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# Unraveling Cross-Border Terrorism: Tracing Origin and Its Impact on the Indian Border

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## ABSTRACT

*Terrorism, a criminal act committed with the intent to cause death, serious bodily injury, or taking hostages, has evolved over time and has become a global security issue. Cross-border terrorism, involving two or more states, has played a significant role in the rise of terrorism across international regimes. India, the world's 7th largest country, shares land borders with nine countries, including Bangladesh, Pakistan, China, Nepal, Bhutan, Myanmar, and Afghanistan. The Indo-Bangladesh Border, India's longest land border, is problematic due to issues related to illegal immigrants, smuggling, and fake currency. The Indo-China border, India's second largest land border, is also a major cause of terrorism. Pakistan supports terrorist groups like Lashkar-e-Taiba and Jaish-e-Mohammad, while the Indo-Nepal border faces threats from Naxalites and terrorist organizations. India has enacted specific legislation to address terrorism threats, such as the Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA), Prevention of Terrorist Activities Act, 2002 (POTA), and the Unlawful Activities (Prevention) Act, 1967 (UAPA).*

**Keywords:** *Cross-Border Terrorism, Terrorist, Violence, Weapons, India, Organisations.*

## I. INTRODUCTION

The word Terrorism itself refers to threat and destruction towards any state by organizations or groups. It can be referred as an unlawful use of physical violence or terror to create fear among general public as well as the state or government to obtrude any political or religious ideology. The word terrorism does not have any designated definition, but various institutions have given their definition on the term 'terrorism'. Some of them are as such-

1. The Global Terrorism Database describes terrorist attacks as: The threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation.<sup>4</sup>

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<sup>4</sup> START , available at: <https://www.start.umd.edu/research-projects/global-terrorism-database-gtd> ( Visited on March 30,2024)

2. The United Nation in its Module 4 of Criminal Justice Responses to terrorism defines terrorism as: Criminal acts, including against civilians, committed with intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act.<sup>5</sup>
3. The Indian National Security Guard Act, 1986 defines terrorist as: Any person who, with intent to over-awe the Government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people, does any act or thing 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 any other substances (whether biological or otherwise) of a hazardous nature, in such a manner as to cause, or as is likely to cause, death of, or injuries to, any person or persons or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community.<sup>6</sup>

In simple terms, terrorism can be describe as a violent act executed by a group of people or an organization (either of a state actor or non- state actor) against society to achieve any religious, political or ideological goal. In the contemporary era, the rising incidents of cross border terrorism has complicated the global security issues.

Cross border terrorism can be described as a specific form of terrorism where a group of terrorist operates the actions from one state and execute it in neighboring state. In these cases, the terrorist group usually form their base or safe haven in the host country. These countries usually provide such groups with financial support, food, arms and even train them to attack on their neighboring countries. It is often seen that host countries usually turn a blind eye to the activities of these groups and provide them their indirect support. In the present era where technology has being developing rapidly, these terrorist organization has taken up different matters to create fear in the society, it has come up as a challenge to understand their approach and prevent them from doing so. It has become important to understand terrorism and specifically cross border terrorism for enacting laws for counter terrorism to ensure the safety of the nation.

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<sup>5</sup> United Nations Office on Drugs and Crime, *available at*: Counter-Terrorism Module 4 Key Issues: Criminal Justice Responses (unodc.org) ( Visited on March 30, 2024)

<sup>6</sup> The Indian National Security Guard Act, 1986 ( Act 47 of 1986)

### **(A) Historical Background of Terrorism**

The word terror has been derived from Latin word "terrere" and the French word "Terreur", which means "to be frightened, scared or terrified". In 1790s, the word terrorism first came into political existence during the French revolution. The Revolutionary government from March 1793 to July 1794 was led by the most famous political group of 1790s known as Jacobin Club under the leadership of Maximilien Robespierre.<sup>7</sup> This government used terror as an instrument to suppress its enemies i.e. almost seventeen thousand suspects were given death penalty by the guillotine, this period from September 5, 1793 to July 27, 1794 was known as Reign of Terror. During this period terrorism was seen as a political weapon used by the government to outrage their enemies and to create fear among the general public to obey their rules.

