Polity & Governance · GS - II

Examine how the UAPA seeks to balance national security requirements with procedural safeguards and the protection of civil liberties.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 27/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Unlawful associations, national security, preventive measures, judicial review, procedural safeguards, due process, civil liberties, proportionality

Model Answer

The Unlawful Activities (Prevention) Act, 1967, is India's principal legislation for addressing unlawful associations and terrorist activities. Its enforcement raises an important constitutional question: how can national security be protected without compromising fundamental rights?

1. Security-oriented provisions

1. **Declaration of unlawful associations:** Section 3 empowers the Central Government to declare an association unlawful through a notification, subject to statutory conditions.
2. **Adjudicatory mechanism:** Section 5 provides for an independent Tribunal to examine whether sufficient cause exists for the declaration.
3. **Property-related measures:** The Act provides mechanisms for seizure, attachment and forfeiture of property connected with unlawful activities, subject to applicable legal procedures.
4. **Extended enforcement powers:** Its provisions enable investigation and prosecution of activities considered threats to India's sovereignty, integrity and security.

2. Constitutional and procedural concerns

1. Restrictions on association and expression must satisfy the constitutional framework under Articles 19(1)(a) and 19(1)(c), read with their permissible restrictions.
2. Broad or unclear application of security-related provisions may create uncertainty and affect legitimate political or social activity.
3. Prolonged investigation and detention can affect personal liberty under Article 21.
4. Attachment of assets requires safeguards against arbitrary action and must follow due process.

3. Maintaining the constitutional balance

Effective enforcement requires evidence-based action, reasoned orders, timely judicial scrutiny, access to legal remedies and accountability of investigating authorities. The principle of proportionality should guide restrictions on individual rights.

A democratic security framework must protect the state while preserving the constitutional freedoms that give the state its legitimacy.

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