



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

FROM COLONIAL ANCHORS TO SOVEREIGN SAILS: THE STORY OF INDIAN ADMIRALTY LAW

- Swasti Jain

1. ABSTRACT

Maritime law stands out to be one of the most ancient branches of law that governs legal relations emerging due to navigation, shipping, maritime business, marine environment protection, and dispute settlements. India has over 7,500 kilometers of coastal regions and depends heavily on trade borne out of sea, therefore, maritime law holds a lot of significance for it. In addition, the globalization of commercial relations has resulted in an increased need for strong laws that would regulate complex commercial transactions and disputes in the maritime sector.

The maritime law system in India used to be based on the laws that the British made during colonization, however, new Indian laws and international agreements emerged. This emergence has made the laws that oversee activities in India much stronger, for example the Merchant Shipping Act of 1958 and the Admiralty Act of 2017.

The purpose of this paper is to trace the historical development of Indian maritime law, consider the statutory provisions governing maritime matters and examine the impact of admiralty jurisdiction on dispute settlement. It then focuses on India's commitments under international maritime conventions and emerging concerns like marine pollution, piracy and technological changes in the field of shipping. The paper concludes that while significant strides have been made, in terms of legislative developments and judicial initiatives, further modernization is still needed for the effective functioning of the Indian maritime law, keeping pace with the current global trends in shipping.

2. INTRODUCTION

The sea has been a route for trade, communication and cultural exchange between countries driving economic growth worldwide. Maritime law, also known as admiralty law deals with issues that arise from activities on navigable waters. It covers areas of maritime trade, such as shipping, transporting goods, marine insurance, maritime labour protecting the environment, salvage operations and resolving disputes. Because maritime trade is international maritime law is a mix of laws, customs, court decisions and international agreements.¹

India's involvement in maritime trade goes back many centuries; many historical records show that ancient Indian kingdoms had trade relations with Southeast Asia, the Middle East and Europe through sea routes. Sea transportation is crucial to India's economy whether it was historical India or modern day India . With a coastline of over 7,500 kilometres and access to international shipping lanes India is located in the Indian Ocean Region. About ninety five percent of India's trade by volume and seventy percent by value is transported by sea.² Therefore regulating maritime activities is vital not only for economic development but also for national security and international trade.

Despite the importance of activities, India's maritime legal framework developed slowly. For a time maritime disputes were governed by colonial laws enacted during British rule. These laws, although effective then, were designed for a century commercial environment and often failed to address modern maritime trade complexities. As shipping technology advanced and international trade expanded the need for legal reform became clear.³

The evolution of maritime law in India has been a combination of legislative action and judicial innovation. Courts often relied on maritime principles to fill gaps in the country's legislation. This approach was notably expressed in *M.V. Elisabeth v. Harwan Investment & Trading Pvt. Ltd.*, where the Supreme Court recognized the need to interpret admiralty jurisdiction according to contemporary international maritime practices rather than outdated colonial statutes.⁴ The judgment laid the foundation for modernizing admiralty law and significantly influenced subsequent legislative reforms.

¹ THOMAS J. SCHOENBAUM, *ADMIRALTY AND MARITIME LAW* § 1-1 (6th ed. 2018).

² U.N. CONF. ON TRADE & DEV., *REVIEW OF MARITIME TRANSPORT 2023*, at xiii, U.N. Doc. UNCTAD/RMT/2023 (2023).

³ R.K. BHARDWAJ, *MARITIME TRADE IN ANCIENT INDIA* 15–18 (1995).

⁴ *M.V. Elisabeth v. Harwan Inv. & Trading Pvt. Ltd.*, A.I.R. 1993 S.C. 1014.

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 represents a departure from the jurisprudence of maritime law in India. The Act replaced colonial legislations and put in place a modern system for dealing with maritime claims, ship arrest, and admiralty jurisdiction. Together with the Merchant Shipping Act, 1958 and India's international obligations, the legislation represents a significant improvement of the country's maritime legal regime.⁵

Nevertheless, many legal issues remain pertinent within the maritime sector. As trade increases, maritime disputes grow in complexity and scope. Maritime regulations have been influenced by concerns about pollution, oil spills, and climate change. Threats like piracy, maritime terrorism, cyber attacks and autonomous technology in shipping present novel challenges which cannot be addressed adequately using existing maritime law.⁶

Taking into account the above considerations, this paper intends to provide a critical assessment of the legal dimension of maritime law in India through an examination of its history, statutory provisions, admiralty jurisdiction and current challenges. It will be argued that while progress has been made in updating India's maritime legal regime further changes are required to keep pace with global trends.

