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Maritime Law

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Introduction:

“Wherever ships sail, the law must follow”

The ocean doesn't just carry cargo it carries the legal challenges too and to solve this legal challenge there is a maritime law- the legal system that governs all things marine: Maritime trade is the engine of the global economy. India with the strategic location in the Indian Ocean and over 7500 kilometers of the coastline, is a maritime nation by geography and commerce.

This blog will break down what maritime law in India looks like why its more relevant than ever and how it keeps India's Maritime Industry afloat.

What is Maritime Law:

Maritime jurisprudence, alternatively termed admiralty law is a special branch of law that governs all activities related to the sea, ships and shipping.

It includes legal rules that apply on; Ship over ship and registration, Navigation and trade at sea, port operation, seafarer right and wages, pollution and environmental damage caused by ship etc.

Evolution of maritime law in India why it matters:

India's maritime law has not always been as structured or modern as it is today it was dependent on colonial era laws

Colonial origin when courts like Bombay, Calcutta and Madras right court exercised admiralty jurisdiction under act like, the Admiralty court act 1861 and colonial court of Admiralty act 1890.

A modern milestone is the admiralty Act 2017 which repeated the outdated British laws. India also aligns with global maritime standards.

Key Legislations Governing Maritime Law in India

1. The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017

This foundational statute governs admiralty disputes within India's jurisdiction, featuring several critical provisions:

- **Expanded Jurisdiction:** Indian courts can now adjudicate a wider range of maritime claims, including ship ownership disputes, cargo damage, and environmental violations.
- **Arrest of Vessels:** The Act allows for the arrest of vessels to secure maritime claims, aligning with international practices.
- **Priority of Claims:** It establishes a hierarchy for settling claims, giving precedence to crew wages, salvage operations, and environmental damage claims.

2. The Merchant Shipping Act, 1958

This Act regulates shipping operations, including:

- Registration of ships
- Safety standards
- Crew working conditions
- Pollution control measures

3. The Maritime Zones of India Act, 1976

This Act defines India's maritime boundaries, including:

- Territorial Waters (12 nautical miles)
- Contiguous Zone (24 nautical miles)
- Exclusive Economic Zone (EEZ) (200 nautical miles)
- Continental Shelf rights

4. The Indian Ports Act, 1908

This governs port operations, including:

- Port authority regulations
- Safety and security measures
- Pollution control in ports

5. International Conventions

India is a signatory to several key international maritime conventions, including:

- SOLAS (Safety of Life at Sea)
- MARPOL (Marine Pollution Prevention)
- STCW (Standards of Training, Certification, and Watchkeeping for Seafarers)

International Engagement: India and the Global Maritime Framework

India is a committed member of the International Maritime Organization (IMO) and a signatory to several key conventions, including:

- UNCLOS (1982) – Defines maritime zones like territorial seas, the exclusive economic zone (EEZ), and the continental shelf.
- SOLAS – Ensures safety standards for ships and passengers.
- MARPOL – Focuses on controlling pollution from ships.
- MLC (Maritime Labour Convention, 2006) – Protects the rights and working conditions of seafarers.

India's active participation in these frameworks ensures its maritime policies remain internationally compliant and help Indian ships operate globally without restrictions.

Landmark Case: *M.V. Elisabeth & Ors. v. Harwan Investment and Trading Pvt. Ltd.* (1993)

One of the most defining moments in Indian admiralty law came with the Supreme Court's judgment in *M.V. Elisabeth v. Harwan Investment* (1993). The case involved the arrest of a

foreign ship at Visakhapatnam for non-payment of dues, and it raised a critical question—could a non-presidency High Court exercise admiralty jurisdiction?

The Supreme Court ruled decisively: all High Courts in India, by virtue of Article 225 of the Constitution, can exercise admiralty jurisdiction. Moreover, the Court made a landmark observation—international maritime conventions, even if not formally enacted into Indian law, can be applied by courts if they are not inconsistent with domestic law.

This landmark judgment represented a progressive advancement, bringing Indian maritime jurisprudence closer to international standards while ensuring more equitable remedies for claimants. The decision provided essential precedential support for subsequent legislative reforms, particularly the 2017 admiralty legislation, and continues to serve as a crucial reference point for legal professionals specializing in maritime matters within India.

The Future of Maritime Law in India:

With ambitious national programs like:

- Sagarmala (port-led development)
- Maritime India Vision 2030
- Blue Economy mission

India is positioned to emerge as a dominant maritime force. Legal frameworks must evolve to address:

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- Port privatization
- Green shipping initiatives
- Maritime arbitration
- Coastal security challenges

Maritime law will play a central role in making this transition efficient, transparent, and legally sound.

Conclusion

India's maritime legal structure has come a long way from its colonial roots, but the sea of challenges ahead is deep. As India becomes more integrated into global shipping and trade, its maritime laws must not just catch up—they must lead.

A modern, harmonized, and future-proof maritime legal system is not just necessary for smoother trade. It's a strategic imperative for a nation that aspires to be a global maritime power.

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