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**A STUDY ON THE CHALLENGES TO THE APPLICATION
OF DOCTRINE OF SEPARATION OF POWERS AND THE
DIFFICULTIES FACED UNDER THE AMENDED
PROVISIONS OF UAPA, 1967 IN ITS ENFORCEMENT.**

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Abstract

The doctrine of separation of powers, a cornerstone of democratic governance, ensures that the legislative, executive, and judicial branches of government function independently and without encroachment. This study explores the challenges posed to this doctrine by the enforcement of the Unlawful Activities (Prevention) Act (UAPA), 1967, particularly following its recent amendments. The UAPA, since its inception, has been a critical tool for the Indian government in combating terrorism. The research method followed is empirical, the sampling method adopted is convenient sampling, the sample frame recorded from in and around Chennai, the graphical representation and chi-square were the analytical tools followed by use of SPSS software. The findings of the research are: Executive Overreach: The designation of individuals as terrorists without judicial scrutiny centralises power in the executive branch, undermining the judiciary's role. Judicial Independence: The amendments impose constraints on judicial discretion in granting bail, affecting the judiciary's ability to act independently. Civil Liberties: The broad definitions and stringent provisions have led to concerns about misuse and human rights violations, placing the judiciary in a difficult position to balance state security and individual rights. Analysis reveals that the amendments to the UAPA have intensified the tension between state security imperatives and the protection of civil liberties. The executive's enhanced powers have led to instances of alleged misuse, raising questions about the adequacy of judicial checks and balances. The judiciary's limited role in pre-trial processes under the UAPA has resulted in prolonged detentions and has been criticised for weakening judicial safeguards. The enforcement of the amended UAPA presents significant challenges to the doctrine of separation of powers. While addressing national security concerns is paramount, it is equally crucial to ensure that such measures do not erode judicial independence or civil liberties. A balanced approach, with adequate judicial oversight and

safeguards against executive overreach, is necessary to uphold democratic principles. The study calls for a re-evaluation of the UAPA's provisions to align with constitutional mandates and international human rights standards, ensuring that the fight against terrorism does not compromise the rule of law.

Keywords: Separation of Powers, UAPA Amendments, Judicial Independence, Executive Overreach, Civil Liberties

Introduction

The Unlawful Activities (Prevention) Act (UAPA), 1967, is an Indian law designed to prevent activities and terrorist acts that threaten the country's integrity and sovereignty. Initially targeting secessionist activities, the UAPA has undergone several amendments to broaden its scope, including provisions to designate individuals as terrorists and enhance investigative agencies' powers. The 2019 amendment has been particularly contentious due to concerns about executive overreach and civil liberties. The UAPA aims to provide a robust legal framework to combat terrorism while balancing national security and individual rights. The doctrine of separation of powers, conceptualised by Montesquieu in the 18th century, is fundamental to democratic governance, ensuring checks and balances among the legislative, executive, and judicial branches. In India, this principle is constitutionally enshrined to prevent any branch from overstepping its authority. However, the UAPA, particularly after its amendments, has raised significant debates regarding its compliance with this doctrine. Originally focused on maintaining sovereignty and curbing secessionist activities, the UAPA has evolved into a comprehensive anti-terrorism law, with amendments that significantly expand the executive's powers. The Indian government has amended the UAPA multiple times to address emerging security threats. Notable amendments in 2004, 2008, and 2019 have broadened the definition of "unlawful activities" and increased the powers of the National Investigation Agency (NIA). The 2019 amendment, allowing the government to designate individuals as terrorists without judicial approval, aims to strengthen the legal framework against terrorism and ensure swift action against threats to national security. Several factors influence the UAPA's impact on the doctrine of separation of powers. Legislative ambiguity grants broad discretionary powers to the executive through vague definitions within the act. Judicial constraints limit the judiciary's ability to grant bail or promptly review cases, while enforcement practices often target political dissent and civil liberties, raising concerns about the act's misuse. Recent trends show an increased use of the UAPA to address not only

terrorism but also political dissent and activism. The designation of individuals as terrorists without substantial judicial oversight has become a contentious issue. The judiciary's role has been largely reactive, addressing individual cases rather than scrutinising the broader implications of the law's enforcement. There is a growing discourse on the need for judicial reform to ensure that anti-terrorism measures do not infringe on fundamental rights. Internationally, anti-terrorism laws vary in their approach and implementation. Countries like the United States and the United Kingdom have comprehensive legal frameworks for counter-terrorism that include more substantial judicial oversight mechanisms. For example, the UK's Terrorism Act 2000 allows for the proscription of terrorist organisations but involves rigorous judicial scrutiny. In contrast, India's UAPA, especially post-amendment, places significant power in the hands of the executive with relatively limited judicial checks. Within India, the enforcement of the UAPA varies across states. Regions with significant internal security challenges, such as Jammu and Kashmir and the northeastern states, exhibit more aggressive use of the UAPA. Conversely, states with stable law-and-order situations utilise the act more sparingly, focusing on conventional law enforcement mechanisms.

Objectives

- To Analyse the Potential Implications of UAPA, 2019 on Fundamental Rights
- To Identify Common Challenges Faced by the Public under Anti-Terrorism Laws.
- To review the need for Balancing National Security and Fundamental Rights

Review of Literature

Arvind Narrain (2018). The article critically examines the Unlawful Activities (Prevention) Act (UAPA), highlighting how its broad provisions undermine the rule of law in India. He argues that the act's expansive definitions of terrorism and powers of detention without trial pose serious threats to civil liberties and judicial oversight. Narrain emphasises the act's frequent use against activists and dissenters, suggesting a pattern of suppressing political opposition under the guise of national security. He calls for reforms to align UAPA with constitutional guarantees and international human rights standards, advocating for greater accountability in its application. **Faizan Mustafa (2020).** Faizan Mustafa's article analyses the impact of the UAPA on fundamental rights in India, focusing on freedom of expression and personal liberty. He critiques the act's provisions that enable prolonged detention without trial, arguing they violate constitutional safeguards. Mustafa discusses legal cases where UAPA has

been used to target individuals based on dissenting opinions rather than evidence of criminal activity. He advocates for judicial oversight to prevent misuse of UAPA and suggests amendments to uphold both national security and civil liberties in a balanced manner.

Saptarshi Mandal (2015). Saptarshi Mandal's paper explores the constitutional framework of preventive detention in India, with a critical examination of its application under UAPA. He discusses the legal implications of preventive detention on individual rights, citing examples of cases where the act has been used to detain individuals without sufficient evidence or due process. Mandal argues for stricter judicial scrutiny to ensure that preventive detention measures under UAPA adhere to constitutional principles of justice and liberty, suggesting reforms to safeguard against arbitrary state action.

Prashant Reddy T. (2019). The article examines the challenges posed by UAPA to the rule of law in urban India. He highlights instances where the act has been utilised to curtail civil liberties and target dissenting voices, particularly affecting minority communities and political activists. Reddy discusses the need for transparency and accountability in the enforcement of UAPA provisions to prevent misuse and uphold constitutional values. He suggests legal reforms that balance national security imperatives with respect for fundamental rights, advocating for a robust legal framework that ensures justice and equality for all.

Anup Surendranath (2017). Surendranath's critique focuses on the human rights implications of UAPA, highlighting its provisions that allow for detention without trial and broad definitions of terrorism. He examines case studies illustrating how the act has been used to target human rights defenders, journalists, and activists, arguing that such practices violate international standards. Surendranath calls for reforms to align UAPA with constitutional principles and international human rights norms, emphasising the importance of judicial oversight and accountability in ensuring fair application of the law.

K. Balagopal (2006). K. Balagopal's article provides a comprehensive analysis of UAPA's impact on human rights in India. He critiques the act's provisions that allow for prolonged detention without charge, often targeting marginalised communities and political dissidents. Balagopal discusses several cases where UAPA has been misused, arguing for legislative reforms to introduce stronger safeguards against arbitrary detention and ensure compliance with human rights standards. He emphasises the need for a balanced approach to national security that respects fundamental rights and freedoms guaranteed by the Indian Constitution.

