



**INDIA'S STRATEGIC APPROACH IN SECURING MARITIME BORDER
INCONGRUITIES IN REFERENCE TO INTERNATIONAL PERSPECTIVE
WITHIN THE AMBIT OF THE FRAMEWORK OF UNCLOS**

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ABSTRACT

The article gives insight relating to maritime border inconsistencies, which is one of the substantially concerning aspects in the context of India's National Security, Sovereignty and integrity. The Indian territory and its sovereign rights spread over the territorial water and Exclusive Economic Zone, in the Indian Ocean region, which is a common ground for clashes and contradictions, as it is one of the major routes for many countries that deal with trade-related affairs in the maritime borders and crossing international passage. The discourse highlights related facts and laws regulating the international guidelines under special reference to the UNCLOS framework. India has been one of the active members to ratify the UNCLOS framework since 1995, with legal sanctity, and adhering to its guidelines and precepts as incorporated as a competent authority of law. India is strategic and clear about its approach in upholding its position in the international arena. India has transitioned into strengthening and maintaining its position in the global networks by launching major initiatives related to the maritime realm, one of which is 'SAGAR' (Security and Growth for All in the Region), which aligns with the intention of regional cooperation, balance, security, and protection in the Indian Ocean Region (IOR). It also examines the legislative framework and legal norms, jurisdiction governing maritime zones, including the Admiralty Act 2017, the Maritime Zone of India Act, 1976 and its stance and viewpoint regarding freedom of navigation and innocent passage. The article also highlights India's involvement with the multilateral organisations like ASEAN, IORA, BIMSTEC and FIPIC and its collaboration with Regional and international maritime defence agreements. This paper also deals with the historical context of strategies involving China's influence and key maritime issues like the Sir Creek

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dispute and overlapping EEZ claims in the Arabian Sea and Bay of Bengal. It also deals with India's diplomatic stand on military and legal perspectives with evolving geopolitical challenges and concerns involving the limits of the Continental Shelf. India's position and stand to protect and safeguard the maritime sovereignty and ensure National Interest, with that of security to the Crucial Sea Lines of Communication (SLOCs), reflects the inconsistencies and contradictions in regulating laws within the scope of International frameworks of UNCLOS.

Keywords: UNCLOS, Maritime Security Initiatives, Freedom of Navigation, India-China Rivalry, Indian Ocean Region (IOR), Exclusive Economic Zone (EEZ), Extended Continental Shelf (ECS).

INTRODUCTION

The United Nations Convention on the Law of the Sea (UNCLOS) is an international Treaty, a comprehensive legal framework that governs oceans, including all marine and maritime pursuits. The UNCLOS, also known as the Law of the Sea Convention, in October 2024, 169 Sovereign States and the European Union, including all great powers, are parties except the US. The Third United Nations Conference, which took place between 1973 and 1982, was established by the 1958 Convention on the High Seas¹. A year after Guyana became the 60th Nation to ratify the treaty, the UNCLOS of 1982 was formally ratified by India on 29th June 1985.

Being a party to the convention, India is responsible for its rights, duties, and jurisdiction and is regulated by the provisions established under UNCLOS. The Government of India, aligning with its vision to enhance and strengthen maritime collaboration in the Indian Ocean Region with initiatives like SAGAR, India stretched its work of deploying the Indian Navy ship Kesar to countries like Mauritius, Maldives, Madagascar, Seychelles and Comoros. During COVID-19 India robustly took part in the Care Management by delivering assistance in form of Food, essential medicines, and the development of COVID-19 hospitality Care Units with equipped medical teams to our maritime neighbour in Africa, it was all possible due to INS Kesari, which travelled over a span of 7,500 nautical Miles over 55 days of relentless journey, overcoming the odds, which made it possible to initiate the

