

THE PREVENTION OF TERRORISM (REPEAL) ORDINANCE, 2004

Promulgated by the President in the Fifty-fifth Year of the Republic of India.

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

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

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

(2) It shall come into force at once.

15 of 2002.

2. (1) The Prevention of Terrorism Act, 2002 is hereby repealed. Repeal and saving, etc.

(2) The repeal of the said Act shall not affect-

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

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

(c) any penalty, forfeiture or punishment incurred in respect of any offence under the said 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continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Act had not been repealed: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sub-section or in any other law for the time being in force, no court shall take cognizance of an offence under the repealed Act after the expiry of the period of one year from the commencement of this Ordinance.

(3) Notwithstanding the repeal of section 60 of the said 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 that Act as to whether there is a *prime 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 Ordinance 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(a) in cases in which cognizance has been taken by the court, the cases shall be deemed to have been withdrawn; and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 said Act shall, while reviewing cases, have powers of a civil court under the Code of Civil Procedure, 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).

President.