Organised collective political violence, by definition, necessarily entails the ability of a group of people to pursue certain political objectives through the resort to sustained violence. Such display of ability is, however, rarely tolerated in closed and authoritarian political systems. It is generally in liberal democracies – political systems that allow extreme and organized dissent – that this capacity has increasingly translated into a threat to the peril of the nation-state system. For democracies fighting such violence can be a fitful exercise, particularly during sensitive periods of crisis, when the imperatives of governance are pitted against the liberal democratic promises of fundamental rights and freedoms.

India and the United Kingdom, with a fairly rich tradition of liberal democratic principles and practices, are being faced with such a dilemma in the continuing threat of violence and terrorism both from within its constituencies and often these operate in conjunction with external forces and vested interests. The two states, though, present a mixed record of the success and failure of past attempts at containing violence through their democratic mechanisms. Although both governments have made it clear that their response has been largely ‘defensive’ in nature rather than an all-out offensive military counter-terrorism action¹, one is sometimes constrained to agree with critics who denounce both

1 An all-out counter-terrorist action would mean the employment of fundamentally military methods to control terrorism and its sources. In India, after the 13 December 2001 attacks, such methods were
governments for the resort to extremely authoritarian measures at various times. The formulations of increasingly unyielding legal anti-terrorist measures have particularly attracted the ire of people who see such intensifications, despite periods of lull and relative deescalation in violence, as primarily a political activity at the expense of the individual’s liberty.

This study on the ‘political debate on anti-terrorist legislation’ has highlighted a number of contestations and characteristics, which, while underlining the diverse conceptions of terrorism, particularly in the political dynamics of the times and the milieu, have also manifested the extent and the manner in which democracies are ready to face the terrorist threat. The first and the most pronounced feature in the debates has been that both India and the United Kingdom have made it evident that they have preferred to tackle terrorism with a greater emphasis on mechanisms that have evolved through their own experiences with conflict and terrorism of all types and at times extremely violent. This has been effected through a host of legal measures, counter-terrorist measures, political and peace initiatives for the control or cessation of violence and other such measures, manifesting a clear preference for the domestic ‘route’ towards engaging terrorists. While both are parties to multilateral anti-terrorist regimes, it may be noted that at various times they have preferred to put their domestic exigencies before these multilateral mechanisms.\footnote{India despite being a party to the International Covenant on Civil and Political Rights (ICCPR) is yet to ratify the First Optional Protocol. Further it has declared its reservations against a number of provisions in the ICCPR (Article 9) and the Convention Against Torture (Articles 20, 21 and 22).}

This was a fundamental premise on which this study was carried out.

Another stark feature of the debates in both India and the United Kingdom, has been the tendency to see anti-terrorist laws as supplementing other measures to counter terrorists. In other words, there has been a gradual consolidation of juridical powers against terrorists by the executive on various grounds, the most prominent of which has been that terrorism is intrinsically linked to the 'physical security' of the state, and hence out of the scope of the normal judicial processes. For instance, the British 1974 Prevention of Terrorism Act (PTA) as declared by the then Home Secretary was a clear attempt to give the executive additional powers over the judiciary. This came under the scrutiny of the ECHR, which decided in the Brogan case (1988) that the existing detention powers of the executive under the PTA contravened fundamental human rights. In another instance, in 1996, the then Conservative government of John Major tasked Lord Llyod to work on the need for a 'counter-terrorist' legislation for the United Kingdom. Lord Llyod, however, in his report, made it clear that such a legislation should display an anti- and not a counter-terrorist approach. The power of ‘internment’ and ‘proscription’ vested in the Home Secretary and provided for in all the subsequent PTAs has also been an indication of the executive taking over the functions of the judiciary.

