

STRENGTHENING MARITIME SECURITY GOVERNANCE IN INDIA: A CASE FOR 'STATE MARITIME SECURITY COORDINATORS'

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Abstract: *In February 2022, the Central Government appointed India's first National Maritime Security Coordinator (NMSC). The need for an apex-body for coordination was recommended way back in 2001 in the Report of the Group of Ministers on National Security and is a long pending reform which has the potential to transform maritime security governance in India. In a federal set up, several of the challenges faced by States in maritime security governance are similar to those faced by the Centre. Overall, the need is for strengthening both horizontal and vertical linkages within and across levels of governance. In this context, following the appointment of the NMSC, the appointment of State Maritime Security Coordinators (SMSC) by States can not only address the challenges of maritime security governance at the state level, particularly of fragmented governance, but also complement the efforts of the NMSC at the national level. It is only through horizontal, vertical, and transverse coordination, in other words all round coordination, that unity of effort can be achieved towards meeting the objectives of holistic maritime security.*

Earlier this year, in February, Vice Admiral G Ashok Kumar (Retired), former Vice Chief of the Naval Staff (VCNS), was appointed as India's first National Maritime Security Coordinator (NMSC).¹ Reportedly, the NMSC is part of the National Security Council Secretariat (NSCS) and reports to the National Security Adviser (NSA).² While there has been no official announcement on the mandate of the NMSC, as per media reports, the broad responsibility of the NMSC will be to function as the nodal point for developing a cohesive approach to maritime security amongst the numerous maritime security stakeholders—including those of the Centre and States, as well as between military and civilian agencies—through 'better' coordination.³ The NMSC is also likely to function as the principal advisor to the Government on maritime security.⁴ In the absence of a formal announcement of the mandate, while some have hoped that it will look beyond the "narrow confines of [coastal security and related activities](#)," the other view is that the mandate perhaps 'ticks too many boxes.'⁵ However, as is apparent from the designation—

¹ Krishn Kaushik, "First Coordinator for National Maritime Security Appointed, to Report to NSA," *The Indian Express*, 17 February 2022. <https://indianexpress.com/article/india/ashok-kumar-first-coordinator-for-national-maritime-security-appointed-7777016/>

² Krishn Kaushik, "First Coordinator for National Maritime Security Appointed, to Report to NSA."

³ Shishir Gupta, "India to Appoint National Maritime Security Coordinator for Maritime Security," *Hindustan Times*, 13 July 2021. <https://www.hindustantimes.com/india-news/india-to-appoint-national-maritime-security-coordinator-for-maritime-security-101626154622796.html>

⁴ Shishir Gupta, "India to Appoint National Maritime Security Coordinator for Maritime Security."

⁵ Anil Jai Singh, "India Appoints 1st National Maritime Security Coordinator," *The Diplomat*, 19 February 2022, <https://thediplomat.com/2022/02/india-appoints-1st-national-maritime-security-coordinator/>;

maritime security coordinator—it is likely that the mandate will be an inclusive one including the multiple dimensions of maritime security, despite the original recommendation being made over two decades ago in the context of ‘maritime borders.’ Considering the growing importance of the maritime domain from multiple perspectives—developmental, security, defence, and foreign policy—the appointment of the NMSC has been widely acknowledged as a positive development and is seen as part of the continuing reforms of the higher military and national security architecture.⁶ It also reflects the consistent efforts by the Government at strengthening maritime security, not just in India, but also in other areas of maritime interest, in a period which extends to a little over two decades commencing with the recommendations of *Report of the Group of Ministers on National Security* (GoM Report) of 2001.⁷

The genesis of an [apex-level coordination](#) mechanism can be traced to the GoM Report (2001) which had recommended the setting-up of an apex body for the management of maritime affairs to provide institutionalised linkages between the maritime security agencies and other stakeholders of the Centre and in States.⁸ Subsequently, in 2005, the Indian Navy had also proposed the setting-up of a National Maritime Commission to chalk out the country's long-term maritime policy.⁹ After the ‘26/11’ attacks, the Ministry of Defence (MoD) proposed a Maritime Security Advisory Board.¹⁰ Notwithstanding the proposal for a board, in 2009, the National Committee for Strengthening Maritime and Coastal Security (NCSMCS), under the chairpersonship of the Cabinet Secretary, and including high-ranking officials of all stakeholders, was constituted as the apex level coordination mechanism for maritime and [coastal security](#). A Standing Committee of Defence Report (2014) and a Public Accounts Committee (PAC) Report (2015) also respectively highlighted the need for Maritime Commission (or a similar agency), and for putting in place effective mechanisms for interagency coordination.¹¹ In 2014, the Government, recognising the importance of coastal security, also announced its intention of setting up a National Maritime Authority (NMA).¹² However, by March 2017, the proposal had been kept in abeyance as NCSMCS was performing a similar function.¹³ After a brief hiatus, in

