

National Seminar

On

Recent Anti-terror Legislative Changes in Criminal Justice Administration: Perceptions and Perspectives of Criminal Justice Professionals

(Organised by Dr. RML National Law University, Lucknow in collaboration with BPRD, New Delhi)

(Tentative Dates: May 30-31, 2009)

Statement of the Problem:

Terrorism is not a new phenomenon in India; in fact the last decade has seen large scale terrorism across the country, major among them being the attacks on Parliament House, attack on J&K Legislative Assembly building, Akshardham Temple attack, Malegaon blasts and the list goes on and on. However, the 26/11 terrorist attacks on CSJ Railway Station, Hotel Taj, Hotel Trident and other important places in Mumbai can be considered to be a watershed in the history of terrorism in India as it has turned into a very crucial issue of importance i.e. the very survival of the Indian civilization and the attacks also led to a sense of outrage and condemnation at the global level.

Realizing that a concerted effort is required to deal with the menace of terrorism in this country, the Parliament has brought in certain legislative measures calculated to facilitate fight against the terrorism at various levels. The criminal justice administration in India has been undertaking legislative devices for dealing with terrorism and we have had special legislations in the form of TADA and POTA during the heydays of terrorism in this country.

The past experience is reflective of the fact that professionalism, commitment, impartiality and respect for rule of law are required to make anti-terror law success in its purpose.

Keeping in view the lessons from the very recent past, especially after 26/11, three major developments have taken place, namely,

- (1) Establishment of a national investigating agency through NIA Act, 2008, with the objective of bringing in more professionalism in the investigation process in terrorist activities.
- (2) The amendments in the Unlawful Activities (Prevention) Act, 1967.
- (3) Amendments in the Code of Criminal Procedure, 1973.

As expected, there has ensued an intense debate in the media, civil society sector and amongst certain quarters of criminal justice professionals, about the practicability of these three significant legislative initiations being considered by the Central Government as desirable, indeed essential under the envisaged comprehensive strategy of confronting the challenge. Recent Conclave of the Chief Ministers of different states in the country has also expressed certain doubts, especially about certain provisions of the NIA Act, 2008, in view of the delicate situation of centre-state relationship in the country. Similarly, the amendments in the Unlawful Activities (Prevention) Act, 1967 are also fraught with the dangers of abuse and the ghost of TADA and POTA appears to have returned with a bang.

It is also felt in certain quarters that misutilization or underutilization of general law of the land has resulted in a feeling that special legislations are not required provided the existing laws are applied with professionalism and vigour.

The coming days are going to be decisive in the country's fight against terrorism and it is to be seen whether the balanced approach- balancing the human rights of the individuals with the larger interest of the people in general to live peacefully- could be maintained through these legislative changes.

In the light of the above, it is desired to organize a brain storming interactive seminar with a mandate to sensitize, educate and assure the stake holders.

Objectives of the National Seminar:

The seminar is proposed to be organized with following objectives:

- 1- To study and analyze the implications of the anti-terror legislative measures on criminal justice administration and the society.

- 2- To sensitize the functionaries of the criminal justice system with a view to make them understand the phenomenon of terrorism and the ways to counter it with the help of law in a more professional manner.
- 3- To educate the civil society groups about the legal and constitutional issues and stakes involved.
- 4- To assure the citizens regarding their concerns on personal liberties and freedoms.
- 5- To identify the possible areas of conflict and operational problems.
- 6- To devise a mechanism for balancing the competing interest of individuals and the state in taking the anti-terror measures and
- 7- To educate and prepare the citizens about their role in the enforcement of these legislations.

Level of Participants:

Participants are likely to be drawn from the following segments from all over the country:

- 1- Senior police officials
- 2- Distinguished members of Bench and Bar
- 3- Senior prosecution officials
- 4- Senior prison officials
- 5- Criminal justice academicians
- 6- Civil society groups

Number of Participants:

The expected number of participants in the seminar is approximately one hundred and fifty.

Methodology:

It is proposed that the two-day seminar will be divided in four interactive sessions/focused group discussions. In each session one key functionary of one of the four limbs of criminal justice administration will deliver the key-note address followed by open discussions on the theme of the keynote address. Individual concept

and research papers on the emerging issues relating to the theme of the seminar shall also be presented.