

B.A. LL.B (Hons.) DEGREE SEVENTH SEMESTER EXAMINATIONS, NOVEMBER 2018

NATIONAL SECURITY AND COUNTER TERRORISM LAWS

Time: 3 Hours

Maximum Marks: 50

PART-A

Answer ANY FOUR of the following. Each question carries TEN marks

(4x 10 = 40)

- I. Explain the salient features of the legal architecture relating to counter terrorism in the United Kingdom. What are the apprehensions raised with respect to the Counter Terrorism and Border Security Bill 2017-2019 which is currently pending in the Parliament of the United Kingdom.
- II. Explain the position taken by the Indian judiciary on the constitutional validity of various national security and counter terrorism laws.
- III. Describe the major initiatives of the United Nations in the realm of counter terrorism law and policy.
- IV. Give an overview of the national security architecture of India. What is the role of the National Security Council in this regard? How receptive was the Indian system towards the proposal to establish a National Counter Terrorism Centre (NCTC)? What are your views on the proposal?
- V. Do state laws such as Maharashtra Control of Organised Crimes Act, 1999 and Kerala Anti-Social Activities (Prevention) Act, 2007 conflict or overlap with central laws relating to national security and counter terrorism? Discuss in the light of the statutory scheme and judicial interpretations.
- VI. Explain the salient features of the legal scheme as laid out by the Unlawful Activities (Prevention) Act, 1967 and critically examine whether the Act can be an effective tool for dealing with terrorist activities.

PART – B

COMPULSORY QUESTION. Question carry TEN marks

(1x10= 10)

- VII. An FIR was registered against 'X' in respect of the offence punishable under section 22 of the Unlawful Activities (Prevention) Act, 1967 [UAPA] (Section 22 relates to an offence which is punishable with imprisonment which may extend to three years and shall also be liable to fine). Subsequent to the registration of the FIR there was failure on the part of the State and Central Governments to take necessary steps under section 6 of the National Investigation Agency Act, 2008 NIA Act]. The investigation was undertaken by the state police in accordance with the provisions of the Code of Criminal Procedure, 1973 and cognisance of the offence was taken by the magistrate. The case was subsequently transferred to a Special Court constituted by the State Government under section 22 of the NIA Act on the ground that the offence involved is one punishable under section 22 of UAPA. X challenges this decision and argues that the 'Special Court' does not have the jurisdiction to try the alleged offence. Decide whether the transfer of the case to the Special Court was valid.