

BRANCH III
MARITIME LAW
SECOND SEMESTER
COURSE I- INTERNATIONAL LAW OF THE SEA

Course Objectives:

The basic objective is to evolve a fundamental understanding of advanced learning in maritime law on strong and effective legal premises. The evolution of the topic under study from international instruments and its cascading effect in the domestic legal system is intended to provide a rich and clear idea regarding the significance of this course to the learners. An in depth and purposive learning is carefully conceived in the topics comprehended in this course to fertilize the learning of other courses in this program.

UNIT-1 Sources of the law of the sea- The Law of the Sea as Constitution of Oceans – History and Evolution – UNCLOS I,II and III, Geneva Conventions, 1958, UNCLOS 1982, Multi-lateral Conventions and Treaties, Practice of Maritime Countries, Customary law, and Decisions of international court and Tribunals- Implementation Agreements.

UNIT-2 Maritime Zones - Relation with High seas - Internal waters and territorial sea- Distinction – Baselines and Delimitation of Maritime zones - Determination of base lines Normal and Straight base line. Archipelagos, archipelagic States, archipelagic baselines and archipelagic waters and islands -International Straits-jurisdiction in Internal Waters and Territorial Waters- Breadth of the territorial sea, delimitation of territorial sea - Navigation Rights-Rights of Innocent Passage-Right and Duties of Coastal states over Territorial sea -Civil and criminal jurisdiction of coastal States in relation to coastal ships, warships and relevant judgments of the ICJ/Tribunals.

UNIT-3 Exclusive Economic Zone –Evolution of concept of EEZ - Sovereign rights over the EEZ -Right of coastal States over EEZ - Continental Shelf and its Legal regime espousing associated rights of stakeholders and limitations- Contiguous zone and its distinct legal nature - Coastal State jurisdiction and associated aspects.- Relevant judgments of the ICJ/Tribunals.

UNIT-4 Delimitation of Maritime Frontiers between Adjacent and Opposite State- Equidistant and equitable principles-Rights of Land Locked States and Geographically Disadvantaged States - Concept of High Sea- Freedom of Navigation and Fisheries in High Sea - Doctrine of freedom of Sea and Exceptions– Meaning, Concept and Origin - Contemporary Relevance - Jurisdiction over International

Crimes like Piracy, Slave Trade, Terrorism, and Unlawful Activities - Control of Marine Pollution- Conservation of living resources of High Seas- Relevant judgments of the ICJ/Tribunals.

UNIT-5 International Sea Bed authority- Marine Scientific Research - High Seas and Deep Ocean Floor- Deep sea mining- - Exploration and Exploitation of Non Living Resources of high sea- The concept of common heritage of all mankind - Establishment of the Preparatory Commission, negotiation of the Part XI Agreement, the relationship between the Part XI Agreement and the LOSC and legal impact of the Part XI Agreement- Settlement of dispute of UNCLOS III (ITLOS, jurisdiction and powers)- Role of international Sea Bed Dispute Chamber - Arbitration and Conciliation.

Suggested Readings:

1. Francis Ngantcha, Right of Innocent Passage and the Evolution of the International Law of the Sea. The Current Regime of Free Navigation in Coastal Waters of Third States, Bloomsbury Publishing PLC (1990)
2. R.R.Churchill & A.V. Lowe, The Law of the Sea. Melland Schill Studies in International Law (1998)
3. A.V.Lowe & S.A.G Talmon. The Legal Order of the Oceans Basic Documents on the Law of the Sea. Hari Publishing (2009)
4. P.Chandrasekhara Rao & P.H Gautier. The Rules of international Tribunal for the Law of the Sea. Martinous Nijhoff publishing (2006)
5. David Freestone. Richard Barnes & Davidong. The Law of the Sea: Progress & Prospects. Oxford University Press. (2006)
6. James Kraska. Contemporary Maritime Piracy, Praeger Publishers Inc. (2011)
7. Paul Todd. Maritime Fraud and Piracy. Informa Law from Routledge, 2nd Edition, (2010)
8. Rahman M. Habibur. International Law of the Sea. Atlantic Publishers & Distributors Pvt Ltd (2016)
9. U. N. Gupta. The Law of the Sea (Vol. 1 & II).Atlantic Publishers & Distributors Pvt Ltd. 2005.
10. Yoshifumi Tanaka, The International Law of The Sea, Cambridge University Press (2019)
11. P.Chandrasekhara Rao, Philipe Gauter, The International Tribunal For The Law of The Sea: Law, Practice and Procedure, Elgar International Law and Practice series (2018)
12. Donald Rothwell, Alex Oude Elferink, Karen Scott, and Tim Stephens (ed.) The Oxford Handbook of The Law of The Sea (2015)

