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Distinguishing the Category from Terrorists and Over Ground Workers (OGWs) in the Jammu & Kashmir Context

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Abstract

This paper discusses the idea of “white-collar terrorists” in contemporary counterinsurgency, with special reference to Jammu & Kashmir. It distinguishes terrorists and Over Ground Workers (OGWs) from White Collar Terrorists, as ideological facilitators who keep militancy and terrorism alive through radicalization, propaganda, and social influence rather than direct violence.

The study discusses the operational significance of the term, constitutional and legal challenges, and the impact of codification of the term in Indian law, building on the experience of Jammu & Kashmir and comparative international frameworks.

Keywords: White-collar terrorism; Counterinsurgency; Jammu and Kashmir; Ideological facilitation; Radicalization; OGWs; Terrorism law; Constitutional safeguards.

Introduction

Modern terrorism no longer operates solely through armed militants carrying weapons in forests, mountains, or urban safe houses. Contemporary insurgencies are sustained by complex ecosystems involving recruiters, financiers, propagandists, ideological facilitators, cyber-coordinators, sympathizers, and institutional infiltrators. In the context of Jammu & Kashmir, the Indian security establishment increasingly began identifying a category of actors who neither directly participated in violence nor necessarily functioned as traditional Over Ground Workers (OGWs), but who nevertheless played a central role in sustaining militancy through ideological influence and social facilitation.

It is within this operational context that Lieutenant General D. P. Pandey, former General Officer Commanding (GOC) of the Chinar Corps, popularized the phrase “white-collar terrorists.” In several public remarks during 2021–2022, Lt Gen Pandey argued that these actors were often more dangerous than armed terrorists because they enabled radicalization while remaining embedded within respectable social and institutional structures.

The phrase generated significant debate because it attempted to identify a gap between direct terrorists, traditional OGWs, and ideological facilitators operating under social legitimacy.

However, while operationally intuitive, the term “white-collar terrorist” remains legally undefined, doctrinally uncodified, and constitutionally sensitive. The challenge therefore is whether such a category can be transformed into a legally precise concept without undermining constitutional liberties such as free speech, political dissent, journalism, and academic freedom.

In recent media coverage there have been attempts to bracket the ‘terrorists’ involved in Nov 2025 Red Fort blast as ‘white collar terrorists’ based on their profession. This is not correct. The identified players in this terror act were ‘terrorists’, in the classic sense.

This paper examines the conceptual meaning of “white-collar terrorists,” why the distinction from OGWs emerged and is necessary. The legal and doctrinal challenges of codifying the term, possible frameworks for legal precision, the Jammu & Kashmir experience involving government employees dismissed for alleged terror links, and comparative international examples of ideological or civilian facilitation of terrorism. This codification will aid state effort to counter terrorism.

Origin and Context of the Term

The phrase “white-collar terrorists” gained public prominence through statements made by Lt Gen D. P. Pandey while serving as the head of the Srinagar-based Chinar Corps. In interviews and media interactions, he described individuals who radicalized youth, recruited militants, glorified terrorism, or psychologically influenced vulnerable individuals toward militancy and terror, while themselves remaining socially respectable and operationally insulated from direct violence and the laws of the land.

One of the clearest articulations appeared in an interview with ThePrint, where Pandey distinguished between armed terrorists and those who sustained recruitment pipelines through ideological influence. According to this formulation, “white-collar terrorists” were not necessarily carrying weapons, participating in encounters, or transporting explosives. Instead, they were believed to identify vulnerable youth, normalize extremist narratives, create social legitimacy for militancy, and sustain the broader insurgent ecosystem.

The term reflected a strategic shift in counterinsurgency thinking that terrorism survives not only through armed cadres, but through ideological ecosystems. This represented a move away from purely kinetic counterterrorism toward a broader understanding of influence operations, radicalization networks, and narrative warfare. A shift from counter-terrorist operation to counter terrorism, which is long term solution to the security challenge.

Distinction Between Terrorists, OGWs, and “White-Collar Terrorists”

Terrorists. Traditionally, terrorists are understood as individuals directly involved in violent attacks, armed insurgency, bombings, assassinations, kidnappings, or other violent acts intended to create fear or political coercion.

