



Are our Maritime laws effective enough to safeguard our Maritime security?

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BA.LLB 5th semester

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Abstract: What is Maritime Law? What is Maritime security? Maritime Law is defined as, "A corpus of rules, concepts and legal practices governing certain centrally important concerns of the business of carrying goods and passengers by water" by Gilmore and Black in there, the Law of Admiralty. Maritime Law is also known as admiralty law has certain features that are different from ordinary national law. According to William Senior in his Maritime Miscellany series no. 8 he defines maritime law as "Maritime law is the outcome of commercial intercourse by sea". The idea of maritime security in India has been viewed as a really important security concern after the Mumbai attacks in 2008. Nevertheless, there is a lot to upgrade in India's naval defence.

In this assignment, I have made an attempt analyse what maritime law is and are our maritime laws effective enough to safeguard our maritime security? Further, this assignment also throws light on the crimes in our seas and ways through which the Indian government tries to overcome these challenges.

Keywords: Maritime Security, Piracy, Terrorism, China, Neighbouring countries.

Introduction: As stated by Perceptions of security in this country continue to be dominated overwhelmingly by developments on land, without much appreciation of the country's dependence, in more ways than realized, today in the sea.¹ Maritime security provides a baseline to help the nations prevent threats in international water like international damage, sabotage, terrorism, subversion, etc.

Maritime piracy, terrorism, and other known threats are a global concern to all those who are associated with the global trade and not just the regions in which these have occurred. We failed to see the extent of overlapping of crimes such as maritime piracy with illicit human trafficking. But, given the new shreds of evidence that have come forward, we are becoming more aware of the importance of having a cohesive solution to our maritime security concerns.

¹ Rahul Roy Choudhury, India's Maritime Security 129 (1999)

India's Security Concerns: The Indian Navy's Maritime Security Strategy document is arguably the only official document, which deals with the security of the maritime realm. It unmistakably articulates India's regions of oceanic intrigue and classifies them as essential and optional zones.² India's maritime security concerns stem from the threats, largely in the primary area of interest of the Indian Ocean, which have a direct bearing on India's maritime interests. While most of these threats also have a bearing on the other stakeholders in the region, the impact on India will be greater considering India is 'already assuming her responsibilities in securing the Indian Ocean region'.³ Dangers, from antagonistic and expected enemies to national interests in the midst of threats and war are not being considered here since they would fall under the domain of war battling and should be tended to in a different paper. Thus, this paper will confine itself to dangers to sea interests in the midst of harmony as likewise those, which influence the bigger locale in India's neighbourhood.

With the update of the HRA, a portion of India's sea security concerns viz gliding arsenals and expansion of private security are probably going to be tended to. The consistent understanding by the delivery business 'round-table' to now redraw the eastern furthest reaches of the HRA is an inviting move which is probably going to address a part of India's ocean security concerns, which have been highlighted by the Government of India (MoD/Indian Navy, MEA, DG Shipping) in various conversations since 2012. Ensuing to the spread of theft toward the East Arabian Sea, the universal transportation industry expanded the eastern furthest reaches of robbery HRA in June 2010 to 78oE longitude, consequently including the west bank of India inside the HRA. The expansion of the eastern furthest reaches of the HRA from 65oE to 78oE prompted security worries under the nearness of private security faculty locally available shipper vessels traveling the robbery HRA, and the nearness of gliding ordnances off the Indian coast. The transportation business likewise brought about extra expenses for protection and usage of different proposals for travel through the theft HRA.

The Indian Ocean has had moderately scarcely any occurrences of sea psychological oppression yet the expected exists. The al-Qaeda assault on the French big hauler, the Limburg, off Yemen, in October 2002, was one such. India's immense coastline of in excess of 7500 km, a flourishing oceanic business network along its coast with almost 200,000 fishing vessels of populace of 4 million make the activity of observing sea action an unenviable errand.⁴ The implications of such occurrences on the Indian state have just been seen and the potential for additional harm exists, particularly in the present frayed Geo-political states of the sub-mainland. India has set up an extensive checking and response system to manage such dangers, which has forestalled additional occasions like the one at Mumbai in 2008. In any case, concerns stay as was seen a year ago when a pontoon conveying explosives was captured by the Coast Guard.

The String of Pearls: India's primary key test originates from its prosperous northern neighbour; China. Without going into a nitty-gritty conversation about individual abilities and expectations, it tends to be said that China and India, are going to make uncomfortable neighbours. For the two atomic furnished countries to rise, at the same time, without strife will require either able tact or a supernatural occurrence; conceivably both. The all-climate Sino-Pakistan partnership, with its solid enemy of Indian inclination, further convolutes our security issues.

