

IMPACT OF THE NATIONAL SECURITY ACT ON FREEDOM OF SPEECH AND EXPRESSION

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ABSTRACT

The National Security Act (NSA), 1980, was enacted to safeguard India's national security and public order through preventive detention. However, its broad provisions and discretionary powers have raised concerns about its impact on fundamental rights, particularly the freedom of speech. This article analyzes the malicious application of the NSA in contemporary democracies, focusing on the management of dissent, censorship of the media, and suppression of government critics. As a result, the cases of the journalist Kishore Chandra Wang Khem, Dr. Kafeel Khan, and more recently, Siddique Kappan, all showcase the misuse of the Law towards the people who challenge the 'status quo' or get a hold of certain deep-cover stories. The judicial responses, though, have granted some reprieve to the parties and have been thwarted by the statute regarding the restrictions on judicial review- the statute's tools.

When compared with international standards, it becomes clear that there is an urgent need for change since certain countries like the United Kingdom and Canada have imposed measures on freedom of expression but still manage to deal with national security issues effectively, expression guaranteed under Article 19(1)(a) of the Indian Constitution. The article presents some practical changes to the National Security Act, including an unambiguous interpretation of terms like 'national security threat', enhanced processes of monitoring the judiciary's actions, assurance of respect for human rights, and openness in administration. The experts' proposals aim to achieve an equilibrium between fundamental human rights and the assertion of national security, so as not to misuse the NSA to violate the rights of individuals guaranteed by the constitution of the land. The article finally states that "democracy depends on the preservation of the right to free speech, which allows the existence of an environment where different voices can be heard without fearing any retaliation from the government".

KEYWORDS: Fundamental rights, Preventive detention, judicial review, statute, discretionary power.

INTRODUCTION

The National Security Act (hereinafter referred to as the NSA) was passed by India in 1980¹³³³ And implemented the NSA a lot earlier, as it was already in force. The Act, at its core, is an extension of punitive measures; it allows both the central and state governments to hold a

person without specific charges for a period extending to 12 months. If an individual is considered a potential threat to national security or the maintenance of public order, an arrest can be made. This particular type of arrest is made to address the activities that are sure to endanger the stability of the country.

It is important to note that the National Security Act was created to safeguard the interests of

¹³³³ ACT NO. 65 OF 1980

the country. However, it has very frequently been noted as being used to stifle opposing views and infringe on the fundamental right to free speech and expression under Article 19(1)(a) of the Constitution of India.¹³³⁴ Certain unsettling aspects of the NSA's contents, especially its open-ended provisions, which allow authorities broad power, have been the reason for concern about potential abuses of the law.¹³³⁵ The Act has attracted criticism for its application in several prominent instances involving the arrest, often without due process of law, of journalists, activists, and others who are simply engaging in the nonviolent practice of critiquing government policies.

This article looks into the influence of the NSA on speech in India and its interpretation concerning various civil liberties through some of the prominent case studies and decisions available. It also determines how some of the other democracies work out the relationship between national security and freedom of speech, and what lessons for the reconsideration of the NSA reforms could be learned from them. The aim is to analyze whether the existing regime of the NSA aligns with the tenets of democracy and suggest possible changes to it that will enable the safeguarding of national interests as well as protecting the individual's freedom.¹³³⁶

I. NATIONAL SECURITY ACT: AN OVERVIEW

One of the aspects of India that becomes a bone of contention amongst the people is the National Security Act (NSA), 1980¹³³⁷ that is because the law is capable of excessive, arbitrary, and unreasonable restrictions on the rights and freedoms of the citizens. From this

perspective, such action or enactment of such an Act was needed to address heightening concerns, real or imagined, on threats emanating from within one's population, enabling the authorities to take drastic measures to control what is perceived to be a threat to the peace and stability of the nation.¹³³⁸ However, there have been heated arguments regarding the need and the scope of the usage of the Act due to its wide range of provisions and limited range of protections. The Act was also brought into law at a time when there was too much political agitation and security problems, such as terrorism, local insurgencies, and civil unrest in different regions across the country. There was a clear motivation of the government to ensure that there was something to stop threats from becoming a reality capable of inflicting damage. Since the Act authorized the Government to arrest individuals believed to be working against the security of the nation, it was justified as an effective means of protecting the people and the nation from violence.

