisions under the Act which were considered as violative of the Fundamental Rights of a person. Under the TADA act the enforcement agencies were not obliged to produce the accused before the magistrate within 24 hours, it gave the authorities the power to detain the accused for upto 1 year and which can also be increased to as long as 5 years. The confessions made in front of the Police by the accused arrested under this act was considered admissible in the court of law. Special courts were also established for the trials of the accused arrested under this act. The trials of the accused were allowed to be held on cameras with the identity of the accused not disclosed which was against the international norms of minimum fair trial and¹⁰ under section 7A of the act the police was also having the power to attach the property of the accused. So

⁸ Unlawful Activities (Prevention) Act, 1967: An Anti-Terror Law, available at: <https://blog.finology.in/protests-and-riots/unlawful-activities-prevention-act-UAPA> ,(last visited on- April 15,2022)

⁹ 1985-TADA is passed in Parliament: Strong arm of the law, available at: <https://www.indiatoday.in/magazine/cover-story/story/20091228-1985-tada-is-passed-in-parliament-strong-arm-of-the-law-741617-2009-12-24> , (last visited on April 16 2022)

¹⁰ TADA to UAPA, what India's terror laws say, available at: <https://indianexpress.com/article/explained/tada-to-uapa-what-indias-terror-laws-say-elgaar-parishad-probe-5331777/> , (last visited on April 16 2022)

because of heavy criticism by the opposition the TADA act was repealed in the year 1995 and is no longer in force.

3. POTA [Prevention of terrorism act, 2002]

The POTA act is considered as an improved version of the TADA act as it provided some safeguard against the misuse of powers under this act, the POTA act was enacted in 2002 after a joint session of the parliament and the main objective of this act was to re-enforce the anti-terrorism laws in India and it was specially enacted as a preventive measure after the parliament attacks of 2001, it replaced the TADA act and acted as a supporting act to the UAPA¹¹.

It provided some safeguards to the accused as compared to the TADA act as unlike the TADA act the authorities were not having the power to do preventive detentions and like the TADA only special courts were established for the trials of the accused arrested under this act but there was a relief provided under this act the accused was having the opportunity to file an appeal in the high courts also which was not provided under the

TADA in which appeal can only be filed in the Supreme court. But this act also faced severe criticism by political parties nation-wide within only 4 months of its enforcement more than 250 persons were arrested nationwide under this act and within 8 months only this number was increased to 980 persons nationwide and it was alleged that the act was being misused to target the political opponents of the ruling parties so after several criticisms the act was finally repealed by the parliament on 21st September 2004 only 2 years after its enforcement. Currently the act is no longer in force.

4. Article 121 of the Penal Code of India

The article 121 of the Indian penal code is also an article which is related to terrorism in this article basically it is stated that if any person whether he or she is the citizen of India or not wages war or tries to wage any war or even if he or she tries to abet any war against the government established in our country then in that case he or she should be liable to death penalty or life imprisonment and they shall even be eligible for fine. In this article the word waging war means deliberate and organized attack against the government forces or government institutions. This article basically states that if any person tries to harm the public

¹¹ POTA: Lessons Learned From India's Anti-Terror Act, available at: https://www.researchgate.net/publication/254565615_POTA_Lessons_Learned_From_India's_Anti-Terror_Act ,(last visited on April 17 2022)

or the public property with the aim to fulfill any criminal intentions should be liable for death punishment or life imprisonments.¹²

IV. INTERNATIONAL CONVENTIONS ON COMBATTING TERRORISM

1. SAARC Convention (Suppression of Terrorism) Act, 1993

SAARC is an association of 8 South Asian countries that are Maldives, Sri Lanka, India, Pakistan, Afghanistan, Nepal, Bhutan and Bangladesh. It was established in the year 1985 with an aim of increasing regional cooperation amongst the member countries which would help in all-round development of the countries. As most of the member countries of SAARC are highly affected due to terrorism in the year 1993, all the countries signed a convention with an aim to eradicate terrorism from the member countries. The main aims of this convention were to eliminate terrorism because it heavily affects the security of the member countries, to eradicate all the means through which terrorism is increasing, the convention also aimed towards maintaining a good friendly relation amongst the countries which gets hampered due to the acts of terrorism and it also aimed towards ensuring the territorial sovereignty of the countries that are the member countries of SAARC.¹³

