Chapter-2

TERRORISM AND ACT OF VIOLENCE

2.1 Meaning of Terrorism

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

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

Historians of terrorism may point out that the word “terror” applies to the state terror of the French Revolution, when it is used in the year 1795 to describe the actions of the Jaccobin club in their rule of post-revolutionary France, the so called Reign of

1 https://en.wikipedia.org/title-terrorism
Terror. Jacobin are rumored to have coined the violence, social threats or coordinated attacks in order to generate fear cause disruption and ultimately brings about compliance with specified political, religious or ideological demands, but they often neglect to add that, to varying degrees, the phenomenon was a constant of earlier eras and has also been prevalent ever since. After the Jacobins lost power, the word "terrorist" became a term of abuse. Although "terrorism" originally referred to acts committed by a government, currently it usually refers to the killing of innocent people for political purposes in such a way as to create a media spectacle. This meaning can be traced back to Sergey Nechayev, who described himself as a "terrorist". Nechayev founded the Russian terrorist group "People's Retribution" in 1869.²

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

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

² https://en.wikipedia.org/title-terrorism
2.2 Definitions

The concept of terrorism may itself controversial as it is often used by state authorities to delegitimize political or other opponents and potentially legitimize the state’s own use of armed force against opponents such use of force may itself be described as “terror” by opponents of the state. Various legal systems and government agencies use different definitions of terrorism in their national legislation. The difficulty in defining ‘terrorism’ is in agreeing on a basis for determining when the use of violence (directed at whom, by whom for what ends) is legitimate, therefore the modern definition of terrorism is inherently controversial. The majority of definition in use has been written by agencies directly associated with government, and is systematically biased to exclude governments from the definition. The definition of terrorism has proved controversial various legal system and government agencies use different definition of terrorism in other domestic legislation. Moreover international community has been slow the formulate a universally accepted or agreed, legally binding definition of this offence.

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

2.2.1 Dictionary

The Black’s Law Dictionary defines ‘terrorism’ as the use or threat of violence to intimidate or cause panic, especially as a means of affecting political conduct.\(^3\)

According to the Oxford Dictionary, the term ‘Terrorism’ implies as under:

“Use of Terror especially for political purposes”. It further classifies that a Terrorist uses violence to cause terror for political ends. Needless to point out that both ‘Terrorism’ and ‘Terrorist’ are the nouns of ‘Terror’ which itself is a well known term.\(^4\)

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Standard dictionaries try to define terrorism as under:

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

Webster’s New Dictionary 1981 states terrorism as follows: “ter’rorism: [Fr. Terrorism] the act of terrorizing; use of force or threats to demoralize, intimidate, and subjugate, esp. used as political weapon or policy, the demoralization and intimidation produced in the way.

2.2.2 Encyclopedia

Encyclopedia Survey:

According to Encyclopedia survey of Global Terrorism\(^5\)

“The act of terror, in its manifest expression, is an act of deadly force, directed against an innocent victim is instrumental (a means) to the furtherance of some proximate end, for example, the generation of fear or intense anxiety on the part of others. One of the most salient traits of terrorism is its indiscriminate and arbitrary character. Terrorist acts are like natural catastrophes-they strike any one, the guilty and the innocent alike”.

Encyclopedia of Social Sciences:

Encyclopedia of Social Sciences defines terrorism as-\(^6\)

“A method whereby an organized group makes to achieve its avowed aim chiefly through the systematic use of violence. Terroristic acts are directed against persons who as individual agents or representatives of authority interfere with the consummation of the objectives of such group”.

According to the Encyclopedia, this concept of terrorism makes it a “method of combat in the struggle between social groups and forces, rather than a struggle

between individuals. The victim is either of ‘representatives of social groups or of systems of Government”. The ‘publicity values terrorists get’ is the cardinal point in the strategy of terrorism.

After long observation by R.K. Pruthi, in his ‘Encyclopedia survey of global terrorism in 21st century” stated as follows:-

“In conclusion, my definition of terrorist is indeed someone who has taken up arms and is prepared to put his own life in danger against a combative or non-combative target. But would add that, with a few violent and extreme exceptions, he is a terrorist because he believes no other ways of redressing what he considers are legitimate grievances. Let him be brought to the negotiating table, then perhaps he would see more clearly the complexities of demands he is making and of the political struggle he is waging. He may have to compromise a little; he may also succeed in making his opponents compromise. But he and his children and his opponents children will be living in peace. Dialogue is compatible to informed debate”.

2.2.3 Scholars

- **Schmid and Jongman** consider the following basic elements of terrorism to provide this comprehensive definition:

> Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group, or state actors, for idiosyncratic, criminal, or political response, whereby — in contrast to assassinations — the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorists(organizations), imperiled) victims, and main targets are used to manipulate the main target (audience), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought.

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• **According to Clutterbuck**

Contend that terrorism is not a tangible entity and therefore it cannot be defeated in any realistic sense. The ‘war on terrorism’, may also be considered, as a ‘war on crime’; therefore, policing is not amenable solely to the use of military means. Since the resurgence of terrorism in the 1960s, it is the conception of ‘terror as crime’ and not ‘terror as war’ that has primarily driven the response to terrorism of a liberal democratic nation. In addition, Clutterbuck considers terrorism as a phenomenon that is global in its range, constant in its presence and inevitably involves the commission of crime. Any national or international mechanism to counter terrorism must be predicated on that understanding.

• **According to Wilkinson**

Terrorism as argued by Wilkinson has a political aspect and involves acts of violence, which intends to bring about political change by influencing the political behaviour of governments, communities or specific groups.

He distinguishes terrorism from other elements of crime on the basis that it plans to propagate a climate of extreme fear amongst its audience. The act of terror extends beyond the immediate victim. The terrorist subjectively chooses the targets. The target may be of a random choice or of a symbolic nature. This is dependent on the terrorists themselves.

• **According to Alexander**

*Terrorism is the deliberate employment of violence or the threat to use violence by sub-national groups and sovereign states to attain strategic and political objectives. Terrorists seek to create overwhelming fear in a target population larger than the civilian or military victims attacked or threatened. Acts of individual and collective terrorism committed in modern times have introduced a new breed of extralegal ‘warfare’ in terms of threats, technology, targets and impact.*
2.2.4 Nation’s Resolution of United Nations (UN)

The seventh United Nations Congress on 7th September, 1985 at Milan, Italy, adopted an important resolution on terrorism. It calls upon the member nations to rationalize their extradition procedures and practices and also to make laws against person committing terrorist act.

The 15 Nations Resolution, has deeply concerned about the prevalence of violent attacks against innocent persons. It expressed the impact of terrorism on the social and economic cost of human community in international intercourse in the sphere of travel, commerce and diplomatic relations. It also stated that the terrorist activities including kidnapping and murder hijacking and attacking of hostages and destruction of property seriously impaired freedom and political stability of communities.

The Resolution urged the nations to strictly followed relevant conventions besides the ordinary legal procedures in conformity with international Human Rights standards. The nations, which have not yet become party to the multilateral conventions, have been requested to do so expeditiously.

The Resolution also calls upon all the member nations to take all appropriate measures as recommended by the International Civil Aviation Organization to prevent violent attack and encourage them to continue efforts promoting strict compliance of air security conventions and suppressing of unlawful interference with civilization. It has requested the committee on crime prevention and control to consider development of international measures.

Immediately after the terrorist’s disruption of Munich Olympic Game in 1972, the issue was placed on the Agenda of General Assembly under the direction of the then U.N. Secretary General Kurt Waldheim under the title “Measures to prevent terrorism and other forms of violence which endangers or take innocent lives or jeopardize fundamental freedoms” which was later on amended with addition to the said heading as
“And study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes”.

The UN General Assembly vide its reference A/RES/38/130 of 19th December, 1983, (Meeting No 101)\(^8\), A/RES/39/159 Dt. 17th December, 1984 (meeting No. 102)\(^9\), A/RES/40/61 of Dt. 9th December, 1985 (108th Plenary meeting)\(^10\), and A/RES/42/159 of 7th December, 1987(94th Plenary meeting)\(^11\) reiterate its view to adopt measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes.

UN General Assembly in its 56th plenary meeting held on 5th October, 2001, during the debate “on measures to eliminate terrorism” observed that whether terrorism is domestic or international, the affected Govt. must act on 4 fronts (a) prevention (b) Protection, (c) crisis management and (d) punishment.\(^12\) These four essentials are highly needed to be implemented in the international and national aspect.

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

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.

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8 [http://www.un.org/doucments/ga/res/38a38 r130 htm](http://www.un.org/doucments/ga/res/38a38 r130 htm)
10 [http://www.un.org/documents/ga/res/40/a40 r061 htm](http://www.un.org/documents/ga/res/40/a40 r061 htm)
The UN Member States still have no agreed-upon definition of terrorism, and this fact has been a major obstacle to meaningful international countermeasures. Terminology consensus would be necessary for a single comprehensive convention on terrorism, which some countries favor in place of the present 12 piecemeal conventions and protocols. Cynics have often commented that one state’s “terrorist” is another state’s “freedom fighter”.

- **UN Security Council Resolution 1566(2004) gives definition**

Criminal acts including against civilians committed with the intent to cause death or serious bodily injury or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government and international organizational to do or abstain from doing any act.

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.

- **European Union**

The European Union defines terrorism for legal official purposes in Art. 1 of the Framework Decision on Combating Terrorism (2002). This provides that terrorist offences are certain criminal offences set out in a list comprised largely of serious offences against persons and property which:

Given their nature or context, may seriously damage a country or an international organization where committed with the aim of seriously intimidating a population; or unduly compelling a Government or international organization to perform or abstain from performing any act; or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization.
• **United Kingdom**

The United Kingdom’s Terrorism Act 2000 detains terrorism to include and act “designed seriously to interfere with or seriously to disrupt an electronic system”. An act of violence is not even necessary under this definition.\(^\text{13}\)

• **United States of America:**

FBI definition of terrorism: The unlawful use of force or violence against persons or property to intimidate or coerce a Government, the civilian population or any segment thereof, in furtherance of political or social objectives.\(^\text{14}\)

U.S. Army Manual definition terrorism, is the “calculated use of unlawful violence or threat of unlawful violence to inculcate fear. It is intended to coerce or intimidate governments or societies……[to attain] political, religious, or ideological goals.” US Army held Manual No. FM 3-0, Chapter 9, 37 (14 June 2001).\(^\text{15}\)

Department of Defense Dictionary of Military terms defines terrorism as: the calculated use of unlawful violence of threat of unlawful fear; intended to coerce or to intimidate government or something in the pursuit of goals that the generally political, religious or ideological.\(^\text{16}\)

### 2.2.5 Regional Conventions on Terrorism

(A) Arab Convention on the Suppression of Terrorism, signed at a meeting, Secretariat of the League of Arab States in Cairo on 22 April 1998.\(^\text{17}\)

**Article 1**

a) **Terrorism**

Any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic

\(^\text{13}\) www.azdema.gov/musevm/…/terrorism/20 definition/20072809. pdf.