Anand Teltumbde (2021). Anand Teltumbde's article explores how UAPA undermines democratic principles in India by restricting political freedoms and civil liberties. He argues that the act is frequently used to stifle dissent and suppress opposition voices under the pretext of national security. Teltumbde discusses the chilling effect of UAPA on public discourse and

political activism, highlighting its implications for democratic governance. He calls for reforms to curb the misuse of UAPA and restore democratic accountability in India's legal and political systems. **N. C. Asthana (2023)**. It provides a policy-oriented perspective on UAPA, examining its implementation and governance implications in India. He discusses UAPA's policy objectives and evaluates its effectiveness in combating terrorism while safeguarding civil liberties. Asthana scrutinises challenges and criticisms directed at UAPA, proposing policy reforms to address concerns related to its enforcement. He underscores the importance of balancing security imperatives with human rights and constitutional principles in shaping UAPA-related policies to ensure fair and equitable governance. **Geeta Singh (2011)**. The article examines the legal challenges posed by anti-terror legislation in India, particularly focusing on human rights issues stemming from laws like UAPA. She analyses how UAPA's provisions have been utilised to curtail civil liberties and suppress dissenting voices. Singh explores judicial responses to UAPA, highlighting landmark cases where courts have either upheld or struck down its provisions based on constitutional grounds. She calls for legal reforms aimed at bolstering human rights protections and ensuring accountability in the enforcement of counter-terrorism laws, emphasising the role of legal advocacy in safeguarding civil liberties. "The Unlawful Activities (Prevention) Act (UAPA) has been at the centre of contentious legal battles in India, with its broad definitions of terrorism and provisions for preventive detention under scrutiny. Courts have grappled with balancing national security imperatives with constitutional guarantees of civil liberties. In landmark cases, such as [Case Name], the judiciary has intervened to interpret and sometimes limit the scope of UAPA's provisions, emphasising the protection of fundamental rights. Singh argues that legal activism and advocacy are crucial in challenging the potential misuse of UAPA, advocating for reforms that strengthen human rights protections and ensure fair judicial oversight." **Sanjay Jain (2012)**. Sanjay Jain's article delves into various judicial interpretations of UAPA provisions and their implications for civil liberties in India. He analyses how courts have interpreted UAPA's expansive definitions of terrorism and provisions for preventive detention, examining pivotal cases that have shaped legal discourse on the act. Jain discusses the judiciary's role in balancing security concerns with constitutional rights, emphasising the need for rigorous judicial review to prevent abuses of power under UAPA. He advocates for an nuanced approach to interpreting UAPA that upholds both national security imperatives and fundamental freedoms. "Judicial interpretations of the Unlawful Activities (Prevention) Act (UAPA) have significantly influenced its application and enforcement in India. Courts have deliberated on the constitutionality of UAPA's provisions, particularly its broad definitions of terrorism and

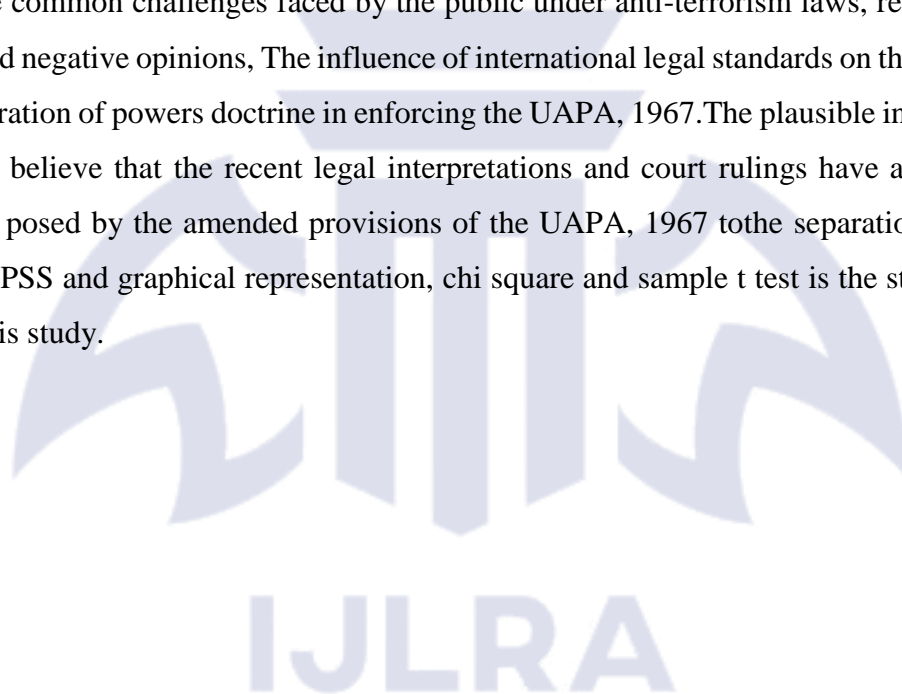
powers for preventive detention. The relevant underscored the importance of upholding due process and protecting individual liberties while addressing security threats. Jain argues that judicial review is pivotal in safeguarding constitutional rights against potential state overreach, calling for a balanced approach that respects both security imperatives and fundamental freedoms. ”**Abhinav Chandrachud (2018)**. Article examines the judiciary’s role in counter-terrorism efforts in India, focusing on UAPA’s impact on judicial review and constitutional rights. He discusses how courts have responded to challenges against UAPA’s provisions, analysing legal principles invoked in cases related to preventive detention and definitions of terrorism. Chandrachud critiques judicial decisions that have expanded state powers under UAPA, arguing for a robust system of checks and balances to safeguard civil liberties and uphold constitutional values. The judiciary plays a pivotal role in scrutinising the legality and constitutionality of counter-terrorism laws like the Unlawful Activities (Prevention) Act (UAPA) in India. Courts have been tasked with balancing security imperatives with constitutional rights, particularly in cases involving prolonged preventive detention and broad definitions of terrorism. Chandrachud examines landmark judgments, such as where the Supreme Court upheld the importance of due process and fair trial guarantees under UAPA. He advocates for judicial vigilance to prevent state overreach and protect individual liberties in the face of security challenges. **Shruti Desai (2017)**. The article discusses the constitutional validity of UAPA in India, examining its provisions and implications for constitutional rights. She analyses legal challenges to UAPA’s definitions of terrorism and powers of preventive detention, highlighting debates over their compatibility with fundamental rights guaranteed by the Indian Constitution. Desai examines judicial decisions that have shaped the interpretation of UAPA, calling for reforms to ensure that counter-terrorism measures uphold constitutional principles and international human rights norms. Debates over the constitutional validity of the Unlawful Activities (Prevention) Act (UAPA) have centred on its provisions for preventive detention and definitions of terrorism. Courts have grappled with balancing national security interests with the protection of fundamental rights, as guaranteed by the Indian Constitution. In High Court, scrutinised UAPA’s broad scope and emphasised the need for strict judicial review to prevent abuse of state power. Desai argues for legislative reforms that align UAPA with constitutional principles and international human rights standards, advocating for greater judicial scrutiny and accountability in its application. **Madhavi Goradia Divan (2019)**. Divan’s article critically examines the constitutional challenges posed by anti-terrorism laws in India, with a specific focus on the Unlawful Activities (Prevention) Act (UAPA). She discusses how UAPA’s provisions, such as broad definitions of terrorism and powers of

preventive detention, raise significant concerns regarding their compatibility with constitutional principles. Divan argues that these laws potentially undermine the separation of powers doctrine by granting extensive powers to the executive branch without adequate judicial oversight. She emphasises the importance of judicial review in ensuring that anti-terror laws like UAPA do not infringe upon fundamental rights guaranteed by the Indian Constitution, advocating for reforms that strengthen constitutional safeguards while addressing security concerns. **Rajeev Dhavan (2016)**. Rajeev Dhavan's article provides a critical analysis of judicial activism in the context of cases involving the Unlawful Activities (Prevention) Act (UAPA) in India. He examines how the judiciary has intervened in interpreting and applying UAPA's provisions, particularly concerning issues of preventive detention and the definition of terrorism. Dhavan argues that judicial activism is crucial in upholding the separation of powers doctrine by ensuring that executive actions under UAPA are scrutinised for compliance with constitutional norms. He critiques instances where judicial deference to national security concerns has potentially compromised individual liberties, advocating for a balanced approach that prioritises both security imperatives and constitutional rights. **Sudhir Krishnaswamy (2018)**. Sudhir Krishnaswamy's article explores the implications of the Unlawful Activities (Prevention) Act (UAPA) for democratic governance in India. He discusses how UAPA's provisions, aimed at combating terrorism, intersect with principles of democratic accountability and the separation of powers among the executive, legislative, and judicial branches. Krishnaswamy argues that while UAPA is essential for addressing security threats, its enforcement must be balanced with safeguards that protect civil liberties and uphold democratic norms. He examines legislative oversight and judicial review as mechanisms to ensure that UAPA's implementation respects constitutional principles, calling for reforms that strengthen democratic governance in the context of anti-terror legislation. **Rohit De (2020)**. De's article provides a historical analysis of anti-terror legislation in India, focusing on the evolution of the Unlawful Activities (Prevention) Act (UAPA). He traces the origins of UAPA from colonial-era laws to contemporary amendments, examining how successive governments have expanded its scope in response to perceived security threats. De discusses key amendments and their implications for civil liberties and the separation of powers, highlighting landmark cases where UAPA's constitutionality has been challenged. He argues that understanding UAPA's historical context is crucial for evaluating its impact on constitutional governance and democratic principles in India. **Harsh Mander (2017)**. Harsh Mander's article discusses humanitarian concerns arising from the implementation of anti-terror legislation in India, including the Unlawful Activities (Prevention) Act (UAPA). He examines how UAPA's

