**PIRACY IN THE INDIAN OCEAN & INDIA’S ROLE IN COMBATING PIRACY**

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**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.*

Maritime piracy is among the world’s oldest professions. It was widespread during the ancient and medieval ages. It is described in the historical literature how incredibly difficult to uproot piracy, although this has been successfully uprooted. More recently in the 20th century, it seemed as though piracy has been finally retired to history books. It is believed that the world’s maritime commons have been a safe place for trade since the end of the World War II. But piracy which is long considered outdated, has returned in the 21st century to haunt the Indian Ocean. The significance of the Indian Ocean lies in the fact that the ocean is strategically of great importance. Geopolitical dynamics make this region an interesting issue for political scientists. The Indian Ocean is important for various states because it contains very important trade chokepoints. These chokepoints include for example the Strait of Malacca and the Gulf of Aden. This also poses a serious challenge for India since 90% of India’s trade is carried by sea and almost one lakh Indian seamen work onboard various merchant ships. In November 2008 the international community was shocked by the hijacking of the oil carrier Sirius Star by Somali Pirates. This attack was considered severe because pirates previously never chose such large and fast vessels as targets. However, since early 1990s maritime piracy has become a common curse for the ship owners and their clients, as well as has dealt a heavy blow to international trade, much of which requires marine shipping. Not only that maritime piracy has not been eliminated from the face of earth, it has been developing and expanding exponentially during the past two decades. The pirates are no longer the bandits on wooden prosthetics, sporting black eye patches, and jazzy cockatoos on their shoulders, but are well-trained guerrilla fighters, often with battle experience in regional armed conflict, with sophisticated systems such as GPS and Satellite Telephones, powerful boats and engines and modern weapons like anti-tank missiles, automatic rifles and machine guns, etc. Pirate’s attack occurred not only near the currently well-known pirate’s home bases around the Strait of Malacca and Somalia, as widely believed, but almost everywhere in the world, along popular trade and tourist 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.

Therefore, it can be said that maritime piracy as rising from the ashes of Phoenix, is currently an international challenge of high complexity. This is a challenge to the rule of law, flagrant violation of the human rights, enormous damage to the peaceful shipping, trade and commodity circulation most of which done by the sea.

**DEFINITION OF PIRACY:**

Piracy consists of any of the following acts:

*Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft.*

  **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.[[2]](#footnote-2)

**DEFINITION OF A PIRATE SHIP OR AIRCRAFT**

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act. This definition was formerly contained in articles 15-17 of the Convention of High Seas, signed at Geneva on 29th April 1958. It was drafted by the International Law Commission. A limitation of Article 101 above is that it confines piracy to the High Seas. As the majority of piratical acts occur within territorial waters, some pirates are able to go free as certain jurisdictions lack the resources to monitor their borders adequately.[[3]](#footnote-3)

**HISTORY OF PIRACY**

Piracy is as old as the history of seafaring itself and is still a serious risk both for shipping and for ocean marine insurers today.

 Historical records from over 2,000 years ago indicate that early civilizations, such as Greek and Romans, dealt with Piracy. A story tells of Julius Caesar was kidnapped by pirates during a journey in 74 and 75 B.C. Plutarch wrote “They demanded a ransom of 20 talents from him, but he laughed at them, saying that they had no idea whom they had kidnapped, and promised to pay 50 instead.” Caesar ordered his men to bring the ransom money. When the 50 talents had been paid, Caesar was taken ashore and released. He lost no time in punishing his kidnappers and personally crucified them.[[4]](#footnote-4)The ancient Egyptian record tell of Cyprus being attacked by Lukkan pirates; Alexander the Great battled in vain against numerous pirates in the Mediterranean. Some civilizations, such as the Vikings, were based upon the attacking of other ships and raiding villages along coastline.

The Golden age of Piracy was between 1620-1720, when piracy was often authorized by governments. Referred to as “privateering” ships were encouraged to attack and plunder ships from other nations, then share profits with their government. It eventually ended when the impact on British commerce forced the British to react with a heavy hand. The Royal Navy, which emerged as the dominant naval power after a series of wars with France and Spain, eliminated piracy in the Caribbean by 1730s.