Snehesh Alex Philip, “India’s New Maritime Security Coordinator Is 22 Years Too Late. But It Ticks Many Boxes,” 18 February 2022. <https://theprint.in/opinion/brahmastra/indias-new-maritime-security-coordinator-is-22-years-too-late-but-it-ticks-many-boxes/836242/>

⁶ Snehesh Alex Philip, “India’s New Maritime Security Coordinator Is 22 Years Too Late. But It Ticks Many Boxes.”

⁷ Press Trust of India, “India Gets First National Maritime Security Coordinator,” NDTV, 16 February 2022. <https://www.ndtv.com/india-news/govt-appoints-first-national-maritime-security-coordinator-2772645>

⁸ Group of Ministers, “Report of the Group of Ministers to Review the National Security, 2001” accessed November 28, 2020, 74.

<https://www.vifindia.org/sites/default/files/GoM%20Report%20on%20National%20Security.pdf>

⁹ Bureau Report, “Set up National Maritime Commission: Navy to government,” *Zee News*, 15 February 2005.

https://zeenews.india.com/news/nation/set-up-national-maritime-commission-navy-to-government_202094.html

¹⁰ Snehesh Alex Philip, “India’s New Maritime Security Coordinator Is 22 Years Too Late. But It Ticks Many Boxes.”

¹¹ Standing Committee on Defence, *22nd Report: Threat Perception and Preparedness of the Forces including Incursion of Borders, Coordination Mechanisms with Central Armed Police Forces and Border Connectivity through Road, Air and Rail* (New Delhi: Lok Sabha Secretariat, 2014), 92. http://164.100.47.193/lsscommittee/Defence/15_Defence_22.pdf; Public Accounts Committee, *21st Report: Role and Functioning of the Indian Coast Guard*, 101.

¹² “Address by the President of India, Shri Pranab Mukherjee to Parliament,” Shri Pranab Mukherjee, Former President of India, accessed November 06, 2020, <http://pranabmukherjee.nic.in/sp090614.html>,

¹³ “Coastal Surveillance System,” Ministry of Defence, 17 March 2017, Lok Sabha Unstarred Question No. 235, New Delhi. <http://164.100.24.220/loksabhaquestions/annex/11/AS235.pdf>

2020, the PAC again highlighted issues related with coordination.¹⁴ Finally, as per media reports in July 2021, there were indications of the possibility of the Government appointing an NMSC, and it is understood that the proposal for appointing a NMSC—and not a body/commission/authority as had been recommended previously—was cleared by the Government in November 2021.¹⁵ Overall, the appointment, while being a positive development, appears to fall short of past recommendations (of a body), but will nonetheless facilitate the achievement of the objectives of past recommendations, albeit in a different form. Overall, it is fairly clear that the over the years there has been a widespread understanding of the need for better coordination at the level of the Centre. However, it is intriguing as to why a similar need has not been felt at the level of States since many of the challenges are similar.

In the backdrop of the recent institutionalisation of the NMSC by the Centre, this article explores the need for the appointment of State Maritime Security Coordinators (SMSC) to discharge similar functions as the NMSC in States and to interface with the NMSC.

SECURITY IN A FEDERAL FRAMEWORK

Federalism and ‘Security Federalism’

The key features of a federal system include dual governments (as against unitary governments) viz. the national government (or central, or union, or federal government, or ‘Centre’) and the government of each component state (state government); division of authority between the national and state governments; supreme powers vested with the government(s), whether national or state; and, the overriding authority of courts to interpret the Constitution, in other words, an independent judiciary.¹⁶ Scholars on federalism, have also distinguished between the *ideal* of federalism (division of areas between governments), the federal *system* (constitutional arrangement), and the federal *process* which is “the ensemble of actual participatory, legislative and policy interactions that relate the structures of the federal system, to the dynamics of everyday political life.”¹⁷ The appointment of the NMSC with its objective of coordinating *inter alia* between Centre and States, is reflective of the federal process. The question that emerges is that, whether an SMSC at the state level can provide complementarity to the NMSC to strengthen federal processes?

