

TERRORISM, HUMAN RIGHTS AND STATE IN INDIA
A SOCIOLOGICAL STUDY

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MASTER OF PHILOSOPHY

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CERTIFICATE

This is to certify the dissertation entitled "**Terrorism, Human Rights and State in India: A Sociological Study**" submitted by Mohit Chaudhry in partial fulfillment of the requirements for the award of the Degree of **Master of Philosophy** of this University, has not been previously submitted for any other degree of this or any other University. This is an original work.

We recommend that this dissertation may be placed before the examiners for evaluation.

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Supervisor

Prof. Dipankar Gupta.

Chairperson

Dedicated to My Family

Amma, Papa

Gudia, Kaka and Bintu

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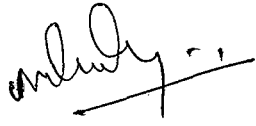
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*"Where the mind is without fear
And the head is held high
Where knowledge is free
Where the world has not been broken up
Into fragments by narrow domestic walls
Where words come out from the depth of truth
Where the clear streams of reason
Has not lost its way
Into the dreary desert sand of dead habit
Where the mind is led forward
By thee into the ever widening thought and action
Into that heaven of freedom
My father -
Let my country awake"*

--- Ravindranath Tagore; (Gitanjali)

INTRODUCTION

The questions of Terrorism and Human Rights have become leading issues in the universal agenda today. From the most developed countries like USA to the third world countries like India are caught in the menace of terrorism. Similarly, the question of Human Rights records has become the basis of diplomacy and international aids etc. Terrorism and Human Rights, have generated a series of changes in social structure, administrative setup and power dynamics in many countries of the world.

Generally speaking terrorism is the use of violence or threat of violence to attain some objectives. It is also called politics by violence.¹ Some of the characteristics included in terrorism are (a) violence (b) political motive (c) objective to instil fear, to terrorise (d) Threat is unpredictable , no one can feel secure (e) Targets are symbolic, having high publicity value (f) The methods used are usually brutal and are not constrained by the rules of war (g) Publicity is a part of coercive strategy (h) It is planned and executed in secret².

The phenomena of modern terrorism involves two dimensions -[1] International power dynamics [2] Internal power structure of a country. Contemporary terrorism may be treated as the by - product of international setup in which politics of conflict and dissent has become inherent in the post second world

¹. Marvah, Ved; 1995; Uncivil Wars : Pathology of Terrorism in India p. XIII.

². Tiwari, S.C. (ed.) 1990; Terrorism in India p. XI

war developments Emergence of world community with sharp historical, ideological and political conflicts provided scope for growth and sustenance of terrorism in one or the other form³ conventional wars have become too costly and international pressure has mounted against them, so the option of a proxy war through terrorism has increasingly replaced the option of waging a conventional war.⁴ The role of Pakistan in sponsoring terrorism in Punjab and Kashmir is well known. Iran and Libya are facing diplomatic boycotts for instigating terrorism in other countries.

Analysis of terrorism also requires understanding of internal power structure, which relates to the nature of states⁵, relationship between elites and masses and various socio-economic and political conditions. Totalitarian regimes may use terrorism to maintain control over the masses but it is ironical that the term 'state terrorism' has come in vogue even for democratic countries. Theoretically, a democratic regime cannot survive on terrorism because it has to seek re-elections after a fixed term. A democratic state, succumbs to suppressive means only when it loses its legitimacy [Human Rights movements have termed state repression as state terrorism] Crisis of

³. Sandu, A.N., in Sehgal, B.P. Singh (ed). 1995 Global Terrorism : Socio-political & legal dimensions, p.13.

⁴. Marvah, Ved, 1995, op. cit. p.3.

⁵. In simple words state is an association endowed with supreme legal authority brought into existence by a morally self possessed society to govern itself according to the moral standards of society. Please see Chitkara, M.G., 1996, Human Rights : Commitment and betrayal p.12

legitimacy depends upon failure on the part of state to deliver justice. Corruption, nepotism, inefficient institutional setup, power hungry leaders, defunct bureaucracy and judiciary leads to the total breakdown of system, where outright repression becomes the only instrument to maintain the regime. This is the irony in many democracies today .

Terrorism becomes an important topic for sociological analysis for being endowed with multidimensional characteristics. It involves the questions of religion and fundamentalism, relative deprivation, identity crisis, the relationship between core and periphery, power struggle between political parties, nationalism versus regionalism, role of ideology, youth unemployment besides many socio-cultural and economic factors. Terrorism in Punjab emerges out of assertion of the Sikh militant identity while in Kashmir it is backed by the concepts of *Kashmiriat* and *Azadi*. Fundamentalist forces have played crucial roles in both the states of India. Regarding the North East, terrorism/insurgency is build around little nationalism⁶ [another name for subnationalism] and assertion of separate identities -- Naga identity, Mizo identity etc. Indian experience clearly shows that terrorism emerges out of a gap between the state and the civil society. Harmonious relationship between the state and the civil society reduces the chances of political violence and can effectively check its growth and its taking, the shape of terrorism.

⁶. Pakem, B. 1993, Regionalism in India ,p. 325.

Human Rights are understood as preconditionalities, which are basic for a dignified human survival. The idea of Human Rights has been developed to identify and guarantee the most fundamental concerns and needs of humankind. The idea is a way of defending our deepest interest as humans. The international consensus formation over Human Rights started after the world witnessed devastations and miseries in the II world war. Its roots goes back to the French Declaration of the Rights of Man of 1798, which proclaimed that 'all man are born free and equal' and also the American Declaration of Independence which established rights to life, liberty and the pursuit of happiness as the most important rights of man, which the governments needs to safeguard. In 1948, the Universal Declaration of Human Rights was proclaimed by the United Nations, which incorporated many civil and political rights as well as several socio-economic and cultural rights. It was the concern and consiousness about Human Rights, which motivated the world community to denounce aparthied, racial discrimination, untouchability bonded labour and child labour. The concept of rights is an integrated part of social sturcture From barbarism to slavery, feudalism and finally to capitalism - through all the stages the concept of rights has changed and finally the world has marched towards, equality and rule of law.

Indian constitution has adopted civil and political rights under part III while and social, economic and cultural rights are embarked in part IV of the constitution. State functionaries are assigned the duty of safeguarding human rights

of citizens . However, government is criticized because the state functionaries have become chief violaters of human rights of innocent and helpless citizens. Indian police has become very arrogant and arrogance of power had led to arbitrariness of actions⁷, highhandedness of paramilitary forces and army has come under criticism of various national and international Human Right groups. Coming to our topic we find an antagonistic relationship between terrorism and human rights. The two cannot coexist. People take to terrorism because they perceive infringement of their human rights. The terrorists have become the chief violaters of human rights because they kill innocent citizens [ironically they claim that they are fighting for their Human Rights!!]. But real tragedy starts when paramilitary forces and army indulge in commit excesses upon innocent people. Amnesty International, Asia Watch, PUCL etc. have reported the cases of tortures, custody deaths, rapes and fake encounters committed by security forces.

The root of these tragedies lies in our degenerating system. There is a lack of political will and commitment to control the degeneration of our bureaucratic and political structure. Infact the Indian state has grown repressive in the hands of power hungry leaders, who have gone to the extent of even patronising terrorism, like sponsoring Bhinranwale in Punjab, Ghising in the North-East and so on.

⁷. Please see, Bhambhri, C.P., Politics in India 1992-93 .

Nevertheless, an alternative model is in the making. It is guided by the visions of Gandhi and Jayaprakash Narayan. The 73rd and 74th amendments have given green signal to decentralization and devolution of power. National Human Rights Commission has been set up to look into the matters of human rights violations. The Shesha era embarks the regeneration of politics. Judicial activism is ensuring expeditious justice to the people, voluntary organizations are emerging as harbingers of democracy. Democracy as a new form of protest is becoming dominant, though very slowly, in place of the classical way of protest i.e. violence. Analysts like Rustamjee believe that it is through decentralization that we can reduce the alienation between civil society and state, which can control the root causes giving birth to terrorism⁸.

METHODOLOGY

In the present work we have sought to analyse the role of state form conflict perspective. After independence Indian state started with socialist ideals but ended up in an authoritarian and powerful structure. The phenomena of terrorism has been explained with the help of relative deprivation and frustration-aggression theory. People in the North-East, Kashmir or Punjab were never allowed to feel equal to Indians and the idea of control from Delhi led to a feeling of attack on their identity . Attention is focused more on state

⁸. Rustamjee, K.F. "Assassination, Terrorism and Security".
Mainstream, 20 Jan. 1996.

repression/terrorism. Basically political terrorism with the demand of autonomy or secessionism has been studied. Terrorism based on certain ideology, prevailing in Bengal, Andhra Pradesh and Bihar has not been discussed.

The study is explorative in nature, no field study has been undertaken. Apart from books on terrorism and human rights, material has been drawn from various magazines, journals, reports of Human Rights Organizations and newspaper reports. Sources of data are secondary and have been indicated at appropriate places.

The aim of the study is to systematically analyse the issues of terrorism and human rights violations in India. The study does not try to discover some invisible reality or unknown facts rather it is a systematic account of the phenomena, their dynamics and participants. At best, it is a humble contribution to an ongoing debate all over the world.

CHAPTERISATION

First we start with Introduction, which includes the 'issues' we are dealing with, the methodology and chapterisation of this work.

The First chapter starts with an analysis of definitional crisis related to terrorism. There is no consensus over the definition of terrorism. Issues like distinction between terrorism and other types of protests and the question of state

terrorism, characteristics and types of terrorism, devices/methods of terrorists and stages of terrorism in India have been explained. The theory of terrorism has been explained on the basis of Ted Gurr's analysis of the term 'relative deprivation'. It also includes a discussion on the relationship between terrorism, democracy, society and media.

The second chapter basically deals with the theory of Human Rights. After discussing the meaning and implication of the term 'right', we have explained how the concept of Human Rights developed from the idea of natural rights. Historical development of Human Rights is discussed, followed by a discussion on some controversies related to human right issues. Finally, we study the relationship between Indian constitution and Human Rights. A table is drawn comparing provisions in the Universal Declaration and Indian constitution.

Third chapter entitled 'terrorism in India' starts with tracing terrorism during national movement. Then we come to a discussion on terrorism and law in India, this section focus upon particularly the misuse of laws, like TADA. After the analysis of shortcomings in National Human Rights Commission, we discuss crisis in Kashmir, Punjab and North-East. We have discussed the problem of terrorism in the light of the issues identity crisis and misuse of political power by the centre.

Fourth chapter deals with the crisis in the relationship between state and society in India. After

independence we started with the vision of socialism and ended in an authoritarian, power hungry structure. The second section deals with the methods of controlling terrorism and the role of people, Army/Police and media.

In the Fifth and last chapter we move over to an alternative model - from a centralized coercive system to a decentralized, open system, which is guided by the visions of Gandhi and Jayaprakash Narayan. Ofcourse, state cannot wither away but its powers can be reduced and distributed among the masses. A communitarian democracy can help us in eliminating terrorism and all sorts of violence and can pave the way for a system where problems are dealt through dialogues in a non-violent manner.

CHAPTER I

TERRORISM

DEFINITION OF TERRORISM

Defining terrorism is a trying exercise. This, word Terrorism has been interpreted in wide variety of ways¹. Terrorism itself carries "powerfully negative emotional baggage". How we define it determines who is the adversary and how that adversary should be combatted ². Perception is the deciding factor. The group which supports terrorism perceives it as diametrically opposite to the perception of the group opposing it³. People called as terrorists prefer to call themselves as freedom fighters, guerrillas,⁴ Kharakus [Punjab Terrorist], Mojahiddins or people involved in Jihad holy war [Kashmir terrorists]. One cannot be neutral about terrorism like one cannot be neutral about torture. Many governments lable as terrorism all violent acts by their opponents while extremists claim to be ^{vict} ~~et~~ims of government's terror⁵. Three main difficulties in defining terrorism are ⁶ -

¹.Long Kenneth J. Perspectives on Political science 19 (fall 1990) p. 203-08.

².Goldberg Joseph E., Understanding the dimensions of terrorism. Perspectives on political science. Winter 1991 vol 20 No 1 pp 76-88.

³.Marvah,Ved.1995. "Uncivil wars - Pathology of Terrorism in India", New Delhi : Indus p. 4.

⁴.Goldberg, Joseph E op.cit.

⁵.Encyclopedia of Sociology. vol 4. Macmillan.

⁶.Indian Dominion, "Human right & terrorism : A global concern". [An ID Research Bureau Presentation, based on global conference organized by Indian institute for

- 1) Utter lack of agreement on the content and nature of terrorism among diplomatic and scholastic ranks⁷.
- 2) A broad way of political violence - insurgency, guerrilla war, civil war, rebellions, mutinies, coup d'etat - are given the label of terrorism
- 3) The term is conveniently reversible. A terrorist may become a ruler tomorrow and Vice Versa.

It is after analyzing these complexities that Laqueur (1977) argues - "A comprehensive definition of terrorism.....does not exist, nor will it be found in the foreseen future. To argue that terrorism cannot be studied without such a definition is manifestly absurd"⁸.

ISSUES AND CLARIFICATIONS

A) Long describes difficulties in the use of the words fear and violence⁹. One may say that terrorism is an "attempt to further political ends through creation of fear" this definition is too inclusive. Many actions rely on fear creation. The United States

Non-Aligned studies, New Delhi June 1995.

⁷.According to Rubenstein a definition, reflects ideological political bias, Rubenstein, Richard E. 197. Alchemists of Revolution. London. I.B. Tauris.

⁸.Laqueur, Walter 1987.Terrorism.London : Weidenfeld and Nicolson.

⁹.Long, Kenneth J. op. cit. Also see Gibbos, Jack P. conceptualization of terrorism. American sociological review 1989, vol. 54 June pp 329-340. If we call terrorism as simply 'the illegal 4th or threat of violence'. then we club together presidential assassinations robberies and child abuses!.

Internal Revenue services promotes tax compliance through "fear based appeals". Do we call it terrorism ?

Understanding terrorism in light of violence, says Long would not enable us to distinguish between terrorism and warfare.

Certain views of terrorism does not clarify concept, contends long. George Bush's Task force report on terrorism stated that "Terrorism is a phenomenon that is easier to describe than define" Terrorists are recognized by the acts they commit¹⁰.

B) Illegality of terrorism : "Most journalist, officials, historians who lable an action as terrorism evidently regard the action as illegal or criminal. However, the two contending conceptions of crime are-

1} That emphasizes the reaction of officials as the criterion.

2} That emphasizes normative consideration [Eg. Statutory laws etc.]

C) Violence and Terrorism : Violence or threat of violence appear in almost every definition of terrorism. Some scholars view that only humans can be target of Violence but many journalists, historians and officials have¹¹- "identified

¹⁰.Public report of the vice President's task force on combating Terrorism. Washington D.C. government Printing office Feb 1986. 1.Also see Ashutosh Kumar. Terrorism & Democratic regimes in Sehgal B.P.(ed) Global Terrorism : Socio political and legal dimensions New Delhi Deep & Deep (1995) p. 89-92.

¹¹.Gibbs, Jack P, op.cit. p. 330.

instances of destruction/damage of non-human objects [buildings, domesticated crops] as terrorism. Human do fear damage/destruction of particular non-human objects¹².

D) The ultimate goal of terrorists : The issue of goal or aim becomes controvertial due to -

{1} The allegations that terrorists are irrational or mentally ill. It raises doubts as to whether terrorists have identifiable goals.

{2} Many sociologists especially Durkheimians do not emphasize the purposive quality of human behaviour, perhaps because they view the emphasis as 'reductionism'.

Nevertheless, in sociological definitions, we have to understand the relevance of internal behaviour [Eg. Perception, belief, purpose] ¹³. Without knowing goals, how can we distinguish between terrorism and the typical robbery Cases? ¹⁴.

E) Terrorism as a special strategy : Terrorism is a distinctive strategy in violence. It is a collective violence. It creates fear psychosis in order to attain normative goal. Scores of writers have emphasized "third party" or general intimidation as an essential feature of terrorism. However numerous writers suggest that "seeking publicity" is also an essential strategy in terrorism. Brian Jenkins calls it "violence for effect" and

¹².ibid p 330.

¹³.Weber & Parsons have emphasized the significance of perceptions, values and ideal types.

¹⁴.Gibbs op. cit. 331.

Kropotkin says that terrorism is a very effective form of "propaganda through action"¹⁵.

F) Terrorism and other forms of violence : There being no clearcut definitions of military operations, war, civil war, and guerrilla warfare, journalists are prone to use the term guerrilla as synonymous to terrorism. This usage is emphatically rejected by Laqueur, and Wilkinson¹⁶.

The terms war, insurgency, internal war, agitation, riot, guerrilla warfare, mob-violence and terrorism are different. Conventional war aims at total destruction of men and material. The goal of guerrilla and revolutionary war is to cause physical damage, terrorism seeks psychological results¹⁷. As compared to terrorists insurgents mostly target the security forces and vital installations, they are more selective in choosing their target & more discriminating in the use of violence. For terrorists tactics of terror is prominent but for insurgents creating terror can never be an end in itself¹⁸. Again an insurgent has the support of large section of a local population while a terrorist need not have such support¹⁹. An

¹⁵.Kumar Ashutosh, as quoted in Sehgal B.P.(ed). op. cit. p 89-92.

¹⁶.Laqueur 1987. op.cit. and Wilkinson Terrorism and liberal state ,2nd edition,New York: New York University Press.

¹⁷.Sharma D.P. 1992. Countering Terrorism New Delhi; Lancers Books p 3.

¹⁸.Marvah, Ved. 1995, op .cit. p. 30.

¹⁹.Ahuja Ram 1992. Social Problem in India, Jaipur : ~~Pub~~ Publications p 346.

insurgent is national of country which is in revolt. On the contrary a terrorist may or may not be a national of the country in which he operates ²⁰. As compared to terrorism, mob violence is unplanned & uncontrolled.

Singh V.V.(1993) has distinguished among communal riots, agitations, terrorism and insurgency in terms of six factors 1) Mass involvement 2) cohesion 3) Targets of attack & range 4) Flare ups 5) Leadership 6) Victims & aftermath experiences ²¹.

In agitations only some sections participate. In communal riots masses in general are mobilized and it starts with lawlessness. Most support in terrorism to clandestine and latent. Insurgency is fought by trained groups, it emerges from aspirations and elicit support of the masses.

In communal riots cohesion in a community is of great degree. In agitations, cohesion & emotional building keeps on changing. In terrorism cohesion is greatest between activities & leader it is relatively at a lesser degree in the masses same is with insurgency.

In agitations, violence is against public property. In

²⁰.Saxena, N.S. 1985. Terrorism History and facets in the World, New Delhi : Abhinav Publications, as quoted in Anja Ram ,op. cit. p. 346

²¹.Singh V.V. 1993. Communal Violence Jaipur : Rawat publications.

communal riots targets are other communities living in Vicinity. In insurgency & terrorism, targets are chosen irrespective of distances. The insurgents & terrorists do a lot of planning for the selection of targets and systematically destroying them ²².

Flare-ups in communal riots spread swiftly and occur frequently. An agitation is heavily based on the perceived deprivation and the organisation of people therein. A great deal of spade work is required to extend insurgency in the area.

In insurgency, terrorism and agitations, there is an identifiable leadership. In communal riots, there is no leadership - issues and perception of masses are deciding factors.

Communal riots prejudices one community against another. Innocently trapped victims take long time to recover the shock and live in an environment of mutual suspicion. Most agitations end pleasantly, with the demands of the agitators partially or fully met. In terrorism victims are generally those who have public value. They feel secure by not opposing the terrorists. They are in no shape to perpetuate revenge.

In insurgency, the victims are mostly security force or government servants who help in counter insurgency measures.

²². Bayley, David M. 1969. The Police & Political Development in India, Princeton University press, New Jersey.

People start migrating from such regions, in like the case of North-East regions in India.

G] State Terrorism as a special issue : Due to varied reasons, definitions of terrorism become disputable. For example according to Zinam terrorism "the use or threat of violence by individuals or organize groups to evoke fear and submission to obtain some economic political, socio psychological, ideological or other objective"²³. But this definition extends to even legal punishments and the use of violence by state. The fact on the other hand, is that every type of violence by the state is not terrorism. State terrorism occurs only and only when a government official (or agent or employee) engages in terrorism. If the government uses some violence to control riots etc. then this use of violence is not terrorism. On the contrary, if a government uses extra legal methods to suppress terrorists or protesters, it amounts to state terrorism/repression. Here government loses its legitimacy and public support ²⁴. It is a part of terrorists strategy to provoke government to take extreme steps so that it loses its legitimacy in the eyes of people ²⁵. [Laqueur 1987, Wilkinson 1986]

²³. Zinam Oley 1978. "Terrorism & Violence in the light of a theory of discontent & frustration" in Maurice, H. Livingston(ed). International Terrorism in the Contemporary World. Westport C.T.:Greenhood. p. 240-68.

²⁴. Marighella Carlos, in The Minimanual of the Urban Guerrilla, says that by suppressing terrorists, government terms a " Political situation into a military cre.

²⁵. Laqueur, Walter 1987, The Age of Terrorism, London: Weidenfeld and Necolson.

From the above discussion, it becomes amply clear that is very difficult to give a definition of terrorism which statisfles all. At the most what we can do is structure a general definition on the basis of our field of study, classifying which aspect of terrorism we are dealing which and what is our stand on terrorism. Before we do that, we can have a look at some "institutional" definitions of terrorism.

The US Central Intelligence Agency's 1980 definition, duly accepted by the State Department is - "the threat or use of violence for political purposes by individuals or groups, whether acting for or in opposition to established governmental authority, when such actions are intended to shock, stun or intimidate a target group wider than the immediate victims. Terrorism has involved groups seeking to overthrow specific regimes, to rectify perceived national or group grievances or to undermine international order as an end in itself"²⁶ .

The British government during its troubles with the IRA had in 1974 defined terrorism as "the use of violence for political ends and includes any use of violence for the purpose of putting the public or any section of the community in fear". James Adams in his book "the financing of terror points out that terrorism has become a propaganda tool whilst the IRA were called terrorist by the British, they refered to the PLO group as

²⁶.Singh, Patwant. "Anatomy of Terrorism". Hindustan Times 15th January 1996.

guerrillas, a distinction which angered the Israelis no end because to them the PLO were terrorists too²⁷.

