

## Balancing Security and Rights: A Study of Individual Terrorist Designations Under UAPA and Comparable Global Counter-Terrorism Laws

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**Abstract:** The 2019 Indian amendment provided an executive, list-based method to identify “terrorists” under the Unlawful Activities (Prevention) Act, 1967. This process is like those in the US, EU, UK, Pakistan, Canada, and Australia for terrorist/sanctions listings, but with different thresholds, procedures, oversight, and scale. In 2023, India declared 57 terrorists under UAPA, a lesser number than the US and EU sanctions lists, but significant in the Indian constitutional context due to poor exacta procedural safeguards and post-decisional review. In 2019, India's Unlawful Activities (Prevention) Act, 1967 (UAPA), was amended to empower the Fourth Schedule to label people "terrorists" and freeze their assets without criminal conviction. It discusses India's statutory framework and implementing procedures for individual designation, summarises statistics on the number of individuals designated to date, and compares India's model to foreign listing regimes like the US' Specially Designated Global Terrorist (SDGT) regime under Executive Order 13224, the EU's terrorist list under Common Position 2001/931/CFSP, and the UK's Terrorist As It compares India's system to international due-process standards and finds issues with unclear criteria, insufficient openness, and post-decisional review. It advocates reforms in national security and fundamental rights.

**Keywords:** Counter-Terrorism Tool; Domestic Designation Mechanisms; Violation of Rights; National Security; Post-Decisional Review; Constitutional Challenges; Fundamental Rights.

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### 1. Introduction

Targeted labelling of people as terrorists or sanctions targets has become one of the most important tools in modern counter-terrorism efforts, especially since the major changes in global security that happened in the early 2000s. The passage of United Nations Security Council Resolution 1373 in 2001 was a major turning point. It required member states to take steps to stop and punish the financing of terrorism, such as freezing the assets of people and groups linked to terrorist activities [1]. This resolution made the practice of designation official at the international level and forced countries to create their own legal systems to identify, list, and limit individuals deemed to be involved in terrorism. Consequently, designation regimes have become integral to national security frameworks across jurisdictions, functioning as pre-emptive measures to prevent potential

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threats from escalating into violent action [2]. These kinds of designation systems are based on many areas of law, such as criminal law, administrative law, and international law. In contrast to conventional criminal proceedings, which require proof beyond a reasonable doubt and result in either conviction or acquittal, designation mechanisms often rely on lower standards of proof, such as reasonable suspicion or intelligence-driven evaluations [4].

This difference raises important questions about the kind of evidence used, how open the decision-making processes are, and how much chance people affected must challenge their designation [24]. Relying on classified intelligence, which may be necessary for national security, complicates matters by making it harder to share information and to defend oneself effectively. Consequently, designation regimes operate within a legal ambiguity in which preventive aims often supersede procedural protections typically associated with the rule of law. One of the biggest worries about targeted designation is whether the process is fair. The principles of natural justice, such as the right to be heard and the right to a fair and impartial decision-maker, are often limited in the context of designation because counter-terrorism operations are urgent and secret. People can be put on sanctions lists without any warning, and the reasons for their inclusion may not be fully explained. Some places do have ways to review or appeal, but these processes are often not very useful or wide-ranging. Judicial oversight, when present, may be restricted by deference to executive authority in national security matters, leading to insufficient examination of the foundational evidence or rationale. This brings up important questions about who is responsible and how to balance state power with individual rights [3]. The principle of proportionality is also very important when judging whether designation regimes are fair. Being labeled a terrorist or a target of sanctions has serious, far-reaching effects, including freezing assets, banning travel, limiting financial transactions, and harming your reputation.

