

EFFECT OF TERRORISM ON ENJOYMENT OF HUMAN RIGHTS

Ankit Kumar

Department of Law

Teerthanker Mahaveer University, Moradabad, Uttar Pradesh, India

ABSTRACT: *The tug of war between human rights and terrorism is becoming a worldwide problem. However, depending on the various situations, the type of terrorism is very different. Human Rights claims occur when terrorism compromises the basic fundamental rights of the citizen. It is also synonymous with the words "human rights" and "terrorism" In India, national and foreign terrorist organizations are involved and threatening, harming local property and killing innocent citizens. The state has limited physical resources to track this threat. On the other side, terrorists have posed a significant threat to the internal security of the country. Terrorism, with its new problems, is indeed an old issue. It has had a dramatic effect on the global economy and people's lives. It is a plague on humanity. The connection between human rights and terrorism is clear. Terrorism is known to have occurred, in one form or the other, at many points in the recorded history in almost all parts of the world after the 9/11 attacks on the World Trade Center in the United States and the 13 December 2001 attacks on the Indian Parliament and the 26 November 2008 attack in Mumbai, terrorism assumed a new dimension and threatened the very core of modern society. With terrorism, India is not unfamiliar. Whether in the North-East, Punjab, or Jammu & Kashmir, he was a long-standing militant sufferer. Moreover, in the last half a decade, extremism has spread to other areas of the world.*

KEYWORDS: *Terrorism, Human rights, Legislation.*

INTRODUCTION

The term terrorism derives from the French word terrorism, which is based on the Latin noun Terre. This means "shaking." Sargon of Akkad, the first Mesopotamian empire to be founded on fear. The same was later true of the world's first military empire, the Assyrian, whose implacable methods of repression were meant to break the spirit or weaken the will. With warlike hostility announced, fear remains suspended over its heads of all who, in times of peace, seek to stage a coup like a sword. In the fascistic societies that form up the greater mainstay of history, it has served as the instrument of enslavement and the guarantor of compulsory obedience. State terror has haunted the ages, implicit or explicit, as the bogeyman of war, the spectre of mass assassination. It can set a precedent without the need to fight to control actions when launched. In this way, fear was used by the Mongols and Tamerlane to suppress towns without resorting to battle.

A clause defining terrorism is found in UN General Assembly Resolution 49/60 (adopted on December 9, 1984), titled 'Measures to Eradicate Foreign Terrorism.'

Criminal acts intended or intended to trigger, for nefarious motives by a group of persons or individuals, a state of fear in the general public are unjustifiable in all circumstances, irrespective of the political, cultural, economic, racial, ethnic, religious and every other nature which may be relied upon to justify them.

According to UN Security Resolution 1566(2004):

“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.”

DISCUSSION

Under Indian legislations

According to Section 3(1) of the Terrorist and Disruptive Activities (Prevention) Act, 1985 (TADA) does not define who is a "terrorist" but defines a "terrorist" act as follows: "whoever intends to overwhelm the government as constituted by law or to terrorise the people or even any part of the population or to alienate any part of the people or to negatively affect the peace between them varies. Any act or thing by using explosives, dynamite, or other explosive substances or flammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or any other substances (whether biological or otherwise) of a hazardous nature in such a manner as to cause or as is likely to cause, death or injury to any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community or causes damage or destruction of any property or equipment used or intended to be used for the defense of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies, or detains any 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;

Under the Prevention of Terrorism Act, (POTA) 2002, it is defined as:

Whoever-

with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or fire arms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature or by any other means whatsoever, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community or causes damage or destruction of any property or equipment used or intended to be used for the defense of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies, or detains any 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;

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

¹ Yogesh K. Tyagi, *Terrorism and International Law*, (1987) pub. Indian Society of International Law, New Delhi, India

destruction and commits any act resulting in loss of human life or grievous injury to any person or causes significant damage to any property, commits a terrorist act

Explanation-For the purposes of this sub-section, “a terrorist act” shall include the act of raising funds intended for the purpose of terrorism. Under this Act “Terrorist Acts” shall include “Underworld”, “Supari”, “Protection money” or “Khandani”, “Organized crime”.