In the case of India, TADA and POTA conferred wide powers to the Union government to make secondary legislations and also to constitute ‘designated’ courts for trial of the accused. The power to designate any region in the country as ‘disturbed’ has also been

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4 See for example, House of Commons, Vol. 269, 9 January 1996, the UK Government Official Report, c. 33.
5 Section 5(1) of TADA gave the Central government the power to make legislations “for the prevention of, or for coping with terrorist acts and disruptive activities.” Section 8 provided it the power to constitute
vested in the executive. Further, in India, for terrorism-hit regions, there are a number of anti-terrorist laws, notably the Armed Forces (Special) Powers Act 1958 and its variants that have conferred extremely wide powers to the military to counter terrorists. Actions under a number of these laws are immune from judicial scrutiny. In effect, laws such as the Armed Forces (Special) Powers Act, render a number of other anti-terrorist laws like POTA irrelevant in these regions. In the parliamentary debates, the oftenly expressed view that without a 'national strategy' on counter-terrorism, the laws would have no prescriptive value, can be interpreted as the importance accorded to other counter-terrorist measures over anti-terrorist laws. For instance, Syed Shahabuddin of the Janata Dal, during the debate on the extension of TADA in 1991 remarked, “Unless the Government comes to us with a clear-cut strategy of counter-terrorism (emphasis added) … I do not think that we should grant (extension of TADA) what the Government is asking.”\(^6\) In both cases, the above tendency contradicts the notion that in a democracy, legal norms and principles should be the basis of both the long-term and short-term measures against violence practitioners. In this sense, military or police strategies find its justification in the legal measures.

The finer points of anti-terrorist legislation have often been overwhelmed by the interplay of political imperatives particularly during the legislative debates. The role of ideologies or party stances in the policy-decisions on the basis of certain political objectives has been made obvious in both India and the United Kingdom. While this has been less overt

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in the case of the United Kingdom, in India, this interplay has been far more unconcealed with clear indications of the pulls and pressures from and of the various political parties often with clear 'power' objectives. In the debates on POTA, for example, the Government and the Opposition clashed largely over political issues, which included, among other things, 'using POTA to garner votes for the upcoming elections in Uttar Pradesh'. In India, both the Home Minister\(^7\) and the Minister of State for Home\(^8\) in 1993-4 conceded that TADA was being grossly and politically misused. The Minister of State for Home was in fact quoted in the media as saying that if states did not stop such “over jealous arrests and misuse” to settle political scores, the central government would repeal the Act.\(^9\)

It is also interesting to note that in India, although subsequent governments faced an uphill task in building some sort of consensus for its anti-terrorist laws, it faced little opposition to its other policies against terrorists. The Opposition did little, for instance, to even mildly obstruct the February 1993 extension of President Rule in Jammu and Kashmir or India’s accession to the South Asian Association for Regional Cooperation (SAARC) Convention on Suppression of Terrorism. Further, there was little to suggest that other laws such as the Armed Forces (Special) Powers Act 1958 also featured in the Opposition’s list of concerns during the debates on anti-terrorist legislations. It is these elements that have raised critical views on the nature of the debate in India, wherein,


there is a strong perception that while the enactment of anti-terrorist laws has been seen as highly political decisions, the opposition to these likewise has been equally politicised.

In the UK, the continued extension of the PTA by the Conservatives during its four consecutive terms, from 1979 to 1997, despite the deescalation in violence, has been, in the eyes of critics, highly political decisions, which reflected the Conservative bias against the Catholics in Northern Ireland. Further, despite the Conservative government's perceivable shift in the late 1980s of its fundamental stance on terrorism, reflected in the proposals for a number of changes in the 1989 PTA, it refused to make any major change in the Northern Ireland (Emergency) Provisions Act (NIEPA) 1996, a law specifically targeting the IRA, despite recommendations and changes suggested by John Rowe who had made a review of the 1991 NIEPA and submitted its report in 1994. The Labour party subsequently instituted a new and revamped anti-terrorist law (Terrorism Act 2000) by incorporating a number of arguments it had made against the Conservative government earlier. Despite the liberal views of the Labour, however, this revamp did not fundamentally affect the UK's attitude towards nationalist violence in Northern Ireland when Part VII (a special provision against terrorism aimed only at Northern Ireland) was incorporated into the Terrorism Act 2000. In formulating the Anti-Terrorism, Crime and Security Act 2001, it again reversed a number of the new provisions incorporated in the Terrorism Act 2000, particularly those pertaining to executive powers such as interment, exclusion and proscription. Although the Home Secretary, Mr. Blunkett justified these measures saying, "... people out there really want us to get a grip on any danger that

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threatens their or our lives”, these policies have been largely criticised as being a part of the new ‘internationalist’ political focus of the UK government.