3. EVOLUTION AND LEGAL FRAMEWORK OF MARITIME LAW IN INDIA

The history of maritime law in India shows how the country moved from being a trading outpost of Britain to a fully independent maritime power linked to the world economy. India had marine trade before the European powers arrived, but most of the modern maritime law we have in India was created during the time of British Colonial Rule. As trade began to grow internationally and British Commercial interests became more prevalent in India, there was a demand for legal frameworks that could provide remedies to disputes arising from maritime transactions.⁷

The first foundations of Indian admiralty law were laid down by the Admiralty Court Act, 1840 and the Admiralty Court Act, 1861. These two acts provided courts with the ability to exercise admiralty authority over certain matters regarding ships, cargo, collisions, salvage, and

⁵ The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, No. 22 of 2017, India Code (2017).

⁶ D. RHIDIAN THOMAS, MARITIME LAW 23–27 (2d ed. 2016).

⁷ V. POWER, ADMIRALTY JURISDICTION AND MARITIME CLAIMS 12–15 (2017).

maritime contracts. Later, the Colonial Courts of Admiralty Act 1890 and the Colonial Courts of Admiralty (India) Act 1891 gave the Colonial High Court of Bombay, Calcutta, and Madras authority to exercise admiralty jurisdiction within their areas of jurisdiction as an admiralty court.⁸

After India attained independence in 1947, the colonial statutes were repealed. While the statutes provided the source of admiralty jurisdiction, they had many inadequacies. This is because at the time when the statutes were enacted, there was very little maritime business than there is now. Consequently, the courts were faced with many disputes not explicitly provided for in the statutes.⁹

Under the Indian Constitution, Parliament enjoys considerable powers in legislating on issues concerning shipping and navigation. Entries in the Union List of the Seventh Schedule authorize Parliament to make laws on shipping, navigation, ports, and foreign trade. It is evident that such constitutional provisions show the significance of maritime law in India.¹⁰

In the context of statutory provisions regulating maritime affairs, one can distinguish several Acts. However, the primary among these is Merchant Shipping Act of 1958, which serves as an overarching statute governing commercial shipping. This Act encompasses various aspects, including ship registration, safety, certification, crew conditions, liability for accidents at sea, and measures to prevent marine pollution.¹¹ Thus, this Act laid down a comprehensive legal basis for regulating maritime vessels in India.

One of the most important purposes served by the Merchant Shipping Act is registration. Registration is much more than an administrative necessity because registration is a means by which ships can become nationalized. Upon registration, a ship is placed under the jurisdiction of India, thus obtaining protection from the Indian state while operating on the high seas.¹² Another important purpose served by the Act is the establishment of requirements related to the seaworthiness of ships. Ships must be kept in such a manner that ensures the safety of passengers, crews, and cargo.

⁸ Admiralty Court Act 1840, 3 & 4 Vict. C. 65 (U.K.); Admiralty Court Act 1861, 24 & 25 Vict. C. 10 (U.K.).

⁹ M.V. Elisabeth, A.I.R. 1993 S.C. 1014.

¹⁰ INDIA CONST. sch. VII, list I, entries 24, 25, 27.

¹¹ The Merchant Shipping Act, No. 44 of 1958, India Code (1958).

¹² Id. §§ 21–40.

