

LOK SABHA PASSES THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT BILL, 2019

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Ministry of Home Affairs

Lok Sabha passes the Unlawful Activities (Prevention) Amendment Bill, 2019

Individuals engaging in terrorist activities or sympathizing with terrorist would not be spared: Shri Amit Shah

A strict law and strong investigation agencies necessary to uproot terrorism from this country

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Lok Sabha passed the Unlawful Activities (Prevention) Amendment Bill, 2019 today. While replying to the debate on the bill, Union Minister for Home Affairs, Shri Amit Shah said, "I will try to allay all apprehensions on the bill and I hope it is passed unanimously in the House. Terrorism has to be uprooted from this country. A strict law is utmost necessary in this regard to strengthen the investigation agencies. The urgency of this matter needs to be understood by all."

Further, reiterating the zero tolerance policy of this government against terrorism, Shri Shah said that the object of the proposed amendments is to facilitate speedy investigation and prosecution of terror offences and designating an individual as terrorist in line with the international practices.

Fighting terror must not be held hostage to political considerations. Members must rise above political considerations and whole heartedly support a strict law for fighting terrorism and keep the investigation agencies four steps ahead of the terrorists, Shri Shah emphasized.

The Minister said that the original law was enacted in 1967, and all the subsequent amendments happened, when this government was not in power. "Our commitment to uproot terrorism has remained steadfast irrespective of where we were, whether in Government or not", he added. Shri Shah said that though this bill would not be misused against any individual, yet, those individuals who engage in terrorist activities against the security and sovereignty of India, including the urban maoists, would not be spared by the investigating agencies either.

There are no changes being made in arrest or bail provisions. Therefore, it is clear that there will be no violation of fundamental rights of any person, Shri Shah said. Also, the burden of proof is on the investigating agency and not on the accused. This provision has not been changed, the Minister added.

Defending the proposed amendment to give powers to DG, NIA to attach properties acquired

from proceeds of terrorism, Shri Shah said that a strict law is fruitful only when it is practically implementable. Currently, the law requires that NIA take prior permission from the respective state DGP to start investigation in terror cases. This delays the process.

The Minister said that the amendment about attaching properties acquired through proceeds of terrorism is being proposed in order to expedite investigation in terror cases and is not against the federal principles.

While addressing the House, Shri Shah noted that “An individual's psychology is the birth place of Terrorism, rather than an institution. If, in the first place, an individual is stopped from attracting other individuals into terrorism by providing ideological and financial support, this menace can be finished”. Hence, designating an individual as terrorist, after following the due process of law, is of prime importance to nip terrorism in the bud, he added.

While introducing the bill in Lok Sabha yesterday, Union Minister of State for Home Affairs, Shri G. Kishan Reddy said that during last 5 years, our Government has made continuous efforts to weed out terrorism from all over the country. State sponsored terrorism by Pakistan, especially in J&K, has been dealt with firmly and effectively. Further, terrorism has significantly reduced in the hinterland. Similarly, in North-Eastern states, situation has improved tremendously, the Minister said.

Currently as per section 25 of the UAPA, forfeiture of property representing proceeds of terrorism can only be made with prior approval in writing by the DGPs of the state wherein such property is located. However, many times terror accused own properties in different states. In such cases, seeking approval of DGPs of different states becomes very difficult, and the delay caused by the same may enable the accused to transfer properties etc.

Shri Reddy said that it is essential to attach properties representing proceeds of terrorism at the earliest. This Amendment empowers DG NIA to forfeit a property which represents proceeds of terrorism in relation to an investigation being conducted by NIA, he added.

Further, as on date, there is no provision in the UAPA or any other legislation to designate individual terrorist. Therefore, when a terrorist organization is banned, its members form a new organization. The Minister said, it is essential to declare guilty individuals as terrorists. UN and other nations have similar provisions.

As per section 43 of UAPA, an officer not below the rank of DSP or equivalent is competent to investigate offences under Chapter IV and Chapter VI of the UAPA. NIA is facing shortage of DSPs, and the number of cases has increased significantly. Presently NIA has 29 DSPs against 57 sanctioned posts and 90 inspectors against 106 sanctioned posts.

Inspectors of NIA have acquired sufficient proficiency to investigate these offenses and Senior officers are required to be better utilized for supervision of investigation. Thus, Shri Reddy said, the amendments to this section are being proposed to make the inspectors of NIA competent to investigate offences punishable under Chapter IV and Chapter VI of UAPA. The Minister assured the House that senior officers of NIA supervise all cases to expedite investigations in accordance with law.

Further, the International Convention for Suppression of Acts of Nuclear Terrorism (2005) has also been added in the Second Schedule through this Amendment.

VG/VM

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