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# **TERRORISM LAWS AND THE EROSION OF CIVIL LIBERTIES: DRAWING THE CONSTITUTIONAL LINE IN INDIA AND INTERNATIONAL PERSPECTIVE**

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## **ABSTRACT**

The tension between national security and the protection of civil liberties constitutes one of the most contested constitutional fault lines of the twenty-first century. In India, the legislative architecture of counter-terrorism law — spanning the Terrorist and Disruptive Activities (Prevention) Act 1985, the Prevention of Terrorism Act 2002, and the sweeping amendments to the Unlawful Activities (Prevention) Act 1967 — reflects a persistent impulse on the part of the state to expand executive discretion at the expense of judicially enforceable rights. This article critically examines the constitutional validity of such legislation, its compatibility with the fundamental rights guaranteed under Part III of the Constitution of India, and the jurisprudential standards developed by the Supreme Court in calibrating the permissible limits of derogation from civil liberties in the interest of national security. The analysis is situated within a broader comparative framework, drawing upon the counter-terrorism jurisprudence of the United Kingdom, the United States, and the human rights treaty bodies of the United Nations. The article argues that, while the state's obligation to protect its citizens from terrorist violence is constitutionally legitimate, the manner in which that obligation has been operationalised reveals structural deficiencies that undermine the rule of law, dilute procedural safeguards, and expose innocent persons to prolonged incarceration without meaningful judicial oversight. The article concludes by proposing a framework — grounded in proportionality, judicial accountability, and parliamentary scrutiny — for reconciling the imperatives of national security with the inviolable core of fundamental rights. Keywords: Terrorism Laws, Civil Liberties, Unlawful Activities Prevention Act, Constitutional Rights, Proportionality, Fundamental Rights, India, Comparative Law, Judicial Review.

## I. Introduction

The constitutional ordering of any modern democratic state rests upon a foundational paradox: the government must be invested with sufficient coercive power to defend the political community against those who would destroy it, yet that same power, if left unchecked, may itself become an instrument of oppression that corrodes the very liberties it purports to protect. Nowhere is this paradox more acutely felt than in the domain of counter-terrorism law. The events of 11 September 2001 in the United States, the serial bomb blasts in Mumbai, the Parliament attack of December 2001, and the continuing insurgencies in Jammu and Kashmir and the North-East have compelled successive Indian governments to enact and entrench a body of exceptional legislation that operates at the margins — and frequently beyond the margins — of constitutional tolerance.

The Indian constitutional tradition, rooted in the Constituent Assembly debates of 1946–1949, sought to strike a deliberate balance between the exigencies of a newly independent state and the liberal democratic aspiration to protect individual dignity against arbitrary state action. The Constitution of India 1950 thus contains both an extensive catalogue of fundamental rights and a set of carefully calibrated restrictions upon those rights. Article 19 permits reasonable restrictions in the interests of, inter alia, the sovereignty and integrity of India and public order. Article 21 guarantees the right to life and personal liberty, subject only to procedure established by law — a phrase that the Supreme Court of India, in its landmark ruling in *Maneka Gandhi v Union of India*, re-interpreted to require that such procedure be just, fair, and reasonable.

The Prevention of Terrorism Ordinance 2001, hastily promulgated in the aftermath of the Parliament attack, must be understood against this constitutional backdrop. The Ordinance, enacted as the Prevention of Terrorism Act 2002 (POTA), replicated and in certain respects intensified the notorious provisions of the Terrorist and Disruptive Activities (Prevention) Act 1985 (TADA), which had been allowed to lapse in 1995 following sustained criticism from civil liberties groups, the National Human Rights Commission, and members of Parliament. The repeal of TADA had been widely hailed as a victory for constitutional values. The reincarnation of its provisions in POTA, and their subsequent entrenchment in the Unlawful Activities (Prevention) Act 1967 (UAPA) as amended in 2004, 2008, and 2019, suggests that Indian anti-terrorism legislation has followed a ratchet-like trajectory: expanding in moments of crisis and never fully contracting when the immediate threat subsides.

This article proceeds across eight substantive sections. Part II traces the historical evolution of anti-terror legislation in India from colonial antecedents through the 2019 UAPA amendments. Part III examines the constitutional framework governing derogation from fundamental rights. Part IV analyses the UAPA 2019's individual designation power and its incompatibility with Article 21. Part V addresses the bail provisions and the right to a fair trial. Part VI considers the criminalisation of dissent. Part VII examines privacy and surveillance. Part VIII surveys international human rights standards and comparative perspectives from the United Kingdom and United States. Part IX proposes a constitutional framework for reconciling security and liberty.