The Indian National Security Guard Act, 1986 defines a terrorist as - "Terrorist means any person who with intent to overawe the government as by law established or to strike terror in the people or any section of the people, does any act or thing by using bomb, dynamite or other explosive substance or inflammable substances or firearms or other lethal weapons or poisoning or noxious gases or other substances (whether biological or otherwise) of a hazardous nature, in such a manner as to cause, or as is likely to cause death or injuries to any person or persons or damage to or destruction of property or disruption of any supplies of services essential to the life of community".

This definition does not clarify actions like issuing letter of threat, shadowing, committing rape, spreading rumours etc. undertaken to intimidate the masses²⁸.

One of the well known analysts of this phenomenon is Paul Wilkinson. He suggests that terrorism is "coercive intimidation which is in practice a systematic use of murder and destruction and the threat of murder and destruction in order to terrorize individuals, groups, communities or governments into conceding

²⁷.ibid.

²⁸.Sharma D.P. op. cit p.10.

to the terrorist political demands"²⁹.

For the present study the general definition of terrorism can be - Illegal use of violence or threat violence for some political ends and its stands on the pillars of fear generation and propaganda making. This definition includes both terrorism against the state and State Terrorism. Violence or threat of violence whether by those termed as terrorists or by the state is illegal when the statutes don't permit it. Terrorists use violence to create an environment of fear so that people don't side with the government, more over to force government to concede to their demands. State uses terror as weapon so that people don't overtly sympathise with the rebels, so that rebels surrender and in order to establish syrremacy of state over everything. In this process state too succumb to extra constitutional means. Fear is used as a propaganda tool by both the parties to show their strengths and propagate their respective stands.

CHARACTERISTICS OF TERRORISM

According to Paul Wilkinson³⁰. This special form of violence (terrorism) has give major chracteriotics:-

- 1) Aims to create a climate of extreme fear or terror.
- 2) Directed at a wider audience or target than the

²⁹.Wilkinson Paul.1974.Political Terrorism. London Macmilan & Co.

³⁰.ibid.As quoted in "Indian Dominion", June 1995.p.26.

- immediate victim.
- 3) Involves attacks on random and symbiotic targets, including civilians.
 - 4) The acts of violence committed are seen by the society as extra normal thus causing a sense of outrage.
 - 5) Terrorism is used to try to influence political behaviour in some way, to force opponents into acceding some or all of the perpetrators' demands, to provoke an over reaction, to serve as a catalyst for more general conflict or to publicise a political cause.

D.P.Sharma ³¹. points out that the terrorist groups "share a common disposition namely contempt for the establishment (and)...their commitment to violence: (They) claim to user in new socio political order....Terrorist attacks are marked by their indiscriminateness criminatenoss, predictability & ruthlessness. The anonnymous, unidentifiable threats create anxiety of the worst type among nations and peoples and that is what the terrorist intend....Terrorist groups are small in numbers and hence ...operate clandestinely in small and secret groups.. their actions are aimed at propaganda to promote certain doctrine or focus the attention of the world on their demands..terrorist crises are of short duration. There is consider the gap. between one action and another...communication and response channels between the government and terrorists are unconventional Primarily it is carried out through the media or through negotiations".

In other words terrorism is adopted by those who do not believe in state and ir order to press their demands they spread fear though ruthless killings & destruction of symbolic targets,.

³¹.Sharma.D.P.op. cit.p.14-16.

V,44;5 N4:8(Y)

NG



However propaganda and creating psychological state of extreme fear and anxiety is more important for them than causing physical damage. During the riots in Delhi which followed Mrs. Indra Gandhi's assassination in 1984 over 3000 persons were killed and the total number of persons killed, since 1980 by terrorist acts in Delhi does not exceed 100 ³².

TYPES OF TERRORISM

Paul Wilkinson his book " political terrorism drew distinction between four types of terrorism a) criminal b) pschic c) War d) Political terrorism.

Praveen Kumar³³. has given the following forms of terrorism

a) Ideological terrorism - It includes political and religious terrorism.

b) Criminal terrorism - It includes narco, commercial and sheer criminal terrorism.

Anurag Gangal³⁴. had differentiate following types of terrorism
1) International terrorism 2) National terrorism. 3) superpower terrorism 4) state terrorism 5) Nuclear terrorism 6) V.V.I.P. terrorism - police harass people when a V.I.P. is passing through.

³².Marvah,Ved, op.cit. p. 4.

³³.Kumar Praveen. "Terrorism: New deminsions", in Sehgal. B.P. op.cit. p.70-75.

³⁴.Gangal. Anurag,"Forms of Terrorism" in Sehgal,B.P., op.cit p.65-69.

There are various types of intermediary terrorists

--Nationalist Internationalist Terrorists - we can place Naxalites in India, Bader Meinhof Gang of Germany and Italian Red Brigade under this form.

Nationalists separatist international terrorist - It includes groups like Kashmir liberation front, Khalistan commando force etc.

According to D.P.Sharma, (1992, 12-13) political terrorists fall into three main categories :-

1) Leftist Revolutionaries like Maoists and neo-anarchists have the nebulous concept of world revolution in view as a first step in a process of total political change. Their ideals are Mao, Lenin, Che Guevara etc. The new left in the shape of marxist - Leninist revolutionary movement has come up. their aim is to overthrow imperialist - capitalist system by use of violence.,

The Bader Meinhof of West Germany, the Japanese Red Army and the Naxalites in India can be included under this category.

2) Right wing terrorists like Anand Margis in India believe that the exploited majority remains crippled and incapacitated. it has to be activated through the use of violence.

3) Ethnic and Nationalist Separatists are those who have clearly defined political objectives and usually operate within their own country. Rightly or wrongly, "nationalism" is their general source of inspiration and they show contempt for the establishment and commitment to violence. Some of the Palestinian

and Sri Lankan ethnic terrorist groups fall into this category. Separatist group in North East India and Sikh extremists are typical examples of separatist movement.

The focus of this study is political terrorism. In general terms, it can be understood as a systematic use or threat of violence to secure political goals. There are two types of political terrorism (a) Terrorism against the state led by the dissidents (b) state terrorism - which has been a part of authoritarian regimes like that of Hitler and Mussolini, it also include the situation where one country encourages terrorism in other countries, for example Pakistan helping extremists in India. In the democratic regimes, terrorists provokes and forces the state to use indiscriminate mass violence. It starts with the question what is the responsibility of nation state when its institutions are being destroyed by terrorism?"

Terrorist Devices/Methods.

- 1) Assassinations and mass killings : Assassination means killing selective individuals while killing implies random killings. Assassination dramatises the demands of terrorists. Assassination of Indra Gandhi, Rajeev Gandhi, Rabin - the Prime Minister of Israel horrified the whole world. Mass killings are generally carried out if people don't cooperate with terrorists or when the latter suffer heavy losses.
- 2) Kidnapping: A very popular method used for political purposes and for extortion of ransom. The Tupamaros in Uruguay were the pioneers in kidnapping members of diplomatic corps.

Rubiya Sayeed, the daughter of the Union home minister, Mufti Mohammed Sayeed was kidnapped and released amidst high drama. Taking foreigners as hostages has also become a popular method.

3) Hijacking of Planes - This gives them international recognition the PLO's Al - Fatah, Black September and allied organizations hijacked four international airliners in one day on September 6, 1970 - TWA, Swiss Air and BOAC flights to Jordan and Pan Am to Cairo-whose aircraft they later blew up. [Patwant Singh - Hindustan Times, 15 Jan. 1996].

4) Bombs and Explosives :- These are among the oldest weapons of terrorists. The IRA had made reckless use of bombs in killing their victims or terrorising the general masses. On Sunday 23rd June 1985, Air India Jumbo Jet 'Kanishka' crashed due to bomb explosion, killing all the 329 passengers and crew on board.³⁵ Rajeev Gandhi was killed by a "human bomb".

5) Expropriation:- This implies armed robbery of money and arms. Looting banks and armouries create a sense of insecurity amongst the people.

Stages of Terrorism :-

K.F.Rustamji after analysing terrorist movement in India gave the following stages of growth and decay of terrorism³⁶.

State 1 -- A Period of elan and widespread support Terrorist

³⁵.Sharma,D.P. op.cit.p.27-28.

³⁶.Rustamji K.F."Assassination,Terrorism & Security"
Mainstream January 20. 1996.Vol.XXXIV No.7.p.11-12.

strike hard, security forces suffer heavily, the people are not sure which way to go.

State 2-- Security forces are reinforced, a few blows are delivered at random and the alienation of the people begins.

State 3 -- Further strengthening of security forces. Terrorist suffer losses. Start appeals for help from media and human rights agencies. Public support to the movement increases. Alienation also increases.

Stage 4 --- Re organization of security forces, intelligence begins to produce results. People begin to discuss in whispers that the terrorist are losing ground. Discipline improves in security forces. Human rights stressed.

Stage 5 --- The terrorists strike again Media claims that situation is not improving.

Stage 6 --- The initiative passes to security forces. some notable captures, confessions, arrests of Keymen. People begin to withdraw support, fearing action. Media unable to make up their mind because they are kept in the dark regarding operations.

Stage 7 --- Terrorists begin to show signs of tiredness and ennui. Their mentors keep asking for strikes. Quarrels break out. Terrorists start oppressing the people. Desertions by locals. Some surrender. If they are not ill treated, there are more surrenders. claims by government spokesman that all is over.

Stage 8 ---- the terrorist strike to create a sensation and express themselves. People help security forces to arrest terrorist.

Stage 9 ---- the movement is all but over. a few individuals try

to regroup and suicide mania spreads among them. It slowly fades away if the government takes special steps to conciliate and rehabilitate the remaining members. Yet for year to come, the embers of the movement lie unnoticed. Beant Singh, the Chief Minister of Punjab was assassinated in this stage.

EXPLAINING TERRORISM

Terrorism can be explained in terms of two theories
1) Pure Psychological theory 2) Socio-psychological theory.

According to first theory terrorists are mentally ill, lunatics and abnormal. When we consider all terrorist as abnormal then we cannot explain the phenomena of terrorism in sociological terms. Then all the formulations about terrorism will come out of mental asylums researches and the field of terrorism analysis will be swaged mostly by psychiatrists. The matter of fact is that terrorism is not an individual phenomena, it is a collective action promoted by various socio-political and ideological considerations.

The socio- psychological theory of political terrorism is based on the premise of frustration aggression relation. It does not discard psychological factors rather place psychological progression in a given socio-political conditions. This theory deals with the relationship between state and society. Terrorism emerges out of the gap between the two. Deprived, dejected and frustrated people turn to violence and terrorism. It happens because -

- 1) Violence is a natural weapon of deprived community depending upon the given social and political scenerio.
- 2) They believe in the ideology of violence.
- 3) They have seen the success of other who have used violence & terror in their endeavours .
- 4) Or they want publicity of their demands.
- 5) Or they feels terrorism & violence is the easiest and quickest method of attaining their goals.

WHY MEN REBEL OR RESORT TO VIOLENCE

Ted Robert Gurr³⁷ Provides a deep analysis of why men rebels and has discussed the anatomy of political violence. He starts by posing a question "are men inherently aggressive ?" Psychological studies suggest that men have a capacity but not need for aggression. Man can learn to use violence. Only some groups resort to violence because "the use of public force to counter private violence and the nature of human organization makes a difference in the shape & extent of violence"³⁸. No doubt some amount of force is necessary to maintain social order in the time of crises but exclusive reliance on force eventually raises up the forces that destroy it³⁹.

Political violence : -

Gurr has defined political violence as" collective attacks within a political community against the political

³⁷.Gurrs, Ted Robert, 1970 Why Men Rebel Princeton, New Jersey : Princeton university Press.

³⁸.ibid, Introduction ,p.IX.

³⁹.ibid, Introduction p. X.

regime. political violence isthe use or threat of violence by any party or institution to attain ends within or outside the political order. Like the uses of violence qua force by the state, specific acts of political violence can be good, bad or neutral according to the viewpoint of the observer. Participantsmay value it as means of expressing political demands or opposing undesirable policies "⁴⁰.

What are the psychological and social sources of the potential for collective violence ? Gurr explains "potential for political violence is a function of the degree to which shared discontents among the members of a society are blamed on the political system and its agents"⁴¹. This , can also be understood in terms of 'frustration aggression theory' which implies that "greater the frustration, the greater the quantity of aggression against the sources of frustration...."The severity of deprivation affects both the intensity of violence and its duration.

The magnitude of political violence has three components variables 1) the extent of participation within the studies unit [Scope] 2) The destructiveness of action [intensity]. 3) The length of time violence persists [duration] Terrorism of high magnitude will imply that the group has large number of members, members are involved in mass scale killings

⁴⁰.ibid, p.4

⁴¹.ibid, p 8.

and destructions. Similarly state terrorism will means large number of security forces and state agents are involved in killings and destruction on mass scale and this repression goes on for a long period of time.

Gurr has explained the primary causal sequence in political violence as -----

First there is development of discontent, second step is the politicization of that discontent, thirdly and finally its actualization in violent action takes place against political objects and actors.

The basic root for the arousal of discontent is the perception of 'relative deprivation'. Relative deprivation is defined as a "perceived discrepancy between men's value expectation and their value capabilities. Value capabilities are the goods and conditions they think they are capable of attaining or maintaing, given the social means available to them. Value expectations are the goods and conditions of the life to which people believe they are rightfully entitled.⁴²

In other words Relative Deprivations [RD] denotes the "tension, that develops from a discrepancy between the "ought" and the "is". If there is no such tension the people will be comfortable with themselves as Runciman puts it "if people have no reason to expect or hope for more than they can achieve, they will be less discontented with what they have or even grateful

⁴².ibid.p.13.

simply to be able to hold on to it⁴³. The degree of deprivation implies the intensity with which it is felt. RD requires some point of reference. An individual's point of reference may be his own past conditions, an abstract ideal or the standards articulated by a leader as well as "reference group". For some terrorists reference point may be communist ideology [Naxals, Red Army]. For some it can be religious [Punjab terrorism] etc.

Sources of deprivation :-

People may feel repressed and deprived because of various reasons. It can be authoritarian state Gurr point out "there is much evidence...that some patterns of regime coercive control increases rather than decreases the intensity of discontent and can facilitate the transformation of turmoil into fullscale revolutionary movement"⁴⁴. It can be socioeconomic disparity minority complex, ethnicity explosion etc.

One important thing to be kept in mind is that men do not rebel because they are deprived. They rebel only when they become conscious that they are deprived.⁴⁵

Types of deprivation :

⁴³.Runciman, W.G. 1966 Relative Deprivation and Social Justice, Berkeley : University of California Press. p. 9.

⁴⁴.Gurr.1970. p.14.

⁴⁵.It can be compared to what Marx termed as the transformation of 'class in itself' to 'class for itself'.

Gurr⁴⁶.has talked of three types of deprivations -

- 1) Declivity deprivation occurs when the value capabilities of a given population declines drastically but the value expectations remain the same. Bolsheviks collective political violence in Russia in 1917 was due to this type of deprivation⁴⁷.
- 2) Aspirational deprivation occur when the value capabilities of the given population remain the same but value expectations increase. Terrorism in Kashmir valley and ULFA terrorism in Assam is due to this type of deprivations.
- 3) Progressive deprivation occurs when value expectations increase and the value capabilities decline. the Khalistan oriented terrorism is the best example of it⁴⁸. Sense of relative deprivation leads to frustration. A frustrated community strikes at the source of frustration "striking out set may or may not reduce the frustration but it seems to be an inherently satisfying response to the tension built up through frustration. A frustrated person may not succumb to violence. 'Moderates' during Indian, freedom struggle adopt peaceful methods of giving memorandums and making requests. Gandhi adopted the principles of Satygraha, boycott and non-violence. Then why did "extremists" adopted violent methods? Because they were influenced by and convinced about the 'ideology' of violence. For them only

⁴⁶ ⁴⁶.Gurr 1970. p.47.

⁴⁷.Failure of the government to terminate the Russian involvement in the war, led to is swing in popular sentiment in one group - Lenin and his party - that promised immediate peace.

⁴⁸.Ahuja, Ram. op. cit. p.358.

violence was the mean to throw out the source of frustration i.e. coercive British regime ⁴⁹.

Forms of political violence :

Gurr has distinguished three forms Turmoil, conspiracy and internal war. He has placed small scale terrorism under conspiracy and large scale terrorism under internal war⁵⁰. (Gurr 1996, 17).

- 1) Turmoil Relatively spontaneous, unorganized political violence with substantial popular participation, including violent political strikes, riots, political clashes & localized rebellion.
- 2) Conspiracy Highly organized political violence with limited participation including organized political assassinations, small scale terrorism, small scale guerilla wars, coups d'etat and mutinies.
- 3) Internal war Highly organized political violence with widespread, popular participation, designed to over - throw the regime or dissolve the state and accompanied by extensive violence, including, large scale terrorism and guerrilla wars, civil wars and revolutions.

⁴⁹.The British regime adopted terroristic techniques and indulged in large scale killings and destruction in order to suppress the rebellion.

⁵⁰.In the common parlance, violence is defined as illegalexercise of force. Cluede Alvares defines violenceas "Physical and mental harm to living organisms" [Science, Development and Violence: A revolt against modernity, Oxford University press Delhi 1992 page 64]. The United States National Commission on the causes and prevention of Violence' defined violence as " the threat or use of force, the results or is intended to result in the injury or forceable restraint or intimidation of persons or the destruction or forcible seizure of property. [Ghosh, S.K. Politics of violence - Down of a dangerous era. Ashish publishing Houses New Delhi, 1992, page 11]

Violence as Ideology

Violence sometimes become an ideology. Mentally normal people buy the ideologies of violence constructed by some intellectuals. Some people prescribe violence under certain conditions while for others it cannot be avoided and they preach it as a way of life. "Violence alone, violence committed by the people, violence organized and educated by the leaders make it possible for the masses to understand social truth and gives key to them [Franz Fenon : Wretched of the earth page 118] France soirel [1847-92] in "reflections on violence" claim that disappearance of violence from socio-political life was on illusion. He looked upon violence as a protector of society. For him violence was better than craving intrigue.

Jus insurrection and application of unlawful methods as a last resort to escape from the intolerable tyranny of the government is a natural right allowed even by theologicians like Thomas Aquinas. Marcuse "one dimensional man" talks on same lines. For Marx, violence could be used not by individual but by social organization when social conditions were favourable for it. [D.L.Choudhry, in Sehgal, B.P.1995.

p.76- 83] coming to the issue of use of violence by state, it was Machiavelli who gave the Prince, that it the state, the monopoly of violence and sanctioned use of torture, assassinations etc [Lord Acton considers Machiavelli as the

teacher of modern political violence.]

Max Weber (1958) wrote that violence is a means specific to the state and that the right of physical violence is assigned to all other associations or individuals only to the extent permitted by the state. Thomas Hobbes conceived the sovereign's control of coercion to be the foundation of the state and social conditions [Leviathan Oscpord Basil blackwell 1946].

Accordingly we can say that violence in society is backed not only by socio-psychological, economic and political cases, it may have the solid foundation in of some ideology of violence, ideology of violence may be appropriated by certain groups or state or both.

Democracy and Terrorism.

According to David Beetham and Kevin Boyle,, "Democracy belongs to sphere of collective decision making....Democracy, in other words, entails the twin principles of popular control over collective decision making and equality of rights in the exercise of that control'⁵¹. In a deomocratic state people's demand - the voice of majority- is the deciding factor. It impels that people have right to change their rulers and the by control the decision making process at the top level. Democracy invites people's participation and involvement in decision makeing.It tends to promote debate, compromises and consensus thereby under mining

⁵¹.Beetham David and Kelvin Boyle (1996). Democracy,
New Delhi : National book trust.p.1

disorder and violence⁵². It is therefore ironical that democracy witness political violence. No doubt, terrorism strikes at the very heart of democracy. It provokes a repressive reaction on the part of the state. How come political terrorism has continued unabated despite the achievement of democracy almost all over the world ?⁵³ Does it empty that there is something fundamentally wrong with democratic system⁵⁴ ? The question requires deep analysis is . Isn't it ironical that societies with greatest injusties and sepression have largely been free from terrorist violence⁵⁵.

Terrorists thrive in democracies because

- a) Democratic states guarantee a range of civil liberties hence they can organize.
- b) Free press and freedom of expression helps in propaganda. However, the price of tackling terrorist is such that these democratic freedom may have to be curtained⁵⁶.

People resort to arms and terrorism when the "revolutionary potential" is high. It happens when

⁵².Kumar Ashutosh : "Terrorism & Democratic Regimes" in Sehgal B.P. op cit pp 89-92.

⁵³. Crenshaw Martha : 1983 Terrorism, legitimacy, and power Middletown Wesleyan University Press p. 33-34.

⁵⁴.What went wrong in Indian democracy is discussed in the fourth Chapter.

⁵⁵.Crenshaw, Martha 1983 op. cit.

⁵⁶.Singh,Randhir "Terrorism, State Terrorism and Democratic Rights "Economic and political weekly. February 8, 1994.

- 1) authority is weak, distant, alien and appears illegitimate.
- 2) Because of socio-cultural fragmentation, large sections are not positively identified with rulers.
- 3) state apparatus, especially the judiciary fails to ensure justice ⁵⁷.

State and society are both tension creating and tension resolving devices. People get alienated when the second role gets defunct. Ved Marwah (1995, 11-12) points out that the process of alienation and dehumanization goes through three stages of development (a) Crisis of confidence (b) conflict of legitimacy (b)Crisis of legitimacy. During the first stage, confidence of people in the political structure gets eroded and protests demonstration are organized. In the second stage, due to rampant nepotism and corruption people get agitated and demand complete transformation of the political system and bureaucracy. This is what happened in Kashmir. During the third stage of crises of legitimacy, the delegitimization of political and administrative system is extended to every person associated with it. These three stages are common of all types of political terrorism.

