1.1 Background

Terrorism and civilized society cannot co-exist. Among all the social evils that befell on mankind in recent year’s terrorism is the worst. Disturbing peace and tranquility on the earth, it has caused panic, widespread disorder and has generated fear psychosis in several civilized societies. Terrorism perpetuated in the world since long for multiple reasons, however no definite date and time can be assigned for its initiation. It originated in different regions and the countries of the world at different times as is evident from the terrorist activities in the past several decades. The word terrorism was first used in reference to the region of terror in 1789 during the French Revolution, it derived from French word terrorism. At international level, it is a criminal act which is directed against a state with intention to create terror in the minds of person(s).¹ In between the sovereign countries, terrorism activities includes tolerating or extending assistance by a state to the organization or the remnants of fascist or mercenary groups whose terrorist activity is directed against other sovereign countries.² It is often described as tactic and strategy.

Externally, India has to guard its 15,106.7 km land border and 7,516.6 km coastline in order to provide security from external threat, to prevent and combat trans-border crime and within it to protect the life, liberty, security and property of individual, maintain the law and order, respect and ensure all human rights without discrimination. India is a nation of multiplicity of ethnic, religious, linguistic, social, cultural values practiced by peoples who often involved in internal conflicts. Among all the conflict ‘Terrorism’ is used as both a tactic and strategy of the weaker side and asymmetric to conflict. The problem of terrorism challenges the political stability, economic growth and international image of the nation. Thus, terrorism is anti-democratic in nature.

¹ Sobhna,”Historical Perspective of Terrorism and Cyber Terrorism”, available at http://www.legalservicesindia.com/article/article/historical-perspective-of-terrorism-&-cyber-terrorism-365-1.html [accessed on 01-08-2013 at 4.03 p.m.]
Whenever a terrorist attack was witnessed by India, it had raised question on the efficacy of legislative framework, function of institutional and administrative agencies, their pro-active and responsive capacity to prevent and combat terrorism. Assassination of two prime minister’s Indira Gandhi and Rajiv Gandhi, Kidnapping of Mufti Mohammed Sayeed’s daughter Rubaiya Sayeed, unprecedented attack on Parliament and recent attack in Jaipur, Bangalore, Ahmadabad, Assam, Mumbai and Gaya had focused India attention on complex internal and external security challenges. After the incident of terrorist attack, the functioning of India’s security and intelligence set up and its ability to meet the new emerging challenges have always scrutinized extensively so to suggest changes to strengthen the legislative, administrative and judicial capacity. The effectiveness of the terrorist act lies not in the act itself, but in the public’s or government’s reaction to the act.

The Mumbai attack has fueled already existing concern about India’s counterterrorism policies and capabilities. The Mumbai attackers, well trained militants, came on 26th November 2008, at around 9.30 p.m. from Arabian Sea on small boats with latched with rifles, magazines of ammunition, pistol, several hand grenades, around 18 pounds of military grade explosives. They are employed with sophisticated technology including global positioning system handset, satellite phones, voice over internet Protocol phone service, and high resolution satellite photo of the target. They attacked Mumbai with automatic weapons which continued for 62 hours of battle. The National Security Guard (NSG) deployed after 90 minutes of the attack begins but the mobilized units Commandoes did not arrive on the scene until the next morning. Three ministers of Maharashtra were resigned acknowledging security lapses. Reports have raised the concern indicating that some degree of warning was available to Indian authorities although it was not clear as to how actionable such intelligence was.

There is a total intelligence failure on part of various intelligence agencies in India though U.S. intelligence has warned Indian authorities about potential attack from the sea against hotels and business centers in Mumbai but it was not materialized. There was lack of coordination among the intelligence agencies and even the Mumbai police was not informed

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and the entire security apparatus was caught by surprise. The coastline was exposed to be porous for the terrorist who could sail directly to India undetected by the coastal guards. It was not only the failure of intelligence but also resources, apparatus, Security forces.  

