Defence & Security · GS - III

Indian Government has recently strengthened the anti-terrorism laws by amending the unlawful Activities (Prevention) Act (UAPA), 1967 and the NIA act. Analyze the changes in the context of prevailing security environment while discussing the scope and reasons for opposing the UAPA by human rights organizations.

EXAM YEAR	PAPER	SUBJECT
2019	GS - III	Defence & Security

MARKS	WORD LIMIT
15	~250 words

Answer Hint

UAPA Amendment 2019; individual terrorist designation; NIA powers; transnational terrorism; investigation capacity; due process; civil liberties; misuse concerns; judicial safeguards

Model Answer

Introduction

The Unlawful Activities (Prevention) Act, 1967, is India’s principal anti-terrorism legislation. Amendments in 2019 expanded the legal framework for addressing terrorism, while also raising concerns about civil liberties and procedural safeguards.

Major Changes

1. Individual Designation under UAPA

The 2019 amendment enabled the government to designate individuals as terrorists under the Act’s Fourth Schedule, in addition to listing terrorist organisations.

2. NIA Amendment

The National Investigation Agency (Amendment) Act, 2019 expanded the NIA's jurisdiction and powers. It permitted investigation of specified additional offences, including certain offences involving human trafficking, counterfeit currency, prohibited arms, cyberterrorism and explosives, subject to the statutory framework. It also expanded the categories of Special Courts and enabled NIA officers of the prescribed rank to investigate scheduled offences.

3. Security Rationale

- Terrorist networks operate across borders and may involve individuals acting independently of formally designated organisations.
- Wider investigative powers can support coordination and specialised investigation.
- The amendments aim to improve the state's capacity to respond to evolving terrorist threats.

Concerns Raised by Human Rights Organisations

- **Broad definitions:** Some provisions may be interpreted expansively, creating risks for lawful dissent.
- **Individual designation:** Designation before criminal conviction raises concerns about reputational damage, restrictions and the burden of challenging the decision.
- **Bail restrictions:** UAPA's stringent bail provisions can result in prolonged detention before trial.
- **Risk of misuse:** Critics fear selective application against activists, journalists or political opponents.
- **Procedural fairness:** Delays in investigation and trial can weaken the presumption of innocence and access to timely justice.

Way Forward

Terrorism cases require effective investigation, but also clear evidence standards, prompt trials, independent judicial scrutiny, transparent review of designations and accountability for misuse.

Conclusion

National security and constitutional freedoms must reinforce one another. Strong anti-terrorism laws are most effective when their application is proportionate, evidence-based and subject to meaningful legal safeguards.