CHAPTER - V
DISTURBING TRENDS CAUSING A SETBACK TO THE THEORY OF DUE PROCESS IN
FOREIGN JURISDICTIONS

In recent years the trend in the system of criminal justice is that it is affecting the functioning of various units of criminal justice system. The situation relating to the functioning of law enforcement agencies is that either the law is harsh or the enforcement officials exercise their powers arbitrarily in dealing with the alleged offenders; and all these have their adverse effect on the extent of protection of the individuals. Such a change is reflected in the literature which has come up in recent years.

Learned writers on the system of criminal justice have pointed out the change is such that it goes to establish the need for reverting to the system of due process and halting the system of crime control. In certain cases the judges dealing with the cases have pointed out the emerging trend; even in judicial process; even the enquiry commissioners which had to suggest changes in the law have in their reports pointed out the need for a change so that there is protection to the rights of the individuals.

The disturbing trends in the system of criminal justice have been in the form of drastic legislative measures adopted in recent years for controlling the problem of crimes. Though the concept of Crime Control was adopted in the Medieval Ages when there was a threat to Christianity and a threat to the great name of the Christian Church the method of Crime Control was adopted with regard even with regard to situations in which secular matters were involved. These measures were mostly based on public safety, public order, public health, public decency etc.

The Disturbing Trends:

The disturbing trends in the system of criminal justice have been the legislative measures adopted in recent years for controlling the problem of crimes. Though the concept of Crime Control was adopted in the Medieval Ages when there was a threat to Christianity and a threat to the great name of the Christian Church the method of Crime Control has been adopted with regard to various secular matters, such as, the public safety, public order, public health, public decency etc.

I.I. Anti-Terrorism Legislation as a disturbing trend
The legislations dealing with terrorism provides different types of laws and Acts enacted in order to fight with the terrorism. It has been observed that they usually follow assassinations and particular bombing procedures. Legislations against terrorism generally comprises of amendments which allows the state to evade its own enacted legislation while dealing with the crime of terrorism, on necessity as its ground.

As the regular procedure is suspended, sometimes such legislations are criticized as Villainous law which may result in unjust repression of all kinds of popular protests. The anti terrorist legislation is alleged by the skeptics and critics to endanger democratic principle by forming a state of exception that creates form of government which is termed as authoritarian one.

Barrack Obama signed a legislation on 31st December 2011 which provides for detention of Americans by the US Government to detain Americans for indefinite period without trial and without the right of due process thereof. However a person if suspected on ground of associated forces collaboration which are allegedly carrying out hostilities against the US or with its partners in coalition, it provides that the suspects will be detained without right to trial, till the cease of hostilities as authorised by AUMF, as the right to due process stands insulated.

II. In the 19th century – the state of Anti-terrorism:

At the end of the 19th century, it has been observed that the three states Europe, Russia and the US came across a new extremist movement involved in illegal and violent acts as well. Tsarist Russia was primarily launched the moment which comprises of involvement of the positivist atheists as well as young intellectuals in a violent war in opposition to the Czar. On account of their apparent influence in Nikolai Chernyshevsky's, in scenario where question arises of what next step to be taken they promoted assassinations and bombings.

Zemlya y Volya, being first group that comprises of revolutionaries who are in upper class initiated armed struggle against the reign of Czar. One of the most the then famous figures Sergey Nechayev (1847–1882) promptly called as a Nihilist movement, Albert Camus in The Just Assassins described his fate and thereby dealt thoroughly essay on existentialism rebellion in thought out manner.

spread all over the "nihilist movement". Then he fled to Switzerland and teamed up with the First International (IAW) that ultimately led to theorization of propaganda of the deed. In 1880s, the governing classes were literally terrorized by a series of attempts of assassinations and bombings which are planned by people considered to be attached with the anarchist movement. Violence or violent action was not the basis
of the Propaganda of the deed, however frequently it took that form and caused violent.

Many centuries ago the right of rebellion had been theorized John Locke, a liberal intellect and since it was for the good of the people, he Bakunin thus wrote that “every individual’s principles shall spread by the deeds and not by the words and for this is the only potent, most irresistible and most popular form of propaganda.”

