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# SACRED VIOLENCE: THE GLOBAL ISLAMIZATION OF TERROR

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Baibhab Datta<sup>1</sup>

## I. ABSTRACT

*Whereas religion has historically been associated with terrorism it is clear that in current global discourses the notion of terrorism being largely a product of an inherent, inordinate relation between the domain of religion and an overwhelming dominance of Islam and Muslimness continues to persist. The present work probes the veracity of this association: Is it an outcome of, and a reflection of, some empirically evident characteristics of current terrorist activity, or is it constructed primarily by the processes of media, geopolitics and security studies. Concentrating on terrorist organizations affiliated to Islam, its inquiries into the reasons why the practice of invoking religious justifications of violence by some groups takes a significant presence while a similar trend among religiously and ideologically other influenced groups gets less attention. The trend is the same everywhere, whether in the London streets or the Mumbai coastal arteries. The result of a globe that is disoriented with its own image, in which a faith that was worshipped in Mecca is fought over in the markets of Mumbai. It examines instances of terrorism as found in the case of India that has its own strategic location on the global map, diverse societal characteristics and long-term experience with trans-border as well as internally rooted terrorism. Analysis of the main terrorist incidents such as the 2008 Mumbai attacks and later urban terrorist activities aims to provide understanding about organization and structure of terrorist activities, processes of recruitment and the trans-national linkages. It further analyses the role played by sponsorship, funding network, and the dynamics of identity-based mobilization in the survival of terrorism. Further, to understand law's responses to the categorization of terrorism, it examines Indian anti-terror legislations: UAPA and NIA Act and international frameworks like UNSC Resolutions and FATF standards; analyses the various approaches to preventive detention and national security to gauge the balance struck between state power and citizen's liberty. Within this context of analysis from the legal point of view, it is argued that although there exist certain contemporary terrorist outfits which have*

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*some links to Muslim affiliated groups, it is dangerous to broadly conceive of terrorism being intrinsically linked to Islam as that would lead to oversimplification of various political, strategic and legal contexts shaping current terrorism.*

## II. KEYWORDS

Sacred Violence, Muslim-Affiliated Terrorism, UAPA, National Investigation Agency (NIA), Counter-Terrorism Law.

## III. INTRODUCTION

Terrorism has developed to be more than an ancient guerrilla tactic to a well-organized, globally connected phenomenon that breaks traditional territorial, cultural, and ideological boundaries. Out of all the types of terrorism recorded in history, the ones that involve direct or indirect participation of Muslims have drawn the attention of the world because of its magnitude, continuity, and ideological contextualization. After the late twentieth century, especially after the major geopolitical restructuring of the world during the Soviet-Afghan War, the crumbling of colonial borders in the Middle East, and the emergence of transnational communication networks, Muslim-based terrorist groups have been the key to interpreting modern asymmetric warfare. The movements often rely on religious sources, historical examples and theological explanations to hallow their political aims, a process commonly known as sacred violence.

The international terrorist environment is not a unit. It includes a continuum of ideologically oriented jihadist networks to ethnically oriented separatists, and state sponsored proxies to decentralized cellular networks. Within this continuum, there has been direct participation of Muslims, both by organizations that openly identify themselves as Muslims and use its theological foundations to recruit and justify, and indirect participation by nation-state sponsorship, financial networks, and mobilization by diaspora. However, religiously motivated terrorism is not confined to Islamic contexts alone. Comparative examples include the Lord's Resistance Army in Uganda, which invoked Christian millenarian theology to justify violence, Hindu extremist involvement in incidents such as the Malegaon blasts in India, and Sikh militancy during the 1980s insurgency in Punjab. These instances demonstrate that the

use of religious narratives to legitimize violence is a broader phenomenon across traditions. The fact that some of the Muslim majority nations have been indirectly involved in the funding, training, and equipping of the terrorist groups has complicated the international security framework, making regional wars international crises.<sup>2</sup>

