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Q19

Indian Government has recently strengthened the anti-terrorism laws by amending the unlawful Activities (Prevention) Act (UAPA), 1967 and the NIA act. Analyze the changes in the context of prevailing security environment while discussing the scope and reasons for opposing the UAPA by human rights organizations.

UPSC Civil Services Mains 2019 · GS III · 15 marks · Border Security and Organised Crime
Security challenges and their management in border areas - linkages of organized crime with terrorism.

Core demand of the question

- Analyse 2019 amendments to **UAPA 1967** and the NIA Act against the prevailing security environment
- State the scope of the changes
- Discuss why human rights organisations oppose UAPA

Revision summary

2019 UAPA lets the Centre designate individuals as terrorists and eases NIA investigation and property action.

The **NIA Act** lets the Agency investigate scheduled offences outside India and adds trafficking, fakes, arms, cyber-terror, and explosives to its map.

The security case is 26/11-type plots, hinterland modules, and finance pipelines.

Human rights groups argue vague offences, hard bail, executive listing, and federal overreach chill dissent.

Keep the federal terror tool, and add review, a judicial filter, and a misuse audit.

Introduction

In **2019** Parliament amended the **Unlawful Activities (Prevention) Act, 1967** and the **National Investigation Agency Act, 2008**. The security context was **cross-border terrorism, modules in the hinterland, terror finance, and offences with a foreign footprint**. The amendments widen **who can be named a terrorist** and **where the NIA may go**. Human rights groups oppose the same width because **liberty, federalism, and dissent** sit next to the bomb, not far from it.

Body**Prevailing security environment (why the State wanted a harder law)**

- **Pakistan-based and other jihadist terrorism**, including in Jammu and Kashmir, and the lesson of **26/11** that investigation must cross State and sometimes national lines.
- **Left-wing extremism** and remaining **north-east** armed groups that use extortion, arms, and safe houses.

- **Terror finance, fake currency, trafficking, and cyber** routes that are not a single blast but the pipeline to one.
- Individuals who **radicalise, recruit, and raise funds** without always sitting on the list of a banned organisation. The old UAPA listed **groups** more readily than **persons**.
- Need for a federal investigator (**NIA**) with a **schedule** that matches those pipelines, and with power to pursue a scheduled offence **committed outside India** when it hits Indian interests.

Scope of the 2019 UAPA changes

- The Central government may **designate an individual as a terrorist** (earlier the listing logic was centred on organisations). Assets and travel can then be squeezed on that name.
- **NIA** officers of **Inspector** rank (not only a higher rank) may investigate UAPA cases - a capacity change for a thin specialised cadre.
- Provisions on **seizure and attachment** of property believed to be proceeds of terrorism were tightened in favour of the investigating agency, with designated authority processes.
- The Act already had a wide definition of **unlawful activity** and **terrorist act, stringent bail**, and long investigation timelines. 2019 added to that architecture rather than replacing it.

Scope of the 2019 NIA Act changes

- NIA may investigate scheduled offences **outside India**, with the usual international-law and host-State constraints - aimed at plots and trails that do not stop at the border.
- The **schedule** was widened (among other items) toward **human trafficking, counterfeit currency, manufacture or sale of prohibited arms, cyber-terrorism, and explosive substances** - the logistics of organised crime that feed terror.
- **Special courts** and session-judge designation were clarified so trials are not stuck in ordinary queues.
- The Agency remains a **Union police** for scheduled offences; ordinary law and order stays with the State. The political fight is how wide the schedule is.

Why human rights organisations oppose UAPA (scope of the objection)

- **Vague and broad definitions** of unlawful activity and terrorism can pull in **protest, speech, and association**, not only armed cadres. That is the chilling-effect argument.
- **Designating an individual as a terrorist** before a criminal conviction is called **executive listing**: stigma, frozen property, and ruined livelihood with a weaker day-in-court than a normal trial-first model.
- **Bail is exceptionally hard**; pre-trial detention can become the punishment. This is the core due-process objection after earlier UAPA experience.
- **Reverse onus** features and admissibility of certain evidence tilt the trial.
- **Federalism**: police is a State subject; a wide NIA schedule and UAPA overlay can sideline elected State governments in political cases.
- **Misuse record** alleged in some sedition-adjacent and minority or student cases leads groups to say the 2019 individual-listing power will be used against **dissenters**, not only against handlers.
- International human-rights law (fair trial, proportionality) is cited; supporters of the amendment reply that **the right to life of victims** is also a human right and that listing exists in UN and FATF-style regimes.

A balanced analysis

- The security environment **does** justify a federal terror law, a finance-and-logistics schedule, extra-territorial investigation, and a way to name **lone or unlisted** actors.

- The human-rights case is **not** that India should have no UAPA. It is that **listing, bail, and definition** need **narrowing, periodic review, independent oversight, and punishment for malicious prosecution** so the tool stays on terrorism.
- **Recommendations:** time-bound **review of individual designations**, a **judicial filter** before public naming where life and property are hit, better **legal aid**, and a published **misuse audit**. Keep NIA on bombs, finance, and cross-border plots - not on every street protest.

Flow diagram

Terror finance cross-border modules -> UAPA 2019 individual listing 2019 individual listing
Terror finance cross-border modules -> NIA extra-territorial wider schedule extra-territorial wider schedule
UAPA 2019 individual listing -> Security aim
NIA extra-territorial wider schedule -> Security aim
UAPA 2019 individual listing -> HR objection vague bail listing objection vague bail listing
HR objection vague bail listing -> Review judicial filter audit

Conclusion

The 2019 UAPA and NIA changes fit a real environment of cross-border terror, lone actors, and extra-territorial trails: individuals can be listed, NIA can look abroad, and the schedule covers trafficking, fakes, arms, cyber-terror, and explosives. Human rights groups oppose UAPA because definitions are wide, bail is harsh, and executive listing can stain a person before a verdict. The law will be judged by whether it catches handlers - and by whether it also catches dissent by mistake.

Facts & figures

UAPA 1967

Unlawful Activities (Prevention) Act: India's main anti-terror and unlawful-association statute, amended in 2019 to list individuals.

Individual designation

2019 change allowing the Central government to name a person as a terrorist, not only an organisation.

NIA Act 2008

Created the National Investigation Agency after 26/11; 2019 amendments expanded extra-territorial reach and the offence schedule.

Schedule widening

2019 NIA schedule additions toward human trafficking, counterfeit currency, prohibited arms, cyber-terrorism, and explosives.

Bail under UAPA

Courts may deny bail unless they find the accusation not prima facie true - the main due-process flashpoint for rights groups.

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