

OPERATION OF ISIS THROUGH SOCIAL MEDIA AND ITS LEGAL IMPLICATIONS IN INDIA

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INTRODUCTION

The Islamic State of Iraq and Syria (ISIS) or the Islamic State of Iraq and Levant (ISIL) or the Islamic State (IS) or Daesh, is one of the most dangerous terrorist organizations and is also a threat to all the world nations. The Islamic State of Iraq and Syria (ISIS) was found on the pretext of establishing a separate homogenous territory only for the Muslims, especially the Sunnis. However, their objectives did not remain stagnant, and went on to preach that, their fight is against all the people of the world who follow or practice any religion other than the Sunni form of Muslim philosophy. The members of the IS also professed to establish a ‘Global Caliphate’, annihilating all the world order, and other forms of religion, ideology or philosophy. The small rebellion that was formed post the 2003 US intervention in Iraq, has now amplified to such an extent that it has almost networked with people from each and every nation and has turned out to be a threat to the maintenance of international peace and security. There have been several small organizations spread across various regions of the world, which have also pledged their allegiance to the IS movement. Hence, it could possibly be inferred that the IS influence on the world system has been tremendous and has broken out like an endemic disease in the society. However, the true essence of such a terrorist organization could only be studied by have a deep introspection about the nature and the objectives of the IS.

INFLUENCE OF ISIS IN INDIAN SUB-CONTINENT

In the era of globalisation the tussle for power has amplified to a large extent. In such an event when heterogeneous mind-sets meet from two parallel ends it would pave room for violence. This tussle to attain the infinite ambitions of different entities has led to terror to coup in the society, while India was a safe haven at its inception, has now become a fertile ground for the cropping up of radical terror fractions. As per the recent report it was stated

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that there were 65 terror groups active in India.² As per Section 35 of Unlawful Activities (Prevention) Act, 1967 about 39 terrorist organisations were recognised and banned as of 19 November 2015.³ A study by the Institute of Economics and Peace⁴ ranks India sixth on the Global Terrorism Index—behind Iraq, Afghanistan, Pakistan, Nigeria, and Syria. The reports also said that Terrorism increased by 70% in India from the year 2012 to 2013, with the number of deaths increasing from 238 to 404. The number of attacks also increased, with 55 more attacks in 2013 than 2012. However, among such tensions India has a new uninvited destructive guest ie; ISIS. Henceforth over the times there has been various news pertaining to this new Development concerning India.

The nature of the IS could be studied by have a keen inspection about ideology the organizations follows, the objectives they preach and finally the equivalent repercussions on the entire society, per se, in the Indian scenario. With more than 172 million followers as of 2011, Islam stands as second-largest religion in India placed after Hinduism. Muslims shares about 14.6% of the total population in Republic of India along with which the nation is also home to over 10% of the world's Muslim population. India is also the third largest nation in the world fostering the Muslims after Pakistan and Indonesia. About 47% of the Indian Muslims lives in 3 states of Uttar Pradesh, West Bengal and Bihar.⁵ The indoctrination of youth may start from any familiar places that we have known; according to the Mumbai ATS, the youths are indoctrinated and were subjected to brainwash at a karate training camp in Panvel that also imparted classes on religion and values as well at the Islamic Guidance Centre and KotBahar Mosque. Therefore, along with online propaganda it would be crucial to monitor local mechanisms like religious institutions and mosques where the roots of indoctrination may sprout.⁶

It is not only the internal securities that have shared its concerns in the matter but along with it many Indian Muslim religious outfits too have expressed their views against so-called Khalifat of Baghdadi and al Qaeda's Ayman Al Zawahri's statements on his plans of establishing a branch in the Indian subcontinent. These umbrella organisations has responded negatively for such calls and have asked youth to refrain or desist from getting trapped into

² Available at www.thehindu.com/news/65-terror-groups-active-in-india-govt/article5064769.ece (Last accessed on 27/07/2016)