## **II. Historical Evolution of Anti-Terror Legislation in India**

### **A. Colonial Antecedents**

The legislative genealogy of Indian anti-terrorism law begins not in the post-independence era but in the colonial workshop of exceptional legislation that the British deployed to suppress political opposition and armed resistance to imperial rule. The Defence of India Act 1915, the Rowlatt Act 1919, and the Criminal Law Amendment Act 1908 all exhibit the characteristic features of emergency legislation: broad definitions of proscribed activity, enhanced police powers of detention, exclusion of ordinary judicial safeguards, and special tribunals with truncated procedural protections. The Constituent Assembly debated at length whether the new constitutional order should accommodate executive power to detain without trial, ultimately producing Article 22, which permits preventive detention for a maximum of three months subject to Advisory Board review. Article 22(4) to (7) reflects the Assembly's attempt to domesticate, rather than eliminate, the colonial institution of preventive detention within a constitutional framework governed by the rule of law.

### **B. The TADA Era (1985–1995)**

The enactment of TADA in 1985 marked the first major departure from the ordinary criminal law framework in post-independence India. Enacted in response to the Punjab insurgency, TADA conferred sweeping powers upon the executive: indefinite detention without bail for up to one year, the admissibility of confessions made to police officers, the constitution of Designated Courts with exclusive jurisdiction, and the reversal of the ordinary presumption of innocence in certain circumstances. Its constitutional validity was challenged in *Kartar Singh v State of Punjab*, where a five-judge Constitution Bench upheld the Act with modifications,

holding that Parliament was competent to enact special legislation for combating terrorism. The decision has been widely criticised for its uncritical deference to parliamentary judgment on security matters and its failure to apply a rigorous proportionality analysis.

The misuse of TADA was extensive and well-documented. By the mid-1990s, the Act had been invoked in states where no insurgency existed, to detain political opponents, trade union leaders, and members of marginalised communities. The National Human Rights Commission received thousands of complaints alleging abuse of TADA powers. Ultimately, political consensus allowed the Act to lapse in 1995 — driven less by principled commitment to civil liberties than by revulsion at documented instances of custodial torture and fabricated evidence in TADA prosecutions.

### C. POTA and the UAPA Amendments (2002–2019)

POTA re-enacted many of TADA's provisions and added new ones: a broader definition of 'terrorist act' encompassing economic disruption, mandatory minimum sentences, and the power to detain suspects for up to 180 days before filing a charge-sheet. POTA was ultimately repealed in 2004, but many of its provisions were quietly incorporated into amendments to the UAPA, ensuring continuity of the exceptional regime without the political costs of explicit re-enactment. The most constitutionally significant development came with the 2019 Amendment, which introduced the power to designate individual persons as terrorists — not merely organisations — on the basis of executive satisfaction, without any requirement of judicial authorisation or contemporaneous judicial review. The constitutional validity of the individual designation provision is presently sub judice before the Supreme Court.

## **III. Constitutional Framework: Fundamental Rights and Their Limitations**

### A. The Architecture of Part III and Article 21 Jurisprudence

Part III of the Constitution of India guarantees an extensive catalogue of justiciable fundamental rights, including the right to equality (Articles 14–18), freedom (Article 19), protection against arbitrary detention (Article 22), the right to life and personal liberty (Article 21), and freedom of religion (Articles 25–28). These rights are not absolute; each is qualified by permissible restrictions whose scope is constitutionally defined. The word 'reasonable' in Article 19(2) is constitutionally operative — a disproportionate or over-broad restriction fails constitutional scrutiny and will be struck down.

The interpretive history of Article 21 is the story of the Supreme Court's gradual expansion of constitutional protection for personal liberty. The early decision in *A K Gopalan v State of Madras* adopted a positivist reading of 'procedure established by law', holding any procedure prescribed by the legislature to be constitutionally adequate irrespective of its substance. The transformation came with *Maneka Gandhi v Union of India*, where the Supreme Court overruled *Gopalan* and held that the procedure contemplated by Article 21 must be 'right, just, fair, and reasonable.' The Court further held that Articles 14, 19, and 21 formed an interconnected 'golden triangle', such that a law depriving a person of life or personal liberty must simultaneously satisfy the requirements of all three articles.

