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UNLAWFUL ACTIVITIES PREVENTION ACT 2019

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INTRODUCTION

Article 19, which we all know guarantees the right of speech, expression, to assemble peacefully to form association or union (co-operative) societies, to move freely throughout the territory of India, to reside and settle in any part of the territory of India. To carry out any occupation trade or business. Specially mentioned in our constitution that nothing in sub clause (b) of the given clause shall not affect the operation of the existing law insofar as it imposes or prevents the state from making any law imposing in the interest of the (Sovereignty and integrity of India) or public order, reasonable restrictions on the exercise of the right conferred by the said sub clause.

Literal meaning of unlawful activity prevention Act. It is said that it was aimed in 1967. But in the modern times there are debates and criticism of the Unlawful Prevention Act. Many of the leaders and politicians argued about the Defacto of Unlawful Prevention Act in the houses as well as tried to make a political Vedanta resources in order to describe Unlawful Activities. People often tried to come in the criticism counterfeit that this Unlawful Activity Prevention Act have been misused by the Government. In the year 1960, 1960 NIA was came into force. The National Integration and Regionalism appointed another from which was NIC. This was the time when Art 19, the fundamental rights were been restrained and restricted.

Critics often came into the argument that the constitution have given us the fundamental rights where it was the Government who is always against this and tried to snatch away the fundamental rights from the citizens. The 16th Constitutional Amendment Act, was passed in 1963 enacted and empower the parliament strength to abolish by giving the power in absolute way. This was done in order to protect the sovereignty and Integrity of India on in the whole. The Bill was called Unlawful Activity Prevention Act was already passed in Lok Sabha was awaiting for Rajya Sabha during the month of August 2019. This was the time when despite of having objection from the opposition party in Tanya Sabha the Bill was passed which was presented by the ministry of Home Affairs Shri Amit Shah.

The Bill was presented in such a manner to the house of Rajya Sabha during the time of August 2019 following the objections drawn by the leaders of Congress and other parties in the Rajya Sabha in front of the speaker of Rajya Sabha. During his presentation we saw if we follow the record the two famous political personality like P. Chidambaram and Digvijay has made arguments in order of the specified explanations in this Bill. Let us now critically try to examine the Bill which recorded both the merits and demerits on this ground. A recent Judgement passed by the Supreme Court in the 5th September discussed the need of a separate law against custodial torture. The petition filed laid a distinctive demand of having an entirely

separate legislation for the Country which deals with Custodial Torture. Another point of law to be discussed in the judgement is the scope and extent of the doctrine of separation of powers, which is being discussed long. since Keshavananda Bharti Case. The petition was filed by renowned Senior Advocate Dr. Ashwani Kumar but unfortunately, this petition was dismissed by the Supreme Court citing various reasons amongst one which said that the issue has been laid before the Law Commission for its perusal and that soon something worthy is expected to come out of it.

MERITS

- 1) This would be a right and strict Bill, in terms of Punishment as well.
- 2) The unlawful Activities preventing Amendment Act was done in 1969.
- 3) The criminal law Amendment Act 1972
- 4) The delegates Legislation Provision done amendment 1986.
- 5) During the time of Congress in 2004 the Unlawful Activities Prevention Act, The Second amendment was done in 2008 and consequently the third Amendment was done in 2012.
- 6) During the year of 2001, India seen a terrible attack in the house of Parliament. The amendment on UAPA made some substantial changes in the literal meaning of UAPA. This definition now included "Terrorist Act" and "TERRORISM Organisations " After the POTA act was repealed, the Terrorist gang concept was introduced after this amendment.
- 7) The total power was enjoyed by the central Government in this Act. No state law interferes in this regulation or no FIR or charge sheet given.
- 8) During December 17, 2008, again India moved to a new direction of amendment in the act of UAPA following the Attack of Mumbai CST and Mumbai Taj Attack. It was time when the whole nation stood for one cause that is to eradicate Terrorism. It was not only a mere attack in the country.
- 9) To stop the funding the anti national groups. To control countrys economic security. To fulfill FATF commitments.
- 10) Now not only the Government can ban an organisation but also can mark an individual as a Terrorist.

DEMERITS OF THIS ACT

- 1) The definition in UAPA is Vague that means no specific way is given to encompass the range or stage of mom violence, Political activity, including political protest.

2)The UAPA can be termed as a Draconian Provision.

3)Terrorist Organisation (which is subject to Judicial Review.The definition of Unlawful Activities including disclaming as questioning the territorial integrity of India and causing disaffection against India.

4)At what stage not only Organisation but an individual should be entitled as a Terrorist.

Though it has a regular criminal mindset by gas the explanation is no specific there are many complications in terms of proper assessment of Cases.

THE POWER OF UAPA

1)Search,Seize,then arrest without warrant.

2)No need of filling charge sheet and detention without a charge sheet for up to 180 days and can be in the police custody up to 30 days.

3)There is no activity proved In the court presuming the guilt of a person as a Terrorist.

4)Secret witnesses,Camera Proceedings ,Close door hearing and creation of Special court.

5)No permission for mandatory periodic review.

Let's discuss who can be termed as a Terrorist accordingly to this Act??

**Non secular maoist ideologies people.

**By virtue of the declaration given to an organisation as Unlawful or telling somebody as terrorist and banning them.Banning the philosophies.

The crimes stated here are--

- A)Committing a violent Act
- B)Membership or Association
- C)Attending any meeting.

Case Law-- In 2019,in Bhima Koregaon there was an arrest of 5 Suspects who were suspected elected as Terrorist.The police suspected that those 5 persons to be linked with Maoists.Apart from,a letter there is no such strong evidence to be justified.

THE ROLE OF JUDICIARY

Many of the Judges have supported this Bill many did not. They have made objections against the Bill. Those who are in the favour seeing the scope of Supreme Court attempted to narrow the provision of the association to such violence or any kind of disruptive activities.

Those who are against the Bill saw the infringement of rights and the constitutional guarantees of freedom of speech and expression thought. This application done by the ruling which was vague patchy and arbitrary.

CONSEQUENCES OF UAPA

It is to be said that the cognizance is taken by the Government itself from day one where the accused or rather the presumed accused will be acquitted after spending more than a decade in jail.

72% of the people charged under UAPA Art 21 and Art 19 Have not been provided and misused thought by the critics.

The people who supported UAPA must be given a strong hand to control the disruptive violent ruthless act so that it can be stopped. But, this reasoning subordinate the personal liberty of life the right for a fair trial to the over reaching concern.

The main reason of the amendment of this Bill is to protect the sovereignty and Integrity of our motherland.

DRAWBACKS

Few real cases of conviction done under this Act--

G.N. SAIBABA ,who was a professor by getting into some opinion or for an article got life imprisonment. He is physically very ill is staying in Nagpur Jail despite of bad health condition or any such medical facility.

In pune, a mere girl who was only 19 years possessing a newspaper written literature of the theories was been convicted for an year.

In 2006 in Hubli Conspiracy case -17 students had been arrested issuing Bihari matter had been suspected was send for imprisonment of 6 years.

CONCLUSION

Despite of criticism and technical unspecified definitions I would like to say that this Bill was mandatory in order to give a strict answer to TERRORISM .It is to safeguard our national integrity.Our national security due to frequent attacks have shaken.U.A.P.A have natinalised law without any interruption of state matter or any form and procedures .Because of the reason already stated that the presumption of being unlawful doesn't came from a mere thought.It is the entire call of the following intelligence department and special task force working on it.



