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

