

**“CROSS BORDER TERRORISM:SOCIO-LEGAL
RAMIFICATIONS”**



REVISED SYNOPSIS

SUBMITTED TO

DR. B. R. AMBEDKAR UNIVERSITY , AGRA

FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

IN

FACULTY OF LAW

BY

SMT. NIDHI SHARMA

UNDER THE SUPERVISION OF

DR. RAKESH KUMAR

AGRA LAW COLLEGE, AGRA

2014-15

DECLARATION

I, **SMT. NIDHI SHARMA** (Assistant Professor), Faculty of Law, Agra College, Agra (Dr. B. R. Ambedkar University, Agra, U.P.) research scholar in Law, session 2014-15, declare that the work embodied in this Ph.D. synopsis is my own bonafide work carried out by me under the supervision of **Dr.RAKESH KUMAR** (Associate Professor), Faculty of Law, Agra College, Agra (Dr. B. R. Ambedkar University, Agra, U.P.) Session 2014-15. The content embodied in this Ph.D. synopsis has not been submitted previously for the award of any Degree or Diploma in this or any other University or Institute.

I also declare that I have adhered to all principles of academic honesty and integrity and have not misrepresented or fabricated or falsified any idea in my synopsis where other ideas or words have been included; I have adequately cited and referenced the original sources.

Date: 8.3.2018

Place: Agra

CandidateSignature

CERTIFICATE

This is to certify that **SMT. NIDHI SHARMA**, (Assistant Professor), Faculty of Law, Agra College, Agra (Dr. B. R. Ambedkar University, Agra, U.P.) research scholar in Law, session 2014-15, Faculty of Law, Agra College, Agra (Dr. B. R. Ambedkar University, Agra, U.P.) has prepared the revised Synopsis on the topic titled “**CROSS BORDER TERRORISM : SOCIO-LEGAL RAMIFICATIONS**” as per suggestions laid by Research Degree Committee held on 17/1/2018, under my supervision and guidance. This Ph.D. synopsis has embodied original work of the candidate herself and has not been submitted anywhere else for the award of any other Degree or Diploma of this or any other University or Institute.

I have no objection to guide the candidate on the topic mentioned above.

Head of Department

Dr. Piyush Tyagi (Associate Professor)
Faculty of Law, Agra College, Agra
(Dr. B. R. Ambedkar University, Agra)

Supervisor

Dr. Rakesh Kumar (Associate professor)
Faculty of Law, Agra College, Agra
(Dr. B. R. Ambedkar University, Agra)

Details of Candidate

1. Title of the Synopsis : CROSS BORDER TERRORISM:SOCIO- LEGAL
RAMIFICATIONS
2. Name of the Scholar : Smt. Nidhi Sharma
3. Subject/Faculty : Law/ Faculty of Law, Agra College Agra
4. Registration No. : 240/20175831
5. Name of the Supervisor : Dr. Rakesh Kumar
6. Designation : Associate Professor
7. Research Centre Name : Faculty of Law, Agra College Agra
8. Total No. of Pages : 26
9. Scanned Photograph



- Email Address : nidhi170579@rediffmail.com
- Phone Contact : 9359193366
- Address : 82,Lokendra puri, Near Pratap Nagar Crossing, Gari
Badhauriya, ,opp. Sayyad,Agra. 282010

INTRODUCTION

Terrorism is a very old phenomenon. It is generally designed to promote subversive activities create panic and cause harm to human lives and damage to pre-selected properties. Terrorism can be initiated by a country out all types of activities covertly or by any political groups, antisocial elements, religious fundamentalist who do not wish to engage in direct confrontation but decide to bleed the opponents through unorthodox and unconventional offensives.

The term “Terrorism” which is based on the Latin word “terrere”(to cause to tremble), it came into being in 1795 in the rule of Post Revolutionary France. Terrorism is the concept through which terrorists terrorize the masses or cause harm to innocent people and the society to establish their fearful existence to bargain with the government for or otherwise unacceptable deal or temporarily make people believe about their supremacy against the State administration. The European Union in its 2002 definition proclaims that the aim of “Terrorism is destabilizing or destroying the fundamental political, constitutional, economical or social statures of a country.”

Cross Border Terrorism became an issue for the U.N. during the spate of hijackings in the 1960s and the U.N. held the Convention on Offences and Certain other acts committed on Board Aircraft. As the premier international lawmaking body, the United Nations plays a key role in combating cross border terrorism. The U.N.’s General Assembly passed one of the most comprehensive resolutions 1373/2001 against terrorism in the wake of the September 11, 2001, attacks on the World Trade Center..

The Counter –Terrorism Committee(CTC) has become the United Nations leading body to promote collective action against international terrorism. In restructuring the CTC, the Counter Terrorism Executive Directorate(CTED) has been established as a special political mission headed by an Executive Director to be appointed by the Secretary General of the United Nations. The United Nations Counter-Terrorism implementation Task Force (CTITF), established by the Secretary-General ,organizes its work through Working Groups i.e. Integrated Assistance for Countering Terrorism(I-ACT): Preventing and Resolving Conflicts.

The Unlawful Activities (Prevention) Act, 1967 in section 15 inserted through amending Act of 2008 contains definition of ‘Terrorist act’. It says that 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,-(a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons 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 defense of India or in connection with any other purposes 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) 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 or abstain from doing any act, commits a terrorist act.

India is wedded to the concept of rule of law. The role and responsibility of each constitutional organ has been properly defined. It guarantees, to all persons, citizens and aliens alike, amongst others, equality before law, equal protection of law and facilitates a State action to be invalidated should it be inconsistent with or imbued with the trait of abridging the fundamental rights. Through the Constitution Of India, India resolved to strive for good governance and with this object set out certain Directive Principles Of State Policy. The prime object of which was to secure the welfare of its people. They embody the concept of a welfare state. India has throughout been conscious and alive to its obligations under the International multi-lateral treaty regime. Terrorism has Cross-border fingerprints. India's answers to the bane were initially an Endeavour to control through general law. But since the menace reached alarming levels, it escalated into the need for special measures in the shape of enactment called Terrorists and Disruptive Activities (Prevention) Act, 1987 (commonly known as TADA, 1985). The enactment was justified by the Legislature inter alia in the wake of state of fear of panic sought to be created and the object of disruption of communal peace and harmony sought to be achieved by the perpetrators in certain parts of India. The views that preserving the rule of law and recognition of individuals liberty constitutes an important component in a democracy echo what was said by Supreme Court of India in *D.K. Basu vs State of West Bengal*⁴³ wherein it was held that a suspect cannot be tortured even if there is a prospect of the crime going unpunished.

