



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamil Nadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

CURRICULUM

FROM ACADEMIC YEAR 2021 – '23

DEPARTMENT OF MARITIME LAW

MARITIME LAW

The Department of Maritime law is a new addition to the existing selection of highly specialized and innovative departments of law in the University. The Department is intended to educate young law graduates in National and International Maritime laws which allow them to critically evaluate the laws and legal systems pertaining to the seas of the world from a juristic perspective. It also creates a perfect opportunity to get expertise in areas arising out of international disputes under Maritime and allied laws. Today, where India is rapidly integrating its economy with more than 90% of the country's trade being conducted through oceans and the sea providing passageway to 45,000 merchant ships worldwide and over 90 percent of global trade, the course is highly relevant and a need of this hour, by providing opportunity to lawyers to learn and analyze the theoretical and practical aspects of the Maritime laws.

The Tamil Nadu Dr. Ambedkar University stands out as a trendsetter in the Indian Legal Education by introducing a two-year LL.M program exclusively for the subject of Maritime law. The Objective of this course is to deliver an enriching experience to the students of LL.M through the process of learning, unlearning and re-learning whilst preparing them for the promising careers in this field. This Department in LL.M will enlighten the students to find career prospects in this arena in convergence with other laws as the choice-based credit system in the Institution will provide them an access with other departments such as International Law, Business Law, Criminal Law and Administration and Human Rights.

Maritime law is an exciting and challenging international subject for lawyers and others with an interest in law and the seas. The Course offers 6 Core Papers, 3 Discipline Specific Elective Papers, 2 Generic Elective Papers, the central orientation of which portrays diversified versions of Maritime law so as to make the syllabus both academic and practical. The Elective papers are designed with a view to expose students of other branches of LL.M to the comparative and contemporary facets of Maritime and its relation with Trade, Environment, Crimes and much more. This two-year (four semesters) course will not only equip the students of LL.M with a comprehensive and inter-disciplinary approach towards emerging challenges in the field and related laws, but will also facilitate in expanding their research acumen.

THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY

BRANCH – XI

DEPARTMENT OF MARITIME LAW

LL.M SYLLABUS

HARD CORE COURSES – 06

1. International Law of the Sea.
2. Law relating to Shipping.
3. Admiralty Law and Practice.
4. Regulation of Marine Environment.
5. Law on Seafarers.
6. Dispute Settlement mechanism under Maritime Law.

DISCIPLINE ELECTIVE COURSES – 03

7. Maritime Safety and Security.
8. Maritime Crimes and Issues.
9. Port Operations and Coastal Zone Management.

ELECTIVE COURSES – 02

10. Regulatory Mechanism for Marine Pollution.
11. International Trade and Marine Transport Services.

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none"> 1. Legal Education and Research Methodology (Common Course – I) 2. Judicial Process (Common Course – II) 3. International Law of the Sea (Hard Core Course-I) 4. Law relating to Shipping (Hard Core Course-II) 5. Regulatory Mechanism for Marine Pollution (Elective Course-I)
Second Semester	<ol style="list-style-type: none"> 6. Constitutional Law: The New Challenges (Common Course – III) 7. Law and Social Transformation in India (Common Course – IV) 8. Admiralty Law and Practice (Hard Core Course-III) 9. Maritime Safety and Security (Discipline Elective Course – I) 10. Applied Research Methodology
Third Semester	<ol style="list-style-type: none"> 11. Regulation of Marine Environment (Hard Core Course-IV) 12. Law on Seafarers (Hard Core Course-V) 13. Maritime Crimes and Issues (Discipline Elective Course-II) 14. International Trade and Marine Transport Services (Elective Course-II)
Fourth Semester	<ol style="list-style-type: none"> 15. Dispute Settlement Mechanism under Maritime Law (Hard Core Course – VI) 16. Port Operations and Coastal Zone Management (Discipline Elective Course – III) 17. Skill Enhancement Course (SEC) 18. Dissertation

COURSE – I

INTERNATIONAL LAW OF THE SEA

(Hard Core Course - I)

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 are introduced to historical evolution of law of the sea from times immemorial till date, including a brief outline on the rich Maritime history of India. Main aim of the course is to help the students learn about different maritime zones and the corresponding rights and duties of coastal and other states in respective zones. A separate chapter is dedicated to the dispute settlement mechanism under UNCLOS, 1982 which will help the students in assessing the practical implications of the law of sea.

COURSE OUTLINE

MODULE-I: Introduction to Law of the Sea

- a. Historical Background
- b. Freedom of sea
- c. Codification
- d. Sources of Law of the Sea
- e. Principles
- f. Law of the sea in India

MODULE-II: Maritime Zones

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

MODULE-III: Marine spaces beyond National Jurisdiction

- a. High Seas – Navigation
- b. Flag State Jurisdiction- Piracy - Hot Pursuit
- c. Common Heritage of Mankind - Exploration and Exploitation of Resources in Area (Sea bed and Ocean floor)

- d. Rights of Land locked States
- e. Marine pollution

MODULE-IV: Law relating to Marine Resources

- a. Reciprocity of State obligation in exploration -- Duties
- b. Marine resource management -- Marine Scientific Research
- c. Development and transfer of marine technology
- d. Protection of underwater cultural heritage--National marine policy
- e. Law of fisheries

MODULE-V: Dispute Settlement Mechanism under UNCLOS

- a. Maintenance of International Peace and Security at sea
- b. Compulsory settlement – Choice of procedure
- c. International Sea Bed Authority
- d. International Tribunal for Law of Sea
- e. Role of ICJ
- f. Role of International Sea Bed Chamber - Arbitration and Conciliation

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RECOMMENDED READING:

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

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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 Development and International Law, 1995.
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. Myron H. Nordquist and John Norton Moore (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. Chandrasekhara 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 Mankabady, The International Shipping Rules (1986), Croom Helm, London
18. Starke, Introduction to International Law (Oxford Universal Press).
19. The Global Possible; Resource, Development and the New Century 1991. Spring & Allen,
20. The International Law of Pollution: Protecting the Global Environment in a world of sovereign states, 1983

JOURNALS / ARTICLES

1. The delimitation of the outer continental shelf between neighbouring states. The American Journal of International Law (2003) Vol. 97: 91.
2. Statement by Expert Panel: Deep Seabed Mining and the 1982 Convention on the Law of the Sea. The American Journal of International Law, (1988) Vol. 82.