Terrorism and Socio- Cultural Factors:

The phenomena of terrorism has social causes and repercussions. we cannot analyse it without keeping it in particular socio-cultural setting. Gurr (1970. IX) says that all

⁵⁷.Sigh, Shailender : "Terrorism today; why people turn Terrorists" in Sehgal, B.P. op. cit p. 84-88.

people have capacity for aggressions but only some people turn violent. The given socio-cultural economic and political factors play a vital role in the making of a terrorist. Culture emphasizing non violence will definitely contain and control terrorism-instinct⁵⁸. At the sametime other factors- acute poverty, discrimination based on the considerations of race, caste, religion result in lopsided growth and gives birth to minority complex; the periphery starts thinking that its development is unsure till it depends on the core⁵⁹.

Hence frustration starts accumulating. Terrorism is phenomenon of fast changing world. Modernization and nation building in various stages of development are creating social tensions leading to religious, ethnic, linguistic and other kinds of conflict Prof. Yogendra Singh (1993; 69) says that "the conflict between the caste and class as also the demand for separation or autonomy are related to structural changes in society, caused by the social and economic change since independence. The rise of new middle class among these groups seems to hold the key to such processes. It is in turn related to the character of the social development"⁶⁰. Terrorism emerges when there is conflict between tradition and modernity.

⁵⁸. Freud gave the concept of death instinct which is inherent in all people. Terrorism-instinct is learned and becomes an important part of human social-psyche.

⁵⁹. This is what happened with North East states in India. Uttarakhand, Jharkhand issues are based on the same dynamics.

⁶⁰. Singh Yogendra (1993) Social Change in India : Crisis and Resilience. New Delhi : Har Anand Publications.

Again the common factor for the growth of terrorism is the presence of sub-cultures in countries like India which are segregated ethnically, socially and by religion. Stimulated by religious ideology, terrorism elevates politics to the status of a quasi religious movement. Terrorist violence is politically motivated but its logical base in Kashmir and Punjab is built around religious fundamentalism. The orations in the Gurudwara's in Punjab, the Mosques in Kashmir have played the most crucial role in mobilising the people behind the terrorists [Ved Marvah 1995; 6-7].

Terrorist violence provides an exit for pent up frustration and anger. Moreover participation in terrorist activities provide sense of identity and power to the terrorist. Mary E. Clark (1989; 424-25) is right when she points out that terrorism will grow into a full fledged full time profession for unemployed and frustrated people in future for it apparently involves glamour power and wealth⁶¹.

Mass Support :

People in general may not participate in terrorist activities even though they support the cause or methodology or ideology or all factors. Verma [Tiwari S.C. 1990; 233] has given some indicators of the characteristic mass support. These are : Supporting the ideology or cause, agreeing with methodology,

⁶¹.Clark, Mary E. (1989) *Aviadhne's Thread : The Search for new modes of thinking*. New York : st Martin's Press.p.424-425

providing money and material, non-violent participation in rallies, supplying arms and ammunition, providing shelter or harbouring, vocal or written (in media etc) support and active participation in movement (violent support)⁶².

Terrorism : Its Immediate Influence on Society :-

Terrorism create a state of mind where anxiety and fear dominates the people's thinking and behaviour. Streets become deserted when it gets dark in evening and except the sound of gunfire here and there, there is deathly silence everywhere. The essential services do not function properly. In this environment rumours fly around and people start believing everything [Marvah 1995; 6].

Terrorists impose certain social codes undermining the freedom of expression and belief. Other communities are visualizes as enemies. In Punjab and Kashmir, they were able to close cinema houses & other places of entertainment, liquor shops were gutted; marriage processions were restricted (in Punjab), the religious myth were given new meanings and the people were asked to amulet their folk heroes to fight against "repression and injustices".

In terrorist affected areas, women in particular are discriminated against and denied equality even the existence as

⁶².Verma, B.B. 1990. "Understanding terrorism". in Tiwari, S.C, 1990, New Delhi : South Asian Publishers.p.233

dignified human being. They have to observe strict dress codes ["burgas" etc.]. They are raped and used for other purposes both by terrorists and security forces. They have to face embarrassment & torture at the time of house searches etc.

So we have understood that terrorism stands between state and society, the greater the distance between the two, the larger shall be the "playing fields" for terrorists. Terrorists mostly target state and its agents. They use the tactics of "terror" so that people feel insecure and question the legitimacy of the state. Propaganda is very important in terrorist strategy and media plays a vital role in spreading sensations of terrorism in society. Now let us discuss the relationship between terrorism and media.

Terrorism and Media.

"Terrorism is theatre"

-Brian Jenkins⁶³.

Society will continue to pay a price in violence for its insistence on being entertained by violence⁶⁴.

Terrorism is defined as the use of violence. Where its most important result is not the physical and mental damage of

⁶³. Jenkins, Brian "International Terrorism : A new mode of conflict California Arms central & Foreign Policy" Seminar December 1975, p 4.

⁶⁴. Mody, Newaz B. 1990, "Terrorism and the Media", in Tiwari S.C. op cit. p. 80.

the direct victim but the psychological effect produced on someone else. Terrorist wants to publicise his issues, he wants others to watch him and sympathise with him, he wants to tell people - upto the last man on the street - that he is not a criminal or insane murderer, he wants to send the message that he is out there for some justified cause. His aim is to "kill one and frighten ten thousand". [A Chinese saying] He wants a lot of people watching rather than, a lot of people dead [Brian Jenkins 1975]⁶⁵. The opposite is true of state terrorism. State agencies always want to conceal their identity and may take the extreme step upto the blackout of media. This occurs mostly during emergency and authoritarian regimes [Sharma. D.P. 1992; 137]. Here we shall focus on terrorism against state, and its relationship with media.

Media includes newspaper, radio, television, magazines, films etc. The five basic functions of mass media are informational, judgemental, educational, interactional and recreational⁶⁶. The item to be reported must be timely and newsworthy. Terrorist activities are by nature news worthy because they affect our lives. Everyone or anyone is a potential victim anywhere.

There has been a correlation between innovation in media technology and escalation of global terrorism. Before 1950

⁶⁵. Jenkins, Brian International Terrorism A Balance sheet Survival Vol 17. No 4. July-August 1975 p 158.

⁶⁶. Bassiouni Chelif M. "Problems in Media coverage of State sponsored Terror-violence incidents". In Freedom, Lawrence Zelic and Alexander Yonah (Eds) 1985 Perspectives on Terrorism, Delhi : Hindustan Publishing Corporation.

newspaper dominated the mass media, then come television which entered our living rooms and our minds. It definitely magnifies and glamorises an event. Incidentally the world has witnessed a steep rise in terrorist organizations in 60s and 70s. Now terrorists had media at their service for propaganda purpose, which is a significant dimension of political terrorism⁶⁷. Terrorism is often called "propaganda by deep". Media conveys the terrorists message to millions nation wide and worldwide. Walter Laqueur has called the media the "terrorist's best friend" Mrs. Thatcher banned the BBC documentary 'Real lives - At the edge of the union' over IRA terrorists because she wanted to starve terrorists of "the oxygen of publicity" [Willkinson 1986, 176] Crelinsten attempts to explain terrorism as struggle over access to the communication structure. The terrorist is political actor who by the use of violence is participating in a particular political discourse. The terrorist act is a claim for attention and ultimately for legitimacy as a valid representative of a particular political cause. In 1975 two Montreal radio stations came to be known as the electronic 'mailboxes' for the two terrorist cells each of which sent the majority of their communiques to one of the two stations⁶⁸. World come to know

⁶⁷. Propagand is defined as any information, ideas, doctrines or special appeals disseminated to influence the opinion, emotions, attitudes or behaviour of any special group in order to benefit the sponsor either directly or indirectly, Tugwell, M., "Terrorism & Propaganda: Problem and Resonse". In Wilkinson Paul and Stewart A.M. (eds) Contemporary Researchs on Terrorism, Aberdeen : Aberdeen University Press, 1987. p. 409.

⁶⁸. Crelinsten, R.D. power and meaning : "Terrorism as a struggle over Access to the communication System" in Wilkinson, Paul et.al.(eds). Contemporary Research on

about Palestinian Question only after the, abduction and murder of eleven) Israeli athletes at the Munich Olympics in 1972; and the incident was watched by about 50 million television viewers⁶⁹. In one incident members of Baader Meinhof gang in West Germany Kidnapped west Berlin mayoral candidate, peter Lorenz and the nation's televisions screens served the master plan of the Kidnappers for 72 hours.

Hijacking and hostage takings are done to publicise the issue and to mobilize supporters word wide. The role of cameramen covering terrorist activities has been described by Alvin Toffler (1991, 246) as motivating a "snowball effect". By focusing a hand held camera, a reporter can instantly project even the tiniest group of political cranks or terrorists onto the world consciousness and give it far more importance than it could garner on its own. Once this happens, the group becomes news and other "media" cover its activities, which in turn makes it still bigger news. A "positive feedback loop" is set up⁷⁰.

Media coverage of terrorism may have mainly four types of effects:-

1) The reporting of acts of terrorism may encourage others to engage in such conduct. This is describes the contagious

Terrorism op cit p. 419-450.

⁶⁹.Ghose, S.K. 1995 Terrorism : World Under Seize New Delhi : Ashish publishing house.p.172

⁷⁰.Toffler, Aluin 1991 Power Shift New York : Bantam books.p.246.

hypothesis. The selection of tactics and ideology has been critically influenced by the transnational flow of information that publicizes & sensationalise certain terrorist acts.

2) A groups enthusiasm may dampen if media successfully portrays the failure of terrorist acts due to effectiveness of law enforcement agencies.

3) In the beginning terrorism and counter terrorism become consumption items for media addicted and excitement starved middle class. Right kind of media coverage provide the middle class with the slight delectable touch of nervousness, which thrills but does not kill⁷¹. But continuous media coverage produces immunization effect. In a general environment of intimidation & fear, people accept violence & terrorism as way of life.

4) Media reporting is likely to endanger hostage is lives and may interfere with effective law enforcement response.

As for law enforcement agencies are concerned sometimes media reporting proves dangerous and a headache Media may unwillingly serve as the intelligence arm of the terrorists when they broadcast vital information involving hostages or strategy involving law enforcement officials. A study showed that 93% of police chief believed that line television overage of terrorists acts encourage terrorism [Nawaz B. Mody, in tiwari S.C. 1990, p 179].

However media coverage also offers two advantages

⁷¹.Nandy Ashis, "Terrorism - Indian Style", Seminar, 401. January 1993.

- 1) It becomes a tool of negotiation.
- 2) Media coverage can provide information which law enforcement agencies cannot obtain.

Now we turn our attention to print media. Newspapers publish terrorist activities because of various reasons ⁷²

- a) Due to professional reasons because of a terrorist act may be a big scoop, it attracts attention instantaneously.
- b) Due to other motives born out of religious or linguistic affinity.
- c) Due to sympathy with the cause espoused by the terrorist groups.
- d) In order to spite the administration by showing the powers of the press or to settle scores with the present rulers.

To get publicity it is imperative that media is persuaded, cajoled or intimidated to fall in line or even to submit. After gaining control of newspaper, terrorists start enhancing their credibility and undermine that of state. Regional and vernacular news paper fall easy prey to pressures by terrorist outfits. The press in Tamil Nadu was mesmerized by the LTTE militant till Rajeev Gandhi's assassination. People war group influenced the Telegu press and ULFA, Naga Youth Liberation Front etc were written about in effusive terms by North East press. In Punjab newspapers were forced to publish announcements of Bhog ceremonies if militants killed in encounters. In 1991

⁷².Satpal Saini "Media & spread of Terrorism" in Sehgal, B.P. op. cit. p. 129.

a Panthic code of conduct for the press was formulated and enforced. Hind samachar group of newspapers lost two of its owner editors, many employees, howkers for not conceding their dictates. Administration was forced to issue press releases in Punjab instead of English. Similarly the Srinagar press gave prominence to terrorist activities and their "successes." Newspaper "Srinagar Times" on 20th Feb. 1994 reported the statement of the acting chief of JKLF who named in all eight newspapers which were "supporters" of the on-going movement.

A committee under B.G. Verghese appointed by the Press Council of India in 1991, reported that insecure reporters were made to follow militants dictates. Report opined that "Kashmir Press feels trapped. It is damned if it does and damned if it does not; according to some the balance maintained in reporting atrocities by militants and some excesses by Security forces is not objective but subjective. It is done deliberately to "please both sidesthe militants are also waging psychological warfare, using
alination, appeal to fundamentalism, disinformation and propaganda-all weapons in their armoury. the media is possibly the most potent instrument for this purpose"⁷³.

Censorship :-

If media is used by terrorists then why not censor the media. It is not that simple. Suppression of news give rise to rumours. In the wake of operation Blue star, press censorship was

⁷³.ibid p.131-132.

imposed in June 1984 and rumourmougers has field day. Mass exodus of villagers and serving army men wanting to reach Amritsar was reported as they feared complete destruction of the Golden Temple in the army action [Sharma D.P. 1992, 140] In the absence of authentic news, confusion is created and people start believing everything. Media blackout may backfire and perhaps force terrorists to escalate the levels of violence in order to attract more attention. The government of India banned publication of the "Ajit" newspaper in Punjab for its alleged sympathy to a terrorist group in Punjab. However opposition members of parliament defended Ajit's actions on the ground that the editor had been forced to publish the item due to pressure from the terrorists and not of his own volition and therefore the newspaper should not be banned [Nawaz B Mody 1990, 189 in Tiwari S.C. 1990, 189].

Role of media also becomes important in controlling terrorism because media can change public opinion. what steps media particularly press should take are discussed in the section dealing with countering terrorism.

Chapter II

HUMAN RIGHTS

"The means by which we live have outdistanced the ends for which we live. Our scientific power has outrun our spiritual power. We have guided missiles and misguided men" -

Martin Luther King Jr.

Anyone can live sweetly, patiently, lovingly purely, till the sun goes down. - R.L.Stenvenson.

Human rights have been derived from the idea of natural rights. before we understand Natural rights, let us first find the meaning and implication of term "Right".

The dictionary meaning of right is-a lawful entitlement ' or a just entitlement'. This entitlement is based upon various factors like law, custom and morality.

Social structure is a matrix of rights and duties. The practice of rights is a social practice for it involves the participants in a patterned interrelationship and interdependencies Rights provide the individual with atleast some of the elements of a place, an identity, a role in the social milieu [Flathman 1976, 183-97]

Flathman explains about rights -

- 1) The practice of right involve language & shared value.
- 2) It makes the actions of individuals both logically and

practically dependent upon an elaborate network of social rules and shared beliefs and network of social relationships and social structure.

c) It involve the existence & acceptance of authority and presupposes acceptance of and some degree of subordination to authority. The charges of 'atomizing' and fragmenting individuals is simply not cogent.

d) It enmeshes individuals to the interactions in highly structured type of relationship that involves mutual obligations Milne (1986; 115) goes to the extent of suggesting that there have to be rights, if there is to be any social life at all. The concept of claims is significant in understanding rights. Rights are the claims supported by or are in accordance with some objective standards - code of morality, ethical theory, political theory or legal system. So its not only through custom, rights can also be defined and conferred by legal rules under the general principle of the "rule of law".

According to Hohfeld there are four kinds of rights- Claims, Privileges or Liberties, Powers, Immunities. Milne (1986;89-93) distinguishes between two type of rights

- 1) Right of action-Entitlement to do something or to be treated in a certain way
- 2) Right of recipience - "Entitlement to receive something or to be treated in a certain way. Again elective rights are where one has choice and one is responsible for their exercise. Non elective rights normally exclude choice.

The word nature literally means the innate quality or

tendency of the things or objects. Natural rights are founded upon the idea of natural law. According to Fuller, natural law implies that "there is an ideal system of law dictated by God, by the nature of man or by nature itself¹. Natural rights cannot be taken away, since these are the rule of life created by nature itself. the rights bestowed to us by Dharma are natural rights. the idea of natural law and Rights has influenced modern Judicial systems and constitutions. It is claimed that the doctrine of "Judicial Review" and "Due Process of Law" in the US constitution are influenced by natural laws & rights concepts². Fundamental rights incorporated in Indian constitution [Part III] are the modern names of natural rights.

The philosophical, analysis of natural rights find its roots in Hobbes and Locke. According to Hobbes state of nature imply a condition in which there is no government or organized political community. The "natural right" was to use power to save one's life but this natural rights to self preservation was only a "liberty" and did not impose duties upon others³. Since each individual was a threat to every other individual, the state of nature was the state of war. For Hobbes, the creations of political society required men to renounce their natural rights (with certain limited exceptions) and to submit themselves to a

¹.Fuller, Anatomy of the Law, P. 117, as quoted in Chitkara, M.G.(1996),Human Rights :Commitment and Betrayal, New Delhi: APH Publishing Honsel p10.

².Chitkara (1996), op. cit. p 11.

³.The rights which impose duties upon others are called claim-rights.

ruler whose authority was unlimited.(Peter Jones, 1994; 73-74]

In Lockean tradition natural laws are part of a 'natural order of things', often understood as deriving from God, the rights deriving from natural laws are not man made. Locke gave the fundamental law of nature: "No one ought to harm another in his life, health, liberty or possession". These laws and rights continued even in political society. Now interpretation of natural laws, judging and punishing offenders would be performed on behalf of all members of the political community by a single authority. Political authority was to protect their natural rights to life, liberty and property. [Jones, 1994; 76] consequently the primary function of the government was to uphold the natural rights of man. Locke's idea of limited government and natural right became part of various declarations. The American Declaration of Independence of 1776 state that - to secure these rights [rights to life, liberty and pursuit of happiness] governments are instituted among men, deriving their just powers from the consent of the governed. The French Declaration of the Rights of man and the citizen of 79 stated that "the end of all political associations is the preservation of all natural and imprescriptible rights of man"⁴. It stated in other words that government which significantly infringed its citizens natural rights lost its own right to rule and could legitimately be overthrown.

⁴.Jones, Peter 1994 Rights Macmillan.p.78.

HUMAN RIGHTS : DEFINITION

As state above Human Rights is the modern name of natural rights. According to Beetham and Boyle [1976;78] human rights are individual entitlement derived from human needs and capacities. Milnere [1986;124-116] argues that they are the universal moral rights in the sense of being applicable to all human beings in all communities and associations. Cranston (1973;5-7) says that human rights are a form of moral rights, they are different from moral rights, being applicable to all humans at all times in all situations⁵. Agarwal relates the idea of human rights to the idea of human dignity - all those rights which are essential for the maintenance of humans dignity may be called human rights. On the other hand Macfarlane[1985;13-16] highlights the aspects of the human rights as legal right. If the laws are contradicting human rights, they are unacceptable as the rule of law is antithesis of arbitrary government⁶.

⁵.When human rights are upheld by positive law and where people have what they ought to have- human rights are both ~~mal~~ rights and positive rights.

⁶.Two requirements of the rule of law are
a) No statute should be ambiguously phrased so as to give authorities unrestricted discretionary power.
b) No one should be kept in detention except under provision, which provide for trial before a public court. Detention before trial generally becomes detention without trial.

As understood today they are the rights which apply to everyone exclusively from the fact of being human, irrespective of nationality, sex, marital or material status, occupation or any particular social or cultural characteristics. They are liberties taken for granted as the basis of "just society" ⁷. We can define human rights as those conditions which are inherent to nature and without which one cannot live as a human being. These rights and fundamental freedoms allow one to develop fully and use one's human qualities, intelligence, talents, and conscience to satisfy one's spiritual, physical, social and other needs. They demand a life where each human being will receive respect and protection.

Milne [1986;124-16] argues that human rights are not ideals, they are 'minimum standards' applicable to all cultures and civilizations, irrespective of difference between them'. In saying this Milne has overcome several objections raised against human rights like -

- a) The inherent idea of liberal democracy and social welfare makes it irrelevant to much of humanity.
- b) Any kind of ideal standard ignores cultural diversity.
- c) It ignores social basis of personal identity.
- d) The nation of rights is not found in all societies and is not necessary for social life as such.

⁷.Khanna, Gopesh Nath," Universal Declaration of Human Rights and some recent policy measures in India", Social Action, vol. 40, January March 1990.p.23.

He gave seven main rights which can be classified as human rights, these are - rights to life, right to justice in the form of fair treatment, right to aid, right to freedom from arbitrary interference, right to honourable treatment, right to civility, right to care in case of children.

According to Selby (1987;9-11) human rights can be divided into two categories.

- 1) Liberty oriented rights, which give individual freedom of action and choice. These rights demand minimum interference of the state.
- 2) Security oriented rights, which seek to protect people's physical, material, social and economic well being. These rights demand more interference of government.

HISTORICAL DEVELOPMENT

Human beings have, added many unbelievable achievements to their account, from the study of anatomy of microorganisms to the analysis of black holes, they have proved their worth. Their most important endeavour has been in the field of human rights, which is related to the maintenance and preservation of dignified and rational human life on earth.

No doubt, every society and religion has some concept of the rights of human being, some revolutionary events have influenced the universal ideology of human rights. Some of them

are Magna Carta (1215), The Bill of Rights (1689), The Habeas Corpus Act (1679), Rights of Petition (1776), Declaration of Rights of Man and citizen of France (1798) communist Manifesto (1848), The treaty of Vienna (1815), The Geneva conventions (1864), The Brussels Conference (1889), Hague Conventions (1899 and 1907), The treaty of Versailles (1917), and so on⁸.

Famous Magna Carta of 13th century was basically a compromise between king and feudals and it laid down some concessions for general people also. The Bill of Rights of 1689 (Britain) provided for the supremacy of law by denying the royal power to suspend it.

A big step was taken-in declaring the role of state as humanist in the American Declaration of Independence of 4th July 1776, which laid down that to "secure the right of life, liberty and pursuit of happiness" governments are instituted among man. It also declared that people have rights to change an arbitrary and authoritarian government. The French declaration of the Rights of man and citizens. of 1798 proclaimed that 'all men are born free and equal'. The state is held responsible for the 'natural and imprescriptible rights of man'.