\(^\text{15}\) www.azdema.gov/musevm/…/terrorism/20 definition/20072809. pdf.

\(^\text{16}\) www.azdema.gov/musevm/…/terrorism/20 definition/20072809. pdf.

\(^\text{17}\) www.al-babalcom/arab/docs/league/terrorism 98. htm 73k
among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardize a national resources.

b) Terrorist offence

Any offence or attempted offence committed in furtherance of a terrorist objective in any of the Contracting States, or against their nationals, property or interests, that is punishable by their domestic law. The offences stipulated in the following Conventions, except where Conventions have not been excluded by their legislation, shall also be regarded as terrorist offence:

a. The Tokyo Convention on offences and Certain Other Acts Committed on Board Aircraft, of 14 September 1963;


d. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 14 December 1973;

e. The International Convention against the Taking of Hostages, of 17 December 1979;


(B) Convention of the Organization of the Islamic Conference on Combating International Terrorism, adopted at Ouagadougou on 1st July 1999.18

18 www.untreaty.org/english/terrorism.asp
Article 1 of the Convention of the Organization of the Islamic Conference on Combating International Terrorism for the purposes of this Convention has defined Terrorism as:

‘Terrorism’ means any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperiling their lives, honor, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States.

Article 1 of the Convention of the Organization of the Islamic Conference on Combating International Terrorism for the purposes of this Convention has defined Terrorist Crime as:

‘Terrorist Crime’ means any crime executed, started or participated in to realize a terrorist objective in any of the Contracting States or against its nationals, assets or interests or foreign facilities and nationals residing in its territory punishable by its internal laws.”

(C) European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977

According to the Article 1 of the European Convention on the Suppression of Terrorism, for the purposes of extradition between Contracting States, none of the following offences shall be regarded as a political offence connected with a political offence or as an offence inspired by political motives:

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20 In September 2001 the European commission provided the following Indications: There is a list of offences treated as acts of terrorism where they are committed intentionally by individuals or groups against one or more are committed intentionally by individuals or groups against one or more countries or their institutions of publication in order to threaten then and seriously undermine or even destroy their political, economic or social structures.
a) An attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

b) An offence within the scope of the Convention of the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

c) An offence within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

d) A serious offence involving an attack against the life, physical integrity or liberty of internationally protected persons, including diplomatic agents;

e) An offence involving kidnapping, the taking of a hostage or serious unlawful detention;

f) An offence involving the use of a bomb, grenade, rocket, automatic firearm or letter or parcel bomb if this use endangers person;

g) An attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

2.2.6 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 clause 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 (weather 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 sued 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”, Professional crime.”

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22 Section 3(1) prevention of Terrorism Act, 2002
2.2.7 **Apex Courts Views**

Dr. Justice A.S. Anand (as he was then) delivering the judgment in Hitener Vishnu Thakur v State of Maharashtra\(^{23}\) has perceptively dealt with the definition of terrorism. He observed that:

Terrorism is one of the manifestations of increased lawlessness and cult of violence. Violence and crime constitute a threat to an established order and are a revolt against a civilized society. “Terrorism” has not been defined under TADA nor is it possible to give a precise definition of “terrorism” or lay down what constitutes “terrorism”. It may be possible to describe it as use of violence when it's most important result is not merely the physical and mental damage of the victim but the prolonged psychological effect it produces or has the potential of producing on the society as a whole. There may be death, injury, or destruction of property or even deprivation of individual liberty in the process but the extent and reach of the intended terrorist activity travel beyond the effect of an ordinary crime capable of being punished under the ordinary penal law of the land and its main objective is to overawe the Government or disturb harmony of the society or “terrorize” people and the society and not only those directly assaulted, with a view to disturb even tempo, peace and tranquility of the society and create a sense of fear and insecurity. A ‘terrorist’ activity does not merely arise by causing disturbance of law and order or of public order. The fall out of the intended activity must be such that it travels beyond the capacity of the ordinary law enforcement agencies to tackle.

In all acts of terrorism, it is mainly the psychological element that distinguishes it from other political offences, which are invariable accompanied with violence and disorder. Fear is induced not merely by making civilians the direct target of violence but also by exposing them to a sense of insecurity. It is in this context that this Court held in Mohd. Iqbal M. Shaikh v. State of Maharashtra\(^{24}\) that:

“it is not possible to give a precise definition of terrorism or to lay down what constitutes terrorism. But... it may be possible to describe it as a use of violence when

\(^{23}\) AIR 1994 SC 2623

\(^{24}\) AIR 1998 SC 2864
its most important result is not merely the physical and mental damage of the victim but the prolonged psychological effect it produces or has the potential of producing on the society as a whole if the object of the activity is to disturb harmony of the society or to terrorize people and the society, with a view to disturb even tempo, tranquility of the society, and a sense of fear and insecurity is created in the minds of a section of society at large, then it will, undoubtedly be held to be terrorist act.”

The American definition of terrorism is far more comprehensive in as much as (i) hijacking or sabotage, (ii) seizing or detaining, (iii) threatening to kill or injure or to continue to detain another individual to compel a third person including the Government organizations to do or abstain from doing any act as conditions of release of the individual detained; and (iv) use of biological or nuclear gent, is expressly included in the definition of terrorism.

It is in this context that the Supreme Court in Mohd. Iqbal M. Shaikh v. State of Maharashtra.25 Observed that it is not possible to give a precise definition of terrorism or to lay down what constitutes terrorism. But it may be possible to describe it as a use of violence when its most important result is not merely the physical and mental damage of the victim but the prolonged psychological effect it produces or has the potential of producing on the society as a whole if the object of the activity is to disturb harmony of the society or to terrorize people and the society, with a view to disturb even tempo, tranquility of the society, and a sense of fear and insecurity is created in the minds of a section of society at large, then it will, undoubtedly be held to be terrorist act.

Defining terrorism is an area of dispute where delegates from some Middle Eastern and Asian states argue the need to distinguish between terrorism, which they agree is unjust, and acts done in the name of ethnic or national self-determination, which they view as legitimate. Western nations, led by the United States, find this unacceptable and the debate over one man’s freedom fighter is another’s terrorism begins.

25 AIR 1998 SC 2864
There is no universally accepted definition of terrorism; many definitions of terrorism include war crimes and crimes against humanity. In some case, these terms are not valid as terrorism today has a wider range of political, religious, ethnic, and social implications. To discuss the statement, “One man’s terrorist is another man’s patriot” presents one of terrorism. Analysis of defining terrorism should include research subjects of what constitutes a terrorist act, leading to an overall definition of terrorism, could call into question the total conduct of conventional warfare. By examining and comparing the diverse and opposing definitions of terrorism and what constitutes a terroristic act in the critical context can one come up with universal definitions of terroristic acts, arriving at a universal definition of terrorism. The terms in particular that are in need of universal definition are terror and fear, use of force, permitted wartime conduct, guerilla warfare, and legitimate struggle.

The key to defining terrorism is to examine the act through a political lens, which would allow one to understand the aims, motivations, and purposes behind terrorist act and distinguishing terrorism from ordinary criminal behaviour.26 It is the illegal use of force on unrelated and or undefended persons and or property for political objectives committed by either an individual, non-state organization, or legitimate government. Terrorism is primarily political and inherently about the pursuit, acquisition, and the use of power. It is the use or threat of violence for the service or quest of a political agenda.

A universal definition must be sufficiently broad in order to unify efforts of the containment of terrorism and improvement of international security. Based upon the research, assumptions, reasons, and jubilation, the following definition of terrorism can be construed: Terrorism is an attack on unrelated and or undefended persons and or property for political objectives committed by either an individual, non-state organization, or legitimate government. It is the use of illegal force and methods to steal or punish or to bring about change against the will of the greater part. The principal targets are political, destructive violence is used, and the actions are carried out by groups operating clandestinely and sporadically. Terrorism transgresses the

rules of civilized conflict in which the unrelated, defenseless, and innocent are the primary target for political motivations on the part of the aggressor to bring about change.

2.3 Difference between Terrorist Act and Criminal Act

While an acceptable definition of terrorism, despite huge debate over the years, still eludes the international community, the Supreme Court of India, as far back as in 1994, drew a distinction between a ‘merely criminal act’ and a ‘terrorist act’. In its Judgment in Hitendra Vishnu Thakur v. State of Maharashtra, the Supreme Court of India said:

“It may be possible to describe it (Terrorism) as use of violence when it’s most important result is not merely the physical and mental damage of the victim but the prolonged psychological effect it produces or has the potential of producing on the society as a whole. There may be death, injury, or even deprivation of individual liberty in the process but the extent and reach of the intended terrorist activity travels beyond the effect of any ordinary crime capable of being punished under the ordinary penal law of the land and its main objective is to overawe the Government or disturb harmony of the society or “terrorize” people and the society and not only those directly assaulted, with a view to disturb even tempo, peace and tranquility of the society and create a sense of fear and insecurity. A ‘terrorist’ activity does not merely arise by causing disturbance of law and order or of public order. The fall out of the intended activity must be such that it travels beyond the capacity of the ordinary law enforcement agencies to tackle it under the ordinary penal law. Experience has shown us that ‘terrorism’ is generally an attempt to acquire helplessness in the minds of the people at large or any section thereof and is a totally abnormal phenomenon. What distinguishes ‘terrorism’ from other forms of violence, therefore, appears to be the deliberate and systematic use of coercive intimidation…”

27 http://jkmtrust.tripod.com/id4.html
28 (1994) 4 SCC 602
2.4 Nature of Terrorism

Terrorism is a violent method to express political opposition. It consists of violence and threat of violence, and may include the threat of and real physical violence as well as psychological threat and violence. Terrorism is expected, by definition, to inspire terror, which is a psychological experience par excellence. Terrorism strikes at innocents or objects directly involved in the case fought for and always seeks some socio-political end, it may express itself on the domestic scene or the international level, where it becomes International terrorism. The purpose of most terrorists is to draw world attention to the existence of their cause. Terrorism becomes international when it takes place on a third party is territory. This territory may be a country as well as an embassy or national aircraft Terrorism also becomes international when it is abetted by third states or waged by them. Forms of international assistance may include financial aid, the delivery and supply of weapons and the provision of training camps. State terror is directed by those in power and carried out by state organs against a certain population or ails the citizens of that state.29

• Terrorism as an Instrument of Foreign Policy

In International relations a stage comes when conventional instruments of foreign policy fail to influence international relations and conflict becomes inevitable. But if the situation is not so grim as to resort to overt warfare or international environment is not conducive to conventional war, terrorism or Low Intensity Conflict (LIC) comes as an alternative. In brief, terrorism could be analyzed as a symbolic act designed to influence political behaviour by illegal means.30

The conventional instruments of foreign policy are used to maintain diplomatic relations among nations and influence their policies in a normal situation. But application of terrorism encompasses only one aspect of it, i.e. to influence policy of a nation in an unfriendly environment. Being unconventional instrument terrorism is not employed in a positive sense to maintain diplomatic relations. On the country it

aims to destabilize an established government by means of violence and conspiracy, and it is this specific nature of terrorism that threatens international body politic. Application of terrorism to achieve foreign policy goals is of serious concern compared to other instruments, because while on the one hand it is widely used by nation-states, on other hand, they deny their involvement. To put it precisely, it is an undeclared means to achieve foreign policy objectives.

