

The Issue of Non-Enforcement of Human Rights and Rise of Terrorism in Pakistan

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Abstract

The human rights are extensively in view of the basic ideology of the humanity, and every one get these basic rights, i. e right to life, freedom of speech, security, right to profess & right to assembly by birth without discrimination, race, sex, dialect, shading, religion, and political sentiments. However on defiance of the same people distracts to different phenomenon & terrorism is one of them. The terrorism is very confusing term it is closely linked with the socio-economic and political set-up. Since Pakistan is a front line state in war against terrorism, it is severely confronting terrorist attacks which have upset its social foundation, hampered economic progress and shackled political system. Terrorism has not only destroyed the socio economic composition of the society but also it has harmed the world peace to a great extent. This research paper attempt spot light various aspects & phenomenon in the context of Pakistan. It includes meanings, & definition, origin, historical background of human rights viz a viz, causes of terrorism and review of militant movements, psycho-social effects of terrorism in Pakistan and the role of the state organization to combat terrorism followed by recommendations.

Introduction

The human rights are basically derived from the religions, assured by the United Nations through its declarations, adopted by democratic countries, envisaged into Constitution by parliament to make the rights available to every citizen. The fundamental rights initially adapted by Pakistan through Objective Resolution 1936, which subsequently made part of first Constitution of Pakistan 1973 in Ist Chapter from Article 8 to 28. The primary and basic rights are envisaged in the constitution keeping in view the ideology of Islam, principal of policy and international conventions and treaties on human rights endorsed by Pakistan. It

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includes right to life education, employment, health and freedom of religion, association & speech. However same are not equally available to all, resultantly people attempt to enforce at their own means & ideology which become defiance of writ & law of State, which becomes crime in the eye of law and aggression. Hence this article is attempted to highlight "*The issue of Non-Enforcement of Human Rights and Rise of Terrorism in Pakistan*".

Human Rights & Terrorism

The word 'life' means all such facilities & conveniences which a human being born in a democratic state is allowed to have along-with self-respect, lawfully and constitutionally. A broad connotation should be given to facilitate a human being not only to carry on life but to take pleasure in it. This shall always include a proper, if not good, return of labour. It is an irony that there has been a failure on the part of State in assuring shield of such protection to every individual. This has been the reason therefore the general population of the country lives in dread of having not the capacity to develop their livelihood, besides that the large scale of general population of Pakistan lives miserably (Ahmed, 1996).

Since the meaning of the life shall always fail in defining itself completely if individual (s) are not having sense of peace and security. The absence of these both shall always take away the basic component of term life i.e 'to enjoy it (life)'. A sense of protection to human rights always eliminates least fades possibility of exploitation of general public. Such protection would always require from custodian (normally State) to come forward with suitable legislation in case of any infringement or trespassing of / over such rights. The suitable legislation would always require the legislature to come forward with change circumstances, and it cannot overcome an abnormal situation without taking extra ordinary steps. Since by now, a country cannot survive in isolation rather has become part of the globe indirectly hence the abnormality at one place is normally considered to be having impacts over the world as a whole.

Terrorism

Terrorism remained crucial issue of the country which has paralyzed the life of ordinary people particularly some parts of Pakistan badly affected from terrorism i.e Province of Khyber Pakhtoon Khuwa, Quetta, Karachi, Lahore and FATA, than rest of the country which impacted on the social life and development

of the whole country. The terrorism based oppression; in like manner is considered as unlawful, politically inspired, and organized brutality against ordinary citizens, public or political gatherings, with the intention of threatening to the general population or class of society, sect, religious minorities, political parties including social activists, lawyers, journalists by use of force and different means/ actions and attack . There is, in any case, an absence of a worldwide term for '*Terrorism based oppression*' which can prompt infringement of fundamental rights by the State, which has a severe and harming impact on rights of public as well. The *harm* caused to the general public because of terrorism based oppression has not only constrained to the death toll, torment, & wounds (Organizations (INGOs) but there is a horde of different rights that are influenced consequently. Further the common and political rights are profoundly influenced, for example, the right of safety of homes, association, protection & liberty of speech etc. Whereas the reaction of the State towards terrorism based oppression, i.e. counter-terrorism based oppression actions have a corrupting impact on basic rights too.