However, the legislation took shape in the context of laws that pre-dated the NSA, such as the Defense of India Act, 1915, and the Maintenance of Internal Security Act (MISA), 1971¹³³⁹, which were both associated with the suppression of opposition and violations of civil liberties.¹³⁴⁰ The opponents, however, argue that like any other laws, the NSA applications will be turned for political benefit rather than security needs.

II. CONSTITUTIONAL PROVISIONS ON FREEDOM OF SPEECH AND EXPRESSION AND THE INTERSECTION WITH THE NATIONAL SECURITY ACT, 1980

The Constitution of India guarantees the right to Freedom of Speech and Expression as a fundamental right, due to the importance of this

¹³³⁴ The Constitution of India, art. 19(1). All citizens shall have the right

(a) to freedom of speech and expression;
(b) to assemble peaceably and without arms;
(c) to form associations or unions;
(d) to move freely throughout the territory of India;
(e) to reside and settle in any part of the territory of India; and
(f) to practice any profession or to carry on any occupation, trade, or business.

¹³³⁵ Dr. E. Prema & Dr. V. Shyam Sundar, 2021, <https://cnlu.ac.in/storage/2022/08/CLR-Vol-2-Issue-2.pdf>

¹³³⁶ Noorani, A. G. "India: A Security State." *Economic and Political Weekly*, vol. 44, no. 14, 2009, pp. 13–15. JSTOR, <http://www.jstor.org/stable/40278691>. Accessed 1 Nov. 2024

¹³³⁷ ACT NO. 65 OF 1980

¹³³⁸ Dilip Gogoi, Unheeded hinterland, 2016, <https://www.taylorfrancis.com/books/edit/10.4324/9781315657820/unheeded-hinterland-dilip-gogoi>

¹³³⁹ Act 26 of 1971

¹³⁴⁰ <https://aljazeera.co.in/politics/can-judiciary-stand-up-to-all-powerful-executive-how-judges-did-it-during-emergency/>

right in any democracy.¹³⁴¹ Yet, this right is not absolute and can be limited in scope within reasonable bounds, especially where considerations of national security and public order have to be made. The National Security Act (NSA), 1980¹³⁴², in most cases, where the individual's liberties and national security are at cross purposes, and therefore creates conflict in many instances.

Article 19(1)(a) of the Constitution of India provides that every citizen should have the liberty to articulate all his or her thoughts, beliefs, and ideologies without hindrance.¹³⁴³ This encompasses the right to speak, write, publish, and assemble peaceably to engage in matters of public concern. In a democracy, the right to speak freely is paramount for encouraging discussions, bringing in government accountability, and promoting transparency. It empowers people to criticize the proclaimed actions of the government, oppose them, and promote change for better lives through activism or other practices.¹³⁴⁴

The freedom of speech and the freedom to express one's views are empowered under Article 19 (1) (a) of the constitution of India.¹³⁴⁵ However, sub-Article 19 (2) creates room for certain limitations to be placed on this right and even penalties for its abuse. That is:

1. The Sovereignty and integrity of the security of the state.
2. The friendly relations with foreign states.
3. Public order, decency, or morality
4. Contempt of court
5. Defamation
6. Incitement to an offence¹³⁴⁶

¹³⁴¹ http://www.laindiafilmcouncil.org/reports/eny_report4.pdf

¹³⁴² ACT NO. 65 OF 1980

¹³⁴³ Npradhan, "Constitution of India-Freedom of speech and expression", <https://www.legalserviceindia.com/legal/article-572-const3ituation-of-india-freedom-of-speech-and-expression.html>

¹³⁴⁴ Mugundhan, B., Renuga, C. (2018). A study on the freedom of the press in India: With reference to Article 19. International Journal of Pure and Applied Mathematics, Volume 120 No. 5, 3957-3973 <http://www.acadpubl.eu/hub/>

¹³⁴⁵ Preetkiran Kaur, "A Critical Analysis of Article 19 with latest judicial interpretation", 2020, <https://www.ourlegalworld.com/a-critical-analysis-of-article-19-with-judicial-interpretation/>

¹³⁴⁶ The Constitution of India, 1950

The rationale behind these limitations is that the right to free speech should not jeopardize the security and well-being of the state and society.¹³⁴⁷ Nevertheless, the phrase "reasonable restrictions" implies that the limitations imposed on the freedom of speech and expression, where applicable, are meant to be rational and not arbitrary. In this connection, the Supreme Court of India has made it clear that any limitations envisaged under Article 19(2) of the Constitution must be intentionally tailored to meet the objectives that they are meant to achieve so that they do not unjustifiably infringe fundamental rights.

