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**CONSTITUTIONAL SPACE AND LEGISLATIVE DEVELOPMENT IN
INDIA ON EXTRA-TERRITORIAL OPERATION OF LAW**

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ABSTRACT

The extra-territorial operation of law signifies the exercise of jurisdiction, or legal power, outside territorial borders. The advancements in science and technology have led to a substantial increase in trade, commerce, services, communication, cross border terrorism and other similar transactions. The Constitution of India Article 245(2) read with Article 245(1) solely authorises the parliament of India to make extra-territorial operation of law. Any legal investigation within the ambit of extra-territorial operation of law basically explores the situation, when any enactment of Indian Parliament exercises legal power beyond Indian borders. This research article explores the constitutional space and legislative development on extra-territorial operation of law in India. The study also particularly focuses on the efficacy of enacted laws with judicial response which have extra-territorial operation of law. This study also analyses the specific sections of various enactments that possess extra-territorial operation within the legislative sphere of India.

KEYWORDS: *Extra-territorial Operation, Constitutional Space, Article 245, Legislative Development, Jurisdiction*

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1. Dharmendra Kumar Singh and Amit Singh, The Constitutional Spirit of Word ‘Union’ and the Colonial Hangover of the Word ‘Central’ in the Federal Structure of India, Statute Law Review(Oxford University Press), (2017) doi:10.1093/slr/hmx027(Early Online Issue)
2. Art 245(1) , The Constitution of India
3. Art 245(2) , The Constitution of India
4. MANU/SC/0331/1989 : [1990] 183 ITR 43(SC)
5. MANU/SC/0163/2011 : (2011) 4 SCC 36
6. Section 188. Offence committed outside India

- a. When an offence is committed outside India-
 - (a) by a citizen of India, whether on the high seas or elsewhere; or
 - (b) by a person, not being such citizen, on any ship or aircraft registered in India,
- b. he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found:
- c. Provided that, notwithstanding anything in any of the preceding sections of this Chapter, no such offence shall be inquired into or tried in India except with the previous sanction of the Central Government.
7. MANU/SC/0265/1993 : 1993 Cr.L.J. 2516
8. MANU/TN/0510/1935 : AIR 1935 Madras 326
9. MANU/TN/0217/1947
10. MANU/SC/1002/2004 : (2005) 1 SCC 617
11. MANU/NA/0114/1947
12. MANU/MH/0149/1910
13. MANU/SC/1010/2011 : (2011) 9 SCC 527
14. MANU/SC/0265/1993 : (1993) 3 SCC 609 : 1993 SCC (Cri) 961
15. MANU/SC/0331/1989 : [1990] 183 ITR 43(SC)
16. MANU/SC/0163/2011 : (2011) 4 SCC 36
17. Wallace Brothers and Co. v. Commissioner of Income Tax, Bombay,(1948) 16 ITR 240,
- a. A.H. Wadia v. Commissioner of Income Tax, Bombay, (1949) 17 ITR 63
18. Trustees Executors and Agency Co. Ltd. v. Federal Commissioner of Taxation (1933) 49 CLR 220 at 239), Woods v. Cloyd W. Miller Co. 333 U.S. 138
19. Section 1(2), The Information Technology Act 2000.
20. MANU/SC/0596/2002 : (2002) 6 SCC 600
21. MANU/CO/0033/2013
22. MANU/TA/0048/2016
23. MANU/SC/0596/2002: (2002) 6 SCC 600
24. Section 19. Every petition under this Act shall be presented to the District Court within the local limits of whose ordinary original civil jurisdiction
 - (i) the marriage was solemnised, or
 - a. (iv) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is, at that time, residing outside the territories to which this Act extends,...
25. 1984 GLH 529
26. MANU/RH/0172/2005 : RLW 2005 (3) Raj. 1791
27. MANU/SC/0694/2013: AIR2013SC2678
28. MANU/UP/3302/2011
29. (f) “international commercial arbitration” means an arbitration relating to disputes arising out of legal relationships, whether contractual or not, considered as commercial under the

law in force in India and where at least one of the parties is— (i) an individual who is a national of, or habitually resident in, any country other than India; or (ii) a body corporate which is incorporated in any country other than India; or (iii) 2 *** an association or a body of individuals whose central management and control is exercised in any country other than

a. India; or (iv) the Government of a foreign country

30. MANU/SC/0185/2002 : (2002) 4 SCC 105

31. MANU/SC/0722/2012 : (2012) 9 SCC 552