

F.No.11(1)/2014-L.I
Government of India
Ministry of Law and Justice
Legislative Department

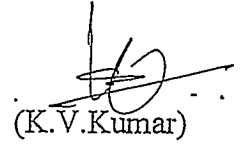
4th Floor, Shastri Bhawan
New Delhi, the 8th December, 2014

OFFICE MEMORANDUM

Subject:-Proposal to Repeal the Amending Acts –regarding

The undersigned is directed to refer to the Ministry of Home Affairs OM No. II/15011/5/2014-NSA, dated 1st December, 2014 regarding the subject cited above and to forward herewith a copy of the National Security Act, 1980 (65 of 1980) modified up to 1st December, 2014, as requested by the Ministry of Home Affairs for taking necessary action in the matter.

Encl.: As above.



(K.V.Kumar)
Deputy Legislative Counsel
Tel. No.23389687

Ministry of Home Affairs,
IS-II Division, NSA-Section,
[Kind Attn.: Shri Ashish V. Gawai, US],
NDCC-II Building, 2nd Floor,
Jai Singh Road,
New Delhi-110001.

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AS

F.No.1(19)/2014-Pub.
Government of India
Ministry of Law and Justice
Legislative Department
Publication Section

...
New Delhi, the 2nd December, 2014.

NOTE

Subject:- Modified Edition of National Security Amendment Act, 1980 (65 of 1980).

Legislative-1 Section may kindly refer to their Dy. No. 2017/2014/L.1(LD) dated 1st December, 2014 on the subject cited above.

2. A copy of National Security Amendment Act, 1980 (65 of 1980) as modified upto 1st December, 2014 is enclosed herewith for necessary action.

Encl: As above.

Legislative-1 Section

Renu Sinha
(Renu Sinha) 5/12/14.
Assistant Legislative Counsel
(Branch Officer)

Rangaraj
5/12/14

Sh. Rangesh

Ministry of Law & Justice
Legislative Department
Publication Section
New Delhi

2087 05/12/14



THE NATIONAL SECURITY ACT, 1980

(65 OF 1980)

(As modified up to the 1st December, 2014)

GOVERNMENT OF INDIA

Ministry of Law and Justice

THE NATIONAL SECURITY ACT, 1980

No. 65 of 1980

[27th December, 1980]

An Act to provide for preventive detention in certain cases and for matters connected therewith.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. Short title and extent.—(1) This Act may be called the National Security Act, 1980.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means, as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respect a detention order made by a State Government or by an officer subordinate to a State Government or as respects a person detained under such order, the State Government;

(b) "detention order" means an order made under section 3;

(c) "foreigner" has the same meaning as the Foreigners Act, 1946 (31 of 1946);

(d) "person" includes a foreigner;

(e) "State Government", in relation to a Union territory, means the administrator thereof.

3. Power to make orders detaining certain persons.—(1) The Central Government or the State Government may,—

(a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India, or

(b) if satisfied with respect to any foreigner that with a view to regulating his continued presence in India or with a view to making arrangements for his expulsion from India,

it is necessary so to do, make an order directing that such person be detained.

(2) The Central Government or the State Government may, if satisfied with respect to any person that with a view to preventing him 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, make an order directing that such person be detained.

Explanation.—For the purposes of this sub-section, "acting in any manner prejudicial to the maintenance of supplies and services essential to the community" does not include "acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community" as defined in the Explanation to sub-section (1) of section 3 of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 (7 of 1980), and accordingly, no order of detention shall be made under this Act on any ground on which an order of detention may be made under that Act.

(3) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the State Government is satisfied that it is necessary so to do, it may, by order in writing, direct, that during such period as may be specified in the order, such District Magistrate or Commissioner of Police may also, if satisfied as provided in sub-section (2), exercise the powers conferred by the said sub-section:

Provided that the period specified in an order made by the State Government under this sub-section shall not, in the first instance, exceed three months, but the State Government may, if satisfied as aforesaid that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding three months at any one time.

(4) When any order is made under this section by an officer mentioned in sub-section (3), he shall forthwith report the fact to the State Government to which he is subordinate together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such

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(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order.

(2) Upon the making of a report against any person under clause (a) of sub-section (1), the provisions of sections 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973 (2 of 1974), shall apply in respect of such person and his property as if the detention order made against him were a warrant issued by the Magistrate.

(3) If any person fails to comply with an order issued under clause (b) of sub-section (1) he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under sub-section (3) shall be cognizable.

8. Grounds of order of detention to be disclosed to persons affected by the order.—(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

9. Constitution of Advisory Boards.—(1) The Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Act.

(2) Every such Board shall consist of three persons who are, or have been, or are qualified to be appointed, as Judges of a High Court, and such persons shall be appointed by the appropriate Government.

