

CHAPTER

2

Terrorism—Role of External State and Non-State Actors

- Terrorism may be defined as the planned, organised and systematic use of violence as a means of coercion for political or religious or ideological purposes. •

Terrorism has become a global phenomenon, but all attempts in the past for arriving at an internationally accepted definition of terrorism have proved futile. This ambivalence is primarily due to two reasons.

Firstly, a 'terrorist' in one country may be viewed as a 'freedom fighter' in another; secondly, it is known that some states encourage various criminal acts being carried out in another state. Hence, there is an obvious lack of political will to any universally acceptable definition of terrorism. Irrespective of these constraints, we can definitely say that:

- Terrorism is a state of terror, panic and a fear psychosis, created by an individual or a group of people in order to force, coerce or blackmail the authorities, using violent methods to accept their demand or to attain political, religious or ideological goals. •

Terrorism is thought of as a method of war, which consists of intentionally attacking those who ought not to be attacked.

► 2.1 Classification of Terrorism

Terrorism can be classified into two categories—(i) terrorism by external state actors and (ii) terrorism by non-state actors.

► 2.1.1 Terrorism by External State Actors

When any Government directly or indirectly indulges in terrorism against its own people or the people of another country, it is referred to as terrorism by state actors.

Also, terrorism against another country, whether in support of international terrorism or in order to destabilise that country, can be classified as 'external state sponsored terrorism'.

Terrorism in Kashmir is a direct manifestation of state policy of Pakistan and ISI influence, while hinterland terrorism by Indian Mujahidin or SIMI is indirectly supported by ISI and the state of Pakistan. *Therefore, Pakistan which is an external state actor is challenging India's internal security directly as well as indirectly.*

Similarly, time and again aspersions have been cast on the role of Bangladesh and Myanmar that they have played the role of external state actor regarding terrorism in north east.

Support to terrorism can be by various means, such as financial support to militant organisations, technical support, arms, training and infrastructural support, or ideological support.

► 2.1.2 Terrorism by Non-state Actors

In this case, the act of terrorism is performed by an individual or a group which is not associated with or financed by any Government. *Non-state actors have generally no direct or indirect link with any government or government agency while pursuing their agenda, though indirect linkages cannot be completely ruled out.* Naxalites, LTTE and North-east extremists are some examples of non-state actors.

Many important terrorist groups like *Lashkar-e-Taiba* (LeT) and Indian Mujahideen (IM) also claim to be non-state actors but have de facto support from Pakistan.

The use of non-state actors is essentially the employment of a proxy element, which gives the state of Pakistan a degree of deniability. However, there is no doubt that none of the so called 'non-state actors', like the LeT, could have operated with impunity without active funding, logistical and military support from Pakistan. The close linkages of the ISI and such groups are well documented as is their direct involvement in attacks like that of 26/11. These groups aim to not only create instability in states like Jammu and Kashmir, they also have a larger aim of destabilising the country. This is done through sporadic terrorist strikes, which spread terror and panic. This could also adversely affect the ability of the Indian state to pursue economic modernisation. The flooding of the country with counterfeit currency is also a way of weakening the economy.

Therefore, the so called 'non-state' actors operating from Pakistan are the proxies of the state, functioning under a clear charter of state policy.

Modus Operandi and Motto of ISI (Non-State Actors)

- To bleed India through thousand cuts
- To destabilise Indian economy through fake currency and other means
- To supply arms and explosives to all kinds of militants in India
- To take advantage of anti-Government groups operating within India and to provide financial, logistic and military support to such groups
- To spread and support Islamic fundamentalist activities
- To spread communal hatred and communal violence in India with the aim to divide and weaken the country.

➤ **2.2 Categorisation of Terrorism in India**

Terrorism in India can be broadly classified into four major categories:

- Hinterland terrorism
- Jammu and Kashmir militancy
- North-East insurgency
- Left-Wing extremism

Out of these, the last two do not have direct linkages with non-state actors, so we will deal with them in separate chapters. Terrorism in Jammu and Kashmir is due to Kashmir's historical background. It has been dealt with in a separate chapter.

➤ **2.3 Growth of Hinterland Terrorism**

Hinterland terrorism is the terrorism that is spread all across the hinterland of the country. Such terrorist acts have been taking place all over India without any specific reason. Yet, if we look back and analyse, there appears to be a sequential, well planned, well motivated growth of terrorism in India.