Unlike the concept of ‘fiscal federalism,’ which was introduced in the late 1950s and is intrinsic to fiscal policy-making in federal systems, in the security realm, the literature on local

¹⁴ Public Accounts Committee, *Implementation of Recommendations of PAC by Ministries of Finance, Defence and Women and Child Development* (New Delhi: Lok Sabha, 2020), 43.

http://164.100.47.193/lssccommittee/Public%20Accounts/17_Public_Accounts_5.pdf

¹⁵ Shishir Gupta, “India to Appoint National Maritime Security Coordinator for Maritime Security;” Krishn Kaushik, “First Coordinator for National Maritime Security Appointed, to Report to NSA.”

¹⁶ Durga Das Basu, *Introduction to the Constitution of India* (Gurugram: Lexis Nexis, 2013) 53-54.

¹⁷ SK Mitra and M Pehl, (2010). “Federalism,” in NG Jayal and PB Mehta (Eds.), *Oxford Companion to Politics in India* (Oxford University Press: 2010), 43–60. Cited in Ujjwal Kumar Singh, “Federalism, democracy and the national security state in India,” *Territory, Politics, Governance*, 10:1: 51-66. <https://doi.org/10.1080/21622671.2021.1899975>

governments and national security—in other words ‘security federalism’—is sparse.¹⁸ Federalism and ‘security federalism’ in different countries has been shaped by ‘historical contingent developments,’ and this has been the case in India as well, including for coastal and maritime security.¹⁹ While the Mumbai blasts (1993) and Mumbai attacks (2008) are two notable examples of events shaping the contours of ‘maritime security federalism’ in India, they are not the only examples.

Overall, there are variations in how ‘security federalism’ is manifested in different countries. However, some of the salient characteristics include: differing perceptions of threats and risks, amongst the dual governments; differences in territorial jurisdiction; high levels of ‘centralisation’ of security in ‘heterogenous’ federations, especially when confronted with major security challenges; conceptual differences on the approach to security (narrow or broad-based); asymmetry in power distribution (as also in capabilities and capacities); differing approaches, which could be ‘top-down,’ or ‘bottom-up,’ and, finally, the politicisation of federalism.²⁰ Broadly, federal structures, require effective ‘vertical’ coordination between governments, balancing of powers [‘shared rule’ with ‘self-rule’]; and leveraging the principle of subsidiarity.

Federalism in India

India has adopted a federal structure of governance.²¹ The federal system, is based on the Part XI of the Constitution which covers the relation between the Union and the States. In accordance with Article 246 and Seventh Schedule of the Constitution of India, legislative powers are distributed amongst the Union and the States through the Union, State, and Concurrent List; however, *per se* ‘security’ is not a subject in any of the three lists.²² Notably, in general, the distribution of executive powers follows the distribution of legislative powers.²³ The Union, State and Concurrent Lists have 99, 61, and 52 subjects respectively which cover various subjects, which, in the context of maritime security, include defence, foreign affairs, etc. and specific maritime sectors, such as ports, fisheries, shipping, inland waterways, etc. In effect, the [roles of the Centre and States in maritime security](#) are derived from the Constitutional allocation of legislative powers.

Federalism in India is also considered as ‘asymmetric’ as the Centre and the States do not have ‘matching powers’ and there are certain differences in the relationship between some States/

¹⁸ Matthew C. Waxman, “National Security Federalism in the Age of Terror,” *Stanford Law Review*, Vol. 64 (2012): 289, Columbia Public Law Research Paper No. 11-271 (2011).

https://scholarship.law.columbia.edu/faculty_scholarship/1691; Fiscal Federalism is concerned with understanding which functions and instruments are best centralised and which are best placed in the sphere of decentralised levels of government. This concept applies to all forms of government: unitary, federal and confederal. Source: W Oates), “An essay on fiscal federalism”, *Journal of Economic Literature*, Vol. 37/3 (1999), 1120–1149 [Source: <https://www.oecd-ilibrary.org/sites/940cc5ee-en/index.html?itemId=/content/component/940cc5ee-en>]

¹⁹ Christian Leuprecht and Mario Kölling, “Federalism and Security in the 21st Century,” 159.

²⁰ Christian Leuprecht and Mario Kölling, “Federalism and Security in the 21st Century,” 158-69.

²¹ The federal structure is enshrined in Part V (*The Union*), Part VI (*The States*), Part VII (*The Union Territories*), Part XI (*Relations between the Union and States*), and Part XVIII (*Emergency Provisions*) of the Constitution.

