

SYLLABUS FOR LL.M MARITIME LAW

Paper I: INTERNATIONAL LAW OF THE SEA

OBJECTIVE OF THE COURSE:

This course intends to equip Post Graduate law students with the knowledge of existing legal framework governing the Seas. The students must know about the evolution of law of the sea including a brief outline on the rich Maritime history of India. Main aim is to give students idea about different maritime zones and the corresponding rights and duties of coastal and other states in respective zones.

MODULE-I: Introduction

Introduction to Law of the Sea - Historical Background - Freedom of sea – Codification - Sources of Law of the Sea - Principles - Concept of Territorial Sea – Internal waters - Navigation -- Innocent Passage - Zones - Continental Shelf & Exclusive Economic Zone – Rights and Duties of Coastal and other states - Law of the sea in India

MODULE-II: Maritime Zones

Concept of Territorial Sea – Internal waters - Navigation -- Innocent Passage - Zones - Continental Shelf & Exclusive Economic Zone – Rights and Duties of Coastal and other states - Principle of Equidistance and its invocation, Special and Relevant Circumstances Rule - Application of Civil and Criminal Jurisdiction within maritime boundary.

MODULE-III: Marine space and Jurisdiction

High Seas – Navigation - Flag State Jurisdiction- Piracy - Hot Pursuit - Common Heritage of Mankind - Exploration and Exploitation of Resources in Area (Sea bed and Ocean floor) - Rights of Land locked States - Criminal jurisdiction

MODULE-IV: Law relating to Marine Resources

Reciprocity of State obligation in exploration -- Duties - Marine resource management -- Marine Scientific Research - Development and transfer of marine technology - Protection of underwater cultural heritage–National marine policy - Law of fisheries

MODULE-V: Dispute Settlement Mechanism under UNCLOS

Maintenance of International Peace and Security at sea - Compulsory settlement – Choice of procedure - International Sea Bed Authority - International Tribunal for Law of Sea - Role of ICJ - Role of International Sea Bed Chamber - Arbitration and Conciliation

BIBLIOGRAPHY

INTERNATIONAL CONVENTIONS

1. Convention on the Territorial Sea and the Contiguous Zone (1958).
2. Convention on the Continental Shelf (1958).
3. Convention on the High Seas (1958).
4. Convention on Fishing and Conservation of the Living Resources of the High Seas (1958).
5. United Nations Convention on the Law of the Sea (1982)

BOOKS

1. Birnie W. Patricia; Boyle & Environment, International Law and the Environment 1992
2. Brownlie, Principles of International Law (Oxford Universal Press).
3. D.P. P'Connel, International Law of the Sea, Vols. 1 & 11 (1982)
4. D.W. Bowett, Law of the Sea
5. D.W. Bowett, Legal Regime of Islands in International Law John Colombos, International Law of The Sea (1962)
6. J.H. Hargrove, Who Protects the Ocean: Environment and the Development of the Law of the Sea Devendra Kaushik, Indian Ocean Towards a Peace Zone (1983)
7. Lang Winfried (ed) Sustainable Developjent and International Law, 1995.
8. Lynton Keith caldwsell, International Environmental Policy Emergence and Dimensions.
9. Myres S. McDougal and W. Burke, The Public Order ofthe Oceans (1962)
10. Myron H. Nordquist and John Norton Moor (eds.), Ocean Policy - New Institutions, Challenges and Opportunities (1999), Kluwer
11. Nagendra Singh, International Maritime law Conventions, Vol. I Navigation (1983) Stevens & Maxwell, London.
12. Orrego Vicuna, The Changing International Law of the High seas Fisheries (1999), Cambridge Ian Brownlie, Principles of Public International Law (1998), Clarendon press, Oxford.
13. Our common future, the world commission on Environment and Development, Oxford University Press, 1987.
14. P. Chandrasekahara Rao, The New law of Maritime Zones (1983) Miling Publications, New Delhi
15. R.P. Anand, Law of the Sea,. Caracas and beyond (1978)
16. Rebecca Wallace, International Law
17. Samir Mankababy, The International Shipping Rules (1986), Croom Helm, London
18. Starke, Introduction to International Law (Oxford Universal Press).
19. The Global possible; Resource, Devlopment and the New Century 1991. Spring & Aallen,
20. The International Law of Pollution: Protecting the Global Environment in a world of sovereign states, 1983

Paper II : LAW RELATING TO SHIPPING

OBJECTIVES OF THE COURSE

Familiarize students with laws and rules related to Shipping and all matters connected and incidental to International Shipping. Shipping Law is an exciting and challenging subject for lawyers and others. Shipping industry has assumed centre stage in the international scenario. maintaining the supply chain of all economies. In order to make the syllabus both academic and practical diversified versions of Shipping Laws must be studied.