provisions, such as prolonged detention without trial and broad definitions of terrorism, violate human rights standards and humanitarian principles. Mander critiques the act's impact on vulnerable communities, arguing that it fosters a climate of fear and mistrust while curtailing civil liberties. He calls for legislative reforms that prioritise humanitarian concerns and uphold constitutional protections, advocating for a rights-based approach to counter-terrorism that respects dignity and justice for all. **Siddharth Narrain (2019)**. The article examines the impact of anti-terror laws, particularly the Unlawful Activities (Prevention) Act (UAPA), on freedom of expression in India. He analyses how UAPA's provisions, aimed at curbing terrorism, have been used to stifle dissenting opinions and media freedom. Narrain discusses legal cases where UAPA has been invoked against journalists and activists critical of government policies, arguing that such practices undermine democratic principles and the separation of powers. He advocates for legal reforms that protect freedom of expression while addressing legitimate security concerns. **Anita Gurumurthy (2018)**. The article explores gender perspectives in the enforcement of anti-terror legislation, focusing on the Unlawful Activities (Prevention) Act (UAPA) in India. She examines how UAPA's provisions affect women's rights and gender equality, particularly in cases involving arbitrary detention and harassment of women activists. Gurumurthy argues that UAPA's implementation reflects patriarchal biases and reinforces gender inequalities, calling for feminist legal interventions to ensure that anti-terror laws uphold women's rights and promote gender-sensitive approaches to security. **Navroz Dubash (2021)**. Article examines the impact of anti-terror laws, specifically the Unlawful Activities (Prevention) Act (UAPA), on environmental activism in India. He analyses how UAPA's provisions, aimed at countering terrorism, intersect with environmental activism and civil liberties. Dubash discusses cases where environmental activists have been targeted under UAPA, arguing that such enforcement jeopardises environmental governance and democratic participation. He calls for legal reforms that protect environmental activism while addressing legitimate security concerns through transparent and accountable mechanisms. **Rajeev Bhargava (2014)**. The article examines the compatibility of anti-terror laws, including the Unlawful Activities (Prevention) Act (UAPA), with secularism in India. He analyses how UAPA's provisions, particularly those related to religious minorities and dissenting voices, intersect with principles of secular governance and the separation of powers. It is argued that UAPA's enforcement should not compromise religious freedoms or target religious communities under the guise of national security. He calls for legislative reforms that uphold secular values and protect religious minorities from discriminatory practices in the application of anti-terror legislation.

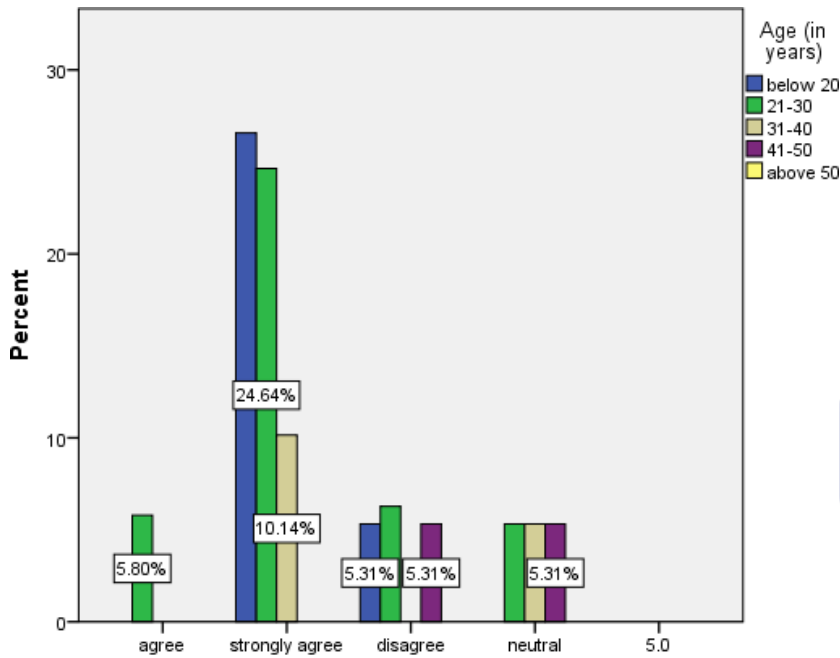
Methodology

The study has been conducted using the empirical research method. The samples have been collected using the simple random sampling method and a total of 207 responses was taken. The independent variables are age, gender, educational qualification, occupation and locality of the sample population. The dependent variables are The potential implications of UAPA ,2019 can violate the fundamental rights. The act under section.35 Schedule 9 gives the authority to arbitrarily add any person or organisation as it deems fit. The provisos can be arbitrary, The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels, The common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinions, The influence of international legal standards on the application of the separation of powers doctrine in enforcing the UAPA, 1967. The plausible influence, The extent you believe that the recent legal interpretations and court rulings have addressed the challenges posed by the amended provisions of the UAPA, 1967 to the separation of powers doctrine. SPSS and graphical representation, chi square and sample t test is the statistical tool used for this study.



Analysis

Figure -1



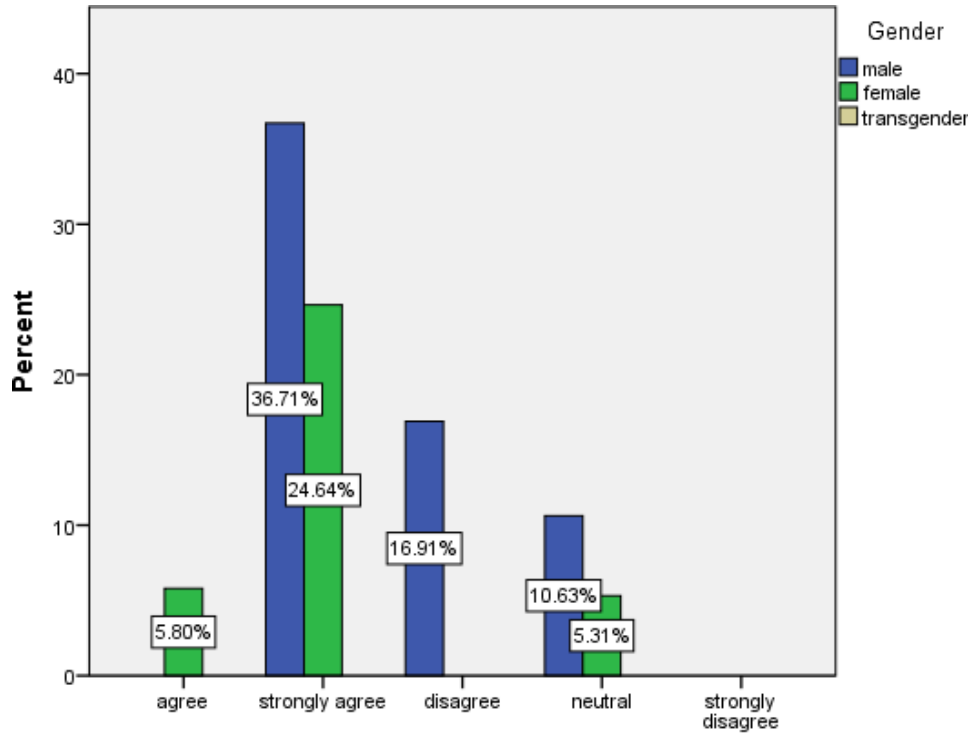
The potential implications of UAPA ,2019 can violate the fundamental rights.The act under section.35 Schedule 9 gives the authority to arbitrarily add any person or organisation as it deems fit.The provisos can be arbitrary:

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Legend

The figure-1 represents the relationship between the potential implications of UAPA ,2019 can violate the fundamental rights. The act under section.35 schedule 9 gives the arbitrary authority to add any person or organisation into the list of terrorists , The provisos can be arbitrary with the age of the respondents.