2. International Convention for the Suppression of Terrorist Bombings, 1997

Under this convention which came into force on 15th December 1997, duly approved by UNGA, it has a motto to offer a wide framework for having international cooperation in the case of unlawful and intentional use of deadly devices and explosives against different designated public places for the purpose of killing, grave harming or destroying the public places. It will fill up a major gap in international law by creating a legal framework for different states to cooperate in necessary investigation, prosecution and extradition of criminals who are involved in international terrorism. Although the Convention is based on previous counter-terrorism accords, it features some significant additions.

3. International Convention for the Suppression of the Financing of Terrorism, 1999-

The international convention for the suppression of financing of terrorism is a convention which was signed by 132 countries in the year 1999 and it came into force on 2002, the main objective behind this convention was suppressing the terrorist funding and it aimed towards

¹² Section 121 of the Indian Penal Code, available at: <https://www.legalserviceindia.com/legal/article-7494-section-121-of-the-indian-penal-code.html>, (last visited on April 18 2022)

¹³ SAARC Convention (Suppression of Terrorism) Act, 1993, available at: <https://blog.ipleaders.in/saarc-convention-suppression-terrorism-act-1993/>, (last visited on April 15 2022)

the cooperation of the member countries so that they adopt adequate measures towards the prevention of financing for terrorism. It also stated about the proper ways for due prosecution and punishment of the persons involved in the funding for terrorism. India is also a signatory of this convention and it signed this convention on 8th September 2000. The key provisions of this convention can be summed up as if any person directly or indirectly, unlawfully or deliberately distributes or collects money for the purpose or knowledge that the same will be used, in whole or in part, for carrying out any of the activities mentioned in the Convention, commits the offence within the meaning of the Convention Act designed to cause death or severe bodily injury to any person specified in the annex of convention, or an act intended to cause death or serious bodily injury to any person listed in the Convention's appendix. A person who is inactively participating in armed combat in order to terrify a community or force, a government or other entity, to do anything, by an international organization to take action or refrain from taking action. Any person who tries to commit an offence as described above, engage as an accomplice in the offence, organizes or instructs others to commit an offence, or helps the commission for such an offence by a group of people commits such an offence acting with a single goal in mind It is not required for monies to be involved in order for a conduct to be considered criminal. utilized to commit the above-mentioned offence It is illegal to provide or collect funds in this manner whether the money are actually utilized for carrying out the forbidden conduct. The Convention does not apply in the following situations as defined by the United Nations- An act of this sort does not entail any of the international aspects.¹⁴

4. BRICS counter terrorism action plan,2021

During the recently held 12th BRICS annual summit which was conducted virtually the latest counter terrorism strategies of the BRICS nation was discussed. And as an result of this meeting the BRICS counter terrorism working group (CTWG) was formed the main strategies which were discussed in this meeting were as follows:-

- To condemn terrorism in all of its forms and manifestations, perpetrated by whomsoever, wherever, and for whatever reasons and goals.
- Strengthening national legal frameworks in accordance with appropriate UN Security Council and General Assembly counter-terrorism resolutions.

¹⁴ THE INTERNATIONAL CONVENTION ON THE SUPPRESSION OF THE FINANCING OF TERRORISM, available at: <https://publications.gc.ca/Collection-R/LoPBdP/BP/prb0118-e.htm> , (last visited on April 17 2022)

- Calling on all the member states to take adequate measures for preventing their territory from being used as terrorist bases or for the commission or organization of terrorist activities against other countries or their populations.
- Consider taking coordinated action against individuals responsible for organising, inciting, facilitating, participating in, funding, encouraging, or tolerating terrorist acts.
- Promoting BRICS cooperation in the fight against terrorism through capacity building workshops, expert level meetings, expert training, and the development of toolkits and handbooks, among other things.¹⁵
- Taking a holistic strategy to preventing and countering terrorism, as well as fostering societal resilience, as well as any steps that may be required to help and protect terrorist victims.

