

Crushing free spirit in the name of terrorism

The Unlawful Activities (Prevention) Act has always remained a powerful tool in the hands of successive regimes to suppress opposition. The approach of the current government on the UAPA, in the name of fighting terrorism, is consistent with its efforts to destabilise democratic institutions.

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A protest against the Unlawful Activities (Prevention) Act in Mangaluru on February 21, 2014.

In February 2021, the Union Home Ministry presented in the Rajya Sabha data on the number of cases registered under the Unlawful Activities (Prevention) Act (UAPA). Of the total cases registered between 2016 and 2019, the convictions were only a minuscule fraction of 2.2 per cent. These numbers are not only a reminder of the rampant misuse of the statute but also a reason for examination of its constitutionality.

Although the UAPA had “humble beginnings” in 1967, as put by A.G. Noorani (“ **UAPA: India's anti-India Act** ”, *Frontline* , November 20, 2020), its evolution is closely linked with political changes in India. The law has also maintained a symbiotic relationship with other pieces of anti-terror legislation from time to time. In terms of total convictions, the Terrorist and Disruptive Activities (Prevention) Act (TADA) also recorded a low rate compared with the number of charges. TADA was enacted in 1985 and then in 1987 and finally allowed to lapse in 1995 owing to its growing unpopularity.

Thereafter, in 2002, the Prevention of Terrorism Act (POTA) became the successor anti-terror statute having its origin in an ordinance. It repeated the egregious mischiefs of TADA. POTA, too, had its victims across the country. The public outcry against the law was so strong that the United Progressive Alliance



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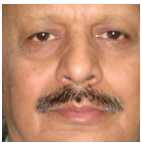
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