PIRACY IN THE INDIAN OCEAN& INDIA'S ROLE IN COMBATING PIRACY

Abstract

Maritime piracy dates back as far as when ships first sailed into the high seas. The merchants have been plagued by pirates for almost as long as their ships have sailed the seas. Today piracy is accepted by all countries as a crime of universal jurisdiction, but it seems that the present laws on sea piracy are not satisfactory at the present moment. Here, in this context I am trying to focus my write up on Piracy in Indian Ocean and what is the role played by India to combat piracy in the Indian Ocean.

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One of the oldest occupations in the world is maritime piracy. In the ancient and medieval eras, it was common. The historical literature describes how extremely difficult it is to eradicate piracy, even though it has been done so successfully. In the 20th century, it appeared that piracy had finally been consigned to the annals of history. Since the end of World War II, the marine commons are thought to have provided a secure environment for trade. However, piracy—which was once thought to be obsolete—has reappeared in the Indian Ocean in the twenty-first century. The Indian Ocean has tremendous strategic relevance, which accounts for its significance. Political scientists will find this region to be a fascinating problem due to geopolitical dynamics. Many states value the Indian Ocean because it is home to crucial trade chokepoints. The Gulf of Aden and the Strait of Malacca are two examples of these chokepoints. Since around one lakh Indian sailors labor on different merchant ships and 90% of India's trade is conducted by sea, this presents a significant difficulty for the country as well. The international community was stunned in November 2008 when Somali pirates took control of the oil ship Sirius Star. Because pirates had never before selected such huge, swift vessels as their targets, this raid was deemed terrible. But since the early 1990s, maritime piracy has hurt international trade, which depends heavily on marine shipping, and has also become a regular curse for ship owners and their customers. Not only has maritime piracy not disappeared from the planet, but in the last 20 years, it has grown and developed tremendously. These days, pirates are more than just bandits with black eye patches, wooden prosthetic limbs, and jazzy cockatoos perched on their shoulders. Instead, they are skilled guerrilla fighters who have frequently fought in local armed conflicts. They also have access to advanced technology like GPS and satellite phones, strong boats and engines, and cutting-edge weaponry like machine guns, automatic rifles, and anti-tank missiles. As is commonly assumed, pirate attacks took place not just in the vicinity of the well-known pirate strongholds in Somalia and the Strait of Malacca, but practically anywhere in the world along well-traveled trade and tourism routes. It can be said that piracy pose a threat to maritime security. Attacks against oil-laden ships can result in the undermining of the maritime ecosystem. Moreover, they are a threat against vessels, crews, tourists, workers etc. irrespective of their nationality. The International Community recognizes that in order to combat piracy drastic measures should be taken. India's role in combatting piracy in Indian Ocean is noteworthy. Therefore, despite, the deployment of a multinational armada in 2008. It seems that international effort to combat piracy is not enough.

As a result, it may be claimed that maritime piracy, which rose from Phoenix's ashes, is presently a highly complicated global issue. The rule of law is being challenged, human rights are being flagrantly violated, and the peaceful shipping, trade, and commodity circulation—the majority of which is accomplished by sea—are being severely harmed.

I. DEFINITION OF PIRACY

1. **Piracy Consists of Any of the Following Acts:** Any unlawful acts of assault, incarceration, or depredation carried out for personal gain on private property by the crew or passengers of a private ship or aircraft, directed at another ship or aircraft, or against individuals or property within such a ship or aircraft, on the high seas.

Or

- Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State

- any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft.

   Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

- Piracy by a warship, government ship or government aircraft whose crew has mutinied.
- The acts of piracy, as defined in article 101, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft.[1]

II. DEFINITION OF A PIRATE SHIP OR AIRCRAFT

A ship or aircraft is categorized as a pirate ship or aircraft when the individuals in predominant control have the intention of using it for the purpose of committing any of the specified acts. The same classification applies if the ship or aircraft has already been used to carry out such an act, as long as it remains under the control of the individuals responsible for that act. This definition was initially included in articles 15-17 of the Geneva Convention on the High Seas, which was signed on April 29, 1958, and was formulated by the International Law Commission. An important limitation of Article 101, as mentioned above, is that it restricts the concept of piracy to the High Seas. Given that the majority of pirate activities occur within territorial waters, some pirates may escape prosecution because certain jurisdictions lack the necessary resources to effectively monitor their borders.[2]

III. HISTORY OF PIRACY

Piracy has existed for as long as seafaring has, and it continues to pose a significant risk to shipping and ocean marine insurance alike.

Old documents from more than two millennia ago suggest that early civilizations, like the Greeks and Romans, had to contend with piracy. According to legend, Julius Caesar was taken captive by pirates in 74–75 B.C. while traveling. According to Plutarch, "They laughed at them, saying that they had no idea whom they had kidnapped, and promised to pay 50 instead," when they sought a ransom of 20 talents from him. Caesar gave his men the command to deliver the ransom money. Caesar was hauled ashore and released when the 50 talents had been paid. He spared no effort in bringing his kidnappers to justice by personally crucifying them. Lukkan pirates assaulted Cyprus, according to Egyptian records, and Alexander the Great fought a valiant but ultimately unsuccessful war against a large number of pirates in the Mediterranean. Some civilizations, like the Vikings, relied on raiding coastal villages and assaulting other ships.