V. MAJOR TERRORIST ATTACKS IN INDIA AND AROUND THE WORLD

1. The Air India flight 182 bombing.

In the year 1985 an Air India's Boeing 747 having flight number 182 which was destined for Delhi, India from Toronto, Canada via Montreal and London, was blown up by a bomb blast amidst-air at an height of approx 30,000 feet and it smashed into the Atlantic Ocean in the aerial boundary of Ireland.. In this fatal incident a total of 329 Passengers were killed and majority of them were from Canada, Britain and India. It was for the first time when a jumbo jet 747 airliner was crashed because of terrorists conspiracy.

2. The attack of Gamboru and Ngala, Nigeria 2014

This incident occurred on May 5th and 6th, 2014, against the Nigerian's of Gamboru and Ngala in the Borno state. In this incident over 336 people had been slain by a militia group namely Boko Haram .The assailants used Automatic Kalashnikov-47 ¹⁶assault weapons and Rocket propelled grenades , as well as military vehicles that had been snatched from the Nigerian armed forces long back.

3. The attacks of 9/11

One of the biggest terrorist attacks in the history of human kind was the attacks of 9/11 on the world trade center, USA by an international terrorist organization namely Al-Qaeda. The 11th September attacks were part of a sequence of four well planned Al-Qaeda terrorist strikes

¹⁵ BRICS COUNTER TERRORISM ACTION PLAN, available at: <https://brics2021.gov.in/brics/public/uploads/docpdf/getdocu-52.pdf> , (last visited on April 17 2022)

¹⁶ Worst Terrorist Attacks In World History, available at: <https://www.worldatlas.com/articles/worst-terrorist-attacks-in-history.html> , (last visited on April 17 2022)

against the USA. The said attacks began on 11th Sept. , 2001, and it resulted in the death of about 2,996 people. In the same attack over 6,000 persons injured. A destruction of property and infrastructure worth \$10 billion also occurred . The economy suffered loss worth 3 trillion dollars . In this incident, four passenger airliners from the Northeastern United States were implicated in this tragic incident. The terrorist organization Al-Qaeda hijacked United Airlines Flight 175 and American Airlines Flight 11 and slammed them through the World Trade Center's South and North buildings, respectively.¹⁷

The two 110-story towers fell in less than two hours, resulting in mountains of rubble and many flames. American Airlines Flight 77 slammed into the Pentagon in Virginia, causing the building's western side collapse. The fourth jet, United Airlines Flight 93, crashed in Stonycreek Township, despite the attacker's intent to target Washington, D.C.

4. The attacks of 26/11

Almost 13 years ago on 26 November 2008 the financial capital of India was attacked by 10 Lashkar-e-Taiba terrorist who launched a coordinated shooting and bombing attacks on 6 of the most prominent locations in Mumbai. These attacks lasted for almost 4 days and resulted in the deaths of 166 persons and it also left 300 injured and the casualties also included foreigners. The Pakistani based terrorist group Lashkar-E-Taiba targeted 6 of the most popular and prominent places in Mumbai these places included- i) Chhatrapati Shivaji Terminal Railway station, ii) Nariman House, iii) Cama Hospital, iv) Leopold Café, v) The Oberoi Trident Hotel and the Taj Hotel and tower. The 10 terrorist reached Mumbai by an hijacked fishing boat and they started their journey from an small port in Karachi, Pakistan. The attacks were started from the Chhatrapati shivaji terminal at around 9:20 PM 2 of the terrorist started firing on the civilians with their AK-47 Rifel and also used grenades the attacks lasted for 90 minutes which resulted in the death of 58 people and it left 100 injured. The 2nd attack was on the Nariman house then they other 2 of the terrorist open fired on the diners at the Leopold café killing around 10 people and then the planted bombs in 2 taxies killing another 7 civilians then Ismil khan and Ajmal Kasab who attacked the terminal entered the Cama hospital through the back doors ambushing a team of ATS killing the then Chief of ATS Hemant Karkare then they hijacked a civilians car and was heading towards the Taj hotel which was already under attack by the other terrorists and the Oberoi hotel was also under attack at the same time but two of

