**Legal Regulation of Terrorism Control in Russia and India**

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**Abstract:** The article provides general characteristic of international terrorism for mankind and covers the problems of terrorism control in Russia and India. The author analyses the main regulatory and legal applicable acts. The author analyzes Russian and Indian experience of terrorism control, lists the main regulatory and legal acts that regulate the problems of fight against terrorism and provides brief characteristic of anti-terrorist structures in Russia and India. The author studies terrorism fighting experience of Indian security forces. Indian experience may be interesting both for the countries of South Asia and for the other countries including Russia.

**Key words:** Terroristic threat · India · Terrorism · Fight · Act of terrorism · Anti-terror · Legislation · Counteractions · Safety · Russia · National anti-terror committee

**INTRODUCTION**

The evil of terrorism has a very old root but from the second half of XX century terrorism started to grow at extremely high speed and terrorist acts were becoming more and more contrived and inhuman. Today political terrorism is a dominant factor of destabilizing of political situation in several countries and regions. It is largely different from the terrorism of previous historical periods in number of victims and destructive effect of society.

The tragedy of 11/09 in 2001 in the USA urged everybody to revise the attitude to the problems of terrorism control and intergovernmental cooperation in this area.

International terrorism in last decade turned into one of contemporary global problem that destabilizes international situation. At the beginning of XXI century there were about thousand groups and organizations in 70 countries that used terrorist methods in their actions. Terrorism and extremism became more and more dangerous for states and people, they have serious political, economical and moral consequences, have strong psychological impact and cause deaths of many people. In last years terroristic activity is being escalated. The scope of this activity becomes wider, it becomes more sophisticated, number of terroristic acts increases, they become more complicated, with diverse forms, objects and aims [1].

Yu. V. Kosov wrote in the work “International terrorism as global problem” that lately the problem of international terrorism turn into the most sharp problems of today world related with international affairs [2].

Globalization is determining factor of global development in XXI century. Scientists analyzing globalization process agree in defining the essence of this process as development of integral world but give different definitions of this conception.

Nobel Prize winner J. Stiglitz wrote: “At the turn of the XXI century states and peoples convergence trend became obvious as well as development of integral economic and informational space in planetary scope and intense knowledge and technology exchange. These trends are used to be called ‘globalization’” [3].

A.N. Chumakov notes that “globalization is centuries-old process of maturing of common for the whole planet bio-social structures, relations and links going on in natural order”. He justifies the main stages of understanding of globalization and draws our attention to global problems [4].

Many scientists point out global terrorism as one of the most pressing problem. Governments of the most countries realize the necessity to resist terroristic threat. Russia and India are countries where terrorism shew the flag very frequently.

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MATERIALS AND METHOD

Method of research is based on general scientific cognition methods and first of all dialectical method as well as private legal methods: historical and legal, comparative and legal.

Main Body: Terrorism control in Russian Federation is fulfilled on the base of the following legal acts:

- Federal Terrorism Resistance Act No 35-FL dated 06.03.2006;
- Federal Act on Countermeasures to Legalization (White-Washing) of Income from Crime Business and Terrorism Funding # 115-FL dated 07.08.2001;
- Executive Order on The Strategy of National Safety of Russian Federation till 2020 # 537 dated 12.05.2009;

Increase of terroristic acts number in Russia at the end of XX-at the beginning of XXI century caused shifts in anti-terror activities. Up to that time fight with terrorism actually deals with consequences rather than the cause of terrorism. It was decided to correct the approach to the problem that requires changes in legislation. In 2006 Executive Order on Terrorism Resistance # 116 dated 15.02.2006 came into force and Federal Terrorism Resistance Act # 35-FL dated 06.03.2006 that replaced Federal Terrorism Control Act # 130-FL dated 25.07.1998.

Counteractions to terrorism is more complex of measures undertaken by executive bodies of Russian Federation and federal subjects as well as local bodies than operations of special services and law enforcement authorities. Terrorism resistance comprises of three directions of activity-preventive measures, minimization and elimination of the consequences of terroristic acts. Preventive measures include elimination of conditions that cause terrorism in all spheres of social and state life. Fight against terrorism includes law enforcement actions related to terrorist acts prevention. Meaning of minimization and elimination of the consequences are clear without explanation.

Terrorism counteractions in Russian Federation are fulfilled in the following levels-two state levels-Federal and Federal subject levels, municipal and object level.

National Antiterrorism Committee (NAC) is Federal level body. It is headed by Director of FSS of Russia. NAC has replaced Federal Antiterrorism Commission (FAC) headed by Prime Minister of Russian Federation. NAC coordinates terrorism counteractions of law enforcement authorities of Russian Federation, Federal subjects and local bodies.

The heads of special service agencies, federal ministers, representatives of Russian Parliament Chambers and other officials are members of NAC. Federal Operative Headquarters (FOH) acts on Federal level as well. In federal subjects there work anti-terror committees (ATC) and operative headquarters.

There is no regional (city, community) common model of terrorism counteractions system but they are similar in several characteristics. Some administrative-territorial bodies have units responsible for provisioning safety and anti-terror measures-administration, departments. In some bodies there are deputy administration head responsible for safety who supervise territorial bodies of federal law enforcement bodies (FSS of Russia, Ministry of Internal Affairs, Emergency Control Ministry of Russia, Migration Control Ministry of Russia, Federal Narcotic Control Service of Russia) that develops proposals on improvement of safety system and the system of regional (city, community) anti-terrorism protection.

