



# Maritime Piracy in the Indian Ocean: Evaluating the Impact of the Maritime Anti-Piracy Act, 2022

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## ABSTRACT

Maritime piracy remains a significant threat to global security and trade, particularly in the Indian Ocean region, where strategic sea lanes are frequently targeted. Piracy has evolved into sophisticated, transnational operations involving hijackings, hostage-taking, and ransom demands, especially in high-risk areas like the Gulf of Aden, Arabian Sea, and Somali waters. These developments demand strong legal and security responses both nationally and internationally. India, as a major maritime nation, is especially vulnerable. To address legal gaps, it enacted the Maritime Anti-Piracy Act, 2022, aligning with international frameworks like UNCLOS. The Act defines piracy, establishes jurisdiction, prescribes penalties, and empowers enforcement, reinforcing India's maritime security stance.

This study analyzes the Act's effectiveness in combating piracy, focusing on legal, enforcement, and geopolitical challenges. It assesses India's inter-agency coordination, naval readiness, and international cooperation, drawing comparisons with global models like the U.S. anti-piracy laws, EU's Operation Atalanta, and African regional efforts. Despite progress, enforcement faces issues such as jurisdictional complexity, prosecution hurdles, and evolving piracy tactics. Emerging technologies like AI surveillance and satellite tracking are critical to enhancing implementation.

**Keywords:** Maritime piracy, Indian Ocean, Maritime Anti-Piracy Act 2022, UNCLOS, maritime security, piracy laws, jurisdiction, naval enforcement, international cooperation, hostage-taking, ransom negotiations, maritime trade, AI surveillance, global anti-piracy frameworks, prosecution challenges, maritime governance.

## Introduction

Maritime piracy has been a longstanding threat to global trade, security, and economic stability. Throughout history, piracy has evolved from small-scale acts of theft and violence on the high seas to highly organized criminal operations that pose significant challenges to national and international law enforcement agencies. The Indian Ocean, one of the world's busiest maritime regions, has been a hotspot for piracy, particularly in areas such as the Gulf of Aden, Arabian Sea, Somali Coast, and the waters near the Malacca Strait. These regions are vital corridors for global trade, carrying a significant percentage of the world's oil, gas, and commercial goods. The disruption of maritime trade due to piracy not only leads to economic losses but also endangers the safety of seafarers and creates geopolitical tensions between nations.

### *The Evolution of Anti-Piracy Efforts*

Over the years, multiple international efforts have been made to curb piracy in the Indian Ocean. The United Nations Convention on the Law of the Sea provides a legal framework for prosecuting piracy, while United Nations Security Council Resolutions have authorized international naval operations to combat piracy in high-risk areas. In response to the growing piracy problem, multinational naval forces such as Operation Atalanta, Combined Maritime Forces, and NATO's anti-piracy missions have been deployed to deter and disrupt pirate activities. Additionally, private shipping companies have taken steps to protect their vessels, including the use of armed security personnel, onboard defence systems, and convoy protection strategies. Despite these efforts, piracy continues to pose significant challenges due to legal loopholes, jurisdictional conflicts, and enforcement limitations. Many pirates, once captured, are often released due to difficulties in prosecuting them under international law. Moreover, the adaptability of pirate groups, their use of advanced technology, and their connections with organized crime networks make piracy an ever-evolving threat.

### *India's Vulnerability to Maritime Piracy*

As a nation with a vast coastline of over 7,500 kilometres, a significant maritime trade economy, and strategic interests in the Indian Ocean, India has been actively engaged in counter-piracy efforts. Several Indian merchant vessels have been targeted by pirates, leading to concerns over the safety of Indian seafarers and the economic implications of piracy for India's trade routes. The Indian Navy and Coast Guard have been involved in numerous anti-piracy operations, escorting vessels through high-risk zones and responding to distress calls from hijacked ships. However, until recently, India lacked a dedicated domestic legal framework to prosecute piracy cases, relying primarily on international conventions and general criminal laws to address piracy-related offenses.