Module – I: Ships – Nature, Registration, Ownership and Mortgage

Juristic Personality of Ship - Registration of Ships – Nationality – Concept of Genuine Link - Types of Registries - Types of Registration, National and International Law with respect to Ship registration - Ownership, Acquisition and Transfer of Ships - Scheme of Registration of Ship Mortgages – Priority of Mortgages – Rights and Obligations of Mortgagees – Effect of Mortgage on Third Parties

Module –II: Ship Crew

Certification of Masters, Mates, Seamen and Engineers - Engagement and Discharge of Seamen - Payment of Wages – Advance and allotment of Wages – Rights of Seamen in respect of wages – Modes of Recovering Wages - Protection of Seamen – Deceased and Distressed Seamen – National Welfare Board of Seafarers.

Module -- III: Safety and Security

Rules related to Construction of Ships – Measures to Prevent Collision – Unseaworthy Ships – Port Facilities - Collisions and Accident at Sea – Limitation of Liability - Oil Pollution Damage – International Oil Pollution Compensation Fund – Prevention and containment of Pollution of the sea by Oil - Anti-Fouling Systems of Ships - General Average, Towage, Wreck and Salvage Wreck.

Module – IV: Vessels at Sea & Commercial Shipping.

Passenger Ships - Nuclear Ships - Sailing Vessel - Fishing Boats - Marine Insurance – Insurance contract, Insurable interest, Risk, Loss, Liability and limitations - Dispute Resolution Mechanism under National and International Regime. - Law of Carriage of goods and passengers by sea and the corresponding obligations of carriers and assignees - Charterparties, Bill of Lading - Shipping Contracts.

Module –V: International Shipping Law and Contemporary Issues.

International Maritime Organization – Organization and Structure – IMO Convention - Maritime Labour Convention – Implementation in National Level - Merchant Shipping Bill, 2020 - Role of Director General of Shipping in implementation of Shipping Law in India.

BIBLIOGRAPHY

STATUTES PRESCRIBED

1. The Merchant Shipping Act, 1958.
2. The Merchant Shipping (Prevention of Collisions at Sea) Regulations, 1972.
3. The Recycling of Ships Act, 2019.
4. The Merchant Shipping Bill, 2020.
5. Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

INTERNATIONAL CONVENTIONS

1. International Convention for the Safety of Life at Sea (SOLAS), 1974.
2. UNCLOS, 1982.
3. The Convention on the Limitation of Liability for Maritime Claims, 1976.
4. Nairobi International Convention Removal of Wrecks, 2007.
5. International Convention on Civil Liability for Oil Pollution Damage, 1992.

BOOKS

1. Nigel Meeson and John A. Kimbell, Admiralty Jurisdiction And Practice, Informa, Fourth Edition, Lloyd's Shipping Law Library, 2011.
2. Aleka Mandaraka-Sheppard, Modern Admiralty Law with Risk Management Aspects, University College London, Cavendish Publishing Limited, London, Sydney, 2001.
3. Simon Baughen, Shipping Law, Routledge Taylor & Francis Group, London and New York, Sixth Edition, 2015.
4. Robert Frost, Admiralty and Maritime Law, Federal Judicial Center, Tulane Law School, 2004.
5. Jingobo Yin, Quantitative Risk Assessment for Maritime Safety Management, Lambert Academic Publishing.
6. Samir Mankababy, The International Shipping Rules (1986), Croom Helm, London
7. Jeanne C. Fromer and Christopher Jon Sprigman, Copyright Law Cases and Materials (2021).

