

COUNTER STRATEGIES TO COMBAT TERRORISM: A STUDY FROM THE RELIGIOUS AND ETHICAL PERSPECTIVE

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I. Introduction

Terrorism is a tool in the hands of its perpetrators and is utilized for creating a fear in the minds of the target thereby disabling them from making objective risk assessments and is the most potent weapon of psychological warfare which precludes predictability by the means of incapacitating the target². Therefore, it is the biggest political strategic challenge of the modern times. It can be in various forms like suicide terrorism.³ In the case of *Yakub Abdul Razak Memon v. State of Maharashtra*⁴ the Supreme Court observed that the concept of terrorism is commonly and widely used in everyday parlance and is derived from the Latin word “terror” which means the state of intense fear and submission to it. There is no particular form of terror, hence, anything that is intended to create terror in the minds of the general public in order to endanger the lives of the members of society and damage public property may be termed as a terrorist act and a manifestation of terrorism.

A means of violence is used which results in not only physical and mental damage to the victim but also the prolonged psychological effect which it produces on the society as a whole. It is generally an attempt to acquire or maintain power or control by intimidation or by causing fear and helplessness in the minds of the people at the large or any section thereof and it is totally abnormal phenomenon. Terrorism can be distinguished from other forms of violence as; in terrorism the deliberate and systematic use of coercive intimidation is used.⁵

Terrorism stood as a global phenomenon in today’s world and India is one of the worst victims of terrorist acts. It has a long history of being used to achieve political, religious and ideological objectives. It is also found that oppression of youths by various forces or organizations contributes to be a prime factor which misleads them to be a part of any

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² Schmid, A. *Terrorism as psychological warfare. Democracy and Security* 137-146 (2005)

³ Updesh Kumar and Manas K. Mandal (eds.) “*Understanding of Suicide Terrorism*” 3 (Sage, New Delhi, 2014)

⁴ *Yakub Abdul Razak Memon v. State Of Maharashtra* (2013) 13 SCC 1

⁵ *State v. Nalini*, (1999) 5 SCC 253

terror organizations. In other way oppression and misleading are two additional factors which strengthens hands of those individuals or organizations that use terrorism to achieve their ideological objectives or targets. Acts of terrorism can be in different modes from threats to assassinations, hijackings, airline bomb scares, kidnappings, car bombs, building explosions, computer based attacks and the use of chemical, biological and nuclear weapons which includes weapons of mass destruction (WMD)⁶.

In furtherance of the religious ideologies terrorist groups motivated by religious fanaticism have emerged both in the National and International levels. Whenever the perpetrators of terrorism get motivation from religious fanaticism or obtain secular goals and beliefs, they become vulnerable to the idea of sacrificing their own life for carrying out the will of the God or in waging a “holy war”. In this context it is required to excavate the ideologies in condemning terrorism and find out the means to propagate the positive ideologies of the religions. The fight against terrorism requires concerted and multifaceted strategies at domestic and international levels and should be tackled through an updated and elaborated legal order and should be turned into a practical tool. To cope this menace there exist several domestic and international legislations but the question still exist as to why the laws are not completely sufficient to curb the problem? In this study an effort is made to find out the problems and solve it through the weapons of religion and ethics.

II. Arguments on Behalf of Religion as a Non Propagator of Terrorism

Justice Arijit Pasayat in *Nazir Khan's*⁷ case observed that terrorists have no religion, no concept of communal or social harmony and value of human life. Secularism, which is one of the greatest attributes of the Indian Constitution, is viewed from different angles by different people, who might not want communal harmony. No religion propagated terrorism or hatred. The basic foundation of almost all religions is “Love for all”. Unfortunately some fanatics who have distorted views of religion spread message of terror or hatred. They do not understand or realize the amount of damage they do to different communities who have lived like brothers for ages and start viewing each other with suspicion and hatred. In such situations, their compassion gets changed by a sense of revengeful designs. The object of these misguided people, the terrorists seems to be to spread a message of terror and strike fear in the hearts of the citizens. The case in hand sufficiently reflects the designs of those people, who perpetrate such acts. The Parliament which represents the “temple of democracy” of our country