A terrorism based oppressor act has a restricted time window, while, the counter-terrorism mongering actions abbreviating human privileges of people are extended over a more drawn out length, influencing more individuals by & large than the assault causing the reaction. It is likewise appropriate to take notice of that countries have in the recent past received hostile to terrorism based oppressor enactment including offenses which convey the demise penalty, even though this remaining part an exceptionally challenging issue under IHRL & Pakistan is among the States that uphold capital discipline for different terrorism monger offenses (Amnesty International, 2014).

Definitions of Human Rights

Basically it is not easy to list the human right infringement as happening in Pakistan today in full. However following are the foremost violations which have damaging impact on the socio-economic life of the citizen of country. It includes

1. Violation of Right of life
2. Violation to Right of development
3. Violation of Minority Rights
4. Violation of Women's Rights
5. Violation of Child's Rights

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6. Violation of Political Rights
7. Violation of the Right of freedom to speech

The researchers of the word has characterized the human rights in the feeling of the contemporary term, where setting human rights is another wonder. As indicated by the Western perspective the human rights it could be characterized along these lines: A Western Savant H. J. Laski characterizes human rights as

"Those states of social existence without which no man can look for when all is said in done to be his best self" (Joseph, 1924).

As indicated by the Oxford English Dictionary:

"Generally human rights mean a right which is accepted to all human beings & have a place with each individual: a blatant carelessness for fundamental human rights"(Hornby, 2002).

As per Black Law Dictionary:

"Right means equity, moral rightness or consonance with the standards of law or the standards of ethics. It is the inverse of wrong, vile and unlawful. It can likewise be characterized as a power, benefit or resistance ensured under a Constitution, statute, decisional law or asserted because of long use" (Black's Law Dictionary, 1920, Pp. 1189).

In Encyclopedia of Britannica the Human rights are characterized as:

"Rights that have a place with an individual or gathering of people as a result of being human: They allude to a wide continuum of qualities or abilities thought to improve human office and pronounced to be all inclusive in character, in some sense similarly guaranteed for every person"
(<http://plato.stanford.edu/entries/rights-human/28/7/12>).

The United Nations Organization (UNO) characterizes the human rights thusly:

“Those rights, which are inborn in our temperament and without which, we can't live as human beings. This is an outline of the human rights in Western viewpoint. There is noted amid western definition that the western researcher characterizes as a term of sociologies and law without its mortal and moral foundation” (Zafarullah, 1999).

According to the Islamic Perspective:

In Islamic setting, the idea of human rights is as old as Islam itself. There is discovered always the term Haqooq-al-Ebad in the Holy Quran, Hadith, Fiqh and Islamic history from its start. A prestigious Islamic legal scholar Dr. Hassan Kerrah said in regard to appropriate in Islam:

“Right as the legal bond under which the authorized person, for monopolizing and his exclusive command on something or a specific requirement of another person” (Hassan, 1994).

As Almighty Allah states in the Holy Quran

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا

“We have respected the children of Adam; gave them transport ashore and ocean; given them for sustenance things great what's more, unadulterated; and gave on them unique favors, over an awesome some portion of our creation” (Al-Quran 17:70).

As Almighty Allah says in the Holy Quran:

“We have positively made man in the best of stature” (Al-Quran 95:4)

لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ

As a famous researcher of Malaysia Dr. Mohammad Hashim Kamali says:

“The opportunity of articulation (A Fundamental human right) and compliments human respect, for the quintessence of character and identity is reflected in a man's assessment and judgment” (Hashim, 1994, p. 12).

It shows that the ideology of human rights in Islam is much different from those of west. It has been indicated by above definitions that the reasoning of human rights in the west are boundless and there are no terms and states of the obligations. While in case of the Islam, human rights are not boundless, and they are strongly connected to the duties Ismail (Sahee Bukharee, 2004).

Human Rights & United Nations 1968

The lot of efforts has been made globally to introduce and protect the basic rights of the people. The acknowledgment of fundamental rights and efforts to implement the same for the individuals made for the equality & peace of the planet. Though carelessness and disregard for human rights has brought about offensive actions that has offended to the small voice of humankind & the manifestation of a globe in which people might appreciate the right to speak freely & opportunity from fear and need has been conveyed as the most noteworthy desire of the normal individuals (UN Security Council Resolution 1456). While it is the basic, if man is not to be constrained to have plan of *action*, as a last option, to resistance to oppression & persecution, that fundamental rights ought to be ensured by enforcement of rule of law, while it is essential to advance the improvement of generous relations between countries. Whereas the people members of the United Nations (U.N) have in the charter reiterated their confidence in major human rights. And the member states have promised themselves to accomplish, in participation with the United Nations i.e the advancement of general regard for and recognition of the human rights and central opportunities. Although a typical comprehension of these rights & opportunities are of the most noteworthy significance for the complete acknowledgment of this vow, presently, along these lines. The General Assembly, publicize the U.N declaration of human rights as a typical standard of accomplishment for all member countries, to the end that each person as well as each organ of the society, while remembering this declaration continually, might endeavor by instructing and learning to advance regard for these rights and flexibilities and by dynamic actions, national and worldwide, to protect their