In the mean while, in England, the independence of judiciary was established in 1701, Habeas Corpus Act provided freedom from arbitrary arrests and the beginning of religions

⁸.Khanna, *ibid*,p.24.

freedom is marked by the Toleration Act of 1689. The movement to put an end to the practice of slavery were perhaps one of the first step taken universally to give practical shape to human rights⁹. Rossevelt's four freedoms'- freedom of speech, freedom of religion, freedom from want and freedom from fear, declared in 1941 proved to be foundation stones for the doctrine of fundamental human rights in the United Nations Charter. The preamble of the charter of the United Nations proclaimed-

"We the people of the United Nations, determined to reaffirm faith in fundamental human rights, in the dignity and worth of human person, in equal rights of men and women and of nations large and small.....have resolved to combine our efforts to accomplish these aims"¹⁰.

The biggest landmark came in the shape of the Universal Declaration of Human Rights UDHR , which was adopted on December, 10th, 1948 by the General Assembly of the United Nations in Paris Mrs. Eleanor Roosevelt who chaired the session hoped the Declration would be "the magna Carta of all mankind"¹¹.

⁹.Tarkunde, V.M. : Manvadhikaron Ka Darshan in Rajkishore (ed). Manvadhikaron ka Sangharsh. 1995. New Delhi : Vani Prakashan.p.34.

¹⁰.Robertson, A.H. 1982 Human Rights in the world : an introduction to the international protection of human rights, II edition. Manchester : Manchester University Press.

¹¹.Quoted by Sorabjee, Soli J. "State of Human Rights" Social Action, vol. 40.January - March 1990. p.17.

The UDHR is a pledge by every nation to promote fundamental rights as the foundation of freedom, justice, equality and peace. It was not part of binding international law. Legal force has been given to the principles of the Declaration by two covenants - one on economic and social rights, the other on civil and political rights, adopted by the United Nation in Decembr 1966 that came into force in 1976. Two third of the world's states have now ratified those instruments [Beetham and Boyle, 1976; 78]. The UN also adopted an optional protocol to the International Civil and political covenant, which provides individuals with a rights of petition to the monitoring body for this covenant - the Human Rights Committee - if their rights were violated by their government, provided the states have also accepted this protocol. The Declaration, the two covenants and the Optional Protocol are together known as the Internaional Bill of human rights. Besides there are many regional coventions, such as the American covention on Human Rights, the African Charter on Human and People's Rights and the European Covention on Human Rights.

Recently the understanding about human rights and the duties of global community were confirmed at the world conference on Human Rights held in Vienna in June 1993-

All human righthts are universl, indivisible and interdependent and inter-related. The international community must treat human rights globally in a fair and equal manner on the same footing and with the same emphasis. While significance

of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of states regardless of their political economic and cultural systems to promote and to protect all human rights and fundamental freedoms (concluding Document, para3)¹².

Classification of Human Rights :- Civil and political rights include the right of life, freedom from torture, freedom from forced labour, freedom from arbitrary arrest, the right to fair trial, freedom of thoughts, conscience, religion or belief, the right to private life, the freedoms of speech and association and the right to take part in public affairs. These rights require a state to refrain from action or interference with individuals or groups.

Examples of economic, social and cultural rights are the rights to food and to health, to an adequate standard of living, to equal pay for equal work, to social security, to work, to strike, to housing, to education and to participate in cultural life. These are typical rights that require a state to act on behalf of people to ensure these rights.

HUMAN RIGHTS : SOME ISSUES

The issue of human rights is not without controversies. Human rights have been analysed and interpreted from different angles which gave birth to confusions, ambiguities and also contradictions. We shall be dealing with some of the controversies one by one.

¹². As quoted in Beetham and Boyle 1996 Democracy New Delhi - National Book Trust.

The first issue pertains to the hierarchy of human rights. Are some rights preferred to other? Can we count certain rights which we cannot suspend even during emergency? Some rights are so basic that they embody a core of essential human values. These rights are called 'core rights'¹³. To suspend them is to destroy the basis of civilized state and law, without these rights, civilized life become impossible and meaningless. The European convention on Human Rights (1950) made only four rights non-suspendable; the International Covenant on Political and Civil Rights (1966) increased the number to seven while the American Convention on Human Rights (1969) gave eleven core rights. In general there are eleven rights which are considered as non-derogable and non-suspendable in any kind of emergency -

- 1) Right to life
- 2) Prohibition of torture
- 3) prohibition of slavery or servitude
- 4) Prohibition of retroactive criminal laws
- 5) Right to recognition of legal personality
- 6) Freedom of conscience and religion
- 7) Prohibition of imprisonment for breach of contractual obligation
- 8) Right of the family
- 9) Rights of the child
- 10) Rights to nationality
- 11) Right to participate in government

[Sorabjee. 1990,20]

Second issue is the meaning of the rights of life, liberty and property. Right to life is most fundamental since being alive is a pre-requisite of enjoying other rights. It includes right not to be murdered, right to be protected against personal injury. We know that life may be threatened by disease

¹³.Sorabjee. 1990, op.cit. p. 20.

or famine, thus the right to life may become linked to rights to certain material goods and services. Rights to liberty does not mean that we are free to do whatever we may like. It usually means the right not to be enslaved [Article 4 of the U.N. declaration]. It also provides certain liberties like rights to freedom of opinion and expression, freedom of religion, freedom of movement, freedom of association and freedom from intrusion into one's privacy. The right to property (UN declaration Article 17) is usually left unclear i.e. its scope and contents have been understood in different ways [John Peter 1994;83].

The next issue is regarding Human Rights and citizen Rights. People's possession of human rights does not depend upon a formal recognition by government or law that is why we can speak of government and law "violating human rights". Hart called human rights as "general" rather than special rights¹⁴. The French Declaration of 1789 distinguished between rights of the man the rights of the citizen. Individual posses two kinds of rights - (a) Rights which they hold with all other human beings, in all circumstances (b) Rights which they hold only as citizens of particular state. These two types of rights may overlap and most of the citizen rights may be conceived as articulating the constraints which human rights impose on the powers of government.

¹⁴.Hart, H.L.A. 1967, Are there any natural rights ? in Quinton, A (ed).Political Philosophy Oxford : Oxford university Press p.53-66.

And now we take up two most significant and interrelated issues 1) Cultural Diversity Vs. Human Rights. 2) Priority to social, cultural and economic rights as compared to civil and political rights.

It is alleged that the human rights is an instrument in the hands of the west to control the developing world. Is it a sign of new western hegemony or imperialism? Is this doctrine an arrogant assertion by one culture that its values should take priority over and if necessary displace those of all other cultures?

It is said that human rights in West are founded on individualism and therefore have no relevance to Asia, whose culture is based on the primacy of the community and family life.

In its White Paper 'Human Rights in China (1991), the Chinese government stated that "Despite its international aspects, the issue of human rights falls by and large within the sovereignty of each state....the evolution of the situation in regard to human rights is circumscribed by the historical, social, economic and cultural conditions of various nations and involves a process of historical development....(so) countries differ in their understanding and practice of human rights¹⁵".

¹⁵.As Quoted in Ghai, Yash - 'The Asian perspective on human rights'. The Administrator : special issue on human rights New Delhi : Wiley Eastern limited, 1994, p. 6.

An official statement of the government of Singapore "Shared Values" (1991) argued "can we build a nation of Singaporeans in Southeast Asia on the basis of values and concepts native to other people, living in other environments¹⁶."

In brief, the world stands sharply divided with the West echoing universalism and the East resounding with cultural pluralism. The US Secretary of the State, Warren M. Christopher's Warne's that they cannot let 'Cultural Relativism' become the last refuge of repression¹⁷.

There are two implications of this relativist position on Human rights (1) Restructuring Civil and Political Rights in the name of conditionalities of political stability - preventive detentions etc. (2) The economic backwardness of Asia has been used to establish the Primacy of economic development over human rights. Yash Ghai (1994) goes to the extent of saying that Asian governments seek to promote the ideology of Developmentalism which justifies the repression at home and the evasion of responsibility abroad.

With regard to the controversy of cultural diversity, Peter Jones (1994, 214-215) says that the liberal tradition in which rights thinking has been most firmly embedded is one which

¹⁶.ibid.p.6

¹⁷. Gupta, Vijay K. in editorial The Administrator (1994) op. cit.

has sought to accommodate and to celebrate human diversity rather than reduce all humanity to a single pattern of life. It may be argued that human rights can be and have to be realized in different ways in different societies. The Human rights theorists hold that all human beings must be respected. Respecting human rights and respecting cultural diversity may therefore be closer in spirit. What to do if the beliefs, values and practices of a culture are fundamentally at odds with those of the doctrine of human rights? What if it endorses slavery and provide different statuses on the basis of race, sex or caste? We should not forget that part of the very point of the ascription of rights equally to all human beings has been to challenge and to oust contrary ways of thinking. If we are convinced that slavery and apartheid are wrong we should not get threatened if some people oppose us". If we toss aside all talks of rights because there is disagreement about their context, we ought in consistency, to toss aside all morality" [Peter Jones 1994, 222]

Beetham and Boyle [1996,81] argue that there is "no evidence that the recognition or the protection of the individual's human rights damages human solidarity and community" They further add that international human rights law first recognizes a basic level of common Entitlements to human rights for all human beings but beyond that accepts and endorses the entitlement of all cultures to flourish, including those of indigenous peoples.

At the same time, civil and political rights are never inherently opposed to economic social rights. Both types of rights cannot be bartered away. Only a pernicious Doctrine will argue that repression of basic human freedoms is necessary for fulfilling socio-economic rights. This is an excuse which dictatorial regimes conjure up in order to justify suppression of civil liberties"¹⁸.

Finally we should note that the effectiveness of rights depends upon less on constitutional forms than on *political cultures*. If the concern and respect for rights is absent from society's culture, then lack of commitment cannot be made good by constitutional instruments¹⁹.

INDIAN CONSTITUTION AND HUMAN RIGHTS

The concept of Rights in modern India find its roots in Ram Mohan Roy, Mahatma Gandhi, Jawaharlal Nehru, Dr. Bhimrao Ambedkar, M.N. Roy, Ram Manohar Lohia and Jayaprakash Narayan.

On the eve of independence on 15th August 1947, Jawaharlal Nehru committed the country to the right of everyone to a human living when he said - "the service of India means the service of the millions who suffer. It means the ending of poverty and ignorance an disease and inequality of

¹⁸.Nandy Asish, Human Rights Today - Views from the West and East. Times of India 28-9-1994.

¹⁹.We still find cases of Untouchability, Child Labour and Bonded Labour in India, inspite of the fact that our Constitution strictly restricts such practices.

opportunity.....as long as there are tears and suffering, so long our work will not be over"²⁰.

The Indian constitution came into force on 26th January, 1950. Part III of the Indian constitution include fundamental rights, which correspond to a large extent to traditional liberal rights enumerated under Article 1 to 21 of the Universal Declaration (1948). Part IV of the Indian constitution directs the Government to achieve the ideal of welfare state and to secure its citizens certain economic, social and cultural rights. They are, to a large scale, similar to those enumerated under Article 22-28 of the Declaration. Thus to a great extent, the Indian constitution covers the UDHR and in some spheres, goes beyond it. [Khanna 1990, 30].

According to Prof. Upendra Baxi the "theory of rights animating the Indian, constitution has at least three distinctive five features" :-

1) "The constitution distributes rights into judicially enforceable rights [Part III of the constitution] and social and economic rights, which the state must respect in law and policy making as well as in governance [Part IV - the Directive Principles of State Policy].

2) "In many respects the fundamental rights in part III emerge not just as a corpus of limitations on the power of the state,

²⁰.Nehru, Jawaharlal 1971. Collected Speeches 1946-61 New Delhi : Parliamentary Publications.

guaranteeing state free spaces for individual and and collective life projects, but also as an onslaught on intransigent attitude and behaviour in society and culture. In other words through Article 17 (constitutional outlawry of untouchability) and Article 23 (constitutional proscription of many forms of agrarian serfdom and traffic in human being). The constitution directly address and confronts the dominant formation in civil society. The Indian constitution is inaugural in the sense that it enhances the reach of fundamental rights beyond the state to civil society.

3) "The constitution is distinctively solicitous of solidarity rights of linguistic, cultural and religious minorities".

Baxi further says that since eighties, Social Action Litigation has become very popular. It is itself an extension of human rights and popular movements into state formative practices. Through social action Litigations, the Supreme Court has enunciated many basic rights, which are Rights to dignity, to livelihood, to compensation and rehabilitation - for injuries done or caused by state agents or agencies, to speedy trial, to health, to education and to gender equality²¹.

Indian Constitution and UN Declaration : A comparison

The Fundamental Rights incorporated in the Indian Constitution have a close similarity with the United Nations Declaration of Human Rights of 1948 in form and content which

²¹.Baxi, Upendra. "State and Rights Movement in India" Mainstream Annual 1992. p.37-58.

would be evident from the following table : ²².

<u>Fundamental Rights under the Indian Constitution</u>	<u>UN Declaration of Human Rights</u>
Article 14 The state shall not deny person equality before the law of the equal protection of the law.	Article 7(1) All are equal before the law and are entitled without any discrimination to equal protection of the law.
Article 16 (1) There shall be equality of opportunity for all citizens in matters relating to employment.	Article 21 (2) Everyone has the right of equal access to public service in his country.
Article 19 (1) (a) All citizens shall have the right to freedom of speech and expression.	Article 19. Everyone has the right to freedom of opinion & expression: This rights includes freedom to hold opinions without interference and to seek, receive and impart information & ideas through any media & regardless of frontiers.
Article 19 (1) (b) Right to assemble peacefully without arms.	Article 20(1) Everyone has the right to freedom of peaceful assembly and association.
Article 19 (1) (c) Right to form unions and associations.	Article 23(4) Everyone has the right to form and to join trade unions for the protecton of his interests.
Article 19(1) d) Right to reside & settle in any part of the territory of India.	Article 13 (1) Everyone has the right to own property alone as well as in association with others.
Article 19(1) (f) Right to acquire,hold and despose of property.	Article 17(1) Everyone has the right to own property alone as well as in association with others.
Article 20(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence not be subjected to penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence, i.e. no subjection to ex-post facto laws.	Article 11(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was aplicable at the time the penal offence as committed.
Article 21 No person shall be deprived of his life and personal liberty except according to the procedure established by law.	Article 9 & Article 13(2) No one shall be subjected to arbitrary arrest, detention or exile. Everyone has the right to leave any country, including his own, and to return to his country.
Article 23 Traffic in human beings and beggary and other similar forms of forced labour are prohibited.	Article 4 No one shall be held in slavery or servitude : slavery and the slave trade shall be prohibited in all their forms.
Article 25 (1) All persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.	Article 18 Everyone has the right to freedom of thought, conscience and religion, this right includes freedom to change his religion or belief, and freedom, either alone or in community with other and in public or private, ot manifest his religion or belief in teaching, practice, worship and observance.

²².Adapted from Chitkara M.G. (1996.161-164) and Khanna, Gopesh Nath (1990,31-33).

<p>Article 29(1) Citizens residing in the territory of India having distinct language script of culture of his own shall have the right to conserve the same</p>	<p>Article 22 Everyone, as member of society, has the rights to social security and is entitled to realization, through national effort and international co-operations and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.</p>
<p>Article 30(1) All minorities whether based on religion or language, shall have the right to establish and administer educational institutions of their own choice.</p>	<p>Article 26(3) Parents have prior right to choose the kind of education that shall be given to their children.</p>
<p>Article 31(1) No one shall be deprived of his property save by authority of law. Proposed to be deleted as fundamental right and just in the category of a constitutional right.</p>	<p>Article 17(2) No one shall be arbitrarily deprived of his property.</p>
<p>Article 32 The right to move to Supreme Court by appropriate proceedings for the enforcement of the right conferred by this part is guaranteed.</p>	<p>Article 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him by the constitution or by law.</p>
<p>Article 15 (1) The state shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them</p>	<p>Article (2) All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.</p>

<p>Art. 41 Right to work, to education and to public assistance in certain cases.</p>	<p>Art.23 (1) Right to work, to free choice of employment to just and favourable conditions of work. Art. 25 & 26 Right to education..</p>
<p>Art. 45 Provision for free & compulsory education for children.</p>	<p>Art.25(1) Education shall be free, atleast in the elementary and fundamental stages. Elementary educations shall be compulsory.</p>
<p>Art.05 Right to citizenship</p>	<p>Art.15(1) Right to a nationality.</p>
<p>Art.326 Elections to the House of the People and to the Legislative Assembly of states to be on the basis of adult suffrage.</p>	<p>Art.21(3) The will of the people shall be the basis of the authority of government, this will be expressed in periodic and genuine elections which shall be held by secret ballot or by equivalent free voting procedures.</p>



All human rights are universal



Education in human rights should also extend to public authorities such as police and military

CHAPTER III

TERRORISM AND HUMAN RIGHTS

-----INDIAN SCENARIO

Mere honsle itne buland hein,
Ke parai sholon ka dar naheen
Mujhe khauf A'atish -e-gul se hai
Yeh chaman kaheen jala na de
***** Shakeel Badayuni

(MY Soaring confidence has no fear of alien fires. What I fear
is the fire in the rose, which could burn my garden down

"At the heart of every terrorist action there is a
cause, a political goal, a perceived injustice or denial of liberty
that is as concrete to the activist as any Prime Minister's
notion of justice or freedom. No Political rhetoric can disguise
this fact. No opponent of terrorism should forget this.

---- Stephen Segaller

[Invisible Armies, Terrorism into the 1990s]

Political terrorism as an instrument of power came of
age during the French Revolution in 1793. After the French
Revolution, political terrorism did not score any significant
success until 1921, when the IRA in Ireland used it against the
British. Besides India it was used in Algeria, Cyprus and Kenya
for political independence [Ahuja Ram, 1992 348]. the two most
significant quantitative changes in terrorism during 1960s were -
(a) Its transnational character (b) Its emergence as a self
sufficient strategy.

Between 1969 and 1975 more than forty countries were

involved in terrorist activities.¹

In colonial India, the idea of terrorism entered Indian public life in a significant way after partition of Bengal in 1905. Brahmabandhav Upadhyaya -- a vedantist and educationist -- for the first time made a theoretical case for terror as a possible political weapon in the anti-imperialist struggle. Before the entry of Gandhi in 1920s Bengal, Maharashtra and Punjab spawned a number of groups which could qualify as terrorists². However, due to overwhelming leadership of Gandhi, Non-Violence, Satyagraha and civil disobedience came naturally to the masses.³ Massacre at Jalianwallah Bagh in April 1919. and brutal suppression of the the 'Quit India' movement in 1942 are two glaring examples of state terrorism.

Soon after independence, India faced problems in Nagaland (1951). Mizoram (1966), Manipur (1976), Tripura (1980) and of Gurkhaland; in Bengal (1986). The Khalistan oriented Sikh terrorism was based on a dream of a 'Theocratic state through secession', the Nagaland and the Mizo terrorism was based on the 'identity crisis', the Manipur and Tripura terrorisms was based on 'the grievance situation' and the Naxalite terrorism in Bengal, Bihar and Andhra Pradesh is based on 'class enmity' [Ahuja Ram 1992, 352]

¹. Baljit Singh - in Alexander and Fingre S.M. Terrorism : Interdisciplinary perspective; New York : John Jay Press 1972 p.9.

². Nandy Ashis. "Terrorism : Indian style". Seminar (401) Annual 1993. p.p.35-41.

³. Rustamji, K.F. "Assassination, Terrorism and Security". Mainstream January 13 1996. pp 35-41.

TERRORISM AND LAW :

With the changing nature and pace of terrorism governments all over the world have been making and amending laws dealing with such activities. Britain, in order to tackle IRA, passed Prevention of Terrorism Act in 1973. Some of the strategies were - (i) to shift the burden of proof from state to the defendant (2) to transfer some control away from the judiciary to the executive (3) to give the security forces the right to treat suspected terrorist differently from normal suspects (4) Power of the police for search and seizure were expanded ⁴

Laws related to terrorism in India also include more or less the similar points as inscribed in the British law.

One of the common tool prescribed for tackling terrorism and related activities is 'preventive detention'. The term 'preventive detention' implies detention of persons with a view to preventing him from endangering security of the state, disturbing maintenance of public order or essential supplies and services. Such detention is generally without a regular trial in court of law. Persons detained has no right to Habeas Corpus⁵. In India preventive detention has a long history. From the East India Company

Act of 1784, then to Rowlett Act XI of 1919 and numerous times after Independence, it has reappeared in different names. [Ghosh 1995;399] After independence, Terrorism

⁴. Marwah, Ved. 1995; Uncivil Wars : Pathology of Terrorism in India; Delhi : Indus p. 357.

⁵. It implies that a person is not required to be produced before a judge to prove that the detention is legal.

(Prevention) Act was passed in India in 1950 and it continued upto 1971. In July 1971, Maintenance of Internal Security Act [MISA] came into force. In 1976 Disturbed Area (special courts) Act and in 1977 Defence of India Act was adopted. During emergency, MISA was extensively misused subsequently in 1977, it was repealed by Janta government and Disturbed Areas (Special Courts) Act was continued. In 1980 when Mrs. Gandhi regained power, National Security Act [NSA] came into existence. When terrorism in Punjab reached its peak in 1984, Terrorist Affected Area Act was passed. After the Assassination of Mrs. Gandhi Terrorist and Disruptive Activities (prevention) Act was passed in 1985. In 1986, National Security Guard Act was passed.

Besides these the parliament has passed some special laws on terrorism --

- (1) The Anti Hijacking Act, 1982.
- (2) In 1993, the code of Criminal Procedure (Amendment) Act was enacted providing therein an agreement signed between the Government of India, United Kingdom and Northern Ireland extending assistance in the investigation and prosecution of crime and forfeiture of properties obtained from the commission of terrorist acts.
- (3) The SAARC convention, (suppression of Terrorism) Act, 1993 was passed providing for mutual cooperations between members of SAARC to prevent and eliminate terrorism in the region. [Ghosh, 1995 401]

Most of the acts passed by the parliament are reflective of authoritarian regime. These laws provided excessive power in the hands of police and security forces. The

Armed Forces (Special Powers) Regulations Act of 1958 empowers the use of force and even fire causing death, it also empowers use of force and arrest without warrent on grounds of reasonable suspicion.