3. The procedure Framework of the Agreement Implementing the 1982 United Nations Convention on the Law of the Sea, The American Journal of International Law (1995) Vol. 89.
4. Law of the Sea Forum: The 1994 Agreement on Implementation of the Seabed Provisions of the Convention on the Law of the Sea, Bernard H. Oxman, Louis B. Sohn, Jonathan P. Charney, the American Journal of International Law (1994) Vol. 88.
5. Establishing the International Tribunal for the Law of the Sea, The American Journal of International Law (1995) Vol. 89.
6. The impact of the United Nations Convention on the Law of the Sea on the Progressive Development of International Law – Rudiger Wolfrum IJIL (1999) Vol. 39
7. Beckman, Robert (2013). The UN Convention on the Law of the Sea and the Maritime Disputes in the South China Sea, The American Journal of International Law. 107 (1) pp. 142–163
8. Talmon, Stefan A. G., (2018). The South China Sea Arbitration: Observations on the Award of 12 July 2016. Bonn Research Papers on Public International Law No. 14/2018. Available at SSRN: <http://dx.doi.org/10.2139/ssrn.3180037>

CASES FOR GUIDANCE

1. Case Concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain [1995] (United Nations, International Court of Justice, February 15, 1995).
2. Dispute Concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal [2012] (Germany DE International Tribunal For The Law Of The Sea, March 14, 2012).
3. The Bay of Bengal Maritime Boundary Arbitration between Bangladesh and India, (Permanent Court of Arbitration, July 7, 2014).
4. The South China Sea Arbitration between The Republic of the Philippines and the People's Republic of China, (Permanent Court of Arbitration, July 12, 2016).

LEARNING OUTCOME

After completion of the course students will be able to

- *Explain the scope and application of the UNCLOS*
- *Articulate the differences between the high seas sub-regime and other LOS sub-regimes including the rights and duties of coastal States and other States in each of the maritime zones in the law of the sea;*

- *Generate a good understanding of the rights and duties of States and, possibly, other players in the various maritime zones*
- *Highlight the law relating to marine resources and their exploration/exploitation*

COURSE – II

LAW RELATED TO SHIPPING

(Hard Core Course - II)

OBJECTIVES OF THE COURSE:

This subject is intended to familiarize students with laws and rules related to Shipping and all matters connected and incidental to International Shipping. With increase in global trade, the Shipping industry has assumed centre stage in maintaining the supply chain of all economies. Shipping Law is an exciting and challenging international subject for lawyers and others with an interest in shipping. The central orientation of the subject portrays diversified versions of Shipping Law so as to make the syllabus both academic and practical.

COURSE OUTLINE

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

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

Module –II: Ship Crew

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

Module -- III: Safety and Security

- a. Rules related to Construction of Ships – Measures to Prevent Collision – Unseaworthy Ships – Port Facilities.
- b. Collisions and Accident at Sea – Limitation of Liability.
- c. Oil Pollution Damage – International Oil Pollution Compensation Fund – Prevention and containment of Pollution of the sea by Oil.

- d. Anti-Fouling Systems of Ships.
- e. General Average, Towage, Wreck and Salvage Wreck.

Module – IV: Vessels at Sea

- a. Passenger Ships - Nuclear Ships - Sailing Vessel - Fishing Boats.
- b. Marine Insurance – Insurance contract, Insurable interest, Risk, Loss, Liability and limitations
- c. Dispute Resolution Mechanism under National and International Regime.

Module – V: Commercial Shipping.

- a. Law of Carriage of goods and passengers by sea and the corresponding obligations of carriers and assignees
- b. Charterparties, Bill of Lading
- c. Shipping Contracts

Module –VI: International Shipping Law and Contemporary Issues.

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

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RECOMMENDED READING:

STATUTES PRESCRIBED

1. Jeanne C. Fromer and Christopher Jon Sprigman, Copyright Law Cases and Materials (2021).
2. The Merchant Shipping Act, 1958.
3. The Merchant Shipping (Prevention of Collisions at Sea) Regulations, 1972.
4. The Recycling of Ships Act, 2019.
5. The Merchant Shipping Bill, 2020.
6. 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.

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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.
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2. Dracos Vassalos, Andrzej Jasionowski, Luis E Guarin, Passenger Ship Safety- Science Paving the Way, Marine Systems & Ocean Technology.
3. ILO Code of Practice, Safety and Health in Shipbuilding and Ship Repair, International Labour Office, Geneva, Revised Edition, 2019.
4. Code of Safe Working Practices for Merchant Seafarers, Maritime & Coastguard Agency, October, 2016.
5. Safety and Shipping Review, 2020, An Annual review of trends and developments in Shipping losses and Safety, Allianz Global Corporate & Speciality.

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1. M. V. Elizabeth and Ors. Vs Harwan Investment and Trading, 1992.
2. M.V. "Sea Success I" Vs. Liverpool and London Steamship, 2002 (2) BomCR 537.
3. The East and West Steamship Vs. S.K. Ramalingam Chettiar, 1960 AIR 1058

4. Republic of India and Others v. India Steamship Company Limited, 1997.
5. United Africa Co. Ltd. V. Owners of MV Tolten, 1945
6. Kamlakar v. The Scindia Steam Navigation co. Ltd.,AIR 1961 Bom 186.
7. 20. Google LLC v. Oracle America, Inc. 141 S. Ct. 1183 (2021)

LEARNING OUTCOME

After the completion of the course, students will be able to

- *Know how to register a ship in a country and what are the rights and privileges under shipping law of that country.*
- *Examine the global practice as to determining nationality of ship.*
- *Understand maritime lien and maritime claim for taking action through Admiralty court.*
- *Get introduced with liabilities in mortgage of Ship.*
- *Demonstrate proficiency in drafting Ship building contract.*

COURSE – III

ADMIRALTY LAW AND PRACTICE

(Hard Core Course - III)

OBJECTIVES OF THE COURSE:

It is intended 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 creates a perfect opportunity to get expertise in areas rising out of international disputes under Admiralty law. The subject is highly relevant and need of this hour in India, where India is rapidly integrating its economy with more than 90% of the country's trade being conducted through oceans and also the sea provides passageway to 45,000 merchant ships worldwide and over 90 percent of global trade.