India has tried to follow a path wherein rule of law continues to be the fundamental benchmark and the basic rights are ensured even to those who are suspected of involvement in terrorist crimes. Such rights consistently insisted upon by Indian jurisprudence include right to life & liberty; right against torture or inhuman degrading treatment; right against outrages upon personal dignity; right to due process and fair treatment before law; right against retrospectively city of penal law; right to all judicial guarantees as are indispensable to civilized people; right to effective means of defense when charged with crime; right against self-incrimination; right against double jeopardy; right of presumption of innocence until proved guilty according to law; right to be tried speedily in presence by an impartial & regularly constituted court; right to legal aid & advice; right to freedom of speech besides right to freedom of thought, conscience & religion.

The Unlawful Activities (Prevention) Act, 1967 is an Act to provide for the more effective prevention of certain unlawful activities of individuals and associations and for dealing with terrorist activities and matters connected therewith. Any person, who commits an offence beyond India, which is punishable under this Act, shall be dealt with according to the provisions of this Act in the same manner as if such act had been committed in India. Currently, the National Security Act, 1980 is the most widely abused of these laws. The stated goal of the Act is to prevent individuals from acting in a manner pre-judicial to certain objectives of state, including national security, public order and the maintenance of supplies and services essential to the community. It provides for the maximum detention of individuals for up to a year without charges, a trial or other rights that accused take for grant of Advisory Board in India.

The major antiterrorism laws that India has enacted since 1980 are the Terrorist and Disruptive Activities (Prevention) Act (TADA) 1987, the Prevention of Terrorism Act (POTA) 2002, and the Unlawful Activities (Prevention) Amendment Act (UAPA) 1967, all have raised human rights concerns under the Indian Constitution and International Human Rights Treaties such as the International Covenant on Civil and Political Rights (ICCPR).

TADA's principal provisions made it a crime to (1) commit a "terrorist act," (2) conspire, attempt to commit, advocate, abet, advise or incite, or knowingly facilitate the commission of a terrorist act or "any act preparatory to a terrorist act," (3) "harbor or conceal, or attempt to harbor or conceal any person knowing that such person is a terrorist," or (4) hold property that has been "derived or obtained from commission of any terrorist act" or that "has been acquired through the terrorist funds." The statute also made it a crime to commit any "disruptive activity," which includes any act, speech, or conduct that disrupts, or is intended to disrupt, whether directly or indirectly, the sovereignty and territorial integrity of India, or is intended to bring about or supports any claim, whether directly or indirectly, for the cession of any part of India or the secession of any part of India from the Union. The Supreme Court of India in *Kartar Singh v. State of Punjab* ultimately upheld the constitutionality of TADA in almost all respects, although it did seek to rein in its potential misuse by requiring relatively modest safeguards.

In 1999, the Law Commission of India undertook a study at the request of the new BJP-led government to determine whether new antiterrorism legislation was necessary. The Commission responded by proposing a new Prevention of Terrorism Bill based largely on the Criminal Law Amendment Bill of 1995. Throughout 2000 and 2001, the government sought to enact a new antiterrorism law based on this proposal, explicitly invoking antiterrorism laws in the United States and the United Kingdom to justify its proposal. These efforts were met with vigorous resistance not only from Indian human rights' advocates, but also from the NHRC.

POTA's substantive provisions expand upon the similar provisions in TADA. POTA directly criminalizes (1) commission of a "terrorist act," (2) conspiring, attempting to commit, advocating, abetting, advising or inciting, or knowingly facilitating the commission of a

terrorist act or any act preparatory to a terrorist act, (3) voluntarily harboring or concealing, or attempting to harbor or conceal any person knowing that such person is a terrorist, (4) possession of any proceeds of terrorism, and (5) knowingly holding any property that has been derived or obtained from commission of any terrorist act or that “has been acquired through the terrorist funds.

The constitutionality of POTA was challenged before the Supreme Court of India in Peoples Union for Civil Liberties v Union of India. The challenge was on the ground the basic human rights were being violated. The view of the Court in this regard is that the protection and promotion of human rights under the rule of law is essential in the prevention of terrorism, involving courts responsibility and that if human rights are violated in the process, it will be self-defeating. It would also voice concern that lack of hope for justice provides breeding grounds for terrorism and, therefore, in the fight against terrorism human rights will have to be respected. The Court proceeded to temper the law so as to obviate the vice of arbitrary use by giving certain directions. It insisted on the element of *mensrea* for the offence of abetment and on the element of knowledge of the terrorist act for the offence of possession of unauthorized arms. It further added the ingredient of intent in the offences relating to membership of, support to, or raising of funds for a terrorists organization.

The National Investigation Agency Act, 2008 is intended to constitute an investigation agency at the national level to investigate and prosecute offences affecting the sovereignty, security and integrity of India, security of State, friendly relations with foreign States and offences under Acts enacted to implement international treaties, agreements, conventions and resolutions of the United Nations, its agencies and other international organizations and for matters connected therewith or incidental thereto. The power is vested in the Central Government to constitute a special agency to be called the National Investigation Agency for investigation and prosecution of offences under the Atomic Energy Act, 1962; the Unlawful Activities (Prevention) Act, 1967; the Anti-Hijacking Act, 1982; the Suppression Unlawful Acts Against Safety of Civil Aviation Act, 1982; the SAARC Convention (Suppression of Terrorism) Act, 1993; the Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002; the Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 and offences under sections 121 to 130 and sections 489-A to 489-E of the Indian Penal Code. The superintendence of the Agency vests in the Central Government.

Uttar Pradesh Control of Organised Crime Act (UPCOCA), the bill to contain organised crime in the state was okayed by the select committee of the VidhanParishad here on 6thMarch ,2018 . It was already passed in State Assembly on December 17, last year.UPCOCA bill was referred to the select committee of Council as it could not be ratified by the Council members on December 23, 2017. After being approved by the committee, now it would be tabled inthe upper house of state legislature again for discussion and passage.

The bill has a provision of stringent punishment for people engaged in organised crime with capital punishment accompanied by stiff penalty up to Rs 25 lakh and jail terms ranging from three years to life for other crimes, including possession of unaccountable wealth and harbouring of criminals. The bill is patterned on the Maharashtra Control of Organised Crime Act.

The 11-member select committee of VidhanParishad, headed by CM Adityanath Yogi and having SP state chief NareshUttam and BalramYadav as members. The bill was introduced in the state Assembly in winter session after being approved by the state cabinet. With ruling party enjoying a humongous majority in lower house passed the bill easily despite a few objections raised by the opposition. The entire opposition has been battling for the existing laws to control crime and improve law and order scenario in the state. They are calling it draconian and suspecting act.

India is facing national as well as international problems countering terrorism. Despite the international issue concerning JeM, LeT, ISIL. India is also concerned with Naxal ,Khalistan and J & K problem. The terrorist activities in sister states is yarning day by day.

