



Laws relating to piracy– A critical study with special reference to India

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Abstract

Nowadays, maritime piracy can be assumed as a great violent threat for the security of shipping and navigation specially in maritime piracy hotspots like Indian Ocean. This international insecurity at high seas is not tolerable by international community. Owing to this fact, there are various conventions and treaties regarding combating maritime piracy at international level. Beside that a separate domestic code of piracy is needed to suppress piracy in a most efficient means.

There are various issues which complicates the efforts for combatting the maritime piracy. It is obvious that different actions must be taken for stablishing international cooperation to reduce the maritime piracy incidents all around the world peculiarly in hotspot piracy zones. For enhanced understanding the multiplex nature of this crime referring to legal decisions in every country will be beneficial undoubtedly. It shows the methods which are applied in current legal mechanism practically. In addition, it illustrates the correct direction for taking further steps to legislate the more comprehensive codes to give a proper response for current needs for ensuring the safe and secure marine atmosphere for maritime trade.

Keywords: maritime piracy, piratical acts, UNCLOS, suppression of unlawful acts. the maritime piracy bill, 2019, judicial decisions

Introduction

Over 80% of global business is transported by the sea. This matter makes the sea vulnerable to various risks of maritime crimes such as piracy. Viewed historically, maritime piracy had been a serious threat to the maritime domain, since the birth of maritime activities. In recent decades, the world has witnessed increasing piratical attacks which has been occurred in various pirate-infested waters. The International Maritime Bureau (IMB) reports that 132 incident has been occurred all around the world in 2021. In 2020, there were 195 piracy cases. According to the latest IBM statics there was a remarkable deduction of piracy incidents, indeed. The IMB's Piracy Reporting Centre (PRC) illustrated that 88% of vessel attacked were boarded last year by pirates.

Currently, the maritime piracy increasingly perceived as a serious threat to marine security. It is obvious that sea-borne trade needs a strong legal protection against insecurity of the sea. Maritime piracy is the most serious crime which may commit in international water. It is apparent that for combating this complex international crime, there was a crucial need for having a specific legal framework in international level. There are assorted international instruments which are used for suppressing piracy and ensuring a safe maritime navigation such as UNCLOS, IMO guidelines, bilateral and multilateral cooperation among different countries to combat piracy in a best possible ways globally. Despite of taking legal measures, modern day piracy is still exist in different part of the world including Somalian coast, West Africa, Strait of Malacca, Caribbean Sea, South China and Indian ocean. For ensuring maritime safety and Protecting shipping interest, there was a vital need for law making at international level. In this article has been tried to address main issues not only anti-piracy rules and regulations but also legal decisions on maritime piracy with Indian perspective.

The phenomenon of piracy

At the beginning of 16th century, the concept of "piracy jure gentium" has emerged in jurist books which were accepted

by courts. Historically, Pirates had been considered as enemies of all mankind. There is an old legal term in admiralty law like "Hostis humani generi" that means a pirate is not enemy of the state but of human kind itself." Hugo Grotius the Dutch lawyer believed that the pirate put himself out of the protection of any states. On the grounds of this, he considered as an enemy of mankind, all states had this right for exercising its universal jurisdiction over the suspected pirates ^[1].

It is generally stated that there are two main specific approaches in defining maritime piracy under international law including "Zonal approach" and "Generalized Approach". The zonal approach's emphasis is on the location of the incident to consider it as a maritime piracy. In other words, the criminal act shall be committed in specific maritime zones to consider that as a piratical act. It is worthy to mentioned that this method has been stablished by the aid of UNCLOS and IMO Resolution. In the criminal act shall be occurs outside the jurisdiction of any state, in the high seas or in the Exclusive Economic Zone (EEZ). Apart from that, in general approach, the location of the commission of the act is not considered for counting as a maritime piracy. Although It can be defined as a specific term with the determined characteristics. Take SUA Convention for instance. The definition of piracy at SUA Convention will be discussed later ^[2].