After undergoing the study, the student will be able to understand the following:

- *Historical background of Admiralty law in England and India*
- *The distinctive nature of Admiralty Law and its scope*
- *The Mode of Exercising admiralty jurisdiction*
- *Maritime claims, liens and priorities*
- *Ship owners 'liability and limitations*

COURSE OUTLINE

MODULE – I: Evolution, Nature, scope and sources

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

MODULE –II: Admiralty Law in India

- a. History of admiralty jurisdiction
- b. The Admiralty Courts in India
- c. The Admiralty Legislation in India
- d. Comparison with the international legal regime

MODULE – III: Admiralty Jurisdiction and the mode of exercise

- a. Admiralty and Admiralty jurisdiction (scope and extent)
- b. Enforcement of Admiralty claims by actions in rem and impersona
- c. Admiralty liens and priorities
- d. Jurisdiction in matters of collision
- e. Flag State – Extra territorial jurisdiction.

MODULE – IV: Ship Arrest

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

MODULE – V: General Admiralty Provisions

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

MODULE – VI: Admiralty Provisions on Criminal Activities

- a. 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
- b. Sec. 283 Danger or obstruction in line of navigation – Sec. 299 Culpable homicide, Sec 300 Murder, 304 A Causing death by negligence, Sec. 320 Grievous Hurt, Sections 339 & 340 Wrongful restraint & confinement – Sec. 378 Theft, Sec. 390 Robbery, Sec. 441 Criminal trespass.
- c. Code of Criminal Procedure, 1973 – Arrest of persons, Sections 41, 46, 47, 50, 51 & 52 – Preventive action of police Sections 149 to 152 – Sec. – 188 offences committed outside India/high seas or elsewhere.

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RECOMMENDED READING:

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.

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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).

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1. M. Margaret McKeown, 'Celebrating Women on the High Seas – in Admiralty Law and Otherwise', 45 J. Mar. L. & Com. 119 (2014).
2. John D. Grace, 'Admiralty and Maritime Law', 55 Am L. Rev. 641 (1921).
3. Lionel H. Laing, 'Historic Origins of Admiralty Jurisdiction in England', 45 Mich. L.Rev. 163 (1946).
4. George K. Walker, 'The Interface of Admiralty Law and Oceans Law', 45 J. Mar. L. & Com. 281 (2014).

5. John R. Brown, 'Admiralty Judges: Flotsam on the Sea of Maritime Law', 24 J. Mar. L Com. 249 (1993).
6. Rick L. Rambo, 'Admiralty Law', 30 Tex. Tech L. Rev. 363 (1999).

CASES FOR GUIDANCE

1. In re Garnett, 141 U.S. 1, 12 (1891).
2. Panama R.R. v. Johnson, 264 U.S (1924).
3. Archawski v. Hanioti, 350 U.S. 532 (1956)
4. Insurance Co. v. Dunham, 78 U.S. (11 Wall.) 1, 31 (1871)
5. Wilburn Boat Co. v. Fireman's Fund Ins. Co., 348 U.S. 310 (1955)
6. Jeffcott v. Aetna Ins. Co., 129 F.2d 582 (2d Cir. 1942)
7. The Sea Eagle (2012) 2 Lloyd's Rep 51.

LEARNING OUTCOMES

After completion of the course students will be able to

- *Appraise the International and Indian Admiralty laws.*
- *Articulate and analyze the roles of national governments and international organizations in the regulation of admiralty laws.*
- *Gain insights on practice in admiralty law in India.*

COURSE – IV

REGUALTION OF MARINE ENVIRONMENT

(Hard Core Course - IV)

OBJECTIVES OF THE COURSE:

The law of the marine environment has taken shape over several decades, responding to challenges caused by shipping incidents as well as other sources of pollution, and has become a complex framework of international conventions, developed through international consensus, and reinforced through technical developments in the committees of the International Maritime Organisation and other regional organisations. The course aims to orient students to know the specific obligation to protect and preserve marine environment generally and maritime environment with specific focus, such as preventing, controlling and mitigating pollution of marine environment. Further, the subjects aims to analyse the main principles which govern the international law of the marine environment as it applies to shipping and other offshore activities, and the extent to which National law is influenced by internationally accepted principles.

The course will help students to learn

- *The basics of Marine environmental law and its enforcement*
- *Principles for Marine Environmental policy making and legislation*
- *Marine Pollution Control Laws at international and national levels*
- *The need for conservation of marine ecosystem and the law relating to it*
- *Coastal and marine conservation laws in India*

COURSE OUTLINE

Module – I: Introduction to Marine Environmental Law

- a. 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.
- b. 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.

- c. Sources of Marine Pollution

Module – II: Marine Pollution from Ships and other sources

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

Module –III: Conservation of Marine Ecosystem

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

Module – IV: Marine and Coastal Conservation in India

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

Module – V: Principles and Issues in marine environmental law

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

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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

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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.
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6. Shyam Divan & Armin Rosencranz, Environmental Law and Policy In India, Cases, Materials and Statutes, Second Edition
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2. Nilufer Oral, Climate Change and Protecting the Oceans: A Tale of Two Regimes, 2018.
3. Kjell Grip, International Marine Environment Governance: A Review, KUNGL. VETENSKAPS AKADEMIEN, 2015.
4. David M. Dzidzornu, Four Principles in Marine Environment Protection: A Comparative Analysis, Ocean Development & International Law, 2009.
5. L.F. E. Goldie, The Nuclear Tests Cases: Restraints on Environmental Harm, , Syracuse University of Law, 1974.

CASES FOR GUIDANCE

6. R. RenuKarthick v The Inspector General of Coast, 2018
7. S. Jagannath v Union of India And Others, 1996.
8. Samir Mehta v Union of India, 2016.
9. Research Foundation For Science v. Union of India and Others, 2007
10. SittuSehgalAnd Another v. Union of India and Others, 1994.

LEARNING OUTCOME

After completion of the course students will be able to –

- *Identifying the magnificent dimensions of marine environment and its pollution.*
- *Analysing international legal framework for law of Maritime Environment under international conventions in comparison to municipal legislations.*
- *Conducting research with any specific aspects of Marine environment either based on regional or global issue.*
- *To be employed for consulting on adoption of national Marine Spatial Planning or other drafting any other legislation on Maritime environment.*

COURSE – V

LAW ON SEAFARERS

(HARD CORE COURSE - V)

OBJECTIVES OF THE COURSE:

The study is intended to enlighten the young lawyers about the life of seafarers, their struggle and human rights violations against them. These are to be understood in order to glow the mind of readers with legal solutions to address their problems. It would be equally a perfect opportunity to expertise in areas arising out of disputes related to seafarers. India being one of the country whose 90% of the trade occurs through sea, it is high time the rights of the workforce be read and legally enforce their rights through practise or through further dissemination.

