

Impact of Terrorism On Human Rights

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Abstract--- *The tug of war between human rights and terrorism is becoming a question of global concern. Based on the different circumstances, however, the type of terrorism is quite different. Human Rights claims arise where terrorism violates the individual's minimum basic rights. The word "human rights" and "terrorism" is therefore synonymous. National and international terrorist groups in India are actively and threateningly active, damaging local property, killing innocent people. To monitor this hazard, the state has restricted physical resources. On the other hand, the terrorists posed a major threat to the country's internal security. Terrorism is an old problem, with new challenges. It has had a drastic impact on the world economy and the life of people. It is a plague on mankind. There is a strong correlation between human rights and terrorism. Terrorism is known to have existed, in one form or the other at several stages in the recorded history in almost all parts of the world after the 9/11 attacks on the world trade centre in united states and the December 13, 2001 attacks on the Indian parliament and November 26, 2008 attack in Mumbai, terrorism assumed new dimension and has come to threaten the very foundation of modern civilized society. India is not unfamiliar with terrorism. It's been a long-standing militant sufferer, whether in the North-East, Punjab, or Jammu & Kashmir. Moreover, however, terrorism has spread to other parts of the world since the last half a decade.*

Index Terms--- *Terrorism, Human rights, Legislation.*

I INTRODUCTION

The term terrorism is derived from the French word terrorism, based on the Latin Terre noun. This means "shaking." The first Mesopotamian Empire to be built on terror by Sargon of Akkad. The same was later true for the first military empire of the world, the Assyrian, whose ruthless methods of persecution were intended to destroy the spirit and weaken the will. Announced with warlike aggression, fear remains suspended over the heads of all who seek to revolt like a sword in times of peace. It has acted as the instrument of enslavement and the guarantor of collective obedience in the despotic societies that make up the major part of the fabric of history. State terror, tacit or explicit, has plagued the centuries as the bogeyman of war, the specter of mass assassination. When unleashed, it can set an example without the need of battling to restrain actions. In this way, the Mongols and Tamerlane used fear to suppress cities without resorting to war.

The UN General Assembly Resolution 49/60 (adopted on December 9, 1984), titled "Measures to Eliminate International Terrorism," contains a provision describing terrorism.

Criminal acts designed or planned to cause a state of terror in the general public for political purposes by a group of persons or individual persons are unjustifiable in any circumstances, regardless of the political, cultural, economic, racial,

ethnic, religious or any other nature which may be invoked to justify them.

UN Security Council Resolution 1566(2004) gives definition

A UN panel, on March 17, 2005, described terrorism as any act “intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do from doing any act.

II UNDER INDIAN LEGISLATIONS

According to Section 3(1) of the Terrorist and Disruptive activities (Prevention) Act, 1985 (TADA) does not define who a “Terrorist” is but defines a “terrorist” act as follows: “whoever with intent to overawe the government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people or to adversely affect the harmony amongst different sections of the people does any act or thing by using bombs, dynamite, or other explosive substances or inflammable substances or fire-arms or other lethal weapons or poisons or noxious gases or other chemicals or any other substances (whether biological or otherwise) of a hazardous nature in such a manner as to cause or as is likely to cause, death of or injury to, any person or persons or damage to, or destruction of property or disruption of any supplies or services essential to the life of the community” this definition is comprehensive enough to cover all terrorist acts of violence when compared with other definitions.¹

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

Whoever-

- with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or fire arms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature or by any other means whatsoever, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community or causes damage or destruction of any property or equipment used or intended to be used for the 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 persons and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act;
- is or continues to be a member of an association declared unlawful under the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), or voluntarily does an act aiding or promoting in any manner the objects of such association and in either case is in possession of any unlicensed firearms, ammunition, explosive or other

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

instrument or substance 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, commits a terrorist act.

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

There is no universally accepted definition of terrorism; many definitions of terrorism include war crimes and crimes against humanity.

III IMPACT OF TERRORISM

Terrorism's effect on the preservation of law and order, peace and tranquility, is a troubling concern at both national and international level. Nevertheless, global terrorism has become an unparalleled threat for the very society of man. We are forced to live in circumstances that are most dangerous and harmful to society.

Terrorism brings human beings suffering and misery. It is an unethical and cruel act that brings innocent people's rights and freedom under pressure. It therefore abuses the victims' fundamental human rights, in particular their right to life, their right to physical integrity and their right to personal freedom. Increasing numbers of innocent people including women, children and the elderly have either been murdered, massacred or mutilated by terrorists in indiscriminate and senseless acts of violence and terror that can not be explained under any circumstances. Terrorism and counter-terrorism have serious repercussions on the protection of human rights as the right to life, freedom of movement. Duty to impart Human Rights education is on the shoulders of the member States and defenders and activists of Human Rights because these rights are essential to live. It has put a question mark on people's most basic and fundamental human right, i.e. right to life. The General Assembly has repeatedly expressed its deep concern about the proliferation of terrorist acts in all its forms worldwide, which endanger or take innocent human lives, threaten fundamental freedoms and seriously impair human dignity.