²² Durga Das Basu, *Introduction to the Constitution of India*, 499-508

²³ Durga Das Basu, *Introduction to the Constitution of India*, 347.

Union Territories and the Centre.²⁴ However, the Central Government has a unifying role towards achieving ‘unity amidst diversity.’²⁵ Federal governance is driven by the concept of ‘[cooperative federalism](#)’ based on the inherently complementary role of the Centre and States: a strong Centre in India is necessary for strong States and vice versa.²⁶ The institutional mechanisms for coordination of policies and their implementation is undertaken through the Inter-State Council (ISC) and the five Zonal Councils, with two viz. the Western Zonal Council and the Eastern Zonal Council covering peninsular India.²⁷ In a further push to cooperative federalism, in May this year, the ISC and ISC Standing Committee, chaired by the Prime Minister and the Union Home Minister respectively, were further expanded, including by adding 10 Union Ministers as permanent invitees to the ISC.²⁸ Notwithstanding, there remain challenges to federalism, including for overall effective coordination and cooperation; this is true not only for security, but also for other areas of governance.²⁹ In general, the (vertical) distribution of powers in a federal system is considered to be an impediment to effective decision-making, thereby adversely impacting the federal process.³⁰ It has also been argued that the federal system and process in India, when examined from the lens of national security, shows a distinct trajectory towards ‘centralisation,’ and a concentration of power amongst both the Central and State executives.³¹ It has also been argued that the absence of the concept of a ‘federal crime’ in India; the need for cooperation of the state for Central agencies to operate; and a fragmented intelligence-intelligence set-up are some of the other challenges in Centre-State cooperation in security.³²

Maritime Security and Federalism in India

The consequence of the federal structure is the fragmentation of governance, including of the Indian maritime zones and maritime sectors, and thereby maritime security itself, both spatially and functionally. Fragmentation is also both ‘vertical’ and ‘horizontal’: vertical, between the Centre and States, and horizontal, between bodies of the Centre and States themselves. For example, spatially, the ‘ownership’ of “lands, minerals and other things of value underlying the ocean within the territorial waters or the continental shelf of India,” and of other resources in the Exclusive Economic Zone (EEZ) vests with the Centre, with the remaining rights in

²⁴ K. Venkataramanan, “Explained: India’s Asymmetric Federalism.” *The Hindu*, 10 August 2019..

<https://www.thehindu.com/news/national/the-forms-of-federalism-in-india/article28977671.ece>

²⁵ “Cooperative Federalism,” Inter-State Council Secretariat, <http://interstatecouncil.nic.in/cooperative-federalism/>, accessed 20 April 21.

²⁶ “Cooperative Federalism,” Inter-State Council Secretariat.

²⁷ Ministry of Home Affairs, *Annual Report 2020-21*, 259-60.

https://www.mha.gov.in/sites/default/files/MHAARE_22042022.pdf

²⁸ “Inter-State Council/ Composition,” Inter-State Council Secretariat, <http://interstatecouncil.nic.in/isc-composition/>, accessed 30 June 2022; “Inter-State Council Standing Committee/ Composition,” Inter-State Council Secretariat, <http://interstatecouncil.nic.in/isc-composition-2/>, accessed 30 June 2022.

²⁹ Rishika Singh, “Explained: What Is the Inter-State Council?” 2022, *The Indian Express*, 17 June 2022.

<https://indianexpress.com/article/explained/everyday-explainers/explained-what-is-the-inter-state-council-7975901/>; “Cooperative Federalism,” Inter-State Council Secretariat

³⁰ Christian Leuprecht and Mario Kölling, “Federalism and Security in the 21st Century,” 158.

³¹ Ujjwal Kumar Singh, “Federalism, democracy and the national security state in India.”

³² Ashutosh Varshney, “How has Indian Federalism Done?,” *Studies in Indian Politics*, 1, 1 (2013), 43–63.

territorial seas being bestowed on States, such as fisheries.³³ Likewise, maritime security agencies, Central Armed Police Forces (CAPFs), and the State Marine Police (SMP) have jurisdictional limits, albeit with some overlaps. Functionally, in the maritime security sector, while Central and State forces extensively coordinate with each other, the Indian Navy and the Coast Guard are responsible to the Centre, albeit to different departments in the MoD, the SMP is responsible to the state governments. Likewise in the port sector, the responsibilities are shared between the Centre for ‘major’ ports and States for ‘non-major’ ports. Therefore, strengthening maritime security in a federal framework necessitates complementary actions along the ‘vertical’ axis by the Centre and States, and over time, complementarity has indeed emerged. Even across the ‘horizontal’ axis, that is within the Centre and States there is fragmentation as different ministries/ departments/ agencies are responsible for different subjects. The challenges of horizontal and vertical fragmentation, can be mitigated either by consolidation, or through better coordination; better coordination is the more pragmatic option. However, unlike the NMSC there does not appear to be any standing body in States for cross-cutting all-round coordination, a gap which has only recently been addressed by the Centre by the appointment of the NMSC.