The Kashmir and Sino-Indian fringe debates, albeit a long way from the ocean, could have sea repercussions if India endeavours to utilize countervailing procedures in the Indian Ocean. Our mindful and reluctant response to fringe interruptions by both China and Pakistan, not long ago, brought up issues about India's political purpose and military

² 'Ensuring Secure Seas: Indian Maritime Security Strategy' Indian Navy Naval Strategic Publication (NSP) 1.2. 2015.

³ Prime Minister's Address to the Joint Session of U.S. Congress 08 Jun 2016.

⁴ Database on Coastal States of India, CCZMCS, MoEF, Gol.

readiness despite rehashed incitements. The occurrences additionally passed on the notice that we should be set up for tricky activity by the two militaries. To compound India's security pickle, the Pak Army-ISI consolidate anticipates the withdrawal of US powers from Afghanistan to release its vital save of Taliban on Kashmir.

Inside the Sino-Indian key condition, the oceanic measurement is a generally new factor. The fast development of the two economies has prompted expanding dependence on vitality and crude materials and moved via the ocean. This has concentrated on the criticality, for the two economies, of continuous utilization of the ocean paths for exchange and vitality transportation. In this way, while the PLA Navy makes raids into the Indian Ocean, the Indian Navy has recently discovered responsibilities in the South China Sea.

The oceans around us are overflowing with risks and vulnerabilities; regardless of whether it is widespread theft, sea fears mongering, and expansion or between state pressures. Cataclysmic events and the effect of environmental change, as well, present a serious danger to beachfront countries and low-lying islands in our district. After its authentic exhibition during the 2004 wave, it will be the implicit desire for our neighbours that the Indian Navy will speedily provide to them with some much-needed help in the midst of characteristic cataclysm.

Against this setting, and given the transnational reach and flexibility of sea power, not exclusively in the Indian Navy going to discover more prominent notability in India's national security lattice, yet will likewise assume an essential job in supporting India's financial thriving. India's drawn-out oceanic guide, in this manner, requires an extraordinary spotlight on three indispensable variables. The naval force's greatest test will be the ideal substitution of maturing stages and old gear. The imagined request of skirmish of around 150-170 ships and submarines, and potentially 250-300 airplane accept certain conveyance rates from shipyards and airplane industrial facilities; which they appear to be unequipped for the meeting. Simultaneously, our other significant source, of equipment, the Russians, have boldly reneged on costs just as conveyance plans, disregarding grave understandings. One of the more genuine difficulties before the naval force's authority will be to convince the Russians just as Indian DPSUs to convey on schedule and inside expense.

The inability to get even a sensible degree of independence insignificant weapon frameworks in the previous 66 years has made India the greatest merchant of arms around the world; and this must consider a disappointment of the DRDO and DPSUs. Making a suitable and time-bound methodology that will convince the DRDO to create, figure out, or import the innovation for weapons and sensors for our indigenously constructed warships will comprise another significant test for the Indian Navy.

China's quest for a purported, 'pearl necklace methodology will in general attract impressive consideration vital circles because of its prominent monetary undertones. While India will most likely be unable to coordinate China's money related consideration, the naval force's 'unfamiliar participation' activities have guaranteed the production of great sea conditions in the area. Aside from exercises, for example, works out, joint-watching, port calls, and banner demonstrating arrangements, the naval forces out-reach likewise remembers arrangement of sea security for demand by neighbours. Understandings exist with practically all IOR nations that license IN boats, submarines, and airplane to profit of refuelling and pivot offices at exceptionally a spur of the moment announcement.

India in return has access to strategic high seaports in Indonesia, Oman, the US base in Diego Garcia, and French base Reunion Island with a series of MOUs and agreements with the respective countries.

Tensions along the SLOCs: The SLOCs in the IOR has been powerless to disturbance by an assortment of conventional and non-customary dangers throughout the years. Be that as it may, India's expanding reliance on the oceans for its exchange may require mediation to shield these SLOCs from such dangers. The participation of different states in the area as likewise from those outside the locale is required to guarantee the security of these SLOCs in this gigantic sea space. India has been a pioneer in such endeavours with the Indian Navy driving the path from 2002 when Indian boats accompanied US-hailed transporters through the Malacca Strait after the attack on

USS Cole in Aden.⁵ The progressing activity in the Gulf of Aden for as long as the decade where the Indian Navy has accompanied boats of all nationalities typifies these endeavours.

