Polity & Governance · GS - II

Discuss the role of the Unlawful Activities (Prevention) Act in India's counter-terrorism framework. How can national security objectives be balanced with constitutional safeguards and due process?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 18/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

UAPA 1967, terrorism prevention, individual designation, terrorist organisations, NIA, national security, Article 21, personal liberty, presumption of innocence, judicial scrutiny, due process, misuse concerns, accountability, constitutional safeguards.

Model Answer

Introduction

The Unlawful Activities (Prevention) Act, 1967, is a key legislative instrument for addressing terrorism and activities threatening India's sovereignty and integrity. Subsequent amendments have strengthened its provisions, including the designation of individuals as terrorists.

Role in Counter-Terrorism

1. **Preventive Framework:** UAPA enables action against unlawful activities and terrorist organisations.
2. **Individual Designation:** The Central Government can designate individuals as terrorists under specified statutory conditions.
3. **Investigation and Prosecution:** The National Investigation Agency can investigate offences under UAPA, strengthening specialised counter-terrorism enforcement.

4. **Disruption of Terror Networks:** Its provisions facilitate action against terrorist financing, recruitment and support networks.

Concerns and Constitutional Safeguards

- **Personal Liberty:** Stringent bail provisions can result in prolonged pre-trial detention.
- **Due Process:** Investigative and prosecutorial powers must remain subject to constitutional and judicial scrutiny.
- **Presumption of Innocence:** Accusations or designation must not be treated as equivalent to conviction.
- **Accountability:** Broad enforcement powers require transparent procedures and safeguards against arbitrary application.

Way Forward

India should strengthen evidence-based investigations, ensure timely trials, improve judicial oversight and periodically review the implementation of the Act. Security agencies must follow constitutional principles while addressing genuine threats.

Conclusion

An effective counter-terrorism framework requires both strong enforcement and protection of civil liberties. National security and constitutional governance must operate as complementary objectives rather than competing priorities.

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