One of the most important case studies of this situation is India. India is a country geographically located at the intersection of South Asia and strategically located along the major maritime and aerial routes and has witnessed decades of terrorism which has been both home-grown and aided by foreign powers. The Indian subcontinent has experienced first-hand attacks by transnational organizations that have clear Muslim identifications, as well as been a target of proxy warfare sponsored by states. Since the first infiltrators in Kashmir until the organized attacks in Mumbai, the history of terror in India is marked by a persistent fight against sacred violence that has influenced its defence policies, economy and social life. This paper will discuss the international pattern of Muslim-associated terrorism, discuss the direct and indirect modes of participation, and give an in-depth evaluation of the historical plight of India, structural weaknesses, and strength in dealing with the situation. Within the context of the whole world, this paper will seek to shed light on how sacred violence has taken shape across the boundaries of countries and how democratic states have evolved to deal with its changing aspects.<sup>3</sup>

### **A. Research Questions**

1. How has “sacred violence” shaped modern global terrorism patterns?
2. What are the direct and indirect modes of involvement of Muslim-associated actors in terrorism?
3. How has India been affected by and responded to such forms of terrorism?

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<sup>2</sup> Mark Juergensmeyer, *Terrorism in the Mind of God: The Global Rise of Religious Violence* (3d ed. 2003).

<sup>3</sup> Gilles Kepel, *Jihad: The Trail of Political Islam* (2006).

## **B. Research Objectives**

1. To analyse the concept and evolution of sacred violence in modern terrorism.
2. To examine the role of direct and indirect participation in global terrorism networks.
3. To evaluate India's experience, challenges, and responses to terrorism.

## **C. Research Hypothesis**

1. Sacred violence plays a central role in shaping contemporary global terrorism.
2. Both direct and indirect involvement significantly contribute to the expansion of terrorist activities.
3. India's geopolitical and social structure makes it a key case study in understanding and countering such terrorism.

## **D. Research Methodology**

1. **Research Design:** Qualitative and analytical research based on doctrinal study.
2. **Data Collection:** Secondary sources including books, journal articles, reports, and official records.
3. **Method of Analysis:** Descriptive and analytical evaluation of collected data to identify patterns and trends in terrorism.
4. **Approach:** Comparative approach to examine global and Indian perspectives.

# **IV. THE CONCEPT OF SACRED VIOLENCE AND MODERN TERRORISM**

The term sacred violence refers to terrorism where religion plays a prominent role in justifying the target, method, and goal of the attack. While secular or nationalist movements justify attacks by their targets, methods, and goals by means of divine,

scriptural and eschatological mandates, sacred violence sanctifies attacks by these same justifications, though, in the case of the Islamic version, holy struggle (jihad), caliphate (khilafah) and governance by Islamic law (hukm al-Islam). But not even sacred violence is absolute; sacred violence depends on context and interpretation.

In the late twentieth century, Muslims who carried out acts of modern terrorism gained importance when post-colonial states were struggling to respond to identity crisis, resource sharing, and external interference. With secular Arab nationalism faltering, there was room for religiously oriented movements that offered a concrete moral code and an anti-imperialist cause. Groups such as Egypt's Muslim Brotherhood, Lebanon's Shi'a-oriented Hezbollah and Afghanistan's Al-Qaeda, all used theological arguments to justify armed struggles against alleged oppressors including invaders, heretical local rulers and Western cultural threats. Sanctifying violence, these movements bypassed age, sex and national barriers, and created transnational networks extending to other continents.

Certainly not all sacred violence in the Islamic tradition is the same. Theologically sacred violence in Islam is not homogenous; indeed, sacred violence in the Muslim context varies widely in practice as far as the theological spectrum ranges from quietest, prayerful, patient traditions to activist armed struggle priority movements. Many contemporary jihadist movements, for example, found doctrine for their campaigns against bid'ah (heresy) and in their bid to resurrect the lifestyle of the 'prophetic generation' in Salafism. These doctrines often co-exist with militant political ideology as they promote violence not merely as a choice but as worship.

One other category within sacred violence is state and financial circuits that unconditionally support terrorist organizations without directly managing their day-to-day operations. To further propagate specific theological schools, including *Wahhabism* or *Shi'a* theology, Gulf states invested on mosques, universities and training camps all over South Asia, Africa and Southeast Asia especially during the Cold War period. Indirect aspects of sacred violence, or state and financial networks supporting terrorist organizations indirectly by supplying funds and other resources, in fact, include supporting the promotion of *Wahhabism* and *Shi'a* theology. Diaspora

financing, charity networks, and informal banking systems (hawala) were also conduits that transferred resources across international borders to support terrorist acts, even when the sponsor state withdrawal, thus allowing sacred violence to persist with ideological diffusion and diversified funding.