13. Bimal N. Patel, Law of the Sea (International Tribunal for the Law of the Sea Jurisprudence : Case Commentary, Case-Law Digest and Reference Guide (1994-2014)
14. Samareshwar Mahanty, Maritime Jurisdiction and Admiralty Law in India, Lexis Nexis (2017)
15. Jill Barrett & Richard Barnes, Thomson Reuters Law of the Sea: UNCLOS as a Living Treaty British Institute of International and Comparative Law (BIICL) (2016)
16. M E Aliyar, "Understanding of Modern Maritime Law", Swamy Law House (2019)

COURSE II – LAW RELATING TO ADMIRALTY AND MARITIME JURISDICTION

Course Objectives: The course is structured with a view to give the student an application level insight into the nature, scope, subject matter and procedure of Admiralty Jurisdiction; the law relating to arrest of sea going ships; access to and jurisdiction in maritime ports; the process of enforcement of maritime claims and internal and external aspects of maritime jurisdiction by providing her with comparative analyses.

UNIT-1 Nature and scope of Admiralty Jurisdiction - Evolution and development of Admiralty Jurisdiction - historical overview - Admiralty Courts - Admiralty Jurisdiction in pre-independence India - Constitutional scheme after independence - Doctrine of sovereign immunity of ships.

UNIT-2 Subject matter of Admiralty Jurisdiction - Ships and Air crafts – Maritime claims - salvage claims - position in U.K - Indian position - procedure for enforcement of admiralty jurisdiction - The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 – Admiralty Jurisdiction *in personam*.

UNIT-3 Arrest of sea going ships - Arrest of vessel *in rem* – The Merchant Shipping Act 1958 - International Convention on Arrest of Seagoing Ships - Arrest Convention, 1999 - Indian practice - Conditions for Arrest of Ships – Procedure for Arrest of Ships - Safeguards regarding unlawful arrest of ships.

UNIT-4 Jurisdiction in Maritime Ports - Access to Maritime Ports - UNCLOS III - International Convention on Access to Maritime Ports - Indian law - The Maritime Zones Act - Administrative jurisdiction - Protection against violation of Revenue and Customs laws – Nature of Ship owner's liability for damages to ports.

UNIT- Jurisdiction over ships in internal waters, contiguous zone, EEZ and continental shelf - Admiralty jurisdiction under the Suppression of Unlawful Acts

against the Safety of Maritime Navigation (SUA) Act – Extra territorial jurisdiction over crimes committed on the High Seas – piracy – hot pursuit.

