

**MARITIME SECURITY FORCES:
INDIAN COAST GUARD**

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DEDICATED TO

MY LOVELY SISTER

RAZIA BEGUM (RAJJU)

&

MY BELOVED PARENTS

SHAIK DASTAGIR & CHAND BEGUM

&

SHAIK HASAN & RAZIA BEGUM

Contents

Preface

List of Tables

Abbreviations

Chapter 1	INTRODUCTION	1-49
Chapter 2	MARITIME JURISDICTIONS AND THE RESPONSIBILITIES OF INDIAN MARITIME SECURITY FORCES	50-102
Chapter 3	INDIA'S MARITIME SECURITY FORCES	103-134
Chapter 4	GENESIS AND FUNCTIONING OF INDIAN COAST GUARD	135-167
Chapter 5	COAST GUARD AND ITS COORDINATED SECURITY FORCES	168-201
	CONCLUSION	202-227

Preface

Peninsular India shares its maritime boundaries with seven states on adjacent and opposite coasts -Pakistan, Maldives, Sri Lanka, Indonesia, Thailand, Myanmar, and Bangladesh. The long Indian coast line (including island territories) of 7,516.5 kms is the 15th longest in the world. India successfully negotiated its maritime boundaries with all the neighbouring littoral states, except with Bangladesh and Pakistan. With Indo-Bangladesh maritime dispute on the demarcation of Bay of Bengal waters between them has been recently settled in 2014 by the International Tribunal for Law of the Sea.

The nature of maritime threats that a littoral country like India is encountering today is far more complex compared to the previous decades. The sheer complexity of combat and non-combat forces – terrorism, piracy, drug-trafficking, arms trade, illegal migration - that endanger the security of a coastal state has grown so much in their frequency and intensity that on a comparative level contemporary Indian Ocean Region (IOR) state is more threatened by non-combat or non-state forces than the state actors.

No single coastal and maritime security force can effectively counter these above mentioned non-conventional threats to their maritime order and peace.

Indian maritime security forces therefore are under constant pressure and challenge to secure the nation's vast coastline from the recurring threats almost on daily basis posed by the illegal and violent forces from the neighbouring and other foreign countries of the IOR.

India's coastal security has assumed greater significance in view of the more recent proliferation of violent jihadi fundamentalist groups across the Indian Ocean. Past two decades of Indian experiences sufficiently demonstrated the graver challenges to the national security from the sea by the jihadi groups. But the issue of coastal security figured high on the national security agenda since the November 2008 (26/11) attacks in Mumbai by the Pakistan-backed Lashkar-e-Taiba (LeT), which killed 186 persons. The Mumbai tragedy exposed vulnerability of the India's coastal security.

The Indian Coast Guard (ICG) was established in 1978 under an Act of Parliament to protect the maritime boundaries, zones and interests of the country. Ever since, the role of the coast guard has been expanding in view of the spurt in multiple sea-based threats to our maritime security which include: poaching, piracy, terrorism, search for air crash victims at sea, refugee handling; rescuing the fishermen in distress, providing scientific research assistance, protecting endangered marine life assisting and several such complex responsibilities.

To check and combat effectively the growing maritime challenges, the Coast Guard is closely coordinating its

operations like search and rescue, surveillance, hot pursuit, monitoring the maritime jurisdictions and assets, information sharing, etc. closely with the Indian Navy under whose overall authority it has to function.

The Kargil Review Committee's (2005-06) comprehensive recommendations that led to the launch of the Coastal Security Scheme [CSS]. The CSS envisaged the establishment of a series of coastal police stations along with check posts in all the nine coastal states and union territories in the country. The objective was to provide overall security and strengthen patrolling along the entire coastal waters and shallow waters near the coast. The scheme included the setting up of 73 Coastal Police Stations and 97 Coastal Police Check-posts. Similarly, a Coastal Security Scheme has been formulated for strengthening infrastructure for patrolling and surveillance of country's coastal areas, particularly the shallow areas close to coast to check and counter illegal cross border activities and criminal activities using coast or sea.

With these additional coastal police, infrastructure facilities the Indian Coast Guard is expected to discharge its overall responsibility of securing the national maritime zones and interests more effectively.

This writing has undertaken a detailed examination of the multiple roles and responsibilities of the ICG, its capabilities and limitations, coordinating activities and its general contribution to the maritime peace and security of India.

I am indebted to the anonymous referees for their valuable comments and suggestions, which I have incorporated in this work to the best of my ability.

Dr. Jaheeda begum Shaik

Assistant Professor

LIST OF TABLES

Sl.no	content	pg. no
Table 1	India's Coastal Police Stations-I	132
Table 2	Major Achievements of ICG	165
Table 3	Coastal Security Scheme- II	179

LIST OF ABBREVIATIONS

IO	Indian Ocean
IOR	Indian Ocean Region
EU	European Union
IN	Indian Navy
UN	United Nations
IOZP	Indian Ocean as a Zone of Peace
ASEAN	Association of South East Asian Nations
CBMs	Confidence Building Measures
UNCLOS	United Nations Convention on Law of Sea
EEZ	Exclusive Economic Zone
MOD	Ministry of Defence
SLOCs	Sea Lanes of Communication
ICG	Indian Coast Guard
ITLOS	International Tribunal of Law of the Sea
TS	Territorial Sea
MZA	Maritime Zone Act
CS	Continental Shelf
DFO	Directorate of Foreign Cooperation
IFR	International Fleet Review

USN	United States Navy
PLAN	Peoples' Liberation Army Navy
ARF	Asian Regional Forum
AEW	Air Early Warning
SLOT	Sea Lanes of Traffic
CSS	Coastal Security Scheme
NCSMCS	National Committee on Strengthening Maritime and Coastal Security
N3CI	National Command Control Communication and Intelligence
BSF	Boarder Security Force
MRSA	Medium Range Surveillance Aircraft
ASR	Airport Surveillance Radar
PAPI	Precision Approach Path Indicator
DME	Distance Measuring Equipment
ICGAE	Indian Coast Guard Air Enclave
IAF	Indian Air Force
MSAB	Maritime Security Advisory Board

CHAPTER 1

INTRODUCTION

Any research on examining the security of India's vast coasts must begin with a basic understanding of India's maritime past, maritime environment, threats from the sea to the coastal regions and the role of the country's maritime security agencies in protecting the peninsular maritime domain in the Indian Ocean. This introductory chapter therefore is a brief understanding of the above factors. To begin with it is but relevant how India in the previous centuries had maintained close maritime trade and cultural linkages with the other coastal countries in the Indian Ocean region. India's maritime history predates the birth of the western civilization.¹ The world's first tidal dock is believed to have been built at Lothal around 2300 BC during the Harappan civilization, near the present day Mangalore harbor on the Gujarat coast.

Modern oceanographers observe that the Harappans must have possessed great knowledge of sea tides. During the 3rd millennium BCE the inhabitants of the Indus Valley enjoyed active maritime trading contacts with Mesopotamia and other adjoining littoral areas in the Indian Ocean. The region around the Indus River began to show visible increase in both the length and the frequency of maritime voyages. There is also enough evidence to prove that the Harappans were shipping bulk timber and special woods to

Sumerian and luxury items. India had a flourishing trade with Rome. Indian traders carrying away large quantity of gold from Rome in exchange for precious stones, skins, clothes, spices, sandalwood , perfumes, herbs and indigo.² A naval dock unearthed at Lothal in Ahmadabad confirms the presence of large ships capable of navigating long distant seas.³ Not only on the western side of peninsular India but with the eastern hemisphere of the IO Indian ships traded with countries like Java and Sumatra including with those in the Pacific Ocean. Ancient period was the Golden Age of Shipping and Ship-building activities. Sir William Jones, a renowned scholar is opinion that the Hindus "must have been navigators in the age of Manu, because bottom (the lender of money for marine insurance) is mentioned in it." A vast repository of ancient literature has random references to a brisk seafaring trade.

Not only the seafarers and traders of Hindu India traveled the IO domain across the east-west sea lanes, but the Indian religious missionaries traveled to distant countries of the IO to preach the Hindu and Buddhist faiths to native communities of foreign littoral areas. Such religious voyages were especially dominant in the Southeast Asian domains of the IO such as Java, Sumatra, Malay Peninsula, Thailand and the present Indo-China countries of Cambodia, Laos and Vietnam. In fact, the founder prince of Malaysia is Sanjaya, a Hindu prince. Even today the influence Hindu

religious scriptures, art and sculpture, languages is quite evident in all these IO countries.

The distinguished French historian goes to the extent of arguing, with undisputable documentary evidence, that it was the Hindu India that civilized the Southeast Asian countries. His argument is that before the peaceful advent of the Hindu religious and cultural influences, communities of these regions did not have religious, linguistic and cultural foundations of their own. Therefore, the Bay of Bengal provided a highway for a succession of kingdoms in the southern and eastern Indian peninsula to embark on cultural, colonization and propagation missions to lands beyond the Malacca Straits - as Far East as Japan. Starting with the Mauryan emperors, the traces of Indian maritime activism through the Andhra, Pallava, Pandya, Chalukya and Chola dynasties laid the strong and impressive foundations of the Hindu ethos and values on the states to the eastern side of the Malacca straits. The 500-year long dominance of the seas by the Sumatra based Sri Vijaya Empire (of Indian provenance) and to the growth of large Hindu kingdoms and empires in Champa (Siam), Cambodia, Java, and Sumatra from the 5th to the 13th centuries.⁴ Therefore such was the legendary impact of ancient India on the littoral regions to the east of the Malacca straits, across the Bay of Bengal.

This peaceful religious and cultural voyage continued, of course with the seaborne commercial navigation, until the middle ages.

What needs to be emphasized is that the Hindu religious voyages and preaching's were peaceful and not coercive? It is for this reason that even to this day India enjoys the reputation and image of a non-imperial country with no expansionist motive. This is quite in contrast to the Southeast Asian image of China as an aggressive and imperial country which frequently invaded and dominated their countries and kingdoms through brutal power.

However later centuries had gradually witnessed the decline of the Indian maritime interaction with the littoral countries in IO. Successive invasion of the Indian subcontinent by the Central Asian and Persian Islamic invaders had seriously disrupted the fabric of ancient Indian society and its polity. New and foreign invading forces from the northwestern frontier of the subcontinent and their successful imposition of rule on the native kingdoms had introduced a new age in Indian history. Not only the northern and central Indian princely kingdoms but even those of south India had undergone radical historical changes brought in by the foreign rulers of different region and culture.

For example, the breakdown of the mighty Chola Empire in South India during the 13th century coincided with the establishment of the Turkish Sultanate in Delhi, followed by the rise of the Mughal dynasty in successive centuries. The glorious and historic role played by the South Indian rulers, the Cholas and Pandyas in particular, who had through their frequent maritime campaigns

had brought the nearer and distant coastal states of peninsular India under their control were sharply broken as a result of serious political transformation brought in by the Mughal rulers on India. The result was that the well-established ancient maritime links between the Bay of Bengal and Southeast Asian countries to the west and the western Indian and Arab states of the Red Sea and Persian Gulf to the west, nurtured and sustained by centuries of peninsular Indian rulers and navigators, were seriously disturbed.

This is not to argue that later Indian rulers totally ignored the sea around the Indian subcontinent. The legendary Maratha ruler Chatrapathi Shivaji and his successors and subordinates were very sea-conscious. Their major focus was to deny and counter the Mughal threats to western Indian coasts. Legends of brave Maratha sea fighters like Kanoji Angre of the Maratha kingdom and Kunjalini Marakan of the Malabar country, defending their respective maritime sovereign states against threats and invasions by the Mughal and later European campaigners are ample. In fact, these Indian moves were the first ever modern documented examples of coastal Indians protecting their states against foreign invaders. It will be seen in the following pages that successive Indian states – British Indian and independent Indian states – had to introduce periodically strong maritime defence strategies to save the nation's maritime frontiers from sea attack. Gradually Indian state was coming to shed the 'sea blind' mindset, a psychological disposition of neglecting security of India's sea borders by past Indian rulers.

The Portuguese had successfully defeated the Malabar king Zamorin and established the first footprint of the European domination of peninsular India. As K.M. Pannikar rightly defines the Portuguese invasion in 1498 had inaugurated the Vasco de Gama epoch in Indian history.⁵ The arrival of the 20-gun Portuguese frigate San Gabriele off Calicut in May 1498 hence marked the commencement of four centuries of 'authority based on control of the seas' by European powers.

The Portuguese imposed a system of license for trade, and set upon all Asian vessels not holding permits from them. A naval engagement in Bombay Harbour in 1529 resulted in Thana, Bandora and Karanja agreeing to pay tribute to the Portuguese, and a grand naval review was held by them in 1531. They took complete control of the harbor in 1534 and finally ceded it to the British in 1662, under a treaty of marriage between Charles II and Infanta Catherine of Braganza. Ever since successive European maritime invaders of India - the Dutch, British and the French - brought the Indian subcontinent under their domination, an imperial control which was to last almost four hundred years. They came in search of spices, but stayed on to rule this land. The British, because they had arrived in India by sea. Realized the gravity of the potential maritime threat, especially from their European rivals. Accordingly they adopted a maritime strategy for India which enabled them gain and maintain control of all major oceanic choke points worldwide, especially those leading to the IOR. Hence the

Indian Ocean by 19th century had turned into the 'British lake,' a status which enabled the British to proudly proclaim that the sun never sets on the British Empire. When Britain left India this historic event had also set in motion though slowly the process of the British maritime withdrawal from the IO. Independent India therefore had to devise its own strategies of safeguarding the maritime borders, which enjoyed more than three centuries of European protection. What follows is a brief discussion of India's maritime profile.

India's Maritime Interests:

When India gained Independence, those charged with planning for the country's embryonic maritime force were men of vision who rightly recognized the critical importance of the IO to country's interests. These maritime visionaries were of course those who were trained and nurtured by the sea power discourse of the outgoing imperial British Royal Navy. Hence very soon after the withdrawal of the imperial naval force from the peninsular India a ten-year blue print for the expansion of the country's smaller naval force was prepared for the consideration of the Government of India. The plan was drawn up around the concept of two fleets; one for the Arabian Sea and the other for the Bay of Bengal, each to be built around a light-fleet carrier to be later replaced by larger fleet carriers. This somewhat grandiose plan, which received the approval of both the Governor General Lord Mountbatten and

Prime Minister Jawaharlal Nehru, unfortunately failed to materialize.

How to manage the maritime geographies which change their character is a coastal state like India's is a constant challenge. In other words, maritime objectives are constantly conditioned and influenced by the shifting nature of geo-politics of Indian Ocean. Therefore as maritime geo-politics changes its dynamics, security of the seas surrounding a peninsular state like India need periodic change. India is involved in recent decades in regularly reshaping its maritime objectives because cold and post cold war geo-politics of the IO have been frequently undergoing quick changes.

India for long was blamed for ignoring the seas around her. K.M.Pannikar is the first and foremost to develop the theory of India's 'sea blindness.' According to Pannikar, India had traditionally focused on bordering her borders on the northwest, a region which was the traditional source of series of foreign invasions. This 'continental' approach to securing the Indian land borders on the northwest, argues Pannikar, had grossly neglected the security threats from the sea, i.e. the Indian Ocean. The Pannikar theory of Indian sea blindness had heavily influenced successive generations of post-independence maritime scholars of India, who rather consistently and relentlessly argued for a seaward shift in Indian defence planning. Gradually over the past decades, Indian security discourse began recognizing the significance of

maritime security. As a result the Indian Navy (IN) gained gradual, often grudging importance in the country's defence planning and funding. Beginning with a partly share of less than 5% in the annual defence budget, the IN today enjoys a reasonably higher share of 18% per annum. Such enhanced place for the IN ranked it as the fifth largest naval force in the world.

End of the period of imperialism and the consequent withdrawal of the European powers gradually from the IO changed the geopolitical climate in the region. However, unfortunately, the two super powers – USA and the Soviet Union – got involved to fill the power vacuum created by the withdrawal of the European powers, Great Britain in particular. Beginning with the seventies, IO once again became an intense region of super power strategic competition. Though the IO countries led by Sri Lanka and India successfully moved the UN resolution on Indian Ocean as a Zone of Peace (IOZP), it failed to muster enough political will amongst the regional powers to ensure a stable and peaceful order in the IO. Subsequently, the collapse of the Soviet Union and its consequent withdrawal from the IO transferred power into the hands of USA, the unipolar power. Ever since the US has been virtually monopolizing the IO's regional affairs, security relations and the political order in general. US had inked certain strategic partnership agreements with IO regional powers to ensure her role and domination in the region.

India had redefined her strategic interests in the IO following the end of the cold war. Soviet Union was India's closest ally which generally supported Indian initiatives and interests in the IO and elsewhere. Following its disintegration and the resultant geo-political transformation which favored the US, India had to recast her own role in the region. In the new post-cold war regional order, Indian strategic discourse strongly emphasized a major role and involvement for the country in Asia. In other words, India is keen to be a major factor in the Asian balance of power politics. She wants to ensure, what the official Indian pronouncements declare, a stable regional political and security order in the Asia-Pacific. And, the IN is sent to all these areas to demonstrate the Indian strategic involvement and interests.

The Indian Navy's post cold war discourse is that it should expand its power to underpin the nation's rise as an economic and political power. As a former Indian naval chief reasoned the "Indian Navy's rise coincided with the end of the cold war," a period which "has seen a coordinated use of the Navy in concert with certain foreign policy initiatives" such as closer engagement with the US Navy, Southeast Asian and the Asia-Pacific regions.⁶

The geo-political environment of the IO is constantly shaped by the dynamics of regional and extra-regional politics and developments. Today, the major state actors shaping the IO's political and strategic environment are the USA, China, EU powers and the ASEAN group

of countries. But, non-state actors like pirates, maritime terrorists and drug-traffickers are also transforming the good and peace in the IO. All these factors have immediate relevance to the national security and economic interests of a peninsular country like India.⁷ Through a sustained effort in bolstering the naval military capabilities and invoking the navy in defense of the country's varied objectives in the region, India had succeeded in emerging as a strong naval power in the IO. No other power today can ignore the Indian power in the IO and the Indian navy had truly contributed to such might.

India's major worry today is how to checkmate the growing influence and role of China in the IO. The China factor dominantly influenced the need to increase Indian Navy's active role in the region. Chinese southwestern forays into the Indian Ocean in early nineties by gaining naval 'bases' on the Burmese islands in the Andaman's began to cause concern on either side of the Malacca. Similarly, India was seriously concerned over the rapid penetration of China into the country's immediate neighborhood. China through different means including economic and military assistance, trade and commercial agreements has been cultivating closer relations with countries like Bangladesh, Pakistan and Sri Lanka. This strategy commonly known as China's 'string of pearls' doctrine is aimed at reducing the Indian diplomatic and strategic influence in South Asia.

In order to counter the Chinese moves, Indian naval forces are therefore building closer links with the Southeast Asian countries which were also worried about the growing political and military presence of China in the region. Thus the navy initiated the process of building Confidence Building Measures (CBMs) through a slew of naval partnership agreements with the Southeast Asian neighbors. By mid nineties naval forces of India and the Southeast Asian nations began regularly interacting with each other at bilateral as well as multinational level.

‘Foreign naval cooperation’ became a catchphrase of the current Indian naval diplomacy mainly to counter the role of China in the region. Its objective is to build ‘bridges of friendship’ with foreign navies in order to shape a favorable maritime environment in furtherance of India’s political and strategic national interests. Under various bilateral agreements with the Southeast countries, Indian naval forces began since early nineties a regular process of mutual goodwill port visits, joint naval exercises, naval personnel exchanges, etc.⁸

Indian Navy has been actively partaking in these activities thereby establishing its visibility in the Asia-Pacific. For example, in the year 1995, the IN had introduced *Milan*, which is a conclave of foreign navies, held biennially, in the Andaman Islands. India’s Asian naval diplomacy in the IO is also a function of the Indo-US strategic partnership. Almost since the end of the cold war and the

withdrawal of the Soviet naval forces from the Indian Ocean, Indian and American navies have been regularly interacting with each other, both the navies are periodically engaged in joint naval exercises, codenamed 'Malabar' in the Arabian Sea. Not only in the eastern hemisphere is the IN projecting its power. It is as much actively in other parts of the Indian Ocean viz; the gulf region, eastern and southern Africa. India's major objective in these regions is to combat the widespread piracy and terrorism.⁹ Indian warships are sailing around these areas regularly to save the national cargo vessels and oil tankers which are under constant threat from the maritime criminal forces. However, since no single naval force will be able to effectively counter these maritime threats, the IN is closely collaborating with other navies.

These interests include energy Security, fisheries, mining, and maritime trade to name only a few. Equally vast and varied are the complex Maritime security threats and challenges. They span from terrorism and piracy to drug trafficking, gun running, illegal immigration, environmental pollution and movement of contraband. India would therefore need" to formulate a comprehensive Maritime strategy that would give her the capability to deter conflict in the region both Military and non-military (counter -terrorism and counter - piracy).¹⁰ It would be seen that in the following decades of independence India had thoroughly reformed its maritime security forces. By the end of the cold war, IN had been thoroughly modernizing its conventional

capabilities by adding the latest available military hardware to its armory. In fact, “it had been the Navy’s overriding priority to be as contemporary as possible in technology. Between 1976-1990, the growth of the IN was “extraordinary,” and though it received lesser budgetary allocation compared to its counterparts, army and air force, the IN “was able to stay abreast of other navies in naval propulsion, weapon, sensor and computer technology.” Naval military acquisitions during this period almost matched those of the navies of supplier countries.¹¹ The main reason for such expansion was the Indian government’s decision to strengthen the country’s sea power following the US gunboat diplomacy against India in support of its loosing ally Pakistan in the December 1971 Bangladesh liberation war. What distinguishes this phase from the current post cold war era is in giving a well-defined strategic vision to the naval forces by endowing them with conventional and nuclear deterrent capability.

The primary factor that governs Indian maritime security is, as already mentioned; the country is sensitively placed by the sea lanes of communication (SLOCs) across the India Ocean. Maritime security of India is governed basically by the geography of the Indian Ocean and territories surrounding its borders. India is strategically located in relation to both continental Asia as well as the Indian Ocean region. India's geographical and topographical diversity, especially on its borders, poses unique challenges to our armed forces in terms of both equipment and training. It's

peninsular shape provides India a coastline of about 7600 kms and in addition islands in the eastern and western maritime domains of the country. The island territories in the East are 1,300 kms away from the main land, physically much closer to South East Asia. The Andaman and Nicobar (AN) archipelago is a long chain of islands numbering more than five hundred. They are located astride the Malacca straits, one of the most crucial choke points of IO which is the lifeline for east-west trade and oil transportation. Moreover India's AN also shares borders with several other littoral countries including Indonesia, Myanmar and Thailand. Therefore, given the strategic geo-political location of the AN, India has to carefully watch political developments in the region which can surely have implications for the country's maritime security.

On the western maritime border of India is located the Lakshadweep Islands which are not in lakhs as the word suggests, but just thirty five only. But, these islands are equally located in the strategic domain very close to India. Laccadives are close to the Red Sea-Suez canal as also the oil-rich Arabian Gulf. Any war or critical development around these islands territories will impact on India's vital oil and other security interests. India therefore has to be constantly watchful about the developments in this region close to its western maritime borders. Therefore, India's size, strategic location, trade interests and a security environment that extends from the Persian Gulf in the West to the Straits of Malacca in the east underpins India's security response.¹² In view of this strategic

spread, it is essential for the country to maintain a credible land, air and maritime force to safeguard its security interests. Indian government and the defence planning establishment takes into account several governing factors while making planning the maritime defence. There always lies the chance that other littoral countries can sneak into the country's bordering oceanic waters. Hence, fishing, shipping and shipbuilding in India, off-shore oil drilling and port structuring account to primary security of maritime Indian strategies. The infrastructure of ports, economic activities in off-shore oil explorations, energy derivation and the fishing industry are among the crucial factors governing Indian maritime. Prime minister Jawaharlal Nehru did realize the importance of adequate naval power for a country which is closely flanked by the IO's critical SLOCs. Nehru said, "To be secure on land, we must be supreme at Sea....India's geo - strategic environment is predominantly maritime in nature. She has vast and varied maritime interests that need to be furthered and protected."¹³

Sovereign maritime zones have gained immense additional spaces under the UNCLOS (United Nations Law of Sea) regime. Littoral states like India are entitled to a territorial sea of twelve nautical miles, contiguous zone of twenty four and an expansive exclusive economic zone (EEZ) measuring 200 nautical miles from the coast. India would have exclusive rights of enjoying and exploiting ocean resources in these extended ocean spaces. In effect it meant the

country's coastal security forces would have additional responsibility of protecting these zones.

Maritime Security is the protection of a nation's territorial and maritime jurisdiction from foreign invasion by sea. It is necessary against military threats from sea. However, today maritime security denotes more than the armed protection provided by a country's navy. Maritime security has acquired a broader holistic meaning. Twentieth and twenty-first centuries, as noted above have added new and non-military dimensions to maritime security, viz; threats from non-state actors (pirates, drug-traffickers, terrorists), maritime pollution and safety of oil and cargo ships. Relief from natural disasters, exploring sea-bed resources, construction of ports and harbors are also covered by contemporary concept of maritime security. Maritime security forces today are less of coercive instruments and more of goodwill agents. Non-combatant and peacetime (benign) utilities of naval power and capabilities are in greater evidence today than in the previous centuries.

Several policy documents published by the Ministry of Defence (MOD) in recent years have clearly chartered the maritime dimensions of India's security and the strategies required to underwrite the military and diplomatic roles. The Indian Navy (IN) is, as implied above, is not just seen as a sheer military service tasked to display India's power abroad but to help promote India's image

as a friendly and benign power among the IOR littorals. The three major policy documents which elaborately defined and updated the role, rationale, strategies and employment of maritime power by the Indian Navy are: *Indian Maritime Doctrine* (2004); *Freedom to Use the Seas: India's Maritime Military Strategy* (2007); *Indian Maritime Doctrine* (2009). These public documents charter the vision and policy-framework for IN's growth, maritime political and diplomatic role, strategic plans and the challenges which the naval forces should be prepared to encounter. Explaining the IN's role, Admiral Suresh Mehta, former chief of the IN would say:

The Indian Navy is the primary maritime means by which the state ensures the use of sea for its own purposes, while at the same time ensuring that others do not use it in a manner prejudicial to its interests. The Indian Navy by virtue of its capability, strategic presence and robust presence in the Indian Ocean Region (IOR), can be the catalyst for peace, tranquility and stability in the IOR. It can be used to engage other maritime nations and extend our hand of friendship and co-operation. Also it can act as a strong deterrent to prevent conflict, or to respond, should it become inevitable.¹⁴

The above statement combines various tasks the IN is expected to undertake in defence of the country's overall maritime objectives. It has to act as the instrument of India's foreign policy interests

overseas, deter hostile countries and forces threatening the country's security by projecting its military power, and play a proactive role in ensuring the freedom of navigation or what the naval people would like to call good order at sea. At the same time the IN has to cultivate friendly relations with other coastal states of the Indian Ocean through naval diplomatic means and help them in times of maritime disaster. Successive policy documents and statements by responsible naval personnel have been emphasizing the multitude of activities the country's naval forces are designated to undertake. This kind of functional approach is a departure from the conventional responsibilities which meant that the IN like any other navy is concerned with ensuring the country's maritime security from military threat or attack from an adversary.

But, the nature of maritime threats that a littoral country in the IOR is encountering today is far more complex compared to the previous decades. The sheer complexity of combat and non-combat forces – terrorism, piracy, drug-trafficking, arms trade, illegal migration - that endanger the security of a coastal state has grown so much in their frequency and intensity that on a comparative level contemporary IOR state is more threatened by non-combat or non-state forces than the state actors. No single coastal and its naval forces can effectively counter these non-conventional threats to their maritime order and peace. In other words, non-combatant and benign (peaceful) utilities of naval power are in greater evidence today than in previous centuries.¹⁵

Recognizing such combat and non-combat security scenarios, the IN's missions of activity are broadly enumerated as follows. *Military missions* which include conventional and strategic nuclear deterrence against regional states; deter extra-regional powers against India's security interests; exercise sea control in Arabian Sea and Bay of Bengal as well as at the entry/exit points of the IOR; provide security to country's coastlines and offshore assets. *Diplomatic missions*: using navy as an effective instrument of India's foreign policy; develop maritime partnerships to gain confidence of IOR littorals; contribute to UN peacekeeping forces. *Constabulary* such as regular surveillance of the countries maritime zones and extended neighborhood; and lastly, *Benign missions*, which include providing humanitarian aid, disaster relief and hydrographic services to littoral states.¹⁶

Maritime security is the coastal state's perspectives of the ocean, its plans to use and conserve maritime resources and its preparedness to face military threats from the sea. Though maritime security is generally understood as the military plans of a littoral power to counter threats to its national security objectives, the concept also suggests a more broader and long-term approach of a country to harness the resources of the ocean to the economic, energy, scientific and technological purposes. India's maritime strategy is a dynamic one hinged on the changes in maritime environment, neighborhood relations, power balance on the seas and progress in the exploration and exploitation of ocean

resources. The third UN Law of Sea (UNCLOS), for example, has significantly changed the peacetime strategy of India's maritime security compulsions as the new international sea law regime added large ocean spaces to the maritime sovereign jurisdiction of a coastal state.

Maritime security also reflects a country's nature of aspirations and level of naval deployment on high seas. It defines a coastal state's planned extension of its naval arm in pursuit of its political objectives, employment of naval force in peace and war times, their operational tasks and regions of deployment. India has chosen a time span of fifteen years to draw her maritime strategy in the Indian Ocean. Above mentioned official documents have periodically defined and updated India's naval strategic perspectives and operational doctrines. They have clearly articulated the political imperatives of India's extended naval presence throughout the IOR and the need for an expanded naval power.

During peace, which fortunately prevails most of the time, the main business of navies is (apart from preparing for war) to act as instruments of state policy in offering "a range of flexible and well calibrated signals" in support of diplomatic initiatives. The options available could include projecting maritime power for intervention, or influencing events on land, showing presence to either convey

reassurance or threat, cooperating with allies in training exercises or simply rendering humanitarian relief when required.

The concept of maritime power encompasses far more than most people seem to imagine, and certainly goes much beyond the military aspects, sea power we include as the main components, ocean research and exploitation, the status of the merchant and fishing fleets, and their ability to meet the needs of the states and also the presence of a navy to safeguard the interests of the state since antagonistic social systems exist in the world. Sea power emerges as one of the important factors for strengthening the economy, accelerating technical development and consolidating economic, political and cultural links with friendly people and countries.

Safeguarding SLOCs:

Sea lanes of communication (SLOCs) are the lifelines of a maritime nation's trade, rather national survival and well being. Because almost all the countries of the world including those landlocked states are also sea dependent one way or the other. And, since all countries of the world have consciously adopted and even aggressively implementing growth-led economic policies, sea has become far more a greater and inescapable means of transporting goods and energy resources of any country. Seaborne trade is therefore the indispensable source of a 21st century nation, coastal or hinterland, island or landlocked. India as already mentioned with

long coastline which straddles critically the IO sea lanes, as shown below.



Major SLOCs of the Indian Ocean.

Source: www.cimsec.org/offshore-installations-practical-security-legal-considerations/7872

The Indian Ocean sees about 100,000 ships transiting across its expanse annually. Two-thirds of the world's oil shipments, one-third of its bulk cargo, and half the world's container traffic pass through its waters.¹⁷ The vibrant economies of China, Japan, and South Korea as well as the rest of Asia-Pacific rely on oil supplies, which emerge from the Strait of Hornuz and transit via the Malacca Strait into that region. Over 70 of our own oil come by ships from the Persian Gulf. Any disruption in oil traffic could destabilize the price levels, resulting in a major upset for the world economy and a setback for our developmental process. As mentioned earlier, India's fortunate geographical location astride Indian Ocean sea-

lane gives her a key role in safeguarding their integrity and ensuring unhindered traffic. India's burgeoning economy, which ranks fourth in the world in PPP, is inextricably linked with seaborne trade. Our exports were about US\$ 100 billion in 2005-06 and are slated to double over the next five years. Of our foreign trade, over 75 by value are carried by sea. India's maritime responsibility is burdened in securing these attributes of key dependence on the sea. Any destabilizing development in the IO is very likely to not only disturb the fabric of national economy but even threaten the democratic political system.