Paper III : ADMIRALTY LAW AND PRACTICE

OBJECTIVES OF THE COURSE:

To educate young law graduates in National and International Admiralty Law which allows them to critically evaluate the laws and legal systems pertaining to water bodies and ports of India from a juristic perspective. It also intends to provide a perfect opportunity to get expertise in areas rising out of international disputes under Admiralty law. The subject is highly relevant and need of the hour in India, where India's trade being conducted through oceans. After the study, the student will be able to understand the nature and scope of Admiralty Law and its jurisdictions, Maritime claims and Ship owners' liability and limitations

MODULE – I: Evolution, Nature, scope and sources

History of admiralty law in England, other parts of the world - Nature of Admiralty Law - Admiralty law as a part of law merchant - Admiralty law in relation to common law and civil law - Sources of Admiralty law.

MODULE –II: Admiralty Law in India & Jurisdiction

History of admiralty jurisdiction - The Admiralty Courts in India - The Admiralty Legislation in India - Comparison with the international legal regime – Admiralty and Admiralty jurisdiction (scope and extent) - Enforcement of Admiralty claims by actions in rem and in persona - Admiralty liens and priorities - Jurisdiction in matters of collision - Flag State – Extra territorial jurisdiction.

MODULE – III: Juristic Personality of Ship and Immunities

Juridical personality of the ship - Arrest of sea going ships - immunity of Government ships - Mareva Injunction - Position in India.

MODULE – IV: General Admiralty Provisions

UNCLOS relevant Articles - Constitution of India – Art. 53 – Legislation for giving effect to international agreements - The law on Regulation of Fishing by Foreign Vessels - Suppression of Unlawful Acts Against Safety of Admiralty Navigation and Fixed Platforms on Continental Shelf

MODULE – V: Admiralty Provisions on Criminal Activities

Criminal conspiracy - waging or attempt to wage war against India –Rash Navigation of vessel - Exhibition of false light, mark or buoy - Conveying person by water for hire in unsafe or overloaded vessel - Sec. 283 Danger or obstruction in line of navigation – Culpable homicide – Murder - Causing death by negligence - Grievous Hurt, Sections - Wrongful restraint & confinement – Theft – Robbery - Criminal trespass - Code of Criminal Procedure, 1973 – Arrest of persons - Preventive action of police Sections - offences committed outside India/high seas or elsewhere.

BIBLIOGRAPHY

STATUTES PRESCRIBED

1. The Merchant Shipping Act, 1958.
2. The Merchant Shipping (Prevention of Collisions at Sea) Regulations, 1972.
3. The Merchant Shipping Bill, 2020.
4. Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

INTERNATIONAL CONVENTIONS

1. International Convention for the Safety of Life at Sea (SOLAS), 1974.
2. UNCLOS, 1982.
3. The Convention on the Limitation of Liability for Maritime Claims, 1976.
4. Nairobi International Convention Removal of Wrecks, 2007.
5. International Convention on Civil Liability for Oil Pollution Damage, 1992.

BOOKS

1. Sarah C. Derrington, James M. Turner, ‘The Law and Practice of Admiralty Matters’, Oxford (2016)
2. Nigel Meeson, John Kimbell, ‘Admiralty Jurisdiction and Practice’, Routledge, (2017).
3. Darnien Jocemean, ‘Admiralty jurisdiction: Law and Practice in Australia, New Zealand, Singapore and Hongkong’, Federation press, (3rd ed., 2008).
4. Nagendra Singh, ‘International Conventions of Merchant Shipping’, Stevens Publications, (1973).
5. Kenneth C. McGuffic (ed), ‘The Law of Collisions at sea’, Stevens & sons, (1961).

Paper IV : REGULATION OF MARINE ENVIRONMENT

OBJECTIVES OF THE COURSE:

Now the great threat and hazard the world is facing is the marine environmental pollution. Many types and sources of pollutions are there which needs proper redressal. Though international Conventions and International consensus addressed this problem it is continuing in an alarming rate. The course aims to orient students how to preserve marine environment by preventing, controlling and mitigating marine pollution.

Module – I: Introduction to Marine Environmental Law

Principles for Marine Environmental policy making and legislation - Basis of Liability for Marine Pollution - Law of Negligence in Relation to Marine Pollution - Doctrine of Strict Liability/Polluter Pays Principle - Precautionary Principle - Prevention and Sustainable development.