Critics argue that in both the UK and India, political necessities such as the above explain the consistent trend towards escalation in their respective anti-terrorist measures, rather than real terrorist threats. The Labour government’s argument, for example, that the Terrorism Act 2000 and the Anti-Terrorism, Crime and Security Act 2001 were principally aimed at ‘international terrorists’ has not gone down well with various observers. Critics have pointed out that Part VII of the Terrorism Act 2000 did not, in effect, lessen the hold of London on Northern Ireland. And that in the Anti-Terrorism, Crime and Security Act 2001, police powers were enhanced in Part 10, even targeting UK citizens, when the government had announced that this law was meant specifically to counter terrorist threats in the nature of the 9/11 attacks.

In the Indian case, this escalation has been criticised in a number of ways. First, that there are already a host of anti-terrorist laws specifically targeting the regions where violence has been widespread. The Armed Forces (Special) Powers Act and its variants, for example, have been operationalised in almost all conflict-prone zones. Anti-terrorist laws like POTA are seen as much milder laws. Secondly, that adequate safeguards both in the

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12 In fact the Labour party in 1996 made it clear to the House that it would oppose the extension of the Northern Ireland (Emergency) Provisions Act on this count that the proposed extension did not take into account the changing environment of peace in Northern Ireland. See for instance House of Commons, Vol. 269, 9 January 1996, UK Government Official Report, c. 41.

form of necessary provisions in the laws and in terms of periodical reviews regarding the working of these laws have been largely absent. In TADA, for instance, it was left to judicial interventions to either strike off certain provisions for being vague or for reinterpretation so that they were not misused.\textsuperscript{14} POTA in the eyes of many analysts has a strong international-political flavour.

While important characteristics such as the above have been similar, comparing India and the United Kingdom in their legislative responses to terrorism has been beset with numerous challenges. At their fundamentals, though, the Westminsterial model and their commitment to use legislative debates as most potent tool in dealing with this enduring debate makes them an interesting tool for comparison. First and foremost, the nature of ‘political terrorism’ as conceived by the two, while seemingly similar – in that both have been protracted, ethnically motivated and secessionist/irredentist in nature – have exhibited very different social and political causes in their understanding and response.

In the United Kingdom, the beginning of the ‘troubles’ in Northern Ireland was the 1960s civil rights marches aimed at the restoration of civil, political and judicial fairness and impartiality in the face of an acute religiously sectarian polity and tension. The violence that followed did not display the essential features of an ‘armed revolution’ but were intermittent communal clashes, sustained by growing hostility between the protagonists along religious and ethnic lines. In this sense, the resurgence of violence in Northern Ireland in the late 1960s has essentially displayed what John Agnew calls “temporal”\textsuperscript{14}

\textsuperscript{14} The Supreme Court, for example, struck down Section 22 and reinterpreted Section 5 of TADA.
causes.\textsuperscript{15} The measured isolation of the IRA in its latest reorganisation and activism by the Irish Republic also may be understood in this light. The political debate on evolving an appropriate response, therefore, tended to be inclined towards a gradual focus on scaling down Northern Ireland-centric anti-terrorist measures and a concomitant emphasis on the larger social and economic aspects of the region.