Keeping these security compulsions the IN today is thoroughly engaged in advancing the country's political objectives through such maritime strategies as sea power projection and naval partnerships. The geo-political rationale for employing the national naval forces is explained in terms of "the shift in global maritime focus from the Atlantic-Pacific combine to the Pacific-Indian Ocean region," and, geo-economically too the centre of gravity "is shifting from the North-America-Western Europe axis to the North America-Asia Pacific rim, with Japan, China and the Asian Tigers looming large in global economic deliberations." Such global shifts in political and economic power hence provide India, located centrally in the IOR and rising economically, with enough logic to stake her legitimate role in the region's power dynamics. And the IN is mandated to carry the responsibility of demonstrating the country's intent and power through its maritime diplomacy.

Moreover, India is worried about the rapidly growing maritime threats to freedom of seas in the IOR and the increase in the presence of extra-regional powers in the region. Since all the major sea-based threats are located in the Indian Ocean – terrorism, piracy, WMD proliferation, etc. the region has become the obvious foci of naval military deployments by the concerned states, in particular by the extra-regional powers, to ensure the safety of SLOCs. Such maritime presence in the Indian Ocean has far surpassed the deployment of foreign naval forces during the cold war years. The series of threats to peace beginning with the first gulf war, their growth in frequency and violence ever since and western strategic responses to counter these threats, had drawn in the maritime combat forces of highest sophistication into the region which had given “extra regional navies an unparalleled situational awareness and an ability to influence operations in the IOR.”¹⁸

India therefore has strong reason to be worried about such disturbing scenario and draw necessary naval plans to face threats to her national interests. The brutal massacre of the victims of the Mumbai terrorist attack in November 2008 by perpetrated by the Pakistani terrorist group is the sharpest and unforgettable reminder of the increasing threat to nation’s maritime security by non-state actors. Since the decade eighties Indian coastal waters are regularly threatened by a variety of violent forces operating from sea. In late eighties a ship load of lethal arms meant for the LTTE but passing

through the Indian waters was caught by the Indian naval forces. In 1989, the Japanese cargo ship *Alendra Rainbow* hijacked by pirates in Bay of Bengal was rescued by the Indian Coast Guard (ICG). Hence in view of the rapidly growing maritime threats posed by non-state and irregular actors like the drug-traffickers, smugglers, poachers, illegal migrants, pirates and terrorists- have turned the IO into an arena of great maritime violence.

The economic development of Asia-Pacific countries of which India is a dynamic trading partner in the passing two to three decades has been closely related to seaborne trade, and the importance of sea lines of communication (SLOC) to regional countries would be much increased in the twenty-first century. SLOC security is now one of the priorities in regional countries' strategic thinking and policy making. The oceans occupy 70 percent of the earth's surface, and the Pacific Ocean occupies fifty percent of the world's ocean surface. World countries have depended on the free passage of goods across the seas, and the majority of Asian Pacific countries, with their export-oriented economic structure, have even more depended on maritime transportation. An uninterrupted flow of shipping is critical to regional countries' survival and prosperity. However, SLOC insecurities do exist. Factors affect SLOC security includes the unstable political relationship among regional countries; different interpretation over the freedom of the seas principle; islands' sovereignty disputes and overlapping maritime jurisdictional claims; the emerging naval build-up; and non-

traditional threats such-as pollution, piracy, drug-trafficking, etc. Being not in the possession of anyone country or power, sea lines have to be used and defended jointly by countries. Regional countries need to promote closer cooperation in guaranteeing SLOC security for mutual interests.

Indian Navy and the Indian Coast Guard (ICG) today are deeply and regularly interacting and cooperating with almost all the maritime security forces of the Asia-pacific countries, including with some of the extra-regional naval forces like that of the United states, Britain, France and the European Union. It is in this context it is pertinent to discuss the vital role played by the IN securing India's trade, energy, tourism and above all strategic interests in the IO. Unlike in the past decades, IN has declared that the county's "maritime vision for the 21st century must look at the arc from the Persian gulf to the straits of Malacca as a legitimate area of interest."¹⁹ Accordingly, IN has brought under its strategic penumbra, the IOR west encompassing the Persian Gulf, Arabian Sea, Red Sea; eastern and southern African rim; central Indian Ocean basin including its islands and the Southern Ocean skirting the Antarctica; to the east areas beyond the Malacca straits stretching up to the Philippines and South China Sea. Plainly speaking, IN's pervasive presence across the Indian Ocean Region symbolizes India's new strategic vision and ambition. The pronouncement of extended strategic interests in Asia is

meaningless unless supported by a matching and mobile instrument of state power. The IN fits the task.

Hence, the IN today is receiving unprecedented budgetary support to meet its force modernization programmes. IN's augmented military strength includes 140 war ships, 1 aircraft carrier, and 16 submarines. The proposed ship building programme plans 185 ships for IN by 2017. Another aircraft carrier, in addition to the present *Vikrant* bought from Russia called *Adm. Gorshkov*, renamed as *Vikramaditya* is being refitted to suit Indian requirements and is expected to enter the IN's formidable fleet soon. The navy's military doctrines have been substantially revised to bolster its sea power and reach in the Indian Ocean. The IN was criticized during eighties for being one of the "few major navies which first acquire hardware and then thinks about how to use it." It meant that the country's naval force lacked a doctrine and strategy.²⁰ Therefore, the current effort to provide it with a clear military vision and strategy. IN's redefined conventional and nuclear deterrence are the primary strategies of denial and punishment, capable of convincing a potential enemy of unbearable costs if a military or nuclear attack is contemplated against India. *The Indian Nuclear Doctrine*, launched following the 1998 nuclear tests, is a composite doctrine designed to provide nuclear deterrent capacity to the country's three defence forces, Army, Air force and Navy. The "primary military objective for the IN is to deter any military adventurism against the country, including intervention in India's

affairs and subversive strategies against our national interests.....The ways and means of deterrence by the IN would include developing a sea-based second-strike capability.”²¹ The imperative need to equip the IN with a credible deterrent military capability to counter the other naval powers and maintain naval power balance in the Asia-Pacific is the recurring theme in the Indian naval military discourse today. Of course the Maritime Doctrine as spelt out in 2004 also did not fail to invite a few dissenting reflections like the one from a formal admiral who thinks that the Doctrine “would have made better sense if its formulation had flowed from an overarching national or defence perspectives,” and moreover, “it does not specify how specific operations will be conducted but rather, what operational activities will be necessary and must be catered for.”²²

In augmenting its military capabilities, IN has been procuring naval combat vessels and equipment from conventional sources like Russia which had been the largest supplier during cold war years and continues to be so, the United States whose strategic partnership with India mandates as the second largest provider of naval armory, and other countries including France and United Kingdom. While outsourcing its requirements from foreign countries, IN has also greatly increased the domestic base to produce military capabilities to attain self-reliance so much so that it is “one of the largest and most significant indigenous production capabilities in the developing world.” Thus the IN’s major

modernization and up gradation programmes which have enormously increased its fire and fleet strength have ranked it as the fifth largest navy in the world and, “barring a war against a major power, India appears capable of securing its national interests and responding to its traditional threats through its blue water strategy.”²³

India’s Maritime Security Forces:

As the nature of maritime threats to Indian national kept changing over the decades after independence India has broadly created three maritime security agencies to protect our coasts and assets. What follows is an examination of the nature and scope of functions allotted to each of the three security forces: navy, coast guard; maritime police, most recently created following the Bombay terrorist attacks.

Indian Navy: Indian Navy is responsible for the overall maritime security of the country. It is responsible largely for two functions: (1) the maritime defence of the country and (2) for peacetime law enforcement. The navy’s role is in fact not limited to any particular zone. For instance, the navy plays a crucial role in patrolling the waters in Palk Strait and Gulf of Kachch. It may in fact even enter the EEZs of other countries provided there is no use of force or threat of use of force. Its peacetime enforcement function can be several; it could include diplomatic activities like joint naval exercises like it did with Japan and the US recently, as pointed out

above. It could mean rescuing citizens at times of instability abroad, like it did during the Libyan crisis. The navy is also responsible for the rescue of citizens during the times of natural calamities like the Indian Ocean tsunami in December 2004 when it went immediately to the rescue of victims of the storm in Thailand, Indonesia and Sri Lanka. Prior to the establishment of the Coast Guard, the navy was also responsible for constabulary functions, that is to ensure law and order is maintained, however, with the emergence coast guard it is no longer the function of the navy.²⁴

Indian Coast Guard:: The idea of creating a maritime force in charge of protecting India's immediate coastal zones like the territorial sea and contiguous zone was first supported by the KF Rustamji Committee, which was set up to study this constabulary role. The idea was that the navy be primarily for the purpose of defence and peacetime activities, whereas the general functions associated with law enforcement are handed down to the coast guard. Post 2008, the coast guard was given the additional responsibility of ensuring coastal security of the territorial waters.²⁵ The coast guard since it is responsible for ensuring the safety of artificial islands and since artificial islands can be built in EEZs as well, it can be inferred that coast guards jurisdiction extends up to EEZs. More will be discussed about the role of the ICG in following chapters.

Indian maritime Police: Unlike the navy and the coast guard, which were set up under central legislations, the marine police as set up post the Kargil war by executive action.²⁶ The idea to set this up as based on a report prepared by a group of ministers on border management.²⁷ The first problem which emerges is that marine police, by virtue of being a part of law and order, is a state subject²⁸ and thus, questions emerge as to how the police can perform defence functions which is a union subject, but more than that, questions emerge as to how the centre can ensure that there is uniformity of enforcement. Though the centre has tried to remedy this by setting up a coastal security scheme to check infrastructure of coastal states to counter illegal activities, questions still remain as to how you can ensure there is uniformity. Under this particular scheme, the centre has set over 130 marine police stations. Other than enforcement functions such as ensuring there is no smuggling or contraband being carried, post 2009, they have also been given the additional responsibility of patrolling the internal and the shallow waters.

Review of Literature:

Pius Malekandathil²⁹ in, "*Maritime India - Trade, Religion and Polity in the Indian Ocean*" highlighted the social dynamics behind the changes in the ruling and trade patterns of the coastal region. Sea trade was known in the South from very early times and the Sangam literature is full of references to the overseas trade and the

functioning of ports, with the state acting as a facilitator of trade and as the custodian of goods landing in the harbor.

Prabhakaran Paleri in *"Maritime Security: The Unlawful Dimension"*³⁰ critically examines the perceived 'unlawful' activities that enforcers may come across at sea. It addresses the following themes: Crime at sea Piracy Smuggling and Trafficking. Maritime security has increasingly been studied from the standpoint of the complexities of the ocean-where the 'game' has been played since ancient days. In recent years, however, the concept has undergone a sea change. Today, and seemingly so in future, maritime security has to be seen as complementary to overall national security, and not as a standalone concept. Within this framework, maritime security acquires myriad dimensions.

Rahul Roy-Chaudhury³¹ in *"India's Maritime Security"* explained the importance of dealing effectively with the compulsions and complexities of India's maritime security necessitates a sophisticated, and often, complicated, interplay of the country's economic, foreign, and defence policies. K. R. Singh's book *"Maritime Security for India: New Challenges and Responses"* evaluates India's maritime defence capability in the years to come. It also analyses challenges that are likely to be posed as also options that are available to neutralize them. India, part of a landlocked sub-continent, has no option but to emphasize its maritime perspective if it has to attain its destined role in the emerging

regional and global order. Despite its inherited continental mindset, Indian elite has, over the decades, taken slow but steady steps in the field of maritime development. India has also learnt the hard lesson that a nation which neglects its maritime defence can even lose its sovereignty. Post-Cold War environment has offered India multiple options to strengthen its maritime security through regional and international co-operation. This has assumed strategic significance in view of the new threat posed by maritime terrorism.

Harsh V. Pant³² in *'The Rise of the Indian Navy: Internal Vulnerabilities, External Challenges'* spoke about The Indian Navy has gradually emerging as an indispensable' tool of Indian diplomacy in recent years, making it imperative for Indian policy-makers and naval thinkers to think anew the role of nation's naval forces in Indian strategy. There is a long tradition in India of viewing the maritime dimension of security as central to the nation's strategic priorities. With India's economic rise, India is trying to bring that focus back, making its navy integral to national grand strategy. This volume is the first full-length examination of the myriad issues that have emerged out of the recent rise of Indian naval power.

K. R. Singh³³ in *"Coastal Security- Maritime Dimensions of India's Homeland Security"* has attempted to assess the available capability of various maritime enforcement agencies like the Navy, the Coast Guard, the Customs (Marine) and the Marine Police as

well as the possible role that CISF can play in basic point security of port and off-shore platforms, this book is an effort to deal with multiple facets of the subject. Prabhakaran Paleri³⁴ in *“Role of the Coast Guard in the Maritime Security of India”* Sugandha³⁵ in *“Evolution of Maritime Strategy and National- Security of India”* takes up concerns that need to be viewed to ensure the security of maritime borders to facilitate international trade as well as strengthen the comprehensive security of the country from various sources of threat. It first gives a description of the Indian Ocean Rim countries and then- historical background, the geo-economic and geo-strategic importance of the Indian Ocean as well as its many aspects like weather and minerals, and India's maritime and security strategy. Taking up the political dimensions of maritime security, it deals with important topics like the International Law of the Sea, Maritime Law, India's policy, maritime boundaries and India's maritime disputes. The economic aspects of India's maritime security are covered in detail. It also analyses the power struggle of the major powers in the Indian Ocean. Extensive in its coverage and analytical data as well, it covers the Indian Navy and armaments and other armed forces with reference to the Indian Ocean security, the foreign policy of India with respect to Indian Ocean Rim countries and the futuristic directions of its maritime strategy in great detail.

V. R. Raghavan, Lawrence W. Prabhakar,³⁶ in *“Maritime security in the Indian Ocean Region; critical issues”* described that The Indian

Ocean has emerged as a critical maritime space in the Asia-Pacific Littoral in view of the transformed strategic, security and economic significance of the region. The Indo-Asia-Pacific region is the greatest maritime-littoral space that has the largest concentration of population, resources, developing economies, congested sea lanes, and contested territorial spaces. It is thus significant in a geo-political, geo-economic and geo- strategic sense.

Lyle J. Goldstein³⁷ in *“Chinese. Aerospace Power (EB): Evolving Maritime Roles”* explained that China's aircraft carrier program is making major waves well before the first ship has been completed. Undoubtedly, this development heralds a new era in Chinese national security policy. While the present volume presents substantial new insight on that particular question, its focus is decidedly broader in scope. Chinese Aerospace Power offers a comprehensive survey of Chinese aerospace developments, with a focus on areas of potential strategic significance previously unexplored in Western scholarship. The book also links these developments to the vast maritime battle space of the Asia-Pacific region and highlights the consequent implications for the U.S. Military, particularly the U.S. Navy. Geoffrey Kemp³⁸ in *“The East Moves West India, China, and Asia's Growing Presence in the Middle East”* Much is said about a "new" Middle East, and here it is, India and China pushing westward into the Persian Gulf and the Mediterranean. This is strategic and political analysis of the highest order. Industrial growth and economic development are exploding

in China and India. The world's two most populous nations are the biggest reasons for Asia's growing footprint on other global regions. The increasing size and impact of that footprint are especially important in the Middle East, an economic, religious, and geopolitical linchpin. *The East Moves West* details the growing interdependence of the Middle East and Asia and projects the likely ramifications of this evolving relationship. It also examines the role of Pakistan, Japan, and South Korea in the region.

Sudhir Devare³⁹ in *"India & Southeast Asia: Towards Security Convergence"* pointed out In the context of the geopolitical situation in the Asia-Pacific in the post-September 11 period, the security dimension between India and Southeast Asia cannot be overemphasized. With the continued U.S. preponderance in the region and China's phenomenal rise, the countries of Southeast Asia and India have an opportunity to evolve a co-operative relationship not only with one another, but also with the major powers of the region. This book examines the areas of comprehensive security and the growing understanding between India and Southeast Asia where there is less divergence and greater convergence. It analyses the key role by the navy and coast guard in promoting the strategic and security interests of India in this region. The author argues that India-Southeast Asia security convergence is not and should not be aimed at any particular country. On an optimistic note he concludes that such convergence

will contribute to creating harmony among the major powers of Asia to make the twenty-first century the "Asian century".

Peter Lehr⁴⁰ in "*Violence at Sea: Piracy in the Age of Global Terrorism*" explained that Violence at Sea is an overview of maritime piracy; examining threats that piracy poses to global security and commerce, as well as measures and policies to mitigate the threat. The essays analyze piracy activities in key shipping lanes (including the African coast, the Arabian Sea, the Bay of Bengal, and the Straits of Malacca-South China Sea); piratical groups and their capabilities; case studies on overlaps between piracy, terrorism, and organized crime; legal and policy hurdles to combating piracy; tactical recommendations for combating piracy; and new trends and developments in the area. The counter response to maritime terrorism has been slow in coming, hampered by issues rooted in sovereignty, the laws of the sea, and the inherent challenges of international coordination.

D. Sujatha⁴¹ in "*Maritime Law: International Perspective*" said that the law of the sea is considered as one of the original fields at international level. The coastal states have identified as one of the most important transport methods of carriage by sea. The history of international relations and international law reveal that the events relating to the power over seas rather than wars on seas or wars for seas. This resulted in loss as well as profit to nations. Adam J. Young⁴² in "*Contemporary Maritime Piracy in Southeast Asia*:"

History, Causes and Remedies" explores contemporary maritime piracy in Southeast Asia, demonstrating the utility of using historical context in developing policy approaches that will address the roots of this resurgent phenomenon. The depth and breadth of historical piracy help highlight causative factors of contemporary piracy, which are immersed in the socio-cultural matrix of maritime-oriented peoples to whom piracy is still a "thinkable" option. The threats to life and property posed by piracy are relatively low, but significant given the strategic nature of these waterways that link the Pacific and Indian Oceans, and because piracy is emblematic of broader issues of weak state control in the littoral states of the region. Maritime piracy will never be completely eliminated, but with a progressive economic and political agenda aimed at changing the environment from which piracy is emerging, it could once again become the exception rather than the rule.

Bert Chapman⁴³ in *"Geopolitics: A Guide to the Issues"* emphasizes current and emerging international geopolitical trends, examining how the U.S. and other countries, including Australia, Brazil, China, India, and Russia, are integrating geopolitics into national security planning. It examines the prevalence of international security threats involving territorial, airborne, space-based, and waterborne possession and acquisition. Carolyn Liss⁴⁴ in *"Oceans of Crime: Maritime Piracy and Transnational Security in Southeast Asia and Bangladesh"* explains why, and in what form, piracy still exists. It

offers an integrated analysis of the root causes of piracy, linking declining fish stocks, organized crime networks, radical politically motivated groups, the use of flags of convenience, the lack of state control over national territory, and the activities of private security companies, and identifies their wider security implications.

G. V. C. Naidu,⁴⁵ in *"The Indian navy and Southeast Asia"* examines the growth and development of the Indian Navy in the context of the initial fears and apprehensions in South Asia over India's naval expansion.

Adhuri Subramanyam Raju and S.I. Keethaponcalan⁴⁶ in *"Maritime Cooperation between India and Sri Lanka"* analyzed various contentious maritime issues between India and Sri Lanka, highlights availability of "reasonable options" for cooperation. Sri Lanka preferred "some land of a strategic balance being established by the great powers to ensure that there was no hegemony of any single power in the Indian Ocean region." It was for this reason it initiated the concept of "Indian Ocean as a Zone of Peace (IOZP)". After highlighting existing bilateral maritime issues, the authors suggest that cooperation between India and Sri Lanka "may include measures such as joint naval patrolling, controlling of smuggling and piratical activities, and the strengthening of communication networks." Through cooperation, both can exploit living and non-living resources, ship-building, weather forecasting, prevention of

pollution, and to combat maritime terrorism, which are the responsibilities of every country.

K. R. Singh⁴⁷ in "*Navies of South Asia*" analyses the evolution of navies of South Asian states. Though all of them can trace their root to the British naval policy in the sub- continent, they have, over the period, responded in different ways to the naval and maritime challenges, in the context of their national requirements as well as changing regional and international environment. The book also projects the policies of the respective navies in the near future.

Rasul B. Rais⁴⁸ in "*The Indian Ocean and the Superpowers: Economic, Political, and Strategic*" focuses on the political and strategic implications of the presence in the Indian Ocean of the United States and the Soviet Union. The author examines the geopolitics of the region in historical perspective and describes the evolution of U.S. and Soviet strategy in the Indian Ocean. The central theme of the book is that the naval deployments of the superpowers should be seen in the context of each power's economic and security interests rather than in the context of military rivalry. The book provides an incisive and comprehensive account of U.S. and Soviet strategies in the Indian Ocean by establishing and integrating the links- 15etween the economic, political, and strategic dynamics of the situation.

K Sridharan⁴⁹ in "*A Maritime History of India*" described the authentic historical survey of India's maritime activities and

achievements from the earliest times to the present day have been detailed in this book. James R. Holmes, Andrew C. Winner, and Toshi Yoshihara⁵⁰ in "*Indian Maritime Strategy In The 21st Century.*" probes how India looks at the sea, what kind of strategy and seagoing forces New Delhi may craft in the coming years, and how Indian leaders may use these forces. It examines the material dimension, but its major premise is that navies represent a physical expression of a society's history, philosophical traditions, and culture. This book. Then, ventures a comprehensive appraisal of Indian maritime strategy.

Kuzhippalli Skaria Mathew⁵¹ in "*Studies in maritime history*" surveyed a number of interconnected areas: the use of sea power in international and intercultural relations, commerce and trade routes, naval technology and design, military tactics, the physical features of seafaring, and the geography of the sea. They make accessible to the general reader very technical scholarship, and provide numerous maps and illustrations that explain the changes in ship design and construction. The overall result is a powerful historical synthesis. Sadashiv Gorakshkar and Kalpana Desai⁵² in "*The maritime heritage of India*" explained that Maritime security has increasingly been studied from the standpoint of the complexities of the ocean-where the 'game' has been played since ancient days. In recent years, however, the concept has undergone a sea change. Today, and seemingly so in future, maritime security

has to be seen as complementary to overall national security, and not as a standalone concept.

Michael McNicholas⁵³ in "*Maritime Security: An Introduction*" provides practical, experience-based, and proven knowledge - and a "how-to-guide" - on maritime security. McNicholas explains in clear language how commercial seaports and vessels function; what threats currently exist; what security policies, procedures, systems, and measures must be implemented to mitigate these threats; and how to conduct ship and port security assessments and plans provides invaluable guidance to Maritime Security.

Martin N. Murphy⁵⁴, in "*Contemporary piracy and maritime terrorism: the threat to international security*" described that Piracy may be a marginal problem in itself, but the connections between organized piracy and wider criminal networks and corruption on land make it an element of a phenomenon that can have a weakening effect on states. Furthermore, it is also an aspect of a broader problem of disorder at sea that, exacerbated by the increasing pressure on littoral waters from growing numbers of people and organizations seeking to exploit maritime resources, encourages maritime criminality and gives insurgents and terrorists the freedom to operate maritime terrorism, though currently only a low-level threat, has the potential to spread and become more effective in the event of political change on land. It is only by addressing the issue of generalized maritime disorder that the

problems of piracy and maritime terrorism may be controlled in the long term.

Swati Parashar⁵⁵ in *"Maritime Counterterrorism: A Pan-Asian Perspective"* weans about the likelihood of maritime terrorism directed at international trade, energy supplies etc. Graham Gerard Ong⁵⁶ in *"Piracy, Maritime Terrorism and Securing the Malacca Straits"* explored contemporary maritime piracy in, Malacca Straits demonstrating the utility of using historical context in developing policy approaches that will address the roots of this resurgent phenomenon. The depth and breadth of historical piracy help highlight causative factors of contemporary piracy, which are immersed in the socio-cultural matrix of maritime-oriented peoples to whom piracy is still a thinkable option. Maritime piracy will never be completely eliminated, but with a progressive economic and political agenda aimed at changing the environment from which piracy is emerging, it could once again become the exception rather than the rule.

Amit Pandya Rupert Herbert-Burns and Junko Kobayashi⁵⁷ in *"Maritime Commerce and Security: The Indian Ocean"* describes the commercial trends and their security implications with a view to helping policy makers and others outside the industry understand the vulnerabilities of an industry that is central to the global economy and security. In the contemporary Indian Ocean, the close relationship between commerce and security takes many forms.

Piracy is now seen emanating increasingly far from the Horn of Africa and the Gulf of Aden into the deep ocean. Naval task forces involving a dozen nations have had mixed success in protecting these vital lifelines of commerce. The Chinese Navy's presence in the Indian Ocean and Chinese commercial investments in port infrastructure have been perceived by India as an integrated source of strategic threat, and have occasioned a strategic rivalry between the two rising powers. Indian naval presence and activity have both proceeded from such worries and given rise to security concerns among other countries in the region. Similarly, among smaller powers, Singapore's robust security posture in large part reflects its importance as a commercial and maritime nation.

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CHAPTER 2

MARITIME JURISDICTIONS AND THE RESPONSIBILITIES OF INDIAN MARITIME SECURITY FORCES

The most vital national interest of a country would be the continued promotion of the economic well being of its people. National interests are an amalgam of the national values and objectives normally incorporated into the constitutional philosophies of country, like in the Constitution of India. India has in particular given an express declaration of the new nation's aspirations and philosophical values to ensure an all-round development of its people social, economic, political, spiritual and secular in its Directive Principles of State Policy and Fundamental Rights. Very few newly independent countries in the post-colonial era had undertaken such an exercise mandating the future governments and rulers to advance the lives and destiny of the people on the lines set forth in the above two most important provisions. These constitutional prescriptions also mandate the nation to avail the maximum utilization of the natural and physical resources of the country. Among the vast variety of the resources that Mother Nature has bestowed on India, maritime resources are one of the richest and abundant. The peninsular geographical character and its long

coast have also qualified India to claim large parts of the ocean waters under its maritime jurisdiction.

This chapter examines in detail the maritime jurisdictions allotted to India by the international law of the sea. The UNCLOS III has endowed India vast maritime domains of the adjacent Indian Ocean. The nature and scope of the various types of such sovereign jurisdictions under different sea law regimes will be discussed by the following sections. To understand the coast guard responsibilities it is essential first to assess the extent of India's authority and legal jurisdiction over the seas adjacent to the country's shoreline. The jurisdiction and the limits exercised by the coastal states over the oceans now defined by international conventions and national regulations. The law of the sea, in its essence, divides the seas into four maritime zones and specifies the rights and duties of States and ships flying their flags in those zones.⁵⁸

India's Maritime Boundaries with Neighbours:

India shares its maritime boundaries with seven states on adjacent and opposite coasts -Pakistan, Maldives, Sri Lanka, Indonesia, Thailand, Myanmar and Bangladesh whereas it shares its land borders with six states (Pakistan, China, Nepal, Bhutan, Bangladesh and Myanmar). The Indian coast line (including island territories) of 7,516.5 kms is the 15th longest in the world, with Canada (90,889 km) and Indonesia (54,705

km) possessing the longest coasts.⁵⁹ The considerable political and diplomatic efforts since 1970s has resulted in the demarcation of all of India's maritime boundaries have been demarcated with the exceptions of Bangladesh which until recently in 2014 got negotiated and decided by the International Tribunal for Law of the Sea.

The Law of the Sea regime has undergone rapid and radical changes after the conclusion of the three Law of the Sea more importantly the latest and the third conferences by the United Nations. Consequently India legislated the Maritime Zones Act, 1976 defining the various maritime zones. The problem is whether the Indian legislation is comprehensive enough to address all the issues that arise in the Indian Sea. The following are the key issues discussed in this chapter.

- To analyse the role of India in the Law of the Sea Conferences.
- To understand various claims made by the states with respect to TS, CZ, EEZ and Coast Guard with special reference to India.
- What are the various claims made by the states with respect to TS, CZ, EEZ and CS with special reference to India?
- What are the various provisions of Indian Maritime

Zones Act?

- To examine various provisions of Indian Maritime Zones Act and its relevance to the Indian Coast Guard (ICG).
- To check whether Indian maritime law is in compliance with UNCLOS provisions.

The researcher has adopted analytical method while dealing with chapter two and three that deals with the analysis of various UNCLOS provisions and Indian law and its compliance with UNCLOS provisions respectively. Being the case study, the case study method is adopted in chapter four while dealing with Maritime delimitation case decided by the International Tribunal for the Law of the Sea.

UNCLOS and India's Maritime Proposals:

It was in the 20th century, that most states had claimed jurisdiction over a 3 nautical mile radius of water, known as the territorial sea. However, this was not a uniform claim. There were other Scandinavian states like Norway, Sweden, Finland and Denmark that claimed jurisdiction over 4 nautical miles. It would suffice to say that there was no standard limit for the territorial sea that a state could claim. It was finally in 1930, that the Hague Conference was convened, wherein an attempt was made to codify the breadth of the territorial sea.

A consensus could not be reached and it was this failure that led to a spurt in unauthorized, excessive and most importantly, unilateral claims of jurisdiction over the high seas.

Unilateral declarations over the high seas were first initiated by the United States in 1945, through two Truman Proclamations. The first entitled it to a claim over the natural resources over the continental shelf, as a region that was 'contiguous' to its coastal land, while the second allowed it to impose conservation zones unilaterally in the region adjacent to then 3 nautical miles territorial sea.

The Hague Convention of 1930 was the first ever attempt made by the international states towards the determination of the maritime boundaries. It was an attempt by the League of Nations to have uniform territorial sea limit. It was considered that the non-uniformity in respect of the breadth of the territorial waters was the rule of the age and since the international law could not fix the definite breadth of the territorial sea, the different states adopted different limits according to its state practice. There was a wide diversity of opinion on the limits of the territorial sea ranging from 3, 4, 6, 10, 12 miles and for 20, 30 and 60 kilometers for those States which prefer delimitation as the basis of kilometers. For example Denmark's claims for fishing rights within sixty-nine

miles of the coasts of Greenland. The territorial waters of Mexico and the United States have been fixed by the Treaty of Peace, Friendship, Limits and Settlement concluded between these two countries on 2 February 1848, at nine nautical miles.⁶⁰ Thus the conference failed to reach a consensus on the breadth and length of the territorial sea but it cannot be said that it was futile.

Professor Lauterpacht opined that⁶¹

"With regard to territorial waters, the Conference of the Hague was unable to adopt a convention as no agreement could be reached on the question of the extent of the territorial waters... although some measure of agreement was reached on such questions as the legal status of territorial waters ... the right of innocent passage and the base line etc..." Professor Columbus in his book on International Law of the Sea⁶² pointed out in the similar lines that, "although the Conference of the Hague was unable to reach an agreement on the subject of territorial waters, it succeeded in preparing a Draft Convention on 'The legal status of the territorial' sea for future considerations."

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The first conference on the Law of the Sea was concluded in Geneva from 27th February to 27th April 1958. India was an active member in the conference making proposals, forwarding contentions against and such. India through its delegation, Mr. Jhirad proposed that the conference should first decide to incorporate the Article on Continental Shelf, which was then an entirely new concept in a separate convention allowing reservations to all except for Article 67 to 69 which is fundamental importance.⁶³ This was in pursuant to the Canadian proposal and was adopted by 40 votes to 4 with 19 abstentions.

To worsen matters, UNCLOS I and II, of 1958 and 1960 respectively, were unable to settle the questions of the width of the territorial sea, the area of the continental shelf and the special interests of coastal states. The insufficiency and

inadequacy of the Conventions culminated in a system falling far short of required global ratification, and consequently, with limited global compliance. Dissatisfied with what they termed 'trifling disregard for their special interests', coastal states started asserting themselves unilaterally over the high seas, leading to chaotic developments in the international oceans regime.