- **Terrorism as Political Phenomenon**

Violence and intimidation could be used for any purpose. It could be used for individual gain and also for economic and social problems. But as a game of politics only those acts of violence and intimidation could be defined as terrorism which aims to accomplish political objective. Violence and coercion employed by individual for personal gain is more of psychological nature than political. Socio-economic or psychological aspects are causal factors for growth of terrorism, not basic nature of the phenomenon. The nature of terrorism is political and so is its objective. Its political identity could be analyzed by various issues involved in terrorism like objective, methods, and the organizational structure. The objective of a terrorists group is invariably political such as autonomy or secession to acquire political power. Social and economic issues are not primary to them. They believe that once the political power comes in their hand, social and economic reforms would follow by itself. Thus to acquire political power is their sole aim. Not economic prosperity. Their target of violence is also related to politics as they aim to kill political leaders and destroy political institutions to malign credibility of the government concerned.  

Furthermore, terrorists are organized as a political party. Terrorist group comes into being as a political unit aspiring for certain political ideology. When they fail to achieve their political goal by political means, in due course of time, their priority shifts from active politics to tactical violence, for instance, the case of All India Sikh Students Federation (AISSF).

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The AISF came into existence as an organized group of Sikh students. But with the passage of time, it emerged as the most active terrorist group in Punjab. When such organizations fail to gain favour from the government and the people, they adopt violence to destabilized the government and create mass unrest and fear in a democratic society, wherein every faction of society, including the militants, enjoy freedom of thought and action. It is because of these aspects that Wilkinson defines such acts of violence as political terrorism.

- **Terrorism as Means to an End**

Terrorism has been never an end but means to an end.\(^{32}\) Even in case of individual terrorism, there is always certain social or economic objective to achieve. Individual terrorist carry grievances against the system which is expressed in violent form. Martha Crenshaw substantiates this idea when she clearly defined terrorism as means to a political end. And it is the type of means employed i.e. tactical violence that describes a group as terrorist or otherwise. It is worth mentioning that in their pursuit to achieve political goals, terrorist do not employ political means. They adopt violence and criminal path to accomplish their goals. Notwithstanding the fact that, in the beginning, terrorist groups operate as political party, at the later phase they switch over to violence and intimidation when the concerned government rejects their demands.\(^{33}\)

Terrorism, adopts a well-planned tactic to indulge in violence, arson and subversion. Every phase of violence is chalked out by terrorists according to the socio-economic and political cal conditions of the target area. An environment of unrest and fear is created through conspiracy and propaganda before terrorists resort to violence.

It is also important to mention that without proper training for use of arms and ammunition, violence cannot achieve its purpose. Thus, training camps are set up to train members of terrorist groups. They are trained in use of weapons, telecommunication and post-violence follow up actions. Imparting training to terrorists is a necessity because the era we live in is not that of daggers and knives, but

\(^{32}\) Wilkinson, Paul, Political Terrorism”, John Willey and Sons, New York, 1974

\(^{33}\) Wilkinson, Paul, Political Terrorism”, John Willey and Sons, New York, 1974.
of machine guns, bazookas, missiles, transistor bombs, letter bombs, cyanide and RDX. They are highly sophisticated weapons which require proper training to operate. Lack of skill would result into self-destruction.

2.5 Theories of Terrorisms\textsuperscript{34}

The analysis of major prevailing theories of terrorism is given below to provide a context to best understand the theoretical basis of terrorism. This may be of help to arrive at an understanding of the problem of tackling terrorism:

2.5.1 Anarchist Theory\textsuperscript{35}

Most anarchists reject terrorism for nationalist or religious purposes, but justify it in a theoretical sense, a form of criminal action that attacks the values of an organized, complacent society. Anarchism is a theory of governance that rejects any form of central or external authority, preferring instead to replace it with alternative forms of organization such as non-conformism, and plain old rugged individualism. Anarchism is often referred to as the nineteenth century roots of terrorism, the term first being introduced in 1840 by Pierre-Joseph Proudhon. Anarchism is defined as the rejection of the State, or any form of coercive Government, or any form of domination and exploitation. It is the notion of free and equal access to all the world’s resources to enable positive freedom as opposed to negative freedom.

As a theory, anarchism holds a unique place in history because it was the first revolutionary movement to come up with systematic ideas about the purpose of agitation. Major anarchist figures, like Karl Heinzen and Johann Most, contributed the idea that murder-suicide, constituted the highest form of revolutionary struggle, and even advocated the use of weapons of mass destruction. Some anarchist theorists have advocated the idea that to have the most effect, the targets must be innocents in place such as crowded dance halls or shopping centers or symbols of economic affluence such as banks and stock exchanges. Anarchism in the classical sense was largely

\textsuperscript{34} Singh Kavita, Human Right and Anti-Terrorism in India, (2010), p. 87.

\textsuperscript{35} The theories of terrorism have been adapted from O’Connor, T., “the Criminology of Terrorism: Theories and models”. http://faculty.ncwc.edu/toconnor/429/429lect02.htm.
erased from the face of the earth by 1917 via a number of factors like the rise of communism and fascism, both of which are opposed to anarchism, and stringent repressive legislations in democratic countries. However, the anarchist theory of terrorism has mostly died out, because, most anarchist have accepted organized movement as a method of protest. Modern anarchism does not support terrorism, and there is a weak theoretical link between the two.

2.5.2 Fascist Theory

Fascism supports terrorism at home and abroad. With the frequent wars and militaristic ventures that come with fascism, an effort is made to demonize the enemy as sub-humans who deserve extinction. These enemies are also made into scapegoats for all the past problems a country has had. Frustrated fascists who fail to gain control in their own countries have historically turned to terrorism. They are most likely to turn to domestic terrorism since fascists do not believe that are most likely to turn to domestic terrorism since fascists do not believe that citizen rights are bestowed merely because someone inhabits a country. Nor do they believe that all human beings are possessed of equal rights; they are particularly violent against foreign families and corporations, which have been accused of poisoning the family and property relations. Fascism is full of ironies and contradictions. On the one hand, it is anti-modern in its glorification of the land, a return to country life, and its fascination with peasant dress or costume. On the other hand, it is pro-modern in its worship of military technology, favoritism of big business, mass mobilization of people, promotion of commercialized sport, and its surprisingly liberal attitude toward the involvement of women in the movement. Science and scholarship also take on interesting twists under fascism.

2.5.3 Religious Theory

A number of criminologists have pointed out that the disciplines of theology, religion, and philosophy have an important link with terrorism. They point to the fact that

36 The theories of terrorism have been adapted from O'Connor, T., "The criminology of terrorism: Theories and models", http://faculty.ncw.edu/toconnor/429/429 lect 02. htm,
37 The theories of terrorism have been adapted from O'Connor, T., "The criminology of terrorism: Theories and models", http://faculty.ncw.edu/toconnor/429/429 lect 02. htm,
about a quarter of all terrorist groups and about half of the most dangerous ones on earth are primarily motivated by religious concerns. They believe that their cause is sacred, and that God demands their action. Religious terrorism is not about extremis, fanaticism, sects or cults, but is instead all about a fundamentalist or militant interpretation of the basic tenets upon convincing believers or converters that a “neglected duty” exists in the fundamental, mainstream part of the religion. Most religious traditions are filled with plenty of violent images at their core, and destruction or self-destruction is a central part of the logic behind religion-based terrorism. Terrorism as an outcome of religious fanaticism mostly arises with the emergence of a charismatic leader, who blames the State functionaries, and global trends like secularism, modernity and Westernization for their perceived neglect. The strength of fundamentalism is its ability to guarantee a radical change without specifying exactly what it will look like. However, once a semi-vague enemy has been identified, the religious movement borrows the idea of “sovereignty” from the political realm and begins to see itself as the legitimate defender of the faith and legitimate restorer of dignity to the homeland. A key theological transformation that supports terrorism would be the notion that communal violence, even though violence is despised, is still a form of worship that may help discover the true nature of God. Despite being an important cause of terrorism, it must still be maintained with all fairness that most militant religious groups only adopt terrorism as a tactic of last resort.

2.5.4 Economic Theory

The discipline of economics has many concepts that are relevant to an understanding of terrorism: supply and demand, costs and benefits, etc. fully developed economic or econometric models of terrorism are quite rare, and often they involve such things as “psychic” costs and benefits. Rational choice theory, in particular, has found a place in criminology, and holds that people will engage in crime after weighing the costs and benefits of their actions to arrive at a rational choice about motivation after perceiving that the chances of gain outweigh any possible punishment or loss.

38 The theories of terrorism have been adapted from O’Connor, T., “The criminology of terrorism: Theories and models”, http://faculty.ncw.edu/toconnor/429/429lect.02.htm,
According to this theory, terrorism is not a pathological phenomenon and the resort to terrorism is not an aberration. The central focus of study ought to be on why some groups find terrorism useful, and in standard control theory fashion, why other groups do not find terrorism useful. Some groups may continue to work with established patterns of dissident action. Other groups may resort to terrorism because they have tried other alternatives. Factors that influence the rational choice of terrorism include place, size, time and the climate of international opinion. A terrorist plot in a democratic society is less likely to involve senseless violence than a scheme hatched under an authoritarian regime because under the latter, terrorists realize they have nothing to lose with the expected repercussions.

2.5.5 Globalization Theory

According to this theory, globalization has created the structures and institutions, which fuel terrorist movements. Globalization is the term romantically used to describe the current economic order where all nations share a global market, and enjoy the equal opportunities to reap the fruits of free trade. However, the decades of globalization has produced one of the greatest disparities in the economic conditions of the countries of the world. Global inequality has reached extraordinary levels, and has provided muddy waters of despair where terrorist recruits can be bred rather easily. Globalization has fuelled explosive patterns of social polarization within and between nations, and this has been accepted as a cause of terrorism. Globalization theory is further tied into ideas about colonialism, imperialism, and neo-colonialism.

2.5.6 Sociological Theory

Modern sociological perspectives are primarily concerned with the social construction of fear or panic, and how institutions and processes, especially the media, primary and secondary groups, maintain that expression of fear. The sociological theory those frustrations lead to some form of aggression, and that every aggressive act relieves that frustration to some extent. Hence, frustration can fuel terrorism. Another stand of

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39 The theories of terrorism have been adapted from O'Connor, T., "The criminology of terrorism: Theories and models", http://faculty.ncw.edu/toconnor/ 429/ 429 lect. 02 htm
40 The theories of terrorism have been adapted from O'Connor, T., "The criminology of terrorism: Theories and models", http://faculty.ncw.edu/toconnor/ 429/ 429 lect. 02 htm
the sociological theory is the relative deprivation hypothesis, the idea behind which is that when a person goes about choosing their values and interests, they compare what they have and do not have, as well as what they want or don’t want, with real or imaginary others. Another key sociological theory is the moral disengagement hypothesis, which is based on the idea that encompasses all the ways a person neutralizes or removes any inhibitions they have about committing acts of horrific violence. Some common patterns include imagining one’s self as a hero, portraying one’s self as a functionary, minimizing the harm done, dehumanizing the victim, or insulating one’s self in routine activities.