⁶ Pg 5 of *Yakub Memon's* case

⁷ *Nazir Khan and Others v. State of Delhi* (2008) 8 SCC 461

also failed to escape the wrath of such people. Those perpetrators, wanted to disturb the equilibrium in the minds of the citizens. This incident points out pitiful condition of the peace loving citizens of our country who were threatened to be put on ransom by a group of people. It is a matter of incessant argument whether religion propagates terrorism. Although there are several contradictory views in this regard but it is true pointing towards any religion would not solve the problem of tackling terrorism rather it would enhance hatred and unrest in the society. A simple question would answer whether religion is a contributor or non-contributor of terrorism. If afterlife rewards are the sole motive for the terrorists, why has a non-religious group like the LTTE known as “Tamil Tigers” were held responsible for so many suicide attacks?⁸

According to the research conducted by a British security organization MI5, “A large number of people who are involved in terrorism do not practice their faith on a regular basis. An ingrained religious identity actually protects against violent radicalization⁹.The book “Root Causes On Terrorism: Myths, Reality and Ways Forward, says, Political goals motivate the suicide terrorist. However, frequently religion supports their martyrdom which seldom gets legitimized and glorified by reference to religious ideas and values. Extremist principles of a secular or religious nature are only an intermediate cause of terrorism. But people usually adopt such extremist ideologies as a consequence of more fundamental political or personal reasons. This view can be supported by the example of the growth of LTTE which was considered by experts as an effort to establish Tamil State which was due to secular but not religious motive¹⁰.

Scott Atran, an anthropologist who conducts interviews of many terrorists and conducts studies of the communities from which they come has made the following observations. He says, religion is a secondary motivation for most terrorist. What inspires the most uncompromisingly lethal actors in the world today is not Quran or religious teachings but a thrilling cause that promises glory and esteem. Many a times the influence of a close-knit group of friends leads youth into violence than religious belief. In such cases although ideology becomes the best predictor but the willingness to commit the act of jihadi violence is initiated from an-action oriented social network. He also says most jihadists are psychologically normal, jihadis were materially and educationally better off, but recently he

⁸ Laurence R. Iannaccone, Eli Berman Religious Extremism: The Good, bad and the deadly, *available at*: <http://econweb.ucsd.edu/~elib/rex.pdf>, (Last visited on October 31, 2016)

⁹ MI5 report challenges views on terrorism in Britain, *available at* <http://www2.gsu.edu/~crirxf/MI5-A.pdf> (Last visited on October 30, 2016)

¹⁰ Is there a God? *available at* :<http://www.is-there-a-god.info/clues/terrorism/> (Last visited on October 29, 2016)

found that ISIS recruits were poorly educated and materially poor. Robert Pape, political scientist at the University of Chicago and founder of the Chicago Project on Security and Terrorism, has studied almost 4,600 suicide attacks in the world since 1980. He says that religious commitment is not a motive but a tool through the support or justification of which people overcome their fear of death and unwillingness to kill innocent people¹¹.

An International Conference on terrorism reveals that religion is seldom the only cause of terrorism. Although recently it became a major factor for the acts of terrorism, but seldom the only one. Usually, political and economic grievances are primary causes or catalysts, whereas religion is a means to legitimate and mobilize such acts. Religion can contribute to a 'culture of violence' but seldom became the problem, but the role of religion can be problematic. Analysts believe that the direct result of the 2003 invasion of Iraq by the US and its allies resulted in the rise of ISIS. It was also interpreted by many that the existence of ISIS resulted back in the unjustified external invasion which threatened Muslim societies. The invasion took hundreds of thousands of lives which included death of civilians, destroyed the delicate regional balance and created animosity in the minds of many Muslims, towards the west. The defeat of Saddam Hussein created a power vacuum, and the actions of the supporter Government set up after the invasion provoked Sunni Iraqis which resulted in the formation of ISIS. This leads other observers to point out reasons to think the movement is more politically motivated than religious. Certainly assessments have shown that only a small percentage of terrorist attacks in Europe over the past seven years have been religiously motivated the main causes were apparently nationalistic, being committed generally towards the separatist organisations¹².