Suggested Readings:

1. Paul Smith (Dr). Ship Arrest Handbook. LLP Professional Publishing. (1997)
2. M. M. Cohen. Admiralty Jurisdiction Law and Practice. Kessinger Publishing. (2008)
3. Aleka Mandaraka Sheppard. Modern Admiralty law. Cavendish Publishing. (2007)
4. Mohanty Samareshwat. Maritime jurisdiction and admiralty Law of India. Universal Publishing. (2009)
5. Rhidian Thomas. Ship Arrest. Sweet & Maxwell. (2001)
6. Lindy S. Johnson. Coastal State Regulation of International Shipping. Oxford University Press. (2004)
7. 151st Law Commission Report on. Admiralty Jurisdiction (1994)
8. Francesco Berlingieri. Berlingieri on Arrest of Ships, Volumes I & II (2017)
9. C M Row. Maritime Jurisdiction and Admiralty Law in India. Universal Law Publishing. 2nd Edition. (2017).
10. Samareshwar Mahanty, Maritime Jurisdiction and Admiralty Law in India, Lexis Nexis (2017)
11. Dr. Shrikant Hathi, Ms. Binita Hathi, Ship Arrest In India And Admiralty Laws Of India, (2019)

COURSE III - MARITIME SECURITY AND SAFETY LAWS

Course objectives

Critical awareness about the concept of maritime security and its various dimensions has to be promoted along with appraising the students about the general principles on safety of ships. The capability to understand and analyse the dimensions of vessel safety, various security equipment and systems is to be augmented. An analytical understanding of the output of the adjudication mechanism in terms of fixing and quantifying liability and remedies extended for collision during maritime operations needs to be generated.

UNIT-1 Maritime security; concept – threats to maritime security - Piracy, United Nations Measures to Combat Piracy, Hijacking And Armed Robbery against Ships, , IMO Measures to Combat Piracy, 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.

UNIT-2 General principles regarding Safety of ship; Prohibition against sending ships in Unseaworthy Condition - Safety regulations under Merchant shipping Act and SOLAS enactment - Safe working condition for seamen.

UNIT-3 Vessel's safety; SOLAS 1974 - Enforcement of safety rules in construction of ship- Survey of ships for safety purpose – Safety of passenger ships - Safety of cargo ships - Safety of Nuclear Ships - Safety of Grain Cargo ships - Carriage of dangerous Cargos - Load line Certificate.

UNIT-4 Safety appliances, equipment and Certificates; Lifesaving appliances - Nautical publications - Ratio requirements - Signalling Lamps - Safety and Exemption Certificate – Precautions during voyages.

UNIT-5 Maritime collisions; Evaluation of Collision Regulations - Collision Regulation 1974 - Sailing and Signalling rules - Light and stop watch keeping - liability for abuse of distress signals and vessel traffic schemes - Competency and adequacy of Seamen. Civil and Criminal Liability for Collision- Extent of Liability- Apportionment of damages- Damages for Collision- Limitation of Ship owner's Liability- International Convention for limitation of ship owner's liability- Investigation into accident and causalities.

Suggested Readings:

1. A.N Cockcroft & J.N.F Lameijer. A guide to Collision Avoidance Rules: International Regulations for Preventing Collisions at Sea. Elsevier Butterworth Heinemann, (2003)
2. Southampton on Shipping Law. Informa (2008)
3. . IMO. Code of Safe Practice for Cargo Stowage and Securing. (2003)
4. Iliana Christodoulou-Varotsi & Dmitry A. Pentsov: Maritime Work Law Fundamentals: Responsible Ship owners, Reliable Seafarers. Berlin: Springer-Verlag. (2008)
5. ILO. Accident Prevention on Board Ship at Sea and in Ports (2002)
6. Natalie Klein. Maritime security and Law of theSea OUP. London (2012)
7. Herbert Spencer. A Treatise On Law Of Maritime Collisions (digitized version available online)
8. Nicholas J. Healy, Joseph C Sweeney. The Law of Maritime Collisions. Cornell Maritime Press, Inc., (1998)
9. Aleka Mandaraka - Sheppard. Modern Maritime Law (Vol2). Informa Law from Routledge. 3 rd edn. (2012)
10. Michael McNicholas, Maritime Security: An Introduction, Elsevier. (2008).
11. M E Aliyar, "Understanding of Modern Maritime Law", Swamy Law House, (2019)

COURSE IV- LEGAL CONTROL OF MARINE POLLUTION

Course Objectives: The objective of the course is to introduce to the students the legal framework for controlling marine pollution and to generate its critical understanding. The students are provided the premises for defining and distinguishing different sources of marine pollution and also to understand, analyze and apply the legal framework for controlling marine pollution so as to devise strategies and legal solutions to the issues and matters relating to marine pollution.