The Amended National Security Act [1984] makes it almost impossible for a deteneue to challenge his detention. Even if a detention order is held invalid by a court of law, the detaining authority can make another detention on the same grounds. ⁶

The Terrorist Affected Areas (Special Courts) Act 1984 gives a very wide and vague definition of a terrorist-all those who disrupt services or means of communication with a view to causing fear of any section of public or overawing the government establishment are termed as terrorists⁷. This definition can very well apply to various forms of dissent like demonstration or morcha or even a street play. The trial in this case is conducted inCamera, with provision of a summary trial. All offences under this act are cognizable i.e. police can arrest a suspect-without warrent from a magistrate. A bail is practically imposible. The act negates the notion of separation of the executive from the judiciary by empowering the executive magistrate.

The most controvarsial of all laws has been Terrorist

⁶. Tarkunde, V.M. 1986 "A legal commentary" in Desai, A.R. (ed.) 1986 Violation of Democratic Rights in India; Bombay : Popular Prakashan pp. 127-28.

⁷. Desai, A.R. 1986 ibid.

And Disruptive Activities (Prevention) Act or TADA. It was branded as anti Muslim, obnoxious, draconian and anti-people⁸ Mahip Singh pointed out that TADA was worse than Rowlett Act of 1919. PUDR came out with a report -- 'Black Law White Lies (1995 May) and condemned TADA. Justice Rangnath Mishra, Chairman National Human Rights Commission personally wrote to all members of Parliament and requested them to throw out TADA from the law book. The way actor Sanjay Dutt was detained and treated raised many eyebrows and there were protest against TADA all over India⁹ TADA was misused even, against rioters and even against scores of petty criminals, possessing a knife. Several human rights organisations claimed that the police had been using the threat of TADA to extort money from helpless citizens. Politicians feared that the Act could be used by the ruling party to teach a lesson to opposition parties [Ghosh 1995 403-404]

In a state like Gujarat-with no problem of terrorism-18,584 people had been detained. About 95% of persons detained under TADA were acquitted by courts. Till June 30, 1994 out of 41,840 filed cases, 22,493 i.e. 54% of the total never reached a Designated court and the accused were let off after a year in jail (PUDR : Black Law and White lies, May 1995] TADA was repealed on May 23, 1995 and criminal Law (Amendment) Bill 1995 was introduced in the Rajya Sabha.

So gross have been the misuse of these laws that people started speaking of 'state terrorism' or the 'terrorist state'

⁸. Kanchan Gupta; Pioneer 10th May, 1995.

⁹. Rastriya Sahara, Saturday; 20th May, 1995.

in contemporary India. Randhir Singh comments "There is the ever growing draconian legislation and the ever expanding apparatuses of repression and the ruthless use of both everywhere in this vast land of ours. The old, extended or new laws are there -- ESMA, MISA, NSA, different Armed Forces Special Powers ActsTADA and so on - which provided for new structure of authority, new hierarchy of courts, new legal procedures, new range of offences, new and stiffer, penalties, new detentions without trial and new and harsher powers for the paramilitary forces and the Army. New restrictions have provided for the lawlessness of the state, including extrajudicial kidnappings and killings known as 'encounters' and along with 'custodial death' and 'missings' ¹⁰

It has been realized over the years that state violence has its limitations and by itself cannot solve the problem of terrorism. Retired Police Commissioner of Punjab, J.Riberio once said, "you cannot win the war against terrorism till you have the people on your side.... I would have been a happier person while leaving Punjab, if Police Officers , policemen and Government servants had understood this concept and followed it'. ' People do not feel that we are on their side ¹¹. Not only this, the denial of justice and the gameplans of politics can provide impetus to terrorist activities. Ved Marvah, a respected Police Officer once openly said in a press conference that the act of terrorisms in Delhi between 1985 and 1988 were the handiwork of the Sikh Victims of the November 1984 riots at Delhi.

¹⁰. Singh, Randhir "Terrorisms, state Terrorisms an Democratic Rights". Economic and Political Weekly; Feb. 8,1992 p.288.

¹¹. Hindustan Times; 2nd Oct. 1989 and 3rd Oct. 1989.

Jagmohan once claimed that terrorism in Kashmir was product of the pathologies in Indian politics ¹²

National Human Right commission

The protection of Human Rights Ordinance was promulgated by the president followed by the Protection of Human Rights Act which came into force on 28t September 1993. Thus 'National Human Rights Commission' was set up to provide a forum where complaints against violations of human rights can be aired. However, the commission has many shortcomings ---

(a) The Human Rights Commission cannot investigate into the violations of Human Rights allegedly committed by the army and the paramilitary forces of the Union such as the BSF and the CRPF.

(b) The commission will not have independent investigative machinery.

(c) The selection committee for members of the commission consist of leaders of the government in power, with a minority consisting of some leaders of the opposition. As a result commission is not independent of the executive.

(d) State governments have option to appoint the Commission. However, the appointment of the commssion in every state shall have been compulsory ¹³.

INDIAN DEMOCRACY UNDER SEIZE :

¹². India Today 30 June 1990. Also see Ashis Nandy "Terrorism - Indian Style" Seminar; 401: Jan.1993.

¹³. A statement issued by the "Citizens for Democracy" on Oct. 4, 1993. Quoted in Tarkunde, V.M. "Custodial crimes and ways to curb them"; The Administrator; Special Issue on Human Rights; Delhi : Wiley Eastern Limited 1994. p.p.132-133.

Indian democratic system has come to a pass that we cannot hold elections without involving the paramilitary forces of the central and state governments. According to C.P. Bhambhari (1993; 29-30) democratic politics has failed to accommodate some of the genuine demands of competing tribal communities in the North East. Insecurity increased to such an extent that the government had to permit the 'Indian Tea Association' to employ private army of 8000 personnel to protect tea garden employees in Assam.

In Punjab, the politics of bullet emerged because the believers in the politics of ballots indulged in the worst kind of manipulative mechanisms. The congress and the Akali Dal created situations for the emergence of terrorism in the state. Similarly National Conference and Congress are responsible for the emergence of terrorism in the Kashmir Valley because democratically elected leaders of Kashmir alienated the citizens of the state by their acts of omission and commission. Unable to resolve social conflicts, the central and state governments have become excessively dependent on paramilitary organizations. No doubt Pakistan is directly involved in terrorism in Punjab and Kashmir but the primary reasons for terrorism in these two Indian states can be found in the distorted practices of democracy [Bhambhari 1993; 30]

Prof. Yogender Singh (1993; 71-72) asserts that there is widespread and deeper sense of delegitimation about the state sponsored institutions which reinforces the feeling of alienation of people with the state. This situation is used by some sections as ideologies of separation, terrorism and

violence.

Now we discuss the distortions of democratic processes in some states of India where secessionist movements have become a major challenge.

THE KASHMIR CRISIS :

The Kashmir crisis is a saga of identity crisis, manipulation at the centre and state level, rigged elections denial of democratic rights, repression and alienation of people and interventions by other countries. The Kashmir problem has basically two dimensions (a) Internal, which includes power crisis at the state and central level (b) International, which bring in the role of Pakistan and international community as such¹⁴.

Kashmiri psyche is very proud of its identity *Kashmiriat and Azadi*. It was in order to maintain their separate identity that Kashmiri people acceded to India and were promised autonomy. However, all the promises melted away with time and the turn of events made - so far called docile, timid and non martial-Kashmiris into hard core terrorists that our security forces have been unable to fully control them inspite of turning the valley virtually into an army camp¹⁵. Kashmir acceded to India, "it was because by invading Kashmir, Pakistan left them no other choice¹⁶. Then, the common Kashmiris sentiment was that

¹⁴.Kumar Sashi "Insurgency, Human Rights Violations and Human Rights Organizaions" in Sehgal, B.P. 1995.; p.204.

¹⁵. The Hindu; 16 August 1995.

¹⁶. Das, Durga "Sardar Patel's Correspondence" quoad in Puri, Balraj 1993; Kashmir : Towards Insurgency. p.12.

Indians had come to defend their *Azadi*, however, now the word *Azadi* expresses a feeling of alienation from India. Militants trained in Pakistan have assumed the leadership of *Azadi movement*"¹⁷.

Kashmir has been a melting pot of ideas and cultures -- Buddhist, Vedanta, Mysticism of Islam and others. Sir George Grierson says that 'Kashmiri (language) is not of Sanskrit but of Dradic origin. ¹⁸ Cultural and geographical uniqueness inspired collective pride in Kashmiri mind. In 1958, Akbar annexed Kashmir. Since then it was under the rule of "outsiders" -- Maharaja Hari Singh was an outsider and a 'non-Muslims. Quit - Kashmir Movement was leading under Sheikh Mohammad Abdullah, who was detained. This movement matched the aspirations of people.

In 1947, India and Pakistan were divided and the status of princely states remained undecided. In such a time of turmoil, there erupted communal riots all over Jammu and army revolted. On the other hand Prime Minister Mehar Chand Mahajan was proceeding with his plan of making Kashmir a Switzerland of the East. On 29th September 1947, Sheikh Abdullah the hero of Kashmiri nationalism was released. When 'tribal invaders' from Pakistan attacked Kashmir, a reluctant Maharaja signed the instrument of accession to India. It was due to pressure from Abdullah and Muslim leadership.

This did not end the uncertainty over the final status of the state because :

¹⁷. Puri, Balraj 1993 p.13.

¹⁸. Quoted in Safi, G.M.D. Kashir 1947 Vol. p.19.
see Puri, Balraj; 1993 p.9-10.

(a) The accession was subject to reference to the people of the state.

(b) The issue was internationalized and was referred to the Security Council for peaceful settlement :

(c) A war had to be waged to clear the state off invaders.¹⁹

Plebiscite was promised to the people Kashmir by the Indian government. Lord Mountbatten declared that "as soon as law and order have been restored, "the question of the state should be settled by a reference to the people."²⁰

The preconditions laid down by India were --

(1) the complete withdrawal of Pakistani troops from Pakistan occupied Kashmir.

(2) Subsequently withdrawal of the Indian army from the state.

(3) Finally plebiscite under the supervision of United Nations.

India did not agree to hold the plebiscite until and unless Pakistan army had withdrawn from 'Pakistan Occupied Kashmir', which never happened, so the crisis continued.

Article 370 : In 1949, a 'transitional and provisional' Article 370 was incorporated in the Indian Constitution, which provided special status to Kashmir and included some transfer of powers to the government of India. However, Central government continued to pursue the state government to accept more provisions of the Indian constitution. Subsequently Delhi Agreement was signed between Nehru and Abdullah in 1952. It extended supremacy of the union flag, fundamental rights and jurisdiction of the Supreme

19.

20.

court to the state²¹.

Meanwhile discontent was growing into Jammu because power had transformed from a Jammu based ruler to Kashmir based leadership. "Transfer of land to the tiller" affected the interest of feudal leadership in Jammu. Moreover National Conference leaders strated talking about the reversal of "Dogra Raj" and Jammu based leadership was ignored.

JanSangh, Which was popular in Jammu strated a movement demanding abolition of Art.370 of the Constitution and the idea of regional autonomies was rejected by it. Such demands hit at the most sensitive point of the Kashmiri psyche as it threatened the autonomy and identity of Kashmir.Nehru wrote to JanSangh presedent, Shayama Prasad Mukherjee on 5th Feb. 1953 that communal agitation "would bring disaster in its train not only for Jammu and Kashmir but also for the larger interests of India"²².

Abdullah reacted bitterly towards this movement and strated criticizing Central Govt. Mukherjee died in Srinagar jail. International manoeuvering strated around Kashmir and under such circumstances, Sheikh Abdullah was dismissed and detained on 9th August 1953. This was the starting of alienation succeding regins of repression and corruption further, deepened the

²¹. The Hindustan Times, 25 July 1952 quoted in Puri, Balraj 1993 p.27.

²².Puri,Balraj. 1966.Jammu: A clue to Kashmir tangle.

alienation. This was also the starting of "all powerful centre" regime. Abdullah was released on 6th April 1964 and was sent to Pakistan to explore the possibilities of settlement. However, all hopes vanished with the death of Nehru on 27th May, 1965. Abdullah was again arrested on 8th May 1965.

In the meanwhile centre emphasised Constitutional integration rather than emotional integration. Article 356 and 357 were extended to the State. The nomenclature of the heads of the State were changed. The ruling National Conference was converted into a Pradesh Congress Committee. Angry protests were suppressed with brute force and large scale arrests. Jayaprakash Narayan launched a campaign for a dialogue with Kashmiri leaders so that within the Indian framework, a satisfactory status could be ensured to Kashmir. Finally, on 13th November 1974 Kashmir Accord was signed, which accepted the State of Jammu and Kashmir as a part of India. Article 370 was to continue.

In the meanwhile discontent among the people of Kashmir was accumulating. There were reports that census had been tampered with and showed Muslim population decreasing with a corresponding increase in Hindu population. Muslims had very low representation in Government jobs. Two percent Kashmiri Pandits were controlling a large percentage of assets in land, business and forest etc. Thus, majority Muslim population was being alienated under poverty, unemployment and misuse of political power. Bakshi's regime was marked by rampant corruption, nepotism, and arbitrary use of power. Later on G.M. Shah came into

power, whose government was nicknamed *Curfew Sarkar*.²³

The biggest blow came with the dismissal of Farooq in 1984. Whereas, Sheikh Abdullah's dismissal signalled that even if Kashmiri people did not wish to remain within India, they would not be allowed to secede. Now, the dismissal of Farooq conveyed that even if the people wished to remain within India, they would not be free to choose their own Government.²⁴

Then came the last straw over the camel's back in the shape of Farooq and Congress agreement in 1987. "He was charged with betraying his father's fifty years old legacy of pride"²⁵ This agreement was justified on the ground that it would ensure a larger inflow of central funds to the state. Infact, a theory was propounded that the Centre should share power in all the boarder states. But such a theory is contradictory to the spirit of federalism and devoid people of their right to be governed under the government of there own choice.

In essence, one party rule has been imposed on the state by manipulations of election. Nehru and Indra both belived that the politics of Kashmir revolved around personalities and that there was no material for democracy in the state.²⁶ So

²³. Puri, Balraj 1993 p.35

²⁴. *ibid.* p.34

²⁵. Akbar, M.J. 1991 *Kashmir behind the vale*; Viking : Panguin Books. p.213.

²⁶. Puri Balraj 1993 p.47.

opposition parties were not allowed to emerge. Too much intervention by the Centre, widespread corruption, nepotism and misuse of powers in the state have been the main reasons behind the frustration and alienation of the people of Kashmir. The administration has been very weak. Marvah (1995;95) points out that more than the selective killings, it was the complete withdrawal of the administration in facing the antinational demonstrations that persuaded the Pandits to believe that they were no longer wanted in the Valley. Till date their future continues to be in a lurch.

Human Rights Violation

Human rights have resurfaced in the political agenda of the world. For Pakistan, violations of human rights in Kashmir is its diplomatic offensive against India. The international human rights organisations such as, Amnesty International, Asia watch and Physicians for Human Rights, The World Press, The Human Rights Committees and many European Countries too focused their attention towards the human rights violation in Kashmir. Initially, the Government prohibited the International Human Rights missionaries to enter in Kashmir.²⁷

In June, 1991, the US House of Representatives observed- "The Government of India should take significant steps to improve human rights (conditions) by allowing unrestricted access to internationally recognised human rights organisations,

²⁷. Kumar, Shashi, op. cit. p. 205.

fulfilling recommendations of the UN Human Rights Committee making significant process in curbing human rights abuses, committed by its security and police forces.²⁸ The US State Department Report on India Catalogued the excesses committed by the security forces against civilians.²⁹

The Video magazine Eye Witness featured a horrifying tale of torture by the security forces. Rajiv Gandhi accused the security forces of running berserk. Chandrashekhar and V.P.Singh in their respective tenures cautioned the security forces to observe restraint.³⁰ According to former Governor, G.C.Saxena, excesses committed by the security forces caused a major setback in the process of normalisation in kashmir.³¹

Amnesty International reported 128 "disappearances" in Jammu & Kashmir in 1993. Government dismissed such reports as - "grossly exaggerated or false" and fabricated with the sole aim of "discrediting the security forces and internationalising the issue."³²

B.G.Verghese and Vikram Rao of the press Council of

²⁸. The Times of India 22 June 1991.

²⁹. The Times of India; 7 Feb. 1992.

³⁰. Puri, Balraj 1993. p. 72-73.

³¹. Kashmir Times 28th March 1993 Quoted in Puri, Balraj 1993 p. 72-73.

³². "Amnesty International Report on Kashmir and Punjab situation" Muslim India; 135; March 1994; p.128.

India pointed out "such violations are brutalising and threaten the democratic edifice of the country " The report added that "Indian Human Rights Groups must continue their Watchdog role in Kashmir"³³

The PUCL (People's Union for Civil Liberties) along with the Citizens for Democracy, the Radical Human Association and the Manav Ekta Abhiyan formed a joint team to visit Kashmir in 1990 to assess the human rights situation there. The team pointed out that the allegations that Hindus were being targeted for communal reasons was illogical, they found many evidences of communal harmony. The authorities were discriminating against Muslims. It was reported that Non-Muslims in relief camps were getting their salaries plus compensation, whereas, Muslim employees were not receiving any payments. A large number of cases of excesses were brought to their notice, some of them were heart-breaking and entirely inhuman in nature. The report also alleged that security forces looted the cash, valuables and destroyed the properties. The team also focused its concern on the "unparalleled curfew" imposed on the life of Kashmiri people. Humiliating house to house search combing operation in Srinagar brought people to the streets in protest at Gowkadal, where they were fired upon by paramilitary forces and more than 50 people died, leaving many injured. This led to mass upsurge on 19th January 1990.

³³. Puri. Balraj 1993. p.73.

The report also pointed out that Shri Jagmohan, the Governor was responsible for creating communal tension "Rajinder Singh, a taxi driver, told the members of the team that certain interested elements were propogating that all those non-Muslims who migrated to Jammu or elsewhere would be provided free plots, cash and other facilities". Reliefs camps were unnecessarily set up outside Valley to give the situation a communal colour. The team also denounced the killings and abduction of innocent persons by millitant outfits like Pro. Mushirul Huque - Vice Chancellor of the Kashmir University, B.L.Khera - General Manager, HMT and others.³⁴

In 1993, a Joint team consisting of the members of PUCL and Citizens for Democracy visited Kashmir & Jammu from 22nd to 27th May, 1993. The delegation emphasised the negative role played by the BSF and the excesses committed by it. In Sopore incident (January 6th 1993) where 200 shops and 60 godowns were burnt and around 50 persons were killed, the delegation held the BSF responsible for it. The security forces were also held responsible for Lal Chowk incident of fire.

According, to the report both the legal enforcement machinery and judicial machinery were facing crisis of legetimacy. Team felt serious concern over the inhuman activities in custodial deaths and tortures at various interrogation

³⁴, "Report on Kashmir" The Radical Humanist May 1990 pp. 29-37.

centres.³⁵

Pakistan has been waging a proxy war in India. The 1995 official report of the US State Department "Patterns of Global Terrorism" is not the only report which points to Pakistan's involment in sponsoring terrorism in India and other countries.³⁶ According to Paula R. Newberg, "Pakistan's support for Kashmiri insurgents, founded on its geo-strategic self interest more than its concern for Kashmiris has provided India additional justification for counter-insurgency". Focusing on the plight of Kashmiris, she says that they "have urgently protested the terror unleashed on their lives by insurgents and security forces alike" and because of the violations of human rights by the Indian security forces, they have drawn to "independence or a much stronger kind of autonomy".³⁷

It is a general practise that inquiries regarding excesses are not done properly. Even if it is carried, its results and punishment meted to the security personnels are kept under secrecy. It is done with a view to preserve the morale of

³⁵. "Kashmir : A report to the nation" 22-27 May 1993; PUCL and CFD, New Delhi.

According to H.N. Wanchoo - a human rights activist - in 1992 there was a series of custodial deaths. coustodial deaths ranged from 15 in July to 30 in November 1992. Wanchoo died in mysterious circumstances in December 1992. Please see The Times of India; 26 March 1992.

³⁶. Marvah, Ved 1995; op cit; p. 145.

³⁷. Newberg, Paula R. Double Betrayal : Repression and Insurgency in Kashmir; Carnegie Endowment for International Peace quoted in the The Hindu 29 August 1995.

the forces. Ved Marvah has countered this theory and he maintains that a proper punishment has a salutary effect on the morale and discipline of security forces.³⁸ It is argued that security forces cannot maintain a human face because working against heavy odds, they get burnouts, both mental and physical. This logic is not justified because all security forces do not act in such a manner. When excesses are committed by militants their cause and image suffers, why should security forces follow this suit ?

According, to Balraj Puri (1993, 91-92) the Kashmir problem in its present form is another name for the collapse of dialogue-militancy has become an alternative form of dialogue. He asserts that it is not merely a dispute between two parties over real estate, which can be settled by whosoever is mightier. It is a political and moral challenge. Terrorism can be controlled by opening a channel of dialogue and negotiations, by weakening the bond between the masses and the militants and by harmonising the relationship between the masses and authorities, state and centre.

CRISIS IN PUNJAB

The story of Punjab is not unlike Kashmir crisis. It has in its background the issues of indetity crisis, fundamentalism, too much of centre's intervention in the state, non fulfilment of genuine demands, alienation of people, foreign hands an so on.

³⁸. Puri, Balraj 1993; p. 75-76.

factor of Sikh psyche is importance of Khalsa identity, which give a heroic halo to even an ordinary political fight of the Sikhs.⁴¹ One dying for the cause of the 'Panth' is glorified as a martyr. when Darshan Singh Pheruman died while taking fast unto death in 1969 he was declared a martyr.

Another important symbol is *Akal Thakt* which is the seat of both spiritual and secular powers. It is also the seat of theocratic education in Punjab where children get education based on Sikh scriptures and rituals⁴² The Akal Thakt was used by extremists to spread the theory of secessionism.

At the the time of partition of India, communal riots broke out. About 10 million people in Punjab were uprooted and they made fresh start in an alien land. The post partition scenario left the Sikh community in India with a feeling of homelessness and a powerful sense of alienation from the mainstream.⁴³ Sikh politicians also nurtured among their people a feeling of discontent and aggrieved psyche. Akali Dal was formed to provide a platform for the assertion of separate Sikh identity. Unfortunately it also created minority complex among Sikhs.

