



Mains Practice Question

Q. Critically examine the objectives, provisions and implications of the Unlawful Activities (Prevention) Act, 1967. (250 Words)

10 Oct, 2023 GS Paper 2 Polity & Governance

Approach

- Begin with a brief introduction to the Unlawful Activities (Prevention) Act, 1967.
- Discuss the primary objectives of the UAPA and describe the key provisions of the UAPA, focusing on its powers and authorities granted to law enforcement agencies.
- Analyze the implications of the UAPA.
- Can be concluded by emphasizing the need for a delicate balance between national security and individual freedoms.

Introduction

The Unlawful Activities (Prevention) Act, 1967 (UAPA) is an anti-terror law that aims to curb terrorism and other unlawful activities in India. It was enacted in the aftermath of the 1962 war with China and the 1965 war with Pakistan, when the government felt the need to strengthen its internal security. The UAPA has been amended several times, most recently in 2019, to expand its scope and powers.

Body

The main objectives of the UAPA are:

- To provide for the more effective prevention of certain unlawful activities of individuals and associations, such as secessionism, communalism, and extremism.
- To deal with terrorist activities, by defining and punishing various offences related to terrorism, such as raising funds, conspiring, recruiting, harbouring, or being a member of a terrorist organisation.
- To forfeit the proceeds of terrorism or any property intended to be used for terrorism.
- To ban any association or organisation that is involved in or supports terrorism, by declaring it as unlawful or terrorist.

The main provisions of the UAPA are:

- The UAPA empowers the central government to declare any association as unlawful or terrorist, by issuing a notification in the official gazette.
 - Such a notification is subject to judicial review by a tribunal constituted by a sitting or retired judge of a high court.
- The UAPA prescribes various punishments for being a member of, or supporting, an unlawful or terrorist association, ranging from imprisonment for six months to life imprisonment, and fine.
- The UAPA also prescribes various punishments for committing or abetting any terrorist act, ranging from imprisonment for five years to death penalty, and fine.
- The UAPA authorises the central government to appoint an investigating officer and a designated authority to conduct investigation and prosecution of offences under the act.

- The UAPA also grants special powers to these officers, such as arrest without warrant, search and seizure without warrant, interception of communications, and presumption of guilt.
- The UAPA provides for the forfeiture of any property that is derived from or used for terrorism, by issuing a show cause notice to the owner or possessor of such property.
 - The owner or possessor can appeal against the order of forfeiture before a high court within one month.

The main implications of the UAPA are:

- **Violation of Human rights:** The UAPA has been criticised for being draconian and violating human rights, as it gives sweeping powers to the executive and curtails civil liberties. It has been alleged that the UAPA is used to suppress dissent and target minorities, activists, journalists, and opposition parties.
- **Unconstitutional and Arbitrary Action:** The UAPA has also been challenged for being unconstitutional and arbitrary, as it does not provide adequate safeguards against misuse and abuse. It has been argued that the UAPA violates the principles of natural justice, presumption of innocence, fair trial, and proportionality.
- **Ineffective and counterproductive:** The UAPA has also been questioned for being ineffective and counterproductive, as it does not address the root causes of terrorism and unlawful activities. It has been suggested that the UAPA should be replaced by a comprehensive and holistic law that balances national security with human rights.

Conclusion

The UAPA is a controversial law that has both positive and negative aspects. It is intended to protect the sovereignty and integrity of India from internal threats, but it also poses a threat to the democracy and diversity of India. It is imperative that the UAPA is implemented with caution and accountability, and reviewed periodically to ensure its relevance and legitimacy.

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