Terrorism, as perceived in India and reflected in its legislative debates, on the other hand, has exhibited significantly "spatial"\textsuperscript{16} roots. Sustained insurgencies in Jammu and Kashmir and the Northeastern states of India and sporadic ethnic and communal violence in other parts are indicative of this tenor. A number of the insurgent groups in India have consistently argued that they were never territorially part of India and that they have been forced to accept a political affiliation against their wishes. The subsequent difficulty in holding political negotiations due to the intransigence, both on the part of the government and the various groups, have resulted in the legislative debate on checking the activities of the groups favouring increasingly coercive methods.

The role of a third power in both cases has also exhibited very different characteristics. This is also clearly reflected in their responses to third party’s role. The Irish Republic displayed a much more cooperative attitude as early as 1974 when a North/South Commission was formed as per the Sunningdale Agreement. The UK government has, on its part, consistently involved the Irish Republic for a resolution of the crisis. The Good


\textsuperscript{16} Ibid., p. 201.
Friday Agreement of 1998, for example, has a power-sharing provision and a number of North-South bodies that take decisions on matters of mutual interest to Northern Ireland and the Republic of Ireland. Such involvement created a favourable climate for dialogue of all parties to the conflict and, to a large degree, influenced subsequent policy-making on terrorism emanating from Northern Ireland.

In India, however, Pakistan’s non-cooperation and support for militant activities in Jammu and Kashmir and Punjab has been seen as the constant rationale for New Delhi’s consistently tough position on terrorism. India has argued time and again that it has been forced to escalate its anti-terrorist response due to Pakistan’s policy of ‘bleeding India’ in Kashmir. In the debates on the enactment of POTA, the issue that consistently favoured the government’s intentions has been the ‘revulsion’ to Pakistan’s hand in promoting terrorism. When the attackers of the Parliament building were traced to Pakistan-sponsored terrorists, opposition to POTA was effectively silenced. It must be noted that the media also did much to bolster the government’s intentions and rationale to the general public.

The nature of their political processes are also different even though both follow a liberal democratic system. The UK follows a unitary, centralised system of decision-making in a significantly bipolar party structure. Further, with no written constitution, the executive becomes paramount in decision-making. The impact of smaller or regional parties in policy-making has been minimal. In Northern Ireland, of the 18 seats in the 2001 elections, for example, 11 were won by Unionists and the rest by the Republicans.
Although by itself, 18 Members of Parliament do not make a major difference in policy-decisions, the Unionist MPs, considered ‘hardliners’ on anti-terrorist measures in Northern Ireland, have favoured continued use of anti-terrorist laws. Major decisions on Northern Ireland, therefore, have been made by London with little scope of it being challenged other than by the principal Opposition party.

India, on the other hand, has a quasi-federal, multi-party political system. National politics, in recent years, has witnessed the decline of national and the rise of regional parties resulting in a new era of ‘coalitions’, both at the Centre as well as the provincial level. Major government decisions have to be sensitive to the pulls and pressures from alliance partners. The increasing role of regional parties in these decisions needs specially to be noted. The strains of a multi-party system have profoundly affected legislative debates and decisions on anti-terrorism in India. This has been particularly reflected in the debates after the lapse of the Terrorist and Disruptive Activities (Prevention) Act 1989 in 1995 when major parties faced a reversal in political fortunes and subsequently a reversal in their traditional positions on anti-terrorism. Arnab Goswami, for instance, notes the position of the Congress on the Criminal Law Amendment Bill proposed by the BJP government in October 2000 wherein its Spokesman Jaipal Reddy stated that this law was “full of loopholes and can be used against innocents and political opponents”; and all this, after it had taken a consistently “hawkish” line each time the debate for the extension of TADA came up in Parliament.17