It is also studied that terrorists usually do not suffer from mental illness, and many terrorists and suicide bombers are gregarious, family-oriented, and altruistic and mix well in their group. A psychopath lacks conscience and understanding, and usually does not die for a cause as a terrorist does. However, some researchers argue that terrorists generally, and particularly, suicide bombers in have a psychological inclination to violence from their upbringing, and have unreal perceptions of reality which also proves that religion is not the cause for the act of terrorists.

The worst effect of continuation of terrorist activities in the name of religion is that a particular religious community is globally getting isolated

¹¹ Here's What a Man Who Studied Every Suicide Attack in the World Says About ISIS' Motives *available at* : <https://www.thenation.com/> (Last visited on October 29, 2016)

¹² Religious extremism main cause of terrorism, according to report, *available at*: <https://www.theguardian.com> (Last visited on October 20, 2016)

and is becoming an epicentre of hatred and suspicion of common people belonging to other religion which should be addressed at all circumstances. Very recently after terror attacks in one of the cities at France, two women went to a restaurant to have their food but they were refused to be served because of their religion. This cannot be termed as an isolated incident but an inevitable outcome of the terrorist activities in the name of religious terrorism.

III. Ethics and its Need

Ethics are the moral principles that govern a person's behavior or the conducting of an activity¹³. Ethics has to do with ones feelings which tell what is right or wrong, it has to do with religious beliefs. Being ethical has to do with what the law requires. Ethics also consists of standards of behavior which are society accepts. Therefore it is concerned with the fundamental principles of right and wrong and what people ought to do. It also informs our judgments and values and help individuals to decide on how to act¹⁴. There is a long pending global demand for banning terrorist organizations and their leaders as well as demand for freezing their bank accounts. Unfortunately, such demands have not been acted upon and remained unheeded specifically by the Government of few countries in whose territory those terrorist organizations are operating with the aid and financial assistance to achieve some narrow targets. Consequently, those countries are getting isolated socially, politically and economically on global platforms. In this particular scenario, the question of ethics and morality plays a pivotal role in deciding the issue as to how far those countries and their Government would be supportive of such heinous crimes against humanity with some vested interest? Recently, a superpower country in the wake of consistent support to the terrorist acts and activities has threatened one country to act immediately against the terrorist organization by destroying terror camps operating in that country or else it do it alone".

IV. Case Studies Which Points at Degeneration of Ethical Values

A close look at the facts of various cases like the one discussed earlier and the case of *Ajmal Kasab*,¹⁵ famously known as the Mumbai Terrorist Attack Case reveals lack of ethics, dutifulness and failure of strategic planning to combat terrorism. It is clear from the confessions made

¹³ What is ethics? *available at:* file:///E:/Ethics%20and%20fanatism/What%20is%20Ethics_.html (Last visited on October 21, 2016)

¹⁴ What is ethics? *available at:* <https://www.scu.edu/ethics/ethics-resources/ethical-decision-making/what-is-ethics/> Last visited on October 21, 2016)

