

An analysis Of Anti-Terrorism Laws in India

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1. INTRODUCTION

India's antiterrorism laws has been shaped principally by a domestic political context which has evolved over many decades. In the aftermath of the September 2001 terrorist attacks, the debate in India has been influenced significantly by the antiterrorism initiatives of other countries, including the United States, and the U.N. Security Council. The laws have become much more stringent to curb such activities. The Indian outlook changed specially after the 13 December attack on the Indian parliament which is seen as a symbol of our democracy then it became necessary to enforce a law which would be more stringent as there was no law which could be used as a weapon against the rising terrorist activities in India.ⁱ

India is facing multifarious challenges in the management of its internal security. There is an upsurge of terrorist activities, intensification of cross border terrorist activities and insurgent groups in different parts of the country. In view of this situation it was felt necessary to enact legislation for the prevention of and for dealing with terrorist activities.ⁱⁱ

2. History of anti-terrorism laws in India:

The legal and institutional framework that independent India inherited from the British to govern criminal law, criminal procedure, and policing largely remains in place today.ⁱⁱⁱ Police matters are governed primarily by the Police Act of 1861. Continuing a pattern established by the British, India's antiterrorism and other security laws have periodically been enacted, repealed, and reenacted in the years since independence.

The Unlawful Activities (Prevention) Act, 1967 The UAPA was designed to deal with associations and activities that questioned the territorial integrity of India. The National Integration Council appointed a Committee on National Integration and

Regionalisation to look into the aspect of putting reasonable restrictions in the interests of the sovereignty and integrity of India. Pursuant to the acceptance of recommendations of the Committee, the **Constitution** (Sixteenth Amendment) Act, 1963 was enacted to impose, by law, reasonable restrictions in the interests of the sovereignty and integrity of India, on the: Freedom of Speech and Expression; Right to Assemble peaceably and without arms; and Right to Form Associations or Unions. The object of this Bill was to make powers available for dealing with activities directed against the integrity and sovereignty of India. *The Bill was passed by both the Houses of Parliament and received the assent of the President on 30 December 1967.*^{iv}

The ambit of the Act was strictly limited to meeting the challenge to the territorial integrity of India. The Act was a self-contained code of provisions for declaring secessionist associations as unlawful, adjudication by a tribunal, control of funds and places of work of unlawful associations, penalties for their members etc. The Act has all along been worked holistically as such and is completely within the purview of the central list in the 7th Schedule of the Constitution of India.^v

3. The Armed Forces (Special Powers) Act

The Armed Forces (Special Powers) Act of 1958 (AFSPA) is one of the more draconian legislations that the Indian Parliament has passed in its 45 years of Parliamentary history.^{vi} Under this Act, all security forces are given unrestricted and unaccounted power to carry out their operations, once an area is declared disturbed. Even a non-commissioned officer is granted the right to shoot to kill based on mere suspicion that it is necessary to do so in order to "maintain the public order" It was later extended to Jammu and Kashmir as the The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 in July 1990. According to the Armed Forces Special Powers Act (AFSPA), in an

area that is proclaimed as "disturbed", an officer of the armed forces has powers to:

- "Fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law" against "assembly of five or more persons" or possession of deadly weapons.
- To arrest without a warrant and with the use of "necessary" force anyone who has committed certain offenses or is suspected of having done so.
- To enter and search any premise in order to make such arrests.

It gives Army officers legal immunity for their actions. There can be no prosecution, suit or any other legal proceeding against anyone acting under that law. Nor is the government's judgment on why an area is found to be "disturbed" subject to judicial review^{vii}.

3.1 The Act And Its Provisions

Section 1: This section states the name of the Act and the areas to which it extends^{viii}

Section 2: This section sets out the definition of the Act, but leaves much un-defined. Under part (a) in the 1972 version, the armed forces were defined as "the military and Air Force of the Union so operating".^{ix} In the 1958 version of the Act the definition was of the "military forces and the air forces operating as land forces". Section 2(b) defines a "disturbed area" as any area declared as such under Clause 3. Section 2(c) states that all other words not defined in the AFSPA have the meanings assigned to them in the Army Act of 1950.