III. CONFLICT BETWEEN NSA AND ARTICLE 19(1) (A)

The National Security Act (NSA)¹³⁴⁸, which is used to justify preventive detention of persons without trial for a period of up to 12 months, is often at odds with the fundamental right to freedom of speech and expression. This is mainly because the vague provisions in the Act give room for authorities to arrest and imprison individuals for purported activities that are likely to disturb public order or the security of the state, even if this entails a simple expression of dissent or criticism of the government.

Setting out additional reflections and illustrations, the policies and practices of the NSA conflict with provisions contained in Article 19(1)(a), and the effects it has on individual freedoms are as follows:

1. Preventive Detention as a Strategy against Dissent

The preventive detention provisions of India's National Security Act (NSA)¹³⁴⁹ Empower the government to lock up any person who, on reasonable suspicion, is believed to be about to act in any manner that relates to public unrest or is likely to endanger national security. However, these provisions frequently extend to

¹³⁴⁷ Poulomi Sen, "Freedom of Press and media and its role amid Pandemics like COVID-19"

https://legalserviceindia.com/legal/article-1999-freedom-of-press-and-media-and-its-role-amid-pandemics-like-covid-19.html#google_vignette

¹³⁴⁸ ACT NO. 65 OF 1980

¹³⁴⁹ Ibid

persons whose only offense is disapproval of the government and its policies.

How They Are Misused:

- 1.1. **Kishore Chandra Wangkhem**, a journalist based in Manipur, was placed under the NSA for Facebook posts attacking the state government and its leaders. He is known even more for his non-violent provocations, but was still branded as a danger to public order¹³⁵⁰.
- 1.2. **Dr Kafeel Khan**, who was in the limelight for exposing the healthcare mismanagement in a government hospital, also became a victim of the NSA, especially after making a speech against some government policies.¹³⁵¹ However, the Allahabad High Court later set aside the order for his detention because the speech he made did not promote violence, nor did it disturb public order.¹³⁵²
- 1.3. **Siddique Kappan**, a journalistic who was arrested on his way to cover the Hathras rape issue, was charged under NSA for alleged conspiracy on a communal riot. Detractors voiced that the real purpose of Kappan's detention was to cease his criticisms and revert him from filing any reports that may be antagonistic to the regime, rather than a public order risk.¹³⁵³

These instances show the extent to which the NSA is being utilized to imprison persons not because of any real threat that they present, but mere disagreement with government practices. Therefore, it raises the issue of whether the objective of the preventive

detention powers is to restrict the freedom of expression.

2. Absence of Judicial Oversight and Due Process

One of the primary criticisms of the NSA pertains to its provisions for detention without trial, coupled with a narrow judicial review. The NSA permits administering agencies of the Government to detain persons for a period of 12 months without any formal charges, with more often than not, unreasonable explanations for such detentions.

Due Process Issues: There are also instances where detainees are not told the exact nature of the offense for which they have been arrested, especially if the authorities claim that such information is confidential on national security grounds. Such a situation does not enable detainees to seek effective remedies against unjust restrictions upon their liberty.¹³⁵⁴

As per the mandate, the Advisory Board has to review the detention orders within three months; however, this is often perceived as a formality, with very few, if any, opportunities through which the detainees can state their case or even challenge the evidence led against them.

Where national security issues have been raised in an NSA case, courts usually avoid rocking the boat, and that further weakens the checks and balances that are put in place to curb abuse. The skeletal provisions for judicial control make it easy for state agencies to hold people over the law and use this weapon against critics, especially journalists, activists, and other opposition figures.