### ***The Maritime Anti-Piracy Act, 2022: A Legislative Milestone<sup>1</sup>***

Recognizing the growing threats posed by piracy and the need for a comprehensive legal mechanism, India enacted the Maritime Anti-Piracy Act, 2022. This legislation was introduced to establish a clear legal definition of piracy, prescribe stringent punishments for piracy-related crimes, and expand India's jurisdiction to prosecute piracy offenses even in international waters. The Act aligns with UNCLOS provisions and enhances India's ability to take action against piracy while ensuring compliance with its international obligations.

**Some key features of the Act include:**

- Criminalization of piracy with severe penalties, including life imprisonment.
- Jurisdiction over piracy incidents involving Indian vessels and nationals, even in international waters.
- Legal authority for the Indian government and enforcement agencies to take proactive measures against piracy.
- Provisions for international cooperation and extradition in dealing with piracy-related offenses.

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## **Historical Context and Evolution of Maritime Piracy in the Indian Ocean**

Maritime piracy is one of humanity's oldest crimes, with its presence dating back to ancient times. The Indian Ocean, a vital trade route, has seen various forms of piracy, from early sea raiders to modern organized pirate groups.

### ***Ancient Maritime Piracy***

The Indian Ocean has long been a crucial route for trade, connecting civilizations like India, Mesopotamia, Egypt, and Southeast Asia. The wealth carried by merchant vessels made them targets for pirates. Ancient texts, such as Kautilya's *Arthashastra* (circa 300 BCE), highlight the threat of piracy and stress the importance of naval defense. The Chola Dynasty of South India frequently battled pirate groups in the Bay of Bengal and the Malacca Strait.

### ***The Golden Age of Piracy (17th–18th Centuries)***

The 17th and 18th centuries marked the height of piracy, coinciding with European colonial expansion. Pirates like Henry Every and William Kidd operated in the Indian Ocean, targeting ships carrying gold, spices, and textiles. *Madagascar* became a notorious pirate base. European powers, especially the British East India Company, took steps to counter piracy, increasing naval patrols and eventually reducing piracy by the 18th century.

### ***The Decline of Traditional Piracy (19th and 20th Centuries)***

With European colonial empires growing stronger and naval enforcement increasing, piracy declined in the 19th century. The *British Royal Navy* played a significant role in suppressing pirate groups, particularly in the *Persian Gulf* and *Arabian Sea*. The suppression of the slave trade also contributed to this decline. By the early 20th century, piracy became rare, though it would resurface later in the 21st century in new forms.

### ***The Resurgence of Modern Piracy (Late 20th–21st Century)***

In the late 20th and early 21st centuries, piracy resurfaced off the coast of *Somalia* due to the collapse of the country's government. Somali pirates, using speedboats and automatic weapons, began hijacking vessels in the *Gulf of Aden* and *Arabian Sea*, disrupting global shipping. Although piracy in Somalia has decreased with improved security, new threats have emerged in other parts of the Indian Ocean, including piracy linked to organized crime and terrorism. The persistent challenges of weak governance, economic instability, and gaps in international law continue to hinder maritime security in the region.

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## **Global Challenges in Combating Maritime Piracy**

Maritime piracy continues to threaten global trade and security, with several challenges hindering effective countermeasures. Despite international legal frameworks, piracy remains pervasive due to *jurisdictional issues*, *economic impacts*, and *security threats*.

### ***Jurisdictional Challenges***

Piracy often occurs in international waters, beyond the reach of any single state's legal authority, complicating enforcement. Although *UNCLOS* provides *universal jurisdiction*, many countries lack the domestic laws to prosecute pirates, leading to gaps in enforcement. Furthermore, the distinction between piracy and other crimes, like armed robbery in territorial waters, complicates legal clarity.

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<sup>1</sup> Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention), 1988

### ***Economic Impacts***

Piracy disrupts shipping lanes, causing delays, higher fuel costs, and increased insurance premiums, impacting global trade. Regions like the *Gulf of Aden* have seen rerouting of vessels, raising operational costs. *Insurance premiums* also rise as companies invest in security, further straining financial resources.