## V. GLOBAL LANDSCAPE: DIRECT AND INDIRECT MUSLIM INVOLVEMENT IN TERRORISM

The history of global terrorism in the last 50 years indicates that such a phenomenon is a complicated combination of religious ideology, geopolitics, and economy. Direct involvement, the direct involvement is identified with organizations which make an explicit identification with Islam, recruit by the use of Islamic terminologies and their objectives are framed in theological terms. Indirect involvement involves state sponsorship, financial networks, and institutional support that facilitate the operations of terrorists without command and control.<sup>4</sup>

### A. Direct Involvement

There are numerous forms of organization that have been used by the Muslim-led terrorist groups, and these include hierarchical commands, and the decentralized cells. The ideological basis is usually based on the idea of jihad that in contemporary times has been understood as the defence warfare against the external occupation, or offensive warfare to impose the Islamic rule. Organizations like Al-Qaeda, ISIS, Boko Haram, and Lashkar-e-Jhangvi use Quranic verses, hadiths and modern-day fatwas to legitimize their violence against civilians, military bases and other sects. Their recruitment policies often focus on religious affiliation and have defined terrorism as not a political decision but a religious duty. The martyrdom operations, suicide bombers and territorial conquest also help to sanctify their campaigns and provides a narrative of how earthly sacrifice is rewarded by eternal reward.<sup>5</sup>

There is theological diversity in Muslim-led groups. Al-Qaeda and ISIS, the Sunni groups, focus on Salafi doctrines and global jihad, whereas Hezbollah and other Iraqi

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<sup>4</sup> Daniel Byman, *The Islamic State and the Global Jihadi Movement*, in *CTC Annual Review* (Combating Terrorism Ctr., 2015).

<sup>5</sup> F. Gregory Gause III, *The Gulf States and Terrorism*, 92 *Int'l Affs.* 587 (2016).

militia are Shia groups that concentrate on fighting Western and Israeli dominance in the region. More subtle movements influenced by Sufi also have practiced terrorism focusing on spiritual cleansing and political battle. This plurality in theology proves that sacred violence is not limited to one sect or interpretation but is an activity that goes over the range of Islamic thought.

### **B. Indirect Involvement**

State sponsorship has been instrumental in enhancing Muslim participation in international terrorism. Pakistan Inter-Services Intelligence (ISI) trained and funded Afghanistan mujahideen during the Cold War who eventually became the backbone of Al-Qaeda and the Taliban. On the same note, Iran formed the Quds Force of the Revolutionary Guard Corps, to assist Hezbollah, the Shia militias in Iraq, and Hamas in the region. Gulf countries such as Saudi Arabia and Qatar financed mosques, schools and scholarships that propagated certain theological programs, which indirectly influenced ideological inclinations, which would later become a source of militancy.

Financial systems have been contributory as well. Organizations like Al-Itqan, Islamic Relief, and many other smaller charities directed money to terrorist organizations in South Asia, Africa, and the Middle East. These were funds provided by zakat (obligatory alms), corporate contributions, and contributions by the diaspora, which formed a maintainable financial ecosystem that was not tied to state resources. The hawala system which was informal also helped in transferring funds across borders without banking restrictions and this therefore helped terrorist organizations to work in the shadows. proxy warfare is also an indirect way of involvement where regional powers operate proxy warfare through militant groups to provide a buffer to the opponent, so that terrorism remains a feasible strategic weapon when the direct military action is too expensive, or politically unacceptable.<sup>6</sup>

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<sup>6</sup> I. Posushek et al., *Hawala in Global Finance: Funding Channels for Terrorist Organizations*, 32 *J. Int'l Money & Fin.* 78 (2013).

## VI. HISTORICAL EVOLUTION AND MAJOR CASE STUDIES

The history of Muslim-led terrorism can be traced back over a number of decades, which represented changing geopolitical trends, theological ones, and organizational breakthroughs. Its historical development may be split into several periods, each of which was characterized by the catalysts and the most outstanding groups.

