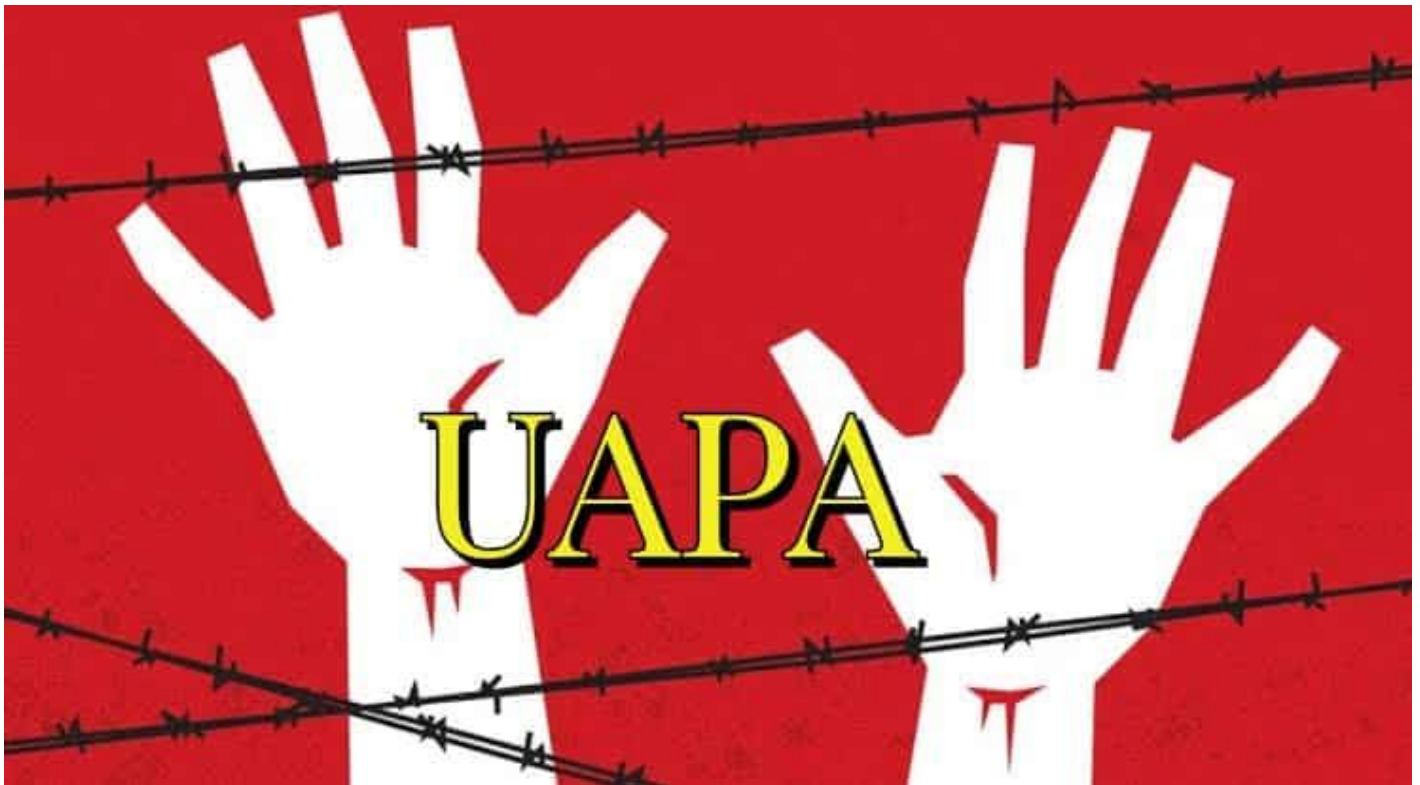


Unlawful Activities Prevention Act: Mere membership of a banned outfit is a crime under UAPA

March 25, 2023 • vajiramandravi.com



What's in today's article?

- Why in News?
- What is the Unlawful Activities (Prevention) Act (UAPA)?
- News Summary Regarding the Recent SC Judgement

Why in News?

- The SC clarified that a person who “is or continues to be” even a “**mere member**” of a banned organisation is liable to be found criminally liable under the draconian UAPA.
- With this judgement, the SC has **set aside a series of its own judgments** which had concluded that “mere membership” unlike “active membership” did not make a person a criminal or a terrorist.

What is the Unlawful Activities (Prevention) Act (UAPA)?

- It is an **Indian law** (also known as the Anti-terror law) enacted in **1967** and applies to citizens of India who are abroad, persons in service of the Indian government, and persons on ships and aircraft registered in India.
- It lays down the **definitions and rules for designating an organisation** as an “unlawful association” if it is engaged in **certain types of activities directed against the integrity and sovereignty of India**.
- Under the Act, the central government may designate an organisation as a terrorist organisation if it:
 - commits or participates in acts of terrorism;
 - prepares for terrorism;
 - promotes terrorism;
 - is otherwise involved in terrorism;
- **The most recent amendment of the law**, the Unlawful Activities (Prevention) Amendment Act, 2019 has made it possible for the Union Government **to designate individuals as terrorists without following any formal judicial process**.

News Summary Regarding the Recent SC Judgement:



In 2011, SC had said
mere membership of a
banned organisation
would not make a person a
criminal, unless the person
resorted to violence or incited
people to violence, or created
public disorder

**Bench did not agree that the
top court in 2011 had placed
reliance on US court
judgements**



**Articles 19(1)(a) and
19(2) of the
Constitution deal with
freedom of speech and
expression and the
government's power to
impose reasonable restrictions**

Image Caption: SC verdict on UAPA

- The judgement was based on an intra-court reference made in 2014.
- According to the apex court, an organisation is declared unlawful and banned **only after the Centre is satisfied** that it is indulging in unlawful activities against the sovereignty and integrity of India.

- The declaration of an organisation or association as unlawful is **publicly notified by the Centre** and this naturally leads to the conclusion that every member of the organisation would know about the ban.
 - **But a person choosing to continue** (a conscious decision) as a member despite knowing about the ban shall be punishable with an imprisonment of up to 2 years and fine (under **Section 10(a)(i)** of the UAPA).
 - **Such a person cannot later claim** that the law has a chilling effect on his **fundamental right of association** [Article 19 (1)(c)].
 - **Under Article 19(4)**, the State may by law impose reasonable restrictions on this [Article 19 (1)(c)] right in the interest of public order or morality or the sovereignty and integrity of India.
 - The court clarified that **persons who had left the organisation** and were not members at the time it was declared unlawful, cannot be held criminally liable under Section 10(a)(i) of the UAPA.
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Q1) What is the power of UAPA?

It also provides wide-ranging powers to the Central Government to designate organisations as terrorist organisations and also prescribes the penalties for taking part in the activities of such organisations.

Q2) What is the success rate of UAPA?

The conviction rate in cases registered under the Unlawful Activities (Prevention) Act by the Centre is more than 94%.

Source: [SC changes stand; now mere membership of a banned outfit is a crime under UAPA](#)

Source: <https://vajiramandravi.com/current-affairs/unlawful-activities-prevention-act-mere-membership-of-a-banned-outfit-is-a-crime-under-uapa/>

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