Protection of the crew members of ships is yet another important aspect covered by the Merchant Shipping Act. The work performed by the crew of ships has always involved arduous working conditions and considerable risks. Accordingly, the legislation provides for provisions dealing with wages, working conditions, repatriation, and general well-being of seafarers.¹³

Protecting the environment has been another significant area of emphasis in maritime laws. The amendments in the Merchant Shipping Act have included the obligations under international conventions for marine pollution. Under such laws, the authorities have been vested with the power to penalize those vessels involved in discharging any hazardous material in marine surroundings.¹⁴

Nevertheless, admiralty law jurisdiction continued to be an issue for many decades. Courts were often forced to interpret laws to fill legal gaps. A landmark decision in this context was passed by the Supreme Court in *M.V. Elisabeth v. Harwan Investment & Trading Pvt. Ltd.* The court ruled that the Indian admiralty law could not be confined within the boundaries of outdated colonial laws but that contemporary international maritime laws had to be taken into consideration.¹⁵

Reform was finally achieved through the passage of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017. This Act repealed old colonial laws and provided a new clear legal framework for admiralty jurisdiction in India. The Act defined maritime claims, designated the High Courts that have admiralty jurisdiction, and provided procedures concerning ship arrests and judicial sale of ships.¹⁶

Maritime claims are heavily regulated by the Admiralty Act. It includes claims such as ship ownership claims, charter parties and damage caused to cargoes, marine pollution, claims for salvage, wages of seafarers, shipbuilding agreements and port charges. As a result, the specifics of international regulation of seafarers' issues are clearly outlined in Indian law.¹⁷

The Admiralty Act also incorporates the basic principles of maritime lien and arrest of ships. A maritime lien is different to a lien by giving an effect to the lien against the vessel rather than

¹³ Id. §§ 95–132.

¹⁴ Id. §§ 356A–356N.

¹⁵ *M.V. Elisabeth*, A.I.R. 1993 S.C. 1014.

¹⁶ The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, No. 22 of 2017, §§ 3–5, India Code (2017).

¹⁷ Id. § 4.

to the owner. Ship arrest is one of the most commonly used and effective means of enforcing a claim regarding the ship in question.¹⁸

Further, other than the admiralty jurisdiction, there are other Acts within the scope of the modern Indian maritime law that regulate other facets of shipping activities. For instance, the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 provides for the determination of the zones around India, which are also governed by the sovereignty of India and the right of India over the natural resources within the zones.¹⁹

Therefore, the development of maritime law in India can be observed through a gradual transition from colonial laws to the present maritime laws that are based on international principles and domestic commercial practices. Despite all the changes brought about by the new legislations, the implementation of such laws is crucial for their effectiveness.

4. ADMIRALTY JURISDICTION AND MARITIME CLAIMS IN INDIA

Admiralty law is how maritime disputes are resolved; it is a main feature of the area of maritime law. The special procedures and remedies unique to admiralty proceedings make them different from civil litigation. As a result, aircraft shipping can affect many jurisdictions around the world due to their extensive travel on international waters and through various countries' inland waters. Given the fact that ships move across all types of geographical jurisdictions and engage in the international commerce of goods, it is very common for maritime disputes to involve individuals or entities from different legal systems. Therefore, admiralty law has developed many specialized processes to ensure that proper remedies are obtained and that there is a sound level of confidence in the outcome of business transactions.²⁰

Historically, the use of admiralty jurisdiction in India has been limited to the jurisdictions of several High Courts which were established during the period of British Colonization. These High Courts were located in Bombay, Calcutta, and Madras and they exercised their admiralty authority under the Colonial Courts of Admiralty Act, 1890 and other related statutes. Unfortunately, the existing statutes were, at best, limited with regard to providing a complete

¹⁸ Id. §§ 5–11.

¹⁹ The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, No. 80 of 1976, India Code (1976); The Major Port Authorities Act, No. 17 of 2021, India Code (2021).

²⁰ SCHOENBAUM, *supra* note 1, § 21-1.

framework for resolving the maritime disputes of today. The rapid growth of international shipping, the emergence of multiple national shipping corporations, and the complexity associated with maritime transactions has all created obvious deficiencies in the existing legal framework.²¹

The most important judicial intervention in this area came through the Supreme Court's landmark decision in *M.V. Elisabeth v. Harwan Investment & Trading Pvt. Ltd.* The dispute arose from a claim relating to the carriage of goods by sea and involved the arrest of a foreign vessel in Indian waters. The central issue before the Court was whether Indian High Courts possessed admiralty jurisdiction beyond the narrow confines of colonial statutes.²²

The Supreme Court adopted a progressive approach and held that admiralty jurisdiction could not remain restricted by nineteenth century legislation. The Court emphasized that maritime law is an evolving branch of law influenced by international conventions, commercial practices, and principles of justice. It further observed that Indian courts should not hesitate to draw upon internationally recognized maritime principles when domestic legislation is silent.²³

