

AS INTRODUCED IN THE RAJYA SABHA
ON THE 18TH NOVEMBER, 2016

Bill No. LIII of 2016

THE DECLARATION OF COUNTRIES AS SPONSOR OF TERRORISM
BILL, 2016

A

BILL

to declare any country as state sponsor of terrorism and withdraw economic and trade relations with the such country and to create legal, economic and travel sanctions for citizens of that country and for matters connected therewith or incidental thereto.

WHEREAS the Islamic Republic of Pakistan propagates and harbors agents of international terror who have repeatedly attacked the territory and people of our country;

AND WHEREAS the Islamic Republic of Pakistan poses a continual risk to the peace and security of the region, so long as it continues to harbor agents of terror and propagates acts of terror against the territory and the citizens of our country;

NOW, THEREFORE it is expedient to coordinate activities at international and national level to ensure the best response to protect the interest of our country and its citizens.

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

1. (1) This Act may be called the Declaration of Countries as Sponsor of Terrorism Act, 2016.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

Definitions.

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

(a) "abet" , with its grammatical variations and cognate expressions, includes,— 5

(i) the communication or association with any person or class of persons who is engaged in assisting in any manner terrorists or disruptionists;

(ii) the passing on, or publication of, without any lawful authority, any information likely to assist the terrorists or disruptionists, and the passing on, or publication of, or distribution of, any document or matter obtained from terrorists or disruptionists; 10

(iii) the rendering of any assistance, whether financial or otherwise to the terrorists or disruptionists.

(b) "State sponsor of terrorism" means the Government of any country which, the Government of India has determined, for purposes of the Foreign Trade (Development and Regulation) Act, 1992, the Foreign Contribution (Regulation) Act, 2010, or any other provision of law in force in India, to be a Government that has provided support to" terrorist acts, directly or indirectly, including through its instrumentalities or retired officials or through negligence in taking effective steps to curtail or prevent the use of its territory for commission of terrorist acts: 15
22 of 1992.
42 of 2010.
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Provided that a country shall be designated as a State sponsor of terrorism, by including its name in the Schedule to this Act by the Central Government by notification in the Official Gazette.

(c) "terrorist act" means any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India, or in any foreign country, or with the intent to influence by threat or likely to influence by threat the Government of India or an international governmental organization,— 25

(i) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological, radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause— 30

(a) death of, or injuries to any person or persons; or

(b) loss of, or damage to, or destruction of, property; or 35

(c) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or

(d) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purpose of the Government of India, any State Government or any of their agencies; or 40

(ii) by overawing by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or

(iii) by designing to seriously interfere with or seriously disrupt an electronic system, computer system or network; or 45

(iv) by providing support by means of sponsoring or making provisions, including by non- enforcement of any law to prevent the same, for the training of

any militia, paramilitary or guerilla forces to wage proxy war against the Government of India; or

(v) by detaining, kidnapping or abducting any person and threatening to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or any other person to do so or abstain from doing any act,

Explanation I.—For the purposes of this clause, public functionary means the Constitutional Authorities and any other functionary notified in the Official Gazette by the Central Government as a public functionary under the Unlawful Activities (Prevention) Act, 1967.

Explanation II.—For the purpose of this clause a terrorist act shall include an act of terrorism involving citizens or the territory of more than one country.

Explanation III.—Without prejudice to the foregoing provisions and unless the context so requires otherwise, the term 'terrorism' shall also mean premeditated violence motivated by any political, religious, racial or ideological cause perpetrated against non-combatant targets by subnational groups or clandestine agents. The term 'non-combatant' implies, in addition to civilians, military personnel (whether or not armed or on duty) who are not deployed in a war zone.

(d) "trade" shall include any import or export of goods or services or technology, of any sort with another country.

3. (1) Whoever being a Head of the State, member of Government, a citizen or a body corporate domiciled in a country included in the Schedule or notified in the Official Gazette, as a state sponsor of terrorism shall be subject to prohibitions as under,—

Prohibitions.

- (a) to travel within the territory of India and eligible for the grant of visa;
- (b) from trading with any individual, entity, or a body corporate in India;
- (c) from receiving or making grants, financial remittances, investments or assets of any description whether corporeal or incorporeal, moveable or immovable, tangible or intangible, wherever located, or providing financial assistance or aid to any individual, entity or body corporate in India;
- (d) for undertaking maritime activities including but not limited to fishing or trawling or entering the territorial waters of India;
- (e) from overflight over the geographical boundaries of India.

(2) The prohibitions, under sub-section (1) may be waived or relaxed if the Central Government so permits, subject to the conditions which may be imposed by the Central Government in granting such waiver or relaxation.

4. (1) Any individual being a Head of the State, member of Government, a citizen or a body corporate who aids and abets a state sponsor of terrorism shall be subject to some or all of the prohibitions as described in section 3 of this Act, as deemed fit by the Central Government.

Restrictions for aiding or abetting States sponsor of terrorism.

(2) The restrictions, under sub-section (1) may be waived or relaxed if the Central Government so permits, subject to the conditions which may be imposed by the Central Government in granting such waiver or relaxation.