The period from 1620 and 1720, known as the "Golden Age of Piracy," saw many countries permit piracy. Ships that were referred to as "privateering" were urged to assault and loot ships belonging to other countries, then split the spoils with their own government. It

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[1] Pendse, Sachin and Dr. Srivastava Sudha, "Piracy in the Indian Ocean: A Regional Conflict", Journal of Indian Ocean Studies, Vol. 20, No. 1 April 2012.
[2] Ibid

came to an end when the effect on British trade compelled the British to take decisive action. By the 1730s, pirate activity in the Caribbean had been eradicated by the Royal Navy, which had become the leading naval force following a string of conflicts with France and Spain.

Mediterranean pirates have been around since the time of the Greeks and even before. However, the Barbary states on Africa's north coast served as the headquarters of one of the biggest pirate empires. A significant chapter in the history of piracy was written by the Barbary pirates, often known as corsairs. The Barbary-Corsairs were state-sponsored pirates driven by both religious and economical motivations, with the capture of Christian slaves and valuables being almost as essential as targeting unbelievers. For over three centuries, they continued to pose a danger to Mediterranean commercial shipping. The Barbary pirates persisted until France invaded North Africa in the 1830s, despite naval operations by the United States and Great Britain. In this instance, land actions were essential to removing the threat posed by Barbary pirates..[3]

For thousands of years, there has also been piracy in Asian waters. Many pirates still make their home in South East Asia's narrow Straits. More than 5,000 commercial ships pass through the Straits of Malacca annually, making it a prime destination for pirates. Moreover, during the Golden age of Piracy from the early 16th century to late 17th century, the South East Asian region suffered from political instability. The Malay Kingdom had been destroyed by the Portuguese in the early 16th century and replaced by the weaker and smaller Sultanates. Thus, this period was marked by the advent of the Malay pirates viz the Buginese pirates of South Sulawesi, the Orang Laut pirates of Riau Island and the Sea Dayak pirates operating from Borneo Island. These pirate groups sailed as far West as Singapore and as far North as the Philippines in search of opportune targets. Piracy in South East Asian region continued into the 19th century even it had declined elsewhere in the west.

Piracy also flourished in West Asia for thousands of years. During the 16th and 17th centuries, Indian trade with West Asia was adversely affected as many Indian vessels carrying Haj pilgrims or engaged in spice trade with the Arabs were pirated in the Red Sea. The most notable of incidents in this period, was that of the looting of the Indian Vessel Ganj-I-Sawai in 1696 by notorious pirate Henry Every, during the reign of Mughal Emperor Aurangzeb. The Ganj-I-Sawai was the largest ship of the port of Surat. As the story goes, the vessel embarked with Haj pilgrims including the grand-daughter of Aurangzeb and a number of members of the royal family was transiting the Strait of Bab-El-Mandeb enroute from Saudi Arabia to Surat. It is said that the vessel was rummaged for a whole week by the crew of the Fancy who indulged in a horrible orgy. Over 52 lakhs Rupees in Gold and Silver was taken as booty before the Ganj-I-Sawai was left to find its way to Surat as it best could. When the news reached Emperor Aurangzeb, frustrated at his inability to apprehend the pirates he ordered all the English people in Surat to be put in prison; where they remained for over 11 months. It is said that every, glutted with the booty from the Ganj-I-Sawai, soon retired. The news of his great booty spread from port to port and was followed by the arrival of other pirates in the region intent on seeking new fortunes.[4]

Newspapers these days are overflowing with stories concerning Somali coast piracy. This cycle of tradition is made possible by piracy. At first it was just a few incidents that

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[3] Wombwell, James, The Long War Against Piracy: Historical Trends, Combat Studies Institute, p-25

[4] Upadhyay Shishir, "Combatting Piracy in the Indian Ocean", Manas Publication, pp.13-15

added up to a little irritation. However, the absence of a reaction gave the Somali pirates more confidence, and they started assaulting luxury boats, cruise ships, and now a cargo ship that was carrying supertankers and tanks. Numerous maritime powers across the world reacted to such extremely visible strikes. As a result, the US-led Combined Task Force (CTF) 151, a naval force that combats piracy, started to operate off the coast of Somalia in 2009. Even while it hasn't been very effective in apprehending pirates, its existence obviously acts as a deterrent and may indicate future measures.

IV. FACTORS ACCOUNTING FOR THE EMERGENCE OF PIRACY IN THE CONTEMPORARY ERA

In this context a question may arise as to why piracy has grown so much over the last decade? Therefore, in finding the answer it can be said that there are several factors that have contributed to the emergence of piracy in the contemporary areas.

1. The reasons behind piracy are multifaceted. Firstly, a significant number of pirates originate from nations with struggling economies and limited employment opportunities. For these individuals, engaging in piracy provides a means to earn a livelihood and support their families.

2. Secondly, the inherent challenges related to maritime surveillance have been exacerbated following the events of 9/11. Governments have come under increased pressure to invest in costly land-based homeland security initiatives, further diminishing the already scarce resources allocated for monitoring territorial waters.

3. Thirdly, inadequate coastal and port-side security measures have played a pivotal role in facilitating minor acts of piracy, particularly thefts from ships at anchor. Such issues have been particularly pronounced in regions like Brazil, East Africa, South Asia, and Southeast Asia. In many instances, there exists a deficiency in either...