Figure-2



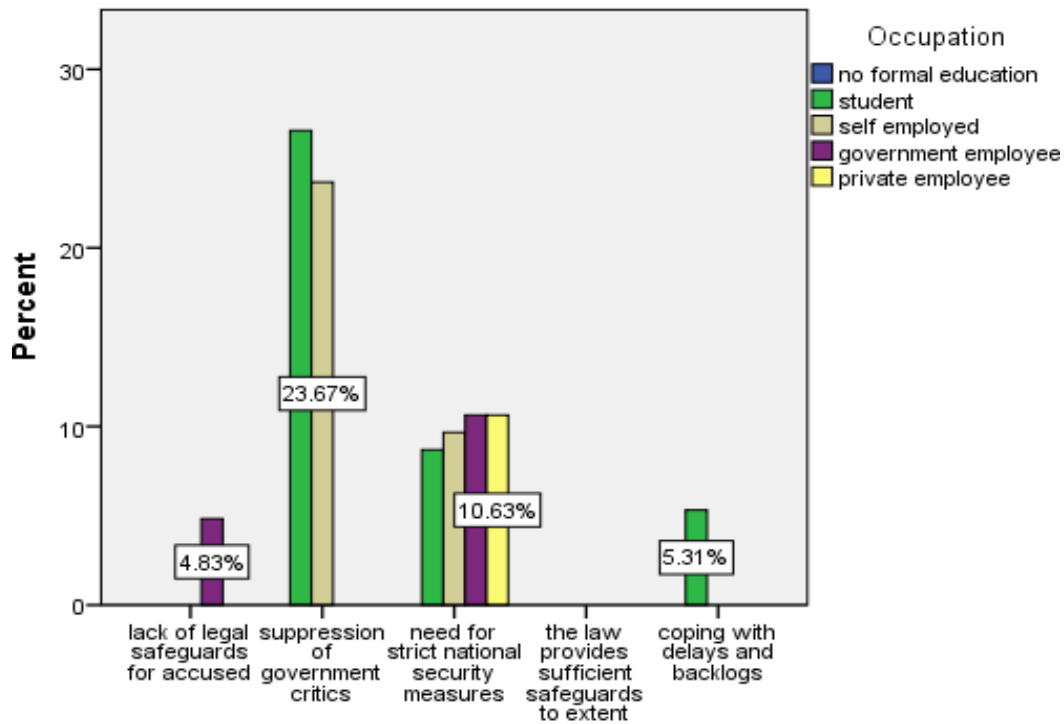
The potential implications of UAPA ,2019 can violate the fundamental rights.The act under section.35 Schedule 9 gives the authority to arbitrarily add any person or organisation as it deems fit.The provisos can be arbitrary:

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Legend

The figure-2 represents the relationship between the potential implications of UAPA ,2019 can violate the fundamental rights. The act under section.35 schedule 9 gives the arbitrary authority to add any person or organisation into the list of terrorist, The provisos can be arbitrary with the gender of the respondents.

Figure-3



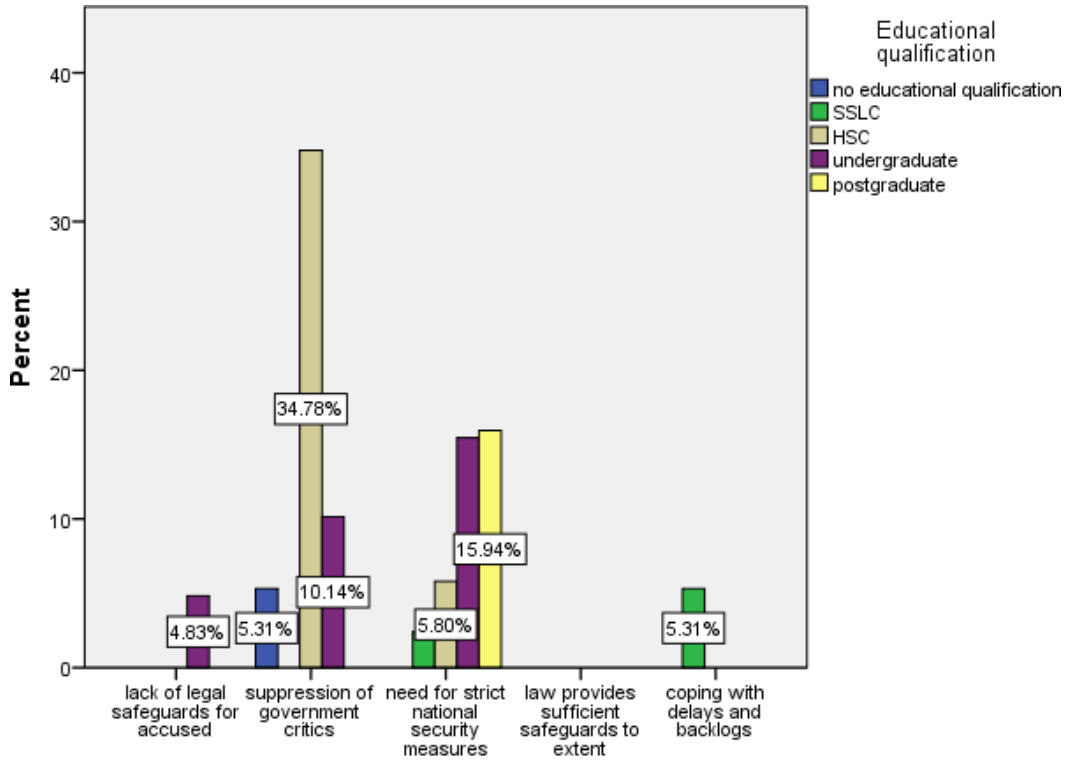
The common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinions.

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Legend

The figure-3 represents the relation between the common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinion with the occupation of the respondents.

Figure-4



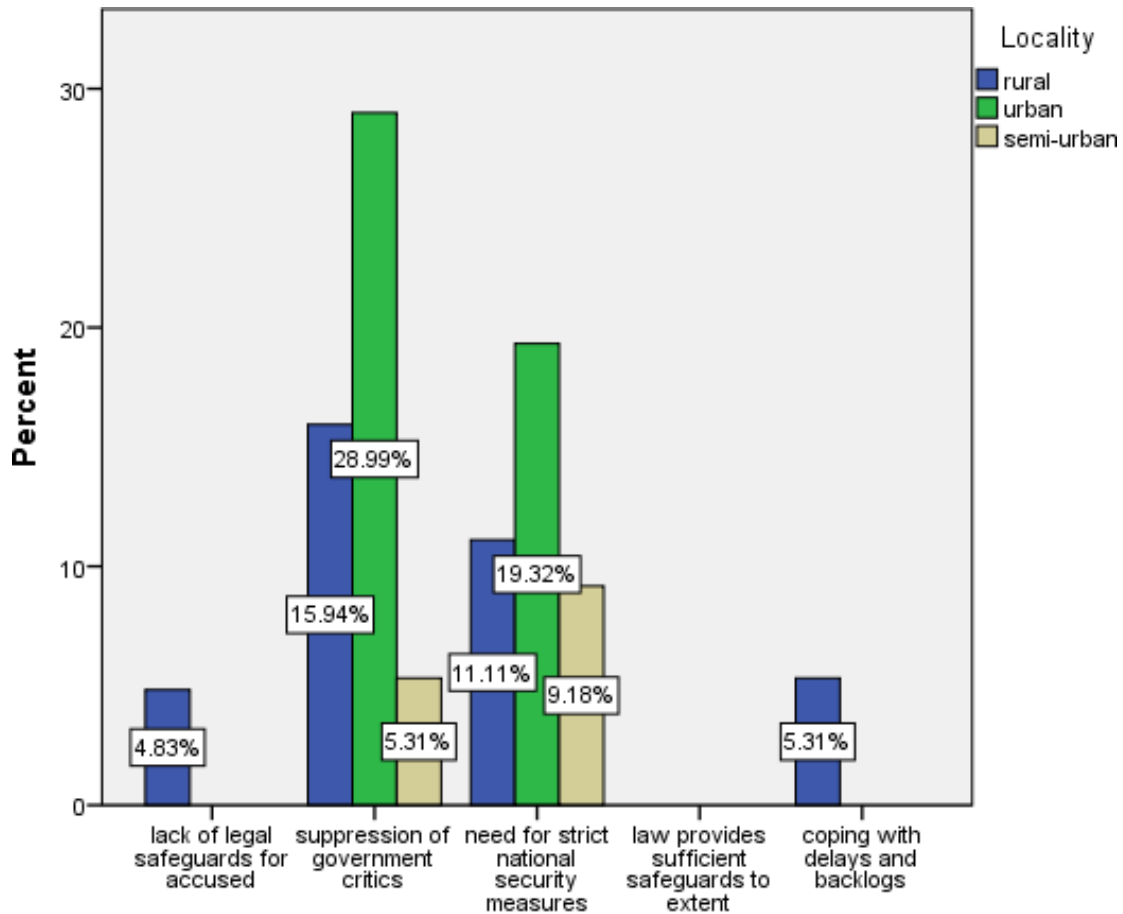
The common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinions.

