Terrorism Histori City and Counter-Terrorism Policy of India

Dr. Jai Kumar Saroha

Associate Professor, Department of Political Science, S D (PG) College, Ghaziabad, INDIA

ABSTRACT

Terrorism is an international problem in today's global community. Many nations are affected, whether directly or indirectly. Most nations oppose terrorism, while others condone or even support active, brutal terrorism and terrorist groups.

Terrorism is defined by the US State Department to contain four elements. The first is a threat of violence or an act of violence. Next is a political objective. Third is that violence and threat of violence is a direct attack on civilians making civilians a primary target. Lastly, it is perpetrated by a supporting a nation or nations of terrorism.

Keywords-- supporting, automatically, amplifying

I.   INTODUCTION

Two examples of terrorism and non-terrorism are: the bombing of the US Embassy in Dar-Es-Salaam and the dropping of the atomic bomb on Hiroshima and Nagasaki. In the Dar-Es-Salaam bombing, it is believed that there is one sub national actor involved: Osama bin Laden. With Nagasaki and Hiroshima, the US State Department agreed to drop the bomb. This was a general agreement of the American government, a national actor. Though both fit three criteria for a terrorist attack, the US government's general decision to drop the bomb automatically makes it an act of war, not terrorism.

One of the goals of terrorism is to make the terrorist's views heard. This can be caused by a total media blitz that usually occurs after a terrorist attack. The media is an excellent window for the terrorists to shout their demands and views immediately after an attack. The US has a very strict policy concerning terrorism. Our country refuses to negotiate with terrorists or give in to any of their demands. We do all we can to bring terrorists to justice after they commit crimes. We aim to isolate terrorist sponsoring nations, such as Iraq, from the rest of the world and attempt to perform counter-terrorism.

Terrorism is defined as political violence in an asymmetrical conflict that is designed to induce terror and psychic fear (sometimes indiscriminate) through the violent victimization and destruction of noncombatant targets (sometimes iconic symbols). Such acts are meant to send a message from an illicit clandestine organization. The purpose of terrorism is to exploit the media in order to achieve maximum attainable publicity as an amplifying force multiplier in order to influence the targeted audience(s) in order to reach short- and midterm political goals and/or desired long-term end states.

"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 <u>*terrere*</u> (e, terreo) meaning "to frighten". The Jacobins, coming to power in France in 1792, are said to have initiated the Reign of Terror (French: *La Terreur*). 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 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" (Народная расправа) in 1869.

The lack of consensus as to what a terrorist is can affect policies designed to deal with terrorists. Some view them as soldiers that can be held at the end of a war and are entitled to various privileges spelled out in the Geneva Conventions. Others view them as criminals that should be tried in civil courts. Still others will argue that terrorists are best treated as a category to themselves and need policies tailored to them In November 2004, a Secretary-General of the United Nations report 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 or abstain from doing any act

Terrorism is, in its broadest sense, the use of intentionally indiscriminate violence (terror or fear) in

order to achieve a political, religious, or ideological aim. It is classified as fourth-generation warfare and as a violent crime. In modern times, terrorism is considered a major threat to society and therefore illegal under anti-terrorism laws in most jurisdictions. It is also considered a war crime under the laws of war when used to target non-combatants, such as civilians, neutral military personnel, or enemy prisoners of war.

A broad array of political organizations have practiced terrorism to further their objectives. It has been practiced by both right-wing and left-wing political organizations, nationalist groups, religious groups, revolutionaries, and ruling governments. The symbolism of terrorism can exploit human fear to help achieve these goals

II.   WHAT IS TERRORISM?

Terrorism is not new and even though it has been used since the early times of recorded history, it can be relatively hard to define terrorism. Terrorism has been described variously as both a tactic and strategy; a crime and a holy duty; a justified reaction to oppression and an inexcusable abomination. Obviously, a lot depends on whose point of view is being represented. Terrorism has often been an effective tactic for the weaker side in a conflict. As an asymmetric form of conflict, it confers coercive power with many of the advantages of military force at a fraction of the cost. Due to the secretive nature and small size of terrorist organizations, they often offer opponents no clear organization to defend against or to deter.

III.   COUNTER-TERRORISM

Counter-terrorism (also spelled **counterterrorism**) (also called **anti-terrorism**) incorporates the practice, military tactics, techniques, and strategy that government, military, law enforcement, business, and intelligence agencies use to combat or prevent terrorism. Counter-terrorism strategies include attempts to counter financing of terrorism.