Evolution of Law regulating Marine Pollution. - Historical Background, Development of Principles for the Sustainable Development of the Environment under the United Nations Conferences - UNEP and its Regional Seas Program - Sources of Marine Pollution.

Module – II: Marine Pollution from Ships and other sources

Oil Pollution from Ships – International Convention – Liability for Oil Pollution Damage - Marine pollution by seabed and subsoil explorations; accidents at sea; land based sources, dumping of wastes, carriage of hazardous wastes - Enforcement of Pollution Control Laws.

Module –III: Conservation of Marine Ecosystem

Inter-Relationship between Prevention of Pollution of the Marine Environment and Protection and Conservation of the Living Resources of the Sea - UNCLOS III and Bio Diversity Convention - National Obligation and International Cooperation for Conservation.

Module – IV: Marine and Coastal Conservation in India

Marine and coastal conservation under the Indian Constitution - Marine Protected Areas in India - Wildlife Protection Act 1972 - Environmental Protection Act, 1986 – Biological Diversity Act, 2002- Biosphere Reserves - Coastal Regulation Zone Notification - Fisheries Regulation in India – State level Fisheries Management - Important Supreme Court and High Court decisions

Module – V: Principles and Issues in marine environmental law

Principles for Marine Environmental policy making and legislation - Illegal fishing- Coastal Erosion - Climate Change and Marine Environment - Atomic weapon testing at High Seas - Nuclear waste disposal - Ocean noise pollution – Marine pollution by space debris.

RECOMMENDED READING:

STATUTES PRESCRIBED

1. Environment (Protection) Act, 1986
2. Biological Diversity Act, 1992
3. Wildlife (Protection) Act, 1972
4. Coastal Regulation Zone Notification, 2011.

INTERNATIONAL CONVENTIONS

1. MARPOL Convention, 1973
2. The London Convention, 1972
3. International Convention for the Prevention of Pollution from Ships, 1973 and the Protocol, 1997.
4. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers as Amended in 1995 and 2010.
5. International Convention on Civil Liability for Oil Pollution Damage, 1992

BOOKS

1. Robert Force, Admiralty and Maritime Law, Federal Judicial Centre, 2004.
2. Birnie W.Patricia; Boyle & Environment, International Law and the Environment 1992
3. Markus Salomon & Till Markus Editors, Handbook on Marine Environment Protection, Science, Impacts and Sustainable Management, Springer, Vol 1.
4. James Harrison, Saving the Oceans through Law, The International Legal Framework for the Protection of the Marine Environment.
5. Phillipe Sands on Principles of International Environmental Law, Second Edition.
6. Shyam Divan & Armin Rosencranz, Environmental Law and Policy In India, Cases, Materials and Statutes, Second Edition
7. J.H. Hargrove, Who Protects the Ocean: Environment and the Development of the Law of the Sea Devendra Kaushik, Indian Ocean Towards a Peace Zone (1983)
8. Lynton Keith caldwell, International Environmental Policy Emergence and Dimensions.
9. Myres S. McDougal and W. Burke, The Public Order of the Oceans (1962)
10. Our common future, the world commission on Environment and Development, Oxford University Press, 1987.
11. The International Law of Pollution: Protecting the Global Environment in a world of sovereign states, 1983

Paper V : LAW OF SEAFARERS

OBJECTIVES OF THE COURSE:

The study will help the students to know the Maritime Labour Laws and its enforcement. This study will enable them to understand the struggle and human rights violations against the seafarers. After undergoing the study, the student will be able to understand the history of Maritime Labour Laws, the UNCLOS provisions which addresses the rights of seafarers, human rights issues, and employment conditions of seafarers.

MODULE--I: INTRODUCTION TO MARITIME LABOUR LAW

Origin and History of Seafarers - Nature and Scope of Maritime Labour Law - The historical timeline of Maritime Labour Laws and International Instruments that protects the rights of seafarers – Labourers under the purview of the term ‘seafarer’ and ‘seamen’ and their classification - Indian history in protecting seafarers- Historical timeline of Indian Maritime Laws that protects the rights of seafarers.