Indian pre independence legislation relevant to deal with the terrorist activities can be trace back to the Rawlatt Act. Further legislation upon the subject matter are the Explosive Substance Act, 1908, the Bengal Suppression of Terrorist Outrages (Supplementary) Act, 1932 and the Bombay Public Security Measures Act, 1947 some of the provisions find place in Indian Statute even after independence. The Preventive Detention Act, 1950 which authorized detention up to 12 years for the act against the security of the state, public order and for essentials supplies with minimum constitutional safeguards was replaced by Maintenance of Internal Security Act, 1971 which was enacted during the Indo-Pak war. The legislation was miserably abused by the government and law enforcement agencies thus, was repealed in 1978.

The National Security Act, 1980 was enacted which was the first attempt towards anti-terrorist legislation and its effectiveness was strengthened by amendment in 1984 to deal with the insurgency in Punjab. Terrorist and Disruptive Activities (Prevention) Act (TADA) came into being in 1985 (UPA government) with having a life spam of two years ceased to be enforced in 1987 as the Parliament was not in session. The Terrorist and Disruptive Activities (Prevention) Ordinance 1987 was promulgated which was replaced by enactment of TADA 1987 with minor changes. The act prescribed punishment for unauthorized possession of arms and ammunition in a notified area, admissibility of confession made to the police officer (not below the rank of SP), adverse inference and presumption of guilt if arm and ammunition were recovered from his possession, summary trial and was made applicable to even the state of J&K. This law was extended until in 1995 the Parliament allowed it to lapse in response to strong public criticism (branded anti-Muslim law) though its constitutional validity was upheld by the Supreme Court in 1994.

5. Kartar Singh Vs. State, AIR 1994
After that a criminal law (Amendment) Bill 1995 was drafted but due to unstable government it never enacted and in 1999 it was referred to the Law Commission for recommendation.\(^6\) The Prevention of Terrorism Ordinance 2001 was enacted as Prevention of Terrorism Act, 2002 (POTA), in the wake of terror attack on WTC followed by Indian Parliament attack on 13\(^{th}\) December 2001. President George W. Bush has branded the terror attack on twin tower, 9/11/2001 as ‘first war of 21\(^{st}\) century’ as about five thousand person died and several were injured causing terror in the mind of people of the whole world.\(^7\) The POTA was enacted in the regime of BJP government which was repealed in 2004 when again UPA government came into power but armed itself with the Unlawful Activities (Prevention) Amendment Act, 2004. The Unlawful Activities (Prevention) Act, 1967 originally has empowered the government to ban any association as ‘unlawful’ which is involved in any activity whether committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise which are meant with intent to support secession or disclaim or question or disrupt or is intended to disrupt the sovereignty and integrity of India. The original UAPA was having object to deal with banning unlawful association and their activity but with the amendment of 2004 its scope of operation was enlarged by incorporating the provisions of POTA by incorporating the punishment for terrorist act.

Though, the UAPA Act of 2004 was in existence but it could not be able to prevent the occurrence of Mumbai Terror attack in 2005 and 2008. Terror attack at Mumbai first happened in 1993 caused causality of more than 200 persons. Further in 2005 again in Mumbai terror attack killed about 200 person and finally in 2008 in Mumbai terrorist attack on Taj Hotel, Trident-Oberoi, Leopold Cafe, Chhatrapati Shivaji Terminal and Nariman House killed about 200 persons including Indians and people from US, UK, Israel, Japan and from other countries and about 300 were injured. In this many police officials, including head of Anti-Terrorist Squad, were killed along with 9 terrorists. One terrorist Muhammad Kasab was caught injured. Further, there have been terrorist attacks in other parts of the country like Jaipur, Delhi,


Bangalore, Hyderabad, Lucknow, Ayodhya, Guwahati, Ahmadabad, Kolkata. Unfortunately, except in case of Mumbai terrorist attack on 26th November 2008, other terrorized attack in India could not draw adequate attention of international communities, international media. Now the terrorism has become a global issue for both developed as well as developing countries.