### **B. Proportionality and the Basic Structure Doctrine**

The proportionality doctrine — requiring that a rights-limiting measure be no more restrictive than necessary to achieve a legitimate aim — has been progressively adopted by the Supreme Court as the applicable standard for reviewing legislation that curtails fundamental rights. Drawing upon German constitutional tradition and the jurisprudence of the European Court of Human Rights, the Court has articulated proportionality as comprising four stages: the measure must pursue a legitimate aim; must be rationally connected to that aim; must be no more than necessary; and the benefits must outweigh the costs in terms of rights restriction. Application to counter-terrorism legislation poses particular challenges, as courts have historically been reluctant to second-guess executive judgments about the nature and magnitude of the terrorist threat.

The basic structure doctrine, established in *Kesavananda Bharati v State of Kerala*, holds that even a constitutional amendment cannot destroy the essential features of the Constitution, including the rule of law, judicial review, and fundamental rights. The practical significance for counter-terrorism law lies in the implication that even if Parliament were to amend the Constitution to permanently suspend fundamental rights in terror cases, such an amendment would be unconstitutional. The Supreme Court's observations in *Naga People's Movement of Human Rights v Union of India* confirm that even legislation operating in exceptional security contexts is constrained by constitutional norms that cannot be wholly abrogated.

## **IV. The UAPA 2019 Amendments: Individual Designation and the Right to Liberty**

### **A. Architecture of the Designation Power**

The 2019 Amendment introduced a new sub-section (1A) to section 35 of the UAPA, empowering the central government to designate any individual as a terrorist by gazette notification, provided that the government is 'satisfied' that the individual 'is or continues to be involved in terrorism.' The designation is made by executive notification; there is no requirement of prior notice to the individual, no opportunity to be heard, and no requirement that the government's satisfaction be grounded in anything more than intelligence inputs, which need not be disclosed to the designated person before notification. The consequences are immediate and wide-ranging: the designated individual is branded a 'terrorist' in an authoritative state document, with significant reputational, social, and professional repercussions, and the government may order the freezing of assets and travel restrictions.

The sole statutory mechanism for post-designation review is the Review Committee constituted under section 36 of the UAPA, chaired by a retired judge of a High Court nominated by the central government. Three structural features undermine its adequacy. First, it is constituted entirely by the central government — the same authority exercising the designation power sought to be reviewed, creating an institutional conflict of interest.

Second, the statute does not require adversarial procedure; the designated individual has no guaranteed right to appear, access intelligence relied upon, or cross-examine adverse informants. Third, and most critically, the Committee's recommendations are not binding on the government, reducing the review mechanism to the character of an advisory opinion rather than a legally enforceable check.

### **B. Article 21 and Constitutional Infirmity**

The most fundamental constitutional infirmity of the individual designation power is its incompatibility with the presumption of innocence. While classically a rule of criminal procedure, the Supreme Court has recognised the presumption as flowing from Article 21 as a broader constitutional value governing all state actions that expose a person to the stigma of wrongdoing. The Human Rights Committee has specifically cautioned that states must refrain from making public statements characterising individuals as criminals before the conclusion of criminal proceedings. The designation of an individual as a 'terrorist' through a gazette notification is, in substance, a state determination that the individual has committed the gravest

category of offence known to criminal law — accomplished before a court has found the individual guilty of any offence, indeed before the individual has even been charged. The designation thus punishes without trial, using the power of official labelling to inflict consequences that the criminal law could only impose after conviction.

The second ground of constitutional infirmity is the violation of *audi alteram partem* — the right to be heard before an adverse determination is made. This principle, long recognised as a component of natural justice, has been constitutionalised by the Supreme Court as an aspect of the fairness requirement under Article 21. The designation procedure under section 35(1A) is wholly *ex parte*: the individual receives no advance notice, no opportunity to present evidence or argument, and is not informed of specific grounds. The post- designation Review Committee mechanism does not cure this defect; the right to be heard must in general be afforded before a determination is made and harm is inflicted. A post-hoc remedy that does not displace the designation pending review, does not afford access to evidence, and is not binding on the government cannot substitute for procedural fairness at the point of designation.