After undergoing the study, the student will be able to understand the following:

- *Understand the historical development of Maritime Labour Laws*
- *Determine the UNCLOS provisions which addresses the rights of seafarers*
- *Understand the Convention on Maritime Labour Law, 2006*
- *Knowing the human rights issue and employment conditions of seafarers*
- *To practise enforcing the standards set for their employment conditions.*

COURSE OUTLINE

MODULE--I: INTRODUCTION TO MARITIME LABOUR LAW

- a. Origin and History of Seafarers
- b. Nature and Scope of Maritime Labour Law
- c. 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.
- d. 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, 1982

- a. UNCLOS as Constitution of Sea Law
- b. UNCLOS in an individualistic approach

- c. Article 230 (Monetary Penalties and the observance of recognised rights of the accused)
- d. Article 292 (Prompt release of vessels and crews)
- e. Article 97 (protection to the shipmaster and other crew members)
- f. Coastal States Laws and Rights of Seafarers.

MODULE--III: ILO CONVENTIONS ON MARITIME LABOUR LAW

- a. Convention on the Repatriation of Seafarers, 1987
- b. ILO Convention No.185 (Seafarers identity card)
- c. ILO Consolidated Maritime Labour Convention
- d. Flag of Convenience and Labour Repatriation
- e. Introduction to Maritime Labour Convention, 2006.

MODULE--IV: MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP

- a. Minimum Age
- b. Medical Certificate
- c. Training and qualifications
- d. Recruitment and placement

MODULE--V: CONDITIONS OF EMPLOYMENT

- a. Wages- Seafarers employment agreements
- b. Hours of work and rest – Repatriation –Skill development, opportunities and career for seafarers employment
- c. Accommodation and recreational facilities
- d. Right to compensation on a ship's loss or foundering- Manning levels

MODULE--VI: SAFETY OF SEAMEN

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

MODULE--VII: HEALTH PROTECTION, MEDICAL CARE, WELFARE AND SOCIAL SECURITY PROTECTION

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

MODULE--VIII: HUMAN RIGHTS ISSUES

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

MODULE---IX: ENFORCEMENT OF THE STANDARDS AND CONTEMPORARY CHALLENGES

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

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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

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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.
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5. Graham, Caroline, *Maritime Security and Seafarer's Welfare: Towards Harmonization*, WMU Journal of Maritime Affairs, Vol. 8 (2009).

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1. Edgar Gold, *The Fair Treatment of Seafarer*, WMU Journal of Maritime Affairs, Vol.4, No.2, 2005.
2. Kim Jefferies, *The Fair Treatment of Seafarers: A Marine Insurance Perspective*, presented during the panel discussion on "The Fair Treatment of Seafarers in the Event of a Maritime Accident, February, 2006.
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5. K, X, Li and J.M. Ng, *Article entitled International Maritime Conventions: Seafarers' safety and Human Rights*, 33JMARLC 381, *Journal of Maritime Law and Commerce*, Jefferson Law Book Company, July 2002.
6. Lydia D. Sharp-White-Gorrie, *Universal Seafarers Rights*, Faculty of Law, Lund University, 2012.

CASES FOR GUIDANCE

1. MV Prestige case
2. A case study on Erika incident
3. The Tasman Spirit Case
4. A case study on Hebei Spirit
5. A Case study on Obo Basak

LEARNING OUTCOME

After completion of the course students will be able to

- *Comprehensive Knowledge over the historical origin of seafarers, the historical timeline of the evolution of Maritime Labour Laws.*
- *Analyse the human rights violations that affects the seafarers and evaluate the legal solutions available to address their grievances.*
- *Evaluate the working conditions and employment schemes of seafarers and the responsibilities of flag state, coastal state and the port state with respect to seafarers.*

COURSE – VI

DISPUTE SETTLEMENT MECHANISM UNDER MARITIME LAW

(Hard Core Course - VI)

OBJECTIVES OF THE COURSE:

The course aims at helping young lawyers get expertise in the dispute settlement mechanism to practise and also enhance the academic knowledge in resolving Maritime disputes. Arbitration is the proceeding wherein parties are given higher discretion to decide the rules, procedure and the arbitrators to resolve their disputes. The field of Admiralty requires such fast procedures and autonomy to the parties to resolve the dispute. Learning Arbitration and its procedure will help young readers open up for career opportunities, as it is becoming more practised procedure to resolve disputes throughout the world.

After undergoing the study, the student will be able to understand the following:

- *Have a comprehensive understanding of the framework of Admiralty jurisdiction and the historical perspective.*
- *Analyse the developments of Admiralty jurisdiction in India*
- *know the procedure of Maritime Arbitration and the international instruments with regard to Maritime Arbitration*
- *Examine the contemporary challenges in the Maritime Arbitration dispute settlement mechanism.*

COURSE OUTLINE

MODULE – I : ADMIRALTY JURISDICTION: NATURE AND CONTENT

- a. History of admiralty law in England and other parts of the world –Nature of Admiralty Law – Admiralty Law as Law of Merchant- Admiralty Law in relation to common law and civil law- Cinque Ports in England.
- b. India- History of admiralty jurisdiction- the Admiralty Courts in India-The Admiralty Legislation in India.
- c. Admiralty jurisdiction (nature and extent)- Enforcement of Admiralty claims by action in rem and in personam – juridical personality of ship
- d. Arrest of sea going ships – immunity of Government ships- Maritime liens –Mareva Injunction

MODULE -- II: COLLISION CLAIMS

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

MODULE -- III: LIMITATION CLAIMS

- a. Claims that are limitable- personal injuries, deaths, fire, collisions, sinking, salvage and lost cargo- Suez Canal crisis and the limitation of shipowners liability.
- b. Claims that are not subject to limitation- wages due to seamen, injured seamen maintenance and cure benefits- personal contracts doctrine- Flotilla Doctrine.
- c. Convention on Limitation of Liability for Maritime Claims – Limitation Fund- Aggregation of fund – Unit of Account.
- d. Marine Pollution (Nuclear, chemical and Noxious substances) and the contemporary challenges in calculating ship-owners liability and compensation.