### ***Security Challenges***

Piracy exacerbates security threats, especially in politically unstable regions. *Piracy and terrorism* often overlap, as ransom money from pirate activities may fund terrorist groups. The connection between Somali pirates and Al-Shabaab is a notable example. Additionally, *weak governance* in regions like Somalia and the *Gulf of Guinea* allows piracy to thrive, with insufficient law enforcement and economic instability.

### ***International Efforts***

International operations such as *EU NAVFOR* and *Combined Task Force 151* have reduced piracy incidents, while regional agreements like the *Djibouti Code of Conduct* focus on enhancing maritime security. Technological advancements in *satellite monitoring* and *UAVs* also help improve tracking and response times.

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## **International Legal Framework for Combating Maritime Piracy<sup>2</sup>**

The global legal regime against maritime piracy is primarily rooted in *customary international law* and codified instruments, particularly the *United Nations Convention on the Law of the Sea (UNCLOS)*, 1982. Under UNCLOS, piracy is defined and addressed in *Articles 100–107 and 110*, which grant *universal jurisdiction* to all states to seize pirate ships and prosecute offenders regardless of nationality or location, provided the act occurs on the high seas or outside any state's jurisdiction.

However, UNCLOS lacks provisions for *enforcement mechanisms or penal consequences*, delegating responsibility to national legislations. To complement these gaps, the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA)*, 1988 was adopted. The SUA Convention criminalizes acts of violence at sea, even within territorial waters, thus broadening the legal scope.

**In response to modern piracy challenges** especially off the coast of Somalia the *UN Security Council (UNSC)* has passed several resolutions under *Chapter VII* of the UN Charter. Resolutions such as *1816 (2008)* and *1851 (2008)* permit states to enter Somali territorial waters and even operate on land to suppress piracy. These resolutions reinforce international cooperation but are time-bound and region-specific.

Additionally, the *International Maritime Organization (IMO)* plays a pivotal role in issuing guidelines and coordinating global maritime security initiatives. Instruments like the *IMO Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships* assist in harmonizing national responses.

While the framework provides legal authority and cooperative structures, challenges remain in enforcement, prosecution, and securing political will across jurisdictions. Therefore, effective implementation depends on *robust national legislation*, regional initiatives, and sustained *multilateral cooperation*.

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## **The Maritime Anti-Piracy Act, 2022 – Strengths, Weaknesses, and Implementation Challenges<sup>3</sup>**

Maritime piracy has been a persistent threat to global trade, security, and the sovereignty of coastal states. Given India's strategic position in the Indian Ocean, maritime security has always been a crucial concern. The rising incidents of piracy, especially in the waters off the coasts of Somalia, the Gulf of Aden, and the Strait of Malacca, have necessitated the creation of a strong legal framework to combat piracy effectively. Recognizing the increasing risks posed by piracy and the need to address them within a structured legal system, India enacted the Maritime Anti-Piracy Act, 2022. This legislation aims to provide a comprehensive legal framework for prosecuting pirates, strengthening national and international maritime security, and ensuring compliance with India's obligations under the United Nations Convention on the Law of the Sea (UNCLOS), 1982.

The lack of a dedicated anti-piracy law had previously led to challenges in prosecuting pirates captured by the Indian Navy. Without specific legal provisions, there were delays in judicial proceedings and uncertainty in the jurisdiction of Indian courts. The Maritime Anti-Piracy Act, 2022, seeks to address these legal voids by defining piracy explicitly, granting jurisdiction to Indian authorities, and prescribing strict punitive measures.

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<sup>2</sup> Economic Times - "India's Strategy to Combat Piracy in the Indian Ocean" (2024)

<sup>3</sup> **Kraska, James. (2011).** *Contemporary Maritime Piracy: International Law, Strategy, and Diplomacy at Sea*. Praeger Security International.

