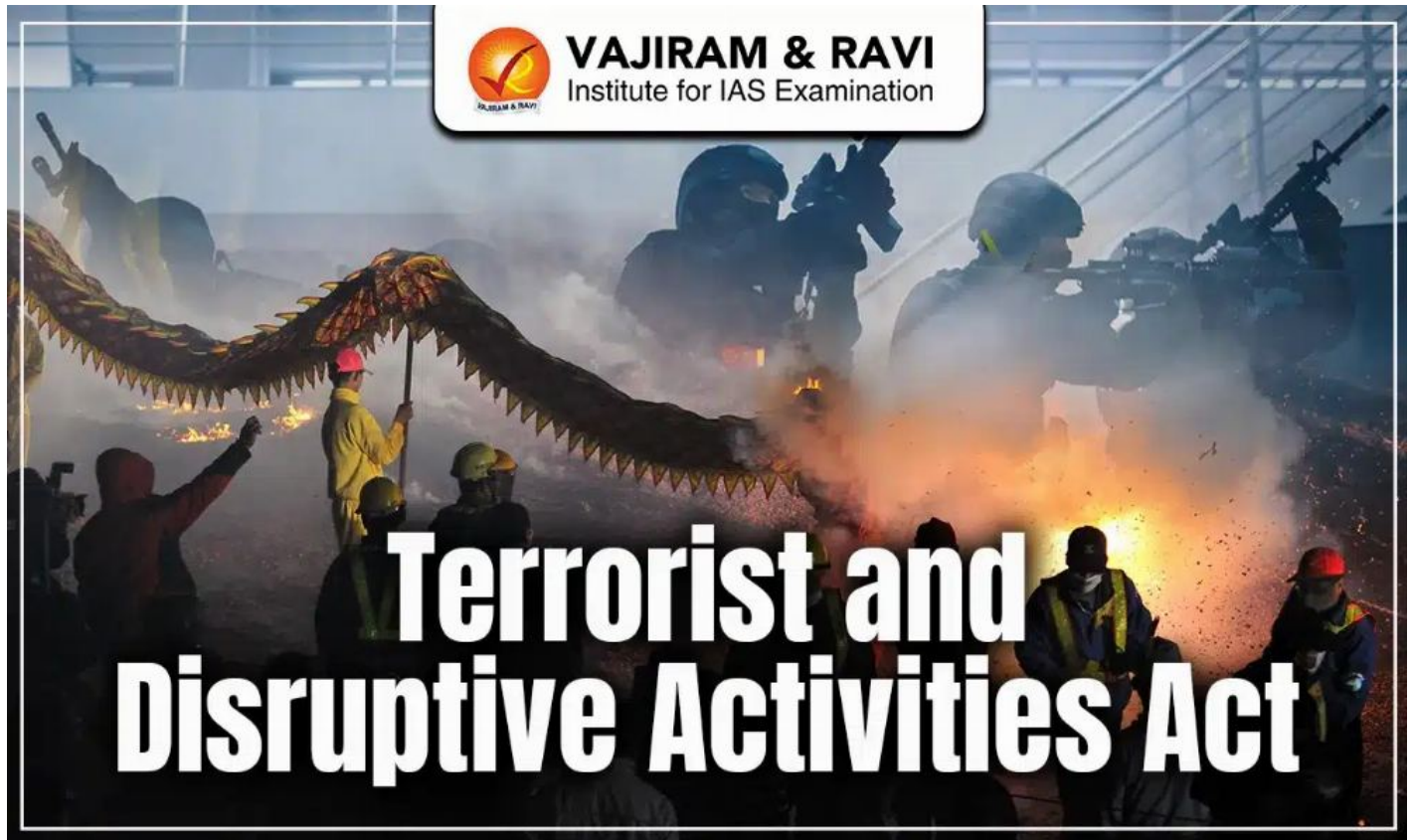


Terrorist and Disruptive Activities Act 1985, Provisions, Impact

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The Terrorist and Disruptive Activities Act, officially known as Terrorist and Disruptive Activities (Prevention) Act (TADA), was India's first national anti-terror law. It was enacted in 1985 in response to escalating militant violence, especially during the Punjab insurgency. It remained in force between 1985-1995, undergoing major revisions in 1987, and was applied across India. TADA introduced the earliest statutory definition of terrorism, significantly enhanced police powers, and created special courts for speedy trials. However, widespread allegations of misuse, low conviction rates and human rights concerns led to its lapse in 1995.