If terrorism is part of a broader insurgency, counter-terrorism may employ counter-insurgency measures. The United States Armed Forcesuse the term foreign internal defense for programs that support other countries in attempts to suppress insurgency, lawlessness, or subversion or to reduce the conditions under which these threats to security may develop.

IV.   INDIAN COUNTERTERRORISM POLICY

Recently, Defense Minister Manohar Parrikar said in an interview that India is now going in for intel-backed targeted killing against terrorists in the state of Jammu and Kashmir. This, along with military dominance at the Line of Control with Pakistan had brought a 30 per cent reduction in cross-border ceasefire violations and infiltration bids. This comes as a welcome change from the reactive mode of counterterrorism that India has practiced ab-initio. But the operational paradigm that the minister referred to, requires two critical elements in order to be successful. First, there has to be a strong intelligence of the terrorists' movements and second, capability to dominate international boundary. Both have been traditional weaknesses of Indian counterterrorism efforts. While Indian intelligence capabilities are fragmented and suffer from inadequate coordination, a large part of India's international boundary is not dominated by Indian forces; in fact, India's borders with Bangladesh, Nepal and Burma are quite porous and over 7000 km long coastline is not sufficiently monitored. Incidentally, intel lapse and poor maritime policing were responsible for not preventing Mumbai attacks of 2008.

V.   CHANGING FACE OF TERRORISM

India has been one of the most consistent victims of terrorism since independence. While terrorism in Punjab started in the early eighties, the oldest and still unsolved violent struggle against the Indian state has been raging in the Northeast part of the country. Even though it has not hogged as much limelight as terrorism in other states, it is strategically as important as terrorism in J&K.

Except for the Northeast, India has faced four broad terror movements over last three and a half decades. It started from Punjab in the beginning of the eighties, which lasted for about one and a half decades. The terrorism in J&K started around 1990 and is still smoldering. Third is the Naxal or left wing terrorism that is continuing in a slow civil war pattern for last almost forty years and is spreading gradually in the hinterlands. Finally, we have the new global Jihadi terrorism that has no geographical or political agenda per se, but which has become the most prevalent, spread out and troublesome type of terrorism the country has witnessed.

The nature of terrorism has undergone a sea change over the last couple of decades. Traditionally, it used to bound to a particular territory, for example Punjab or Kashmir Valley. But now, it has become more defused with no specific area or even a well defined political objective. This makes tackling the problem and targeting of terrorists much tougher than ever. The case of jihadi terrorism is a good example. Not only it has a global footprint, the trigger for attacks are also not located within the country now. There have been attacks in India in retaliation of incidents in other parts of the world. Further, no longer are terrorists organizations Indian controlled. For example, terrorism in Punjab was carried out by Punjabi youths and outfits were also Punjabi. Similarly, terrorism in J&K was started by Kashmiri youths before the

movement was hijacked by Pakistan as part of its low intensity war with India. Compared to these, today's terrorism is mostly handled by Pakistani establishment, either directly or through outfits like LeT, JeM and IM etc. With time and the evolution of technology, the operational methodology of terrorists has also evolved. Three crucial aspects need attention. First, the firepower has increased tremendously, thanks to the increased resource flow from Pakistan, which allows terrorists to mount attacks of much higher scale and finesse. Second, the radicalization and recruitment has become more sophisticated, thanks to the internet. Third, India has also become the target in the global jihadi plan of outfits such as ISIS and Al Qaeda which are not only instigating violence through sleeping modules, but also attract educated urban youths to spread terror agenda on social media and to fight in alien lands. There are over hundred Indian youths who are estimated to be fighting for ISIS in Iraq and Syria.

To fight this evolved terror network, which is more international, operates in physical and cyber space and has state support from across the border, a comprehensive, smart, innovative and coordinated approach is required which is radically different from what has been the case so far. Fighting terror is no longer a game of area dominance in a particular state or region, it is now an interplay of state of the art intelligence, cyber warfare, seamless coordination among agencies and most important of all, ruthless efficiency in eliminating high profile targets to render terror modules headless. But our system comes across as confused, unprepared and haphazard with low political will to root out terror infrastructure.

VI.   UNINTELLIGENT INTELLIGENCE INFRASTRUCTURE

The US Dept. of State's Country reports on Terrorism in 2013 pointed out the weaknesses of India's counter terrorism policy, mentioning that India's efforts to counter terrorism were seriously hampered by impediments to coordination and information sharing between agencies. In addition, it said, law enforcement organizations displayed a limited command and control capacity.