UNIT-1 Maritime zones- Importance of Protection of Marine Environment - Marine Pollution - Sources of Marine Pollution - Evolution of Law for Regulation of Marine Pollution - The Law of the Sea and Marine Convention - UNCLOS III Provisions

UNIT-2 Marine Pollution by Seabed and Subsoil Exploration - Hydrocarbon and Mineral Recovery Sources - Pollution by Accidents at Sea - Pollution by Atomic Weapon Testing in High Sea - Ship Recycling and the Resultant Pollution - Safe Recycling Practices - Marine Pollution from Land Based Sources - Global Programme of Action (GPA) - Dumping of Wastes - Nuclear Wastes Disposal - Carriage of Hazardous Wastes - Regional Seas Programme and Conventions - London Convention and the London Protocol

UNIT-3 Pollution from Vessels - Oil Pollution - International Maritime Organisation - OIL POL, MARPOL and OPRC Conventions - Liability and Compensation for Ship-source Pollution - Responses to Oil Pollution and Management Mechanisms

UNIT-4 Enforcement of Marine Pollution Control Laws in India - Flag State and Port State Jurisdiction - Indian Legislations on Marine Pollution Damage - Trans-boundary Pollution

UNIT-5 Approaches to the Protection of Marine Environment - Conservation and Protection of Marine Diversity - UNCLOS III Provision and Biodiversity Convention - Conservation of Endangered and Migratory Species - National -international Co-operation for Conservation - International Law Response to Ocean acidification and Climate Change

Suggested Readings:

1. Kenneth R. Simmonds, Convention on the Law of the Sea (1982), Dobbs Ferry,

- N.Y : Oceana Publications, New York (1983)
2. Colin M. De La Rue, Liability for Damage to the Marine Environment, The Comité Maritime International, Lloyd's of London Press Ltd, (1993)
 3. Michael G. Faure and James Hu (eds.), Prevention and Compensation of Marine Pollution Damage: Recent Developments in Europe, China and the US, Kluwer Law International, Netherlands (2006)
 4. Henrik Ringbom, Competing Norms in the Law of Marine Environmental Protection, Kluwer Law International, 1st Edition (1997)
 5. Yasuhiro Shigeta, International Judicial Control of Environmental Protection: Standard Setting, Compliance Control and the Development of International Environmental Law by the International Judiciary, Kluwer Law International (2010)
 6. Julian Roberts, Marine Environment Protection and Biodiversity Conservation, ISBN: 978-3-540-37699-6 (2007)
 7. David W. Abecassis and Richard L. Jarashow Stevens, Oil Pollution from Ships: International, United Kingdom and United States Law and Practice, London 2 ed.(1985)
 8. Ved.P. Nanda and George (Rock) Pring, International Environmental Law and Policy for the 21st Century, Martinus Nijhoff Publishers, 2nd Revised Edition (2013)
 9. Alan Khee Jin Tan, Vessel Source Marine Pollution, Cambridge University Press (2006)
 10. Ricardo Beiras, Marine Pollution: Sources, Fate and Effects of Pollutants in Coastal Ecosystems (2018)
 11. Illiana Christodoulou Varotsi, Marine Pollution Control: Legal and Managerial Frameworks, Published by Informa Law from Routledge, 1st edn. (2018)
 12. Rosemary Rayfuse (ed.), Research Handbook on International Marine Environmental Law, Edward Elgar Publishing (2017)

THIRD SEMESTER

COURSE I – LAW RELATING TO SHIPS AND MARINE INSURANCE

Course Objectives

One of the foremost objectives is to develop a critical knowledge level about international as well as national legal principles embodied in the legal system and also various relating to laws relating to multi layered aspects relating to shipping.

