



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 2024 – 2025

BRANCH – XI

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. (CBCS) SYLLABUS

HARD CORE COURSES – 06

1. Maritime Environmental Law.
2. Admiralty Law and Practice.
3. Law of Carriage of Goods by Sea and International Trade.
4. Marine Insurance.
5. Ownership and Management of Ships.
6. Maritime Labour Law.

DISCIPLINE ELECTIVE COURSES – 03

7. International Maritime Commercial Arbitration and Conciliation.
8. Maritime Crimes and Jurisdictional Issues.
9. Port Operations and Coastal Zone Management.

ELECTIVE COURSES – 02

10. International Law of the Sea.
11. International Trade and Marine Transport Services.

DEPARTMENT OF MARITIME LAW

SUBJECTS IN SEMESTERS

First Semester	1. Legal Education and Research Methodology (Common Paper-I) 2. Judicial Process (Common Paper-II) 3. Maritime Environmental Law (Core Course-I) 4. Admiralty Law and Practice (Core Course-II) 5. International Law of the Sea (Elective Course-I) 6. Value Added Course – 1 : Communication Skills
Second Semester	1. Constitutional Law: The New Challenges (Common Paper-III) 2. Law and Social Transformation in India (Common Paper-IV) 3. Law of Carriage of Goods by Sea and International Trade (Core Course-III) 4. International Maritime Commercial Arbitration and Conciliation (Discipline Elective Course-I) 5. Ability Enhancement Paper-I 6. Value Added Course – 2 : Personality Development & Soft Skills
Third Semester	1. Marine Insurance (Core Course-IV) 2. Ownership and Management of Ships (Core Course-V) 3. Maritime Crimes and Jurisdictional Issues (Discipline Elective Course-II) 4. International Trade and Marine Transport Services (Elective Course-II) 5. Ability Enhancement Paper-II
Fourth Semester	1. Maritime Labour Law (Core Course-VI) 2. Port Operations and Coastal Zone Management (Discipline Elective Course-III) 3. Dissertation

COURSE – I
MARITIME ENVIRONMENTAL LAW
(Hard Core Course - I)

OBJECTIVE 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 aim 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 of international marine environmental law - 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) Definition of marine pollution- sources of marine pollution- effects of marine pollution
- c) State Jurisdiction in Relation to the Protection and Preservation of the Marine Environment under UNCLOS-The Flag State - The Coastal State - The Port State.

Module – II: Vessel Source Pollution

- a. OILPOL and MARPOL conventions
- b. liability of ships for oil pollution damages
- c. Damages by Hazardous and Noxious Substances.

Module- III: Marine pollution by seabed and subsoil explorations

- a. Pollution by accidents at sea
- b. pollution by atomic weapon testing in High sea – nuclear wastes disposal
- c. Marine pollution from land-based sources – dumping of wastes — carriage of hazardous wastes.
- d. International seabed authority- UNCLOS, Deep sea mining

Module – IV: Marine and Coastal Conservation in India

- a. Indian Legislation on marine pollution- Liability for marine pollution damage – trans boundary pollution
- b. Marine Protected Areas in India - Wildlife Protection Act 1972- Environmental Protection Act, 1986 – Biological Diversity Act, 2002
- c. Coastal Regulation Zone Notification- Fisheries Regulation in India – State level Fisheries Management- Important Supreme Court and High Court decisions

Module – V: Issues in marine environmental law

- a. Illegal fishing- Conservation of endangered and migratory species – National obligation– International co-operation for conservation.
- b. Coastal Erosion-Climate Change and Marine Environment
- c. Ocean noise pollution – Marine pollution by space debris
- d. Non-point source pollution-marine littering.