India has a multitude of intelligence agencies. These range from the Intelligence Bureau (IB), working under the Home Ministry for the National Investigation Agency (NIA), created after the 2008 Mumbai attacks. Then there are CBI; RAW; National Technical Research Organization (NTRO), which was created in 2004 as a scientific organization under the national security adviser, which in turn, works under PMO; Defense Intelligence Agency; Directorate of Revenue Intelligence (DRI); Directorate of Air Intelligence (DAI) and Directorate of Navy Intelligence, working under Indian Navy. These various departments are supposed to coordinate and cooperate with one another in the sharing of intelligence. However, coordination on the ground is not up to the mark. Experts also opine that there is competition among intelligence agencies which prevents information sharing. Mumbai attacks brought these failures to the fore. The response of central and state agencies were slow and sending intelligence from the central government to the law enforcement personnel was inefficient. Another classic example is that of Yasin Bhatkal, the accused in orchestrating a series of deadly bomb blasts and one of the co-founders of the terrorist Indian Mujahideen group. Kolkata Police had arrested him in 2008 in a fake currency case, but he was released later because the police was unaware he was on the NIA's most wanted list. He was finally re-captured in a hideout on India's border with Nepal in 2013.

A crucial weakness that most intelligence agencies suffer from is the lack of resources. They most often fall short of trained officers and finances. The case of NIA is an example. The elite agency was created in response to the Mumbai attacks and is modeled on the Federal Bureau of Investigation's counterterrorism wing. Headquartered in Delhi and having six branch offices, the agency is facing as much as 30 percent manpower shortage on its sanctioned strength of a little over 800 people. This has forced the agency to depend on outside agencies. The shortage is worst in Kolkata and Guwahati, which have emerged as the hotbed of Jihadi terrorism.

VII.   NON-UNIFIED INSTITUTIONAL STRUCTURE

However, the muddled intelligence situation is not the problem, but the symptom of the fact that India does not have a unified system to fight terrorism. The internal security system is fragmented and poorly coordinated. There are a multitude of investigative and law enforcement agencies at the center and in the states which are responsible for law and order. Incidentally, state police forces have their own counterterrorism and intelligence units, which are weak and work in an isolated manner. The central and state agencies coordinate through joint committees and task forces. But these are very slow and because of mistrust competition over resources or simply incompetence, are unable to integrate efforts in any crunch situation.

Then there are legal provisions that are unaddressed still. India till date does not have a comprehensive law to fight terrorism. There is a cobweb of acts dealing with issues of internal security which include the National Security Act of 1980, the Code of Criminal Procedures of 1973, the Arms Act of 1959, the Explosive Substances Act and 1908, the Armed Forces (Jammu and Kashmir) Special Powers Act of 1990, the Armed Forces Special Powers Act of 1958 and the Religious Institution (Prevention of Misuse) Act of 1988. There have been

attempts made to create an anti-terrorism law, but they have failed for various reasons. For example, in 2002, the Prevention of Terrorism Act (POTA) was created which gave extended powers to the government for fighting terrorism. However, some measures, such as the ability to keep terror suspects in custody without bringing them to trial, met with objections, and the law had to be repealed in 2004 on alleged misuse of the law. But some states such as Karnataka and Maharashtra have created laws like Maharashtra Control of Organized Crime Act (MCOCA) and the Karnataka Control of Organized Crime Act respectively that deal with terrorism. However, most states do not have any specific law to deal with terror suspects. Because of these institutional shortcomings, even those actions which do not require hard capacity building, are often left hanging. For example, despite being a member of the Financial Action Task Force (FATF), the Eurasian Group on Combating Money Laundering and Terrorist Financing and the Asia/Pacific Group on Money Laundering, India has not put in place procedures for freezing and confiscating terrorist assets without delay.

What transpires thus is that India needs to immediately beef up NIA, create a strong NCTC and rearrange the terrorism fighting organizations which are equipped with adequate physical infrastructure, manned with suitably trained manpower and which do not face a cash crunch. Most importantly, the agencies must be least in number and have a mechanism to seamlessly communicate and strike whenever needed, without jurisdictional conflicts.