Different names were assigned to terrorist by different political system to control the social, political, ideological, economic crises created by them. They are at some time known as anarchists or revolutionary or fundamentalists because they were unsatisfied and against the policy of the government, their authority and tried to overawe it. Moreover, nexus of terrorism with organized crime has made the problem of terrorism more complex and is older than the ancient civilization which revels various forms of act which in today’s modern world may be regarded as terrorist activities. The history shows that no day passed without mass and counter killings. The intensity of terrorism varies from one country to another country and period to period. But one can make axiomatic proposition that the structural violence is increasing day by day and society cannot hold the human groups in peace and harmony when structural violence is increasing.

Terrorists have no boundaries of any territory of any nation, their goal and object is only to create terror, commit murder and terrorize elected people’s representatives. Terrorist’s desire is to force the government and people by creating terror for accepting their ideology, demands, views and orders. Some terrorist organizations have absolute and political goal to capture the political power, these organizations are motivated by religion, political ideology and motivation from the foreign government. In this context, Brain M. Jenkins has rightly observed that “terrorism is the use or threatened use of force designed to bring about political change.” The above ideology of the Brain M. Jenkins reflects the vitiated ideology of the terrorists for the political change by force, but in the civilized society there is no scope for the violence for any kind of change. Change is the law of the nature, however, change is possible on the basis of the dialogue, discussion and discourse in the society of the rational animals otherwise there is no difference between the human society and other creatures. It also shows that terrorists

9. Ibid.
don’t believe in the democratic popular system of the civilized world society. In this reference it is germane to point out the opinion of Walter Laqueur that “terrorists constitute the illegitimate use of force to achieve a political objective when innocent people are targeted.” Thus, on the cost of the general public terrorist’s goal to achieve the political power is not proper for the development and the well established society.

Terrorism is a serious and unpopular phenomenon based on the anti social behavior of the disturbed group. It is a serious, heinous, inhuman and barbaric crime against the humanity. Thus, it is expected from the social creatures that behavior of the family, villagers and people of the larger society should be in accordance with well accepted norms of organized civil society and of nation. About the behavior of the human being great jurist Nani A Palkhaivala rightly observed that “Since man does not know how to behave, the necessities arises of legal responsibilities to prevent liberty from degenerating it to license. Once man’s freedom fighter is another man’s terrorist.” The human behavior from inception was barbaric, cruel and inhuman, but due to development of the society, it has been changed as co-operative, helpful and participative in nature. However, some groups of the society believe in the violence, physical power and social destruction. In this regard, Sir Richard Joy as quoted Anrold Toynbee who rightly expressed his idea that our age will be well remembered not for its horrifying crimes, nor is astonishing inventions, but “it is the first generation since the dawn of history in which mankind dared to believe it practical to make the benefits of civilization available to the whole human race.”

It means the history remembers only those persons who have done positive activities for the benefit of the society and their attitude is also positive for creative activities.

A well known psychologist Pramodh Sarin said that “terrorism can only be prevented by a state prepared not to risk the lives of innocent, including children and women in order to prove that terrorism does not pay. But the terrorists leader claim that violence was not simply a means of ending an injustice (real or imaginary), but also an improving element in itself. It frees from his inferiority complex and from his disappearance and inaction, it makes him fearless and restore his self respect.”


public is the psychological factor to achieve illegal goal and it is anti-thesis of peace and tranquility. In this way, activities of the terrorists reflect the weak psychology of anti social element of the society.