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
6. United Nation convention on law of the sea 1982

Books

1. Robert Force, Admiralty and Maritime Law, Federal Judicial Centre, 2004.
2. Birnie W. Patricia; Boyle & Environment, International Law and the Environment 1992
3. Markus Salomon & Till Markus Editors, Handbook on Marine Environment Protection, Science, Impacts and Sustainable Management, Springer, Vol 1.
4. James Harrison, Saving the Oceans through Law, The International Legal Framework for the Protection of the Marine Environment.
5. Phillipe Sands on Principles of International Environmental Law, Second Edition.
6. Shyam Divan & Armin Rosencranz, Environmental Law and Policy In India, Cases, Materials and Statutes, Second Edition
7. J.H. Hargrove, Who Protects the Ocean: Environment and the Development of the Law of the Sea Devendra Kaushik, Indian Ocean Towards a Peace Zone (1983)
8. Tanaka

Journals / Articles

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. ETENSKAPS 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

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. SittuSehgalAnd Another v. Union of India and Others, 1994.
6. Exxon Valdez case 1989
7. Deep water horizon oil spill 2010
8. Ennore oil spill 2017
9. M K Ranjitsinh & Or's. v Union of India & Or's.
10. SS. Torrey Canyon case 1967
11. MV Amanat (2006)
12. MT Granba (2009)
13. MT New Diamond (2020)
14. MV Xpress Pearl (2021)

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 – II
ADMIRALTY LAW AND PRACTICE
(Hard Core Course - II)

OBJECTIVE 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: - Introduction and Subject-Matter Jurisdiction

- a. History of admiralty law in England- admiralty court- senior courts act 1981
- b. Subject matter of jurisdiction-colonial courts of admiralty- formal investigation
- c. Admiralty concepts- the maritime lien-statutory liens – statutory claims in rem- arrest
- d. Subject matter jurisdiction-ship- vessel- possession – different maritime claims- ownership-title of foreign ships

Module –II: Admiralty Law in India

- a) History of admiralty jurisdiction in India
- b) The Admiralty Courts in India
- c) 151 law commission report
- d) Case Study on M.V. Elisabeth 1993 AIR 1014
- e) The Admiralty Legislation in India

Module – III: Exercise of Jurisdiction and Procedure in an Admiralty Claim In Rem

- a. Exercise of jurisdiction in rem- the claims for which an action in rem may be brought.
- b. Maritime liens- limitation on the exercise of admiralty jurisdiction.
- c. Insolvency- European jurisdiction and judgments.
- d. Jurisdiction under international conventions- 1952 arrest convention- 1952 collision convention- other conventions.
- e. Procedure in an admiralty claim in rem

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: Ship Mortgages

- a. Ownership- British ships- registration- certificate of registry- transfer of ownership- unregistered ships- merchant shipping act.
- b. Mortgages- distinguished from absolute transfer- mortgage distinguished from pledge, lien and charge.
- c. Mortgage of ship- registered mortgages under merchant shipping act- scope of the mortgage- rights and liabilities of the mortgagor and mortgagee.

Module – VI: Miscellaneous

- a. Limitation of Actions-Priorities - Collision Claims
- b. Limitation Claims
- c. References to the Admiralty Registrar

Bibliography

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.

Books

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

Journals / Articles

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. MV Elizabeth v. Harwan Investment And Trading Pvt. 1993.
2. In re Garnett, 141 U.S. 1, 12 (1891).
3. Panama R.R. v. Johnson, 264 U.S (1924).

4. Archawski v. Hanioti, 350 U.S. 532 (1956)
5. Insurance Co. v. Dunham, 78 U.S. (11 Wall.) 1, 31 (1871)
6. Wilburn Boat Co. v. Fireman's Fund Ins. Co., 348 U.S. 310 (1955)
7. Jeffcott v. Aetna Ins. Co., 129 F.2d 582 (2d Cir. 1942)
8. 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 III.

Law of Carriage of Goods by Sea and International Trade

(Hard Core Course - III)

Objectives of the Course

The course intends to provide an overview of legal framework of international trade and carriage of goods by sea pursuant to an international sale of goods contract and the fundamental principles governing rights and liabilities of parties involved in such contracts. In this course students will progress their understanding of the relationship between the sale and bill of lading contracts and analyse the rights and liabilities under various charterparties in an effort to examine the legal principles underlying them with emphasis on dispute resolution related to such contracts.

COURSE OUTLINE

Module I: Introduction

- a. International Sale of Goods – Model law.
- b. Shipping Documents and International Trade Finance.
- c. Sea Carriage Contracts -Contracts of Affreightment.
- d. Charter parties (Bareboat, Time and Voyage Charterparties) & Bill of Lading.