¹ United Nation Convention on the Law of Sea 1994

precautionary measures on time. India entered into three Memoranda of Understanding (MOUs) in 2019 with Mozambique to improve collaboration and cooperation. India is also involved with defence ties of cooperation underlying agreements with Kenya, Mozambique, South Africa, and Tanzania, further securing a strong partnership across the region and aspiring to boost bilateral maritime security cooperation. India is energetically strengthening its relationship with nations across East Asia, South Asia, and Oceania. On Strategic grounds, India is aiming to deepen its diplomatic ties by forming a coalition with several countries in the region, including Indonesia, Australia, and Vietnam. It has also enhanced its strategic partnership with Malaysia, Special Strategic partnership with Republic of Korea (ROK) and Japan and Strategic collaboration with Singapore and Association of Southeast Asian Nation (ASEAN) apart from ASEAN, ASEAN Regional Forum (ARF) and East Asia Summit (EAS) India has also been actively involved with other regions for such as Bay of Bengal Initiative for Multi Sectoral Technical and Economic Cooperation (BIMSTEC), Asia Cooperation Dialogue (AEO), Indian Ocean Rim Association (IORA), Indian Ocean Commission (IOC), Mekong Ganga Cooperation (MGC), Forum for India Pacific Island Cooperation (FIPIC), all of which promote to the realization of India's Act East Policy². In terms of Hydrography, the exchange of White Shipping information and joint surveillance of the Country's Exclusive Economic Zone (EEZ) is a crucial aspect that enhances maritime domain cooperation and monitors illegal activities and potential threats to the security of that particular region. The "Vasco de Gama Epoch" was termed by Indian historian KM Pannikar after the first ever European Expedition to sail into the Indian Ocean in 1940. In India, sovereignty has an inherent connection to maritime issues because Western Powers control and invade Asia through the direct influence of the sea. Western maritime powers were responsible and resulted in the establishment of European empires in Asia, and therefore, it was the main reason for Asian states that lost their sovereign power over time³.

INDIA'S INITIATIVE TOWARDS SECURING MARITIME INTEGRITY AND PROTECTION

In 2007, Pranab Mukherjee, the Minister for External Affairs, echoed Panikkar, about the Realization of gross ignorance of Maritime security and protection, eventually which led to the

² Shri Natarajan PR, 'Question No 1053: Support on Law of the Sea' (Lok Sabha, Ministry of External Affairs, 22 July 2022) <<https://www.mea.gov.in/lok-sabha.htm?dtl/35535/QUESTION+NO1053+SUPPORT+ON+LAW+OF+THE+SEA>> accessed 10 April 2026.

³ James R Holmes, Andrew C Winner and Toshi Yoshihara, *Indian Naval Strategy in the Twenty-First Century* (Routledge 2009) 23.

colonization of the subcontinent and consequently the balance was shifted and the loss of India's very independence for nearly three centuries and that such actions should not make a repetition in the future as such strategic error and failure weaken the structure and integrity of the Nation which is utterly unaffordable⁴. The subject matter of the issue related to freedom, navigation, and innocent passage was contentious. The maritime powers maintained their grounds that any water beyond territorial waters was considered part of the high Sea or international waters. Hence, all states cordially deal with the matter and enjoy freedom of navigation through them. Depending on the state, the freedom of navigation through territorial waters and EEZ includes 'innocent passage' of warships and the right of ships to pass through territorial waters without any hindrance or the need for prior notification, as long as those warships are not involved in any hostile activities and are directly transiting from one point to another. Several developing coastal states, including Pakistan, Bangladesh, China, and India, support the curtailing of the right of innocent passage in their respective territorial waters and even their EEZs⁵. India's outlook in terms of the maritime discourse expressed concerns and debate over issues involving extra-regional powers exercising military activities in the Indian Ocean region, as it can hamper the respective nation's integrity and sovereignty at large. No encroachment or overindulgence would be entertained on the side of the affected nation. This was framed as a reference to India's version of the Monroe Doctrine, signalling a desire to protect its strategic interests and regional sovereignty without external interference⁶. India, with clear guidelines, included the requirement to provide prior notification for foreign warships and ask for approval before entering into the Indian territorial waters because the first UNCLOS refused to include this restraint. The fourth Geneva Convention on the Law of the Sea, which made up UNCLOS(I) in 1960, to which India did not ratify⁷. Similarly, India tried to curb the access and involvement of external military powers in the IOR, which is evident in its proposal forwarded in 1971 for the Indian Ocean Zone of Peace. The Maritime Zone Act of 1976, which was passed by India in UNCLOS III, required all foreign warships to provide prior notification when passing through the territorial waters of India, even in the case of undertaking innocent passage⁸. In the 'Enrica Lexie' case, where two fishermen were fired and killed by Italian

⁴ Indo-Asian News Service, 'India Aiming to Become Maritime Power: Pranab' *Hindustan Times* (30 June 2007) <<https://www.hindustantimes.com/>> accessed 10 April 2026.