Terrorists have various facets including kidnapping, assassination, bombing and hijacking, etc. which have its own peculiar characteristics. However, there are certain common features that are relevant to all of them. Development in science and technology has materialized into new sophisticated weapons (biological, chemical, nuclear) which are having capability to kill from a distance and cause mass destruction. Terrorists have now switched to the technology to commit crimes. They started committing crimes with simple conventional weapons now switched on to more sophisticated technologies for committing crimes with the use of firearms, explosive and improvised explosive devices. The possibility to acquire chemical and biological warfare weapons by terrorist cannot be negated in future. Therefore, there is need to find out scientific technique and equipped our law enforcement agencies to fight terrorism with the help of technology.12

Advancement in the means and modes of communication particularly cyber networking system has also made possible to reach far placed people easily and to get connected with large group of individual at a time on a click of finger. Even the threat of violence against small section of individual so to put large section of people in fear is terrorism as stated by an ancient Chinese philosopher, “kill one, and frighten thousand.”13 Acquisition of such sophisticated weapons and means of communication by the terrorist in furtherance of their terror objectives has changed the nature and dimension of terrorism in India and at the world. It has facilitated the terrorist to create fear, kill large number of innocent indiscriminately without risking to their lives or coming close to the target. Late Osama Bin Laden, a terrorist had threatened to acquire Weapon of mass destruction purposely to use it against American, Israel and India. The attack on world trade centre in September 2001 has shown the capability of terrorist to interfere with air navigation and use flight as missile to target WTC and other places which created panic and terror across the world.

India’s long age struggle to combat terrorism has created what one observer has termed a “chronic crisis of national security” that has become part of the very “essence of [India’s] being.”\textsuperscript{14} The law must ensure that there can be no misuse by the enforcement machinery. The effectiveness of any legislation primarily depends upon; how clearly, precisely and unambiguously the area with respect to which the legislation is in operation is defined? The object stated in the preamble of the National Investigation Agency Act, 2008 is to investigate and prosecute offences affecting the sovereignty, security and integrity of India, security of state….. and for matters connected therewith or incidental thereto.\textsuperscript{15} It has been conferred with power to investigate and prosecute with respect to the offences stated in the enactment which is laid down in the schedule of the Act.\textsuperscript{16} Apart from other enactments included in the schedule\textsuperscript{17} the Unlawful Activities (Prevention) Act, 1967 in its preamble\textsuperscript{18} have stressed categorically on prevention, combating terrorism and matters connected and incidental to terrorism.

The passing of both NIA and UAPA (amendment) 2008 is a result of reactive course of action of Indian Parliament after attack on Taj Hotel, Mumbai. If both the legislations have been given life to deal with the problem of terrorism which has acquired national and international attention it is imperative to analyse the definition of the term Terrorism which is widely used and poorly defined. Even the second Administrative Reform Commission has stated two reasons why it is important to define terrorism. Firstly, its definition is one way of understanding the problem and secondly, it deals with the governance aspect of combating terrorism, a workable or working definition would be required with a view to have a special laws for tackling terrorism.


\textsuperscript{15} The National Investigation Agency Act, 2008, Preamble

\textsuperscript{16} Ibid, Section 3.

\textsuperscript{17} Schedule of National Investigation Agency Act, 2008 includes Atomic Energy Act, UAPA, Section 120-131 of IPC etc.

\textsuperscript{18} New preamble is inserted by The Unlawful Activities (Prevention) Amendment Act, 2008.
within the country and to get terrorist extradited from abroad.\footnote{Second Administrative Reforms Commission, ‘COMBATTING TERRORISM’ Protecting by righteousness, Eight Report, June 2008, available at \url{http://arc.gov.in/8threport/arc_8threport_ch2.pdf} [accessed on 03-05-2011 at 5.12 p.m.]} Moreover, clear and precious definition of terrorism will also describe the nature and scope of problem (terrorism) associated with and course of proactive and reactive action be supportive and functional in fulfilling the object of NIA and UAPA.

After experiencing fear, witnessing threat to life and liberty and bloodshed of our brother, sister, child and relatives it is imperative to say that the anti-terrorism laws are an absolute necessity for society and it should not be treated as political issues. Defects and demerits in the provisions of legislations and any deficiency in its implementation is required to be corrected to make the Anti-terrorist laws more effective and efficient to deal with the menace while upholding the rule of law. It has been seen that the policy of military response to terrorism is short lived and does not have long term legal effect except what has been provided by incorporating new amendment to UAPA and passing of NIA in the year 2008 which is also an issue to analyse in detail.