1. After failing in two conventional wars against India, especially post the humiliating defeat in 1971, Pakistan adopted the path of sub-conventional war/proxy war by supporting terrorist activities in India since the last three decades with the motto of 'bleeding India through thousand cuts'.
2. The seeds of present terrorism were sown in the Khalistan movement in Punjab in the eighties. This proved to be the most deadly terrorist movement in India. The evil design was to create a buffer sovereign state between J&K and rest of India.
3. After Punjab, Pakistan targeted Kashmir in the late eighties and tried to take advantage of anti-India separatist sentiments in a section of Kashmiri population, and it continues to do so, till date. Terrorism in Kashmir was basically operated by Pakistan occupied Kashmir (PoK) based Islamist terrorist organisations created, trained, inspired and directed by ISI, like LeT, JeM, Hizbul Mujahideen, etc.

4. In the meanwhile, SIMI was formed in Aligarh in 1977 with its motive to liberate Indian Muslims from western influence and make them follow Islamic code of conduct. In the 1980s and 1990s, SIMI became a highly militant and extremist group and took a more radical posture. Therefore, it was banned under Unlawful Activities Prevention Act (UAPA) in 2001.
5. The Ayodhya incidents of 1992 also saw the rise of reactionary terrorist activities all over India, especially in Mumbai (1993 Bombay serial blasts). This provided a big opportunity to ISI to carry forward its nefarious designs of spreading terrorism and communalism in India.
6. The 21st century saw the formation of Indian Mujahideen (IM) after the ban on SIMI. It was to project to the outside world that terrorism in India was a purely indigenous development, arising out of ill-treatment of Muslims and not sponsored from across the border. Doctored videos of Gujarat riots were used by ISI to mobilise, recruit and radicalise the youth.
7. The ISI has always tried to take advantage of communal incidents like the Ayodhya issue and the Gujarat riots for inciting young Indian Muslims. The increasing efforts of ISI to exploit communal sentiments have ensured that the Muslim community remains vulnerable to mobilisation, recruitment and radicalisation. In recent times, there were reports of Lashkar-e-Taiba recruiting young Muslims in riot affected Muzaffarnagar district.
8. We saw reactionary right wing extremist activities in 2006–07 in the form of bomb blasts in Malegaon, Mecca Masjid, Hyderabad, Ajmer Sharif and Samjhauta Express. Initially, investigating agencies of various state police had allegedly implicated innocent Muslim youth in these cases. This resulted in heavy resentment in Muslims and gave another boost to radicalization of Muslim Youth by ISI, LeT, SIMI and IM etc.
9. The Harkat-ul-Jihad-al-Islami (HUJI) of Bangladesh was also found involved in many terrorist attacks in India.

► 2.3.1 Important Terrorist Attacks in India

We can say that the last two decades have been marked by the presence of ISI sponsored terrorism in India's hinterland which was earlier confined to Punjab and J&K. Some of the more important incidents are mentioned below:

- Bomb blasts in Mumbai in 1993 that killed around 300 people
- Brahmaputra Mail train bombing in 1996 that killed 33 people
- 58 people killed and more than 200 injured in 1998 Coimbatore bombings, targeted at L. K. Advani in his election rally
- Air India Flight AI-814 hijacking in 1999 by Harkat-ul-Mujahideen with active support from Taliban
- Attack on Red Fort in 2000
- Attack on J&K Assembly in 2001
- Attack on Indian Parliament on 13th December, 2001 by Lashkar-e-Taiba and Jaish-e-Mohammed
- Attack on Akshardham temple in Gujarat in 2002 by Lashkar-e-Taiba and Jaish-e-Mohammed

- 68 people killed in four separate attacks in Mumbai in 2003
- 70 people killed in Delhi bombings two days before Diwali in 2005
- Blasts in Mumbai in 2006 killing 209 people by Lashkar-e-Taiba
- Malegaon blast by right wing extremists in 2006 killing 37 people
- Lucknow, Faizabad and Banaras attacks in court complexes in 2007 carried out by Indian Mujahideen
- Samjhauta Express and Ajmer Sharif Blasts by right wing extremists in 2007
- Attack on CRPF camp in Rampur in 2007
- Blasts in Jaipur, Bangalore, Ahmedabad and Delhi in 2008 carried out by Indian Mujahideen killing 115 people
- 171 people killed in terrorist attack by LeT in Mumbai in 2008, popularly known as 26/11
- German Bakery, Pune bomb blast in 2010 in which 17 people were killed
- 26 killed in serial bomb blasts by Indian Mujahideen (IM) in Mumbai in 2011
- Attack on Delhi High Court by IM in 2011 in which 12 people were killed
- Hyderabad bomb blasts in 2013 which killed 16 people by IM
- Bodh Gaya blasts in 2013 by IM
- Patna Election Rally blasts in 2014

Hence, it is evident that the terrorists have concentrated their target on India's political capital, financial capital, IT and scientific hubs, religious places and places of tourist interest.