(3) The appropriate Government shall appoint one of the members of the Advisory Board who is, or has been, a Judge of a High Court to be its Chairman, and in the case of a Union territory, the appointment to the Advisory Board of any person who is a Judge of the High Court of a State shall be with the previous approval of the State Government concerned.

10. Reference to Advisory Board.—Save as otherwise expressly provided in this Act, in every case where a detention order has been made under this Act, the appropriate Government shall, within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by it under section 9, the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been made by an officer mentioned in sub-section (3) of section 3, also the report by such officer under sub-section (4) of that section.

11. Procedure of Advisory Board.—(1) The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from the appropriate Government or from any person called for the purpose through the appropriate Government or from the person concerned, and if, in any particular case, it considers it essential so to do or if the person concerned desires to be heard, after hearing him in person, submit its report to the appropriate Government within seven weeks from the date of detention of the person concerned.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.

(3) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board; and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

12. Action upon the report of the Advisory Board.—(1) In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

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(2) In the case of any person to whom sub-section (1) applies, sections 3, 8 and 10 to 14 shall have effect subject to the following modifications, namely:—

(a) in section 3,—

(i) in sub-section (4), in the proviso,—

(A) for the words "ten days", the words "fifteen days" shall be substituted;

(B) for the words "fifteen days" the words "twenty days" shall be substituted;

(ii) in sub-section (5), for the words "seven days", the words "fifteen days" shall be substituted;

(b) in section 8, in sub-section (1), for the words "ten days", the words "fifteen days" shall be substituted;

(c) in section 10, for the words "shall, within three weeks", the words "shall, within four months and two weeks" shall be substituted;

(d) in section 11,—

(i) in sub-section (1), for the words "seven weeks", the words "five months and three weeks" shall be substituted;

(ii) in sub-section (2), for the words "detention of the person concerned", the words "continued detention of the person concerned" shall be substituted;

(e) in section 12, for the words "for the detention", at both the places where they occur, the words "for the continued detention" shall be substituted;

(f) in section 13, for the words "twelve months", the words "two years" shall be substituted;

(g) in section 14, in the proviso to sub-section (2), for the words "twelve months" the words "two years" shall be substituted.]

15. Temporary release of persons detained.—(1) The appropriate Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person, fails without sufficient cause, to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

16. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the Central Government or a State Government, and no suit, prosecution or other legal proceeding shall lie against any person, for anything in good faith done or intended to be done in pursuance of this Act.

17. Act not to have effect with respect to detentions under State laws.—(1) Nothing in this Act shall apply or have any effect with respect to orders of detention, made under any State law, which are in force immediately before the commencement of the National Security Ordinance, 1980 (Ord. 11 of 1980), and accordingly every person in respect of whom an order of detention made under any State law is in force


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, शुक्रवार, अगस्त 12, 2016/श्रावण 21, 1938

No. 2021]

NEW DELHI, FRIDAY, AUGUST 12, 2016/SRAVANA 21, 1938

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 10 अगस्त, 2016

का.आ. 2700(अ).—केंद्रीय सरकार राष्ट्रीय सुरक्षा अधिनियम, 1980 (1980 का 65) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सलाहकार बोर्ड का गठन करती है और निम्नलिखित व्यक्तियों को उक्त बोर्ड का अध्यक्ष और सदस्य नियुक्त करती है अर्थात् :-

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|----|--|-----------|
| 1. | माननीय न्यायमूर्ति श्री संजीव खन्ना | —अध्यक्ष; |
| 2. | माननीय न्यायमूर्ति श्री जयंत नाथ | —सदस्य; |
| 3. | माननीय न्यायमूर्ति श्रीमती संगीता धीगरा सहगल | —सदस्य. |

[फा. सं. II/15011/07/2015—एन.एस.ए.]

मुकेश मित्तल, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 10th August, 2016

S.O. 2700(E).—In exercise of the powers conferred by Section 9 of the National Security Act, 1980 (65 of 1980), the Central Government hereby constitutes the Advisory Board and appoints the following persons as Chairman and Members of the said Board or, namely:—

- | | | |
|----|--|-------------|
| 1. | Hon'ble Mr. Justice Sanjiv Khanna | — Chairman; |
| 2. | Hon'ble Mr. Justice Jayant Nath | —Member; |
| 3. | Hon'ble Ms. Justice Sangita Dhingra Sehgal | —Member. |

[F. No. II/15011/07/2015-NSA]

MUKESH MITTAL, Jt. Secy.