Piracy and Trafficking: Somalia based piracy has caused universal worry to the international fraternity since the late 1990s and it is only collective action by the international community that has led to a reduction in piracy attacks.⁶ India has not only escorted numerous merchant ships of all countries but concerted efforts of its maritime security forces have ensured that this piracy, which had spread its wings as far east as the Lakshadweep and Maldives islands, has been controlled and the past High-Risk Area was moved further west of India in October 2015.⁷ Be that as it may, political flimsiness in Somalia combined with any decrease in counter robbery endeavours can cause its resurgence. While Somalia based theft has demonstrated a descending pattern, measurements have indicated an expansion in piracy, largely burglaries completed at ports, off the bank of Bangladesh, Malaysia, and Indonesia.⁸ India's commitment to against robbery endeavours in the IOR has been underlined by efforts like the Indian Ocean Naval Symposium, which was begun by the Indian Navy in 2008, and has discovered footing with all the Indian Ocean states in generating systems and strategies for battling these dangers.

The Indian Ocean Region is unfortunately home to the world's most famous zones of medication creation, the Golden Crescent and the Golden Triangle. The trans-national systems built up by the medication dealers additionally fill in as conductors for other destabilizing exercises like firearm running and human dealing. Myanmar experiences experienced these twin difficulties in huge measures as likewise different nations of the littoral.⁹ These systems will in general utilize the ocean route because of its unfathomably with its innate mistiness to reconnaissance. The ban of the Indian Coast Guard in the previous barely any years uncover a rising pattern of this loathsome action. Political aggravation and persecution further add to this effectively unsafe blend in with the resulting falling impacts showing themselves in India's inward security, compelling India to mediate every so often.¹⁰

Moderating India's Maritime Security Concerns: India's expanding monetary may and rising provincial status require acceptance of 'our duty to shape its (IOR) future' in the expressions of PM Narendra Modi. India has likewise stressed the duty of territorial states in looking after harmony, steadiness, and success in the Indian Ocean. In any case, the characteristic shortcomings of the local states and the idea of the dangers require a coordinated exertion from India to moderate these dangers. The agreeable methodology received by India on issues of provincial advancement supported by an assurance of security will serve to address India's own national worries as well as the littoral on the loose.

India's maritime improvements: A solid and adjusted naval force is indispensable for India's walk towards significant force status. Such a power will before long be a reality; to a great extent through the naval force's premonition and indigenous endeavours. Notwithstanding, it is fundamental for the leaders to comprehend that the naval force, without anyone else, establishes only one mainstay of the nation's sea ability, and without the remainder of the structure, including vital direction, to supplement and offer help, the building of maritime force will stay empty and defenceless.

Asian nations that have welcomed comprehensive spotlight on their sea segment have received colossal financial rewards as well as strengthened their sea security. While the area has proceeded onward, India's ports and

⁵ 'Only 'escort duties' in Malacca Straits', Amit Baruah, The Hindu 23 Apr 2002.

⁶ ICC IMB Piracy and Armed Robbery against Ships 01 January 31 December 2015.

⁷ 'High-Risk Area Boundary Shifted from India's Coastline' The Hindu 09 Oct 15.

⁸ ICC IMB Piracy and Armed Robbery against Ships 01 January 31 December 2015.

⁹ 'Drugs, Guns, and War in Myanmar', Brian McCartan The Asia Times 04 Nov 09.

¹⁰ 'Myanmar Covert Operation: The Inside Story of the Surgical Strike' 11 June 2015 <http://www.ndtv.com>.

framework stay wasteful, our shipbuilding industry is lazy, trader dispatching develops at an agonizingly slow clip, seabed abuse is deteriorating, and human assets advancement is deficient. Our exchange subordinate monetary advancement is undergirded by these fundamental segments of oceanic force, yet an absence of vital vision has brought about the inability to misuse the sea area; with unfriendly ramifications for sea security.

A country with India's sea resources, difficulties, and openings desperately needs a multi-disciplinary oceanic warning body to conceptualize a dream, draw up plans, and screen exercises in the sea space. The principal assignment of such a body ought to be to create a general Maritime Security Policy and from there on to embrace its coordination with India's Maritime Strategy. Just such a cooperative energy and increase in the budget percentage to the Indian Navy can guarantee, that we draw the greatest bit of leeway from the sea segment to profit our economy and furthermore to strengthen oceanic security.