These actions can have big effects on the people they are aimed at, as well as their families and communities. In many cases, being designated means that a person is effectively dead in a civil sense, meaning that they are not allowed to participate in social and economic life even though they have not been convicted of a crime. This shows how important it is to ensure that these measures align with the risks they are meant to address and are used in a way that causes the least harm possible [5]. The 2019 amendment to the Unlawful Activities (Prevention) Act in India was a big change because it gave the government the power to call people terrorists. Before this change, the law mostly dealt with groups, and people could only be charged with a crime if they were connected to a banned group or if they were charged with a crime [6]. The introduction of individual designation brought India's laws in line with international norms, especially those set by United Nations Security Council resolutions [1]. But it also sparked significant debate and controversy, especially over its implications for civil liberties and constitutional rights. Some people who don't like the amendment say it gives the executive too much power to make decisions on its own, allowing it to name people without sufficient procedural protections or judicial oversight. The constitutional challenges to the amended law focus on a few basic rights, such as the right to equality, the right to free speech and expression, and the right to life and personal freedom. Being called a terrorist carries a lot of shame and can hurt someone's reputation, job, and social standing.

This raises questions about whether such actions violate the right to reputation, which is recognized as an important part of the right to life under constitutional law. Also, the possibility that the law could be misused or applied arbitrarily has been a major concern, especially when political or ideological differences could affect decision-making. The lack of strong protections against this kind of misuse makes these concerns worse and underscores the importance of greater openness and responsibility [7]. A comparative analysis of foreign legal systems yields significant insights into the various approaches jurisdictions have taken to address the challenges associated with targeted designation. In many countries, designation mechanisms include procedural safeguards that aim to strike a balance between protecting people's rights and ensuring security is not compromised. For example, some systems have independent review bodies or judicial tribunals that review the validity of designations and ensure that decisions are based on solid evidence. Some people have added requirements for periodic reviews, meaning designations can't last forever and can be changed if circumstances change. Another important feature that enhances accountability and fairness is that people can go to court to challenge a designation [8]. Even with these protections, no system is perfect, and the conflict between security and freedom remains a major feature of designation regimes worldwide. Using intelligence-based evidence is necessary, but it often makes things less clear and raises doubts about its reliability and verifiability. Also, because terrorism is a global problem, decisions about designating terrorists in one country can have effects in other countries, especially when they are connected to multilateral sanctions regimes.

This interconnectedness underscores the importance of ensuring that legal standards are uniform everywhere and that designation practices comply with international human rights standards. When comparing how India does things with how other countries do, the introduction of individual designation aligns with international trends. However, the system's effectiveness and legitimacy depend heavily on the safeguards provided by its Ministry of Home Affairs [9]. The lack of a strong, independent review process, along with decisions that aren't always clear, leads people to worry that the system doesn't adequately protect people's rights. But researchers can't forget how important effective counter-terrorism measures are, especially when security threats are complex and evolving. So, the challenge is to find the right balance between these two competing factors. The wider effects of targeted designation go beyond legal and constitutional issues; they also include social,

political, and moral issues. People who are called terrorists have a strong symbolic effect on society, changing how people think and feel about them. It can lead to discrimination and exclusion, especially when used in a way perceived as unfair or discriminatory. This can then hurt social cohesion and worsen tensions in communities. To protect people's rights and maintain public trust in the legal system, designation practices must be fair, clear, and based on objective criteria [10]. Technological progress has made counter-terrorism and designation even more difficult. Authorities now have more information at their disposal, using greater digital surveillance, data analytics, and artificial intelligence to identify potential threats. These tools make it easier to find and stop terrorist activities, but they also raise new concerns about privacy, data accuracy, and the risk of error in evaluation. To prevent misuse and ensure accountability, clear rules and protections must be put in place when these technologies are used in designation processes. Another important aspect of designation regimes is their interaction with financial systems.