There is no widely recognized definition of terrorism; war crimes and crimes against humanity are part of far too many definitions of terrorism.

Impact of Terrorism

At the national and international level, the impact of terrorism on either the maintenance of law and order, stability and tranquilly is a worrying concern. Global terrorism, however, has become an unprecedented threat to human civilization itself. In conditions that are most dangerous and detrimental to society, we are forced to live.

Terrorism brings pain and misery to human beings. It is an immoral and cruel act that puts the rights and freedom of innocent people under threat. It also violates the basic human rights of victims, in principle their right to life, their right to bodily safety and their right to personal liberty. The numbers of innocent civilians have either been killed, massacred or mutilated by terrorists, including women, children and the elderly, in unjustified and senseless acts of violence and terror that just cannot be understood under any circumstances. Terrorism and counter-terrorism have significant consequences for the defence of human rights, such as the right to life and freedom of movement. The obligation to provide education on human rights is on the shoulders of the Member States and human rights defenders and activists because it is necessary for these rights to live. It has placed a question mark on the most fundamental and basic human right of people, i.e. the right to life. The General Assembly has expressed similar its profound concern about either the spread of terrorist acts in all their forms around the world, which threaten or injure innocent human lives, challenge fundamental freedoms and seriously undermine human dignity.

Legislative response

Not only the latest literature on the role of the United Nations and the Regional Organization, through various treaties and conventions, in combating terrorism, but also the impact of various legislative counter-terrorism interventions adopted by the Government of India. Independent India's constitutional preservation is a proud one. Independent India's Constitutional Survival is a proud one. India's long-lasting and ever-increasing dedication to its fundamental rights project can serve as an international example, and in recent years, in the fight against the same of the world's most significant terrorist threat. The great attack on mankind today is the threat of terrorism. While it is not a new phenomenon, it gained increased coverage after the terrorist attack on the World Trade Center in New York on September 1st, 2001.²

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² Surat Singh, Law Relating to Prevention of Terrorism, 2003 ed, Universal Law Publication Co. Pvt.

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India has long awakened to the threat of terrorism, but the attack on the Indian Parliament on 13 December 2001 and the attack in Mumbai on 26 November 2008 prompted Indian policymakers to take new note of some parts of society's distressed actions. In this sense, the paper made an attempt to define the various laws in India aimed at resolving extraordinary circumstances such as terrorism and extremism. To cope with the above situations, ordinary criminal law may not be sufficient, and thus some special legislation will have to be enacted to deal with such extraordinary situations. It is possible to identify the legal system for tracking terrorist acts as the International Legal Regime and the National Legal Regime. In India, there are quite a set of terrorist rules. Such rules are as follows:⁴

- The Indian Penal Code, 1860
- The Preventive Detention Act, 1950
- The Armed Forces Special Powers Act, 1958
- The Unlawful Activities (Prevention) Act, 1967
- The Maintenance of Internal Security Act, 1971
- The Criminal Procedure Code, 1973
- The Terrorist Affected Area (Special Courts) Act, 1984
- The Terrorist and Disruptive Activities (Prevention) Act, 1985
- The Terrorist and Disruptive Activities(Prevention) Act, 1987
- The Terrorist and Disruptive Activities(Prevention) Act, 1987 (Amendment) Act, 1993
- The Prevention of Terrorism Act, 2002
- Unlawful Activities (Prevention) Amendment Act, 2004
- Unlawful Activities (Prevention) Amendment Act, 2008
- The National Investigation Agency Act, 2008

The NHRC argues that state institutions such as that of the police and the armed forces should not be left alone with the challenge of terrorism and militancy, but this should be confronted together by all parts of society. The socio-economic aspects of the issue have also continued to be emphasised and strict law enforcement and social stability have also been called for to improve the consistency in dealing with people who are genuinely guilty of human rights abuses. According to him, the issue faced by the criminal justice system in India was that of (a) thorough investigation of offences, (b) successful enforcement of criminal cases, and (c) lengthy delays in adjudication and punishment in the courts.⁵ It is possible to identify the legal system for tracking terrorist acts

³ Surat Singh, Law Relating to Prevention of Terrorism, 2003 ed, Universal Law Publication Co. Pvt.