Under Indian law, statutes such as the Unlawful Activities (Prevention) Act (UAPA) criminalize direct involvement in terrorist organizations and acts.

The defining feature is direct participation in violence or terrorist operations.

Over Ground Workers (OGWs). In Kashmir's security discourse, OGWs refer to civilian facilitators who support militant groups operationally while remaining formally outside armed structures. OGWs typically provide shelter, transportation, reconnaissance, logistics, safe houses, communication assistance, weapons movement, and local intelligence. Unlike terrorists, OGWs may not directly participate in attacks. However, they maintain tangible operational connections to militant organizations.

Indian media reports concerning dismissals of government employees in Jammu & Kashmir frequently alleged OGW involvement. Thus, OGWs are operational facilitators of terrorism.

“White-Collar Terrorists”

Lt Gen Pandey's formulation attempted to identify another layer that was of ideological and social facilitators. These individuals may never handle weapons, avoid operational exposure, maintain professional or institutional legitimacy, and remain embedded in educational, religious, bureaucratic, or social systems. Their role is less tactical and more strategic towards radicalization, indoctrination, recruitment, propaganda, and normalization of extremist narratives – these sustain terror.

Pandey argued that these actors could be more dangerous than militants because they continuously reproduced recruitment pipelines. They had better survivability or even insulation from law to sustain terror, compared to the gun-wielding terrorist who has a short shelf life.

The distinction therefore becomes:

Category	Function
Terrorist	Direct violence
OGW	Operational/logistical/financial support
White-collar terrorist	Ideological/social facilitation

Why the Distinction Became Operationally Important?

The distinction emerged due to changes in modern insurgency dynamics as under:

- **Shift from Organizational Militancy to Hybrid Radicalization.** Modern extremist ecosystems increasingly operate through encrypted communications, decentralized recruitment, social media propaganda, ideological persuasion, and community influence.

Armed militants became replaceable because recruitment pipelines remained active. Thus, counterinsurgency agencies must begin focusing on “ecosystems,” “narratives,” and “radicalization infrastructures.”

- **Difficulty of Detection.** OGWs often leave operational traces of communications, financial links, weapons transfers, movement records. By contrast, ideological facilitators operate through speech, influence, mentorship, online messaging, or institutional authority. This makes attribution significantly harder. They are mostly people with social stature and knowledgeable about law and how to stay within a line to avoid prosecution.
- **Institutional Penetration.** A major concern in Jammu & Kashmir involved allegations that individuals within state institutions were simultaneously aiding extremist networks. Since 2021, dozens of government employees in Jammu & Kashmir have been dismissed under Article 311(2)(c) of the Constitution for alleged terror links. Cases reportedly included teachers, police personnel, university staff, administrative employees, and technical officers.

Authorities alleged that some employees passed sensitive information, aided logistics, maintained links with banned organizations, or acted as facilitators while remaining within state institutions. Similarly radical ideologues like Anwar al Awlaki, Zakir Naik, Hafiz Saed and Azhar Masood avoided the law till their direct links to terror outfits and radicalisation was exposed.

This operational reality reinforced the logic behind the “white-collar terrorist” framework and its importance for counter terrorism efforts.

Jammu & Kashmir Government Employee Dismissals

One of the most significant developments connected to this discourse has been the dismissal of government employees under Article 311(2)(c) of the Constitution of India.

Article 311 generally protects civil servants from arbitrary dismissal. However, Article 311(2)(c) permits dismissal without inquiry where “the interest of the security of the State” makes such inquiry impracticable.

Beginning in 2021, the Jammu & Kashmir administration invoked this provision against employees alleged to have terror links. Reports indicate that over 80 employees have been dismissed since 2021 under this framework. Examples included allegations involving links with Lashkar-e-Taiba, Hizbul Mujahideen, arms smuggling, logistical support, intelligence leaks, and extremist facilitation.

Critics, however, argued that dismissals lacked due process, evidence remained opaque, and national security exceptions risked undermining civil service protections.

Thus, the issue became not only a security matter but also a constitutional debate concerning natural justice, due process, and evidentiary transparency.

Can “White-Collar Terrorist” Become a Legal Category?

- **The Core Problem is Vagueness.** The greatest challenge in codifying the term is legal imprecision. Without strict limits, the category could potentially include journalists, academics, activists, lawyers, religious preachers, political dissidents, or ideological sympathizers.

