

THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY
CHENNAI - 600 028

PROPOSED POST GRADUATE DIPLOMA COURSE

[UNDER DISTANCE EDUCATION MODE]

2013 -2014

Post Graduate Diploma in Maritime Law (PGDML)

1. The syllabus proposed for the one year Post Graduate Diploma in Maritime Law [PGDML] is designed specifically keeping in mind the requirements of the Indian Coast Guard. The functions and duties of the personnel and officers of the Indian Coast Guard have been considered whilst designing this syllabus. The entire course will require a 3 week presence in the campus and is designed for officers with 7-8 years of service. The course is divided into Five Papers and the first four papers are organized under 5 units each and are designed to cover most of the aspects of maritime law which is applicable. This course can also be open to the members of the shipping industry as well as officials of ports and shipping companies with modifications. This course will focus on the diverse laws, rules, regulations and judicial decisions required for the personnel of Coast Guard and Indian Navy in discharging their duties in accordance with law. The course is also likely to address the needs of the modern professional lawyers, practicing or intending to practice in the specialized fields of maritime law and international maritime arbitration.

2. The PGDML shall have five Courses/papers in the curriculum would include four main papers and one Essay / Project. The four main papers would include the following:

- a) Introduction to Law
- b) International Law of the Sea
- c) Indian Maritime Law
- d) Maritime Laws and Practices

3. An Essay / Project in any of the topics based on the choice of the candidate will form part of the fifth course of the PGDML. The Essay / Project is expected to be not more than 40 pages in Times New Roman script in font size 12 with all the foot-notes and references.
4. A draft syllabus for the courses as proposed above is attached in **Appendix I**.
5. **Minimum eligibility:** Any degree from any of the recognized Universities in India or abroad.
6. **Duration:** One year
7. Assessment would be a combination of written assignments / projects, viva voce and examinations in all the papers except the fifth paper on Projects. Assessment of the four courses would be based on a combination of:
 - (a) Assignments : 25 marks
 - (b) Viva Voce : 15 marks
 - (c) Examination : 60 marks
8. The fifth paper will consist of only two components of 60 marks for the Essay / Project submitted and 40 marks for the viva voce that will be conducted based on the essay / project submitted by the candidates.
9. Candidates are expected to attend a 15 days Contact Seminars at the Tamil Nadu Dr. Ambedkar Law University. The contact seminars could be divided into two components. The first contact seminar will be for a period of two weeks to complete 10 days of the contact seminar. The second one for a period of one week will be organized just ahead of the scheduled examinations to facilitate a more meaningful interaction between the experts and the candidates. During the second contact seminar, the viva voce examination would also be conducted. The contact seminars shall be compulsory without which the candidates will not be permitted to appear in the examinations.
10. At the end of the evaluation, the following Grades will be indicated on the official transcript of the University:

Grading System

11. The Cumulative Grade Point Average (CGPA) shall be calculated on the basis of a Seven Point Scale based on the Grades specified in the form of alphabets and the Grade Value as indicated below:

<u>Percentage of Marks</u>	<u>Grade</u>	<u>Grade Value</u>
Below 44	C	1
45 to 49	C+	2
50 to 54	B	3
55 to 59	B+	4
60 to 64	A	5
65 to 69	A+	6
70 and above	O	7

12. The Minimum grade required for a pass in any course / subject is B. Grades C and C+ indicate failure. Candidates who have obtained either C or C+ shall reappear at the subsequent examination to secure a minimum of Grade B.

13. The percentage of marks obtained by a candidate in a course will be indicated in the form of Grades mentioned above. A candidate is considered to have completed a course successfully and earned the qualifying Grade(s) prescribed i.e Grade B. Candidates securing either of the Grades C and C+, is deemed to have failed in the Course. The CGPA is equal to the Total Grade Value obtained, divided by the total number of courses. $[27/5] = 5.40$ [fraction, if any, can be rounded to two digits or three digits].