Section 3: This section defines "disturbed area" by stating how an area can be declared disturbed. It grants the power to declare an area disturbed to the Central Government and the Governor of the State, but does not describe the circumstances under which the authority would be justified in making such a declaration. Rather, the AFSPA only requires that such authority be "of the opinion that whole or parts of the area are in a dangerous or disturbed condition such that the use of the Armed Forces in aid of civil powers is necessary." However, since the declaration depends on the satisfaction of the Government official, the declaration that an area is disturbed is not subject to judicial review. So in practice, it is only the government's understanding which classifies an

area as disturbed. There is no mechanism for the people to challenge this opinion^x.

The 1972 Amendments to the AFSPA extended the power to declare an area disturbed to the Central Government. In the 1958 version of the AFSPA only the state governments had this power.^{xi}

Section 4: This section sets out the powers granted to the military stationed in a disturbed area. These powers are granted to the commissioned officer, warrant officer, or non-commissioned officer, only a jawan (private) does not have these powers. The Section allows the armed forces personnel to use force for a variety of reasons.^{xii}

The army can shoot to kill, under the powers of section 4(a), for the commission or suspicion of the commission of the following offenses: acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons, carrying weapons, or carrying anything which is capable of being used as a fire-arm or ammunition. To justify the invocation of this provision, the officer need only be "of the opinion that it is necessary to do so for the maintenance of public order" and only give "such due warning as he may consider necessary".

The army can destroy property under section 4(b) if it is an arms dump, a fortified position or shelter from where armed attacks are made or are suspected of being made, if the structure is used as a training camp, or as a hide-out by armed gangs or absconders.

The army can arrest anyone without a warrant under section 4(c) who has committed, is suspected of having committed or of being about to commit, a cognisable offense and use any amount of force "necessary to effect the arrest".

Under section 4(d), the army can enter and search without a warrant to make an arrest or to recover any property, arms, ammunition or explosives which are believed to be unlawfully kept on the premises. This section also allows the use of force necessary for the search.^{xiii}

Section 5: This section states that after the military has arrested someone under the AFSPA, they must hand that person over to the nearest police station with the "least possible delay". There is no definition in the act of what constitutes the least possible delay.^{xiv}

Section 6: This section establishes that no legal proceeding can be brought against any member of the armed forces acting under the AFSPA, without the permission of the Central Government. This section leaves the victims of the armed forces abuses without a remedy.^{xv}

3.2 Legal Analysis

The use of the AFSPA pushes the demand for more autonomy, giving the peoples of the North East more reason to want to secede. Under section 4(a) of the AFSPA, which grants armed forces personnel the power to shoot to kill, the constitutional right to life is violated. This law is not fair, just or reasonable because it allows the armed forces to use an excessive amount of force. Justice requires that the use of force be justified by a need for self-defense and a minimum level of proportionality.^{xvi} As pointed out by the UN Human Rights Commission, since "assembly" is not defined, it could well be a lawful assembly, such as a family gathering, and since "weapon" is not defined it could include a stone.^{xvii} This shows how wide the interpretation of the offences may be, illustrating that the use of force is disproportionate and irrational. This directly contradicts Article 14 of the Indian Constitution which guarantees equality before the law. This article guarantees that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

The AFSPA is in place in limited parts of India. Since the people residing in areas declared "disturbed" are denied the protection of the right to life, denied the protections of the Criminal Procedure Code and prohibited from seeking judicial redress, they are also denied equality before the law. Under the AFSPA, the use of "least possible delay" language has allowed the security forces to hold people for days and months at a time.^{xviii}

A few habeas corpus cases in which the court did find the delay to be excessive are indicative of the abuses which are occurring in practice. In its application, the AFSPA does lead to arbitrary detention. If the AFSPA were defended on the grounds that it is a preventive detention law, it would still violate Article 22 of the Constitution. Preventive detention laws can allow the detention of the arrested person for up to three months. Under 22(4) any detention longer than three months must be reviewed by an Advisory Board. Moreover, under 22(5) the person must be told the grounds of their arrest. Under section 4(c) of the AFSPA a person can be arrested by the armed

forces without a warrant and on the mere suspicion that they are going to commit an offence. The armed forces are not obliged to communicate the grounds for the arrest. There is also no advisory board in place to review arrests made under the AFSPA. Since the arrest is without a warrant it violates the preventive detention sections of article 22.^{xix}