3. Unclear Terms That Allow for the Abuse of Power

The definitions of the National Security Act¹³⁵⁵, for example, "prejudicial to the security of the state" or "disruption of public order," are vague. Such vagueness gives the police leeway to

¹³⁵⁰ <https://www.thehindu.com/news/national/manipur-journalist-kishorechandra-wangkhemcha-jailed-for-12-months-under-nsa-for-criticising-bjp-government/article61672331.ece>

¹³⁵¹ Soutik Biswas, "Kafeel Khan: National threat or symbol of repression?" <https://www.bbc.com/news/world-asia-india-53995027>

¹³⁵² Sanjay Rawat, "National Security Act: Critical Analysis", 2021 https://sociallawstoday.com/national-security-act-critical-analysis/#ANALYSING_Nuzhat_Parween_vs_State_of_Uttar_Pradesh_DR_KAFEEL_CASE_UNDER_NSA

¹³⁵³ Venkatesan, V. (2023, February 04). Siddique Kappan's Release On Bail After 846 Days Is A Harsh Reminder Of What Can Happen to Our Precious Freedom. Livelaw.in <https://www.livelaw.in/columns/siddique-kappansrelease-after-846-days-harsh-reminder-what-can-happen-to-our-precious-freedom-220755>

¹³⁵⁴ Unknown, "Right to Due Process", <https://www.law.cornell.edu/constitution-conan/amendment-5/right-to-due-process-overview>

¹³⁵⁵ ACT NO. 65 OF 1980

apprehend individuals since it accommodates questionable and political interpretations.

Vague Notion of ‘Public Order’: The phrase ‘public order’ does not have an unambiguous explanation; hence applicable when the person’s conduct does not constitute a risk to public peace or security. For example, peaceful protests, speeches, or even social media posts that disapprove of the current government have been considered a threat, and unlawful arrests have been made under the NSA.¹³⁵⁶.

The inappropriate use of such broad vocabulary to rationalize arrests is worrying as it begs the question of whether such actions can be classified within the confines of what ‘reasonable restrictions’ can be accepted under Article 19(2).

4. Chilling effect on Freedom of speech

The possibility of being put under arrest due to the National Security Act causes a chilling effect that makes people cower from vocalizing opposing views for fear of being imprisoned without trial. In particular, this is the case for activists, journalists, and students, who tend to tackle issues regarding the government.

On the Effects of Democracy: Engagement in such acts by the government through the NSA to mute its critics translates into citizens losing confidence in such democratic regimes, as well as silencing and boosting the ethos of accountability within the society. When people are arrested for voicing out a difference in the stand, such experiences dissuade people from engaging in healthy democratic dialogue in the future. The fear of being arrested that breeds suppression of speech goes beyond hindering expression, but also erodes a solid basis for free media or active civil engagement.

IV. JUDICIAL INTERPRETATION

At certain junctures, the Indian judiciary has performed its checks and balances against the misuse of the National Security Act (NSA) by way of example in situations where the use of

such laws has endangered fundamental rights, particularly the freedom of speech and expression provided under Article 19(1) (a)¹³⁵⁷. There have been several important cases from the Indian courts regarding the judiciary’s involvement in what is usually a tricky balance: the tensions between the state’s desire for national security and the right to personal liberties. Examples include, Lately, we have presented in detail the legal battle aimed at restricting the overreaching measures of the NSA.

I. Maneka Gandhi v. Union of India¹³⁵⁸

This is an important case when it comes to preventive detention laws, such as the National Security Act, and how they affect individual freedoms and fundamental rights. In the year 1977, the Government of India issued a passport to Maneka Gandhi, a journalist as well as a political figure. The passport, however, was suddenly impounded under Section 10(3)(c) of the Passports Act on the premise of ‘national interest’ without any reasons or affording the opportunity of being heard.¹³⁵⁹

This action was therefore squarely contested by Maneka Gandhi on the basis that it infringed several of her fundamental rights under Article 21 (that is, the Right to Life and Personal Liberty)¹³⁶⁰ As well as Article 19(1)(a) (the right to freedom of Speech and expression)¹³⁶¹ and Article 14 (the right to equality)¹³⁶².

¹³⁵⁷ Surabhi Chopra, “National Security Laws in India: The Unraveling of Constitutional Constraints”, 2016, https://www.researchgate.net/publication/278157994_National_Security_Laws_in_India_The_Unraveling_of_Constitutional_Constraints

¹³⁵⁸ 1978 AIR 597

¹³⁵⁹ Kelkar, R. V. “LAW OF ARREST: SOME PROBLEMS AND INCONGRUITIES.” *Journal of the Indian Law Institute*, vol. 22, no. 3, 1980, pp. 314–21. JSTOR, <http://www.jstor.org/stable/43950695>. Accessed 1 Nov. 2024.