4. In some cases, there is either a complete absence of a functioning maritime police presence or the existing units lack sufficient staff, boats, equipment, and training.

5. Furthermore, corruption and easily manipulated judicial systems have fostered official involvement in high-level pirate organizations.

6. Additionally, the ongoing state of anarchy in Somalia has directly contributed to the extensive prevalence of piracy off the Horn of Africa. With no central government in place, criminal groups have near unrestricted control over the region, enabling them to establish and enforce "rules" that serve their own interests.

7. Shipowners' increasing willingness to pay substantial ransoms for the release of their vessels and cargoes has further incentivized engagement in maritime criminal activities.

8. Finally, the widespread availability of small arms globally has empowered pirates to operate at a more sophisticated and destructive level. The range of weaponry accessible on the international black market is extensive. As Noel Choong, the former director of the IMB's office in Kuala Lumpur, noted, "Five to six years ago, pirates relied on machetes,

knives, and pistols during their attacks. However, today, they are equipped with AK-47s, M-16s, rifle grenades, and RPGs.".[5]

V. PIRACY IN INDIAN OCEAN

In recent time the Indian Ocean Region has been subject to a large number of pirate attacks. Seaborne piracy against transport vessels remains a significant issue particularly in the waters between the Red Sea and Indian Ocean, off the Somali Coast, and also in the Strait of Malacca and Singapore, which are used by over 50,000 commercial ships a year. The peculiar geographical location of IOR, the orientation of the trade routes and its importance as international shipping lane and the socio-economic conditions and other factors as mentioned earlier has made this route vulnerable to piracy.

The IOR is approached by the international shipping lines via nine passages. Of these five are crucial Sea Lines of Communication (SLOC) for the international trade in oil energy. The nine Choke Points can be broadly divided into two parts one on the eastern side and the other on the western side.

1. **On the Eastern Side We Have**
   - *The Strait of Malacca*
   - *The Lombok Strait*
   - *The Sunda Strait*
   - *The Six Degree Chan*
   - *The Nine Degree Channel*

2. **On the Western Side on Indian Ocean are the Following Chokepoints**
   - *The Strait of Hormuz*
   - *The Suez Canal & Red Sea*
   - *The Strait of Bab-El-Mandeb and Horn of Africa*
   - *The Cape of Good Hope*

VI. PIRACY IN RECENT TIMES

Pirates have become more active particularly around the western Indian Ocean and around the Persian Gulf and the Somali Coast.Since 2008, the Gulf of Aden and the Western Indian Ocean have been in the spotlight with 571 attacks and daring collisions, tanker hijackings and crew kidnappings.[6] In 2019 six incidents were reported and by mid-2020 there had been eight reported incidents within the Gulf of Aden alone.[7] On the other hand, the Strait of Malacca is regarded as a global hotbed for piracy. The Malacca Strait and its surrounding waters have been the scene of 258 pirate attacks between 2001 and 2007, according to the International Maritime Bureau (IMB). Of these attacks, almost 200 sailors were taken hostage and eight were killed. In the Strait of Malacca, 69 events in total were reported in 2021.[8]

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[5] Chalk Peter, "Maritime Piracy: Reasons, Dangers and Solutions", Feb 27, www.rand.org

[6] https://www.icc-ccs.org/index.php/piracy-reporting-centre/live-piracy-report

[7] https://dg.dryaglobal.com/gulf-of-aden

[8] https://www.statista.com/statistics/1122021/piracy-attacks-asia-by-location/

In the present day, contemporary pirates are equipped with advanced weaponry, including automatic firearms like assault rifles, machine guns, as well as grenades and rocket-propelled grenades. Their common approach involves employing small motorboats to initiate attacks and board ships. This strategy capitalizes on the limited crew size often found on modern cargo vessels and transport ships. Their operations extend to various coastal areas, encompassing regions off the shores of Kenya, Tanzania, Seychelles, Madagascar, Mozambique, the Mozambique Channel, the Indian Ocean, the Arabian Sea, Oman, the western coast of India, and the western Maldives.

VII. THE ROLE OF INDIA IN COMBATING PIRACY IN THE INDIAN OCEAN

The Indian Ocean region, historically a cradle of maritime civilization, has evolved into a dynamically strategic area, now widely regarded as the focal point of the global strategic landscape. It validates the prophetic statement often attributed to A.T., which emphasizes that "Whoever controls the Indian Ocean will dominate Asia, and the destiny of the world would be decided on its waters." Consequently, within Indian circles, there is a distinct perception that the Indian Ocean holds a special significance for India, akin to being India's very own maritime domain.

As India's influence continues to grow, it is assuming a new and more prominent role in the Indian Ocean. Its aspirations are correspondingly on the rise. This echoes Kavalam Panikkar's assertion from over half a century ago that "the Indian Ocean must, therefore, remain genuinely Indian."

However, there is a growing awareness among experts and the public about the inseparability of India and the IO. Perhaps in no other IO rim country, collective memory of the sea shaping a country's history, destiny and external linkages over several millennia has been so strong and deep. Yet, this memory had seemed to be veiled for long by a considerable degree of insularity caused by a sub-continental State's tendency to be land-centric as well as by potent immediate threats to national security stemming from a neighbor each in the north and in the west.