MODULE—II: MARITIME LABOUR LAW AND LAW OF THE SEA CONVENTION

UNCLOS as Constitution of Sea Law - UNCLOS in an individualistic approach - Article 230 (Monetary Penalties and the observance of recognised rights of the accused) - Article 292 (Prompt release of vessels and crews) - Article 97 (protection to the shipmaster and other crew members) - Coastal States Laws and Rights of Seafarers - ILO Conventions on Maritime Labour Law - Convention on the Repatriation of Seafarers, 1987 - ILO Convention No.185 (Seafarers identity card) - ILO Consolidated Maritime Labour Convention - Flag of Convenience and Labour Repatriation - Introduction to Maritime Labour Convention, 2006.

MODULE--III: CONDITIONS OF EMPLOYMENT FOR SEAFEARERS

Minimum Requirements - Minimum Age - Medical Certificate - Training and qualifications - Recruitment and placement - Wages- Seafarers employment agreements - Hours of work and rest – Repatriation –Skill development, opportunities, and career for seafarers’ employment - Accommodation and recreational facilities - Right to compensation on a ship’s loss or foundering- Manning levels

MODULE--IV: SAFETY OF SEAMEN

Role of IMO and protection of seafarers- The International Convention for the Safety of Life on Sea (SOLAS,1974) - ISM Code - MARPOL and its Protocol in addressing seafarers - International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW),1978 - International Ship and Port Facility Security Code (ISPS) - Convention on the Facilitation of International Maritime Traffic (FAL).

MODULE--V: SOCIAL SECURITY PROTECTION, ENFORCEMENT & HUMAN RIGHTS ISSUES

Medical care on board ship and ashore - Shipowners’ liability- health and safety protection and accident prevention - Education to young seafarers - Access to shore based welfare facilities - Financial security in case of abandonment of seafarers.

Criminalisation of Seafarers in the Event of Maritime Accident - Scapegoating – Abandonment of Seafarers - Right to Repatriation- Right to Shore Leave - UDHR, ICCPR, ICESCR and rights of Seafarers – UNGA Res (1988)

Flag State Responsibilities- general principles- Authorization of recognised Organisations- Maritime labour certificate and Maritime labour compliance- on-board complaint procedures - Port State Responsibilities- Inspection in Port- On-board seafarer complaint –handling procedures - Labour supplying Responsibilities - Contemporary challenges – The risks and rewards of seafaring in the digital age

RECOMMENDED READING: STATUTE PRESCRIBED

1. Merchant Shipping Act, 1958
2. Major Port Authorities Act, 2021

INTERNATIONAL CONVENTIONS

1. SOLACE Convention,1974
2. UNCLOS, 1982
3. MARPOL
4. Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978
5. ISM Code and ILO Conventions.
6. Convention on the Facilitation of International Maritime Traffic

BOOKS:

1. Couper, A.D. with Walsh, C. J. Stanberry, B.A. and Boerne, G.L., *Voyages of Abuse: Seafarers, human rights and International shipping*, Pluto Press, London, Sterling, Virginia, 1999.
2. AlekaMandaraka-Sheppard, *Modern Admiralty Law with Risk Management Aspects*, University College London, Cavendish Publishing Limited, London, Sydney, 2001.
3. Nigel Meeson and John A. Kimbell, *Admiralty Jurisdiction And Practice*, Informa, Fourth Edition, Lloyd's Shipping Law Library, 2011.
4. Thomas J. Schoenbaum, *Admiralty and Maritime Law*, 2016 Pocket Part, West Academic Publishing, 2016.
5. Graham, Caroline, *Maritime Security and Seafarer's Welfare: Towards Harmonization*, WMU Journal of Maritime Affairs, Vol. 8 (2009).

Paper VI : DISPUTE SETTLEMENT MECHANISM UNDER MARITIME LAW

OBJECTIVES OF THE COURSE:

Dispute settlement mechanism and its practice is very important in every sphere of human activities. This paper intends to give expertise to young lawyers in the Maritime dispute settlement mechanism. Admiralty jurisdiction requires fast procedures and autonomy to the parties to resolve the dispute. Arbitration procedures are usually resorted to settle disputes in marine claims. Hence the knowledge of Arbitration procedures will help young lawyers to open up new career ventures, as it is becoming more practised procedure to resolve disputes throughout the world.

