

The Prevention of Terrorism (Repeal) Act, 2004

(ACT NO. 26 OF 2004)

[*As on the* 1*st October,* 2026]

LIST OF ABBREVIATIONS USED

G.S.R.	*for*	General Statuary Rules.
S.O.	,,	Statutory Order.
Notifn.	,,	Notification.

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THE PREVENTION OF TERRORISM (REPEAL) ACT, 2004

ARRANGEMENT OF SECTION

SECTIONS

1. Short title and commencement.
2. Repeal of Act 15 of 2002 and saving.
3. Repeal and saving.

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THE PREVENTION OF TERRORISM (REPEAL) ACT, 2004

ACT NO. 26 OF 2004

[21*st December*, 2004.]

An Act to repeal the Prevention of Terrorism Act, 2002.

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

1. Short title and commencement.—(*1*) This Act may be called the Prevention of Terrorism (Repeal) Act, 2004.

(*2*) It shall be deemed to have come into force on the 21st day of September, 2004.

2. Repeal of Act 15 of 2002 and saving.—(*1*) The Prevention of Terrorism Act, 2002 (hereinafter referred to as the principal Act) is hereby repealed.

(*2*) The repeal of the principal Act shall not affect—

(*a*) the previous operation of, or anything duly done or suffered under the principal Act, or

(*b*) any right, privilege or obligation or liability acquired, accrued or incurred under the principal Act, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence under the principal Act, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and, any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the principal Act had not been repealed:

Provided that notwithstanding anything contained in this sub-section or in any other law for the time being in force, no court shall take cognizance of an offence under the principal Act after the expiry of the period of one year from the commencement of this Act.

(*3*) Notwithstanding the repeal of section 60 of the principal Act, the Review Committee constituted by the Central Government under sub-section (*1*) of that section, whether or not an application under sub-section (*4*) of that section has been made, shall review all cases registered under the principal Act as to whether there is a *prima facie* case for proceeding against the accused thereunder and such review shall be completed within a period of one year from the commencement of this Act and where the Review Committee is of the opinion that there is no *prima facie* case for proceeding against the accused, then,—

(*a*) in cases in which cognizance has been taken by the Court, the cases shall be deemed to have been withdrawn; and

(*b*) in cases in which investigations are pending, the investigations shall be closed forthwith,

with effect from the date of issuance of the direction by such Review Committee in this regard.

(*4*) The Review Committee constituted by the Central Government under sub-section (*1*) of section 60 of the principal Act shall, while reviewing cases, have powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

(*a*) discovery and production of any document;

(*b*) requisitioning any public record or copy thereof from any court or office.

(*5*) The Central Government may constitute more Review Committees, as it may consider necessary, for completing the review within the period specified in sub-section (*3*).

3. Repeal and saving.—(*1*) The Prevention of Terrorism (Repeal) Ordinance, 2004 (Ord. 1 of 2004) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

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STATEMENT OF OBJECTS AND REASONS

The country faces multifarious challenges in the management of its internal security. There is an upsurge of terrorist activities, intensification of cross-border terrorist activities and insurgent groups in different parts of the country. Very often, organized crime and terrorist activities are closely inter-linked. Terrorism has now acquired global dimensions and has become a challenge for the entire world. The reach and methods adopted by terrorist groups and organisations take advantage of modem means of communication and technology using high-tech facilities available in the form of communication systems, transport, sophisticated arms and various other means. This has enabled them to strike and create terror among people at will. The existing criminal justice system is not designed to deal with the types of heinous crimes with which the proposed law deals with.

2. In view of the situation, as stated above, it was felt necessary to enact a legislation for the prevention of, and for dealing with terrorists' activities. However, sufficient safeguards are sought to be provided in the proposed law to prevent the possibility of its misuse. Parliament was not in session and the circumstances existed which rendered it necessary for the President to promulgate the Prevention of Terrorism Ordinance, 2001 on 24th October, 2001. During the Winter Session of Parliament in December, 2001 steps were taken for the introduction of the Prevention of Terrorism Bill, 2001 in the Lok Sabha. However, the Bill could not be introduced and considered in the Lok Sabha as Parliament adjourned *sine die* on 19th December, 2001. The terrorist attack on Parliament House on 13th December, 2001 and the prevailing circumstances rendered it necessary for the President to promulgate the Prevention of Terrorism (Second) Ordinance, 2001 on 30th December, 2001 with a view to give continuity to the Prevention of Terrorism Ordinance, 2001 promulgated on 24th October, 2001.

3. The Prevention of Terrorism Bill, 2002 seeks to replace the Prevention of Terrorism (Second) Ordinance, 2001.

L. K. ADVANI.

NEW DELHI;

The 7th February, 2002

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