As early as 1887, many anarchists started opposing themselves when it is realised that it as a self-destructing policy. These includes Peter Kropotkin, who stated that it is an illusion and nothing else to believe that to win a war against the coalition of exploiters a few kilos of dynamite will suffice the purpose. Kropotkin's pragmatism when compared to the most radical idealism of anarchist proved to be more pragmatic. Very soon, the repression from the state was opposed by all the labour movement and the people cannot be convinced on the point of starting as insurrectionary and general strike, as per the expectation of the theorists of propaganda of the deed. Furthermore, the movement was also infiltrated by an agent provocateurs which authorised detentions in the social movement, as picturised in Joseph Conrad's novel.

III Anti Terrorism Law in various countries: As per the provisions of customary international law various countries identifies a few form of due process. Even though the particulars are frequently vague, the majority of States affirm that they must promise foreigners a minimum fairness and justice. Few states have stated that they will not approve the same and equal rights to their own people and aliens —the doctrine of national treatment— it states that both i.e. alien and citizens would be susceptible to the similar contraventions by the government. The difference in practice among these two viewpoints may be disappearing with the regular use of International treaties to administer treatment to foreigners abroad and the expansion of international human rights law.

In the year 1970 during the "years of lead" (anni di piombo) various anti-terrorist laws were passed by Italy.

On 22 May 1975 the Real Act was adopted. The Act gave authority to police to detain any person and to conduct searches with no prior authorization of any investigative judge. During the Interrogation it was not mandatory that a lawyer should be presented. This contradicted article 3 related to equality before the law of the Constitution was underlined by the Critics.

Prior to the year 1970, Preventive imprisonment was for a probable sentence ranging between twenty years to life time, although it was restricted to 1 year for charges of offence foremost to a prison term below 20 years. After 1970 it passed to four years. On 11 April 1974 decree-law permits a 4 years imprisonment till the decision in the first judgment, and it becomes six years till the appeal, till the ultimate judgment eight years. The preventive imprisonment was extended to twelve years in the case of indictment for "acts of
On 15 December 1979 the Cossiga decree-law was passed. It prolonged the duration of preventive imprisonment in relation to suspected terrorists sanctioned wiretaps. It has been pointed out by Critics that this contravene the Constitution.\textsuperscript{10} The Cossiga decree-law persons had allegations of the offence of terrorism and had confessed the same and of telling the government authorities about their partners in crime might be liberated.

Law n15 of February 6, 1980 and Moro law of May 21, 1978 n191, supervisory power, respectively on March 28, 1978 and on December 15, 1979\textsuperscript{162}

III. Anti-terrorism Law in the civil law countries Chile

The government of Chile government was criticized for inappropriate application of the conflict relating to land Human Rights WatchThe Pinochet dictatorship originally enacted the legislation in question; its severity is actually increased by the democratic government which has followed it. Special concern is expressed the by the Human Rights Watch involved in crime. The application of the regulation against Mapuche vandals has been allowed. The international organization considers the alleged crime are not similar to terrorist acts at the time of confirmation and enacting that crimes which have been definitely been committed.\textsuperscript{63}

In the year 2006 September an anti-terrorism law was adopted by The law has been criticized by all the major parties including the FMLN, claiming that it might be used against social movements\textsuperscript{364}

Firstly, the law against illegal street vendors was attempted by the government who brutally opposed elimination by the police force. The alleged charges were not able to be proved and hence were not resulted in convictions.

Fourteen people were charged by the Salvadoran government in the year 2007 July for participating in the protest against the nation’s water system’s privatization. one of those arrested people charges were dismissed. The other remained ones was were identified as the Suchitito and were also unconfined, but sustained to countenance accusation under conduct in early February 2009

Peru:

Under Alberto Fujimori's presidency in 1992 Peru was adopted as anti-terrorist laws. Amnesty International criticized the lawin its report 2002 he declared that "prisoners erroneously remained held charged with terrorism crimes in preceding year. Ever since its introduction in 1992 “Anti-terrorism” legislation which deals with unfair trials were in force. Security forces members continue their cases
transferred to military courts which were accused of human rights violations”. A US citizen Lori Berenson, charged for 20 years sentence in Peru, has been condemned for these rules and regulation, for the alleged

