

AS INTRODUCED IN LOK SABHA

Bill No. 11 of 2017

THE DESIGNATION OF STATES AS SPONSOR OF TERRORISM
BILL, 2017

By

SHRI RAJENDRA AGRAWAL, M.P.

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BILL

to designate certain States as sponsor of terrorism, to provide for withdrawal of trade relations with such States, to create legal, economic and travel sanctions for the citizens of such States and for matters connected therewith or incidental thereto.

WHEREAS the Islamic Republic of Pakistan propagates and harbours 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 harbour 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-eighth Year of the Republic of India as follows:—

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| Short title and commencement. | 2017. | 1. (1) This Act may be called the Declaration of States as Sponsor of Terrorism Act, | |
| | | (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint. | 5 |
| Definitions. | | 2. In this Act, unless the context otherwise requires,— | |
| | | (a) "abet" includes | |
| | | (i) the communication or association with any person or class or persons who is engaged in assisting in any manner terrorists and disruptionists; | 10 |
| | | (ii) the passing on or the publication of, without any lawful authority, any information likely to assist the terrorists or disruptionists or the passing on or the publication or distribution of any document or matter obtained from terrorists or disruptionists; | |
| | | (iii) the rendering of any assistance, whether financial or otherwise, to terrorists or disruptionists; and | 15 |
| | | (iv) the failure to apprehend and punish, as per the laws of such country, persons involved in any terrorist act against the people or any section of the people in India; | |
| | | (b) "terrorist act" means doing of any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with the intent 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 the threat the Government of India or an international Government organisation— | 20 |
| | | (i) by using bombs, dynamites 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 hazardous nature or by any other means or whatever nature to cause— | 25 |
| | | (a) death of, or injuries to any person or persons; or | 30 |
| | | (b) loss of, or damage to or destruction of property; or | |
| | | (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 purposes of the Government of India, any State Government or any of their agencies; or | 35 |
| | | (ii) by overawing by means of criminal force or the show of criminal force of attempts to do so or causes death of any public functionary; or | |
| | | (iii) by designing to seriously interfere with or seriously disrupts an electronic system, computer system or network or to attempt to do so; or | 40 |
| | | (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 guerrilla forces to wage proxy war against the Government of India; or | 45 |

(v) by detaining, kidnappings or abducting 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 or abstain from doing any act, commits a terrorist act.

5 *Explanation I.*—For the purpose 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.

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

15 *Explanation III.*—For the purposes of this section, Without prejudice to the foregoing provisions and unless the context so requires otherwise, the term 'terrorism' shall mean premediated violence motivated by any political, religious, radical or ideological cause perpetrated against 'non-combatant' targets by sub-national groups or clandestine agents.

20 *Explanation IV.*—For the purposes of this section, 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 or even if they are deployed in a war zone are not directly taking part in hostilities or are *hors de combat*.

(c) "State sponsor of terrorism" means the Islamic Republic of Pakistan and includes such other countries designated as sponsor of terrorism by the Central Government by notification in the Official Gazette.

25 3. (1) Whoever being a head of the State sponsor of terrorism or member of the Government of such State or a citizen or a body corporate belonging or affiliated to a country designated by the Central Government as a State sponsor of terrorism shall be subject to the following prohibitions—

Prohibitions.

(a) he shall be prohibited to travel within the territory of India and shall not be eligible for the grant of visa;

30 (b) he shall be prohibited from trading with any individual, entity or body corporate in India;

35 (c) he shall be prohibited from receiving or making grants, financial remittances, investments or assets of any description whether corporeal or incorporeal, movable or immovable, tangible or intangible, wherever located, or providing or receiving financial assistance or aid from or to any individual entity or body corporate in India;

(d) he shall be subject to prohibition of undertaking maritime activities including but not limited to fishing or trawling or entering the territorial waters of India;

(e) he shall be prohibited from overflight over the geographical boundaries of India.

40 (2) The Central Government may, if it deems appropriate, relax the prohibition referred to in clauses (a) to (e) of sub-section (1).

45 4. (1) Any individual being a head of the State, member of the Government, a citizen or a body corporate of another country, who abets the State sponsor of terrorism shall be subject to such prohibitions referred to sub-section (1) of section 3 as the Central Government may deem appropriate.

Restrictions
for aiding and
abetting.

(2) The Central Government may, if it deems appropriate, relax the prohibitions of sub-section (1).

50 5. (1) The Central Government may, by notification in the Official Gazette, revoke the diplomatic immunity of officials of a State sponsor of terrorism and make such officials amenable to the jurisdiction of the courts in India.

Liability of
officials of
States
Sponsor of
Terrorism.

(2) Notwithstanding anything contained in other law for the time being in force, an official of a State designated as 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 such State for causing physical injury to persons or damage to property or death of persons by an act of terrorism.

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Opposition of
assistance by
International
Financial
Institutions.

6. The Government of India shall use all available diplomatic means including its voting power to oppose any loan or other use of funds of any International Financial Institution to a State sponsor of terrorism.

Explanation.—In this section, the term 'International Financial Institution' includes the International Bank for Reconstruction and Development and the International Monetary Fund.

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Prohibition in
trade and
investment.

7. (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.

Explanation.—In this sub-section, the term 'import into or export from the territory of India' shall include transactions in foreign exchange or transfer credit or payment between any banking institution or a national thereof or import or export of currency or securities to and from a State sponsor of terrorism.

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(2) 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 or a national thereof.

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Offences and
Penalties.

8. (1) Whoever contravenes any provision of this Act, or otherwise deals in any manner whatsoever, with a State sponsor of terrorism, shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

(2) An offence punishable under this Act shall be cognizable.

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STATEMENT OF OBJECTS AND REASONS

Violent non-State actors have been attacking various parts of India since decades. The support of certain States to these terrorist and disruptionist groups has strengthened these groups resulting in an increase of such activities in the borders and the heartland of India.

The Islamic Republic of Pakistan has been supporting many such terrorist groups that have been attacking India. The linkage of the Islamic Republic of Pakistan in many terrorist activities in the country, including the recent Pathankot and Uri attacks have been clearly established.

In the light of the prevailing conditions it is necessary to:

1. designate such States as ‘State Sponsor of Terrorism’;
2. withdraw economic and trade relations with such States; and
3. protect the interests of the India at the national and international level.

Hence this Bill.

NEW DELHI;
September 26, 2016.

RAJENDRA AGRAWAL

THE SCHEDULE

[See sections 2(c) and 3(1)]

1. The Islamic Republic of Pakistan

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