

Exploring the Terrain of Terrorism

Sarika Kanjlia

Abstracts

After two major world wars, the world has seen some very violent attacks, on its people by some seemingly not so peace loving people who are named terrorists. But very few experts and visionaries have tried to explore the causes that have gone into the making of terrorists. The common man has always held them with contempt and fear and have always seen them through the eyes of the media. The media, which should always present a true picture, does not every time enjoy freedom and autonomy in every regard. The need of the hour is to understand the various causes that go in the making of anti social elements and try to understand them in true perspective. The state should also try to provide a safe, secure and decent living to its citizens for them to bloom in all their glory.

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Understanding Terrorism

Restlessness in the society is not a new experience. It has always existed in one form or the other. But the present expressions of restlessness are conspicuous by their use of force and violent means, which we commonly call 'terrorism'. In fact, it is one of the continuously emerging worldwide movements which the contemporary world is facing. It is an outcome of the massive unrest that the people around the globe are feeling. It has assumed such a magnitude that no amount of power, no severity of punishment is able to contain it. These terrorist eruptions and the ways and means to deal with them has been an issue of debate and serious concern. Those few people who are unable to adjust or are questioning or challenging the unjust system prevailing in the society resort to the use of force or raise a voice of dissent in order to make their point felt. Moreover, arms and explosives have flooded the market and are now easily available. This poses a threatening challenge to the state, breaks its monopoly of power and also causes threat to the safety of the citizens.

The viewpoint of the state is that laws are made keeping in view the consensus and to regulate the public affairs in a normal society. The state also derives its power from the laws of the land but the power is also restrained lest it becomes tyrannical. This law relates the state to the citizens by defining their rights and duties. As is the tendency of the state to transgress the limits of the law, so is the nature of some of the citizens to question the very legitimacy of the state. The present times call for striking a balance between these two powerful forces in order to establish a peaceful, just and equitable social system. Now this largely depends on the integrity and character of the rulers as well as on the levels of contentment and quality of life meted out to the citizens.

The origin of state can be attributed to a social contract arrived at through the consent of chosen individuals. The contract was necessary as the relations between human beings and with other creatures were to be brought under the regulation of law. Human beings, on the other hand, also found it quite reasonable to accept the supremacy of the state for their own safety. Now the citizens surrendered a part of their freedom in exchange for security- to life and property. Thus guaranteeing right to security was the basic function of the state for which it was created under the contract. To provide this right to the citizens, the state has to exercise some power over itself, so as not to curb the rights of the citizens. Therefore, the essence of any law should be the concern for the right to life and security of every individual. Similar is the case with the maintenance of law and order which requires a minimum standard of life. Now when there is want and deprivation, there cannot be order. We cannot expect a poor, hungry man, who is deprived of his right to earn a livelihood, to be a law abiding citizen. If the state does not work towards providing for the citizens, eruptions outside of state legislation are inevitable.

As economic processes call for a borderless world, the reactions are also bound to be on a global scale. The uncertainty with the new world order has reached to such a point where nobody is sure as to which part of the world would be hit next, at what time and with what magnitude. The participant countries of the world can be from terrorism, insurgency, extremism, naxalism, ethnicism or separatism.

The approach adopted by the state to treat this movement is highly lopsided. They treat it as a law and order problem, whereas it is a socio-economic problem too. While there are so many dimensions to this problem, here we are examining the ways with which the Indian state has been responding to this problem.

Here it would be useful to discuss the origins and changing contours of terrorism. It is assumed that an average human being craves for a peaceful, comfortable and a meaningful life where he can exercise his creativity and imagination. But the various repressive laws that deprive him of these basic rights and leads to deprivation, division and alienation are the root cause of growing dissent among people. The people then resort to forceful means of violence to make their aggression feel. It is the drift of mainstream politics from the democratic, sensitive, responsive and transformative visions that lead to public protests and consequently into frightful violence. Quite often, the initial causes of the violence are lost and the rules resort to various forms of force to deal with the otherwise complex socio-political situation. However, in encountering these violent expressions, the state enacts law after law empowering itself with repressive and arbitrary power. The extra judicial killings or encounters which have almost become systematic represent such serious perversion in the state behaviour.

There is also a new phenomenon of cross border terrorism. The states unable to respond to the internal demands can shift the crises to the neighbouring countries and generate mass fear to divert the public attention. Once a state succeeds in this, it becomes difficult for the people to put pressure on their government for solving the basic problems. There are also nations which are at loggerheads

with each other for various historical reasons. Under this pretext, they enact repressive laws which are used not only against the external enemy but internal dissent. Thus cross border terrorism contributes in a large measure to arbitrary exercise of power against one's own citizens. It is in this backdrop one can look at the laws that have been enacted in India as a part of dealing with an 'extraordinary situation' called terrorism. There are about 20 to 30 repressive laws passed either at the central or state levels i.e, Armed Forces Special Power Act, Terrorist and Disruptive Activities Prevention Act(TADA), Prevention of Terrorist Activities(POTA) Act and the Unlawful Activities Prevention Amendment Act, etc. These have been not only extensively used or misused but have had far reaching impact on the overall democratic structure and liberties and freedom of the Indian citizens.

The question that often props up is: Why did not the acts and their amendments produce the desired result? There has been no review on the ineffectiveness or failure of the acts to realize its intended purpose. Nor was there an attempt to critically look at the violation of the rights of innocent people by the state agencies. The citizens who become victims of these laws can never identify emotionally with a nation state thereafter as they are treated as adversaries and not as citizens for a long time. They live in a state of fear and uncertainty and do not feel a part of that country and lose all self esteem and confidence. The uncritical and mechanical extension and expansion of powers reach such an illogical limit leading to protest by ordinary innocent people.

Moreover these repressive laws, whether they are useful in dealing with international terrorism or nor, are used against all forms of opposition within the country. Such an opposition may not have anything to do with terrorism not to talk of international terrorism. The laws are widely used to suppress the domestic democratic dissent, against environmental activists, civil liberties and human rights advocates and sometimes even against duly elected legislators. The detention of Dr. Binayek Sen, Ms. Soni Sori, Dr. G. N. Saibaba and many other Rights activists is a glaring example of the state using inhibitory measures to stifle the voice of dissent. Use of these laws under such conditions makes them lose their real meaning.

The democratic vision and commitment to rule of law that Indian constitution made in the wake of the freedom movement has been systematically stifled and the overall governance is moving towards an authoritarian regime, losing sight of socio-political turmoil. In the course of handling terrorism, it is forgotten that state is a product of law and no law can confer absolute and arbitrary power to any organ of the state. The excessive use of force by the state not only harms the cause of human rights but also is counterproductive to the smooth working of the state itself.

To conclude, we can say that the constitution of the state was done keeping in view the welfare of the citizens and to provide them with the basic amenities of life which are their rights, such as the right to food, health, education, shelter, safety and security. On the contrary, the government resorts to the use of violence in order to counter the violent acts used by a handful of terrorists. In a way, they

are also acting likewise though under the garb of maintaining law and order. It is often forgotten that violence cannot be dealt with by violence but by reasoning and understanding. The state should try to explore the causes which have led some people to use terror against people and government and should try to nip the evil in the bud and not let it prosper. It should try to see the factors that motivate individuals to become terrorists- all of which need to be addressed in order to resolve them. These factors can be the terrorists' background and the various social, economic and political conditions in the societies where they originate. The government needs to change its policies towards its citizens and try to solve their problems that do not allow them to lead a peaceful and harmonious existence.

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