⁵ Nong Hong, *UNCLOS and Ocean Dispute Settlement: Law and Politics in the South China Sea* (Routledge 2012) 79.

⁶ David Brewster, 'Indian Strategic Thinking about the Indian Ocean' (2015) 14(2) *India Review* 228.

⁷ The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act 1976 (India).

⁸ *ibid.*

Marines on an Italian Vessel off the coast of Kerala, India, they claimed that the killing happened due to a response of mistakenly perceiving them to be pirates and a possible threat; it later became a matter of diplomatic row, creating a dispute regarding jurisdiction and freedom of navigation⁹. In view of New Delhi's position as classified in the Maritime Zones Act 1976, underwater vehicles comprising submarines, foreign warships, while passing through such waters, need to provide prior notification to the Central Government formally if they trespass or enter through the territorial Waters and shall show their flag and shall navigate on the surface in case of an underwater vehicle. India's intent to restrict external access and participation in the form of the Maritime Zone Act as its EEZ appears to be clearly evident of the fact. This stance of India contradicts the provisions of the UNCLOS, particularly in relation to the principles established under the framework of Navigation, as defined under International Law. India signed the UNCLOS in 1982, but it did not ratify the convention until 1995, which is important to highlight¹⁰. Under Articles 217 and 298, the government of India reserves all rights and privileges to make appropriate decisions regarding the settlement of disputes. Over the past two decades, domestic and international observers have seen India as an emerging great power and strategic partner of the US. India, in terms of its global economic standing, has increasingly relied on International Trade and external energy resources. This growing dependency has underscored the critical need for robust maritime security and the protection of Sea Lines of Communication (SLOCs), which are vital for sustaining economic stability and energy supply chains¹¹. Again, China has replaced Pakistan, which is again a major security threat, dating back to the year 1962, the disastrous border war. India and China share a disputed border, with issues that relate to National concern and by most measures, and strategies from the side of India, China, still with its military capabilities, gets facilitated due to the natural terrains of the geographic region along the border in their move to hold the grip and it is a disadvantage along that border in part of Indian strategic outlook to an extent. China has been maintaining a strong quasi-alliance with Pakistan and has assisted its ally with robust military assistance from time to time. China is also allegedly expanding its influence into the Indian Ocean Region (IOR), which can be seen by India as a "keep India Down" perspective with

⁹ *The 'Enrica Lexie' Incident (Italy v India)* PCA Case No 2015-28, Award on Jurisdiction and Admissibility (16 June 2015) <<https://pca-cpa.org/en/cases/117/>> accessed 10 April 2026.

¹⁰ C Raja Mohan, *Crossing the Rubicon: The Shaping of India's New Foreign Policy* (Palgrave Macmillan 2004) 13.

¹¹ Karen Stoll Farrell and Sumit Ganguly (eds), *Heading East: Security, Trade, and Environment between India and Southeast Asia* (Oxford University Press 2016) 32.

rivalry and hostile atmosphere, considering India to be in a weaker position¹². Beijing's Expansion of its naval and economic links, which is alarming to India, neighbouring countries such as Pakistan, Bangladesh, Sri Lanka, and Myanmar, with the intent of active participation in China's Belt and Road Initiative (BRI), several collaborating infrastructural projects are being pursued to enhance regional economic growth and connectivity. Through this initiative, infrastructural projects aim to build better trade links and connectivity of the network of ports, roads, and railways. China's growing influence in geographical dynamics in the region may raise concerns about the integrity, sovereignty, debt, sustainability, and shifting alliances. Despite all these challenges, BRI remains an important driver of modernisation and development for these Nations in the economic landscape. Western Maritime powers generally follow the international legal norms regarding freedom of Navigation, including the right of warships to cross through the EEZ in regions like South East and North East Asia while adhering to the rules established and respecting the sovereignty of coastal States. China, which holds the power and controls a large part of the South China Sea, which is still in dispute involving many countries, can project power into the Indian Ocean Region. Many initiatives were launched by the Modi Government, which have emphasised maritime themes like SAGAR(Security and Growth for all in the region), Blue Revolution, Neighbours First, and Act East¹³. In 2015, the SAGAR initiative was launched by the Prime Minister, Narendra Modi, in various states and legislations that exist about the law of the sea, for example, the Maritime Zone of India Act, 1981, Admiralty(Jurisdiction and settlement of Maritime Claims) Act, 2019, Indian Penal Code 1860, and so on. In the framework of the Indian Constitution, Article 297 talks about the significant elements involved in activities relating to the territorial waters, Continental Shelf, and Exclusive Economic Zone in Article 297. With recent update Union Cabinet, Chaired the Prime Minister Narendra Modi has accented and approved to sign the Biodiversity beyond National Jurisdiction(BBNJ) Agreement which is a significant step and a landmark decision regarding the protection and sustainability towards marine biological diversity beyond National Jurisdiction, also termed as High Sea which is a common zone for all international lawful pursuits, which includes extension of pipelines, lying submarine cables, navigation, etc. The Ministry of Earth Sciences will take the lead to implement the process of the BBNJ Agreement. As sustainability has become a major issue in the ocean ecosystem, a

