

3. Designating Terrorist Under UAPA

Prelims: Governance- Security

Mains: GS-III- Challenges to internal security through Communication Networks, role of media and Social Networking sites in Internal Security Challenges, basics of Cyber Security; Money-Laundering and its Prevention.

Context:

- ▶ Maulana Masood Azhar, Hafiz Saeed, Zaki-ur-Rehman Lakhvi and Dawood Ibrahim, who are on India's most-wanted list, became the first individuals to be declared terrorists invoking the **new Amendments to the Unlawful Activities (Prevention) Act Passed** by Parliament recently.

Designation of Terrorist:

- ▶ Jaish-e-Mohammad (JeM) chief Azhar figures as the first name in list in Fourth Schedule of UAPA followed by Lashkar-e-Taiba (LeT) chief Saeed, LeT chief commander Lakhvi and underworld don Dawood.
- ▶ **All of them have already been designated global terrorists by the United Nations** earlier for their involvement in terrorist acts and have red corner notices issued against them by the Interpol.

UAPA New Amendment Provision:

- ▶ According to the amendment, individuals could also be declared as terrorists. Earlier, only groups or organisations could be declared as terrorists.
- ▶ The notification was issued based on **clause (a) of sub-section (1) of section 35 of the Unlawful Activities (Prevention) Act** which empowers the Central government to notify the name of an individual in the fourth schedule to the Act, if it believes that the individual is involved in terrorism.
- ▶ The new Amendment seek “to introduce fourth schedule to add or remove the name of individual terrorists.
- ▶ This will allow the Central government to designate individual terrorist and bring in embargo on arms/assets seizures.
- ▶ The individual however can appeal against the inclusion of his/her name and seek a hearing before the review committee, constituted by the Central government under UAPA.

United Nations:

- ▶▶ Azhar has been designated as a global terrorist by the United Nations under the **United Nations Security Council** Resolution 1267 on May 1 this year.
- ▶▶ Dawood is also designated as a global terrorist by the United Nations under the United Nations Security Council Resolution 1267 and listed in Al-Qaeda sanction list on November 3, 2003.

Issues already with Unlawful Activities Prevention Act, 1967 (UAPA):

- ▶▶ It casts such a wide net of offences that it makes all kinds of legitimate, constitutionally protected activity an offence: the police can choose who they want to prosecute, when and for what reason.
- ▶▶ It allows for persons to be held in custody for six months before they get to know the case against them.
- ▶▶ Bail is so stringent as to be almost unavailable, this is an affront to the 'dignity' and the 'presumption of innocence' that our Constitution entitles all of us to.
- ▶▶ It reverses the presumption of innocence and presumes guilt, a guarantee of wrongful imprisonment and false convictions.