The third ground is proportionality. If the state has credible evidence that an individual is involved in terrorism, the proper course is to arrest, charge, and prosecute that individual under the UAPA's substantive offence provisions. Executive designation adds little by way of counter-terrorism efficacy — it does not incapacitate the individual or prevent further offences — but causes disproportionate harm to reputation, livelihood, and dignity.

Moreover, the absence of mandatory judicial review renders the power constitutionally suspect: where the state exercises power directly affecting life and liberty, the Constitution requires not merely that formal review be available, but that the review mechanism be genuinely independent, procedurally fair, and endowed with authority to provide effective relief.

## **V. Right to Fair Trial and the Problem of Bail under Terror Laws**

One of the most potent restrictions on civil liberty in the UAPA is the bail provision contained in section 43D (5), which provides that a court shall not grant bail if it is of the opinion, on a perusal of the case diary, that there are 'reasonable grounds for believing that the accusation against such person is *prima facie* true.' This formulation effectively reverses the ordinary presumption of innocence, creating a system of presumptive preventive detention for terrorism suspects. In practice, the provisions have resulted in accused persons languishing in pre-trial detention for years while trials proceed at a glacial pace in overburdened special courts.

The Supreme Court's decision in *Zahoor Ahmad Shah Watali v NIA* substantially narrowed the

scope for judicial intervention in UAPA bail applications, holding that courts need only satisfy themselves that there are reasonable grounds for believing the accusation to be prima facie true on a 'broad probability' standard. This approach has in practice meant that bail is routinely denied on the basis of bare allegations in the charge-sheet, without examination of the credibility or admissibility of the underlying evidence. The constitutional infirmity of the UAPA's bail regime was starkly exposed in the Bhima Koregaon case, in which academics, lawyers, and activists were denied bail for extended periods — some remaining in custody for three or more years without trial. The Supreme Court's observation that 'bail is the rule and jail the exception' sits in uneasy tension with the practical operation of section 43D(5), which inverts this constitutional principle.

## **VI. Freedom of Speech, Association, and the Criminalisation of Dissent**

One of the most serious constitutional objections to the UAPA is the breadth and vagueness of the definitions of 'terrorist act' and 'unlawful activity.' The definition of 'terrorist act' in section 15, as amended, extends to acts threatening the 'economic security or monetary stability' of India and a wide range of serious criminal offences. The definition of 'unlawful activity' in section 2(o) extends to any action that 'supports any claim to bring about the cession of a part of the territory of India' or that 'disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India.' Speech questioning the constitutional status of a disputed territory — including academic discourse about the Kashmir conflict, journalism about internally displaced persons, or political advocacy for greater autonomy — could potentially fall within the definition. The chilling effect on free expression is significant. The Supreme Court recognised a similar chilling effect in *Shreya Singhal v Union of India*, where it struck down section 66A of the Information Technology Act as unconstitutionally vague and over-broad.

The distinction between the advocacy of ideas and the incitement of imminent unlawful action has been recognised as constitutionally fundamental. The Supreme Court articulated this distinction in *Romesh Thappar v State of Madras*, holding that restrictions on free expression could only be imposed where there was a 'proximate connection' between the expression and the threatened public order disruption. The UAPA's associational provisions are equally troubling. The proscription of organisations criminalises membership, financial support, and — under a broad reading — even the expression of support for the objectives of a proscribed organisation, without proof of knowledge of the organisation's activities or personal participation

in them. The cumulative application of the UAPA, sedition under section 124A of the Indian Penal Code, and the National Security Act against human rights defenders and journalists has been documented extensively by Amnesty International and the UN Special Rapporteur on Counter-Terrorism and Human Rights, who expressed concern that the UAPA's definitional provisions created conditions conducive to the use of anti-terrorism legislation as a tool of political repression.

## **VII. Privacy, Surveillance, and Counter-Terrorism**

The recognition by the Supreme Court's nine-judge bench in Justice K S Puttaswamy (Retd) v Union of India of the right to privacy as a fundamental right protected under Article 21 has significant implications for the surveillance architecture of India's counter-terrorism apparatus. The Court held unanimously that privacy is intrinsic to human dignity and encompasses, at minimum, decisional autonomy, informational self-determination, and freedom from physical intrusion, articulating a three-pronged test for permissible restrictions: the restriction must be grounded in law; must be necessary to achieve a legitimate state aim; and must be proportionate to that aim.

