



Developing Democracies, Counter-Terror Laws and Security: Lessons from India and Sri Lanka (RCSS Policy Studies 52)

N. Manoharan, Dayani Panagoda

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Terrorism raises genuine security concerns that the state attempts to address through various measures. The use of counter-terrorism legislation is one such means, employed especially by democracies. The basic rationale is that the legal framework deals with terrorism, which is considered undemocratic, in a democratic way. In other words, legislation ought to adequately deter terrorist groups, but at the same time, prevail on the State from encroaching on human rights of the innocents. The key questions addressed in this study are: Do counter-terrorism laws enhance security? If so, in what manner? If not, why and what are the problems involved? The study assumes that there is an inherent tension between State security and the security of its subjects. Measures like counter-terror legislation imposed for safeguarding State security end up eroding the basic rights of the individuals and ultimately threatening the comprehensive security of the State. Comparative analyses of linkage between counter-terror laws and security in India and Sri Lanka two important cases of developing democracies that witnessed terrorism and political violence throw many interesting findings. Jointly undertaken by two leading scholars of India and Sri Lanka, the study intends to fill the gap in the existing literature on legal aspects of terrorism & counter-terrorism. Published in association with Regional Centre for Strategic Studies, Colombo.



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