Sikh community in India had some genuine grievances, which were not paid any attention to by Cenral Government. When

⁴¹. Kakar, Sudhir "Legend as History : Cause of Sikh misperception" *Mainstream*; 11 May 1985 p.9.

⁴². Article 30 of the constitution of India give rights to minorities to establilsh and administer their educational Institutions. Basu, D.D. *Introduction to the Constitution of India* New Delhi : Prentice Hall of India; 1994; p.115

⁴³. Dhillon, Kirpal; *op cit*; p 200

the states were reorganized on the basis of languages (1956) the demand for 'Punjabi Suba' was not fulfilled and those protesting for a new state were humiliated ⁴⁴.

Sikh community felt betrayed when Punjabi Hindus, at the behest of JanSangh, , started claiming Hindi to be their mother tongue. The problems of boundary disputes, issue of Chandigarh, the question of shares in river water for irrigation and the challenge of industrial developments only added to the rising legitimacy of the Sikh cause. Their demand for greater autonomy formulated in more and more crystallized fashion in 1970s and early 1980s

The Rise of Jarnail Singh Bhindranwale

Punjab has been a battle ground of Akalis and congress party. Frustration and finally terrorism emerged out of the manoeuverings of these two power hungry groups. Congress lost election in 1977 and started creating troubles for the Akalis. Indira Gandhi introduced Bhindranwale, the then chief of *Damdami Taksal* against the Akalis ⁴⁵ Giani Jail Singh admitted that congress leadership also backed and blessed the foundation of *Dal Khalsa*. Eventually the *Dal Khalsa* came forward with the demand of Khalistan [a Sikh Sovereign State] ⁴⁶

Bhindranwale soon became a popular figure and he caught

⁴⁴. Singh, Satinder *Khalistan : An Academic Analysis* New Delhi ; Amar Prakashan; 1982 pp. 35-39

⁴⁵. Dang, Satyapal "Terrorism in India" in Tiwari, S.C. (ed.) p.120.
Also see Dhillon, Kirpal; op cit; p.125.

⁴⁶. Rajkumar - "Terrorism in Punjab : Causes, Genesis, Climax and Decline" in Sehgal, B.P.(ed.) 1995. p.159.

the fancy of the Sikh youths. He represented the ideal Sikh image of 'Sant Sipahi.' Akalis lost the 1980 election. They thought it was now their turn to play the Bhindranwale card. They allowed him to stay in the Guru Nanak Niwas, from where he shifted to Akal Thakt situated in the Golden Temple, Amritsar, Bhindranwale was perceived as a new militant protector of Sikh interests. However, he grew into a monstrous Frankenstein, symbolising the menacing threat of separatism. ⁴⁷The cult of hatred and violence spread rapidly in Punjab countryside with the help of village balladeers and singers of Sikh scriptures in Gurudwaras. Cassettes were played instigating attack on the central government. Golden Temple was converted into a veritable fortress. Bhindranwale had a remarkable friend, Shabeg Singh, a retired General of Indian Army, who was an acknowledged authority in guerrilla warfare and counter insurgency operations. He trained young militants and was main planner upto 1984. ⁴⁸

In the meanwhile many incidents alienated Sikh masses and were perceived as threat to their identity. Sikhs were humiliated by Bhajan Lal Government in order to counter the threat of disrupting 1982 Asian Games in Delhi,, Hindu organizations opposed the ban of smoking in around the Golden temple, Amritsar was not declared as a holy city inspite of long demand, at Chandigarh railway station, the replica of Golden Temple was broken, picture of Guru Ram Das

⁴⁷. The Best of India Today; 1975-90; p. 109.

⁴⁸. Dhillon, Kirpal op cit. p. 207.

was burned etc. Under such circumstances, Bhindranwale proclaimed that "Sikhs were second class citizens and slaves in India and they must fight for their independence",⁴⁹

Green revolution also created conditions conducive to extremism. It led to uneven economic development. The percentage of landless peasants rose to 30% in 1970s end as compared to 20% in 1960s. There were no industries to accommodate unemployed. The neo-richs changed their life styles - cutting hair and started smoking etc. They also aspired to control political power but their lifestyles were abhorred by rural Sikhs. To the young rich men, Bhindranwale gave a dream of promised land of Khalistan, to the rural folk the reestablishment of Sikh traditions and rituals, to the marginalized unemployed youth a zeal for fighting for the honour of Sikh Khalsa tradition and money which they needed.⁵⁰ Having received overwhelming mass support, Bhindranwale started pursuing fundamental policies falling back on Sikh honour. He started using agitational words, such as *Julum* (tyranny), *Gulami* (Slavery), *Dharma Yudha* (holy war) etc to influence Sikh psyche.⁵¹

Militants under the command of Bhindranwale started a reign of killings and terror. Fundamentalist Sikhs had confrontations with Nirankari sect and Nirankari Supremo Baba

⁴⁹. S.S Uban 'A matter of honour' Hindustan Times (New Delhi) 18th Jan. 1987.

⁵⁰. Jha, Rajni Ranjan - "The Origins and Dimensions of Terrorism : The Punjab Case" in Tiwari S.C. (ed.) op cit p.139.

⁵¹. *ibid*; p. 138.

Gurbachan Singh was assassinated in 1980. Then terrorists turned towards Hindus with the murder of Lala Jagat Narain in 1981. Then came the number of Sikhs who opposed them, talked of peace or denied money/shelter. Terrorists preferred to call it "teaching a lesson".

With an aim to encourage religious fundamentalism, the terrorists adopted social reform movement. Barbers trimming the beards of Sikhs were threatened and killed, school teachers were ordered to make their pupils wear "prescribed dress" Strict rules were laid down related to dowry, strength of marriage parties and ban on liquor. They also adopted the technique of holding 'Bhog' ceremony of the terrorist killed in police encounters. Nishans and Gurudwaras were constructed in order to honour the martyr.⁵²

Bluestar and Anti Sikh Riots

On 3rd June 1984, Army launched 'Operation Bluestar' in order to flushout Bhindranwale and his terrorist followers. Most of those killed in the operation were pilgrims-men, women and children, who had gathered to celebrate a holiday. The Akal Thakt was badly damaged, some hand written. scriptures by the Gurus were gutted. This event produced a traumatic effect and deeply bruised the Sikh pride and ego. It was taken as a deliberate blow inflicted by Mrs. Indra Gandhi on the Sikh community as a whole.⁵³

After Blustar, Khuswant Singh remarked "now it will be

⁵². *ibid*; p. 145.

⁵³. Dhillon, Kirpal op cit. p.208.

increasingly difficult to find a self respecting Sikh who will have a kind word to say for the Government. Sikhs will feel isolated and a separate people".⁵⁴ Terrorist prepared a 'hit list' and eventually Mrs. Indra Gandhi was assassinated in October 1984. After that followed Anti Sikh riots in Delhi and many North Indian towns. This incident remains a black spot in Indian history.⁵⁵ These riots are termed as state sponsored terrorism by the Sikh Community. In Delhi, the carnage was organized by the nexus of congress-I and administration. Worst affected areas Trilokpuri, Mangolpuri, Sultanpuri in Delhi had an organized cadre of Congress-I party workers. Sajjan Kumar, Harkishan Lal Bhagat and Tytlor were the prominent motivators. Property ranging from shops, factories, houses, Gurudwaras, school buildings belonging to the Sikhs were destroyed. Youth Sikhs were butchered and killed, many were burnt alive, women were gang raped. Police was mostly absent from the scene or it remained as mere mute spectator⁵⁶ Mishra commission, which was set up to inquire into the riots incidence severely indicted the Delhi Police and found that policemen in uniform participated in looting. When there was no prompt response from administration, voluntary organizations provided relief to the victims. Sikhs started migrating from other states to Punjab. This proved to be the biggest blow to Sikh identity and terrorist violence

⁵⁴. Indian Express 17th June 1984 quoted in Jha, Rajni Ranjan op cit; p. 137.

⁵⁵. Dang, Satyapal op cit p.128.

⁵⁶. Please see "who are the guilty" (November 1984); A report of a joint inquiry into the causes and impact of the Riots in Delhi from 31st Oct. to 10th November by PUDR and PUCL.

increased thereafter. The simultaneous state repression alienated the whole Sikh community.

After Bluestar, army undertook Operation Woodrose in the rural areas in search of suspected extremists, terrorists and their sympathizers. This operation led to large scale intimidation and harassment of the rural people and caused deep resentment.⁵⁷ Many Sikh youths escaped to Pakistan where they were trapped by ISI and were trained to become hardcore terrorists.

In 1985 Delhi faced transistor bomb explosions. The administration desperately strengthened anti terrorist legislations and gave boundless powers to police, poured massive number of extra security forces and frequently shuffled the police chiefs thereby demoralising police ranks. Excessive security forces were deployed in Punjab. According to K.P.S. Gill, the strength of terrorist in Punjab never exceeded 10,000 at any point of time of whom only 4500 were active. According to him, at the peak of terrorism in Punjab there were about 350 companies of paramilitary forces and 45,000 strong police force in the state. The army had deployed thirty five brigades in addition.⁵⁸

In may 1987, the Akali government in Punjab was dismissed on grounds of inefficiency, corruption and alleged nexus of some ministers with terrorists. However no evidence was

⁵⁷. Dhillon, Kirpal op cit; p. 209.

⁵⁸. Marvah Ved op cit p. 216.

cited. Police brutality and corruption reached new heights. In 1987 the police list had 36 'A' category and 170 'B' category terrorists suddenly in 1988, the official list of top terrorists extended to 500. But terrorists violence under president's rule knew no bounds. Between 1980 and 1986, terrorists across the world, excluding Punjab killed about 4000 people. In Punjab between May 1987 to April 1988 the first year of central rule, about 2000 persons were killed⁵⁹. The short cut methods employed by the government proved to be self defeating.

Politics of the central government has always encouraged terrorism. On 12th April 1983 Sukha Singh alias Labh Singh killed the then DIG Amritsar range A.S.Atwal. He could have been easily arrested when he took shelter in the Golden Temple. The police did not arrest or persecute him because they complied with the unlawful orders of the top politicians in Delhi.⁶⁰ Infact centre started nurturing "good terrorists" who helped in bringing about the fall of opposition Government.⁶¹ It should be understood that it is easy to take the genie out of the bottle but it is impossible to put it back into the bottle.

The security forces themselves defy laws. Amnesty

⁵⁹. Dhillon, Kirpal op cit. pp. 214-215.

⁶⁰. Saksena N.S. -- "One aspect of Terrorism in India : subordination of law and order to politics" in Tiwari S.C. (ed.) op cit; p. 157

⁶¹. Bhindranwale was encouraged against the Akali government in 1979 and Gorkhaland agitation was fanned under Ghising after 1982.

International reported 80 disappearances in Punjab since 1990. The report says "In Punjab.....death in custody after torture is a common case of disappearances". In response to Habeas Corpus petition officials reported that the arrest was made however "disappeared" person escaped or was killed in an encounter⁶² Not long back C.B.I. recommended chargesheeting 57 police officers in Pilibhit "fake encounter" incidence in Uttar Pradesh . Eleven pilgrims were 'abducted' by the police officials in a minibus Ten of them were killed in cold blood in the 'fake encounter', one is still missing. The dead bodies were cremated on the same day in the police lines. According to Ved Marvah this senseless act only served to spur terrorism in Uttar Pradesh ⁶³

In Punjab police and security forces have committed many excesses due to error of judgement, overreaction, officials getting mixed up with local feuds etc. Corrupt police officers have made lots of money. As a matter of fact Punjab has moved from terrorism to police terror. It has been reported that "kidnappings for ransom, interference in property disputes, land grabbing, misuse of TADA to settle personal scores, illegal detentions and cold blooded murders continue unabated... A very strong politician - police nexus has also emerged where in the police assist politicians, mainly congress leaders to grab land and evict tenants from prime properties purchased at a throwaway price police release hardcore criminals after extracting

⁶². "Amnesty International Report on Kashmir and Punjab Situation". Muslim India; 135; March 1994 p. 128-130.

⁶³. Marvah. Ved op cit; p. 223.

bribes from them"⁶⁴

It should be clear to the policy makers that killing terrorists after assuming more and more repressive powers is no answer. In the process innocent people have to suffer. Major task is to alienate terrorist from the masses. Public confidence building programmes and contact with the grassroots is must to control terrorism. Punjab police chief Rebeiro established contact with people through Lok Shakti Samagams in which representatives of various political parties were invited and it had good results. Similarly Operation Black Thunder was launched in the full view of press and public. It was a turning point in Punjab. The Sikh masses could see for themselves on television that the militants were no martyrs.⁶⁵

CRISIS IN THE NORTH EAST

North-East India includes 'Seven sisters' states - Assam, Meghalaya, Nagaland, Mizoram, Arunachal, Tripura and Manipur. Before India got Independence, Tripura and Manipur were princely states while all other states were merged with Assam.

There are 116 tribes inhabiting in this region. The languages and dialects used in the region number 420 out of total 1652 in the whole country ⁶⁶. The tribes living in this area have ethnic and cultural links with the inhabitants of China, Tibet and Burma. Khasis and Jaintias speak Austric speech while others speak speeches of Tibeto -Burman sub-family.

⁶⁴. The Pioneer 30 May 1995.

⁶⁵. Marvah, Ved op cit; p. 218.

⁶⁶. ibid. p. 225.

According to B. Pakem (1993, 12) academically this region is still regarded as part of south-East Asia, atleast from the cultural point of view. It is a mosaic of societies. North East is connected with the rest of India mainly through railways. However perennial floods and heavy rainfall frequently make road, rail and river transport hazardous.

The crisis in North-East India pertains to the issues of identity, regionalism, nationalism, influx of migrants, central rule and role of army etc. The problem of nationality and regionalism has confronted big modern states like UK, erstwhile Soviet Union, Canada etc. These two issues continue to be main problems in India also. B. Pakem goes to the extent of saying that India is not purely a 'nation-state'. He explains that like other post colonial states, it was the state which came first and the nation later on therefore India belongs to the category of a 'state nation' , rather than 'nation-state'. The process of nation-building in India are not complete.⁶⁷ He further remarks that in India the process of consolidation was not complete when the British arrived Today consolidation is on another level of forming "little nationalism" among tribes and semi-tribe particularly in the North East [Pakem, 1993 , 325] Even the constitution accepts the issues of diversity and regionalism when its Article 1 (1) says that "India, that is Bharat shall be a

⁶⁷. Pakem, B. (ed.) 1993 Regionalism in India; New Delhi : Har Anand Publications p. 324.

union of states"⁶⁸ Now the word 'union' by itself does not indicate the principle of uniformity. So regionalism has to be accommodated.

Whenever a subordinate system or periphery cling to its common features , it may lead to a misunderstanding on the part of the dominant system of the core area. This is the tragedy of North East. The crisis of Identity is the corner stone in the various movements in this region. What New Delhi has achieved is political and administrative integration. But it has ignored - the most important - emotional integration.

The British left the North Eastern areas more or less aloof. Verrier, Elwin in 1939 advocated the establishment of 'National Parks' for the Hill People [Pakem, 1993, 328]. Tribal people were left to manage many of their affairs. These areas were known as 'partially or totally excluded areas'. To control movement between the tribal populations and the people of the plains, the Nagahills, NEFA [North East Frontier Area] and the Lushai Hills were placed under Inner line regulations framed in 1872-73 ⁶⁹ After independence, India chose middle path and rejected theories of isolation or total integration. However various solidarity movements among tribals which were curbed by government Viz - Garo National Council (1946) Kuki National Association (1946), Naga National Council (1946) Soon after independence, the attitude of state government alienated people

⁶⁸. Basu, D.D. 1994 Introduction to the constitution of India; New Delhi : Prentice Hall of India; p.49.

⁶⁹. Marvah, Ved; op cit; p.225.

and when they looked towards the centre, there was no reply for decades. So, Assamese started behaving both the governments. The 1956 state reorganization committee did not divide Assam, however with the pressure of people it was divided into five states.

The Chinese incursion in 1962 aggravated the feeling of isolation and insecurity. Political consciousness was accompanied by an assertion of separate identity. The passive attitude of the centre towards their problems turned people anti government and insurgency has been continuing in North East for about five decades.

According to S.K.Ghosh, there are various factors sustaining insurgency in the North East, some of them are ---

- (1) Instigation by foreign powers and extending help in training, arms and funds.
- (2) Infiltration of foreigners has been a major problem and landholdings of the locals have shifted to the migrants.
- (3) Influx of "foreigners" led to skyrocketing prices of land and increase in unemployment. The frustrated tribal youths eagerly turned to arms.
- (4) Political parties which rule North East made no efforts to check the massive influx for fear of losing votes.
- (5) Maladministration and political corruption helped the growth of insurgency. Politicians, bureaucrats, technicians and contractors, mostly non-tribals pocketed the funds.
- (6) Political leaders, bureaucrats and police maintained close links with the insurgents and terrorists.
- (7) Border disputes between different states have let loose reign of terror

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⁷⁰. Ghosh, S.K. 1995; Terrorism : World Under Seize; New Delhi : Ashish Publishing House p. 243-45.

So far central Government's three pronged strategy in the North East has been (a) Signing accords and making adjustments with dominant opponents (b) operating the inner line system and tribal laws in order to stop the interference by the outsiders (c) Pumping increasing amount of money into small states in the name of development.

However, the reality is that the government has always betrayed accords and imposed president rules time and again. The grants of crores of rupees have been, as explained above taken away by corrupt and self centered elites so the sense of frustration and the unfulfilled aspirations created tension. Prolonged president rule and the misuse of power by the Army has shaken the faith of peple in democratic structure in India. According to Kuldip Nayar, over the years the law operating in North East has been "the law of Jungle."⁷¹ Security forces have been bestowed with vast powers, which are used indiscriminately making locals feel as if they are only serfs of New Delhi⁷². No doubt there are secessionists but to treat all protestors as secessionists is pointless. Atrocities committed by the security forces have left an indelible mark on their hearts and minds. North Eastern wants to be treated as an equal citizen. What is required is an humanitarian approach to the problem.

At the time of independence, Assam was a very big state, it included Arunachal, Meghalya, Mizoram, Nagaland and the

⁷¹. Nayar, Kuldip; "Unrest in the North East" The Sentinal; Vol. 6; No. 56; 9 June 1988 p.4
Quoted in George, Sudhir Jacob - "Insrugency/Terrorims in the North East : An overview". Tiwari, S.C. (ed.) p.259.

⁷². George, Sudhir Jacob op cit p. 259

present state. With the passage of time, it was divided into many states and still there are demands from various sections for the creation of more states out of it. The Karbis of Karbi, Anglong District and the Dimasas of North Cachar Hills District are agitating together for an autonomous state, The Bodos are also demanding a separate state for themselves. The anti-tribal attitude of the government has led to the feeling of alienation. Many Villages have been forcefully evicted by the district authorities in Jorhat district. In spite of continuous demand, Rabha language was not introduced as a medium of instruction.⁷³ The Boro Kachri of the Kokrajhar, Barpeta, Kamrup and Sonitpur demanded the Udayachal State. All Assam Bodo Students Union demanded the division of Assam between the plain tribes of Assam and others on 50 : 50 basis. At the other extreme ULFA [United Liberation Front of Assam] has been vocal about demanding secession from the Indian union. ULFA has set up a parallel government and collect taxes from the villagers.

The real problem in Assam started with the illegal migration of people from Bangladesh [Erstwhile East Pakistan]. The large influx of migrants raised an alarm among the locals. Myron Weiner pointed out "the presence of these migrants has shaken the foundations of Assamese social structure and created solidarity among the Assamese even while generating cleavages between the indigenous Assamese and the indigenous tribals. It has influenced the educational, social and economic aspirations of countless Assamese, determined their central political

⁷³. *ibid.* p. 258.

concerns and become a decisive factor in the periodic restructuring of the state's boundaries. Migration to Assam has also given rise to powerful assimilationist and nativist sentiment and backlash separatist agitations, to massive conflicts over languages, education and employment policy and to political cleavages that led to the intervention of India's central government and the use of the Indian army. ⁷⁴

In 1979, the Assam students Union started a movement for detection of illegal migrants and deletion of their names from the voters list. They demanded their deportation to their own country. In spite of the opposition from Assamese people, the central government decided to hold election in 1983, at the point of gun. At this juncture two interest groups were formed (A) The pro-election group consisting of migrant Bengali Hindus and Muslims. (B) The anti-election group consisting of the indigenous people of Assam. Riots erupted and more than 5000 persons died in confrontation and about 10,000 died in police firings. With less than ten percent votes polled Congress I formed the government in Assam. This government ushered in a reign of terror, which resulted in many more police firings, detention without trial, death in police custody and so on.⁷⁵ This led to wide spread violent protests all over the state. Finally 1985 accord was signed and Assam Gana parishad came to power. However this government was dismissed in 1988. It is clear that vote bank

⁷⁴. Weiner, Myron 1978 Sons of the soil; Delhi : Oxford University Press Quoted in Kakati, D.K. "problems of Terrorism in contemporary India". Tiwari, S.C (ed.) p. 226.

⁷⁵. Kakati, D.K.; op cit; p. 227-28.

politics, negligence of genuine problems, rampant misuse of Article 356 and ruthless repression of protests is behind continuing insurgency in Assam.