14. Candidates are expected to attend a 15 days Contact Seminars at the Tamil Nadu Dr. Ambedkar Law University. The contact seminars could be divided into two components. The first contact seminar will be for a period of two weeks to complete 10 days of the contact seminar. The second one for a period of one week will be organized just ahead of the scheduled examinations to facilitate a more meaningful interaction between the experts and the candidates. The Viva voce examination in all the five courses will be completed during the second contact programme, prior to the examinations. The contact seminars shall be compulsory without which the candidates will not be permitted to appear in the examinations.

Appendix -

P.G. DIPLOMA IN MARITIME LAW COURSE

PAPER I: INTRODUCTION TO LAW

Unit – I

Meaning and importance of law – Sources of Law – Kinds of law - Theories of law – Law making process - Delegated Legislation - Structure of judicial system in India – judicial review and interpretation by courts

Unit – II

Evolution of International Law – Nature and scope of International Law – Distinctions between International Law and Municipal law – Sources of International Law – International Law Commission – soft law in International law –*Jus Cogens*

Unit – III

Relationship between International law and municipal law – Treaties and Conventions – Regional arrangements – Implementation of international treaty obligations – Role of U.N bodies – Role of Regional Organizations - [PSI and CSI] – Harmonization of international law into domestic laws – Coast Guard Act, 1978 - Enforcement of domestic laws to give effect to international treaty obligations (Article 51 (c) and Article 253 read with appropriate entries in List I of the VII Schedule to the Constitution of India)

Unit – IV

Jurisdiction in International law - State jurisdiction in International law – Principles and types of jurisdictions – extra-territoriality Law of the sea – State responsibility – types of international wrongs – treatment of aliens – foreign property – state claims – reparations for injury – Nationality – Statelessness – refugees – Internally Displaced Persons - international protection of Human Rights – International Humanitarian Law - Concept of Self-determination of Peoples

Unit – V

Role of International Institutions - United Nations – International Maritime Organization – Organization, powers and functions of International Maritime Organization – Regional arrangements –

PAPER II: INTERNATIONAL LAW OF THE SEA

Unit – I

Evolution of Law of the sea – Freedom of the sea – High seas – customary principles - Developments during inter-war period (1930 – 1945) – Delimitation of territorial sea – Internal waters – Hague Conference 1930 – freedom of navigation – freedom of fishing – other freedoms of the sea – Geneva Conference 1958 – Geneva Convention, 1958 – II Geneva Conference of 1960 – III United Nations Convention on Law of the Sea, 1982

Unit – II

Territorial waters – contiguous zone – continental shelf – Exclusive Economic Zone - High seas - rights of coastal states – freedom of the sea in diverse zones –Equi-distance method and alternatives – Rights and duties of states in coastal waters of others – rights of Archipelagic states - rights of land locked states – Hot pursuit – Common Heritage of Mankind – Maritime Zones Act.

Unit – III

Evolution of the concept of EEZ - Rights and obligations of states in Exclusive Economic Zones – sovereign rights of coastal states on maritime zones – conservation and management of living resources under III UNCLOS– settlement of disputes relating to living resources in EEZ - Maritime research – rights and duties of researching states – settlement of disputes thereof – protection and preservation of Maritime environment – military uses of the seas – rights of the landlocked states -

Unit – IV

Settlement of disputes – International Sea Tribunals - International Sea Bed Authority – International Court of Justice -

Unit – V

Alternative Dispute Resolution – Role and significance of ADR–International Arbitration – International and domestic commercial arbitration – Online Dispute Resolution

PAPER III: INDIAN MARITIME LAW

Unit – I

Admiralty Act and Bill of 2005 - Admiralty Jurisdiction of High Courts - International convention for arrest of ships, Wrongful arrest - Release from arrest, Security for release from arrest - Action in rem, Action in person in maritime context - Maritime claims, Limitation of liability, Damage done by or to a ship, Salvage, Loss of life or Personal Injury - Admiralty Bill, 2005, its salient features and present status

Unit – II

The Merchant Shipping Act, 1958 - Structure of the Shipping administration in India - Ministry of Shipping, Director General of Shipping - Mercantile Marine Department, Surveyors, Seamen's welfare officers - Major and Minor Ports – Application of National Laws and State Laws at ports – Registration of Indian Ships – procedure and documentation – certificate of registration – Transfer of ownership – national character and flag