Piracy in the Mediterranean dates back to the Greeks and even earlier. But one of the greatest pirate empires was based in the Barbary principalities on the North Coast of Africa. The Barbary pirates or corsairs wrote another important chapter in the history of piracy. The Barbary-Corsairs were state-sponsored pirates motivated for both financial and religious reasons attacking infidels were almost as important as capturing Christian goods and slaves. They remained a threat to commercial shipping in the Mediterranean for more than 300 years. Despite naval operations by the United States and Great Britain, the Barbary pirates were not eliminated until France invaded North Africa in the 1830s. Land operations in this case were crucial to the elimination of the Barbary pirate threat.[[5]](#footnote-5)

Piracy has also existed in Asian waters for thousands of years. The narrow Straits of South East Asia are still home to many pirates. The Straits of Malacca, through which more than 5,000 commercial vessels transit each year, have always been an attractive location 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.[[6]](#footnote-6)

Today’s newspapers are flooded with articles about piracy off the Coast of Somali. This piracy allows the traditional cycle. Initially it consisted of a few events amounting to nothing more than an annoyance. But the lack of response emboldened the Somali pirates to the point where they began attacking cruise ships, expensive yachts, and now a cargo ship carrying tanks and supertanker. Such highly visible attacks caused a reaction from many of the world’s maritime powers. Consequently, in 2009 the US-led Combined Task Force (CTF) 151, an anti-pirate naval force, began operating off the Coast of Somalia. Although it has not had much success capturing pirates, but its presence clearly serves as an inhibitor and presages perhaps other actions.

**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.

* Many pirates come from countries with weak economies and little opportunity for employment. For them, piracy offers a chance to earn a living and support their families.[[7]](#footnote-7)
* Second, the general difficulties associated with the maritime surveillance have been significantly heightened as a result of 9/11 and the concomitant pressure exerted on many governments to invest in expensive land-based homeland security initiatives. This has further reduced what in many cases are already limited resources for monitoring territorial waters.
* Third, lax coastal and port-side security have played an important role in enabling low-level pirate activity, especially harbor thefts against ships at anchor. Problems of this sort have been particularly evident in Brazil, East Africa and across South and South East Asia. In many cases there is either no functioning maritime police presence at all or the units in place are devoid of adequate staff boats, equipment and training.
* Fourthly, corruption and easily compromised judicial structures have encouraged official complicity in high-level pirate rings.
* Fifthly, the endemic anarchic situation in Somalia has directly contributed to the rampant scale of piracy that we are currently seeing being witnessed off the Horn of Africa. With no Sovereign government in place, gangs have virtual free-run of the area, enjoying widespread latitude to enforce “rules” that further and protect their own vested interests.
* Sixthly, the ready willingness of shipowners to pay increasingly large sums of money for the return of their vessels and cargoes has provided added incentive to engage in maritime crime.
* Finally, the global proliferation of small arms has provided pirates with enhanced means to operate on a more destructive and sophisticated level. The variety of weaponry currently available on global black markets is truly enormous. As the former director of the IMB’s office in Kuala Lumpur, Noel Choong, remarks: “Five to six years ago, when pirates attacked, they used machetes, knives and pistols. But today, they are equipped with AK-47s, M-16s, rifle grenades, and RPGs.[[8]](#footnote-8)

**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.

On the eastern side we have:

* *The Strait of Malacca*
* *The Lombok Strait*
* *The Sunda Strait*
* *The Six Degree Chan*
* *The Nine Degree Channel*

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*

 **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.[[9]](#footnote-9) In 2019 six incidents were reported and by mid-2020 there had been eight reported incidents within the Gulf of Aden alone.[[10]](#footnote-10)Whereas, on the other hand side the Strait of Malacca is known as one of the world’s piracy hotspots. Between 2001 and 2007, the International Maritime Bureau (IMB) has recorded 258 pirate attacks in the Malacca Strait and surrounding waters, including more than 200 sailors held hostage and 8 killed. In 2021 a total number of 69 incidents were reported in the Strait of Malacca.[[11]](#footnote-11)

It is seen that the modern- day pirates are armed with automatic weapons such as assault rifles, and machine guns, grenades and rocket propelled grenades. They often use small motorboats to attack and board ships, a tactic that takes advantage of the small number of crew members on modern cargo vessels and transport ships. Their activities are spread up to shores off Kenya, off Tanzania, off Seychelles, off Madagascar off Mozambique, Mozambique Channel and in the Indian Ocean and Arabian Sea, off Oman and off west Coast India and western Maldives.

