Working of UAPA Tribunal

Why in news?

The Popular Front of India (PFI) which was declared an “unlawful association” under the Unlawful Activities Prevention Act (UAPA) by the Centre will now have the option to present its case before the UAPA tribunal.

What is the PFI case about?

- The Popular Front of India (PFI) describes itself as a NGO and a neo-social movement striving for the empowerment of marginalized, deprived and oppressed sections of India.
- Recently, the National Investigation Agency (NIA) arrested over 100 leaders and activists of the PFI after raids in 15 States.
- In response to large-scale arrests of its leaders, the PFI organised a dawn to dusk hartal.
- Extremely provocative slogans and speeches formed part of the protest.
- It led to sporadic incidents of violence with police officers being attacked and inter-state buses being targeted.
- The Union Ministry of Home Affairs has banned the outfit for a period of 5 years under the UAPA for its involvement in organising terror camps and encouraging youth to join terror activities.
- It will now have the option to present its case before a tribunal that must confirm the government notification for the ban to continue.

To know more about the issue, click here

What is the UAPA law?

- The Unlawful Activities Prevention Act (UAPA) gives powers to the government to declare an organisation an “unlawful association” or a “terrorist organisation”.
- 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

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.
- The tribunal then calls upon the association, by notice in writing, to show cause within

30 days why it should not be declared unlawful.
- It then holds an inquiry and decides the matter within 6 months.
- **Constitution-** The tribunal consists of only one person, who has to be a High Court judge.
- The Centre will provide the necessary staff to the tribunal for the discharge of its functions.
- All expenses incurred for a tribunal are borne out of the Consolidated Fund of India.

What powers do the tribunal has?

- **Regulation of own procedure**- The tribunal has power to regulate its own procedure, including the place at which it holds its sittings.
- It can hold hearings in different states for allegations pertaining to those states.
- **Powers regarding inquiries-** The tribunal has the same powers as vested in a civil court under the Code of Civil Procedure, 1908, in matters of
    - Summoning a witness and examining him on oath
    - Production of any document or other material object producible as evidence
    - Reception of evidence on affidavits
    - Requisitioning of any public record from any court or office
    - Issuing of any commission for the examination of witnesses
- All proceeding before the Tribunal are deemed to be judicial proceedings.
- Government notifications, with a few exceptions, have largely been confirmed by the tribunals.

What are the criticisms against the tribunal?

- **Lack of transparency**- Proceedings of the tribunal have been criticised for being opaque.
- The UAPA permits public non-disclosure of information on bans given the sensitivity involved.
- **No accesst to defend**- Often, the government gives evidence in sealed cover, leaving no opportunity for an organisation to defend itself.

What does the ban mean?

- The ban means that the membership of support or financing to the PFI and the allied banned organizations is now illegal.
- Any person who is a member of these organisations can face arrest.
- The government can also seize the properties, bank accounts and offices connected to these organisations.

References

1. https://indianexpress.com/article/explained/appealing-the-pfi-ban-how-uapa-tribunal-works-8179064/
2. https://www.indiatoday.in/law/story/explained-how-an-organisation-is-banned-under-stringent-uapa-law-2005850-2022-09-28



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