In this part, the UNCLOS substantive provisions which are related to piracy will be explained. Article 100 of this convention refers to duty of cooperation between state in the repression of Piracy:

"Article 100

Duty to cooperate in the repression of piracy. All states shall cooperate to the fullest possible extent for fighting against the piracy on the high seas or in any other place outside the jurisdiction of any state". It can be understand from Article

100 of UNCLOS, the crime must be occurred outside the territorial jurisdiction of any state. The Article 101 of UNCLOS provisions defines the piracy as follows:

“Article 101

Definition of piracy

Piracy consists of any of the following acts:

- a. Any illegal acts of violence or detention, or any act of depredation, committed for private ends by crew or the passengers of private ship or a private aircraft, and directed:
 1. on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 2. against a ship, aircraft, persons or property in a place Outside the jurisdiction of any state;
- b. any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b)”.

Definition of piracy which is presented in Article 101 of UNCLOS is almost similar with Article 15 of the Convention on High Sea in 1958. The core components on defining piracy in this convention are as follows:

Firstly, piratical act must be committed with “private ends”. It is clear that this issue exclude those violently attacking with political motives to consider as a piratical activities.

Secondly, the definition contains geographical limitation. As the various maritime zones has been well defined in this convention. The attack should be occurred outside the jurisdiction of the states to consider as a piracy. If attack occur within the sovereign territory of state it cannot be assumed as a piratical act. It means that there is a legal lacuna to protect territorial waters against this serious crime. It must be committed by private ships. It means that if the warship is being used for attack it cannot be considered as a maritime piracy. According to Article 104 of the convention, retention or loss of nationality of a pirate ship or aircraft depends on the decision of the concerning court. The Article 105 has been belonged to Seizure of a pirate ship or aircraft:

Every state is able to seizure a pirate ship or a ship or aircraft taken by piracy. In addition, they can arrest persons and property on board. Seizing state can decide up on the penalties and determine any action regarding ship, aircraft or property subject to the rights of third party. If the seizure was not based on adequate evidence, the seizing state is liable for any loss or damage to the state nationality of the ship. It can be understand from Article 106 of the UNCLOS. According to Article 107 of this convention, only warships or military aircraft or those ships which are on government service are able to seize on account of piracy. These kinds of ship should be marked and identified as well. In addition, they must be permitted to seize the pirate ship. The seizing state’s courts may exercise their jurisdiction over the suspected offender(s) of piracy. In 2009, General assembly emphasized on great importance of international cooperation in tackling piracy at regional, sub-regional and bilateral agreements^[3].

There were continuous effort at international level to stablish more legal instruments for providing marine safety. The Convention for the Suppression of Unlawful Acts

against Safety of Maritime Navigation (the SUA convention) was adopted in 1998. Afterwards, 2005 Protocol has codified along with that convention to tackle the maritime terrorism^[4]. In Article 3 of the SUA Convention: “Any person commits an offence if that person unlawfully and intentionally:

Seize or exercises control over a ship by force or threat thereof or any other form of intimidation”.

The IMB is specialized division of the International Chamber of Commerce (ICC) protect the integrity of international trade and fighting against all type of maritime crimes. The International Maritime Organization (IMO) in A504(XII)(5) and (9) which was adopted on 20 November 1981 advised all governments to cooperate with each other and IBM to combat maritime fraud^[5]. The International Maritime Bureau defines piracy as “the act of boarding any vessel with an intent to commit theft or any other crime, and with an intent or capacity use force in furtherance of that act. This non-profit making organization has its own report center which is called IMB Piracy Report Center. Reporting pirate attacks on various world’s shipping lane is one of its specific task. This organization also provide its special reports on Piracy and Armed Robbery Against Ships continuously. It is obvious that fighting against piracy at sea needs a sufficient financial source assuredly. So for this matter, the international community provided several funds which are mentioned as follows: International Maritime Security Trust (IMST) Fund of the IMO, the International Search and Rescue (SAR) Fund, the IMO Malacca and Singapore Trust Fund, the IMO Djibouti Code of Conduct Trust Fund, Centralized international fund under the control of UNO.

At this time, Piracy transformed from a violent international maritime crime to a organized crime with multinational face in nature. It has a ruinous impact of maritime activities specially in High seas. The world has witnessed numerous attacks in piracy hotspots of the world like Somali coastline, Indian Ocean and the Red Sea. In case of some states like Somalia there is insufficient power to patrol and control their territorial maritime zone. This matter increase the piracy incidents in the Red Sea enormously. In this specific area piracy shows itself as an organized crime. It has created a great concern for the maritime communities. In recent years, all these concerns has led to various anti-piracy action such as UN Security Council Resolution and different bilateral and multilateral agreements among different countries to optimize the fight against this main challenge for marine security^[6].