**THE ROLE OF INDIA IN COMBATING PIRACY IN THE INDIAN OCEAN**

The Indian Ocean region which has been the birthplace of maritime civilization and has been an active ocean that is now perceived to be the center of gravity of the strategic world. Thus, it fulfills the prophetic words that are often contributed to A.T. “Whoever controls the Indian Ocean will dominate Asia, the destiny of the world would be decided on its waters.” Therefore, in Indian circles there is a palpable sense that the Indian Ocean is somehow special for India, somehow India’s Ocean.[[12]](#footnote-12) A rising India is carving out a new role in the Indian Ocean.[[13]](#footnote-13)Its aspirations are similarly rising.[[14]](#footnote-14)Kavalam Panikkar’s emphasis over half a century ago that “the Indian Ocean must therefore remain truly 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.[[15]](#footnote-15)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. The Ocean has long been a key determining factor of India’s cultural footprint, with people, religion, goods and customs spreading from India to Africa, the Middle East, and Southeast Asia and vice-versa. Project Mausam is a cultural and economic project by the Indian Ministry of Culture and Archeological Survey of India with the Indira Gandhi National Centre for the Arts which aims to connect countries 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.

**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.[[16]](#footnote-16)

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, to deal with acts of terrorism that threaten the security of passengers and crew and safety of ships. India, thus emerged as the first few states to enact a law under the SUA Convention.[[17]](#footnote-17)

**ADMIRALTY COURTS OF INDIA**

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.[[18]](#footnote-18)

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**

**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 22nd October 1999, the Japanese owned tanker, Alondra Rainbow, with a crew of 15 Filipinos and 2 Japanese, carrying a cargo of 7000 tons of aluminum ingots sailed from the port of Kuala Tanjong in Indonesia. The ship was attacked and forcibly boarded by masked pirates armed with fire arms. By sheer providence, these men were picked up, after eleven grueling days at sea by a Thai fishing vessel and taken to Phuket.

The Piracy Reporting Centre (PRC), Kuala Lumpur flashed a message on 27th October 1999 regarding the missing vessel, suspected to be a victim of piracy. The Coastguard Headquarters, anticipating the vessel’s likely transit route through Indian Ocean, alerted the various CG commands and units to increase vigil for the vessel. It was also suspected that the vessel would have changed its colour, name and flag and hence units were to be prepared for the changed identity. (In fact, the vessel when apprehended later had a changed name of Mega Rama, flying the Belize flag and a total colour transformation). A reward of $200,000 was announced by the ship owners for recovery of the vessels.[[19]](#footnote-19)

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.[[20]](#footnote-20)

The Ship was kept under surveillance till a Coastguard ship arrived on the scene. However, despite warning shots fired across the bows, the ship increased speed and continued on its course. Subsequently, more surface forces, ICGS Veera and Annie Besant and a Naval Warship INS Prahar closed in on the fleeing vessel which was eventually forced to stop after INS Prahar engaged the ship with her armament. A Coast Guard Boarding team then embarked the ship to check the documents, cargo and the identity of the men on board. The identity of the vessel being MV Alondra Rainbow was established beyond doubt. 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.[[21]](#footnote-21)

**OPERATION SAGITTARIUS**

In October 2001 Washington requested New Delhi soon after the terrorist attacks on the World Trade Centre and the Pentagon in the United States, to support the international war on terrorism by undertaking escort duties in the Strait of Malacca. Consequently, under Operation Sagittarius, Indian naval ships engaged in escorting US flagged high value vessels through the Strait. Indian Naval Ships escorted 24 US Vessels between April 2 and September 16, 2004.[[22]](#footnote-22) The high value units included a nuclear submarine and some US naval auxiliaries. The area of operation included the Andaman Sea, Malacca Straits and the South China Sea. This was the first time that an Indian Naval ship was carrying out such escort operations since the 1971 Indo-Pakistan War.