Hinterland terrorism is also sometimes assisted by neighbouring countries through the borders; hence it can be referred to as *trans-national terrorism*. It is part of Pakistan's state policy after their defeat in 1971 war to bleed India through thousand cuts, given its obvious inability to take on India in a conventional war. Terrorists are provided training, infrastructure and weapons in Pakistan and then infiltrated into India through LoC or through Nepal.

► 2.3.2 Active Militant Outfits

Lashkar-e-Taiba (LeT) It is one of the largest and most active terrorist organisation in South Asia. It is operating mainly from Pakistan and Pak occupied Kashmir (PoK). It was founded in 1990 by Hafez Saeed. Lashkar-e-Taiba has attacked military and civilian targets in India. The 2001 attack on the Indian Parliament and the 2008 Mumbai attacks were also carried out by LeT.

Jaish-e-Mohammed (JeM) It was formed by Maulana Masood Azhar in March 2000 after a split within Harkat-ul-Mujahideen (HIUM) shortly after his December 1999 release from prison in exchange for the passengers of Indian Airlines Flight IC 814 which was hijacked by HUM. A majority of members left HIUM and followed Azhar into the newly founded group. JeM, in coordination with LeT, has been implicated in the 2001 Indian Parliament attack in New Delhi.

Hizbul Mujahideen It is a Kashmiri terrorist group founded in 1989. The current leader of the group is a Kashmiri known under the alias of Sayeed Salahudeen who usually resides in PoK.

Students Islamic Movement of India (SIMI) SIMI is a banned Islamic student organisation formed in 1977. Earlier, the stated mission of SIMI was 'liberation of India' from western materialistic cultural influence and to convert Muslims to live according to the Muslim code of conduct. But SIMI became militant and extremist in the backdrop of communal riots and violence between Hindu and Muslim groups in the 1980s and 1990s and took a more radical posture. Its motto became 'to convert whole of India into Islamic land'. SIMI was banned by the Indian government in 2001 when it was found to have indulged in terrorist activities.

Harkat-ul-Jihad-al-Islami (HUJI) It is a Pakistan and Bangladesh based very old Islamic terrorist organisation working in Pakistan, Bangladesh and India. HUJI has claimed responsibility for the 2006 Banaras bombing and 2011 Delhi bombing. HUJI had started its operations in Afghanistan after the Soviet retreat from the country. Its Bangladesh unit was formed in 2002. It is believed to be backed by Taliban.

Indian Mujahideen (IM) It is an Islamist terrorist group based in India, which has carried out several attacks against civilian targets in India. It was borne out of the ranks of SIMI. IM has reportedly taken responsibility for several blasts carried out in the last decade. Police investigations have revealed the group to be a front for the Pakistan based Lashkar-e-Taiba. In fact ISI, LeT and HUJI encouraged formation of IM in their effort to hide the involvement of Pakistan in terrorist activities in India and to project to the outside world that terrorism in India was an indigenous development arising out of maltreatment of Muslims. In 2010, IM was declared a terrorist organisation and banned by the Government of India. New Zealand, UK and US also declared it a terrorist organisation. Its ultimate aim is to create an 'Islamic caliphate' across South Asia. This organisation came into the limelight after the UP blasts of 2007 in the court premises in Lucknow, Varanasi and Faizabad. It recruits a wide range of disenchanted Muslims youths — from petty criminals to highly paid software professionals. Recently, one of its main leaders, Yaseen Bhatkal has been arrested by Indian security agencies.

Sleeper Cells A sleeper cell refers to a cell, or isolated grouping of sleeper agents, that lies dormant until it receives orders or decides to act. A sleeper agent is a spy who is placed in a target country or organisation, not to undertake an immediate mission, but rather to act as a potential asset if activated.