Module II: Voyage Charter Parties

- a. Voyage Charterparties.
- b. Owner's and charterer's obligations,
- c. Conditions, warranties.
- d. innominate terms, and representations.

Module III: Time Charter Parties

- a. Nature, description of ship, delivery date & cancellation clause,
- b. charter period & delivery, payment of hire, off-hire, deductions, withdrawal of ship,
- c. employment & indemnity clause, owner's lien,
- d. Lay time, demurrage and freight.

Module IV: Bill of Lading

- a. Bill of lading- nature& functions- Types.

- b. provisions regarding documents of transport under the Carriage of Goods by Sea Act-India-US-UK.
- c. Rights and obligations of parties.

Module IV: Breach & Remedies

- a. Breach and remedies- Breach of implied undertakings.
- b. liability for loss or damages to goods.
- c. Limits of liability.
- d. Dispute Resolution-Enforcement of Carriage related Claims & Ship Arrest.

Module V: Cargo Liability Regimes

- a. International Conventions.
- b. Hague, Hague – Visby.
- c. Hamburg and Rotterdam Rules.
- d. Himalayan clause.
- e. Doctrine of frustration v. force majeure clause.

Suggested Readings:

1. John F.Wilson, Carriage of Goods by Sea, Pearson (2010).
2. Antony Rogers, Jason Chuah, et al. Cases and Materials on Carriage of Goods by Sea (2019).
3. Martin Dockray, Cases and Materials on the Carriage of Goods by Sea, Cavendish Publishing Co. (2004).
4. Carr, Indira, Stone, Peter, International Trade Law, Routledge; 5th edition (2013).
5. Meltem Deniz Guner Obzek, The United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea : An Appraisal of the “Rotterdam Rules”, Springer (2011).
6. Girvin, Carriage of Goods by Sea, Oxford University Press (2007).
7. Chorley & Giles, Shipping Law, Pitman, London (1987) Chapter IV & V, pp. 84-214.
8. Payne & Ivamy, Carriage of Goods by Sea, Butterworth’s, London (1989).
9. Eder, Henry Bernard, Scrutton on Charterparties and Bills of Lading, Sweet & Maxwell; 22nd Revised edition (2011).
10. Carver, Carriage by Sea, Vol. I & II, Butterworth’s, London (1983).

11. David M. Sasson, C.I.F & F.O.B Contracts, London (1995).
12. William Tetley, Marine Cargo Claims, Carswell (2008).
13. T.Kochuthomman, Bills of Lading in International Law and Practice, Eastern Book Company (1986).
14. John Schofield, Laytime & Demurrage, Informa 6th Edn. (2011).
15. Institute of maritime Law, Southampton on Shipping Law, Informa (2008).

Learning Outcomes:

After successful completion of this Course, Students will learn:

- *To appreciate the international character of carriage of goods by sea and need to evolve uniform standards to manage conflicts.*
- *To understand the differences between the law involved in private carriage through charter parties and common carriage viz., liner bills of lading.*
- *To appraise the legal issues involved in the carriage of goods by sea including contract types and cargo liability regimes.*
- *To apply the knowledge acquired for resolution of disputes relating to COGSA.*
- *To Familiarise with options in an enforcement scenario and choose the ideal option considering commercial & adventurous nature of shipping.*

Course IV

Marine Insurance (Hard Core Course - IV)

Course Objectives:

The elective course is intended to offer an understanding of key concepts, principles and mechanisms in marine insurance law and practice. The course content intends to familiarize with standard marine insurance contracts in selected jurisdictions and its principal clauses. Additional focus of the course is to evaluate implications of these contracts for rights and obligations of interested parties. An overview of legal framework of marine insurance in England and India forms the focus of the course.

COURSE OUTLINE

Module I: Introduction to marine Insurance

- a) Marine insurance - General overview – Introduction – Marine Insurance Categories – Need for Marine Insurance – History of Marine Cargo Insurance – International and domestic insurance market – Role of ILU and LIRMA – Marine Insurance Market in India - LLOYD, S Marine insurance procedure
- b) General principles of insurance law applicable to marine insurance contracts–
Relevance of Insurance Principles – Principle of Utmost Good Faith – Principle of Insurable Interest – Principle of Proximate Cause – Principle of Subrogation and Contribution.