2.5.7 Psychological Theory

Although most psychologists refuse to accept the existence of the concept of ‘terrorist personality’, it is mostly accepted that terrorists typically suffer from low self-esteem, are attracted to groups with charismatic leaders, and enjoy risk-taking. According to the psychological theory, most terrorist feel that they are doing nothing wrong when they kill and injure people. Although they do not appear unstable or mentally ill, terrorists seem to share a feature of the psychological condition known as antisocial personality disorder or psychopathic personality disorder, which is reflected by an absence of empathy for the suffering of others. According to both the sociological and the psychological theories, there appears to be no unique terrorist personality. Instead, there appear to be unique sub cultural phenomena, which develop, support, and enhance a penchant for cold-blooded, calculated violence, which, if not satisfied within a terrorist organization might be, fulfilled elsewhere. Terrorism is a social activity. Inside terrorist brotherhoods, there exist emotional links between individuals and the strength of commitment to their ideology appears to become stronger by and facing adversity together. Socialization in the underground is quite intense, and the adversity associated with their daily existence strengthens the bond.

2.6 Terrorism and its Categories

According to Schmid, there are three typologies of terrorism, such as ‘Political Terrorism’, ‘Crime related Terrorism’ and ‘Pathological Terrorism’. These kinds of

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41 The theories of terrorism have been adapted from O’Connor, T., "The criminology of terrorism: Theories and models", http://faculty.ncw.edu/toconnor/ 429/ 429 lect. 02 htm
terrorism based on the nature of terrorist activity according to their objectives. Several sources have further defined the typology of terrorism. These are as follows:

1. **Political terrorism**
   a. Sub-state terrorism
      i. Social revolutionary terrorism (Left-wing terrorism)
      ii. Nationalist-separatist terrorism
      iii. Religious extremist terrorism
      iv. Right-wing terrorism
      v. Single-issue terrorism
   b. State-sponsored terrorism
   c. Regime or state terrorism

2. **Criminal terrorism**

3. **Pathological terrorism**

**Political Terrorism**

Political terrorism embodies violence or the threat of violence against non-combatants in order to achieve political goals.

a) **Sub-State Terrorism**

This form of terrorism is used primarily for political ends. Political groups use terrorism as a modus operandi and it emphasizes their inability to achieve their political objectives through legitimate means. Political terrorism cannot be understood outside the context of the development of terrorist or potentially terrorist ideologies, beliefs and lifestyles. It can be argued that there is no clear classification for political terrorism across regional and ideological lines. In sync with this statement, Schmid explains the dimensions of the typology of political terrorism within a larger subset of Insurgency, which is further streamlined into multiple categories.

Insurgent terrorism largely seeks to undermine the legitimacy and credibility of a

42 http://en.wikipedia.org/?title-terrorism
regime through fear and uncertainty.\textsuperscript{44} This category of terrorism is further exemplified by a number of different manifestations that embody the characteristics of insurgency, namely, social revolutionary (left wing); right wing and racist; religious; nationalist and separatist; and single issue terrorism. These are further elaborated upon below.

- **‘Social revolutionary’** (otherwise known as left - wing terrorism)

Social revolutionary groups are epitomized by the ‘European fighting Communist Organisations’ active throughout the 1970s and 1980s such as the Red Army Faction in Germany and the Brigate Rosse in Italy.\textsuperscript{45}

- **‘Nationalistic and Separatist Terrorism’**

Historically, traces of nationalistic endeavours take root in the late 1940’s when Asian States (like India) and African States (like Ghana) began the backlash against colonial rule. Nationalistic terrorism became more pronounced in the late 1960s and 1970s with the rise of secular nationalist and neo-Marxist terrorist groups, such as the Red Brigades. The root causes of many terrorist campaigns developed in the late 1960s and 1970s were quite independent from the cold war. However, it is of essence to note that the ideological conflict between western capitalism and communist evolutionism had a profound impact on the new patterns of low-intensity conflict that emerged in the later 1960s and 1970s. In many ways, it is argued that the leaders of insurgent groups espoused ideologies of Marxist revolutionism.\textsuperscript{46}

It is argued, that after the struggle for colonial independence the new states inherited frontiers, which had little regard for ethnic, religious and linguistic divisions. These created problems, where people were forced to coexist with others of diverse cultural and ethnic identities. The struggle to maintain internal cohesion and order were simply inherited by successor states. Many of them were ill equipped economically,

politically and militarily. These factors contributed to nationalist and other movements.\textsuperscript{47}

- \textit{‘Religious terrorism’}

Religious justifications for terrorism have emerged as one of the oldest validations in the world. Terrorists who are religiously motivated view their acts with moral certainty and even consider their acts to have divine sanction. This helps explain the high level of commitment and willingness to risk death among religious extremists. Religiously motivated terrorist groups believe that they know what constitutes being righteous and that this knowledge obligates them to destroy the evil and the unjust.\textsuperscript{48}

Islamism in its basic form sets out to create a feeling of belonging even across borders. Muslims all over the world, for example, belong to a universal ummah (Islamic community). ‘The ummah is not founded on race, nationality, locality, occupation, kinship or special interest. The foundation of the community in Islam is the principle, which designates submission to the will of Allah, obedience to His law and commitment to His cause. What is required of the community at large is likewise required of every individual member’.\textsuperscript{48}

- \textit{‘Right Wing terrorism’}

Right wing extremism is a reaction against a perceived threat to a ‘groups value system, its presumption of superiority, or its sense of specialness’.\textsuperscript{49}

This type of terrorism aims to combat liberal governments and preserve traditional social orders. Right Wing terrorism is commonly characterized by militias and gangs; many times these groups are racially motivated and aim to marginalize minorities within a state. For examples Modern right wing terrorist groups include the Klu Klux Klan and Neo-Fascists. Many such groups are present not only in the U.S. but also in Germany, Russia, and others.


• ‘Single Issue Terrorism’

These are groups, which coalesce around various social issues such as racial equality, pro-abortion and anti-abortion, animal rights (Animal Liberation Front, ALF), nuclear issues, environmental concerns, land and economic rights, and other matters impinging on the public conscience. The group aims to change one aspect of policy and social behaviour rather than remodel the political and socio-economic order as a whole.

The group usually operates within the parameters of legitimate democratic dissent. However, in certain cases these pressure groups exceed the bounds of legitimate protest. This form of terrorism is considered the least serious form of random violence against the public. In certain instances, issue-motivated terrorism may also include elements of religiously motivated terrorism, with reference to fundamental interpretations of religious doctrines, such as, the debate about euthanasia.

Companies not only face financial threats from highly sophisticated, well-organised eco-organisations, but are also subject to terrorist tactics, such as bomb threats, and the intimidation of their staff. British police are investigating the tactics used by underground eco-groups, which distribute leaflets with instructions on how to assemble homemade explosives. In the US, in 1986, the group ‘Earth First’ was responsible for a successful attack on the Palo Verdes nuclear facility transmission lines in the US. Radical environmental movements, and acts of terrorism associated with them, are considered to be on the increase.50

b) State-sponsored terrorism

State-sponsored terrorism is government support of violent non-state actors engaged in terrorism. The identifications of particular examples are usually subject to political dispute.

Afghanistan's KHAD is one of four secret service agencies believed to have possibly conducted terrorist bombing in Pakistan North-west during the early 1980s;[2] then

by late 1980s U.S state department blamed WAD (a KGB created Afghan secret intelligence agency) for terrorist bombing Pakistani cities. Furthermore Afghanistan security agencies supported the terrorist organization called Al zulfiqar since the 1970s-1990s; the terrorist group that conducted hijacking in March 1981 of a Pakistan International Airlines plane from Karachi to Kabul.

India's Research and Analysis Wing has been accused of training and arming the Sri Lankan Tamil group, LTTE, during the 1970s when it was not considered a terrorist organization by any country but it later withdrew its support in the 1980s, when the activities of LTTE became serious, becoming the first country to ban LTTE as a terrorist organization.

Furthermore India Research and Analysis Wing agencies supported the separatist/nationalist terrorist organization called Al Zulfiqar since 1977. This terrorist group conducted hijacking in March 1981 of a Pakistan International Airlines plane from Karachi to Kabul. The group is currently inactive.[8] Richard Holbrooke in who is United States Special Envoy for Afghanistan and Pakistan stated that Pakistan didn't provide any credible evidence to back their accusations against India.

Pakistani Government and ISI have accused Indian consulates in Kandahar and Jalalabad, Afghanistan, for providing arms, training and financial aid to the BLA in an attempt to destabilize Pakistan.

Brahamdagh Bugti stated in a 2008 interview that he would accept aid from India in his terrorist activities in Baluchistan. Pakistan has repeatedly accused India of supporting Baloch rebels, and Wright-Neville writes that outside Pakistan, some Western observers also believe that India secretly funds the Balochistan Liberation Army (BLA). In August 2013 US Special Representative James Dobbins said Pakistan's fears over India's role in Afghanistan were "not groundless".

A diplomatic cable sent Dec. 31, 2009, from the U.S. consulate in Karachi and obtained by WikiLeaks said it was "plausible" that Indian intelligence was helping the Baluch insurgents. An earlier 2008 cable, discussing the Mumbai attacks reported fears by British officials that "intense domestic pressure would force Delhi to respond,
at the minimum, by ramping up covert support to nationalist militants fighting the Pakistani army in Baluchistan." Another cable dating back to 2009 showed that UAE officials believed India was secretly supporting Tehreek-e-Taliban insurgents and separatists in northwest Pakistan.

Pakistan has been accused by India, Afghanistan, Israel, United Kingdom, of involvement in Indian Occupied Kashmir and Afghanistan. Poland has also alleged that terrorists have "friends in Pakistani government structures"). In July 2009, the then President of Pakistan Asif Ali Zardari admitted that the Pakistani government had "created and nurtured" terrorist groups to achieve its short-term foreign policy goals. According to an analysis published by Saban Center for Middle East Policy at Brookings Institutionin 2008, Pakistan was the worlds 'most active' state sponsor of terrorism including aiding groups which were considered a direct threat to USA

Pakistan is accused of sheltering and training the Taliban as strategic asset[68] in operations "which include soliciting funding for the Taliban, bankrolling Taliban operations, providing diplomatic support as the Taliban's virtual emissaries abroad, arranging training for Taliban fighters, recruiting skilled and unskilled manpower to serve in Taliban armies, planning and directing offensives, providing and facilitating shipments of ammunition and fuel, and on several occasions apparently directly providing combat support," as reported by Human Rights Watch.

