

Terrorism and Law

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Abstract

Terrorism and the Law provide comprehensive coverage of all major domestic, European and international laws, and their result in various parts of world especially the UK. It contains an intense examination of the implementation of these terrorism laws, and of the practical problems they raise. Anti-terrorism laws in India have been a subject of great controversy. One of the great discussions is that these laws contradict the fundamental rights of citizens that are guaranteed by Part III of The India Constitution.

In this essay there will be a highlight on various acts that were brought up in order to combat terrorism. Here there will be a focus on the various acts including the Unlawful Activities (Prevention) Act 2004, Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA), The Maharashtra Control of Organised Crime Act (MCOCA), 1999, Prevention of Terrorism Act, 2002 (POTA). Another key area of focus will be the the two major terrorist attacks that took place on 26/11 in Mumbai and 9/11 in the city of New York with the policies and approach of both the respective countries to combat terrorism. The comparison is done in order to highlight the ways in which different countries combat terrorism in their own ways.

Introduction

Terrorism and the Law provide comprehensive coverage of all major domestic, European and international laws, and their result in various parts of the world especially the UK. It contains an intense examination of the implementation of these terrorism laws, and of the practical problems they raise. Terrorism inspires such methods that involve repeated violent actions, employed by criminal minded people. The definition of terrorism under Section 20 (1) of The Terrorism Act 1989 defines terrorism as the use of violence for the purpose of putting the public or any section of the public in fear. The essence lies in Section 1 (1), which contains 3 conjunctive legs. An exception is included in Section 1 (3) which designates the use of firearms or explosives as terrorism regardless of Section 1 (b). Terrorism in the world has developed to a great extent in the last two decades. Anti-terrorism laws in India have

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been a subject of great controversy. One of the biggest discussions is that these laws contradict the fundamental rights of citizens that are guaranteed by Part III of The India Constitution. At present, the legislatures in force to check up terrorism in India are The National Security Act, 1980 and The Unlawful Activities (Prevention) Act, 1967. There have been other Anti-terrorism laws in force in this country at different points in time. The major laws are Unlawful Activities (Prevention) Act 2004, Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA), The Maharashtra Control of Organised Crime Act (MCOCA), 1999, Prevention of Terrorism Act, 2002 (POTA).

Unlawful Activities (Prevention) Act, 1967 (UAPA) was enacted to deal with association and activities that questioned the territorial integrity of India. The Act itself-contained provisions for declaring the sessional list associations as unlawful, adjudicated by a tribunal, control of funds and places of work of unlawful associations, penalties for their members etc. Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA) is the 2nd major act that came into force on 3 September 1987 in order to facilitate more stringent actions. However, there were many instances of misuse of power for collateral purposes. The rigorous provisions contained in the statue come to be abused in the hands of law enforcement officials. TADA lapsed in 1995. So, there is needed to make stringent law to tackle terrorism. Prevention of Terrorism Act, 2002 (POTA) focused on continued offensive agenda of Pakistan ISI targeted at destabilizing India and the post 11th September developments. The POTA, 2002 clearly define the terrorist acts and terrorist in Section 3 while also granting special powers and exemption to the investigation authority under the Act. The need for this act is very critical as it could help to fight against the terrorism provide certain rights to the investigation authorities - leading to an even higher approach to combat terrorism

The act of terrorism has led to the creation of disaster in the history of mankind. Here there is a reference on the attacks of 26/11 that took place in Mumbai, India and the attacks of 9/11 that took place in the towers of the World Trade Centre in the New York City.

26/11 Attack on Hotel Taj Mahal, Mumbai

On November 26, 2008, one of the most disturbing attacks on the India's sovereignty took place.² Ten terrorists from Lashkar-e-Taiba executed 12 attacks that continued for four days,

² The attacks of 26/11 on Mumbai, India and ways to combat the same, The Better India (5th October 2016) <http://www.thebetterindia.com/60671/ravi-dharnidhirka-hero-taj-hotel-mumbai-attacks/>

within the city of Mumbai leading to the death of around 159 people and gravely wounding and injuring people more than 200. Those four tragic days were also a witness to the extraordinary acts of bravery that was shown by both ordinary civilians within the city as well as the security forces including the local police and the military men, as the city came together, joint hands and was ready to battle the brazen assault.

