



Declaration of States as Sponsor of Terrorism Bill, 2016

Preamble

To declare certain States as 'state sponsor of terrorism' and withdraw economic and trade relations with the said State, and to create legal, economic and travel sanctions for citizens of the said State and for matters connected therewith or incidental thereto

AND WHEREAS, the Islamic Republic of Pakistan propagates and harbors agents of international terror who have repeatedly attacked the territory and people of the Republic of India and there is an urgent need to co-ordinate activities at the international and national level to ensure the best response to protect the interests of the Republic of India and its citizens;

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 citizens of the Republic of India;

be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows: -

Chapter 1: PRELIMINARY

1. Short title, extent, commencement and application. —

- (1) This Act may be called Declaration of States as Sponsor of Terrorism Bill, 2016.
- (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.

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

- (1) "abet", with its grammatical variations and cognate expressions, includes, -
 - (a) the communication or association with any person or class of persons who is engaged in assisting in any manner terrorists or disruptionists;
 - (b) the passing on, or publication of, without any lawful authority, and 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;
- (c) the rendering of any assistance, whether financial or otherwise, the terrorists or disruptionists;

(2) "Terrorist act". - Whoever does 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,-

- (a) 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-
- (i) death of, or injuries to any person or persons; or
 - (ii) loss of, or damage to, or destruction of, property; or
 - (iii) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or
 - (iv) 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
- (b) overawes 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
- (c) by its design to seriously interfere with or seriously disrupt an electronic system, computer system or network; or
- (d) provides 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



- (e) detains, kidnaps or abducts any person and threatens 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, commits a terrorist act.

Explanation. -For the purposes of this section, 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. *Further,* a terrorist act shall include an act of terrorism involving citizens or the territory of more than one country.

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

- (3) "State sponsor of terrorism". - Any country the government of 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 for 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.

Provided, a country shall not be designated as a State sponsor of terrorism, until their name is included in the Schedule to this Act and is as such so notified by the Central Government and published in the Official Gazette.

- (4) "Trade" shall include any import or export of goods or services or technology, of any sort with another country.



Chapter 2: GENERAL PROVISIONS

3. Prohibitions

- (1) Whoever being a head of state, member of government, a citizen or a body corporate domiciled in a country designated by the Central Government, as published in the Official Gazette, as a state sponsor of terrorism shall be subject to prohibitions as stated in this section.
- (2) Any individual being a head of state, member of government, a citizen or a body corporate belonging to or affiliated with a country which had been designated as a state sponsor of terrorism shall be subject to prohibition of travel within the territory of India and shall not be eligible for the grant of visa.
- (3) Any individual being a head of state, member of government, a citizen or a body corporate belonging to or affiliated with a country which had been designated as a state sponsor of terrorism shall be prohibited from trading with any individual, entity and body corporate in India.
- (4) Any individual being a head of state, member of government, a citizen or a body corporate belonging to or affiliated with a country which had been designated as a state sponsor of terrorism shall be prohibited from receiving or making grants, financial remittances, investments or assets of any description whether corporeal or incorporeal, moveable or immoveable, tangible or intangible, wherever located, or providing financial assistance or aid to any individual, entity or body corporate in India.
- (5) Any individual being a head of state, member of government, a citizen or a body corporate belonging to or affiliated with a country which had been designated as a state sponsor of terrorism shall be subject to prohibition of undertaking maritime activities including but not limited to fishing or trawling or entering the territorial waters of India.
- (6) Any individual being a head of state, member of government, a citizen or a body corporate belonging to or affiliated with a country which had been designated as a state sponsor of terrorism shall be prohibited from overflight over the geographical boundaries of India.



- (7) The above prohibitions, under sub-sections (2), (3), (4), (5) and (6) of this Act, may be waived or relaxed if the Government of India so permits, subject to the conditions which may be imposed by the Government of India in granting such waiver or relaxation.

4. Restrictions for aiding or abetting States sponsor of terrorism

- (1) Any individual being a head of 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 Government of India.
- (2) The above restrictions, under sub-sections (1) of this Section of this Act, may be waived or relaxed if the Government of India so permits, subject to the conditions which may be imposed by the Government of India in granting such waiver or relaxation.

5. Liability of officials of States sponsor of terrorism

- (1) The Central Government may, by Order published in the Official Gazette, make provision for the officials of a state designated as a state sponsor of terrorism revoking their immunity and being made amenable to the jurisdiction of the courts in India;
- (2) An official of a state 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 are sought against the said state for physical injury to person or property or for death caused by –
- (a) an act of terrorism; and
 - (b) acts of the state, or of any official, employee, or agent of that state designated as a state sponsor of terrorism while acting within the scope of his or her office, employment, or agency, regardless where the tortious act or acts of the state has occurred.

6. Opposition to assistance by International Financial Institutions to States sponsor of Terrorism.

- The Government of India shall use the voice and vote of India to oppose any loan or other use of the funds of any International Financial Institution to states sponsor of terrorism.



Explanation.- For purposes of this section, the term "International Financial Institution" includes, the International Bank for Reconstruction and Development, the International Monetary Fund or any similar institution of the like nature.

7. Prohibition on Assistance to Governments of a State sponsor of Terrorism. -The 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.

8. Prohibition on trade in goods and services with a State sponsor of Terrorism. -

- (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.
- (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.
- (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.

9. Offences and Penalties

- (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 the moneys or credits, in respect of which the contravention has been proved, or such part thereof as the Court may deem fit.



- (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.



SCHEDULE

1. Islamic Republic of Pakistan