On May 1, 2011 Osama Bin Laden was killed in Pakistan, he was living in a safe house less than a mile away from, what is called the West Point of Pakistan, the Pakistan Military Academy. This has given rise to numerous allegations of an extensive support system for Osama Bin Laden was in place by the Government and Military of Pakistan.

c) **State terrorism**

State terrorism is the systematic use of terror by a government in order to control its population. Not to be confused with state sponsored terrorism, where states sponsor terrorist groups, state terrorism is entirely carried out by the group holding power in a country and not a non-governmental organization. It is the original form of terrorism.
The 1793 French Revolution and the thousands of executions that resulted are often cited as the first instance of state terrorism, though rulers have plausibly been using it for centuries to control their subjects.

Regimes that officially selected violent repression as a policy choice rationalised their behaviour as a legitimate method to protect the state from internal threat. However, Martin argues that there are two distinct manifestations of state terrorism, namely, overt official state terrorism and covert official state terrorism. The former refers to the visible application of state political violence. It is a policy of unconcealed and explicit repression directed against a domestic enemy. Overt official terrorism has been commonly practiced in totalitarian states such as Stalinist Russia, Nazi Germany, and Taliban Afghanistan. Covert official state terrorism refers to the secretive application of state political violence aimed at repression of a domestic enemy. The French Revolution is the most prominent example, however state terrorism is widespread. Just about every dictator in history has arguably utilized state terrorism as a way of controlling his or her populations. For more contemporary examples one could look to the use of violence by Saddam Hussein against the Kurds or even the suppression of democratic protestors in Syria.

(2) Criminal Terrorism

Criminal terrorism can be characterised as: The systematic use of terror for ends of material gains:

The primary manifestations of force in this form of terrorism include kidnapping, extortion, assassination and murder. Targets are selected primarily on considerations of personal and material gain. If a member of a state structure is selected at all, it is either for direct personal gain or to reduce interference by governmental authorities in their efforts to put an end to criminal activity.

However, it is becoming more difficult to efficiently and accurately, distinguish between crime and crime committed in pursuance of terrorism. This is illustrated, by

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the problem of financial offences. In criminal terms, illegally obtained money converts into legal money as is the case with money laundering. In terrorism terms legally held money as well as the proceeds of crime, are used to support terrorist activity. Today the demarcation appears to be breaking down, and the unique features of terrorism and serious crime have become increasingly unreliable in identifying the motivation of perpetrators. Theft, extortion and fraud have become regular activities for terrorist groups. In Japan Aum Shinrikyo was involved in fraud. In Columbia, the Revolutionary Armed Forces of Columbia (FARC) was supported by money from narcotics and kidnapping for ransoms. In June 2002 in the US, two members of Hezbollah were convicted of smuggling tobacco. The Revolutionary Organization, which has been active in Greece since 1975, has been regularly involved in human trafficking and smuggling. In Northern Ireland groups and individuals formerly involved in terrorism have now transformed themselves into organized crime groups.\footnote{53}

Crime related terrorism might also be the consequence of certain dynamic socio-economic factors, which become prevalent. The dissolution of the Soviet Union into 15 independent states provides an apt example. Poor socio-economic conditions contributed to a deterioration of law enforcement, border forces and to general unemployment. Control over weapons and explosives weakened, and this threatened not only national, but also regional and international security. The national security of states in the region was also threatened by the escalation of criminal gangs and organised crime syndicates. Criminal terrorism within this region took contained elements of contract assassinations, kidnappings and intimidation bombings. Targets included business people, politicians, government officials, government buildings, military personnel, trains and border guards.

\subsection*{a) Narco-terrorism}

Narco-terrorism has had several meanings since its coining in 1983. It once denoted violence used by drug traffickers to influence governments or prevent government

efforts to stop the drug trade. In the last several years, narco-terrorism has been used to indicate situations in which terrorist groups use drug trafficking to fund their other operations.

Although narco-terrorism is a sub-element of crime-related terrorism, it is significant enough to be considered in its own right. Narco-terrorism includes narcotics trafficking by terrorist groups in return for the funds with which to conduct terror. Narco-terrorism may occur in the form of assassination, extortion, hijacking, bombing, and kidnapping. These may be directed at government officials to disrupt government order and thereby divert interest from the drug operations.\(^{54}\)

In the Asia/Pacific region, narco-terrorism is linked to political terrorism. The objective is to compel governments or their agencies (such as law enforcement agencies) to scale down their activities against drug syndicates. Narco-terrorism, in this regard, will be the use of extreme pressure and violence by the growers, producers, or distributors of narcotics to force a government agency to modify its policies with regard to the prohibited sale and the use of narcotics.

Colombia is one of the more pertinent examples of a state where narcotics introduced not only terrorism, but also an illegal international arms-trade network. State-sponsored terrorism also plays a role as a stabilisation factor. For example, all major terrorist groups in Narco-terrorism has included the assassination of political leaders; the bombing of civilian aeroplanes; alliances between armed guerrillas and narco-trafickers; gunrunning and may even involve attempts to overthrow a government that aims to curtail the drug trade. As long as the drug trafficking is allowed to continue, terrorists will be able to benefit from the positive spin offs from trade in illegal substances.

b) Cyber Terrorism

The most deadly and destructive consequence of this helplessness is the emergence of the concept of “cyber terrorism”. The traditional concepts and methods of terrorism

have taken new dimensions, which are more destructive and deadly in nature. In this modern age of information technology the terrorists have acquired an expertise to produce the most deadly combination of weapons and technology, which if not properly safeguarded in due course of time, will take its own toll. The damage so produced would be irreversible and most catastrophic in nature. In short, we are facing the worst form of terrorism popularly known as ‘cyber terrorism’, which includes an intentional, negative and harmful use of the information technology for producing destructive and harmful effects to the property, whether tangible or intangible. For instance, hacking of a computer system and then deleting the useful and valuable business information of the rival competitor is a part and parcel of cyber terrorism. It can also be explained as the use of computing resources against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

(3) Pathological Terrorism

Terrorism has to be executed by individuals: planners, trainers, actual bombers and killers. In terms of this execution, individuals have to possess the requisite pathological, disturbed emotional condition that would allow them to consciously engage in the killing of innocent civilians. The Holocaust is considered one example of pathological terrorism. The Holocaust leaders, who directed and participated in gross human rights abuses, were inarguably possessing of some degree of pathological antisocial condition, however enhanced by culture, background, education and training.

Another prime example of pathological terrorism is that of the 9/11. To fly a passenger plane (United 91) into the Twin Towers, killing thousands of civilians, unquestionably mandates a plane hijacker with a dysfunctional emotional composition. Although political and religious factors provided these men with what they perceived as pragmatic rationalisations for their actions, it was pathological terrorism that equipped them with the will to commit the devastating mission.
Geographic specifications of terrorism

The above typologies of terrorism operate within the following spheres of geographic specifications:

International acts of terrorism

This involves types of terrorism which occur beyond the jurisdiction of a country. Alexander and Gleason\textsuperscript{55} define international acts of terrorism as:

*Terrorist activities may be regarded as international when the interests of more than one state are involved, for example, when the perpetrator or the victim is a foreigner in the country where the act is done or the perpetrator has fled to another country.*

International acts of terrorism have clear international consequences. These acts include incidents where terrorists cross national borders to strike foreign targets, select victims or targets because of their connections to a foreign country (for example, diplomats, local executives), attack airliners on international flights, or force airliners to fly to other countries.

Trans-national acts of terrorism

In other words, perpetrators of trans-national terrorism generally overcome traditional national differences by concentrating on a common goal of achieving social change, under the banner of personal beliefs, through violence. These individuals may not consider themselves to be citizens of any particular country, but instead seek common political, social, economic or personal objectives that transcend nation or state boundaries. The World Trade Centre bombing may be considered as an act of trans-national terrorism, because of the different nationalities of the terrorists involved. The suspected bombers included Egyptians, Iraqis, Jordanians, Palestinians and US citizens.

Domestic acts of terrorism

Domestic acts of terrorism are restricted to the borders of one country and occurs when the violence and terror associated with it are confined to national territories and do not involve targets abroad. However, this is very difficult to find since any intensive terrorist campaign cannot remain purely internal and are bound traverse the national borders for support, weapons, financial assistance and a safe haven.56

Groups that can be cited as domestic terrorists include, ‘The Basque’ (Spain), PAGAD (South Africa), as well as the ‘Boeremag’ (South Africa). Basque terrorists operate in Northern Spain.

2.7 Causes of Terrorism

Terrorism usually results from multiple causal factors—not only psychological but also economic, political, religious, and sociological factors, among others. There is even a hypothesis that it is caused by physiological factors, as discussed below. Because terrorism is a multicausal phenomenon, it would be simplistic and erroneous to explain an act of terrorism by a single cause, such as the psychological need of the terrorist to perpetrate an act of violence.

• Psychology

Terrorism is an extremely complex and diverse phenomenon. Given how different the causes and perspectives of right-wing, nationalist-separatist, social revolutionary and religious fundamentalist terrorists, it should come as no surprise that the psychologies of these types of terrorism differ as much as their motivations. We should therefore be discussing terrorism—plural and terrorist psychologies plural rather than searching for a unified general theory explaining all terrorist behaviour. Thus, there is not a ‘one size fits all’ explanation: the relationship between leadership and followers, the group and organizational dynamics, as well as the decision patterns differ from group to group. And while psychology plays a crucial role in understanding terrorism, to

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comprehend this complex phenomenon fully requires an inter-disciplinary approach, incorporating knowledge from political, historical, cultural, economic, ideological and religious scholarship.

In other words, it is important to consider each terrorism in its own political, historical and cultural context. For terrorism is a product of its own place and time. It is an attractive strategy to a diverse array of groups which have little else in common.

Some groups, especially nationalist/separatist terrorist groups, this collective identity is established extremely early: hatred, one may say, is ‘bred in the bone’. This, in turn, emphasizes the socio-cultural context, which determines the balance between collective and individual identity. The role of the leader is crucial in drawing together alienated, frustrated individuals into a coherent organization. They provide a ‘sense-making’, unifying message that conveys a religious, political or ideological goal to their disparate followers. The leader plays a crucial role in identifying the external enemy as the cause, and drawing together into a collective identity otherwise disparate individual, who may be discontented and aggrieved, but who without the powerful presence of the leader will remain isolated and individually aggrieved. The ‘political entrepreneur’ or hate-mongering leader plays a crucial organizing role. This, of course, is exemplified by Osama bin Laden who has become a positive identification object for thousands of alienated Arab and Muslim youth. For his followers, bin Laden serves as the heroic revenger, with the courage to stand up against the superpower. And, in following his lead, the individual follower can be seen as unselfish, altruistic and heroic to the point of self-sacrifice. It is also important to understand the process by which followers enter the leadership echelon, which – while extremely important to the viability of the group – is not well understood. The systematic study of autobiographical accounts can help identify the salient features of this dynamic.