Governments, banks, and international organizations must work together to freeze assets. This makes a complicated web of rules and enforcement systems. Following these rules often puts a lot of pressure on banks and other financial institutions, which must set up screening and monitoring systems to identify the right people. Errors in identification can also have unintended consequences, such as freezing the assets of innocent people whose names are similar to those of criminals. To address these problems, stakeholders need robust verification processes and effective communication [11]. The evolution of designation regimes reflects a broader shift toward preventive tools to fight terrorism rather than relying solely on traditional punitive measures. This preventive strategy is predicated on the assumption that early intervention can thwart potential threats and diminish the probability of attacks. But it also makes us think about the limits of state power and how much people can be restricted based on suspicion instead of proven guilt. To find a balance between these things, you need to be careful and think about the situation. You need to consider both security needs and the principles of justice and fairness [12]. The deliberate labelling of people as terrorists or targets of sanctions is a strong and controversial part of modern counter-terrorism strategies [15]. While it has many benefits for preventing and stopping crime, it also poses problems when it comes to protecting basic rights and ensuring that people are held accountable and that things are open [16].

The experiences of various jurisdictions underscore the need to implement stringent safeguards, including explicit standards of proof, efficient review processes, and substantial avenues for redress [17]. The new legal framework in India includes individual designation, an attempt to bring the country into line with international standards [18]. However, it also shows that the system needs to be carefully evaluated and continually improved to ensure it operates in accordance with constitutional values and human rights principles [13]. In the end, the legitimacy and effectiveness of designation regimes depend on how well they balance security and justice. This means that the pursuit of safety should not come at the cost of basic freedoms [19]. India designates individuals as “terrorists” under the Unlawful Activities (Prevention) Act, 1967 (UAPA) through an executive, list-based mechanism created by the 2019 amendment, which is broadly comparable to individual terrorist/sanctions listing regimes in jurisdictions such as the United States (SDGT), the European Union, the United Kingdom, Pakistan, Canada and Australia [20]. However, important differences exist in thresholds, procedures, oversight, and scale. Empirically, India had officially declared 57 individuals as terrorists under UAPA by the end of 2023, a figure far smaller than the thousands of individuals on US and EU sanctions lists, but significant in the Indian constitutional context due to weak ex ante procedural safeguards and primarily post-decisional review [14].

The 2019 amendment to India’s Unlawful Activities (Prevention) Act, 1967 (UAPA), introduced a power to designate individuals—not only organizations—as “terrorists” and place them in a Fourth Schedule, triggering asset-freezing and other collateral consequences without prior criminal conviction [21]. This paper examines the statutory framework and implementing procedures for individual designation under Indian law, summarises available statistics on the number of individuals so designated to date, and compares India’s model with foreign listing regimes including the United States’ Specially Designated Global Terrorist (SDGT) regime under Executive Order 13224, the European Union’s terrorist list under Common Position 2001/931/CFSP, the United Kingdom’s Terrorist Asset-Freezing etc. Act 2010, Pakistan’s Fourth Schedule regime under the Anti-Terrorism Act 1997, and Canada and Australia’s listing mechanisms [22]. It critically evaluates India’s framework against due-process standards and international practice, highlighting concerns about vague criteria, limited transparency, and primarily post-decisional review, and suggests reforms to better balance national security with fundamental rights [23].

## **2. Evolution of UAPA and the 2019 Amendment**

Originally enacted in 1967, UAPA was framed to deal with “unlawful activities” threatening India’s sovereignty and integrity, and for decades, it focused primarily on banning organizations. Over time, especially after the repeal of TADA and POTA, successive amendments in 2004, 2008, 2012, and 2019 expanded UAPA’s terrorism-related offenses, investigative powers, and the scope for proscribing organizations. The 2019 Unlawful Activities (Prevention) Amendment Act introduced a power to add an individual’s name to a new Fourth Schedule, thereby designating that person a “terrorist” by executive notification; before this change, only organizations could be listed in the First Schedule as terrorist organizations. Parliamentary debates and

subsequent scholarship highlight that the amendment was justified by the government as necessary to meet FATF and UNSC standards, but was criticized for lacking clear criteria and robust procedural safeguards.