This insularity has now been on the wane. As a rising economic power, increasingly conscious of the globalized economy, India recognizes the vast value and the potential of the sea waters that surround it from three sides. Besides, an increasingly adverse security environment in the IO has been getting factored in.

Here in this context, it is important to know why Indian Ocean is important to India? Therefore, it can be said that IO has its own uniqueness because it has two chokepoints or doorways- one each in the western sector and eastern sector. In the Western sector, sea traffic from the IO passes through the Gulf of Aden, the Bab-El-Mandeb, the Gulf of Suez and the Suez Canal in order to head towards Northern Africa, Europe and beyond. In the Eastern sector, it traverses through the Strait of Malacca and Singapore for going onward to the South China Sea, the Pacific Ocean and North East Asia. The two doorways are thus of enormous strategic and economic importance. Nearly 80% of India's crude oil requirement is imported by sea via the Indian Ocean. The value of trade among Indian Ocean rim countries somehow

stands at about \$777 billion with a potential for significant growth in future.[9]It is also evident that the country's energy security and economic prosperity are critically dependent on the IO. In short, what happens in and around the IO is a matter of crucial concern for India.

Besides as Indian Ocean has got its name from India, therefore Indian Ocean has got a special importance for India. India's cultural footprint has historically been shaped in large part by the ocean, with people, goods, religions, and customs traveling from India to Southeast Asia, Africa, and the Middle East, and vice versa. The Indira Gandhi National Centre for the Arts and the Indian Ministry of Culture are collaborating on a cultural and economic initiative called Project Mausam, which aims to unite nations on the Indian Ocean. Thus, it can be said that the legacy of history, unique geographical features, economic imperatives, security considerations, and the factor of people linkages combine to turn the IO into a priority region for policy-makers in India. Thus, the country is important to the ocean and ocean to the country. In recent years a trend is seen that the phenomenon of piracy has assumed considerable importance. So, regarding the adverse consequences of piracy, experts maintain that strong counter-piracy measures are needed both on sea and land and India is bound to have a crucial role to play in it. The country cannot afford to fail the Indian Ocean or itself.

But before coming into India's counter-piracy measures it is necessary to analyze Indian Laws dealing with piracy and maritime crimes.

VIII. INDIAN LAWS DEALING WITH PIRACY AND MARITIME CRIMES

UNCLOS, India signed the UNCLOS in December 1982 and later ratified it in June 1995. However, India is yet to enact the domestic laws required to implement the provisions contained in the UNCLOS. Thus, the Indian Penal Code dealing with various crimes does not per se address the issues of maritime piracy.[10]

SUA CONVENTION: India ratified both the SUA Convention and the Protocol in 2002. Under the SUA Convention, contracting states are encouraged to enact specific laws under the Convention. Consequently, in 2005 the Indian Parliament enacted a legislation under the SUA Convention titled; The Weapons of Mass Destruction and Their Delivery System Act was created to address terrorist attacks that jeopardize ship safety, passenger security, and crew safety. Thus, India became one of the few states to pass legislation in accordance with the SUA Convention.[11]

IX. ADMIRALTY COURTS OF INDIA

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[9] Prof Reddy Yagma and Dr. Morarji B, "Geographical Pivot of Indian Ocean and the Scope for Both Regional Cooperation and Geopolitical Context", Journal of Indian Ocean Studies, Vol. 20., No.3, December 2012, See also, Bhatia Rajiv, "Indian Ocean Challenges for India", Journal of Indian Ocean Studies, Vol. 19 No.1., April 2011.

[10] Upadhyay Shishir, "Combating Piracy in the Indian Ocean", New Delhi, Manas Publications, 2011), pp. 38-39

[11]Ibid.

Since Independence there has been no Act in India dealing with Admiralty Jurisdiction and thus the High Courts of Chennai, Mumbai and Kolkata continue to exercise the Admiralty Jurisdiction mutatis mutandis under Article 372 of the Indian Constitution.[12]

With the incorporation of the SUA Convention in the Indian domestic law and the experience of the Alondra Rainbow, the Indian Judicial system is well equipped to handle cases of piracy. Further, the new Maritime Agenda 2010-20, released by the Indian Government in January 2011, seeks to frame a new legislation to combat piracy. Therefore, what is expected from India is that India as the lead maritime power in the Indian Ocean should play a greater role in the evolving legal framework.

India by virtue of its strategic location, astride the 'equatorial pendulum', and having the largest navy and coast guard service in the Indian Ocean Region, has a key role in combating piracy. Under the Indian Coast Guard Act of 1978, the Indian Coast Guard is mandated to operate within the country's EEZ. Therefore, the Indian Navy is essentially the lead agency dealing with piracy in the IOR. Since the end of 2008 Indian Naval ships have been deployed on anti-piracy missions in the Gulf of Aden where they have given an excellent account of their professionalism. However, in the past both the navy and Coastguard have been called upon to participate in anti-piracy operations. Some notable case studies of anti-piracy operations are enumerated below;

Case Studies of Anti-Piracy Operations

1. **The MV Alondra Rainbow Incident:** The incident of MV Alondra Rainbow stands out as the first case of the recapture of a hijacked vessel in modern times by the Indian Coast Guard and the Navy.