widespread and viable acknowledgment and recognition, together between the people groups of member states themselves and between the people groups of domains under their purview (UNHCR Pakistan, 2016)

International Human Rights Law (IHRL)

I.H.R.L as an assortment of law extends over the whole range of the standard customary types of universal law, i.e. bargains, or authoritative standards, and other global agreements. It means to shield essential gauges of insurance for every single person, consistently, notwithstanding their location (UN Security Council Resolution 1456). Center worldwide human rights bargains incorporate, entomb alia, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols, the Convention against torture and other Cruel, or Degrading Treatment or Punishment (CAT) and its Optional Convention and the International Convention for the protection of all persons from enforced disappearance (*CII passes resolution on forced conversion of religion, 2016*).

Objective Resolution 1949

The Objectives Resolution was the principal protected archive containing the basic principles of protection of human rights that ended up being the 'establishment' of the blessed improvements in Pakistan. It gave parameters and radiant standards to the lawmakers for future prospects of the country. It made the constitution-making process simple assignment setting some specific targets previously then that would be worthy to the general population of Pakistan who had endured a considerable measure beneath the Hindu-commanded dominant part coupled with basic right giving due regard to the religious minorities. It was moved by the than Prime Minster of Pakistan Mr.Liaquat Ali Khan, which endorsed on 12th March, 1949. It contains the basic principles of the law making into Pakistan particularly according to injunctions of Islam (Quran & Sunnah), whereby protected rights of minorities, justice and equality, which latter on become the basic structure of constitution of Pakistan on 23rd March 1956 promulgated by the IInd Constitution Assembly and named as basic structure of the Constitution of Pakistan 1973. In the is respect the whenever legislation has been made in contravention to the basic structure the apex courts of the Pakistan given land mark judgments particularly discussed in the case of Mahmood Khan

Achakzai Versus Federation of Pakistan (PLD 1997 Supreme Court 426) as under that "Though there is no specific provision or article specifically named as basic structure of the Constitution. However it can be assumed from the reading of the clauses preface & preamble to know the purpose of legislative authority that which kind of scheme of administration considered in the constitution. It is further discussed that it depicts from the perusal of constitution of the various countries that to what extent it can be changed on the basis of basic structure. As it gathered from Article 2 of the constitution which provides that *religion* of the country shall be *Islam as well as article 227 of the constitution* provides that all existing legislation should be made in consistency with the ideology of Islam keeping in view Holy Quran & Sunnah.

Its further laid down that the contents of the Objective Resolution made in the preambles & envisaged as substantive part in the shape of Article 2-A study with other clauses of constitution shows significant of the constitution emphasizing, centralized parliamentary form of government, coupled with Islamic ideology & safe guards to the fundamental rights envisaged therein.

The same view also laid down in the case of Hakeem Khan Versus Government of Pakistan reported in Pakistan Law Digest 1992 Supreme Court 595 that though the Article 2-A is not superlative provision of the constitution but same has become its important & basic component and be read with other articles of the constitution which cannot be altered except in accordance of article 239.

Modern Concept & Constitution of Pakistan with case law.

The modern and latest thought of human rights is before us in the shape of constitutions of the world as almost every country has recognized the basic rights after the U.N declaration 1948, and Pakistan is also one of the signatories of the U.N declaration, besides that the apex courts of Pakistan has played its pivotal role in protecting, recognizing the human rights while giving land mark judgments and interpreting the constitution, particularly given in the public interest issues by High Courts in its constitutional jurisdiction under Article 199 as well & Honorable Supreme Court under Article 185(3) of the Constitution of Pakistan respectively provides as under.