3.3 Terrorist And Disruptive Activities (Prevention) Act, 1987 (TADA)

The second major act came into force on 3 September 1987. This act had much more stringent provisions than the UAPA and it was specifically designed to deal with terrorist activities in India. When TADA was enacted it came to be challenged before the Apex Court of the country as being unconstitutional.^{xx} The Supreme Court of India upheld its constitutional validity on the assumption that those entrusted with such draconic statutory powers would act in good faith and for the public good. However, there were many instances of misuse of power for collateral purposes. The rigorous provisions contained in the statute came to be abused in the hands of law enforcement officials. TADA lapsed in 1995^{xxi}

3.4 McoCa

Other major Anti-terrorist law in India is The Maharashtra Control of Organised Crime Act, 1999 which was enforced on 24th April 1999. This law was specifically made to deal with rising organized crime in Maharashtra and specially in Mumbai due to the underworld. The definition of a terrorist act is very stretchable in MCOCA. MCOCA not only mentions organized crime, but also includes 'promotion of insurgency' as a terrorist act. Under the Maharashtra law a person is presumed guilty unless he is able to prove his innocence. MCOCA does not stipulate prosecution of police officers found guilty of its misuse.^{xxii}

3.5 Prevention Of Terrorist Activities Act (Pota)

In 2002 March session of the Indian parliament the Prevention Of Terrorist Activities Act was introduced and it had widespread opposition not even in the Indian parliament but throughout India especially with the human rights organization because they thought that the act violated most of the fundamental rights provided in the Indian constitution. The protagonists of the Act have, however, hailed the legislation on the ground that it has been effective in ensuring the speedy trial of those accused of indulging in or abetting terrorism.

POTA is useful in stemming "state-sponsored cross-border terrorism", as envisaged by the then Home Minister L.K. Advani.^{xxiii}

The act replaced the Prevention of Terrorism Ordinance (POTO) of 2001 and the Terrorist and Disruptive Activities (Prevention) Act (1985-95). The act provided the legal framework to strengthen administrative rights to fight terrorism within the country of India and was to be applied against any person^{xxiv}. The act defined what a terrorist act and a terrorist is and grants special powers to the investigating authorities described under the act. To ensure certain powers were not misused and human rights violations would not take place, specific safeguards were built into the act. Under the law detention of a suspect for up to 180 days without the filing of charges in court was permitted. It also allowed law enforcement agencies to withhold the identities of witnesses and treat a confession made to the police as an admission of guilt. Under regular Indian law, a person can deny such confessions in court, but not under POTA.

Once the Act became law there surfaced many reports of the law being grossly abused. Claims emerged that POTA legislation contributed to corruption within the Indian police and judicial system. Human rights and civil liberty groups fought against it. The use of the Act became one of the issues during the 2004 election. The United Progressive Alliance government of India committed to repealing the act as part of their campaigning. Finally on September 17, 2004 the Union Cabinet in keeping with the UPA government's Common Minimum Programme, approved ordinances to repeal the controversial Prevention of Terrorism Act, 2002 and amend the Unlawful Activities (Prevention) Act, 1967.^{xxv}

3.6 Repealation of Pota And Amendments To Uapa

By the promulgation of Ordinance No.1 of 2004, it repealed POTA, a law specially designed to deal with the menace of terrorism.^{xxvi} By Ordinance No 2 promulgated on the same day, virtually all the penal provisions of POTA concerning terrorist organizations and activities were transferred to the pre-existing milder sounding Unlawful Activities (Prevention) Act, 1967 (UAPA). By Ordinance No 2, the definition of unlawful association has been expanded to also include any association which has for its object any activity which is punishable under Section 153A of the Indian Penal Code, or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity^{xxvii}. Section 153A is about promoting

enmity between different groups on grounds of religion, race, place of birth, residence, language, etc.

There would be no arrests made after the ordinance is promulgated. Among the special provisions dropped are those restricting release on bail and allowing longer periods of police remand for the accused. Now suspected terrorists may roam free under the bail.

All terrorist organizations banned under POTA would continue to remain banned, under the Unlawful Activities Act, after the repeal of the Act.