³ Available at www.mha.nic.in/BO (Last accessed on 27/07/2016)

⁴ Available at <http://qz.com/300466/six-years-after-2611-india-remains-a-hotbed-of-terror/> (Last accessed on 25/07/2016)

⁵ Available at www.indiaonlinepages.com/population/muslim-population-in-india.html (Last accessed on 27/07/2016)

⁶ Available at www.claws.in/1327/india-bans-isis-but-is-it-ready-to-counter-its-threats-shweta-desai.html (Last accessed on 27/07/2016)

the “propaganda” of Baghdadi or Zawahri. In another precautionary measure, the security agencies have asked the airport keep an eye on the young Indians who were bound for Middle East countries especially to Saudi Arabia, Jordan and Turkey.⁷

In a cautious alert, National Investigation Agency dossier has alleged that Pakistani based Tehreek-e-Taliban has recruited about 300 Indian youths; which is hand in glove with ISIS. Further it has revealed that the youths are majorly being recruited from Kerala, Tamil Nadu, Maharashtra and Karnataka. All the recruited youths are being trained in Pakistan, Iraq and Syria to be Fidayeen and also alleged that it had intentions of carrying out attacks in the Indian soils. Several youths have been reported as joining ISIS,⁸ and it has also recruited a Tamil Nadu based youth as a suicide bomber.⁹ However news about 300 plus Indians being recruited has no official corroboration involved. Considering the fact that Indian jihadi’s have crossed over to the Middle East/Pakistan/Afghanistan in order join their hands in jihadi battles may have certain validity but the reported numbers may just be based on speculation. Therefore, the need of the hour would be government instituting an effective monitoring methodology to examine the exact figures number of Indian jihadis crossing over. But the threat posed may not be immediate or direct but ignorance of such threats may lead to dire consequences, provided that they return to Indian soil.¹⁰

With the advent of technology and social media, the process of radicalisation has amplified in the past few years. The ISIS has utilized social media for promotion, recruitment, broadcasting their news and spread their propaganda across the globe with minimum ramifications and have conducted numerous successful social media blitzes.¹¹ ISIS has spread its virtual tentacles in India and has converted India into a hunting ground for recruits. With an eye for potential jihadis the process of radicalization begins with encrypted chats or

⁷ Available at www.hindustantimes.com/india/crack-the-whip-on-indians-joining-isis-centre-may-tell-nia/story-IT3noqctrvSI7VaEJbkz4O.html (Last accessed on 27/07/2016)

⁸ Available at <http://timesofindia.indiatimes.com/india/Tamil-Nadu-youth-joins-ISIS-family-recalls-his-journey-into-insurgency/articleshow/38771536.cms> (Last accessed on 27/07/2016)

⁹ Available at www.kohraam.com/tamil-nadu-man-first-isis-suicide-bomber-india/ (Last accessed on 27/07/2016)

¹⁰ Available at www.claws.in/1259/the-threat-of-jihadism-from-al-qaeda-in-the-indian-subcontinent-and-islamic-state-in-iraq-and-syria-ganapathy-vanchinathan.html (Last accessed on 27/07/2016)

¹¹ Available at www.zerofox.com/blog/islamic-state-isis-terror-has-gone-social-infographic/ (Last accessed on 27/07/2016)

messages in social media. The modus operandi that was employed was to search for people who would post on Islam thoughts and then woo them to join ISIS.¹²

CYBER WORLD AS A HUNTING GROUND

However, over the day's social websites have played an important role in influencing the young minds of India, it has been acting as a seeding ground for promoting ISIS ideologies in a global scale. The government of India on a verge to levy a full stop on the rapid indoctrination of radical ideologies to the populous, as taken steps to block access to more than 30 websites or domains facilitating such radical ideologies. All these websites were instrumental in luring more than 15000 people both men and women from 80 countries to join ISIS. But again the access through other proxy websites remains as an impediment to such actions. With a limited surveillance system, tracking websites based outside India has been confined and pro-terror propaganda has flourished freely in such websites; among them Google, Facebook and Twitter has been widely used by individuals like Biswas¹³ to run pro-terror propaganda. Majid and his friends had used on such online medium to get in touch with mediator or also known as 'handler' between the fighters and jihadis who were on the battleground.