MODULE – I : ADMIRALTY CLAIMS - JURISDICTION NATURE AND CONTENT

History and Nature of Admiralty Law – Admiralty Law as Law of Merchant- Admiralty Law in relation to common law and civil law- Cinque Ports in England - The Admiralty Legislation in India - Admiralty jurisdiction (nature and extent)- Enforcement of Admiralty claims by action in rem and in personam – juridical personality of ship.

MODULE -- II: COLLISION CLAIMS & LIMITATION OF CLAIMS

Jurisdiction in matters of collision- Flag State- Extra territorial Jurisdiction - International Regulations for Preventing Collisions at Sea, 1972 Amended by IMO in 1972 - The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 – Interse priority of Maritime lien – Order of priority of Maritime claims.

Claims that are limitable- personal injuries, deaths, fire, collisions, sinking, salvage and lost cargo- Suez Canal crisis and the limitation of ship owners liability - Claims that are not subject to limitation- wages due to seamen, injured seamen maintenance and cure benefits- personal contracts doctrine- Flotilla Doctrine - Convention on Limitation of Liability for Maritime Claims – Limitation Fund- Aggregation of fund – Unit of Account.

Marine Pollution (Nuclear, chemical and Noxious substances) and the contemporary challenges in calculating ship-owners liability and compensation.

MODULE -- III: SHIP MORTGAGES

International Convention on Maritime Liens and Mortgages, 1993- characteristics of Maritime lien- types of maritime lien- order of priority of maritime lien- right of retention - Extinction Lien by lapse of time- Assignment and Subrogation- forced sale- Brussels Convention –arrest of seagoing ships.

MODULE -- IV: MARITIME ARBITRATION

Historical origin of Maritime Arbitration- Introduction to Maritime Arbitration- Forum Selection under Maritime Arbitrations- conflict of jurisdiction of different forums and Forum non Conveniens approach –Choice of Law (lexmaritima)- Damages (prejudgement interest and costs and fees)- punitive damages.

Indian Council of Arbitration (ICA) – Rules of Arbitration and Conciliation with Amendment- Interpretation of rules- fast track arbitration- panel of arbitrators- Constitution of Arbitral Tribunal- Place of Arbitration- Copies of Proceedings- Deposits, fees and Expenses.

Institutional Arbitration – London Maritime Arbitrators Association (LMAA), Society of Maritime Arbitrators of New York (SMA), The Chambre Arbitrale Maritime de Paris (CAMP), THE TOKYO MARITIME ARBITRATION COMMISSION- THE SINGAPORE CHAMBER OF MARITIME ARBITRATION AND CHINA MARITIME ARBITRATION COMMISSION.

Ad Hoc Arbitrations - Role of ITLOS - Indian Council of Arbitration (ICA) – Rules of Arbitration and Conciliation with Amendment- Interpretation of rules- fast track arbitration- panel of arbitrators- Constitution of Arbitral Tribunal- Place of Arbitration- Copies of Proceedings- Deposits, fees and Expenses.

Types of arbitral awards- enforcement of foreign arbitral awards (In India under CPC and Arbitration and Conciliation Act, 1996) – Modes of Execution - The problem of the form of Arbitration Clause for Maritime Arbitration in the era of E-Commerce

MODULE – V: INTERNATIONAL COMMERCIAL ARBITRATION

The Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 (New York Convention) - The Convention on the Execution of Foreign Arbitral Awards, 1961 (Geneva Convention)

Role of Drafting- BIMCO, The Association of Ship Brokers and Agents, Japan Shipping Exchange- Kinds of Contract- Time, Voyage and Bareboat Charter Agreements, shipbuilding, repairing, scraping contracts, salvage agreements.

National Laws- Repeal of domestic Civil Courts Jurisdiction- British Arbitration Act, 1996, U.S Federal Arbitration Act, Australian Law of Carriage of Goods by Sea Act, 1991- Chinese Arbitration Law of 1995.