It's important to take note of the significant political terror that occurred during 1936, known as the Great Terror of 1937 or the Great Purge initiated by Soviet dictator Joseph Stalin it was a political campaign which aimed at removing political rivals from the Communist party who used to oppose or criticize the leadership or political ideas or policies. This campaign almost lasted from 1936 to 1938, and according to certain historians it is estimated that least 750,000 individuals were executed, and over a million survivors were rushed to force labour camps, known as Gulags. This ruthless and bloody operation created fearful environment throughout the Soviet Union, which lasted for several years.<sup>8</sup>

The invention of dynamite by Alfred Nobel in 1863 was the major turning point in the history of terrorism, it led us to the modern terrorism which was more brutal and dreadful. Even though the term 'terror' and 'terrorism' came from the Jacobin era, but during this time it was used as a term for small group of people whose ideology was different from the state. These groups started the use of violent explosives to enforce their ideology or to change the central administrative. These terrorists believed that the social system was so corrupt that using violence against the government could bring about a revolutionary change. This idea is somewhat captured in the term "little terror," which was used to describe children of this ideology. This wave of terrorism had a significant impact when the assassination of Archduke Franz Ferdinand in Sarajevo in 1914 sparked what John Maynard Keynes called the "European Civil War." This incident was the immediate cause for the First World War. Terrorism initially raised a violence or coercion used by the government or leaders to suppress the opposition, but with time terrorism become more of the violence used by Non-state actors against the

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<sup>7</sup>Young Reuven," Defining Terrorism: The Evolution of Terrorism as a Legal Concept in International Law and Its Influence on Definitions in Domestic Legislation", 29, *BCICLR* 26 (2022)

<sup>8</sup> History, available at : <https://www.history.com/topics/european-history/great-purge> ( Visited on March 30, 2024)

government to enforce their ideology.<sup>9</sup>

After World War Second, terrorism evolved with new technologies. During this period hijacking of civil aviation aircrafts had become a common practise of terrorist and it started to create fear among the states. The United Nations formed a series of treaties to deal with these attacks on civil aviation and strengthen airport security, which ultimately helped to reduce attacks on these aircraft, hence protecting passengers and diplomats. Accordingly, in the 1970s, the United Nations with references to terrorist attacks on civilians and diplomats enacted the International Convention against the Taking of Hostages in 1979. However, this convention did not lead to a decrease in hostage-taking incidents.

Terrorism in the early 1990s, were different from that of the 1960s and 1970s, although at that time the main goal of terrorism was to create fear among general public and oppose the government by destructive measures, but lately it was more indulged with religious and political propaganda and to forcefully enforce their ideology on the civilians. The modern terrorism is more terrifying and hard to deal in reference to that of the 1960s, with modern equipment it can led to massive destruction and end of humanity.<sup>10</sup>

## **II. CROSS BORDER TERRORISM IN INDIA**

As we all know that the international terrorism has different types and dimensions and in itself it is very broad topic, on the other side cross border terrorism has a narrow perspective that revolves around two or more states. This type of terrorism comes into action when victims and perpetrators belong to different states, or where the acts takes place in one or different regions of a state. From past few years cross border terrorism has played a major role in rise of terrorism across international regime. In these cases the terrorist groups are financially aided and raised by a state to preform terrorism with help of unconventional weapons to create fear among civilians. States themselves may also engage in terrorist activities in various capacities. This can include carrying out acts of terrorism within the territory of other states with the aim of destabilizing them.