   On the 22nd of October 1999, the Alondra Rainbow, a Japanese-owned tanker, embarked from the port of Kuala Tanjong in Indonesia. It carried a crew of 15 Filipinos and 2 Japanese and held a cargo of 7000 tons of aluminum ingots. Tragically, the vessel fell victim to an attack by pirates who were armed with firearms and concealed their identities with masks. Fortunately, after enduring eleven challenging days at sea, these individuals were rescued when a Thai fishing vessel providentially came to their aid and transported them to Phuket.

   On October 27, 1999, the Piracy Reporting Centre (PRC) in Kuala Lumpur issued a notification regarding a missing vessel, indicating that it might have fallen victim to piracy. In response, the Coastguard Headquarters, anticipating the potential route of the vessel through the Indian Ocean, issued alerts to various Coast Guard commands and units, instructing them to heighten their vigilance for the vessel. There were suspicions that the vessel might have undergone alterations such as a change in its name, flag, and color scheme, so units were directed to be prepared for the possibility of an altered identity. (Indeed, when the vessel was eventually apprehended, it had undergone a name change to "Mega Rama" and was flying the Belize flag, with a complete transformation in

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[12] Ibid

its appearance.) The ship owners also offered a reward of $200,000 for the vessel's recovery.[13]

Therefore, the Indian Coastguard make a swift response and Operation "Nelson" was launched to search and intercept the reported vessel. Under the operation, a Dornier aircraft and a ship were deployed to search and investigate the reported vessel. The ship was intercepted by the Coastguard aircraft and it was observed that the vessel has changed her name to Mega Rama, the pirates initially did not respond to the calls on radio. However, subsequently they responded stating that the vessel MV Mega Rama was bound from Manila to Al Fujairah, UAE. Prompt verification was sought from appropriate authorities and it was established that particulars given by the ship was fake.[14]

The vessel was monitored until a Coastguard ship reached the location. Despite firing warning shots across its bow, the ship accelerated and persisted in its course. Later, additional surface forces, including ICGS Veera and Annie Besant, along with the Naval Warship INS Prahar, closed in on the escaping vessel. It was eventually compelled to halt after INS Prahar used its armament against the ship. A Coast Guard Boarding team subsequently boarded the vessel to inspect its documents, cargo, and the individuals on board. The vessel's identity as MV Alondra Rainbow was unequivocally confirmed. The ship was successfully apprehended and the 15 Indonesian hijackers onboard arrested by the Coastguard. The pirates had attempted to scuttle the ship by flooding the engine room and also set in on fire. Later, on INS Ships Gomati and Delhi arrived on the scene and took it under their control. The incident Alondra Rainbow highlighted the importance of timely alerts by IMB. Therefore, it can be said that the operations may not be successful without the swift response of the Indian Coast Guard and their coordination with the Indian navy.[15]

2. **Operation Sagittarius:** In October 2001, following the terrorist attacks on the World Trade Centre and the Pentagon in the United States, Washington requested New Delhi for support in the international war on terrorism, specifically for escort duties in the Strait of Malacca. As a result, Indian naval ships, as part of Operation Sagittarius, were deployed to escort high-value US-flagged vessels through the Strait. Between April 2 and September 16, 2004, Indian Naval Ships successfully escorted 24 US vessels, including a nuclear submarine and several US naval auxiliaries, through the Andaman Sea, Malacca Straits, and the South China Sea. Notably, this marked the first instance of Indian Naval ships conducting such escort operations since the 1971 Indo-Pakistan War.

Since then, the bilateral military cooperation has been on an upward trajectory.

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[13] Operation Rainbow is a first, http://expressindia.indianexpress.com/ie/daily/199991126.html, See also Indian Navy: Anti-Piracy Operations, https://defenceforum india.com/forum/Indian-navy/1556-indian-navy-anti-piracyoperations-5.html
[14] Ibid.
[15] Ibid.

3. **Hijacking of the Indian Dhow Bhakti Sagar:** On February 26, 2006 an Indian Dhow Bhakti Sagar registered in Porbandar, India was captured by armed pirates off Somalia and its crew of 25 Indian sailors held hostage pending demand for a huge ransom. The Dhow was crushing along the East Coast of Africa to Kismayu, when it was hijacked by armed Somali pirates. By February 28 the dhow had been anchored off Harradere, Somalia. The crew were held hostage onboard by eight armed pirates.

INS Mumbai which was returning from a goodwill visit to Salalah, Oman was diverted by the navy for assistance. The ship could reach the area only March 13, 2006. Fortunately coinciding with the arrival of the ship, ongoing third-party negotiations yielded results and on March 16 the crew members were released.[16]

X. INDIA'S FURTHER GROWING SECURITY RESPONSIBILITY

India considers the rising piracy on the ocean's shore is mainly because of the lack of state control which is creating breeding grounds for criminals-pirates, terrorists and international crime organizations. The tragic events of Mumbai aside, the maritime piracy and maritime terrorism in Somalia and the Straits of Malacca as one has already witnessed are the by-products of this instability, have thus far had little impact-but now they present potentially serious implications for regional and global security and also business continuity. The threat of piracy extends beyond endangering trade and commerce; it also poses a direct risk to the nationals of numerous countries. For instance, when Somali pirates seized a Libyan cargo ship flying the North Korean flag, it had a crew of 10 members, all of whom were from Syria. In another incident, when the UK-flagged ship Asian Glory was abducted in February 2010, it carried a crew of 25 members, including eight Bulgarians, ten Ukrainians, five Indians, and two Romanians. A Spanish tuna trawler captured by pirates had a crew hailing from Ghana, Indonesia, Madagascar, Senegal, Seychelles, as well as Spain.