Philippines

In the year July 2007 President Gloria Macapagal-Arroyo signed The Human Security Act of 2007, intended at militants of the southern part of Philippines, comprising the group of Abu Sayyaf, which are supposed to have connections to al Qaeda and thus was held responsible for kidnappings and bombings in the area. As per the provision of law the detention of 3 days without warrant are authorized, even though it is obliged to inform the judge immediately about the arrest by the arresting official. Moreover, a detained terrorist has a right to meet a priest, a lawyer, family members or a doctor.

The act permits eavesdropping on all the suspects in addition right to access the bank accounts for authorities. Generally, Convictions can prison sentences but in case of miscarriage of justice compensations are provided. Under section 3, the government was forced to give an unlawful demand to terrorism giving rise to the condition of extensive and unusual terror among population. Wilson Fortaleza, criticized the formulation by who claimed the law can be utilized to crush political upheaval against.

Indonesia Bali bombings Indonesia subsequently in October 2002 adopted Regulation of Government in furtherance of Law 1/2002. As per the legal system of Indonesia the both the act has the same powers i.e. Government Regulation in Lieu of Law and parliament-enacted legislation, apart from that it could be simply be issued in emergency and supposed to be review by the subsequent session of parliament. However, this emergency regulation was enacted by the Indonesian Parliament into Law 15 of 2003.

However, Indonesia along with strong political support also has an anti-terrorism legislation as well. Much criticism is cultivated by the Anti Terror Law. The Law states the provision which can avoid the regular criminal proceeding for instance: speedy and lengthy use of Intelligence Information as initial evidence which can be further used for arresting of an accused. In Indonesia it is a subject of hot debate i.e. role of Intelligence Information.

Turkey

In the year 1995 Article 8 related to was slightly amended and it was propaganda. In spite of its name, the Anti-Terrorist legislations penalized various offences non violent in nature. Under Article 8 there have been imprisonment of Pacifists, For instance, in year 2002 at Istanbul State Security Court Fatih Tas a publisher was prosecuted for the act of translation and publishing writings by Noam Chomsky, human rights
of Kurdish people in Turkey summarizing the history of the; however, he was acquitted in February 2002.

V) Anti Terrorism Legislation in United States of America

The first question should be ask in such illustration is when series of administrative and legislative measures are being accepted what is happening in United States to supervise and control the crisis of crime lack of caring for the unfavourable impact such ways of measures will be having on the ancient concept of Due Process of Law which stands in administering the law for the justice and fairness.

In the year 2002 the Patriot Act 2001 was introduced it is illustration of legislation. The United States adopted this legislation in the wake of terrorist attack on 11.09.2001 in the New York World Trade Centre and the Pentagon. A number of more than two thousand individual were killed and injured.

On 26th October, 2001 The President signed into law The PATRIOT Act which is an Act of the U.S. Congress. The title of the Act stands for the USA PATRIOT: Uniting (and) Strengthening America (by) Providing Appropriate Tools Required crush terror it is a ten letter acronym.

The Act, was specially enacted after the terrorist attacks of September 11th as a significantly responsible to take measures and implement restrictions within the United States in law enforcement agencies' intelligence information gathered; extended the authority of the Secretary - Treasury to control fiscal dealings, mainly who involves foreign entities and people; and extended the authority of enforcement and immigration law, establishment in arresting and expelling suspected immigrants of terror attacks.

The applicability of the USA PATRIOT Act was expanded to the number of activities through its law enforcement powers as it extended the meaning of terrorism and it includes domestic terrorism.

The Act was a provisional measure enacted. However in the year 2011 May 26th in the USA PATRIOT Act an Autopen was used by Barack Obama, President to sign a four-year extension of three key.

President Barack Obama was in France: drifting wire tapes, investigates of business data from the records of library provision, and performing inspection of persons which are suspects of terrorist activities not connected to any terrorist organization. The question as raised by the Republican leaders that as per the constitutional requirements is Autopen allowed to signing any kind bill into law.

