

IndiaCode

The SAARC Convention (Suppression of Terrorism) Act, 1993

(ACT NO. 36 OF 1993)

[*As on the* 15*th May*, 2026]

LIST OF ABBREVIATIONS USED

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

IndiaCode

THE SAARC CONVENTION (SUPPRESSION OF TERRORISM) ACT, 1993

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and application.
2. Definitions.
3. Application of the Convention.
4. Hostage-taking.
5. Provisions as to Extradition Act.
6. Offences committed outside India.
7. Previous sanction necessary for prosecution.
8. Protection of action taken in good faith.

THE SCHEDULE.

IndiaCode

THE SAARC CONVENTION (SUPPRESSION OF TERRORISM) ACT, 1993

ACT NO. 36 OF 1993

[26*th April*, 1993.]

An Act to give effect to the South Asian Association for Regional Cooperation Convention on Suppression of Terrorism and for matters connected therewith or incidental thereto.

WHEREAS a Convention on the Suppression of Terrorism was signed on behalf of the Government of India at Kathmandu on the 4th day of November, 1987;

AND WHEREAS India, having ratified the said Convention, should make provisions for giving effect thereto and for matters connected therewith or incidental thereto;

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

1. Short title, extent and application.—(*1*) This Act may be called the SAARC Convention (Suppression of Terrorism) Act, 1993.

(*2*) It extends to the whole of India and, subject to the provisions of section 6, it applies also to any offence under this Act committed outside India by any person.

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

(*a*) "Convention" means the South Asian Association for Regional Cooperation Convention on Suppression of Terrorism signed at Kathmandu on the 4th day of November, 1987 as set out in the Schedule;

(*b*) "Convention country" means a country in which the Convention is for the time being in force.

3. Application of the Convention.—Notwithstanding anything to the contrary contained in any other law, the provisions of Articles I to VIII of the Convention shall have the force of law in India.

4. Hostage-taking.—(*1*) Whoever, by force or threat of force or by any other form of intimation, seizes or detains any person and threatens to kill or injure that person with intent to cause a Convention country to do or abstain from doing any act as the means of avoiding the execution of such threat, commits the offence of hostage-taking.

(*2*) Whoever commits the offence of hostage-taking shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

5. Provisions as to Extradition Act.—For the purposes of the Extradition Act, 1962 (34 of 1962), in relation to a Convention country, an offence under sub-section (*1*) of section 4 or any other offence specified in Article I of the Convention, shall not be considered to be an offence of a political character.

6. Offences committed outside India.—(*1*) When an offence under sub-section (*1*) of section 4 or any other offence specified in Article I of the Convention is committed outside India,—

(*a*) by a citizen of India, whether on the high seas or elsewhere;

(*b*) by a person, not being such citizen, on any ship or aircraft, registered in India; or

(*c*) by a person, not being such citizen, in a Convention country,

he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found.

(*2*) Notwithstanding anything contained in sub-section (*1*), the Central Government may, by general or special order published in the Official Gazette, direct that the offence under sub-section (*1*) of section 4 or any other offence specified in Article I of the Convention may be inquired into or tried at any place within India.

7. Previous sanction necessary for prosecution.—No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government and the sanction granted

IndiaCode

under this section shall be deemed to be a sanction granted under section 188 of the Code of Criminal Procedure, 1973 (2 of 1974).

8. Protection of action taken in good faith.—(*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(*2*) No suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

IndiaCode

THE SCHEDULE

[*See* section 2(*a*)]

SAARC REGIONAL CONVENTION ON SUPPRESSION OF TERRORISM

THE MEMBER STATES OF THE SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION (SAARC)

MINDFUL of the principles of cooperation enshrined in the SAARC Charter;

RECALLING that at the Dhaka Summit on December 7-8, 1985, the Heads of State or Government of the member States of the SAARC recognised the seriousness of the problem of terrorism as it affects the security and stability of the region;

ALSO RECALLING the Bangalore Summit Declaration of 17th November, 1986, in which the Heads of State or Government of SAARC agreed that cooperation among SAARC States was vital if terrorism was to be prevented and eliminated from the region; unequivocally condemned all acts, methods and practices of terrorism as criminal and deplored their impact on life and property, socio-economic development, political stability, regional and international peace and cooperation; and recognised the importance of the principles laid down in UN Resolution 262 (XXV) which among others required that each State should refrain from organising, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organised activities within its territory directed towards the commission of such acts;

AWARE of the danger posed by the spread of terrorism and its harmful effect on peace, cooperation, friendship and good neighbourly relations and which could also jeopardise the sovereignty and territorial integrity of States;

HAVE RESOLVED to take effective measures to ensure that perpetrators of terroristic acts do not escape prosecution and punishment by providing for their extradition or prosecution, and to this end;

HAVE AGREED as follows:—

ARTICLE I

Subject to the overall requirements of the law of extradition, conduct constituting any of the following offences, according to the law of the Contracting State, shall be regarded as terroristic and for the purpose of extradition shall not be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives:—

(*a*) an offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hauge, on December 16, 1970;

(*b*) an offence within the scope of the Convention for the Suppression of Unlawful Act, against the Safety of Civil Aviations signed at Montreal, on September 23, 1971;

(*c*) an offence within the scope of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York, on December 14, 1973;

(*d*) an offence within the scope of any Convention to which the SAARC member States concerned are parties and which obliges the parties to prosecute or grant extradition;

(*e*) murder, manslaughter, assault causing bodily harm, kidnapping hostage-taking and offences relating to firearms, weapons, explosives and dangerous substances when used as a means to perpetrate indiscriminate violence involving death or serious bodily injury to persons or serious damage to property;

(*f*) an attempt or conspiracy to commit an offence described in sub-paragraphs (*a*) to (*e*), aiding, abetting or counselling the commission of such an offence or participating as an accomplice in the offences so described.