Maritime security has linkages with a number of different concepts and themes. A theoretical framework for maritime security includes inter-state disputes, extremist violence, and ‘blue crimes,’ or maritime crimes covering the expanse from law enforcement at one end to naval operations at the other.³⁴ However, increasingly theoretical distinctions in all its forms are blurring, such as those between crime and extremism, between traditional threats and non-traditional threats, between security and defence, etc. Notwithstanding, from a maritime security perspective, *defence of India, naval forces, and other armed forces of the Union* is listed in the Union List, *public order and police* in the State List, and *criminal procedures* in the Concurrent List. In other words, at two ends of the spectrum, the preponderant responsibility of the Centre is for the defence of India, and that of maritime crime in territorial seas that of the States. Considering the focus of the article, it is instructive to note that the State and Concurrent List also include areas as diverse as ports, fisheries, waterways, forests, wildlife, etc. In short, the governance of maritime security in India—despite being stove-piped into the three ‘lists’—transcends all the three lists and is undertaken concurrently by the Centre and States in coordination with each other.³⁵

Till the raising of the State Marine Police (SMP) on a pan-India basis across all States and Union Territories in the early 2000s on the recommendations of the GoM Report (2001), the governance of maritime security was largely ‘centralised.’ The Indian Navy, the Customs Marine Organisation (1974) and the Coast Guard (1978) were the primary agencies responsible for the issues which are now collectively considered as ‘maritime security.’ Notwithstanding the ‘centralisation,’ driven by local factors such as smuggling, poaching, infiltration, etc, some States had developed limited maritime capabilities; the Police Marine Force in Andaman and Nicobar

³³ The Constitution (Fortieth Amendment) Act, 1976,” Ministry of Law and Justice (Legislative Department), <https://legislative.gov.in/constitution-fortieth-amendment-act-1976>, accessed 05 March 2021.

³⁴ Christian Bueger and Timothy Edmunds, “Blue crime: Conceptualising transnational organised crime at sea,” *Marine Policy* (Volume 119, 2020). <https://doi.org/10.1016/j.marpol.2020.104067>.

³⁵ Himadri Das, “Strengthening Maritime and Coastal Security in India: The Role of States and Union Territories,” *Indian Naval Despatch* (Winter 2020): 134. <https://indesfoundation.in/indes.php?id=2&page=141&scroll>

Islands (1957), the Coastal Security Group in Tamil Nadu (1994), the Karnataka State Coastal Security Police Force (KSCSPF) in Karnataka (1998) are notable examples. The Gujarat and Maharashtra Police too was engaged in strengthening coastal security after the Mumbai attack of 1993. Notwithstanding the few exceptions, 21st century challenges to national security provided the necessary stimulus to shift from the ‘centralised’ model to a cooperative and decentralised model for coastal security involving both the Centre and States; the ‘26/11’ incident only consolidated the process which had been initiated earlier with necessary executive directives. Progressively, the [SMP engagement](#) has gone beyond its initial aims and now includes multiple facets of the maritime security paradigm.

Broadly, maritime capabilities in the form of institutions and resources, duly supported by legislative framework are the *sine qua non* for maritime security; these are required across all levels of domestic governance. Considering the importance of States (and districts) in overall governance, progressively, national level institutional mechanisms, have also been replicated at state-level; for example, the NCSMCS which was established in 2009 has been complemented by state- and district-level coastal security committees in 2016. Similar corresponding mechanisms exist at the national- and state-levels in other areas as well, such as for intelligence sharing (MAC/SMAC), [countering drug trafficking](#) (the NCORD established in 2016 was expanded to state and district level in 2019), industrial security (CISF/SISF), disaster management (NDRF/SDRF), etc.³⁶ In the same vein, the appointment of an SMSC may therefore be a natural corollary to the appointment of an NMSC to support institutional linkages between States and the Centre. With limited resources, operationally, central and state agencies cooperate with each other on ‘Lead Agency-Supporting Agency’ model playing interchangeable roles in different maritime security missions, further necessitating close cooperation and collaboration between Central and State agencies, including for capability enhancement. States in particular also have a lead role to play, for example, in maritime crime investigation to provide a ‘legal finish’ to maritime crimes. In short, a holistic view of maritime security encompassing its multifarious dimensions needs requisite institutions and resources at all levels of governance, including in States. Strong maritime security institutions and capabilities at the state level are in fact the essential building blocks for overall maritime security in India.