It is easy to comprehend how a religious fundamentalist leader can use his religious authority to interpret religious scripture to justify extreme acts to of violence. Yet, charismatic leaders can persuade their ‘true believer’ followers to carry out such acts even when they are pursuing a secular cause. This could be seen, for example, in the
willingness of members of the Kurdish separatist PKK or the Tamil Tigers LTTE to commit suicide. Suicide terrorism is a function of a culture of martyrdom, the organizational decision to employ this tactic, and a supply of recruits willing to give their lives in a ‘martyrdom operation’. Social psychological forces are particularly important, leading some scholars with particular reference to Palestinian suicide terrorism to speak of the ‘suicide terrorist production line’. The elements of this ‘production line’ include the establishment of a social contract, the identification of the ‘living martyr’ (which accrues great prestige within the community), and in the culminating phase the production of the final video. After one has passed through these phases, to back away from the final act of martyrdom would bring unbearable shame and humiliation. Similar but fuzzier phases may occur for other groups as well. Thus, as with terrorism psychology in general, suicide terrorism is very much a function of group and collective psychology, not individual psychopathology.

- Political and Institutional Order

The political and institutional order is also argued to be connected to terrorist violence. There is an ongoing academic debate on whether a certain political system (a democratic or autocratic regime) is more prepared to deal with terrorism. While the former can offer non-violent means of voicing dissent, it is also constrained in its efforts to realize ‘hard’ counter-terrorism (e.g. because civil liberties are protected), as summed by Li (2005). The latter can capitalize on its capability of ‘hard’ repression but may at the same time also generate grievances linked to political disenfranchisement. Thus, some authors also suggest that semi-open societies (partial democracies) are most prone to terrorism because they cannot capitalize on the advantages of either ‘pure’ political regime. Regardless of the exact regime type, government strength (e.g. military or police power), government policies (e.g. spending policies) or ideological affiliation may also influence a terrorist’s calculus. For instance, a large-scale government may make it more difficult for societal groups to pursue rent-seeking, making it more attractive to gain rents through terrorist violence.
Also, if the institutional order impedes economic participation (e.g. by means of corruption or insufficient property rights protection) it may also be more attractive for an individual terrorist to engage in violence. The opportunity costs of violence are expected to increase with institutional quality. In general, there is no consensus on whether a certain regime can fend off terrorism more effectively than others. In any case, the specificity of political institutions is expected to enter the terrorist’s calculus in various ways. In a broader sense, terrorist activity should decrease with higher levels of institutional quality. Government policies and characteristics (emanating from the political and institutional order) additionally matter to terrorist activity.

Political Transformation and Instability Connected to the previous hypothesis, political transformation and instability are also sometimes regarded as causes of terrorism, in particular in popular discourse. The main concept is that changes in a political system create political vacuums which terrorist groups can use to push their agendas. First, these groups are less likely to be challenged by an unstable government which is usually rather weak, making terrorism a less costly venture. Second, an individual may find it more attractive to join or support a radical organization because there are few non-violent alternatives (meaning low opportunity costs of violence) but high payoffs from terrorist success (meaning increased violence benefits). Third, unstable countries may serve as schools of international terrorism. That is, in times of domestic instability (e.g. during civil war) individuals gain an ‘education’ in violence they can also use for internationalized terrorist campaigns. State failure (as the most drastic form of instability) is therefore commonly seen as one root cause of terrorism.

The relationship between terrorism and democracy is a key concern. Many of the world’s functioning democracies are limited or partial. They are likely to be less developed, less wealthy, and less stable than consolidated democracies.

However defined, democracy does not guarantee immunity. Democracy and terrorism are not polar opposites: saying ‘yes’ to democracy, unfortunately, does not mean saying ‘no’ to terrorism. Established liberal democracies with long traditions of free speech and tolerance of dissent have been the targets of both domestic and foreign terrorism, both at home and abroad. We can point not only to the United States but
also to Canada, Great Britain, Germany, France, Greece, Italy, Spain, Turkey, and India. The causes espoused by the groups resorting to terrorism were varied, including ethno-nationalism and separatism, leftwing revolutionism, religion, and rightwing extremism.

In the case of terrorism that is generated within a democracy, the degree of social, ethnic, and political heterogeneity or fragmentation within the state appears to be a critical variable. Highly contentious polities and divided societies are likely to be associated with a greater risk of terrorism. They are typically associated with the prevalence of other forms of political violence as well. The instigating factors for violence constitute a complex, dynamic equation that is difficult to solve regardless of regime type.

The response to terrorism poses numerous dilemmas. Policies must be developed to stop terrorism in the present, since a central obligation of the state is to protect its citizens, but they must also prevent it in the future. Any action taken to counter terrorism has to be effective in the short-term and in the long-run. Coercive or repressive policies designed to destroy or contain the terrorist threat in the immediate, even if successful in achieving that end, may alienate and aggrieve others who sympathize with the claims of those resorting to violence. Moderates may join the opposition if the political arena is polarized or if they cannot be protected from terrorist intimidation. Thus the response to terrorism must be legitimate if the government is to defeat a group without expanding its support base. Violations of human rights in the pursuit of counter-terrorism will be counterproductive.

Striking a balance between the two goals of present and future security requires a nuanced approach – one that distinguishes between challengers that are isolated and those that have popular support. The government must understand the bases of critical social support and the circumstances that appear to justify terrorism to its users and their sympathizers. Otherwise it risks playing into the hands of its adversary. Treating terrorism exclusively as a military or security problem is likely to be self-defeating.
The relationships between non-violent and violent factions remain ambiguous and conflicted. Government policies should differentiate between the two tendencies rather than force them to coalesce. In India political causes is seen essentially in Assam and Tripura. The political factors that led to insurgency-cum-terrorism included the failure of the government to control large-scale illegal immigration of Muslims from Bangladesh, to fulfil the demand of economic benefits for the sons and daughters of the soil, etc.

- **Economic Factors**

Some scholars suggest that terrorist activity is rooted in economic deprivation which manifests itself e.g. in poverty, within-country inequality and a lack of economic opportunities. Terrorism is a tactic, sometimes a strategy, chosen by groups waging conflict. In addition to their ideologically-driven pursuit of ethno-national, religious, or revolutionary objectives, the perpetrators justify their choice of terrorism – rather than other political strategies – by a mix of rational calculation about its costs and benefits.

Poverty per se is not a direct cause of terrorism. Macro-studies show that terrorism can occur anywhere, but is more common in developing societies, rather than in poor or rich countries, and is most likely to emerge in societies characterized by rapid modernization. Economic change creates conditions that are conducive for instability, the emergence of militant movements and extremist ideologies. In the Islamic world, for example, the more traditional segments of the population are disoriented by sweeping socio-economic change, and are therefore especially susceptible to movements that strengthen threatened identities, provide explanations, and give believers a sense of empowerment. A pervasive risk factor in developing societies is the so-called youth age bulge, that is, a substantial increase in the proportional size of the young male population facing insecure employment prospects. Within countries, the groups that support and give rise to terrorist movements usually are relatively disadvantaged because of class, ethnic, or religious cleavages. At the individual level, the leaders of militant movements are better educated and of higher status than most
of the population from which they come. This, however, is true of leaders of almost all political organizations.

Cross-national studies show that the higher women’s relative educational status and political participation, the less frequent are political violence and instability. Three mechanisms may be at work:

1. Educated and empowered women may socialize youth in ways that inhibit their susceptibility to recruitment to terrorism;

2. They also help strengthen civil society organizations that provide alternatives to political militancy; and

3. In the longer run, women’s education contributes to declining birth rates, leading to a reduction in the problems associated with large youth populations.

In summary, structured inequalities within countries are breeding grounds for violent political movements in general and terrorism specifically.

Globalization facilitates the movement of workers and refugees across borders, leading to new minority groups in ‘settled’ societies, many of which are linked politically to kindred elsewhere.

The cross-border movement of activists, information, and money from supporters (governments, Diasporas, political sympathizers) to terrorist groups is facilitated by globalization. Simultaneously, the sinews of globalization – from pipelines to communication networks – become ‘soft targets’ for transnational terrorists.

Organized crime and terrorist groups use similar – sometimes the same – means for moving materials, people and funds across boundaries. Underground banking networks developed by criminal groups are also used by terrorist groups. Some proceeds from illegal businesses end up funding terrorist groups. These developments blur the distinctions between political and criminal, increase the capacity of the linked groups to resist international action. In India some states Andhra Pradesh, Madhya Pradesh, Orissa and Bihar are prime examples of economic causes. The economic
factors include the absence of land reforms, rural unemployment, exploitation of landless labourers by land owners, etc. These economic grievances and perceptions of gross social injustice have given rise to ideological terrorist groups such as the various Marxist/Maoist groups operating under different names

- Religion

Religious doctrine, in our view, is a ‘tool of mobilization’ or a justification for terrorism rather than a direct cause. For example, discontent with the political and economic status quo leads to support for radical Islamist groups. Religiosity itself is not a cause of political radicalism. Appeals to religion are likely to be a way of framing or representing a struggle in terms that a potential constituency will understand rather than the determinants of a strategic choice. As noted above, groups espousing similar goals often choose different methods, disagreeing over the means more than over the ends. A number of factors contribute to the choice of terrorism, including disillusionment over the possibility of change through non-violence or through violence other than terrorism (e.g., guerrilla warfare) as well as conceptions of religious doctrine. Religious justifications are often combined with other, explicitly political, goals, such as nationalism or self-determination.

In India specially in Punjab, some Sikh elements belonging to different organizations took to terrorism to demand the creation of an independent state called Khalistan for the Sikhs. In J&K, Muslims belonging to different organizations took to terrorism for conflicting objectives. Some, such as the Jammu & Kashmir Liberation Front, want independence for the state, including all the territory presently part of India, Pakistan and China. Others, such as the Hizbul Mujahideen, want India's J&K state to be merged with Pakistan. While those who want independence project their struggle as a separatist one, those wanting a merger with Pakistan project it as a religious struggle.

There have also been sporadic acts of religious terrorism in other parts of India. These are either due to feelings of anger amongst sections of the Muslim youth over the government's perceived failure to safeguard their lives and interests or due to Pakistan's attempts to cause religious polarisation.
The maximum number of terrorist incidents and deaths of innocent civilians have occurred due to religious terrorism. While the intensity of the violence caused by terrorism of a non-religious nature can be rated as low or medium, that of religious terrorism has been high or very high. It has involved the indiscriminate use of sophisticated Improvised Explosive Devices, suicide bombers, the killing of civilians belonging to the majority community with hand-held weapons and resorting to methods such as hijacking, hostage-taking, blowing up of aircraft through IEDs, etc.

Certain distinctions between the modus operandi and concepts/beliefs of religious and non-religious terrorist groups need to be underlined, namely:

Non-religious terrorist groups in India do not believe in suicide terrorism, but the LTTE does. Of the religious terrorist groups, the Sikhs did not believe in suicide terrorism. The indigenous terrorist groups in J&K do not believe in suicide terrorism either; it is a unique characteristic of Pakistan's pan-Islamic Jihadi groups operating in J&K and other parts of India. They too did not believe in suicide terrorism before 1998; in fact, there was no suicide terrorism in J&K before 1999. They started resorting to it only after they joined Osama bin Laden's International Islamic Front in 1998. Since then, there have been 46 incidents of suicide terrorism, of which 44 were carried out by bin Laden's Pakistani supporters belonging to these organizations.