- 1. The Foundations of the late twentieth century:** The origin of contemporary Muslim terrorism in the late twentieth century dates back to the late 1970s and 1980s. The Palestinian fedayeen movement became famous with such organizations as Fatah and PFLP that used hijackings and guerrilla tactics against Israeli and Western targets. At the same time, the Muslim Brotherhood of Egypt developed into a military rebel group following the assassination of President Anwar Sadat in 1981. The Soviet-Afghan War (1979-1989) acted as a hot-pot of jihad training, with Arab volunteers in the Middle East and South Asia, being trained in guerrilla warfare in Pakistani tribal areas. The veterans came home and opened local branches of transnational networks, planting terrorism in Africa, southeast Asia and Europe.<sup>7</sup>
- 2. Al-Qaeda: Global Jihad Institutionalized:** Al-Qaeda was the first truly international jihad organization that was formed in 1988 by Osama bin Laden. Al-Qaeda was founded in 1988 during the Soviet-Afghan War as a transnational network to support and coordinate jihadist activities; its focus later evolved after the 1990 to 1991 Gulf War to include opposition to the presence of United States troops in Saudi Arabia and broader attacks on Western interests. The September 11 attacks (2001) were a good example of the Al-Qaeda strategic vision: mass symbolic targets that would result in overreaction and burn enemy resources. With the leadership of Ayman al-Zawahiri following the death of bin Laden, Al-Qaeda decentralized its operations, allowing its local affiliates to operate autonomously but with an ideological focus. The organization also focused on long-term strategy,

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<sup>7</sup> Christina Garver, *Boko Haram: Islam's Revolution in West Africa* (2016).

patience and education of ideology and established a lasting presence despite territorial defeats in Afghanistan.<sup>8</sup>

3. **ISIS: Statehood and Brutality:** Developing out of the ashes of Al-Qaeda in Iraq (AQI), ISIS would develop under the leadership of Abu Bakr al-Baghdadi into a semi-state asserting a presence in Syria and Iraq. As opposed to the earlier jihadist groups that concentrated on guerrilla warfare, ISIS concentrated on territorial conquest, which formed the rule of caliphate including taxation, judicial system, and administrative units. It based its ideology on apocalyptic texts and utilized the eschatological traditions to warrant extreme violence against Shias, Yazidis and even Sunnis considered apostates. The ideological appeal and economic motivation through the systematic use of the media, social networks, and cinematic propaganda made ISIS a globally recognized terrorist organization with thousands of foreign fighters.<sup>9</sup>
4. **Boko Haram: Local insurgency:** Boko Haram, which relies mainly on the Niger Delta and Lake Chad Basin, was founded upon the teachings of Mohammed Yusuf, who stressed on Quranic education and resistance to Western-style governance. The violent insurgency that started in 2009 by the group after police raids on its headquarters, led to a series of revenge attacks that forced millions of people to flee. Boko Haram did not emphasize international jihad, but instead it placed great importance on regional supremacy and local power. It combined Salafism with West African Islamic customs in its ideological agenda, leading to unique recruitment patterns and strategic adaptations to the Sahelian environment.
5. **Hezbollah: Asymmetric Warfare and State Sponsorship:** Hezbollah was formed in Lebanon in 1982 with the help of Iran and it is a religious movement that is integrated with conventional military forces. It uses terrorism as the extension of the more general approach, which includes guerrilla warfare, suicide bombings, missile attacks, and diplomatic interaction. The participation

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<sup>8</sup> A.M. Vasiliev & N.A. Zherlitsyna, *The Evolution of Al-Qaeda: Between Regional Conflicts and a Globalist Perspective*, 92 *Herald Russ. Acad. Sci.* S1240 (2022).

<sup>9</sup> Sean Walker & Charles Lister, *Reborn in Blood: ISIS's Rise Through Jihad* (2017).

of Hezbollah in regional disputes, especially the Syrian Civil War, indicates the positive effects of indirect state sponsorship on raising local organizations to transnational organs. The independence of its finances via Lebanese diaspora networks, commercial activities, and Iranian financing enables it to operate without Lebanese government budgets.<sup>10</sup>