Unit – III

International treaties, Conventions and protocols relevant to Indian maritime law, their objective, applicability and legal status. Maritime legislation based on these treaties, conventions and protocols -

Unit – IV

International Convention on the Prevention of Marine Pollution by Dumping of Waste Convention, 1972 - Maritime Lien

Unit – V

1. Territorial waters Act, relevant provisions of Customs Act, Merchant Shipping Act
2. Jurisdictional issues and relevant provisions under Indian Laws
3. Fisheries Act

PAPER IV: MARITIME LAW & PRACTICES

Unit – I

United Nations Convention on the Law of the Sea (UNCLOS) - Articles 2 to 5, 7, 8, 15, 17 to 21, 25 to 27, 29 to 33, 45, 55 to 63, 73 to 76, 87, 88, 95, 98, 100 to 108, 111, 116, 192 to 194, 207 to 214, 216 to 219, 226, 292, 293, 300, 301.

Unit – II

Constitution of India - Art. 53 – Legislation for giving effect to international agreements - **Indian Penal Code (IPC), 1860 - Chapter – I** - Sections 1 to 5 with special emphasis to application/jurisdiction of Act extended up to exclusive economic zone of India (limit 200 NM) vide Sec 188 A of IPC and offence of Piracy - **Chapter - VI** Criminal conspiracy Sec. 120 A, waging or attempt to wage war against India Secs. 121, 122 & 123 – Sec. 280 Rash Navigation of vessel, Sec 281 Exhibition of false light, mark or buoy, Sec. 282 Conveying person by water for hire in unsafe or overloaded vessel, Sec. 283 Danger or obstruction in line of navigation - **Chapter - XVI** – Sec. 299 Culpable homicide, Sec 300 Murder, 304 A Causing death by negligence, Sec. 320 Grievous Hurt, Sections 339 & 340 Wrongful restraint & confinement - **Chapter - XVII** – Sec. 378 Theft, Sec. 390 Robbery, Sec. 441 Criminal trespass. **Code of Criminal Procedure, 1973 - Chapter - V** - Arrest of persons, Sections 41, 46, 47, 50, 51 & 52 - **Chapter - XI** Preventive action of police Sections 149 to 152 – Sec. - 188 offences committed outside India/high seas or elsewhere.

Unit – III

The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 - The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 - Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002

Unit – IV

The Merchant Shipping Act, 1958 – Sec. 69 Proceedings on forfeiture of ship, Sec 334 Unseaworthy ship not to be sent to sea, Sec 336 Power to detain unsafe ship and procedure for detention, Sec 337 Liability of Central Govt. for costs and damage when ship wrongly detained - Part X-B Civil Liability for Oil Pollution Damage. Sec 352 G, H, I, J, K, N, O, P & Q - Part XI A Prevention and Containment of Pollution of the sea by Oil. Secs 356 A to N - Part XIII Wreck and Salvage Sections 390, 391, 392, 396 to 400 and 402 - Part XVA Fishing Boats Secs 435 A to W - Part XVI Sections 436 to 440, 443 and 444.

Unit – V

Provisions of International Humanitarian Law - International Refugee Law - stowaways – International Instruments on Human Rights – Salient features and their relevance, adoption and legal sanctity - Environmental issues and provisions - International Convention on the Prevention of Marine Pollution by Dumping of Waste Convention, 1972

List of Cases

MV Elisabeth v. Harwan Investment & Trading Pvt Ltd., AIR 1993 SC 1014.

List of Statutes:

1. The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976
2. The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981
3. Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002
4. The Merchant Shipping Act, 1958
5. Constitution of India, 1950
6. Indian Penal Code, 1860
7. Code of Criminal Procedure, 1973
8. United Nations Convention on the Law of the Sea (UNCLOS)
9. International Convention on the Prevention of Marine Pollution by Dumping of Waste Convention, 1972
10. Coast Guard Act, 1978
11. Fisheries Act
12. Geneva Conventions, 1949
13. Convention Relating to Status of Refugees, 1951