In the past, India has occupied a significant geographical area extending from the towering Himalayas (exceeds 7,200 meters above sea level) in the north to the warm waters of the Indian Ocean in the south, some historians also believes that its territory used to extend west, encompassing the area between the Strait of Hormuz and the Strait of Malacca. In the present scenario India is considered as the world's 7<sup>th</sup> largest country as it comprises of 32,87,263 sq.

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<sup>9</sup> OUPblog, *available at*: <https://blog.oup.com/2018/12/evolution-of-terror/> ( Visited on March 30,2024)

<sup>10</sup> Supra note 7

Km<sup>11</sup>, out of which India's land borders occupies an area of 15,106.7 Km<sup>12</sup>. There are a total of nine countries that shares border with India both by land and water, which are called as land border and maritime borders respectively. The countries<sup>5</sup> that shares land border with India are:-

1. Bangladesh covers an area of 4096.70 kms, it shares border with Indian states that are West Bengal, Assam, Meghalaya Tripura and Mizoram.
2. Pakistan covers an area of 3323 kms, it shares border with Indian states that are Gujarat, Rajasthan, Punjab, Union Territory of Jammu & Kashmir and Union Territory of Ladakh.
3. China covers an area of 3488 kms, it shares border with Indian states that are Arunachal Pradesh, Sikkim, Uttarakhand, Himachal Pradesh and Union Territory of Ladakh.
4. Nepal covers an area of 1751 kms, it shares border with Indian states that are Uttarakhand, Uttar Pradesh, Bihar, West Bengal and Sikkim.
5. Bhutan covers an area of 699 kms, it shares border with Indian states that are Sikkim, West Bengal, Assam and Arunachal Pradesh.
6. Myanmar covers an area of 1643 kms, it shares border with Indian states that are Arunachal Pradesh, Nagaland, Manipur and Mizoram.
7. Afghanistan covers an area of 106 kms, it shares border with Indian states that are Union Territory of Ladakh.

Terrorism has always been an issue in India and especially cross border terrorism has effected India since ages, as India shares boundary with nine different countries it has always been a threat to India in terms of both military and non-military actions. Some of the significant land borders of India are as follow

### **1. Indo-Bangladesh Border-**

Indo- Bangladesh boundary is considered as the longest land border of India that is 4096.70 kms. Bangladesh was originally East Pakistan which came into existence after Partition of 1947, after the 1971 Bangladesh Liberation War East Pakistan became an independent country and came to known as Bangladesh. It is estimated that there are around 12 to 15 Islamic terrorist groups that are being organised in these areas. According to report by Indian Intelligences

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<sup>11</sup> Know India, available at: <https://knowindia.india.gov.in/profile/india-at-a-glance.php#:~:text=India%20covers%20an%20area%20of,country%20a%20distinct%20geographical%20entity.> ( Visited on March 31,2024)

<sup>12</sup> Government of India, Border Management –I Division ( Ministry of Home Affairs)

Agencies, it was found that around 127 training camps for terrorists are sponsored by ISI in Bangladesh by the support of Jamait-e-Islami, and Islamic Morcha. It was also found that weapons and explosives were shipped to these camps through Dhaka, Chittagong and so on. These weapons were used to target police stations, trunks, railways lines and etc. It was also informed that safe heavens were provided to terrorist to ensure the safety of Bangladeshi in India.<sup>13</sup> Indo-Bangladesh Border can be consider as a most problematic zone since there are issues related to illegal training camps, smuggling, illegal immigrants, and fake currency. Illegal immigrants comes up as a major issue when it comes to Indo-Bangladesh Border, since the landscape of this border consist of hills and rivers which makes it easy for immigrants to sneak into Indian borders The total number of illegal immigrants are still unknown, but according to an intelligence study around 40 thousand of Rohingyas have settled in India, out of which around seven thousands of them have settled in Jammu and Kashmir, around three thousands are said to be in Hyderabad, and so on<sup>14</sup>. Another major issue that comes into scene is about smuggling, be it of cattle, rice or clothing. As per the report issued by Ministry of Home Affairs in 2020 around forty thousands of cattle was smuggled through Indo-Bangladesh Border<sup>15</sup> <sup>16</sup>. In an inquiry conducted by officers associated with commissionerate of customs (preventive) West Bengal<sup>8</sup>, it was found that clothes (especially sarees) were smuggled to Bangladesh by way of water. It was estimated that sarees worth of rupees three crore was being smuggled through this border. Not only this, it was also found that fake Indian currency amounting to forty lakhs was itself supplied to the Capital of India that is Delhi<sup>17</sup>. The main reason behind all these issues can be difference in ideology or different religion which has made Indo-Bangladesh Border a major concern for the government. Currently, the charge of Indo-Bangladesh Border is in the hands of Border-Security Force (BSF) and Border Guards Bangladesh (BGB) and there are news of constant conflicts between Border Security Force, and Border Guards Bangladesh with Bangladeshi Rifles.

