

## National Security Act, 1980

The National Security Act, 1980 is India's preventive detention law. It has been in the news because of allegations of misuse of the law by the government and law enforcement agencies. What is the National Security Act (NSA)? What are its provisions? On this page, you will find all the relevant information about the NSA for the [UPSC IAS Exam](#).

### What is the National Security Act (NSA)?

The National Security Act was passed in 1980. It had been introduced by the Indira Gandhi government through the ordinance route. The NSA is a preventive detention law which means it is used by the authorities to detain a person so that he/she may be prevented from committing a crime and/or escape future prosecution.

**Preventive detention** is basically the detention of a person without a trial to prevent him/her from committing a crime. Read more on [preventive detention](#) in the linked article.

- The forerunner to the preventive detention laws in India can be traced to the British colonial period.
- The first such law was 1818's Bengal Regulation III which enabled the government to arrest anyone for defence or for maintaining public order without giving the person any legal remedies.
- Then, in 1919, the [Rowlatt Acts](#) were passed which drew widespread condemnation from the political activists of the time.
- Later, after independence, the Nehru government enacted the Preventive Detention Act of 1950 which expired in 1969.
- In 1971, Indira Gandhi enacted the MISA (Maintenance of Internal Security Act, 1971), which gave unlimited powers to the government and law enforcement bodies. This was repealed in 1977.
- In 1980, the NSA was enacted.
- Article 22 (3) (b) of the Constitution of India allows for preventive detention and restriction on personal liberty for reasons of state security and public order.

### National Security Act Provisions

The Act empowers the central and state governments to detain a person as a preventive measure for reasons of security of the state and/or public order.

- The person can be detained so as to prevent him/her from acting in any manner prejudicial to national security. The person needn't be charged during the period of detention.
- The government can also keep a person in preventive detention to prevent him from disrupting public order or for the maintenance of supplies and services essential to the community.
- The detainee can be kept for up to a period of 12 months. The period of detention can be extended if the authorities find adequate evidence.
- The detainee need not be informed of the reason for his/her detention for up to five days and in exceptional circumstances, for up to ten days also.
- No suit or legal action shall be filed against the central or state government for anything done in good faith done in pursuance of the NSA.

### What are the grounds for detention under NSA?

- Acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India.
- Regulating the continued presence of any foreigner in India or to make arrangements for his expulsion from India.
- Preventing them from acting in any manner prejudicial to the security of the State or from acting in any manner prejudicial to the maintenance of public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community it is necessary so to do.

### Advisory Board

- The advisory board constituted by the central or state government shall comprise three persons (who are qualified to be appointed as judges of a high court).
- Within three weeks of detention as per the NSA, the government must place before the Board the reasons for detention.
- The detainee can appeal but is not entitled to legal representation by a lawyer.
- If the Board does not find sufficient reasons for the detention, the government should revoke the detention order and release the person immediately.

### National Security Act Criticism

There have been instances where the government has used the preventive detention route to suppress dissent and even imprison journalists. Activists claim that the provisions under this law violate almost all due process rights.

- The detainee under the NSA is not given basic rights and safeguards that are accorded by Article 22 of the Constitution and the [Criminal Procedure Code \(CrPC\)](#) such as:
  - Arrested person should be informed of the grounds for arrest.
  - Arrested person has the right to consult and be represented by a lawyer.
  - Arrested person should be produced before a magistrate within 24 hours.
- Many people argue that there should be no place for preventive detention in a democracy even after seventy years of freedom. Normally, such laws are invoked during wartime or under extraordinary circumstances. But in India, this law is invoked during normal times and in normal circumstances.
- The police are often accused of using the NSA to circumvent the safeguards under the CrPC. Activists claim that they use this law when they cannot or are unwilling to make a charge.
- The NSA is often used as a response to normal law and order cases, and not necessarily to prevent future crimes.
- The grounds for detention also use vague language which can be misused by those in power.