Naxalites or Naxals are the group of people who believe in the political theory of Mao which is used in guiding revolutionary movements around the world. The naxalites aim to overthrow the government through arms. The group is designated as terrorist organization in India. The conflict in its present form began after the 2004 when the CPI (Maoist), a rebel group composed of the People's War Group) and the Maoist Communist Centre came into existence and hundreds of people being killed annually in clashes between the CPI-Maoists and the government every year.

The Naxalites control territory throughout Bihar, Jharkhand, M.P. Orissa and Andhra Pradesh and claim to be supported by the down trodden rural population, especially the Adivasis. The Naxalites have frequently targeted police and government workers to improve land rights and more jobs for neglected agricultural labourers and the poor. In February 2009, the Indian Central Government announced the "Integrated Action Plan" for broad, co-ordinated operations aimed at dealing with the Naxalite problem in all affected states. The Naxalite–Maoist insurgency gained international media attention after the 2013 Naxal attack in Darbha valley resulted in the deaths of around 24 Indian National Congress leaders including the former state minister Mahendra Karma and the Chhattisgarh Congress chief Nand Kumar Patel. It is estimated that Naxalites were active across "half of the India's 29 States" which account for about 40 percent of India's geographical area, known as the "Red Corridor".

The ULFA (United Liberation Front of Assam) is a revolutionary political organization engaged in a liberation struggle against state terrorism and economic exploitation by India for the establishment of a sovereign, independent Assam for the Indigenous Assamese people. It does not consider itself a secessionist organization, as it claims that Assam was never a part

of India and as a matter of fact the Treaty of Yandaboo was signed in 1826 by General Sir Archibald Campbell on the British side, and by Governor of LegaingMaha Min HlaKyawHtin from the Burmese side. Later on than PM Lt. Rajiv Gandhi in 1985 entered into Assam accord with ULFA to settle down issue.

Military operations against the ULFA by the Indian Army began in 1990 and continue into the present. On 5 December 2009, the chairman and the deputy commander-in-chief of ULFA was taken into Indian custody. In 2011, there was a major crackdown on the ULFA in Bangladesh, which greatly assisted the government of India in bringing ULFA leaders to talks. In January 2010, ULFA softened its stance and dropped demands for independence as a condition for talks with the Government of India. On 3 September 2011, a tripartite agreement for Suspension of Operations against ULFA was signed between the Indian government, the Assam government and the ULFA.

The Government of India (GOI) has classified it as a terrorist organization and had banned it under the Unlawful Activities (Prevention) Act in 1990. Concurrently, GOI started military offensives against it, named Operation Bajrang November 1990, Operation Rhino September 1991, Operation All Clear December 2003 and Operation Rhino 2 led by the Indian Army. The anti insurgency operations still continues at present under the Unified Command Structure.

Rohingya 'crisis' is new. The Rohingyas are Bengali and speak a Chittagong dialect and they were settled in Burma by the British in the Rakhine State in Myanmar. India's government said it has evidence showing some Rohingya in the country have ties to "terror organizations". Little-known Rohingya terror group AqaMulMujahideen blamed for the recent attacks on Myanmar border outposts by the country's president not only maintains links with Hafiz Saeed's Lashkar-e-Taiba (LeT) but is learnt to have developed ties with the Jaish-e-Mohammed (JeM) cell in Jammu and Kashmir. It also said there was information on Rohingya involvement in plots by the Islamic State of Iraq and the Levant (ISIL, also known as ISIS) and other "extremist groups" to ignite communal and sectarian violence in India. There are reports of Rohingya terrorists fighting alongside Pakistani extremists in Kashmir. One of their top leaders, Chotta Burmi, was killed in Kashmir along with JeM commander Adil Pathan last year. It is understood that security agencies of India, Bangladesh and Myanmar are coordinating their actions against Rohingya terror group.

Mean while the United States has suspended its USD 255 million military aid to Pakistan saying the fate of such assistance will depend on Islamabad's response to terrorism on its soil. The president has made clear the US expects Pakistan to take decisive action against terrorists and militants on its soil, and that Pakistan's actions in support of the South Asia Strategy will ultimately determine the trajectory of their relationship, including future security assistance.

In Jan, 2018 Visiting Israeli Prime Minister Benjamin Netanyahu, had bilateral talks with Prime Minister Narendra Modi, The Joint Statement issued by the two leaders recognizes "the grave threat that terrorism poses to peace and security including from non-state actors".

Both Prime Ministers reiterated that there can be no justification for acts of terror on any grounds whatsoever and advocated strong measures against terrorists, terror organizations, those who sponsor, encourage or finance terrorism or provide sanctuary to terrorists and terror groups. In 2008, both countries' fears collided in the Mumbai attacks that lasted four days and left 164 people dead. Organized by the Islamist Lakshar-e-Taiba group, two militants stormed a Jewish center in Mumbai, killing six Israelis.

In 2017, the Stockholm International Peace Research Institute published its annual arms transfers database which found that Israel supplied 7.2 percent of India's arms, a significant amount given Delhi is the world's largest arms importer. In April, the state-owned Israel Aerospace Industries announced it had won a deal worth close to \$2 billion to supply India's army and navy with missile defense systems.

Terrorism, which itself represents an attack on human rights that governments have an obligation to combat, is a complicated, serious, and difficult problem to address. When responding to terrorism, however, democratic governments must fully protect human rights to advance both the rule of law and long-term security itself, since violations of human rights often plant the seeds for future acts of terrorist violence.

LITERATURE REVIEW

1. **Cross-Border Terrorism in India**

Cross-border terrorism has emerged as a great threat to the security of India. Terrorism originating from across the border has slowly attempted to strangle the democracy and sovereignty of India. By its nature, the term “terrorism” is bound up in political controversy. It is a concept with a very negative connotation. Because terrorism implies the killing and maiming of innocent people, no country wants to be accused of supporting terrorism or harboring terrorist groups. At the same time, no country wants what it considers to be a legitimate use of force to be considered terrorism. An old saying goes, “One person’s terrorist is another person’s freedom fighter.”¹

2. **KartarSingh vs. State of Punjab**

The supreme court has considerably narrowed down the scope and ambit of the TADA (Terrorist and Disruptive Activities (prevention) Act, 1987) and held that unless the crime alleged against an accused could be classified as a “terrorist act” in letter and spirit, he should not be charged under the Act and should be tried under ordinary penal laws by the regular courts. In other words, the court held that, “a person becomes a terrorist or is guilty of terrorist activity when his intention, action and consequence all the three ingredients are found to exist together”²

3. **Uri was clear case of cross-border terrorism, back India’s right to self-defense**

White House Supporting India’s “right to self-defense” in the aftermath of the Uri attack which it dubbed a “clear case of cross-border terrorism”, the US dismissed the recent attempt by Pakistan to link peace in war-torn Afghanistan with resolution of the Kashmir issue. Supporting India’s “right to self-defense” in the aftermath of the Uri attack which it dubbed a “clear case of cross-border terrorism”, the US dismissed the recent attempt by Pakistan to link peace in war-torn Afghanistan with resolution of the Kashmir issue. The White House backed India’s right to defend itself as with any other country, in view of the recent surgical strike but advised caution given the heavy militarization between the two neighbors.³