## VII. MAJOR TERRORIST INCIDENTS INVOLVING ISLAMIST ORGANIZATIONS: A GLOBAL OVERVIEW

1. September 11 attacks – United States – Al-Qaeda.
2. 2008 Mumbai attacks – India – Lashkar-e-Taiba.
3. Paris attacks – France – Islamic State (ISIS).
4. Pulwama attack – India – Jaish-e-Mohammed.
5. Sri Lanka Easter bombings – Sri Lanka – National Thowheeth Jama'ath.
6. London 7/7 bombings – United Kingdom – Al-Qaeda-inspired cell.
7. Peshawar school massacre – Pakistan – Tehrik-i-Taliban Pakistan.
8. Brussels bombings – Belgium – Islamic State (ISIS).
9. Nice truck attack – France – ISIS-inspired attacker.
10. Manchester Arena bombing – United Kingdom – ISIS-inspired attacker.
11. Westgate shopping mall attack – Kenya – Al-Shabaab.
12. Garissa University attack – Kenya – Al-Shabaab.
13. Bali bombings – Indonesia – Jemaah Islamiyah.
14. Surabaya church bombings – Indonesia – Al-Qaeda-inspired cell.
15. 2016 Istanbul airport attack – Turkey – ISIS-linked attackers.
16. 2014 Chibok schoolgirls kidnapping – Nigeria – Boko Haram.
17. 2016 Uri Attack – India – Jaish-e-Mohammed.
18. 2025 Pahalgam shootings – India – The Resistance Front (TRF) proxy outfit of Lashkar-e-Taiba.<sup>11</sup>

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<sup>10</sup> Elisabeth Nader, *Hezbollah and the Regional Balance of Power*, 72 Middle E. J. 531 (2018).

<sup>11</sup> Nat'l Counterterrorism Ctr., *Historic Timeline*

## VIII. INDIA'S PLIGHT: A COMPREHENSIVE ANALYSIS

The story of the Indian subcontinent, with its deeply religious societies, partitions, and the complex geography that links it to Pakistan and the Middle East, is inherently a story of sacral violence that began in the 1990s as an externally assisted effort by state-backed Muslim organizations to directly infiltrate into Indian space.

### A. Background

Tracing the genesis of modern terrorism in India from late 20th century, one notices how it took shape due to formal institutionalization of cross border infiltration, whereas Dawood Ibrahim's underworld gang organized the earliest well-coordinated Muslim involvement in a series of terror strikes (e.g. 1993 Bombay bombings). Kashmiri insurgency started in 1989 with organisations like Hizbul Mujaheddin, Jammaat-e-Islami seeking to destabilise the Indian government by orchestrating guerrilla warfare, killings and a chain of explosions and suicide attacks in urban India. The terrorists were armed by Pakistan and received training from Afghan terror camps which were later transferred to the tribal belt in Pakistan post-Soviet intervention.

The 1993 Bombay bomb blasts, primarily organized by Dawood Ibrahim's D-company through car bombs at high-profile targets like the Bombay High Court and various hotels across Bombay, highlighted urban terrorism. The infiltration was carried out by Pakistan-based terror network Majhid (using Italian passports). Early financing of Indian terrorism came from Islamic states in Gulf through Hawala and other financial channels which provided sustenance to a decade-long terrorist setup.<sup>12</sup>

### B. A series of attacks

The 1990s saw a series of coordinated attacks in Indian cities. Attacks in Hyderabad (1996), Delhi (1998) and Mumbai (2000) signalled the emergence of new dimensions of terrorism. The 2001 Parliament attacks which were arranged by Kashmiri militants that infiltrated into New Delhi through the Valley of Kashmir and led to the brink of

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<sup>12</sup> Nat'l Crime Recs. Bureau, *India's Terrorism Database*, Ministry of Home Affs., Govt. of India, Annual Reps. (2015-2023)

India-Pakistan war, was a major development demonstrating the range to which sacril violence can push a catastrophe.

November 2008 Mumbai attacks (26/11) was one of the most striking occurrences of systematic and planned terrorism orchestrated by Lashkar-e-Taiba (LeT) through ten heavily armed terrorists entering Mumbai by sea route who launched simultaneous attacks at the Chhatrapati Shivaji Maharaj Terminus (CSMT), Taj Mahal Hotel, Leopold Cafe and other sites of the city over three days using firearms. The LeT operated from training camps in Punjab and received funding from Gulf charities and made strategic phone communications using the Pakistani telephone network, although the intelligence agencies had received some prior warnings of likely attacks, none were heeded to prevent the carnage.<sup>13</sup>

Pathankot attacks (2016) by Jaish-e-Mohammed (JeM) in which heavily armed militants infiltrated an Air Force base in Punjab through a camouflage dress and local contacts demonstrated that infiltration had moved beyond infiltration in J & K into an Air Force base in an otherwise peaceful Indian State, while Pulwama attack (2019) of vehicle-borne IED/suicide car bombing, on highway in J&K indicated how the method adopted by Jaish-e-Mohammed (JeM). Kashmir was changing, while retaining the sanctity of the tactic of suicide bombing as an ultimate form of sacred violence.<sup>14</sup>

