

## A CHECK ON TERRORISM FINANCING – STATES EFFORTS

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### ABSTRACT

*As per Country Reports on Terrorism 2017 the following legal framework to counter terrorism has been recognized. On a ground that India, Pakistan and UK have faced major terrorist attacks in recent days, the researcher would discuss the legislation in India and Pakistan to combat Terrorism and Terrorism Financing.*

Keywords: Terrorism Financing, India, Pakistan.

### INTRODUCTION

Terrorist financing involves the solicitation, collection or provision of funds with the intention that they may be used to support terrorist acts or organizations. Funds may stem from both legal and illicit sources. According to the International Convention for the Suppression of the Financing of Terrorism, a person commits the crime of financing of terrorism “if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out” an offense within the scope of the Convention.

### INDIA

The statutes including the Unlawful Activities Prevention Act, 1967 (UAPA), the Prevention of Terrorism Act, 2002 (POTA), the Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA) and various state-level laws such as the Maharashtra Control of Organized Crime Act, 1999 (MCOCA) are addressing Terrorism related activities in India. National Investigation Agency is established through National Investigation Agency Act, 2008 to combat terrorist activities and enforce counter terrorism law. Anti-Terrorism Squad (ATS) has been established in several states to prevent terrorist attacks after the Mumbai Attacks of 2008. National Security Guard (NSG) created in 1984 for combating terrorist activities with a view to protect states against internal disturbances. Despite its rigorous training, NSG’s rapid response capability is somewhat limited. Continued weaknesses in intelligence and information sharing negatively

impacted state and central law enforcement agencies. India has made efforts to counter the financing of terrorism. India is a member of the Financial Action Task Force (FATF) as well as two regional bodies of FATF – the Eurasian Group on Combating Money Laundering and Financing of Terrorism and the Asia/Pacific Group on Money Laundering. India's Financial Intelligence Unit is a member of the Egmont Group.[1]

India has formed an interagency committee to conduct its National Risk Assessment in accordance with FATF guidance which will form several working groups to examine specific topics e.g., financial institutions, financial inclusion, and anti-money laundering. Between August 2016 and May 2017, India initiated 117 anti-money laundering and countering the financing of terrorism investigations, filed 83 prosecution complaints, arrested 19 individuals, and secured two convictions and two property/asset confiscations. In April 2017 Yasmin Mohammed became the first person to be convicted having links with ISIS. The two men convicted for a criminal conspiracy to propagate ISIS ideology, recruit persons, raise funds, and facilitate the travel of those recruited to join ISIS in Syria.[2]

## **PAKISTAN**

The Government of Pakistan continued to implement the Anti-Terrorism Act (ATA) of 1997, the National Counterterrorism Authority Act (NACTA), Investigation for Fair Trial Act, 2013 and 2014 amendments to the ATA, all of which allow enhanced law enforcement and prosecutorial powers for terrorism cases. These laws permit the death penalty for terrorism offenses and create special Anti-Terrorism Courts. The ATA criminalizes terrorist financing, but implementation is uneven. The UN listed entities like Lashkar-e-Taiba and its affiliates were not effectively prohibited from raising funds in Pakistan nor being denied financial services. Although Pakistan's laws technically comply with international anti-money laundering/countering the financing of terrorism standards, authorities failed to uniformly implement UN sanctions related to designated entities and individuals such as Lashkar-e-Taiba and its affiliates, which continued to make use of economic resources and raise funds. Pakistan has made efforts to combat terrorism includes prevention and countering terrorist financing through its National Action Plan by enhancing interagency coordination on Counter Terrorist Financing. Pakistani law designates unlicensed money transfer systems which persisted throughout the country and were open to abuse by terrorist financiers operating in the cross-border area.[3]

## **CONCLUSION**

The Indian Parliament has enacted new legislations such as the POTA and brought amendments in existing laws like the UAPA, the Code of Criminal Procedure after the attack on the Indian Parliament and the

Mumbai attacks. Various terrorism law enforcement agencies have been established at center and state level to combat terrorist activities. India being a member of FATF and other similar bodies has formed an interagency Committee under the guidance of FATF to examine financial institutions, terrorist financing etc. Pakistan has implemented laws like ATA, 1997 and NACTA, 2013 to enhance anti-terrorism movements and criminalizes terrorist financing. But it is seen that implementation of these laws are uneven and not properly dealing with terrorist financing.

## REFERENCES

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