That under Article 199 the honorable high court subject to the provisions of Constitution of Pakistan & within its territorial jurisdiction on the

application of some aggrieved person or organization if convinced that no other sufficient remedy is given by law may issue a direction or pass order to following persons

*Who are doing duties or performing affairs in relation of the Federation, or a Province or a local authority, and the high court may direct him to **abstain** from doing something which he is **not allowed** by law to do, or to do anything which he is **obligatory** by law to do;*

or

*The High Court may also **declare** that any **action** made or **proceeding initiated** without legal power is of no lawful effect;*

or

The High Court may also direct to be brought before it if any person is in detention in case he is not being held in custody without legal authority or in an illegal manner; or

Further subject to territorial jurisdiction the High Courts may require to show authority of law from a person who is seized with or asserting to hold a public office; or

*The high court may also on the prayer of some aggrieved person, pass an order for the **enforcement of any of the Fundamental Human Rights** provided in constitution by Chapter 1 of Part 11 from any individual or authority, exercising any power or performing any function as well as Government in connection to, federal or Provincial Government as may deem appropriate.*

Whereas, the right to approach for implementation of fundamental Rights provided by constitution of Pakistan in part II of the Chapter 1 shall not be abridged.

*Moreover **Article 184** of Constitution of Pakistan confers power to the Supreme Court of original jurisdiction to pass declaratory judgments only in respect of any dispute between Federal and Provincial Governments in exclusion of every other court,*

Moreover the Supreme Court under Article 184(3) of the Constitution of Pakistan if it deems that a matter of public importance is involved with respect of the implementation of any of the Fundamental Rights envisaged in Part II of Chapter I the Supreme Court has equal power conferred to High Court under Article 199 to make an order of the nature mentioned in the said Article.

That the following fundamental rights are envisaged into the constitution of 1973 with latest decisions of honorable apex courts

Honorable Supreme Court laid down in the case of **Shahid Pervaiz V. Ejaz Ahmed** (2017 SCMR 206) that under article 184(3) Supreme Court is empowered to examine the validity of any statute, rules and law and their fairness on the touchstone of fundamental rights provided under article 8 to 28 constitution of Pakistan.

The fundamental rights are envisaged in Chapter-I of constitution of Pakistan from Articles 08 to 28, which provides as under

***Article 8.** Laws inconsistent with or in derogation of fundamental rights to be void.*

***Article 9, Security of Person.** No person shall be deprived of life or liberty save
in accordance with law.*

***Article 10.** Safeguards as to arrest and detention.*

***Right to justice:** "And if you judge between mankind, that you judge justly..." (an-Nisa 4:58).*

***Article 10 A Right to fair trial:** For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.*

***Article 11.** Slavery, forced labor, etc. prohibited.*

***Article 12.** Protection against retrospective punishment.*

***Article 13.** Protection against double punishment and self incrimination.*

***Article 14.** Inviolability of dignity of man, etc.*

***Article 15.** Freedom of movement, etc.*

Article 16. *Freedom of assembly.*

Article 17. *Freedom of association:*

Article 18. *Freedom of trade, business or profession.*

Article 19. *Freedom of speech, etc.*

Article 19-A. *Right to information: Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law*

Article 20. *Freedom to profess religion and to manage religious institutions.*

Article 21. *Safeguard against taxation for purposes of any particular religion.*

Article 22. *Safeguards as to educational institutions in respect of religion, etc.* **Article 23.** *Provision as to property. Every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.*

Article 24. *Protection of property rights.*

Article 25. *Equality of citizens.*

Article 26. *Non-discrimination in respect of access to public places.*

Article 27. *Safeguard against discrimination in services.*

Article 28. *Preservation of language, script and culture.*

In addition to settled provisions of law, the Honorable apex courts has not only developed the case law but protected human rights by interpreting the articles of constitution and other legislation in this respect.

Role of Courts in Enforcement of Human Rights

The most critical of the fundamental Rights is the selective appropriate to sacred cures under Articles 8 to 28 of the Constitution of Pakistan 1973. Those people whose rights have been violated have ideal to specifically approach to the High Court under Article 199 of the constitution of Pakistan in its writ jurisdiction, or Supreme Court under Article 184 (3) of the Constitution of Pakistan for redress of their grievances and enforcement of Fundamental Rights provided in the Constitution of Pakistan 1973. In such a case the courts are enabled to issue be fitting directions and order, wherefrom few are discussed as under.

It has been laid down in the case of *Shahid Pervaiz V. Ejaz Ahmed* (2017 SCMR 206) that constitutional courts are full empowered to declare any legislation if it ultra virus and found it be in variance to the articles of the constitution.