International anti-piracy legal framework

Conspicuously, protecting maritime space from piratical attack requires a comprehensive legal structure to deter and respond to incidents of piracy in the best possible ways. Under customary international law, the universal jurisdiction was applied for trial of suspected pirates. It was the early forms of combating piracy in international atmosphere. Even though this solution was insufficient in fighting against piracy threats in developing societies and increasing global maritime trades.

The first effort for codification relating to piracy started in 1926 the League of Nation. In fact, the subcommittee on piracy defined it as a “sailing the seas for private ends without authorization from government of any state with the object of committing depredations upon property or acts of

violence against persons.” In spite of that, unfortunately it was not able to reach an agreement at international level.

In next step, during the First United Nation Conference on the Law of the Sea, adopted the convention on High Sea at Geneva in 1958. Along with the Definition of piracy in this convention, designing a legal structure for state’s liabilities and obligations regarding the piracy has been mentioned in related piracy articles. It is worthy to note that Articles 14 to 22 of the 1958 Geneva convention on the High Seas has been mentioned to piracy. The Second Conference on Law of the Sea was not addressed the piracy. There is no doubt about that the UNCLOS 1982 (Third United Nation Convention on the Law of the Sea) was the most-awaited convention internationally. It was a great attainment to achieve such a comprehensive convention relating to piracy on that specific period of time. It took almost nine years to reach the final act in 1982. It should be noted that it entered into force in 1994. There are just 7 Articles Out of 320 articles which are related to maritime piracy in this convention. Consequently, the international endeavor to combat piracy shall not been limited to conventions and treaties. There is vital need for having separate specific code of maritime piracy in domestic legal structure in every countries. Due to this fact India has done its effort for legislating separate code like the Anti-Maritime Piracy Bill 2019. By the aid of this future code India will be able to prosecute the apprehended suspected pirates irrespective of their own nationalities, the extradition of suspected pirates to be tried in the concerned competent court.

Legislation on maritime piracy in India

India has made a sincere efforts to enhance its capabilities to battle maritime piracy. It is obvious that as a signatory of UNCLOS, there are specific obligations in legislating separate domestic code of piracy along with close cooperation for suppression maritime piracy in practical ways.

Nevertheless, India does not have separate legislation of piracy till now but the recent Anti-maritime Piracy has introduced in Lok Sabha 2019 by the minister of external affairs of India. Actually, there is a essential need for domestic separate legal instrument for prosecution of pirates. Hence, the Anti-maritime Piracy Bill trying to answer to this urgent need for a comprehensive code on piracy at sea.

In this section, some highlights of the bill will be discussed but before to analyze main features of the current Anti-maritime Piracy Bill 2019, lets take a look to the atmosphere of piracy incidents in its geographical context and applicable laws for Indian legal system to tackle maritime piracy.

Nowadays, most of Somalian pirate attacks is happening at Gulf of Aden which is located between Somalia and Yemen, it links the Arabian Sea to the Red Sea and through the Suez canal toward the Mediterranean Sea. Due to the fact that, the western coast of India is also vulnerable to piracy attacks. It is estimated that near about 2000 ships are using this maritime route monthly. As far as maritime security is concerned, India as a great maritime power in this region has played a major role to promote the safety level and security of global maritime trade. On the other hand, It is clear that the Indian navy and the Coast Guard faces the deficiency of the absence of a comprehensive specific law on maritime piracy specially for prosecuting the pirates [7].

Prior to drafting the Anti-maritime Piracy Bill, specific courts were applying the provisions of the Indian Penal code in section which was related to armed robbery.

As mentioned above, the provision of armed robbery in Indian Penal Code have been invoked by specific courts in India for bringing pirates to justice. Section 398 of IPC deals with “Attempt to commit robbery or dacoity when armed with deadly weapon”. It prescribes that if “the offender is armed with any deadly weapon” while attempting to commit robbery the punishment shall not be less than seven years.

Apart from IPC, For analyzing current relative legislation on maritime piracy, it should bare in mind that any national legislation in member states of UNCLOS on piracy shall be in a complete integrity on standard of UNCLOS.

Moreover, there are various targets which has been followed as main targets of this bill including the safety and welfares of Indian seafarers, improving the India’s role as a part of international endeavor to fight against piracy.