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

**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.[[23]](#footnote-23)

**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 breading 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 menace of piracy is not only threatening trade and commerce but also nationals of many countries. For instance, when Somali pirates captured a North-Korean flagged Libyan cargo ship, it had a crew of 10 members belonging to Syria. When they abducted the UK-flagged ship Asian Glory in February 2010, the ship had eight Bulgarians on board among the 25 crew members, which also includes 10 Ukrainians, five Indians and two Romanians. A Spanish tuna trawler was captured by the pirates had crew members from Ghana, Indonesia, Madagascar, Senegal and Seychelles as well as Spain. The Stolt Valor, a Japanese-owned ship seized in November 2008 with 18 Indian sailors abroad, was freed by Somali hijackers after its shipping company reportedly paid a ransom of 2.5 million dollars.[[24]](#footnote-24) Pirates seized two new ships including the MV Delight-which has seven Indians on the 25-member crew- after they hijacked the Saudi Arabian supertanker Sirius Star, which was carrying 100 million dollars of oil. Similarly, the pirates attacked a Taiwanese fishing vessel and Ukrainian, German and Turkish freighters. In 2008, more than 130 merchant ships of different countries were attacked by the pirates, an increase of more than 200 percent on 2007, according to the International Maritime Bureau’s Piracy Reporting Centre in Kuala Lumpur. According to the Ecoterra International, at least 163 attacks have been carried out by Somali pirates since the start of 2009 alone, 47 of them successful hijackings. Around 30 vessels owned by Indian Companies pass through the Gulf of Aden every month carrying oil and goods worth over $100 billion. It is estimated that pirates have collected a ransom to the tune of US$ 150 million since the beginning of piracy on Somalia Coast.

Since piracy raised its head Indian ships have been occasionally attacked by the pirates. Indian dhow MV Safina al-Birsarat with 16-member crew and its cargo of coal was hijacked on January 16, 2006 and was released after 6 days. Its bulk carrier MV Jag Arnav was attacked on November 11, 2008 but its capture failed. Indian Tanker MV Abul Kalam Azad having 30 crew members on board was attacked on January 2, 2009, but its capture failed. As piracy threat became more rampant India began to deploy its naval warship in the Gulf of Aden after October 2008. Since then, 16 Indian Naval Ship have been deployed in these waters from time to time. As a result, no merchant ship under the escort of an Indian Naval warship has been hijacked since 2008. Indian Navy has prevented more than 15 piracy attempts by the Somali pirates in the Gulf of Aden. During this period, Indian Naval ships have safely escorted more than 930 merchant ships of different nationalities, with over 7780 Indians as crew. These include about 124 merchant ships with Indian flags.[[25]](#footnote-25)

**ANTI-PIRACY PATROL IN THE GULF OF ADEN:**

The Indian Navy has done a magnificent job in this context. Its warships have been patrolling the Gulf of Aden since October 2008, and have quietly provided escort and security help to over 1500 Indian and foreign merchant vessels. Recently they have even saved a Chinese merchant vessel MV Full City from a dangerous piracy attack. The Navy’s performance, marked by vigilance, steadfastness and courage deserves special appreciation. The Government of India decided to take initiative to deploy Indian Naval Ships on anti-piracy patrols in the Gulf of Aden region after MV Stolt Valor incident. On 10th November 2008, INS Tabar whilst on an anti-piracy patrol in the Gulf of Aden and successfully prevented a piracy attack on MV Jag Arnav of Great Eastern Shipping Company.[[26]](#footnote-26) The Indian Navy crossed a milestone in out of area operations in June 2010 when it safely escorted its thousandth ship, the MV Bornza, through the Gulf of Aden. The Indian Navy has been deployed in the International Maritime Transit Corridor off the Horn of Africa and the Coast of Somalia since October 2008, making it the Navy’s longest continuous out of area deployment ever. More than 24 ships (as in January 2011) have been deployed in the region on anti-piracy patrols.[[27]](#footnote-27)As on January 25, 2011 the Indian Naval ships had safely escorted a total of 1, 487 ships including 1,321 foreign flagged vessels from different countries. About 26 piracy attempts have been thwarted and no ship under Indian escort has been hijacked by pirates. India has also taken a 24\*7 Communication Centre within Indian Maritime Administration for coordination and facilitation in the case of piracy. Taking serious note of recent spate in “Dhow Piracy”, India has banned operation of Indian Dhows in piracy manifested areas. Besides, the anti-piracy patrols are in addition to the regular Exclusive Economic Zone patrols conducted by the Indian Navy in the waters off the Maldives and the Seychelles.[[28]](#footnote-28)Following this the hijack incidents became relatively very low, but sometimes one or two stray incidents may occur for brief period.