Authority of indefinite detentions of immigrants were criticized by the opponents further, searches of
home or business without prior permission or prior information or awareness to the owner or occupant by the officials of law enforcement, furthermore the Federal Bureau of Investigation widely known as FBI were allowed to expand use of National Security Letters, to conduct search without a court order through financial records, e-mail and telephone and the law enforcement of this act was expanded to the agencies to business data, including in it financial records and library. As its passageway, a number of legal challenges were brought in the opposed to the law and Federal tribunal decided that a few numbers of rules and provisions are not constitutional.

In the beginning December 31, 2005, almost after the period of 4 years several of the Act's provisions were to dusk. However, few months back prior to the sunset date, the supporters of the law were trying hard to make its provisions permanent, while the people against to law applied for revising the several sections to improve civil liberty protections.

In the year 2005 July, a bill to reauthorize the law was passed with the significant changes to some of the provisions of the act by the U.S. Senate, although the most of the original act's language was kept the same by the House reauthorization bill. As in the bill for ignoring the civil liberty concerns in a conference committee the two bills were then reconciled which were criticized from both the Republican and Democratic parties by Senators

In the year 2006, on March 9 and 10, a bill was signed by the by President George W. Bush into law, which mostly deleted the changes as suggested by the version of Senate however in the year of 2006 march it was enacted by the Congress.

There were many changes made to the U.S. law by the introducing the PATRIOT Act. The following changes or amendments were made as in the Electronic Communications Privacy Act, 1986 (widely known as ECPA), Bank Secrecy Act (BSA), Foreign Intelligence Surveillance Act, 1978 (widely known as FISA) and the Money Laundering Control Act of 1986 and long with these Immigration and Nationality Act.

After the attack on New York City and the Pentagon i.e. September 11th attack the act came into force. After the attacks the congress immediately started work in preparing or setting up the several bills proposing anti terrorist legislations, in the control of the Department of Justice in the end the bill was drafted and named as the Anti-Terrorism Act of 2001. As the Provide Appropriate Tools it was introduced to the house.

On October 12 the act was passed by the House as the USA Act, which stands for Uniting and Strengthening America Act only to interrupt and frustrate Terrorism (PATRIOT) Act, 2001.
The USA Act (S. 1510) was then established into the Senate with several amendments which were to be proposed by Senator Russ Feingold. On October 23 the final bill was at last introduced as the USA PATRIOT Act and it was incorporated H.R. 2975, S. 1510 and several other sections of the Financial Anti-Terrorism Act; H.R. 3004. Russ Feingold was the only one person as senator who voted against the bill. Some concerns were also expressed by the Senator Patrick Leahy.

Several parts of the bill were considered as essential by both supporters as well as the detractors. Some of the sunsets which were about to expired in the year December 2005 were also included in the final Act.

The following titles states about the manner of changes which were set up in the significant laws to formulate the Patriot Act more effectively.

**Title I: Domestic Security Enhancement against Terrorist Activities**

Title I It gives authorization to measure the improve capability of services in relation to security at domestic level to stop terrorist activities. For the FBI's Technical Support Centre the title maintains fund for counter-terrorist activities and enhance funding. In some situations when as demanded by the Attorney General authorized the military in order to assist that are involved mass destruction of weapons.

The capabilities of the National Electronic Crime Task Force were expanded with the President’s authority in the cases of terrorism. After the September 11 terrorist attacks, the discrimination against Muslim Americans and Arab Americans was also condemned by the title.

**Title II - Procedures of Surveillance:**

Title II "improved Procedures of Surveillance", by covering every aspects of the surveill ance of suspects of terrorism and those suspects who keeps busy in e- abuse by computer or fraud, and foreign authority agents who were occupied in concealed actions. It principally makes changes to the ECPA and the FISA, and several of the majority contentious portions of the USA PATRIOT Act consist in this part.

Specifically, the title authorized several agencies of the government to collect information in relations to foreign intelligence from mutually by the U.S. citizens as well as non US ones, and altered FISA to create in acquiring information in relation to foreign intelligence as the important function of surveillance based on FISA, where formerly it was the prime intention.