### ***Background and Need for the Maritime Anti-Piracy Act, 2022<sup>4</sup>***

Before the enactment of the Maritime Anti-Piracy Act, 2022, India did not have a specific statute addressing piracy. Although UNCLOS allows states to prosecute pirates under universal jurisdiction, India struggled to implement these provisions due to the absence of corresponding domestic legislation. This lack of clarity led to difficulties in prosecuting pirates apprehended in Indian waters or by Indian naval forces.

The need for a specialized anti-piracy law became evident due to several factors. First, piracy incidents in the Indian Ocean Region (IOR) have escalated, affecting both Indian and foreign vessels. Second, Indian courts faced jurisdictional confusion in prosecuting captured pirates, leading to prolonged trials. Third, as a signatory to UNCLOS, India had an international obligation to adopt legislative measures to combat piracy. Lastly, piracy posed serious economic risks, as over 90% of India's trade by volume and 70% by value occurs via maritime routes. Given these factors, the Indian government introduced the Maritime Anti-Piracy Act, 2022, to bridge the legal gap and strengthen India's maritime defense mechanisms.

### ***Key Provisions of the Maritime Anti-Piracy Act, 2022<sup>5</sup>***

The Maritime Anti-Piracy Act, 2022 establishes a clear legal structure for dealing with piracy in Indian territorial waters and beyond. The Act defines piracy, sets forth punishments, clarifies jurisdiction, and empowers Indian authorities to act against piracy-related offenses.

The Act follows the UNCLOS definition of piracy, covering acts of violence, detention, or depredation committed on the high seas for private gain. It extends jurisdiction to the Exclusive Economic Zone (EEZ), allowing India to take legal action against pirates in international waters. The Act provides universal jurisdiction, meaning India can prosecute pirates regardless of their nationality or where the offense occurred, as long as the act impacts Indian interests.

One of the most significant features of the Act is its strict punitive framework. It prescribes life imprisonment for piracy-related offenses and initially included the death penalty for cases where piracy led to death. However, concerns regarding human rights compliance led to amendments removing the mandatory death penalty. The Act also grants extensive powers to Indian authorities, particularly the Indian Navy and Coast Guard, enabling them to arrest, detain, and prosecute pirates operating in the region.

### ***Strengths of the Maritime Anti-Piracy Act, 2022<sup>6</sup>***

The enactment of this legislation represents a significant step forward in India's maritime security strategy. One of its primary strengths is its alignment with international law, ensuring compliance with UNCLOS provisions. By granting universal jurisdiction, the Act empowers India to combat piracy beyond its territorial waters, allowing it to prosecute offenders regardless of their nationality or location of capture.

The Act also provides a strong punitive mechanism, with life imprisonment as the primary penalty, ensuring a deterrent effect against piracy. The legislation's clear jurisdictional framework helps avoid previous legal uncertainties, particularly concerning cases where pirates targeted Indian vessels or nationals in international waters. Additionally, by empowering the Indian Navy and Coast Guard, the law ensures that anti-piracy operations have a solid legal foundation, allowing authorities to take swift action against pirate threats.

### ***Weaknesses and Challenges in Implementation***

Despite its strengths, the Maritime Anti-Piracy Act, 2022, faces several challenges in its implementation. One of the primary issues is jurisdictional complexity. While the Act provides for universal jurisdiction, coordinating legal proceedings with foreign nations remains a challenge, particularly in cases involving non-Indian pirates or victims. Differences in international legal frameworks may lead to conflicts regarding extradition, evidence-sharing, and prosecution procedures.

Another significant challenge is the lack of specialized infrastructure for piracy trials. India currently lacks dedicated courts for handling maritime piracy cases, leading to delays in legal proceedings. Moreover, human rights concerns have been raised regarding the Act's initial inclusion of the death penalty, which could lead to diplomatic tensions with countries opposing capital punishment. Ensuring the humane treatment of captured pirates also

<sup>4</sup> Kraska, J. (2011). "Maritime Piracy in East Africa: Prevention and Prosecution," *Harvard International Law Journal*, 52(2), 225-260.