For three days and two nights, the burning dome and heritage of Hotel Taj Mahal was a sight that horrified the nation's psychology, exposing the fearful conditions of the Indian civilians towards the terrorism that was expanded by those ten terrorists from Lashkar-e-Taiban. It was the courage that was shown by a man within the blazing hotel whose quick thinking and perfect decision making saved 157 lives, including him. The name of this man was Ravi Dharnidhirka; he was a Captain in the US Marine Corps. He decided to dine with his cousins and uncle in the restaurant in the Hotel Taj Mahal. Dharnidhirka was in a dilemma at the moment when he entered the premises of the hotel. A fact that made him uneasy was the hotel security that had omitted the beeping sound of the metal detector as and when he entered the premises of the hotel. After some time there were many phones that started ringing together within the restaurant. His cousin too received a call informing him that there has been shooting that had taken place in Colaba.

Once it got confirmed that the hotel was under the attack of the terrorists, Ravi, along with few South African ex-commandos, this included the people who worked for a private firm, decided that it was now upon their decision to do something in order to prevent the severe loss. They assembled and decided to take the matter under their control. They realised that the instant danger that would occur to them from the Souk's glass doors. It is a single grenade from where the terrorists could easily cause grievous hurt and damage to the premises of hotel and to the people too. Two among the South African commandos narrated and explained this situation to the guests, while Captain Dharnidhirka, along with a commando, did a checking of the surroundings. They chose a safe conference hall that had a thick wooden door, they also found the emergency stairway near the hall, which they blocked it with tables, chairs and other heavy articles that could restrict the terrorists to reach them easily. They also communicated to some of the staff members of the Taj about a signal that would lead them to exist from the premises of the Taj as when needed. They then quickly evacuated everyone from the kitchen into the secure hall, and they also started arming themselves on the way with different equipments that included knives, meat cleavers, rods or

any other sharp material. They were in the thought of the reality that it was hard enough to stop gun armed terrorists but they wanted themselves to get prepared to fight back if required and were ensuring on the fact that the terrorists would never expect the equal and opposite resistance from the civilians that were present in the hotel premises.

After putting the barriers on the doors with every possible and available heavy object, the curtains of that particular room were drawn and the hall was darkened in order to avoid the attention of the terrorists. Instructions were provided to everyone to stay calm and quiet and not to reveal their position to anyone over the phone call. Dharnidhirka and the ex-commandos were aware of the fact that any information that would get out of that hall would lead to the risking of the lives of 157 people who would easily become the target for the terrorists. They waited for a long period of time where everyone was hoping for an opportunity to escape. The Taj staff also did a commendable job by providing food and water to every civilian during the period of long wait. After some time they heard two explosions. The terrorists exploded off RDX under the central dome and within the heritage towers of the Taj that lead to the setting of fire on the sixth floor.

The fire started spreading towards the upward direction and Dharnidhirka figured this could severely complicate their escape plan by blocking the exits. Even if the fire did not expand there would be chances of short-circuiting which could eventually suffocate them. Dharnidhirka and the ex-commandos realized it was time to execute their escape plan. Even though there were rumours that security forces were on their way to rescue them, Dharnidhirka knew that with the kind of firepower the terrorists had, the rescue forces may not get to them anytime soon. While a couple of the ex-commandos confirmed that the path was clear, Dharnidhirka cleared the barriers from the escape route along with the help of the staff, before helping the people vacate the hall. Phones of the people were switched off and shoes were taken off in order to avoid any form of noise during the evacuation. Every floor had a fire exit with a glass panel from where one could see the floor's lobby, so crossing the landing of every floor was highly risky and had to be executed with extreme care.

The moving group of all the saved civilians was led by the cautious and active ex-commandos and Taj security men, which was then followed by the women and children that were stuck inside the hotel. The other members of the group and the Captain Dharnidhirka came at last. When he made himself clear with the fact that an 84-year-old lady among them would never be able to walk down a 20 floor staircase, Dharnidhirka with the help from one of the waiters carried her downstairs in his arms. After getting evacuated from 20 floor descent, Captain

Ravi Dharnidhirka with his team of the ex-commandos escorted 157 people out of the burning hotel and brought each and every civilian from the hotel into safety zone. This bravery and presence of mind of the captain is highly rewarded and has also set up the new standards of courage that is supposed to be remembered for ages.