¹² Arun Prakash, 'The India-China Confrontation: A View Seawards' (2021) 8(1) *Journal of Asian Security and International Affairs*, 62-76.

¹³ Harshita Kanodia, 'India's SAGAR Policy in the Indian Ocean' *The Diplomatist* (25 December 2020) <<https://diplomatist.com/2020/12/25/indias-sagar-policy-in-the-indian-ocean-region/>> accessed 10 April 2026.

strong framework initiative was required in part of India to delve into the responsibility and accountability toward a meaningful cause to safeguard its marine biology as a whole. It will be a boon to the ocean ecosystem for the conservation and maintenance of the same. It's a proactive step towards a global cause aligning with scientific progress and strengthening international cooperation, accountability and transparency¹⁴.

SOUTH CHINA SEA DISPUTE

The Ming Dynasty was famously known to be the Terracotta Warriors, which governed China 5000 years ago. During the period of the Ming Dynasty, the entire region, including the fourth China Sea, along the coast of Vietnam, the Philippines and Indonesia, in the naval map was familiar and shown to be Chinese Territory. The Chinese government in the present day has claimed these areas under the ambit of the South China Sea, linking them within the territorial waters of many Southeast Asian Nations as its territory. The Chinese referred to this newly defined boundary as the "nine-dash line" territorial demarcation, and the imperial Chinese navy in 1988, with the support of the Chinese air force, repeatedly intruded and trespassed into the territorial waters of the Philippines and started the construction and establishment of an artificial island called the Spratly and Johnson group of Islands. The Philippine government boldly protested this action because the disputed and controversial territory was within the maritime ambit of the Philippines' seawater, and China had infringed on the territorial sovereignty of the Philippines. Repeated appeals were made by the Philippine government to the Chinese authority to stop the establishment and construction in the disputed territories, but it was completely ignored and disregarded by the communist party of China, and since 1988, the Chinese government has constructed a series of smaller artificial islands, military installations, air force and naval bases to further enhance and strengthen the Spratly and Johnson islands. In 2015, the Philippine government brought a case to the PCA (Permanent Court of Justice) to resolve the dispute related to the South China Sea, where the Chinese government did not appear before the PCA for redressal. The PCA categorically held that the (nine-dash line) theory of China was grossly inaccurate and faulty in the construction activity, and also viewed the Spratly and Johnson Islands as illegal. China had infringed almost all its

¹⁴ Press Information Bureau, 'Union Cabinet Approves India's Signing of the Biodiversity Beyond National Jurisdiction (BBNJ) Agreement' (PIB Delhi, 8 July 2024) <<https://share.google/YVa8IocW10k7pm0C4>> accessed 10 April 2026.

treaties and obligations, which are coming under UNCLOS and violated customary international law and more specifically, in Article 2(4) of the UN Charter.

India is a party and signatory to UNCLOS as enacted in part XI and the UN Fish Stock Agreement 1995. India has also been a member of the Council of the International Seabed Authority, and professional experts are appointed to its finance, legal and technical commissions. Also, an Indian Scientist is regularly appointed to the commission on the limits of the continental shelf as established under UNCLOS¹⁵.

