



1. Rajya Sabha passes Unlawful Activities (Prevention) Act, new chapter opens in India's fight against terror

- Who is a “terrorist” in the UAPA Bill?
- How are individuals declared terrorists?
- What happens when an individual is declared a terrorist?
- What are the other major changes proposed in the UAPA Bill?

GS paper 3 (Internal Security and Challenges)

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In this video, you can find detailed answers for all the above questions.

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What is the context about?



India has made a change to its anti-terrorism law, the Unlawful Activities Prevention Act (UAPA).



The Unlawful Activities Prevention Amendment (UAPA) Bill is an anti-terror legislation that seeks to designate an individual as a “terrorist”.



On July 24, Lok Sabha cleared the changes to the existing law, but Opposition parties and civil liberties lawyers have criticised the Bill, arguing it could be used to target dissent against the government, and infringe on citizens’ civil rights.



Who is a “terrorist” in the UAPA Bill?



The words “terror” or “terrorist” are not defined, but the UAPA Bill in Section 15 defines a “terrorist act” as any act committed with intent to threaten or likely to threaten the unity, integrity, security, economic security, or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country.



The original Act dealt with “unlawful” acts related to secession; anti-terror provisions were introduced in 2004.



The Bill seeks to empower the central government to designate an individual a “terrorist” if they are found committing, preparing for, promoting, or involved in an act of terror.



How are individuals declared terrorists?



The central government may designate an individual as a terrorist through a notification in the official gazette, and add his name to the schedule supplemented to the UAPA Bill.



The government is not required to give an individual an opportunity to be heard before such a designation.



The Bill does not clarify the standard of proof required to establish that an individual is involved or is likely to be involved in terrorist activities.



What happens when an individual is declared a terrorist?



The designation of an individual as a global terrorist by the United Nations is associated with sanctions including travel bans, freezing of assets and an embargo against procuring arms. The UAPA Bill, however, does not provide any such detail.



The Bill also does not require the filing of cases or arresting individuals while designating them as terrorists.



The Bill also seeks to give the central government the power to remove a name from the schedule when an individual makes an application. The procedure for such an application and the process of decision-making will also be decided by the central government.



What are the other major changes proposed in the UAPA Bill?



The existing UAPA law requires an investigating officer to take prior permission of the Director General of Police of a state for conducting raids, and seizing properties that are suspected to be linked to terrorist activities. The amendment Bill, however, removes this requirement if the investigation is conducted by an officer of the National Investigation Agency (NIA).



Central agencies such as the Central Bureau of Investigation (CBI) are required to obtain prior permission from the state government since law and order is a state subject under the Constitution.



The existing UAPA law specifies that only officers of the rank of Deputy Superintendent or Assistant Commissioner of Police of the NIA shall have the power to investigate offences under the UAPA law. The Bill seeks to allow NIA officers of Inspector rank to carry out investigations.