➤ 2.4 Reactionary Right-wing Terrorism

Hindu right wing organisations have been accused of involvement in terrorist attacks, including the Malegaon blasts, Mecca Masjid bombing (Hyderabad), Samjhauta Express bombings and the Ajmer Sharif dargah blast. This so called

'right wing terrorism' is supposed to have developed as a reaction to ISI sponsored terrorism and alleged Muslim appeasement by the Government of India. It tried to target Muslim dominated areas. These attacks have been allegedly carried out by a Pune based group 'Abhinav Bharat' headed by an Army officer Colonel Shrikant Purohit, Sadhvi Pragya and Swami Aseemanand.

All these incidents had taken place between 2006 and 2007. After 2007, no such incidence has come to light after the arrests were made. So it appears that this reactionary right wing terrorism was individualistic in nature rather than an organised movement involving multiple organisations.

➤ **2.5 Reasons for Spread of Terrorism**

- More technology available to conduct acts of terror
- Targets of terrorism are more widespread than ever before
- Sophisticated means of communication (electronic media, print media, social media, internet) helped terrorists to quickly promote their ideology and hate campaign
- Intolerance in society due to increasing population and decreasing resources
- Increasing globalisation of the society
- International recognition and support to terrorist groups
- Links between terrorism and organised crime to earn easy money

➤ **2.6 Key Issues**

➤ **2.6.1 How do the Terror Groups Fund Themselves? How do they Procure the Ammunition and Technology Required?**

India faces different types of internal security threats. The groups involved raise funds from different sources, ranging from state sponsorship to fake currencies, to extortion and taxation, crime and smuggling, amongst others. Some cases are given below.

ISI Sponsored Terrorism

The militancy in J&K presents a classical case of state-sponsored and financed terrorism. The ISI employs state and private resources, like money from drugs and contraband, donations and charities, as well as the globalised network for raising and moving funds from Jehadi Islamic fundamentalists across the globe. This support is further augmented by funding from the Kashmiri diaspora and NGOs. These are thereafter used as part of Pakistan's proxy war against India, thereby bringing various components of funding together.

However, in the case of Indian Mujahideen (IM), state sponsorship in the form of financial support from ISI, mobilisation through organised criminal activities to raise funds and exploitation of globalised networks for financial resources have been the ways to keep their unlawful activities going.

It is believed that ISI's terror network is self-supporting financially and the money comes from:

- Donations from Islamic countries in the name of Jihad
- Earnings from drug trafficking
- Issuing fake Indian currency notes (FICN)
- Other kinds of organised crime

It is believed that the financial network operates through a few trusts, like the Al-Rashid from Karachi and the Rabita Trust from Islamabad. Usually these trusts operate through fake bank accounts.

The transfer of money to terrorist organisations is largely done through *hawala* transactions. Many a times, it has been found by Indian intelligence agencies that agencies like JeM, LeT and HM are funded indirectly by the ISI through the above mentioned means.

Funding Sources for Other Forms of Terrorism

Most insurgencies of the North-east receive funding from extortion and taxation, which is a local source. This is supplemented by trafficking of drugs, weapons and counterfeit currency. The insurgencies in the region have limited state-sponsored funding from outside and raising finances through private sources is the norm.

The case of CPI (Maoist) led insurgency is similar, with local financial resources providing the bulk of its funding. They also take a share from big infrastructure projects like roads, national highways, dams, rural development projects, etc. Apart from this, they receive security money from mining companies and multinational corporations (MNCs) operating in the country. But there is no substantive evidence of state sponsorship to naxalism. They have also not profited substantially from the globalised financial environment.

These groups then use the funds collected to smuggle weapons, explosives and technology based equipments, like satellite radios, from across the border. India has porous borders with Nepal, which is exploited. Similarly, borders with Bangladesh, Myanmar and Pakistan are often used for pushing in weapons and ammunition.

► 2.6.2 Institutional Framework to Tackle Terrorism

Before 2008, terrorism was fought mainly by the Intelligence Bureau (IB) with the help of state police and Central Armed Police Forces. The IB played the role of an intelligence agency which coordinated the efforts of various state police forces. The operations and investigations part were looked after by the state police. After the assassination of Indira Gandhi, a special commando force (NSG) was created to engage and neutralize the terrorist threats in specific situations. NSG commandos were trained in high risk tasks like counter hijacking and counter terrorist operations.