1.2 Statement of Problem

Terrorism is as old as civilization itself and existed in ancient India but has not been defined as crime in the IPC. Terrorism being a global phenomenon, there is no universal agreement on a single point of definition on terrorism. Terrorist movement may be motivated by nationalist, ethnic, religious, ideology etc and accordingly they undertake insurgency, Naxalism, Maoism, Guerrilla or terrorism as a tactics to spread mass casualties or state of fear. Organized crime groups and terrorist are acting in the same criminal sphere where no artificial distinction is maintained all these concepts are similar or different in nature and whether they are covered by definition of terrorism needs to be studied.

The terrorism has occupied the characteristic of ‘transnational’ and the national authority gets stalled with menace created by it. A terrorist is a passionate, but unethical, believe in his task and therefore, operates in isolation from the mainstream society. He has no tolerance for other groups, or organizations, communities and faiths and so on because of constant
demonization of ‘other’. Terrorist oversimplifies the core problem by short cut and tries to take revenge for perceived discrimination and injustice. Unfortunately, terrorist group have no boundaries therefore it becomes difficult to deal with them easily. Moreover, Cross border terrorism in India becomes a big challenge to tackle.

Sri Manmohan Singh, has termed left-wing extremism as the biggest challenge to India’s internal security. The nexus between terrorist outfits, left-wing extremism and north east insurgents posed a new challenge to security forces. Documents seized during the raids by security forces revealed that their budget for buying sophisticated arms crossed several hundred cores rupees. Dangerous alliance between Red guerrillas and Tamil Tigers led to their joint training camps and meetings in the forest of south and central India. The Maoist used informal contacts with Tamil Tigers to buy arms from neighbouring countries like Nepal and Bangladesh. Insurgency in India is also fuelled by foreign countries, including Russia and United States, with supply of arms and ammunition to Maoist and Insurgents. The Jammu and Kashmir has taken the form of terrorism, indiscriminate killings of civilians, surprise attacks on the government buildings and security related installations, streets protest, stone pelting, anti-government procession and agitation. There were forty two terrorist camps directed against India operating in Pakistan and POK and militants are waiting for infiltration in India.\footnote{Satish Kumar (ed), \textit{India’s National Security (Annual Review 2010)}, Routledge, New Delhi, 2010, p.103.}

Further, the threat posed by complexity of terrorism needs to be understood properly to arrive at a workable solution which is possible only by identifying its existing causes, means and methods employed in causing terrorism, kinds of terrorism. Due to advancement of science and technology and means of communication there is a shift from traditional tactics used by terrorists to sophisticated ways to cause terror. Moreover, there is progress at an international and regional level to have a comprehensive set of universal legal instruments to prevent and combat terrorism. The United Nations has adopted sixteen international conventions concerning terrorism, dealing with the issue such as hijacking, hostage and bombing etc. The Security Council has called upon the states to increase cooperation in applying the relevant international conventions and protocol and deny safe haven to those who finance, plan, support or commit terrorist act.
International cooperation demands each state to take steps to incorporate all these measures in their criminal justice system by legal reforms to prevent and punish terrorist.\textsuperscript{21}

Though India was having legislative framework before the Mumbai attack in 2008 but could not able to stop or prevent the unprecedented menace of terrorism. Until the passing of Unlawful Activities (Prevention) Act and National Investigation Agency Act, 2008 all the earlier anti terrorist laws were having sunset provisions and therefore, the government allowed it to lapse or it has been repealed. The existing two legislations are having provisions departing from the established principle of Criminal Law. Therefore, the National Investigation Agency Act and Unlawful Activities (Prevention) Act as amended in 2008 needs to be analyzed in conformity with established Criminal Law Principles, Human Rights and Judicial Laws.