MODULE -- IV: SHIP MORTGAGES

- a. 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 -- V: MARITIME ARBITRATION

- a. 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.
- b. Institutional Arbitration – London Maritime Arbitrators Association (LMAA), Society of Maritime Arbitrators of New York (SMA), The ChambreArbitrale Maritime de Paris (CAMP), THE TOKYO MARITIME ARBITRATION COMMISSION- THE SINGAPORE CHAMBER OF MARITIME ARBITRATION AND CHINA MARITIME ARBITRATION COMMISSION.
- c. Ad Hoc Arbitrations
- d. Role of ITLOS

MODULE – VI: INTERNATIONAL COMMERCIAL ARBITRATION

- a. 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)
- b. 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 agreement's.
- c. 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.
- d. India- The Arbitration and Conciliation Act, 1996

MODULE—VII: ARBITRAL PROCEEDINGS –CONDUCT, RULES AND AWARD

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

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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

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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.

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1. Lionel H. Laing, Historic Origins of Admiralty Jurisdiction in England, Michigan Law Review, 1946, Vol.45, pp. 163-182.
2. George K. Walker, The Interface of Admiralty Law and Oceans Law, 45 J. MAR.L & COM.
3. H. C. Gutteridge, The Limitation of the liability of Shipowners, The London School of Economics and Political Science.
4. Michael Faure and Wang Hui. Financial Caps for Oil Pollution Damage: A Historical Mistake? Marine Policy, 2008.
5. John M. Krizt, Ship Mortgages, Maritime Liens, And their Enforcement: The Brussels Conventions of 1926 and 1952, 1958.
6. MajaRadunovic, Law on Limitation of Liability For Maritime Claims, 2019, International Maritime Law Institute, 2019.

CASES FOR GUIDANCE

1. M.V. Elizabeth and Ors. Vs. HarwanInventmentAnd Trading, 1992 SCR (1) 1003.

2. United Africa Co. Ltd. v. Owners of MV Tolten, (1945) 79 L.I.L. Rep.127
3. Kamlakar v. The Scindia Steam Navigation Co. Ltd., AIR 1961 Bom 186
4. Videsh Sanchar Nigam Limited v. M.V. KapitanKud, 1996 SCC (7) 127.
5. Mayar (H.K.) Ltd. and Others v. Owners & Parties, 2006
6. U.S. v. Reliable Transfer Co. 421 U.S. 397,1975, AMC 541 (1975)

LEARNING OUTCOME

After completion of the course students will be able to

- *Comprehensive understanding of Admiralty Jurisdiction from the historical perspective.*
- *Analysis of different Maritime claims and Limitation Claims in order to undertake practise in the field of Admiralty Law*
- *Understanding the increasing relevance of Arbitration and Conciliation in the field of Maritime Law.*

COURSE – VII

MARITIME SAFETY AND SECURITY

(DISCIPLINE ELECTIVE COURSE - I)

OBJECTIVES OF THE COURSE:

With maritime navigation becoming inevitable for the conduct of world 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.

COURSE OUTLINE

Module-I: Maritime Safety – An Overview

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

Module – II: Vessel Safety

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

Module – III: Prevention of Collision

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

Module – IV: Unlawful activities

- a. 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.
- b. 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

- a. 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;

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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, 2986.

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.

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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. SamareshwarMahanty, 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.

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1. Bruno S. Sergi&GiacomoMorabito, The Pirates' Curse: Economic Impacts of the Maritime Piracy, Routledge, 2016.
2. Felicity Attard, IMO's Contribution to International Law Regulating Maritime Security, Journal of Maritime Law & Commerce, 2014.
3. JernejaPenca, Current Legal Developments in International Maritime Organisation, 24 INT'L J. Marine & Coastal L.713 (2009).
4. Liker Basaran, TheEvolutionof the International Maritime Organisation's Role in Shipping, 47 J. MAR. L. & Com. (2016).
5. Carlos Felipe LinasNegret, Pretending to be Liberian and Panamanian; Flags of Convenience and the Weakening of the Nations State on the High Seas, Journal of Maritime Law & Commerce, 2016.

CASES FOR GUIDANCE

1. T. S. Sawhney v The State, 1986.
2. Gaurav Kumar Bansal v Union of India and Ors, 2014.
3. Mohamed Hashi and 8 others v. Republic (2009)
4. HirsiJamaa and Others v. Italy, 2009
5. United States v Bellaizac-Hurtado and others,2012.

LEARNING OUTCOME

After completion of the course students will be able to

- *Use the basic provisions of International conventions to establish national, regional and global individual and collective responsibility for maritime safety and security; and*
- *Eligible to as attorney on behalf of client filing suit for the violation of the safety measures by the concerned authority and claiming compensation for suffering.*

COURSE – VIII

MARITIME CRIMES AND ISSUES

(Discipline Elective Course - II)

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.

After undergoing the study, the student will be able to understand the following:

- *Analyze the contemporary crimes evolving at sea and their impact on the development of the country's economy.*
- *Understand the programme and practice involved in combating maritime crimes.*
- *Determining the jurisdictional issues over the international crimes involved at sea.*
- *Have a comprehensive understanding of the international framework of maritime laws and treaties.*

COURSE OUTLINE

MODULE - I: Introduction to Crimes

- a. Definition - Nature and Scope - Concept of crime
- b. Characteristics of crime
- c. Theories of criminal law - Classification and categorization of crimes.
- d. Difference between civil and criminal law
- e. Modern crimes in International Law - Jurisdictional issues of International Crimes.

MODULE - II: Maritime Crimes

- a. Introduction - Nature and types of maritime crimes - Jurisdiction of maritime crimes - Issues in execution of judgments and orders

MODULE - III: Piracy, Hijacking and Armed Robbery against Ships

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

MODULE - IV: Trafficking – Humans, Illicit arms, Narcotic Drugs or Psychotropic Substances

- a. 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.
- b. 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 - V: Transport of Slaves, Smuggling

- a. 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.

MODULE - VI: Maritime Terrorism and Weapons of Mass Destruction at sea

- a. 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.
- b. Increasing Port State Controls - Proliferation Security Initiative - Law Enforcement Activities - Intelligence gathering - Armed Conflict and Naval warfare.
- c. International Convention for the Suppression of the Financing of Terrorism, 1999 - UN Security Council Resolutions.

MODULE - VII: Other Unlawful Acts at Sea

- a. 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.