## 2. *Indo-China Border-*

This border is consider as the second largest land border of India approximately covering an

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<sup>13</sup> Research gate, *available at*: [https://idsa.in/system/files/strategicanalysis\\_Jamwal\\_0304.pdf](https://idsa.in/system/files/strategicanalysis_Jamwal_0304.pdf) (Visited on April 5,2024)

<sup>14</sup> Bharti Jain ,” 44 held in NIA crackdown on illegal Bangladeshi migrants”, The Times of India , November 9,2023.

<sup>15</sup> Government of India, Report on **Cow Smuggling Through Indo-Bangladesh Border**, ( Ministry of Home Affairs)

<sup>16</sup> Zeeshan Javed and Sukumar Mahato, “How millions of Indian cattle end up in Bangladesh”, The Times of India , March 26,2023

<sup>17</sup> Arvind Ojha,” Customs apprehends fishing trawler smuggling 'sarees' worth Rs 3 crore to Bangladesh”, India Today, September 11,2020.

area of 3488 kms. There are various issues between these neighbouring countries, like fight over western and eastern region (Western region issues mainly deals with Arunachal Pradesh which China claims as a party of its country and call it as South Tibet, whereas Eastern region revolves around the issues related to Aksai Chin, which china refers as a part of Tibet and India claims it as part of Ladakh region). India used to be a big supporter of china during Chinese revolution. Following India's independence in 1947 from British Raj, the two Asian countries initially pursued a cooperative relationship. But because of the Indo-China war of 1962 on border disputes broke their relationship and created bitterness between the countries. After the war of 1962 China started taking benefit of fragile relations of India with Pakistan and Nepal and used them for its gains. Accordingly, china even helped Pakistan in creation of the Nuclear Bomb with the intention to cause harm to India. In the period of Re-Engagement, which is also considered as the third phase (1976-2020) of Mao period there was improvement in the relationship of India and China under the new Chinese leadership. Higher political level contacts were revived by the visit of the then External Affairs Minister, A.B. Vajpayee in February 1979<sup>18</sup>. The tension between Sino- Indian relations again got heated up due to the annexation of Tibet by China. Pakistan's close relationship with China further complicated the matters for India, this strategic partnership gave China a foothold in South Asia, potentially encircling India as a common enemy. The end of the Cold War also impacted the regional dynamics. China, started adapting to the changing international landscape, and began to show a greater willingness to cooperate with other countries. It is to be noted that although the relation of India and China got complicated due the war of 1962, India is among the few countries along with USA and Russia, with whom China has formal speech on counter terrorism mechanism. But still, the concern of India for its National security and border-management has never relieved due to Chinese support to Pakistan by nuclear and military assistance.