Terrorist and Disruptive Activities Act Historical Background

The Terrorist and Disruptive Activities Act emerged from a decade of rising militant activities and evolving national security concerns, prompting a special legal framework for terrorism-specific offences. Key historical development and evolution has been given below:

- 23 May 1985: President assented to the first TADA law; enforced from 24 May 1985 to counter separatist violence in Punjab.

- 1985-1987: Initial Act had a two-year sunset clause, lapsing on 24 May 1987; renewed through an ordinance due to Parliament's non-session status.
- 3 September 1987: A new, more detailed TADA Act (1987) enacted; came into force retrospectively from 24 May 1987.
- Renewed in 1989, 1991 and 1993, extending its operation until 1995.
- Repealed in 1995 after rising criticism, later replaced by the POTA Act (2002).

Terrorist and Disruptive Activities Act Provisions

The Terrorist and Disruptive Activities Act provided exceptional powers to the police and special courts, creating a distinct system for terrorism cases beyond ordinary criminal law. The major provisions of the TADA act are:

- Introduced one of the earliest legal definitions of terrorism, covering acts using explosives, chemicals or hazardous substances intended to intimidate the State or population.
- Allowed detention up to one year without formal charges, exceeding the limits of ordinary criminal procedure.
- Confessions made to police (SP rank and above) were admissible as evidence, reversing traditional evidentiary safeguards.
- Police were not required to produce detainees before a magistrate within 24 hours, departing from CrPC norms.
- Special TADA Courts established nationwide; trials could be conducted in camera with protected witness identities.
- Under Section 7A, police could attach property of the accused.
- Burden of proof shifted to the accused in several terror-related circumstances under Section 21.

Also Read: [Indian Forest Act 1927](#)

Terrorist and Disruptive Activities Act Criticism

Terrorist and Disruptive Activities Act faced persistent criticism for enabling human rights violations, weak due-process safeguards, and an exceptionally low rate of conviction.

- Allowed year-long detention without charges, contrary to global fair-trial standards.
- 60-day police custody increased risk of custodial abuse; detainees could be produced before an executive magistrate, not a judicial magistrate.
- Reversed the presumption of innocence, making suspects responsible for proving they were not involved in terrorism.
- Allowed secret trials and concealed witness identities, undermining transparency.
- Penalised even indirect advocacy of secession, seen as excessively broad and vague.
- Confessions to police officers were admissible, raising concerns about coercion.
- Section 19 restricted appeals to only the Supreme Court, limiting judicial oversight.

Also Read: [Wetland \(Conservation and Management\) Rules 2010 & 2017](#)

Terrorist and Disruptive Activities Act Impact

The operational data of the Terrorist and Disruptive Activities Act showed large-scale arrests but extremely low conviction rates, raising questions about effectiveness and proportionality.

- By 30 June 1994, more than 76,000 individuals were arrested under TADA.
- 25% of cases were dropped without formal charges by the police.
- Only 35% of cases went to trial, and among these, 95% ended in acquittals.
- Less than 2% of all arrested persons were ultimately convicted.
- Repealed in 1995 after mounting public and institutional criticism.
- Replaced later by POTA (2002-2004), which was also repealed due to similar concerns.
- Many individuals arrested under TADA continued to remain incarcerated due to procedural delays and unresolved cases.

Source: <https://vajiramandravi.com/current-affairs/terrorist-and-disruptive-activities-act-1985/>

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