The interception powers under the UAPA and the Information Technology Act 2000 (as amended) are subject only to executive oversight, without any requirement of prior judicial authorisation. This absence of an independent warrant requirement distinguishes the Indian framework from those of the United Kingdom and most European jurisdictions, meaning there is no ex ante check on the proportionality of surveillance orders. Data collected through surveillance operations is retained indefinitely and shared across government agencies without clear legal authority or data protection safeguards. The Puttaswamy judgment left open the question of whether bulk collection and analysis of metadata — as opposed to communication content — constitutes a sufficiently significant intrusion upon informational privacy to attract constitutional protection, though the Court's observations on the chilling effect of surveillance on fundamental rights provide a textual basis for arguing that bulk metadata collection is constitutionally regulated.

## **VIII. International Human Rights Standards and Comparative Perspectives**

### **A. The ICCPR Framework**

India is a party to the International Covenant on Civil and Political Rights 1966, having ratified it in 1979. Article 4 of the ICCPR permits states to take measures derogating from their

obligations in times of 'public emergency which threatens the life of the nation,' provided that such measures are strictly required by the exigencies of the situation and do not discriminate on prohibited grounds. The UN Human Rights Committee, in General Comment No 29, elaborated that derogation measures must be strictly proportionate and consistent with the state's obligations under general international law. India has not formally derogated from the ICCPR in connection with its anti-terrorism measures, raising the question of whether those measures are compatible with the Covenant's ordinary peacetime standards.

### **B. The United Kingdom**

The United Kingdom's experience offers several instructive parallels with the Indian approach. The most significant constitutional challenge arose in *A and Others v Secretary of State for the Home Department* (the *Belmarsh case*), where the House of Lords unanimously held that the indefinite detention without charge of foreign nationals suspected of terrorism, authorised by Part 4 of the Anti-Terrorism, Crime and Security Act 2001, was incompatible with the right to liberty under Article 5 of the European Convention and constituted unjustifiable discrimination on grounds of nationality. Lord Hoffmann's observation was particularly trenchant: that the 'real threat to the life of the nation comes not from terrorism but from laws such as these.' The UK's subsequent development of control orders, replaced by Terrorism Prevention and Investigation Measures, illustrates the executive's capacity to find alternative mechanisms for restricting liberty when direct detention is judicially impugned, while courts have required enhanced procedural safeguards at each stage.

### **C. The United States**

The United States' response to 9/11 produced the most far-reaching restructuring of a domestic counter-terrorism apparatus in any democratic state. The attempt by the Military Commissions Act 2006 to strip federal courts of habeas corpus jurisdiction over Guantanamo detainees was definitively rejected by the Supreme Court in *Boumediene v Bush*, which held that habeas corpus jurisdiction applied to persons held in territory over which the United States exercised de facto control. The decision demonstrates the capacity of an independent and courageous Supreme Court to reassert constitutional principle even in the face of sustained executive and legislative pressure, and affirms that the writ jurisdiction under Articles 32 and 226 of the Indian Constitution cannot be meaningfully curtailed by ordinary legislation. A comparative survey of the UK and US experience suggests three principal lessons for Indian counter-terrorism law reform: the breadth of definitional provisions consistently generates over-criminalisation;

executive counter-terrorism powers can only be effectively checked by strong judicial review and active parliamentary scrutiny; and the abandonment of core procedural protections does not produce a more effective counter-terrorism response, as community trust and perceived legitimacy are the most important variables in preventing radicalisation.

#### **D. International Standards for Designation Regimes**

The Venice Commission of the Council of Europe has elaborated minimum standards applicable to individual designation regimes: a designated individual must be informed in writing of the specific grounds for designation; must have access to legal representation from the time of designation; must have access to sufficient evidence to enable a meaningful response; and must have the right to challenge the designation before an independent body possessing authority to revoke it. None of these minimum standards is satisfied by the Review Committee mechanism under section 36 of the UAPA. The Council of Europe's Guidelines on Human Rights and the Fight against Terrorism similarly require that any restriction on rights satisfy the principles of legality, proportionality, and judicial oversight. India's ratification of the ICCPR provides an additional basis for the argument that the 2019 Amendment is inconsistent with the country's international obligations.