India- The Arbitration and Conciliation Act, 1996

RECOMMENDED READING:

STATUTES

1. The Admiralty (Jurisdiction and Settlement of Admiralty Claims) Act, 2017.
2. Merchant Shipping Act, 1958
3. Civil Procedure Code, 1908
4. Notification for the MS (Amendment) Act, 2014

5. Notification relating to MS (Second Amendment) Act, 2014.
6. Marine Insurance Act, 1963
7. The Merchant Shipping (Form of Certificate of Insurance for Civil Liability for Oil Pollution Damage) Rules, 1985.
8. The Arbitration and Conciliation Act, 1996

INTERNATIONAL CONVENTIONS

1. UNCLOS, 1982
2. The Convention on Limitation of Liability for Maritime Claims, 1976.
3. The Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958
4. The Convention on the Execution of Foreign Arbitral Awards, 1961
5. International Convention on Maritime Liens and Mortgages, 1993

BOOKS

6. Nigel Meeson and John A. Kimbell, Admiralty Jurisdiction And Practice, Informa, Fourth Edition, Lloyd's Shipping Law Library, 2011.
7. AlekaMandaraka-Sheppard, Modern Admiralty Law with Risk Management Aspects, University College London, Cavendish Publishing Limited, London, Sydney, 2001.
8. Simon Baughen, Shipping Law, Routledge Taylor & Francis Group, London, New York, Sixth Edition, 2015.
9. Robert Force, Admiralty and Maritime Law, Federal Judicial Centre, 2004.
10. Dr.ShrikantHathi and Ms.BinitaHathi, Ship Arrest In India and Admiralty Laws Of india, Brus Chambers Advocates and Solicitors, Twelfth Edition, 2019.

Paper VII : MARITIME SAFETY AND SECURITY

OBJECTIVES OF THE COURSE:

With maritime navigation is inevitable in international trade, the concerns on safety and security at sea occupies the centre stage. The subject highlights the related international legislations on various aspects of safety and security in sea. Moreover, the subject covers the legal arena for liability in marine collision; salvages and wrecks; towage; pilot age; piracy, hijacking and armed robbery at sea.

MODULE-I: MARITIME SAFETY – AN OVERVIEW

General Principles regarding the safety of ships – Safety regulations under the Merchant Shipping Act – Unseaworthy Ships - International Convention on Safety of Life at Sea – Concepts and Principles - Role of International Maritime Organization and International Safety management Code in Maritime Safety.

MODULE – II: VESSEL SAFETY

Ship's Safety, Cargo Safety, Occupational Safety, Classification Societies, Human Element and Safety Management - Ship Operation - Manning Standards and Certification of Seafarers, Principles of Safe Manning - Navigational Safety - Aids to Navigation, Maritime Signals and Beacons, Radio Aids, Meteorological Aids, Hydrographic Aids - Control of Ship Safety - Flag State Control, Substandard Ships and Actions against Substandard Shipping, Port State Control.

MODULE – III: PREVENTION OF COLLISION

Collision Regulations in National and International Arena - Liability in Collision Cases, Jurisdiction in Collision Cases, Apportionment of Fault in Collision Cases - Salvage, Towage and Pilotage

MODULE – IV: UNLAWFUL ACTIVITIES

Hijacking And Armed Robbery against Ships, United Nations Measures to Combat Piracy, IMO Measures to Combat Piracy, Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships - Human Smuggling and Human Trafficking, trafficking of illicit arms, maritime terrorism and unlawful acts, International Ship and Port Facility Security

MODULE – V: MARITIME CYBER SECURITY AND SAFETY MANAGEMENT

Intelligence Gathering and Information Sharing, Maritime Domain Area Awareness, Intelligence Gathering as a Military Activity, Monitoring the movement of ships and seafarers, Information Sharing and Law Enforcement;

RECOMMENDED READING:

STATUTES PRESCRIBED

1. Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.
2. Merchant Shipping Act, 1958
3. The Anti-Maritime Piracy Bill, 2019
4. Wildlife Protection Act, 1972
5. The Immoral Traffic (Prevention) Act, 1947.

INTERNATIONAL CONVENTIONS

6. Convention on the International Regulations for Preventing Collisions at Sea, 1972
7. Convention on Facilitation of International Maritime Traffic , 1965.
8. International Convention on Load Lines, 1966
9. International Convention on Maritime Search and Rescue, 1979
10. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988.
11. UNCLOS, 1982.