INDIA'S CLAIMS AND CONTROVERSIES

India's land area, covering approximately 3.2 million Square Kilometers, is assumed to be equal to the land area of India's seabed and sub-seabed area in the Arabian Sea, this was according to the reports of the National Centre for Polar and Ocean Research (NCPOR), Goa. The Commission on the Limits of the Continental Shelf (CLCs), in response to the objection forwarded by Pakistan over the Contested Area in the Western Arabian Sea, dismissed India's entire claims in March 2023. Recently, India partially submitted its claims with a revised approach for the uncontested region while setting aside the disputed area for future bilateral negotiation.

Sir Creek Dispute is one of the significant challenges faced by India, which is associated with the Marshy Terrain of the Rann of Kutch involving maritime boundaries and territorial claims. Pakistan's objection also highlighted India's ECS submission of its portion, citing certain overlap on the maritime border. Again, Oman's overlap in the Arabian Sea of its EEZ with that of two nations has established that the overlapping is not a matter of dispute anymore. The East Coastline of India, along with ECS, encompasses the Eastern and Southern coastlines, claims the Bay of Bengal and the Indian Ocean, spanning over an area of 300,000 square kilometres. However, India faced opposition for its claim in this region and also faced challenges from neighbouring Countries like Myanmar and Sri Lanka¹⁶.

¹⁵ 'South China Sea Conflict: The Dispute and India's Claim' (*iPleaders Blog*, 25 August 2021) <<https://blog.ipleaders.in/sea-law/>> accessed 10 April 2026.

¹⁶ 'India Skirts Maritime Border Dispute with Pakistan by Fresh Continental-Shelf Claim' *The Hindu* (26 April 2025) <<https://share.google/0P7dkmV13Vee0YHiN>> accessed 13 April 2026.

CONCLUSION

India, being a member of the UNCLOS agreement, has adhered to the provisions mentioned under the convention principles. It shares a complex yet very balanced relationship in maintaining its own National integrity and sovereignty with that of the established precepts as included under the convention, which form comprehensive guidelines in maintaining the same. India has dedicatedly attributed its role towards the convention being an accountable, responsible member. India has always been aligning its vision and policies regarding the same by maintaining international law and maritime legal norms, prioritising sovereignty and jurisdiction of territorial waters, Exclusive Economic Zone (EEZ) and Extended Continental Shelf (ECS).

India's objective and maritime strategy to intricately connect to its geopolitical border with a certain approach, which has the velocity to proceed in the vision with initiatives like SAGAR (Security and Growth for All in the Region), Act East Policy, and Neighbourhood First Policy. The main aim of these initiatives is to strengthen its core on the grounds of economic stability, cooperation, growth, security protection in the Indian Ocean Region (IOR) and beyond, with an impactful legal framework to act positively in the vision. India's strategic position involves the inclusion of bilateral and multilateral ties, collaborative naval exercises, hydrographic agreement on cooperation, and promoting maritime domain cognisance with that of capacity-building action with neighbouring and regional countries.

India is transparent on the grounds approval and permission of foreign warships for their prior notification to cross or enter territorial waters which can endanger sovereignty if not adhered to the precepts forwarded by India on the grounds of security and integrity as laid down under the Maritime Zone of India Act and also India is very clear in its stand to restrict access or over indulgent of foreign military activity in its Maritime zone which is an integral part of Indian privacy. Certain provisions also contradict the UNCLOS principles, which highlight inconsistency in matters of freedom of navigation and innocent passage, where India continues to maintain its own stand of strategic importance and legal sensitivity.

Furthermore, in context to China's influence, it's an alarming issue as China, with its decisive maritime policies, often creates concern for India. China's power control over a large area of the South China Sea is still in dispute and controversy with several countries, where the disputes are still not sorted formally; on the other hand, claims and interrogation continue to

be of concern from a strategic global perspective. New Delhi's vision on the account is commitment to maintain rules and regulations and work on minute details of national importance. India sends a clear message to all other contemporary nations to support freedom of navigation, conformity and endeavour to curb the influence of access to power on the maritime zones. Despite opposition and struggles from the neighbouring states relating to jurisdiction over maritime resources, India maintains a peaceful approach in dealing with issues subject to claims by addressing them diplomatically, by maintaining and adhering to international legal norms.