Amendments in the definitions were intended to eliminate lawful "wall" among criminal surveillance and examination and for the intention of assembly of foreign intelligence that loaded
examination when illegal and surveillance on foreign overlapped.

Under Title II the availability and scope of surveillance as well as wire tapping orders will be expanded. Further wiretaps were extended to consist in it the routing and addressing information in order to permit packet switched networks surveillance — EPIC i.e. Electronic Privacy Information Centre raised an objection stating that it do not consider web address or email, that frequently enclose contents in the information regarding address.

In the United States for the terrorism investigations the Act authorised any district court judge to issue such search warrants and orders of surveillance. The warrants for search were also enhanced, with the legislations modifying the Stored Communications Access Act – Title III to authorise the Federal Bureau of Investigation to get way in to store up voicemail throughout a warrant for search, slightly than through the more severe wiretap regulation.

In relation to electronic communications disclosures to the agencies of law enforcement a numerous provisions are authorized. The permission can be given by the authorities who operated or owned a "protected computer" to intercept communications carry on by the machine, therefore by passing the requirements of the Wiretap statute.

Title III: Prevention of Terrorism through Anti-money-laundering

The following two acts were facilitated by the detection, prevention and prosecution of money laundering at international level and the financing thereto for terrorist activities, i.e. "International Money Laundering Abatement and Financial Anti-Terrorism Act 2001".

It first and foremost modified segments of the Bank Secrecy Act, 1970 and Money Laundering Control Act, 1986. It was bifurcated into three subtitles first that deals principally with reinforcement rules of banking opposition to the concept of money laundering, specially at the international phase.

The next endeavour was to enhance the communication among the agencies of law enforcement and fiscal institutions, in addition also in growing reporting requirements and record keeping. The third and the last subtitle dealt with counterfeiting and currency smuggling, comprising quadrupling the highest fine for counterfeiting currency of foreign.
The first subcategorisation constricted the requirements of keeping the record for fiscal organization, creating them record the aggregate value of dealings generated across the globe where money laundering is related to the government of United States. It furthermore also obligate these fiscal establishment to put sensible steps in order to recognize beneficial owners of bank accounts and financial books and some are permitted to use or route money through accounts payable.

The Treasury of United States was appointed with the aim of two important responsibilities to deal with preparation of regulations planned to promote information contributing among fiscal organizations in order to stop money-laundering.

In order of make it easier for the authorities to identify the money laundering, a new regulation was put in place along with the mandate of expanded record book keeping thus making it tougher for money launderers to pretence their identities or individuality. The category was enacted for the confiscation of assets if money laundering was discovered, of those suspects of involved in the money laundering.

Government is in a process to encourage various organizations or institute to take steps that would decrease money laundering. To prevent a bad history of money laundering the Treasury was set up to obstruct mergers of companies pertaining to bank holding and among the banks and even the companies holding banks. Correspondingly, the mergers which has a bad track evidence should be block like mergers between non insured and insured depository institutions for combating money-laundering.

Foreign Bank accounts were placed with the restrictions. The Act prohibited the banks which does not has a existence in the United States and are not an affiliate of a bank i.e. shell banks or the banks which are not subject to been supervised by any kind of banking authority in a country not in United States. The use of certain accounts which are held by financial institutions are also prohibited or restricted.

The concept, meaning and scope of money laundering was extended to comprise the making of a fiscal deals in the United States in order to carry out crime of violent nature: the corruption of public authorized person and fake transactions with the funds of the people at large; the illegal or smuggling of controlled weapons and the carrying in of any weapon or bullets not sanctioned by the Attorney General of United States and the smuggling of a things which are under the control of the Export Administration Regulations.

In addition to the above, it also include any crime where the United States could be compelled as per treaty with a country overseas to expel a person, or where the United States would necessitate submission of a case against an individual for trial since the treaty is in force; the computer crime; the importation of wrongly categorised goods; and any crime in violation of the Foreign Agents Registration Act, 1938 (FAR Act).
Title IV: Border security

For the enhancement law enforcement and power of investigation to the Attorney General of the United States and to the Immigration and Naturalization Service abbreviated as INS, this title amended Immigration and Nationality Act of 1952. The power of appointing on the INS on the United States northern border the full-time employees (FTEs) were assigned by waiving any cap on the number by the Attorney General.