BIBLIOGRAPHY

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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1. Panos Koutrakos and Achilles Skordas (2014), 'The Law and Practice of Piracy at Sea', European and International Perspectives: United Kingdom.
2. Greenberg M.D., Chalk P., Wills H.H., Khilko I., and Oritz D.S. (2006), 'Maritime Terrorism: Risk and Liability', RAND Corporation.
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3. Murphy (2006), "Maritime Terrorism Threat in Context", *Jane's Intelligence Review*, p.23.
4. Douglas Gullfoyle (2007), "Maritime Interdiction of Weapons of Mass Destruction", *Journal of Conflict & Security Law*, Vol.12, No.1, pp.1-35.
5. Keyuan Zou (2014), "Maintaining Maritime Peace in East Asia: A Legal Perspective", *The Journal of Territorial and Maritime Studies*, Vol.1, No.2, pp.27-49.

FURTHER READING:

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1. Martin N. Murphy (2007), 'Contemporary Piracy and Maritime Terrorism', Routledge.
2. Peter Chalk (2008), 'The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States', RAND Corporation.
3. Swati Parashar (2008), 'Maritime Counter-Terrorism - A Pan-Asian Perspective', Pearson Education India.
4. Robin Geiss, Anna Petrig (2011), 'Piracy and Armed Robbery at Sea: The Legal Framework for Counter-Piracy Operations in Somalia and the Gulf of Eden', Oxford University Press.
5. Anne T.Gallagher, Fiona David (2014), 'The International Law of Migrant Smuggling', Cambridge University Press.
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2. Rommel C. Banlaoi (2005), "Maritime Terrorism in Southeast Asia: The Abu Sayyaf Threat", *Naval College War Review*, Vol.58, No.4, pp.62-80.
3. Liss, Carolin (2013), "New Actors and the State: Addressing Maritime Security Threats in Southeast Asia", *Contemporary Southeast Asia* Vol.35, No.2, pp. 141-62.
4. Aneta Nowakowska-Krystman (2016), "Maritime Piracy as a Form of Organized Crime: A Strategic Management Approach", *Partnership for Peace Consortium of Defense Academies and Security Studies Institutes*, Vol.15, No.3, pp.41-54.

5. Craig H.Allen (2007), “The Limits of Intelligence in Maritime Counter Proliferation Operations”, Naval War College Review, Vol. 60, No.1, pp.35-53.

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2. The Republic of Italy v. Union of India & Ors, (2012)
3. Bryan & Ors v. Russia (2014)
4. United States v. Shi 525 F.3d 709 (2008)
5. Court of Catania (Italy) Proc. NR 675/2016 R.I.M.C

LEARNING OUTCOME

After completion of the course students will be able to

- *Appraise the implications of rules and legal framework of criminal jurisprudence related to maritime crimes.*
- *Gain insights and be familiarized with basic knowledge on critical international and national maritime laws.*
- *Analyse the role of the international criminal system over the regulation of jurisdictional issues on unlawful activities at sea like trafficking, hijacking, robbery, etc.,*
- *Develop further insightful study on how to prevent the evolving contemporary crimes through the implication of legal regulations.*
- *Determine the effective role of regional cooperation for a better outcome in preventing the threat to international peace and security and to build peace keeping.*

COURSE – IX

PORT OPERATIONS AND COASTAL ZONE MANAGEMENT

(Discipline Elective - III)

OBJECTIVES OF THE COURSE:

A Large portion of the world's inhabitations are in the Coastal Areas. The Coastal zone includes both the area of land subject to marine influence and the area of sea subject to land influence. It contributes for major part of world economies. Also there are high concern about the raising sea level, climate change because of which the conservation has become the priority. Thus knowing the issues involved in Coastal Zone Management, the Techniques and the priorities will help the young reader comprehend the necessity of legal regulations. Further countries like India with a lengthy coastal zone and many ports, are conducting 95% of the International trade volume though sea. This Course thus helps to understand the legal issues from multi-disciplinary approach.

After undergoing the study, the student will be able to understand the following:

- *To get introduced to the area of coastal zone management and ports operation.*
- *To realise the legal issues from the practical dimension by understanding the working of coastal zones management and port operations.*
- *To know the relevance of coastal zone management and port operations being conducted in a sustainable manner by balancing with the economic interest.*
- *To understand the role of technological innovations for coastal zone management and port operations.*

COURSE OUTLINE

MODULE--I: CONCEPT OF PORTS AND THEIR OPERATIONS

- a. Introduction - History and evolution of ports
- b. Importance of ports – Need for port operations

MODULE --II: PORT ECONOMICS AND MANAGEMENT

- a. Introduction – Port Economics- Port Competition (Comparative Advantage, Competitive Advantage and Absolute Advantage)- Port Authorities and their functions- Port Workforce- Port resource management-post demand – Inter –relationship between port development and the local economic impact.

- b. Port Ownership – its structure and organization – Port Governance and its structural types- Port privatisation – Four Stages of Port Management and Operations (Ports’ Off-Port-Limits Operations, berth Management, ship operations in the berth/terminal, Port and terminal Operators’ logistics networks).

MODULE--III: PORT OPERATIONS IN INDIA INCLUDING SAGARMALA

- a. Major ports in India- Structure of Ports- tasks performed by ports – management of ports – laws and policies relating to port management
- b. Port Trusts Act, 1963 – Major Port Authorities Act, 2021 – Project UNNATI – Indian Ports Association (IPA) and Indian Private Ports And Terminals Association.
- c. Sagarmala project – National Sagarmala Apex Committee

MODULE--IV: COASTAL ZONES AND COASTAL ZONE MANAGEMENT

- a. Introduction – Meaning and definitions of coastal zones – strategic importance of coastal zones –need for coastal zone management
- b. Existing Problems- Flooding, erosion, habitat loss and modification, structural damage, silting and shoaling, pollution, over exploitation of living resources- human intervention – shoreline alterations, coral harvesting, dredge and fill activities, sand and gravel extraction, dam construction, river diversion, ground water extraction - disposal of wastes in the marine environment and the consequences.
- c. Climate change and sea level rise – biodiversity
- d. Adaptive Responses – Retreat- accommodation-protection –economic implications- social and cultural implications- legal and institutional implications.

