**National Security Act, 1980:**

* The National Security Act of 1980 is an act of the Indian Parliament whose purpose is “to provide for preventive detention in certain cases and for matters connected therewith”. The act extends to the whole of India except the State of Jammu and Kashmir. It was passed during the Charan Singh Government.
* This act empowers the Central Government and State Governments to detain a person to prevent him/her from acting in any manner prejudicial to the security of India, the relations of India with foreign countries, the maintenance of public order, or the maintenance of supplies and services essential to the community it is necessary so to do. The act also gives power to the governments to detain a foreigner in a view to regulate his presence or expel from the country.
* The other enactments relating to national security are the Unlawful Activities (Prevention) Act, 1967, the Criminal Law Amendment Act, the Official Secrets Act, 1923, Chapters 6 and 7 of the Indian Penal Code etc.
* India had a long history of preventive detention laws like the Defence of India Act of 1858, The Government of India Act of 1935, the Preventive Detention Act of 1950, the Maintenance of Internal Security Act in 1971 and the NSA in 1980.
* The only period in the Indian “republic without any preventive detention law was the three year period, beginning with the repeal of MISA in 1977 to the promulgation of the NSA in 1980.
* The maximum period of detention is 12 months, but the detention should be reported to the State Government along with the grounds on which the order has been made. No such order shall remain in force for more than twelve days unless approved by the State Government.

**Reasons for failure of the Act:**

* A striking feature of the Act is that the government can detain a person for as long as it wishes to. This is made possible by the powers of the government to continue to detain a person even after the expiry or revocation of the original detention order on the plea that fresh grounds of detention have arisen.
* First, there are the detentions that are based on political or ideological differences. This goes against the basic spirit of the Indian Constitution. Though the courts have generally overturned such detentions but this was not before the political prisoner has spent many months in prison.
* Second, there is the detention of suspected criminals for acts that can properly be dealt with by the ordinary criminal law. Although this type of abuse receives little or no publicity, it has been widespread since the NSA was passed in 1980.

**Possible solutions:**

Given that India occasionally staggers through spasmodic bouts of violence and disorder, it is possible that very narrowly tailored preventive detention laws with stringent judicial controls could be appropriate to counter such threats, at least in times of particular unrest.

* Increasing the accountability of the governmental authorities,
* Tailoring the law more narrowly to the truly serious threats to India’s security, and
* Refining the language of the NSA so as to make it less vague and, therefore, less susceptible to abuses and creative interpretations from executive authorities, are fundamental if abuses are to be checked.

In the state of Jammu and Kashmir, the more stringent preventive detention law, the Jammu and Kashmir Public Safety Act, which was passed in 1978, covers while in North East India, the Armed Forces Special Powers Act operates