India Code

ARTICLE II

For the purpose of extradition between SAARC member States, any two or more Contracting States may, by agreement, decide to include any other serious offence involving violence, which shall not be regarded as a political offence or an offence connected with a political offence or an offence inspired by political motives.

ARTICLE III

1. The provisions of all extradition treaties and arrangements applicable between Contracting States are hereby amended as between Contracting States to the extent that they are incompatible with this Convention.

2. For the purpose of this Convention and to the extent that any offence referred to in Article I or agreed to in terms of Article II is not listed as an extraditable offence in any extradition treaty existing between Contracting States, it shall be deemed to be included as such therein.

3. Contracting States undertake to include these offences as extraditable offences in any future extradition treaty to be concluded between them.

4. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, the requested State may, at its option, consider this Convention as the basis for extradition in respect of the offences set forth in Article I or agreed to in terms of Article II. Extradition shall be subject to the law of the requested State.

5. Contracting States which do not make extradition conditional on the existence of a treaty, shall recognise the offences set forth in Article I or agreed to in terms of Article II as extraditable offences between themselves, subject to the law of the requested State.

IndiaCode

ARTICLE IV

A Contracting State in whose territory a person suspected of having committed an offence referred to in Article I or agreed to in terms of Article II is found and which has received a request for extradition from another Contracting State, shall, if it does not extradite that person, submit the case without exception and without delay, to its competent authorities, so that prosecution may be considered. These authorities shall take their decisions in the same manner as in the case of any offence of a serious nature under the law of that State.

ARTICLE V

For the purpose of Article IV, each Contracting State may take such measures as it deems appropriate, consistent with its national laws, subject to reciprocity, to exercise its jurisdiction in the case of an offence under Article I or agreed to in terms of Article II.

ARTICLE VI

A Contracting State in whose territory an alleged offender is found, shall, upon receiving a request for extradition from another Contracting State, take appropriate measures, subject to its national laws, so as to ensure his presence for purposes of extradition or prosecution. Such measures shall immediately be notified to the requesting State.

ARTICLE VII

Contracting States shall not be obliged to extradite, if it appears to the requested State that by reason of the trivial nature of the case or by reason of the request for the surrender or return of a fugitive offender not being made in good faith or in the interests of justice or for any other reason it is unjust or inexpedient to surrender or return the fugitive offender.

ARTICLE VIII

1. Contracting States shall, subject to their national laws, afford one another the greatest measure of mutual assistance in connection with proceedings brought in respect of the offences referred to in Article I

or agreed to in terms of Article II, including the supply of all evidence at their disposal necessary for the proceedings.

2. Contracting States shall cooperate among themselves, to the extent permitted by their national laws, through consultations between appropriate agencies, exchange of information, intelligence and expertise and such other cooperative measures as may be appropriate, with a view to preventing terroristic activities through precautionary measures.

ARTICLE IX

1. The Convention shall be open for signature by the member States of SAARC at the SAARC Secretariat in Kathmandu.

2. It shall be subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of SAARC.

ARTICLE X

This Convention shall enter into force on the fifteenth day following the date of the deposit of the seventh Instrument of Ratification with the Secretary-General of SAARC.

ARTICLE XI

The Secretary-General of SAARC shall be the depository of this Convention and shall notify member States of signatures to this Convention and all deposits of Instruments of Ratification. The Secretary General, shall transmit certified copies of such Instruments to each member State. The Secretary-General shall also inform member States of the date on which this Convention will have entered into force in accordance with Article X.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Convention.

DONE at Kathmandu on this fourth day of November one thousand nine hundred and eighty-seven, in eight originals, in the English language, all texts being equally authentic.

IndiaCode

STATEMENT OF OBJECTS AND REASONS

A Convention on the Suppression of Terrorism was signed at Kathmandu on 4th November, 1987, by the seven member countries of the South Asian Association for Regional Cooperation (SAARC) and has also been ratified by the said member countries. It came into force on 22nd August, 1988. In order to give effect to the said Convention, it has become necessary to enact a domestic legislation.

2. The Bill seeks to give effect to the well established principle that no person committing a terroristic offence should escape punishment and for that purpose it seeks, inter alia, to,.—

(*a*) make hostage-taking an offence and also provide punishment therefore;

(*b*) identify certain serious offences as terroristic offences;

(*c*) provide that an offender committing a terroristic offence may be tried and punished in India regardless of whether the crime was committed in India or in any member country;

(*d*) provide that any terroristic offence shall not be treated as an offence of political character for the purposes of the Extradition Act, 1962.

3. The Bill seeks to achieve the above objects.

IndiaCode

R.L. BHATIA.

NEW DELHI;

The 16*th August,* 1992.