New Changes after 26/11

Although the Mumbai Police Force and the NSG are applauded for their operations during the 26/11 attacks, their initial response and operating

procedures brought to light serious flaws in coordination. After the 26/11 Mumbai attacks, many steps were taken by the Govt. of India in this regard. The Government also announced the creation of many new institutions NIA, NATGRID, MAC (revamping), NCTC. Many steps were taken on the legal front also.

1. National Investigation Agency (NIA)

The National Investigation Agency (NIA) is a federal agency established by the Indian Government to combat terror in India. NIA has concurrent jurisdiction which empowers the Centre to probe terror attacks in any part of the country, covering offences, including challenges to the country's sovereignty and integrity, bomb blasts, hijacking of aircraft and ships, and attacks on nuclear installations. It also deals with counterfeit currency, human trafficking, narcotics or drugs, organised crime (extortion mobs and gangs), plane hijacking and violations of atomic energy Act and weapons of mass destruction Act.

NIA aims to be a thoroughly professional investigative agency matching the best in international standards. It aims to set the standards of excellence in counter terrorism and other national security related investigations at the national level by developing into a highly trained, partnership oriented workforce.

2. NATGRID

The National Intelligence Grid or NATGRID is an integrated intelligence grid that will link the databases of several departments and ministries of the Government of India so as to collect comprehensive patterns of intelligence that can be readily accessed by intelligence agencies. It is a counter terrorism measure that collects and collates a host of information from government databases including tax and bank account details, credit card transactions, visa and immigration records and itineraries of rail and air travel. This combined data will be made available to 11 central agencies, viz Research and Analysis Wing, the Intelligence Bureau, Central Bureau of Investigation, Financial intelligence unit, Central Board of Direct Taxes, Directorate of Revenue Intelligence, Enforcement Directorate, Narcotics Control Bureau, Central Board of Excise and Customs and the Directorate General of Central Excise Intelligence.

It is yet to become operational.

3. Revamping of Multi Agency Centre (MAC)

MAC is a multi-agency centre for Counter Terrorism whose mandate is to share terrorism related intelligence inputs on a day to day basis. Multi Agency Centre (MAC) was created at Delhi and Subsidiary Multi Agency Centres (SMACs) in various states comprising representatives from various security agencies for streamlining intelligence efforts after Kargil war. But it was revamped after 26/11. The Multi Agency Centre (MAC) in the Intelligence Bureau shares intelligence with various agencies that include police, CAPFs, defence and financial intelligence agencies. It also shares intelligence with SMACs established in various states and Union Territories through video-conferencing on a continuous and real time basis. Reciprocally, the other agencies are also obliged to share intelligence with the Multi Agency Centre.

The Centre operates on a 24 hour basis. It also acts as a Database in the form of National Memory Bank related to counter-terrorism intelligence. MAC has also been given additional responsibility of accounting and auditing of intelligence related to counter terrorism and enhancing the capacities of all the stakeholders in counter terrorism efforts.

Within a short span, MAC has proved its utility.

4. Creation of Four New NSG Hubs

The limitation of inadequate security forces was addressed by opening NSG hubs at four places at Mumbai, Kolkata, Chennai and Hyderabad other than Manesar in order to ensure faster and more effective reaction to crisis situations.

5. Coastal Security Scheme Revamped

The issue of maritime security and the lack of it surfaced and gained much attention after the Mumbai attacks. To strengthen coastal security of the country, series of measures have been taken to review, upgrade and strengthen the coastal security of the country. The following major decisions/initiatives have been taken by the Government :

- The task of guarding the Indian coastline right from the shoreline has been entrusted to the Coast Guard. However, the responsibility of overall maritime security rests with the Indian Navy.
- Coastal States/UTs have been directed to expedite the implementation of the approved Coastal Security Scheme such as early completion of construction of coastal police stations, check posts, out-posts etc.
- The coastal States and UTs have been directed to immediately start coastal patrolling by locally hired fishing boats/tractors.
- The coastal States/UTs have been directed to carry out vulnerability/gap analysis on their coasts in consultation with Coast Guard.
- Ministry of Shipping, Road Transport and Highways has been directed to streamline the process of registration of all types of vessels, i.e., fishing as well as non-fishing vessels.
- To issue ID cards to all the fishermen and all the population in the coastal villages.

