Daily Mains Practice Question 06-07-2026

GS III - Internal Security

The Unlawful Activities (Prevention) Act (UAPA), 1967, seeks to strengthen India's counter-terrorism framework but has also attracted criticism for its impact on civil liberties. Discuss. ***(150 words, 10 marks)***

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Answer

Introduction:

UAPA is India's primary anti-terrorism framework designed to prevent unlawful activities such as those threatening the sovereignty, integrity, and security of India by individuals, associations, and designated terrorist organisations. Over time, especially through the 2004, 2008, 2012, and 2019 amendments, it has evolved into a comprehensive counter-terrorism law.

Main Body

How does it strengthen India's counter-terrorism framework?

- **Comprehensive legal framework** – It defines & penalises unlawful & terrorist activities, terrorist organisations, and terror funding.
- **Designating individuals as terrorists** – The 2019 amendment allows the Central Government to designate not just organisations, but individual persons as terrorists.
- **Greater investigation powers** – It permits extended detention without formal charges (up to 180 days), stringent bail provisions & wider search and seizure powers, and longer investigation periods.
- **Special Courts** – Trials for offences under the Act are handled by designated Special Courts for dedicated & speedy trial of terrorism-related offences.
- **More powers to NIA** – Allow the National Investigation Agency (NIA) to attach properties acquired from proceeds of terrorism & investigate cases with international and inter-state ramifications without requiring prior state government approval.
- **International cooperation** – Helps India to comply with international obligations

under the UN Security Council resolutions & Financial Action Task Force (FATF) framework.

What are the criticism with UAPA?

- **Stringent bail provisions** – Under section 43D (5), bail is difficult, often resulting in prolonged pre-trial detention that functions as punishment.
- **Vague definitions** – Key terms like "unlawful activity" and "terrorist act" are broadly defined, may affect legitimate dissent, peaceful protests and journalism.
- **Presumption of Guilt** – Allows individuals to be labelled as terrorists without a conviction, weakening the principle of innocent until proven guilty.
- **Overbroad government powers** – Authorise the NIA to conduct searches, seizures, and arrests across states without prior approval from state governments.
- **Potential misuse** – Allegations against the law could be misused against political opponents, civil society activists and dissenters, which may have a chilling effect on free speech under Article 19.
- **Impact on personal liberty** – Long detention before trial can undermine the right to life and personal liberty under Article 21.

What measures need to be taken?

- **Clarifying definitions** – Narrow and clear definition of "unlawful activity" and "terrorist act" to prevent the misuse of the law.
- **Judicial oversight & bail** – Strengthen judicial scrutiny, ensure speedy & independent trials over arrests, detention, and terrorist designation.
- **Independent review mechanisms** – Establish independent review panels to examine evidence before confirming an individual's designation as a terrorist.
- **Strict timelines for investigations** – Conduct time-bound investigations and trials to prevent unnecessary delays and safeguard personal liberty.

Conclusion:

UAPA remains an indispensable tool in combating terrorism and safeguarding national security. However, its implementation must be accompanied by strong judicial oversight, procedural fairness, and upholding constitutional rights to ensure that the fight against terrorism does not come at the cost of civil liberties.

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