MODULE -- V: PORTS AND COASTAL MANAGEMENT: ROLE OF TECHNOLOGY

- a. Introduction – need for technology advancement in ports- need for technology advancement in coastal zone management- technologies used in ports and coastal zone management- capacity building and technology transfer issues- case studies.
- b. Education and community participation in ports and Coastal management.
- c. Allocation of Resources in the Ports and Coastal Management
- d. Risk Assessment Methodologies

MODULE--VI: MARITIME FORENSICS

- a. Introduction – ship accidents and hijacking and collection of evidence- use of GIS and Remote Sensing technologies in marine forensics- case studies.
- b. Cyber maritime and risk management.

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RECOMMENDED READING:

STATUTES PRESCRIBED

1. Port Trusts Act, 1963
2. Major Port Authorities Act, 2021
3. Merchant Shipping Act, 1958

INTERNATIONAL CONVENTIONS

1. United Nations Framework Convention on Climate Change (UNFCCC), 1994
2. United Nations Convention on Law of Seas (UNCLOS), 1982.
3. Jakarta Mandate, Marine and Coastal biodiversity
4. The Cartagena Convention

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1. Charles Heller and Lorenzo Pezzani, Forensic Oceanography, Mare Clausum, Forensic Architecture Agency, Goldsmiths, University of London, May 2018.
2. Maria G. Burns, Port Management and Operations, CRC Press, 2015.
3. Patrick Alderton, Port Management and Operations, Lloyd's Practical Shipping Guides, Informa, Third Edition.
4. Parimal Sharma, Coastal Zone Management, Global India Publications Pvt. Ltd., New Delhi.
5. Timothy Beatley, David J. Brower & Anna K. Schwab, An Introduction to Coast Zone Management, Second Edition.

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1. IBEF, India Brand Equity Foundation, 2021.
2. Joao-Frias & Paula Sobral, Microplastics and Persistent Pollutants – a Double Threat to Marine Life, Journal of Integrated Coastal Zone Management, 2011
3. J. Gilbert & P. Vellinga, Coastal Zone Management, IPCC.

4. Raphael Bille, Integrated Coastal Zone Management: Four entrenched illusions, Surveys and Perspectives integrating Environment and Society, Open Edition Journals, 2008.
5. Shailesh Nayak, Remote Sensing to Integrated Coastal Zone Management, Space Applications Centre, 2000.

LEARNING OUTCOME

After completion of the course students will be able to

- *A Comprehensive understanding of the Port Operations, its Management and to determine the economic, social and environmental implications of its management.*
- *Learning the Coastal Zone Management and Port Operations of India and the contemporary solutions.*
- *Tracing the role of technology such as remote sensing in port operations and Coastal Zone Management.*

COURSE – X

REGULATORY MECHANISM FOR MARINE POLLUTION

(Elective Course - I)

OBJECTIVES OF THE COURSE:

The law of the marine environment has taken shape over several decades, responding to challenges caused by shipping incidents as well as other sources of pollution, and has become a complex framework of international conventions, developed through international consensus, and reinforced through technical developments in the committees of the International Maritime Organisation and other regional organisations. The course aims to orient students to know the specific obligation to protect and preserve marine environment generally and maritime environment with specific focus, such as preventing, controlling and mitigating pollution of marine environment. Further, the subjects aims to analyse the main principles which govern the international law of the marine environment as it applies to shipping and other offshore activities, and the extent to which National law is influenced by internationally accepted principles.

COURSE OUTLINE

Module – I: Marine Pollution – An Overview

- a. 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
- b. Sources of Marine Pollution

Module – II: Principles for Marine Environmental policy making and legislation

- a. 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

Module – III: Marine Pollution from Ships

- a. Oil Pollution from Ships – International Convention – Liability for Oil Pollution Damage.
- b. National Shipping Laws and Oil Pollution from Ships

Module -- IV: Maritime Activities causing Marine Pollution.

- a. Marine pollution by seabed and subsoil explorations.
- b. Pollution by accidents at sea.
- c. Pollution by atomic weapon testing at High Seas
- d. Pollution from land-based sources, dumping of wastes, Nuclear waste disposal, Carriage of hazardous wastes.

Module – V: Enforcement of Pollution Control Laws

- a. Role of International Maritime Organization in prevention and control of pollution.
- b. National Jurisdiction – Responsibility of Flag States and Port States.
- c. Liability for Marine Pollution – Transboundary Pollution.
- d. Regional Approaches to the Protection of Marine Environment

BIBLIOGRAPHY**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

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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

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1. DinhThi My Linh, Peoples' Friendship University of Russia, Civil Liability for Marine Oil Pollution Damage in the Brics Countries, Brics Law Journal, 2020.
2. Nilufer Oral, Climate Change and Protecting the Oceans: A Tale of Two Regimes, 2018.
3. Kjell Grip, International Marine Environment Governance: A Review, KUNGL. VETENSKAPS AKADEMIEN, 2015.
4. David M. Dziedzic, Four Principles in Marine Environment Protection: A Comparative Analysis, Ocean Development & International Law, 2009.
5. L.F. E. Goldie, The Nuclear Tests Cases: Restraints on Environmental Harm, , Syracuse University of Law, 1974.

CASES FOR GUIDANCE

1. R. RenuKarthick v The Inspector General of Coast, 2018
2. S. Jagannath v Union of India And Others, 1996.
3. Samir Mehta v Union of India, 2016.
4. Research Foundation For Science v. Union of India and Others, 2007
5. Sittu Sehgal And Another v. Union of India and Others, 1994.

LEARNING OUTCOME:

After completion of the course students will be able to

- *Identifying the magnificent dimensions of marine environment and its pollution.*
- *Analysing international legal framework for law of Maritime Environment under international conventions in comparison to municipal legislations.*
- *Conducting research with any specific aspects of Marine environment either based on regional or global issue.*

COURSE – XI

INTERNATIONAL TRADE AND MARINE TRANSPORT SERVICES

(Elective Course - II)

OBJECTIVES OF THE COURSE:

The study of International Trade Law in Maritime transportation helps students to develop an understanding of both the international and comparative perspective, which will surely benefit in future legal practice and in academic legal research. The subject is all about understanding the application of trade laws in maritime transport for the growth of the global and country's economy. A Further understanding of the international financial institutions at the backdrop for the development of opportunities for countries involved in maritime transport.

