



Demand for Repeal of UAPA

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Why in News

Recently, major Opposition parties have demanded the repeal of the **Unlawful Activities (Prevention) Act (UAPA)**, 1967 after the arrest of Stan Swamy, an 83-year-old tribal rights activist, under the UAPA in the Bhima Koregaon case.

Key Points

- According to the **Ministry of Home Affairs** data, placed before the Parliament, there has been a steady increase in the number of those arrested under the UAPA. In 2016, 999 people were arrested, in 2017, 1,054 were arrested, while in 2018 1,031 were arrested.
- However, the conviction rate in UAPA cases was found to be less than 25%.
- Also, in almost 43% of cases, the charge sheet has taken more than a year or two to be filed.

UAPA

- UAPA was passed in **1967**. It **aims at effective prevention of unlawful activities associations in India**.
Unlawful activity refers to any action taken by an individual or association intended to disrupt the **territorial integrity and sovereignty of India**.
- 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**.
- It has **death penalty and life imprisonment** as highest punishments.
- Under UAPA, **both Indian and foreign nationals** can be charged. It will be applicable to the offenders in the same manner, even if crime is committed on a foreign land, outside India.

- Under the UAPA, the investigating agency can **file a charge sheet in maximum 180 days after the arrests** and the duration can be extended further after intimating the court.
- The **2004 amendment**, added “**terrorist act**” to the list of offences to ban organisations for terrorist activities, under which 34 outfits were banned.
 - Till 2004, “unlawful” activities referred to actions related to secession and cession of territory.
- In August 2019, Parliament cleared the **Unlawful Activities (Prevention) Amendment Bill, 2019 to designate individuals as terrorists** if the individual commits or participates in acts of terrorism, prepares for terrorism, promotes terrorism or is otherwise involved in terrorism.
 - The Act empowers the **Director General of National Investigation Agency (NIA)** to grant approval of **seizure or attachment of property** when the case is investigated by the said agency.
 - The Act also empowers the **officers of the NIA, of the rank of Inspector or above**, to **investigate** cases of terrorism in addition to those conducted by the DSP or ACP or above rank officer in the state.

Source: TH