### **2.1. Statutory Framework for Individual Designation in India**

Section 35(1) of UAPA empowers the Central Government, by order published in the Official Gazette, to add an organization to the First Schedule or an individual to the Fourth Schedule if it believes, “on reasonable grounds,” that they are involved in terrorism. Section 35(2) deems an organization or individual to be involved in terrorism if they commit, participate in, prepare for, promote, or are otherwise involved in terrorism. Still, the provision is criticized for being broad and circular rather than setting a concrete evidentiary threshold. Section 36 permits “any person affected” by the inclusion of an organization in the First Schedule or of his own name in the Fourth Schedule to apply to the Central Government for removal and provides for reference of such applications to a Review Committee headed by a sitting or retired judge, though the process is largely post-decisional. Neither Section 35 nor Section 36 stipulates detailed pre-listening hearing requirements, mandatory disclosure of evidence, or judicial authorization before designation, which stands in contrast to criminal prosecution standards.

### **2.2. Administrative Procedure and Implementation in India**

The memorandum explains that MHA may list individuals or organizations on its own motion or pursuant to foreign requests under UNSCR 1373, based on inputs from law enforcement and intelligence agencies. It requires that a “statement of case” be prepared, containing specific factual bases for listing. Separate guidelines under Section 51A of UAPA and implementing orders detail how the “designated list” is circulated to state UAPA nodal officers, immigration authorities, financial regulators, and registrars to ensure the freezing of funds, property, and related compliance. Sectoral regulators such as the Reserve Bank of India and SEBI periodically issue circulars instructing regulated entities to screen customers against UAPA Schedules I and IV and UNSC lists, and to report and freeze any matching accounts without delay once an individual has been declared a terrorist.

### **2.3. Empirical Statistics: Individual Designations Under UAPA**

Early press releases following the 2019 amendment show a phased use of the new power. In September 2019, the Central Government designated four high-profile individuals—Maulana Masood Azhar, Hafiz Saeed, Zaki-ur-Rehman Lakhvi, and Dawood Ibrahim—as terrorists under the amended UAPA. This was followed by the designation of nine additional individuals in July 2020 and 18 in October 2020, bringing the total publicly listed individuals at that time to 31. By a Press Information Bureau release dated 16 February 2023, the government stated that it had, by then, designated 53 individuals as terrorists under the amended provision, and that, with the addition of one more individual on that date, there were 54 individuals in the Fourth Schedule. Subsequently, in a December 2023 statement, the union home minister reported in Parliament that 57 individuals had been declared terrorists and 23 associations designated as unlawful organizations, indicating further incremental listings between February and the end of 2023. Available public documents also show continuing notifications into 2022–24—for example, RBI circulars referring to batches of seven individuals in April 2022 and one individual plus two organizations in February 2023, newly added to the UAPA schedules—although a consolidated, regularly updated official count beyond the 57 Figure has not yet been publicly aggregated. Thus, while the total number of designated individuals is modest compared with large international sanctions lists, the use of the individual-terrorist category has clearly expanded since 2019.

### **2.4. Legal Consequences of Individual Designation in India**

Once an individual’s name is placed in the Fourth Schedule, a range of collateral consequences follow under UAPA and ancillary regulations, even in the absence of a criminal conviction. These include freezing of bank accounts and other financial assets, restrictions on obtaining loans and credit cards, and enhanced scrutiny for recruitment into public employment, as conveyed through inter-agency coordination mechanisms. Law-enforcement agencies may also rely on the designation as a basis for opening or strengthening terrorism-related investigations under UAPA and other security statutes. However, the statute itself does not specify all the social and legal consequences of being labeled a “terrorist”, leading scholars to note that the primary effect is reputational, with punitive impacts occurring indirectly through financial, travel, and social exclusion. Critics argue that attaching such stigma and material consequences without prior judicial finding of guilt effectively reverses the presumption of innocence and risks punishing individuals based on untested intelligence assessments.

### **2.5. Due-Process Concerns and Constitutional Challenges in India**

Several constitutional petitions before the Supreme Court have challenged the 2019 amendment empowering individual designation, arguing that Sections 35 and 36 confer unguided discretion, lack clear criteria, and provide only post-decisional review by a government-formed committee, thereby violating Articles 14, 19, and 21. Petitioners contend that there is no requirement to furnish the reasons or evidence for listing to the individual, no guaranteed oral hearing, and no independent

judicial oversight at the listing stage, making it extremely difficult to contest the label meaningfully. Academic analyses similarly criticize the framework for failing to articulate a defined evidentiary standard beyond the government's "belief," for failing to restrict reliance on secret evidence, and for limiting review to a mechanism controlled by the executive rather than an independent court. Commentators also point out that, unlike many foreign regimes, UAPA's individual designation does not explicitly integrate temporal limits, periodic mandatory review, or structured proportionality analysis.