**ANTI-PIRACY PATROLS IN LAKSHADWEEP:**

The geography and location of Lakshadweep has considerably contributed to its vulnerability. After the recent hijacking of a Bangladesh merchant ship by Somali pirates in the Western Indian Ocean has highlighted the threat to the Sea lines of Communications (SLOCS) in general and to the Lakshadweep Islands in particular. On 5th December 2010, six Somali pirates hijacked the Bangladeshi flag bearing ship MV Jahan Moni some 67 nautical miles off the Lakshadweep Islands. The islands of Lakshadweep have been witnessing acts of piracy and trespassing within its vicinity for quite sometimes. It has also been reported that the Lashkar-e- Toiba has been trying to establish bases in the islands and use them as springboards for launching further attacks on the Indian Mainland. The increasing incidents of piracy in and around the islands have, however added a whole new dimension to threat perceptions.[[29]](#footnote-29)

Keeping in mind the Government of India is augmenting the security of the Island Territory. Under the Coastal Security Scheme, it has approved Rs 136.80 lakh for the establishment of four Coastal police stations at Androth, Kavaratti, Kiltan and Minicoy.[[30]](#footnote-30)Despite, the constraints, agencies engaged in coastal and maritime security have been conducting regular coastal security off the Lakshadweep Coast. For instance, a coastal security exercise Neptune II was conducted in September 14-16,2010. This exercise highlighted severe gaps in costal surveillance.[[31]](#footnote-31)

But despite these measures still increasing incidents of piracy being reported near Lakshadweep Islands. Again, the Somali pirates in an attempt to avoid the multinational naval forces in the Gulf of Aden have extended their area of operations to the coast of Mauritius, Seychelles and Maldives and have carried out several attacks on ships close to India. Therefore, given the closeness of the Lakshadweep Islands to these Island nations, this is indeed an alarming trend. Coupled with it, the incessant efforts of Jihadis to establish bases in the island nations of the Indian Ocean have further aggravated the situation. Therefore, this poses a serious challenge for India and calls for continuous surveillance efforts in the region by both Navy and Coast Guard.

**INDIA’S ANTI-PIRACY PATROLS IN THE STRAIT OF MALACCA:**

In a model similar to the Gulf of Aden security patrols, it would be prudent for the littorals to engage with their immediate maritime neighbor and funnel state- India- to augment their resources necessary to combat emerging threats in the region and keep pace with the evolving threat scenario.

India has forged a close defense tie with all the littoral countries and has provided them with training assistance as well as technical support in several areas. The Indian Navy has been conducting coordinated patrols with two of the four MSSI participants, viz. Thailand and Indonesia, under bilateral agreements signed in 2001 and 2005 respectively. Moreover, it also conducts annual exercises with the Republic of Singapore Navy (RSN). Thus, the Indian Navy has established a high degree of interoperability with almost all the littorals and is thus ideally suited to contribute to the security mechanism. This interoperability exists at various levels, ranging from political compatibility at the highest level to tactical operating procedures at the elementary levels.

