



# CURRENT AFFAIRS



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## UNLAWFUL ACTIVITIES (PREVENTION) ACT

*This article covers "Daily Current Affairs" and the topic details "Unlawful Activities (Prevention) Act". This topic has relevance in the "Polity and Governance" section of the UPSC CSE exam.*

### **For Prelims:**

*What is Unlawful Activities (Prevention) Act?*

*Unlawful Activities (Prevention) Act Amendment Act?*

### **For Mains:**

*GS2: Polity and Governance*

### **Why in the news?**

The Delhi Police has invoked the UAPA Act to seal an office of a news portal, alleging it received funds for promoting pro-China propaganda.

### **About Unlawful Activities (Prevention) Act (UAPA)**

#### • **Introduction:**

- The Unlawful Activities (Prevention) Act (UAPA), enacted in 1967, serves as legislation that imposes reasonable restrictions on fundamental freedoms outlined in Article 19(1) of the Constitution.
- These restrictions, including freedom of speech, peaceful assembly, and the right to form associations, aim to protect India's integrity and sovereignty.

#### • **History:**

- Over time, specific anti-terrorism legislations like the Terrorist and Disruptive Activities (Prevention) Act (TADA) and the Prevention of Terrorism Act (POTA) were repealed due to legal issues, and the UAPA became the primary anti-terror legislation in India.
  - Since 2004, there have been several amendments to the UAPA, making it stricter regarding the rights of the accused and expanding the inclusion of terror-related offences.

#### • **Punishment for Unlawful Activities and Terrorist Acts:**

- In line with its objectives, the **UAPA punishes the commission, funding, and support of "unlawful activities" and "terrorist acts."**
- **"Unlawful activities"** include actions that support or intend to support the secession of any part of India or those that challenge or aim to disrupt India's sovereignty and territorial integrity.
- **"Terrorist acts,"** defined in Section 15 of the UAPA, refer to violent acts intended to threaten India's security or instil terror in people within India or abroad.

- **Power of the Government:**
  - However, the most controversial aspect of the UAPA is the **central government's power to declare specific organisations** as “unlawful associations,” “terrorist gangs,” or “terrorist organisations.”
  - Once an organisation falls into one of these categories, even being a member becomes a criminal offence.
- **Application:**
  - The provisions of the UAPA apply to citizens of India outside the country, persons in government service regardless of their location, and individuals aboard Indian-registered ships and aircraft, regardless of their location.



### **Unlawful Activities Prevention Act (UAPA) Amendment Act 2019:**

- **Designation of individuals as terrorists:**
  - The government is empowered to designate individuals involved in acts of terrorism.
  - Previously, only organisations could be designated as terrorist organisations.
- **Seizure of property with NIA approval:**
  - The investigating officer needs prior approval from the Director General of Police to seize properties connected to terrorism.
  - Ensures oversight and control over the seizure of assets linked to terrorist activities.
- **Definition of terrorist acts:**
  - UAPA Amendment Act 2019 provides a comprehensive definition.
  - Includes acts covered by nine listed treaties, such as the Convention for the Suppression of Terrorist Bombings, Convention Against Taking of Hostages, and the International Convention for Suppression of Acts of Nuclear Terrorism.

- Expanded definition to encompass international terrorist activities.

### Key Issues with UAPA

- **Low Conviction Rates:** Between 2018 and 2020, a significant number of UAPA arrests occurred, but only 3% resulted in convictions, casting doubt on the legal framework's effectiveness.
- **Increased Usage:** UAPA has been applied broadly by the government, from cases involving tribal communities to individuals using social media, raising concerns that warrant careful examination.
- **Stringent Bail Provisions:** UAPA imposes strict bail requirements, with accused individuals having to prove their innocence, reversing the presumption of innocence.
- **Extensive Discretion:** The government wields substantial discretionary powers under UAPA, including secret witnesses and closed-door hearings, posing transparency and due process concerns.
- **Violation of Fundamental Rights:** UAPA allows detention without charges for up to 180 days, infringing upon the right to liberty and due process under Article 21 of the Indian Constitution.

### Way Forward

- India's anti-terrorism legal framework involves several essential steps. These include revisiting stringent bail provisions to balance national security and individual rights, establishing robust oversight mechanisms, and strengthening the legal framework to enhance its effectiveness while safeguarding rights.
- All crucial aspects are engaging with civil society, collaborating internationally, raising awareness, and ensuring transparency in designations.
- Legislative scrutiny, access to legal aid, transparent designations, and continuous evaluation are all critical components in building a more balanced and effective anti-terrorism legal framework in India that respects national security imperatives and individual rights.

**Sources:**

[What UAPA sections have been invoked against NewsClick | Explained News – The Indian Express](#)

### Q1. With reference to UAPA Act, consider the following statements:

1. The act imposes reasonable restrictions on fundamental freedoms outlined in Article 22 of the Constitution.
2. The UAPA imposes stringent bail conditions, necessitating accused individuals to establish their innocence, thereby overturning the presumption.

### Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) 1 and 2 only
- (d) None

**Answer: (b)**

### Q2. Consider the following statements:

1. Actions falling under “unlawful activities” pertain to efforts that directly challenge or intend to undermine India's sovereignty and territorial integrity.
2. UAPA gives both central and state governments the power to declare an organisation a “terrorist organisation.”

3. Under the original act, the government is empowered to designate individuals involved in acts of terrorism.

**How many of the abovementioned statements are correct?**

- (a) Only one
- (b) Only two
- (c) All three
- (d) None

**Answer: (a)**

**Q3. Discuss the provisions and controversies surrounding the Unlawful Activities (Prevention) Act (UAPA) in India.**

**Gaurav**