The incident of terrorist attack in Mumbai have revealed that the terrorist are acquainted and equipped with highly sophisticated arms, ammunition and including global positioning system handset, satellite phones, voice over internet protocol phone service, and high resolution satellite photo of the target. It has also revealed the security lapses to protect the border and stop infiltration. It has question the institutional and administrative set up, its efficacy to prevent and combat terrorism as information from intelligence was there but it could not be materialized into preventive intelligence management, preventive security management and terrorism disaster management strategy. The whole security system had failed to protect the life of about 200 persons including Indians and people from US, UK, Israel, Japan and from other countries and also resulted in injury to about 300 persons. It is another problem that the National Security Guard (NSG) were deployed only after 90 minutes of the attack begins and the mobilized units Commandoes did not arrive on the scene until the next morning.\textsuperscript{22} Therefore, the intelligence, security forces, investigation agencies dealing with terrorism needs to be studied. At earlier occasion also inefficiency of intelligence and security agencies was highlighted by the Kargil Review Committee (KRC), the G. C. Saxena Task Force etc.


\textsuperscript{22} Supra Note 3.
1.3 Need and Justification of the Study

The world is terrorized by the menace of terrorism and India is not an exception to it. Terrorism in any form is required to be prevented and combated. It is expected from the state to adopt both preventive as well as deterrent measures against terrorism to establish rule of law which demands a good anti-terrorism legislative framework, fair and transparent procedure and for its implementation various strong and accountable institutions which includes intelligence agencies, investigation agencies, security forces, and adjudication machinery so that terrorist can be brought to justice.

In past, legislations were enacted by the Indian government to prevent and combat terrorism which was having sunset life. The Terrorist Activities (Prevention) Act 1987 was allowed by the government to lapse and the Prevention of Terrorism Act, 2002 was repealed without any justification on the part of the government. Hurriedly after the Mumbai attack in the year 2008, Indian government has shown its reaction towards terrorism by enacting Unlawful Activities (Prevention) Amendment Act, 2008 and National Investigation Agency Act, 2008 without having much debate on it.

The study is justified on the ground that in India, studies and research on the National Investigation Agency Act, 2008 and Unlawful Activities (Prevention) Act, 2008 which are the existing legislation in India on the subject matter of terrorism has not been undertaken. The need of the study is justified as the efficacy of these legislations is yet to be studied. No substantial exploration of institutional and administrative measures undertaken by India has been made knowing this fact that terrorism has taken away many precious life, destroyed property and created terror in the mind of people threatening their peaceful life and liberty and also in past anti-terror legislation were highly misused by law enforcement agencies. Hence the study has been justified and entitled- “A Legal Study to Evaluate the Efficacy of Existing Indian Laws to Prevent and Combat Terrorism”. 
1.4 Objectives of the Study

The objectives of the present study are-

1. To study the definition of ‘terrorism’ provided under the various legislations including Indian, United Nation, the European Union, United Kingdom., United States, Canada, Australia.

2. To find out the common elements of terrorism which are present in all forms of terrorism.

3. To identify the causes for the terrorist activities.

4. To identify various kinds of terrorism and relation of terrorism with other crimes.

5. To study the International and Indian legislative framework to prevent and combat terrorism.

6. To find out the judicial response to Anti-Terrorism legislations in India.


8. To evaluate the application and efficacy of National Investigation Agency Act, 2008.

9. To assess the role of institutional and administrative set up including the Intelligence agencies, Investigation agencies, security forces, and special courts to prevent and combat terrorism.

10. To suggest constructive measures within the legislation and its rational application by stake holders in preventing and combating terrorism.

1.5 Hypothesis

The National Investigation Agency Act and Unlawful Activities (Prevention) Act including the institutional and administrative set up is not adequate and efficient to prevent and combat terrorism in India.

1.6 Research Methodology

Legal phenomenon requires their own research methodology which may be applicable to subjects of international or municipal laws, evaluation of Act of different countries,
implementation and consequences of codes and Acts of different nations. Nature of legal issues and the subject matter of law are different from other sciences and therefore, research methodology, propositions and the explanations is also different. Legal research involves various methods or process and all legal studies and research fall under one or combination of various methods or process.