**AERIAL SURVEILLANCE BY UAVs AND MR AIRCRAFT:** The Unarmed Aerial Vehicles and several other aircrafts are currently operated by the Indian Navy. These can be operated from the Andaman group of Islands; an archipelago of 572 islands. The UAVs launched from the Andaman Group of Islands and operating within a radius of about 100 km, can be tasked for aerial surveillance of the Western approaches or the funnel region of the straits. The UAV can transmit the data /picture on a real time basis to all the joint coordination centers established under the MSSI. The Singapore Navy also recently acquired UAVs. These can be used in coordination with the Indian UAVs to establish an all-round aerial surveillance. This will significantly augment the surveillance capacity of the littorals and ease the task of ship patrols. Further, a system of all-round aerial surveillance in the Straits coupled with immediate response from Quick Reaction Terms (QRTs) based along the Straits will go a long way in improving the security of the Straits.[[32]](#footnote-32)

Besides, this the 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.

**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;

* 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.
* 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.
* 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.
* 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.
* 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.
* 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**

* Earle Peter, “The Pirate Wars” (New York: Thomas Dunne Books, 2005)
* Upadhyaya Shishir, “Combating Piracy in the Indian Ocean” (Manas Publication, New Delhi 2011)

**JOURNALS**

* Abdullah Khalif, How Illegal Fishing Feeds Somali Piracy, the Somaliland Times, Issue 200, www. Somalilandtimes.net/200/08.shtml
* Abdurrahman M. Abdullahi, Perspectives of the State Collapse in Somalia, [www.scribed.com/doc/15329073/Perspectives-of-the-State-Collapse-in-Somalia](http://www.scribed.com/doc/15329073/Perspectives-of-the-State-Collapse-in-Somalia)
* Bayati. S, “Somali Pirates Threatens to kill Iranian Hostage today” Iranian wire 9 December 2013
* Bloomfield, Steve, “The Pirate Hunters” at
* http: www.somalilandtimes.net/sl/2009/380/41.shtml
* Caroline Liss, Maritime Piracy in South East Asia, South East Asian Affairs, 2003, <http://www.jstor.org/stable/27913226>
* [www.nautilus.org/publications/essays/aspnet/policy-forum/2007/the-roots-of-piracy-in](http://www.nautilus.org/publications/essays/aspnet/policy-forum/2007/the-roots-of-piracy-in) -southeast-Asia
* 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>
* Das Pushpita, “Need to secure the Lakshadweep Islands” Institute for Defense Studies & Analyses, December 13, 2010: [www.idsa.in/idssacomments/NeedtosecureLakhsadweepIslands\_pdas\_1320](http://www.idsa.in/idssacomments/NeedtosecureLakhsadweepIslands_pdas_1320)
* <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
* <http://www.jstor.org/stable/10.1525/as.2006.46.4.558>
* <http://archive.indianexpress.com/news/appeasement-never-pays/778417>
* 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](http://www.usacac.army.mil/cac2/qsc/car/download/csipubs/OP32_Piracy.pdf)
* “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>
* http:/news.bbc.co.uk/2/hi/Africa/1793838.stm
* <http://www.iht.com/articles/ap/2008/12/03/europe/EU/NATO-EU-PIRACY.phd>.
* <http://www.un.int/india/2011/ind1815.pdf>
* <http://defenceforumindia.com>
* [www.ndtv.com](http://www.ndtv.com)
* <http://ions.gov,in>
* [www.maritimesecurity.com](http://www.maritimesecurity.com) 1999
* [www.mschoa.eu](http://www.mschoa.eu)
1. Sweta Sarkar, Assistant Professor & HOD, Netaji Nagar College, Kolkata. [↑](#footnote-ref-1)