Module II: Fundamentals of Marine Insurance

- a. Marine Insurance –Subject matter of Marine insurance
- b. Insurable interest.
- c. Professionals Connected with Cargo Claims: Marine Cargo Insurance claim process – Claim Settlement Process – Insurance Brokers – Loss assessor/Surveyors – Average Adjustors – Maritime Lawyers – Salvors – Investigators – Tracers – Recovery Agencies.

Module III: Marine Insurance Act 1963:

- a) Marine Insurance Act, 1963 – Section of the Act – Section 81: Effect of under insurance – Section 67: Extent of liability of insurer of loss – Section 71: Partial Loss of Goods, Merchandise etc – Section 72: Apportionment of Valuation – Other Sections of the Act.

- b) Marine Insurance – Types of Losses – Total Losses (Sec 57 & 58 of the MIA) – Partial Losses (Section 56 of MIA) – Charges – General Average – Contributory Values – Piracy as General Average Loss.

Module IV: Contract of Marine Insurance

- a. Marine insurance contracts- its formation, Types- Hull & Machinery, Cargo policy Insurance
- b. Liability Insurance –Contents of Policy, express and implied conditions in marine insurance policy,
- c. construction of marine insurance contracts.
- d. Special insurance -Ship Repairers Liability Insurance - Charterers' liability Insurance – Marine defence insurance – Mortgagee's Interest Insurance – Pre-requisite for insurance cover – Coverage – Conditions – Indemnity amount – Time for payment – Subrogation – Insurance of Port Liabilities - Port Package Policy.
- e. Protection and Indemnity Clubs (P&I Clubs), Marine Hull Reinsurance: Protection and Indemnity Clubs – Introduction – Coverage – Marine Hull Reinsurance – Facultative arrangements

Module IV: Principles for Assessment of risk

- a. Attachment.
- b. duration and areas of risk under marine policy, loss for which insurers are liable,
- c. Doctrine of proximate cause of loss.

Module V: Liability

- a. Avoidance of liability under marine insurance.
- b. measure of indemnity,
- c. York-Antwerp Rules - losses and other incidence of liability.

Module VI: Marine Insurance Associations

- a. Marine Insurance Associations and Standards – The International Underwriting Association of London (IUA) – The Institute of London Underwriters (ILU) – Joint Hull Committee (JHC)– Joint War Committee (JWC) – UNCTAD - International Maritime Bureau (IMB)

Module VII: Miscellaneous

- a. Recovery of losses and return of premium,
- b. abandonment, subrogation, double insurance and re-insurance,
- c. mutual insurance associations, UNCTAD Standard Clauses.
- d. Cyber security and marine insurance

Suggested Readings:

1. Jonathan Gilman Q C, Arnould's Law of Marine Insurance and Average, Sweet & Maxwell (19th edition, 2019).
2. Howard Bennet, The Law of Marine Insurance, OUP-Oxford (2006).
3. Halsbury's Laws of England, Butterworth's, London (5th edn) (2020).
4. Chorley & Giles, Shipping Law, Pitman, London, (1987), Ch. VII.
5. Simon Rainey QC, Chalmer's Marine Insurance Act, 1906, Bloomsbury Professional, London (11th edn, 2019).
6. Insurance Institute of India, Marine Insurance Claims (Revised Edn., 2015).
7. N.G. Hudson, Marine Claims Handbook, Lloyd's of London Press (1996).
8. B.C. Mitra, The Law Relating to Marine Insurance, University Book Agency (5th edition, 2012).
9. Capt. D.E. Driver, Guide to Marine Hull Insurance, Navaneet Publications (1995).
10. Budgar, Elements of Cargo Insurance, Wood head (1983).