VIII. BROADER FRAMEWORK TO DEAL WITH TERRORISM

In his highly acclaimed book, The Politics of Counterterrorism in India: Strategic Intelligence and National Security in South Asia, PremMahadevan, a senior researcher at the Center for Security Studies (CSS), Zurich, presented a four constraints paradigm in India, which consisted of lack of political consistency, lack of political consensus, lack of operational capacity, and lack of operational coordination. While the initial two are exercises in creating political constituency, the latter two are elements of hardcore capacity building, both at manpower level and at institutional level.

There is no question that there is a dire requirement for a comprehensive overhaul of the entire counter terrorism system. The new terrorism is not isolated to infiltration of terrorists from across the border who can be neutralized by the army or the BSF. Nor are terrorists interested in killing a defined set of people. Today's terrorism is a highly diffused threat with hidden terrorists, motives, targets and highly evolved communicating and operating styles.

To fight this type of enemy with a fragmented structure is a recipe for disaster. As such, there has to be an agency which has complete jurisdiction over the entire activity spectrum, from intel gathering to investigate cases and from arresting suspects to carry out targeted killing of terrorist leaders. There would always be a gray area between normal law and order maintenance and fighting terrorism and states need to cede that much power to center as is necessary to deal with terror threats. Where states need to stand up and be counted is on police modernization as police is often the first line of engagement and defense against terror suspects.

KPS Gill, a former DGP of the Punjab Police, who is credited with defeating terrorism in Punjab, mentions clear political resolve, rejection of public support for the militants and the Rajiv-Longowal peace accord along with effective utilization of police and central para-military forces and effective intelligence network as success factors for defeating terrorism in the state. What is important is the political backing and deft handling of social reasons supplemented the hard military actions. Mahadevan refers to lack of political will and lack of political consensus as reasons for failure of Indian counterterrorism efforts. But as was the case in handling terrorism in Punjab, a strong political will across spectrum is needed to tackle threat from the new terrorism.

Ultimately, counterterrorism is as much about eliminating terrorists as it is about creating an environment so that terrorists don't find constituency. It is the latter where imaginative and accommodative socio economic policies play the decisive role. The fruits of development must reach the remotest places and to every section of society. There are enough evidences that youths from poor, illiterate and disenfranchised societies fall prey to terrorist and separatist ideologies. Also, there is a greater need to engage with our neighbors who are not well equipped to ensure that their hinterlands are not used against India. Typical examples could be Nepal, Bhutan, Bangladesh etc. India could use big brotherly diplomacy to strengthen their policing and border management capabilities. On the other hand, it would have to work harder diplomatically to isolate hostile countries such as Pakistan and China so that they desist from abetting terrorists targeting India.

Right to have a safe and secure life is every Indian's birth right. Regardless of political grievances, no entity or individual can be allowed to kill people. Terrorists have a global agenda backed with global money and operational capabilities. Counterterrorism efforts have to remain a few steps ahead. A disintegrated institutional structure and lack of consensus among political parties have long harmed India and helped anti-Indian forces. We can hardly afford to do it anymore.

Post Mumbai attacks of 2008, the need for a powerful umbrella organization to fight terrorism was felt as intelligence and coordination failures started to become clearer. In this environment, the idea of the National Counter Terrorism Center (NCTC) was mooted. The elite agency was modelled on the National Counterterrorism

Center of the USA and the Joint Terrorism Analysis Centre of Britain. It was envisioned as an organization which was capable of "preventing a terrorist attack, containing a terrorist attack should one take place, and responding to a terrorist attack by inflicting pain upon the perpetrators," according to the them Home Minister P Chidambaram. The NCTC had been envisaged as an umbrella organization, which could exercise control over agencies like the National Investigation Agency (NIA), the National Technical Research Organization (NTRO), the Joint Intelligence Committee (JIC), the National Crime Records Bureau (NCRB) and the National Security Guard (NSG). NCTC was originally planned to be put under IB.

IX.   CONCLUSION

However, the body has not seen the light of the day because of the opposition of states who consider it as diluting the federal structure of the country. This is because unlike the American National Counterterrorism Center, which deals only with strategic planning and integration of intelligence, or the British Joint Terrorism Analysis Centre, which has also has a coordinating role, the NCTC has sweeping powers to conduct operations. This, the states say, goes against the constitutional provisions which place law and order under the states list. While the government has altered the original provisions by keeping the NCTC out of IB and handing over arrested suspects to state police, but these have still not satisfied states and resultantly, the all-important terrorism fighting organization remains hanging in limbo.