Some of the clauses contained in POTA, which will be completely dropped in the amended Unlawful Activities Act, are: the onus on the accused to prove his innocence, compulsory denial of bail to accused and admission as evidence in the court of law the confession made by the accused before the police officer.^{xxviii}

In another major departure from POTA, the government has removed all traces of strict liability. Meaning, the burden of proof has shifted from the accused to the police. There is no presumption of guilt under UAPA. Like under any other ordinary criminal law, the police will have to establish that the accused person had a criminal intention for committing the offence in question.^{xxix}

3.7 Unlawful Activities (Prevention) Amendment Act, 2004

The Act does not define the word terrorist in its definition clause but defines a terrorist act.^{xxx} The word terrorist is to be construed according to the definition of the terrorist act. Terrorist act is defined in the Act 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 in India or in any foreign country, does any act by using bombs, dynamite or other explosive substances or inflammable substances or firearms 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, 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 in India or in any foreign country or causes damage or destruction of any property or equipment used or intended to be used 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 person and threatens to kill or injure such person in order to compel the Government in India or the Government of a foreign country or any other person to do or abstain from doing any act, commits a terrorist act.^{xxxv} (Section 15). The above definition did not exist in the 1967 Act. The previous Act only defined and dealt with unlawful activity. An unlawful activity includes an activity which intends to bring about cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India, or which causes or is intended to cause disaffection against India Section 2(o).^{xxxii}

Pretrial imprisonment extended up to 180 days giving enormous powers to investigating agencies to detain people without a fair trial, giving ample scope for using false evidence and further that on the ground additional investigation is required a detained person can be shifted from judicial to police custody.^{xxxiii} For taking cognizance of any offence under this Act prior sanction of the Central or the State government, as the case may be, is necessary. Criminal Procedure Code, 1973, is made applicable in matters of arrest, bail, confessions and burden of proof. Those arrested are to be brought before a magistrate within 24 hours, confessions are no longer admissible before police officers and bail need not be denied for the first three months. The presumption of innocence leaving the burden of proof on the prosecution has also been restored. Search can be conducted at any time of a house of any person on the basis of any document, article or any other thing which may furnish evidence of the omission of such an offence. This overrides the basic fundamental right of due process of law as laid down under the **Constitution** and the Criminal P.C. This amendment overrides the provisions of Cr PC (section 43 C). All offences mentioned in the Act allows arrest without warrant, and searches without orders of the Court.^{xxxiv} Being a member of an unlawful association, a person who is and continues to be a member of such association, takes part in meetings, contributes to, or receives or solicits any contribution for the purposes of the association or in any way assists the operations of such association. If such person is in possession of unlicensed firearms, ammunition, explosive, etc, 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, and if such act has resulted in the

death of any person. In any other case Imprisonment for a term which may extend to two years and fine^{xxxv}.

Chapter VI of the amended Act gives power to the Central government under section 35 to add or remove an organization in the schedule as a terrorist organization^{xxxvi}. Under section 36, an application can also be made to remove an organization from the schedule. Such an application can be made by an organization or any affected person. The offences and penalties under this chapter as given below: Offences Punishment Membership of a terrorist organization (S. 38) Imprisonment not exceeding ten years. Supporting a terrorist organization (S. 39) Imprisonment not exceeding ten years. Raising funds for terrorist organization (S. 40) A term not exceeding fourteen years^{xxxvii}.

Various suspicion and voices have been raised by people NGO's under the pretext of constitution, constitutional provisions, and equality before law and civil rights. However there are numerous safeguards to prevent the abuse of above legislation by unscrupulous investigating officers.^{xxxviii} This law is less harsh than the previous anti-terrorism laws in India and is not equipped by way of express provision for discretion to deal with a vast variety of terrorist activity or other activities connected with perpetration of terrorism but UAPA is more draconian than POTA when it comes to the admissibility in evidence of telephone and e-mail intercepts. The police can now produce intercepts in the court without abiding by any of the elaborate safeguards provided by the repealed law. Thus, if the police cannot anymore extract a confession in custody, they have been given more scope than before to plant evidence in the form of interceptions. Another glaring shortcoming in the new law pertains to the dichotomy in the provision for banning terrorist organisations and unlawful organisations. UAPA was originally meant only for banning unlawful organisations. Now it has a separate chapter for banning terrorist organisations as well. Thus, the procedures prescribed by the same law for the two kinds of bans are different. But the problem is that the procedure for banning a group on the charge of terrorism is easier than to ban it on the milder charge of unlawful activities.^{xxxix} The government cannot, for instance, ban any group for unlawful activities without having its decision ratified within six months by a judicial tribunal headed by a sitting high court judge. There is no such requirement if the ban is on the charge of terrorism. This anomaly has arisen because of the strategy adopted by the UPA