Adequate funds were kept apart to thrice the highest number of work force of Border Patrol, employees in Customs Service as well as INS in spectors beside with an extra 50,000,000 US dollars as financial support for the INS and. Customs Service of the united States to enhance expertise for the Border of North to get it monitored and obtaining extra apparatus at the northern border of Canada. The INS was also authorized to pay for overtime of up to an extra 30,000 US dollar a year to the employees of INS.

Title V: Eliminating the obstacles in investigating terrorism

This Act authorizes the Attorney General of the United states to make the payment rewards in pursuance of announcement for support to the Justice Department to struggle against terrorist activities and avoid terrorism, although the amount over 250,000 US dollars might not be completed or offered without the prior approval of the President or AG, and once the award is permitted the AG is required to send written notice to the Chairman of the Committee on Appropriations and ranking minority members thereto and the House of Representatives and the Senate Judiciary.

Authority of indefinite detentions of immigrants were criticized by the opponents further, searches of home or business without prior permission or prior information or awareness to the owner or occupant by the officials of law enforcement, furthermore the Federal Bureau of Investigation widely known as FBI were allowed to expand use of National Security Letters, to conduct search without a court order through financial records, e-mail and telephone and the law enforcement of this act was expanded to the agencies to business data, including in it financial records and library.

As its passageway, a number of legal challenges were brought in the opposed to the law and Federal tribunal decided that a few numbers of rules and provisions are not constitutional.

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Some concerns were also expressed by the Senator Patrick Leahy. Several parts of the bill were considered as essential by both supporters as well as the detractors. Some of the sunsets which were about to expired in the year December 2005 were also included in the final Act.

The concept of Due Process of Law very much a part of the legal system. For example, the Preamble of the Constitution declares the high ideals for which the Constitution has been adopted.

These high ideals are to the effect that justice, liberty, equality and fraternity will be the goal of the new Republic. Among the specific provisions enacted in the Constitution are the provisions dealing with
Life, Liberty and Property. And the State is prohibited from depriving the citizens of their invaluable rights without the due process of law. Thus, Due process is an aspect of Rule of Law and a very significant principle of our constitutional democracy.

The principle of Due Process of Law is applicable to several aspects of the State Administration. The laws that are enacted by the State, the implementation of the laws that is undertaken by the Executive and the judicial action in determining the rights and duties of the individuals must all conform to the principle of Due Process of law.

While substantive due process requires valid and reasonable laws to be enacted for application to the people in various circumstances, the procedural due process requires the methods of administering the laws also to be just, fair and reasonable. We have in our country Due Process of Law in both the forms, i.e., the substantive Due Process and Procedural Due Process.

For judicial process to be in place:

1) There must be procedural as well as substantive laws passed by legislature.
2) There must be courts comprising duly qualified judges,
3) There must be infrastructure and ministerial staff to keep record of every day steps and progress
4) There must be some kind of technology to proceed with the procedure. The words Judicial Process and the Due Process need to be explained before proceeding further with the discussion. No Judicial Process in the world can work without laws.

Therefore legal process or process of making laws must precede the judicial process. But here we are concerned with emergent trends in judicial process only.

The trends are again classified in terms legal knowledge, technology of courtroom, electronic case management.

When it comes to due process law, it is police versus public. The police becomes the arm of the repressive state and the public becomes intimidated threatened oppressed mass of subjects. In words of Dr. S. Radhakrishnan even a democracy can be tyrannical at times when elected representatives get busy in retaining power for long term.

How to implement Programs, How to chalk out policies, and to retain power out of these three the last one precedes the other two. The state then has lesser and lesser regard for due process. Unfortunately India has reached this stage. We can say the emerging trend is India has such judicial process through which it is
impossible to come out unscathed. There are two parallel judicial processes. First one is the routine courts and routine laws.

