

Unlawful Activities Prevention Act (UAPA), 1967

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What's in today's article?

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- The Unlawful Activities Prevention Act (UAPA), 1967
- Key provisions of UAPA
- 2019 Amendment of UAPA
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- News Summary: NewsClick founder arrested under UAPA
- Background:

Why in news?

- Delhi Police has arrested NewsClick founder and its editor-in-chief Prabir Purkayastha and Amit Chakravarty, firm's human resources head, under the Unlawful Activities (Prevention) Act.
- This was done after the allegations that the portal received funds for pro-China propaganda.

The Unlawful Activities Prevention Act (UAPA), 1967

- Enacted in 1967, UAPA is the primary counter-terror law in India.
- It was enacted to outlaw and penalise unlawful and terrorist activities, which pose a threat to the integrity and sovereignty of India.

Key provisions of UAPA

- **Wide ranging powers to Central Govt**
 - It provides wide-ranging powers to the Central Government to designate organisations as terrorist organisations and
 - It also prescribes the penalties for taking part in the activities of such organisations.
- **Applicability**
 - It is also applicable if the offences are committed outside India.
 - Both Indian and foreign nationals can be charged.
- **Timeline**
 - A charge sheet can be filed in maximum 180 days after the arrests.
 - The investigation has to be completed within 90 days.
 - If investigation is not completed with the stipulated time, the accused is eligible for default bail.
- **Special court**
 - The act establishes a special court designated to conduct trials.

2019 Amendment of UAPA

- The original act was amended in the years 2004, 2008, 2013, and 2019 to increase its scope and ambit. 2019 amendment changed the following:
- **Who may commit terrorism:**
 - The amendment additionally empowers the government to designate individuals as terrorists on the same grounds.
- **Approval for seizure of property by NIA:**
 - The Amendment adds that if the investigation is conducted by an officer of the NIA, the approval of the Director General of NIA would be required for seizure of such property.
- **Insertion to schedule of treaties**
 - 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. This is the International Convention for Suppression of Acts of Nuclear Terrorism (2005).

Sanction to prosecute under UAPA

- Section 45(1) of the UAPA says no court shall take cognizance of any offence under the Act without the previous sanction of the central or state government or any officer authorised by them.

- Under Section 45(2), the sanction for prosecution has to be given within a prescribed time only after considering the report by the competent authority.
 - The authority is expected to make an independent review of the evidence gathered by the investigation agency before making a recommendation to the government for the sanction.

News Summary: Newsclick founder arrested under UAPA

- The Delhi Police arrested Prabir Purkayastha, founder and Editor-in-Chief of news portal NewsClick and its Human Resources head Amit Chakraborty in an alleged terror case.

Background:

- **FIRs registered**
- The Special Cell of the Delhi Police had registered a first information report (FIR) in the case in August 2023.
- The police registered the case under Sections 13, 16, 17, 18 and 22 of the UAPA.
 - **Section 13** – Punishment for unlawful activities
 - **Section 16** – Punishment for terrorist act
 - **Section 17** – Punishment for raising funds for terrorist act
 - **Section 18** – Punishment for organising of terrorist camps
 - **Section 22** – Punishment for threatening witness
- Cases were also registered under Sections 153A and 120B of the Indian Penal Code (IPC).
 - **Section 153A** – imposes criminal liability upon those who spread enmity and disharmony between different groups.
 - **Section 120B** – being part of a criminal conspiracy to commit a serious offense punishable.
- The FIR was registered days after The New York Times published a report in August 2023 that the portal received money from American businessman Neville Roy Singham to spread Chinese propaganda.
- **Allegations are already under investigation by the Enforcement Directorate (ED)**
 - The allegations are already under investigation by the Enforcement Directorate (ED) since 2021.
 - The ED has accused the company of money laundering, claiming that the portal received ₹77 crore as foreign remittance between the years 2018-21.
- **Police raid**
 - Police raided the homes and offices of journalists, authors, academics, contributors and a satirist associated with the news portal in a terrorism case.
 - The journalists were asked questions about:
 - the Delhi communal riots;
 - the CAA agitation of 2019-20,
 - the farmers protest of 2020-21 and
 - whether they used encrypted messaging applications such as Signal on their phones.
 - The phones and laptops of all the employees, contributors and consultants of the news portal were seized.

Q1) What is Indian Penal Code (IPC)?

The Indian Penal Code (IPC) is India's official criminal code. It was established in 1860 during the British colonial period. The IPC came into force in 1862 in all British Presidencies, but did not apply to the Princely states.

Q2) What is Enforcement Directorate (ED)?

The Enforcement Directorate (ED) is a law enforcement agency and economic intelligence agency in India. It was established in 1956 and is part of the Department of Revenue, Ministry of Finance, Government of India.

Source:

- [Delhi Police arrest NewsClick founder, HR head in alleged terror case](#)
- [MHA](#)
- [PRS India](#)
- [Hindustan Times](#)

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