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Legend

The figure-4 represents the relation between the common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinion with the educational qualification of the respondents.

Figure-5

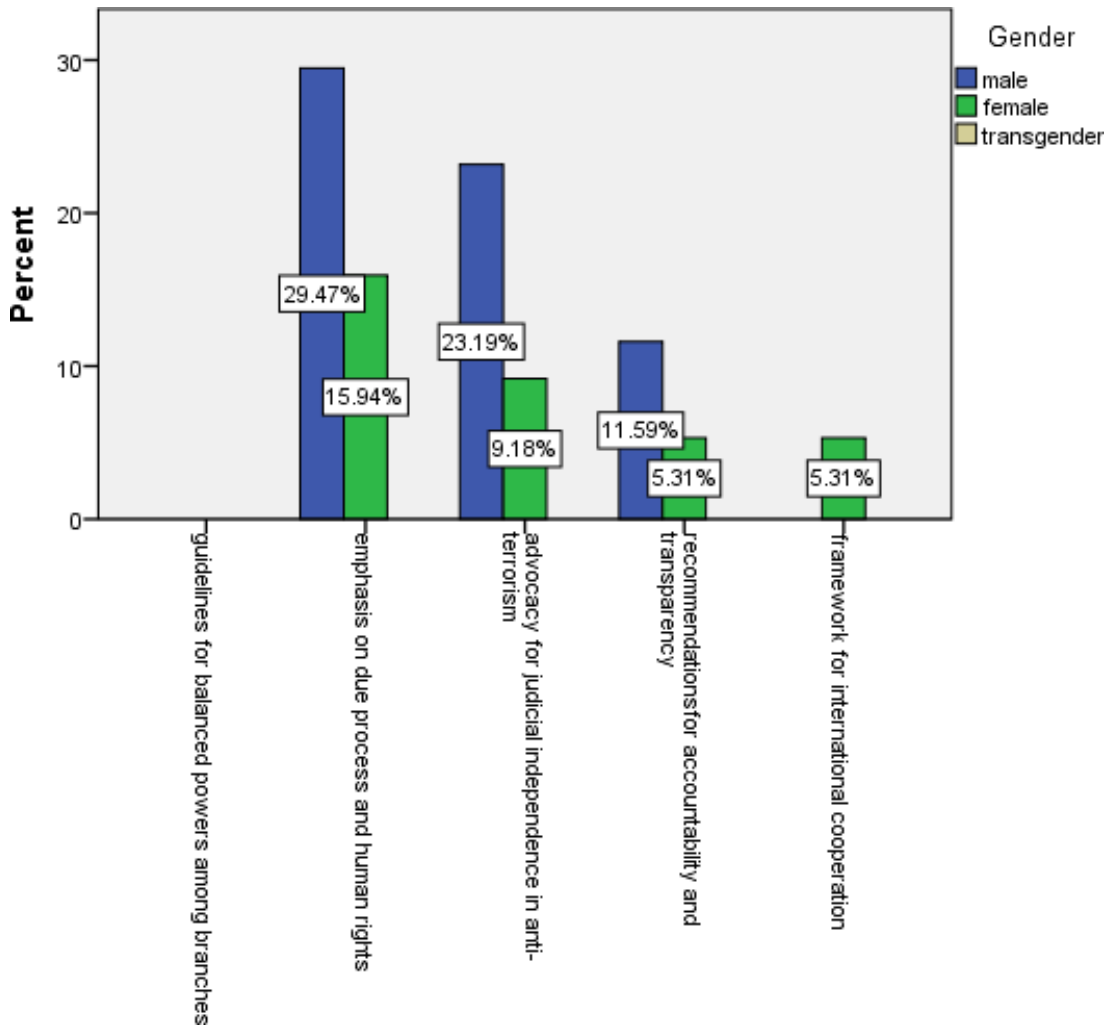


The common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinions.

Legend

The figure-5 represents the relation between the common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinion with the educational qualification of the respondents.

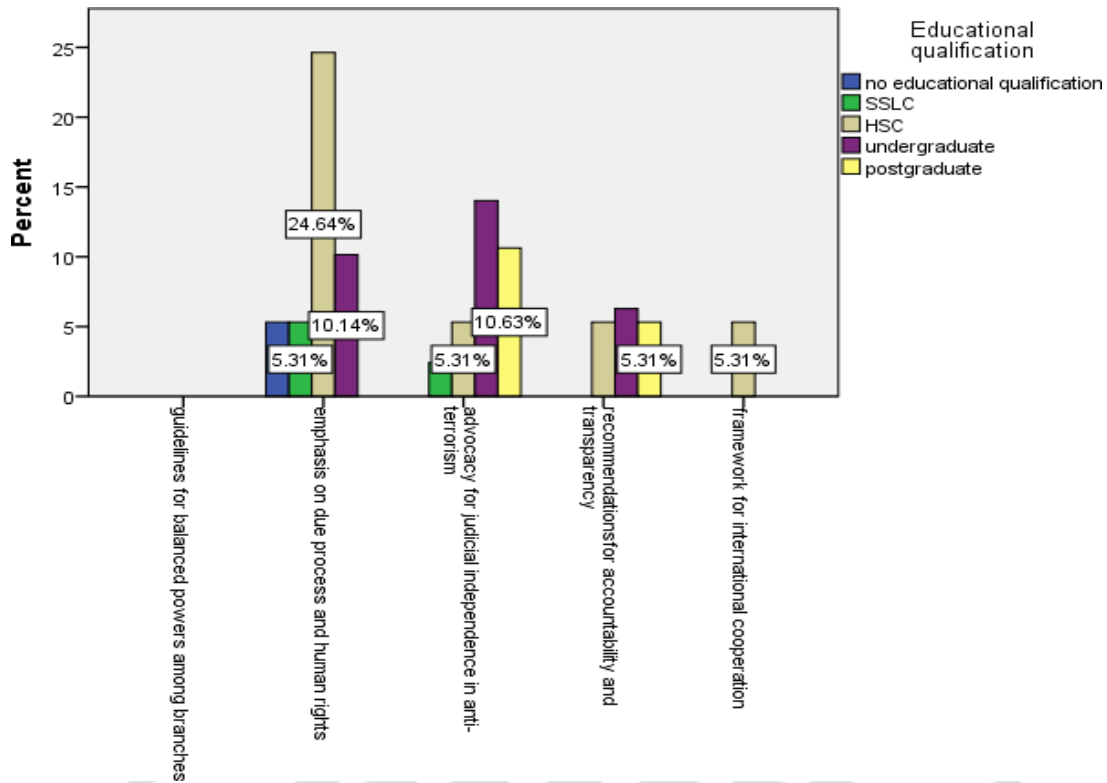
Figure-6



Legend

The figure-6 represents the relation between the influence of international legal standards on the application of the separation of powers doctrine in enforcing the UAPA, 1967. The plausible influence with the gender of the respondents