¹⁷ Worst Terrorist Attacks In World History, available at: <https://www.worldatlas.com/articles/worst-terrorist-attacks-in-history.html> , (last visited on April 17 2022)

them were intercepted by Mumbai police near Girgaum Chowpatty at an check post the police. In this incident one of the attackers was captured alive namely Ajmal Kashab.

VI. MAJOR TERRORIST ORGANIZATIONS AROUND THE WORLD

➤ **Al-Qaeda**

During the late stages of war between soviet union and Afganistan, Osama bin Laden established al-Qaeda with the pupose of carrying on war of global jihad. Al-Qaeda has been involved in numerous terrorist activities since its inception in 1988, and is best known for its role in September 11, 2001 attacks on the USA. The attacks on 11th September 2001 , which resulted in killing of nearly three thousand people and prompted the USA government to wage war on al-Qaeda in its orignal bases that were situated in Afghanistan, Pakistan, and other sanctuaries around the globe.¹⁸

➤ **Jaish-e-Mohammed**

JEM is a Pakistan-based militant organization. Masood Azhar founded it after his release from an Indian jail during the initial months of 2000s . The group's main aim is to integrate Kashmir and Pakistan, as well as to drive American and western soldiers out of Afghanistan. JEM has declared open war on the United States. JEM was declared illegal by the Pakistani government in the year 2002. Further in the year 2003, it had split into two factions: KUI , led by Azhar, and JUF , led by Abdul Jabbar.¹⁹ Jabbar was imprisoned by Pakistani officials in December 2003 on suspicion of involvement in murder attempts against the former President Pervez Musharraf, but later he got released in August month of 2004.

➤ **Lashkar-e-taiba**

It is an Islamic terrorist organization duly founded in Pakistan. Although it was founded in Pakistan but it started its operation in the Indian state of J&K, located on India and Pakistan's border. But within first 10 years, of 21st century L-e-T achived success in spreading its influence further into India.²⁰ It was the organization behind the attacks of 26/11 on Mumbai.

VII. LACUNAS IN THE LAWS PREVAILING IN INDIA ON TERRORISM

To control terrorist activities in such a large country like India a large number of laws are

¹⁸ Al-Qaeda, available at: <https://www.counterextremism.com/threat/al-qaeda> , (last visited on April 19 2022)

¹⁹ JAISH-E-MOHAMMED (JEM), available at: <https://www.dni.gov/nctc/groups/jem.html> , (last visited on April 19 2022)

²⁰ Lashkar-e-Taiba

Islamist militant group, available at: <https://www.britannica.com/topic/Lashkar-e-Taiba> , (last visited on April 19 2022)

required. India faces a lot of challenges due to different terrorist activities which aim to destabilize the country and to tackle these problems a lot of Acts and laws prevail and to a great extent these acts have helped in controlling the scenario in India. But even after having so many laws still the problem is not getting controlled as required this simply indicates that there are some problems with the laws which are in force in India. Here are some of the Lacunas and drawbacks which I think exist in the laws prevailing in India.

1. The very first drawback of the laws which are prevailing in India is the lack of proper dedicated courts which are specially made to adjudicate the cases which are filed under these special anti-terrorism laws which means that the cases have to be addressed by the high courts and the supreme courts only which are already over-burdened this results in a delayed judgement in these types of cases like in the case of Afzal Guru who was the main accused of the 2001 parliament bombing incident the case took almost 11 years to be settled and he was finally executed in the year 2013. This is the example of how long these types of cases are taking to be settled.