<sup>5</sup> Murphy, M. (2009). "Piracy and the Exploitation of a Common Resource: Governing the High Seas," *Journal of International Affairs*, 62(1), 117-130.

<sup>6</sup> *United States v. Smith*, 18 U.S. (5 Wheat.) 153 (1820)

remains a critical concern, particularly when dealing with minors or individuals forced into piracy by armed groups.

Further, international cooperation remains essential for the law's successful enforcement. Piracy is a transnational crime requiring collaborative efforts with foreign naval forces, intelligence agencies, and international organizations such as the United Nations and INTERPOL. Extradition issues, jurisdictional disputes, and diplomatic negotiations could create obstacles in the effective prosecution of pirates.

Finally, the evolving nature of maritime piracy poses a significant challenge. Modern pirates use advanced technologies, sophisticated weaponry, and even cyber-attacks to hijack vessels. The Act currently does not explicitly address cyber-piracy or piracy linked to terrorist organizations, which could become major security threats in the future.

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### **Strengthening India's Anti-Piracy Mechanism – Key Recommendations**

Piracy in the Indian Ocean remains a significant threat to global maritime trade, regional stability, and national security. The enactment of the Maritime Anti-Piracy Act, 2022, marked a crucial step toward establishing a comprehensive legal framework to address piracy-related crimes. However, the effectiveness of this legislation depends on robust enforcement mechanisms, strategic technological integration, and sustained international cooperation. India, with its geopolitical importance in the Indian Ocean Region (IOR), must develop a multi-faceted approach to strengthen its anti-piracy mechanisms.

#### ***Legal Reforms and Policy Enhancements***

Although the Maritime Anti-Piracy Act, 2022, provides a robust legal foundation for prosecuting piracy offenses, several loopholes and ambiguities must be addressed. One of the most critical challenges is jurisdictional clarity, as piracy often occurs in international waters where legal accountability becomes complex. While the Act grants universal jurisdiction, clear procedures for extradition, prosecution, and trial of foreign pirates need to be established. Bilateral and multilateral agreements with maritime nations can facilitate the extradition and trial of piracy suspects, ensuring that justice is served efficiently.

Additionally, punitive measures under the Act must be refined. While the law prescribes life imprisonment for piracy-related offenses, modern piracy networks often include coerced individuals, including minors, who are forced into piracy due to economic hardship. A more nuanced legal framework should be developed to differentiate between career pirates, financiers, and those forced into criminal activity. Introducing rehabilitation programs for such individuals and ensuring compensation and psychological support for victims of piracy can strengthen the Act's humanitarian approach while maintaining strict law enforcement.

Another emerging challenge in maritime security is the rise of cyber-piracy, where pirates exploit digital vulnerabilities to hijack ships or demand ransoms. The Maritime Anti-Piracy Act, 2022, currently lacks provisions addressing cyber-piracy, digital ransom threats, and maritime cyber-attacks. To address this gap, amendments should be introduced to criminalize cyber-related maritime crimes, and a specialized cyber-piracy unit should be established within India's maritime security framework.

#### ***Technological Advancements in Maritime Security<sup>8</sup>***

Leveraging advanced technology is essential to combat piracy efficiently. Real-time surveillance, predictive analytics, and high-speed response mechanisms can significantly enhance India's ability to detect and neutralize piracy threats before they escalate. Satellite surveillance, AI-driven monitoring, and unmanned aerial vehicles (UAVs) should be integrated into India's maritime defense strategy to provide comprehensive coverage of high-risk areas in the Indian Ocean.

Artificial Intelligence (AI) and predictive analytics can play a crucial role in identifying potential piracy threats. By analyzing historical data on piracy incidents, AI-based systems can forecast high-risk zones and alert naval authorities in advance. Additionally, drones and unmanned maritime vehicles (UMVs) can be deployed for real-time monitoring of piracy-prone areas, reducing reliance on traditional patrolling methods.