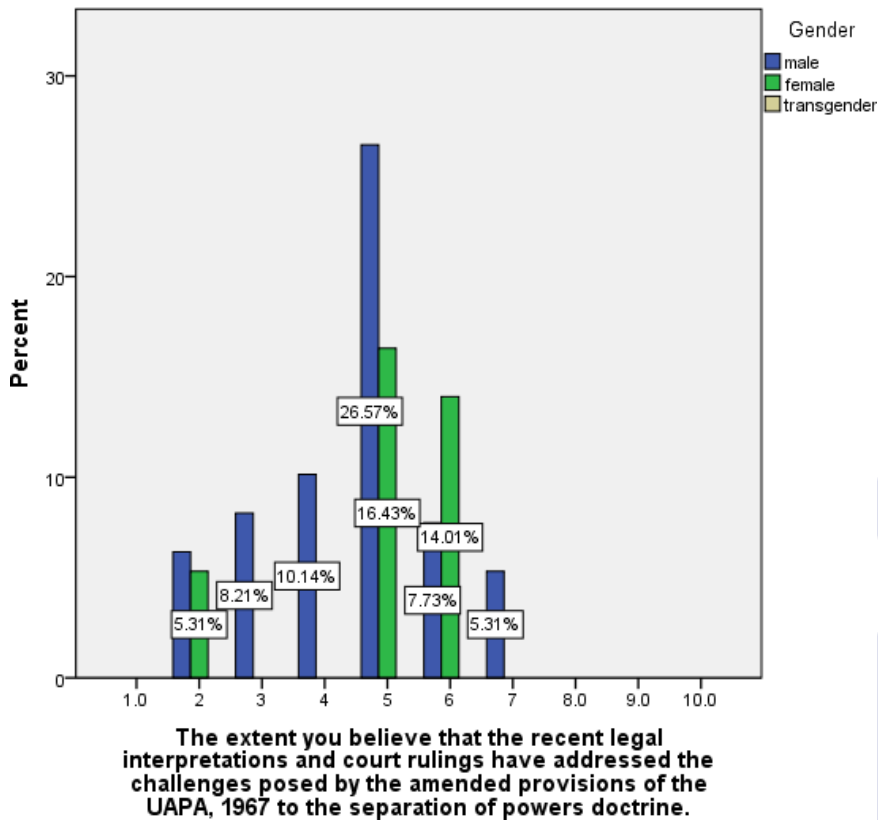
Figure-7



Legend

The figure-7 represents the relation between the influence of international legal standards on the application of the separation of powers doctrine in enforcing the UAPA, 1967. The plausible influence with the educational qualification of the respondents.

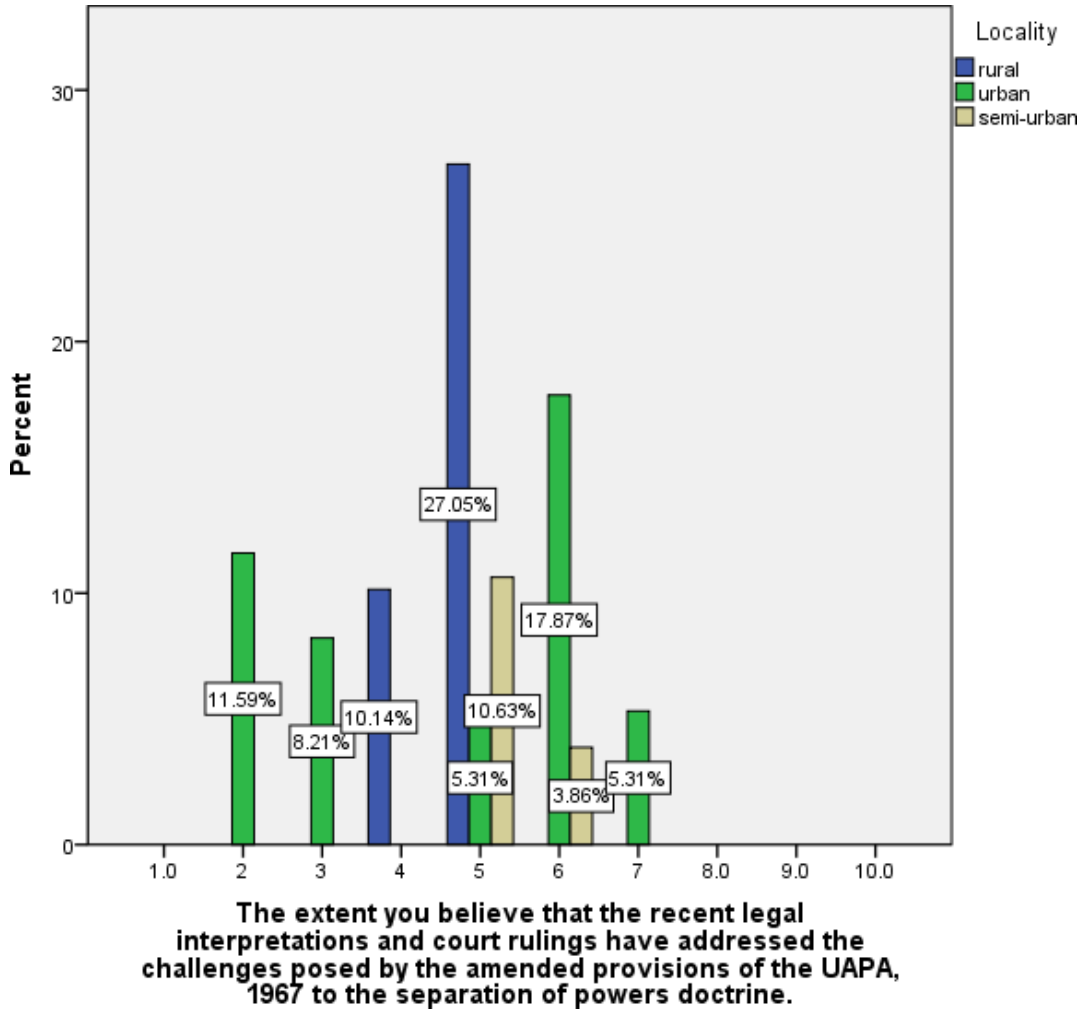
Figure-8



Legend

The figure-8 represents the relationship between the extent you believe that the recent legal interpretations and court rulings have addressed the challenges posed by the amended provisions of the UAPA, 1967 to the separation of powers doctrine with the gender of the respondents.

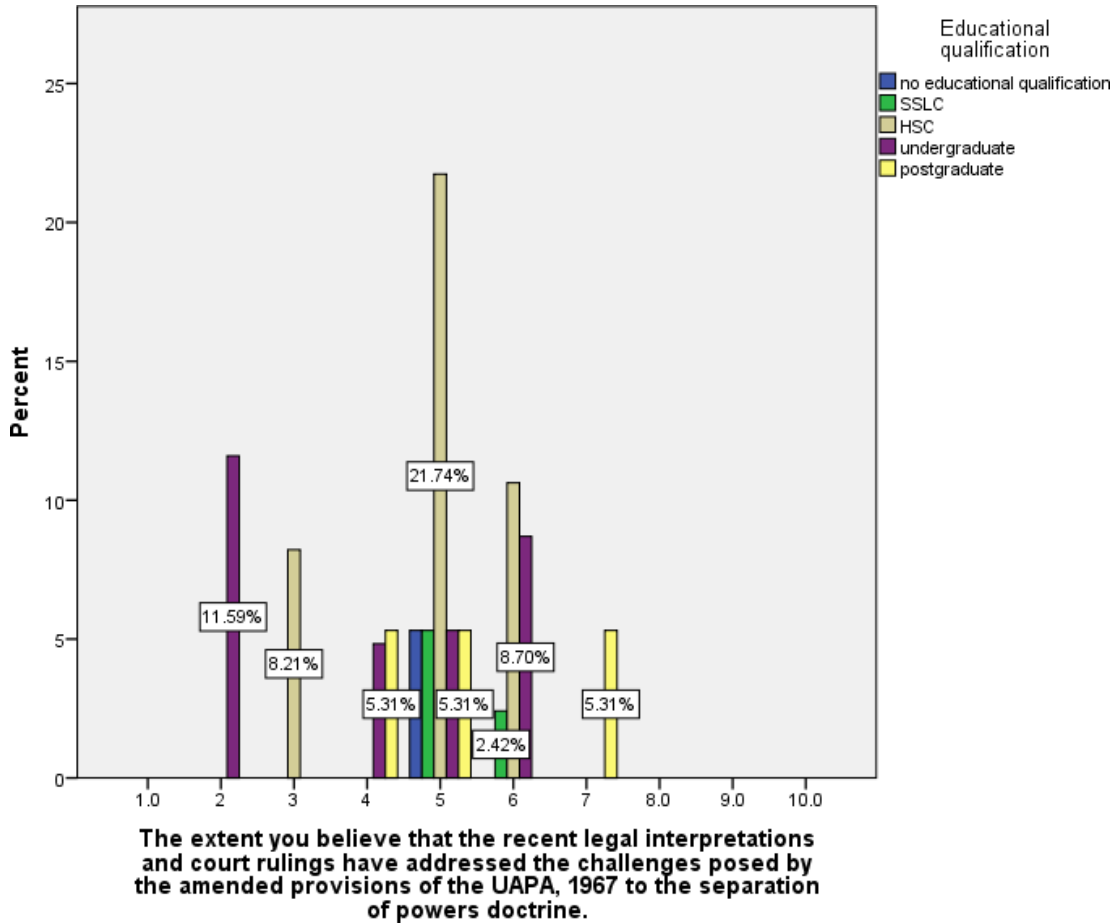
Figure-9



Legend

The figure-9 represents the relationship between the extent you believe that the recent legal interpretations and court rulings have addressed the challenges posed by the amended provisions of the UAPA, 1967 to the separation of powers doctrine with the locality of the respondents.