Non-religious terrorist groups in India have not resorted to hijacking and blowing up of aircraft. Of the religious terrorists, the Sikh groups were responsible for five hijackings, the indigenous JKLF for one and the Pakistani Jihadi group, the Harkat-ul-Mujahideen (which is a member of the IIF), for one. The Babbar Khalsa, a Sikh terrorist group, blew up Air India's Kanishka aircraft off the Irish coast on June 23, 1985, killing nearly 200 passengers and made an unsuccessful attempt the same day to blow up another Air India plane at Tokyo. The IED there exploded prematurely on the ground. The Kashmiri and the Pakistani Jihadi groups have not tried to blow up any passenger plane while on flight. However, the JKLF had blown up an Indian Airlines aircraft, which it had hijacked to Lahore in 1971, after asking the passengers and crew to disembark.
Religious as well as non-religious terrorist groups have external links with like-minded terrorist groups in other countries. Examples: The link between the Marxist groups of India with Maoist groups of Nepal, Sri Lanka and Bangladesh; the link between the indigenous Kashmiri organizations with the religious, fundamentalist and Jihadi organizations of Pakistan; the link between organizations such as the Students Islamic Movement of India with Jihadi elements in Pakistan and Saudi Arabia; and the link between the Pakistani pan-Islamic Jihadi organizations operating in India with bin Laden's Al Qaeda and the Taliban.

- **Identity and Cultural Clash**

The abstract conflict between world views also becomes manifest in realpolitik, where population groups with different identities pursue different (often diametrical) policies. Such behavior may e.g. be represented in rent-seeking or other forms of social, economic and political interaction between groups with different identities. Terrorism is used by the inferior group not only as a means to voice and push their world view but also to shift (material) outcomes in their favor. Identity (and opposition to other identities) works as a bond facilitating e.g. terrorist recruitment and financial support. In the case of terrorist success, related payoffs are particularly high due to the enforcement of a claim to the absolute.

Terrorists come in many varieties. *The* terrorism often arises in response to a culture of alienation fuelled by cultural conflict rather than in response to any particular national culture. We can think of this culture of alienation and humiliation as a kind of growth medium in which the process of radicalization commences and virulent extremism comes to thrive. Cultural factors (including ethnic and religious grievances) are likely to be interwoven with individual incentives, political ideologies, and economic goals. Another potentially critical factor is the emergence of a charismatic leader who is capable of inflaming grievances and galvanizing support for a mission. All these are ‘risk factors’ which may contribute to the rise of a terrorist group or movement.
While states can and do get involved in repression and terrorism, we focused on non-state actors – both domestic and trans-national. Also, it is important to distinguish between local conflicts – often tied to particular cultures – and global terrorist groups. It may be possible to negotiate, at least in principle, with groups fighting over territory or cultural values. But there is very little scope for negotiation with a global Jihadi group such as Al Qaeda, which fights globalization and the West.

- **Modernization Strain**

Other scholars argue that terrorist activity is fostered by the process of modernization which creates different types of strain. Modernization encompasses e.g. economic changes (e.g. changes in employment patterns), new technologies (e.g. new forms of communication or medicine), new institutions (e.g. schools), new ideas (e.g. Western ideologies) and new forms of living (shift from agricultural to urban societies). All of these factors may create grievances associated with economic, demographic or social strain. For instance, medical progress changes the patterns of population development, resulting in populations with high youth burdens. Similarly, modern forms of communication and education may challenge traditional elements of a society, generating social conflict. In general, modernization is associated with economic, demographic and social changes. During a transition from a traditional to a modern society most grievances are generated. Terrorist organizations are able to capitalize on the grievances of ‘modernization losers’, thus making recruitment, financing or other forms of support more likely. Also, terrorist organizations may use modern means of communication to disseminate their opinions more effectively.\(^57\)

That is, modernization (i.e. the transition from tradition to modernity) is likely to lower the costs of terrorist activity by creating grievances e.g. linked to economic dissatisfaction, new forms of alienated living or other challenges to traditional societal patterns.

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• **Contagion**

Contagion may be another factor explaining terrorist activity. The main idea is that terrorism exhibits a strong self-energizing nature with respect to both time and space. First, past terrorism bears new terrorism within one country (temporal contagion). For a terrorist organization and the individual terrorist it is more beneficial to run a terrorist campaign because this increases the benefits from terrorist activity by making oneself heard through increased media attention. Second, if one country suffers from terrorism, it is also likely to infect other countries in its neighborhood (spatial contagion).

In India, there are various causes for terrorist activities such as ethnic causes of terrorism which mainly seen in Nagaland, Mizoram and Manipur due to feelings of ethnic separateness. In Punjab before 1995, some Sikh elements belonging to different organisations took to terrorism to demand the creation of an independent state called Khalistan for the Sikhs and in J&K since 1989 Muslims belonging to different organisations took to terrorism for conflicting objectives. Some, such as the Jammu & Kashmir Liberation Front, want independence for the state, including all the territory presently part of India, Pakistan and China. Others, such as the Hizbul Mujahideen, want India's J&K state to be merged with Pakistan. While those who want independence project their struggle as a separatist one, those wanting a merger with Pakistan project it as a religious struggle. There have also been sporadic acts of religious terrorism in other parts of India. These are either due to feelings of anger amongst sections of the Muslim youth over the government's perceived failure to safeguard their lives and interests or due to Pakistan's attempts to cause religious polarization.

**2.8 Terrorist Ideology and Motivation**

Terrorists have a different ideology than most criminals that are prosecuted and tried within a nation’s domestic legal system. This point is two pronged. First, the political and/or religious nature of most terrorist attacks, in addition to the key element of generating fear and indiscriminately targeting the civilian population, creates distinct
elements common to terrorist attacks that do not coincide with regular crimes. Most people commit crimes for one of three reasons: personal gain, passion, or due to some mental illness.\textsuperscript{58} In contrast, most terrorists have or purport to have specific ideological motivations for committing their acts of violence. Studying these ideological motivations, or root causes, lends insight and understanding into what fosters terrorism not only as a motivation to the individual terrorist, but also as a tactic with international appeal. One of the foremost explanations can be summarized as “grievances”.

Grievances can be a direct result of environmental or social factors that contribute to motivating a person towards accepting terrorism as a legitimate act. Jessica Stern, author of Terror In The name of God, categorizes these social factors into five groups: alienation, humiliation, demography, history, and territory. In some cases, criminal acts can also be motivated by these grievances. Many authors also hypothesize that terrorists perpetuate terrorism out of religious beliefs such as their goals to spread their religion or keep those who do not believe in their religion away from their land, people, and politics. Although Farhad Khosrokhavar, author of Suicide Bombers Allah’s New Martyrs, ultimately blames suicide terrorism on the feeling of deprivation and humiliation experienced by many Muslims, he writes in depth about how religion in encouraging individuals to cope with these emotions through terrorism. Martyrdom is rarely a motivation for the common criminal. Within the concept of religious motivation, Khosrokhavar identifies two types of martyrdom: defensive and offensive.

The goal of defensive martyrdom is to be a witness for the cause by opposing heretics and oppressors with an attitude of defiance. In this case, an individual may face death because they refuse to follow what they consider to be a heretical government. However, these individuals do not actively fight the heretics or oppressors. In contrast, offensive martyrdom “implies an active, and if need be violent, struggle

\textsuperscript{58} Boaz Ganor and Alex Conte, Legal and Policy issues in Establishing an international Framework for Human rights Compliance When Countering Terrorism [on-line] (The institute for Counter-Terrorism. 1 December 2005 [cited 24 September 2006]) ; available from http://www.ict.org.il/pdf/Ganer Conte Nov. 05. pdf. )
against those the believer regards as oppressors and heretics. Offensive martyrdom helps to explain terrorist acts, especially suicide terrorism.

Additionally, Robert Pape, author of Dying to Win, adds an important overarching component to the individual logic of terrorism, specifically suicide terrorism, by differentiating between altruistic and egoistic suicide. Egoistic suicide occurs because a person experiences isolation from society and individual trauma. Altruistic suicide is opposite in that the individual is very integrated into society and willing to sacrifice themselves for the betterment of others (e.g. a soldier falls on a grenade to save his fellow serviceman). Whereas egoistic suicide is looked upon unfavorably, people who commit altruistic suicide are often looked upon as heroes because they prefer death rather than allowing harm to befall their community. Many terrorists and Islamic communities believe and therefore glorify terrorism as altruistic suicide.

Grievances and martyrdom, in particular, help explain differences between some terrorist (for this argument, specifically religious terrorists) and other criminals in that terrorist’s motivations are not only affected by the here and now but are influenced by how one perceives the after-life and this life’s effect on the after-life. This spiritual focus greatly differs from the motivations which current law is written to address and punish.

Second, when the ideology motivating the individual terrorist is rooted in religion or some other strong belief governing one’s conduct, the terrorist might deem the law, as it is written and followed by states, as irrelevant. For example, Osama bin Laden, in his fatwa dated February, 1998 claimed that according to Islam it was acceptable for terrorists to target American civilians. Although this is against the law of the United States and international law, the terrorists following fundamentalist Islam and bin Laden as their leader, conduct their behaviour according to the fatwa and other religious guidance or interpretations not internationally recognized law. To them, killing innocent civilians is a legitimate act. This idea of thinking that state/international law does not apply to the individual terrorist is commonly perpetuated from within terrorist’s organizations. Members pledge their allegiance to the organization and its ideology and often disregard the law. Consequently, “standard
criminology does not apply when trying to combat the terrorist phenomenon as a whole because the notion of personal deterrence is largely irrelevant” warranting a different legal approach for terrorists compared to criminals.59

In conclusion, terrorist attacks can exhibit many criminal characteristics. The fact that some of the specific actions involved in a terrorists attack are already classified as criminal and addressed within most nations’ domestic law generates a positive correlation between terrorist acts and criminal acts. However, attributes such as the underlying motivations of the terrorists and the organizational capability and impact of terrorist groups can greatly differ from what is usually observed in criminal cases. An analysis of terrorism from the dimension of warfare will reveal that there are also many aspects of terrorism that are similar to acts of war.

2.9 Terrorists Modus Operandi

The contemporary period has witnessed a paradigm shift in the modus operandi that terrorists utilize to achieve set objectives. Modus operandi is defined as ‘a distinct pattern or manner of working that is associated with a particular crime’. Terrorism’s modus was in the 1960s, 1970s and 1980s rooted in gaining publicity and public attention for groups undertaking attacks. Largely, innocent civilians were not targeted. Terrorists of the 1990s and especially the 21st century no longer seem concerned about public opinion, rather the goal is ‘increasing the number of body counts of the perceived enemy’.

Tactics have become far more pronounced and methods that were previously thought to be unimaginable have now become a reality, a case in point being the skyjacking of two airplanes by Al-Qaeda suicide attackers and the crashing of these planes into the Twin Towers in New York.

Tactics utilized by terrorists as well as the targets that have become the central focus in the 21st century. In order for any counter terrorism strategy to be effective, it is imperative that questions around the ‘who’ (target) and ‘how’ (modus operandi) are essentially highlighted.