The leader of al-Qaeda Ayman al-Zawahri has also released a video-tape wherein he mentioned the establishment of alqaida in Indian Subcontinent (AQIS) so as to increase their network. However, such an establishment may not seem to be an immediate threat for Indian Security but taking it lightly may result in adverse effects. Another kneejerk factor would be that since al-Qaeda and ISIS have shared similar objectives in targeting India for recruits, rapid radicalisation and indoctrination of Indian youths may take place.¹⁴ There have been many instances where Indian youths have been subjected to radicalisation and have left to join such organisations. Security agencies have identified 22 radicalised youth leaving India to join the Islamic State in Syria and the Levant (ISIS) in response to their 'jihadist' call. With governments call to National Investigation Agency (NIA) to take necessary steps and

¹² Available at www.huffingtonpost.in/2016/03/22/isis-uses-internet-to-rec_n_9519976.html (Last accessed on 27/07/2016)

¹³ Available at <http://timesofindia.indiatimes.com/india/ISIS-propagandist-Mehdi-Biswas-was-directing-jihadists-via-Twitter-from-India/articleshow/47518615.cms> (Last accessed on 27/07/2016)

¹⁴ Available at www.vifindia.org/sites/default/files/islamic-state-of-iraq-and-syria-isis-and-its-south-asian-connection-an-indian-perspective.pdf (Last accessed on 27/07/2016)

lodge a FIR against any persons associated or involved to the organisation may act as a deterrent effect on Muslim youths from leaving to fight for the ISIS and also taking appropriate actions against those people who return.

LEGAL IMPLICATIONS

A strong law is always a foundation for effective deterrence. In this light Section 2(m) of The Unlawful Activities (Prevention) Act, 1967 defines terrorist organisation as: “An organisation listed in the schedule or an organisation listed in the Schedule or an organisation operating under the same name as an organisation so listed” and by virtue of Section 35(a) central government vide its notification S.O 534(E) dated 16/02/2015 declared ISIS as a terrorist organisation and include it in its schedule and thus bringing it under the scope of (Unlawful Activities Prevention) Act,1967

Since cyberterrorism has been increasing over the time, it is section 66F of the Information Technologies Act, 2000 which governs the activities that are carried out in the cyber world. The first instance of invoking section 66F in relation with ISIS activities was on Mehdi Masroor Biswas. He was charged with terrorism for activities that took place in the virtual world. A 2014 study on ISIS accounts ranked his twitter account @shamiwitness in the top 10 accessed by western ISIS fighters. A charge sheet was filed against him under the Unlawful Activities (Prevention) Act, 1967 for advocating, facilitating the recruitment and supporting the terrorist organisations. He is also booked under Section 124A of the Indian Penal Code for sedition.

CONCLUSION

In the light of the aforementioned circumstances it is apt to conclude that the threat of the Islamic State has remained to be a Frankenstein monster to the Indian soil. This alarming factor of the rise of threat to the Indian Territory mandates appropriate steps to be effectuated to strengthen the legal fabric of the Indian democracy. Various news on Indian youths being part of ISIS has been in light from past few months, however this lacks coordination with the government authorities. These facts essentially prove that government must strive its best not

only finding the truth but also look at the flipside of the innocents who might have been alleged as part of ISIS. Despite the abovementioned legal provisions, the Indian Legal system remains a toothless lion to bring to law such anti-social elements. At the very outset, coherent legal provisions that curb the influence of such modernised terror fractions in *limine* is need of the hour.

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