➤ 2.6.3 Legal Framework

The first special act to deal with terrorism was the Terrorist and Disruptive Activities (Prevention) Act or TADA as it is commonly called. It came into force after Indira Gandhi's assassination. But following allegations of its misuse, it was allowed to lapse in 1995 and another special act called the Prevention of Terrorism Act (POTA) was enacted in 2002 in the aftermath of the December 2001 attack on Parliament. POTA was also repealed in 2004. After the 26/11 Mumbai terrorist attack, the Unlawful Activities (Prevention) Act, UAPA Amendment Act came in force in December, 2008 which was further amended in 2012.

1. Terrorist and Disruptive Activities (Prevention) Act or TADA

TADA was an anti-terrorism law which was in force between 1985 and 1995 (modified in 1987) in the background of the Punjab insurgency and was applied to the whole of India. It was allowed to lapse in 1995 due to widespread allegations of abuse. It was the first anti-terrorism law legislated by the government to define and counter terrorist activities.

The law gave wide powers to law enforcement agencies for dealing with terrorist and 'socially disruptive' activities. The police were not obliged to produce a detainee before a judicial magistrate within 24 hours. The accused person could be detained up to one year without even filing a charge-sheet. Confession made to police officers was admissible as evidence in the court of law, with the burden of proof being on the accused to prove his innocence. Courts were set up exclusively to hear the cases under this Act. The trials could be held in camera with the identities of the witnesses kept hidden. Under 7A of the Act, Police officers were also empowered to attach the properties of the accused under this Act.

2. The Prevention of Terrorism Act, 2002 (POTA)

POTA was an anti-terrorism legislation enacted by the Parliament of India in 2002. The Act was enacted due to several terrorist attacks that took place in India especially the attack on the Parliament.

Analogous to the provisions contained in TADA, the law provided that a suspect could be detained for up to 180 days without filing of the charge-sheet in court. It also allowed law enforcement agencies to withhold the identities of witnesses, and to 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. Also unlike TADA, it had no provision to allow preventive detention.

Changes after 26/11

Many relevant amendments were made to the already existing Unlawful Activities (Prevention) Act.

1. Unlawful Activities (Prevention) Act (UAPA) Amendment

UAPA is an act to provide for the more effective prevention of certain unlawful activities of individuals and associations (dealing with terrorist activities) and for matters connected therewith. UAPA was enacted in 1967 and amended in 1969, 1972, 1986, 2004, 2008 and 2012. With 2012 amendments, UAPA includes economic offences within the ambit of terror acts. Definition of "terrorist act" has been expanded to include offences that threaten the country's economic security, procurement of weapons, raising funds for terrorist activities and counterfeiting Indian currency. It also granted additional powers to courts to provide for attachment or forfeiture of property equivalent to the counterfeit Indian currency involved in the offence or to the value of the proceeds of terrorism involved in the offence.

2. NIA Act, 2008 and Special NIA Courts

The National Investigation Agency Act (NIA Act) was passed by Parliament in December 2008. As per the Act, NIA has concurrent jurisdiction which empowers the Centre to probe terror attacks in any part of the country, covering offences, including challenge to the country's sovereignty and integrity, bomb blasts, hijacking of aircraft and ships, and attacks on nuclear installations.

Other than offenses of terrorism, it also deals with counterfeit currency, human trafficking, narcotics or drugs, organised crime (extortion mobs and gangs), plane hijacking and violations of atomic energy act and weapons of mass destruction act.

Various Special Courts have been notified by the Central Government of India for trial of the cases registered at various police stations of NIA under Section 11 and 22 of the NIA Act 2008. Any question as to the jurisdiction of these courts is decided by the Central Government. These are presided over by a judge appointed by the Central Government on the recommendation of the Chief Justice of the High Court with jurisdiction in that region. The Supreme Court of India has also been empowered to transfer the cases from one special court to any other special court within or outside the state if the same is in the interest of justice in light of the prevailing circumstances in any particular state. They are empowered with all powers of the court of sessions under Code of Criminal Procedure, 1973 for trial of any offense.

The trials by these courts are held on a day-to-day basis on all working days and have precedence over the trial of any other case against the accused in any other court (not being a Special Court). An appeal from any judgment, sentence or order of a Special Court lies with the High Court. At present there are 38 Special NIA Courts. State Governments have also been empowered to appoint one or more such special courts in their states.