His lordship Justice Dr.Ghous Muhammad held in the case of *Kabal Shah V. The State* (1995 P.Cr.L.J 2058 Karachi), it was also held that by protecting the rights of children and interpreting the constitution of Pakistan that in case of any disagreement between provincial and federal legislation the provincial statute has to give way to the federal enactment.

The Honorable Supreme Court in the case of **Mst.Rohaifa V. Federation of Pakistan through Secretary Ministry of Defence** (2014 PLD 174 S.C) held that under article 09 of the Constitution of the Islamic Republic of Pakistan 1973 the "State being guardian of its citizen was required to enforce the constitutional provisions in letter and spirit especially the fundamental rights which were conferred by the constitution. As the Anti Terrorism Court had acquitted to the accused persons, but they were kept in custody under MPO, latter on handed over to the intelligence agencies, but few of them were died.

The honorable Lahore High Court laid down in the case of **Mst.Wahdul Mae V. District Police Officer Muzaffargarh** (2016 P.Cr.L.J 103 L.H.C) while enforcing Article 9 & 10 of the constitution of Pakistan whereby a detinue was recovered from law enforcement agencies and hold that all the provincial governments and Ministry of interior were directed to include the fundamental Rights chapter-I of the constitution of Pakistan as compulsory subject in the curriculums of the courses which offered to the members of the law enforcing agencies during their courses at all levels.

His lordship Justice (R) Dr.Ghous Muhammad held in the case of **Kabal Shah V. The State** (1995 P.Cr.L.J 2058 Karachi) in his land mark judgment while protecting rights of child accused with opportunity of fair trial and extended him benefit section 8 (b) of Sindh Children Act 1955 as the age of accused was doubtful being around of 16 years and it was held that benefit of doubt regarding age of minor accused be extended to him and directed to treat him as juvenile.

The honorable Sindh High Court also held in the reported case of **The State V Wadero Mohbat Khan Khoso** (PLD 2016 Sindh 146) while interpreting Article

09 & 14 of the constitution of Pakistan & Section 23 & 62 of Sindh Children Act (XII of 1955) and protecting the rights of the children as provided in section 23 & 62 of Sindh children Act (XII of 1955) along with Article 4 & 10-A of constitution of Pakistan, whereby the minor girls were subject to sell by the father being poorer and unable to pay the fine imposed by the Jirga. And it has been decided that it is the duty of the state to guarantee enforcement of fundamental rights through its organs & act of holding JIRGA and giving daughter in lieu of payment by the father held un constitutional unlawful in derogation of law.

The honorable Supreme Court authored in the case of **Pakistan Broadcasters Association V. Pakistan Electric Media Regularity Authority & Others** (PLD 2016 S.C 692) that “no one could be forced to listen or watch that he may not like to and one could not be invaded with unsolicited interruptions while watching or listening to something of interest.

While interpreting Article 19 of Constitution of Pakistan, the honorable Supreme Court laid down in the case of **Pakistan Broadcasters Association V. Pakistan Electric Media Regularity Authority & Others** (PLD 2016 Supreme Court 692) that the constitution provided for reasonable restrictions on the right to free speech. The State could regulate the right to speech when it came in conflict with the right of other individuals, or the other societal interests.

The honorable Islamabad High Court Islamabad laid down in the case of **BNP Pvt Ltd V. Capital development authority** (PLD 2017 Islamabad 81 (IHC), That no person could be justifying an illegality by contending that similar other illegal activities were going on and rule of law could be upheld by effectuating and enforcing the law rather than condoning and giving legitimacy to violation of law. And confirming irregularity runs to anarchy and thus results infringement of fundamental rights of citizens.

That the honorable Lahore High Court Lahore observed in the latest case of **Mohammad Yousif V/s Chairman Federal Public Service Commission** (PLD 2017 Lahore 406) by protecting the rights of disable persons and extended them respect, while interpreting Rule 7-A & 10 of the CSS competitive examination 2014 declared the act of commission as unconstitutional in the light of UN Convention on the rights of persons with disabilities which are also endorse by

the Pakistan in the year 2011 so also provided in Article 14,25, & 199 of the constitution of Pakistan that FPSC was not empowered to set new qualification or impose restriction on any class of candidate as the FPSC allocated information group to the petitioners despite of securing 12th & 22nd position on merit instead of their first choice.

The honorable Supreme Court in the case of **Yousif Ayoub Khan V. Government through chief secretary Peshawar** (2016 PLD 57 S.C) hold that "Fundamental rights were entrenched for every citizen and they were guaranteed against the excesses of all branches of government including the legislature, be it may the federal government or provincial government".