9/11 Attack on the Tower of World Trade Centre, New York City

On September 11, 2001, 19 militants who were associated with the Islamic extremist group al-Qaeda hijacked the four airliners and executed suicide attacks against targets in the United States. Two of the planes flew into the towers of the³World Trade Centre in New York City, the third plane stricked the Pentagon that was just outside Washington, D.C., and the fourth one crashed in a field in the area Pennsylvania. This attack is referred as 9/11, which resulted in death and destruction triggering major U.S. initiatives to fight against terrorism and define the presidency of George W. Bush. Around 3,000 people died during the attacks that include more than 400 police officers and fire fighters. On September 11, 2001, at 8:45 a.m. In morning, an American Airlines Boeing loaded with 20,000 gallons of jet fuel crashed into the north tower of the World Trade Centre leading to a gap burning near the 80th floor of the 110 story skyscraper, killing and trapping hundreds of people and trapping in higher floors. Then, 18 minutes after the first plane hit, the second Airlines Flight 175 appeared that turned sharply toward the World Trade Centre and stricked into the south tower near the 60th floor. The collision led massive explosion showered burning debris over surroundings.

The attackers were from Islam, Saudi Arabia and several other Arab nations. Some of the terrorists habituated in the United States for a year and had also taken flying education at the American commercial flight schools. Others came into the country and acted as the key to execution of the operation. The 19 terrorists smuggled box-cutters through security at three airports and boarded flights for California. Soon after takeoff, the terrorists captured the four planes and controlled the flights. As millions witnessed the event in New York, American Airlines Flight 77 headed over downtown Washington, D.C., and crashed towards westward of the Pentagon military headquarters at around 9:45 a.m. Leading to a devastating inferno

³ The attacks of 9/11 case facts and approach of combating, The 9/11 Truth Movement: The Top Conspiracy Theory, a Decade Later , Skeptical Inquirer (10th October 2016) , http://www.csicop.org/si/show/the_9_11_truth_movement_the_top_conspiracy_theory_a_decade_later

and the structural collapse of the giant concrete building leading to the death of huge number of people. Within few minutes the terrorists attacked the nerve centre of the U.S. military, the horror in New York when the south tower of the World Trade Centre collapsed in a dense cloud of dust and smoke. At 10:30 a.m., the other tower collapsed leading to the death of 3,000 people in the World trade Centre and its vicinity. Only six people in the World Trade Centre towers survived and around 10,000 others were treated for severe injuries.

Meanwhile the fourth plane was hijacked around 40 minutes after departing Newark International Airport, New Jersey. The plane delayed in taking off as the passengers were informed of events in New York and Washington. A group of passengers and the flight attendants planned an insurrection At 7 p.m., President George W. Bush addressed from the Oval Office that “Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the foundation of America. These acts shatter steel, but they cannot dent the steel of American resolve.” In a reference to the eventual U.S. military response he declared, “*We will make no distinction between the terrorists who committed these acts and those who harbour them.*”

Conclusion

Apart from courage that was shown by the civilians and the captain, the Indian police and the military men, who were filled up with anger for the terrorist and the attack, also worked very hard in order to save the civilians and the people who were stuck in the hotel. When the suspects were trying to escape from the hotel, it was the police who caught them and the trials against the main suspect that is Kasab begun. When he was sentenced to death he even made an appeal in the higher courts of the country but the appeal was not considered and he was sentenced to death. Here the Indian approach of fighting against the terrorist is showcased. Apart from the courage of the police, military men and the civilians, it also leads to a new history in the Indian judicial system of the country. The judgement was provided quickly in order to protect the rights of the citizens which also led to the setting up of an example to the terrorists that as and when needed the Indian judicial system can provide with a grievous punishment to the people who are or will be involved in such an attack.

The United States approach of fighting against the terrorists was taking revenge by ousting the Taliban regime in Afghanistan and destroying Osama bin Laden’s terrorist network. Within two months, U.S. forces had effectively removed the Taliban from operational power, but the war continued, as U.S. and coalition forces attempted to defeat a Taliban insurgency

campaign based in neighbouring Pakistan. Osama bin Laden, the mastermind behind the September 11th attack was finally tracked down and killed by U.S. forces at a hideout in Abbott bad, Pakistan. In June 2011, President Barrack Obama announced the beginning of large-scale troop withdrawals from Afghanistan, with a final withdrawal of U.S. forces.

Hence it can be concluded that different countries have different approaches to combat terrorism.