The framers of UNCLOS III in 1982 were keen to make an unequivocal departure from the hitherto disorderly system. The UNCLOS III was, as rightly described by its President, the 'Constitution of the Oceans'. It was quite simply put the most comprehensive legal document regarding maritime delimitation and conservation that the world would see for quite some time. This new oceans framework, which reaffirmed the 12 nautical miles territorial sea and codified the customary 200 nautical miles EEZ, would expressly bar certain forms of 'creeping jurisdiction' over the high seas. It was to be a global system, based on consensus, cooperation and multilateralism. The primary aim of this instrument was to end the hitherto common 'claim what you like' mentality of several states that were unsatisfied with the previous regime – the new system being based on the consideration for coastal states' rights. There were several provisions now that specifically dealt with the rights and duties of coastal states, some of them included the sovereign right to exploit

resources in a state's territorial sea and EEZ, while at the same time ensuring that activities within their territories would not cause harm either to the environment or to any other state.

While there have been a considerable number of states that have dutifully accepted the 1982 UNCLOS as the 'Constitution of the Oceans', there has been some state practice to demonstrate otherwise as well. This has been with regard to claiming jurisdiction over living resources over and above the 200 nautical miles EEZ assigned by right, to each coastal state. The main reason for the above is that there was an important drawback in the Convention – it did not adequately address the question of straddling stocks (fish stocks that move between 2 or more EEZs or between an EEZ and the high seas). Especially because several coastal states had special interests in the conservation and exploitation of straddling stocks, unilateral assertions were continued by them, even as the 200 nautical miles EEZ limit had gained customary status.

India proposed the amendment to Art. 68 Para.1 to replace the term exclusive right with sovereign rights as the latter term had no meaning in law.⁶⁴ It was adopted by 51 votes to 14 with 6 abstentions. India proposed that nuclear test either on land or sea was contrary to the humanitarian principles international law was well known. Nuclear tests at sea were a

serious infringement of the principle of the freedom of high seas and therefore unlawful.⁶⁵ This proposal was supported by the UK. The draft resolution was adopted by 58 votes to none with 13 abstentions.

India opined that since the majority of the articles which the second committee had adopted were declaratory of existing law and therefore favoured a convention with the preamble stating that it as a declaration of the existing rules.⁶⁶ India supported the seven principles adopted by the preliminary conference of the land locked states because it consider the rights of the land locked states of free access to high seas was a part of the international law recognised by existing parties and by agreement in force.⁶⁷ It was adopted by 67 votes to none with 6 abstentions.

India through her delegation stated that it had always upheld the principle of arbitration and had accepted the compulsory jurisdiction of ICJ but couldn't agree that compulsory jurisdiction was necessary in every extent, but the suggestion could not be accepted due to the absence of two-thirds majority. India proposed an amendment replaced the words fishing boats by the words fishing vessels, boats craft and the proposal was accepted. India supported Canadian proposal of twenty two members requiring for ratified as opposed to German who proposed fifty which as quiet high Canadian

proposal was accepted.

India didn't find it necessary to have a denunciation clause owing to two reasons. It could enable a state to denounce the convention if wished and it would prevent any state from denouncing the convention without due notice. The Mexican proposal for denunciation was rejected. Indian delegate's proposal of UN reservation clause to be included in the convention was adopted for 54 votes to none. India regarded the passage of warships through TS as a courtesy and in practice never refused such practice but could not regard such passage as a right and reserved its own right to refuse it.⁶⁸ Article 24 was not accepted but amended on failure to obtain required majority.

Indian proposal that the convention of TS and CZ be embodied in a separate convention⁶⁹ was adopted by 51 votes to 14. Additional Article relating to the pollution of sea by radioactive waste proposed jointly by India, Mexico, Ceylon and Argentina was adopted by 58 votes to none. India and Mexico put forward a joint proposal⁷⁰ entitling states to fix the breadth of their TS up to 12 as nautical miles also by Yugoslavia. USSR proposed⁷¹ that each state should determine the breadth of TS in accordance with the established practice within 3-12 nautical miles UK proposed that limit not to extend 6 miles. Greece proposed for 3

miles.⁷² No proposal specifying breadth of TS succeeded in obtaining the majority opinion. Indian and Mexico proposal received 35 votes in favour and 35 against and therefore considered as rejected.

The United Nations Conference on Law of Sea (UNCLOS-I) was the first serious attempt on the law of sea dealing with a wide range of issues such as determining extend of the territorial sea, the fishing rights enjoyed by the coastal states etc. This convention, with 41 signatories and 52 parties, came into force on 10th September 1964. The UN assembly termed it as a historic contribution to the codification and progressive development of the international law.⁷³ One may wonder as to why there is so much fuss about determining the extent of the territorial sea. The ambassador of Canada during 1958 conference debates opined that the determination of the breadth of the territorial sea is the matter key to the law of the sea in its entirety, in time of peace as in times of war. Rights and duties of States, all in all, begin and end on both fringes of the territorial sea.⁷⁴

The report of the international law commission⁷⁵ remarked that it did not permit an extension of territorial sea beyond twelve miles. Therefore the participating states were narrowed down to delimit the territorial zone between three and twelve miles. India through her delegation wonders why

we need a deviation from three nautical miles rules which was established as a rule of law but agreed to the fact that discussion is centered on two main groups. In the serious attempt of delimiting the extent of the territorial sea in the conference, there formed two groups one led by US advocating for twelve miles and another of six miles led by Canada. There was no polarization of opinion on three miles territorial sea which was the historically accepted limit.

The newer and younger states were demanding for a wider territorial sea, whereas the older maritime powers demanded for a narrow territorial sea. In the debates realised that the past history of sufferings, the economic under-development, the passionate craving for a better life and the insulation from the great powers from the attack of wars and such attacks might be the reasons that may compel the international states for a wider extend of the territorial sea.⁷⁶

Before the conventions on law of sea India had only 6 nautical miles as the limit of the territorial sea. India put forth her arguments in the conference through the representation of the ambassador Sen. India as a nation support the principle that the high seas which connect all the continents must be kept free for the whole of mankind to live on and to sail upon. India is on the opinion in favour of a contiguous fishing zone adjoining the territorial seas where the coastal State would

exercise exclusive fishing rights.⁷⁷ It is of pivotal concern for the economically under developed countries that the adjacent seas of the coastal State are to be kept for the use of the coastal State. While putting forth the arguments, India is taking into consideration of both the marine super power nations and that of the undernourished nations. There are countries that are incapable of producing enough food to sustain them. And since their resources from soil are insufficient to give an ever-increasing supply of food it is natural for them to claim an exclusive rights of fishing for a depth of twelve nautical miles and restricting the catch for themselves and not to open it for competition.

India in this conference clearly expressed her stand that she is for the establishment of a twelve-mile fishing zone for the coastal States in the best interests of the coastal States and the world and win ensure peace and eliminate disputes and quarrels for all time to come⁷⁸ and India's predictions proved correct though not in 1960 conference India thus agrees for the Canadian proposal and deviates from the US proposal of quantification of catching and the fishing efforts. India further states that the US proposal of quantifying the efforts will not work practically as it requires proper and adequate data which may lead to innumerable and endless quarrels and would become even next to impossible for the International Court of Justice to adjudicate upon and determine such

disputes. The final proposals made in this conference⁷⁹ are as follows:

A State is entitled to fix the breadth of- its territorial sea up to a maximum of six nautical miles measured from the applicable baseline.

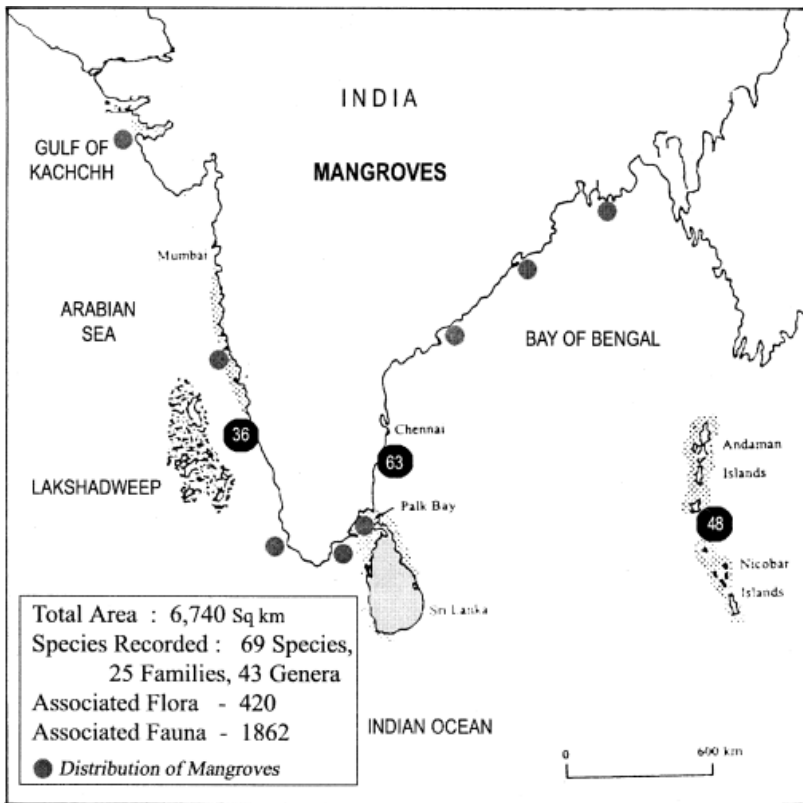
A State is entitled to establish a fishing zone contiguous to its territorial sea extending to a maximum limit of twelve nautical miles from the baseline from which the breadth of its territorial sea is measured, in which it shall have the same rights in respect of fishing and the exploitation of the living resources of the sea as it has in its territorial sea.

It is clear from the outcome that India's concern for the economically poor and under-nourished states was not taken into consideration and it stuck to the six nautical miles. It once again proved that the maritime super powers had a firm control over determining the Maritime boundaries of the states.

UNCLOS III and Indian Maritime Sovereign Boundary Proposals:

The year 2012 marked the thirtieth anniversary of the historic 1982 convention on law of sea that concluded in Jamaica on 10th December 1982. This came into force on 16 November 1994 owing to the reason that the USA did not agree to XI of

the Convention. This convention came as a package deal as International states were not allowed to reserve any of its parts and all the provisions have to be accepted as a whole, one provision reserved and there is no rectification of the convention.



India’s Coastal and Marine Zones:

Territorial Sea: At the start of the Conference, the States that maintained the traditional claims to a three-mile territorial

sea had numbered a mere twenty five. Sixty-six countries had by then claimed a 12-mile territorial sea limit. Fifteen others claimed between 4 and 10 miles, and one remaining major group of eight States claimed 200 nautical miles. The Convention resolves conflicting claims, interpretations and measuring techniques by setting the 200-mile EEZ limit as the boundary of the continental shelf for seabed and subsoil exploitation, satisfying the geologically disadvantaged.⁸⁰ It satisfied those nations with a broader shelf - about 30 States, including Argentina, Australia, Canada, India, Madagascar, Mexico, Sri Lanka and France with respect to its overseas possessions - by giving them the possibility of establishing a boundary going out to 350 miles from their shores or further, depending on certain geological criteria India's role in this historic convention is worth mentioning. In this convention, India has put forward a proposal for a belt about a hundred miles from the territorial sea of the coastal state and wanted it be recognised as coastal high seas and shared the concerns of conserving the marine resources within a reasonable belt of high seas contiguous to its coast. Indian delegates in the second meeting that concluded on 9 July 1974 expressed her opinion that the definition of the nature and characterises of the territorial sea should be simple and neutral taking into consideration of the major concerns of all the international states.⁸¹

The Indian delegates agreed on behalf of the government that the concept of high seas as the common property of all nations but is to be appropriated in the use of mankind for the benefit of all and it should be reconciled with the particular needs of coastal states. But the delegates of the Great Britain felt that the resources of the high seas could be used more rationally by adopting some conservation scheme and not by dividing high seas into exclusive fishing zone domains. India also proposed for the inclusion of compulsory arbitration clause in the agreement and has argued strongly against placing foreign nationals in the same footings as that of the nationals in the fisheries and therefore proposed the amendment in Art. 60 that initially provided for the fisheries conducted by means of equipment embedded in the floor of the sea.⁸² The proposed amendment was welcomed by almost all the participating states and as a result, it was adopted by 22 votes to none.

The damage caused by the activities in the marine areas was India's major concern and it was reflected in all its proposals. India strongly felt that the responsibility and liability in respect of damage arising from the marine scientific research activities caused within the area under national jurisdiction or sovereignty of coastal states or having effect in such area will be governed by the laws of the coastal state. India also felt the inclusion of liability or responsibility clause in case of any

kind of damage caused in such area. So along with Brazil and Peru, India proposed for the coastal states to establish national laws to prevent reduce and control pollution of marine environment arising from exploration, exploitation of the seabed under their jurisdiction.⁸³

Contiguous Zone:

A Contiguous signifies “adjoining” or “adjacent”. The idea of contiguous zone seems to have been initially articulated by the exceptional French law specialist M. Louis Renault. According to Prof. Starke contiguous zone is a belt of waters, adjacent to the limits of maritime belts, not subject to the sovereignty of the littoral state but within which the littoral state could exercise certain rights of control for the purpose of health and other regulations.

A maritime zone adjacent to the territorial sea that may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured inside the contiguous zone the coastal state may exercise the control necessary to prevent and punish infringement of its customs, fiscal, immigration or sanitary laws and regulations inside its territory or territorial sea. In all different regards the contiguous zone is an area subject to high seas freedom of navigation, over flight, and related freedoms, for example, the behaviour of military exercises.

UNCLOS 1982 (Article 33, section 4) defines the Contiguous Zone as follows:

1. In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal State may exercise the control necessary to:

(a) Prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;

(b) Punish infringement of the above laws and regulations committed within its territory or territorial sea.

2. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

This will commonly be 12 nautical miles wide, yet could be more (if a state has decided to claim a territorial sea of short of what 12 nautical miles) or less, in the event that it would generally overlap an alternate state's contiguous zone. Be that as it may, dissimilar to the territorial sea, there is no standard rule for determining such clashes and the states being referred to must negotiate their own compromise. The United States invoked a contiguous zone out to 24 nautical miles on 24 September 1999.

In the ninth meeting Indian delegates on the proposal concerning CZ to be limited to the breadth not exceeding 18 nautical miles outside the TS, over which specific powers were exercised like prevention of infringement of customs, fiscal, immigration and sanitary regulations.⁸⁴

In the fourteenth meeting, India expressed her concerns for the necessity to lay down the provisions which would impose a duty on a flag state to ensure the protection of the coastal state by ensuring the expedition and uninterrupted passage of the ships which is commonly known as the innocent passage.⁸⁵ Alongside ensuring the innocent passage, India felt that a duty is to be imposed on the transiting ships to refrain from engaging in activities which were not related to simple passage such as fishing. Those provisions should also encompass the prohibition of warships from engaging in any exercise of maneuvers, using weapons, launching or taking on board any aircraft or for carrying out any research. Indian delegates also advocated for the clearer provision for the prevention and control of pollution by ships and to establish the responsibility of the flag state in case of any damage caused.⁸⁶

Exclusive Economic Zone:

In the twenty fourth meeting Indian government stated that Economic Zone was a Zone of exclusive national jurisdiction

and control in respect of its living and non-living resources a coastal state should enjoy exclusive rights and jurisdiction in the preservation of the maritime environment of the zone.⁸⁷ The coastal state should have exclusive rights to carry out the maritime scientific research in that zone and to regulate the conduct of such research by foreign vessels. India felt that the living resources in marine areas within the exclusive jurisdiction of more than two coastal states should be managed by consultation among all the state concerned.⁸⁸ And the living resources of high seas outside this zone should be explored and exploited under regional and international arrangements with adequate safeguards for optimum utilisation and conservation of the fish stocks.⁸⁹

The history of EEZ can be traced back to the time when the coastal states started realizing the importance of natural resources which lie under the sea bed and that they need to have certain rights and jurisdiction over them.⁹⁰ This concept was first articulated under the name of 'patrimonial sea' as majorly marketed by the Latin American and the African states who were making claim so as to broaden their territorial seas and fishing zones up to 200 nautical miles.⁹¹

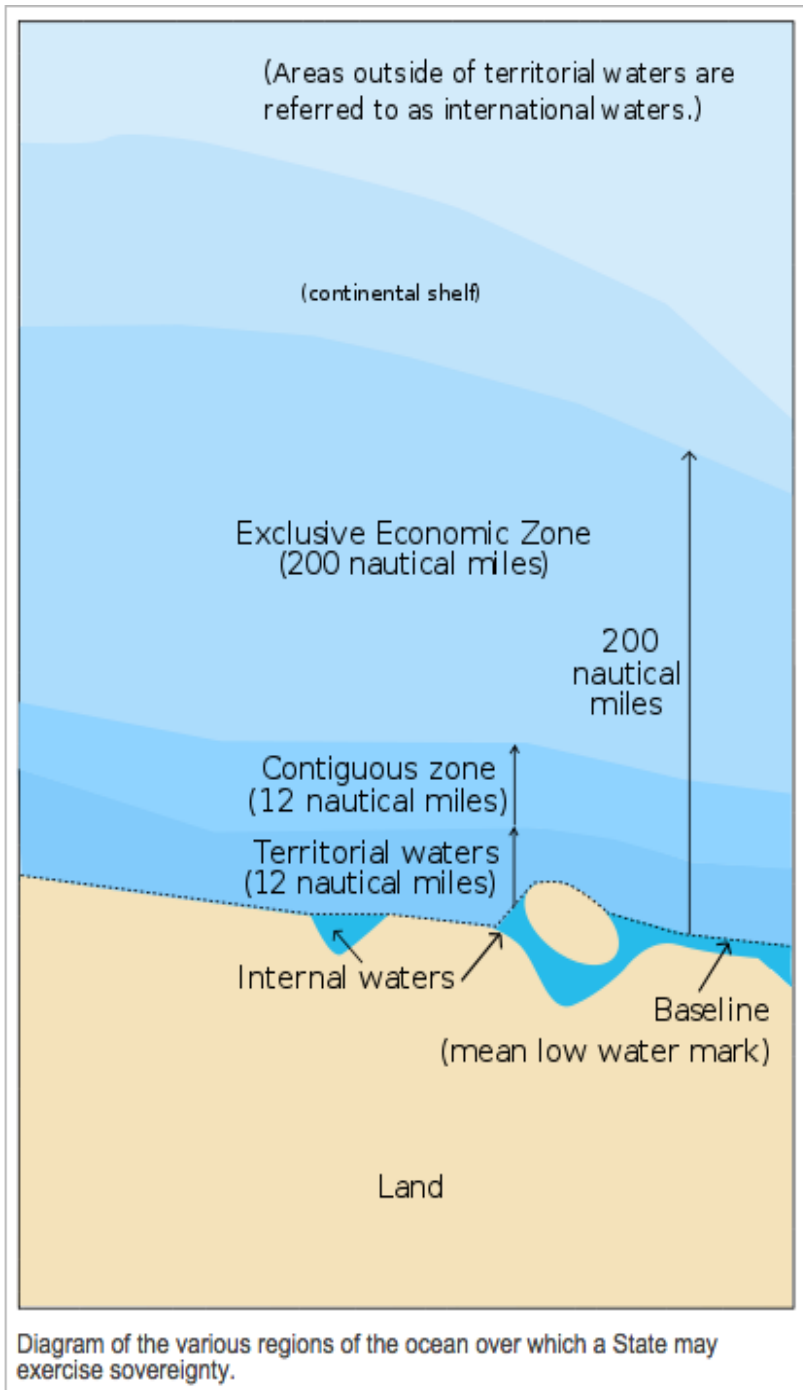
In the early seventies, Kenya was amongst the few countries who made a claim before the Asian- African Legislative Committee and to the UN Sea Bed Committee to put forward

the concept of EEZ.⁹² Developing states were the ones who were massively supporting the advent of this concept in order to have some control over their economic and natural resources available under the sea, which were constantly exploited by the developed states.⁹³

The first and the second Conferences on the Law of the Seas had seen failure of the efforts of Philippines and Indonesia in promoting the concept of a limitation on territorial waters and recognition of the concept of archipelagic waters. It was only when the negotiations for the Third UN conference commenced in 1973, the need for having a proper legal regime governing the oceans for the protection of maritime and naval interests was felt. This need was felt on the urge and demand of two of the preeminent naval powers, the United States and the Soviet Union.⁹⁴ It was only during this third conference that there was a willingness to recognise claims of a coastal state to extend rights and jurisdiction in waters. However, access to seas and freedom to use the seas was given utmost importance and it was confirmed that they need to be preserved to the greatest extent possible.⁹⁵ Finally it was agreed that the breadth of territorial sea will be extended from 3 nm to 12 nm. Although this extension was subject to a condition that all ships and aircrafts had a right called the right to innocent passage in the territorial seas as well as a right of transit passage for international navigation.

It was agreed with regard to archipelagic waters, the archipelagic states shall have full sovereignty over them, but again subject to the condition that ships and aircrafts have a non - suspendable and unimpeded right of passage over such waters.⁹⁶

Maritime Zones of Sovereign States

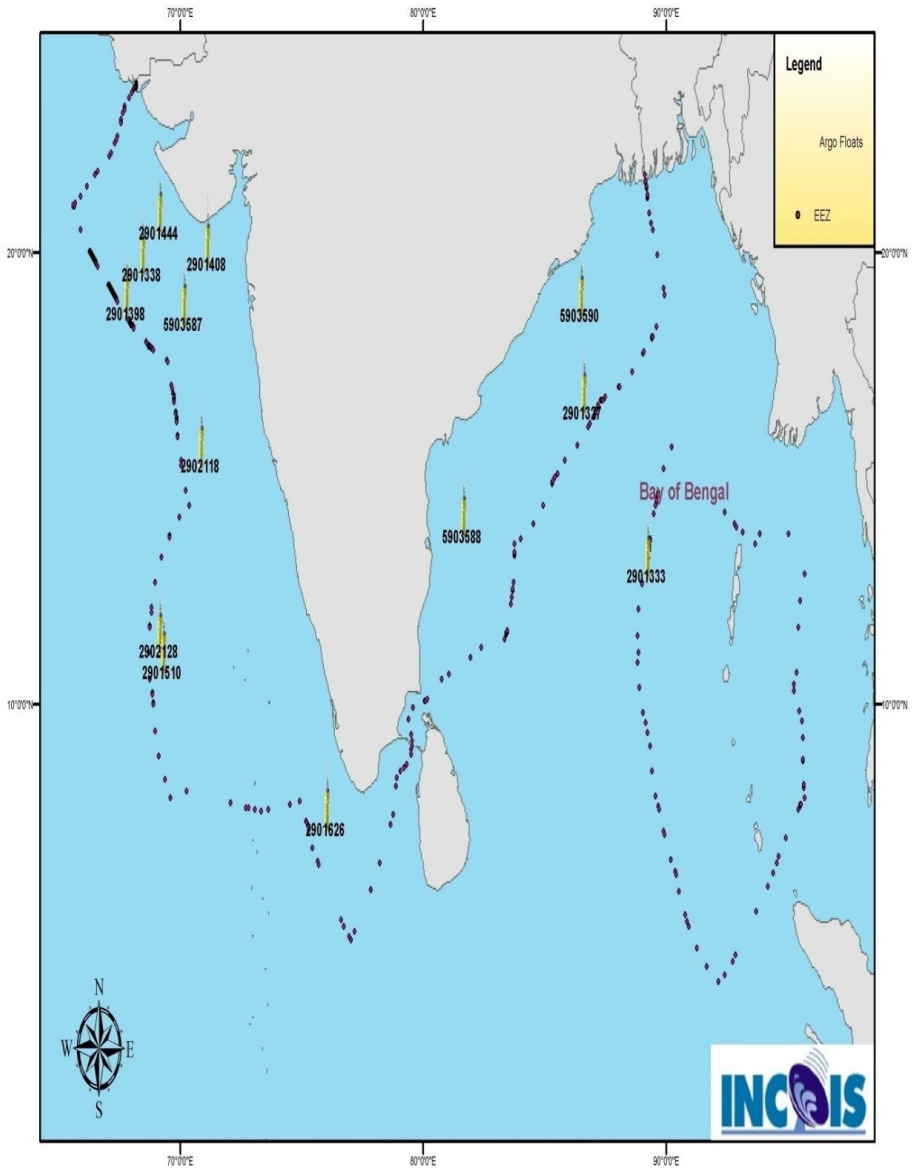


It was realized with respect to EEZs or an exclusive fishing

zone that the coastal states being in majority at the conference were not going to back out from their claims to have an exclusive right over the natural resources available under the waters adjacent to their coasts. These claim of the developing coastal states was acknowledged by the other developed maritime powers, subject to the condition that the freedom of navigation in the high seas remains intact as it always has been.⁹⁷

The recognized limit of 200 nautical miles for EEZ does not really have any geographical, biological or ecological significance. It was accepted as the standard measure because of the extensive claim sit represented at that time. This length of 200 nm covered almost 30 percent of the sea area, with fish stocks, oil and natural gas and other non - living resources in comparatively high proportions. The legal regime which was going to be established with this new regime was very critical because of various important factors, one of them being the fact that it covered most of the world's international shipping routes.⁹⁸ Most of the states, majorly the Latin American states wanted to make these zones fall under the sovereignty of coastal states provided that other states have the right to exercise a few freedoms in this zone. So, following this argument from the coastal states, anything that did not fall under the rights and freedoms of other states with respect of these zones, would automatically fall under

the jurisdiction of coastal states, thus giving this argument a residual character. However, the super maritime powers wanted something entirely different and opposite to this arrangement. They wanted the whole of seas to be a free zone, like the High Seas, under which the coastal states shall have certain rights and freedoms that they would enjoy, but anything that doesn't fall under these rights and freedoms would fall under the free zone area, under the regulation of the Flag States. This argumentative debate between the coastal states and the maritime powers was important because of the not so expressly mentioned matters it was referring to. And the objective was to arrive at a compromise which is legally more sui generis in nature.



The concept of archipelagic states was the new feature added in this historic convention. India proposed that no distinction should be made between archipelagic states and archipelagos

forming part of the territory of the continental states.⁹⁹ Reasonable provisions should be made for special interests of land locked and other geographically disadvantaged states. India recognised rights of land locked states in the thirty third meeting referring to it as a basic geographical disability.¹⁰⁰ But India strongly opposes the sharing of resources in continental shelf, which was the natural prolongation of the land territory to the coastal state even to landlocked states does not arise.

Although UNCLOS III clearly determined the precise limits of various maritime zones, it failed to agree on any single universal set of principles by which these boundaries were to be delimited. Consequently, the process of delimitation, and subsequent demarcation (of maritime boundaries) continues to remain in dispute. As the 'median' or the 'equidistance' line between two coastal states had been sufficient to determine maritime boundaries in the past, this principle has largely been followed in UNCLOS III, for both adjacent and opposite coastal states. The international law of the sea also stresses that neither of the two states is entitled, failing agreement to the contrary, to extend its territorial sea beyond the 'median' line. However, this is not to apply where it is necessary, by historic title or other special circumstance, to delimit the territorial sea between two states in a manner different from this provision.¹⁰¹

Indian Maritime Zones:

The following are the important legislations enacted in India relating to the conservation of marine biodiversity:

- The Territorial Waters, Continental Shelf, Exclusive Economic Zone And Other Maritime Zones Act, 1976 (hereinafter the “Maritime Zone Act” or “MZA”)
- The Environmental (Protection) Act, 1986 (Notifications in 1991 and 1994)
- The Biological Diversity Act, 2002.
- The Wildlife Protection Act, 1972.

Other legislations pertaining to the marine environment contain regulations and response mechanisms to pollution are the Indian Merchant Shipping Act, 1958, the Indian Ports Act 1963, and Water (Prevention and Control of Pollution) Act 1974 regarding pollutants from vessels, and pollution from land sources. The Wildlife (Protection) Act, 1972, Marine Products Export Development Authority Act, 1972, Environment (Protection) Act, 1986, The Biological Diversity Act 2002.

The fact that Indian Ocean being the third largest ocean in the world¹⁰² and India shares its maritime boundary with seven states urged India to have a separate law specifying its

maritime boundaries, setting out the mechanism extended for coastal protections, authorities appointed under it and such immediately after the third UN Conference on Law of the sea. Prior to 1976 India did not have a legislation protecting its maritime boundaries. Four years prior to India enacting the law for the sea domestically, Bangladesh which gained independence much later and with a comparative lesser maritime area enacted the law in 1972¹⁰³ specifying the extent of its maritime boundaries. Consequent upon India's participation on UNCLOS III at Geneva, India amended Art. 297 of the Indian Constitution.

The Constitution (Fortieth Amendment) Act, 1976 to include the things of value within territorial values or continental shelf and resources of EEZ to vest in the Union¹⁰⁴. It also states that the limits of the Territorial waters, the Continental Shelf, the EEZ and other maritime Zones may be specified by the law made by the Parliament.¹⁰⁵ Thus deriving the power from the Constitution, Indian Parliament enacted *The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976* commonly known as *The Maritime Zones Act in 1976* that came into force on May 28, 1976, pending Section 5 (CZ) and Section 7 (EEZ). These two provisions came into force on January 15, 1977.

The Central Government through the Ministry of External

Affairs notified¹⁰⁶ the baseline system from which the limits of the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone and the maritime boundaries shall be measured seaward on much later date on 2009 May 11. As per the said notification, India's baseline system consists of normal and straight baselines that join the outermost points to the coasts, low- water line, low water reefs and islands. The sea enclosed with the said baseline method and the limits of the historic waters of India is to be from the internal waters of Republic of India.

The *Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976* is a small legislation extending its scope of application only to determination of the limits of Territorial Sea, the Contiguous Zone, the Continental Shelf and the Exclusive Economic Zone. It contains only sixteen sections to deal with these maritime boundary limits. The term limit is defined¹⁰⁷ under Section 2. Section 3, 5, 6 and 7 defines the outer limits of the TS, CZ, CS and EEZ respectively. Section 4 of the Act discusses the right of innocent passage through the territorial waters for all foreign ships other than warships including submarines and other underwater vehicles as long as it not prejudicial to the peace, good order or security of India. Section 8 of the Maritime Zones Act gives India the right to declare waters adjacent to its land territory as historic waters. The maritime

boundaries between India and the states having coasts opposite or adjacent to those of India is determined by the agreement between India and such state and is provided under Section 9 of the Act.

The extent of the territorial waters and the innocent passage are provided under Art. 8, 17 and 18 of UNCLOS III. Art. 24 of the convention¹⁰⁸ containing the assurance that the coastal states not to hamper the innocent passage of foreign ships through territorial waters thus complied and incorporated under Sect. 4 of the Indian Act that extent the right of innocent passage through the territorial waters for all foreign ships other than warships including submarines and other underwater vehicles as long as it not prejudicial to the peace, good order or security of India. Art. 33 of the convention¹⁰⁹ deals with the CZ is incorporated under Sec. 5 of the Act of 1976 and Art. 56 under Part V of the Convention¹¹⁰ indicating the rights, jurisdiction and duties of coastal states in EEZ are incorporated under Section 7 of the Act which are in perfect tune and in compliance with the UNCLOS provisions.

The concept of High Seas is contained in Part VII of the Convention. Its Articles 88 and 89 provide that the High Seas have to be reserved for peaceful purposes and that no state may validly subject any part of the same to the sovereignty is not incorporated in the Indian legislation. This clause dealing

with the concept of high seas and the state's sovereignty over it was one of the main issues while deciding the *Enrica Lexi* case.¹¹¹ This case was concerning the illegal shooting of two fishermen of Indian origin by the Italian mariners within the Indian Coast decided by the Supreme Court of India. Had India legislated a law dealing with this concept of High Seas or amended the 1976 law to incorporate this concept, the issue dealing this case would have been resolved easily.