### **3. Indo-Pakistan Border-**

The land border between India and Pakistan almost covers an area of 3323 kms sharing borders with the states of Gujarat, Rajasthan, Punjab, Union Territory of Jammu & Kashmir and Union Territory of Ladakh. The Actual Ground Position Line (AGPL) marks the current deployment positions of Indian and Pakistani Troops in the region of Siachen Glacier, hence defining the border between these two countries. While the border between these countries have been clearly defined by AGPL, there remains an area of 900 kms, in Jammu and Kashmir which remained disputed. The state of Jammu and Kashmir has been divided into two major portions by the line

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<sup>18</sup> Dr. Rajesh Kumar, "India China Relation: Past, Present and Future", 10 *IJCRT* 432 (2022)



of control (LOC) a 740 kms border that separates Pakistan-Occupied Kashmir (POK) from the India's state of J&K<sup>19</sup>.

Cross-Border Terrorism with reference to India can be defined as form of terrorism where the terrorist groups enters into India through its border, with sole aim to cause violence and destruction in the territory of India, Pakistan can be consider as a major causes of Cross-Border Terrorism in India. Cross Border Terrorism by Pakistan remains as their main strategy to cause instability in socio-economic and political conditions in India, as a conventional war can draw international attention and cause problems to Pakistan. There are various causes behind the terrorism caused by Pakistan in India<sup>20</sup>-

- i) Pakistan's support to Terrorist Groups- Pakistan provides support to various terrorist organisations like Lashkar-e-Taiba and Jaish-e-Mohammad, by providing them safe havens, food and supply them weapons. These terrorist group operates their activities from Pakistan and execute it in one or various parts of India
- ii) Proxy Warfare and Strategic Goals- Proxy warfare can be defines as an armed conflict in which one of the party is a Non-State Actor and is supported by external power. In this case terrorist groups can be regarded as Non-State actors and Pakistan can be consider as the external power. Pakistan uses the strategy of Proxy Warfare to cause instability in the territory of India. The military and intelligence agencies (ISI) of Pakistan control these terrorist groups even though it is banned.
- iii) Kashmir Dispute- Pakistan has always had its eyes on Kashmir as it is Muslim-majority area, thus it claims Kashmir as a part of Pakistan. It has even illegally occupied an area of 13,297 sq. km of Kashmir called as Pakistan Occupied Kashmir. Pakistan uses these terrorist groups to sneak into Kashmir to cause a situation of unrest and tries to gather international attention to depict India as bad country.
- iv) Strategic Depth and Military Objectives- Pakistan with the help of Cross-Border Terrorism wants to keep India engaged with internal issues and to distract it from its security concerns. Islamabad is carrying out its strategy of 'bleed India through thousand cuts' through these terrorist activities with the aim to weaken India's stability and military capabilities.

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<sup>19</sup> Cross Border Terrorism in India: a Study with Reference to International regime. Chapter 2 pg 40

<sup>20</sup> Testbook, available at: <https://testbook.com/ias-preparation/cross-border-terrorism#:~:text=Cross%2Dborder%20terrorism%20affects%20the,India%2C%20this%20problem%20can%20end> ( Visited on April 2, 2024)

- v) Religious and Ideological Differences- Religious and Ideological differences between India and Pakistan are the major cause of the tension between them. Pakistan view India as a threat to Islamic identity and uses terrorist activities in its response. Even the ideology of the citizens of Pakistan towards India is not so appealing, they support the theory of 'Jihad' against India.

Ultimately, it can be said that it is the policy of the Pakistan to uses Cross-Border Terrorism as a tool against India. If only Pakistan disassemble the terrorist organisations and stop supporting them (groups like Lashkar-e-Taiba and Jaish-e-Mohammad), then only Cross-Border Terrorism against India can be reduce.