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<sup>7</sup> United States v. Ali Mohamed Ali, 799 F. Supp. 2d 186 (D.D.C. 2011)

<sup>8</sup> The Enrica Lexie Case (Italy v. India), PCA Case No. 2015-28

Upgrading the Indian Navy and Coast Guard's capabilities<sup>9</sup> is another crucial aspect of strengthening maritime security. Deploying high-speed interceptor vessels, modern radar systems, and advanced communication networks can improve India's ability to respond to piracy incidents swiftly. Further, training commercial shipping personnel in anti-piracy defense techniques can significantly reduce the success rate of piracy attacks.

A growing concern in maritime security is the increasing vulnerability of commercial ships to cyber-attacks. Many piracy syndicates target digital navigation systems to hijack vessels remotely. Implementing a national cybersecurity framework for maritime operations and conducting regular cybersecurity drills for shipping companies can mitigate the risks posed by cyber-pirates. Establishing a dedicated cyber-piracy response unit within India's maritime agencies can further enhance preparedness against digital threats.

### ***Strengthening International Cooperation and Regional Collaboration***

Piracy is a transnational issue that necessitates a collaborative approach among multiple stakeholders. Strengthening India's diplomatic and military partnerships with both regional and global actors is vital for efficient intelligence-sharing, coordinated naval operations, and legal cooperation in piracy-related cases.

India already plays a prominent role in regional maritime security frameworks such as the Indian Ocean Rim Association (IORA) and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). However, expanding India's participation in joint anti-piracy operations is crucial. Regular naval exercises, intelligence-sharing platforms, and collaborative patrolling missions can enhance the effectiveness of anti-piracy operations across the region.

On the global stage, India should deepen its ties with organizations like the United Nations Office on Drugs and Crime (UNODC), the International Maritime Organization (IMO), and NATO. Strengthening legal cooperation agreements with maritime powers such as the United States, the European Union, and Japan can facilitate faster prosecution of piracy suspects and enable greater resource-sharing for counter-piracy efforts.

A significant recommendation is the establishment of an integrated anti-piracy command center in India. This center could serve as a hub for naval intelligence, shipping industry coordination, and collaboration with international law enforcement agencies. By creating a real-time intelligence-sharing mechanism, India can improve its operational response and efficiency in tackling piracy threats.

Technological advancements such as AI-driven surveillance, drone monitoring, and cybersecurity strategies must be incorporated into India's maritime security framework. Upgrading the Indian Navy and Coast Guard's response capabilities with high-speed interceptor vessels, modern radar systems, and cybersecurity protocols will significantly mitigate piracy risks.

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## **Conclusion**

Maritime piracy remains a persistent threat to global trade and regional stability, especially in areas like the Indian Ocean. The Maritime Anti-Piracy Act, 2022 provides a strong legal foundation for addressing piracy, but there are challenges that need to be overcome to maximize its effectiveness. Key among these is the lack of clarity regarding jurisdictional authority, which complicates the prosecution of piracy cases. Additionally, the Act requires stronger sentencing guidelines to ensure a deterrent effect against piracy.

International cooperation is essential for combating piracy. India's involvement in regional frameworks such as ReCAAP and IORA, along with global organizations like the IMO and UNODC, is crucial. However, deeper collaboration with maritime powers such as the United States, Japan, and the European Union is necessary for better intelligence-sharing, joint naval operations, and resource allocation.

Technological advancements such as AI-driven surveillance, drones, and cyber-defense systems must be integrated into India's maritime security strategy. Establishing an anti-piracy command center within India to centralize coordination and intelligence-sharing can significantly improve operational responses.

While the *Maritime Anti-Piracy Act* provides a legal structure, further amendments are needed to address emerging piracy trends, clarify jurisdiction, and implement stricter penalties. A holistic approach combining legal reforms, technological innovation, and stronger international collaboration is essential. By enhancing its anti-piracy efforts, India can safeguard its maritime interests and contribute to global maritime security, ensuring the safety of international trade routes.

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