IMPERATIVES FOR A STATE MARITIME SECURITY COORDINATOR

Management of the security sector *inter alia* necessitates horizontal and vertical linkages within and across levels of governance, and measures for oversight and management.³⁷ It has been posited that capacities for maritime security are required at various levels including the provincial, state and national levels; this also includes constitution of maritime security

³⁶ MAC/ SMAC: Multi-Agency Centre/ Subsidiary Multi-agency Centre; NCORD: Narco Coordination Mechanism; CISF/ SISF: Central/ State Industrial Security Force; NDRF/ SDRF: National Disaster Response Force/ State Disaster Response Force.

³⁷ Geneva Centre for the Democratic Control of Armed Forces, “The Security Sector”, SSR Backgrounder Series (Geneva: DCAF, 2015), 3.
https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_3_The%20Security%20Sector.11.15.pdf

committees, task forces, etc. at each level.³⁸ Replication of national level structures at the state and district levels, such as for coastal security, disaster management and for countering drug trafficking, are reflective of the need for ‘opposite numbers’ at the level of States and in some cases even districts. It therefore flows from a theoretical (and practical) perspective, that the NMSC which is a ‘top-down’ measure would need to be complemented with an SMSC as a reciprocal ‘bottom-up’ measure.

As highlighted earlier, the challenges of fragmentation of the governance not only has a vertical dimension between the Centre and States (and below), but also have a horizontal dimension at both the national and state levels. The challenges of States which too have to coordinate amongst multiple stakeholders (and the Centre) at a basic level are unlikely to be hugely different from that of the Centre, despite the larger remit of the Centre. With greater focus on the blue and maritime economies to meet the developmental agenda, the scope of a maritime activities is only set to grow exponentially. Further, emerging maritime security threats, such as hybrid threats and [climate change](#), are only likely to exacerbate the maritime security challenges. It is a fact is that the concept of maritime security is widening to include newer dimensions and as the concepts of maritime security and ocean governance begin to overlap at the theoretical level, so will the need for furthering horizontal and vertical linkages between *all* maritime stakeholders – security or otherwise. This is as much reflected in emerging practice, as in theory. The draft policy framework on India’s blue economy importantly states that the objective of the framework will be “to enhance the country’s GDP by promoting sustainable and inclusive economic growth in this new domain while aligning India’s development agenda with national security goals and international commitments.”³⁹ It further goes on to state that for strengthening ‘marine’ and coastal security “a comprehensive plan will be formulated and implemented in partnership with the States.”⁴⁰ In other words, what is emerging is the multi-faceted role of States in maritime and coastal security, which goes beyond ‘public order’ and ‘policing’ to include other facets, such as maritime sectors, [critical maritime infrastructure protection](#), [community engagement](#), etc. States also integral to the military missions/ tasks of [coastal, offshore, and harbour defence](#) as an effective organisation for security also facilitates effective defence.⁴¹ Notwithstanding the future, it is a well-known fact that some of the major challenges which States face presently include those related to marine policing, [port security](#) and [fisheries management](#). While States have taken several initiatives to strengthen maritime governance, such as by establishing the State Maritime Boards (SMB) for non-major ports and coordination mechanisms for coastal security, overall States do not have the equivalent of the NMSC for cross-cutting coordination to cover the entire spectrum of maritime security.

³⁸ Sam Bateman, “Capacity Building for Maritime Security Cooperation: What are we talking about?” , in P Cozens and J Mossop (Eds), “Capacity building for maritime security cooperation in Asia-Pacific: a selection of papers presented at the CSCAP Study Group Meeting on Maritime Security Cooperation, December 2004, Kunming, China and April 2005, New Delhi, India” (Wellington: Centre for Strategic Studies, 2005), 15; accessed 18 February 2018.
<https://ro.uow.edu.au/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1433&context=lawpapers>.

³⁹ Economic Advisory Council to the Prime Minister, *India’s Blue Economy: A Draft Policy Framework* (2020), 11.
https://incois.gov.in/documents/Blue_Economy_policy.pdf

⁴⁰ Economic Advisory Council to the Prime Minister, *India’s Blue Economy: A Draft Policy Framework* (2020), 31.