The Stolt Valor, a Japanese-owned vessel seized in November 2008, had 18 Indian sailors on board. It was ultimately released by Somali hijackers after its shipping company reportedly paid a ransom of 2.5 million dollars. Additionally, pirates hijacked two new ships, one being the MV Delight, which had seven Indians among its 25-member crew, after capturing the Saudi Arabian supertanker Sirius Star, loaded with 100 million dollars' worth of oil.

Pirates also targeted various vessels, including a Taiwanese fishing vessel and Ukrainian, German, and Turkish freighters. In 2008, there were over 130 reported pirate attacks on merchant ships from different countries, marking an increase of more than 200 percent compared to 2007, as reported by the International Maritime Bureau's Piracy Reporting Centre in Kuala Lumpur. According to Ecoterra International, Somali pirates carried out at least 163 attacks since the beginning of 2009, with 47 of them resulting in successful hijackings.

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[16] Admiral (Retd) Prakash Arun, "The Menace of Piracy, India, the International Community and an UN Response",www.acus.org, May 21, 2009, See also Prakash Arun, Appeasement Never Pays, http://archive.indianexpress.com/news/appeasement-never-pays/778417/, Kapoor, Ravi Shankar, "Somali Pirates and Indian Response", http://saisonline.org/analysis/Somali-pirates-and-indian-response/,May7, 2011.

Every month, approximately 30 vessels owned by Indian companies traverse the Gulf of Aden, transporting oil and goods valued at over $100 billion. It is estimated that since the onset of piracy off the coast of Somalia, pirates have amassed ransoms totaling around US$150 million.

Since the onset of piracy in the region, Indian vessels have occasionally fallen prey to pirate attacks. The Indian dhow MV Safina al-Birsarat, carrying a 16-member crew and a cargo of coal, was hijacked on January 16, 2006, but was fortunately released after 6 days. The bulk carrier MV Jag Arnav, registered under the Indian flag, faced an attack on November 11, 2008, but the attempt to capture it failed. Similarly, the Indian Tanker MV Abul Kalam Azad, with a crew of 30 members, encountered an attack on January 2, 2009, but the capture attempt was unsuccessful.

As the piracy threat escalated, India initiated the deployment of its naval warships in the Gulf of Aden starting in October 2008. Since then, 16 Indian Naval Ships have been periodically stationed in these waters. Consequently, no merchant ship under the escort of an Indian Naval warship has been hijacked since 2008. The Indian Navy has effectively thwarted more than 15 piracy attempts by Somali pirates in the Gulf of Aden. During this period, Indian Naval ships have safely accompanied over 930 merchant vessels of various nationalities, with a total crew count exceeding 7,780, including approximately 124 merchant ships flying the Indian flag.[17]

1. **Anti-Piracy Patrol in the Gulf of Aden:** The Indian Navy has performed admirably in this context. Beginning in October 2008, its warships have been actively patrolling the Gulf of Aden, providing essential escort and security assistance to over 1500 merchant vessels, both Indian and foreign. Notably, they recently thwarted a piracy attack on the Chinese merchant vessel MV Full City, showcasing their vigilance, unwavering commitment, and bravery, all of which warrant special recognition.

   The decision by the Government of India to deploy Indian Naval Ships for anti-piracy patrols in the Gulf of Aden region was prompted by the MV Stolt Valor incident. On November 10, 2008, INS Tabar, while on an anti-piracy patrol in the Gulf of Aden, successfully foiled a piracy attempt on MV Jag Arnav, owned by the Great Eastern Shipping Company. In June 2010, the Indian Navy achieved a significant milestone by safely escorting its thousandth ship, the MV Bornza, through the Gulf of Aden. This deployment in the International Maritime Transit Corridor off the Horn of Africa and the Coast of Somalia, which began in October 2008, represents the Indian Navy's longest continuous out-of-area operation to date. More than 24 ships were deployed in the region for anti-piracy patrols as of January 2011.

   By January 25, 2011, Indian Naval ships had effectively escorted a total of 1,487 ships, including 1,321 foreign-flagged vessels from various countries. They successfully thwarted approximately 26 piracy attempts, and no ship under Indian escort fell victim to

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[17]" Indian Dhows sail to Somalia for commercial considerations: Navy", The Gaea Times, April 13, 2010, http://bussiness.gaeatimes.com/2010/04/13/indian-dhows-sail-to-somalia-for-commercial-considerations-navy-4983/, see also "No Ship under Indian Navy's escort hijacked in the Gulf of Aden since October 2008", The Gaea Times, April 13, 2010.

pirates. India has also established a 24/7 Communication Centre within the Indian Maritime Administration to coordinate and facilitate anti-piracy efforts.

In response to a surge in "Dhow Piracy," India has banned the operation of Indian Dhows in piracy-prone areas. Additionally, these anti-piracy patrols complement the Indian Navy's regular Exclusive Economic Zone patrols conducted in the waters off the Maldives and the Seychelles. Consequently, hijacking incidents have significantly decreased, although sporadic isolated incidents may still occur.