4. **Simranjit Singh Mann Son of S vs. State of Punjab**

In 'Usmanbhai Dawoodbhai Memon v. State of Gujarat' ; the Supreme Court observed that TADA was an extreme measure to be resorted to when the police is not in a position to tackle the position under the ordinary Penal law. A special machinery is provided under the Act to combat a great menace of terrorism in different parts of the country.⁴

5. Cross border terrorism in India a study with reference to international regime

Terrorism is a convenient label, which a colonial power may choose to give a liberation movement for acts of violence directed against the power. Terrorism as a social phenomenon has a knack of spawning in different social contexts with its forms, manifestations, incidence and timing varying over time.⁵

6. Guna Alias Koonumuthuand others vs. State of Karnataka

It is stated that 50 accused persons including the petitioner are in jail for the last six and half years without any progress being witnessed in the trial of cases. Charges were framed in the year 1997. It is submitted that the petitioner and the co-prisoners numbering 50 have been prevented from being with their families for almost seven long years. They have been prevented from contributing to the preparation of their cases in defense as they are continuing in prison.⁶

7. Smt. Zebunnisa Abdul Majid vs. Shri M.N. Singh, Commissioner

Before the Supreme Court the case of the prosecution was that the five accused persons had formed an unlawful assembly, killed Raju and injured Keshav 'with intent to strike terror in the people or any section of the people' I.e. the residents of the locality, by the use of lethal weapons and thereby they committed offence punishable under Section 3(1) of the T.A.D.A. read with other offences under the Penal Code. The Supreme Court observed that the intention of the accused persons was to eliminate the rivals and gain supremacy in the underworld so that they may be known as the bullies of the locality and would be dreaded as such. the necessary intent to strike terror was absent and panic created amongst a section of people is merely fall out of the violent act and, therefore, prima facie, commission of offence punishable under Section 3(1) of the T.A.D.A. was not disclosed.⁷

8. Jayawant Dattatray Suryarao vs. State of Maharashtra

In the aforesaid case, the Court has clarified that intention of the accused was only to eliminate Raju and Keshav and, therefore, they killed the former and caused injury to later and it was not possible to hold that their intention was to strike terror in the people or a section of the people. The Court thereafter pertinently observed that it would have been a different matter if to strike terror some innocent persons were killed and in such case the intention could be to strike terror and the killings would be to achieve that objective.⁸

9. Mohd. Khalid vs. State of West Bengal

It was urged with some amount of vehemence by the learned counsel for the appellants that no terrorize act was involved. While dealing with an accused tried

under the TADA, certain special features of the said Statute need to be focused. It is also necessary to find out the legislative intent for enacting it. It defines "terrorist acts" in Section 2(h) with reference to Section 3(1) and in that context defines a terrorist. Menace of terrorism is not restricted to our country, and it has become a matter of international concern and the attacks on the World Trade Centre and other places on 11th September, 2001 amply show it. Attack on the Parliament on 13th December, 2001 shows how grim the situation is. TADA is applied as an extreme measure when police fails to tackle with the situation under the ordinary penal law.⁹

10. RavindraShantramSawant vs. State of Maharashtra

It was lastly submitted that even on the basis of the facts proved at the trial, no offence under TADA was made out. This was a simple case in which at best accused No.1 attempted to commit the murder of AshwinNaik, which was an ordinary criminal activity which could be dealt with under the ordinary penal law. This was, therefore, not a case of an offence which answered the description of a terrorist act under Section 3 of TADA.¹⁰

11. Nazir Khan AndOrs vs. State of Delhi

As was noted in the said case, it is a common feature that hardened criminals today take advantage of the situation and by wearing the cloak of terrorism, aim to achieve acceptability and respectability in the society; because in different parts of the country affected by militancy, a terrorist is projected as a hero by a group and often even by many misguided youth. As noted at the outset, it is not possible to precisely define "terrorism". Finding a definition of "terrorism" has haunted countries for decades.¹¹

12. People'sUnion For Civil vs. Union of India

In deciding the point of legislative competence, it is necessary to understand the contextual backdrop that led to the enactment of POTA, which aims to combat terrorism. Terrorism has become the most worrying feature of the contemporary life. Though violent behavior is not new, the present day 'terrorism' in its full incarnation has obtained a different character and poses extraordinary challenges to the civilized world. The basic edifices of a modern State, like - democracy, state security, rule of law, sovereignty and integrity, basic human rights etc are under the attack of terrorism. Though the phenomenon of terrorism is complex, a 'terrorist act' is easily identifiable when it does occur. The core meaning of the term is clear even if its exact frontiers are not. That is why the anti-terrorist statutes - the earlier Terrorism and Disruptive Activities (Prevention) Act, 1987 (TADA) and now POTA do not define 'terrorism' but only 'terrorist acts'.¹²

13. MahmadsusenAbdulrahimKalota vs. Union f India

The appellants in Criminal Appeal Nos.1113/2005, 1498- 1500/2005, 359/2006, 734/2007, 735/2007 and 736/2007 are persons who have been charged in respect of offences under the provisions of the Prevention of Terrorism Act, 2002, in terrorism related cases. In these appeals, they have also challenged the said judgment dated 13.4.2005 of the Gujarat High Court in SCA Nos.1103 & 1105 of 2005, and other judgments of the said High Court and the judgment of the Bombay High Court which follow the said decision. The appellants in these appeals will be referred to as 'POTA accused'.¹³

14. A.MuhammedNavas vs. Station House Officer

The learned Director General of Prosecution submitted the following. The accused indulged in a conspiracy to facilitate terrorism. Classes were arranged at different places in Kannur, Malappuram and Ernakulam Districts for that purpose. In the meeting held on 14-8-2009 at Neerchal, it was decided to send delegates to Jammu and Kashmir so that they could get training in arms and ammunition from Lashker- E-Thoiba in Jammu and Kashmir and Pakistan. After the training they were to commit terrorist activities in the State of Kerala. From Kannur, accused Nos. 2, 3, 7, 8, 10, 13, 15, 20 went to Hyderabad in different groups.¹⁴

15. Zameer Ahmed LatifurRehman vs. State of Maharashtra

The Bombay High Court, in para 44 of the impugned judgment, has held that though 'promoting insurgency' is one of the facets of terrorism, the offence of terrorism as defined under the UAPA as amended by the 2004 Act is not identical to the offences under the MCOCA and the term 'terrorism' and 'insurgency' are not synonymous. As per the High Court both the enactments can stand together as there is no conflict between the two.¹⁵