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It may be pertinent to see, given the above factors, how much of the views, sometimes critical, generated during the debates, particularly from the opposition, impact the substantial aspects of anti-terrorist legislations. In the UK, the opposition has consistently demanded for a special committee to discuss and debate its concerns on any vital issues. Further, parleys on sensitive issues have been carried out and accommodated during the Committee Stage of a bill. However, principled positions of the two main parties have more than often stalled the debates with the opposition refusing to participate in the final voting, giving a clear hand to the ruling party to clear the bill. For instance, the Labour’s consistent demands regarding revision of powers of detention, ‘exclusion’ and ‘special courts’ or Diplock courts, in the series of PTAs, were rejected by the Conservative government since 1988. It was the upcoming 1997 elections and the opposition generated to these policies, notably from the general public, that the Conservatives shifted its ostensibly tough line on these aspects. However, these shifts were not reflected in the Northern Ireland (Emergency) Provisions Act 1996 – the last piece of law it enacted before losing power. The government’s justification was that there was only “partial peace” in Northern Ireland.¹⁸

In India, building up consensus on vital anti-terrorist issues have been conditioned more by political party animosity than issues of governance. The passage of bills in this regard, therefore, has often been determined by ‘numerical factors’. In other words, support or opposition of an anti-terrorist legislation often ends up with the government or the opposition’s ability to garner enough members during its final voting. For instance, the BJP government in 2001 declared that it would be compelled to convene a Joint Session

to pass POTA if the Congress refused to back down on its opposition to the law, the reason of which is that in a Joint Session the numerical strength of the BJP-combine would be 407 to the 349 of the Congress-combine.\textsuperscript{19} The one instance where the opposition has prevailed in this regard is perhaps the inability by the BJP government to garner enough support for the Criminal Law Amendment Bill that it introduced in 2000, although some commentators say that it was not Congress' opposition but forces outside the government, including the National Human Rights Commission, that effectively stopped the government from passing the bill.\textsuperscript{20}

The level of political development defined in terms of an informed public opinion, political participation, sensitivity to international and other legal measures and obligations on anti-terrorism and public influence on governmental decisions has been different in the two cases. The UK has taken a much more accommodative stance towards inputs from the general public and has been extremely sensitive to its commitments under the European Convention. It may be noted that the Terrorism Act 2000 and the Anti-Terrorism, Crime and Security Act 2001 were opened to public scrutiny and subsequently changes suggested especially by the business community were incorporated.\textsuperscript{21} In India, public debates have been far too little and inconclusive. Most academic works on terrorism, for example, have failed to deal with the core contentions of the terrorist phenomena but have focused largely on cross-border terrorism. The same

\textsuperscript{19} See for example, “Govt Mulls Joint Sitting on POTO,” \textit{Hindusta1 Times}, New Delhi, 19 March 2002.
\textsuperscript{21} A comprehensive consultation paper titled \textit{Legislation Against Terrorism: A Consultation Paper} (Cm 4178, 17 December 1998) was circulated to the general public for comments. The paper included government proposals for each of the provisions of the new law. The government announced that it finally received 80 responses, which were considered during the drafting of the Terrorism Act 2000. \textit{House of Commons}, Volume 341, 14 December 1999, UK Government Official Report, c. 224.
has been the case with media reports and commentaries. Prior to the debate in Parliament on the proposed Prevention of Terrorism Bill in 2000, the Law Commission held two seminars on the issue of whether such a law was needed. The participants have, however, been far too limited. India’s commitment under multilateral mechanisms is also yet to be comprehensive.

In terms of policy-making, therefore, there have been marked differences. Policy-making emerges from the mood of the political debate that precedes it. In the UK, social, political and economic initiatives have been executed along with its anti-terrorist measures. The peace process was introduced from the beginning of the ‘troubles’ itself.22 This was made possible because of the perception by all parties that the principal root cause of the problem in Northern Ireland has been ‘social’ and ‘economic’ in nature. Serious peace initiatives taken by the Conservative government in the early 1980s were carried forward by the Labour party in the 1990s. A 2003 RAND report argues that social and economic development policies in Northern Ireland “have strengthened local groups that act as brake on political violence in the area.”23 In fact, among the three case studies surveyed – Northern Ireland, Mindanao in the Philippines and West Bank and Gaza Strip – it has been in Northern Ireland that the most successful of these policies have been implemented with a concomitant reduction in violence. In this sense, anti-terrorist legislations have been conceived of only as a part of the overall response to the conflict in Northern Ireland. Political interventions at regular intervals have fortified government

22 See the Sunningdale Conference from 6-9 December 1973. Although the agreement was shortlived, this was one of the first attempt at peaceful resolution of the conflict.
arguments that its anti-terrorist laws are essentially aimed at those who indulge in violence.

