Terrorism perpetuated in the world since long for multiple reasons, however no definite date and time can be assigned for its initiation. Terrorism is a threat to the life, liberty, security and property of individual. It challenges the political stability, economic growth and international image of the nation. It disturbs peace and tranquility on the earth and causes panic, widespread disorder and generates fear psychosis in civilized societies.

On 30th October 2008, there were twelve high intensity serial blasts with the use of RDX and plastic explosive at four district of Assam- Guwahati, Kokrajhar, Barpeta and Bongaigaon. Six of the blast occurred in Guwahati at Ganeshguri, Fancybazar, Bhangagarh and Hatigaon and overall fatalities recorded was 70 death and injury to 300 innocent persons. Even a month was not lapsed and again in 26th November 2008, the terrorist have attacked Mumbai at Taj Hotel, Trident-Oberoi, Leopold Cafe, Chhatrapati Shivaji Terminal and Nariman House killed about 200 persons including Indians and foreign nationals and about 300 were injured. In this many police officials, including head of Anti-Terrorist Squad, were killed along with 9 terrorists. The Mumbai attackers revealed the institutional lapse at costal area from where well trained militants came 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.

These terrorist attacks have questioned the efficacy of legislative framework, function of institutional and administrative agencies, and their pro-active and responsive capacity to prevent and combat terrorism. Numerous Intelligence agencies, security forces are there but not able to avoid the fatalities to innocent life and property. Intelligence information was there but it could not be materialized into preventive intelligence management, preventive security management and terrorism disaster management strategy. India’s anti-terrorist laws including the Unlawful
Activities (Prevention) Act, 2004 and its institutional an administrative set up was failed to prevent the occurrence of terrorist attack including the recent Guwahati and Mumbai attack of 2008. Earlier legislations like TADA and POTA, though their constitutional validity was upheld by the judiciary, has been branded as draconian law and the government was forced to allow these laws to lapse or repealed respectively due to allegation of misuse by enforcement machineries. 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, enlarging the scope of UAPA and National Investigation Agency Act, 2008 to create central counter terrorist investigation agency, without having much debate on it. Both the legislations are having provisions departing from the establish principle of criminal law.

Therefore, the research work on the National Investigation Agency Act, 2008 and Unlawful Activities (Prevention) Amendment Act, 2008 is undertaken to analyze its efficacy to prevent and combat terrorism and study these legislations in conformity to established criminal law principles, human rights and judicial interpretations. The role of Intelligence agencies, security forces, investigation agencies and adjudicatory bodies is undertaken to visualise anti-terrorist laws in action. International community has stressed on developing national criminal justice system to prevent, combat and bring the perpetrator of terrorism to justice without which international counter terrorism efforts are futile.

There is no universal agreement on definition on terrorism. The motivating factor for terrorism do varies from nationalistic, 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 not similar in nature and conceptual understanding is provided in this work. The terrorism has occupied the characteristic of ‘transnational’ and terrorist group have no boundaries therefore it becomes difficult to deal with them easily. 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. There is lack of coordination and cooperation among numerous intelligence agencies, security forces and investigation agencies.

The work in this thesis is based on doctrinal research methodology and is divided into seven chapters. 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. The delimitation of the study is also specified. The second chapter includes the brief details about the incident of terrorism, meaning, common element, causes, kinds of terrorism, terrorism and other related activities. The third chapter includes and highlight the international conventions, regional instruments and Indian legislation on terrorism before and after the Mumbai attack of 2008. The fourth chapter covers the response of the judiciary on various issues raised before them in due course of implementation of anti-terrorist laws in India. The fifth chapter deals with the institutional and Administrative response to terrorism which covers the role of MHA, MEA, Intelligence agencies security forces, NCTC, NATGRID, Central Investigating Agencies, NIA Special Court etc. The sixth chapter is an evaluation of various provisions UAPA and NIA 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. The seventh chapter enumerates the conclusion arrived at as a result of the study and constructive suggestions to the stakeholders prevent and combat terrorism effectively. The recommendation of the committee during the presentation for final registration seminar on 12th May, 2012, and Ph.D., Pre-submission seminar on 9th April 2014, are well considered and covered in this thesis work.

The outcome of this work is very helpful for the law makers, policy makers, students, researchers, lawyers, Judges, law enforcement machineries, and citizens of India to understand the complexity of the problem of ‘terrorism”; its nature, causes, means and method of operation; conceptual understanding of terrorism, insurgency, naxalism, organised crimes etc.; Role of judiciary, intelligence agencies, security forces, NIA and NIA special courts.


(Kumar Priya Ranjan)