### **3. United States: SDGT Designations Under Executive Order 13224**

In the United States, a central mechanism for listing individuals is the "Specially Designated Global Terrorist" (SDGT) regime, created by Executive Order 13224 in 2001 and administered jointly by the State Department and the Treasury's Office of Foreign Assets Control (OFAC). Under this authority, individuals, groups, and entities that commit, pose a significant risk of committing, or provide support or services to terrorism can be designated, leading to the blocking of all property and interests in property within US jurisdiction. The State Department's 2018 fact sheet on terrorism designations explains that E.O. 13224 is broader than statutory "Foreign Terrorist Organization" (FTO) designations, as it can apply to individuals, front companies, and financiers, and gives the Treasury derivative authority to list persons providing support to already designated entities. Designated persons are added to the Specially Designated Nationals (SDN) List, which, as compiled by OFAC and external aggregators, includes thousands of individuals among tens of thousands of sanctioned parties across all programs.

#### **3.1. US Process, Oversight, and Criticism**

Designation decisions under E.O. 13224 are typically based on classified and open-source information, with inter-agency vetting. They are subject to internal legal review and policy clearance before being issued as a public notice in the Federal Register and on OFAC's website. Targets may seek administrative reconsideration or challenge designations in federal court, though courts often accord substantial deference to executive national-security judgments, especially where classified evidence is involved. Civil-liberties organizations criticize the SDGT regime for using vague criteria, lacking clear evidentiary standards, and providing limited pre-designation notice or meaningful opportunity to contest listings, especially when designations rely on secret intelligence. Nonetheless, the US framework does incorporate some procedural safeguards—such as judicial review and periodic reassessment of listings—more explicitly than India's UAPA, where many turn on internal executive procedures rather than statute-mandated processes.

### **4. European Union: Common Position 2001/931/CFSP Terrorist List**

At the EU level, Council Common Position 2001/931/CFSP and Council Regulation (EC) No 2580/2001 establish a terrorist list of persons, groups, and entities involved in terrorist acts whose funds and financial assets must be frozen, implementing UNSC Resolution 1373 within the EU legal order. The Common Position defines terrorist acts and sets criteria for listing. At the same time, the associated regulation obliges member states and financial institutions to freeze assets and prohibit making funds or economic resources available to listed parties. The Council reviews the list at regular intervals, and at least every six months, based on information supplied by member states and Europol, and may add or remove persons, groups, or entities through implementing decisions and regulations. Several EU communications note that the list has, in recent years, comprised around 14 individuals and 21–22 groups/entities, illustrating a relatively targeted use of this specific terrorism regime (separate from UN-linked Al-Qaida/ISIL lists and broader human-rights sanctions).

#### **4.1. EU Procedures, Judicial Review, and Numbers**

The Council's working party, known as "CP 931," examines evidence to determine whether proposed listings meet the legal criteria and prepares recommendations for adoption by the Council, which must decide unanimously. Listed persons and entities are notified and may request reconsideration. At the same time, the Court of Justice of the European Union has developed extensive case law annulling listings where the Council fails to provide adequate reasons or evidence. Recent Council communications and summary reports indicate that the terrorist list currently covers 14 persons and 22 groups and entities, all subject to asset freezes and prohibitions on making funds available, with regular semi-annual renewals. In addition to this CP 2001/931 regime, the EU maintains UN-aligned and autonomous Al-Qaida and ISIL/Da'esh sanctions regimes and a growing array of thematic human-rights sanctions, cumulatively involving many more listed individuals than the terrorism list alone.

