



KAMARAJ IAS ACADEMY
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Unlawful Activities (Prevention) Act (UAPA)

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Why is in news? Swift stay on orders of acquittal or discharge shows courts in a bad light

The manner in which the Supreme Court has suspended the operation of a Bombay High Court judgment discharging G.N. Saibaba and others in an alleged Maoist conspiracy case is quite unusual and raises critical questions.

The Unlawful Activities Prevention Act (UAPA) gives powers to the government to **declare an organisation an “unlawful association” or a “terrorist organisation”**.

The UAPA was **enacted in 1967**, and later strengthened to be modelled as an anti-terror law by the government in 2008 and 2012.

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**.

In August, Parliament cleared the **Unlawful Activities (Prevention) Amendment Bill, 2019** to designate **individuals as terrorists** on certain grounds provided in the Act.

In order to deal with the terrorism related crimes, it **deviates from ordinary legal procedures** and creates an exceptional regime where constitutional safeguards of the accused are curtailed.

Between 2016 and 2019, the period for which UAPA figures have been published by the **National Crime Records Bureau (NCRB)**, a total of **4,231 First Information Report (FIR)** were filed under various sections of the UAPA, of which 112 cases have resulted in convictions.

This **frequent application of UAPA** indicates that it is **often misused and abused like other anti-terror laws** in the past in India such as POTA (Prevention of Terrorism Act) 2002 and TADA (Terrorist and Disruptive Activities (Prevention) Act) 1987.

The **provisions of this Act apply also** to - (a) citizens of India outside India; (b) persons in the service of the Government, wherever they may be; (c) persons on ships and aircrafts, registered in India, wherever they may be.

Key provisions: It is for both **Indian and foreign nationals** can be charged.

It is **applicable** even if the offence is **committed outside India**.

A **charge sheet can be filed in maximum 180 days** after the arrests.

The **investigation has to be completed within 90 days** and if not, the accused is eligible for default bail.

A **Special Court under the UAPA** conducts trials.

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UAPA (Amendment), 2019:

Union government may **designate an individual or an organisation** as a terrorist organisation if it: commits or participates in acts of terrorism, prepares for terrorism, promotes terrorism, or is otherwise involved in terrorism.

The **investigation by the National Investigation Agency (NIA)**: Under the provisions of the Act, investigation of cases can be conducted by officers of the rank of DSP or ACP or above.

It additionally empowers the officers of the NIA, of the rank of Inspector or above, to investigate cases.

Approval of Director- General for seizure of property if the investigation is conducted by an officer of the National Investigation Agency (NIA)