➤ 2.6.4 What is the Concept of National Counter Terrorism Centre (NCTC)? Is its Criticism Justified?

The concept was conceived after the 26/11 Mumbai attack, where several intelligence and operational failures revealed the need for federal agencies with real time intelligence inputs of actionable value, specifically to counter terrorist acts.

NCTC, conceived by the then Home Minister P Chidambaram, was mooted to be an apex body with single effective point of control for all counter terrorism measures. It was modelled on the lines of American and British bodies. NCTC was to be kept under the administrative control of IB.

The concept of NCTC faced criticism on the following points:

- As per the constitutional provisions, law and order is a state subject. The powers conferred on the NCTC to search, arrest individuals and carry out independent investigations without involving the State Government is viewed as an infringement on the states' powers and has raised a political storm.
- The principle of not granting the power of arrest to intelligence agencies has also been violated. This may lead to many operational problems for the intelligence agencies.

- The NCTC could be an ideal intelligence agency for handling all counter terrorism related intelligence. For this, we need a strategic planning body, investigations and an execution arm besides the intelligence outfit. However, a planning body needs to be separated from the execution agencies and each must be placed under an appropriate professional head.
- Where an operation is required to be launched to search, apprehend or arrest a militant, it would be prudent to incorporate the state police to get local help, including for navigation, translators, medical aid and handling of dead, wounded and other legal issues. Sustained investigations, including surveillance, would be difficult to carry out without the help of the local police.

Role of State Police in Prevention, Containment and Investigations can't be Ignored Prevention, containment and investigations leading to punishment are three distinct stages of counter terrorism. Prompt and actionable intelligence alone cannot prevent a terrorist attack. Effective policing, reliable technical infrastructure to monitor and counter a threat instantaneously and people's efforts are the other sides of the same coin. Hence, the questions: Who would do the policing or monitor the inputs from the technical infrastructure installed in an area? Who would integrate the efforts of the public? How would these be accomplished without the involvement of the local police and the state government?

The first person to reach the site of a terrorist attack would invariably be the local police. Once a terrorist attack happens, the resources needed to contain violence, manage the crowd and traffic besides preventing terrorist acts yet to be executed are beyond the capability of a central agency. Preservation of evidence, securing witnesses, managing the media and the relatives and friends of the deceased, etc. are other dimensions of the problem which can only be handled by the state police. Why should the states then not be part of the investigations?

The capability of the state police should be enhanced and intelligence, surveillance, sophisticated weapons, modern technologies and trained manpower should be augmented.

Unified Control and Effective Coordination with State Police For administrative efficiency, unified control is always better provided there is political unanimity on this. But, in a federal structure, it is not easy. It would be more prone to misuse, which would be dangerous for the country in the long term. So, this centralised agency should work in coordination with the state police and not independently.

Therefore, we can say that the centralised approach for NCTC is not acceptable to the states. Hence, we need a balanced approach with more local involvement.

➤ | 2.7 | Analysing the Level of Preparedness Against Terrorism

The four major roles of anti-terrorist agencies are:

- Intelligence gathering
- Training and operations

- Investigations
- Prosecution

The efficacy of each role has been analysed below:

► 2.7.1 Intelligence Gathering

This is presently being done by both the state police and the central government agencies. NATGRID and MAC, created after 26/11, have been vital additions. However, information and vital inputs from other government departments and non-government agencies, like financial transactions, passport and visa related crimes, cross-border infiltration, information relating to recovery of fake currencies, etc., still need to be streamlined, co-opted and factored in to facilitate the unweaving and investigation of a larger terror plot. We are in the process of achieving this goal after NATGRID becomes operational.

We also need to educate and train the civil society, media, corporate houses, hotels etc. which can provide further aid in the task of intelligence gathering. People's participation in preventing terrorist attacks is a vital area which needs careful thought and handling. A system to enable individuals of all age groups and sex to report information, including suspicious men or material, irrespective of how trivial they may be without any fear of harassment needs to be put in place. The police needs to be trained to act as partners of the public to control terrorism. There is need for a sustained campaign to educate people in this regard.

► 2.7.2 Training and Operations

The capability of the state police is limited as far as training and equipment are concerned. Central government agencies have started capacity building over the last five years. But there is scope for improvement.