government to hide special provisions in an ordinary law.^{x1}

4. The National Investigation Agency Bill, 2008

It seeks to set up Special courts to investigate and prosecute offences affecting "the sovereignty, security and integrity of India" ostensibly for quick trials. The NIA can investigate an offense in response to a request from a State Government or on a suo motu direction of the Central Government. Prior to this bill, since law and order is a state subject, the Centre could intervene only upon a request being made from State Governments. It could not suo motu take up offences for investigation. The NIA Bill now permits the Centre to take over the prosecution or investigation of an offense. Thus though prior to this Act offences could be investigated only upon (1) orders from Court or (2) consent of the State, this is no longer true and the CBI has now been entrusted with enormous powers.

The NIA Act provides for a Schedule of Central acts covering offences against the State, namely terrorism, atomic energy, anti-hijacking, weapons of mass destruction etc, all of which fall within the domain of the Centre, empowering the agency to act on these offences.^{xii}

What constitutes "affecting the sovereignty, security and integrity of India" is not clear and the vagueness of the terms have left it open for any person to be arrested. Thus a mere criticism of the State could bring a citizen under the purview of both the NIA Act and the UAPA. These two Acts seek to undermine and denude the fundamental right to free expression as well as other fundamentals rights.^{xiii}

5. Preventive Detention Laws

Like the colonial legal framework, the Indian Constitution explicitly authorizes preventive detention during ordinary, non-emergency periods. Subject to limited procedural safeguards, the Constitution explicitly grants both the central and state governments power to enact laws authorizing preventive detention. Preventive detention ordinarily may not extend beyond three months without approval of an "Advisory Board."^{xiiii} The detainee must be told the basis for detention "as soon as can be" and have an opportunity to challenge the detention order. However, these procedural protections are qualified. Parliament may specify circumstances justifying extended detention without Advisory Board review, and the detaining authority may withhold any information

if it deems disclosure against the "public interest." Preventive detention laws also are explicitly excused from complying with other constitutional protections, such as the right to counsel, to be produced before a magistrate within 24 hours of being taken into custody, or to be informed promptly of the grounds for arrest. Within weeks after the Constitution went into force, Parliament enacted the Preventive Detention Act of 1950, which authorized detention for up to 12 months by both the central and state governments if necessary to prevent an individual from acting in a manner prejudicial to the defense or security of India, India's relations with foreign powers, state security or maintenance of public order, or maintenance of essential supplies and services^{xliv}.

6. CONCLUSION

Extraordinary situations require extraordinary remedies. Terrorism has several consequences that have to be faced in the context of a growing threat to the country. References have repeatedly been made to laws in other countries. It is very dangerous to quote selectively. Therefore, the situation of terrorism should be dealt with it under the normal procedure. Learning from this experience, the people who are opposing this law to once again reconsider their stand because posterity eventually will decide that this country, for its integrity, sovereignty and unity certainly needs this law. Quite clearly, there is a crying need to fight the menace of terrorism united. Partisanship of any sort in dealing with the ISI-sponsored terror attacks in India should be abandoned forthwith. Today terrorism has reached the heart of India in New Delhi's Parliament House, and capital city of Mumbai. Preventive detention laws without any safeguards whatsoever against their misuse were required in those relatively peaceful times in the Seventies and Eighties but are not required now, even with safeguards against their misuse, is to betray a sickening streak of partisanship. To the extent it detracts from presenting a united front against terrorists, the government's myopic stand on POTO and MCOCA in Delhi represents a greater threat to 183 national unity than even the threat of the ISI-sponsored terror. So it becomes very necessary in a country like India that if a law regarding terrorism is enacted it should be made so stringent that the culprit be bought to book and does not go scot-free just because of the loopholes and lacunae's in the ordinary law because when our neighboring nation Pakistan which is the cause of perpetrating terrorism in India can have such stringent laws then India should also we have such laws. Indian law as it stands today has come around in strange circumstances as the earlier legislation was found capable of being misuse.

ⁱ Club de Madrid International Summit on Democracy, Terrorism and Security. *Addressing the Causes of Terrorism, Volume I*. Spain. 2005. p.7.