The legal research methodology adopted in this thesis is doctrinal. Through doctrinal legal research the analysis of existing statutory provisions of international and national, case law, arranging, ordering and systematizing legal propositions and study of legal institutions through legal reasoning and rational deduction in relation to terrorism in India will be carried out. The research is based on the secondary source of data such as Constitution of India, International Conventions, treaties and Indian legislations on terrorism, official documents, Codes, various reports of Commissions and Committees, published books, law journals, articles, encyclopedias, Article in news paper and magazines. Online database materials has also been extensively used.

The study highlights the previous Indian legislation on terrorism but delimited with respect to the introduction of two legislations after the Mumbai attack in 2008 i.e. Unlawful Activities (Prevention) Amendment Act, 2008 and National Investigation Agency Act, 2008 their efficacy and application.

1.7 Research Plan

With the objectives enumerated above and the state research methodology adopted, the proposed research work is divided into seven chapters as follows-

Chapter 1 - The first chapter includes a brief introduction to the broad area of consideration highlighting the background of the terrorism, statement of problem, need and justification of study, objectives of the study, hypothesis research methodology and the scope of the study with research plan or organisation of the study of the thesis. The delimitation of the study is also specified. The first chapter is entitled as – ‘Introduction’
Chapter 2 - The second chapter includes the brief details about the incident of terrorism, concept and meaning of terrorism, common element of terrorism, various causes of terrorism, new dimension of terrorism- kinds and means of terrorism, Terrorism and other related activities like organized crimes, insurgency, guerrilla warfare, meaning of unlawful association, terrorist organisation and terrorist gangs, technology and terrorism, psycho-socio effect of terrorism. The chapter is entitled as “Concept of Terrorism and its New Dimension”

Chapter 3 - The third chapter includes and highlight the international conventions, regional instruments and Indian legislation on terrorism before and after the Mumbai attack of 2008. This chapter also includes all the legislation enlisted under the National Investigation Agency Act, 2008 as schedule enactment. This chapter is entitled as “Legislative Framework to Prevent and combat Terrorism- International and National Efforts”

Chapter 4 - The fourth chapter covers the various pronouncement of Indian judiciary on Anti-terrorist legislation. The response of the judiciary on various issues raised before them in due course of implementation of anti-terrorist laws in India is to be studied and covered. The chapter is entitled as – “Efficacy of Anti-Terrorist Laws in India – Judicial response”

Chapter 5 – The fifth chapter deals with the institutional and Administrative response to terrorism in India to prevent and combat terrorism. This chapter includes proactive and reactive measures, roles of Ministry of Home Affairs and Ministry of External affairs, Role of Institution of Intelligence agencies in India, Terrorism and role of armed Forces and State Police, role of NCTC and NATGRID, role of Central Investigating Agencies emphasizing on National Investigation Agency, role of NIA Special Court, Terrorist sheltered by law enforcement agencies, relief to victims of terrorist violence, role of Counter insurgency and anti-terrorist school, role of civil society and private sectors in preventing and combating terrorism. This chapter is entitled as- “Institutional and Administrative Response to Terrorism in India”

Chapter 6 – The sixth chapter will evaluate the efficacy of the provisions of Unlawful Activities (Prevention) Act and National Investigation Agency Act at length to prevent and combat terrorism. The chapter evaluates various provisions of both the legislation and their efficacy to prevent and combat terrorism on the basis of standards of criminal law principles, development
in science and technology, basic tenets of human rights and legal reasoning and rational deductions. This chapter is entitled as - “Efficacy of Unlawful Activities (Prevention) Act and National Investigation Agency Act to Prevent and Combat Terrorism”

Chapter 7 - The seventh chapter enumerates the conclusion arrived at as a result of the study and highlights the problems enumerated in effectively preventing and combating terrorism in India by existing legislation and machinery created therein and gives constructive suggestions to the stakeholders prevent and combat terrorism effectively.