Besides, an incisive analytical understanding about the concept and dynamics of marine insurance which is to be learnt as an integral part of the principal study.

UNIT-1 Meaning and definition of ship- Importance and rule of ships flag-Genuine link theory – Statutory control over ownership of ship- Registration of cargo ships. Passenger ships and fishing vessels –Qualification for ownership-Registration of ships – Share in Ships – Ownership principles –comparative legal position – seaworthiness and its multi-layered applications – decommissioning of ships

UNIT-2 Different Methods of Acquisition of Ships --Ship constrictive rules-Transfer of ships – Negotiation and contract – Terms Of Contract –Inspection By Buyer – Completion of contract –Legal and commercial risk management –Demise charter.

UNIT-3 Law of ship mortgages –legal and equitable mortgages – scheme of registration of mortgages –priority of mortgages – Rights and obligations of mortgagees-Effect of Mortgage on the third parties.

UNIT-4 Ancillary shipping contracts –Salvage contracts –Statutory provisions relating to wreck removal and salvage –Salvage convention 1989 - Law of Towage – Towage contracts –Pilotage agreements-Compulsory pilotage.

UNIT- 5 Marine Insurance –Subject matter of Marine insurance - General principles of insurance law applicable to marine insurance contracts -Formation of Marine insurance contracts- its types- Express and implied conditions in marine insurance policy, construction of marine insurance contracts- Avoidance of liability under marine insurance-excluded claims

Suggested Readings

1. Gero Brugmann. Access to Maritime Ports. Books on Demand GmbH. Nordrstedt (2003)
2. D.C Jackson. Enforcement of Maritime Claims. London: LLP (2005)
3. Southampton on Shipping Law. Informa (2008)
4. TP. Mukherjee. The Customs Act 1962 Vol. I & II. (1996)
5. Indian Port Handbook. Trans world (1990)
6. J.S. Gill. Manual of The Merchant Shipping Act 1958. Bhandarkar Publications. (1994)
7. Nagendar Singh Maritime Law of India. Bhandarkur Publications.(1979)
8. Lindy S. Johnson, Coastal State Regulation of International shipping, Oxford University Press (2008)
9. U.N Convention on conditions for Registration of Ships. 1986
10. Halsbury's Law of England 4th edn. London (1983)
11. Francis D. Rose. The Modern Law of Pilotage, London (1984)

12. Geoffrey Brice. Maritime law of Salvage London (1983)
13. B.C. Mitra, The Law Relating to marine insurance University Book Agency (1993)
14. Insurance Institute of India. Marine Insurance Claims (1991)
15. Budgar. Elements of Cargo Insurance, Woodhead (1983)
16. N.G. Hudson, Marine Claims Handbook, Lloyd's of London Press (1996)
17. William W.B Marine Insurance; Its Principles and Practice, Wentworth Press (2016)
18. Capt. D.E. Driver, Guide to Marine Hull Insurance, Navaneet Publications (1995)
19. Howard Bennet. The Law of Marine Insurance. OUP (2006)
20. Lindy S. Johnson, Coastal State Regulation of International Shipping, Oxford University Press (2008)
21. Christodoulou-Varotsi & Pentsov D.A, Maritime Law Fundamentals : Responsible Shipowners, Reliable Seafarers, Springer (2007)

COURSE II - LAW RELATING TO CARRIAGE OF GOODS AND PASSENGERS BY SEA.

Course Objectives

A clear understanding on the law relating to carriage of goods and passengers by Sea, both public and private carries and their duties, responsibilities , rights, liabilities and remedies are intended to be the among the objectives. The international instruments, its application in domestic legal system and its implementation premised on well-conceived doctrines and theories are comprehended for a purposive understanding.