IV LEGISLATIVE RESPONSE

Not only the latest literature on the role of the United Nations and Regional Organization in countering terrorism through various treaties and conventions, but also the importance of different legislative counter-terrorism approaches adopted by the Indian Government. The constitutional preservation of Independent India is a proud one.²

The constitutional survival of Independent India is a proud one. In fighting the same of the world's most serious terrorist threat, India's long-lasting and ever-increasing commitment to its fundamental rights project can serve as an international example and in recent years. Today, the great assault against mankind is the threat of terrorism. Although it

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

is not a new phenomenon, after the terrorist attack on the World Trade Center in New York on September 11, 2001, it received increased attention.³

India has awakened to the threat of terrorism a long time ago, but the attack on the Indian Parliament on 13 December, 2001 and attack in Mumbai on 26 November, 2008 has prompted the Indian policy makers to take fresh notice of this desperate behaviour of certain sections of the society. ⁴It is with this background that an attempt was made in the paper to locate the different laws in India aimed at addressing extraordinary situations such as terrorism and extremism. Ordinary criminal law may not be adequate to deal with the above situations and therefore some extraordinary legislation may need to be passed to deal with such extraordinary situations. The legal regime for controlling terrorist activities can be classified as International Legal Regime and National Legal Regime. There are a number of terrorist laws in India. These laws are as follow as:

- IV.I. The Indian Penal Code, 1860
- IV.II. The Preventive Detention Act, 1950
- IV.III. The Armed Forces Special Powers Act, 1958
- IV.IV. The Unlawful Activities (Prevention) Act, 1967
- IV.V. The Maintenance of Internal Security Act, 1971
- IV.VI. The Criminal Procedure Code, 1973
- IV.VII. The Terrorist Affected Area (Special Courts) Act, 1984
- IV.VIII. The Terrorist and Disruptive Activities (Prevention) Act, 1985
- IV.IX. The Terrorist and Disruptive Activities(Prevention) Act, 1987
- IV.X. The Terrorist and Disruptive Activities(Prevention) Act, 1987 (Amendment) Act, 1993
- IV.XI. The Prevention of Terrorism Act, 2002
- IV.XII. Unlawful Activities (Prevention) Amendment Act, 2004
- IV.XIII. Unlawful Activities (Prevention) Amendment Act, 2008
- IV.XIV. The National Investigation Agency Act, 2008

The NHRC argues that the threat of terrorism and militancy should not be left alone to state agencies such as the police and the armed forces, but should be faced together by all sections of society. ⁵It has also continued to stress the socio-economic aspects of the issue and also called for strong law enforcement and good governance to ensure transparency and accountability in dealing with those who may be guilty of violations of human rights. ⁶The problem, which the criminal justice system in India faced, according to it, related to (a) proper investigation of crimes, (b) efficient prosecution of criminal trials, and (c) the long delays in adjudication and punishment in courts.

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

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

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

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

V SUGGESTIONS

Human rights have emerged as the the world's new religion to bear the true fruits of humanism. Therefore, human rights can not be available to the people without education, particularly to the needy. The right to growth is unlikely without acceptance of the right to education and may be provided by the researcher in this regard following other suggestions.

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

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

- To empower the vigilance apparatus there is a lot more to be done. There should have been many more closed circuit television (CCTV) cameras that actually work and are able to provide information in real time to the security establishment. Security needs to be stepped up in all public places.
- It's not just the government's duty to fight terrorism, but it's everybody's responsibility. The State will make sure that no person should feel insecure just because they belong to any race, caste, sex, group, or gender. Through proper education and awareness, the spirit of secularism and unity in diversity must be rooted in every youth of this country.

VI CONCLUSION

The cornerstone of democracy, justice and peace in the world is respect for human rights and human dignity. Terrorism causes human beings suffering and misery. It is an unethical and cruel act that places innocent people's rights and freedoms at risk. It, therefore, abuses the fundamental human rights of the victims, particularly, the right to life, the right to physical integrity and the right to personal freedom. The increasing number of innocent persons including women, children and the elderly have been either killed, massacred or maimed by terrorist in indiscriminate and random acts of violence and terror which in no case can be justified. As we all know it's both right and obligation, it's like two sides of the same coin. Average people are more aware of their rights than their responsibility. All human beings are woven in the same human culture garland. What we are doing, it is only for the benefits of the human community. So, every human being should always be concerned about his duty. If we are humanly aware about our 'Human-duty', setting aside all 'Human-Wrongs' then the 'Human-Rights' will definitely be recognized, to discover a new 'Human-world'.

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