¹⁵ *Mohammad Ajmal Mohammad Amir Kasab v. State of Maharashtra* (2012) 9 SCC 1

by Kasab, that the perpetrators could enter the Indian soil very easily through the unguarded high seas. The question that arise is, how can the terrorist get to enter India so easily? The following facts are placed below to portray the pathetic condition of the unguarded paths through which the terrorist found their easy access to India. Ajmal Kasab, hereinafter referred to as TA-1, was the sole militant who was caught alive and the rest nine militants died in the encounter. "TA-1 (tried accused) described how the other 9 and he hijacked an Indian fishing boat (Kuber) off the coast of Porbandar) (Gujarat), abducted its navigator and how he in a jubilant mood had slit the throat of harmless and defenseless navigator whose hands were already tied, with knife while his co-conspirators held the legs of the navigator. TA-1 then described how they abandoned Kuber and travelled by an inflatable rubber vessel which was fitted with a Yamaha engine which was later found to have been purchased in Pakistan. He then described how they landed at strategic location at Mumbai i.e at Badhwar Park (a fishing village), from which all their targets were very near and taxis were readily available and there landing there would not be suspected. In the *Yakub Memon's* case, the first step in the execution of the conspiracy for the unprecedented terrorist attack of Bombay in 1993 was the safe and smooth landing of arms and ammunition, detonators, explosives like RDX etc. in India and their transportation to Bombay. Dawood Ibrahim had agreed to send arms and ammunitions from abroad. The landings took place via sea route in two stages, the first landing at Dighi Jetty Coast in Raigad District of Maharashtra in the month of January, 1993 and the second landing (in two phases) at Shekhadi, Coast in Raigad District again in the month of February, 1993. Tiger Memon, being a smuggler had plenty of experience of smuggling goods into Bombay. He had well established network including trusted landing agents. Hence, tiger in association with his men, made the necessary arrangements for these landings of arms and ammunition and for their further transportation to Bombay. After the first landing of contraband at Shekhadi, the goods were shifted in trucks and the convoy i.e. two trucks and four Commander Jeeps led by Tiger Memon in a Maruti Van left for Waghani Telecom Tower. At the tower, the goods were unloaded from the trucks and were shifted to false cavities made in the jeeps which then proceeded towards Bombay. At the time of the second landing also, the contraband was first shifted into a tempo and covered with grass. Then the vehicles drove to Waghani Tower where the goods were shifted to other vehicles and carried to Bombay. This entire operation of landings and transportation by Tiger Memon would not have been possible but for some immoral and dishonest Customs Officers and Police officers who facilitated both the landings and transportation by accepting bribes for the same. This is how a large quantity of arms, ammunitions, detonators, explosives etc. entered the city of Bombay which were used to carry out the Bombay Blast. Now once the arms were in place, all that was needed was the men to use

them. Hence, was the next step was to recruit Muslim youths who were mostly unemployed and were victims of communal riots and train them to carry out the Bombay Blasts. From both the facts it is clear that in one case there was an omission to do something by not guarding the coastal area and in the second case it is an illegal act. Now the study has to be furthered as both the omission (dereliction of duty) and illegal act or wrong falls within the scope of breach of ethics? Therefore, the guidelines framed by the Supreme Court regarding the duties to be performed by the Public Officials are discussed hereunder.

V. Duty of Police to Prevent Crimes and Terrorist Acts

Regarding the duties of Police Officials, the Supreme Court held, ‘Police officers are foundation for existence of rule of law¹⁶. Their disintegration, will break the whole system. Hence, they have sensitive responsibility to defend safety and security of people at all times” In a civilized era, every country is governed by the rule of law and the primary concern of the rule of law is promotion of human rights of the people and protection of their civil, political, social, economic or cultural rights. The Constitution of our country has entrusted a substantial duty to the impartial Police Department for safeguarding and upholding the rule of law, whose essential duty is to preserve peace and maintain order in society. The role of police officials has become more vital in the present century owing to the frequent attacks by terrorist taking place across the country. Such attacks are spreading across the border and there is increasing reliance on devices which are explosive in nature to spread terror. It is essential to take note of the increasing use of explosive devices by the terrorist not only because of their high damage potential but also due to their easy mobility. Explosive devices can cause multiple harm as it can be manufactured, transported, handled and fitted with a variety of unsuspecting objects which multiply their potential of causing harm. Thus the police have a specific and special role, a duty and a responsibility, to curb the conveyance of explosives by vigilant patrolling, the search and seizure, if required. Section 20 of the Arms Act, 1959 empowers the police to arrest persons conveying any arms or ammunitions under suspicious circumstances.

The police officials make the foundation for the survival of the rule of law. If they collapse the whole system indeed breaks down. Hence they have the sensitive responsibility to defend the safety and security of the people at all times. The law authorizes them with numerous powers to avert and control crimes like terrorism affecting internal security. They should always remember that when they fail in their duty they eventually fail

¹⁶ It refers to a government based on principles of law and not men. It therefore denoted the supremacy of law and is considered to be an ideal.

society as a whole. Unfortunately, in the case under discussion, the police officers themselves have taken an active part in smuggling and transportation of arms and explosives in Bombay by taking bribes. Therefore, the twin duties of police are prevention of crime and maintenance of law and order. The prevention of crime in time protects the human rights of the people to a large extent. If Bombay police officials had curtailed the conveyance of the contraband in January and February 1993, the occurrence of 1993 Bombay attack could have been avoided.