2. 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. [↑](#footnote-ref-2)
3. Ibid [↑](#footnote-ref-3)
4. Re, Munich, “Piracy threat at Seaman”, Risk Analysis, September 22, 2006 [↑](#footnote-ref-4)
5. Wombwell, James, The Long War Against Piracy: Historical Trends, Combat Studies Institute, p-25 [↑](#footnote-ref-5)
6. Upadhyay Shishir, “Combatting Piracy in the Indian Ocean”, Manas Publication, pp.13-15 [↑](#footnote-ref-6)
7. Seas Cleaner, “Modern Piracy: Causes, Impact and Solutions”, April 3, 2023; https://www.cleanerseas.com [↑](#footnote-ref-7)
8. Chalk Peter, “Maritime Piracy: Reasons, Dangers and Solutions”, Feb 27, [www.rand.org](http://www.rand.org) [↑](#footnote-ref-8)
9. https://www.icc-ccs.org/index.php/piracy-reporting-centre/live-piracy-report [↑](#footnote-ref-9)
10. https://dg.dryaglobal.com/gulf-of-aden [↑](#footnote-ref-10)
11. https://www.statista.com/statistics/1122021/piracy-attacks-asia-by-location/ [↑](#footnote-ref-11)
12. Prabhakar Lawrence, “The Future of Indian Ocean, Is it India’s Ocean?” Strategic affairs (August 2008), pp 60-61 [↑](#footnote-ref-12)
13. Berlin Donald, “The Rise of India and the Indian Ocean”, Journal of the Indian Ocean Region, 7, no. 1 (June 2011), pp.1-31; Mohan. Raja, “India’s New Role in the Indian Ocean”, Seminar, no. 617 (January 2011), http://www.india-seminar.com/2011/617/617\_c\_raja\_mohan.htm. [↑](#footnote-ref-13)
14. Scott David, “India’s Aspirations and Strategy for the Indian Ocean”, Journal of Strategic Studies 36, no. 4 (August 2013), pp 484-511, Salil Saloni, “Indian Strategic Thinking vis-à-vis Indian Ocean”, FRPC Journal 14, no. 2 (2013), pp 148-153. [↑](#footnote-ref-14)
15. 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. [↑](#footnote-ref-15)
16. Upadhyay Shishir, “Combating Piracy in the Indian Ocean”, New Delhi, Manas Publications, 2011), pp. 38-39 [↑](#footnote-ref-16)
17. Ibid. [↑](#footnote-ref-17)
18. Ibid [↑](#footnote-ref-18)
19. 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 [↑](#footnote-ref-19)
20. Ibid. [↑](#footnote-ref-20)
21. Ibid. [↑](#footnote-ref-21)
22. Sakhuja, Vijay, “Naval Diplomacy: Indian Initiatives” [www.bharat-rakshak.com](http://www.bharat-rakshak.com) Accessed on June 14, 2010, See also Chellany, Brahma, “India: Regional Security Challenges”, www.kas.de/.... /06/.../Panoroma\_2-2010\_Security [↑](#footnote-ref-22)
23. 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](http://saisonline.org/analysis/Somali-pirates-and-indian-response/%2CMay7), 2011. [↑](#footnote-ref-23)
24. Relief as Stolt Valor Times, New Delhi, November 19, 2008. [↑](#footnote-ref-24)
25. “ 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. [↑](#footnote-ref-25)
26. The MV Stolt Valor was a Japanese owned Chemical Tanker under Hong Kong Flag that was hijacked on September 15, 2008 by Somali pirates while in the Designated Safety Corridor within the Gulf of Aden approximately 38 nautical miles away from the Coast of Yemen, while heading from the United States through the Gulf towards Asia. [↑](#footnote-ref-26)
27. Statement by Ambassador HS Puri, Permanent Representative of India on “Piracy off the Coast of Somalia” at the UN Security Council on January 25, 2011, http://www.un.int/india/2011/ind1815.pdf. [↑](#footnote-ref-27)
28. Ibid [↑](#footnote-ref-28)
29. Ibid [↑](#footnote-ref-29)
30. Das Puspita, “Need to secure the Lakshadweep Islands”, Institute for Defense Studies and Analyses, December 13, 2010, www.idsa.in/idssacomments/Needtosecurethelakshadweepislands\_pdas\_13120 [↑](#footnote-ref-30)
31. Ibid [↑](#footnote-ref-31)
32. Upadhyay Shishir, “Combating Piracy in the Indian Ocean”, Manas Publication, New Delhi, 2011, pp.87-88 [↑](#footnote-ref-32)