Under Articles 91, 92 and 94 of the Convention, every State was entitled to fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. The area of difference between the provisions of the Maritime Zones Act, 1976, and the Convention occurs in Article 97 of the Convention which relates to the penal jurisdiction in matters of collision or any other incident of navigation. Art. 94 sub clause 7 provides that each State shall cause an inquiry to be held by or before a suitably qualified person or persons into every marine casualty or incident of navigation on the High Seas involving a ship flying its flag and causing loss of life or serious injury to nationals of State or serious damage to ships or installations of another State or to the marine environment.¹¹² If this clause was inserted or incorporated in Indian law probably *enrica lexi* case would have been decided with much ease. The Indian Maritime Zones Act dealt with the determination

of maritime boundaries only and nothing else. The only legislation passed in India with some mention of the concept of the High Seas is The Piracy Bill, 2012 introduced in the parliament.¹¹³ This is another small legislation with just thirteen sections confines its scope only to piracy and does not extend to address the accidents or incidents of such nature such as collision that may happen in High Seas.

There is another clear deviation done by India in UNCLOS provisions is by publishing a Notification by the Ministry of Home Affairs on 27th August, 1981, under Sub-section (7) of Section 7 of the Maritime Zones Act, 1976 extending the application of Section 188 of the Code of Criminal Procedure, 1973, to the EEZ.¹¹⁴ This created various difficulties, since the said Notification was a departure from the provisions of Part V of UNCLOS which provides that a coastal State enjoys only sovereign rights and not sovereignty over the Exclusive Economic Zone.¹¹⁵

Maritime Zones of India (Regulation of Fishing by Foreign Vessels) ACT, 1981:

This Act is intended to regulate the fishing by foreign vessels in certain maritime zones of India and for matters connected therewith.¹¹⁶ This Act contains twenty six section divided into V chapters came into force on 28th September 1981. The Act through Section 3 prohibits the fishing within any Maritime

Zones by any foreign vessels except under a license or a permit granted under Section 4 or 5 respectively by the Central Government. This prohibition also extends the fishing by Indian citizens using foreign vessels except with a permit. The Central Government may cancel or suspend the license or a permit once granted if there is a reasonable cause to believe that any statement or an application contain incorrect or false in material particulars. The Central Government may permit a foreign vessel to be used for fishing within any Maritime Zone for carrying out any scientific research or investigation or experiments in fishing as per Section 8 of the Act.

The Act also stipulates penalty for contravening section 3 and it is imprisonment for a term not exceeding three years or with fine not exceeding Rupees fifteen lakhs or with both. And in case if such contravention happens in EEZ it is punishable with fine not exceeding Rupees ten lakhs as per section 10 under chapter IV. Penalties for the contravention of license and permits are also specified in the Act. This Act of 1981 compliments the 1976 Maritime Zones legislation by setting out the rights and duties extended to a foreign ships in the Indian Maritime boundaries. This Act specifically authorises the Central Government for the enforcement of its provisions through Sec. 9 of the Act. By the amendment,¹¹⁷ the police and Navy were also authorised to implement the

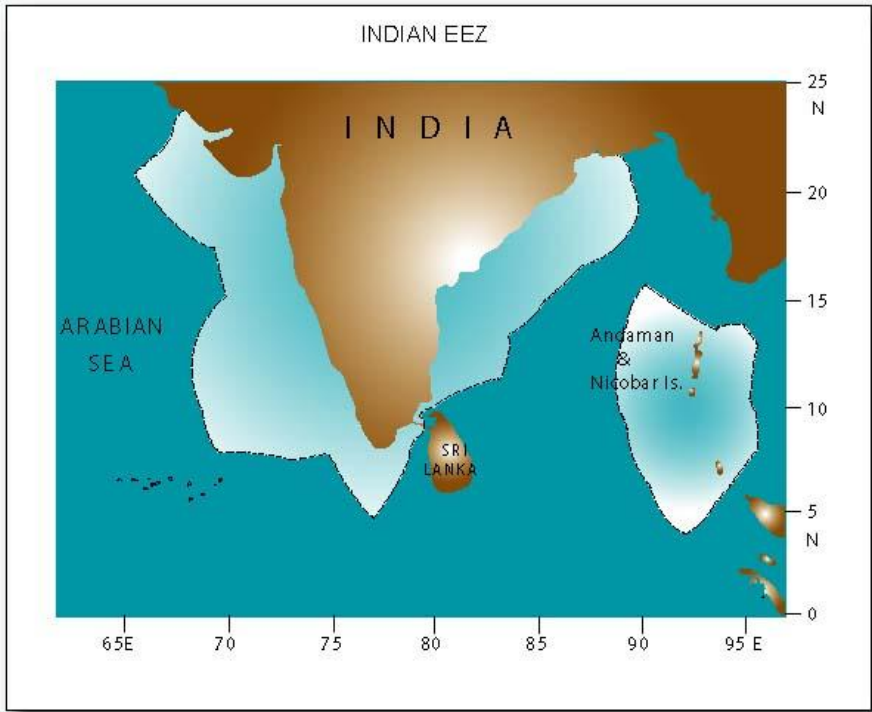
provisions of the Act thus making it more effective and prove results. Unlike the 1976 legislation, this Act does not require a previous sanction from the Central Government for the prosecution of the offences though all the accused persons will be of either foreigners or Indian citizens in foreign ships.

Maritime Delimitations and Historic Title Disputes:

Maritime delimitation involves a determination of the outer boundary of a maritime zone as measured from a state's base points and base lines.¹¹⁸ The delimitation may refer to the point where high seas begin or the area over which coastal states exercises exclusive jurisdiction. In usual cases the overlapping of the maritime boundaries are resolved through negotiations and by entering into bilateral or multilateral treaties. The problems may arise when the states fail to enter into an agreement and conflicts ensue over which a state is entitled for exclusive jurisdiction to carry out any particular activities. The methods of delimitation have long been grounded in notions of equality and proportionality.¹¹⁹ Some disputes were resolved by drawing an imaginary straight median line along the straits while others by a perpendicular line utilising a line of latitude.¹²⁰ Thus there was no uniform principle of delimitation were agreed upon by the states.

The international states at the first conference agreed for the use of equidistance line for the territorial sea delimitation.

Article 12 of the Convention on the Territorial Sea and the Contiguous Zone done at Geneva on 29 April 1958¹²¹ sets forth the rule that the median line which is equidistant from the points on the respective coasts is to be used for delimiting the maritime zones of two opposite or adjacent states unless otherwise it is necessary by the historic title or other special circumstances. Compulsory dispute settlement under section 2 of part XV is available to states for disputes relating to the delimitation of territorial sea, continental shelf, EEZ and to historic titles unless states have opted to exclude these disputes by virtue of Article 298(1)(a).¹²² Articles 74 and 83 expressly stipulate that state shall resort to part XV procedures in the event that no agreement is reached within a reasonable period of time.¹²³



The following will discuss two cases on the maritime delimitation one being the delimitation in the Bay of Bengal between Bangladesh and Myanmar decided by the International Tribunal for Law of Sea (ITLOS) and the other is the delimitation arbitration case by Bangladesh against India on the Bay of Bengal. These two cases has resolved ever lasted maritime boundary dispute in the Bay of Bengal. The facts, legal aspects and the award passed by the ITLOS are critically examined below.

This case was the dispute concerning the delimitation of the

maritime boundary between Bangladesh and Myanmar in the Bay of Bengal arbitrated by the International Tribunal for the law of Sea (ITLOS) on 14th March 2012. The arbitral proceedings against the Union of Myanmar pursuant to Annex VII of UNCLOS¹²⁴ were instituted by the Government of Bangladesh to secure full and satisfactory delimitation of Bangladesh maritime boundary with Myanmar on TS, EEZ and CS in accordance with the international law.

The main issue for the Tribunal to decide was on the exact extent of the relevant area in the north-west section of the Bangladesh-Myanmar maritime boarder. And to find what constituted relevant area for the purpose of delimitation, the tribunal finds that maritime area resulting from the projections of the relevant coasts of both the states and that area which falls within the overlapping area to be considered as relevant areas. So in this case to find out the relevant area, the length of the relevant coast and adjusted delimitation lines of both the states were measured.¹²⁵ The appropriate ratio calculated from the above measurement was 1:1:42 and 1:1:54 respectively in favour of Myanmar. The tribunal noted that ratio does not lead to any significant disproportion in the allocation of maritime areas to the Parties relative to the respective lengths of their coasts that would require the shifting of the adjusted equidistance line in order to ensure an equitable solution.¹²⁶ The important decisions that have a

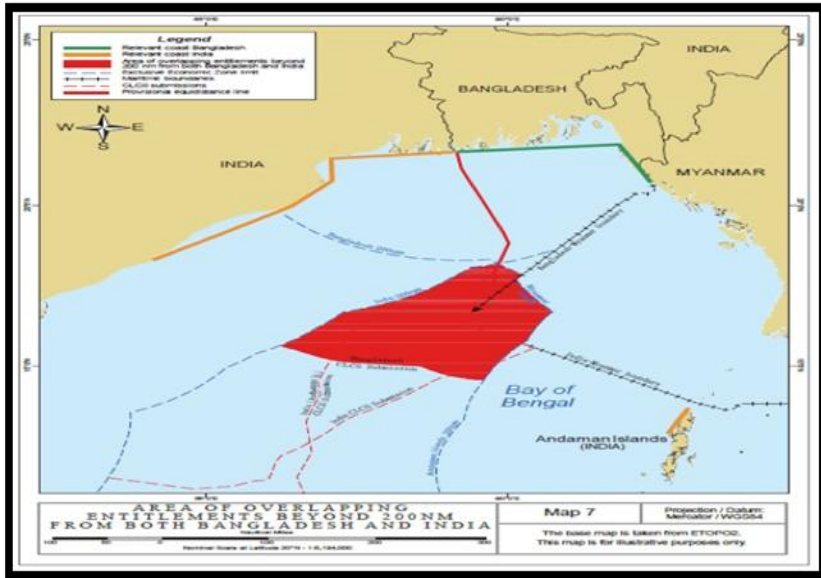
greater impact on deciding the similar cases are summarised as follows:

- a) For the purpose of determining any disproportionality in respect of areas allocated to the Parties, the relevant area should include maritime areas subject to overlapping entitlements of the Parties to the present case.¹²⁷

- b) The fact that a third party may claim the same maritime area does not prevent its inclusion in the relevant maritime area for purposes of the disproportionality test. This in no way affects the rights of third parties.¹²⁸

Thus the arbitral tribunal by 19 to 2 votes decides that, beyond that 200 nm limit, the maritime boundary of Bangladesh shall continue, along the geodetic line until it reaches the area where the rights of third States may be affected. The following figure depicts the case in detail. THE green line indicates the relevant coast of Bangladesh, orange demarcation depicts that of India and the red line is the provisional equidistant line, the red shading depicts the area of overlapping entitlements beyond 200NM both from Bangladesh and that of India and the --- line depicts the EEZ

limit.



129

Fig: available at <http://asil.org/insights/volume/18/issue/20/annex-vii-arbitral-tribunal-delimits-maritime-boundary> accessed on January 9th 2015

The arbitral tribunal established under Annex VII of the UNCLOS decided the *Dispute concerning the Maritime Boundary between Bangladesh and India (Bangladesh v. India)*,¹³⁰ the arbitral and delivered its award on July 7, 2014, the main issue for the tribunal to consider was the delimitation of the maritime boundary between the territorial sea, the Exclusive Economic Zone (EEZ) and the continental

shelf within and beyond 200 NM of Bangladesh and India in the Bay of Bengal.¹³¹ The tribunal has determined the terminus or the starting point of the maritime boundary where the coast is highly unstable. This decision had played a significant role in expanding the scope of ITLOS by delimiting a lateral outer CS boundary beyond 200 NM.

When compared with the 2012 award passed by the tribunal in deciding the delimitation of the maritime boundary between Bangladesh and Myanmar, this award brings to an end decades of uncertainty as to the allocation of maritime entitlements within Bay of Bengal. The Bangladesh stand point is that inapplicability of the equal distant principle in determining the maritime boundary as it has concave position in the Bay of Bengal. Consequent to the failure of negotiations, the Government of Bangladesh instituted the arbitral proceedings against India in the Tribunal. Unlike Myanmar, India did not submit herself to the jurisdiction of the tribunal and consequently an arbitral tribunal was constituted to resolve the issue.¹³²

The arbitral tribunal considered the jurisdiction to delimit the CS beyond 200 NM. India claimed the areas of CS beyond 200 NM in the dispute are which as disputed by the Bangladesh that such a move will be in derogatory to the UNCLOS and CLCS rules of procedure as the baselines drawn by

Bangladesh did not comply with Article 7 of UNCLOS that sets out the rules for drawing the straight baselines. Bangladesh argued that it was entitled to a greater area of the outer continental shelf than India on the basis that the continental shelf in the Bay of Bengal was geologically the “most natural prolongation” of its coast. However, following the ITLOS judgment in *Bangladesh/Myanmar* rejecting Bangladesh’s argument that geological or geomorphological factors were relevant to determining continental shelf entitlement beyond 200 M, Bangladesh withdrew this argument. The parties then agreed that entitlements beyond 200 M are determined by application of Article 76(4) of UNCLOS.

The tribunal while determining the delimitation of EEZ and CS considered that a three stage equidistant or relevant circumstances method would be appropriate.¹³³ The tribunal accordingly constructed a provisional equidistant line which is in detail shown in the map. Firstly the Bangladesh has claimed that the unstable Bengal delta constitute a special circumstances and therefore asserted for adjusting of the provisional equidistance line.¹³⁴ Acknowledging the instability of the coastal line, the tribunal did not find it justifying adjusting the line. Secondly for the Bangladesh claim of the double concavity constituting the relevant circumstance, tribunal observed that the concavity of the coastal line has produced a cut-off effect on the seaward projections of the

coastal line thus this circumstance necessitated the adjustment of the provisional equidistant line in favour of Bangladesh.¹³⁵ Thirdly the excessive dependence on fishing was also claimed by Bangladesh necessitating the adjustment of the above said line but was rejected due to the insufficiency of proper evidence.¹³⁶

The arbitral tribunal applied the same methodology within and beyond 200 M, adjusting the provisional equidistance line into a simpler straight line to avoid a cut-off effect arising from the concavity of Bangladesh's coast.¹³⁷ At the final stage of the delimitation process, the Tribunal assessed the proportionality of the allocation of maritime zones by reference to the overall geography of the area, finding that no alteration of the adjusted equidistance line was required.¹³⁸ The delimitation effected by the arbitral tribunal is illustrated below in the map

The shaded yellow area depicts the grey area of India and the overlapped portion whereas the shaded green area depicts the grey area of Myanmar. Red line illustrates the provisional equidistant line --- depicts the EEZ and the reddish --- indicates the India's submission.

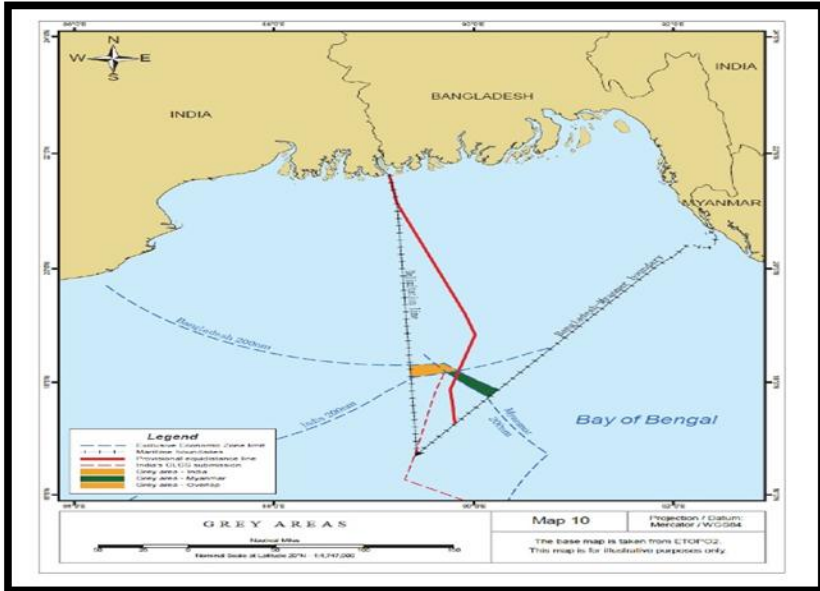


Fig: available at <http://asil.org/insights/volume/18/issue/20/annex-vii-arbitral-tribunal-delimits-maritime-boundary> accessed on January 9th 2015

The fact that India has ratified UNCLOS III only on June 1995 after it came to force in July 1995 is indicative that she is cautious in dealing with the marine issues. India has legislated its maritime zone as earlier as in 1976 but is not equipped to deal with various current global issues. And interestingly India has not yet published the baseline all along her coastlines as usually determining the baseline will be the prime concern of international states while dealing with the maritime boundary issues.

In conclusion what needs to be summed up is that Indian maritime laws are in the infant stage. Comprehensive legislations and strong network with that of the similar penal provisions are absolutely necessary to address various problems that may arise in the future. Inclusion of the concept of high seas, the duties and responsibilities of the flag state in case of a marine accident or collision or such incident is a necessary item. The laws should also address the marine terrorist issues to make it a comprehensive one. The delimitation of the Indian maritime boundary announced lately in 2009 indicates the heights of everything. The fact that India shares its maritime boarder with seven states and that of the land with six states points towards the need for the stricter laws. It has to be enforced and implemented with the network of Indian coastal guards, Indian Navy, Indian police etc. to ensure terror free nights.

The Bombay terrorist attack and the fact that the Indian Coast guard ignored the timely warning that resulted in the loss of several innocent lives. India was under the shock for several days. This incident should be the lesson for all of us and should never let it happen.

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CHAPTER 3

INDIA'S MARITIME SECURITY FORCES

Every state in the world of nation states requires security forces to defend its sovereign territories. What kind of defending forces a country should possess is determined by the geo-political character, topography, territorial and maritime boundaries, behaviour of neighbouring states, threat perceptions, military capabilities of rival states and many such factors. India has most of these factors which play a key role in determining the nature of threat to Indian security and hence the need to build required military forces. Broadly speaking there are three types of security forces which all states in the world should maintain to protect their borders: Army; Air force; and Navy. However, states which do not share seas do not naturally require naval defence force. Thus Afghanistan Nepal or Laos - all landlocked countries – have no need for naval forces. `But, army and air force are the universal security forces which every country in the community sovereign nations invariably requires. If course, it is a different matter whether a weak or small country can afford air force, or seeks the air security guarantee of another country.

India's security is based upon several determining factors. The country's historical past, frequent invasions from the North West, dual threat from Pakistan and China are among the other equally relevant factors that have compelled independent India to steadily

build strong military forces. Thus today Indian Army is the fourth largest army in the world with a contingent of about twelve lakh soldiers. Indian Air force (IAF) is one of the strongest and formidable air forces in Asia. And, Indian Navy (IN) is the fifth largest in the world.

Indian Navy:

India's geographical location at the centre of east-west highway across the Indian Ocean – maritime Asia-Pacific linkage with the Europe-Atlantic – imposes greater security burdens on her. Large number of military, cargo and oil vessels crisscross the sea lanes of the Indian Ocean. Several regional and extra-regional powers who depend on oil and resources of the Indian Ocean Region, have regular military presence in this third largest ocean of the world. Hence India has reason to be concerned with such military developments and regional conflicts like the Iraq and Afghan wars on her security.

Several policy documents published by the Ministry of Defence (MOD) in recent years have clearly chartered the maritime dimensions of India's security and the strategies required to underwrite the military and diplomatic roles. The Indian Navy (IN) is, as implied above, is not just seen as a sheer military service tasked to display India's power abroad but to help promote India's image as a friendly and benign power among the IOR littorals. The three major policy documents which elaborately defined and

updated the role, rationale, strategies and employment of maritime power by the Indian Navy are: *Indian Maritime Doctrine* (2004); *Freedom to Use the Seas: India's Maritime Military Strategy* (2007); *Indian Maritime Doctrine* (2009). These public documents charter the vision and policy-framework for IN's growth, maritime political and diplomatic role, strategic plans and the challenges which the naval forces should be prepared to encounter. Explaining the IN's role, Admiral Suresh Mehta, former chief of the IN would say:

“The Indian Navy is the primary maritime means by which the state ensures the use of sea for its own purposes, while at the same time ensuring that others do not use it in a manner prejudicial to its interests. The Indian Navy by virtue of its capability, strategic presence and robust presence in the Indian Ocean Region (IOR), can be the catalyst for peace, tranquility and stability in the IOR. It can be used to engage other maritime nations and extend our hand of friendship and co-operation. Also it can act as a strong deterrent to prevent conflict, or to respond, should it become inevitable.”¹³⁹

The above statement combines various tasks the IN is expected to undertake in defence of the country's overall maritime objectives. It has to act as the instrument of India's foreign policy interests overseas, deter hostile countries and forces threatening the country's security by projecting its military power, play a pro-active role in ensuring the freedom of navigation or what the naval people would like to call good order at sea. At the same time the IN has to cultivate friendly relations with other coastal states of the Indian Ocean through naval diplomatic means and help them in times of maritime disaster. Successive policy documents and statements by responsible naval personnel have been emphasizing the multitude of activities the country's naval forces are designated to undertake. This kind of functional approach is a departure from the conventional responsibilities which meant that the IN like any other navy is concerned with ensuring the country's maritime security from military threat or attack from an adversary.

But, the nature of maritime threats that a littoral country in the IOR is encountering today is far more complex compared to the previous decades. The sheer complexity of combat and non-combat forces – terrorism, piracy, drug-trafficking, arms trade, illegal migration - that endanger the security of a coastal state has grown so much in their frequency and intensity that on a comparative level contemporary IOR state is more threatened by non-combat or non-state forces than the state actors. No single coastal and its naval forces can effectively counter these non-conventional threats

to their maritime order and peace. In other words, non-combatant and benign (peaceful) utilities of naval power are in greater evidence today than in previous centuries.¹⁴⁰

Recognising such combat and non-combat security scenarios, the IN's missions of activity are broadly enumerated as follows. *Military missions* which include conventional and strategic nuclear deterrence against regional states; deter extra-regional powers against India's security interests; exercise sea control in Arabian Sea and Bay of Bengal as well as at the entry/exit points of the IOR; provide security to country's coastlines and offshore assets. *Diplomatic missions*: using navy as an effective instrument of India's foreign policy; develop maritime partnerships to gain confidence of IOR littorals; contribute to UN peacekeeping forces. *Constabulary* such as regular surveillance of the country's maritime zones and extended neighbourhood; and lastly, *Benign missions*: which include providing humanitarian aid, disaster relief and hydrographic services to littoral states.¹⁴¹

Maritime strategy is the coastal state's perspectives of the ocean, its plans to use and conserve maritime resources and its preparedness to face military threats from the sea. Though maritime strategy is generally understood as the military plans of a littoral power to counter threats to its national security objectives, the concept also suggests a more broader and long-term approach of a country to harness the resources of the ocean to the economic,

energy, scientific and technological purposes. In fact, maritime strategy is a dynamic one hinged on the changes in maritime environment, neighbourhood relations, power balance on the seas and progress in the exploration and exploitation of ocean resources. The third UN Law of Sea (UNCLOS), for example, has significantly changed the peacetime strategy of a country's maritime strategy as the new sea law regime added large ocean spaces to the maritime sovereign jurisdiction of a coastal state. In political sense, the sudden collapse of the Soviet Union and its subsequent withdrawal from the Indian Ocean geo-politics had demanded a thorough reorientation of the maritime strategies of the Indian Ocean countries including those of Indian.

Maritime strategy, in military sense, is a country's blueprint for extension of its naval activities on the seas around and away from its littoral domain. It is the coastal state's assessment and expression of its response to the maritime environment around it, its threat perceptions and plans to meet such threats. As well summed up by Geoffrey Till, a renowned maritime scholar, maritime strategy involves a set of ideas and beliefs about the importance of power at sea, about what nations have to do in order to increase and defend.

Maritime strategy also reflects a country's nature of aspirations and level of naval deployment on high seas. It defines a coastal state's planned extension of its naval arm in pursuit of its political

objectives, employment of naval force in peace and war times, their operational tasks and regions of deployment. India has chosen a time span of fifteen years to draw her maritime strategy in the Indian Ocean. Above mentioned official documents have periodically defined and updated India's naval strategic perspectives and operational doctrines. They have clearly articulated the political imperatives of India's extended naval presence throughout the IOR and the need for an expanded naval power. Following is one such statement underlining the political rationale of India's maritime strategy for the next decade and so.

The maritime strategy recognized that the major task of the Indian Navy during the 21st Century will be to use warships to support national foreign policy. During the long years of peace, we need to project power and show presence; catalyse partnerships through our maritime capability; build trust and interoperability through joint/combined operations and international maritime assistance. The strategy also highlights the Indian Navy's role in helping to maintain peace and tranquility in the IOR and in meeting the expectations of our friends when needed.¹⁴²

Almost in literal sense, IN today is thoroughly engaged in advancing the country's political objectives, sea power projection and naval partnerships. The geo-political rationale for employing the national naval forces is explained in terms of "the shift in global maritime focus from the Atlantic-Pacific combine to the Pacific-Indian Ocean region," and, geo-economically too the centre of gravity "is shifting from the North-America-Western Europe axis to the North America-Asia Pacific rim, with Japan, China and the Asian Tigers looming large in global economic deliberations." Such global shifts in political and economic power hence provide India, located centrally in the IOR and rising economically, with enough logic to stake her legitimate role in the region's power dynamics. And the IN is mandated to carry the responsibility of demonstrating the country's intent and power through its maritime diplomacy.

Moreover, India is worried about the rapidly growing maritime threats to freedom of seas in the IOR and the increase in the presence of extra-regional powers in the region. Since all the major sea-based threats are located in the Indian Ocean – terrorism, piracy, WMD proliferation, etc. the region has become the obvious foci of naval military deployments by the concerned states, in particular by the extra-regional powers, to ensure the safety of SLOCs. Such maritime presence in the Indian Ocean has far surpassed the deployment of foreign naval forces during the cold war years. The series of threats to peace beginning with the first gulf war, their growth in frequency and violence ever since and

western strategic responses to counter these threats, had drawn in the maritime combat forces of highest sophistication into the region which had given “extra regional navies an unparalleled situational awareness and an ability to influence operations in the IOR.”¹⁴³ India therefore has strong reason to be worried about such disturbing scenario and draw necessary naval plans to face threats to her national interests.

Unlike in the past decades, IN has declared that the country’s “maritime vision for the 21st century must look at the arc from the Persian gulf to the straits of Malacca as a legitimate area of interest.”¹⁴⁴ Accordingly, IN has brought under its strategic penumbra, the IOR west encompassing the Persian Gulf, Arabian Sea, Red Sea; eastern and southern African rim; central Indian Ocean basin including its islands and the Southern Ocean skirting the Antarctica; to the east areas beyond the Malacca straits stretching up to the Philippines and South China Sea. Plainly speaking, IN’s pervasive presence across the Indian Ocean Region symbolizes India’s new strategic vision and ambition. The pronouncement of extended strategic interests in Asia is meaningless unless supported by a matching and mobile instrument of state power. The IN fits the task.

Hence, the IN today is receiving unprecedented budgetary support to meet its force modernization programmes. IN’s augmented military strength includes 140 war ships, 1 aircraft carrier, and 16

submarines. The proposed Ship Building Programme plans 185 ships for IN by 2017. Another aircraft carrier, in addition to the present *Vikrant* bought from Russia called *Adm.Gorshkov*, renamed as *Vikramaditya*, is being refitted to suit Indian requirements and is expected to enter the IN's formidable fleet soon. The navy's military doctrines have been substantially revised to bolster its sea power and reach in the Indian Ocean. The IN was criticized during eighties for being one of the "few major navies which first acquire hardware and then thinks about how to use it." It meant that the country's naval force lacked a doctrine and strategy.¹⁴⁵ Hence the current effort to provide it with a clear military vision and strategy. IN's redefined conventional and nuclear deterrence are the primary strategies of denial and punishment, capable of convincing a potential enemy of unbearable costs if a military or nuclear attack is contemplated against India. *The Indian Nuclear Doctrine*, launched following the 1998 nuclear tests, is a composite doctrine designed to provide nuclear deterrent capacity to the country's three defence forces, Army, Air Force and Navy. The "primary military objective for the IN is to deter any military adventurism against the country, including intervention in India's affairs and subversive strategies against our national interests.....The ways and means of deterrence by the IN would include developing a sea-based second-strike capability."¹⁴⁶

The imperative need to equip the IN with a credible deterrent military capability to counter the other naval powers and maintain

naval power balance in the Asia-Pacific is the recurring theme in the Indian naval military discourse today. Of course the Maritime Doctrine as spelt out in 2004 also did not fail to invite a few dissenting reflections like the one from a formal admiral who thinks that the Doctrine would have made better sense if its formulation had flowed from an overarching national or defence perspectives, and moreover, it does not specify how specific operations will be conducted but rather, what operational activities will be necessary and must be catered for.

It may be pertinent here to recall that much before the end of the cold war, IN had been thoroughly modernizing its conventional capabilities by adding the latest available military hardware to its armory. In fact, “it had been the Navy’s overriding priority to be as contemporary as possible in technology. Between 1976-1990, the growth of the IN was “extraordinary,” and though it received lesser budgetary allocation compared to its counterparts, army and Air Force, the IN “was able to stay abreast of other navies in naval propulsion, weapon, sensor and computer technology.” Naval military acquisitions during this period almost matched those of the navies of supplier countries.¹⁴⁷ The main reason for such expansion was the Indian government’s decision to strengthen the country’s sea power following the US gunboat diplomacy against India in support of its loosing ally Pakistan in the December 1971 Bangladesh liberation war. What distinguishes this phase from the current post cold war era is in giving a well-defined strategic vision

to the naval forces by endowing them with conventional and nuclear deterrent capability.

In augmenting its military capabilities, IN has been procuring naval combat vessels and equipment from conventional sources like Russia which had been the largest supplier during cold war years and continues to be so, the United States whose strategic partnership with India mandates as the second largest provider of naval armoury, and other countries including France and United Kingdom. While outsourcing its requirements from foreign countries, IN has also greatly increased the domestic base to produce military capabilities to attain self-reliance so much so that it is “one of the largest and most significant indigenous production capabilities in the developing world.” Thus the IN’s major modernisation and upgradation programmes which have enormously increased its fire and fleet strength have ranked it as the fifth largest navy in the world and, “barring a war against a major power, India appears capable of securing its national interests and responding to its traditional threats through its blue water strategy.”¹⁴⁸

In consonance with India’s new range of strategic ambitions, country’s naval forces are actively engaged in peacetime diplomacy. It involves projecting India’s sea power by showing her flag around the IOR, gaining littoral friendship and confidence through naval goodwill missions, offering disaster relief and sharing

the country's naval expertise with the other coastal states. Naval diplomacy, simply speaking, is "concerned with the management of foreign policy short of the actual employment of forces."¹⁴⁹ Naval diplomacy is a combined display of the country's hard and soft power endowments overseas in national interest. While hard power accounts for the navy's military capabilities including its deterrent capacity, nuclear power, warship mobility, submarine arm and naval military exercises, soft power is the use and sharing of naval skills and technologies with willing littorals to build friendly bridges.

Major Asian powers today are actively encouraging their soft power skills to gain regional confidence and friendship. China has excelled in invoking this skill in the Asia-Pacific and Africa by offering soft loans, credit lines, trade concessions, technical know-how and many such. Though India has realised the importance of soft power in her diplomacy, she is lagging much despite sufficient potentialities in this regard. In maritime parlour, soft power means offering military training to the naval personnel of other maritime powers, giving naval aid, sharing naval military technologies, building maritime infrastructure, helping in hydrographic surveys, rescue and relief assistance to countries and ships in distress, etc. Indian Navy today is offering all these peacetime services to the IOR littorals.

