



Enemy Agents Ordinance

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Why in News?

Recently, **Jammu and Kashmir's** Director General of Police (DGP) proposed using the **Enemy Agents Ordinance of 2005**, which includes penalties such as **life imprisonment or the death penalty**, to prosecute militant supporters instead of the [Unlawful Activities Prevention Act \(UAPA\)](#).

What is the Enemy Agent Ordinance?

▪ About:

- Introduced in **1917 by the Dogra Maharaja of Jammu and Kashmir (J&K)**.
 - The term 'ordinance' reflects the nomenclature for laws used during the **Dogra era**.
- **Post-Partition Evolution:** The ordinance was **re-enacted in 1948** as a law by the Maharaja in exercise of his law-making powers conferred by **Section 5 of the Constitution Act of Kashmir, 1939**.
- **Legal Basis:** The Enemy Agent Ordinance was subsequently protected by inclusion in the [Jammu and Kashmir Constitution of 1957](#), particularly under Section 157.

▪ Constitutional Changes after Abrogation of Article 370:

- Key security legislation like the **Enemy Agents Ordinance** and [Public Safety Act](#) were retained.
- Some laws, such as the Ranbir Penal Code, were superseded by the [Indian Penal Code](#).

▪ Key Provisions of Enemy Ordinance:

- Definition of Enemy Agent:
 - Enemy agent ordinance targets **agents or friends of the enemy** rather than the enemy itself. It defines the **enemy in the context of the 1947 tribal invasion of Kashmir**.
 - Anyone who conspires with another person to act intended to aid the enemy is regarded as an enemy agent.
- **Punishment:**
 - Enemy agents shall be punished with death or rigorous imprisonment for life or with rigorous imprisonment for a term which may **extend to 10 years and shall also be liable to fine**.
- **Judicial Validation and Trial:**
 - In **Rehman Shagoo vs State of Jammu and Kashmir Case**, 1959, the [Supreme Court](#) upheld the enemy agent ordinance.
 - The trial under the Enemy Agents Ordinance is conducted by a special government-appointed judge in consultation with the High Court.
 - Accused under the ordinance cannot **engage a lawyer unless permitted by the court** and there is **no provision for appeal against the verdict**.

What is the Unlawful Activities Prevention Act (UAPA)?

- The **Unlawful Activities Prevention Act (UAPA)**, enacted in **1967** and initially aimed at addressing **secessionist movements and anti-national activities**.
- It has undergone multiple amendments, most recently in **2019**. These amendments include provisions concerning **terrorist financing, cyber-terrorism, individual designation, and asset seizure**.
- The UAPA grants authority to the **National Investigation Agency (NIA)** for nationwide investigation and prosecution under its purview and imposes severe penalties such as the **death penalty and life imprisonment** for terrorist acts.
- It allows for the detention of suspects without charge or trial for up to **180 days and denies bail** unless the **court finds the accused not guilty**.
- Terrorism under the UAPA encompasses acts causing or intending to cause harm to **individuals, property damage, or threats to the unity, security, or economic stability of India or any other nation**.

UPSC Civil Services Examination Previous Years' Questions (PYQs)

Prelims

Q. Which one of the following is the largest (areawise) Lok Sabha constituency? (2008)

- (a) Kangra
- (b) Ladakh
- (c) Kachchh
- (d) Bhilwara

Ans: (b)

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