Learning Outcomes:

After successful completion of this Course, Students will learn:

1. *To analyze relevant legal materials, including statutes, case law and the modern*
2. *standard form marine insurance contracts.*
3. *To apply principles and concepts underlying marine insurance law with appropriate*
4. *legal authorities, in the solution of legal issues arising in actual practice.*
5. *To identify challenges in marine insurance law.*
6. *To develop subject specific skills to resolve legal issues specific to marine insurance claims.*
7. *To carry out research in marine insurance law.*

COURSE-V

OWNERSHIP AND MANAGEMENT OF SHIPS (HARD CORE COURSE - V)

Course Objectives

The objective is to examine the controls under public law relating to ownership and management of ships. Considering ship as property and also its strategic role in military operations, legal transactions relating to ships are subjected to stringent regulatory controls to maintain its national character. The course is designed to provide insights on various modes of acquisition of ownership and interests in ships, and the ensuing rights, liabilities and remedies in comparative maritime jurisdictions including India. The course elaborates on Legal compliances for ships to ensure their safe use in maritime transport and for protection of marine environment.

COURSE OUTLINE

Module I: Public Control over Ships

- a. Concept of ships and public control over ships.
- b. Role of ship's flag-Genuine link theory.
- c. Statutory control over ownership and registration of ships
- d. Ship Registry – National Vs Open registry
- e. Role of Classification societies.

Module II: Modes of Acquisition of Ships

- a. Acquisition of ships.
- b. Ship Building Contracts.
- c. Sale and Transfer of ships.
- d. Negotiation and Terms of contract, Inspection by buyer, Completion of contract,
- e. Legal and commercial risk management- Demise charter.

Module III: Ship Mortgages

- a. Law of ship mortgages- Legal and equitable mortgages.
- b. Registration of mortgages, Priority of mortgages.
- c. Rights and obligations of parties,
- d. Effect of mortgage on third parties.

Module IV: Safety of ships

- a. Standards for Physical safety.
- b. Maritime safety -Pollution Prevention Standards.
- c. Climate Change & Ships- Safety Management of Ships (ISM Code)
- d. Maritime Security (ISPS Code)- Manning Standards- STCW 95/2010, and Maritime Labour Convention, 2006.
- e. Safety compliance of End of Life ship (ship recycling)

Module V: Limitation of Liability

- a. Limitation of Ship owner's liability-
- b. Entitlement for limitation,
- c. Excluded Claims, Limits of liability,
- d. Constitution of limitation fund etc.
- e. Ship management contract BIMCO – Limitation and liabilities of ship manager - ISM & ISPS code

Suggested Readings:

1. Alan Marsh, Introduction to Shipping, Institute of Chartered Shipbrokers (2016).
2. Christodoulou-Varotsi & Pentsov D.A, Maritime Law Fundamentals: Responsible Shipowners, Reliable Seafarers, Springer (2007).
3. Nicolai Lagoni, The Liability of Classification Societies, Hamburg Studies on International affairs, Springer (2007).
4. Christopher Hill, Maritime Law, Informa (2003).
5. Aleka Mandaraka Shepperd, Modern Maritime Law and Risk Management, Routledge-Cavendish (2007).
6. Gero Brugmann, Access to Maritime Ports, Books on Demand GmBH, Nordrstedt (2003).
7. D.C Jackson, Enforcement of Maritime Claims, LLP (2005).
8. Southampton on Shipping Law, Informa (2008).
9. T.P. Mukherjee, The Customs Act, 1962 Vol. I & II, (1996).
10. J.S. Gill, The Merchant Shipping Act 1958, Bhandarkar Publications (1994).
11. Nagendra Singh, Maritime Law of India, Bhandarkar Publications (1979).
12. Helle A.Oltedal et al., Managing Maritime safety, Routledge (2018).

Learning Outcomes:

After successful completion of this Course, Students will be able to:

- *Evaluate the regulatory and institutional framework for Public control over ships.*
- *Develop acquaintance with navigational and safety standards ship design, construction*
- *and manning norms to decide suitability of specific ship types for different trades for*
- *devising regulatory controls.*
- *To exhibit an understanding of internationally accepted standard form contracts for*
- *ship related transactions and their practical implications.*
- *To appraise Liability norms and legally permissible limits to liability of ship-owners,*
- *pursuant to use of ships in commercial operations.*
- *To use the acquired knowledge on a practical level.*