Obviously, the implementation of fundamental human rights has a close nexus with the independence of judicial system. Besides that freedom of judiciary is connected with the capacity and limit of courts to play out their stipulated capacities to be specific to translate the Constitution and the law, choose cases, settle the question and review open grievances. In reality, just a free legal, getting a charge out of total authoritative, decisional and money related autonomy and completely isolated from the official, can viably play out this capacity. To accomplish this objective, the Constitution endorses an entire arrangement of shields and ensures so that the law in its institutional limit and judges in their individual limit, are shielded against weight or impact from outside. To guarantee such autonomy, the constitution endorses the capabilities for such shields which are properly reached out, through law and rules, to locale legal, performing capacities under the authoritative control of the high courts.

Terrorism definitions & Reasons.

The word "Terror" generally means "danger" "shock" and symbol of "horror" in the society. Whereas word "Terrorism" is not properly defined neither it has proper definition except in anti terrorism legislation, but its known as unlawful and criminal act with use of aggression against society or any class of society, it is articulated example of thoughts indicate from its object, motive, reason behind such movement and rational act. The act of terrorism can be gathered from the abnormality of criminal act such as suicide attacks, bombings or indiscriminate firing which creates shock, insecurity, hatred and fear in the society or particular class of society or Government for communicating any particular ideology or to

persuade for any demand from government or emphasis the public for any ideology.

There are various reasons behind terrorism in Pakistan however the main factors which lead to the people towards such phenomena are denial of basic rights public injustice, disparity in resources, economy, and political weakness along-with religious intolerance being exploited by external hands. A part from above, illiteracy, unemployment, insufficient health facilities, access to free and speedy justice are also reasons which distract people from normal life towards of crime than terrorism.

Whereas, the term terrorism has been defined in the section 06 of the Anti Terrorism Act 1997, and interpreted by the honorable apex courts through various judgments, while deciding high profile cases, few of them are briefly discussed as under.

Terrorism in section 6 of the ATA defined that *“apply or threat of any act, where the use or hazard is planned to pressurize and scare or overawe the administration or the community or a part of the public or the public or faction, or make a sense of terror or uncertainty in the public or few group of the general public”*.

The honorable apex courts of the country interpreted the acts dose or does not fall within the ambit of terrorism, so also highlighted the reasons behind such menace, and latest view is discussed as under.

It has been laid down in the case of **Akber Ali Versus State Bank of Pakistan** (2016 CLD 2012) by Honorable Supreme Court, “that the ratio of unemployment increased in terrorism affected areas, so also commercial activities decreased and in order to restore the confidence of the industrial and business community of terrorism affected area the government announced writ of facility of loans.

It further laid down that “lack of interest of state towards education, health and administration of justice are the main reasons to loss of the confidence of people on state policies which depicts from spending only 1.8% of GDP on education as compare to under developed countries. The majority of the nation resides beneath poverty line as 89 districts out of 112 are affected from food security and health allied issues. It is therefore considerable people of country obtain help from religious charitable organizations, nongovernmental organizations to meet

their livelihood basic desires, but unfortunately few religious organizations exploited the people from their services by using them and made vulnerable to the numerous types brutal terrorists manifestation. Mostly spiritual and sectarian extremism along-with ethnic hatred in Pakistan imparted advantageous atmosphere to anti state actors to achieve their ill objectives through such acts which resulted killings of more than 4000 innocent people, including political leaders, armed and law enforcement personals, government officials, educational institutions, and justice sector.

A part from above the lope holes in the structure of the administration of justice the anti state factors engaged and challenged the writ of government, coupled with weak political system and institutions provided space for terror mongers to lodge their so called ideologies, and demands at the costs of lives of thousands of innocent people.

Relation in Human Rights & Terrorism:

The human rights always include the terms 'life & liberty' hence every assault to human rights are considered as crimes or least an actionable cause. An invasion if is confined to a particular individual would, at the most, be a crime but if same is manner to prejudice the sense of guarantee of others, not directly targeted, would become an act of terrorism.