However, the significance of the judgment transcends the issue before the court. As a result of the recognition of the changing dynamics of the maritime legal system, the Indian Admiralty law was made contemporary by the court. The ruling established that in interpreting admiralty jurisdiction, account must be taken of changes made in international standards and not just the outmoded colonial enactment. It may thus be said that *M.V. Elisabeth* is amongst the most important cases in the development of Indian Maritime Law.²⁴

This doctrine was again reiterated in another significant ruling of the Supreme Court in *Liverpool & London S.P. & I. Association Ltd. V. M.V. Sea Success I.* This ruling dealt with several aspects of maritime law, which included issues arising out of the interpretation of maritime claims as well as ship arrest. The Supreme Court re-emphasized the need for making Indian maritime law harmonious with international practice and stressed the need for predictability and effectiveness of such law.²⁵

²¹ *Liverpool & London S.P. & I. Ass'n Ltd. V. M.V. Sea Success I*, (2004) 9 S.C.C. 512.

²² *M.V. Elisabeth*, A.I.R. 1993 S.C. 1014.

²³ *Id.*

²⁴ *POWER*, supra note 7, at 45–50.

²⁵ *Liverpool & London S.P. & I. Ass'n Ltd.*, (2004) 9 S.C.C. 512.

The above judicial developments eventually resulted in the passing of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017. The Act is the first statute passed in independent India for the purpose of regulating admiralty jurisdiction. The Act replaced the obsolete colonial laws with an advanced and relevant regime covering maritime claims, ship arrests, and ship sale.²⁶

An important contribution made by the Admiralty Act includes its provision for the classification of maritime claims. Section 4 of the Act classifies maritime claims as those pertaining to issues such as ownership or possession of vessels, mortgage recovery, carriage of goods, loss of cargo, charter parties, salvage work, pilotage, marine pollution, crew payment, port dues, and shipbuilding agreements.²⁷ The above classification leaves no doubt about the nature of disputes that can be brought before admiralty courts.

Maritime claims recognition is important since maritime transactions often entail more than one party, and there are bound to be overlaps concerning their rights and liabilities. A typical voyage entails ship-owners, charterers, owners of the cargo, insurance companies, financiers, port authorities, and the crew. Conflicts among the involved parties will demand expert intervention to solve issues with technicalities and business implications. The Admiralty Act plays a key role here since it provides a legal platform for resolving maritime conflicts.²⁸

Another important issue related to maritime claims is maritime liens. A maritime lien is essentially a legal right over a ship that follows the vessel no matter how many changes of ownership occur. Unlike a regular contractual claim, a maritime lien arises through the course of a transaction, which automatically grants it certain privileges. It does not require registration or agreement since it is a claim attached to the vessel automatically and without the consent of its owner.²⁹

However, maritime liens play a very significant protective role. There are some claims which are considered so essential to maritime business activities that they take precedence over any other form of security interest. Historically, maritime liens have existed where there were claims for crew wages, salvage, damages done by ships, and disbursements by shipmasters.

²⁶ The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, No. 22 of 2017, India Code (2017).

²⁷ *Id.* § 4.

²⁸ THOMAS, *supra* note 6, at 144–147.

²⁹ SCHOENBAUM, *supra* note 1, § 9-1.

Claims for maritime liens are entitled to such special treatment since they contribute towards the maintenance or preservation of the ship itself.³⁰

In order to give priority to maritime liens, there are very clear reasons why the law does so. Seamen, for example, depend on wages as a means of livelihood, and at times work under harsh and unfriendly circumstances away from home. On the other hand, the services rendered by salvors help not only them but also all other individuals involved in maritime business.³¹

Another distinctive feature of admiralty jurisdiction is the remedy of ship arrest. The arrest of a vessel allows a court to detain the ship as security for a maritime claim pending adjudication of the dispute. This remedy is particularly important because ships are mobile assets capable of leaving the jurisdiction at short notice. Without the power of arrest, claimants would frequently encounter significant difficulties in enforcing maritime claims.³²

The concept of ship arrest is based upon the principle that a vessel may itself be treated as the defendant in maritime proceedings. An action brought directly against a ship is known as an action in rem. This procedure enables courts to exercise jurisdiction over vessels located within territorial waters and ensures that claimants have access to effective remedies.³³

The Admiralty Act, 2017 contains detailed provisions regulating ship arrest. Courts may order the arrest of a vessel upon satisfaction that a valid maritime claim exists and that the arrest is necessary to secure the claimant's interests. Ship-owners are generally entitled to seek release of the vessel by providing appropriate security, such as a bank guarantee or protection and indemnity club undertaking.³⁴ These safeguards seek to balance the claimant's right to security against the commercial interests of ship-owners.