COURSE – VI
MARITIME LABOUR LAW
(HARD CORE COURSE - VI)

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

- 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

Module--IV: Maritime Labour Convention, 2006

- a. Introduction to maritime labour convention
- b. Compliance under MLC -Minimum Requirements for Seafarers -Minimum Age-
Medical Certificate-Training and qualifications -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
- c. Access to shore based welfare facilities
- d. 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
- b. Right to Repatriation- Right to Shore Leave
- c. 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

Bibliography 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

7. maritime labour convention 2006

Books:

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

Journals / Articles

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.
3. Proshanto K. Mukherjee, *Criminalisation and Unfair Treatment: The Seafarer's Perspective*, *The Journal of International Maritime Law*, 2006.
4. 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.
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 VII
INTERNATIONAL MARITIME COMMERCIAL ARBITRATION AND
CONCILIATION

(Discipline Elective Course – I)

Course Objectives:

The aim of this course is to familiarize students with basic concepts underlying alternate dispute mechanisms for settlement of maritime disputes. The course covers general principles of International Commercial Arbitration applicable to maritime disputes. The course presents various arbitral institutions, types of arbitrations and role of courts in arbitral proceedings in addition to procedure. Throughout the course, the emphasis would be to study and devise ways of strengthening Indian legal and institutional framework pertaining to maritime arbitration.

COURSE OUTLINE

Module I: Introduction to Commercial & Maritime Arbitration

- a. International Commercial Arbitration and Maritime Arbitration – Nature, Types and scope.
- b. Emergence of Maritime Arbitration as a dispute settlement mechanism.
- c. Historical overview.

Module II: Arbitration Agreements & Tribunals

- a. Arbitration agreements.
- b. Arbitration Clauses in Maritime transportation documents - formal requirements, Effect on third parties, Unfair terms.
- c. Arbitration Tribunals– Composition and Jurisdiction.
- d. Arbitrators -Appointment – Qualifications.

Module III: Procedure for Arbitration

- a. Arbitral Proceedings
- b. Rules of procedure, Place, Language.
- c. Commencement and default of a party
- d. Appointment of experts.

Module IV: Arbitration Awards

- a. Arbitration awards – termination of proceedings, correction and interpretation of award, recourse against award – Costs.
- b. Recognition and enforcement of Domestic awards and Foreign awards
- c. Grounds for refusal to recognize award-Judicial Review.

Module V: Conciliation

- a. Rules for Conciliation.
- b. UNICITRAL Rules on Conciliation.
- c. Guidelines of UNCTAD, IMO, WTO.
- d. Procedure under national laws.

Suggested Readings:

- 1. Brown & A Marriot, ADR Principles and Practice- Sweet & Maxwell (2018).
- 2. Georgios.I. Zekos, International Commercial and Maritime Arbitration, Routledge Cavendish (2008).
- 3. Carlos Esplugues Mota, Some Current Developments in International Maritime Arbitration, in J.Basedow et al.,(eds), Hamburg Lectures on Maritime Affairs 2007 & 2008, Springer (2010), Chapter VI, PP 119-175.
- 4. Clare Ambrose, London Maritime Arbitration, Informa (2009).
- 5. A.K.Bansal, Law of International Commercial Arbitration (with supplement), Universal Law Publishing Co. Pvt. Ltd.(2003).
- 6. Rahari, Commentory on Arbitration and Conciliation Act, Kamal Law House (1996).
- 7. Mark Huleatt- James and Nicholas Gould, International Commercial
 - a. Arbitration (Dispute Resolution guides): A Hand book, LLP (1999).
- 8. Redfurn, Hunter et.al., Law and practice of International Commercial Arbitration, Oxford University Press (2009).
- 9. Emilia Onyema, International Commercial Arbitration and the Arbitrator's Contract, Rotuledge (2010).
- 10. Harsh Sethi and Arpan Kr. Gupta, International Commercial Arbitration and Its Indian perspective, Universal law Publishers (2011).