Geoffery Till has captured rightly the IN's current strategy of building synergies with other navies in the following language:

This maritime consensus-building can be developed by ship visits, fleet reviews, joint procurement and combined exercises. India is well along this track in this 'age of engagement' and its 'look east policy' ... has conducted a series of important exercises with locals and outsiders and has also participated in patrols in the waters off Southeast Asia."¹⁵⁰

IN had chosen naval peacetime goodwill missions to the Southeast Asian countries immediately after the end of the cold war. Primarily the IN carried the strategic message of engaging itself in the void left by the withdrawing Soviet Union, and also counter the growing Chinese involvement in the region. In fact, India's Look East policy which aimed at closely engaging the country strategically and economically with the dynamic Asia-Pacific region chose the navy as its instrument. Beginning with early nineties, defence and naval cooperation agreements were signed with Malaysia, Thailand, Singapore, Vietnam and others in the region. Cold war suspicions by South-eastern neighbours about an 'expansionist Indian navy' were relaxed and a demonstrated willingness to accord the IN a

positive role in the region was displayed by them. A well-informed Southeast Asian scholar GVC Naidu would claim that the IN was responsible for opening the initial channels of communication with the Southeast Asian countries and that its CBMs formed the basis of India's Look East policy.¹⁵¹

The IN had also initiated the multinational naval exercises, beginning with the *Milan* in 1995. This biennial naval conclave in the Andaman & Nicobar Islands (AN) was a true naval initiative, without a precedent. *Milan* is not just an Indian initiative, but it is the first Indian Ocean attempt to assemble the regional navies on a common platform. For India it is a notable diplomatic success in the sense that the participating countries, increasing in their number, had displayed confidence in Indian regional maritime role and leadership. India's strategic objective of expanding her influence into the Asia-Pacific cherished by the Look East policy has borne results. And the Indian Navy can rightfully take the credit for this positive diplomatic outcome. The *Milan* tradition was extended to gather a wider fora of international naval forces. Thus the International Fleet Review (IFR) hosted by the IN in 2001, off the Bombay coast included almost all the navies of the IOR.

A maritime power possessing strong naval and oceanic capabilities can employ them for diplomatic purposes by lending relevant maritime services to other littorals. IN has been lending maritime services such as conducting hydrographic surveys to Indonesia and

Oman; disaster relief to the 2004 tsunami victims of Sri Lanka, Indonesia and Maldives; and naval training programmes to personnel from Singapore, Maldives, and some African countries. IN has also deployed its forces to offer security to the US high value cargo in the Malacca Straits and offered security to the OUA summit in Mozambique in 2004. These peacetime services are the currency of gaining influence and prestige overseas and the IN is exploiting its soft power tactics to the till. Justifying the diplomatic motives behind IN's immediate response to the tsunami-affected countries, unnamed Indian naval officials were heard saying that "we have proved the navy can be used as a diplomatic instrument in support of our political and geo-strategic objectives."¹⁵²

IN recently had set up a Directorate of Foreign Cooperation (DFO) at naval headquarters with the objective of promoting goodwill and coordination of peacetime relations with the littoral countries. DFO hosted at Delhi the Indian Ocean Naval Symposium (IONS) participated by the naval chiefs of twenty six coastal powers in 2008. Pakistan, though invited did not attend, while China though interested was not invited. IONS was a unique exercise with no such previous initiative by any other regional country in the past. There hardly had been a forum so far which brought the naval leadership of the IO countries on a single platform with a view to debate issues of common maritime security concern to the region. IONS had accomplished such task in an atmosphere of comradery and consensus. It was not intended to be a onetime event but a

‘movement’ periodically to be making rounds around the IO littoral countries.

In fact, the second IONS was held in 2010 in one of the Arab littorals. Implicitly the IONS initiative was a recognition of Indian Navy’s leadership role which demonstrated its sheer ability to mobilize regional navies, not known for security consensus, toward a cooperative ideal. It was a bold effort in constructively engaging the regional navies in cooperative security. Undoubtedly, IONS also added to the growing stature and prestige of the IN, a fact which the participating as well non-participating countries like Pakistan could not fail to take note of. “Successful naval diplomacy depends not only on ships at sea,” in Ken Booth’s words, “but also on the skill of the country’s diplomats and businessmen onshore.” IONS symbolized this.

Naval Security Roles:

While maritime strategy is to provide a broader framework of a country’s naval engagement in a given maritime region and environment, naval strategies are the more specific plans of defining the navy’s activities, its operational doctrines, nature of building relationships with foreign navies to advance the country’s overall foreign policy interests. Naval strategies lay down patterns of relationships the country’s naval forces should build with others to serve the specified strategic interests. As mentioned above the IN since the nineties has been actively building strategic relations

with several Asian maritime powers both in the east and west. Such partnerships have extended into the eastern hemisphere with countries like Japan and South Korea. But the most significant of the IN's strategic relationship is with the United States Navy (USN) which is part of the broader Indo-US cooperation in Asia. In fact, Indo-US maritime strategic partnership has added a newer dimension to the Asian security framework and both have been working together to draw more Asian powers like Australia, Japan, Singapore and Vietnam to give a multilateral basis to such framework.

China is at the core of the Indo-US naval partnership as both share the common perception that rising China and her increasing presence in the Indian Ocean is a challenge to the Indian and American interests in the region. The Chinese People's Liberation Army- Navy (PLAN) has been actively moving around the Indian Ocean littoral countries ranging from Southeast Asia to the gulf region and Africa in West Indian Ocean. A series of naval facilities, though not bases like the USN, have been obtained by the PLAN from some of the IOR countries. In other words China is allegedly building a 'string of pearls,' a strategic euphemism for the Chinese drive to encircle India through closer political and military ties with India's neighbours.

Such Chinese strategic behaviour of active involvement in the IOR is offered as the chief justification for closer Indo-US strategic

comraderi to counter the rising Asian giant. The need to balance Chinese power is the major narrative in the Indian strategic discourse. Working with the US is seen as a compelling reason which serves the interests of both in any case. *The US Maritime Strategy, 2007* postures combined role for the IN and USN not only in the Indian Ocean but western Pacific too.¹⁵³ Both navies have been regularly conducting war games nicknamed *Malabar exercises* around the Indian peninsula in the Arabian Sea and Bay of Bengal.

There is no doubt that the Indian Navy has emerged as an important interlocutor of India's foreign policy objectives in the Indian Ocean. It has succeeded in sending clear message to the regional and extra-regional powers that the country should no more be seen as reactive to the regional geo-political developments as was its practice during cold war years, but that it had chartered a definite political agenda of playing active role in Asia's security. India's Look East policy unveiled almost soon after the advent of the post-Soviet era testifies such doctrinaire approach to India's blueprint of active engagement with the Asia-Pacific region. As the maritime representative of India's enlarged role in Asia the IN to a larger extent had so far fulfilled satisfactorily the country's expectations out of its role. Its confident, competent and visible maritime presence has served to build stronger relations and demonstrate an 'abundance of empathy' to the many nations which it has come into contact. Its emphasis on international

cooperation has significantly contributed to its overall political objectives.

Among the IN's major diplomatic achievements since the waning years of the previous century are its commendable job in shedding the fears of Southeast Asian countries of Indian 'naval expansionism,' entertained by them in cold war years. Countries like Malaysia, Indonesia and even far off Pacific power Australia shared the apprehension about a rising Indian Navy capable of threatening the Asian regional security order. Fortunately, such misperception dissipated out of the Asian mind not long after the cold war break. Thus as early as in the first years of nineties Malaysian Prime Minister Mahathir could confidently assert that the region had no reason to be worried about the Indian Navy. Further, gradually the regional powers represented by the ASEAN and its security forum ARF (Asian Regional Forum) which included the Pacific powers also preferred the IN's regional presence as they saw it as a balancing force against the Chinese in the South China Sea. Hence all these powers along with the Australian, Japanese and even the South Korean maritime forces are regularly interacting with the Indian naval forces. In other words, in the contemporary Asia-Pacific regional security environment IN is well regarded as a consensual maritime force worth its role and presence.

India's maritime strategy in this period had also departed from the cold war tradition. That bygone era marked by super power competition in the Indian Ocean, India's foreign policy emphasised opposition to extra-regional presence and building naval bases in the region as the US did at Diego Garcia. The country's naval forces, operating in a limited geo-political framework, were not involved in working with any other regional or extra-regional navy. Of course such a non-participatory naval policy did not prevent the IN involving on lease basis the Russian nuclear-powered submarine *Charlie* though returned later to Moscow. Nor the IN exercised with as many foreign naval forces as it is involved today as part of a broader strategy. Implicitly, through her public pronouncements against extra-regional involvement in Indian Ocean affairs, India preferred the region to be left to her own naval influence and management. Hence, one could notice the Indian naval involvement in regional crises such as Maldives, Sri Lanka and Seychelles.

But today, Indian naval strategy has reversed its cold war approach and mandates the IN to enter into a network of strategic partnerships with regional and extra-regional navies. This policy reversal is surely in tune with the Indian decision to extend her influence from Red Sea to South China Sea and the navy is ordered to shoulder the task of building partnerships. In the process, it has emerged as one of the most visible and mobile naval forces in the Indian Ocean symbolizing India's power and prestige.

IN's initiatives in bringing the Indian Ocean navies on a common platform under its 'foreign cooperation' banner are well received. The IN sponsored *Milan* regional naval exercises in the Bay of Bengal, International Fleet Reviews off the Mumbai and Visakhapatnam coasts and the IONS – all these multilateral exercises, along with the many bilateral exercises, are symbolic of cooperative diplomacy, a strategy gaining wider regional attraction for its peace dividend. No other regional maritime power in the Indian Ocean in the past had managed to assemble regional naval leaders and their forces into a common assembly as the IN did. Such naval diplomatic initiatives have certainly served to convey the message that the IN is a major as well as a responsible naval force in the region. Concurrently it also enhanced India's image as a growing and responsible power.

K.M. Pannikar, no less an ardent sea power advocate himself, denounces Mahan's doctrine which "was biased by the unique authority of Britain, an island power basing its domination in all parts of the world on the supremacy of the seas. Today the pendulum has swung in the opposite direction," meaning the continental direction. Pannikar decries the inevitability of sea power as the decisive factor in a war with a land power.¹⁵⁴

The divergent approaches to sea power briefly narrated above influenced the Indian naval strategic discourse. The Mahanian sea control doctrine attracted quite a few naval pundits. Naval chief

Adm. S.M. Nanda who commanded the IN during the 1971 war articulates the policy choice as follows:

Our capability for *sea control* will depend a great deal on the number of aircraft carriers and long range maritime patrol aircraft that we can field....We must create independent carrier battle groups with escorts, amphibious assault ships, fleet submarines and attendant Air Early Warning (AEW) aircraft to safeguard our maritime interests.¹⁵⁵

Not all Indian naval thinkers subscribe to the Mahanian doctrine. There were those who found Corbett's as also the distinguished Russian maritime thinker Adm. Sergi Gorshkov's strategic advice more appealing. Adm. P.S. Das, for instance, convinced of Corbett's doctrine of 'littoral warfare' argues:

The traditional Mahanian philosophy of securing control of the seas to safeguard one's own trade while denying the same to the adversary, has given way to use of sea power to participate in the war on land, a concept propounded by Soviet Adm. Gorshkov....Increasingly the focus of sea borne operations must now centre on the war on land. For this, it is necessary to have a mix of forces and systems, which are best suited to that task.¹⁵⁶

Considering the IN's regional behavior, its reach and accent on upgrading the naval capabilities, arguably the expansionists prevailed over those who opposed the Mahanian approach and preferred a moderate and balanced navy. Thus Adm. Arun Prakash who later headed the IN would conclude that "by early nineteen seventies we had the elements of a modest blue water force in place."¹⁵⁷ Exponents of sea control and power projection had thus overshadowed the advocates of a limited or brown water Indian Navy. In the following decades the rapid acquisition and modernization programmes clinched the logic of expansionists.

Indian Coast Guard (ICG):

Maritime security forces today are performing constabulary roles. Because, coastal states like India are constantly being challenged and being threatened by non-state criminal actors like drug-traffickers, smugglers, pirates, terrorists and poachers entering the coastal sovereign waters of the maritime states. So, coast guards of several countries as also India are regular pressure to curb threats from these non-state maritime security threats.

Describing the policing role of the maritime security forces his classic work, *Navies and Foreign Policy* (1979), Ken Booth states that 'it is a maritime version of the work of the police, border guards' which also involves nation building responsibilities such as contributing to internal stability and development by the coast guard forces. Smuggling, poaching and piracy were less familiar

maritime activities during the cold war era, rather any time in maritime history. But, today the same and several other such challenges are encountered by the sentinels of the maritime borders.

The complexity of contemporary maritime threats has transformed the constabulary roles of the naval forces. The increase in the number and frequency of non-conventional maritime threats , the nature and range of the arms applied by them, sophisticated networking between criminals of varied types and sub-national insurgent groups have greatly added to the responsibilities of the coastal security forces. In fact these forces, normally engaged in conducting the vigil and watch functions along the territorial waters, are today encountering formidable challenges in enforcing maritime laws. The expanded sovereign maritime zones authorized by the UNCLOS have also largely increased the security responsibilities of the coastal constabulary forces. Some of the unique geographical features associated with the IOR, its archipelagic states some of which lack sovereign control over their Islands, the multiplicity of region's maritime neighbourhood and the many disputed maritime borders in the region, its choke points, large coastal populations and their competitive pressures on the resources of the sea make the task of protecting maritime jurisdictions difficult.

Coastal states of the Indian Ocean find their maritime borders as feeble and vulnerable as their territorial borders. It should not be forgotten that barring the relative calm that prevails in IOR's eastern waters, all other regions - South Asia, Southwest Asia, the gulf, eastern Africa - remain the chronic zones of regional conflicts. The fragile character of some of these states, the failed states, coupled with recurring conflicts in the regions render them into seas of turbulence. Safeguarding the sea lanes and ensuring good order on the sea thus pose tough challenges to the maritime security forces.

It is in order to combat these most formidable and recurring threats from the seas an additional marine security force was created by the Indian Coast Guard Act in 1978 with the responsibility of enforcing the Indian laws in the EEZ zone measuring a distance of 200 nautical miles. Though the coast guard would operate as a separate agency, it was placed under the operational control of the IN to supplement the naval fleet. In effect, while the Indian Coast Guard (ICG) is the sentinel of the sovereign maritime zones, the IN, relieved of the coastal duties, would more effectively focus on the blue water roles. However over the years the ICG had also come to supplement the Indian naval diplomatic roles. It was involved in port calls, goodwill visits and joint exercises with the regional navies such as the Southeast Asian and East Asian, the Japanese in particular. In fact IN-ICG cooperative interaction is a function of strategic assessment of maritime balance in the IOR, to promote

peaceful ties with extra-regional powers and ensure the tranquillity of SLOCs(Sea Lanes of Communication) and SLOT (Sea Lanes of Traffic) in the region.

Coastal Police Stations:

The coastal security assumed significance in view of intelligence inputs that Jehadi groups were planning major strikes on economic installations like oil refineries near the coast. Highlighting the danger, the then Home Minister Shivraj Patil had also added that outfits like the *Lashkar-e-Taiba* [LeT] were planning to occupy uninhabited islands and turn them into bases for strikes on the mainland.¹⁵⁸ But the issue of coastal security has become high on the national agenda only since the November 2008 (26/11) attacks in Mumbai by the Pakistan-backed LeT, which killed 186 persons. 10 Pakistani terrorists sailed undetected from Karachi to Mumbai and exposed multiple vulnerabilities in India's coastal security.

Till recently the coastal security had been the sole preserve of the Coast Guard. It was established in 1978 to protect the maritime interests of the country as well as to assist in anti-smuggling operations. The role of the coast guard has been ever evolving and presently deals with hostage and piracy handling ; shadowing and driving out vessels from Indian waters ; searching for air crash victims at sea ; refugee handling; providing massive assistance to fishers during a cyclone; reaching out to a ship and crew during distress; long distance casualty or medical evacuation 'Joint

operations related to maritime security; providing scientific research assistance , protecting endangered marine life assisting civil authorities in handling beach casualties are some of these.¹⁵⁹

Whereas Indian Navy in a traditional sense is important instrument for implementing foreign policy to their fight a nation's wars and project power beyond a state's territorial boundaries and plays strategic and diplomatic roles during peace times . It has been engaging in the anti -piracy, search and rescue operations and humanitarian relief in the high seas in cooperation of other navies.

The roles of Indian Navy and Coast Guard came the forefront during the 26/11 attack on Mumbai as the loopholes of coastal security became glaring The hijacking of 45 foot fishing boat Khuber by terrorist; who used it as a link in their passage to Mumbai, killed most of the crew and threw them overboard, secured the route by taking hostage of the captain who was later killed .The area to which Khuber headed was popular with Pakistani and Indian fishermen, and is heavily patrolled by maritime authorities from both sides to enforce the territorial boundaries of the two rivals. Ships that slip too far over the line are regularly apprehended and their crews detained.¹⁶⁰ Thus the chain of events clearly mark the lapse in coastal security manned by navy, coastguard, marine, police, etc.

In 2005, the Government initiated a Coastal Security Scheme (CCS) under the Ministry of Home Affairs. Phase-1 of the scheme was

launched by the Government in January 2005, with an approved outlay of approximately INR 4.95 billion for non-recurring expenditure and INR 1.51 billion for recurring expenditure. It was implemented over a five year period, commencing 2005-06 in nine coastal States and four coastal Union Territories. The scheme included the setting up of 73 Coastal Police Stations, 97 Coastal Police Check-posts, 58 outposts and 30 operational barracks and included provisions for 204 boats, 153 four wheelers and 312 motorcycles. It envisaged state-of-the-art police stations in all coastal states and UTs at an estimated expenditure of Rs 18-21 lakhs each'. In June 2010, the scheme was extended by one year, up to March 31, 20i 1, with an additional non-recurring outlay of about INR 950 million.¹⁶¹

However, so far only six have come up in AP, two each in Gujarat and West Bengal and one each in Goa and Kerala. On the implementation of CCS Phase-1, the MHA claims 71 of 73 proposed Coastal Police Stations have been operationalised, and that 48 of these are functioning from new buildings. The construction of 75 check posts, 54 outposts and 22 barracks has also been completed. Of the approved 204 boats, 200 have been delivered to the coastal States/UTs. 10 Rigid Inflatable Boats (RIBs) for Goa have also been procured. All the vehicles (153 jeeps have been procured by States and UTs. Some 2,000 personnel have been trained by the Coast Guard

Table 1
India's Coastal Police Stations

State/ UT	Coastal Police Stations					
	Sanctioned Nos.		Made Operational	Construction Complete	Construction in Progress	Construction not yet started
Gujarat	Coastal PS	10	10	9	1	-
	Check-posts	25	Nil	1	7	17
	Out-Posts	46	Nil	3	32	11
Maharashtra	Coastal PS	12	12	-	4	8
	Check-posts	32	9	18	Nil	14
	Barracks	24	Nil	17	Nil	7
Goa		3	3	-	1	2
Karnataka		5	5	5	-	-
Kerala		8	1	1	-	7
T. N	Coastal-PS	12	12	12	Nil	-
	Check-posts	40	16	16	19	5
	Out-posts	12	Nil	2	4	6
AP		6	6	6	-	-
Orissa		5	0	-	-	6
West Bngl	Coastal-PS	6	4	-	-	6
	Barracks	6	Nil	Nil	Nil	6
Pondicherr		1	1	-	-	1
Lakshadwp		4	4	-	2	2
Dom & Diu		1	1	-	1	Nil
A&N Isl	-	-	-	-	-	-
Total	Coastal-PS	73	59	33	11	29
	Check-posts	97	25	35	26	36
	Out-posts	58	Nil	5	36	17
	Barracks	30	Nil	17	Nil	13

Source: Parliament Q & A (2009)

Further a National Committee on Strengthening Maritime and Coastal Security (NCSMCS) against threats along the coast was constituted in August, 2009 under the chairmanship of the Cabinet Secretary. At the same time, the CCS also proposed for the establishment of the 3C-I (National Command Control Communication and Intelligence) Network as part of an overall National Maritime Domain Awareness Project. 51 nodes in the Navy and the Coast Guard were to be linked in this Network, As part of the project, India's security agencies are working to set up a network of 46 radar stations along the country's coast, that include installation of 36 radars on the mainland, six radars in Lakshadweep and Minicoy and four radars on the A&N Islands. On September 2, 2011 in view of the threat along the shores, the Border Security Force (BSF) with the approval by the CCS deployed a newly raised Marine Battalion in the Arabian Sea.

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CHAPTER 4

GENESIS AND FUNCTIONING OF INDIAN COAST GUARD

Indian Coast Guard is a maritime armed force of the country for enforcing the maritime security laws of the country. Its primary responsibility is to protecting the coastal interests of the nation's vast coastline of over 7000 km. The Coast Guard has dedicated and professional team of officers and men who operate ships and aircrafts for safeguarding county's maritime interests in the Indian EEZ. The Indian Coast Guard (ICG) is a branch of the Indian naval forces and operates under the overall control of the Indian Navy (IN). Its mission is the protection of India's maritime interests and maritime law enforcement with jurisdiction over both territorial and international waters.

ICG was formally established on 18th August 1978 as an armed force of the Union by the Coast Guard Act, 1978. It operates under the Department of Defence of the Union Ministry of Defence. The Coast Guard works in close cooperation with the Indian Navy, Department of Fisheries, Department of Revenue (Customs) and the Central and .State police forces. The ICG is, usually and currently headed by a naval officer of the rank of Vice-Admiral on deputation. The Coast Guard Act is meticulously specific in defining the duties and functions of the armed force.¹⁶² It is an inclusive coast guard, and the only one of its kind in the world placed directly under the ministry of defence as another force. It is not a military armed force. Its primary role is not war fighting, hence not designed for it. The coast guard may supplement war efforts as directed by the government and articulated under, its own war book. Normally, being a maritime force, it will function as part of the navy under the naval command during war. It is not meant to function under the navy otherwise except under exceptional

circumstances as the government deems fit. The ICG is also not a paramilitary force as it was not fanned under the act of a military armed force. It was fanned under an independent act of the parliament. India does not have a joint force concept authorized by an act of parliament to examine the position of the coast guard in jointness. Any such jointness will be a decision under agreement or executive orders. The coast guard is accountable to the government to carry out operations as it 'deems fit' and without 'duplication of efforts.' These, terms are specified in the act. The coast guard does not have to perform an operational activity if it feels it will amount to duplication of efforts. Without losing accountability, it can perform an operation as it deems fit. The command and control of the coast guard as a force is vested within it, not external to it. Any change in this position can cause impediments in its defined role unless the objective is well defined.

ICG Missions:

The Indian Coast Guard is the fourth service created to guard Republic of India's vast coastline. It was created on 19 August 1978 as an independent entity as per the Coast Guard Act. India's coast guard has a large number of fast craft including hovercrafts and hydrofoils. They patrol the seas, river mouths and also lakes in Kashmir bordering the People's Republic of China. The coast guard has performed a number of commendable tasks of rescuing distressed personnel as well as apprehending pirates on high seas. Heavy patrolling of sensitive areas such as Gujarat, West Bengal and Mumbai have resulted in a huge catch of smugglers and illegal immigrants.¹⁶³ The Indian Coast Guard's motto, in keeping with its missions, is (Vayam Rakshamah), which translates from Sanskrit as We Protect. Its missions are:

- Protection of maritime resources
- Maritime safety, search and rescue

- Law enforcement in territorial as well as international waters
- Protection of marine ecology and environment
- Scientific data collection and support
- Maritime defence support
- To protect the ocean.
- Protect offshore wealth such as Oil, Fish and Minerals.
- Assist marines in distress.
- Safeguard life and property at sea.
- Enforce maritime laws with respect to sea, smuggling, narcotics, shipping and poaching.
- Assist the Indian Navy in times of war

HISTORY OF INDIAN COAST GUARD:

The establishment of the Indian Coast Guard was first proposed by the Indian Navy to provide non-military maritime services to the nation. In the 1960s, sea-borne smuggling of goods was threatening India's domestic economy. The Indian Customs Department frequently called upon the Indian Navy for assistance with patrol and interception in the anti-smuggling effort. The Nag Chaudhri Committee¹⁶⁴ was constituted with participation from the Indian Navy and the Indian Air Force to study the problem. In August 1971, the committee identified the requirement to patrol India's vast coastline; setup a registry of offshore fishing vessels in order to identify illegal activity; and establish a capable and well-equipped force to intercept vessels engaged in illegal activities. The committee also looked at the number and nature of the equipment, infrastructure and personnel required to provide these services. By 1973, India had started a program to acquire the equipment and started deputing personnel from the Indian Navy for these anti-smuggling and law enforcement tasks, under the provisions of the Maintenance of Internal Security Act. The Indian

Navy sensed that the law enforcement nature of these duties diverged from its core mission as a military service. Admiral Sourendra Nath Kohli, then Chief of Naval Staff, hence made a recommendation to the Defense Secretary outlining the need for a separate maritime service to undertake these duties and offering the Navy's assistance in its establishment. On 31 August 1974, the Defense Secretary submitted a note to the Cabinet Secretary proposing cabinet action on Admiral Kohli's recommendation.

As a result, in September 1974, the Indian Cabinet setup the Rustamji Committee¹⁶⁵ with participation from the Navy, the Air Force and the Department of Revenue to examine gaps in security and law enforcement between the roles of the Indian Navy and the central and state police forces. The discovery of oil off Bombay High further emphasized the need for a maritime law enforcement and protection service. The committee submitted its recommendation for the establishment of the Indian Coast Guard under the Ministry of Defense on 31 July 1975. Bureaucratic wrangling followed, with the Cabinet Secretary making a recommendation to place the service under the Ministry of Home Affairs. Fortunately, then Prime Minister Indira Gandhi overruled the Cabinet Secretary and decided to accept the original recommendation of the Rustamji Committee to place the service under the Ministry of Defense.

An interim Indian Coast Guard came into being on 1 February 1977 equipped with two small corvettes and five patrol boats transferred from the Navy. The duties and functions of the service were formally defined in the Coast Guard Act, which was passed by India's parliament on 18 August 1978 and came into immediate effect. Vice Admiral V.A. Kamath of the Indian Navy was appointed the founding Director General. Prime Minister Morarji Desai inspected the Guard of Honour at the service's inauguration. Vice Admiral Kamath proposed a 5-year plan to develop the ICG into a

potent force by 1984, but the full potential of this plan was not immediately realized due to an economic resource crunch.

The Indian Coast Guard conducts exercises with the other coast guards of the world. In May 2005, the ICG agreed to establish liaison links with Pakistan's Maritime Security Agency (PMSA). In 2006, the Indian Coast Guard conducted exercises with its Japanese and Korean counterparts.

One of the historic operational successes of the ICG occurred in October 1999, with the recapture at high seas of Panamanian-registered Japanese cargo ship, M.V Alondra Rainbow, hijacked off Indonesia. Her crew was rescued off Phuket, Thailand. The ship had been repainted as MV Mega Rama, and was spotted off Kochi, heading towards Pakistan. She was chased by ICGS Tarabai and INS Prahar (K98) of the Indian Navy, and apprehended. It was the first successful prosecution of armed pirates in over a century.

After the 2008 Mumbai attacks, the Indian government initiated a program to expand the ICG force, assets and infrastructure. The force is expected to be tripled between 2010-2019 in man power, vessels as well as aircraft. Emergence of the Coast Guard as a new Indian maritime security force was the result of an awareness that had been "growing for some time in the Government for the requirement to enforce National Laws in the waters under national jurisdiction and ensure safety of people life and property at sea. It was also considered desirable that these law enforcement responsibilities should be undertaken by a service suitably equipped and modeled on the Coast Guards of advanced nations like USA, UK etc leaving the Navy to exercise the fleet for its wartime role.

A committee was, therefore, constituted in Sep 1974 with KF Rustamji as its chairman to study the problem of seaborne

smuggling and the question of setting up a Coast Guard type of organization. This committee recommended the setting up of a Coast Guard Service patterned on the Navy for general superintendence and policing of our seas in peace time under administrative cover of the Ministry of Defence. The Maritime Zones of India Act was passed on 25 Aug 1976.

Under this Act, India claimed 2.01 million sq km of sea area in which she has the exclusive rights for exploration and exploitation of resources, both living and non-living at sea.¹⁶⁶ Following this a Cabinet decision was taken by which an interim Coast Guard Organization came into being on 01 Feb 1977. The Coast Guard in its present shape was formally inaugurated on 18 Aug 1978 as an independent armed force of the union with the enactment of the Coast Guard Act 1978 by the Parliament with its motto as 'VAYAM RAKSHAMAH; which means 'WE PROTECT'.

The Seaborne smuggling across the seas was rampant towards the end 1960's threatening the economy of our country. The five Customs patrol craft operated by the Indian Navy for the Central Board of Excise & Customs were grossly inadequate to deter the smugglers. To augment the anti-smuggling effort, as an interim measure, 13 confiscated dhows were inducted despite their - inherent limitations, to support the existing fleet. However, this entire force level was only marginally effective to contain the large-scale smuggling activity. The problem of checking sea-borne smuggling traffic was compounded by:

- Long coastline without any effective coverage.
- Extensive fishing activity close to the shores complicated the identification of illegal traffic particularly when there was no effective system in force for registering the fishing craft/boats.

- Necessity to intercept illegal vessels within the territorial waters.
- High speed vessels being used by the smugglers.¹⁶⁷

In the backdrop of large scale sea-borne smuggling, the Cabinet Secretariat, in pursuance of the Prime Minister's directive, on 23 Jan 1970, constituted a study group under the chairmanship of Dr. BD Nag Chaudhari with Air Chief Marshal O.P. Mehra and Admiral RD Katari IN (Retd) amongst others, as members to examine and report on: -

- Number and nature of craft to be acquired to meet the immediate requirements of anti-smuggling task.
- Sources of supply and their availability in the world market to meet the operational requirement.
- Suitability of hovercraft, helicopter and other aircraft for anti-smuggling operations.

The Nag Choudhari Committee in its report submitted in Aug 1971 recommended that there is an immediate need to build our anti-smuggling capabilities on a three-tier system –Indigenous construction and early acquisition of surface craft for anti-smuggling measures. Hovercraft, in the role of fast interceptor was the choice for immediate augmenting of our limited anti-smuggling capability till the new fast surface crafts were acquired. Acquisition of surveillance aircraft in a phased programme could be similarly, geared up at a convenient stage. On 03 May 1973, a meeting under the chairmanship of Shri VC Shukia, the Minister for Defence Production, was held to expedite the acquisition of suitable boats for the Customs. The requirement of two types of patrol boat was felt - a large size patrol boat with 1000 NM range and a max speed of 30 knots, fitted with light armament and capacity for 16 crew and a small boat of higher speed, fitted with light armament, to carry 12 crew. In the inter-ministerial meeting (in which both the

Minister for Defence Production and Minister of Revenue and Expenditure were present), it was agreed that the medium boats should also be acquired in pursuance of the recommendations of the Nag Chaudhari Committee. In a subsequent meeting with the Ministry of Defence Production on 22 Nov 1973, the customs indicated a requirement of 20 modified SDB Mark-11 type for their department.

It was however, not until 31 August 1974 that a serious official consideration was given to this problem when the Defence Secretary addressed a note to the Cabinet Secretary, spelling out the need for setting up of a Coast Guard type national organisation. In essence the Defence Secretary's note brought out that an organisation for ensuring safety of life and property at sea and for law enforcement in the waters under our jurisdiction had not kept pace with the substantial increase in maritime activity in our surrounding seas. The note had further suggested that a suitable inter-ministerial body could examine the adequacy of the existing organisations and the possibility of closer coordination between their activities either by merging some or establishing a central organisation like a Coast Guard. In this context, the Chief of the Naval Staff had also stressed the need for greater inter-ministerial coordination in the maritime field to avoid duplication of effort and for dovetailing measures to ensure that the national objectives are attained by an integrated approach. It was also felt that the law enforcement activities should not be undertaken by the Navy, which would inevitably detract them from their operational role and interfere with their training. Further, deployment of sophisticated warships and manpower trained for specialized roles, on law enforcement tasks on a continuous basis in peace time neither was nor considered cost-effective.