Due to the fact that piracy as a crime has not criminalized in the Indian Penal code. It is obvious that criminalizing maritime piracy under the domestic law will create that required legal authority for prosecution suspected pirates and imprisoned pirates. The Anti-maritime Piracy Bill, 2019 has introduced in Lok Sabha by the minister of external affairs of India.

The bill contain 15 section. According to the second article of Bill, “piracy” defines as any illegal act of violence or any act or detention or depredation for private ends by the crew or passengers of a private ship or aircraft on high seas against another ship or aircraft, person or property on board ship or aircraft. In addition, any act which is consider to be piratical under customary international law shall be counted as maritime piracy under this definition.

In Article 3 of the Bill intends to consider life imprisonment to punish piracy. Another punishment which is considered for piracy is death penalty for convicted pirates in case his criminal action leads to death.

Moreover, according to Article attempts to commit, aiding or abetting piracy, organizing or directing other persons to participate in the act of piracy shall be punishable with imprisonment up to 14 years and shall also be liable to fine.

The Bill enables the central government to determine designated court for having Jurisdiction for speedy trial regardless of nationality or citizenship of suspected pirates in competent court. As the Article 9 describes the jurisdiction of designated court. Regarding that the court have the jurisdiction to try an offence which are committed by Indian citizen, foreign national residence in India or any stateless person.

It is worthy to note that Article 11 of the bill refers to presumption of guilt in case of arm ammunition explosives recovered from the accused pirates. In such a situation those items can be considered of as evidence.

Along with current remarkable efforts for legislating piracy bill in 2019, India as a major maritime power in Indian Ocean has an active participation in tackling maritime piracy in the Gulf of Aden and the Eastern Arabian Sea as well. The Indian Navy commenced anti-piracy patrols in the Gulf of Aden from October 2008 and since then a ship has been deployed continuously. The safety of this commercial maritime route is a national concern for India. Due to this fact, this country has increased the anti-piracy patrols by its navies in this region recently [8].

Judicial decisions relating to the maritime piracy

In this part two important supreme court judgments in India and one remarkable case from Madagascar's court on maritime piracy will be discussed. Theoretical Analysis will be helpful for understanding the maritime piracy in the context of Indian judicial decision perspective.

The first case is *The Republic of Italy Thr. Ambassador... vs Union of India & Ors* ^[9]. The incident happened with the distance of 20.5 nautical miles from the Kerala coast in 2012. Two Indian fishermen on the board of St Antony ship have been killed by two Italian marines who opened fire against them from their ship with the of MV Enrica Lexie. The Indian authorities boarded the vessel and Kerala state police arrested the two Italian marines regarding the incident. Subsequently the case started in Kerala high court. Since the victims who were killed on board were Indian national, India would be able to exercise its jurisdiction. It can be seen that as a result of that the supremacy of jurisdiction by Italy could not be apply. Respectively, they were accused to homicide. There were various rules and regulations which were related to the case including the maritime zones Act 1976, the Indian Penal Code and the Code of Criminal Procedure.

On the other hand, the accused persons petitioned against criminal proceeding to the high court. They claimed that the incident took place around 20.5 Nautical Miles from the Indian coast in the Kerala. It means that the occurrence has happened outside the territorial waters in contiguous zone and the exclusive economic Zone (EEZ). Hence, it has occurred beyond the jurisdiction of concerned state in India. It can be seen that the question of jurisdiction was the main issue within the criminal process of the case. In such a situations the primacy of flag state jurisdiction should be applied. In the next step,

The supreme court held that the state of Kerala did not have jurisdiction for investigating suspected two Italian marines. As both countries joined in to the UNCLOS and ratified it in their own domestic law, Therefore, both countries abides to its provisions every jurisdictional conflicts. Along with that Article 17 of UNCLOS recognized the innocent passage for ships of all states. Actually those Italian marines were foreign armed forces personnel, accompanying merchant vessel. According to Article 31 of the Vienna Convention on Diplomatic Relation, 1961 they are given Immunity from criminal prosecutions.

They also alleged that the Indian vessel was fishing off the coast of kerala in international waters and two Italian marines misunderstand them as a dangerous pirates ^[10]. In other words, They mistook the St. Antony ship as a pirate vessel. They claimed that they have used force as a piracy protection measures. Article 97 of UNCLOS relates to penal jurisdiction in matter of collision or any other incident of navigation. It concerning with the responsibility of the master or any other person in the service of the ship regarding navigational incidents. According to Article 100 of the UNCLOS "All states shall co-operate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any state." According to 94.7 of UNCLOS Each state shall cause an inquiry to be held 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 another state. The court held that it was "the incident of navigation". The two suspected Italian marines had sent

back to Italy to be inquired and tried in their home country. Finally they convicted to pay the compensations to the victim's families.

