

Unlawful Activities Prevention Amendment Bill, 2019

Why in news?

The Unlawful Activities Prevention Amendment Bill was recently passed in the Parliament.

What is the Bill on?

- The Bill amends the Unlawful Activities (Prevention) Act, 1967 (UAPA).
- The original Act dealt with “unlawful” acts related to secession; anti-terror provisions were introduced in 2004.
- It provides special procedures to deal with terrorist activities, among other things.
- **Concern** - There is widespread opposition to the amendments on the ground that it could be used to target dissent against the government.
- The provisions could potentially affect citizens’ civil rights.

What are the key provisions in the Bill?

- **Definition** - Under the Act, the central government may designate an organisation as a terrorist organisation if it:
 - i. commits or participates in acts of terrorism
 - ii. prepares for terrorism
 - iii. promotes terrorism
 - iv. is otherwise involved in terrorism
- The Bill additionally empowers the government to designate individuals as terrorists on the same grounds.
- The word “terror” or “terrorist” is not defined.
- However, a “terrorist act” is defined as any act committed with the intent -
 - i. to threaten or likely to threaten the unity, integrity, security, economic security, or sovereignty of India
 - ii. to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country
- **Investigation by NIA** - Under the Act, investigation of cases may be conducted by officers of the rank of Deputy Superintendent or Assistant Commissioner of Police or above.
- The Bill additionally empowers the officers of the National Investigation

Agency (NIA), of the rank of Inspector or above, to investigate cases.

- **Seizure of property by NIA** - Under the Act, an investigating officer can seize properties that may be connected with terrorism with prior approval of the Director General of Police.
- The amendment Bill, however, removes this requirement if the investigation is conducted by an officer of the NIA.
- The investigating officer, in that case, only requires sanction from the Director General of NIA.
- [Central agencies such as the CBI are required to obtain prior permission from the state government since law and order is a state subject under the Constitution.]
- **Insertion to schedule of treaties** - The Act defines terrorist acts to include acts committed within the scope of any of the treaties listed in a schedule to the Act.
- The Schedule lists 9 treaties, including -
 - i. the Convention for the Suppression of Terrorist Bombings (1997)
 - ii. the Convention against Taking of Hostages (1979)
- The Bill adds another treaty to the list, which is the International Convention for Suppression of Acts of Nuclear Terrorism (2005).
- **Designation** - The central government may designate an individual as a terrorist through a notification in the official gazette.
- His/her name is added 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.
- At present, legally, a person is presumed to be innocent until proven guilty.
- In this line, an individual who is convicted in a terror case is legally referred to as a 'terrorist'.
- And those suspected of being involved in terrorist activities are referred to as 'terror accused'.
- 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.
- **On designation** - The designation of an individual as a 'global terrorist' by the United Nations is associated with sanctions.
- 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 consequences of the designation will be prescribed in the Rules supplemented to the law once the amendment Bill is passed.

How can the names be removed?

- **Application** - The Bill 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.
- If an application filed is rejected by the government, the Bill gives the person the right to seek a review within one month of rejection.
- **Review committee** - Under the amendment Bill, the central government will set up a review committee.
- It will consist of a chairperson (a retired or sitting judge of a High Court) and 3 other members.
- It will be empowered to order the government to delete the name of an individual from the schedule that lists “terrorists”, if it considers the order to be flawed.
- Apart from these two avenues, the individual can also move the courts challenging the government’s order.

Source: PRS India, Indian Express