2. **Anti-Piracy Patrols in Lakshadweep:** The geographical location of Lakshadweep significantly increases its susceptibility to external threats. A recent incident involving the hijacking of a Bangladeshi merchant vessel by Somali pirates in the Western Indian Ocean has underscored the broader risk to Sea Lines of Communication (SLOCS) and, more specifically, to the Lakshadweep Islands. On December 5, 2010, six Somali pirates seized control of the Bangladeshi-flagged ship MV Jahan Moni, approximately 67 nautical miles off the coast of the Lakshadweep Islands. These islands have been witnessing instances of piracy and unauthorized entry in their vicinity for some time. Reports have also indicated that the Lashkar-e-Toiba has been attempting to establish bases on these islands, using them as launching points for potential attacks on the Indian mainland. The escalating incidents of piracy in and around the Lakshadweep Islands have introduced a completely new dimension to the prevailing threat landscape. [18]

With the awareness that the Government of India is enhancing the security measures for the Island Territory, substantial steps have been taken. As part of the Coastal Security Scheme, a total of Rs 136.80 lakh has been sanctioned for the establishment of four Coastal police stations located at Androth, Kavaratti, Kiltan, and Minicoy. Despite the challenges they face, various agencies responsible for coastal and maritime security have consistently carried out routine coastal security operations off the Lakshadweep Coast. As an illustrative example, a coastal security exercise named Neptune II was executed from September 14 to 16, 2010. This exercise brought to light significant shortcomings in coastal surveillance.. [19]

Despite these measures, there is still a concerning rise in reported piracy incidents in the vicinity of the Lakshadweep Islands. Somali pirates, aiming to evade multinational naval forces in the Gulf of Aden, have extended their operational reach to the coasts of Mauritius, Seychelles, and the Maldives. They have executed numerous attacks on vessels in proximity to India. Given the proximity of the Lakshadweep Islands to these neighboring island nations, this emerging trend is indeed worrisome. Moreover, the persistent attempts by Jihadist groups to establish bases in the Indian Ocean island nations have further complicated the situation. Consequently, this presents a significant challenge for India and underscores the necessity for sustained surveillance efforts in the region, involving both the Navy and the Coast Guard.

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[18] Ibid

[19] Ibid

3. **India's Anti-Piracy Patrols in the Strait of Malacca:** Taking a cue from the security patrols in the Gulf of Aden, it would be advisable for the coastal nations to collaborate with their immediate maritime neighbors and collaborate with a capable state like India to enhance their resources required for addressing emerging threats in the area. This approach aims to align their capabilities with the evolving threat landscape effectively.

India has fostered strong defense partnerships with all the coastal nations, extending support in terms of training and technical assistance across multiple domains. Under bilateral agreements inked in 2001 and 2005, the Indian Navy has engaged in coordinated patrols with two of the four MSSI participants, namely Thailand and Indonesia. Additionally, it conducts annual exercises in collaboration with the Republic of Singapore Navy (RSN). Consequently, the Indian Navy has established a remarkable level of interoperability with nearly all the littoral states, making it exceptionally well-suited to contribute to the regional security framework. This interoperability encompasses various aspects, including political alignment at the highest echelons and shared tactical operating procedures at the grassroots level.

4. **Aerial Surveillanceby Uavs and Mr Aircraft:** The Unarmed Aerial The Indian Navy currently operates various vehicles and aircraft. These assets are capable of deployment from the Andaman group of Islands, a collection of 572 islands. Unmanned Aerial Vehicles (UAVs) launched from the Andaman Group of Islands can cover an aerial surveillance area within approximately 100 km, focusing on monitoring the Western approaches or the narrow straits. The UAVs are capable of transmitting real-time data and images to all the joint coordination centers established under the MSSI. The Singapore Navy has also recently acquired UAVs, which can be coordinated with Indian UAVs to establish comprehensive aerial surveillance. This joint effort significantly enhances the surveillance capacity of the coastal nations and simplifies the task of ship patrols. Moreover, an integrated system of all-encompassing aerial surveillance in the Straits, coupled with rapid response from Quick Reaction Teams (QRTs) stationed along the Straits, will play a crucial role in enhancing the security of the region.[20]

Besides, this Indian Navy has also shown its leadership efficiency through the establishment of the **Indian Ocean Naval Symposium (IONS)** which is a useful framework for engagement between the Navies and Maritime forces. The primary aim of IONS is to sustain a regionally relevant, consultative forum within which the navies of the Littoral States of the IOR, along with such other relevant maritime entities as may be agreed upon from time-to-time by the members can issues and concerns related to maritime security.

Thus, within a short period of existence, the IONS has emerged as a viable regional forum for addressing the challenges of piracy in the IOR. While much remains to be achieved on ground, but still it is opined that in the near future the IONS could potentially evolve as a regional framework for combating piracy in the IOR.