#### **4.2. United Kingdom: Terrorist Asset-Freezing and Sanctions**

Before Brexit-related reforms, the UK implemented UNSCR 1373 through the Terrorist Asset-Freezing etc. Act 2010, which empowered HM Treasury to impose asset-freezing measures on persons believed or suspected to be, or to have been, involved in terrorist activities. Under TAFSA 2010, a "designated person" could be listed either by Treasury decision or by virtue of being named on the EU list under Regulation 2580/2001, with corresponding prohibitions on dealing with their funds. Parliamentary

reports and independent reviewers’ assessments show that the number of Treasury-designated persons (under TAFE and predecessors) declined from 162 in 2008 to about 38–40 by 2011–13, comprising around 31–32 individuals and 7–8 entities, reflecting a policy of avoiding duplication where UN or EU designations already applied. Quarterly written statements to Parliament also provided statistics on accounts frozen and total designations, contributing to a relatively transparent picture of the scale of the regime.

## 5. Pakistan: Fourth Schedule Proscribed Persons

Pakistan’s Anti-Terrorism Act 1997 (ATA) enables provincial Home Departments to list individuals under the Fourth Schedule as “proscribed persons” based on credible intelligence of association with proscribed organizations or involvement in terrorism or sectarianism. Inclusion in the Fourth Schedule triggers restrictions on travel, speech, business, and access to public places, and is used domestically as a core tool of preventive counter-terrorism. According to data published by Pakistan’s National Counter Terrorism Authority (NACTA), there were 2,697 Fourth Schedule “4th Schedulers” as of 30 June 2021, with associated measures including passport embargoes, freezing of bank accounts, bans on loans and credit cards, and arms-license restrictions. Pakistan has also developed detailed guidelines to align its proscription regime with the implementation requirements of UNSCR 1373, including coordination on asset freezing and information sharing with federal ministries.

### 5.1. Canada and Australia: Entity-Based but Individual-Inclusive Regimes

Canada fulfills its UNSCR 1373 obligations through a combination of Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism and a Criminal Code terrorist-listing regime, which together allow listing of both entities and individuals, with asset freezes and criminalization of support activities. A 2020 Question Period note states that there were 60 entities listed under the Criminal Code at that time, with listing consequences including asset freezes, prohibitions on dealing with listed property, and cascading immigration consequences such as inadmissibility. Australia, meanwhile, uses Division 102 of the Criminal Code Act 1995 to list “terrorist organizations,” triggering offenses such as directing the activities of a terrorist organization, membership, recruitment, training, and financing, with penalties up to 25 years’ imprisonment. The federal government maintains a protocol for listing terrorist organizations and a public list of such organizations, but does not operate a distinct “individual terrorist” schedule; instead, individuals may be subject to UN-based or autonomous financial sanctions listings implementing UNSCR 1267 and 1373.

### 5.2. Comparative Overview: Core Design Features

Across jurisdictions, individual designation regimes share several core design elements: an executive authority (a ministry or treasury) empowered to list persons based on national-security assessments; asset-freezing and financing restrictions as the primary consequences; and linkages to UN sanctions and FATF recommendations. However, they differ notably in the specificity of legal criteria, the degree of exacta judicial involvement, and the robustness of review and delisting mechanisms. India’s UAPA framework situates designation power squarely within the Home Ministry, with “reasonable grounds to believe” as the operative standard, but leaves detailed procedures and evidentiary thresholds largely to executive policy rather than to the statutory text. In contrast, the EU and UK regimes embed criteria and periodic review directly in primary or secondary legislation and have been shaped by strong judicial scrutiny. The US SDGT system, though broad and often criticized, at least offers formal judicial review in federal courts and more elaborate published guidance on the types of conduct warranting designation (Table 1).

