India’s anti-Terror laws

What is the issue?

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- Recently, Maharashtra police arrested 5 prominent human rights activists on charges based on the stringent “Unlawful Activities Prevention Act” (UAPA).
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- In this context, it would be pertinent to look into how India’s anti-terror laws evolved over the years.
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What are the main anti-terror laws in India?

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TADA

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- Terrorist and Disruptive Activities (Prevention) Act, 1987, was at one time the main law used in cases of terrorism and organised crime.
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- But due to rampant misuse, it was allowed to lapse in 1995.
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- The Act defined what “terrorist act” and “disruptive activities” mean, and put restrictions on the grant of bail.
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- It also gave enhanced power to detain suspects and attach properties.
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- The law made “confessions given to a police officer” admissible as evidence.
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- Separate courts were set up to hear cases filed under TADA.
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POTA

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- In wake of the 1999 IC-814 hijack and 2001 Parliament attack, there was a clamour for a more stringent anti-terror law.
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- This came in the form of “Prevention of Terrorism Act” (POTA), 2002.
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- A suspect could be detained for up to 180 days by a special court.
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- The law made fundraising for the purpose of terrorism a “terrorist act”.
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- A separate chapter to deal with terrorist organisations was included.
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- Union government was mandated to maintain a list of organised that would fall under the act’s radar and had full authority to make additions or removals.
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- However, reports of gross misuse of the Act by some state governments led to its repeal in 2004.
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UAPA

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- **Strengthening -** In 2004, the government chose to strengthen the “Unlawful Activities (Prevention) Act, 1967, in accordance with international standards.
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- It was amended to overcome some of the difficulties in its enforcement and to update it to match “Financial Action Task Force” (international) guidelines.
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- By inserting specific chapters, the amendment criminalised the raising of funds for a terrorist act, and holding of the proceeds of terrorism.
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- Membership of a terrorist organisation, support to a terrorist organisation, and the raising of funds for a terrorist organisation were also made a crime.
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- It increased the time available to law-enforcement agencies to file a charge sheet to six months from three.
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- **Further -** The law was again amended in 2008 after the Mumbai Serial attacks, and again in 2012 to make it more comprehensive.

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- The definition of “terrorist act” was expanded to include offences that threaten economic security, and counterfeiting Indian currency.
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- Procurement of weapons was also made a crime under the act.
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- Additional powers were granted to courts to provide for attachment or forfeiture of property or the proceeds of terrorism involved in the offence.
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What is “Financial Action Task Force” (FATF)?

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- FATF is an inter-governmental organisation set up in 1989 to develop policies to combat money laundering and terrorist financing.
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- India got FATF membership in 2010 on the assurance that it would make suitable amendments in the Act by March 2012.
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Source: Indian Express

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