Ship arrest also plays an important role in promoting confidence within international maritime commerce. Commercial parties are more willing to engage in maritime transactions when they know that effective enforcement mechanisms exist. The availability of arrest remedies enhances legal certainty and contributes to the stability of global shipping operations.³⁵

³⁰ The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, No. 22 of 2017, § 9, India Code (2017).

³¹ *Liverpool & London S.P. & I. Ass'n Ltd.*, (2004) 9 S.C.C. 512.

³² SCHOENBAUM, *supra* note 1, § 21-3.

³³ *M.V. Elisabeth*, A.I.R. 1993 S.C. 1014.

³⁴ The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, No. 22 of 2017, §§ 5–6, India Code (2017).

³⁵ THOMAS, **supra** note 6, at 201–205.

Apart from commercial cases, issues related to environment, and public interest are also covered by admiralty jurisdiction. Cases concerning marine pollution, oil spillage, and other environmental damage are regularly filed in admiralty courts. The trend demonstrates the acknowledgment of the need to regulate not only commercial relations but also those matters connected to environment sustainability and general welfare.³⁶

Despite all the achievements of Indian maritime jurisprudence, some problems remain. Maritime cases are mostly concentrated among a few Indian High Courts, and thus there is an imbalance in developing judicial expertise. Delays in procedure sometimes lead to inefficiency in the use of remedies for ships' arrest and incur additional litigation expenses. Moreover, contemporary technologies like autonomous vessels and digital shipping platforms raise questions that are beyond current legislation.³⁷

However, it must be noted that the evolution of admiralty jurisdiction through judicial development and legislative reforms is considered to be one of the most important milestones of modern maritime law in India. The Admiralty Act, 2017 has improved the effectiveness, predictability, and transparency of resolving maritime disputes. Alongside the case-law created by the Indian courts, the enactment has contributed to India's reputation as an important maritime nation.³⁸

5. INTERNATIONAL MARITIME OBLIGATIONS, ENVIRONMENTAL PROTECTION AND CONTEMPORARY CHALLENGES

Maritime law by its very nature is an international one since maritime activities often occur beyond national jurisdictional boundaries. Ships sail from one country to another, carrying goods for people from other countries, operating under a system of laws affected by international conventions and customs. Therefore, it follows that maritime legislation cannot be developed in a vacuum. Hence, the Indian maritime legislation has largely been influenced by its involvement in international maritime conventions and bodies.³⁹

³⁶ The Merchant Shipping Act, No. 44 of 1958, §§ 356A–356N, India Code (1958).

³⁷ MINISTRY OF PORTS, SHIPPING & WATERWAYS, GOV'T OF INDIA, MARITIME INDIA VISION 2030, at 48–52 (2021).

³⁸ POWER, *supra* note 7, at 112–115

³⁹ SCHOENBAUM, *supra* note 1, § 2-1.

Here, the most relevant international treaty document that should be considered is the UN Convention on the Law of the Sea 1982, referred to as the 'constitution of oceans,' whose objective is to lay down a universal regime for the management of oceanic areas of the whole world, which consists of the regulation of marine zones, navigation, marine resource utilization, environmental questions, and dispute settlement.⁴⁰

The UNCLOS is very important for India because of its vast coastline and strategic location within the Indian Ocean region. In this convention, the sovereign rights of the state extend up to 12 nautical miles from the baseline. Additionally, the coastal state has the sovereign rights to use resources located in the EEZ extending up to 200 nautical miles.⁴¹ Thus, sovereign rights of India help regulate fisheries, exploitation of marine resources, and economic activities within India's marine zones.