### **IX. Drawing the Constitutional Line: A Proposed Framework**

The constitutional line between legitimate counter-terrorism measures and impermissible erosions of civil liberty must be drawn through the systematic application of a cluster of inter-related constitutional principles, consistently applied by independent courts, subject to ongoing parliamentary scrutiny, and monitored by an independent human rights institution. This article proposes a five-principle framework.

**Legality.** Any counter-terrorism measure restricting fundamental rights must be grounded in a clear and specific legal provision, whose scope and application are sufficiently foreseeable to enable individuals to regulate their conduct. Broad and indeterminate statutory definitions — such as the UAPA's definition of 'unlawful activity' extended to include any challenge to the 'territorial integrity' of India — fail this test, vesting excessive discretion in police and prosecution and failing to provide adequate notice of what conduct is prohibited.

**Necessity.** A counter-terrorism measure is constitutionally permissible only if it is the least restrictive means available to achieve the legitimate aim of preventing terrorism. The Supreme Court should apply a genuine necessity analysis, requiring the state to justify not merely the

adoption of counter-terrorism legislation in general, but the specific form that legislation takes. This principle has direct implications for the UAPA's bail provisions, the individual designation power, and the extended detention periods.

Proportionality. Even where a restriction is the least restrictive means, it must not impose costs upon rights that are disproportionate to the security benefit achieved. This requires courts to engage in genuine balancing — weighing the severity of rights restriction against the probability and magnitude of the threat — rather than deferring to legislative and executive assessments of necessity.

Judicial oversight. Every significant counter-terrorism measure restricting fundamental rights — including surveillance orders, property attachments, individual designations, and extensions of pre-charge-sheet detention — should require prior judicial authorisation or, where prior authorisation is impracticable, prompt post-hoc judicial review by an independent court. The establishment of an independent Counter-Terrorism Review Tribunal — modelled on the UK's Special Immigration Appeals Commission — would provide a more credible review mechanism for individual designations than the present executive committee structure.

Parliamentary accountability. Counter-terrorism legislation must be subject to effective parliamentary oversight at both the enactment and implementation stages. The enactment of a sunset clause in the UAPA, requiring Parliament to positively renew the Act's most intrusive provisions every five years based on an assessment of efficacy and human rights impact, would restore democratic accountability to the counter-terrorism enterprise. The creation of a Joint Parliamentary Committee on National Security — with the mandate to review counter-terrorism legislation and report publicly on prosecutions, conviction rates, and instances of abuse — would fill a significant gap in the current accountability architecture.

## **X. Conclusion**

The history of counter-terrorism legislation in India is, in important respects, a history of constitutional evasion. Each successive generation of anti-terrorism law — TADA, POTA, the UAPA and its amendments — has pushed the limits of constitutional tolerance, relying on a combination of deferential judicial review, legislative manipulation, and the exploitation of crisis moments to expand executive power and curtail individual liberty. The cumulative effect has been the creation of an exceptional regime of law operating in parallel with the ordinary criminal justice system, with fewer safeguards, greater discretion, and diminished accountability.

The constitutional case against this trajectory is overwhelming. The right to liberty under Article 21 as interpreted post-Maneka Gandhi, the right to fair trial, the freedom of expression and association under Article 19, the privacy right recognised in Puttaswamy, and the basic structure doctrine collectively impose a constitutional floor below which legislation cannot descend, however compelling the invocation of national security. The pending constitutional challenge to the UAPA's individual designation provisions represents an opportunity for the Court to articulate, clearly and authoritatively, the constitutional line that terrorism laws may not cross. The framework proposed in this article — grounded in the principles of legality, necessity, proportionality, judicial oversight, and parliamentary accountability — is not a prescription for naivety about the terrorist threat. It is rather the recognition that the constitutional and strategic case for maintaining civil liberties in the counter-terrorism context is stronger, not weaker, than the political discourse in India typically acknowledges. A counter-terrorism system that is constitutionally legitimate, procedurally fair, and judicially accountable is not merely a more ethical system; it is a more effective one. The constitutional line between security and liberty is a living demarcation, drawn and redrawn through the ongoing dialogue between Parliament, the executive, the courts, and civil society. Discharging the Supreme Court's constitutionally mandated role as the ultimate guardian of fundamental rights — with intellectual rigour and a principled commitment to dignity, equality, and freedom — is not an obstacle to effective counter-terrorism; it is its most essential precondition.

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