India extends ban on LTTE

Why in news?

The Indian government has extended the ban on the Liberation Tigers of Tamil Eelam (LTTE) for another 5 years under the Unlawful Activities (Prevention) Act.

What is LTTE?

- **Established year**-In 1976 by Velupillai Prabhakaran.
- **Goal**- To create an independent Tamil Eelam out of Sri Lanka.
- **India and LTTE**- India has initially supported the guerrillas, the relationship significantly detoriated after India deployed the Indian Peacekeeping Force (IPKF) to Sri Lanka.
- **High profile assassination**- Former Prime Minister of India Rajiv Gandhi has been assassinated by an LTTE suicide bomber in 1991, Sri Lankan President has also been assassinated in 1993.
- **Territory control**- It controlled significant territories in Sri Lanka utilizing women and children in combat before being defeated in 2009.
- **Terrorist designation**- LTTE was designated as a terrorist organization by 32 countries.

  US designated the LTTE as a Foreign Terrorist Organization (FTO) in 1997

- **India's ban on LTTE**- India first banned the LTTE after the assassination of Rajiv Gandhi, the ban was last extended for five years in 2019.

What does a 'ban' on an organisation mean?

- **Declaration of an organisation**- The UAPA gives powers to the government to declare an organisation an "unlawful association" or a "terrorist organisation".

  Section 3 of the UAPA deals with the declaration of an association as unlawful.

- **Terrorist organisation**- The UAPA defines "terrorist organisation" as an organisation listed in the Schedule to the UAPA, or an organisation operating under the same name as an organisation so listed in the Schedule.
- **Schedule 1**- It currently lists 42 organisations as terrorist organisations.
- **Criteria-** The law states that an organisation shall be deemed to be involved in terrorism, if it,
  - Commits or participates in acts of terrorism, or

    - Prepares for terrorism, or
    - Promotes or encourages terrorism, or
    - Otherwise involved in terrorism
- **Removal of an organisation from the Schedule**- An application can be made to the central government by the organisation itself or any person affected by inclusion of the organisation in the Schedule.
- **Review committee**- It is headed by a sitting or former judge of a High Court is appointed to judicially review the application.

What is a UAPA tribunal?

- **Procedure**- After the Centre's declaration of an organisation as unlawful, its notification must reach the tribunal within 30 days to adjudicate whether or not there is sufficient cause for the move.
- **Give notice**-The tribunal then calls upon the association, by notice in writing, to show cause within 30 days why it should not be declared unlawful.
- **Inquiry**-It then holds an inquiry and decides the matter within 6 months.
- **Constitution**- The tribunal consists of only on person who has to be a High Court judge.
- **Staff requirements**- The Centre will provide the necessary staff to the tribunal for the discharge of its functions.
- **Fund**- All expenses incurred for the tribunal are borne out of Consolidated Fund of India.
- **Power of tribunal**- The tribunal has power to regulate its own procedure, including the place at which it holds its sittings.

The tribunal has the same powers as vested in civil court under the Code of Civil Procedure, 1908 in certain matters as specified

What are the consequences of such declaration?

- **Association of individuals** - The association of individuals with a terrorist organisation is punishable with imprisonment for a term not exceeding 10 years.

Membership, support, or association with these organizations is prohibited.

- **Exemption-** If the individuals have been members before declaring it as terrorist organisation and did not take part in any activities of the organisation at any time during its inclusion in the Schedule.
- **Punishment**- UAPA prescribes punishment for
    - Being member of terrorist gang or organisation
    - Holding proceeds of terrorism.
- **Funding** - Funding a terrorist organisation is also criminalized under the UAPA Act.

Quick facts

Key provisions of Unlawful Activities (Prevention) Act, 1967
• **Aim-** To prevent unlawful activities associations in the country. • **Objective-** To provide the necessary legal framework for dealing with activities that are considered threats to the integrity and sovereignty of India. • **Definition of unlawful activities**- Actions intended to disrupt the sovereignty and territorial integrity of India. • **Definition of terrorist acts**- Actions that threaten the unity, integrity, security, or sovereignty of India or cause terror among the people or a section of people. • **Unlawful associations**- Any organization could now be termed as 'unlawful' by the government subject to judicial review. • **Terrorist organizations**- The government can designate organizations as terrorist organizations and list them in the First Schedule of the Act. • **Penalty-** The Act prescribes severe penalties for various offenses, including membership in terrorist organizations, funding terrorism, and committing terrorist acts. • **Investigation** - Law enforcement agencies have enhanced powers to investigate and arrest individuals suspected of involvement in unlawful activities or terrorism. • **Detention**- The Act allows for the detention of suspects for up to 180 days without charge, with court permission. • **Forfeiture of property**- Property used for or derived from terrorist activities can be forfeited under the Act. • **Admissibility of evidence**-The Act allows for the admissibility of electronic evidence and intercepted communications in court. • **Special courts-** The Act provides for the establishment of special courts to conduct trials for offenses under the UAPA. • **Bail provisions**- The UAPA has stringent bail provisions, making it difficult for individuals accused of terrorism-related offenses to secure bail. • **International Cooperation**- The Act facilitates cooperation with foreign countries and international organizations in matters related to terrorism, including extradition and mutual legal assistance.

References

1. Indian Express- India extends ban on LTTE
2. The Hindu- Government extends ban on LTTE

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