After undergoing the study, the student will be able to understand the following:

- *Analyse the historical evolution and theories of trade and its role at the global level.*
- *Explore the international institutions like WTO, IMF, and IBRD in the international trade service.*
- *The role of international instruments in relation to world trade activities.*
- *Enumerate the impact of Covid-19 on global trade transportation and the fall of the economy.*

COURSE OUTLINE

MODULE - I: International Trade and importance of maritime transport and the role of international institutions in maritime transport

- a. Introduction to International Trade Law - History and Development of International Trade Law - Role of Trade Theories in Development of International Trade Law - Basic Principles and Concepts of International Trade Law.
- b. History of Maritime Trade - Role of Maritime Transport in International Trade - International Maritime Transport and its growing role in the global economy -Maritime Transport Services in the Indian Economy - Ship Management and its significance.
- c. International Trade Law and Financial Institutions - IMF and IBRD

MODULE - II: WTO, GATS and International Trade

- a. International Trade and Historical background of the General Agreement on Trade and Tariffs (GATT)

- b. Evolution of WTO - Principles and Working of WTO and its Covered Agreements - International Trade Negotiations at a Glance
- c. General Agreement on Trade in Services (GATS)

MODULE - III: International shipping and Role of ports

- a. Carriage of Goods by Sea - Types of cargoes and their means of carriage - Contract of Carriage of Goods by Sea - International Regulations for the Carriage of Goods by Sea - Bill of lading Conventions on carriage of goods by sea - Carriage of Passenger and Luggage by sea.
- b. Technologies used in Maritime Transportation - Role of Maritime Transporting Global Trade & Economy.
- c. Introduction to International Ships, Shipping and Cargo Charter party - Registries of Ships - Ship Management - Rights of Ship access to ports.

MODULE - IV: India and Maritime Trade

- a. Introduction - Historical Aspects of International Trade and Role of Maritime Transportation.
- b. Regulatory Framework of Shipping Industry in India - Ports in India - Shipping and Port Operations in India - Shipbuilding, Ship Repair and Ship Scrapping in India - Shipping laws in India.
- c. India and GATS

MODULE - V: Impact of Covid-19 on maritime trade and maritime industry as a whole

- a. The Doctrines of Force Majeure and rebus sic santibus - General Covid-19 impact on global maritime mobility - Covid-19 and International Maritime Trade - Covid-19 and Shipping Industry: Emerging Legal Issues - Persons at Sea - International Law and Covid-19 - Impact of Covid-19 on Shipping and Maritime Industry: An Analysis by ILO - Impact of Covid-19: The global scenario and Indian Scenario.

BIBLIOGRAPHY

RECOMMENDED READING:

INTERNATIONAL CONVENTIONS

1. Bill of Lading Act, 1856
2. Carriage of Goods by Sea Act, 1925

3. The Multimodal Transportation of Goods Act, 1993
4. The Major Port Authorities Act, 2021
5. UN Convention on the Carriage of Goods by Sea, 1978
6. UN Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (Rotterdam Rules), 2008.
7. Maritime Arbitration and Alternative Dispute Resolution Modes

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1. Svein Kristiansen (2004), 'Maritime Transportation: Safety Management and Risk Analysis'.
2. Enrico Rizzuto, Carlos Guedes Soares (2011), 'Sustainable Maritime Transportation and Exploitation of Sea Resources', Routledge.
3. Indira Carr, Peter Stone (2014), 'International Trade Law', Routledge.
4. Baris Soyer, Andrew Tettenborn (2016), 'International Trade and Carriage of Goods', Informa.
5. Victor Hugo Chacon (2017), 'The Due Diligence in Maritime Transportation in the Technological Era', Springer International Publishing.
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2. James J. Corbett & James Winebrake (2008), "The Impacts of Globalisation on International Maritime Transport Activity: Past trends and Future Perspectives", Global Forum on Transport and Environment in a Globalising World .
3. Kalim Siddiqui (2016), "International Trade, WTO and Economic Development", World Review of Political Economy, Vol.7, No.4, pp.424-450.
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5. Christopher J. McMahon (2017), "Maritime Trade Warfare: A strategy for the Twenty-First Century?", Naval War College Review, Vol.70, No.3, pp.14-38.

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2. Balae v. Markwarth Shipping Company Ltd. (1981) SBHC 10; (1980-81) SILR 218.
3. Karim's Ltd v. Feeders Seafood Ltd (1995) FJHC 136.
4. Case study on Suez Canal, 2020
5. EICM Exports Ltd. V. South Indian Corporation (Agencies) Ltd and Anr. 2009 AIOL 953.

FURTHER READING

BOOKS:

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2. Yong-Shik Lee, Gary Horlick, Won-Mog Choi, Tomer Broude (2011), 'Law and Development Perspective on International Trade Law', Cambridge University Press.
3. Adam Weintrit, Tomasz Neumann (2011), 'Miscellaneous problems in maritime navigation, transport and shipping: marine navigation and safety of sea transportation', CRC Press/Balkema.
4. Maren Heidemann Dr. (2012), 'Does International Trade Need a Doctrine of Transnational Law?: Some Thoughts at the Launch of a European Contract Law', Springer-Verlag Berlin Heidelberg.
5. Bevan Marten (2014), 'Port State Jurisdiction and the Regulation of International Merchant Shipping', Springer International Shipping.

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1. Leo Cordner (2011), "Progressing Maritime Security Cooperation in the Indian Ocean", Naval War College Review, Vol.64, No.4, pp.68-88.
2. Baris Soyer (2012), "A New International Regime for Carriage of Goods by Sea: Contemporary, Certain, Inclusive and Efficient or Just Another one for the Shelves?", Berkeley Journal of International Law, Vol.30.
3. Research Report on "Global Trade and Maritime Commerce" from Maritime Commerce and Security: The Indian Ocean, pp.36-62.
4. Duncan D.Hunter (2014), "Healthy Maritime Industry Vital to National Security", National Defense, Vol.99, No.733, pp.18-19.

5. Inayat Kalim and Areeja Syed (2020), “Maritime Economy and Gwadar Port: A Growth Catalyst”, Policy Perspectives, Vol.17, No.1, pp.73-82.

LEARNING OUTCOME

After completion of the course students will be able to -

- *Develop a deeper understanding of the importance of shipping goods by sea and varied modern technologies involved in transportation.*
- *Articulate and analyze the roles of International institutions by governing the regulation of global trade transportation.*
- *Examine the available legal mechanisms to facilitate international dispute resolution on any issue that arises from the contract of trade through the sea.*
- *Adapt the contemporary challenges in maritime transportation and examine the operation of international trade law in practical contexts.*
- *Consider several key issues in the operation of international trade including trade in goods, services, carriage of goods, shipping, etc*