This has probabilities of creating serious constitutional risks. Democratic legal systems generally criminalize incitement, conspiracy, recruitment, financing, or operational support, rather than ideology alone.

- **Constitutional Concerns in India.** Any codification would encounter scrutiny under Article 19 (free speech), freedom of association, academic freedom, political expression, and procedural due process.

The Supreme Court of India has repeatedly emphasized that mere sympathy or passive ideology is insufficient unless linked to incitement or unlawful action. Therefore, a vague category like “white-collar terrorist” would likely face constitutional challenge.

Toward a Legally Precise Framework

Rather than codifying the phrase itself, a narrower doctrinal category may be more defensible. A more precise legal framework could use terminology such as “Ideological Facilitation of Terrorism” or “Intentional Civilian Facilitation of Terrorist Activity.”

Such a category would require several safeguards.

Essential Elements.

- **Intent Requirement.** The accused must knowingly, intentionally, and deliberately facilitate terrorism. Mere opinion should not qualify.
- **Violence Nexus.** There must be connection to a banned organization, recruitment, operational facilitation, financing, or planned violence.
- **Overt Conduct.** The conduct must involve identifiable acts such as recruitment, radicalization campaigns, organized propaganda, encrypted coordination, or operational guidance.
- **Material Facilitation Standard.** The conduct must materially increase terrorist capability.
- **Necessary Safeguards.** To prevent abuse, certain activities must remain protected unless tied directly to terrorist facilitation. These are journalism, academic research, political criticism, separatist advocacy absent violence, legal defence, peaceful protest, religious discussion, reporting on terrorism.

Without such safeguards, the category risks becoming politically weaponized.

- **Comparative International Examples**
Many democracies already criminalize conduct adjacent to ideological facilitation.

- **United States.** The U.S. employs “material support to terrorism” laws under federal statutes. These cover recruitment, training, financial assistance, expert advice, and organizational support.
- **United Kingdom.** The UK’s Terrorism Acts criminalize encouragement of terrorism, dissemination of terrorist publications, and support for banned organizations.
- **France.** France criminalizes “apologie du terrorisme” (glorification of terrorism). This emerged strongly after attacks linked to Islamic State.
- **Germany.** Germany prohibits support for extremist organizations threatening constitutional order.
- **Australia.** Australia criminalizes “advocating terrorism.”

Thus, the broader conceptual space identified by Lt Gen Pandey already exists internationally, though usually under carefully defined statutory language.

Risks of Codification. Despite operational logic, codification presents serious dangers of Politicization wherein broad definitions may be used against dissidents, minority voices, activists, or ideological opponents. There would be “Chilling Effect” in which the fear of prosecution may undermine scholarship, journalism, public debate, and democratic discourse.

There will be evidentiary weakness in which influence and radicalization are difficult to measure objectively. Courts generally prefer financial records, communications, operational evidence, rather than subjective ideological assessments.

Conclusion

The phrase “white-collar terrorists,” popularized by Lt Gen D. P. Pandey, reflects a genuine evolution in modern counterinsurgency thinking. It recognizes that terrorism is sustained not merely through armed violence but through broader ideological and social ecosystems involving recruitment, radicalization, propaganda, and influence.

The distinction from traditional terrorists and OGWs has operational value. Terrorists execute violence, OGWs facilitate operations, while “white-collar” actors sustain ideological ecosystems.

The Jammu & Kashmir experience, particularly the dismissal of government employees accused of terror links under Article 311(2)(c), demonstrates how security agencies increasingly perceive institutional infiltration and ideological facilitation as national security concerns.

Therefore, the phrase requires direct legal codification as democratic constitutional systems require precision, evidentiary rigor, violence nexus, and safeguards for protected speech.

By a more sustainable approach of narrowly defining with intentional ideological facilitation of terrorism, rather than criminalizing broad categories of political or ideological expression will ensure adequate safeguards.

Ultimately, the challenge for democratic states is balancing national security, with constitutional liberty. The future of counterterrorism law will increasingly depend not merely on defeating armed militants, but on determining how democracies confront ideological ecosystems without undermining the freedoms they seek to protect. Therefore, codification of the term “White Collar Terrorists” will enable counterterrorism operations without violating the constitutional norms.

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