The second case is *Gaurav Kumar Bansal vs Union of India And Ors* ^[11]. The mentioned case is about three merchant vessel which have been hijacked in the high sea in Gulf of Aden and Western Arabian Sea by the Somalian pirates. Due to this piratical acts a great deals of Indian crew members were held in captivity outside of the India. According to the reports of International Maritime Organisation (IMO) the detail of the names of those commercial vessels and number of Indians who have been taken hostages, were as fallows:

1. The cargo ship Iceberg-1 (Flag State Panama) 6 Indian crew members were among seafarers.
2. Tanker Ship Symrni (Flag State Liberia) with 11 Indian hostages.
3. Chemical Tanker Royal Grace (Flag State Panama) 17 Indian seafarers.

As noted previously, the Indian seafarers were held captive by Somalian pirates. Actually, petitioners were the relatives of the victims were seeking all possible directions to the Government of India to expedite release of Indian seafarers. According to the judgment of supreme court of India, the concept of "Parens patriae" principle recognizes the state as a protector of all citizens in all situations where ever they are. As a consequence, the preamble to the Indian constitution under Articles 38, 39 and 39 obliged the welfare state of India for taking all protective measures for its citizens. Hence, the social welfare state of India must secure all the guaranteed rights of its citizens to protect the lives and liberty of Indian nationals. It is clear that the specific further steps must be taken by government regarding those Indian seafarers who were victims of piracy outside of their own country. The high court of India strongly obliged the government for having international coordination secure release of Indians who have been taken as hostages abroad. In addition, India as a signatory to the United Convention of Law of the Sea (UNCLOS) which has defined the piracy in its provisions has specific duties regarding combating the piracy. India does not have any specific legislation on piracy but the government has prepared various bills such as "Maritime Piracy Bill 2019" in line with the UNCLOS rules and regulations for combatting more effective with the piracy as a serious threat for safety of maritime navigation and seafarers on board.

The third case is the *M/V Zoulficar Case*. The piratical attack on the M/V Zoulficar has happened near Madagascar Island. It is commandable that shipping lane of Madagascar is one of the region which is under severe attacks of pirates. Due to the fact that a great deals of tankers are passing through out the Mozambique channel which is located between Madagascar Island and Mozambique at the east of Africa annually. Various reports of IMO and IMB illustrate that the Madagascar is one of the areas of the world which is under the continuous threat of pirates. In fact, the North west and north east coasts of Madagascar Island exposed to Somali pirates. Take the M/V Zoulficar case for example. The M/V Zoulficar was hijacked on October 31, 2010 by Somalian pirates during its journey from Marony to Dar-Es-Salam in Tanzania.

They attacked and fired upon the mentioned vessel while they were on board of two skiffs. Finally, they reached on

board and took the whole control of hijacked vessel. At the beginning, they tried to take ransom but after a while they realized that the owner of the vessel was not able to pay the required amount. Then they forced the captain to change its destination to Kismayo in Somalia. In the next phase, they were using the hijacked vessel as a mother ship for conducting attacks for almost four months^[12].

Ultimately, after reaching to Antsiranana, the arrest operation was performed and 12 pirates arrested by Malagasy authority by the aid of military operation for capturing pirates on the board. Simultaneously, the Comorian transport minister went to the Madagascar to cooperate in relating issues. It is stated that due to the fact that four crew members were Malagasy national on board that vessel, the Malagasy court was competent court regarding this incident. During the trial, they were in preventive custody. The concerned judge released the underage pirates who was 16 years old and put him under supervision of third party and other pirates were charged to arbitrary detention, involuntary manslaughter, violence, assault and battery and attempted rape, indeed. The *M/V Zoufficar* case depicts that the Madagascar was vulnerable to threat of maritime piracy. It can be seen that an official operational response has a vital role for suppressing piracy at sea in Madagascar 's territory. It can be concluded that seriousness of action like anti-piracy patrols is required for guaranteeing safe and secure maritime trade in this important maritime shipping lane in this region. As mentioned in the case, the Comorian transport minister went to Madagascar for a close cooperation in administrative issue with Malagasy government. It illustrates the benefits of these kinds of action in combating piracy at sea. The Malagasy authorities exercise their jurisdiction to seize the hijacked vessel due to the fact that some of the crew members were Malagasy nationals. It can be seen that the Malagasy court exercise its jurisdiction over the case by Malagasy court irrespective of flag state of the ship. It can be seen that the Malagasy court exercised its jurisdiction over the maritime piracy incident and this country benefited from administrative cooperation with neighboring countries to combat maritime piracy with a most effective way.