16. State vs. Noor Mohd. Tantray

The accused persons have faced this trial on the allegations that they being members of JaisheMohammad (JeM), a terrorist organization banned under Prevention of Terrorism Act, 2002 (POTA) had entered into a criminal conspiracy with SC No.44/08 & 53/10 State Vs. Noor Mohd. Tantray&anr.Page 2 of 145 each other (and also with four others namely Rashid, Mohd.Sahid @ Zahoor, Habeeb @ Aslam and Khurshid Ahmed Butt, all said four others having since been killed in different encounters with security forces), in order to commit terrorist acts, to wage war against and to overawe the government of India by use of criminal force and, in pursuance thereof, having collected and concealed arms, ammunition and explosive substances and having received huge cash amounts from illicit sources intending that the same shall be used for the purposes of terrorism. They have also been charged in this

prosecution additionally for offences under the Arms Act 1959 and Explosive Substances Act 1908, with corresponding penal provisions of POTA respecting illegal arms, ammunition and explosive substances that are stated to have been recovered from their respective possession.¹⁶

17. Zafar Umar Khan @ Jafar Umar vs. State (Govt. of NCT of Delhi)

The appellant Zafar Umar Khan @ Jafar Umar by the impugned judgment dated 4th January, 2011 has been convicted for offences under Section 22(2) of the Prevention of Terrorism Act, 2002 (hereinafter referred to as, POTA) and Section 25 of the Arms Act (hereinafter referred to as, the Act). By order of sentence dated 10th January, 2011 under Section 22(2) POTA the appellant has been sentenced to undergo Rigorous Imprisonment for a period of 14 years and fine of Rs.10,000/- and under Section 25 Arms Act he is to undergo Rigorous Imprisonment for a period of seven years with fine of Rs.10,000/-. In case of default in payment of fine, the appellant has to undergo Rigorous Imprisonment for one year on each account.¹⁷

18. National Investigation Agency vs. Devendra Gupta

In People's Union for Civil Liberties (3 supra), certain observations were made by the Supreme Court of India while considering the provisions of the Prevention of Terrorism Act, 2002. The Supreme Court stated : "4.....Terrorism has become the most worrying feature of contemporary life. Though violent behavior is not new, the present-day "terrorism" in its full incarnation has obtained a different character and poses extraordinary challenges to the civilized world. The basic edifices of a modern State, like democracy, State security, rule of law, sovereignty and integrity, basic human rights etc. are under the attack of terrorism."¹⁸

19. Pragya Singh ChandrapalSingh vs.National Investigation Agency

It is then stated on behalf of the NIA that in fact the purpose of federalizing some crimes by the Central Government is not to usurp, but only to usefully supplement and add value to the law enforcement duties with local limitations hitherto within the sole preserve of the individual State Governments. The primary objective to establish a NIA is to better tackle cross-border crimes with inter-state and international originations and ramifications like terrorism, to ensure that the sovereign duties owed by the Union to the citizenry of protection of life, liberty and property are more properly complied with. One of the Acts mentioned in the Schedule to the NIA Act is the Unlawful Activities (Prevention) Act, 1967 which deals with cross border and international terrorism and measures to combat the same, which extends not only to persons committing the act in India but also beyond India.¹⁹

20. State vs.SajjadHussain Sheikh

First question emerges as to whether there was any delay in SC No. 09/11 Page no. 6 of 30 State Vs. SajjadHussain Sheikh lodging the FIR or not? . In this regard the testimony of PW3, PW4, PW6 and PW15 are relevant. PW15 is the police official whereas PW3 and PW4 belong to Custom Department and PW6 is a public witness. Once it came into the knowledge of the responsible police officer that some contraband articles were sent to India in a consignment and the same could be utilized for the purpose of terrorism, it SC No. 09/11 Page no. 7 of 30 State Vs. SajjadHussain Sheikh was the paramount duty of the police officer to register the formal FIR immediately but he preferred to wait for two days. There is no requirement in law to have a formal complaint to register an FIR. Once the furnished information discloses the commission of cognizable offence, police officer is bound to register an FIR. Thus, there is delay in lodging the FIR but the entire prosecution case can not be discarded on the said ground alone.²⁰

21. DharambirKhattar vs. Central Bureau of Investigation

It is submitted that that while interpreting a similarly worded provision, viz., Section 11(1)of the Special Courts Act 1979 (SCA), a Bench of four Judges of Supreme Court in V.C.Shukla v. CBI (1980) Supp SCC 92 by a 3:1 majority held that an order framing charges against the accused was not a final order but an interlocutory one and, therefore, no appeal would lie against such order to the Supreme Court. A comparison is also drawn with a similarly worded provision, Crl.Rev.P.Nos.340/08, 371/08, 380/08, 456/08 Section 34 of the Prevention of Terrorism Act 2002 (POTA) which was interpreted in State v. NavjotSandhu(2003) 6 SCC 641 by the Supreme Court. It was held that in terms of the said provision an interlocutory order of the Special Court was not appealable to the High Court. It was further held that the High Court could also not exercise its powers under Articles 226 and 227 of the Constitution of India or Section 482 CrPC to entertain a petition challenging an interlocutory order of the Special Court under the POTA.²¹

22. Yakub Abdul RazakMemon vs. State of Maharashtra

This appeal and the connected matters have been directed against the final orders and judgments of conviction and sentence passed on various dates by the Presiding Officer of the Designated Court under Terrorist and Disruptive Activities (Prevention) Act, 1987 (in short 'the TADA') for Bombay Bomb Blast Case, Greater Bombay in BBC No. 1 of 1993. These appeals have been filed under Section 19 of the TADA by the accused against their conviction and sentence and by the CBI for confirmation of the death sentence and against the acquittal of some of the accused persons.²²

23. Golla Dharmanna vs. Sakari Poshetty

The counsel for petitioner also contended that it was open for the Trial Court to tentatively mark the document and decide about its admissibility at the stage before delivering judgment. He relied upon the judgment in Mulla Alamsabgari Dastigiri (3 supra), wherein the judgment in Navjot Sandhu (2 supra) was followed. In Navjot Sandhu (2 supra) the Supreme Court was considering the question of admissibility of copies of transcripts of intercepted conversations in a case arising under the provisions of Prevention of Terrorism Act, 2002. In the said case, the Supreme Court referred to the observations made by it in Bipin Shantilal Panchal v. State of Gujarat and another⁴ in the context of NDPS Act, 1985.²³

24. Vikram Singh @ Vicky & Anr vs. Union Of India

The counsel for petitioner also contended that it was open for the Trial Court to tentatively mark the document and decide about its admissibility at the stage before delivering judgment. He relied upon the judgment in Mulla Alamsabgari Dastigiri (3 supra), wherein the judgment in Navjot Sandhu (2 supra) was followed. In Navjot Sandhu (2 supra) the Supreme Court was considering the question of admissibility of copies of transcripts of intercepted conversations in a case arising under the provisions of Prevention of Terrorism Act, 2002. In the said case, the Supreme Court referred to the observations made by it in Bipin Shantilal Panchal v. State of Gujarat and another⁴ in the context of NDPS Act, 1985.²⁴