¹³⁶⁰ art. 21. Protection of life and personal liberty- No person shall be deprived of his life or personal liberty except according to procedure established by law.

¹³⁶¹ The Constitution of India, art. 19(1). All citizens shall have the right

(a) to freedom of speech and expression;

(b) to assemble peaceably and without arms;

(c) to form associations or unions;

(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India; and

(f) to practice any profession or to carry on any occupation, trade, or business.

¹³⁶² The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

¹³⁵⁶ Umesh Shrikrishnarao Aswar, “National security, public order and the rule of law: Analysis of the role of the higher judiciary in the context of article 14, 19 and 21 of the constitution”, 2021

The ruling of the Supreme Court was given by a 7-member bench and was in favor of Maneka Gandhi, whereby it was contested that provisions of Article 21, which deal with the Right to Life and Personal Liberty, cannot be implemented arbitrarily.

The Court enlarged the meaning of the provisions of Article 21 by elucidating that the words “procedure established by law” mean the law has to be fair, just, and reasonable and not arbitrary, capricious, and oppressive. The ruling also held that ‘Articles 14, 19 and 21 are mutually inclusive’, which means that any enactment that arbitrarily restricts personal liberty must also meet the requirements of reasonableness under Article 19 and cannot be arbitrary under Article 14.

2. A.K. Roy v. Union of India¹³⁶³

This case presented a direct challenge to the constitutional validity of the National Security Act soon after it was enacted. The petitioner claimed that the provisions of the Act, which authorized preventive detention infringed fundamental rights, especially the right to personal liberty and freedom of expression.

The Supreme Court held that the NSA is constitutionally valid except for a few conditions. The court was firm that preventive detention is an extraordinary measure that can only be resorted to in cases where that additional procedure is necessary. Whereas it is recognized that the state may, to avert threats to the security of the nation, take steps to prevent actions from occurring, this is not a power that may be exercised in an unfettered manner. There must be an obvious and demonstrable threat before preventative detention can be resorted to. It was stated that such measures must be subject to and respect the laws and processes of the country, given that they can easily be abused and lead to a serious violation of the right to personal freedom.

Significance: The ruling in response to A.K. Roy is often cited as a case that acknowledges undermining one’s liberty through preventive detention is valid under the constitution, but cannot be divorced from the exigent circumstances of the threats faced by the country, and due process of law must be observed. The case kept preventive detention laws like the NSA from being turned into an instrument to fight against those who disagree or criticize.

3. Prashant Kanojia vs. State of Uttar Pradesh¹³⁶⁴

Prashant Kanojia, a journalist, was arrested under preventive detention laws, including the NSA drawn against him for posting a video on a social media platform that was regarded as defamatory against the Chief Minister of Uttar Pradesh. The officials argued that his post was capable of disturbing the peace.

The Supreme Court intervened and pronounced release orders for Kanojia, stating that the reasons given for his detention were excessive/paranoid under the circumstances surrounding the alleged crime. The Court ruled in favor of Article 19(1) (a) on the issue of free expression and condemned the employment of laws of preventive detention aimed at suppressing the press.

Significance: This case upheld the freedom of expression and emphasized that authorities shall not indiscriminately use preventive detention laws on their critics or people in the media.

4. Akhil Gogoi v. State of Assam¹³⁶⁵

Akhil Gogoi, an activist from Assam, was detained under the National Security Act because of the alleged incitement to violence during the CAA protests. Many reasons have been adduced by Roton, such as his speeches, which are likely to disturb public order and endanger the security of the State. Eventually, the Gauhati High Court set aside the order of

¹³⁶³ 1982 AIR 710

¹³⁶⁴ Prashant Kanojia vs State of U.P. Thru. Senior, Allahabad High Court, AIR 2019

¹³⁶⁵ Akhil Gogoi vs The State of Assam, Guwahati High Court, AIR 2020

detention issued against Akhil Gogoi under the NSA, observing that there was no material on record to establish that his actions posed any real threat to the maintenance of public order.

While the courts held that extreme criticism of the governing policies is permitted, if not lobbying, activism, and even protest, that do not involve violence, is invited, describing that circumstance would not be what preventive detention laws were directed to, unless it leads to violence.