### **C. Reasons behind it**

Several reasons can be identified for the emergence of terror infrastructure within India. Cross-border infiltration, both direct (as practiced by state backed terror groups) and indirect (through the porous borders in J&K and tribal areas) is foremost. Internal radicalization has also played a significant role. These were fuelled by social and economic marginalization of youth among slums and the underdeveloped regions of rural India. Political vacuum created due to issues of identity and separatism in Kashmir opened up the space for external terrorist groups to recruit

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<sup>13</sup> Ministry of Home Affs., Govt. of India, *Report of the Investigation Committee on Mumbai Attacks (2008)*.

<sup>14</sup> A. Irfan & M. Khan, *Cross-Border Terrorism in South Asia: Funding Networks and State Sponsorship*, 58 *Asian Surv.* 732 (2019).

local elements in the region. Terror financing was established and flourished using existing local banking and charities that provided necessary funding and hardware to operate a sustained network and help individual terrorist receive stipend from a transnational setup including diaspora financing.

#### **D. Economic Impact**

The economic toll taken by the terror in India has been substantial with defence spending increased from an approximate 1.5 per cent of GDP in early 1990s to over 2.5 percent of GDP by the 2010s, including counter terrorism operations and infrastructure security. Tourism in Kashmir, a state where terror reign during peak days, saw a drop by 60 percent and incurred loss to the exchequer of several billions, as did the economy in the wake of 2008 Bombay bomb blasts which caused disruption in financial market, insurance and real estate and subsequent attack reduced foreign investment flow and estimated that by 2015 the economy had already taken a \$130 billion hit since 1990.<sup>15</sup>

#### **E. Social and Political impact**

The communal tensions arising out of destruction of Babri Masjid (1992) and subsequent riots had facilitated use of communal sentiment as basis for terrorism in India while cities began to see increased surveillance, checkpoints, security cordons and neighbourhood watch. The diasporic community faced the dual issue of cultural inclusion through participation in various aspects of Indian culture, cuisine, art forms as well as marginalization post-terror attacks such as 26/11, whereas political actors and parties in India began to include security against terror as their most important election plank and agenda.

#### **F. India's response**

The response of the state towards combating terror has since shifted from reactive mechanisms to proactive strategy. Establishment of National Investigation Agency (NIA) in 2008, National Counter Terrorism Centre (NCTC) for intelligence sharing and specific anti-terror operations such as Operation Rahin and Operation All Out

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<sup>15</sup> World Bank Grp., *Terrorism and Development: A Global Perspective* (2019).

(launched in 2017 in Jammu & Kashmir specifically targeting terrorist groups) , using special forces for specific strikes, as well as diplomatic endeavours including UN resolutions against cross border terror, interaction with FATF to curb funding, and various bilateral agreements with neighbouring states and Gulf nations helped India to curb terrorism. The indigenous terror organisations such as Indian Mujahideen and Dawood's D Company incorporated various local grievances in their ideological makeup as they learned to adapt and localize the global phenomenon of terrorism while simultaneously strengthening their transnational networks.<sup>16</sup>

## IX. HOW INDIA DEALS WITH TERRORISM

India has a structure to deal with terrorism that includes laws, institutions and international agreements. This system brings together laws, global commitments and court decisions. At the heart of this system is Unlawful Activities (Prevention) Amendment Act, 2019 which is also known as UAPA. The UAPA was changed in 2004, 2008 and 2019. The UAPA gives a definition of an act that covers threats to India's sovereignty, unity, security or economic stability. The UAPA<sup>17</sup> allows the State to call both organizations and individuals as terrorists impose bail conditions and regulate terror financing. Although the Prevention of Terrorism Act, 2002 (POTA)<sup>18</sup> was stopped because of concerns of misuse its framework helped make the UAPA stronger. The National Investigation Agency Act, 2008 helps in investigating and prosecuting terror cases across India.

India follows rules like UN Security Council Resolutions such as 1267(1999) and 1373(2001)<sup>19</sup>. India implements sanctions, assets prevent terror financing and prevents safe havens. India also follows Financial Action Task Force (FATF) Standards, which has led to controls on money laundering and terror financing. Extradition treaties and

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<sup>16</sup> Sumit Ganguly, *India and Pakistan: The Terrorist Threat*, 59 *Survival* 89 (2017).