2. The second major drawback of these provisions are the constant allegations by the opposition parties and other people about the misuse of powers given to the authorities under these acts. Be it TADA, POTA, MISA or AFSPA it has always been alleged that the authorities having powers to use these acts misuse their power for their own benefits. Like for example the TADA act was always accused of being excessively stringent over the persons convicted under it because if a person is convicted under TADA some of the most common legal aspects were changed like the police does not have to produce the convicted person before the magistrate within 24 hours or the statement which the accused gives while in the custody of the police was admissible in the court of law this raised the concern that the powers will be misused by the authorities. Same was the case with the MISA act which is no longer in force that it was misused by the political party in power against the leader of oppositions and this act was considered as one of the key factors that led to the emergency of 1975.

3. As far as the UAPA act is concerned its continuation from the year 1967 up till date itself proves that it is an effective tool for the containment of terrorist activities through legal proceedings.

But the latest added provision by the Amendment-2019 in the UAPA gives the power to the agency concerned of dealing an individual as a terrorist for the offence of "Preparing", "Raising Funds", and "Promoting" the terrorism, sometimes gives scope to its mis-utilization by the agency concerned.

VIII. SUGGESTIONS

As far as India is concerned, it has successfully contained the left wing extremism including Maoist activity by dint of strategic steps of the Indian government . On the other hand, those Maoists who were willing to come into the mainstream, have been given due opportunity accordingly. If Maoist activity can be contained to such a great extent in a vast country like India then the containment of terrorism can also be visualized in true sense. In addition to this, it is also to be kept in mind that laws and stringent provisions can alone can't be considered as sufficient enough for containing this menace. In this connection following points are being enumerated for special emphasis;

1. **Public-Police coordination**- For having a better intelligence input, until and unless public-police coordination is not upto the mark the desired output can't be achieved. Besides this the fear element in the minds of public for the police as well as the investigating agency, must be non-existent.

2. **Enhancement in education level**- An educated society carries a moralistic approach, whereas an educated individual can better distinguish between right and wrong. A wrong doer can be well segregated by an educated person and can be counseled well too, to follow the right path. So education plays a vital role in preventing social, national and international evils because an educated person will always try to do the right thing for its country and he/she can not be easily brainwashed to do things against the society and humanity.

3. **Element of Patriotism**- An individual with ingrained patriotism feeling can never support anti national activity. The feeling of nationalism among the citizens of a country always plays a vital role in all round Upliftment and progress of a country.

4. **Increased awareness level**- An aware citizen of a country always plays a vital role in curbing the menace of an anti-national activity. He can be a powerful tool for the society to keep the same free from wrong doers. And an socially aware citizen can also spread awairness amongst other citizens about these issues

5. **Policies to be made for within time frame disposal of cases under UAPA**- For finalization of a case under the UAPA , a time frame allotment is there in the provision of UAPA for necessary procceding of a case which needs to be ensured accordingly.

6. **Delaying factors in justice needs to be reviewed**- There is a need of reviewing those factors by the appropriate authorities to analysis the responsible factors in delayed adjudication. Timely delivery of justice minimizes the scope of mass dissatisfaction.

7. **Strengthening the relations with the neighbouring countries-** A strong diplomatic relations with our neighbouring countries can play a vital role in tackling the problem of terrorism to a great extent because it can be very helpful in gathering intelligence about the organizations operating within their territory and are harming both the countries in many ways because this destabilizes the friendly relations amongst the country which is no good for both of them.

IX. CONCLUSION

In view of the above narrated facts, it is quite clear that prime concern of terrorism is mass destruction of human life and property in a horrifying and violent manner to pressurize the government for achieving the goals that may be religious, political or otherwise. For control of this menace several enactments have been done in different countries of the world, including India and it is found that in some of the countries which were very badly affected by terrorism, is now well under control, where in some others it is yet to be controlled. Effective use of legal provisions/acts has played a vital role therein, in most of the countries. International organizations role in countering this menace can't be undermined. Besides this, factors like awareness among people, fine public-police co-ordination and educated nation, together with utilization of relevant legal provisions, can undoubtedly lead to achieving a terrorism free and happy world.