5. (1) The Central Government may, by notification in the Official Gazette, make provisions for revoking the immunity of the officials of a country designated as a state sponsor of terrorism and making them amenable to the jurisdiction of the courts in India.

Liability of officials of States sponsor of terrorism.

	(2) An official of a country designated as a state sponsor of terrorism shall not be immune from any suit brought against him in any Court in India in which monetary damages and compensation that country are sought against the for physical injury to person or property or for death caused by—	
	(a) an act of terrorism; and	5
	(b) acts of the country, or of any official, employee, or agent of that country designated as a state sponsor of terrorism while acting within the scope of his office, employment, or agency, regardless where the tortious act or acts of the country has occurred.	
Opposition to assistance by International Financial Institutions to States sponsor of terrorism.	6. The Central Government shall use the voice and vote of India to oppose any loan or other use of the funds of any International Financial Institution to state sponsor of terrorism.	10
	<i>Explanation.</i> —For purposes of this section, the term "International Financial Institution" includes, the International Bank for Reconstruction and Development, the International Monetary Fund, the World Bank or any similar institution by whatever name called.	
Prohibition on Assistance to Governments of a State sponsor of Terrorism.	7. The Central Government of India shall not provide any assistance to any country that has been designated as a State sponsor of terrorism and has been notified as such by the Central Government, including the provision of credits, guarantees, or other financial assistance under any law for the time being in force.	15
Prohibition on trade in goods and services with a State sponsor of Terrorism.	8. (1) No individual or body corporate shall import into or export from the territory of India any goods or services from or into any country which has been designated as a State sponsor of terrorism.	20
	(2) Without prejudice to the generality of the foregoing provision, no individual or body corporate shall transact in foreign exchange, or transfer credit or payment between, by, through or to any banking institution, to the extent that such transfers or payments involve any interest of a state sponsor of terrorism or a national thereof, or import or export currency or securities to or from a State sponsor of terrorism.	25
	(3) No individual or body corporate shall make any new investment in a State sponsor of terrorism or in property owned or controlled by the Government of such a state sponsor of terrorism or a national thereof.	
Offences and Penalties.	9. (1) If any person contravenes any provision of this Act, or otherwise deals in any manner whatsoever, with a State sponsor of terrorism, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both, and notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Court trying such contravention may also impose on the person convicted an additional fine to recover from him the amount of, moneys or credits, in respect of which the contravention has been proved, or such part thereof as the Court may deem fit.	30 2 of 1974. 35
	(2) Notwithstanding the generality of the foregoing provision, any person who contravenes this Act, shall also be liable to be tried in addition under any other law, for the time being in force and applicable to such person.	
	(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable.	40
Powers to make rules.	10. The Central Government by notification in the official Gazettee may make rules to carry out the purpose of this Act.	

THE SCHEDULE

[Section 2(b)]

I. Islamic Republic of Pakistan

STATEMENT OF OBJECTS AND REASONS

Our country and indeed countries in the region and around the world have been subjected to numerous terror attacks, from organisations and individuals based in and with support of elements in Government of Islamic Republic of Pakistan. India in particular has suffered numerous attacks like 26/11 Mumbai and most recent attack in Uri on September 18, 2016. There has been widespread International condemnation of the attack and also of the Islamic Republic of Pakistan by most nations.

Despite undeniable evidence to substantiate that the Islamic Republic of Pakistan sponsors terror in India, we have continued to remain engaged diplomatically, culturally and economically with the Islamic Republic of Pakistan for decades.

The strategic restraint practiced by India for the last decade has come at a heavy price. Several hundred brave men of our security forces and citizens have been killed in various terror attacks on our soil.

The Islamic Republic of Pakistan continues to provide safe haven to dreaded terrorists like Hafeez Saeed and terrorist organizations like the Taliban, Al-Qaeda, Jama'at-ud-Da'wah, Jaish-e Mohammad, the Haqqani Network, Lashkar-e-Toiba among many others.

This proxy war being waged against India has also forced us to incur unprecedented economical expenditure.

While we are looking at the international community to recognise and declare Pakistan as a terror state, it is for us, as the country most affected, to take the first step towards this. We must go beyond merely condemning the attacks on our sovereignty time after time and take a decisive and strong step to declare the Islamic Republic of Pakistan a terror state.

This Bill underlines our strong condemnation of Islamic Republic of Pakistan's propagation and sponsorship of international terror and recognises its role in providing a safe haven to dreaded terrorists and terror organisations and its active role in abetting and aiding infiltration by terrorists from its soil.

Pakistan poses a continual risk to the peace, security and stability of the region and this Bill seeks to terminate and prohibit further economic, trade, sports and cultural agreements with Pakistan.

Hence this Bill.

RAJEEV CHANDRASEKHAR

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 provides that the Central Government may make rules to carryout the purposes of this Bill. As the matters will relate to details only the delegation of legislations powers is of world character.

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to declare any country as state sponsor of terrorism and withdraw economic and trade relations with the such country and to create legal, economic and travel sanctions for citizens of that country and for matters connected therewith or incidental thereto.

(Shri Rajeev Chandrasekhar, M.P.)