#### **4. Indo-Nepal Border-**

The land border between India and Nepal covers an area of 1751 kms and running along with the states of Uttarakhand, Bihar, Uttar Pradesh, West Bengal and Sikkim. This Indo-Nepal Border is governed under the Treaty of Sagauli. Nepal is historically connected to both India and China. Nepal originated after the war of Anglo-Nepalese or Gorkha war (1814-16), it was fought between East India Company and Kingdom of Nepal. The war ended up with the Treaty of Sagauli (1816), by this treaty Nepal became an independent country<sup>21</sup>. Since 1950 India and Nepal has an open border, the concept of open border was establish in the Treaty of Peace and Friendship. The treaty provides equal rights (rights in terms of habitation, trade and movement between both of the countries) to the citizens of the countries who have signed the treaty, Indo-Nepal Border allows the free movement of citizens across the border on the basis of good relation formed by the treaty of Peace and Friendship. Due to open border of India and Nepal, Naxalites and many terrorist organisation have taken advantage of the ease of movement to sneak into India's border. Since it is open border smuggling of goods have become a common practice, even in some cases traces of human trafficking were also found. The land border of India and Nepal is guarded by Sashastra Seema Bal (SSB).

#### **5. Indo-Myanmar Border-**

Myanmar not only shares a land border with India but also shares maritime border with India through Bay of Bengal. The land border of Myanmar covers an area of 1643 kms running across the states of Arunachal Pradesh, Nagaland, Manipur and Mizoram. Myanmar also shares land boundaries with five different countries that are India, Laos, Thailand, China and Bangladesh. The National Socialist Council of Nagaland (NSCN) which has been declared as a terrorist group in India under the Unlawful Activities (Prevention) Act, operates from Myanmar and

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<sup>21</sup> Britannica , available at : <https://www.britannica.com/topic/Anglo-Nepalese-War> (Visired on April 5,2024)

posing threat to India's Border Security. Until now, there was no fence around the Indo-Myanmar border, which made it easy for the insurgents and terrorists to sneak into Indian Territory, but now Government of India has decided to construct a fence along the entire Indo-Myanmar Border which covers an area of 1643 kms<sup>22</sup>.

### **6. Indo-Bhutan Border-**

The Indo-Bhutan Border covers an area of 699 kms, running across the states of Sikkim, West Bengal, Assam and Arunachal Pradesh. This border was established on 11<sup>th</sup> November, 1865 from the Treaty of Sinchula. A Solar fence constructed by 'Aranyak' a bio-diversity organisation. It was found that some Indian insurgent groups like United Liberation Front of Assam (ULFA), the National Democratic Front of Bodoland (NDFB), Kamtapur Liberation Organization (KLO) have made their camps in southern region of Bhutan. According to some reports<sup>23</sup> Royal Bhutan Army on 15<sup>th</sup> December, 2003 conducted a mission called "Operation All Clear) against Assam separatist insurgent groups (that is ULFA, NDFB, and KLO) in the southern region of the Bhutan. The Indian Army provided logistic assistance and medical support to Royal Bhutan Army (RBA) during the operation against these insurgent groups. Both the countries have a close relation and maintain their cooperation regarding border security and border management<sup>24</sup>.

## **III. JUDICIAL APPROACH**

India's internal security has been facing several threats in relation to the rise of terrorist activities, not only in relation to domestic terrorism or cross-border terrorism, but also in reference to insurgent movements in various regions of India, which demands an adequate response. Terrorism has always been a global issue and a serious threat to international borders. The terrorist organisations has developed new approaches with the help modern technology in relation to the communication systems or the transportation networks, or in the advancement of equipment with the motive to spread fear and violence throughout the world. The traditional criminal justice system may not be fully equipped to handle the complexities of modern terrorism. The modern technology adopted by terrorism pose new challenges for investigation and prosecution. Recognizing these limitations, India has enacted specific legislation tailored to address the threat of terrorism. These laws aim to deter, prevent, and effectively prosecute

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<sup>22</sup> Government of India, Fence works covering approximate 20 km in Manipur have also been approved, and work to start soon ( Ministry of Home Affairs)

<sup>23</sup> Arjit Mazumdar," Bhutan's Military Action against Indian Insurgents", 45 *JSTOR* 567 (2005)