⁴¹ Integrated Headquarters of Ministry of Defence (Navy), Ensuring Secure Seas; Indian Maritime Security Strategy, 109.

In other words, the need for horizontal and vertical linkages is as necessary in States as it is in the Centre.

Till now, the ‘committee-based’ system at the apex level meant that stakeholders met at periodic intervals, discussed an agenda, and came to certain decisions based on the discussions during the meeting. While indeed the system was a significant advancement over the lack of any coordinating system previously, and has facilitated the fruition of several noteworthy and transformative initiatives to strengthen maritime and coastal security, the inability to provide continuous oversight and management, and focus beyond specific issues, such as border management, rather than the entire spectrum of maritime security were possibly two gaps that the NMSC will now address at the national level. Similarly, if States were not to reform, a similar gap could possibly accentuate itself at the level of States, albeit to a lesser extent. Broadly, the recommendations for an apex level body in the past was to have representatives of principal stakeholders on one standing platform for providing the necessary broad-based and cross-cutting oversight and coordination, beyond the narrower confines of allocations of business and legislative responsibilities of individual ministries/ agencies. The body (or equivalent organisation/ individual) in States, could facilitate a comprehensive, cohesive, and integrated approach to maritime security issues at the state level and provide policy advise to the State Government, much like the NMSC at the Centre, and could also function as a single point-of-contact for the NMSC.

Related to federalism is the principle of subsidiarity—essentially a principle of the European Union (EU)—that guarantees a degree of independence for a lower authority in relation to a higher body or for a local authority in relation to central government, in other words the sharing of powers.⁴² The principle holds that public functions should be performed by the lowest level of governance, as long as they can be performed adequately.⁴³ Put differently, a federal authority should have a subsidiary role, performing only those functions which cannot be performed adequately by States.⁴⁴ In India, as an example in the maritime sector, the National Policy on Marine Fisheries, 2017 acknowledges the principle of subsidiarity as one of the seven pillars of the policy framework, and the principle also finds reflection in the draft 2020 policy.⁴⁵ Another example relates to the port sector, if security of non-major ports, the responsibility of States, is well implemented by the States themselves, there would be no need for intervention by the central agencies for security of non-major ports.⁴⁶ Considering the wide scope of maritime security, several issues concerning coastal and maritime security can be handled at the level of States themselves, such as local maritime crimes, leaving the Centre to focus on wider and more critical issues, such as national defence and regional maritime security. Over the years, States, from having a negligible role in maritime and coastal security, have emerged as key stakeholder for coastal security; over time, States may be able to play a much wider role in those subjects in

⁴² Eeva Pavy, “The Principle of Subsidiarity,” European Parliament, <https://www.europarl.europa.eu/factsheets/en/sheet/7/the-principle-of-subsidiarity>, accessed 29 June 2022.

⁴³ K Ashok Vardhan Shetty, “A Draft Bill That Cuts Maritime States Adrift.” The Hindu Center for Politics and Public Policy, 03 September 2021. <https://www.thehinducentre.com/the-arena/current-issues/article36247293.ece>

⁴⁴ K Ashok Vardhan Shetty, “A Draft Bill That Cuts Maritime States Adrift.”

⁴⁵ Department of Animal Husbandry, Dairying and Fisheries, *National Policy on Marine Fisheries* (2017), 13. https://dahd.nic.in/sites/default/files/National%20Policy%20on%20Marine%20Fisheries%202017_0.pdf

⁴⁶ K Ashok Vardhan Shetty, “A Draft Bill That Cuts Maritime States Adrift.”

which it has competence. Therefore, robust cross-cutting governance structures for maritime security in States is an imperative to support of the principle of subsidiarity.

CONCLUSION

Over the past two decades a need had been felt for an apex level body for coordination of maritime and coastal security, emerging from the recommendation of the GoM Report (2001) which further gained traction in the years following the ‘26/11’ incident; the need had been regularly endorsed at the highest-levels of governance. The appointment of the NMSC towards meeting that end is a major reform with promising possibilities, and is also reflective of the consistent efforts being taken by India to strengthen not just domestic, but also regional maritime security. What has however been intriguing is that while States face similar challenges of vertical coordination (with the Centre), and horizontal coordination (amongst state departments), as well as issues of civil-military coordination, the need for such a body at the state level has largely been left out of the narrative for strengthening maritime security in India. As such, ‘security federalism,’ including the roles of States in the wider security architecture, is a topic with little scholarship not just in India, but elsewhere as well. This article attempted to explore concept of ‘security federalism’ with a focus on whether SMSC could address maritime security governance challenges at the state-level.

