Defence & Security · GS - III

Examine the challenges involved in balancing national security investigations with the principles of evidence-based prosecution and due process under the Unlawful Activities (Prevention) Act (UAPA).

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 21/11/2026	GS - III	Defence & Security

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Evidentiary threshold, terrorist organisation affiliation, Sections 38 and 39 of UAPA, intelligence versus admissible evidence, presumption of innocence, civil liberties, investigative accountability, national security.

Model Answer

Introduction

The Unlawful Activities (Prevention) Act, 1967, provides a legal framework to combat terrorism and activities threatening India's sovereignty and integrity. However, its implementation requires a careful balance between national security and constitutional safeguards.

Challenges in Establishing Criminal Liability

1. **Proof of affiliation:** Investigators must establish the accused's legally relevant association with a terrorist organisation. Mere presence in a conflict-affected region or unverified allegations may not establish such a connection.

2. **Intelligence versus evidence:** Intelligence inputs can guide investigations, but prosecution must establish the essential ingredients of the alleged offence through legally admissible evidence.

3. **Cross-border investigations:** Foreign nationals, transnational networks and inaccessible witnesses can make verification of identities, organisational links and alleged activities difficult.

4. **Protection of civil liberties:** Broad investigative powers and stringent bail provisions under Section 43D(5) raise concerns about prolonged detention and the right to a fair trial under Article 21.

Way Forward

- Strengthen forensic, digital and financial investigation capabilities.
- Ensure independent scrutiny of evidence before invoking stringent provisions.
- Improve international cooperation for verifying identities and collecting evidence.
- Promote time-bound investigations and trials while protecting procedural safeguards.
- Maintain accountability in the use of anti-terror legislation.

Conclusion

National security and constitutional liberty are complementary objectives. Effective counterterrorism requires strong investigative capabilities, but convictions must rest on credible evidence and established legal standards. This strengthens both the legitimacy of prosecution and public confidence in the rule of law.

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