⁴ Ved Prakash, Terrorism in India, vol. 3, 2009, Kalpaz Publications C-30, Satyawati Nagar, Delhi-110052, India.

⁵ Wardlaw Grant, Political Terrorism: Theory, Tactics, and Counter-Measures, 2nd ed. 1989, Cambridge University Press, Cambridge, London U.K.

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Suggestions

As the modern religion of the world, human rights have arisen to bear the true fruits of humanism. Human rights, therefore, cannot be made available to customers without education, particularly to the needy. Without recognition of the right to education, the right to growth is impossible and may be supported by the researcher in this regard, following other suggestions.

Human rights have emerged as the world's new religion to bear the true fruits of humanism. These are as follows-

- Human rights education must be made easily available at all levels, primarily at university and from rural to royal, to touch the untouched people. It will not only be effective in investigating violations of human rights, but will also be boxful in implementing various government plans to achieve socio-economic justice in India.
- More autonomy should be given to the National Human Right commission to make it more competent and effective to ensure the Protection of human rights.
 - a. Setting up "Human Rights Unit" in each police station and jail to support the vulnerable in judicial proceedings and other help in protecting their rights.
 - b. To reform and educate the armed forces
 - c. Make the prison system proper and effective reforms. Common uniformity of prison management and inmate care will occur. The inmate care strategy should be reformatory and rehabilitative, rather than retributive or dissuasive. It is important to promote and institutionalize the culture of "open prison.
 - d. In order to initiate a conversation between policy makers, the armed forces and proponents of human rights, it is important to take action and deal with insurgency and terrorism.
 - e. To frame several television and AIR guidelines to increase participation in raising awareness of human rights.
- Only value-oriented education can eradicate both the current generation and the human community's problems. Mahatma Gandhi said, "Value-oriented education is simply a self-realization education." Gandhiji wanted education to be for the face, the head, and the heart.
- Avoid the introduction of draconian laws "Only by following the texts should a decision be taken; if it lacks justification and good sense, it causes great injustice."
- Police reforms and criminal justice reforms are needed: both are immediate imperatives. A variety of reports were focused on detailed analysis of each of these issues, but little or no effort was made to enforce the recommendations. Institutionalized corruption across all government institutions in India is a social reality. This has also affected India's ability to effectively ensure national security. The governance reforms relating to fighting terrorism should take place at all levels.

⁶ Ujjwal Kumar Singh, The state democracy and anti terror laws in India. Edi. 2007, Sage Publication, New Delhi, India

The intelligence system should be updated as a matter of urgency to better prepare organizations such as the Research and Analysis Wing (RAW) and the Intelligence Bureau (IB) to conduct their functions effectively. It is important to motivate and make the RAW, the IB and other agencies more active so that they can collect information that would be useful in preventing attacks.

To empower the vigilance apparatus there is a lot more to be done. There should have been many more closed circuit television (CCTV) cameras that actually work and are able to provide information in real time to the security establishment. Security needs to be stepped up in all public places.

It's not just the government's duty to fight terrorism, but it's everybody's responsibility. The State will make sure that no person should feel insecure just because they belong to any race, caste, sex, group, or gender. Through proper education and awareness, the spirit of secularism and unity in diversity must be rooted in every youth of this country.

CONCLUSION

Respect for human rights and human dignity is the foundation of freedom, justice and peace in the world. Terrorism creates pain and agony for human beings. It is an immoral and cruel act which puts at risk the rights and freedoms of innocent people. Consequently, it violates the victims' basic human rights, in particular the right to life, the right to physical integrity and the right to personal liberty. A growing number of innocent people, including women, children and the elderly, have either been killed, slaughtered or mutilated by terrorists in indiscriminate and random acts of violence and terror that cannot be justified in any case. Since we all know that it's both right and duty, it's like two sides of the same coin. Average individuals are more mindful of their rights than of their responsibilities. All human beings are woven into the same garland of human culture. What we are doing is just for the human community's good. So, every human being should be concerned about his duty at all times. If we are humanly aware of our 'human-duty,' putting aside all 'human-wrongs,' then the 'human-rights,' will surely be remembered, to discover a new 'human-world.'