The fourth case which has to be discussed in this article is *MV Alondra Rainbow*. In September 1999 a group of pirates from Indonesia invaded *MV Alondra Rainbow* a Japanese cargo ship which is registered in Panama. These pirates hijacked this Japanese-owned vessel at Arabian Sea^[13]. Indian Coast Guard captured the pirates immediately. The trial of these pirates started and they convicted ultimately by Mumbai court. Due to the lack of any specific piracy code in India, the court put a great deals of efforts to find the related laws among various Indian codes. Actually, they convicted by the aid of various specific Indian penal code such as "Attempt to Murder" under section 307, "Armed Robbery" under sections 397 and 398 of Indian Penal Code. In fact, 15 pirates convicted by the competent court according to related provision of Indian Penal law along with British Admiralty law^[14]. Eventually, the court sentenced them to imprisonments and fines by February 2003. However, they appealed after conviction to the Mumbai High Court. Eventually, the lower court's decision repealed by the High Court of Mumbai in 18 April 2005. The Mumbai High Court acquitted all the convicted persons.

The Mumbai High decision on *Alondra* case illustrated that the all the anti-piracy efforts is not a completed response to

the threat of piracy without having the specific code of piracy. It is clear that the combatting against piracy needs an adequate and comprehensive legal instrument along with sufficient maritime power to law enforcement within the sea and oceans.

Nevertheless, "the *Alondra Rainbow* incident can be termed as a legal debacle for maritime community"^[15]. Some expert believe that the *Alondra* case and other similar cases were the main reason for formulating the Indian Piracy Bill in 2012^[16]. As addressed before, currently, the Anti-Maritime Piracy bill 2019 is introduced to Lok Sabha to become an unique and comprehensive legal mean for India to enhance the efficiency of its own anti-maritime piracy operations all around the globe.

Conclusion and suggestions

Nowadays, maritime safety becomes a great concern for all littoral government all around the world. It has been seen that, pirates are using sophisticated technology in their criminal tactical pattern. Hence, in such a situation, the most important aspect of countering piracy, is adopting the comprehensive and modernized methods. Since the piracy has a complex nature in essence, considering various aspect of it is an important task for every legislating bodies in domestic and international level.

There are various Legal apparatus along with technical Co-operation between different countries on maritime security for dealing with piracy in a proper way nevertheless the legal instruments to addressing the piracy seems to be insufficient and inadequate. Despite all efforts to counter maritime piracy, domestic judicial framework for prosecution and sentencing the pirates is still very problematic in most of the piracy cases due to international nature of this crime. The need for an effective legal framework to combat such maritime crimes has not been sufficiently examined. It is clear that exercising universal jurisdiction by each court on over piracy related cases seems to be problematic. It is Domestic application of international law indeed. It is clear that judges are required to be professional endeavors in this subject. It is beyond debate that international cooperation among different countries should be improved in fighting against piracy.

By the aid of analysis of judicial decisions in India it can be understood that India is able to overcome to any complexity of the maritime piracy case. India as a signatory to UNCLOS has ratified it in its domestic legal system. In other words, the Indian legislation body follows the UNCLOS in legislating the concerned laws. India does not have the legal basis of a legal framework for addressing maritime piracy. Nevertheless, the current efforts to legislate the specific piracy code like the Anti-Maritime Piracy Bill, 2019, will enable Indian authorities to combat more effectively with the maritime piracy incidents in the high seas. Hence, these current efforts demonstrates that the legislature body of Indian legal system, realized the essential need for strengthening its legal instruments by the aid of a comprehensive modern legal framework which shall be dedicated to maritime piracy as a separate code. It will improve the capabilities of such a strong maritime power like India to act more efficiently to secure the safety of navigation and maritime trade globally and acting dynamically in facing any maritime threat in marine sphere.

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