India like Russia has been under global and internal terrorism pressure for relatively long time.

The following standard acts add criminal law norms and judicial procedure in national safety provisioning and terrorism counteractions:

- Illegal activity prevention law dated 1967;
- Troublesome territories (special courts) law dated 1978;
- National security law dated 1980;
- Aircraft hijacking protection law dated 1982;
- National security provisioning law dated 1986;
- Terrorist and subversive activity prevention law dated 1987;
- An order of national security provisioning law dated 1987;
- Terrorism prevention law dated 2004;
- Weapon of mass destruction and ways of its delivery (prohibition for illegal delivery) law dated 2005;

The law dated 1980 was passed to protect from rapidly spreading over the country terrorist and subversive activity of extremists. It was expected that this legislation act would be in force for two years-the term that had been initially counted as sufficient. In 1993 it was finished off taking into consideration escalation of
situation in Jammu and Kashmir, Punjab, the West Bengal, Madhya Pradesh, Maharashtra, Uttar Pradesh and Himachal Pradesh.

The following definition to terrorism is given in this law: purposeful activities on intimidating government, intimidating population or some part of it, hurt people by means of applying explosive and inflaming materials, firearms and other weapons, poisonous substances and other chemicals that may cause death, hurt health, property, destroy life support systems, outraging with the aim of pressing government, officials and civilians and inclining them to make a certain actions [5].

The law provided police with special authority that it does not have in other cases. Special anti-terror structures were founded to fight against growing threat of terrorism. Special procedures were developed for judging terrorist cases in courts. It simplified procedural rules and allowed reacting promptly on terrorist threat in the country.

This law was ferociously criticized because it implied violation of individual rights and the basics of federalism and eliminated differences in procedural rules of individual states. The law interpreted statements and actions in any form the threatened the state sovereignty and territorial integrity of India as subversive activity. It also provided for detention for everybody observed with arms on the territory declared as the territory with special rules in force.

It should be noted that despite the authorities provided for anti-terror forces that seemed significant government had been unable to resist terrorist threat. Comments that have been maturing in Indian parliament since 1985 turned into amendments to criminal code in 1995. Existing law enforcement system was unable to overcome terrorism. Fundamental changes of legalization were required. A new standard act was passed, it was Terrorism prevention act that came into force on March 26, 2002.

This law was not unanimously supported by society. New definition of terrorism became as critics said too vague. People making protest near state buildings may be considered as terrorists. A person can not be let out on bail during the whole period of judication. Investigation of terrorism cases may by prolonged up to 120 days.

In fact this rather abusive law was applied locally-15 states and 6 union territories did not apply this standard act. Assam, Manipur and Tripura kept away from this law for the reason that there were a number of other documents regulating terrorism control. Still that law was applied in 301 cases and affected 1600 people [6].

The law dated 2002 was annulated on September 21, 2004. It was replaced by terrorism prevention law dated 2004. This act provided more severe measures for terrorism prevention and responsibility for terrorist acts. For example, while 2002 year law provided imprisonment from 10 years up to life imprisonment [7], 2004 year act provided life imprisonment or the death penalty if at least one person had died due to the terrorist act [8]. Imprisonment from 5 years up to life imprisonment might be applied for persons funding terrorist organizations or providing an aid in preparing of terrorist acts. Number of organizations recognized as terrorist grew from 25 to 32 comparing with 2002 year law. New standard act is well-structured and logical. For example, it contains a chapter dealing with deprivation of income and property obtained as a result of terrorist activity. It was also added by a number of new statements based on the experience of anti-terror work in previous years.

Speaking in Mumbai after a series of explosions in June 2006 Prime Minister M. Singh declared the necessity of strong and prompt counteraction measures to terrorism. “We have to realize that terrorists try to spread their influence over the whole country. They encroached on our unity and attempting to set our peoples by ears. We must not allow this. It is time for resolute actions that will lay the end of this anti-national activities... and we are not quiet down until any manifestations of terrorism is extirated in India” [9].

But practical counteractions were not undertaken. It resulted in large-scale terrorist act in business capital of India-Mumbai in November 2008. About 200 people died in this terrorist act. More that 300 received a wound [10]. It forced the government to revise the strategy of anti-terror fight.

On December 17, 2008 amendments to subversive activity prevention order were passed aimed on preparing of legal ground for functioning of new agency-National Investigation Agency (NIA). NIA is somehow analogues of Investigation Committee of Russian Federation and Federal Bureau of Investigation of the USA.

India puts its hopes on this Agency but Indian government continues paying much attention to modernization and re-equipment of police and army. In particular, the program of the Ministry of Internal Affairs for 2009 provided basing of 32 reserve battalions and 37 special army units in the country to fight with terrorism. Rupee M266.4 ($ M6.5) were allocated for their modernization. Funding of these units will cost Rupee M418.5 ($ M10.2) [11]. In 2008 new equipment for police
was purchased-patrol boats, helicopters, runabouts, as well as special equipment (video surveillance systems, scanners for car plates, etc.).

CONCLUSIONS

Russian and Indian governments pay much attention to counteractions to terrorism. But terrorism would not be overcome until each citizen-official, law enforcement bodies member or ordinary citizen in accordance with his(her) capabilities and authorities will contribute to mutual fight with terrorism.

The experience of India in terrorism protection may be interesting to other countries including Russia.

REFERENCES