Tripura was a princely state and joined India after independence. A large number of tribals live in hilly portion of the state and with land as the main source of employment. Massive infiltration of Bengali refugees from East Bengal to Tripura due to frequent communal riots increased Tripura population from 5.1 lakh in 1941 to over 23 lakh in 1981, out of which tribals constitute only 28.44 percent.⁷⁶ Thus tribals were reduced to a minority from a majority. The transformation of ethnic composition of the population has been the root cause of political agitations leading to terrorism. Tribals watched helplessly as the refugees gained possession of land. Migrants became so dominant that in every election, government could be formed only by their support. Seeing anti-tribal leaning of congress and CPI (M) the tribals formed a regional party in 1967, it was called Tripura Upjati Juba Samity [TUJS] Bijoy Kumar Hrangkhawl became the leader of radical members of TUJS. Tribals began to identify themselves with TUJS. This party had two main units - the Tribal Students Federation and Tripura Sena, latter being the armed wing of party. In 1978 Hrangkhawl floated the Tribal National Volunteers, constituted by radicals from Tripura Sena. In 1978 there were some joint TNV and MNF [Mizo National Front] operations against the security forces. Bengali immigrants formed a militant organization 'Amra Bangali' and clashed with

⁷⁶. Ghosh, S.K. 1995 op cit p. 250-251.

the tribals. Between November 1986 and January 1988 Tripura witnessed an unprecedented blood bath in which 227 non-tribals were killed. Before 1988 elections, 91 people were killed. ⁷⁷Tribals presented their charter of demands to governor K.V.Krishna Rao in 1988. Their main demands were (1) 50% reservations of tribals in the state Assembly (2) 100% reservations for tribals in the Autonomous District council (3) Promulgation of Inner Line regulations in Tripura tribal areas. (4) Readjustment of Autonomous District Boundaries council (5) Appropriate rehabilitation project.⁷⁸ Not all demands were accepted. Twenty percent seats were reserved for tribals in Assembly. In 1993 insurgents surrendered after being assured of their rehabilitation.

Similarly in Meghalaya terror violence has been an out-come of infiltraion of large scale immigrants from Bangladesh, Nepal and Bhutan. Khasis, Garos and Jaintia tribals attacked immigrants and the rate of violence escalated in 1971 and 1986. In Manipur, the majority Meitees deamanded independent Manipur. Two militant secessionist organizations are the People's Liberation Army (PLA) and the People's Revolutionary party of Kaugleipak [PREPAK] led by N.Bisheswar and R.K.Tulachandra. Naga-kuki conflict has introduced a new dimension, which has mounted death tool on both the sides.

Mizoram was known as Lushai Hills and placed under VI

⁷⁷. George, Sudhir Jacob op; cit p. 248.

⁷⁸. George, Sudhir Jacob op cit. 248.

schedule of the constitution.⁷⁹ It gained state-hood in 1986. After independence, the rate of development works was very slow and the conditions worsened when famine struck the whole region in 1959. Large scale felling of tree and soil erosion resulted in acute scarcity of drinking water.

Mizo National Famine Front [later MNF] revolted against the government under the leadership of Laldenga. MNF was launched as a party with military outlook and secessionist tendencies. Its main targets were (1) unity of Mizos (2) upliftment of Mizo position (3) to preserve and safeguard Christianity. B. Pakem points out that the history of the emergence of Mizo National Front is a story of Mizo middle class elite who profitably used the traditional idioms for their political ends. The idea of Greater Mizoram as a romantic ideal of self determination of the Mizos across broad sections of the Mizo society was further reinforced by the governmental mismanagement of sensitive issues and the invoked (Political) support of Christianity.⁸⁰ In 1966, there was major crisis when insurgents controlled Aizawl town and Indian Air Force Jets had to be summoned. In 1967, Operation Security was launched and several villages were grouped by force in 18 grouping centres based on Malaysian model. It was to round off underground insurgents. The Mizoram accord was signed in 1986 and MNF came

⁷⁹. Under VI schedule, Tribal Areas are covered. There are administered under Autonomous Districts. District council and regions council are created which have powers of law making and collecting revenue.

Please see Basu, D.D. p. 272

⁸⁰. Pakem, B.; op cit; p. 17.

to power. However it was dismissed in 1988 and President's rule was promulgated. The regrouping of villages has subjected Mizos to a great deal of hardship. It has disrupted the entire socio-economic structure. Regroupings are like army concentration camps. People are herded together like animals and isolated from field, access to which is controlled by the army authorities through the dehumanizing 'pass system'. Infinite curfew is imposed, movement is restricted and collective fines are imposed. Villagers are also put into forced labour for the army.

In Nagaland crisis started when 24 hours before the Independence of India there was a revolt for a separate state outside India under Naga National Council. In order to save Naga identity and culture insurgents have waged a war against security forces and Army. They have been receiving arms and training from Burma, China and Bangladesh. Many kuki villages have been destroyed by the Naga insurgents and a virtual war has started among the two tribes. Military crackdown is not an answer to the burgeoning insurgency in this region. Instead the alleged atrocities let loose on the civilians by the army, as in Oinam, have only helped alienate the common people.⁸¹ It is said that a person cannot breathe without possessing an identity card in this area, such is the tight rein of army. A Naga human rights activist remarked, the only freedom we know "is the freedom to obey and submit to the military authorities..... but none of us love this freedom. We hate it bitterly because this freedom means the freedom to be insulted, tortured, raped and executed in

⁸¹. George, Sudhir Jacob; op cit; p. 256-257.

public and in isolated placed.....In deep agony we wonder how all these things are going on in our land without any protest from the great Indian people.⁸²

To conclude, we have seen that violations of human rights of people through promulgation of present rules, outright suppression of protestors, defunct and corrupt bureaucracy and judiciary, providing boundless powers in the hands of police, army and paramilitary forces, illegal detentions and tortures in place of solutions of genuine problems have been the general principles of state-centric discourse in India. People's aspirations and local initiatives have been crushed under powerful centre.

In the next chapter we shall be analysing the crisis in the relationship of state and society -- the crisis which has created great socio-political turmoil in India.

⁸². Quoted in Desai, A.R. (ed.) 1986 violation of Democratic Rights in India; Bombay : Popular Prakashan.

CHAPTER FOUR

CRISIS IN THE STATE AND SOCIETY RELATIONSHIP

-----INDIAN EXPERIENCE

Let us start with the basic question : why do we need state? If at all we have state, why doesn't it exist in harmony with the civil society? What are the reasons behind the corrosion of state and society relationship?

As for the first question we need state for a proper management and system in society. As we have discussed earlier, Hobbes said that the state of nature [a condition without any government or organized political community] was the state of war, suspicion and violence therefore with the creation of political society, the ruler assumed unlimited power so that by his coercive power he could control the turbulent society by his [Johnes, Peter 1994, 73-74]. According to Locke, political authority was created to protect people's natural rights to life, liberty and property, offenders would be punished by a single authority (state) in the name of political community.

When we analyse modern conflict ridden capitalist civilization, that makes the state assume relentless and violent shape. According to Gandhi, the present capitalist ethos reduces man to a mere consumer satisfying his desires. Such ethos erodes man's relationship with the nature and traditions. So man became fragmented, vacant and indeterminate, his traditional harmony with the society is broken¹. This society of fragmented beings

¹.Gandhi, M.K. 1932 Hind Swaraj. Ahmedabad : Navjivan p 49.

is ridden with suspicion, fear, hostility and tensions and it is subsequently reduced to follow a set of externally legalised and enforce impersonal rules. An ideal man of modern civilization is aggressive, tough and competitive person so state and society rest on and are sustained by unrestrained violence. Violence becomes an unseparable part of civilization "so much a way of life that modern man could not cope with his relations, with himself or other man without translating them into the military language of conflict, struggle, mastery, subjugation, domination, victory and defeat. Deeply rooted in violence, man felt suffocated in its absence². It is clear that Gandhi held modern civilization responsible for creating highly centralized and bureacratic state with unlimited political power.

It is not only political power, state tends to monopolise even the common morality in the hope of appealing to the masses at the moral level also. The already depleted and atomized masses -- who have lost their internal organic bonds turn to state as the sole source of moral order and for the guarantee of so called civilized existence. Thus state comes to determine collective morality.

Marx Viewed capitalist ethos dividing society into exploited (proletariat) and exploiter (bourgeoisie) classes. We can logically connect that capitalist state serve the interest of the bourgeoisie class. Majority is repressed and exploited for

².Parekh, Bhikhu Gandhi's Political Philosophy - A Critical Examination. Macmillan Press 1989. p 25.

earning profits and in the process becomes totally alienated. Dominant class make use of false consciousness to make people believe their ideology.

Gramsci³ approaches this problem with his concept of "Hegemony". To maintain hegemony, systematic account of popular interests and demands is taken, it involves shifting positions and making compromises on secondary issues to maintain support and alliances without however sacrificing the essential primary interests. A mass consent or collective will is very necessary and to achieve it, a common world view is propagated using educational institutions, mass media, religious institutions, political parties, trade unions and so on, thereby projecting the state to be the sole representative of the entire society besides civil society is rendered as a magnified state apparatus masking the violent nature of the latter.

Gandhi also argued that even though state appeared to be pursuing its policies with regard to the entire society indiscriminately and impartially, it was in reality a highly partial entity. It was infact an arena of conflict between organized interests, manipulated and controlled by the more powerful among them, who served their respective group interests. So Gandhi exposes the morality of politics and Marxists expose

³.Gramsci .A 1971. Selection from the Prison Notebooks
London : Lawrence and Wishart. According to Gramsci, state is the entire complex of theoretical and practical activities with which "the \ruling class not only justifies and maintains its dominance but manage to win the active consent of those ~~or~~ whom it rules.

that state represents the interests of the powerful.

Coming to the present Indian state, it has world's biggest and elaborate constitution, proclaiming to constitute India into a sovereign, socialist, secular. Democratic Republic. It assures to secure to all its citizens :

Justice	--	social, economic and political
Liberty	--	of thought, expression, belief and worship.
Equality	--	of status and of opportunity and to promote among them all .

Fraternity assuring the dignity of the individual and the unity and integrity of the Nation⁴ .

However, reality presents a contrast. What we have is a highly overcentralized, technocratic, ruthlessly violent, anti people and authoritarian state. To have a clear picture⁴ of the state of modern "Indian state" we shall have understand its development since 1947.

⁴. Basu, D.D. 1994 Introduction to the constitution of India. New Delhi : Prentice Hall of India Private Limited p 20-21.

NEHRUVIAN ERA :

We cannot have welfare state in India with all the socialism or even communism in the world unless our national income goes up greatly. Socialism or communism might help you to divide your existing wealth, if you like, but in India there is no existing wealth for you to divide; there is only poverty to divide.

-- Nehru 1955.

We got independence in 1947 but the first post colonial agenda came into being only during 1955-57. It aimed at "economic development on socialist pattern" to achieve self reliance and , elimination of poverty and unemployment. The twin imperatives were nation building and state maintenance and it emphasized the centrality of state in the economy and society. The new regime argued for adopting a middle path of increasing productivity and eliminating poverty to achieve (a) National Integration (b) Self reliance (c) rapid economic growth⁵ .

Nehru was influenced by the philosophy of socialism. He did not like communism can be understood by what he said that communism failed "partly because of its rigidity but, even more

⁵. Nehru, Jawaharlal, 1958 Speeches Vol 3 Delhi : Publications division as quoted in Kumar Anand (1989) State and Society in India. New Delhi : Radiant Publishers. p 40.

so because it ignores certain essential needs of human natureits suppression of individual freedoms brings about powerful reactions. It contempt for what might be called the moral and spiritual side of life not only ignores something basic in men but also deprives human behavior of standards and valued. It's unfortunate association with violence encourages a certain evil tendency in human beingsmeans distorted ends⁶.

It was a period of starting mixed economy, welfare state, starting of five years plans, land reforms etc. Constitution supported the provision of adequate safeguards for minorities, tribal and backward classes. Slowly congress party was becoming authoritarian and was striving to achieve hegemony. State was threatened by the political mobilisation on the basis of socio cultural cleavages like religion, language caste, tribe etc [Kumar 1989,112]. The bureaucracy was facing transition from administration with strength to administrators under stress. State continued to play 'central' role. In fact all the debates were about the functions of the state in the new setting and not about its 'location'. It was viewed as 'an instrument' of stability, peace & integration. The usefulness of the Indian army, police and bureaucracy in the integration of princely states and control of communal activities consolidated mutual bonds among them. There was not move to change the Acts and Codes governing the powers and duties of the district magistrate or police authority.

⁶. Nehru, Jawaharlal. The Basis approach AICC Economic Review 15th August 1958. in Remembering Jawaharlal Today. Mainstream Publications November 1989, pp 104-5.

The election manifesto of the Praja Socialist Party (1957) said "Administration at the district lower levels remains almost unaltered despite the advent of freedom".

In some post colonial agenda contained a subtle continuity with the colonial definitions of India in misturting politics, emphasizing a lack of social integration, identifying the state as the benevolent 'patron' and equating socio economic progress with modernization on the western lines⁷ ". All this promoted a strong state and a hegemonic congress party.

The Post Neruvian Era :

The post Nehruvian era⁷ is marked by nationwide political awakening and political decay. The constitution and congress had promised to ensure the upliftment of the poor, downtrodden work peasants, minorities, dalits and women. so pressure was building for below demanding prompt results and an efficient state machinery. There was pressure form above in the shape of new legislation like land reforms, welfare of dalits, minorities and backwards. Unfortunately, the political machinery and administration did not respond creatively and with genuine commitment to the new situation.

The legacy which congress inherited had been responsible for creating a false consciousness that congress as

⁷. Kumar Anand (1989) op. cit p 120.

a party and "congress as movement" were synonymous. But with the assertion of identity by various interest groups, this false consciousness washed away.

The politics of non-congressism was joining strength. In the internal power matrix there was a 'silent shift' in the social content of the political structure. The new leadership was coming from rural background and backward classes. This process ruptured the congress in the North ⁸ .

Politics for leaders of the time of independence was a vocation but now it was a career for new leaders, who wanted to acquire, maintain and perpetuate power game. Indira Gandhi belonged to thus new brand of leadership. She one said that her father was a saint strayed into politics -- because he never had to struggle, he lacked the necessary ruthlessness⁹ .

The Congress party, which had so far maintained liberal attitude towards opposition parties was slowly becoming intolerant and hostile and the intervention in Kerela in 1959- when Indira Gandhi was congress president -- was a symbol of this process¹⁰ . Subsequently the new congress with its reins in the hands of Indira Gandhi was witnessing a vast erosion of liberal values, democratic ethos and old institutional

⁸. ibid p 141

⁹. Statesman May 28, 1984.

¹⁰. Vasudev Uma 1974. Indira Gandhi Revaluation in Restraint. Delhi p 278.

restraints. This also led to dissent within the party. In the overall scenario, there was shift in the balance of power from Delhi to the state capitals and provincial leaders with the simultaneous erosion of congress hegemony. The congress was facing a crisis of its own organization stability during 1967 elections.

However Congress developed into an extremely centralized and regimented party. Mrs. Gandhi perpetuated an autocratic dynasty and credited personal loyalty rather than personal neutrality and party commitment. In 1969, she routed the syndicate and by 1972 took the reins of Chief Ministers in her own hands. Devkant Barooah, the then party president in 1976 said "India is Indra and India is Indra. 'Commenting on this power game, Jayaprakash Narayan in 1973 said that if there is dishonesty, corruption, manipulation of masses, necked struggle for personal power and personal gain, there can be no socialism, no welfarism, no government, no public order, no justice, no national unity - in short us nation¹¹.

There was virtual paralysis in planning and administration in the later half of sixties the decline of planning Commission marked the paralysis of planning. It was replaced by the Prime Minister's secretariat which registered the ascendance of political consideration over the technocratic approach. Congress presented an agenda for hegemony through

¹¹. "To all members of parliament" Delhi 1973. as quoted in Kumar Anand op. cit p 146.

populist nationalism. The ten point programme was planned to attract the minorities and the depressed castes and tribes in a new power arrangement. Punjabi Sabha was created (1966) and statehood to Nega territories was granted. In 1971-72 popular slogan - "Garibi Hatao - remove poverty, was floated.

In 1974 and early 1975 agitation of students and Youth in Bihar grew into a nationwide anti corruption movement. finally on June 25, 1975, emergency was imposed. This was a combined move of 1) Changing the domination system by the suspension of fundamental rights 2) Changing the federal provisions of the state structure 3) creating ideological and socio-historical clearance in the political community 4) changing the rules of legitimacy¹² . Emergency raj was marked by widespread repression of fundamental rights and arbitrary use of power by state agents with the cooperation of Sanjay Gandhi¹³ . Infact the emergency raj clearly sent the message that police and security forces had inherited and maintained colonial mentality. Till today people have not forgotten the excesses and brutalities committed on them.

In 1985, Rajeev Gandhi represented young blood,

¹². Kumar Anand op cit p 158.

¹³. Shah commission inquired excesses committed during emergency. It noted If this country is to be rendered safe for future generation, the people owe it to themselves to ensure that an irresponsible and unconstitutional centre of power like the one which revolved round Shri Sanjay Gandhi during Emergency is not allowed to come up ever again in any form or shape or under any guise.

professionalism, combined with technology. He tried to hold party elections with vision of decentralization but failed. V.P.Singh and Chandra Sekhar represent short lived regimes. Narshimha Rao's tenure can be termed as era of corruption and scams. There has been sharp decline in the morale and morals of crucial segments of the state apparatus. Charges of corruption no longer induce horror in Public reaction to it but brings forward a passive elements of apathy with it. The state machinery has brought forth an ugly face of authoritarianism, ruthlessly, unmindful of humane governance indulging in repression and adopting violent measures in the face of mass awakening.

The police today has the image of instrument of a lawless state and act as if it were a gang of government goons. They are charged with illegal detentions, rapes in custody, torture and widespread use of encounter killings to remove inconvenient persons or opponents to local politicians. They failed to control situation in Punjab and Kashmir where paramilitary forces and army were called.

Response of Academics :-

Scholars have tried to explain in varied ways the phenomenon of increasing state's authority and violence. Atul Kohli identify this crisis as the problem of governability. "A highly interventionist but ineffectual national government and weak political parties are two factors in India's governability crisis, that contribute towards making India's democracy the

wrong type'¹⁴. Rudolphs his point out that 'overloaded Indian state becomes the target of protests against unfulfilled agendas. This brings about the paradox of a strong-weak state - weak in its capability of governance, strong in its repressive nature'¹⁵.

It a democracy has to thrive, there must be a constant communication between the civil society and the political decision making centre. It is political party that provide this mediation. However, in India the political parties have failed to provide the dialogue between the civil society and the state¹⁶

The current political scenario needs the mediating nstitutions and conflict resolution mechanisms more than ever. Kothari argues that "the more fragile and ineffective and powerless a given state, the more repressive it becomes"¹⁷

We can infer that terrorism is manifestation of growing fragility iof the Indian state, its eroding legitimacy and its unresponsive character.

¹⁴. Kohli, Atul.1991, Democracy and Discontent: India's growing crisis of governability. Cambridge University Press.p.1.

¹⁵. Rudolph, L.I. and Rudolph, S.H. 1987. In Pursuit of Lakshmi : The political Economy of the Indian State. University of Chicago Press p 6.

¹⁶. Chaudhary, Rekha-"Declining authority of Indian state and challenge to terriorism" in seghal,B.P.(ed)1995, p.112-117.

¹⁷. Kothari, Rajni : State and Statelessness in our time. EPW. Annual No March 1991 p 554.

Ashis Nandy attacks the whole project of modernity- which includes development, modern science, growth rates, market profitability and exposes the ill conceived nexus between state and modernity.

The state is encroaching the civil society with an intention of gaining unhindered power. It is making use of the modern science to project its picture as being rational and development seeker.

Nandy says that modern science has the capacity within it to sustain a culture of science which is incompatible with democratic governance as well as the democratic rights of those who are turned into the subjects of modern science and technology'¹⁸. Modernization based on scientific technology - with a vision of human liberation through science- became the goal of science in India. In the 1950's and 60s, it was Atom for peace, supposedly final solution of all energy problems in India, in the 60s and 70s, it was the green revolution, reportedly the patented cure for food shortages in the country, in the 70s and 80s, it was operation flood, the talisman for malnutrition through the easy availability of milk for every poor household in the country [Nandy 1988 p 78].

However, over the last two decades, many studies have traced the class biased implications of green revolution

¹⁸. Nandy, A. 1988 Science, Hegemony and Violence : A requiem for modernity. Oxford University Press.

strategy, the white revolution [Operation flood]. in dairying lead to a denial of needed nutrition to children in rural areas¹⁹ .

The science and the state mutually reinforce themselves and justify each other's excesses under the guise of propaganda unleashed by them- modernity. Violence is a part of modern science, its design and implementations in the form of anti human and anti civilization nuclear weapons system. Nandy [1988, 276-77] adds that it is little use trying to suppress terrorism if the problem of deadly devices continues to be deemed a legitimate employment of man's creative power".

State Vs Democratic Rights Movements

'The civil liberties union' was the first human rights group in India. It was formed by Nehru and his colleagues in early 1930's with the aim of providing legal aid to nationalists who were accused of sedition against the colonial authorities. The real emergence of human rights groups started in late 1960s when both the privileged social classes and the government systematically cracked down on the groups fighting for landless labour, marginal and small peasants, the unorganized working class etc. The notable organizations formed were the Association for the protection of Democratic Rights [APDR] in West Bengal, the Andhara Pradesh civil Liberties Committee

¹⁹. Sethi, Harsh. Science Technology and Human rights. Sociali Action Vol 40 January-March 1990 pp 39-45.

[APCLC] and little later the Association for Democratic rights [AFDR] in Punjab. These organizations played a crucial role in confronting and exposing the violent role of the state. In 1975, prominent liberals and humanists came together with radicals under Jayaprakash Narayan to form the first national human rights organization 'the Peoples Union for civil Liberties and Democratic Rights" [PUCLDR]. In October 1980, PUCLDR split into two organizations -- Delhi based PUDR and national PUCL²⁰ .

Today most of the Democratic rights organizations are regional in nature but have highlighted issues at national levels with coordination and cooperation. Their major functions include a) fact finding mission and investigations b) Public Interest Litigation c) Citizen Awareness programmes, including the publication of statements on specific issues d) Campaigns e) Production of supportive literature for independent movements and organizations.

Some of the issues raised by such organizations are -
---1) Denial in practice of legally stipulated rights 2) The inability of government institutions to perform their functions 3) Direct or indirect violation by the state 4) Structural constraints which restrict realisation of rights, such as landlord's private armies and colonization of tribals. [Smitu Kothari, 1990].

²⁰. Kothari, Smitu : The Human Rights Movement in India
A Critical Overview Social Action Vol 40 January-
March 1990 p. 1-15.

As a consequence of efforts by these organizations bonded labourers have been freed and rehabilitated and people have become conscious of their human rights in general. These organizations have faced regular attacks from the government and other corners. As a result, some social human rights activities have been tortured and killed, publications have been banned and their authors charged with sedition and imprisonment²¹. The organizations working in terrorism affected areas have been met with acute ill treatment at the hand of government and its agents.

