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**Check Your Progress 1**

- i) Give five phrases which have been used to express violence:  
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- ii) When does an individual group take on violence? Explain in about five lines.  
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**16.4.1 Violence and the Law**

There is much evidence available to indicate that maldevelopment results in tensions, conflicts and violence. The frequency of outbursts in a number of countries over a period of time indicate that rapidity of social change is associated with violence. The higher rate of social change is associated with instability. Social change may result in imbalance of privileges in a society and hence change can affect some people in a society adversely.

**Activity 2**

If you have seen some TV Programme or a movie or read a novel made on violence and terrorism, then note down how outlaws indulge in terrorism and violence. What does the law do to prevent these activities? Note down your observations and if possible compare with other students in the Study Centre.

Countries with a colonial rule background have inherited the problem of

- i) poverty
- ii) inequality, and
- iii) the lack of equal opportunity as a legacy.

This legacy has been prolonged as there were no structural change in the system we have inherited. This has furthered the levels of exploitation, by the elites who wield power in the new political set-up. Poverty, inequality and exploitation have remained intact with us. The new political power group has legitimised exploitation with the new political order.

In a unequal society (divided by tribal, caste, class, religious or other cleavages), maldevelopment means unequal opportunities in the competition for jobs, services, educational and social facilities. These factors also aggravate groups and class conflicts and accentuate individual frustration. This has led to the rich becoming richer. The middle class has expanded activities in different spheres of life and the poor have either remained poor or in some cases have become poorer. This is because of the increasing gulf between the “haves” and the “have nots”.

The regulatory laws, and the provisions in the Constitution to prevent exploitation and any kind of discrimination have not been of much avail. The terrorist activities in Punjab, Assam, Jammu and Kashmir, and the naxalite problem in Andhra Pradesh, Bihar, Jharkhand, West Bengal, Orissa, Maharashtra and Madhya Pradesh are examples of perceived maldevelopment and people taking to arms. The State policy of reservation has further aggravated the situation in many states and there have been incidents of violence.

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## 16.5 ETHNIC IDENTITY AND VIOLENCE

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There have been instances where it is clearly seen that violence is directed towards a specific group. Studies show that there are social, economic and political disparities between the races in the United States of America. They are sufficient to justify the fear that the Blacks would be found to have higher crime rate than Whites. Similarly it can be seen from the population in the Indian prisons that most of the inmates come from lower socio-economic background. This may mean two things:

- i) that those who belong to lower socio-economic strata of the society are more involved in criminal activities than others,
- ii) that the law is enforced more vigorously in the case of the poor rather than the rich.

If we look at the situation in India we have concrete examples of ethnic violence. This is so particularly in the case of the communal riots which take place sporadically in different parts of the country. The riots are often between the Hindus and the Muslims, Hindus and Sikhs, Shia and the Sunni Muslims. Besides, there are intercaste and intracaste conflicts. There is heavy loss of property and life during these conflicts.

When there are difference between the different segments of society violence may occur. This happens when they feel insecure or that they are being exploited by the other group(s). The killing of persons belonging to one segment by another brings out very clearly the ethnic nature of violence.

### 16.5.1 State Violence and Human Rights

Violence on the part of the State usually has the cover of legitimacy. There is also approval (at various times and places), of certain forms of violence under certain conditions. Justification for violence is just often an excuse. It is often reported that there was an encounter with terrorists or with the naxalites and so many of them were shot dead. There are also allegations that the encounters have been fake. The individuals or the group of people were killed without sufficient cause. Violence on the part of the State, particularly the police always finds some justification.

Totalitarian states use violence as a part of the system. In democratic states it functions as a control mechanism during crises. During crisis, even in democratic countries, almost all the fundamental rights are suspended and there is no place for human rights. The international conventions are kept at bay. The situation is usually measured by the State. Because of crisis, the threat to the regime is contained by using violence with the help of the police and the military. Most of the Constitutions in the democratic countries have provisions to enable the government authority to attain special powers. This, in fact negates all the conventions for the protection of human rights.

The proclamation of Emergency during 1975-77 and Operation Blue Star (1984) in Punjab are much discussed issues. These acts of the central government are considered as terroristic. Time and again such instances are repeated and the human right of the individual and group are taken away by the government.

### **16.5.2 Measures to Deal with Violence**

A spurt in international activities by terrorists led to various conventions to tackle the problem. These conventions are :

- i) The 1937 Convention for the prevention and punishment of terrorism
- ii) The 1971 Convention to prevent and punish acts of terrorism, crimes against persons and related extortion that are of international significance.
- iii) The 1973 Convention on the prevention and punishment of crime against internationally protected persons including diplomats.

In the same year there was an European Convention on : (i) suppression of terrorism; and (ii) the 1979 International Convention against the taking of hostages. This apart there were conventions on air hijacking. They are:

- i) The Tokyo Convention, 1969
- ii) The Hague Convention
- iii) The Montreal Convention to tackle the problem of commission of offence on board, seizure of aircraft and it also includes offences in air or on ground and permits the State to take action for preventing the offences.