Therefore, it must be understood that there is strong relationship between these two. As terrorism based oppression, in like manner speaking, is considered as unlawful, and politically inspired, particularly when the organized brutality against common citizens, public gatherings, with the purpose of threatening the population. It is therefore said that both the terms i.e Terrorism & Human Rights are interconnected and related as violation of human rights diverts the people from normal course of life towards aggressive qua abnormal way of life which include demonstration, use of force and criminal acts which become terrorism when its being done in a organized manner against any person, class of society, sect or any minority. In such of eventuality the fundamental rights of both persons either aggressor or victim violates badly and such phenomena disturb directly & indirectly to entire society directly. Whereas it's the responsibility of the state to curb such manes through its organs, but the way in which state acts some time become more coercive and deterrent in nature which further put fire

in the anguish and annoyance of the common people particularly oppressor and their families who become missing persons and are not being tried in the normal procedural courts.

Moreover as terrorism endeavor at the extremely ruin of fundamental rights, democratic system & the rule of law. It also violates the worth that lie down at the spirit of U.N declaration & other international charters in respect human rights, the rule of law, system leading armed clash & the safeguard of civilians, tolerance amongst people, nations and the peaceful resolution of conflict. The States have in the current past received aggressive situation to terrorism based oppressor enactment including offenses which convey the demise penalty, even though this remaining part an exceptionally challenging issue under IHRL. Pakistan is among the States that uphold capital discipline for different terrorism monger offenses, (Amnesty International, 2017) which are treated by the human rights watchdog against the fundamental rights.

Anti Terrorism Legislation

Generally, Pakistan embraced a few measures, which included corrections in the current hostile to terrorism based oppression laws according to invented under the ATA of 1997, and also presented a few new laws and acts to viably battle terrorist activities. An assurance of receipt of due to a terrorist within shortest possible time was / is always a requirement to create a sense of fear therefore, as a first step, the legislature expanded the quantity of ATCs in the country.

The government additionally proclaimed the 'Counter Terrorism (Amendment) Ordinance 2002' on 30 January 2002 with a 10-months command keeping in mind the end goal to accelerate the pending trials. The Ordinance incorporated the Military faculty, not underneath the rank of Lieutenant Colonel, as one of the three ATC individuals from the seat to guarantee expedient trials (Khan, 2016). The Ordinance additionally called for focusing on the whole terror monger organize with serious discipline, including capital punishment, to the general population engaged in helping so also encouraging psychological warfare. In any case, the Ordinance gave an engaging appropriate to individual discovered guilty. However, following serious feedback from different legal counselors and human rights gatherings, especially on the consideration of the Military faculty as an individual from the ATC, another alteration was made in the 'Counter Terrorism (Amendment) Law 2002' on 16 November 2002. Some new provisions were

fused into the ATA, which managed the 'security of good conduct' to be met by the individual from the restricted gathering. The change gave more powers to the police to manage terrorist violence by approving them to hold a suspect for up to a year without recording any criminal allegations. The blamed must be discharged on introducing at least one surety to demonstrate his blamelessness; generally, to be displayed under the steady gaze of the court inside twenty-four hours. On 28th June 2002, the Musharraf's administration presented the 'Political Parties Request', which disallowed any political gathering from: (a) advancing partisan, local or common contempt or enmity (b) bearing a name as an aggressor gathering; what's more, (c) giving any military or paramilitary preparing to its individuals or other people. The order likewise contained an arrangement on the disintegration of the political gathering on the off chance that it was 'outside helped' or associated with 'Terrorism based oppression'.

Conclusion

The outcome of above discussion, research, relevant provisions of law and case laws reveals that there are multiple causes of terrorism in Pakistan and one of the major issue which is causing terror on large scale is non-enforcement of the basic rights. As the situation of enforcement of human rights is very poor in our country, and people are being takeaway of their basic rights such as employment, education, health facilities, clean water, shelter, clothes and healthy food. Because as and when people got deprived from their basic needs of life or when it become too costly for them to have, consequently frustrated people opt for wrong ways to access them, it is because of either they become mentally unstable, frustrated and chose illegal ways to get their right. In addition to this, the number of inhabitants in Pakistan has been subjected to tremendous avoidable hardship because of approaches of executive inside what's more, outside the country. Further due to less focus on education sector most of the growing child also exploited in the name of religious education, and on the other hand in the case of educated, the young people are being deprived of having jobs, business facilities even after getting valuable education which makes them irritated and hopeless from life which also become one of the reasons that people lose their loyalty with their country. Moreover the nation is continually occupied with viciousness, both globally and locally and the requirements of the general

population inside the nation frantically should be handled if the worldwide group is not kidding about bringing peace to the nation and the region. Further the worldwide group must offer help and a voice to the abused individuals of Pakistan to neutralize Pakistan's aggressive common conduct. On the off chance the United Nations is genuinely worried about the present torrent of terrorism warfare at the worldwide level they need to effectively advance the privileges of self-determination of Pakistan's persecuted people groups.

