

Unlawful Activities (Prevention) Act of 1967

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In news

Delhi High Court grants bail to accused in UAPA case

A brief note on the issue

- Recently, the Delhi High Court granted bail to an accused in the main conspiracy case registered by Delhi Police in connection with the Northeast Delhi violence.
- The accused Faizan Khan, a SIM card provider, is the first accused to be granted bail on merits in the case after the police added provisions of UAPA to the FIR being investigated by Delhi Police's Special Cell.
- The court said that "The onerous conditions/embargo under section 43D (5) of the UAPA, 1967 will not be applicable in the present case qua the petitioner herein as per the material on record and the investigating agency owns status report, which does not disclose the commission of the offences under the UAPA, 1967, except bald statements of the witnesses"

Key Provisions of UAPA

- The UAPA, an upgrade of the TADA Act (lapsed in 1995) and the POTA Act (repealed in 2004) was originally passed in the year 1967.
- Till the year 2004, "unlawful" activities referred to actions related to secession and cession of territory.
- Following the 2004 amendment, "terrorist act" was added to the list of offences.
- By inserting specific chapters, the amendment criminalised the raising of funds for a terrorist act, and holding of the proceeds of terrorism.

- Membership of a terrorist organisation and support to a terrorist organisation were also made a crime.
- It increased the time available to law-enforcement agencies to file a charge sheet to six months from three months.
- The law was again amended in 2008 after the Mumbai Serial attacks, and again in 2012 to make it more comprehensive.
- The definition of “terrorist act” was expanded to include offences that threaten economic security, and counterfeiting Indian currency.
- Procurement of weapons was also made a crime under the act.
- Additional powers are granted to courts to provide for attachment or forfeiture of property equivalent to the counterfeit Indian currency involved in the offence or to the value of the proceeds of terrorism involved in the offence.
- As of now, under Section 35 of the UAPA, there are 39 groups in the list of banned terrorist organisations, the latest one to have been added being the NSCN (Khaplang)

Recent amendments to UAPA

Following are the key amendments proposed:

- The central government may designate an organisation as a terrorist organisation if it:
 1. commits or participates in acts of terrorism
 2. Prepares for terrorism
 3. promotes terrorism, or
 4. is otherwise involved in terrorism.
- The amendment additionally empowers the government to **designate individuals** as terrorists on the same grounds.
- Investigation of cases may be conducted by officers of the rank of Deputy Superintendent or Assistant Commissioner of Police or above. The amendment

additionally empowers the officers of the NIA, of the **rank of Inspector or above**, to investigate cases.

- 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 nine treaties, including the Convention for the Suppression of Terrorist Bombings (1997), and the Convention against Taking of Hostages (1979).
- The amendment adds another treaty to the list- **International Convention for Suppression of Acts of Nuclear Terrorism (2005)**.
- The amendments give powers to the **Director-General of the National Investigation Agency** (NIA) to **attach properties** acquired from proceeds of terrorism.
- Earlier, the law required that the NIA take prior permission from the respective state police chief to attach the proceeds of terrorism.