

Government Figures on POTA Detenuees:

792 people held under POTA so far, says Pathak

New Delhi, July 22: As many as 792 persons have been arrested so far under the Prevention of Terrorism Act across the country, the government told the Lok Sabha on Tuesday while admitting that it has received complaints about its misuse. Although Jharkhand had reported the highest number of cases with the arrest of 234 persons under the POTA, the figure of arrested persons in the state later fell to 130 when 104 persons were discharged on the review of the cases by the state government. With the discharging of these 104 persons, the total number of arrests till date is now 598.

Out of the total 792 persons held earlier, 181 were arrested in J&K, 83 in Gujarat, 44 in Delhi and 42 in Maharashtra, minister of state for home affairs Hariji Pathak said. Among the other states, there are 41 POTA detainees in Tamil Nadu, 40 in Andhra, 28 in UP, six in Sikkim and three in Himachal Pradesh, he said. (Asian Age July 23 2003)

National Human Rights Commission on POTA

Justice AS Anand, Chairperson National Human Rights Commission

“ We are closely monitoring the implementation of the POTA..... The government had tried to project POTA as a more acceptable version of the notorious Terrorism and Disruptive Activities (Prevention) Act (TADA) that had been withdrawn in 1995. TADA had been used by the central and state governments to put some 77,000 persons in prison, of whom only around 8,000 were ever brought to trial. The conviction rate had been an abysmal 2 per cent.

Those opposed to POTA had argued that existing laws were sufficient to deal with terrorism. The National Security Act, 1980, for instance, permits the central and state governments to hold in preventive detention persons seen as a threat to the security of the state. Further, in areas where insurgency and terrorism were rife, as in many parts of the north-east, for instance, other draconian laws such as the Armed Forces Special Powers Act were already in place. Within a year POTA has already built up a dubious record and in some states is already becoming as dreaded as its predecessor. State governments, including opposition-ruled ones, have not hesitated to use POTA to fix political opponents. Section 18 of the law defines a terrorist organisation and section 21 prescribes imprisonment up to 10 years for anybody guilty of arranging a meeting addressed by a person alleged to belong or professes to belong to a terrorist organisation, a meeting being defined as one with “three or more persons whether or not the public are admitted”.

(March 9, 2003, *The Deccan Herald*)

Essentials Of Pota And Other Human Rights Laws

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