**Table 1:** India and selected foreign regimes

Feature	India – UAPA (Post-2019)	United States – SDGT (E.O. 13224)	EU – CP 2001/931/CFSP List	UK – TAFE 2010 (Pre-Brexit)	Pakistan – ATA 1997 Fourth Schedule
Primary legal basis	UAPA ss. 35–36; Fourth Schedule	E.O. 13224; OFAC regulations	Common Position 2001/931/CFSP; Reg. 2580/2001	Terrorist Asset-Freezing etc. Act 2010	Anti-Terrorism Act 1997, s.11EE; Fourth Schedule
Designating authority	Central Govt (MHA)	State Dept & Treasury (OFAC)	Council of the EU	HM Treasury (OFSI)	Provincial Home Departments; Interior Ministry
Who can be listed	Individuals and organizations	Individuals, groups, entities, financiers	Persons, groups, entities	Individuals and entities	Individuals (“proscribed persons”) linked to proscribed orgs

Legal threshold	The government “believes” an individual is involved in terrorism	“Significant risk” of committing terrorism or providing support	Involvement in terrorist acts as defined by CP 2001/931	“Reasonably believes or suspects” involvement in terrorism	Credible intelligence or history of links to proscribed orgs
Main consequences	Terrorist label; asset freeze, KYC restrictions, enhanced security scrutiny	Comprehensive asset freeze; travel and immigration restrictions; material-support offenses	Asset freeze; prohibition on making funds available	Asset freeze; offenses for dealing with funds	Asset freeze, bank and passport embargoes, movement and employment restrictions
Review/appeal	Administrative review by committee under s.36; limited statutory detail	Administrative reconsideration; judicial review in federal courts	Council reviews at least every six months; full judicial review by CJEU	Quarterly reports; independent reviewer; challenges possible in courts	Administrative appeals: some legal challenges, but practice varies in courts
Indicative scale	57 individuals designated (2019–2023)	Thousands of individuals on the SDN list (subset under counter-terrorism)	14 persons and 22 groups/entities on the CP 2001/931 list in 2025	Dozens of designations at any given time (e.g., 31 individuals, 8 entities in 2013)	2,697 proscribed persons (4th Schedulers) as of 30-06-2021

### 5.3. Normative Assessment of India’s Framework

Scholarly and civil-society commentary generally accepts the legitimacy of targeted listing as a counter-terrorism tool. Still, it emphasizes that it must comply with due-process principles, including clear legal criteria, disclosure of reasons, opportunities to be heard, and effective, independent review. Against these benchmarks, India’s UAPA individual-designation regime is often criticized as under-specified: the statute relies on broad notions of “belief” and “involvement in terrorism” without detailed tests. It places much of the procedural architecture in executive memoranda rather than in democratically scrutinized legislation. Compared with the US, EU, and UK regimes—which, despite serious shortcomings, have been subject to substantial judicial oversight leading to annulments, enhanced reasons-giving and periodic review—India’s system so far displays weaker institutionalized checks and limited transparency about evidence, duration and review outcomes. Pakistan’s Fourth Schedule model shows how large-scale listing can become an entrenched practice with thousands of individuals’ subject to restrictions, raising concerns that India’s more modest numerical scale could still expand significantly if similar institutional habits develop without stronger safeguards.

## 6. Reform Options and Policy Recommendations for India

Drawing on comparative practice and international guidance on implementing UNSCR 1373, several reforms could strengthen India’s UAPA designation regime without abandoning its counter-terrorism objectives. First, Parliament could codify clear, specific criteria and evidentiary thresholds for listing, including a requirement of “reasonable grounds to believe” supported by defined categories of evidence, and clarify that mere political dissent or association cannot suffice. Second, UAPA could be amended to guarantee pre- or at least prompt post-listing notification with a statement of reasons (subject to narrowly tailored secrecy exceptions), an opportunity for the listed person to make representations, and a right to timely, independent judicial review. Third, the law could impose temporal limits and mandatory periodic review of each listing, as in the EU’s six-monthly reviews and the UK’s reporting obligations, along with public reporting of aggregate statistics and outcomes of delisting applications. Finally, India could better align the design and operation of its regime with evolving global standards under FATF and UNSC guidance by explicitly incorporating due-process safeguards, thus enhancing both its international credibility and its compatibility with constitutional guarantees of equality, free expression, and personal liberty.

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