ⁱⁱ Randy Borum, *Psychology of Terrorism*, University of South Florida, 2004. pp. 19-20.

ⁱⁱⁱ Ibid.

^{iv} Randy Borum, *Psychology of Terrorism*, University of South Florida, 2004. p. 24.

^v Mia Bloom, 'Dying to Kill: motivations for suicide terrorism', in Ami Pedahzur, ed., *Root Causes of Suicide Terrorism: The globalization of martyrdom*, Routledge, New York, 2006. p.36.

^{vi} Ibid.

^{vii} Singh, *World Terrorism and New Age Movement*, Authors Press, New Delhi, 2002. p.14.

^{viii} Ved Marwah, *Uncivil Wars Pathology of Terrorism in India*, Indus Publishers, New Delhi, 1995. p.10.

^{ix} Ibid.

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^{xi} Satish Chandra Pandey, *International Terrorism and the Contemporary World*, Sarup & Sons Publishers, New Delhi. 2006.

^{xii} Ibid.

^{xiii} Jessica Stern, "Pakistan's Jihad Culture", *Foreign Affairs*, Vol. 79, No. 6 (Nov. - Dec., 2000), p.118.

^{xiv} Peter W. Singer, "Pakistan's Madrassah's: Ensuring a system of Education not Jihad", *Brookings*, March 7, 2010. http://www.brookings.edu/papers/2001/11/pakistan_singer.aspx.

^{xv} Ibid.

^{xvi} Ibid.

^{xvii} Borum, *Psychology of Terrorism*, University of South Florida, 2004. p.93.

^{xviii} Robin M. Williams, 'The Sociology of Ethnic Conflicts: Comparative International Perspectives', *Annual Review of Sociology*, 1994. p.33-41

^{xix} Joseph S Tuman, *Communicating terror: The Rhetorical Dimensions of Terroris*, Bruce Hoffman, *Inside Terrorism*, Columbia University Press, 2006. p.93.

^{xx} Ibid.

^{xxi} Bethany Lacina, 'The Problem of Political Stability in North East India', *Asian Survey*, Vol. XLIX, No. 6, Nov/Dec. 2009. p.p. 1000-1001

^{xxii} Audrey Kurth Cronin, 'Behind the Curve: Globalization and International Terrorism', *International Security*, Vol. 27, No. 3, pp. 41-42. <http://www.jstor.org/stable/3092113>

^{xxiii} Daniel D. Novotny (2007) *Cyberterrorism: the use of the internet for terrorist purposes*, Council of Europe Publishing, 2007. p.p. 71-72

^{xxiv} Ibid.

^{xxv} P.R. Kumaraswami, 'Terrorism in South Asia: The Changing Trends', in P.R. Kumaraswami & Ian Copland (ed.), *South Asia: The Spectre of Terrorism*, Routledge, New Delhi,

^{xxvi} P. Bhambhari, 'Globalization and Neo-Premordialism', in Mahavir Singh, eds., *International Terrorism and Religious Extremism*, Anamika Publishers, New Delhi, 2004. pp. 12-17.

^{xxvii} Ibid.

^{xxviii} Jordan J. Paust, 'A Definitional Focus', in Yonah Alexander & Seymour Maxwell Finger eds., *Terrorism: Interdisciplinary Perspectives*, The John Jay Press, New York, 1977. p. 11.

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^{xxx} Ibid

^{xxxi} Joshua Sinai, 'How to Define Terrorism', *Perspectives on Terrorism*, Volume I, Issue 3, 2007.

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^{xxxiii} Ibid.

^{xxxiv} Alex P. Schmid, 'The Response Problem as a Definition problem', in Alex P. Schmid and Ronald D. Crelinsten eds., *Western Responses to Terrorism*, Frank Cass Publishers, Oxon, 1993. p.61.

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^{xxxvi} Ibid.

^{xxxvii} Riyaz Punjabi, 'The concept of an Islamic Caliphate: The Religious and Ethnic pulls of Kashmir Militant Movement', *Journal of Peace Studies*, Vol. 1, No. 1, Nov.-Dec. 1993, p. 42.

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^{xxxix} Ibid.

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^{xlii} Ibid.

^{xliii} James William Jones, *Blood that cries out from the earth: the psychology of religious terrorism*, Oxford University Press, New York, 2008. p.30.

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