BOOKS

1. Dr. Shrikant Hathi and Ms. Binita Hathi, Ship Arrest In India and Admiralty Laws Of India, Brus Chambers Advocates and Solicitors, Twelfth Edition, 2019.
2. Simon Baughen, Shipping Law, Routledge Taylor & Francis Group, London, New York, Sixth Edition, 2015.
3. Paul Todd, Maritime Fraud And Piracy, Informa, Second Edition.
4. Samareshwar Mahanty, Maritime Jurisdiction and Admiralty Law in India, Universal Law Publishing, Shipping Law Series, Second Edition.
5. Thomas J. Schoenbaum, Admiralty And Maritime Law, Sixth Edition.

Paper VIII : MARITIME CRIMES AND ISSUES

OBJECTIVES OF THE COURSE:

It educates young law graduates on working process of the United Nations Office on Drugs and Crime which intends to combat the maritime crimes involved in the international water bodies. The aim of the course is to create an opportunity to get expertise in the core activities of Law enforcement under regional cooperation against the rise of maritime crimes like piracy, hijacking, human trafficking, smuggling, etc., The study of the subject is highly essential to address the maritime crimes as it affects the core element of international peace and security, the freedom of navigation and the world trade activities.

MODULE - I: INTRODUCTION TO CRIMES AND MARITIME CRIMES

Definition - Nature and Scope and Concept of crime - Characteristics of crime - Theories of criminal law - Classification and categorization of crimes - Difference between civil and criminal law - Modern crimes in International Law - Jurisdictional issues of International Crimes. - Nature and types of maritime crimes - Jurisdiction of maritime crimes - Issues in execution of judgments and orders

MODULE - II: PIRACY, HIJACKING AND ARMED ROBBERY AGAINST SHIPS and other crimes

Concept of Piracy - Contemporary piracy in South Asia, Atlantic and Pacific region - International law on piracy – Jurisdiction - Concept of Armed Robbery at Sea - UNCLOS - International Maritime Organization Guidelines -

MODULE - III: TRAFFICKING – HUMANS, ILLICIT ARMS, NARCOTIC DRUGS OR PSYCHOTROPIC SUBSTANCES

Definitions - Global Authorities to Counter Drug and Trafficking - International Law and the Trade in Illegal Drugs - The Multilateral Treaty Framework - Illicit Traffic by Seas - International Maritime Organization - Maritime Human Trafficking - UN Basic Principles on the Use of Force - Regional Authorities to Counter Drug Trafficking - Regional Cooperation in Countering Maritime Drug Trafficking - UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 - Suppression of Illicit traffic in narcotic drugs - International waters - Maritime Drug Trafficking - Mutual legal assistance - Jurisdiction.

MODULE - IV: TRANSPORT OF SLAVES, SMUGGLING AND OTHER CRIMES

Migrant Smuggling at Sea - Transnational Threat of Irregular Migration - Migrant Smuggling Protocol - Criminalization - IMO initiatives - Duty to render assistance - Salvage Conventions - SAR Convention - SOLAS Convention - International Convention for the Safety of Life - Unauthorized entry - smuggling exotic plants and animals - illegal carrying of weapons and artillery - tax evasion - sailing or fishing in unauthorized areas - discharging in ocean waters -SUA Convention and its Protocols.

MODULE - V: MARITIME TERRORISM AND WEAPONS OF MASS DESTRUCTION AT SEA

Prevalence of Maritime Terrorism and disorder at sea - Palestinian Liberation Front and the Achille Lauro - Sri Lanka and the Tamil Tigers - Al Qaeda and the USS Cole - Non-Proliferation Treaty - North Korea - Is the NPT viable? - Coastal State Authorities - Exclusive Flag State Jurisdiction - Stateless Vessels - Cases on the Use of Force in Ship boarding - Increasing Port State Controls - Proliferation Security Initiative - Law Enforcement Activities - Intelligence gathering - Armed Conflict and Naval warfare - International Convention for the Suppression of the Financing of Terrorism, 1999 - UN Security Council Resolutions.

**RECOMMENDED READING:
INTERNATIONAL CONVENTIONS**

1. SOLAS Convention, 1974
2. UNCLOS, 1984
3. SUA Convention, 1988
4. UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988
5. International Convention for the Suppression of the Financing of Terrorism, 2002
6. UN Convention against Transnational Organized Crime, 2003
7. Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia.

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