25. Cross-border terrorism the only focus: India to Pakistan

New Delhi has rejected Pakistan's proposal to hold Foreign Secretary-level talks on Kashmir, and has sent out a strong message that "cross-border terrorism should be the focus of any dialogue between the two countries." Indian Foreign Secretary responding to his Pakistani counterpart Aizaz Ahmad Chaudhry's invitation, expressed his willingness to travel to Islamabad but maintained Pakistan has no locus standi to address any aspect of the situation in J&K, which is an internal matter of India, except to put an end to cross-border terrorism and infiltration. The entire dialogue between India and Pakistan comes in the backdrop of Kashmir Issue as both countries have been engaged in a war of words over the statements by Islamabad on the situation in Kashmir which is witnessing unrest following the killing of Hizbul Mujahideen commander Burhan Wani.²⁵

26. Violence Continues In The Valley; India Willing To Talk With Pakistan On Cross-Border Terrorism In Kashmir: noise break

India is willing to send foreign secretary S Jaishankar to Pakistan for discussing the issue on cross-border terrorism and their focus will be only on that matter not the unrest in J&K. High commissioner Gautam Bambawale conveyed India's position and

he handed over a formal response to the inviting letter of Pakistani foreign secretary Aizaz Chaudhry which said to send an Indian counterpart for discussions on the Kashmir issue.²⁶

27. India to Isolate Pakistan due to Increase in Cross-Border Terrorism

In addition to Prime Minister Narendra Modi the meeting was attended by Home Minister Rajnath Singh, Defense Minister Manohar Parrikar, National Security Advisor Ajit Doval, the army chief and chiefs of intelligence agencies. According to Home Ministry sources, it was decided to diplomatically isolate Pakistan at every international forum. Further, India will also give the actionable evidence and proof of Pakistani involvement in the Uri terror attack to international bodies. The Indian army will provide information on the arms used by the terrorists at the meeting of the Director General of Military Operations (DGMO) of the two countries. The army claims that they have recovered arms from the terrorists which bear Pakistani markings. India has claimed that the terror attack was engineered across the border by Pakistan based terror outfits.²⁷

28. India Deepens Ties with Russia, Highlights Cross-border Terror

India and Russia deepened economic and military cooperation, while New Delhi pressed its concerns about cross-border terrorism at a summit of the BRICS countries in the western Indian city of Goa. Indian Prime Minister Narendra Modi held talks with the Russian and Chinese leaders on Saturday on the sidelines of the meeting. After meeting Putin he said “Russia’s clear stand on the need to combat terrorism mirrors our own.” A joint statement by both countries stressed the need for “zero tolerance in dealing with terrorists and their supporters.” five emerging economies of Brazil, Russia, India, China and South Africa.²⁸

29. The worst form of terrorism is cross-border one: Bhutan PM

Bhutan stands shoulder to shoulder with India in its fight against terror and need to protect its border, says Prime Minister Tshering Tobgay. In Goa for the BRICS-BIMSTEC outreach summit, Mr. Tobgay spoke to Diplomatic Editor *Suhasini Haidar* about the failure of SAARC, revival of BIMSTEC and bilateral ties.²⁹

30. MODI, GHANI TALK CROSS-BORDER TERRORISM: Business Television India

Amritsar: Prime Minister Narendra Modi and Afghan President Ashraf Ghani today held bilateral talks on a range of key issues including cross-border terrorism and decided to strengthen counter-terror cooperation between the two countries. Both leaders exchanged views on the common threat of terrorism, especially the cross

border nature of the scourge which had caused immense suffering to the people of India and Afghanistan."In this context, the two leaders agreed to strengthen counter terror cooperation between the two countries, and enhance coordination at the UN and other relevant for," he said. In a hard hitting attack on Pakistan, Afghan President Ashraf Ghani today accused it of launching an "undeclared war" on his country by covertly supporting several terror networks including the Taliban, and noted that there were no hidden deals in India's growing engagement in the war-ravaged country.³⁰

31. India, Kazakhstan discuss cross-border terrorism in Af-Pak region

India and Kazakhstan held a meeting of the Joint Working Group on Counter Terrorism here on Wednesday, exchanging views on prevailing regional terrorist threats including state-sponsored, cross-border terrorism in the Af-Pak region. "As strategic partners, India and Kazakhstan held the fourth meeting of the Joint Working Group on Counter Terrorism. Both sides assessed and exchanged views on prevailing terrorist threats in their respective regions including state-sponsored, cross-border terrorism in the Af-Pak region," said an External Affairs Ministry release. It said that delegations held "useful discussions" on the current challenges posed by various terrorist entities, radicalization, foreign terrorist fighters, drug trafficking and misuse of cyber space for terrorist purposes.³¹

32. Cross-Border Terrorism Is The Main Problem In Kashmir, Says India At UNHR

GENEVA (SWITZERLAND) -- India at the United Nations 35th session of the Human Rights Council highlighted Pakistan's role in supporting terrorism in Kashmir and called upon the global body for a policy of zero tolerance towards terrorism. India's Permanent Representative at the United Nations Rajiv K Chander noted at the session that the entire state of Jammu and Kashmir is an integral part of India and that Pakistan remains in illegal occupation of a part of our territory. Therefore, the neutrality of the phrase "Indian-administered Jammu & Kashmir" is artificial.³²

33. Main problem in J&K is Pak-sponsored cross-border terrorism: India at UNHRC:News Republic

India on Wednesday accused Pakistan of using terror as an instrument of state policy and asked Islamabad to vacate its illegal occupation of Pakistan-occupied Kashmir (POK). Raising the issue of Pak-sponsored terrorism at the United Nations 35th session of the Human Rights Council, India said "Pakistan must rein in its compulsive hostility towards us." "The entire state of Jammu and Kashmir is an integral part of India and that Pakistan remains in illegal occupation of a part of our territory. Therefore, the neutrality of the phrase "Indian-administered Jammu & Kashmir" is artificial," Rajiv K Chander, India's Permanent Representative at the United Nations, asserted during the session.³³

34. UN should impress upon Pakistan to stop cross border terrorism into India: PK:State Times

Virender Raina, National Spokesperson Panun Kashmir said that Kashmir as an international issue has long extinguished from the public discourse. In this context, the opinions expressed by former Secretary Generals of the United Nations from time to time “that the resolution on Kashmir has lost its relevance and is a time barred document of the UN body” should serve as a clear message to all those who harp upon the archaic and irrelevant resolution on Kashmir, and have taken recourse to terrorism and mayhem to further their anti-India agenda. Panun Kashmir appealed to the present Secretary General of the UN to impress upon Pakistan to stop cross border terrorism into India and also dismantle the terror infrastructure spread across the length and breadth of Pakistan.³⁴

