

Designation of Terrorists in India

The Union Home Ministry has designated-

- Hafiz Talha Saeed, son of Hafiz Mohammad Saeed, chief of the Pakistan-based terror outfit Lashkar-e-Taiba (LeT), as a terrorist under UAPA.



About Unlawful (Activities) Prevention Act (UAPA)

- The UAPA is aimed at effective prevention of unlawful activities associations in India.
- Its main objective was to make powers available for dealing with activities directed against the integrity and sovereignty of India

- It is an upgrade on the Terrorist and Disruptive Activities (Prevention) Act TADA, which was allowed to lapse in 1995 and the Prevention of Terrorism Act (POTA) was repealed in 2004.
- It was originally passed in 1967 under the then Congress govt led by former PM Indira Gandhi.
- Till 2004, "unlawful" activities referred to actions related to secession and cession of territory.
- Following the 2004 amendment, "terrorist act" was added to the list of offences.

Designation of Terrorists

- The Centre had amended UAPA, 1967, in August 2019 to include the provision of designating an individual as a terrorist.
- Before this amendment, only organisations could be designated as terrorist outfits.
- Section 15 of the UAPA defines a "terrorist act" as
 - Any act committed with intent to threaten or likely to threaten the unity, integrity, security, economic security, or sovereignty of India or

- With intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country.

Who makes such designation?

- The UAPA (after 2019 amendment) seeks to empower the central govt to designate an individual a "terrorist" if they are found involved in an act of terror.
- A similar provision already exists in Part 4 and 6 of the legislation for organizations that can be designated as a "terrorist organisations".

How individuals are declared terrorists?

- The central govt may designate an individual as a terrorist through a notification in the official gazette, and add his name to the schedule supplemented to the UAPA Bill.
- The govt is not required to give an individual an opportunity to be heard before such a designation.
- At present, in line with the legal presumption of an individual being innocent until proven guilty,

an individual who is convicted in a terror case is legally referred to as a terrorist.

- While those suspected of being involved in terrorist activities are referred to as terror accused.

What happens when an individual is declared a terrorist?

- The designation of an individual as a global terrorist by the UN is associated with sanctions including travel bans, freezing of assets and an embargo against procuring arms.
- The UAPA, however, does not provide any such detail.
- It also does not require the filing of cases or arresting individuals while designating them as terrorists.

Removing the terrorist tag

- The UAPA gives the central govt the power to remove a name from the schedule when an individual makes an application.

- The procedure for such an application and the process of decision-making will be decided by the central govt.
- If an application filed by an individual declared a terrorist is rejected by the govt, the UAPA gives him the right to seek a review within one month after the application is rejected.
- The central govt will set up the review committee consisting of a chairperson (a retired or sitting judge of a HC) and three other members.
- The review committee is empowered to order the govt to delete the name of the individual from the schedule that lists "terrorists", if it considers the order to be flawed.
- Apart from these two avenues, the individual can also move the courts challenging the govt's order.