The Rustamji Committee:

In the wake of the amendment to the Maintenance of Internal Security Act to provide for preventive detention for offences relating to smuggling and foreign exchange violations, a concerted drive was launched to combat smuggling. In this context, in Sep 1974, the Committee of Secretaries under the Chairmanship of the Cabinet Secretary appointed a committee to examine the shortcomings in our anti-smuggling and other maritime activities and suggest the measures to protect India's marine resources and the creation of the Coast Guard. The committee was to be chaired by Shi-i KF Rustamji, Special Secretary, Ministry of Home Affairs with Vice Admiral VA Kamath, PVSM, Vice Chief of Naval Staff and Shri Jasjit Singh, Chairman, Central Board of Excise and Customs amongst its members.

The Rustamji Committee in its report submitted on 31 Jul 1975 strongly recommended the setting up of a Coast Guard type organisation for general superintendence and policing of our sea areas in peacetime. The committee's view had become even more pressing by virtue of the discovery of oil in our offshore areas. This committee also recommended that the Coast Guard Service should be patterned on the Navy and work under the Ministry of Defence (MoD). The recommendations of the Rustamji Committee were considered and accepted by the Secretaries on 07 Jan 1976. The committee, however, decided that the new organisation should function under the Ministry of Home Affairs (MHA). The decision was subsequently reviewed at the level of the Prime Minister and it was decided to place it under the Ministry of Defence (MoD).

Ministry of Defence Paper:

The Ministry of Defence (MoD) thereupon prepared a paper for consideration of the Cabinet Committee on Political Affairs (CCPA) seeking approval for:

- Taking necessary steps to set up a Coast Guard organisation.
- Appointing an Officer on Special Duty (OSD) in the Ministry of Defence in the rank of Vice-admiral with a nucleus Headquarters and appropriate staff to prepare a detailed plan for the Coast Guard Organisation.
- Creation of an interim Coast Guard Force with two frigates seconded by the Navy and transferring of five patrol vessels from the Ministry of Home Affairs.

On 07 Jan 1977, the Cabinet approved the proposal for the setting up an interim Coast Guard Organisation within the Navy to undertake specified Coast Guard tasks.¹⁶⁸ The CCPA directed that the budgetary provision for the Coast Guard should be under a separate head in the estimates of the Department of Revenue and Banking. Further, it had also directed that a detailed plan for the development of the Coast Guard should be drawn up.

Maritime Zones Act 1976:

With the increasing awareness of the economic benefits to be gained from the sea and sea beds, certain Coastal States had claimed jurisdiction over the vast areas of sea around them. The Third conference of the UNCLOS resolved the inadequacies and evolved a regime for the international sea bed area. In conformity with the existing trend the world over, the Government of India enacted the 'Maritime Zones Act' on 25 Aug 1976. This Act came into force on 15 Jan 1977, bringing the entire Exclusive Economic Zone (EEZ), an area of 2.01 million square kilometers within our national jurisdiction. The policing of this vast sea area and to enforce the national laws and protecting the national interests would be a mammoth task and call for a dedicated organisation. On 07 Jan 1977, following the Cabinet's decision the interim Coast Guard Organisation came into being under Naval Headquarters on 01 Feb 1977. The force consisting of two frigates (In Ships Kirpan

and Kuthar) seconded from the Indian Navy and five patrol boats (Pamban, Puri, Pulicat, Panaji and Panvel) transferred from the Home Ministry. These assets were deployed for the discharge of the Coast Guard duties along the coasts and around the Island territories. The aim was to maintain surveillance of our sea area and to assess the extent of maritime activity in our maritime zones with a limited force.

The Coast Guard Act 1978:

The process, which began nearly a three decade ago, had crystallized with the formation of the Coast Guard Service by passing an Act in the Parliament on 18 Aug 1978 and brought into force on 19 Aug 1978.¹⁶⁹ An Act to “provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the maritime zones of India with a view to the protection of maritime and other national interests in such zones and for matters connected therewith. Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India.”

Duties and Functions:

It shall be the duty of the Coast Guard to protect by such measures, as it thinks fit the maritime and other national interests of India in the maritime zones of India.

- Without prejudice to the generality of the provisions of subsection - (a), the measures referred to therein may provide for:
- Ensuring the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in any maritime zone
- Providing protection to fishermen including assistance to them at sea while in distress -

- Taking such measures as are necessary to preserve and protect the maritime environment and to prevent and control marine pollution
- Assisting the customs and other authorities in anti-smuggling operations
- Enforcing the provisions of such enactment as are for the time being in force in the maritime zones and
- Such other matters, including measures for the safety of life and property at sea and collection of scientific data as may be prescribed.

The Coast Guard shall perform its functions under this section in accordance with, and subject to such rules as may be prescribed and such rules may, in particular, make provisions for ensuring that the Coast Guard functions in close liaison with Union agencies, institutions and authorities so as to avoid duplication of effort.

Force levels and Manpower:

The Coast Guard, in 1978 began with two old frigates seconded by the Navy and five small patrol vessels from MHA. Over the past two decades, it has attained a force level of 84 ships and craft and 45 aircraft and helicopters as follows:-

- AOPV-06
- Offshore Patrol Vessels - 11
- Fast Patrol Vessels- 15
- Inshore Patrol Vessel – 11
- Hovercraft - 06
- Interceptor Boats - 24
- ICs - 11
- Dormier Aircraft - 24
- Chetak Helicopter - 17
- ALH- 04

The Coast Guard, a small force of 5440 uniformed personnel (633 officers, 4580 enrolled personnel including 82 officers and 145 personnel from the Navy and other Defence Services on deputation) is talking on the ever-increasing responsibilities in protecting the nation's interest in the maritime zones. At present, about 70 of these personnel are serving at sea or manning the front line squadrons to operate 65 ships and 44 aircraft. This is an enviable tooth to tail ratio by any standards. The cut down in the Coast Guard strength is basically to share the naval resources in training and logistics to avoid duplication of effort. The general superintendence, direction and control, of the Coast Guard shall vest in, and be exercised by the Central Government and subject thereto, and to the provisions of this Act and the rules, the command and supervision of the Coast Guard shall vest in an officer to be appointed by the Central Government as the Director General of the Coast Guard.¹⁷⁰

The Director General shall, in the discharge of his duties under this Act, be assisted by such number of Inspectors-General, Deputy Inspectors-General, Commandant and such other officers as may be appointed by the Central Government. Officers are appointed in the Coast Guard in one of three branches, as either General Duty officer, Pilot Officer, Technical officer or Law officers. Women are appointed as officers in all three branches, but serve only on shore installations. They are not deployed on board Coast Guard ships. General Duty Officers of the Coast Guard are assigned operational tasks, including command of weapons systems, navigation systems, crews and vessels. Command of ships at sea can only be exercised by General-Duty officers. Command of Coast Guard operations at sea, and the safety of crew and ships is the primary responsibility of these officers. Pilot officers are appointed into the Air Wing of the Coast Guard. They may serve on shore at a Coast Guard Air Station

or Air Enclave, or operate rotary wing aircraft from Coast Guard ships.

Technical officers are responsible for operation of advanced technology and sensor systems on board Coast Guard vessels and aircraft, as well as on shore installations. They also command the maintenance wings of the force. Technical officers are usually required to have an engineering background. Law officers act as legal advisers to their respective commanders. They also prosecute and defend cases filed by or against the Indian Coast Guard. Presently, there is one law officer posted in each of the four Regions. The legal Branch in the Indian Coast Guard is headed by a Deputy Inspector General (DIG), who is designated as the Chief Law Officer (CLO).

Enrolled Personnel in the Coast Guard serve as either a Yantrik (Technician)' or Navik (Sailor) Yantriks are responsible for operating and maintaining mechanical, electrical or aeronautical equipment and systems on board the Coast Guard vessels and aircraft.

Naviks may farther serve in the General Duty or Domestic branches. The General Duty Naviks serve as sailors, weapons systems operators, communication specialists, divers, etc or in specific maritime or aviation support roles. Domestic branch Naviks serve in roles such as' stewards, cooks, etc on board Coast Guard vessels & all duties where is urgent basis may be weapons operate as well as general duty.

Currently, ICG personnel undergo Basic Training at the Indian Naval Academy, Ezhimala while the Indian Coast Guard Academy is under construction in Azhikkal, Kannur district, Kerala.

OrganizationThe Indian Coast Guard operations are split into 4.regions: Western Region headquartered Mumbai. Eastern Region headquartered in Chennai- and the Andaman & Nicobar Region

headquartered in Port Blair and North West Region headquartered at Gandhinagar.

Leadership

The ICG is led by the Director General of Coast Guard, who is usually an officer of the rank Vice Admiral from the Indian Navy.. Each region is headed by an Inspector General (IG) or a Deputy Inspector General (DIG). The IG and DIG are appointed as Coast Guard Officers, often graduates of the Indian Defense Service Colleges, though not necessarily.¹⁷¹

Each of the regions is further divided into multiple districts, typically covering a coastal state or a union territory.

Establishments

By the end of 2012, the Indian Coast Guard is on track to operate:

- 42 Coast Guard Stations
- 5 Coast Guard Air Stations
- 10 Coast Guard Air Enclaves

Indian coast guard Aviation:

The need for a full fledged Air wing for Indian Coast Guard was felt right from the time of its inception. The first ICG aviation unit to be commissioned was 800 SQN on 22 May 1982 with two Chetak helicopters at Goa.

The first fixed wing squadron of Indian Coast Guard (ICG) was commissioned with 02 Fokker Friendship (F-27) aircraft on 30 Jul 1983. These aircraft were taken on dry lease from Indian Airlines. These aircraft did a yeomen service to ICG through their tireless operation from DUM DUM Airport in maritime surveillance and SAR roles covering the entire Exclusive Economic Zone (EEZ).

The first planned induction included 12 fixed wing aircraft for Coastal surveillance and 06 single engine helicopter to support ships at sea The first Dornier squadron was commissioned as 750

SQN(ICG) at Daman in Jan 1987. The first full-fledged Air Station was commissioned at Daman on 29 Oct 1987.

The role of these squadrons include search and rescue and embarkation on board helicopter operating ships to undertake following missions:-

- Logistics and Operational cover for the Indian Coast Guard ships at sea
- Pollution Response.
- Casualty Evacuation.
- VIP Commitments.
- Reconnaissance and Shadow.
- Security Patrol of offshore installation/oil rigs.

DUTIES AND FUNCTIONS OF THE COAST GUARD:

It shall be the duty of the Coast Guard to protect by such measures, as it thinks fit, the maritime and other national interests of India in the maritime zones of India. Without prejudice the generality of the provisions of sub-section

The measures referred to therein may provide for:

- ensuring the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in any maritime zone;
- providing protection to fishermen including assistance to them at sea while in distress;
- taking such measures as are necessary to preserve and protect the maritime environment and to prevent and control marine pollution;
- assisting the customs and other authorities in anti-smuggling operations;
- enforcing the provisions of such enactments as are for the time being in force in the maritime zones; and
- Such other matters, including measures for the safety of life and Property, Sea and collection of scientific data, as may be prescribed.

The Coast Guard shall perform its functions under this section in accordance with, and subject to such rules as may be prescribed and such rules may be particular, make provisions for ensuring that the Coast Guard functions in close liaison with Union agencies, institutions and authorities so as to avoid duplication of effort.¹⁷²

OFFENSES:

Any person not otherwise subject to this Act who, being on board any ship or aircraft belonging to or in the service of the Coast Guard endeavours to seduce any person subject to this Act from his allegiance to the Constitution or loyalty to the State or duty to his superior officers shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

Disobedience to superior officer

Any person subject to this Act who disobeys in such manner as to show a willful defiance of authority any lawful command given personally by his superior officer in the execution of his office whether the same is given orally, or in writing or by signal or otherwise, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

Any person subject to this Act who disobeys any lawful command given by his superior officer, shall on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as in this Act mentioned.

Punishments awardable by Coast Guard Courts

Punishments may be inflicted in respect of offences committed by person subject to this Act and convicted by Coast Guard Courts according to the scale following, that is to say:

- Death;

- Imprisonment which may be for the term of life or any other lesser term;
- Dismissal from the Coast Guard;
- Detention in Coast Guard custody for a period not exceeding two years;
- Reduction to the ranks or to a lower rank in the case of sailors;
- Forfeiture of seniority of rank, forfeiture of all or any part of the service for the purpose of promotion;
- Forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;
- Fine, in respect of civil offences;
- Recovering of pay and allowances.¹⁷³

Duty of Commanding Officer in regard to detention

It shall be the duty of every Commanding Officer to take care that a person under his command when charged with an offence is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported to him, without the charge being investigated unless investigation within that period seems to him to be impracticable having regard to the public.

COAST GUARD COURTS:

A Coast Guard Court may be convened by the Central Government or the Director-General or by any officer empowered in this behalf by warrant of the Director-General. A Coast Guard Court shall consist of not less than five officers each of whom has held the post of Assistant Commandant for not less than three years. Every Coast Guard Court shall have the power to try any person subject to this Act for any offence punishable there under and to pass any sentence authorized thereby.

At every Coast Guard Court, the senior member shall be the presiding officer. A Coast Guard Court shall not be duly constituted unless the members thereof are drawn from at least two ships .No

Coast Guard Court for the trial of an officer shall be duly constituted unless the presiding officer and at least two members of the court are of the same rank as the accused or of a higher rank.

Every Coast Guard Court shall be attended by a Law Officer, or if no such officer is available, an officer approved by the Chief Law Officer or a Law Officer.

Challenges

At all trials by a Coast Guard Court, as soon as the court is assembled, the names of the presiding officer and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

If the accused objects to such officer, his objection and also the reply thereto of the officer objected to shall be heard and recorded and the remaining officers of the court shall, in the absence of the challenged officer, decide on the objection.

If the objection is allowed by one-half or more of the votes of the members entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner, by another officer subject to the same right of the accused to object.

Where no challenge is made, or when a challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

Powers of Coast Guard Court in relation to proceedings under this Act

Any trial by a Coast Guard Court under the provisions of this Act shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Coast Guard

Court shall be deemed to be a court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973.¹⁷⁴

EXECUTION AND SUSPENSION OF SENTENCES:

Whenever any sentence of imprisonment is passed under this Act or whenever any sentence of death is commuted to imprisonment, the presiding officer of the Coast Guard Court which passed the sentence or such other officer as may be prescribed shall direct that the sentence shall be carried out by confinement in a civil prison.

Where a person subject to this Act is sentenced to imprisonment or detention, the Central Government, the Director-General, the Commanding Officer imposing the sentence or any prescribed officer may suspend the sentence whether or not the offender has already been committed to prison or to Coast Guard custody.

The authority or officer may, in the case of an- offender so sentenced, direct that until the order of such authority or officer have been obtained, the offender shall not be committed to prison or to Coast Guard custody.

CHIEF LAW OFFICER AND LAW OFFICERS:

Appointment of Chief Law Officer and Law Officers:

There shall be appointed by the Central Government, a Chief Law Officer and as many Law Officers as the Central Government may deem necessary.

A person shall not be qualified for appointment as Chief Law Officer unless he

- is a citizen of India; and
- has for at least ten years held a judicial office in the territory of India ; or

- has for at least ten years been an advocate of a High Court or two or more such Courts in succession:

Provided that the Central Government may, if it is of opinion that it is necessary or expedient so to do in the exigencies of service, relax, for reasons to be recorded in writing, the qualification specified in clause (b) or clause (c) in respect of any person.

A person shall not be qualified for appointment as Law Officer unless

- He is a citizen of India, and
- He is qualified for enrolment as an advocate of a High Court.

Explanation - For the purposes of this section. In computing the period during which a person has been an advocate of a High Court, there shall be included any period during which the person has held a judicial office after he became an advocate; the expression "judicial office" shall be deemed to include the post of Law Officer.

Functions of Chief Law Officer

(1) It shall be the duty of the Chief Law Officer to perform such duties of a legal and judicial character pertaining to the Coast Guard as may, from time to time, be referred or assigned to him by the Central Government or the Director-General, and to discharge the functions conferred on him by or under this Act.¹⁷⁵

(2) The functions of the Chief Law Officer shall, in his absence or otherwise, be performed by such Law Officer as may be designated in this behalf by the Director-General.

JUDICIAL REVIEW OF PROCEEDINGS OF COAST GUARD COURTS:

Judicial Review by the Chief Law Officer

All proceedings of trials by Coast Guard Courts shall be reviewed by the Chief Law Officer either on his own motion or on application made to him within the prescribed time by any person aggrieved by

any sentence or finding, and the Chief Law Officer shall transmit the report of such review together with such recommendations as may appear to him just and proper to the Director General for his consideration and for such action as the Director-General may think fit.

Where any person aggrieved has made an application under subsection (1), the Chief Law Officer may if the circumstances of the case so require, give him an opportunity of being heard either in person or through a legal practitioner or an officer of the Coast Guard.

Consideration by the Director General

On receipt of the report and recommendations, if any, under section 117, the Director-General shall in all cases of sentences of death, and in all cases where the Coast Guard Court is convened by the Central Government, and may in other cases, transmit the proceedings and the report to the Central Government together with such recommendations as he may deem fit to make.¹⁷⁶

This section shall authorize the Chief Law Officer or the Director-General to make any recommendation for setting aside, or the Central Government to set aside, an order of acquittal passed under this Act. "

MODIFICATION OF FINDINGS AND SENTENCES, PARDONS, COMMUTATION AND REMISSION OF SENTENCES

Petitions to Central Government or Director General against findings and sentences.

Any person subject to this Act who considers himself aggrieved by a finding or sentence of any Coast Guard Court may present a petition to the Central Government or to the Director-General, and the Central Government or the Director-General, as the case may be, may pass such orders thereon as it or he may think fit.

Powers of Central Government and Director-General in respect of findings and sentences.

Powers and duties conferable and imposable on members of the Coast Guard.

- The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations, and within the local limits of such inland area adjoining the coast of India, as may be specified in the order, any member of the Coast Guard may,
- for the purpose of prevention of any offence punishable under the Passport (Entry into India) Act, 1920, the Emigration Act, 1922, the Registration of Foreigners Act, 1939, the Foreigners Act, 1946, the Merchant Shipping Act, 1958, the Customs Act, 1962, the Passports Act, 1967, the Foreign Exchange Regulation Act, 1973, or the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, or of any cognizable offence punishable under any other Central Act; or
- For the purpose of apprehending any person who has committed any offence referred to in clause (i) exercise or discharge such of the powers or duties under that Act or any other Central Act as may be specified in the said order, being the powers and duties which, in the opinion of the Central Government, an officer of the corresponding or lower rank is by that or such other Act empowered to exercise or discharge for the said purposes.
- The Central Government may, by general or special order published in the Official Gazette, direct with the concurrence of the State Government concerned, that any of the powers or duties which may be exercised or discharged under a State Act by a police officer may, subject to such conditions and limitations, and within the local limits of such inland are adjoining the coast of India, as may be specified in the order, be exercised or discharged by a member of the Coast Guard who, in the opinion of the Central Government, holds a corresponding or higher rank.

- The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations, and within the local limits of such area in any maritime zone of India, as may be specified in the order, any member of the Coast Guard may,
- For the purpose of prevention of any offence punishable under any enactment which extends for the time being to such area; or
- For the purpose of apprehending any person who has committed any offence referred to in clause

Exercise or discharge such of the powers or duties under that enactment as may be specified in the said order, being the powers and duties which, in the opinion of the Central Government an officer of the corresponding or lower rank is by that enactment empowered to exercise or discharge for the said purposes.

Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both - Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.¹⁷⁷

Protection for acts of Members of the Coast Guard.

In any suit or proceeding against any member of the Coast Guard for any act done by him in pursuance of a warrant or order of competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the

Coast Guard shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

Notwithstanding anything contained in any other law for the time being in force, any legal proceeding (whether civil or criminal) which may lawfully be brought against any member of the Coast Guard for anything done or intended to be done under the powers conferred by, or in pursuance of any provision of this Act or the rules, shall be commenced within three months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceeding.

The Central Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

In particular, and without prejudice to the generality of the foregoing power, such rules may provide for

- The constitution, governance, command and discipline of the Coast Guard;
- The enrolment of persons to the Coast Guard and the recruitment of other members of the Coast Guard;
- The conditions of service (including service privileges and deductions from pay and allowances) of members of the Coast Guard;
- The rank, precedence, powers of command and authority of the officers, subordinate officers and other enrolled persons;
- The removal, retirement, release or discharge from the service of officers, subordinate officers and other enrolled persons;
- the purposes and other matters required to be prescribed under section 13;
- the manner in which proceedings may be initiated under section 57A;

- The additional matters in respect of which the Coast Guard may undertake measures in the performance of its functions;
- The convening, constitution, adjournment, dissolution and sittings of Coast Guard Courts, the procedure to be observed in trials by such courts, the persons by whom an accused may be defended in such trials and the appearance of such persons thereat;
- The forms of orders to be made under the provisions of this Act relating to Coast Guard Courts and the awards and infliction of death, imprisonment and detention;
- The carrying into effect of sentences of Coast Guard Courts;
- Any matter necessary for the purpose of carrying this Act into execution, as far as it relates to the investigation, arrest, custody, trial and punishment of offences triable or punishable under this Act;
- The procedure relating to the exercise of powers under section 120;
- The ceremonials to be observed and marks of respect to be paid in the Coast Guard;

Any other matter which is to be, or may be prescribed or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Central Government, necessary for the proper implementation of this Act.¹⁷⁸

Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Organisation

At present the air arm of Indian Coast Guard has spread its wings over Arabian Sea & Bay of Bengal with an inventory of 17 Chetak helicopters, 24 Dornier aircraft, 04 ALH (Advanced Light Helicopter). This would be further strengthened with the induction of two Medium Range Surveillance Aircraft (MRSA) in near future.¹⁷⁹. The present standing of various ICG Air Stations/Squadrons are as follows:

ICGAS DAMAN:

Indian Coast Guard Air Station, Daman is the premier Air Station of the Coast Guard and with all the airfield facilities, Air Traffic Control and other allied Air Traffic Services. The Air Station is equipped with state of art Airport Surveillance Radar (ASR), Precision Approach Path Indicator (PAPI), Doppler Very High Frequency Omni directional Radio' Range (DVOR) - Distance Measuring Equipment (DME) & Non Directional Beacon (NDB), as Navigational Aids. This Air Station provides ATC and parking facilities to Defence as well as civil aircraft.

ICGAS Daman also caters for maritime reconnaissance and SAR coverage along the North West coast. Dornier and Chetak aircraft are detached from Daman for various operational Office records of coast guard head quarters new Delhi commitments along the North West Coast. Conduct of adventurous activities is a regular feature, for that the station is equipped with one- Micro light aircraft and one power glider. The training for Sea Cadet Corps are also undertaken at the air station. Besides established accommodation for the men, the station also supports the Coast Guard Public school at Daman which is considered as one of the premiere educational institution of the Union Territory.

SQUADRON. (ICG), MUMBAI:

Squadron (CG) is the fourth helicopter squadron of the Indian Coast Guard. It was commissioned on 01 Dec 95 in the premises of Naval Helicopter base INS Shikra at Mumbai.

ICGAE, GOA:

Indian Coast Guard Air Enclave (ICGAE), Goa is Co located with Naval Air Station Hansa and accommodates 800 Squadron (ICG) which was the first air squadron of the Coast Guard and was commissioned on 22 May 1982 with two Chetak Helicopters.

CGAE PORBANDER (850 Sqn ICG/Dornier Flight):

Indian Coast Guard Air Enclave Porbander is providing the logistics and administrative support to the 850 Sqn(ICG) and Dornier Flight which operates with an UE of 03 Advanced Light Helicopter (ALH) which is a twin engine helicopter indigenously built by Hindustan Aeronautics Limited (HAL), Bangalore. ALH is equipped with most modern avionics equipment and is capable of undertaking coastal surveillance and SAR missions in a professional manner. The Dormer are tasked for various operational requirements along the coast line of Gujarat and adjoining areas.

SQUADRON(ICG), KOCHI:

Coast Guard Air Squadron 747 was activated on 22 Apr 2002 within the premises of Naval Base Kochi. The Squadron is operating with two Domier aircraft.

ICGAS CHENNAI:

Indian Coast Guard Air Station Chennai was Commissioned on 26 Apr 1991 to provide administrative and logistic support to the Dornier Squadron i.e. 744 SQN(CG) and Helicopter Squadron 848 SQN (CG) on 03 Aug 1993. Coast Guard Air Station Chennai initially operated from the old Airport premises and shifted to the present location on 12 Aug 1992. It is spread over 26.26 acres of land adjoining the officers Training Academy at St Thomas Mount.

700 SQUADRON (ICG), KOLKATTA:

700 SQUADRON (ICG) is the first fixed wing squadron of the Coast Guard, commissioned at Kolkata on 30 Jul 1983 with 2 Fokker Friendship (F-27) aircraft taken on dry lease from Indian Airlines. In

the civil passenger configuration, the F-27 was a 45 seater aircraft, modified for CG role as per service requirements. In 1994 the Fokkers were replaced with 02 Dornier aircraft which are presently being used to provide maritime surveillance & SAR coverage for West Bengal and Orissa coast.

CGTLO BARACKPORE, CGAOT BANGALORE AND CGAOTKANPUR:

Coast Guard Technical liaison office at Barackpore, Coast Guard Aeronautical Overseeing team at Bangalore and Kanpur have been activated to closely monitor the progress work of CG An-craft and to provide necessary support for close co-ordination with HAL,. The units have been established with in the HAL premises. The units are under functional control of Principal Directorate (Aviation) and under administrative control of ICGS Delhi.

ICGAE, PORT BLAIR:

Indian Coast Guard Air Enclave (ICGAE) Port Blair is located at the Veer Savarkar airport at Port Blair. It consists of:

- 745 SQN(ICG) (Dornier)
- Port Blair Chetak flight

Both these units are presently operating from the civil hangar of the A&N Flying Institute. This units gives SAR coverage and coastal surveillance for the entire Andaman and Nicobar group of Islands and to the International sea route.

CHETAK FLIGHTS:

The CG Chetak flights are operating from the areas where the helicopter squadrons are not existing. Presently these flights are located at Visakhapatnam, Kochi and Port Blair. The helicopters are embarked onboard ships when the ships are deployed for various operational requirements. These flights have greater flexibility in terms of changing operational locations and are deployed on as required basis at short notice.

ICGAIS (MB) / ICGAIS (CH):

Indian Coast Guard Aeronautical Inspection Service (ICGAIS), Mumbai and Chennai: In order to meet the operational requirement of aviation, two dedicated aeronautical quality control

inspection service are activated. One at Mumbai for Western region and the other at Chennai for meeting all operational commitment of Eastern and Andaman & Nicobar region.

ICGASD, GOA:

To streamline the logistics need of CG aircraft, Indian Coast Guard Air Store Depot (ICGASD).Goa was activated in July 2002. The depot is catering for the air stores requirement of Indian Coast Guard Aviation.

BUREAU OF NAVIKS, INDIAN COASTAL GUARD:

Bureau - History

The Bureau of Naviks is an independent unit directly responsible to Director General Coast Guard for its functioning. The Bureau being located in Mumbai is under the administrative control of The Commander, Coast Guard Region (West), Mumbai.

Bureau of Naviks as "Record Office" began its functioning in the premises of Coast Guard Regional Headquarters (West) at Worii, Mumbai in 1981. Later on this office was shifted to CABS building at Mankhurd on 01 Dec 1982 and was named as Bureau of Naviks (BUVIK). Bureau celebrates its anniversary on 01 December.

The aim of this Bureau is to position the manpower of right type and in right numbers to the various Coast Guard ships/establishments within the existing resources to ensure highest degree of operational readiness and efficiency all the time.¹⁸⁰

Role

The role of this bureau is the Development and Management of the Enrolled personnel of Indian Coast Guard right from their inception till discharge/ retirement from service and to advice Coast Guard Headquarters in formulation of rules and policies for optimum growth of men and service.

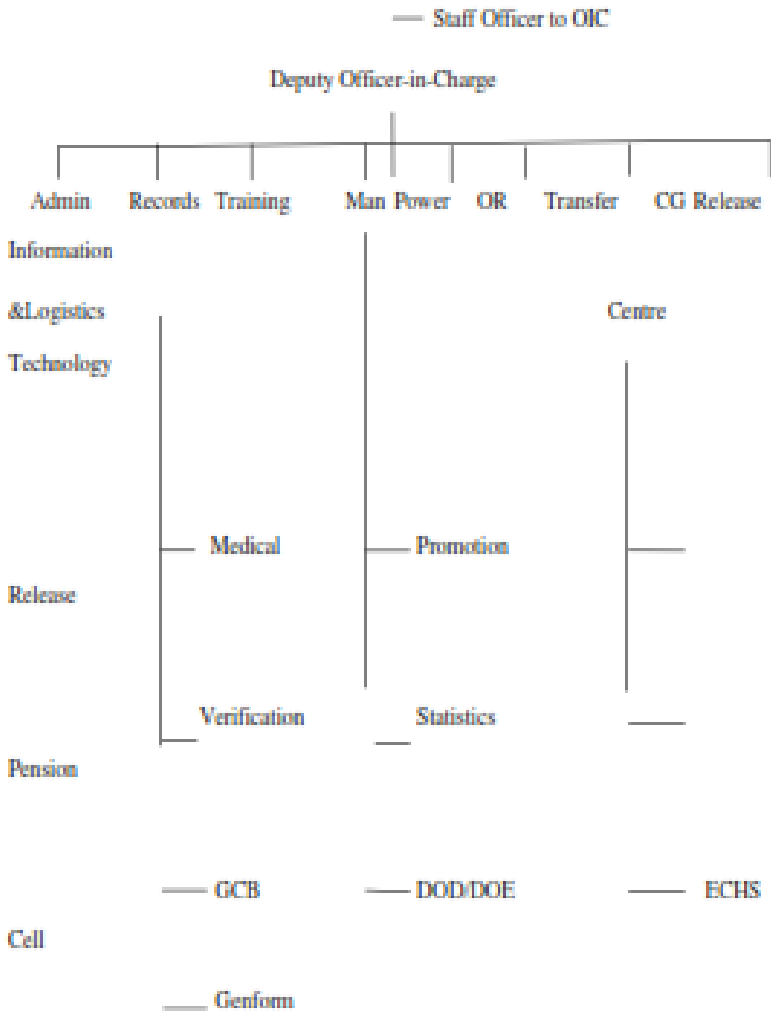
Charter

The Officer-in-Charge, Bureau of Naviks (BUVIK) is directly responsible for implementation of the policies of Coast Guard Headquarters in respect of training, promotion, transfer, release and pension of CG Enrolled Personnel. Bureau is concerned with all aspects of EPs career in the service right after their recruitment till

their retirement/discharge from service and also with cases relating to post retirement benefits.