REFERENCES

[1] Fortna, Virginia Page (20 May 2015). "Do Terrorists Win? Rebels' Use of Terrorism and Civil War Outcomes". International Organization. 69 (3): 519–556. doi:10.1017/S0020818315000089. Retrieved 28 September 2016.

[2] Ariel Merari, "Terrorism as a Strategy in Insurgency," Terrorism and Political Violence, Vol. 5, No. 4 (Winter 1993), pp. 213–251.

[3] Edwin Bakker, Tinka Veldhuis, A Fear Management Approach to Counter-Terrorism (International Centre for Counter-Terrorism – The Hague, 2012)

[4] J.M. Berger, Making CVE Work: A Focused Approach Based on Process Disruption, (International Centre for Counter-Terrorism – The Hague, May 2016

[5] Gagliano Giuseppe, Agitazione sovversiva,guerra psicologica e terrorismo (2010) ISBN 978-88-6178-600-4, Uniservice Books.

[6] Ishmael Jones, The Human Factor: Inside the CIA's Dysfunctional Intelligence Culture (2008, revised 2010) ISBN 978-1-59403-382-7, Encounter Books.

[7] Ivan Arreguín-Toft, "Tunnel at the End of the Light: A Critique of U.S. Counter-terrorist Grand Strategy," Cambridge Review of International Affairs, Vol. 15, No. 3 (2002), pp. 549–563.

[8] Ivan Arreguín-Toft, "How to Lose a War on Terror: A Comparative Analysis of a Counterinsurgency Success and Failure," in Jan Ångström and Isabelle Duyvesteyn, Eds., Understanding Victory and Defeat in Contemporary War (London: Frank Cass, 2007).

[9] James Mitchell, "Identifying Potential Terrorist Targets" a study in the use of convergence. G2 Whitepaper on terrorism, copyright 2006, G2. Counterterrorism Conference, June 2006, Washington D.C.

[10] James F. Pastor, "Terrorism and Public Safety Policing:Implications for the Obama Presidency" (2009, ISBN 978-1-4398-1580-9,Taylor & Francis).

[11] Jessica Dorsey, Christophe Paulussen, Boundaries of the Battlefield: A Critical Look at the Legal Paradigms and Rules in Countering Terrorism (International Centre for Counter-Terrorism – The Hague, 2013)

[12] Judy Kuriansky (Editor), "Terror in the Holy Land: Inside the Anguish of the Israeli-Palestinian Conflict" (2006, ISBN 0-275-99041-9, Praeger Publishers).

[13] Lynn Zusman (Editor), "The Law of Counterterrorism" (2012, ISBN 978-1-61438-037-5, American Bar Association).* Marc Sageman, Understanding Terror Networks (Philadelphia, PA: University of Pennsylvania Press, 2004), ISBN 0-8122-3808-7.

[14] Newton Lee, Counterterrorism and Cybersecurity: Total Information Awareness (Second Edition) (Switzerland: Springer International Publishing, 2015), ISBN 978-3-319-17243-9.

[15] Teemu Sinkkonen, Political Responses to Terrorism (Acta Universitatis Tamperensis, 2009), ISBN 978-9514478710.

[16] Vandana Asthana, "Cross-Border Terrorism in India: Counterterrorism Strategies and Challenges," ACDIS Occasional Paper (June 2010), Program in Arms Control, Disarmament, and International Security (ACDIS), University of Illinois

[17] See South Asia Terrorism Portal; www.satp.org.

[18] Ibid.

[19] Y.P. Chibbar 'Some questions on POTO' in http://www.pucl.org/reports/National/2001/poto-questions.htm.

[20] R. vs. Dean of St. Asaph 3 T.R.431 in G.K.Roy, Law relating to Press and Sedition, Allahabad: University Book Agency, 1999, p. 38.

[21] G.K.Roy, Law relating to Press and Sedition, Allahabad: University Book Agency, 1999, p. 40.

[22] Thomas.J.Biersteker, Targeting Terrorist Finances: The New Challenges Of Financial Market Globalization, in Booth and Dunne, World In Collision, p. 75.

[23]

See http://www.un.org/News/Press/docs/2001/sc7158.doc.htm.

[24]"Judicial
Delays", http://www.indolink.com/Analysis/a110102-054653.php.

[25] "Tribunals, a boon to bankers," Hindu, June 15, 2000.
[26]
See http://www.rediff.com/news/2002/aug/14spec.htm