The second one has special laws, special investigating agencies and special courts that mostly function from jails. On 17-11-2012 when condemned Ajmal Kasab was hanged, the celebrity criminal lawyer Ujwal Nikam said “for one decade I was functioning 9 AM to 5 PM from the premises of Arthur Road Prison.”

The concept of Judicial Process While delivering inaugural address at the National Conference on “Judicial Process Emerging Trends” on 29th September 2012 at Venkateshwara University Tirupati Justice L. Narsimha Reddy A.P. High Court dwelt elaborately on judicial process.

Justice Reddy observed that Judicial Process is the complex procedure of hearing or trial of a case by the judge having jurisdiction to try and the litigant having locus standing to knock the doors of the court.

The judicial process sets in when the state, the citizen, or the legal person created by law viz. an Institution registered under the Societies Act, a Public Trust registered under the Public Trust Act, a functioning Society index under the accommodating Act or a Corporation registered under the Indian Companies Act sets in motion the trial by filing a plaint/suit or complaint in the court of law.

Judicial process is basically whole complex phenomenon of court working.

The judicial process is not confined to what the judges alone do but it includes what the clerical staff the bailiff and the advocates who are officials of the court together do. The logical question will arise as to whether the Quasi Judicial proceedings are also included in the judicial process. The argument of the research scholar would be that all quasi judicial process including arbitration, mediation and conciliation under respective laws must be brought in the arena of the Judicial Process.

What Due Process demands is that every action of the State authorities must be based on a valid law. It is necessary that the taking of somebody’s property in public interest may be there but it must be within the authority of law. While editorial of the instrument of administration of India takes care of Life and Liberty, Article 300-A. takes care of property.

Practice recognized by act reveal in Article 21 of the Constitution of India embodies “Due Process” Some jurists are of the opinion that American”Due Process” and Indian “Procedure established by law” are different in guarding life and liberty. For judicial process to occur:

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The next endeavour was to enhance the communication among the agencies of law enforcement and fiscal institutions, in addition also in growing reporting requirements and record keeping.

The third and the last subtitle dealt with counterfeiting and currency smuggling, comprising quadrupling the highest fine for counterfeiting currency of foreign.

The first sub categorisation constricted the requirements of keeping the record for fiscal organization, creating them record the aggregate value of dealings generated across the globe where money laundering is related to the government of United States.

It furthermore also obligate these fiscal establishment to put sensible steps in order to recognize beneficial owners of bank accounts and financial books and some are permitted to use or route money through accounts payable.
The Treasury of United States was appointed with the aim of two important responsibilities to deal with preparation of regulations planned to promote information contributing among fiscal organizations in order to stop money-laundering.

In order to make it easier for the authorities to identify the money laundering, a new regulation was put in place along with the mandate of expanded record book keeping thus making it tougher for money launderers to pretence their identities or individuality. The category was enacted for the confiscation of assets if money laundering was discovered, of those suspects of involved in the money laundering.

Government is in a process to encourage various organizations or institute to take steps that would decrease money laundering. To prevent a bad history of money laundering the Treasury was set up to obstruct mergers of companies pertaining to bank holding and among the banks and even the companies holding banks. Correspondingly, the mergers which has a bad track evidence should be block like mergers between non insured and insured depository institutions for combating money-laundering.

Foreign Bank accounts were placed with the restrictions. The Act prohibited the banks which does not has a existence in the United States and are not an affiliate of a bank i.e. shell banks or the banks which are not subject to been supervised by any kind of banking authority in a country not in United States. The use of certain accounts which are held by financial institutions are also prohibited or restricted.

The concept, meaning and scope of money laundering was extended to comprise the making of a fiscal deals in the United States in order to carry out crime of violent nature: the corruption of public authorized person and fake transactions with the funds of the people at large; the illegal or smuggling of controlled weapons and the carrying in of any weapon or bullets not sanctioned by the Attorney General of United States and the smuggling of a things which are under the control of the Export Administration Regulations.

In addition to the above, it also include any crime where the United States could be compelled as per treaty with a country overseas to expel a person, or where the United States would necessitate submission of a case against an individual for trial since the treaty is in force; the computer crime; the importation of wrongly categorised goods; and any crime in violation of the Foreign Agents Registration Act, 1938 (FAR Act).

