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**LEGAL CHALLENGES IN TACKLING PIRACY AND ARMED
ROBBERY IN THE INDIAN OCEAN**

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Abstract

One of the major contemporary challenges faced by the maritime industry is the rising rate of piracy and armed robbery as two of these phenomena have built up a global impact on the seafaring trade with its securities. If we look at today's condition we may see that, the Indian Ocean and the Gulf of Aden are at huge risk as they are the most targeted area when it comes to piracy and armed robbery. In regards with this, both the international as well as the national have payed much attentions in order to find a fixed solution for these two major maritime issues. The following research paper will analyze topics such as piracy as well as armed robbery, we will look forward towards its background, also critically evaluate the legal aspects taken with regards to these serious issues with finding effective solutions in general, we will also have a close eye on the operative sides of combating marine piracy and armed robbery against ships and at last we will draw our focus on the laws made in order to tackle the challenges against the rising piracy and armed robbery with special reference to Indian Ocean.

Background

We are living in a globalized world in which the Indian Ocean plays most of the significant role by not only providing a platform to perform transportation of goods that helps in sustaining the economy of the world but also provides resources that helps to sustain livelihood among people and also save for their upcoming generations. There are numerous activities that assure life on land is directly depended on the sea. So, we can say that in order to develop plus increase the economic budget and generate wealth of our country the Indian Navy plays a vital role. Unluckily, the rules and regulations plus the security at the sea have been continuously threatened by unlawful and criminal activities. Among these hazardous activities the maritime piracy with the armed robbery has been practiced since centuries and till day we have failed to find out a permanent solution to it. Ever since the seaborne trade has started from that time

these ill practices have been followed up and therefore it can be considered as the plague for the marine domain. Since few decades the maritime piracy and the armed robbery had thrived and reclaimed its status as the foremost threat that is becoming even more challenging day by day. The existence of such threats may vary from region to region but it has an impact on regional, national as well as worldwide area plus if affective measures are not taken on time then one day the outbreak will be such tremendous that the whole world will have to bear its consequence. Hirsi quotes that “pirates are not fish; they don’t live in the sea, they live in the cities...” The statement states that, these problems have immerged from land only and they are supposed to be solved in land rather than attacking on the seas. These land problems are being expected to be resolved by the State and the government, just because their problems are not fixed they end up taking wrong mediums such as armed robbery and practicing such unlawful piracies. Henceforth, it’s important to reinforce national abilities in order to prevent from such global issues and eradicate these crimes rather than letting things go out of our hands.

Definition of the terms:

- a. Piracy – The term “*pirate*” has originated from Latin and the term “*sea robber*” is invented from Greek which means ‘attacker’ or ‘marauder’ and is coined from the verb “*peiran*” that implies ‘attempt’ or ‘attack’. Hereafter, we can say that pirate is the person who practices unlawful acts like attacking on someone. The word “Piracy” is associated with the pirates, which has much evolved throughout the time plus the notion is closely linked with the sea transportation as well as activities related with maritime. Certainly, we pay much attention on about air piracy, pirate radios, software piracy, etc. Therefore, ‘piracy’ deals with prohibited acts with unapproved activities. Today such words are used randomly in several fields but it’s truly originated from the maritime arena which depicts acts like antagonism, destruction, robbery with violence which is followed in the sea areas against ships. We can define the maritime piracy as the crime performed at the seas or outside the dominion of any State. The International Maritime Organization (IMO) has introduced the convention of the term which is well-defined as “armed robbery against ships” through its resolutions that is related with seafaring piracy.
- b. Armed Robbery at Sea – It comprises of illegitimate acts that are practiced by beings or planned groups who use their power as well as weapons to perform criminally board

vessels with the objective of burglary, hijacking, or hostage-taking. The traditional piracy comprises of larger vessels and regional clashes, armed robbery have a tendency to target at minor ships, fishing vessels, or ships that are sailing across various vulnerable states. Armed robberies that are seen in sea impose substantial commercial losses on the shipping industry. The theft of cargo, damage to vessels, and increased insurance premiums contribute to rising operational costs for maritime businesses. As armed robbery continues to worsen with the passage of time, it interrupts the proper flow of global trade by preventing vessels from navigating to high-risk routes. The armed robbery not just has effects on the shipping industry but has wider implications for international commerce and supply chains.