<sup>17</sup> Unlawful Activities (Prevention) Act, No. 37 of 1967, India Code (1967).

<sup>18</sup> Prevention of Terrorism Act, No. 15 of 2002, India Code (2002).

<sup>19</sup> U.S. Dep't of State, *Two U.N. Security Council Committees Fight Global Terrorism* (Feb. 13, 2004), <https://2001-2009.state.gov/p/io/rls/fs/2004/29379.htm>

mutual legal assistance agreements (MLATs)<sup>20</sup> help in prosecuting and bringing back accused terrorists from countries.

The Indian courts try to balance state security and fundamental rights under the Constitution. In *People's Union for Civil Liberties v. Union of India* the Supreme Court laid down safeguards governing telephone surveillance under Section 5(2) of the Indian Telegraph Act, 1885, recognising the right to privacy under Articles 19(1)(a) and 21, with implications for national security and counter-terrorism contexts. In *Abdul Nazar Madani v. State of Tamil Nadu*, (2000) 6 SCC 204 (SC), the Supreme Court considered a transfer petition seeking relocation of the Coimbatore Bomb Blast trial on grounds of communal tension and apprehension of an unfair trial and declined the transfer while laying down the standard for such requests. The courts have also developed significant jurisprudence on bail provisions under the UAPA, particularly under Section 43D (5).

In *NIA v. Zahoor Ahmad Shah Watali*, (2019) 5 SCC 1, the Supreme Court held that bail must be denied if a prima facie case is established based on the prosecution's material, thereby setting a stringent threshold that prioritizes national security. This approach was revisited in *Thwaha Fasal v. Union of India*, (2021) 7 SCC 1, where the Court clarified that mere possession of literature or ideological sympathy is insufficient to attract the rigours of UAPA without evidence of active involvement in terrorist acts. These decisions illustrate the evolving judicial attempt to balance security imperatives with individual liberty. India has a security-centric definition of terrorism focusing on intent, method and impact on the State and public order. This is different from law, which does not have a definition and relies on sectoral conventions, such as hijacking, bombings and financing and state practice.

Overall India's approach to terrorism is a cooperative model that combines strong statutory powers, global compliance and judicial oversight. However, India's approach to terrorism still faces debates over misuse and the need, for clearer legal standards regarding terrorism. India's system to deal with terrorism is based on the

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<sup>20</sup> Ministry of External Affs., Govt. of India, *Mutual Legal Assistance Treaty (MLAT)*, <https://www.mea.gov.in/cpv-mlat-menu.htm>.

other laws and it includes international agreements and court decisions related to terrorism.

## X. COMPARATIVE PERSPECTIVES AND STRATEGIC LESSONS

While India's Muslim-led terrorism bears striking parallels to many of its counterparts globally, there are also fundamental differences in their evolution. While the US faced the centralized network under Al-Qaeda, India dealt with hierarchical organizations like Lashkar-e-Taiba as well as loose, cellular networks such as Indian Mujahideen. Europe's experiences consist of cells motivated by Middle Eastern extremism that conduct attacks in a relatively independent manner using diasporic networks as well as home grown recruitment, while a large part of the African Sahel reflects India's experience with localized insurgencies that rely on regional money and foreign training.

One of the defining characteristics that separates India's experience is the existence of a secular, democratic state where terror organizations have the luxury of existing within the framework of the law, while maintaining their religiously based identity. In a number of countries that have faced terrorism there have been military coup and/or dictatorships; in contrast, India has been continuously democratic, even with decades of terror attacks. This political continuity has provided an opportunity for institutionalization of counter-terrorism policy so that it can evolve along with the strategies used by the terrorist groups themselves. Moreover, the robustness of the economy allows for absorption of impacts, where gains in tourism and investment in infrastructure negate the damages suffered from terror attacks-something that would debilitate a smaller country.<sup>21</sup>

The strategic lessons that one can glean from India's success involve a number of considerations. These include intelligence sharing amongst states, the importance of tracking financial networks and employing diplomacy in order to isolate terrorist sponsors. Furthermore, technological application-including biometrics, satellite imagery, and AI in tracking terrorist pattern recognition-has allowed for greater

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<sup>21</sup> G. Crawford, *The Intelligence Revolution in Counterterrorism* (2020).

discovery, and community policing has opened up a stream of local intelligence. India proves that sacred violence can be contained without eroding democratic liberties and the economy of the nation.<sup>22</sup>

## XI. SUGGESTIONS AND RECOMMENDATIONS

In light of the foregoing analysis, several legal and policy reforms are necessary to address the evolving nature of terrorism and the misuse or overextension of counter-terrorism frameworks.