**Title IV: Border security**

For the enhancement law enforcement and power of investigation to the Attorney General of the United States and to the Immigration and Naturalization Service abbreviated as INS, this title amended
Immigration and Nationality Act of 1952. The power of appointing on the INS on the United States northern border the full-time employees (FTEs) were assigned by waiving any cap on the number by the Attorney General.

Adequate funds were kept apart to thrice the highest number of work force of Border Patrol, employees in Customs Service as well as INS in spectors beside with an extra 50,000,000 US dollars as financial support for the INS and. Customs Service of the united States to enhance expertise for the Border of North to get it monitored and obtaining extra apparatus at the northern border of Canada. The INS was also authorized to pay for overtime of up to an extra 30,000 US dollar a year to the employees of INS.

Title V: Eliminating the obstacles in investigating terrorism

This Act authorizes the Attorney General of the United states to make the payment rewards in pursuance of announcement for support to the Justice Department to struggle against terrorist activities and avoid terrorism, although the amount over 250,000 US dollars might not be completed or offered without the prior approval of the President or AG, and once the award is permitted the AG is required to send written notice to the Chairman of the Committee on Appropriations and ranking minority members thereto and the House of Representatives and the Senate Judiciary.

Authority of indefinite detentions of immigrants were criticized by the opponents further, searches of home or business without prior permission or prior information or awareness to the owner or occupant by the officials of law enforcement, furthermore the Federal Bureau of Investigation widely known as FBI were allowed to expand use of National Security Letters, to conduct search without a court order through financial records, e-mail and telephone and the law enforcement of this act was expanded to the agencies to business data, including in it financial records and library.

As its passageway, a number of legal challenges were brought in the opposed to the law and Federal tribunal decided that a few numbers of rules and provisions are not constitutional.

In the beginning December 31, 2005, almost after the period of 4 years several of the Act's provisions were to dusk. However, few months back prior to the sunset date, the supporters of the law were trying hard to make its provisions permanent, while the people against to law applied for revising the several sections to improve civil liberty protections. In the year 2005 July, a bill to reauthorize the law was passed with the significant changes to some of the provisions of the act by the U.S. Senate, although the most of the original act’s language was kept the same by the House reauthorization bill.

As in the bill for ignoring the civil liberty concerns in a conference committee the two bills were then
In the year 2006, on March 9 and 10, a bill was signed by the by President George W. Bush into law, which mostly deleted the changes as suggested by the version of Senate however in the year of 2006 march it was enacted by the Congress.

There were many changes made to the U.S. law by the introducing the PATRIOT Act. The following changes or amendments were made as in the Electronic Communications Privacy Act, 1986 (widely known as ECPA), , Bank Secrecy Act (BSA), Foreign Intelligence Surveillance Act, 1978 (widely known as FISA) and the Money Laundering Control Act of 19 86 and long with these Immigration and Nationality Act.

After the attack on New York City and the Pentagon i.e. September 11th attack the act came into force. After the attacks the congress immediately started work in preparing or setting up the several bills proposing anti terrorist legislations, in the control of the Department of Justice in the end the bill was drafted and named as the Anti-Terrorism Act of 2001. As the Provide Appropriate Tools it was introduced to the house.

On October 12 the act was passed by the House as the USA Act, which stands for Uniting and Strengthening America Act only to interrupt and frustrate Terrorism (PATRIOT) Act, 2001.

The USA Act (S. 1510) was then established into the Senate with several amendments which were to be proposed by Senator Russ Feingold. On October 23 the final bill was at last introduced as the USA PATRIOT Act and it was incorporated H.R. 2975, S. 1510 and several other sections of the Financial Anti-Terrorism Act ; H.R. 3004. Russ Feingold was the only one person as senator who voted against the bill.

Some concerns were also expressed by the Senator Patrick Leahy. Several parts of the bill were considered as essential by both supporters as well as the detractors. Some of the sunsets which were about to expired in the year December 2005 were also included in the final Act.