Bureau of Naviks – Organisation Chart

The Officer-in-Charge, Bureau of Naviks is the head of the organization and is assisted by Deputy Officer-in-Charge. The bureau comprises of nine sections namely Administration, MSO, Logistics, Training, Records Promotion, CR, Transfer and Information Technology.¹⁸¹



The Major Achievements of ICG during the last few years in implementing the Maritime Law is as follows:

S.No.	Achievement	2004	2005	2006	2007	2008*
(a)	Poaching boats apprehended	21	20	27	21	27
(b)	Smuggling vessels apprehended	01	-	03	Nil	04
(c)	Contraband confiscated	03 Crores	-	238.58	Nil	5.5 Lakhs
(d)	Lives saved at sea	1111	789	321	195	247
(e)	Ships saved from distress	24 (Merchant Ships – 05, Fishing Vessel-19)	13 (Merchant Ships – 01, Fishing Vessel-12)	23 (Merchant Ships – 01, Fishing Vessel-22)	20 (Merchant Ships – 09, Fishing Boats-11)	19 (Merchant Ships – 05, Fishing Boats-17)
(f)	Sea pollution averted	-	01	11	01	-
(g)	Sea pollution averted Sea pollution combated till 30 Jun 2008	02	03	02	Nil	Nil

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CHAPTER 5

COAST GUARD AND ITS COORDINATED SECURITY ROLES

Though India is a maritime nation, the importance of the Indian peninsula that majestically juts into the world's largest, busiest and resource Rich Ocean has not been fully optimized. India is dependent on sea has around 90 of India's external trade; both Imports and exports are transported by sea. Nearly 60 of energy is imported. Despite India having a 7.516 km coastline India's that runs through nine states - Gujarat, Maharashtra, Goa, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Orissa and West Bengal - and four Union territories: Daman & Diu, Lakshadweep, Puducherry, and the Andaman & Nicobar Islands and having 13 major and 185 minor ports, and a huge 2.01 million sq km Exclusive Economic Zone still requires comprehensive structure to monitor its coast line in the wake of growing maritime piracy and terrorism.¹⁸²

India's coasts have always been vulnerable to anti-national elements has numerous cases of smuggling of goods, gold, narcotics, explosives and arms and ammunition through these coasts have been reported over the years. The susceptibility of the coasts is primarily because of its topography and location which is further compounded by the existence of vital strategic installations [oil rigs, nuclear stations] along these coasts. Earlier, on March 12,

1993, a series of 13 bomb explosions had devastated Mumbai. Using explosives that had been smuggled into the country through the Raigad Coast in Maharashtra. In the aftermath of the 1993 blasts, the Government of India (GoI) had initiated Operation Swan" which was launched in August 1993 to prevent clandestine landings along the Maharashtra and Gujarat coasts. The poorly guarded Arabian Sea stretch along the Indian states of Gujarat and Maharashtra has all along been used by an assortment of Pakistan based smugglers, contraband dealers and militant groups to supply drugs, arms and explosives to their Indian contacts.¹⁸³. The coastal stretch of Tamil Nadu, which is close to the Jaffna peninsula of Sri Lanka, has not been secure for quite some time. Indian intelligence agencies warned that the unprotected coastlines of Kerala and Tamil Nadu had been and are being quietly used by LTTE supporters for smuggling drugs, arms, explosives and provisions in fishing boats to their bases in the eastern part of Sri Lanka. Significantly, in March 2008, a fishing building facility near Kochi in Central Kerala was raided following the allegation that it was building a deep sea capable vessel for LTTE.¹⁸⁴

The coastal belt of Kerala has for long remained a haven of smugglers and arms traffickers. With the busting of militant groups in Kerala with the links to Pakistan-based terrorist outfits, the need to heighten vigil along the Arabian Sea coast of Kerala has become all the more pronounced. Karnataka has on another hand sought

the help of the Indian Navy to watch the coastal belt of the state in view of a spurt in terrorist activities in the state.¹⁸⁵

The coastal security assumed significance in view of intelligence inputs that Jehadi groups were planning major strikes on economic installations like oil refineries near the coast. Highlighting the danger, the then Home Minister Shivraj Patil had also added that outfits like the Lashkar-e-Taiba [LeT] were planning to occupy uninhabited islands and turn them into bases for strikes on the mainland.¹⁸⁶ But the issue of coastal security has become high on the national agenda only since the November 2008 (26/11) attacks in Mumbai by the Pakistan-backed LeT, which killed 186 persons. 10 Pakistani terrorists sailed undetected from Karachi to Mumbai and exposed multiple vulnerabilities in India's coastal security.

Security of the Coasts

Till recently the coastal security had been the sole preserve of the Coast Guard. It was established in 1978 to protect the maritime interests of the country as well as to assist in anti-smuggling operations. The role of the coast guard has been ever evolving and presently deals with hostage and piracy handling ; shadowing and driving out vessels from Indian waters; searching for air crash victims at sea ;refugee handling; providing .massive assistance to fishers during a cyclone; reaching out to a ship and crew during distress; long distance casualty or medical evacuation. Joint operations related to maritime security; providing scientific

research assistance, protecting endangered marine life assisting civil authorities in handling beach casualties are some of these.¹⁸⁷

Whereas Indian Navy in a traditional sense is important instrument for implementing foreign policy to their fight a nation's wars and project power beyond a state's territorial boundaries and plays strategic and diplomatic roles during the peace times. It has been engaging in the anti-piracy, search and rescue operations and humanitarian relief in the high seas in cooperation of other navies.

The roles of Indian Navy and Coast Guard came the forefront during the 26/11 attack on Mumbai as the loopholes of coastal security became glaring. The hijacking of 45 foot fishing boat Khuber by terrorist; who used it as a link in their passage to Mumbai, killed most of the crew and threw them overboard, secured the route by taking hostage of the captain who was later killed. The area to which Khuber headed was popular with Pakistani and Indian fishermen, and is heavily patrolled by maritime authorities from both sides to enforce the territorial boundaries of the two rivals. Ships that slip too far over the line are regularly apprehended and their crews detained.¹⁸⁸ Thus the chain of events clearly marks the lapse in coastal security manned by navy, coastguard, marine, police, etc.

Thus while assessing the Standing Committee on Defence rapped the Government for the lack of coordination between the two forces that led to a 'national catastrophe*'. A Maritime security

plan came to being that stressed on funding, allocation of clear responsibilities for coastal security to "plug gaps" in within "a definite timeframe" by "speedy implementation" The new maritime security architecture , includes a maritime security advisory board (MSAB) and a coastal command (CC) to establish "effective functional .linkages and mechanisms" across the entire maritime domain. MSAB would have maritime security advisor (MSA) as its chief while the CC would be headed by the Coast Guard director-general. Both the MSAB and CC chiefs, consequently, will be three-star Vice-Admirals. The MSAB, in turn, will act as a single-window apex federal agency to handle all maritime security issues, including cohesive policy-making and coordination among different agencies and report to the national security advisor. The MSAB will include officials from all forces, ministries and departments connected with maritime affairs, including Navy, Coast Guard, DRI, customs, fisheries, shipping state marine police forces and the other central and state agencies for the nation's coastal defence. The CC is more of a coordinating mechanism, with a strengthened Coast Guard at its epicentre. It will have a central operations room, backed by regional hubs in coastal states to make intelligence-sharing mechanisms more effective.¹⁸⁹

While no progress has been made regarding MSAB and CC, the Cabinet Committee for Security (CCS), that met soon after 26/11, initiated the new maritime security appointed the Indian Navy with overall responsibility for maritime security plan and will continue to

play the primary role in all maritime matters. The Coast Guard was made responsible for security within India's territorial waters, which extend 12 nautical miles (about 22 kilometres) from the shore. The new coastal police stations would maintain security up to five nautical miles (about nine kilometres) from the coast, as well as on the shore. All coastal states and UTs are also likely to have their own maritime security bodies. The New Maritime structure's salient features are:¹⁹⁰

Navy responsible/or overall maritime security:

Navy is now the "designated authority" responsible for overall maritime security, with both coastal and offshore security under its control. The force will be assisted by Coast Guard, state marine police forces and other central and state agencies for the nation's coastal defence.

Joint Operation Centres:

Indian Navy-ICG joint operations centres are to be set up at Mumbai, Visakhapatnam, Kochi and Port Blair, which will get inputs from diverse bodies. These centres will have real-time maritime domain awareness of every single vessel entering the 200 nm Indian Exclusive Economic Zone (EEZ), and each vessel would be interrogated before being given permission to enter the 12 nm territorial waters belt of India. A national command, control,

communication and intelligence network, to link the operations rooms of Navy and Coast Guard at the field and apex levels,

Navy, to get a new specialised force, the Sagar Prahari Bal, that has 1,000 personnel and 80 fast interception craft to protect naval assets and bases on the west and east coasts as well as the island territories. Because of its long and vulnerable coast a special HQ is to be established in Gujarat. The Coast Guard would be strengthened with the setting up of nine additional coastal stations - mostly to protect far-lying islands. Till now, the Coast Guard was responsible for the security of waters up to 200 nautical miles from the shore - the exclusive economic zone - but it has now been designated for only coastal security. The Coast Guard had been sanctioned an additional 4,026 personnel – an increase of more than 30 per cent. And, their fleet of 91 surface ships and 45 aircraft was being more than doubled so has to ensure coastal security.

The Static Coastal Radar Chain, that covers the entire coast and island territories, will be set up in coordination with the Ministry of Shipping, Road Transport and Highways. At the near completion is a high-tech surveillance network for keeping a 24x7 visual and electronic monitoring on the approaches to India's coastline.¹⁹⁰

A Coastal Security Scheme has been formulated for strengthening infrastructure for patrolling: and surveillance of country's coastal areas, particularly the shallow areas close to coast to check and counter illegal cross border activities and criminal activities using

coast or sea. Post Mumbai blasts Operation Swan was started in September 1993 involving extensive patrolling by warships. It was primarily aimed at preventing the landing of contraband and infiltration and its geographical ambit was restricted only to the coasts of Maharashtra and Gujarat - thus leaving other coastal areas of the country vulnerable for more than a decade. It was a three layer security arrangement involving the navy, the coast guard and a joint patrolling team drawn from personnel belonging to the navy, coast guard, state police, and customs. The fact remains that Operation Swan has not resulted in a single seizure even after being for 18 years.¹⁹¹

Coastal Security Stations:

After the Kargil Review Committee's [2005-06] comprehensive recommendations that led to the launch of the Coastal Security Scheme [CSS].¹⁹² The CSS envisaged the establishment of a series of coastal police stations along with check posts in all the nine coastal states and union territories in the country. The objective was to provide overall security and strengthen patrolling along the entire coastal waters and shallow waters near the coast.

In 2005, the Government initiated a Coastal Security Scheme (CSS) under the Ministry of Home Affairs. Phase-1 of the scheme was launched by the Government in January 2005, with an approved outlay of approximately INR 4.95 billion for non-recurring expenditure and INR 1.51 billion for recurring expenditure. It was

implemented over a five year period, commencing 2005-06 in nine coastal States and four coastal Union Territories. The scheme included the setting up of 73 Coastal Police Stations, 97 Coastal Police Check-posts, 58 outposts and 30 operational barracks and included provisions for 204 boats, 153 four wheelers and 312 motorcycles. It envisaged state-of-the-art police stations in all coastal states and UTs at an estimated expenditure of Rs 18-21 lakhs each. In June 2010, the scheme was extended by one year, up to March 31, 2011, with an additional non-recurring outlay of about INR 950 million.¹⁹³

However, so far only six have come up in AP, two each in Gujarat and West Bengal and one each in Goa and Kerala. On the implementation of CSS Phase-1, the MHA claims 71 of 73 proposed Coastal Police Stations have been operationalised, and that 48 of these are functioning from new buildings. The construction of 75 check posts, 54 outposts and 22 barracks has also been completed. Of the approved 204 boats, 200 have been delivered to the coastal States/UTs. 10 Rigid Inflatable Boats (RIBs) for Goa have also been procured. All the vehicles (153 jeeps have been procured by States and UTs. Some 2,000 personnel have been trained by the Coast Guard.

Further a National Committee on Strengthening Maritime and Coastal Security (NCSMCS) against threats along the coast was constituted in August, 2009 under the chairmanship of the Cabinet

Secretary. At the same time, the CSS also proposed for the establishment of the 3C-I (National Command Control Communication and Intelligence). Network as part of an overall National Maritime Domain Awareness Project. 51 nodes in the Navy and the Coast Guard were to be linked in this Network, As part of the project, India's security agencies are working to set up a network of 46 radar stations along the country's coast, that include installation of 36 radars on the mainland, six radars in Lakshadweep and Minicoy and four radars on the A&N Islands. On September 2, 2011 in view of the threat along the shores, the Border Security Force (BSF) with the approval by the CSS deployed a newly raised Marine Battalion in the Arabian Sea.

Post 26/11, under the Phase-11 of the CSS , Navy is designated authority for overall maritime security with both coastal and offshore security under its control. Phase II of CSS commenced in 2011-12 with a financial outlay of INR 11.54 billion for non-recurring component and INR 4.25 billion for recurring expenditure for coastal security. The other salient features included the setting up of another 131 Coastal Police Stations, equipped with 180 boats, 60 jetties, 35 rigid inflatable boats including 12 for Lakshadweep and 23 for A&N Islands, 10 large vessels for the A&N Islands. 131 wheelers and 242 motorcycles See table 2. Further a lump sum assistance of Rs. 15 Lakhs per costal Police Station is also given for surveillance equipment, computer systems and furniture.¹⁹⁴

Table 2

II Phase of Coastal Security Scheme

Sl No	Name of State	Coastl Police Statins	Boats/Vessels		No. of Jetties	Four Wheelers	Motor Remarks Cycles	
			12 Ton	Others				
1	Gujarat	12	31		5	12	24	
2	Maharashtra	7	14		3	7	14	
3	Goa	4	4		2	4	4	
4	Karnataka	4	12		2	4	8	
5	Kerala	10	20		4	10	20	
6	Tamil Nadu	30	20		12	30	60	
7	Andhra Pradesh	15	30		7	15	30	
8	Orissa	13	26		5	13	26	
9	West Bengal	8	7		4	8	16	
10	Daman & Diu	2h	4		2	2	4	
11	Lakshadweep	3	6	12*	2	3	6	RIBs
12	Pondicherry	3	6		2	3	6	
13	A&N Islands	20		10*	10	20	20	*LV
				23**				**RIBs
								***10
	Total	131	180		60	131	242	

Source: Press information Bureau. Government of India

With Navy, Coastguard and marine police, physical policing of the coastline and territorial water was just one dimension of the Coastal Security Scheme, Despite the new clarity of policing , the difficulties in implementing the Coastal Security are staggering has it involves the monitoring of 3,331 designated coastal villages, tens of thousands of fishing boats, and securing dozens of major and non-major ports and harbours. Hence efforts are being made to achieve coastal security with the help of three ongoing initiatives.

The issue of biometric identity cards to all fishermen.

IT was after the 1993 RDX landing at Shekhadi, Konkan, that the need to provide identification for the country's fishing community became a serious concern for coastal security agencies - until then, a simple paper called the Customs Pass listing the boat and the fisherman's name was enough.¹⁹⁵ In 2000, the project a responsibility of the Fisheries Department, issued 'Smart Card' – a card with an embedded memory chip bearing details of the fisherman's residence, area of operation, union/association etc. In Phase 2 of the Centre's Coastal Security Scheme, biometric cards, having a uniform format for data collection for fisherman across the country was initiated, with the Department of Animal Husbandry, Dairying and Fisheries as the nodal agency. The lists of coastal villages are finalized in consultation with the respective States/UTs and identity cards to all the usual residents of these villages who are 18 years of age and above are to be issued. So far

biographic details of more than 89 lakh persons and biometric details of more than 35 lakh have been collected.¹⁹⁶

(B) The National Population Register

Being compiled by the Registrar General of India for the 2011 Census, has been fast-tracked for coastal regions. This process has been linked with the smart card initiative mentioned above. Creation of National Population Register (NPR) for the 3331 coastal villages in 9 Maritime States and 4 Union Territories has been fast tracked.

(C) Registration of all sailing vessels under the Department of Fisheries

Boats larger than 20 feet require an Auto Identification System, without which they would be treated as potentially unfriendly vessels. During a security sweep before US President Barack Obama's visit in 2010, the Mumbai Police found the hundreds of small boats, many unregistered and lying scattered around 56 different landing points in Mumbai alone, to be a huge challenge to secure.¹⁹⁷ Hence the Ministry of Shipping is finalizing to make this compulsory even for boats below 20 feet.

In the meantime, there is no way to identify these smaller vessels and many larger ones that are yet to adopt the new system, a yawning gap in the security blanket despite Mumbai's vulnerability.

These 'impressive' initiatives, would appear, should have had apparent impact on India's coastal security but unfortunately, India still remains about as vulnerable to terrorist attacks from the coast as it was in March 1993, or in November 2001. This has come as blatant view when in 2011, three large vessels have drifted into Mumbai, altogether undetected by the numerous sea patrols. Coastal Police Stations, check-posts, outposts and land patrols. On June 12, 2011, a Singapore-flagged cargo ship MV Wisdom, which was enroute to Alang in Gujarat, drifted towards the Mumbai (Maharashtra) Coast after breaking its tug, to eventually run aground on the busy Juhu Beach. On July 30, 2011, Panama flagged ship, MV Pavit, after having been abandoned by its crew a month earlier near Oman, drifted onto the same Juhu Beach in Mumbai. .

Not only did the vessel slip in through the watch of the Coast Guard, but the CG also took off a key maritime alert regarding the vessel based on possibly dodgy information sourced from an unofficial website. On August 4, 2011 an oil tanker, MV Rak, again from Panama, with 60,000 metric tonnes of coal and 340 tonnes of fuel oil on board, sank just 20 nautical miles off the Mumbai coast. The sinking ship discharged more than 25 tonnes of oil resulting in a major oil spill and thereby endangering marine life in the area Not only this incidents showed that far from detecting and interdicting terrorist infiltration on small fishing vessels or dinghies, the Coastal Security System does not appear to have the capabilities even for

the timely detection of major transport vessel in distress until they actually run aground.¹⁹⁸

India's coastal vulnerabilities are underlined further by a Comptroller and Auditor General of India (CAG) report submitted to the Parliament on August 5, 2011. According to the Report, nearly 50 per cent of offshore patrol vessels were already too old and needed to be decommissioned. In the case of fast patrol craft, this figure rose as high as 72 per cent. The report noted, further, that even newly inducted vessels lacked critical equipment, including guns and identification radar. Further, of the 14 new Coastal Police Stations sanctioned after the Mumbai 26/11 attacks, only five were operational until December 2010. Some of these stations were operating on temporarily leased land without adequate equipment or facilities.¹⁹⁹ The Report observed that the Coast Guard's 15-year Perspective Plans, extending to 2017 and 2022, remained unapproved by the Government. It also described these plans as unrealistic and unachievable. The CG force has only 65 of the required force-levels of ships and vessels, and 48 in terms of aircraft and helicopters. For the Indian Coast guards, more than hardware, concern is about manpower operating with just 60 per cent of sanctioned strength, between them."²⁰⁰ Today it has five out of every seven persons at sea.

The Indian Navy is already saddled with coastal security and anti-piracy operations in the Arabian Sea and Gulf of Aden. The Indian

navy urgently needs more ships and long-range maritime patrol aircraft, along with additional dedicated maritime surveillance-cum- communications satellites. Further the involvement of the Indian Navy in coastal security has become debatable issue has the navy's primary role is the defence of the country and should be geared for fighting wars. Engaging it in routine law enforcement and other activities will detract it from its main operational role and moreover interfere with its training. Further, sophisticated warships and manpower are trained to operate at high seas and their continuous- deployment for patrolling purposes in territorial waters will not be cost effective.²⁰¹ Navies, which sail international waters, are trained to perform-war functions and carry troops and equipment. Amphibious landing ships will carry personnel and equipment for beach assaults, while surface combatants (such as frigates, cruisers, and destroyers) provide strike and logistics capabilities a coast guard fleet must be capable of performing search and rescue (SAR) activities and patrolling coastal waters, lakes, and rivers. Their vessels include cutters, tugs, buoy tenders, and icebreakers, as well as small boats for harbor patrols and interception activities close to shore.

Further the government has failed to establish the one federal apex body - the maritime security advisory board (MSAB) headed by a maritime security advisor (MSA). The CAG report noted the two forces often do not share patrolling details, "resulting in duplication of efforts" and, sub-optimal utilization of resources, apart from

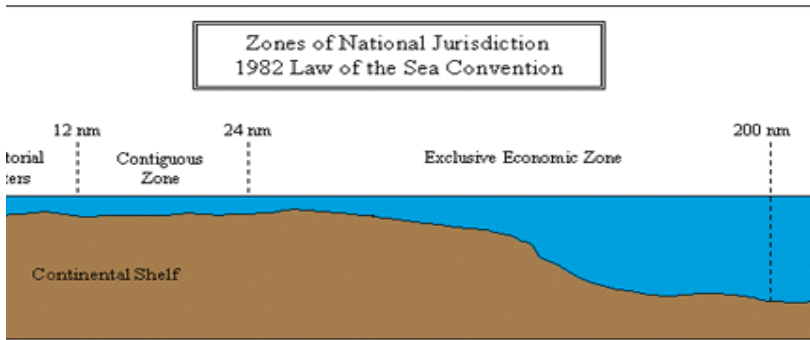
"command and control issues" At present no Indian port is Container Security Initiative (CSI) compliant. A CS1 compliant port requires large numbers of special electronic and X-ray machines to quickly scan hundreds of containers being offloaded from ships onto trucks before they are driven to major cities inland. This prevents explosives or 'dirty nuclear bombs' being smuggled into cities by terrorists. Clearly- our coastline is not under foolproof radar surveillance - shore-based, ship-based and aircraft-based to the extent required. Had it been so, two ships, moving at very slow speeds due to wind or ocean currents, could not have drifted to Juhubeach undetected- There still are many loopholes in our coastal security in several areas that need to be plugged urgently.²⁰²

The Origins of Creeping Jurisdiction

‘Creeping Jurisdiction’ and the critical role of the Indian Coast Guard:

The concept of creeping jurisdiction has been a fairly recent one in the maritime domain theory. This concept unfortunately carries greater adverse effects on the coastal sovereign areas of a nation state. India is no exception top this growing phenomenon. What follows is a discussion of the growing illegal and unjustified claims by foreign and neighbouring littoral states on the coastal jurisdictions of a state.

The framers of UNCLOS III in 1982 were keen to make an unequivocal departure from the hitherto disorderly system.²⁰³ The UNCLOS III was, as rightly described by its President, the ‘Constitution of the Oceans’.²⁰⁴ It was, quite simply put, the most comprehensive legal document regarding maritime delimitation and conservation that the world would see for quite some time.²⁰⁵ This new oceans framework, which reaffirmed the 12 n.m. territorial sea and codified the customary 200 n.m. EEZ, would *expressly bar* certain forms of ‘creeping jurisdiction’ over the high seas. It was to be a global system, based on consensus, cooperation and *multilateralism*. The primary aim of this instrument was to end the hitherto common ‘claim what you like’ mentality of several states that were unsatisfied with the previous regime – the new system being based on the consideration for coastal states’ rights.²⁰⁶ There were several provisions now that specifically dealt with the rights and duties of coastal states, some of them included the sovereign right to exploit resources in a state’s territorial sea and EEZ, while at the same time ensuring that activities within their territories would not cause harm either to the environment or to any other state.



Source: [http://www.dfo-](http://www.dfo-mpo.gc.ca/science/publications/article/2009/01-13-09-eng.htm)

[mpo.gc.ca/science/publications/article/2009/01-13-09-eng.htm](http://www.dfo-mpo.gc.ca/science/publications/article/2009/01-13-09-eng.htm)

While there have been a considerable number of states that have dutifully accepted the 1982 UNCLOS as the ‘Constitution of the Oceans’, there has been some state practice to demonstrate otherwise as well. This has been with regard to claiming jurisdiction over living resources over and above the 200 n.m. EEZ assigned by right, to each coastal state.²⁰⁷ The main reason for the above is that there was an important drawback in the Convention – it did not adequately address the question of straddling stocks (fish stocks that move between 2 or more EEZs or between an EEZ and the high seas). Especially because several coastal states had special interests in the conservation and exploitation of straddling stocks,²⁰⁸ unilateral assertions were continued by them, even as the 200 n.m. EEZ limit had gained customary status.

Therefore, the new question was, what now, were the limitations on states when it came to high seas rights? Every state (coastal or otherwise) has the right to fish in the high seas²⁰⁹ however, this is

subject to the state's other treaty obligations, the rights and interests of all other states, and the conservation of the living resources of the high seas.²¹⁰ Further, 'no state may claim sovereignty over any part of the high seas'.²¹¹ The direct implication of this was that assertions *falling short of sovereignty over the high seas* could be accommodated within the walls of the Convention itself. Several coastal states took advantage of this.²¹²

In 1991, Chile, through two domestic legislations, enacted a region known as the *Mar Presencial* or the 'Presential Sea', which was a unilateral assertion over the high seas. Stretching from Easter Island towards Antarctica, this presentable sea covered a large swathe of several million square miles. The enactment of this legislation meant that Chile was now claiming a significant portion of the high seas as its own territory (over and above its designated 200 n.m).²¹³ This was of special significance because Chile was already a signatory to the UNCLOS, and had a duty to obey the object and purpose of the treaty (which was to stem such unilateral practices).²¹⁴ While the Chilean act was not in consonance with any known law of the sea at the time, it spearheaded such jurisdictional action in the region.

There was ample opposition to this extension from the European Union that claimed that contemporary law of the sea norms did not permit such an encroachment into the high seas. The lacuna that existed in the 60s and 70s with respect to maritime jurisdiction had

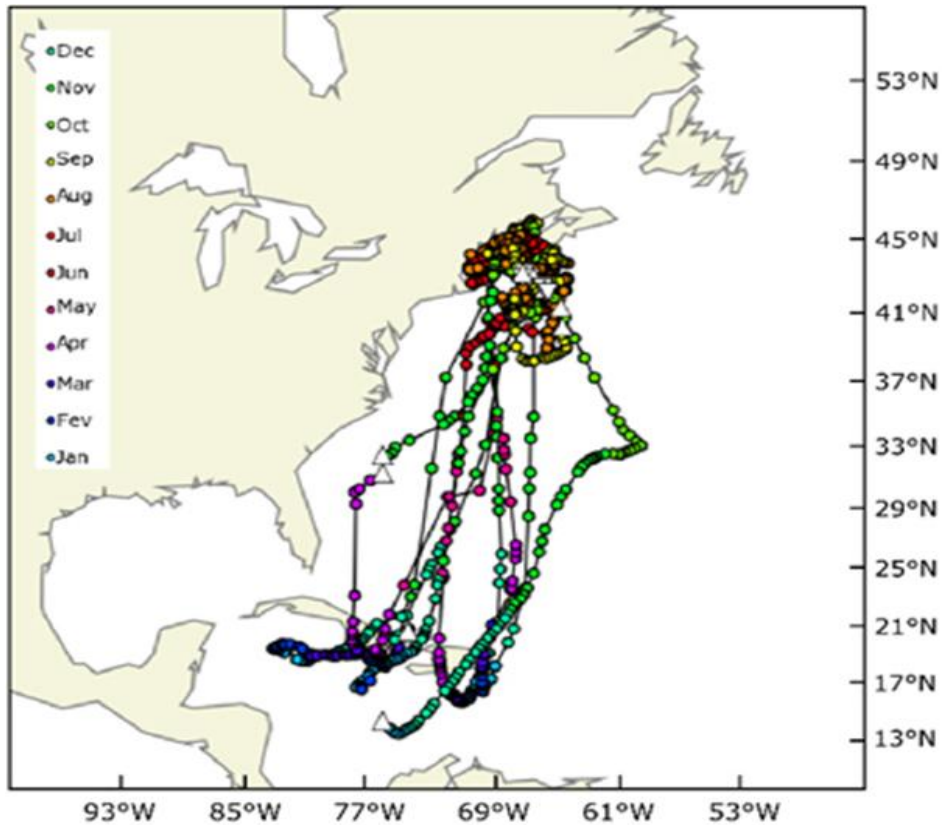
been amply dealt with by the UNCLOS in 1982, and it was even of customary nature.²¹⁵ It therefore seemed like Chile (and other coastal states) could no longer cite insufficiency of the Convention's provisions as an excuse for the exercise of unilateral jurisdiction over the high seas.

While the claim to the Presential Sea was viewed internationally with alarm, it is also important to note that in most cases, it is not a legislation itself that may be said to be a violation of a state's international obligations. It is the *manner in which effect is given to it* that determines the existence or not of a breach.²¹⁶ Chilean scholar Orrego Vicuna clarified on several occasions that the Chilean legislation was not a claim of jurisdiction or sovereignty over the high seas, and that the legislation specifically reaffirmed the high seas nature of the region.²¹⁷ The claim to the presential sea was merely a definition of an area within the adjacent sea, and a consolidation of Chile's interests in the region; it meant that Chile was involved in the waters outside of its territory for economic and military purposes.²¹⁸ All of this was presumably within the limits of UNCLOS requirements. Vicuna stated that "*the high seas nature of the region was never in doubt and was specifically reaffirmed*".²¹⁹ Vicuna stated that any and all opposition to the presential sea was grounded in the "presumed intention" of the state, and not on factual reality.²²⁰ In the light of the above, Chile's Presential Sea was not *per se* contrary to the principles of international law.

However, this points to a dangerous trend. Several countries, including Argentina and Canada have since enacted their own domestic legislations, claiming, *on paper*, not to have jurisdictional intent (as that would violate A. 89, UNCLOS).²²¹ How the legislations have been practically implemented however, is quite a different story. Keeping in mind how the EEZ limit gained customary status,²²² it is difficult to say with certainty that there may *not* be other states in the future that also cite insufficiency of the Convention as a reason to break off from its norms (as has been occurring off late with respect to straddling stocks).

Following Chile, Argentina too enacted the Maritime Zones legislation that claimed more jurisdiction than was allowed by the 200 n.m. EEZ limit. However, the Argentine legislation differed in some respects from its Chilean counterpart. While the Chilean legislation referred to a particular geographical area, the Argentine one did not. It only referred to exercising control over those species that would migrate between the high seas and its EEZ. Further, it very obviously seemed to be a direct claim of jurisdiction over the high seas, which the Chilean legislation was not. The only reason the Argentinian government did not come under flak was because the country was still awaiting the ongoing negotiations at the United Nations regarding coastal states' rights, before implementing their legislation.

It was on a similar basis that a dispute occurred between Chile and the EU, in what came to be known as the *Swordfish Dispute*.²²³ Another example of unilateralism was when Canada unilaterally extended its conservation zones beyond the 200 n.m. EEZ limit, through the Canadian Coastal Fisheries Protection Act, for the conservation of fish stocks. Pursuant to this, Canada captured a European ship while it was sailing in this region, eventually leading to the *Estai* dispute with the European Community.²²⁴ Canada decided that it was facing problems of productivity in its EEZ because of the depletion of straddling fish stocks in the high seas, and had hence imposed the unilateral conservation measure. The issue was finally resolved when the EU and Canada concluded an agreement on how to protect straddling stocks.²²⁵ What can be witnessed here is Canada's role in trying to get more leverage for coastal states when it came to conservation of straddling stocks outside of the state's national jurisdiction.²²⁶

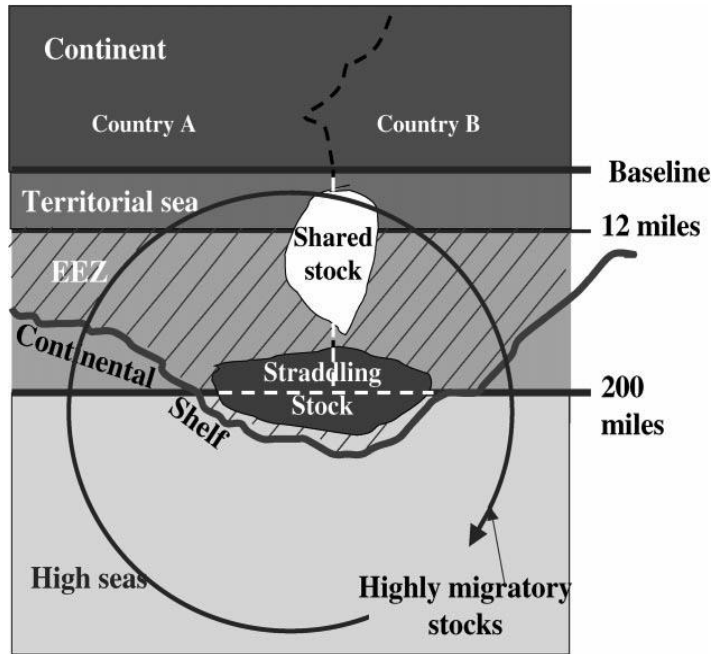


Source: [http://www.dfo-](http://www.dfo-mpo.gc.ca/science/publications/article/2009/01-13-09-eng.htm)

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It was under the backdrop of this case that the discussion as to whether a coastal state must be given more conservation rights was discussed at the conventions leading up to the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. Adopted in 1995 and pursuant to the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, the United Nations Fish Stocks Agreement has 83 parties to date, and came into force in 2001.