35. Cross-border terrorism threatening regional peace: India

"At the heart of the matter is really the issue of cross- border terrorism perpetrated on India including on the people of the state of J&K So, the matter is that cross-border terrorism in our region emanating from a particular source is threatening peace and stability in not only India but other neighbors," External Affairs Ministry Spokesperson Gopal Baglay told reporters.³⁵

36. Police and cross-border crime in an era of globalization: The case of the Benin–Nigeria border

West Africa has become notorious for instability and armed conflict and is increasingly known for transnational criminal networks. Free movement across borders creates security threats in the sub-region. Smugglers, traffickers, terrorists and armed robbers traverse the sub-regional borders without major challenge. Neo-liberal discourses promoting globalization priorities economic interconnectedness at the expense of border control. This study examines the factors behind cross-border crime at the Nigeria–Benin border, and police efforts to combat it. This is an important case study for two reasons. First, this zone is among the most significant for cross-border crime and trafficking in the region. Second, the two countries, both members of the Economic Community of West African States, exhibit the two dominant modes of policing in the region, associated with British and French colonial histories.³⁶

37. Cross-border terrorism recognized as ‘global challenge,’ says EAM SushmaSwaraj

Asserting that India has been facing cross border terrorism for many years now, External Affairs Minister (EAM) SushmaSwaraj on Monday asserted that cross-border terrorism has now been recognized as a regional and as well a global challenge. She

also appreciated the sacrifices made by the U.S. in maintaining peace and prosperity in Afghanistan and urged the international community to remain committed to development of the nation. Swaraj was addressing a gathering at the India-US Forum programme.³⁷

38. India welcomes Donald Trump's resolve to tackle cross-border support for terrorists

New Delhi: India today welcomed US President Donald Trump's determination to enhance efforts to overcome the challenges facing Afghanistan and confront issues of safe havens and other forms of cross-border support enjoyed by terrorists. India's reaction came after Trump ruled out a hasty withdrawal of troops from Afghanistan to end America's longest war, as he warned Pakistan of consequences for providing safe havens to terrorists and sought an enhanced role for India to bring peace in the war-torn country. In his first prime-time televised address to the nation as commander-in-chief, Trump laid out his South Asia policy, saying a "critical part" of it was to further develop US' strategic partnership with India.³⁸

39. Salahuddin's interview proves Pakistan's role in terrorism: India: Mangalorean

Salahuddin's interview proves Pakistan's role in terrorism: India New Delhi, July 4 (IANS) India on Monday said the interview telecast by a Pakistani TV channel of HizbulMujahideen leader Syed Salahuddin on Sunday is further proof of Pakistan's role in cross-border terrorism. "The brazen admission by Syed Salahuddin of perpetrating terrorist attacks on India and having the capacity to carry out such attacks at any place and time in India is a further proof of Pakistan's continuing policy of cross-border terrorism," External Affairs Ministry spokesperson GopalBaglay said. In an interview to Geo TV, Salahuddin admitted to carrying out terrorist attacks in India and claimed that he could target the country "at any time". "Till now our focus was on Indian occupation forces. All the operations that we have done or are underway, we focus only on the installations of these occupational forces," he said. Salahuddin was designated as a "global terrorist" by the US State Department during Prime Minister Narendra Modi's visit to Washington last month.³⁹

40. Admission by Syed Salahuddin is proof of Pak policy of cross-border terrorism: India

India has said that the brazen admission by Syed Salahuddin of perpetrating terrorist attacks on India and having the capacity to carry out such attacks at any place and time in India is a further proof of Pakistan's continuing policy of cross border terrorism. In response to a media query about Pakistan based global terrorist Syed Salahuddin's interview to a Pakistan TV Channel, MEA Spokesperson GopalBaglay yesterday said, Salahuddin 's confession of assistance in such activities from Pakistan also affirms the complicity of Pakistan's state structure in using terrorist proxies as a matter of policy

against the neighbors. The Spokesperson said, Pakistan must give up its policy of cross-border terrorism, fulfill its obligations under international resolutions and stop all activities of terrorists from the territory under its control.⁴⁰

41. Israel's Support India on the Kashmir issue: The Shillong Times

A statement by Israeli authorities to an Indian daily to the effect that Israel will support India on the Kashmir issue is welcome. Israel has been relatively silent on Kashmir in the past despite its commitment to counter terrorism. Israel is also a victim of terror, especially by the Hamas in Palestine. Since India's establishment of diplomatic relations with Israel in 1991, Tel Aviv has always endorsed India's position that Kashmir is an integral part of this country. But a kind of entente cordiale emerged between Israel and Pakistan after 2003 with Israel starting to look at Pakistan as an important country of the Islamic world. The Delhi Declaration issued after the visit to India by the then Prime Minister of Israel, Ariel Sharon in 2003 did not mention Israel's stand on Kashmir. The latest statement from Israel has finally cleared the air and should reassure New Delhi. It may be pointed out that the Modi-Trump joint communiqué clearly asked Pakistan to punish the perpetrators of the Mumbai and Pathankot attacks and wanted action to be taken against Lashkar-e-Taiba and Jaish-e-Mohammad, two terror groups in Pakistan. The US statement may have influenced Israel's explicit support to India.⁴¹

42. No India-Pak cricket till cross-border terrorism continues : Union Sports Minister

New Delhi, May 29 (IBNS) : Disapproving the proposed bilateral cricket match between India and Pakistan, Union Sports Minister Vijay Goel on Monday said the Government will not allow any such event to take place till "cross-border terrorism" continues. reports said. His statement comes on a day the BCCI and the Pakistan Cricket Board are scheduled to meet in Dubai to discuss their bilateral ties, which has been in a limbo for years because of diplomatic tensions between the two countries. "BCCI should speak to the Government before giving any proposal to Pakistan. I have made it clear that bilateral cricket with Pakistan is not possible till the time there is cross-border terror. We have, however, no say on multilateral events (ICC tournaments)." Goel told reporters BCCI and PCB signed a Memorandum of understanding (MOU) to play six bilateral series between 2015 to 2023. Earlier this month, the PCB had sent a notice of dispute to the Indian Board, clamming losses for the BCCI's refusal to tour in 2015.⁴²

OBJECTIVITY OF STUDY

- 1-** To understand and examine the terrorism
- 2-** To study and analyses the causes of Terrorism
- 3-** Philosophy of ensuing Terrorism
- 4-** To look at historical and philosophical background of Terrorism
- 5-** Dominant regional factors of terrorism
- 6-** To Make study of viability of legal framework
- 7-** Socio-legal impact of judicial decisions
- 8-** To suggest new legal frame work to control and prevent cross border terrorism

WORK PLAN AND RESEARCH METHODOLOGY

The purposive research is divided as:-

1. Empirical i.e. Non-doctrinal
2. Non-empirical i.e. Doctrinal

For the purpose of research problem researcher has selected doctrinal research methodology as many things can only be studied in empirical conditions. Being a social issue the research has got the status of socio legal research. Hence, my research work based on both methods (Doctrinal and Empirical Methods) will hold the research in proper manner.