Significance: This case illustrated how the trends of the National Security Act may be applied to harass and oppress activists, especially in areas where politics is involved. The ruling by the court encouraged that measures like preventive detention cannot be used to muzzle protests.

5. Dr. Kafeel Khan v. State of Uttar Pradesh¹³⁶⁶

After making a speech at one of the anti-CAA protests in Aligarh, Dr. Kafeel Khan was detained by the NSA, owing to the authorities' claims of public order being breached. The authorities alleged that his speech provoked hatred, which was a danger to public peace. The Allahabad High Court set aside the order of detention of Dr. Khan, ruling that in his speech, he did not create any danger to public order and it was covered by Article 19(1)(a) of the Constitution. Such speech delivered by Dr. Kahin was in favor of national integration and non-violence, the court observed, adding that such speech did not provoke any violence or threaten the security of the state in any way.¹³⁶⁷ The judgment held that the imposition of the NSA by the state was an abuse of executive power and stated that preventive detention is not meant to gag free speech unless there is concrete proof of violence likely to occur as a result of free speech.

Significance: This case is an important reminder in a democratic society where they allow the right to protest that dissent is an inherent right and that authorities should not resort to preventive detention to silence people who voice their opinions in a non-violent manner. The subject of evidence in support of the justification for the use of the NSA raised in the conclusion of the ruling by the High Court of Allahabad was considered to be important since the use of the NSA on undefined grounds or for political reasons should be avoided.

6. Shah Faesal v. Union of India¹³⁶⁸

Shah Faesal, a former IAS officer and a political activist from Jammu and Kashmir, was placed under house arrest, citing the NSA, after he criticized some government policies on his social media accounts and denounced the termination of Article 370. The authorities contended that, should such statements be made, they would create disturbances in that area.

The Delhi High Court was not satisfied with the grounds on which he was detained and directed his release. The Court did not find any evidence to support the claim that the applicants' postings on the social network endangered public order and national security.¹³⁶⁹ It stressed that any such opinions or criticism of the State should not be a criterion for detention as a preventive measure under the NSA.

Significance: This illustrated how preventive detention laws protected political activists and other dissidents from abuse, but highlighted the need for judicial safeguards against abuse as well.

V. CONCLUSION

The National Security Act, or NSA, is an act designed to protect the sovereignty, unity, and public order in the country of India upon its first enactment. However, there has been a similar

¹³⁶⁶ Kafeel Ahmad Khan vs The State Of Uttar Pradesh, SC, AIR 2019

¹³⁶⁷ Sanjay Rawat, "National Security Act: Critical Analysis", 2021

https://sociallawtoday.com/national-security-act-critical-analysis/#ANALYSING_Nuzhat_Parween_vs_State_of_Uttar_Pradesh_DR_KAFEEL_CASE_UNDER_NSA

¹³⁶⁸ AIR 2020 SUPREME COURT 3601

¹³⁶⁹ K. Jaishankar, Natti Ronel, global criminology, 2013, <https://www.taylorfrancis.com/books/edit/10.1201/b13925/global-criminology-jaishankar-natti-ronel>

act of avoidance of speech, which is alarming concerning civil liberties. Dormant powers invoked under the Act and even the vague ways of defining what is national security have ended up in the arrest of journalists, activists, and even other dissidents, which defeats the tenets of transparency, accountability, and the rule of law. The anti-terror law not only infringes on fundamental civil liberties but also instills a sort of intimidation. It prevents a good percentage of the populace from dissenting and vigorously partaking in discussions within politics. This is particularly true in a democratic setting such as the one assumed by the rule of law, where people have the right to question their leaders and voice grievances on policies, as well as even demonstrate.

For these reasons, reforming the NSA is necessary to safeguard against the risks associated with it. The type of its application can be restricted, judicial controls enhanced, due process ensured, and press freedom protection mentioned in the statute categorically. Such changes in law would, without compromising on India's security, promote democracy in the country because it will ensure that the NSA is employed in appropriate cases only when there are real threats. Finding this balance between security imperatives and the right to individual freedoms is key to the sustenance of democracy in India. The constitution protects the rights of the people and at the same time the government ensures the security of the state against threats, thus it is possible to protect the peace of the inhabitants and the integrity of the state, while in reality, this is only achieving the 'safe' ideals – conducive for the preservation of democracy.