According to Randhir Singh "When the civil or democratic rights organizations protest and seek to intervene on behalf of the people against the growing terrorism or lawlessness of the state, they are seen as 'a nuisance' dismissed as 'do gooders' denounced as front organizations [for antinational forces] and finally identified with terrorism itself, condemned as antinational"²². State terrorism brings miseries in the life of common people in the form of illegal detentions, tortures, rapes by police and armed forces. Human rights organizations have collected data and tried to expose such atrocities. Government and its agents create a rhetoric around 'the nation' or 'the unity and integrity of India' and

²¹. According to Smitu Kothari PUCL, PUCR and APCLC had to face the wrath of ruling parties and were dubbed as antinationals and extremists.

²². Singh, Randhir, Terrorism, State Terrorism and Democratic Rights. Economic and Political weekly February 8, 1992. pp 279-289

flash warnings against 'undermining the morale of the police force' or 'tarrishing the image of the army' etc.

Doubts are raised against the alleged "silence" of democratic rights organizations over the 'terrorism of the terrorists'. However, the fact is that many times, these organizations have condemned and criticized the senseless violence of the militants and had asked them to stop. By definition, democratic rights organization are meant to expose the undemocratic and ugly face of state, they are not there to strike a balance between the 'two kinds' of terrorism²³. In India, we have an elaborate code and ensemble of laws to deal with private violence or lawlessness, however there is nothing comparable, no genuine checks or control to take care of peaceful or violent lawlessness of the state. It is the lack of institutional safeguards against the illegal acts and terrorism committed or backed by the state and its allies that makes the presence of democratic rights organization necessary.

The Indian government has not ratified the optional protocol to the International Convention on Civil and Political Rights and the convention against torture. In essence, the government is denying private civil liberties groups in India the right to approach the U.N. human rights committee. At the same time government is still reluctant to allow international civil liberties groups -like Annesty International- to visit sensitive parts in India. Moreover government keeps betraying major

²³. *ibid.*

provisions of the International convention, which prohibits detention without trial, in camera, killing of citizens, torture in police custody etc.

We have to understand the issues of terrorism, state terrorism and democratic rights in their whole vast interconnections, within the larger social reality of India, which includes history, caste, gender, ecology, religion, ideology and culture ethnicity and nationality and so on.

Regarding terrorism against the state, government try to create a picture that "this violence has no social basis, has nothing at all to do with the economy of the country or its politics, including the politics of its ruling classes ----- violence is simply abstracted from its varied histories and more varied interconnections----depoliticized----complete with bombs, landmines and rocket launchers, the Ak-47 and Kalashnikovs and 'the dreaded terrorist' an image suggestive of only ruthlessness and inhumanity, delinquency, irrationality and fanaticism and of course foreign linkages. Terrorism....now becomes a label of defamation, a means of ostracising those branded as terrorist excluding them from any human standing²⁴ #####. Such images of terrorists are counterposed with democratic politics, no violence, rule of law, judicial process and 'national mainstream'

²⁴ ibid. Here Randhir Singh has viewed terrorism in terms of the Labeling theory given by Howard Becker [Outsiders : Studies in the Sociology of Deviance. New York : Free press 1953] Derivants are those, who are labelled as such by the society. Similarly terrorists are those who have been labelled so by the government.

[even if nobody knows what it is and where it is flowing'] The government controlled television and media readily adopts such official identification of terrorism. People are diverted away from their own concerns and in the name of maintenance of national unity and integrity, they are mobilized behind ruling classes to justify latter's counter terrorism. Terrorism is projected as a law and order problem for which firm action and the Hard Options are shown as the only solutions. So government gets legitimacy to modernize police and security forces. This newly armed and sophisticated police and security force is "available for use against not just the terrorists but also above all the people struggling in defence of their interests and for more just and equitable social existence" [Randhir Singh].

Whenever appeals for peace are made, they are never serious, and are not meant to be taken seriously- just like 'package' programmes. Even opposition parties when assume power also assume with it the vision of their predecessor against terrorism.

In a nutshell we can say that state has, as system of power, overgrown and much too centralized and standing over and above the civil society. It is therefore insensitive to the interests of citizens and intolerant of diversity, even prone to abuse its power, to dominate and to repress, to homogenise²⁵.

. That is why civil liberty organizations call the state as the

²⁵. *ibid.*

CHAPTER V

ALTERNATIVE MODEL AND SUMMING UP

Swaraj means a continuous attempt to free ourselves from the government regulations. It does not matter whether the government is an alien or our own. If, after the coming of **Swaraj** the people of India will keep on looking to the government for regulating every detail of their lives, then that **Swaraj** will be meaningless.

-----Mahatma Gandhi.

This alternative model is a search for a human existence, where human rights are secured, not only in letters but also in spirit and which renders all sorts of violence useless. The model aims at harmonious society in which all people are equal and participate in community life and believe in the principles of love, mutual understanding, sharing and compassion. The model is guided by the visions of Mahatma Gandhi and Jayaprakash Narayan (JP).

Gandhi had a vision, vision for India and for the humnity as a whole. He wanted to setup a society in which all are equal and free, in which there is no violence and no terror of any sorts, where the state is ^{not} ~~to~~ coercive and where decisions flow from bottom to up.

Gandhi's definition of man is different from the definition given by liberal democrats. Gandhi recognize man's potential for goodness and rationality whereas liberal political thought is based on a one dimensional conception of man as a brutish and selfish being. Their reasoning is that because man are brutish and selfish, social order can be secured not through

any action by the individuals, but through the structure of political machinery. This structure facilitates bargaining and compromise in situations of conflict over relatively minor issues and order is imposed through violent means when the conflict is of a fundamental nature.¹

Gandhi made an inversion of the Hobbes-to-Lenin approach to political theorizing. For him man is essentially good and a moral being. Gandhi's action project of *Satyagraha* has the twin objective of enabling humanity to realize its potential for rationality and goodness and thereby securing a moral or democratically legitimate social order. Liberal democracies do not emphasise morality, but for Gandhi, politics and morality cannot be separated.² He also rejected the theory of utilitarianism. For him "the greatest good of all" is the real dignified doctrine, which can be realized only through uttermost self sacrifice³.

Gandhian philosophy stands on the tenets of non-violence, truth and freedom. According to him real democracy promotes a non-violent, free society and generates tolerance, growth and freedom. Denial of individual freedom is contrary to

¹. Pantham, Thomas. "Beyond liberal democracy : Thinking with Mahatma Gandhi", in Pantham Thomas and Deutsch, Kenneth L. (ed.) *political Thought in Modern India*. New Delhi : Sage Publications 1986 p. 337.

². *ibid* p.337.

³. The diary of Mahadeve Desai, Vol.1 tr. Desai, V.G. Ahmedabad : Navjivan 1953 p. 149; as quoted in Pantham Thomas *op.cit.* p. 330.

the very nature of man⁴ and freedom is connected with responsibilities, which makes social life rational. He believed that man's freedom is curtailed by not just state but also by economic inequalities, industrialization and social practices like untouchability. In his famous work "Hind Swaraj", he pointed that institutions of modern life impose barriers on individual freedom and remove people further from their roles as moral agents⁵.

His theory of truth implies mutual tolerance, dialogue and equality. His central idea is that truth may be absolute but our knowledge is relative therefore we cannot impose our partial vision of truth on others. So we have to be tolerant about different points of views. Gandhi said, "I very much like the doctrine of the manyness of reality. It is this doctrine that has taught me to judge a Mussulman from his own standpoint and a Christian from his"⁶. He emphasized the importance of dialogue as a way of discovering truth. Dialogue implies an openness between moral equals, which is difficult in hierarchical power relations. Thus equality is must to ensure dialogue and subsequently for the search of truth.

Man, for Gandhi is an end in himself. Violence means

⁴. Harijan 1 Feb. 1924; as quoted in Terchek,, Ronald J. Gandhi and democratic theory -- in Patham and Dutsch (ed.) op cit. p 313.

⁵. Terchek, Ronald J. op. cit. p 315.

⁶. Young India 11 Aug. 1920 as quoted in Terchek, Ronald J. ibid. p. 311.

exploitation and represent a denial of individual integrity by treating man as a mean. Violence is contrary to freedom hence prevent man from realizing his true self.⁷ According to Gandhi, non-violence would be the ordering principle in true democracy. "Majority rule based on violence was terrorism and worse and really more godless than minority British rule.

⁸ Similarly, the material well being of the majority does not, in his view, justify a violent social system.⁹ Gandhi did not differ with the ends that communism offered, his difference was on means because communism gave sanction to violence as to mean to an end whereas Gandhi wanted non-violent means as well as ends¹⁰.

A violent man's activity is most visible while it last but it is always transitory. Just like terrorism creates a sensation all over the world. But is last for short duration of time. We have seen Hitler, Mussolini, Stalin and Changhis' effect but the effects of Buddha's non-violence are highly effecive and inexhaustible¹¹.

⁷. Tahtinen, Unto, 1979 The core of Gandhi's Philosophy, New Delhi: Abhinav Publications. p.79.

⁸. Harijan 3 Sep. 1938, quoted in Terchek, Ronald J. op cit. p. 309.

⁹. Nandy, Ashis has critized "science and modernity package" by pointing out that violence is inherent in modern science and modernity project tries to cover it --- Science Hegemony and Violence : A requiem for Modernity, Oxford University press 1988.

¹⁰. Gandhi M.K. Sarvodaya, Ahmedabad : Navjivan 1954 as quoted in Thahtinen. Unto op. cit. pp 74-75.

¹¹. Gandhi, M.K. Non-Violence in Peace and War, Volume 1 pp. 128-129, quoted in Pantham Thomas op. cit. p 343.

Gandhi was most sceptical of strong and powerful state. Once he said "I look upon an increasing power of the state with the greatest fear, because although while apparently doing good by minimizing exploitation, it does the greatest harm to mankind by destroying individuality, which lies at the root of all progress."¹² He believed that democracy was impossible until the power was shared by all. His ideal state was meant to carry out the will of the people not to dictate to them or force them to do its will¹³. True democracy means Swaraj i.e. participatory democracy combining self rule, self restraint and *Sarvodaya* [Social order promoting the good of all]. *Swaraj*, says Gandhi is to be attained by educating the masses to a sense of their capacity to regulate and control authority.¹⁴

Gandhi was a staunch supporter of decentralization of political power. True democracy he argued "is that under which the weak should have the same opportunity as the strongest. This can never happen except through non-violence."¹⁵ His ideal democracy was placed in the village, where life was simpler, power diffused and the economy decentralized. The government would be locally controlled by the people and panchayats, which would resolve

¹². Gandhi, M.K. Sarvodaya, Ahmedabad. Navjivan 1954 p. 47 quoted in Pantham Thomas, op. cit. p. 333.

¹³. Gandhi, M.K. Democracy : Real and Deceptive p. 47 quoted in Pantham Thomas op cit pp 334-335.

¹⁴. Gandhi, M.K. Democracy, Real & Deceptive, p.70.

¹⁵. Gandhi, M.K. Non-Violence in Peace & War, Vol.1 Ahmedabad. Navjivan 1948 p.269.

conflict and try to teach people how to avoid disputes. The structure which he visualized was "composed of innumerable villages, there will be ever widening, never ascending circles. Life will not be a pyramid with the apex sustained by the bottom. But it will be an Oceanic circle, whose centre will be the individual."¹⁶.

Ideally he preferred enlightened anarchy¹⁷ under which socially responsible and morally disciplined people did not need any kind of governance. He believes that enlightened anarchy functions non-violently. In this system there is no need for police and military because there are no crimes. In such a state everyone is his own ruler. He rules himself in such a manner that he is never a hindrance to his neighbour. In the ideal state, therefore, there is not political power because there is no state. But the ideal is never fully realized in life. Hence the classical statement of Thoreau that that government is best which governs the least.¹⁸

As we have discussed above, Gandhi believed that a government loses its legitimacy if it relies on violence, be it democracy or any other form of regime. The challenge posed by

¹⁶. Gandhi, M.K. Democracy : Real and Deceptive, p. 73-74

¹⁷. See Joll James, 1964. The Anarchists; London : Eyre and Spottiswoode. --The Anarchists' thought has two principles :- (a) Man is by nature good (b) It is the institutions that corrupt him.

¹⁸. Gandhi, M.K., Young India July 2, 1931, quoted by Unnithan, T.K.N. Change without violence : Gandhian Theory of social change. Ahmedabad: Gujarat Vidhayapith 1987 p.39.

Gandhi is to discover some of the reasons why people refuse to acknowledge a government's claims to obedience. In Gandhian terms, dealing with the problem of disagreement requires dialogue and tolerance which encourages the members of society to find the common ground they share, to settle their difference without physical state but conflict and to respect one another's worth while they worked towards a solution.¹⁹

After Gandhi, his followers especially Vinoba Bhave and Jayaprakash Narayan continued his life mission. Vinoba distinguished between Rajniti (the politics of power) and Lokniti (the ethics of democracy. According to him Lokniti strives to use the "potential powers of the citizen (and)..... would abandon political parties and elections arrive at decision through consensus and forge an identity of interests that would ensure continuing social harmony."²⁰

Vinoba Bhave expressed his fear against powerful centre "the world is at present in the clutches of centralized [state] power"²¹. He also opted for "enlightened anarchy" which imply freedom from government and its power is decentralized. For Vinoba decentralization was a way to eliminate cooperation based on force.

¹⁹. Terchek, Ronalds op. cit. p.321.

²⁰. Bhave, Vinoba, Democratic Value, Kashi : Sarva Seva Sangh Prakashan, 1962 p. XI.

²¹. *ibid.*

Jayprakash Narayan [JP] begins like all anarchists with a theory of human nature as benign. He did not deny the capacity for destructive behaviour obviously exist²² but argued that people can realize the essential spirit of goodness that is inherent in them is motives of compassion and non-violence, creativity and cooperation are cultivated and reinforced by society²³ JP asserts that with the proper example and education to encourage them, individual choose to follow 'good man and noble efforts'.²⁴

JP started as communist but is soon disillusioned. He says that the Soviet Revolution demonstrates the bankruptcy of violence, which tends to ensure the victory of the party that is more skilled in its use, establishing an iron grip on the people.²⁵

For JP the question was that of an ancient country finding its lost soul again. He opposed British bureaucratic system because it was responsible for steamrolling out of existence the self-sufficient and self governing system village

²². Also seen Gurr Ted, 1970, Why Men Rebel, Princeton University Press, Princeton New Jersey; P. IX (introduction)

²³. Dalton, Dennis, "The Ideology of Sarvodaya; concepts of politics and power in Indian political thought"; in Pantham & Deutsch (ed.) op cit. p. 289.

²⁴. Narayan, Jayaprakash 1961 A picture of Sarvodaya social order, Tanjore -- Sarvodaya pracharalya p. 6.

²⁵. ibid p.4-5.

communities.²⁶

Like Gandhi, JP also condemns parliamentary democracy. The electoral system does not represent the wishes of an informed public. In fact it confuses voters, who are cynically manipulated by powerful, centrally located parties with the aid of high finance, clever strategies and super-media. He declares that the most serious fault of parliamentary democracy lies in its inherent tendency towards centralism. In 1957 elections, he issued an appeal to the voters, in which citing Lord Acton, he said that the main issue was of absoluteness of congress power and declared that concentration of every form of power must be destroyed. Eighteen years later, when he was imprisoned during emergency, he was still citing Lord Acton and believed that present all prevailing corruption had its roots in politics and power.²⁷

JP wanted to place power in the hands of people. Once he said, "what you see happening in Bihar is a struggle between Chhatra Shakti [Student Power] and Jan Shakti [People's Power] on the one hand and Rajya Shakti [State Power] on the other. And the struggle for the capture of power.... but for the purification of government and for fashioning instruments and conditions for taming and controlling power."²⁸

²⁶. Narayan, Jayaprakash -- A plea for Reconstruction of Indian polity Kashi : Akhil Bharat Sarva Seva Sangh 1959.

²⁷. Narayan, Jaiprakash. Total Revolution volume 4, p. 27

²⁸ ibid. p.110

He suggests that the remedy for centralization is to scrap the parliamentary democracy and replace it with a communitarian democracy and decentralized political economy.²⁹ He says that only a deliberate and bold process of devolution and decentralization shaping all aspects of social development may attain the goal of an integrated social order with true harmonization of interests. Voluntary workers will work for moral regeneration to be brought about by example, service, sacrifice and love³⁰.

JP wants to transform Socialism into Sarvodaya-only then the goals of freedom, equality, brotherhood and peace could be achieved. He is highly disturbed to see rampant corruption in politics. The remedy he suggests is "to make it possible for the people to do without the state as far as practicable and to turn their affairs themselves directly. Speaking as a socialist, I would put it thus : the remedy is to create and develop forms of socialist living through the voluntary endeavour of the people rather than seek to establish socialism by the use of the power of the state. In other words, the remedy is to establish people's socialism rather than state socialism".³¹

Coming to the present problems of terrorism, we find that people resort to arms only when they perceive their

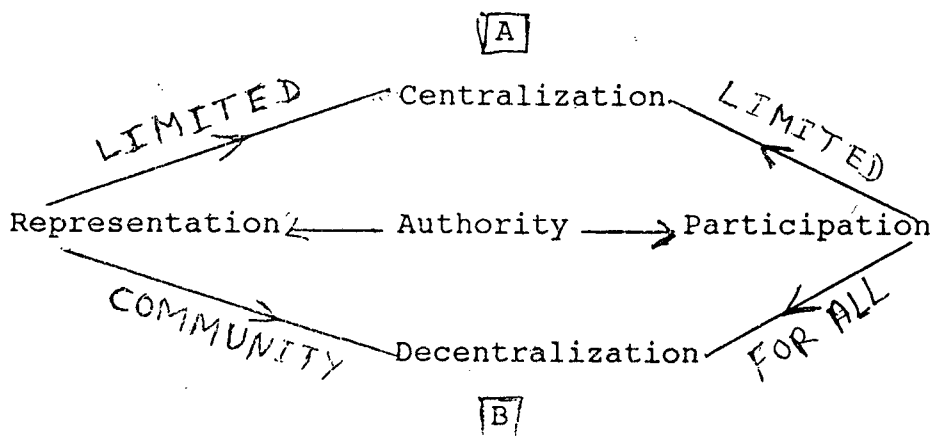
²⁹. Narayan, Jayprakash, A plea for reconstruction of Indian polity p. 66-68.

³⁰. ibid p.107.

³¹. Narayan, Jayprakash, 1958 Towards a new society p. 20-23, to 33-34

identity to be in danger. The feeling of relative deprivation breeds discontent and when peaceful protest fails, gun and bombs occupy the driver's seat. When government ^{tries} ~~try~~ to counter terrorism, a vicious circle of violence is formed and human rights are violated ^{on} ~~by~~ both sides.

Model provided by Gandhi and JP recognizes each and every identity. Through devolution, power comes to the people and state's role is minimized. No doubt, problems keep on arising but under this model people get ^{an} ~~a~~ chance to solve them on their own initiatives. Here people can preserve their identities as well as remain part of the system. Under such environment violence is meaningless and it is replaced by tolerance, compassion, dialogue under the umbrella of non-violence. This model puts a check on power accumulation plus spreads the message of *satyagrah* and non-violence. This can definitely eliminate violence and terrorism. This model is represented as [B] in the given diagram:-



SUMMING UP

The state is projected as the representative of the interests of the whole society and the custodian of 'peace and order'. In reality the state stands to serve only certain interest groups or dominant coalitions, who want to dominate over the power matrix. C.Wright Mills in 'The Power Elite' exposes how in America, the whole system has been manipulated by Politicians, Military Chiefs and Business Tycoons. In India, the power elites are political parties, bureaucracy, top businessmen- all of them having nexus with criminal elements-with police and paramilitary forces as their strong arms. In order to maintain what Gramsci says 'Hegemony', the party in the centre has constantly tried to capture power in the states by whatever means. Centre has developed a monopoly over violence, which according to Ashis Nandy is concealed by the package of modernity, development and national integrity.

So far the model has been based on state-centric principles and what the central government has done is to capture more and more power. Indiscriminate use of emergency powers and deployment of army has slowly alienated the people. Wherever people have come out with armed revolts, outright repression has been the policy of the centre. State controlled media and 'policy

makers' never thought about the basic causes of 'terrorism and it was thought to be merely a law and order problem, as a depoliticized category. Hard line options were selected and everywhere they failed. Reports of Human Rights groups have been discarded as fabricated reports. No space is left for negotiation. Whenever there have been some accords they were always betrayed, be it Rajeev-Longowal accord or various accords in North-Eastern states. Everytime emergency was imposed after the accord. Actually it is the negligence on the part of the centre that people at the periphery-North East, Kashmir-never felt secure and as equal citizens of India. Brutality and human rights violations records of our army and police goes to prove that the process of 'decolonization', is yet not over. Countless cases of 'disappearances, tortures, rapes, fake encounters,, regrouping of village in Mizoram and Nagaland' goes to prove that colonial mentality of security forces is still persisting. State repression/terrorism in India has increased along with increased protests/rebellion by people.

However, in this dismal environment some rays of hope have emerged in the recent times. Many voluntary organizations have come up, which are working towards the empowerment of community with an aim to create conscious community. Strong human rights organizations have come up in the shape of PUCL, PUDR, Amnesty International Asia watch and so on. Their main function has been to expose human rights violations by government, police and army. Today state has become a sandwich between the grassroot community and world community. From both the sides,

pressure is mounting for **transparency, openness and humanitarian approach**. Special crash^v courses have been started to sensitize security forces about the issue of Human Rights. Vohra committee report has made people sensitive about nexus existing between politicians, criminals, businessmen and terrorists. People have become conscious about hegemony created by power elites. At the same time, with 73rd and 74th amendments, in the constitution, we have moved towards devolution and decentralization. Sharing of power and participation in decision making will not only solve problems at the local level but also help in ending the feeling of alienation. In a nutshell decentralization, community empowerment in an ethos of non-violence, tolerance and ⁱⁿ culture of dialogue can put an end to the problems of violent protests [terrorism] and power accumulation [state terrorism] and can guarantee unhindered realization of human rights.

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