In India, there is a strong opinion, both inside and outside the government, that political initiatives must be contingent to the security requirements of the state and its territory. Any intransigent political or territorial demand is considered as challenging the very basis of the Indian state that has evolved through a hard won independence and extremely difficult periods of experiments with democracy. The Indian Constitution is also seen as being able to accommodate and redress the diverse concerns of all its citizens. These perceptions have influenced decision-making on anti-terrorism.

In this respect, and given the increasing intensity of violence and the number of groups involved in extreme political or territorial demands, any debate on the appropriate response has consistently tilted in favour of harsh approaches, one of which has been the escalation in its legal measures. In 1993, despite reports that the Terrorist and Disruptive Activities (Prevention) Act 1987 was being extensively abused, the decision to extend the Act was taken fundamentally because violence was continuing unabated in Jammu and Kashmir and there was a strong perception that if the Act was revoked it would be a major setback to India’s fight against terrorism. The government’s main argument was “the law has to be available so long as terrorism shows its ugly face.”

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The Indian government has also consistently seen the need to escalate its anti-terrorist response for what it feels is a conscious strategy by certain neighbouring countries to destabilise its peripheral regions through the support for terrorist activities. In this sense, the legal response to terrorism is seen as augmenting its other military-oriented strategies of internal security. In the consultation seminar called by the Law Commission prior to the drafting of the comprehensive Anti-terrorism Bill 2000, it was reportedly the Army that called for more stringent measures in the draft bill and for more powers for itself to counter terrorism. A number of security analysts also reflect this view that anti-terrorist measures in the Indian context are seen largely as being a part of its overall 'national security' conception. Rajesh Rajagopalan, for example, says that the Indian counter-terrorist doctrine is determined by the "positional war orientation", which gives emphasis on the need to prepare for conventional war.  

In the United Kingdom, critics argue that the decision to extend the Terrorism Act 2000 to the whole of the United Kingdom and according it a 'permanent' status has been an unwarranted escalation of the UK's anti-terrorist measures. The government, however, argues that this has not been an escalation, but rather a shift in focus from Northern Ireland-centric laws to laws applicable to the whole of the United Kingdom and specially targeted at international terrorists. The government points out that this shift is indicative
There has been a tendency to centralise power by isolating local governments during sensitive periods of crisis despite a significant amount of decentralisation of power both in India and the United Kingdom. The debates, in this regard, have highlighted the reasons why. In both cases, there has been a strong perception that government officials in the conflict zones are easily susceptible to influences and dictates from those involved in conflict. Therefore, in a number of policy-decisions that have followed, special overriding provisions over delegated authority have been included.

In the final analysis, the political debate on anti-terrorism in India and the United Kingdom reflect both the dilemma and the essentials of a democracy’s fight against the terrorist phenomena. And in this, the experiences of the two, not only highlight their own strengths and vulnerabilities, but also serve as useful lessons to other democracies caught in a similar quagmire. This study, while presenting a framework in which a democratic-institutional analysis of the response to terrorism can be carried out, it also identifies some of the core features that must make up the most important aspects of both the debate and formulation of any anti-terrorist legislation.

While, the most effective measures to counter terrorism lie in identifying its root causes in situations and circumstances within nation-states, democratic, legal anti-terrorist measures remain the most viable long-term answer to the terrorism problematic. Any action taken to respond to terrorism must, necessarily, be founded on these premises.
Three principles are highlighted below, which must make up the substantial aspects of any debate on anti-terrorism and its operationalisation:

First, consensus, or the need to build consensus. The hallmark of a democratic system is consensus. Despite the ideological divide between parties, critical national decisions should be made by consensus. In India, achieving this has been the most difficult part. Electoral politics and party considerations have overwhelmed the need to build up a consensus in all its legal anti-terrorist measures. The most substantive debates during the making of anti-terrorist laws have dealt with how the ruling party could possibly use the laws to target members of the opposition. In the United Kingdom, consensus has been an important highlight in the debates. The fundamental oppositions have involved finer aspects of the laws. Consensus renders a more effective operationalisation of the measures.