1. First, there is a need to introduce greater definitional clarity within the Unlawful Activities (Prevention) Act, 1967 (UAPA), particularly concerning the designation of individuals as terrorists. The absence of precise statutory thresholds risks subjective application and potential infringement of civil liberties. A more narrowly tailored definition, coupled with periodic judicial review, would enhance both legal certainty and accountability.
2. Second, preventive detention mechanisms under counter-terrorism laws should be strengthened with robust judicial oversight. Mandatory periodic review by independent judicial authorities, along with stricter evidentiary standards for continued detention, would help balance national security concerns with constitutional protections under Articles 21 and 22.
3. Third, inter-agency coordination between intelligence bodies, law enforcement agencies, and financial regulators must be institutionalised through a unified counter-terrorism framework. Establishing a permanent coordination body with clearly defined operational protocols would reduce intelligence gaps and improve response efficiency.
4. Fourth, India's compliance with international counter-terrorism obligations, particularly under United Nations Security Council Resolutions and Financial Action Task Force (FATF) standards, should be further strengthened. This includes enhancing transparency in financial monitoring systems, regulating informal transfer mechanisms such as hawala, and improving cross-border information sharing through Mutual Legal Assistance Treaties (MLATs).

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<sup>22</sup> J.M. Berger & Hulda Fjelde, *The Evolution of Global Terrorism*, 25 Ann. Rev. Pol. Sci. 345 (2022).

Fifth, there is a need to develop community-based de-radicalisation and counter-radicalisation programmes aimed at preventing recruitment into extremist networks. Legal frameworks should be supplemented with socio-economic interventions, educational outreach, and rehabilitation mechanisms for individuals vulnerable to radicalisation.

5. Lastly, legislative and policy frameworks must avoid framing terrorism through a monolithic religious lens. A neutral, evidence-based approach is essential to ensure that counter-terrorism laws remain constitutionally sound, socially inclusive, and effective in addressing diverse forms of political violence.

This section seeks to provide a forward-looking framework that aligns legal reform with constitutional values while enhancing the effectiveness of India's counter-terrorism strategy.

## **XII. CONCLUSION**

Muslim terrorism globally has evolved over decades from theologically inspired conflict with its strategic and social roots to being state-sponsored and Diaspora mobilized. Organizations like Al-Qaeda, ISIS, Boko Haram and Lashkar-e-Taiba have carried out attacks directly while the state sponsored terrorism by neighbouring states for decades have been directly linked to fuelling Muslim terrorism across continents. India's journey reflects this very pattern where it has faced both directly and indirectly sponsored terror attacks by Trans-national and State actors.

From initial infiltrations in Kashmir, to a series of spectacular urban attacks such as the 26/11 in Mumbai, sacred violence has been utilized and is the driving force of this terror in various contexts; yet the ideological foundation has remained the same and this has transcended into the evolving times and changed social milieu. The economic impact of terrorism in India has been tremendous while the defence and technological capability have kept the nation at an edge with diplomatic efforts and social recovery. The continuation of Muslim terrorism should not be taken as monolithic religion identity but an ideologically driven interpretations adopted in different cultural

settings; from the Salafi insistence on purity to the Shia's long resistance. Sacred violence will only continue to shape the security of the world.

For any other secular democracy, lessons of Muslim terrorism and their managing mechanisms could be lessons of India. They must try to integrate the intelligence network to plug the gaps and trace financial flows, leverage technological tools to curb the menace, maintain political stability even during crises. Muslim direct and indirect terrorism can continue to be an enduring problem and an evolving threat which has transformed itself from guerrilla war to urban warfare and is hence still not easily deniable nor immune to destruction, but sacred violence will continue as long as religious identity is integrated with political will and ambition. India's sustained fight for decades has proven to be proof of the ability of a democratic society to tackle even the most durable forms of terror and the fight will continue.

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