The Legal Aspect of Combating Maritime Piracy and Armed Robbery against Ships

In order to deal with the crime and prevent from it we need to introduce as well as develop the existing legal framework which is related with the unlawful act of piracy and armed robbery. We need to analyze these two acts from a deeper legal perspective and in order to understand it we need to have a close eye on the offense, criminalization, jurisdiction, enforcement measures, judicial process, human rights issues, international cooperation.

- **Offense:** It deals with the proper explanation of the acts by demonstrating its elements that create the offense. These two terms has retained much debate by the scholars of the legal areas.
- **Criminalization:** It deals with the offense as unlawful, establish the crime and give a penalty. Any act being criminalized brings charge against the offender. Therefore, criminalization can be considered as a vital process in regard with seafaring piracy and such robbery.
- **Jurisdiction:** It points out the power with the consultant that decides the case and brings forward the justice plus the rights. Jurisdiction is one more issue that is given primary importance when it comes to these two illegal acts.
- **Enforcement Measures:** It consists of the entire process with the action allowing the measures and make sure that the laws are carefully observed. This process deals with searching for the suspects and arresting then against their offense. By keeping a close eye on this factor we can evaluate the laws and how they can be conducted.
- **Judicial Process:** It comprises of the court process where the prosecution as well as the trial is practiced. It's very crucial to examine this process carefully when we address

the maritime terrorism and armed robbery as the evidence are collected during the judicial process only.

- Human Rights Issues: Human rights are needed in every aspect of life, be it an international community or an individual State. In order to understand properly we need to have a deep study as well as evaluated closely on these two issues.
- International Cooperation: In such illegal acts at the sea, there is a huge contribution of varied nationalities.

Operational Sides of Combating Marine Piracy and Armed Robbery against Ships

The problem of maritime piracy and armed robbery is increasing day by day and to find a stopover it we need strict rules and regulation. In order to stop these major issues only having legal frameworks is not sufficient. Therefore, only making the laws is not adequate but the laws are required to be enforced in a suitable manner, suitable operations should be arranged and prevention with enforcement of the laws should be conducted efficiently. Contend with marine piracy and armed robbery against ships encompasses a multidimensional method that extends to international, national, as well as industry levels. Numerous operational approaches are essential to efficiently address to this security challenge:

National Legislation and Law Enforcement - Nations should sanction and impose laws that permit action of pirates and armed robbers. Creating authorities and legal structures assists operational trial. Establishment coast guard proficiencies and directing steady patrols in coastal waters can support deter piracy. Coastal states must play a vital role in safeguarding their own waters.

International Collaboration - Creating international marine task forces and unions to patrol and secure high-risk areas, like the Gulf of Aden, is a common approach. Examples include Combined Task Force 151 and the European Union Naval Force Operation Atlanta. Stimulating the sharing of intellect and info amid nations and appropriate organizations is vital to track and re-join to piracy threats effectively.

Legislation on Maritime Piracy in India

India has made its all possible efforts in order to improve its capabilities when it comes to fighting the maritime piracy battle. However, earlier India had not created any distinct legislation in regards with the seafaring piracy but its gradually changing and in the 2019 the Lok Sabha has introduced an Anti-Maritime Piracy which is done by the minister of external affairs of India. But we need to develop more as there is an urgent need for better legal instruments which can simplify the work of prosecution regarding the pirates. Henceforth, the (Website-lexscriptamagazine.com) 6 (Email-riday.riday.r662@gmail.com)

