

WEBINAR ON “ANTI-TERRORISM LAW: PROCEDURE AND PRACTICE” – ADV. NIHARIKA HEMA RAJ – REPORT

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As part of the MGCL Webinar Series, a webinar was conducted on 9th July, 2021, on “Anti-terrorism Law: Procedure and Practice”. The speaker was Adv. Niharika Hema Raj, Managing Partner at P&M Legal, Ernakulam.

Major Points of Discussion in the Webinar:

- A look at the historical aspect of counterterrorism law would involve TADA (Terrorist and Disruptive Activities (Prevention) Act) and POTA (Prevention of Terrorism Act).
- TADA was done away with, due to serious misuse and POTA was repealed in 2004.
- UAPA (Unlawful Activities (Prevention) Act) already in existence since 1967 underwent serious changes by way of addition of several chapters and amendments in 2004.
- Major content of counterterrorism in India lies in UAPA.
- Terrorism usually consists of a series of offences and not just a single act.
- Looked into various Sections of UAPA:
 - Objective (S.1)
 - Important Definitions :
 - a. **Terrorist Act (S. 15)**
 - b. **Terrorist Gang**
 - c. **Terrorist Organization**
 - d. **Unlawful Activity**
 - e. **Unlawful Association**

- Chapter 2 (S.3 – S.9)
- Chapter 3 deals with punishment such as penalty for being a member of an unlawful association, dealing with funds for an unlawful association, for unlawful activities and so on. This is a crucial chapter.
- Chapter 5 deals with forfeiture of property
- Chapter 7 deals with witnesses
 - Protection of witness (S. 44)
 - On application by witness/prosecutor/court by its own motion.
 - If life of witness is in danger, the court may order that the identity and address of the witness be kept in secrecy.
 - In-camera proceedings
- S. 43D and S. 43E are unique to UAPA and are a modified application of certain provisions.
 - General Clauses Act – S. 26
 - NIA Act, 2008

The speaker emphasized that offences that would not fall under the category of terrorist activities in popular opinion, may be terrorist activities when you look at them legally. She drew attention to the importance of contrdistinguishing popular opinion from legal opinion. She stressed on rightly interpreting legislations and on the necessity of a careful perusal of legal terminology.