Learning Outcomes:

After completing the course, the students will learn:

- *To comprehend the benefits of alternate dispute resolution for resolving maritime disputes.*
- *To demonstrate an understanding of law, procedure & practice for settlement of maritime disputes through arbitration and conciliation.*
- *To evaluate the arbitration regulatory landscape in internationally established jurisdictions.*
- *To identify focus areas for developing and promoting a culture of institutional arbitration in India to establish itself as a favoured seat of maritime arbitration.*
- *To use the acquired knowledge on a practical level.*

COURSE – VIII

MARITIME CRIMES AND JURISDICTIONAL 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 Maritime Crimes

- a. Blue crimes- Criminal jurisdiction: Its Ambit, and Scope- Categories of Jurisdictions
- b. Extraterritorial Criminal Jurisdiction to Address International and Transnational Crimes at Sea –
- c. Theoretical Justification For Extraterritorial -Criminal Jurisdiction Over Maritime Waters
- d. Modern crimes in International Law - Jurisdictional issues of International Crimes.

Module - II: 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 – IMO Guidelines

Module - III: 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 - IV: Transport of Slaves, Smuggling

- a. Migrant Smuggling at Sea - Transnational Threat of Irregular Migration - Migrant Smuggling Protocol - Criminalization - IMO initiatives - Duty to render assistance –
- b. Salvage Conventions - SAR Convention - SOLAS Convention - International Convention for the Safety of Life.

Module - V: 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 - VI: 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.
- b. Sovereign Immunity Of State Officials From Foreign Criminal Jurisdiction: A Barrier To Exercise Criminal Jurisdiction Against Ships.

MODULE-VII: MARITIME FORENSICS

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

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.

Books

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.
3. Carolin Liss (2010), 'Oceans of Crime: Maritime Piracy and Transnational Security in Southeast Asia and Bangladesh', Institute of Southeast Asian Studies.
4. James Kraska (2011), 'Contemporary Maritime Piracy: International Law, Strategy, and Diplomacy at Sea (Contemporary Military, Strategic and Security Issues)', Praeger. C.Paul Hallwood, & Thomas J. Miceli (2015), 'Maritime Piracy and its Control: An Economic Analysis', Palgrave Pivot; Palgrave Macmillan.

Journals / Articles

1. Edwin Fursdon (1996), "Sea Piracy - or Maritime Mugging?" INTERSEC, Vol.6 No.5 May 1996, p.166.
2. Dunoff Eric (2003-2004), "Marine Insurance for Loss or Damage Caused by Terrorism or Political Violence", University of Sea Freedom Maritime Law Journal, Vol.16 No.1, pp.68-82.
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: Books

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.
6. Capt. Himadri Das (2021), 'Armed Robbery in Sea in India: Trends and Imperatives'.

Journals / Articles

1. Djalal, Hasjim (2005), "Combating Piracy: Co-operation Needs Efforts and Challenges", in Johnson and Valencia.
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.

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

Cases for Guidance

1. United States v. Smith, (1820)
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 through 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'

OffPort-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
- b. ports – laws and policies relating to port management
- c. Port Trusts Act, 1963 – Major Port Authorities Act, 2021 – Project UNNATI – Indian
- d. Ports Association (IPA) and Indian Private Ports And Terminals Association.
- e. 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.

BIBLIOGRAPHY

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

BOOKS

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.

JOURNALS / ARTICLES

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. 38
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

INTERNATIONAL TRADE AND MARINE TRANSPORT SERVICES

(Elective Course - I)

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

- 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.
- 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.

- b) 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

Books:

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.
6. International Chamber of Shipping: Safe Transport of Containers by Sea: Guidelines on best practices (2017).

Journals / Articles

7. James R. Schlesinger (1958), "International Trade and Economic Relations", Naval War College Review, Vol.10, No.7, pp.25-41.
8. 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.
9. Kalim Siddiqui (2016), "International Trade, WTO and Economic Development", World Review of Political Economy, Vol.7, No.4, pp.424-450.
10. Cheng Fengju (2016), "Research on the Impact of Maritime Transport Services in the trade deficit", ICESAME.
11. 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.

Cases for Guidance

1. Administration of the Territory of Papua and New Guinea v. China Navigation Ltd. (1967 -68) PNGLR 239.
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:

1. Adam Klug (2006), Theories of International Trade (Routledge Explorations in Economic History)
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.