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[20] Upadhyay Shishir, "Combating Piracy in the Indian Ocean", Manas Publication, New Delhi, 2011, pp.87-88

XI. CONCLUSION &POLICY OPTIONS FOR INDIA

India due to its geostrategic location straddling the Indian Ocean plays a vital role in ensuring maritime safety and security in the waters. In addition, due to its rapidly growing economy, other maritime nations also look upon to India to take a lead role in initiating measures for combating piracy and armed robbery. But it is a matter of serious concern because India does not have a stated anti-piracy policy that seeks to protect India's seaborne trade and that which can address the concerns of seafarers from India and other countries of the region. But still the Indian Navy and the Indian Coastguard since its inception in 1978, have established itself as a professional maritime force capable enough to ensure the safety and security of IOR. Therefore, there are six main policy options for India to consider. These are;

1. First, India has been busy in protecting its sea lanes in the Strait of Malacca but due to the growing threat of piracy on Somalia coast, India is bound to shift its attention towards it. Therefore, in order to solve this problem India needs to define a roadmap to enforce a credible response to piracy in the area. Thus, to make commercial shipping safer in the area, India can strengthen the presence of its navy by deploying more ships around the Gulf of Aden.

2. Secondly, under the aegis of IONS India should leverage its close ties and naval cooperation with Southeast Asian littorals and Australia in order to establish a regional security construct in the region.

3. Thirdly under the aegis of IONS the Indian in the Gulf of Aden should work with the likeminded Gulf States in order to evolve a regional cooperative mechanism. Besides, this India should also enhance anti-piracy patrols in the Gulf of Aden region and also offer to provide assistance for Bangladeshi and Sri Lankan seafarers.

4. Fourthly, India should raise the issue of piracy in the Gulf of Aden in the UN General Assembly and also highlight the inadequacy of extant legal framework in ensuring the trial and detention of Somali pirates.

5. Fifthly, for security purposes India should also seek to develop affordable onboard ship security devices such as the electrified fencing system, Long Range Acoustic Device etc. and this could be done on a public private partnership basis. Besides, this under the aegis of IONS India could also consider conducting workshops on best practices for onboard security and also international exhibitions for ship security systems and also established a training center for ship security in India.

6. Finally, India should press for the shipping industry to invest in onboard private security regulated by IMO and also encourage Indian flagged ships to invest in private security.

Thus, in this context it can be stated that the challenges posed by the piracy in the IOR to India are multifaceted and complex. Hence, it is quite difficult to eradicate piracy from the IOR.Therefore, the best possible policy options for India would be that which help minimize the number of attacks on Indian seafarers and ships to a low and acceptable level. In this context India's recent passing of the ***Anti -Maritime Piracy Bill***

(2019) in December 2022 deserves special attention because it reassures shipowners and operators that countering maritime piracy in the region continues to be a high priority. Thus, it can be said that for the benefit of India a well- articulated policy is always welcome because it will help reduce piracy in the IOR.

BIBLIOGRAPHY

BOOKS

[1] Earle Peter, "The Pirate Wars" (New York: Thomas Dunne Books, 2005)
[2] Upadhyaya Shishir, "Combating Piracy in the Indian Ocean" (Manas Publication, New Delhi 2011)

JOURNALS

[3] Abdullah Khalif, How Illegal Fishing Feeds Somali Piracy, the Somaliland Times, Issue 200, www. Somalilandtimes.net/200/08.shtml
[4] Abdurrahman M. Abdullahi, Perspectives of the State Collapse in Somalia, www.scribed.com/doc/15329073/Perspectives-of-the-State-Collapse-in-Somalia
[5] Bayati. S, "Somali Pirates Threatens to kill Iranian Hostage today" Iranian wire 9 December 2013
[6] Bloomfield, Steve, "The Pirate Hunters" at
[7] http: www.somalilandtimes.net/sl/2009/380/41.shtml
[8] Caroline Liss, Maritime Piracy in South East Asia, South East Asian Affairs, 2003, http://www.jstor.org/stable/27913226
[9] www.nautilus.org/publications/essays/aspnet/policy-forum/2007/the-roots-of-piracy-in -southeast-Asia
[10] Caroline Vavro, Piracy, Terrorism and the Balance of Powe in the Malacca Strait, Canadian Naval Review, Volume 4, Number 1 (Spring 2008) http://naval.review.cfps.dal.ca/archive/7345817
[11] Das Pushpita, "Need to secure the Lakshadweep Islands" Institute for Defense Studies & Analyses, December 13, 2010: www.idsa.in/idssacomments/NeedtosecureLakhsadweepIslands_pdas_1320
[12] http://wrmea.org/wrmea-archives/129-washington-report-archives-1988-1993/march-1991/1558-fall-of-barre-government-welcomed-by-somalis-in -Washington-dc-html
[13] http://www.jstor.org/stable/10.1525/as.2006.46.4.558
[14] http://archive.indianexpress.com/news/appeasement-never-pays/778417
[15] Wombwell, James, The Long War Against Piracy: Historical Trends (Combat Studies Institute Press, 2011): http: www.usacac.army.mil/cac2/qsc/car/download/csipubs/OP32_Piracy.pdf
[16] "Naval escort fleet to protect 15 Chinese merchant vessels from pirates" People's Daily 07 January 2009 in http://english.people.com.cn/90001/90776/90883/6568343.html
[17] http:/news.bbc.co.uk/2/hi/Africa/1793838.stm
[18] http://www.iht.com/articles/ap/2008/12/03/europe/EU/NATO-EU-PIRACY.phd.
[19] http://www.un.int/india/2011/ind1815.pdf
[20] http://defenceforumindia.com
[21] www.ndtv.com
[22] http://ions.gov,in
[23] www.maritimesecurity.com 1999
[24] www.mschoa.eu