

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

UNSTARRED QUESTION NO. 2079

TO BE ANSWERED ON FRIDAY, THE 1ST AUGUST, 2025

Misuse of Security Laws

2079. SHRI KULDEEP INDORA:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether it is fact that draconian laws like National Security Act (NSA), Unlawful Activities Prevention Act (UAPA) and Public Safety Act (PSA) are being used nowadays against students journalists, social activists and peaceful protesters resulting in question about the judicial system of the country;
- (b) whether many people are kept in jail for years without trial under these laws thereby affecting the right to liberty and fair trial guaranteed by the Constitution;
- (c) if so, the number of the persons presently languishing in various jails without conviction under these laws; and
- (d) whether the Government proposes to formulate any concrete policy or guidelines to review these laws from time to time and use them only in very serious cases?

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE
MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN
THE MINISTRY OF PARLIAMENTARY AFFAIRS**

(SHRI ARJUN RAM MEGHWAL)

(a) to (d): As per the information provided by the Ministry of Home Affairs, the National Security Act (NSA), 1980 provides for preventive detention in certain cases

and empowers the Central Government and the State Governments to make orders for detaining certain persons if satisfied that such detention is necessary for preventing acts prejudicial to the defence of India, the security of India, the security of the State, the maintenance of public order or the maintenance of supplies and services essential to the community.

The Jammu and Kashmir Public Safety Act (PSA), 1978 provides for preventive detention in certain cases. Every detention is required to be based on reasonable and material grounds in accordance with the provisions of the said Act. There are adequate safeguards provided under the said Act for review.

Further, the Unlawful Activities (Prevention) Act (UAPA), 1967 is the principal legal regime in the country to deal with cases relating to terrorism and unlawful activities and is primarily required to safeguard the sovereignty, security and integrity of the nation. It empowers law enforcement agencies to investigate and prosecute individuals and organizations involved in or supporting terrorism and unlawful activities. Under Section 45 of the Act, no court can take cognizance of any offence without the previous sanction of the Central or State Government, as the case may be.

The maximum period of detention under the NSA, 1980 is twelve months from the date of detention. In respect of UAPA cases, conviction is an outcome of

the judicial process which depends on factors such as the duration of the trial, appraisal of evidence and examination of witnesses.

Data relating to the number of persons presently detained under the NSA, 1980 and the Public Safety Act (PSA), 1978 is not centrally maintained. Furthermore, the National Crime Records Bureau (NCRB) compiles data on crime as reported by the States and Union Territories and publishes the same in its annual publication *Crime in India*.