VI. Duty of Custom Officers in Preventing Terrorist Attacks

Custom Officials primarily have a duty to prevent smuggling and ensure everything that enters into or goes out of the country is brought or sent strictly according to the provisions of the law which is in force. They are entrusted with powers of search and seizure to conduct on-spot investigations. But when Custom Officers enter into or acquiesce in any agreement to abstain from doing or permit, conceal or connive in any act whereby any fraudulent import is affected, it can have a disastrous effect on the country's security. Every kind of smuggling activity is devastating to the economy, but the smuggling of dangerous arms and ammunitions into the country causes wreckage not only to the economy but also to the people's lives. It is shattering to notice that all grades of Custom Officers, including the Commissioners of Customs played an active role in the conspiracy to implement the plan.

According to the Supreme Court, the occurrence of the Bombay Blasts, 1993 brings us to the reality that such incidents took place along the Indian Coastline irrespective of the various laws and safeguards provided to control such phenomenon due to the lack of moral ethics and misconduct on the part of the officials. It will not be an overstatement to state that if it were not for the help of the Custom Officials, the conspirators would not be able to smuggle the weapons required into the country to have caused the said bomb blasts. A judiciously structured and effectual Customs Department is the need of the hour in order to curtail illegal imports which can have terrifying consequences upon the nation's economy and citizen's security. Corruption amongst public servants point towards the failure of our system where quest of personal gratification subdues public interest.

VII. The Role of Coast Guards in Combating Terrorism

India being a maritime nation, the role of Coast Guards is very vital for shielding the coast from external aggression. So, it is required that the coastal belt be surveyed by three teams of officers firstly, the Indian Navy who is responsible for the overall seaward security of the long coastline. Secondly, it is the duty of the Coast Guards who guard the Exclusive Economic Zone (EEZ) in order to prevent poaching, smuggling and other

illegal activities in the EEZ. Lastly, the Custom Officials, should scrutinize and monitor every commodity which enters the Indian boundaries. The Coast Guards being the strongest link in the security chain are bound to be vigilant at sea and should be in full command of the coast. For the same, they are empowered to search and seize ships suspected of illegal activities. Besides, Section 14 of the Coast Guard Act, 1978 gives ample scope for Coast Guards to assist the customs and other authorities in anti-smuggling operations necessary for the protection of our long coastline. The triple layered security system is formed mainly to guard the Indian Coastline from maritime terrorism, piracy and to keep out foreign intruders. Consequently it is the supreme duty of all these officials to be vigilant, heedful and attentive to each activity which occurs in the sea and on the shore. However, the occurrence of Bombay bomb blast on 12.03.1993 discloses the deficient performance of the officials. As the perception of war is changing the role and significance of the Coast Guards and the Custom Officials should not be overlooked in the combating of terrorism. The role of the Coast Guards is as important as any armed troops. Simply well equipped Coast Guards and high morale Custom Officers can prevent any opportunity for the terrorist to attack our country via our maritime boundary.

VIII. Other Government Servant's Role in Combatting Terrorism

In this context the appellant being a watchman of Government premises at Waghani Tower, thus being a Government servant had allowed the premises to be used for the purpose of facilitating the smuggling and landing of arms, ammunition, hand grenades and explosives as organized by Tiger Memon and his associates. The evidence further establishes his involvement in concealing 59 bags of RDX explosives in a field existing in his name. Thus, he has rightly been convicted under section 3(3) TADA and section 202 IPC by the Learned Special Judge. Being a Government servant, he had deliberately misled giving information to the authorities about the offences committed in his presence, which he was legally bound to do.

IX. Conclusion and Suggestions

It is quite evident that religion has not been the major source of terrorism whereas politics, inequality, injustice or national grievances have been the main causes. Religious extremism has been the source of some terrorism and religious faith has at times provided support for terrorism primarily motivated by political causes. From the facts of the case of *Yakub Memon*, it was clear that Muslim youths from Bombay who were mostly unemployed and were victims of communal riots were chosen for imparting training to carry out the Bombay Blast. The case studies of *Yakub Memon* and *Kasab* reveals the loopholes and the need of ethics. It is very surprising that in the similar way a second terrorist attack also took place in 2012

(*Kasab's Case*) in which the terrorist entered Mumbai again through the sea route. Therefore the detail guidelines given by the Supreme Court to the Public Servants regarding performance of their duties and following the rules of ethics prove that ethics is the need of the day.