Federal governance is generally characterised by a degree of centralisation and asymmetry between governments, often biased in the favour of the Central (federal) Government, and fragmentation (as well as overlaps) in jurisdictions and governance. Broadly, federal structures require effective ‘vertical’ coordination, balancing of power, and leveraging the principle of subsidiarity. In India, ‘cooperative federalism,’ based on the complementary role of the Centre and States, is the mantra Centre-State relationship. However, this does not come without its own set of challenges, such as in coordination. In India, till the turn of the 21st century, maritime security was largely a centralised affair; however, the emergence of contemporary threats led to wider ‘federalisation’ with a larger role for States; it began with the GoM Report (2001) which led to the raising of SMP, and was further consolidated through several initiatives across multiple sectors in the years after the ‘26/11’ incident which transformed the management of maritime and coastal security in India. In essence, despite subjects being stove-piped into the three ‘lists,’ maritime security governance in India *de facto* transcends all the three lists and is undertaken concurrently by the Centre and States in coordination with each other.⁴⁷ The appointment of the NMSC will only facilitate increased coherence and promote unity of effort at the national level. However, this is not the case in States, which presently do not have a standing coordinating body like the NMSC. In practice, across functional areas, there has been a mushrooming of institutions, bodies and resources at the state level which mirror (and sometimes follow) national-level institutions, bodies, and resources; these are essentially fundamental to governance, irrespective of the level of governance. In this context, the main imperatives for appointing an

⁴⁷ Himadri Das, “Strengthening Maritime and Coastal Security in India: The Role of States and Union Territories,” *Indian Naval Despatch* (Winter 2020): 134. <https://indesfoundation.in/indes.php?id=2&page=141&scroll>

SMSC are four-fold: first, the fundamental need to have institutions across all levels of governance; second, as the scope of maritime security expands and overlaps with ocean governance, there is a need for enhanced cross-cutting coordination across maritime stakeholders outside of the more contemporary focus of states which has been on coastal security; third, overcoming the limitations of ‘committee-based’ approaches to more institutional mechanisms; and fourth, leveraging the principle of subsidiarity by strengthening of maritime security in States, so that the Centre while coordinating with States, can also focus on issues which are outside the remit of States.

No level of government is equipped to confront the security challenges of the 21st century by itself.⁴⁸ Therefore, harnessing state and local institutions for national security is an enduring imperative – as much in the maritime domain, as it is in the land-based context. The ‘26/11’ incident is only a stark reminder of this reality. It is only through horizontal, vertical, and transverse coordination, in other words all-round coordination, that unity of effort can be achieved towards meeting the objectives of holistic maritime security. Therefore, there appears to be case for appointing SMSC by states – cooperative federalism is finally about the Centre and State complementing each other in the pursuit of national objectives.

About the Author

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Endnote

As per media reports, States have been asked to ‘nominate’ SMSC to coordinate and work more closely with other maritime security agencies.⁴⁹ While this initiative is laudable, this article argues for setting-up institutional mechanisms in States, akin to the NMSC in the Centre.

Author’s Note

This article expands on earlier articles on security federalism and book by the author on coastal security:

“India's maritime security governance challenges: A decade after “26/11”, Maritime Affairs: Journal of the National Maritime Foundation of India, 14:2, 106-119, DOI: [10.1080/09733159.2019.1565442](https://doi.org/10.1080/09733159.2019.1565442)

“Strengthening Maritime and Coastal Security in India: The Role of States and Union Territories,” *Indian Naval Despatch (Winter 2020)*: 134. <https://indesfoundation.in/indes.php?id=2&page=141&scroll>

Coastal Security- Policy Imperatives for India (New Delhi: National Maritime Foundation, 2019). <https://maritimeindia.org/View%20Profile/637030007319965548.pdf>

⁴⁸ Matthew C. Waxman, “National Security Federalism in the Age of Terror,” *Stanford Law Review*, Vol. 64 (2012): 289, Columbia Public Law Research Paper No. 11-271 (2011).

⁴⁹ S. Vijay Kumar, “T.N. To Get High-Intensity Boats for Patrolling,” *The Hindu*, 16 June 2022. <https://www.thehindu.com/news/national/tamil-nadu/tn-to-get-high-intensity-boats-for-patrolling/article65533487.ece>