Furthermore plainly terrorism oppression is a confounded and, in all likelihood, multifaceted issue. It reveals that neediness, government restraint or adequacy, and other social variables added to the nearness of terrorism oppression inside any given nation. And some factors that spoke to a wide range of issues that could afflict a country and utilized these to check whether any of them held an impact on the quantity of psychological militant occurrences that country encounters. However it can be said that there are chances of eliminating the terrorism through state activity or inaction. By this, I mean the principle variable was joblessness it also depicts that neediness was a noteworthy reason for psychological oppression. Whenever analyzed, there was not an adequate measure of information accessible on the destitution holes sufficiently inside nations for an example to be built up or recognized. Besides that joblessness was an issue that was shown in various examinations as something that could conceivably make an environment for terrorism oppression to happen. This research also propose that high joblessness showed neediness and that residents would then swing to terrorism oppression to settle their issues, or generally take their issues out on the legislature as assaults (Higgins, 1997, p. 24). A part from above the social disparity can be another great measure of destitution in its own right. Numerous hypotheses guaranteed the more social disparity inside a nation, the more terror monger action there would be and greater disparity prompts psychological warfare. On the off chance that this is absolutely valid, this implies states can start to settle an issue like this so as to diminish terrorism oppression action in their nations. Numerous parts of essential human needs and rights are enveloped inside social disparity such as access to education, access to justice and joblessness every single one of those things is something that can be settled through either interior mediation or outside guide. The outcomes appear that low government regard for human rights prompts more terror monger episodes occurring. On the off chance that a state neglects to ensure or maintain essential

human rights gauges, the residents of that state can't be relied upon to do likewise. At the point when their rights have been disregarded, they may search out an approach to battle back against the ones who wronged them, and that way could be through terror monger associations. Numerous psychological militants have joined their associations because of some wrongdoing that transpired or their families at the hands of their administration, or individuals. This makes outrage and gives psychological oppressors the inspiration they have to do assaults. At the point when governments everywhere throughout the world start to all around regard every single human appropriate, there will be fewer grievances against those governments.

Recommendations

Implementation of established revisions:

1. There should be made a comprehensive policy to implement human rights & counter the problem of terrorism. Though the human rights commission & different NGOs are working in this sector yet number of steep ought to be taken to make available the rights equally to everyone. Particularly the access to justice and expeditiously disposal of cases quick redressal of the problems of common people will be more helpful. It is very sad that terrorism is one of the main problems in Pakistan but still there is no compiled form of policy for this problem has been formulated. Currently, this is a problem is being dealt in an ad hoc manner and linear function which shows the failure of the civil leadership, while the military has played the vital role in counter-terrorism, by initiating various operations, yet major responsibility rest within the political leaders.
2. Pakistan needs to move back psychological warfare to secure its own future. However that target can't be achieved through indifferent measures or without a change in perspective in the Pakistani military's perspective. In the non attendance of a sacred equitable government, Pakistan's decision first class looks for acknowledgment through Islamic talk and showdown with India. Until that progressions psychological oppressors will keep on feeling encouraged to challenge the wasteful state contraption that needs both authenticities as well, extensive public help.

3. The Eighteenth Amendment of 2010 ought to be overhauled – the revision neglects to settle Pakistan's political issues. The non-military personnel government keeps on holding constrained powers concerning the state's financial plans and military approaches. Taxes should never again be redistributed through the local government. The change reform should be addressed the Federally Administered Tribal Areas' capability as fringe zone falling outside of direct government control. In addition, the colonial-era Frontier Crimes Direction ought not to stay as the overseeing law for the region. In this respect the recent bill has been passed by National Assembly regarding expanding jurisdiction of Peshawar High Court in FATA & introducing modern judicial system will be more effective and helpful.
4. Women should be given equal rights and there should be some laws for protecting them against domestic violence so that they would not compromise on their self-respect.
5. The fundamental laws should be implemented through state organizations by empowering with financial and legal authority.
6. The Police should be de-politicized so that no criminal shall go unchecked and politically free.
7. There must be uniform education system in general as well in Madreshas with their proper registration.
8. The legal system must be strengthened such witness protection, judges protection and facilities be extended so that non influenced decisions to be delivered without fear and feavour.

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