UNIT - 1 Contracts of affreightment, public and private carriages- Types of carriages- containerization —Duties of common carriage charter parties and bills of lading. Type of Voyage charter parties—Owner's obligations, conditions, warranties, innominate terms and representations. International Trade Law related International rules on carriage of goods by sea- UNCTAD

UNIT -2 Time charter parties—Nature, description of ship, delivery date and cancelling clause, charter period, early or late delivery, payment of hire, deductions, withdrawal of ship, employment and indemnity clause, owner's lien, lay time, demurrage and freight.- carriage of dangerous goods- port community system

UNIT-3 Bill of lading—Functions—as a contract, as a receipt as a document of title, provisions regarding documents of transport under the carriage of transport under

the Carriage of Goods by Sea Act—Rights and obligations of parties in Bills of lading—Hague – Visby, Hamburg and Rotterdam Rules- International unification of laws.

UNIT – 4 Carriage of passengers and their luggage—United Nations Convention on Carriage of Passenger by Sea—1978, law of general average, York Antwerp Rules, particular average and particular charges.

UNIT – 5 Breach and remedies—Breach of implied undertakings—liability for loss or damages to goods—limits of liability—Exclusion of liability for loss.

Suggested Readings

1. Girvin. Carriage of Goods by Sea Oxford University Press (2007)
2. Chorley & Giles. Shipping Law. Pitman. London. Chapter IV & V. pp.88-214(9th edn)
3. Payne & lvamy. Carriage or Goods by Sea. Butterworth's. London (1989)
4. Scratton. Charter Parties and Bill of Lading. Sweet & Maxwell. London (2008)
5. Carver. Carriages by Sea. Vol. I & II Butterworth's. London (12th edn)
6. David M. Sasson, C.I.F & F.O.B Contracts. London (1995)
7. William Tetley. Marine Cargo Claims. Carswell(2008)
8. T. Kochuthomman. Bills of Lading in International Law and Practice. Eastern Book Company: 1986
9. Summerskill. Lay time. Taylor and Francis. 1989
10. Southampton on Shipping Law. Informa (2008)
11. A Treatise on the Law Relating to the Carriage of Goods by Sea. (English, Carver Thomas Gilbert) (2011)
12. Lachmi Singh, The Law of Carriage of Goods by Sea by Lachmi Singh, Bloomsbury Publishing PLC (2012)
13. Surendra Malik and Sudeep Malik, Supreme Court on Carriage of Goods and Persons by Air, Land and Sea (1950 to 2019) (in 2 Volumes)

COURSE - III MARITIME AND COMMERCIAL ARBITRATION

Course Objectives

This course aims to provide a critical understanding of the concept and dynamics of international maritime arbitration through the lens of international commercial arbitration in facilitating effective dispute settlement. A focused imparting of the key

issues in international commercial and maritime arbitration, and prevailing national legal system including basic principles involved in legal theories and practices and also the mechanisms envisaged is comprehended. The topics conceived aims at a progression from learning to its application level

Unit 1 International commercial Arbitration – Introduction, Meaning and Definition and historical evolution – Legal Framework for International Arbitration - Composition of Arbitral Tribunal – Applicable laws

Unit 2 Arbitration Agreement - Jurisdiction of the tribunal –Kompetenz rule – Challenge of jurisdiction - Conduct of Arbitral proceeding – Rules of proceeding – parties, formalities and consent – arbitrability of the subject matter - Relevance of the seat and language - Conflict of Laws - commencement and default of a party – Commencement and statutory time prescriptions - experts appointed by tribunal

Unit 3 Arbitration Awards – form and content of the award - termination of proceedings, correction and interpretation of award and recourse against award – costs - recognition and enforcement of award – Remedies - Judicial review of Arbitration Awards - Domestic and foreign awards – grounds for refusal to recognize awards - New York Convention

Unit 4 Rules for conciliation – UNCITRAL Rules on conciliation – Guidelines of UNCTAD, IMO, WTO – LCIA, ICC Arbitration – UNCLOS Annex VII Arbitration - International Maritime Arbitration and Investment Arbitration

