



Unlawful Activities (Prevention) Amendment Bill, 2019

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The Lok Sabha has passed the Unlawful Activities (Prevention) Amendment Bill, 2019.

- The Bill **amends the Unlawful Activities (Prevention) Act, 1967**, providing special procedures to deal with terrorist activities, individuals and groups that foster terrorism in India.
- The Bill is yet to be tabled in the Rajya Sabha.

Key Features of the Bill

- It empowers the government to **designate individuals as terrorists** if the person commits or participates in acts of terrorism, prepares for terrorism, promotes terrorism or is otherwise involved in terrorism.
 - This has been done as it is seen that when a terrorist organization is banned, its members form a new organization to spread terrorism.
- The bill also **empowers the Director-General, National Investigation Agency (NIA)** to grant approval of seizure or attachment of property when the case is being investigated by the agency.
 - Under the existing Act, the investigating officer is required to obtain the prior approval of the Director General of Police (DGP) to seize properties that bear any connection to terrorism.
 - It has been seen that many times a terror accused own properties in different states. In such cases, seeking approval of DGPs of different states becomes very difficult, and the delay caused by the same may enable the accused to transfer properties.
- It **empowers the officers of the NIA** — of the rank of Inspector or above, to investigate cases.
 - The existing Act provides for investigation of cases to be conducted by officers of the rank of Deputy Superintendent or Assistant Commissioner of Police or above.

- No changes being made in arrest or bail provisions. Also, the provision that the burden of proof is on the investigating agency and not on the accused, has not been changed.
- The **International Convention for Suppression of Acts of Nuclear Terrorism (2005)** has also been added in the Second Schedule through the Amendment.

The Unlawful Activities (Prevention) Act, 1967

- The UAPA, an upgrade on the Terrorist and Disruptive Activities (Prevention) Act TADA (lapsed in 1995) and the Prevention of Terrorism Act - POTA (repealed in 2004) was originally passed in the year 1967.
- Till the year 2004, "unlawful" activities referred to actions related to secession and cession of territory. Following the 2004 amendment, "**terrorist act**" was added to the list of offences.
- The Act assigns absolute power to the central government, by way of which if the Centre deems an activity as unlawful then it may, by way of an Official Gazette, declare it so.
- According to statistics published by the **National Crime Records Bureau (NCRB)**, 922 cases were reported under UAPA in 2016, which was 5% less than what was recorded in 2014, with 976 cases. At the same time, it was up by 3% from 2015 (897 cases). In total, 2,700 cases were registered over 2014, 2015 and 2016.

National Investigation Agency

- The NIA Act was enacted on 31st December, 2008 and thus the National Investigation Agency (NIA) was born.
- At present, NIA is functioning as the Central Counter Terrorism Law Enforcement Agency in India.

Source: PIB