Secondly, the aspect of ‘transparency’. The general public, both in India and the United Kingdom, and, especially civil society groups, see the debates on anti-terrorist laws in their Parliaments as fundamentally misleading because, while seemingly the laws debated and formulated remain the states’ main anti-terrorist strategy, the most important counter-terrorist measures have been operationalised by the military/police at the field level. In other words, while policies in this regard are crudely debated at the political level, these have been fine-tuned and operationalised by the bureaucracy/military enclave. In both the states, very little have been debated linking anti-terrorist legal measures to counter-terrorist strategies in the field and involving the various agencies of the government.
Transparency, therefore, would entail conscious efforts to relate legal and operational aspects with necessary reviews in both cases at the political level.

It has been argued that counter-terrorism involves serious intelligence and security issues and therefore cannot be coupled with the legal measures and the judiciary. But as has been shown in the British case such executive powers are inconsistent with fundamental ‘rights and liberties’. Executive detentions and other powers entail a certain amount of success but have been prone to large-scale abuse given the lack of checks and balances.

Thirdly, the issue of human rights. The debates in the United Kingdom and India has shown marked differences with regard to the importance accorded to human rights and civil liberties. Here again, while the UK debates have dealt with substantive aspects on the impact of these legal measures to rights and liberties of the people, the Indian debates have elicited little sensitivity to this aspect. The issue of human rights, for example, became central to the parliamentary debates only in 1993 when the extension of TADA for another two years was debated in the face of reports of gross abuse particularly in the states. Even here the debate on human rights was limited to statistical overview of the operationalisation of the Act. It was left to the Supreme Court to strike down certain aspects of the Act, which it found unsuitable.

In the United Kingdom, the Human Rights Act 1998, enacted specifically to address human rights concerns arising out of the UK’s fight against terrorists, rendered a certain amount of legitimacy to the UK’s subsequent actions regarding anti-terrorist legislations
even though the Act do not have any legal status or can be repealed by a simple majority vote in the House of Commons.\textsuperscript{26} This legitimacy has been augmented further by its commitment to monitoring by the European Convention on Human Rights.

India, however, continues to be criticised for not committing itself fully to the International Covenant on Civil and Political Rights (ICCPR). A number of human rights organisations in India have demanded that India ratify the protocols of the ICCPR and remove its reservation against Article 9(5) pertaining to the right of compensation for unlawful arrest and detention. The status accorded to the National Human Rights Commission (NHRC) in India has also invited criticism. One of the main arguments has been that this status does not allow the NHRC to have adequate impact on policies that have the potential of affecting the rights and liberties of the people.

Even as this thesis is being submitted, four suicide bombings took place in London killing 50 and injuring over 700 people. There are reasons to expect that the United Kingdom will overhaul its anti-terror response, including its anti-terrorist laws. The Guardian in its 14 July 2005 edition reported that the government had already announced a series of summits to work on new anti-terror laws. Mr. Blair was reported to have started talks with the other main parties on new anti-terror powers that envisaged measures to deal with the “incitement and instigation” of terrorism as well as terrorist acts themselves. The debate in this regard, as of now, seems to favour further tightening of the UK anti-terrorist laws. The Conservative leader, Michael Howard, said he hoped it

would be possible to reach a "genuine consensus" over the legislative response to the London attacks.

The multiple attributes that define a democratic polity and system present enormous constraints on their freedom in anti-terrorist actions. But principles that govern its rationale and functioning cannot be sacrificed due to political expediency. The very principles, which define these constraints, can be transformed into firm foundations on which long-term strategies to address the causes of a number of contradictions faced by modern democracies can be built.