As of now, for operations, IB plays the role of the coordinator with the police of different states but if operations need to be carried out simultaneously in many states, there is no unified command. Also, some states do not have the desired capability. Therefore, there is a need for a central agency to coordinate operations all over the country, but this agency should work in coordination with the state police and not independently. With creation of four more NSG hubs, we are in a better position for swift operations.

► 2.7.3 Investigations

Creation of NIA is a welcome step and it has been functioning well till now. There is scope for improvement in the investigating capabilities of the state police. Also, if one central agency investigates all cases of terrorism, which are inter-linked and may occur in different states, their investigation would be more efficient. This would help in the creation of a good data bank of various terrorist networks operating both inside and outside the country.

► 2.7.4 Prosecution

Our criminal justice system is very sluggish and a lot of time is spent in procedural aspects. There should be a time bound justice system. Special fast

track courts should be established for quick disposal of terrorist cases. We need to improve a lot in this direction.

► 2.8 What More can be Done?

Dealing with the menace of terrorism would require a comprehensive strategy in which different stakeholders, i.e. the Government, political parties, security agencies, civil society and media would have an important role to play.

Political: A strong political consensus should be built in the country which says that national interest is supreme and, in national interest, many issues are non-negotiable. They should not be discussed in media or any other public platform. They should not be decided on vote-bank politics or party lines.

Legal: We need to have very stringent laws against terrorism and fast track courts which can deliver judgement within 3-4 months. Police has limited powers against terrorists and usually laws against terrorism are not very different from the laws against crime, for example, detention power is only 24 hours in both cases. Also, sometimes there is a need to carry out nationwide operations after the arrest of a terrorist which makes it difficult to produce the terrorist in the court within 24 hours. We need to evolve a process of criminal justice by which a terrorist can be tried and convicted within three to four months when the memory is fresh in the minds of the people. The loopholes in the justice system and delayed justice also emboldens the terrorists to indulge in violence. With stringent laws sealing all escape routes and delay options, even the families of individuals may serve as a restraining factor to prevent them from indulging in acts of terrorism.

Police: Strengthening the state police, enhancing their training capabilities and providing them with modern equipment for surveillance, investigation and operations is the need of the hour. We need to have modern scientific forensic laboratories. Also, special equipment against cybercrimes is needed because most of the terrorists operate through cyber network.

Media: The role of the media is also very crucial in the fight against terrorism. The media often indulges in needless debates on such issues which are of importance from the point of view of national security. In a democracy, debate is always welcome but on some issues, the media should take a more dispassionate view. For example, consider the issue whether SIMI should be banned or not. It is a clear matter of national policy and should be decided on the basis of national interest instead of debating in media. Similarly, many times the media and the intelligentsia discuss human rights of the terrorists while conveniently ignoring the human rights of the victims.

Public: The general public needs to be educated about the evil designs of our neighbouring countries. Both the majority and minority communities should promote interreligious harmony and work together for peace.

➤ | 2.9 | What is the Difference Between Terrorism, Insurgency and Naxalism?

The difference between terrorism, insurgency and naxalism has been defined below:

Terrorism: Terrorism is the planned, organised and systematic use of violence as a means of coercion for political, religious or ideological purposes.

This is a general term and as per the definition of terrorism, insurgency, militancy and naxalism are all different forms of terrorism.

Insurgency: It is defined as an act of rebellion and armed struggle by a section of society with a view to overthrow the government. The important factor here is that invariably, there is public support for the insurgents. The problems of Nagaland in the early fifties can be considered as a classical example of insurgency.

Naxalism: Naxalism refers to the use of violence to destabilise the state through communist' guerrillas warfare activities. Naxalism in India is mostly based on Maoist ideologies through which they want to overthrow the government by protracted people's war and install people's government.

(Insurgency and naxalism are different forms of terrorism but all terrorism is not insurgency or naxalism.)

PROBABLE QUESTIONS BASED ON THIS CHAPTER

1. What do you understand by state actors and non-state actors in the context of terrorism?
2. What is the role of external state and non-state actors in creating challenges to internal security of India?
3. What are the main historical reasons for the presence of hinterland terrorism in India?
4. What are the main funding sources of various forms of terrorism in India?
5. Write a short note on NCTC.
6. What were the counter terrorism measures taken after 26/11 attack?
7. Who is Yaseen Bhatkal? Would you consider IM a purely non-state actor?
8. Invariably, identity crisis lies at the core of most forms of extremism. What are the various identity factors which fuel extremist tendencies in the Indian context?