<sup>24</sup> *Id.* Atp.574

terrorist activities. The case *Katar Singh v. State of Punjab*<sup>25</sup> can be considered has a landmark case in relation to terrorism where the Supreme Court of India justified the rationality of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA), and pointed out that the young generation is getting brain washed by these terrorist organisations and becoming pawns in the hands of these organisations which are involving them in various terrorist activities against their own country. It was also observed that continuous terrorist activities has taken a strong control over the country and is struck between fatal pangs of destructive activities and also said that various terrorist organisations have been conducting their activities in several parts of India, and which are being regulated by external forces which is the main causes of terrorism in India, although the act was withdrawn in 1995 due to misuse of its powers. In 2002 another act was enacted in relation to terrorism which was called as Prevention of Terrorist Activities Act, 2002 (POTA) this act was formed as a conclusion of terrorist attack in 1999 (Kandahar hijacking of Indian flight IC-814) and 2001 (Indian Parliamentary attack). The case of *State v. Mohd. Afzal and Ors*<sup>26</sup> which is commonly known as Parliamentary Attack case, the brief facts of this cases are that 5 terrorist somehow entered in Indian Parliament and killed nine people (eight security personnel and one gardener) and 16 peoples were injured. First the case was dealt in the special court, which held Life Imprisonment for the terrorist which was appealed in High Court of Delhi. The High Court under section 121 of Indian Penal Code, 1860 gave them death punishment form the offence of waging war. POTA was challenged before the Supreme Court of Indian in case of *People's Union of Civil Liberties (PUCL) v. Union of India*<sup>27</sup> on the similar grounds as of TADA. In this case the Supreme Court that the Legislature has passed this act with the purpose of preventing terrorism and it's the duty of government to exercise it in way to prevent terrorism effectively, just because of the fear of the inappropriate use of its power it cannot be held as unconstitutional. Though on September 17, 2004 POTA was repealed and by an amendment in Unlawful Activities (Prevention) Act, 1967 (UAPA), anti-terrorism provisions were added in it mostly taken from POTA. The case of *Mohammed Ajmal Kasab v. State of Maharashtra*<sup>28</sup>, which is commonly known 26/11 a terrifying terrorism attack in Mumbai, the capital of Maharashtra. This case was about the terrorist attack by ten Lashkar-e-Taiba militants in Mumbai on November 26, 2008 they targeted various well-known sites of Mumbai resulting in death of 166 civilians and more than 300 civilians were harmed in this attack locations included Taj Hotel, Leopold Café, Oberoi Trident Hotel, Metro Theatre, and

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<sup>25</sup> AIR 1961

<sup>26</sup> AIR (2003) 71 DRJ 178 (DB)

<sup>27</sup> AIR 1997 SC 568

<sup>28</sup> (2012) 9 SCC 1

CST train station. In this case the Supreme Court held that both waging war and terrorist act are against the Government of India. India's anti-terrorism law framework seeks to strike a balance between fundamental rights and national security. Adapting these laws and investigation methods to deal with the ever-changing risks posed by terrorism is an ongoing task.

#### **IV. CONCLUSION**

To conclude that, the cross-border terrorism remains a big concern for India, with origins frequently traceable to neighbouring nations. The impact on Indian borders has been significant, resulting in loss of life, economic hardship, and social instability in afflicted areas. Despite attempts by Indian security personnel to fight such threats, complex geopolitical factors continue to offer challenges to effectively combating cross-border terrorism. Addressing this issue requires a multidimensional approach that includes diplomatic engagement with neighbouring nations, strengthening border security measures, improving intelligence-sharing channels, and increasing international cooperation to combat terrorism in all its forms. Addressing the underlying causes of extremism and supporting socioeconomic development in border regions can also help to prevent susceptible populations from becoming radicalized. Finally, overcoming cross-border terrorism requires a persistent and concerted effort from all parties, both domestic and international, to secure regional peace, stability, and security.

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