Although Supreme Court contended that *Yakub Memon's* case was disposed of rightly without any procedural lapses but there were lot of hue and cry regarding the politicization of the matter. Therefore, the Government must refrain from using its powers to politicize matters and aid judiciary to act impartially¹⁷. Ethics is also required to control our reactions towards terrorism as pointed out by experts. According to the experts view, our responses to terrorism should be subtle that would cut off the influence of terrorist groups and reduce their recruiting rather than drastic through the means of military action which might increase recruitment. It is desirable to find out the positives of religion to combat the menace of terrorism through the means of education and ethics. The interpretation of religion should not be polarised¹⁸, absolutist¹⁹, threat-oriented²⁰ and hateful²¹. Similarly, terrorism has to be defeated by targeting the root causes for which ethics is required. In order to decide about our conduct we should understand the phenomenon of terrorism. So let us reiterate the causes of terrorism, which includes intolerance, the belief that a group of people wants the extermination of another. It consists of the brainwashing of poor and uneducated populations performed by a group of violent leaders. This situation can be improved but not by violence as it might generate more violence. In Stanford University, the Peace Innovation Lab developed intervention design frameworks and innovation processes to increase positive, pro-social engagement across group boundaries. Apart from this there are certain platforms which allow society to get closer whereby they allow two people from diverse environments to meet and by knowing each other they generate empathy which is a key to avoid violence. Misinformation and ignorance might be the other cause for terrorism. If the articles published in newspapers inspite of being sensational help us to know about goodness of people then intolerance would diminish. If everybody comes to know about people like Malala then intolerance would not be generated after every terrorist attack. Education is another fundamental aspect to control terrorism. Therefore to encourage and get good education is

¹⁷ My Case Has Been Politicized, Memon Told Prison Guard Day Before Hanging, available at :<http://caravandaily.com/portal/my-case-has-been-politicized-memon-told-prison-guard-day-before-hanging/> (Last visited on October 21, 2016)

¹⁸ Us v. them

¹⁹ Discourages questioning and critical thinking

²⁰ Sees the external world as a threat and feels persecuted

²¹ *Supra* note 9

a part of ethics. Leaders are required who would preach education as a tool to create respect among all religions. A person that does not know a group or society cannot feel empathy for them. A child that grows listening how terrible a sector of society is internalizes such ideas and makes them his own. So, it is very necessary to educate the poorest sectors of the society, whose only source of knowledge is what is being said in the streets and what the mass media is saying. Education will not end terrorist attacks but it would contribute to make a better world, would decrease the number of violent attacks.²² General Assembly of the United Nations in its meeting convened on 12.07.2012, made a request that terrorism should not be associated with religion, nationality, civilization or ethnic group. It has been resolved that it shall be the responsibility of the Member State to establish the mechanism to check the menace of terrorism. India being member of the United Nations is obliged to implement the anti-terrorism resolutions of the United Nations Security Council vide various cases like, *Madhu Kiswar v. State of Bihar*²³, *D.K. Basu v. State of West Bengal*²⁴, *Vishakha v. State of Rajasthan*²⁵, *Peoples Union v. Civil Liberties v. Union of India, Chairman*²⁶, *Railway Board v. Chandrima Das*²⁷ The States should therefore be deeply concerned in maintaining human rights, which threatens the social and economic development of each State and should take all necessary and appropriate measures in accordance with International Law to protect the right to life.²⁸

²² Violence and Terrorist Acts: What do we do now? available at: <http://blog.sabf.org.ar/english/2015/01/14/violence-and-terrorist-acts-what-do-we-do-now/> (Last visited on October 21, 2016)

²³ AIR 1996 SC 1864

²⁴ AIR 1997 SC 610

²⁵ AIR 1997 SC 3011

²⁶ (1997) 1 SCC 301

²⁷ AIR 2000 SCC 988

²⁸ *Ms. Ranjana Agnihotri v. Union of India* 2013 SCC Online ALL 12040