Journals / Articles

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 Défense, 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, et*

COURSE – XI

INTERNATIONAL LAW OF THE SEA

(Elective Course - II)

Course Objectives:

This course critically analyses the UNCLOS framework and understand the developments of the law of the sea in the light of new challenges to the marine environment such as the depletion of marine resources, global warming, and the emergence of non-traditional maritime security threats. The developments include multilateral, regional, bilateral and unilateral strategies, both formal and informal, that are used by members of the international community for supplementing the Convention.

COURSE OUTLINE

Module I: Introduction to law of the Sea

- a. Historical perspectives
- b. Sources of the international law of the sea
- c. Theoretical approaches.
- d. The present legal regime and international institutions.

Module II: The UNCLOS Framework- Baseline and the different Maritime Zones

- a. Internal Waters,
- b. Territorial Sea,
- c. Contiguous Zone,
- d. EEZ, high Seas,
- e. Archipelagic Waters & International Straits.

Module III: Marine Resource Management

- a. Marine resources within areas of national jurisdiction Continental shelf
- b. Deep seabed –
- c. Highly migratory species –
- d. High seas fisheries.

Module IV: Protection of the Marine Environment from Pollution

- a. Operational & accidental vessel-source marine pollution –
- b. Land-based and atmospheric marine pollution –
- c. Marine pollution from installations – Dumping.

Module V: Dispute Settlement Mechanism & Miscellaneous

- a. ICJ- ITLOS, Arbitral Tribunals & Alternate Means-
- b. Threats to Maritime Security
- c. Maritime Piracy - Drug trafficking –
- d. Illicit trafficking of weapons of mass destruction at sea –
- e. IUU Fishing Migrant Smuggling & Human Trafficking at sea.

Suggested Readings:

1. Donald R. Rothwell and Tim Stephens, *The International Law of the Sea*, Hart Publishing, 2010.
2. Mc Dougal and T Burke, *Public Order of the Oceans*, Yale University Press (1986).
3. Kenneth R. Simmonds, *Cases on the Law of the Sea* (1976), Vols I to III. Oceana publications Inc., New York (1976).
4. Ram Prakash Anand (Ed.) “Law of the sea: Carcas and beyond”, Radiant Publishers, New Delhi (1978).
5. Simmonds, *United National Conference on the Law of the Sea, 1982* (1983).
6. Colombos C.John, *The International Law of the Sea*, Longmans (1967), pp-1-422.
7. Nagendra Singh, *British Shipping Laws – International Maritime Law Convention* (1983), Vol.IV, Part IV.
8. Kochu Thommen, *Legal Status of Government Merchant Ships in International Law* (The Hague, 1962).
9. Chandrasekhara Rao P.C., *New Law of Maritime Zones*, New Delhi (1983).
10. Barry Hart Dubner, *The Law of Territorial waters of Mid-Ocean Archipelagos and Archipelagic States* UN Publications, The Hague, (1976).
11. UN Office for Ocean Affairs and the Law of the Sea, *Baselines: An Examination of the Relevant Provisions of the United Nations Convention on the Law of the Sea*, 1989.
12. Rosemary Rayfuse, *Non-Flag State Enforcement in High Seas Fisheries*, Martinus Nijhoff Publishers, 2004.
13. Douglas Guilfoyle, *Interdicting Vessels to Enforce the Common Interest: Maritime Countermeasures and the Use of Force*, 56 I.C.L.Q. 69 (2007).
14. Natalie Klein, *Maritime Security and the Law of the Sea*, Oxford University Press, 2011.
15. R Anand, Ch 4 “Mare Liberum vs. Mare Clausum” in *Origin and Development of the Law of the Sea* (Martinus Nijhoff: 1982) 72-115.

Learning Outcomes:

On successful completion of the course the student will be able:

- *To demonstrate a comprehensive understanding of the contemporary law of the sea regimes. To analyse both factual and legal issues related to the law of the sea cases.*
- *To understand the extend of powers enjoyed by Coastal States, Port states and flag states for governance of oceans.*
- *To familiarise with avenues for settlement & adjudication of disputes related to law of the Sea.*
- *Critically evaluate and predict future directions in the law of the sea.*