Unit 5 Commercial Arbitration in India - Maritime Arbitration in India - Indian council of Arbitration – London, Singapore and Dubai Maritime Arbitration Rules - American Arbitration association– Relevant case studies

Suggested Readings:

1. A.K Bansal, Law of International Commercial Arbitration (with supplements), Universal Law Publishing Co. Pvt. Ltd. (2003)
2. H C Johari, Commentary on Arbitration and conciliation Act. Kamal Law House (1996).
3. Mark Huleatt- James and Nicholas Gould, International Commercial Arbitration (Dispute Resolution guides): A hand book (1996)
4. Alan Redfern and Martin Hunter, Law and practice of international Commercial Arbitration, Sweet & Maxwell (2014)
5. H. Brown & a Marriot, ADR Principles and Practice- Sweet & Maxwell (2018)

6. Harsh Sethi and Arpan Kumar Gupta, International Commercial Arbitration and Its Indian Perspective, Universal law Publishers, (2011)
7. William W. Park, Arbitration of International Business Disputes, Oxford University Press, (2012)
8. Gary B Born, International Commercial Arbitration, Kluwer Law International, (2020)
9. Margaret L Moses, The Principles and Practice of International Commercial Arbitration, Cambridge University Press, (2012)
10. Indu Malhotra, Malhotra's Commentary on the Law of Arbitration, Wolters Kluwer, (2020)
11. Nigel Blackaby and Constantine Partasides, Redfern and Hunter on International Arbitration, Oxford University Press, (2015)
12. Clare Ambrose, Karen Maxwell, Michael Collett, London Maritime Arbitration, Informa Law from Routledge (2017)

FOURTH SEMESTER

COURSE 1- LAW RELATING TO PORTS AND HARBOURS

Course Objectives

The Course Objective is to provide an insightful understanding and its applicable level the law relating to maritime ports, harbors and terminals and associated aspects is central to focused learning of maritime law. The multifaceted handling of ports, harbours and terminals, the legal duties, liabilities and remedies provide an analytical understanding for a learner in the relevant applicable legal framework in animation.

Unit -1 Legal Regime of maritime ports- Ports, harbours and terminals- international law on access to ports-port and harbor authorities-terminal owners and operators- Indian position-the law of rights and obligations of port authorities –problem of implementation of port rules- assignment of premises-licensing of port service providers-need to regulate ports operation –public interest-tariff management in India.

Unit – 2 Jurisdiction of port authorities in marine pollution control- Applicable environment regulation framework in ports- Merchant Shipping Act, 1958, Indian Ports Act, 1908, The Major Indian Ports Act, 2021 –recent legislative initiatives-Major port regulation on pollution control-vessel traffic system-liability regime for damage to port areas- port security and safety.

Unit -3 Regulation of marine transportation-loading and unloading of cargo – stevedoring and shore-handling-exercise of maritime lien by port authorities-control of marine terminal activities- water front operations, cargo operation, port maintenance, port policies.- port development initiatives- sagarmala- pros and cons Guidelines On Undertaking Dredging.

Unit – 4 Pilotage-compulsory pilotage-licensing of pilots in port areas-duties and liabilities of port administration of pilot negligence-Calcutta Pilotage Act 1948

Unit – 5 Jurisdiction of port administration in removal of wreck and dangerous cargo spill- salvage and wreck removal in port areas-liability and cost recovery-Indian positions and comparative positions in other jurisdictions.