IMPACT AND UTILITY OF PROPOSED WORK

- 1- The proposed study would be much helpful in tackling the financing of terrorism.
- 2- The proposed study would be helpful in analyzing the lacuna of existing laws and judicial decision relating to cross border terrorism.
- 3- The proposed research work would be helpful in erecting new laws to control terrorism and terrorist activities.
- 4- The research work would be helpful in providing new dimensions to the Indian Legal Regime.

CHAPTERS

The present doctoral assignment has been divided into seven chapters with following:

CHAPTER-I “Introduction” contains introductory part of the assignment

CHAPTER-II “Evolution of Terrorism and Cross Border Terrorism”

CHAPTER-III The “International Effort to Check Cross Border Terrorism”

CHAPTER-IV Deals with "Cross Border Terrorism and Human Rights"

CHAPTER-V Entitled “Cross Border Terrorism and Indian Position”

CHAPTER-VI “Counter Terrorism Strategy and National Effort”

CHAPTER-VII “Conclusion and Submissions”

REFERENCES

1. Cross-Border Terrorism in India : Your Article Library,Article by-D.K.Sinha
2. Kartarsingh vs.state of Punjab (1994)3SCC 569.
3. Uri was clear case of cross-border terrorism, back India's right to self-defense: White House:The Indian Express, October 13, 2016
4. Simranjit Singh Mann Son Of S vs.State Of Punjab AndOrs. on 27 March, 1995,www.indiankanoon.org
5. Cross border terrorism..inIndia, a study with reference to international regime: Amazon Try Prime,shivanisingh. www.ebay.com
6. Guna Alias Koonumuthu And Others vs. State Of Karnataka And Another on 11 February, 2000, www. indiankanoon.org
7. Smt. Zebunnisa Abdul Majid vs.Shri M.N. Singh, Commissioner Of ... on 4 April, 2001,www.indiankanoon.org
8. JayawantDattatraySuryarao vs. State Of Maharashtra on 5 November, 2001,www.indiankanoon.org
9. Mohd. Khalid vs. State of West Bengal on 3 September, 2002,www.indiankanoon.Org
10. RavindraShantramSawant vs. State Of Maharashtra on 8 May, 2002,www. indiankanoon.org
11. Nazir Khan And Ors vs. State Of Delhi on 22 August, 2003,www. indiankanoon.Org
12. People's Union of Civil vs. Union Of India on 16 December, 2003,www. indiankanoon.org
13. MahmadhusenAbdulrahimKalotavs Union Of India &Ors on 21 October, 2008,www. indiankanoon.org
14. A.MuhammedNavas vs. Station House Officer on 31 July, 2009,www.indiankanoon.org
15. Zameer Ahmed LatifurRehmanvs. State Of Maharashtra &Ors on 23 April, 2010,www.indiankanoon.org
16. Sc No.44/08 & 53/10 State vs. Noor Mohd. Tantray&Anr. Page 1 on 3 January, 201,www.indiankanoon.org

17. Zafar Umar Khan @ Jafar Umar vs. State (Govt. Of Nct Of Delhi) on 13 March, 2013, www.indiankanoon.org
18. National Investigation Agency vs. Devendra Gupta And Another on 18 April, 2013, www.indiankanoon.org
19. Pragyasingh Chandrapalsingh vs. 4 National Investigation Agency on 11 October, 2013, www.indiankanoon.org
20. State vs. Sajjad Hussain Sheikh on 5 February, 2013, www.indiankanoon.org
21. Dharambir Khattar vs. Central Bureau of Investigation, www.indiankanoon.org
22. Yakub Abdul Razak Memon vs. State of Maharashtra Th:Cbion 21 March, 2013, www.indiankanoon.org
23. Golla Dharmanna vs. Sakari Poshetty And Others on 20 August, 2013 Vikram Singh @ Vicky & Anr vs. Union of India & Ors on 21 August, 2015, www.indiankanoon.org
24. Vikram Singh @ Vicky & Anr vs. Union of India & Ors on 21 August, 2015, www.indiankanoon.org
25. Cross-border terrorism the only focus: India to Pakistan: NEWS August 18, 2016
26. Violence continues in the valley; India Willing To Talk With Pakistan On Cross-Border Terrorism In Kashmir: Noise Break India by Suchismita Biswas - August 18, 2016
27. India to Isolate Pakistan due to Increase in Cross-Border Terrorism: Sputnik ASIA & PACIFIC 19.09.2016
28. India Deepens Ties with Russia, Highlights Cross-border Terror : ASIA Last Updated: October 15, 2016 The worst form of terrorism is cross-border one: Bhutan PM: the Hindu, OCTOBER 16, 2016
29. The worst form of terrorism is cross-border one: Bhutan PM: The Hindu, October 16, 2016
30. MODI, GHANI TALK CROSS-BORDER TERRORISM: Business Television India , DEC 04 2016
31. India, Kazakhstan discuss cross-border terrorism in Af-Pak region: Sarkaritel.com Posted on May 4, 2017
32. Cross-Border Terrorism Is The Main Problem In Kashmir, Says India At UNHRC: Huffpost, India asked the world to recognize Pakistan's use of terrorism as instrument of state policy. 07/06/2017.

33. Main problem in J&K is Pak-sponsored cross-border terrorism: India at UNHRC:News Republic, June 7, 2017
34. UN should impress upon Pakistan to stop cross border terrorism into India: PK:State Times on: June 22, 2017
35. Cross-border terrorism threatening regional peace: India : Outlook, THE NEWS SCROLL13 JULY 2017
36. Police and cross-border crime in an era of globalization: The case of the Benin–Nigeria border, 20 July 2017
37. Cross-border terrorism recognized as ‘global challenge,’ says EAM SushmaSwaraj,Aug 01, 2017,
38. India welcomes Donald Trump’s resolve to tackle cross-border support for terrorists, By PTI | Aug 22, 2017
39. Salahuddin’s interview proves Pakistan’s role in terrorism: India:Mangalorean,by IANS -July 4, 2017
40. Admission by Syed Salahuddin is proof of Pak policy of cross-border terrorism: India Published On: 04/07/2017 - By INDIAN AWAAZ
41. Israel’s Support India on the Kashmir issue:The Shillong Times,On Aug 21, 2017
42. No India-Pak cricket till cross-border terrorism continues : Union Sports Minister:India Blooms
43. D.K.Basu vs. State of West BengalAIR 1997 SC 610