Figure-10



Legend

The figure-10 represents the relationship between the extent you believe that the recent legal interpretations and court rulings have addressed the challenges posed by the amended provisions of the UAPA, 1967 to the separation of powers doctrine with the educational qualification of the respondents.

Chi-SquareTable-1

Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Age (in years) * The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels.	207	87.3%	30	12.7%	237	100.0%

Age (in years) * The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels. Crosstabulation

			The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels.					Total
			complete violation	partial violation	neutral	no violation	absolute violation	
Age (in years)	below 20	Count	22	22	11	11	0	66
		Expected Count	14.3	22.0	22.6	3.5	3.5	66.0
	21-30	Count	23	26	38	0	0	87
		Expected Count	18.9	29.0	29.8	4.6	4.6	87.0
	31-40	Count	0	21	11	0	0	32
		Expected Count	7.0	10.7	11.0	1.7	1.7	32.0
	41-50	Count	0	0	11	0	11	22
		Expected Count	4.8	7.3	7.5	1.2	1.2	22.0
Total		Count	45	69	71	11	11	207
		Expected Count	45.0	69.0	71.0	11.0	11.0	207.0

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	160.153 ^a	12	.000
Likelihood Ratio	135.876	12	.000
Linear-by-Linear Association	34.541	1	.000
N of Valid Cases	207		

a. 9 cells (45.0%) have expected count less than 5. The minimum expected count is 1.17.

Symmetric Measures

		Value	Approximate Significance
Nominal by Nominal	Phi	.880	.000
	Cramer's V	.508	.000
	Contingency Coefficient	.660	.000
N of Valid Cases		207	

Null hypothesis: There exists no relation between The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating

state autonomy and entrenchment levels with the age of the respondents.

Alternative hypothesis: There exists relation between The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels with the age of the respondents.

Table -2

Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Locality * The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels.	207	87.3%	30	12.7%	237	100.0%

Locality * The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels. Crosstabulation

			The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels.					Total
			complete violation	partial violation	neutral	no violation	absolute violation	
Locality	rural	Count	34	32	0	11	0	77
		Expected Count	16.7	25.7	26.4	4.1	4.1	77.0
	urban	Count	11	26	63	0	0	100
		Expected Count	21.7	33.3	34.3	5.3	5.3	100.0
	semi-urban	Count	0	11	8	0	11	30
		Expected Count	6.5	10.0	10.3	1.6	1.6	30.0
Total		Count	45	69	71	11	11	207
		Expected Count	45.0	69.0	71.0	11.0	11.0	207.0

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	167.309 ^a	8	.000
Likelihood Ratio	173.321	8	.000
Linear-by-Linear Association	47.951	1	.000
N of Valid Cases	207		

a. 4 cells (26.7%) have expected count less than 5. The minimum expected count is 1.59.

Symmetric Measures

	Value	Approximate Significance
Nominal by Nominal Phi	.899	.000
Cramer's V	.636	.000
Contingency Coefficient	.669	.000
N of Valid Cases	207	

Null hypothesis: There exists no relation between The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels with the locality of the respondents.

Alternative hypothesis: There exists a relation between The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels with the locality of the respondents.

Table -3

Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Educational qualification * The common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinions.	207	87.3%	30	12.7%	237	100.0%

Educational qualification: * The common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinions.
Crosstabulation

			The common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinions.				Total
			lack of legal safeguards for accused	suppression of government critics	need for strict national security measures	coping with delays and backlogs	
Educational qualification	no educational qualification	Count	0	11	0	0	11
		Expected Count	.5	5.5	4.4	.6	11.0
	SSLC	Count	0	0	5	11	16
		Expected Count	.8	8.0	6.3	9	16.0
	HSC	Count	0	72	12	0	84
		Expected Count	4.1	42.2	33.3	4.5	84.0
	undergraduate	Count	10	21	32	0	63
		Expected Count	3.0	31.7	25.0	3.3	63.0
	postgraduate	Count	0	0	33	0	33
		Expected Count	1.6	16.6	13.1	1.8	33.0
Total		Count	10	104	82	11	207
		Expected Count	10.0	104.0	82.0	11.0	207.0

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	259.440 ^a	12	.000
Likelihood Ratio	205.124	12	.000
Linear-by-Linear Association	.103	1	.749
N of Valid Cases	207		

a. 11 cells (55.0%) have expected count less than 5. The minimum expected count is .53.

Symmetric Measures

	Value	Approximate Significance
Nominal by Nominal Phi	1.120	.000
Cramer's V	.646	.000
Contingency Coefficient	.746	.000
N of Valid Cases	207	

Null hypothesis: There exists no relationship between the common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinions with the educational qualification of the respondents.

Alternative hypothesis: There exists relationship between the common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinions with the educational qualification of the respondents.

Sample t-test

One-Sample Statistics

	One-Sample Test					
	Test Value = 0					
	t	df	Sig. (2-tailed)	Mean Difference	95% Confidence Interval of the Difference	
					Lower	Upper
The extent you believe that the recent legal interpretations and court rulings have addressed the challenges posed by the amended provisions of the UAPA, 1967 to the separation of powers doctrine.	50.120	206	.000	4.7101	4.525	4.895

Legend

The figure represents the extent you believe that the recent legal interpretations and court rulings have addressed the challenges posed by the amended provisions of the UAPA, 1967 to the separation of powers doctrine the sample value of likeliness of the scale is determined.

Results

The **figure-1** represents the relationship between the potential implications of UAPA, 2019 can violate the fundamental rights. The act under section.35 schedule 9 gives the arbitrary authority to add any person or organisation into the list of terrorists, The provisos can be arbitrary with the age of the respondents. The most common response recorded is strongly agree (24.64%) preceded by agree (5.80%) the common respondents are of the age below 20yrs and 21-30yrs. The **figure-2** represents the relationship between the potential implications of UAPA, 2019 can violate the fundamental rights. The act under section.35 schedule 9 gives the arbitrary authority to add any person or organisation into the list of terrorist, The provisos can be arbitrary with the gender of the respondents. The common response recorded is strongly agree (36.71%) preceded by disagree (16.91%) the common respondents are male followed by female. The **figure-3** represents the relation between the common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinion with the occupation of the respondents. The common response recorded is suppression of government criticism (23.67%) followed by need for strict national security (10.63%) the common respondents are students. The **figure-4** represents the relation between the common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinion with the educational qualification of the respondents. The common response collected is suppression of government critics (34.78%) preceded by need for strict national security measures (15.94%) the common respondents are HSC qualifiers. The **figure-5** represents the relation between the common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinion with the educational qualification of the respondents. The common response recorded is suppression of government critics (28.99%) preceded by need for strict national security measures (19.32%) the common respondents are urban residents. The **figure-6** represents the relation between the influence of international legal standards on the application of the separation of powers doctrine in enforcing the UAPA, 1967. The plausible influence with the gender of the respondents The common response recorded is emphasis on due process and human rights (29.47%) followed by advocacy for judicial independence in antiterrorism (23.19%) common respondents are males. The **figure-7** represents the relation between the influence of international legal standards on the application of the separation of powers doctrine in enforcing the UAPA, 1967. The plausible influence with the educational qualification of the respondents. The common response recorded is emphasis on due process and human rights (24.64%) followed by advocacy for judicial independence in antiterrorism (10.63%). The **figure-8** represents the relationship between the extent you believe that the recent legal

interpretations and court rulings have addressed the challenges posed by the amended provisions of the UAPA, 1967 to the separation of powers doctrine with the gender of the respondents. The common response recorded is 5 (26.57%) preceded by 6 (14.01%) the common respondents are male. The **figure-9** represents the relationship between the extent you believe that the recent legal interpretations and court rulings have addressed the challenges posed by the amended provisions of the UAPA, 1967 to the separation of powers doctrine with the locality of the respondents. The common response recorded is (27.05%) preceded by 6 (17.87%) the common respondents are rural residents. The **figure-10** represents the relationship between the extent you believe that the recent legal interpretations and court rulings have addressed the challenges posed by the amended provisions of the UAPA, 1967 to the separation of powers doctrine with the educational qualification of the respondents. The common response recorded is 5 (21.74%) preceded by 2 (11.59%) the common respondents are HSC qualifiers and undergraduates. **Table -1** represents Null hypothesis: There exists no relation between The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels with the age of the respondents. Alternative hypothesis: There exists a relation between The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels with the age of the respondents. The significant P value more than 0.05 as 0.88 hence the alternative is rejected and the null hypothesis prevails. **Table-2** represents Null hypothesis: There exists no relation between The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels with the locality of the respondents. Alternative hypothesis: There exists a relation between The violation of separation of powers occurs when, despite "public order" being under Schedule 7 state list entry 1, granting states absolute power, the Central government imposes its authority without state consent, thereby violating state autonomy and entrenchment levels with the locality of the respondents. The P value signifies is more than 0.05 and the P value is around 0.89 the expected count is more, hence alternative hypothesis is rejected and null hypothesis prevails. **Table-3** Null hypothesis: There exists no relationship between the common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinions with the educational qualification of the respondents. Alternative hypothesis:

There exists a relationship between the common challenges faced by the public under anti-terrorism laws, reflecting both positive and negative opinions with the educational qualification of the respondents. The P value is significantly high and more than 0.05 the count is 1.120 and does not composite the count hence the alternative is rejected and no relation exists between variables in close association. The **sample t test** represents the extent you believe that the recent legal interpretations and court rulings have addressed the challenges posed by the amended provisions of the UAPA, 1967 to the separation of powers doctrine the sample value of likeliness of the scale is determined. Since the likelihood is 0.00 there exists significance existence and association of the variables towards in order is not apprehended the variable in its existence explains the probable alignment of the opinion of the public.

Discussion

Fundamental Rights Violation by UAPA, 2019 (Figures 1 and 2), Age-based Analysis (**Figure 1**): Majority of respondents below 20 years and those aged 21-30 strongly agree (24.64%) that UAPA, 2019 has potential implications violating fundamental rights. Younger age groups might be more aware and concerned about civil liberties and the arbitrary power of the government under UAPA. This demographic is often more active in advocacy for democratic rights and wary of laws perceived as overreaching. Gender-based Analysis (**Figure 2**): A significant portion of respondents, especially males (36.71%), strongly agree that UAPA, 2019 can violate fundamental rights. Males might be more engaged in public discourse or direct activism, making them more critical of laws that appear to threaten personal freedoms. The notable percentage of disagreement (16.91%) suggests that some individuals perceive the law as a necessary measure for national security, indicating a gender-based divergence in perception. Challenges Faced Under Anti-Terrorism Laws (**Figures 3, 4, and 5**) Occupation-based Analysis (**Figure 3**): Students predominantly view anti-terrorism laws as suppressive of government criticism (23.67%). Students are often at the forefront of political activism and are sensitive to measures that could restrict free speech or activism. Their academic environment fosters critical thinking and a keen awareness of civil liberties. Educational Qualification-based Analysis (**Figures 4 and 5**): HSC qualifiers commonly cite suppression of government critics (34.78%) as a significant challenge, with a notable emphasis on national security needs (15.94%). Higher education levels correlate with greater awareness and scrutiny of government actions. HSC qualifiers, being relatively more educated, may have a nuanced understanding of the trade-offs between security and civil liberties. Locality-based Analysis (**Figure 5**): Urban residents see suppression of government critics (28.99%) as a key issue. Urban populations are

typically more exposed to diverse viewpoints and have more robust platforms for expressing dissent, making them more critical of laws perceived to restrict these freedoms. Influence of International Legal Standards (**Figures 6 and 7**) Gender-based Influence (**Figure 6**): Emphasis on due process and human rights is the leading response among males (29.47%). Males, being more actively involved in political and legal discourse, might prioritise the adherence to international standards in maintaining due process and human rights. Educational Qualification-based Influence (**Figure 7**): Respondents with higher educational qualifications emphasise due process and human rights (24.64%). Higher education often includes exposure to international legal standards and human rights norms, making this demographic more supportive of these principles in the context of anti-terrorism laws. Legal Interpretations and Court Rulings on UAPA, 1967 (**Figures 8, 9, and 10**). Gender-based Analysis (**Figure 8**): Males predominantly believe that recent court rulings address challenges posed by UAPA (26.57%). This might reflect a higher engagement with and trust in the judicial process among males, who often participate more actively in legal and political debates. Locality-based Analysis (**Figure 9**): Rural residents have a significant belief in the effectiveness of court rulings (27.05%). Rural respondents might have a different perspective on the impact of legal rulings due to their unique socio-economic and political contexts. Educational Qualification-based Analysis (**Figure 10**): HSC qualifiers and undergraduates show varied responses, with a common response being moderately positive towards court rulings (21.74%). This demographic's educational background allows them to critically evaluate the judicial process, balancing their views between support and scepticism. Statistical Analysis and Hypothesis Testing (**Tables 1, 2, and 3**), Age and Locality-based Hypothesis Testing (**Tables 1 and 2**): The P values (0.88 and 0.89) indicate no significant relationship between age/locality and perceptions of violation of separation of powers. This suggests that opinions on the central government's authority under UAPA are uniformly distributed across different age groups and localities, pointing to a broader consensus or lack thereof. Educational Qualification-based Challenges (**Table 3**): The high P value (1.120) rejects any significant relationship between educational qualification and opinions on anti-terrorism laws. This implies that educational background does not significantly influence opinions on the challenges posed by anti-terrorism laws, indicating that concerns about these laws might be universally shared across educational levels.

Limitations

The challenges posed by the application of the doctrine of separation of powers and the enforcement difficulties under the amended provisions of UAPA, 1967 face several significant limitations. Accessing comprehensive and accurate information regarding the enforcement of UAPA, 1967 may be hindered by confidentiality concerns and restricted access to official records. The intricate legal framework surrounding both the doctrine of separation of powers and UAPA, 1967 introduces complexities that make definitive conclusions challenging. Additionally, political sensitivities surrounding national security and counterterrorism laws can restrict access to certain stakeholders or viewpoints. Time constraints and resource-intensive requirements for thorough research further compound these challenges. Narrowing the scope to specific amendments and challenges under UAPA, 1967 may overlook broader societal impacts, while limited comparative data or studies from other jurisdictions may constrain in-depth analysis. Moreover, researchers must navigate biases and ethical considerations in studying such sensitive legal and governmental issues, impacting data collection and analysis integrity. These factors underscore the need for meticulous methodological approaches to ensure the study's credibility and relevance.

Conclusion

The study investigates the challenges encountered in applying the doctrine of separation of powers and enforcing the amended provisions of the Unlawful Activities (Prevention) Act, 1967 (UAPA). The doctrine of separation of powers is fundamental to democratic governance, aiming to prevent concentration of power and ensure checks and balances among the executive, legislature, and judiciary. UAPA, amended over the years to enhance national security measures, presents complexities in balancing these powers while safeguarding civil liberties. The primary objective of this study was to identify and analyse the specific challenges faced in applying the doctrine of separation of powers within the context of UAPA's amended provisions. Additionally, the study aimed to assess the implications of these challenges on governance, civil liberties, and the rule of law. The findings reveal several key challenges. Firstly, there is a tendency towards executive overreach under the guise of national security concerns, potentially undermining judicial oversight and legislative scrutiny. This imbalance raises significant concerns regarding accountability and transparency in UAPA enforcement. Secondly, the judiciary faces challenges in adjudicating cases involving UAPA due to the sensitive nature of national security issues, often leading to delays and complexities in legal

proceedings. Thirdly, the legislative role in amending and reviewing UAPA provisions have been pivotal yet contentious, highlighting debates over striking the right balance between security imperatives and civil liberties. It is imperative to enhance transparency and accountability in the application of UAPA. Strengthening judicial oversight, ensuring robust legislative scrutiny of amendments, and promoting public awareness and engagement are crucial steps. Additionally, comparative studies with other democracies facing similar challenges could provide valuable insights into best practices and reforms. Exploring technological advancements and their impact on UAPA enforcement could also offer innovative solutions. In conclusion, while UAPA amendments serve legitimate national security interests, they must not come at the expense of fundamental democratic principles upheld by the doctrine of separation of powers. Addressing the identified challenges through systematic reforms and enhanced institutional cooperation will foster a balanced approach that respects both security imperatives and civil liberties. This study underscores the importance of continual monitoring and adaptation of legal frameworks to uphold the rule of law and democratic governance in the face of evolving security threats.

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