Suggested Readings

1. Laura Carballo Piñeiro, International Maritime Labour Law: 34 (Hamburg Studies on Maritime Affairs), (2015)
2. Patrick M. Alderton. Port Management and Operations. Lloyds’ Practical Shipping Guide, Informa Law from Routledge (2008)
3. Lane C. Kendell and James J. Buckley. The Business of Shipping. Cornell Maritime Press (2005)
4. Yvonne Baatz, Charles Debattista, Filippo Lorenzon, Andrew Serdy, Hilton Staniland, Michael N. Tsimplis. The Rotterdam Rules. A Practical Annotation. Informa Law from Routledge (2009).
5. Heather Leggate, James McConville, Alfonso Morvillo. International Maritime Transport: Perspectives. Routledge Advances in Maritime Research (2004)
6. Francis D. Rose. Modern Law of Pilotage. Sweet and Maxwell (1984).
7. Erik J. Molenaar, “Port and Coastal States” in Donald R. Rothwell, Alex Oude Elferink, Karen Scott, Tim Stephens. The Oxford Handbook of the Law of the Sea. Oxford University Press (2015).
8. M E Aliyar. Understanding of Modern Maritime Law. Swamy Law House (2019).

COURSE -II LAW RELATING TO MARINE EMPLOYMENT AND LABOUR

Course Objectives

The objectives include to create an understanding of the significance of Maritime Labour Law by analysing the International Instruments and Domestic endeavours on Marine Employment and Labour. The students are provided with comprehensive information to have a critical cognition of the different stature of the personnel employed, their mode and terms of employment and conditions of service, powers, duties and also the welfare measures. The International and National Framework regarding Safety of Seamen, Port Safety, Protection against Piracy and Human rights

of Seamen etc. would provide a wholesome idea on the topic so that a critical overview can be entertained.

UNIT-1 Introduction to Maritime Labour law- International obligation relating to Manning and certification - Contributions of ILO-Maritime Labour Convention 2006-STCW 2006 – Domestic Application-Merchant Shipping Act, 1958- Apprenticeship and Training of Seamen – Recruitment of Seamen- Training Certificate and Welfare of Seamen -Seafarer Employment Agreement - International Identity document for seafarers - Employment of captain and crew

UNIT-2 Appointment of Master of ship- Power and Authority of Master of the Ship - Statutory Obligation - Master as agent of ship owners -control over seamen - Stowaways – Control of Stowaways- Disciplinary control over seamen - Role of shipping master and master of the ship.

UNIT-3 Wages and welfare of seamen -ILO Convention- Corresponding Provisions of International and National scenario- Provisions Payment of wages - Advance Wages. Accommodation, recreational facilities, food and catering. –Health care, welfare and social security protection -repatriation of disabled seamen - abandonment of seafarers -responsibility of ship owner for injury and death of seamen.

UNIT-4 Safety of seamen -Protection against piracy- Legal Framework for Repression of Piracy Under UN Convention on Law of the Sea (UNCLOS) 2010 - suppression of terrorism and unlawful activities in high sea - IMO conventions - Role of DG shipping - International Ship and Port Safety- International Ship and Port Facility Security (ISPS) Code- Port safety regime - National identity document. Flag state, Port State and Labour supplying State- responsibilities

UNIT-5 International Instruments on Human Rights of Seamen -Human rights issues and obligations of government in ensuring safety of Indian seamen. International co-operation.

Suggested Readings:

1. Richard Gorski, Maritime Labour contribution to the History of work at Sea. 1500-2000, Aksant Academic Publisher, (2008).
2. Iliana Christodoulou, Varotis & Dmitry A Pentsov., Maritime Work Law Fundamentals, Responsible Ship Owners and Reliable seafarers. Berlin: Springer-Verlag (2008).
3. Wayne K Talley. Maritime Safety, Security & Piracy. Informa Law (2008).
4. ILO. Guidelines for Flag State Inspections under the Maritime Labour convention (2006)

5. Accident Prevention on Board ship at Sea and in Port, An ILO Code of Practice. (1996)
6. Halsbury's Law of England 4th edn. Vol-43
7. Laura Carballo Pineiro., International Maritime Labour Law (2015)
8. Compendium of Maritime Labour Instruments, (2021), (ILO)
9. The Merchant Shipping Act, 1958
10. Draft Merchant Shipping Bill, 2020