Anti- Maritime Piracy Bill is making all its efforts to answer from the burning need for the inclusive code on piracy. Most of the attacks by the pirate are taking place at the Gulf of Aden which is situated in between Yemen and Somalia; it's the linking point between the Mediterranean Sea and the Suez Canal. Although things have developed much but still today the Coast Guard as well as the Indian Navy had suffered a lot in regards with the safety level plus there is deficiency in proper laws with special attention to the prosecution of the pirates. The Indian Penal Court has much analyse the current laws regarding the domain of maritime piracy but the UNCLOS shall be completely reliable. The Anti-Maritime Piracy Bill has targeted on different aspects, this includes the safety with proper welfares concerning the Indian seafarers, and it's also improving India's condition as a worldwide attempt to fight against piracy. The Indian Penal Court has yet not declared maritime piracy as an offense but it's clearly understandable that it's an act of criminalization and if laws are made against it then in such case proper prosecution have to be regulated and the one committing the crime have to be imprisoned. The Bill that was passed in 2019 contains 15 sections and its 2nd article suggests that piracy is an act of illegal act and any act which is considered piratical under the international law will be taken under maritime piracy. In its 3rd article this offense is punished with lifetime imprisonment and in case any pirates act had led to someone's death than in that situation one is given death penalty. All the articles aim to bring forward that aiding or practicing in the act of piracy will result in 14 years imprisonment with liable fine. Article 11 suggests that if the any missiles explosives recovered from the pirates then the items will be kept as evidence. After the legislation's remarkable efforts Indian Navy has also strengthen its power in tackling it by commencing anti-piracy patrols at huge level.

Legislation on Armed Robbery in India

Armed robbery is a grave illegal offense in India, as it is in most countries. The term "armed robbery" normally refers to the usage of weaponries or services to steal from individuals, businesses, or other entities. In India, laws associated with armed robbery fall under the Indian Penal Code (IPC) and may differ by state. The penalty for armed robbery in India can be severe, and it frequently contains custody. The particular legal supplies and punishments may vary, so it's crucial to refer to the related sectors of the IPC and any state-specific laws. Law enforcement actions in India dynamically work to inhibit and examine cases of armed robbery.

Recently, there have been efforts to recover safety trials, use technology for scrutiny, and improve coordination between law enforcement agencies to address such crimes.

As of 2022, armed robbery in India is usually addressed under several sections of the Indian Penal Code (IPC). Crimes which are correlated to burglary, robbery, and one who practices of firearms are covered by different sections. It is worthwhile to refer to the latest improvements to the IPC or consult legal specialists or official government sources for the most exact and current information.

Conclusion

Today, maritime and armed robbery has become the primary concern for every government worldwide. The pirates has much modernized with their technologies plus became very skilful as well as seen using tactical patterns to accomplish their goals. So before the situation gets out of our hand, our government can counter with these domains only by the medium of implementing comprehensive and modernize techniques. Various legal methods along with the technical collaboration between several countries regarding the seafaring piracy and armed robbery has strengthen but when it comes to the legal aspects than it lacks in competence and is still insufficient plus inadequate to take strong steps. Some crimes are international in nature and taking steps against the judicial framework becomes quite difficult for them. One of the primary reasons behind this is that the legal frameworks have not been examined properly and it's very evident that implementing collective jurisdiction will results in problematic outcomes. The judges are required to be proficient in decision making and the alliances with different countries should be improved to fight against such offence. If we analysis the condition of India then we must say that India has much overcome although not completely by still some extends. The UNCLOS has ratified the legal system and the Indian body is following its concerning laws. Though, India has not adequate legal basic in regards with the legal framework of these two domain but still it's in the improving stage as code such as Anti-Maritime Piracy Bill are passed and this has brought p effective combat techniques in concern of these illegal acts. Henceforth, the current efforts in the legal system by the government suggests that they have realized the urgent requirement for improving the techniques and adaptation of modern legal framework will help in tackling the problematic situation which has been build up the these seafaring pirates and rubber. By adopting all these measures we can advance the competences of India by improving such maritime power which will eventually result in acting efficiently in order to safeguard the security of navigation with trading and acting vigorously with the aim of facing all the threats concerning to the marine sphere.

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