#### **Box 16.02**

Nuclear terrorism does not only pose a threat to a single nation. It could lead to a major international crisis. The potential of nuclear blackmail is very dramatic. However other equally lethal weapons do exist : these include poisons like OPAS : Nerve gases like the monofluoroaliphatic compounds (BTX) which is lethal no matter how it enters the body.

Anthrax, bubonic plague, encephalitis and psittacrisis can all be produced by chemical terrorism. An epidemic of these diseases could spread far and wide. These weapons however are more likely to be used by a madman than a terrorist.

Terrorists can possibly gain nuclear weapons (a bomb) by theft or gift. Another possibility for terrorists is to manufacture a nuclear bomb with the help of scientists and engineers having the right specialisation. The potential/possibility of such nuclear terrorism is that it may turn into nuclear war.

**Check Your Progress 2**

1) Write short notes on state violence and human rights. Use five lines for your answer.

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2) Various conventions were held to reduce or eliminate terrorism and one of these Conventions was (Tick the right answer):

- i) 1937 Convention for the Prevention and Punishment of Terrorism
- ii) 1990 Law Against Violence and Terrorism
- iii) Neither is right
- iv) Both are right.

**16.5.3 Steps to Tackle Terrorism**

India has enacted a law known as “Terrorists and Disruptive Activities (Prevention) Act, 1985 to tackle such problems. This Act has special provisions for prevention of, and for coping with, the terrorist and disruptive activities and matters related with it. The Act provides abundant powers to the law enforcement agencies to deal with the terrorists and disruptive activities. The major provisions under the Act are : that whoever commits a terrorist act and causes death of any person shall be punished with death. In other cases of terrorist activities the term of imprisonment shall not be less than five years. This may extend to a life-term and also be liable to a fine. In case of conspiring, the minimum punishment shall not be less than three years. This may extend to life and also include fine.

As regards disruptive activities, the punishment is similar to conspiring to commit terrorist activities. The disruptive activities, whether directly or indirectly, which may affect the sovereignty or territorial integrity of India, cession or secession, by action or speech and so on, are considered as disruptive activities. The Central Government may, by notification in the Official Gazette, make rules to prevent or to cope with, terrorist and disruptive activities. Section 5 of this Act gives vast powers to the Central Government, the state governments and the administrators of the Union Territories, for dealing with the terrorists and disruptive activities. Section 6 of the Act provides for enhanced punishment. Where there is contravention of the Arms Act, 1959, the Explosive Act, 1884, or the Explosive Substances Act, 1952. Any contravention of these provisions by any person shall be liable for a term which may extend to 10 years or term for life and also be liable for fine.

All proceedings before a designated court shall be in camera. The identity of the witnesses may be kept secret. The proceedings may be held at a protected place. Any record which is accessible to public contains no names and addresses of the witnesses. In a nutshell it may be mentioned that the Act provides enough tooth to deal with the problem of terrorists and disruptive activities.

**POTA:**

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## **16.6 LET US SUM UP**

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In this unit we have discussed various aspects of violence and terrorism. We began with the concept of violence and terrorism. After this were described the causes of terrorism. Next we turned to politics and terrorism. After this we turned to maldevelopment of society in relation to violence and the law. Following this we discussed ethnic identify and violence. The other three aspects discussed are state violence and human rights; measures to deal with violence and finally steps to tackle terrorism.

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## **16.7 KEY WORDS**

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<b>Deprivation</b>	: Not to have something which is regarded as a common necessity.
<b>Exploitation</b>	: The use of power and intelligence to take unfair advantage of those people, groups and communities which are weak.
<b>Kidnapping</b>	: Forceful and unlawful lifting of a person and keeping him or her in criminal custody.
<b>Maldevelopment</b>	: In the context of unequal society it means unequal opportunities in the competition for jobs, services etc.

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## **16.8 FURTHER READINGS**

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Merkl, Peter H. 1986. *Political Violence and Terror: Motif and Motivations* University of California Press: Berkeley and Los Angeles.

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## **16.9 ANSWERS TO CHECK YOUR PROGRESS**

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### **Check Your Progress 1**

- 1)
  - i) Violence in the streets
  - ii) external war
  - iii) violence in the wheel
  - iv) violence in the media
  - v) social violence

- 2) Individuals in groups take to violence when their legitimate demands are not met through legitimate means. For example if there is a failure on the part of the state to protect law-abiding citizens, violence may erupt in various ways.

**Check Your Progress 2**

- 1) Violence on the part of the state has a cover of legality. Totalitarian states use violence as part of the system. In democracies it is used during crises. Thus human rights do occasionally get trampled upon by the state.
- 2) 2 (i)



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