Its aim was not *specifically* to give additional rights to coastal states outside of the 200 n.m. EEZ limit, as that would just widen the gap between the rights of the coastal and non-coastal states; instead it spoke of joint conservational plans that would involve the efforts even of non-coastal states.²²⁷ However, as there are a significant number of countries that are not yet a part of this treaty, state practice is not sufficient to constitute customary international law.²²⁸ Some of the practices well recognized in the agreement are the precautionary approach, avoidance of abuse of rights, good faith consultations and multilateral cooperation.²²⁹ Further, some non-coastal states have suggested that biological unity of straddling and highly migratory fish stocks in the high seas and the EEZs call for joint, ecosystem-based conservation in the two regions. However, several coastal states have rejected this view as this would reduce their right to sovereignty over the resources in their EEZs.²³⁰ Topics of international debate such as the conservation status of straddling and highly migratory fish stocks, in relation to Articles 63, 64 and 118 of the UNCLOS were also discussed. It would be wise to note here, that any threat to a coastal state's interest, perceived or real, would only have a negative impact on multilateral enforcement of solutions – consequently leading to the very problem the agreement seeks to solve, namely, unilateralism.²³¹



Source: http://www.fao.org/figis/common/format/popUpImage.jsp?xp_imageid=19480

Conclusion:

It indeed makes sense for a country to become a party to the UNCLOS in order to ensure that it is not a victim of 'creeping jurisdiction'.²³² Whether a similar conclusion can be made of becoming a party to the UN Fish Stocks Agreement is yet to be seen.²³³ However, it may be said that if the 1982 UNCLOS were to be successfully implemented, the 'creeping jurisdiction' fears of the coastal states would be rightfully addressed.

It is evident from the above discussions on unilateral acts of states, and of the debates in the UN Fish Stocks Agreement as to the

problems that coastal states in particular face with regard to conservation measures of living resources within the EEZ and the high seas. It is also quite clear that the solution to preventing unilateral actions lies in adequately addressing the problems that these coastal states have, with regard to their special rights of conservation of straddling and highly migratory fish stocks.

It is imperative for the global stability of the oceanic regime, that each state realizes the importance of a predictable, multilateral, cooperative framework.²³⁴ The UNCLOS, if implemented in its true form, does indeed have special provisions that address the needs of coastal states (as Articles 56, 63, 64, 192 and 193). These provisions, along with the United Nations Fish Stocks Agreement, have successfully tried to solve the coastal states' concerns regarding conservation of fish stocks outside of their jurisdictions. In the presence of such a framework, unilateral actions should *ideally* cease completely.

While insufficiency or ineffectiveness of an oceanic law regime could earlier be used as an excuse or justification for the imposition of unilateral measures by a state, such a justification would be redundant in today's age, where there is a detailed regime for the same. Thus, whether states obey the 'Constitution of the Oceans', or break away and act unilaterally to pursue their individual needs, is left to be seen in the future.

Though India has a rather long coastline, little has been done to secure it against possible terror attacks or other illegal activities. Even five years after the Mumbai attacks, it is still widely acknowledged that Indian coastline has remained vulnerable not only to terrorist penetration through various methods but also the unlawful, or what is called 'creeping jurisdiction' of some of our maritime neighbouring countries into the sovereign and internationally justified sovereign domains of the Indian coastal areas. The ICG has therefore stupendous but also challenging tasks to protect the national jurisdiction on the high seas.

Multiplication of agencies aimed at protecting the shores also has emerged a. big problem has an assortment of ten ministries and - agencies dealing with maritime security issues, all working in different directions without a single nodal point of control. Though steps are being taken in to protect the shores, the coastal authorities still have a long way to go to ensure a completely secure coastline, has there is a shortage of personnel, acute paucity – lack modern boats, equipments and gadgets to beef up security. Thus coastal security is still a distant dream.²³⁵

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CONCLUSION

The maritime security environment in India's coastline continues to be fragile. Maritime security is an issue of immense relevance as the general paradigm of high sea security is in constant flux. Ensuring stable maritime environment would hold the key to further the economic progress of a country like India and reflects on its global stature and standing among the great powers of the world. Hence, it is necessary that strategically and economically growing nation like India has to keep constant vigil on the operations of its maritime security forces coordinating the different – now that India has more than five different marine security agencies – is of fundamental necessity. Proper coordination between the Indian Navy, Coast Guard and the marine police forces also holds the key to meeting the maritime challenges facing the country in the twenty-first century. Also the Indian maritime forces comprising of Navy and Coast Guard need to redefine their role in consonance with the changing scenario on the high seas and coastal regions.

Since the threat to maritime security is transnational in character and has its implication to global security, only collective actions will be successful in providing real protection. The international community is just awakening to the challenge and has not yet developed sophisticated mechanisms to protect maritime trade from terrorism. If coordination among the internal agencies is

important then international maritime cooperation also holds the key to ensuring maritime security that serves the interests of all nations.

India is progressing rapidly as an economic power; its natural endowments like strategic location, rich mineral resources and a large, industrious and hardy population, befit her for great power status. Its coast guard Army is large, disciplined, battle tested and renowned throughout the world for its professional quality. Coast guard should be upgraded further in quality to serve India. The coast guard is not a navy in the military sense and also in its design. No coast guards are alike, for at least now. Their similarities lie in the commonality of role definition – enforcement and service. There are also navies that perform these functions, and coast guards that may be deployed for war fighting or high end roles where there is no navy. There are also other maritime forces along with the coast guards who perform part of the role of the- coast guards for enforcement and services. These factors are based on their evolution and purpose. It is also important to understand that the coast guard is not a recent concept.

Incidents of piracy and armed robbery against ships are a cause of concern to all and to the shipping industry in particular. Instances of pirate attacks in the Arabian Sea and the Indian Ocean much beyond the piracy infested areas of Gulf of Aden, pose a serious threat to by putting at risk a large number of Indian seafarers and

ships as also our sea-borne trade. As the Indian maritime domain, including shipping ports, ship-building and ship repair is of vital significance to our economy, it should make every effort for growth of this sector. However, we should also ensure adequate Indian control over our maritime activity, for reasons of maritime security. There is need to evolve a strategic consensus and agreement among different nations for a common legal and judicial framework to combat the growing menace of terrorism and piracy through sea routes. Navy, Coastguard and the shipping companies are putting up a concerted effort in close co-ordination with other international agencies to deal with this menace terrorist outfits abusing navigation, communication technology, making dents into maritime security, throwing new challenges to security forces and pushing the world to destructive mentality. There is a need for co-ordination and evolving consensus between diplomatic and military forces, need to ensure that no terrorist attack takes place along the sea coast in a country like India which has a long coastline.

The U.S. and Indian Navy regularly conduct joint operates, *Malabar Exercises*, in the Indian Ocean. Also with other navies of the region IN and the ICG are conducting maritime security operations, and being poised to provide humanitarian assistance and disaster relief. India therefore rightly recognizes the importance of multilateral approaches to promoting security in the Indian Ocean and aims to expand cooperation with regional partners. Today there is no single government agency, which has either the span of responsibility or

the authority to act as the focal point for India's maritime policies and interests. Nor one, which has the physical means to exercise control over the myriad activities that take place on and under the oceans. As many as sixteen different, ministries, departments or organisations, (including the Indian Navy and the Coast Guard), are involved in ocean-related matters, and much of the time the left hand does not know what the right is doing. The result is; confusion, crossed wires and compromised national security.

The country neglected its maritime security and maritime economy in the past. However since the seventies successive Indian governments have been paying greater attention to both. Centre has modernised ports, improved port efficiency and increased investment in port development. On the defence forces front, that the Centre has increased investment in Coast Guard and Indian Navy. It is one of the best navies in the world and today offers maritime security in the waters around our sub- continent, the navies of the world are reaching out to engage the Indian Navy and work with us to ensure the security of sea lanes of communication. The Indian Navy will always be viewed as a source of security for all those who traverse around the wide oceans as traders, travelers and tourists. A comprehensive proposal for the constitution of a multi-disciplinary 'Maritime Commission' was mooted a few years ago by Naval Headquarters, but ran into rough weather and finally foundered on the rocks of inter-Ministerial rivalry and insecurity. A nation such as ours urgently needs to evolve an overarching

Maritime Policy and create a central agency to monitor its implementation.

In the backdrop of the Mumbai terror attacks exposing the chinks in coastal security, designated the navy as the central authority responsible for the country's overall maritime security. The Navy will be assisted by Coast Guard, state marine police and central agencies for the coastal defence of the nation.

Observing that the 26/11 attacks have shaken the entire nation and brought out the need for strengthening coastal security, the government has approved certain important measures for strengthening maritime and coastal security against the threat from the sea. Against the backdrop of multiple agencies involved in coastal security, and the resultant problems of coordination, the Navy has been designated as the authority responsible for maritime security. The government has also decided that it will set up Joint Operation Centres (JOCs) at Mumbai, Visakhapatnam, Kochi and Port Blair under charge of Naval commanders-in-chief. The JOCs will be jointly manned and operated by Navy and Coast Guard with inputs from diverse agencies including Coast Guard, Navy and concerned Central and state agencies. A national command control communication and intelligence network, for real time maritime domain awareness between the operations rooms of Navy and Coast Guard, both at the field and the apex levels will be established. The Navy will control all Navy and Coast Guard joint

operations. This will ensure that the assets are optimally deployed and there is synergy between the two organisations. With these measures, the government expects that a new focus would be given for effectively managing threats from the sea and security for our over 7,500 km long coastline. The Indian Government has also decided to enhance the assets of Navy and Coast Guard by increasing the number of ships, boats, helicopters and aircraft besides manpower. The Navy would also get 80 fast interception crafts for sea-front patrolling. The Coast Guard would get a new regional headquarter in Gujarat, which would be designated as north-west region' and a new post of Commander Coast Guard to look after surveillance of the state's coast.

There was need to strengthen the Indian Navy as the force had to protect the county from the threat posed by sea pirates and terrorist. Moreover, the navy's role was assuming importance as it had to safeguard the coastal as well as the maritime security.

Pointing out that only two ships and four boats have been added to Coast Guard fleet in last four years, a Parliamentary panel pulled up the maritime force for "very slow" upgradation and "wide gaps" in its strength after the 2008 Mumbai attacks. The Standing Committee on Defence in its report said it was given the impression that a lot of efforts were being made to upgrade the capacity of Coast Guard post 26/11 attacks but the above scenario with regard to upgradation of four levels indicates that progress in this regard is

very slow. The comparative surveillance force levels of the Coast Guard during 2007-08 and the present indicates that there has been an addition of only two ships and six boats in last four year. It is emphasized that with increased threat perception from all quarters, India can't afford delays and shifting of deadlines in respect to acquisitions of various kinds for increasing force levels.

India Coast Guard has been performing its duties with 72 ships of which 50 per cent have already exceeded their designated life span. The position indicates that there are huge gaps between required and existing strength of surface platforms. What is more disturbing is that whatever capacity is existing, has already exceeded their life. There is the compulsion for long-term plans are not being finalised and revised plans are taking much time leading to uncertainty over annual allocations and plans of upgrading the infrastructure and force level. On the anti-piracy front Indian Defence Ministry should consider setting up a separate unit for dealing with anti-piracy operations. The examined cases have socio-political relevance. The solutions have to be socio-political and not just use of force. In the meantime it will be a matter of concern for India's forces including maritime forces to cope with uncertainties. The coast guard has the capabilities acquired by the Act as well as governmental support to establish its duties and functions at sea. The government has also understood the value of the armed force subsequent to recent developments. It is for the coast guard to understand its role definition and re-engineer itself utilising the opportunities. It has to

come out of the shadow of the navy for that. It is only possible if the government makes it solely accountable.

The Indian Coast Guard as stated above will not be able to handle the high end task of counterterrorism, etc. of the 26/11 variety for which it will need the support of the other naval military forces. Terrorism is equated to war. And so are activities like the Somalian piracy. Even in high end disaster situations the coast guard will need the support of other agencies. But it can be made to perform independently in its duties and functions, where duplication or enhancement of efforts is not required. The effectiveness of the coast guard as well as its accountability factor can be analysed only under such situations.

The impact of internal conflicts in the neighbouring maritime countries will only accelerate the development and recognition of the coast guard in India and, along with it, its professional acuity and competence. However, its work culture can be seriously affected if it loses its independence to perform according to the Act or its personnel quality standards decline in the absence of accountability. For a service like the coast guard constructive interaction with law enforcement and disaster management is vital that comes only under operational freedom or positive jointness. These are for the government to examine.

Asia is a predominantly maritime-configured region. Much of China-India interactions would thus relate to the seas or the littoral areas.

The two countries do not share a maritime boundary, but this does not matter. As emerging powers, their vital security interests have been dilating from their immediate peripheries to regional extremities. China will set up a base in Maldives or Seychelles, nor whether Maldives or Seychelles would willingly accede to any such Chinese request, an attempt has been made to identify the most suitable location for China from the maritime perspective. Given the Chinese propensity for springing surprises in international arena all invariably ending up in its favour. The PLA- Navy would extend its naval operations into the Indian Ocean to prevent India from dominating these waters.-This is something we cannot accept as we are not prepared to let the Indian Ocean become India's ocean'. India has already taken the initiative to hold joint naval exercises with over a dozen navies to encourage open-mindedness and transparency of information on a reciprocal basis.

The development of port and harbour infrastructure both on the Indian coastline in order to improve our global trade turn over, cannot be divorced from the steps being taken in our neighbourhood to develop ports or modernize them with foreign assistance. The economic and security repercussions of such moves have been the subject of intense scrutiny and analysis by our strategic and security experts. The naval outreach and capability of a number of countries has been growing in the Indian Ocean region.

Our own capability to be infrastructure builders in our immediate neighbourhood and region needs to be enhanced significantly. Our naval cooperation in the neighbourhood needs further stepping up. Capacity building, training, equipment and vessel supply are all areas that need further attention. With the region, we need to build a common vision, of maritime security, conflict prevention, the unhindered passage of trade, counter terrorism and piracy, disaster prevention and humanitarian relief, and the peaceful settlement of disputes, in a balanced and inclusive manner that safeguards these regional and global commons.

It goes without saying that the Indian ability to shape our maritime security environment will require the development of a credible naval presence with adequate assets commensurate with our defence and security interests as well as those required to discharge the role and responsibility expected, of India by the international community. As a diplomatic instrument, the Navy has key attributes- access, mobility, reach and versatility. We need to embed these attributes within the larger vision of India's role in the global arena. A flexible but proactive maritime doctrine is essential to safeguard and project our national interests overseas. The Navy and our foreign policy establishment need to establish closer coordination in this regard. It is too obvious to repeat the statement that India has very significant maritime stakes in the Indian Ocean. We have a coast line of over 7500 kilometres. Between the Lakshadweep and the Andaman and Nicobar chain of

Islands we have over 600 Island groups, with the southernmost tip of the A7N archipelago just about 90 nautical miles from Indonesia, while its northern most tip less than 10 nautical miles from Myanmar. Our EEZ is more than 2.5 million square KMs. The mining areas of over 150,000 s, KMs allotted to India under UNCLOS are about 2000 kms from our southernmost tip. We have significant interests in Antarctica as well.

For several decades, India was the only Asian country to possess an aircraft carrier. Our naval force posture to the coming years will require the necessary capabilities in terms of reach, sustaining power and sea control. Following the sea-borne terrorist attacks on 26/11 in Mumbai, concerted efforts have been undertaken for strengthening maritime and coastal security against threat, from sea, with greater involvement of me Navy, the Coast Guard and all the coastal states. The Coast Guard has shown lack of preparedness in the light of the 26/11 Mumbai ten-or attack, besides being plagued by other factor, such as faulty acquisition and bloated expenditures. The CAO report is the first report to come after 26/11 Mumbai attacks and has severely criticized the Coast Guard.

The Comptroller and Auditor General (CAG) report has stated that besides various shortcomings related to acquisitions and expenditure, the lackadaisical approach of the Coast Guard has led to the Mumbai terror attack becoming possible. The CAG report says that in respect of Maharashtra and Gujarat for the period

leading to 26/11, the Coast Guard did not conduct a single boarding operation on any suspicious vessel that they spotted on the high seas before the attack took place. Moreover, the Coast Guard even tried to mislead the auditors by fudging their official reports. The CAG figured out that the Coast Guard tried to project more boarding operations when, in reality, it did not do any in the days preceding the attack. In fact, the Coast Guard vessels on patrol duty did not undertake the prescribed boarding operations per quarter for identification and investigation of fishing boats/ships.

Besides being a shoddy maritime force which concealed its shortcomings related to the 26/11 terror attacks, the Indian Coast Guard is plagued by a host of other discrepancies. The CAG report notes that since the 26/11 attacks, out of the 14 new stations sanctioned by government, only five are operational. The report said almost 50 per cent of the Coast Guard's offshore patrol vessels and 72 per cent of fast patrol craft need to be decommissioned. Even the newly inducted vessels lack critical equipment including guns and identification radar. The new vessels are not fully operational because of lack of crucial equipment such as super rapid gun mount, CRN 91 guns and identification of friend or foe system.

The CAG report says that Coast Guard was deficient in its force levels by 37 per cent in December, 2010, a full two years after the 26/11 Mumbai terror strikes. The Coast Guard has only 79 surface

platforms, such as offshore patrol vessels and interceptor craft – compared to 122 envisaged for the maritime security force. Its air wing's force level is still worse than its patrol vessel fleet. The Coast Guard air wing has, as of December, 2010, got only 46 aircraft, helicopters and aerostat radars, instead of 95 platforms that were envisaged. It recommended that the government should come up with a 15-year-perspective plan for the Coast guard and ensure that its fleet was augmented. There is a dire need for the

Coast Guard to evolve norms for patrolling in maritime, coastal zones, based on available resources, the CAG report indicated. India's maritime policy must hence necessarily identify and implement policies for promoting regional understanding and cooperation in order to do away popular clichés such as hegemonistic ambitions, blue water capability and big brother interventions.

Maritime security is encountering several other hitherto unnoticed threats to India's coastal security. Recent instances of abandoned ships floating adrift on shores of Mumbai are one such disturbing instances. The piracy emanating from Somalia is another major worry. India needs to strengthen its naval presence along its coastline. There is a need for greater coordination between navy and coast guard. We need to improve our naval presence in the strategic region of Indian Ocean to prevent intrusion of foreign elements.

Fishermen along the Indian coasts and towns should be made aware of possible threats that they need to look out for and ways to communicate it to authorities concerned. But budgetary allocations continue to suffocate naval development as seen from the defence expenditure which declined markedly. The Arun Singh Committee had proposed that the inter-service ratio of 57:30:13 should be marginally adjusted to arrive at a ratio of 50:30:20 for the Army, Air Force and Navy in order to give a more symmetrical force structure to Indian peninsular architecture.

The series of terrorist strikes carried out by the IM and Pakistani organisations across India outside Jammu & Kashmir since the Mumbai blasts of March, 1993, show that jihadi terrorism has become a permanent threat to India. Several bomb attacks in large Indian cities in recent years connected to the IM are said to have support from Pakistan-based militants. But, many terrorists elements entered the Indian territory and hinterland through the porous Indian coasts one such example is the intrusion of the violent anti-Indian groups along with their arms and lethal ammunition through the Konkan coast to cause the deadly Mumbai attacks, in the aftermath of the Babri Masjid demolition. The ongoing terrorism against the Americans and European countries and others like India and many African countries has proved Pakistani involvement with al-Qaeda and other domestic terrorist outfits fostered by its army and the ISI.

India's strategic engagement with the emerging Asia is on the right track and it is expected to gain momentum as India streamlines its economic and security capabilities. On the whole, India's strategic engagement with the emerging Asia is on the right track and it is expected to gain momentum as India streamlines its economic and maritime security capabilities. The Global War on terrorism has levied new demands on maritime forces emphasizing the need for fleet to confidently meet the challenges of an uncertain world on short notice.

In the maritime domain, naval forces are required to respond to a wide spectrum of crisis ranging from classical naval operations in convention and nuclear environment to countering low-level threats from asymmetric actors such as terrorists and pirates and also respond to natural disasters like the recent Indian Ocean tsunami. The above spectrum of threats and responses demand judicious force mix and more importantly a capability of immediate reaction to deter/ counter the enemy or act in response to a natural emergency. Former Defence Minister George Fernandez had noted that the need for a dedicated Maritime Rapid Reaction Force (MRRF) for the Indian Navy. It is generally acknowledged that states must build capabilities to respond quickly to international crises as also to contain conflicts to avoid the "spillover" effect and to prevent the escalation of human casualties. Currently, MRRF capability is limited to the US and a few western navies like the French and the British. In the maritime domain, deployment of

MRRF is subject to adequate air and sealift capabilities. Evidence suggests that the Indian Navy is upgrading its lift capabilities by acquiring large support ships.

Among the several trends that appear to shape growth of India's naval power, none is more demanding than the accrual of a dedicated MRRF flavoured with strategic sealift capability derived from the robust Indian technological strengths and the vision of its rising power in the Asia-Pacific region. The ongoing naval modernisation and build-up has several implications for its Naval ORBAT and its maritime doctrine that has envisioned a vision of maritime activism of varied roles of both combat and benign roles. These missions call for a spectrum of techno-maritime capabilities that in turn dictate the force architecture of the Indian Navy.

In the two critical areas of countering terrorism and ensuring maritime security, India's contribution has been active and constructive, both in building mutual confidence and implementing preventive measures. For example, India's cooperation in escorting the U.S high value defence equipment carried by its ships through Malacca Strait in 2002 speaks of the increasing bilateral or multilateral arrangements by Indian naval as well as coastal security forces in curbing maritime crimes like terrorism piracy and trafficking of drugs, small arms and humans.

On terrorism India needs extensive cooperation with the ASEAN countries because many of its terrorist and insurgent groups

depend upon arms shipments and financial transactions passing through the ASEAN countries. India is also actively cooperating in intelligence sharing with the eastern neighbours in this regard and other arrangements such as Container Security Initiative. The Container Security Initiative and the Proliferation Security Initiative are manifestations of this trend. This will require the Indian Navy to patrol its area of interest, and work with other Navies, much more than it has done in the past.

REGIONAL NAVAL EXPANSION:

The Naval development plans of maritime states in the Asia-Pacific region clearly indicate that all are giving greater importance to maritime security than ever before. The Navy has always used cutting edge technology. To reach that world, to engage that world, to influence that world and to ensure and enhance our Security, we need to expand and modernise our Navy.

Maritime terrorism, gun-running, drug trafficking and piracy are major threats that India is facing from the sea borders of the country. The measures that have been taken and planned to enhance the coastal security include regular aerial surveillance and maritime patrolling along the coast, establishment of coastal police stations in the littoral States, as part of Coastal Security Scheme, vessels monitoring system, etc. All these agencies along with the

Coast Guard and the Navy, in the short and long term, prepared, equipped and trained in maritime counter-terror operations to thwart, prevent and deter another terror attack either on the high seas or a Mumbai 26/11 on any other location. Since 2007 Indian intelligence agencies had been issuing warnings of about 500 marine terrorists trained in sea sabotage waiting to enter India by the sea-route. Maritime terrorism requires deep rooted logistic support on land. This is why the, latest terror threat faced by India needs new counter terrorism preparedness.

The Coast Guard argues that it will need much greater force and a larger fleet to keep Indian waters safe. The coastal force would need more aircraft and ships and the government will give these. And the inescapable fact is that India's coastal regions remain porous and vulnerable to terrorist incursions. The joint sea patrols of the Navy, Coast Guard and Customs initiated after the 1993 Mumbai serial blasts are mere eyewash. In fact, the Navy pulled out of the joint patrols soon thereafter after Naval intelligence found out that Customs officers were collecting hefty commissions from boat owners and crews of fishing boats by threatening to lodge fraudulent arms smuggling cases against them.

The Navy's mandated presence is outside the territorial waters. It is involved in tracking movements of big ships, maintaining deterrence, protecting the country's EEZ, countering maritime terrorism-in the sea, fighting piracy and keeping out foreign

intruders. The Navy generally maintains contact only with the major Port Trusts regarding activity on the shipping lanes and normally checks vessels deviating from the normal routes.

The Coast Guard should have overall command of coastal security. At this point it would seem the Coast Guard only has this command on paper and does not get to know of details like the kinds of ships coming into Indian waters or to Ports.

There should be provision to bring all other coastal agencies like the Maritime Boards, the Port Trusts to a Unified Coastal Authority or Command under the overall supervision of the Coast Guard. For coastal patrolling there should only be one agency, instead of having the coastal police and Customs working at cross purposes, and repeating their tasks with no coordination between the two. The Coast Guard should be strengthened with fast patrol vessels. The force needs to be empowered with enhanced infrastructure and personnel to carry out its task. It should be designated as the nodal agency for coastal security.

It needs to be in full command of the coast and have the rights to control movements of merchant ships in and out of the Indian Exclusive Economic Zone.

Issues of coastal security are not independent of the larger mosaic of maritime security. The sea is not easily partitioned into specific zones and activities in any one area can, and do, transform into

others. It is, therefore, necessary to take a more holistic view of security at sea. At one level these concerns are- strategic and geopolitical. They stem from our own position as the major regional power in the Indian Ocean and the presence and activities of others. While threat of war between nation-states has diminished, it has not disappeared, and India needs to maintain maritime capabilities which are sufficiently deterrent to potential adversaries.

There is urgent need for a Maritime Commission or Agency at the apex level working to oversee all aspects connected with security issues at sea, coastal and otherwise. Such a system is functional in France and in Japan. Securing long coastline is a serious challenge for India. In 2007 the Government sanctioned Rs. 500 crores to implement a four-year plan to strengthen the coastal security infrastructure and prevent acts of terrorism in India's territorial waters. Strangely, while Mumbai 26/11 apparently woke the country out of slumber, security analysts have been warning about some disturbing scenarios of what terrorism in the seas could be like.

In fact, the national security establishment is aware that if effective maritime counter terror measures are not put in place immediately it is quite possible for such scenarios to come true. And now the rampant piracy off the coast of Somalia has forcefully reminded security and strategic experts that terror operations could well be

outsourced to sea pirates as well. A hijacked merchant vessel carrying several thousand tons of the inflammable fertilizer ingredient ammonium nitrate could easily be turned into a mega bomb after entering an Indian harbour. Way back on August 1, 2007 the London based International Maritime Bureau (IMB) had opened a 24 hour communication hot line where callers could anonymously relay information on sea piracy, crime and terrorism. So strategic thinking on maritime terrorists pro-active linking up with sea pirates opened up a year and half ago. IMB, a global maritime watchdog agency, set up the piracy center in Kuala Lumpur.

India is inadequately prepared to tackle maritime terrorism. The Intelligence bureau has warned that piracy could be on the rise and, therefore, the threat of maritime terrorism in the Indian Ocean cannot be taken lightly. India will take the steps in establishing a security architecture that aims to secure the water area related to ports and the ports from maritime terror attacks. A mechanism to coordinate the functioning of the state police, Customs and Coast Guard-the agencies that patrol in the water area related to ports-has to set up.

Central Industrial Security Force, personnel should also be deployed inside the ports. A standard operating protocol/procedure for initiation and deployment of anti-terror commando units in the eventuality of a terror attack and their interaction with other

security agencies is also being generated. But, as is self evident, a lot more needs to be done, including a comprehensive security audit of the most vulnerable ports to begin with and in a phased manner all ports, fishing harbours, jetties and landing points, must be necessarily carried out by a joint task force which has expert representatives from various agencies. Also several ports in India categorized as minor ports fall under the State Government's control and these ports could be more vulnerable to maritime terrorism. In the meantime basic security drill like access control, surveillance systems, I-cards for employees and so on should be immediately implemented in all ports in India.

REVAMPING COASTAL SECURITY APPARATUS:

Considering the inadequate coastal security infrastructure along the vast and porous Indian coastline the issues relating to registration of boats, transponders and bio-metric identity cards for fishermen, port workers and others associated with maritime activities assume tremendous urgency. With maritime terrorism actually becoming a reality, security agencies have observed that there are several fishing harbours in India that are operational within port limits. Clearly these fishing harbours could be misused by maritime terrorists and, therefore, a clear plan of action must be enunciated to relocate such fishing harbours, taking due cognizance of the livelihood issues of the fishermen and ensuring that they are not adversely affected. The Mumbai terrorist attack of 26th

November 2008 has, correctly, focused on issues concerning the security of India's vast coastline. Earlier, in 1993, the Maharashtra coast had been used to bring in huge amounts of RDX explosives which were subsequently used by terrorists in the several blasts carried out across the metropolis. This does not mean that the coastal route has not been used for other nefarious activities before or since then.

Smuggling in and around the Gujarat coast, in particular, has been rampant for long with at least some of the people involved in preventing it, themselves in connivance. But these are two incidents of proven exploitation by terrorist groups who clearly found the sea route easier to breach than land. This is a worrisome development since the sea has traditionally been seen by Indians as a barrier, something of a stiff hurdle to be crossed by people with evil designs.

At international level, enhancing maritime security of the region through participation in the efforts against terrorism and contributing towards stability and peace in the area, especially of SLOCs in the North Arabian Sea, the focus of continuous attention, the stability in this region is also essential for securing the vital energy supplies of the world which is a common interest of Pakistan and the international community. In this regard, Sustained and concerted efforts of coalition forces and regional players are required to maintain security. The way ahead to address various

challenges to regional maritime security is formulation of Collaborative Maritime Security Apparatus. However, a prerequisite to make any pragmatic headway in this regard will be to resolve contentious issues and disagreements between the regional states through dialogue and political process. Such an approach could facilitate confidence building and trust between the regional countries, leading to furtherance of cooperation in combating maritime crime and enhanced Maritime Domain Awareness (MDA). China-India friendship will remain. After all, China shares a long and mostly friendly cultural exchange with India as well as other neighbors. Now China is seeking deeper cooperation, wider coordination, and better consensus with India, especially in the global recession, and peace is a precondition for doing so.

It may be mentioned with utmost emphasis, that of all the ingredients, which go into the making of a great maritime nation, none is more important or significant than the human mind. Unless determined efforts are made to create a consciousness of our ancient maritime heritage, and an affinity for the seas in the minds of young Indians, all efforts at creating a Maritime India could come to naught.

Finally, India's primary maritime agencies like the IN, the ICG, along with the Marine Police, Customs, and the offshore oil rigs with their supporting supply vessels, need adequate funding to be put on a simple Indian MDA grid. By 2022 the IN and ICG

need to greatly increase their existing force levels and complement each other in the global fight against maritime terrorism. The Navy has to be always prepared for its traditional conventional roles, even though, in the present days "global terrorism" environment of "no war-no peace," a conventional war may appear to be unlikely.

Exercising with all regional and important extra-regional navies, since such exercises, enhance mutual understanding and help in "building bridges of friendship across the seas". In certain cases they enhance our war fighting skills by exposure to new platforms, equipment and concepts. In addition they improve interoperability, which would help in humanitarian disaster relief missions, or during UN sponsored peace keeping or anti-piracy or anti-terrorism operations. Here, as a major nation on an economic upswing, India must also encourage contacts and exercises between its Navy and Coast Guard with their counterparts from China, Pakistan and Iran. Such cooperative engagement is the only way to ensure safety of the Indian coasts and maritime security in general in the long run.