59 Ganor and Conte, Legal and Policy issues in Establishing and international Framework for Human Rights compliance when countering Terrorism.
The desired effect of terrorism is not only the physical hurt to the victim, but also the psychological impact on the target. Consequently, the terrorist’s victims are carefully selected to ensure the maximum possible psychological impact on the target. The subjects of terrorist attacks generally have little intrinsic value to the terrorist group but represent a larger human audience whose reaction is sought by terrorists. The most basic reason for terrorism is to gain recognition or attention. Violence and bloodshed always excite human curiosity, and the theatricality, suspense and threat of danger inherent in terrorism enhance its attention-drawing qualities. The current modus operandi of militant jihadist groups operating internationally in affiliation with al-Qaida is a result of substantial training in attacking convoys, including civilian ones. There are a number of attacks used by terrorists in attacking moving convoys. These attacks are categorized according to attacks that have taken place in many hostile areas where terrorists have conducted their operations. These attacks are carefully planned and executed with accuracy ratings. Al-Qaida manuals on convoy ambushes bear lots of similarities to the Liberation Tamil Tigers of Elam’s (LTTE), from which they derived. Below are some examples of convoy attacks that have taken place over the years by terrorist and criminal groups.

A convoy ambush with gunfire initiation and multiple improvised explosive devices (IED) is usually one of the attacks terrorists will use to hit their target irrespective of the convoy in transit. Examples of a convoy ambush usually contain three to five vehicles. The terrorists (gun team) stationed ahead of a convoy will initiate gunfire from the side of the road bringing down the first vehicle in order for the remaining to come to a halt. When this is achieved, multiple IED’s planted within the stop area will be exploded by the second team of operatives assigned to trigger the IEDs off. In certain cases, the tail vehicle may be attacked by the third team of operatives using a rocket-propelled grenade (RPG) from the opposite side of the road.

Place of residence assassinations can take place against any profiled target by terrorists or criminals. Terrorists or criminals posing as road sweepers or municipal workers are usually the scenario when a residence assassination takes place. The perpetrators would warn the gun-group from a pickup truck that the entourage is leaving the residence. An ambush like this will consist of using an RPG where the
target is highly likely to escape death, and these attacks are usually committed in politically unstable regions where the act is meant to take out the target with no failure in the operations. If the RPG has missed its target a pickup truck will emerge to overtake the convoy and raking the vehicle with gunfire before speeding away.

Terrorism is also used to disrupt and discredit the processes of government. Terrorism as a direct attack on a regime aims to highlight the incompetence of the political authority to safeguard its citizens and inevitably promotes the insecurity and demoralization of government officials. Terrorists produce these effects by attacking the following targets:

- Government buildings, military bases, weapons, ships, airplanes, trains, brigades and tunnels
- Government officials, soldiers, police and diplomats
- Banks and the security and electronic transmission of currency
- Symbolic public monuments
- Business headquarters, personnel and factories
- Civilian crowds, modes of transport and transportation facilities
- Electric power plants, dams and grids
- Communications stations
- Computers and their networks.

**Terrorist Tactics**

According to Hunsicker\(^6\) the most important tactical operations involving terrorists are, in order of relative frequency:

- Bombing
- Assassination and Assault
- Hostage-taking/Kidnapping/Skyjacking/Barricade Situation

The trend is a shift away from attacking specific targets towards indiscriminate killings. The most serious concern is that terrorists are seeking to kill and injure more

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\(^6\) Hunsicker, A understanding international counter Terrorism, 2006, p. 85.
innocent civilians.

**Bombing**

This has been the most common tactic used by terrorists since the manifestation of international terrorism in the 1960s. But in the 1970s the objectives have changed from symbolic bombings not intended to produce casualties (especially), to incidents where the ultimate objective is to cause as many casualties as possible.

The latter objective emerged in the 1980s, especially with the suicide bombings used by religious extremists in the Middle East and North Africa. The most obvious reason for the popularity of bombing as a modus operandi is that explosives can be easily purchased, stolen or manufactured from commercially available materials. Knowledge of how to build bombs and explosives can be obtained from books and the internet. Individuals have access to conventional as well as unconventional bomb-building material through mail order catalogues. Former Iranian President Ali Akbar Hashemi Rafsanjani refers to this access as ‘the poor man’s nuclear bomb’.

Presently, groups of terrorist are capable to collect the necessary data on weaponry and techniques by using the internet. Further, terrorists are exploring advanced technologies and using more imaginative ways of operating explosives, detonators, communications, and concealed devices. They rely upon computers, cellular phones and encryption software to aid in their terrorist exploits.

After the Afghan war, Usama Bin Laden emerged as one of the primary role-players in exporting trans-national terrorism. At the time of Afghan war, close co-operation was established with Muslims from different nationalities that form part of the current network of Islamic extremist elements. Bin Laden heads the large Islamic organization Al-Qaeda. Most of the groups that participate in his front remain independent, although the organizational barriers between them are fluid. In the centre of Al-Qaeda is Bin Laden’s own inner group, which conducts missions on its own.

Professional terrorists have become increasingly ruthless, sophisticated and operationally more competent. Although most terrorist groups remain technologically
conservative, using off-the-shelf weaponry, some groups adapt or improvise their weaponry. For example, terrorists used readily available fertilizer as the main component of their device to bomb the World Trade Centre in New York in February 1993.

**Assassinations**

In modern times, types of assassinations have included:

- Diplomatic assassination (group or state);
- Murder involving religious issues (individual, group or state);
- Murder where the driving motive is nationalism (individual, group or state);
- Murder where the driving motive is class struggle (individual or group); and
- Murder committed for reasons of state (state).

**Hostage taking**

Hostage taking, whether by kidnapping individuals, hijacking airlines or storming buildings, has always been a popular tactic due to its demonstrated effectiveness.

Hostages are selected by criteria of the terrorist; essentially the objective is to exert influence to acquire a desired effect. It is for this reason that the selection of targets for hostages is wide and incumbent upon the subjective interpretation of the hostage. Hostages may include Political figures and figures of authority such have presidents and other government officials, Journalists, Schoolchildren, Tourist. Essentially hostage taking is also a common modus operandi of terrorist and like other terrorist activity, it requires a concerted response to effectively, reduce the activity.

In contrast, individuals from Western countries who become terrorists are generally both intellectual and idealistic. Usually, these disenchanted youths, educated or uneducated, engage in occasional protest and dissidence. Potential terrorist group members commence as sympathizers of the group. Recruits may often come from support organizations, such as prisoner support groups or student activist groups. From a sympathizer, an individual may become a passive supporter. Often, violent encounters with police or other security forces further motivates an already socially
alienated individual to join a terrorist group. However, membership in a terrorist group is highly selective. Over a period of a year or more, a recruit generally moves in a slow, gradual fashion toward full membership in a terrorist group. Therefore, recruits would not only need to have a personality that would allow them to fit into the group, but ideally a certain skill needed by the group, such as weapons or communications skills.

The terrorists support includes a whole spectrum of organizational requirements related to terrorist activity such as:

- Financial support;
- Training;
- Weapons;
- Organizational support: groups and friendly regimes supply terrorists with passports, documents or propaganda support, social support; and
- Operational support.

The above are some of the most prevalent modus operandi of terrorists or criminal convoy attacks around the globe in many hostile and politically unstable nations. This basic information should be reviewed by cooperating government forces and more importantly non-government organizations and the media that operate in these regions. The concepts and strategies of terrorist organizations and criminal groups are constantly engaging and adapting to new skills required in conducting convoy attacks.

2.10 Characteristics of Terrorism

Paul Wilkinson, one of the authorities on terrorism, spelled out five major characteristics of terrorism, such as-

(a) It is premeditated and aims to create a climate of extreme fear or terror.
(b) It is directed at a wider audience or target than the immediate victim of violence.

61 People's Union for Civil, Liberties v. union of India, AIR 2003 AC 2363
(c) It inherently involves attacks on random and symbolic targets including civilians.

(d) The acts of violence committed are seen by the society in which they occur as extra normal, in literal sense that they breach social norms, thus causing a sense of outrage.

(e) Terrorism is used to influence political behaviour in some way—for example, to force opponents into conceding some or all of the perpetrators demands to provoke an over-reaction, to serve as catalyst for more general conflict or to publicize a political cause.

### 2.11 Insurgency, Militancy & Extremism

In easy form, insurgency is an act of rebellion against an established order by a section of the population with the aim of changing such an order or overthrowing it totally for establishing a new one. In the initial stage it makes a direct resistance against an incompetent political regime. In intermediate stage, it starts terrorist activities and violent actions by its underground activists, against the unpopular regime. Insurgency is always supported by common people. It has an intellectual base and always has armed clashes with the regime. So the main target of insurgency is not the people, but the State. Their relationship with the people is like fish and water.

Political violence movement to attain its political goal is known as militancy. This term is often loosely used to mean terrorism. Militant has always a particular cause and takes arms to achieve their goal. In order to attain its goal it violates the social and legal norms of existing rule of authority. They reject the State authority and try to demolish the foundations of its major social and political institutions. Modern terrorists sometimes like to consider themselves as militants against the target of State. The plea against State and the assumption is that the State follows some authoritarian and tyrannical policies giving rise to some problems to the people. However, terrorism is also a means of militancy.

Extremist means a person who holds extreme or fanatical political or religious views and especially resorts to or advocates extreme action. Extremism is mainly consisting
of ideological stand-point, so extremism pleads for extreme views especially on political, economic and social issues. When violence in the social order is viewed from an objective or ideological point, it is turned and termed as extremism. Extremists never compromise and are highly dedicated to their convictions. They often advocate and propagate radical measures to achieve political goals. The means for achievements of goals may include use of violence or non-violence measures. Hence the insurgency, militancy and extremism may be summarized as follows:

**Insurgency:** act of rebellion against an established order by a section of population, with the aim of changing such an order or over throwing it totally for establishing new one.

- Mass support
- Intellectual base
- Armed clashes with the regime
- Main target is the State

Example: Northeast groups of insurgency.

**Militancy:** Political violence movement

- Violates social and legal norms
- Takes plea against the State and the assumption is that the State follows some authoritarian and tyrannical policies giving rise to some problems of people.

Example: ‘Azad Hind Fauj’ under the leadership of Netaji Subhash Chandra Bose.

**Extremist:** holds extreme or fanatical political or religious views and resorts to or advocated extreme action.

- Based on ideological stand-point.
- Led by intellectual people who determine the overall strategy.
- Nourished through radical and doctrinal propaganda.
- It aims to exploit the revolutionary sentiment as well as potential of masses.
- Making people aware and conscious about their deprivation by the State.
• Raise protest against the tyranny of the State.

Example: Naxalite movement by the extreme left wing of communist ideology and extreme fundamentalist movement in Jammu & Kashmir.

However there are normatively loaded terms such as ‘revolutionaries’ and ‘freedom fighters’, which have clearly positive overtones and imply that the methods used by those such labels are applied to, are justified or appropriate in the circumstances.