The above-mentioned concepts have received statutory recognition under the provisions of Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976. This Act determines the scope of different maritime zones of India and provides a basis for exercising the sovereignty over marine resources. It should be noted that this Act plays an important role in the contemporary world, as there are increasingly fierce competitions for energy resources in the off-shore zones.⁴²

In addition to the UNCLOS, India has ratified numerous other Conventions adopted by the International Maritime Organization (IMO). IMO is a UN-established body responsible for regulating all issues pertaining to safety, security and protection of marine environment. In this regard, it should be said that the organization has played an important role in creating legal standards in the sphere of maritime law via various Conventions.⁴³

For example, the International Convention for the Safety of Life at Sea (SOLAS), 1974, is one of such conventions adopted by IMO. As its name suggests, SOLAS provides for safety measures connected with the issues of shipbuilding, equipment, navigation and emergency. The adoption of this convention took place in response to some severe accidents occurring on

⁴⁰ United Nations Convention on the Law of the Sea art. 2, Dec. 10, 1982, 1833 U.N.T.S. 397.

⁴¹ Id. Arts. 3, 55–57

⁴² The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, No. 80 of 1976, India Code (1976).

⁴³ Convention on the International Maritime Organization, Mar. 6, 1948, 289 U.N.T.S. 3.

the sea. Various provisions of this convention have been enacted domestically in India, particularly in the Merchant Shipping Act, 1958.⁴⁴

Another important convention that exists is the International Convention for the Prevention of Pollution from Ships (MARPOL), which acts as the leading international convention governing marine pollution. The MARPOL governs the discharge of oil, chemicals, sewage, garbage, and hazardous substances into the marine environment. The International Convention for the Prevention of Pollution from Ships (MARPOL) is an example of the increased awareness of the international community about the importance of addressing environmental issues.⁴⁵

The protection of marine resources and environmental safety is one of the foremost concerns in contemporary maritime law. Without doubt, the increased shipping activities worldwide have generated economic gains, but they have equally brought along significant hazards to the environment. Environmental issues such as oil spills, illegal discharges of hazardous cargo, plastic pollution, pollution by ballast waters, and green-house gas emission are some examples of environmental problems. Due to their connectivity, the effects of environmental harm will be felt globally.⁴⁶

Some of the legislative measures in India on marine environmental protection include domestic laws and international commitments. The Indian Merchant Shipping Act, 1958 contains legislation concerning ship pollution and the punishment for violating environmental norms. Likewise, the Environment (Protection) Act, 1986 establishes general environmental rules and enables the government to undertake measures to preserve ecological wealth.⁴⁷

Much has also been done by way of contributions from the judicial sphere in regard to improving environmental protection. The courts in India have always emphasized on sustainable development and environmental preservation. Even though most of the environmental cases do not come within the ambit of maritime law, yet the consideration of ideas like the precautionary principle and polluter pays principle in judicial decisions has affected the interpretation of maritime environmental obligations as well.⁴⁸

⁴⁴ International Convention for the Safety of Life at Sea, Nov. 1, 1974, 1184 U.Y.T.S. 278.

⁴⁵ International Convention for the Prevention of Pollution from Ships, Nov. 2, 1973, 1340 U.N.T.S. 184.

⁴⁶ U.N. CONF. ON TRADE & DEV., supra note 2.

⁴⁷ The Environment (Protection) Act, No. 29 of 1986, India Code (1986); The Merchant Shipping Act, No. 44 of 1958, India Code (1958).

⁴⁸ *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647.

Despite many changes which have occurred in the field of maritime law governance, there have been many issues of contemporary times which remain a concern for the maritime legal framework in India. The issue of maritime security is one such concern. The Indian Ocean region holds great strategic importance in that it serves as an important channel for international maritime trade. As a result, threats like piracy, maritime robbery, smuggling, and terrorism have become significant problems.

The Maritime Anti-Piracy Act, 2022 was passed by India in response to the issues above. This is a legislation where the practice of all forms of piracy is made illegal, thereby empowering the officials in India to carry out investigations on crimes relating to piracy. It is indeed essential for India to ensure compliance to international laws by enacting such legislations.⁴⁹

There are many other problems facing maritime law owing to technological advancements in the shipping industry. Automation, use of electronic documents, the use of artificial intelligence, and autonomous ships are some of the factors causing issues such as liability in accidents and cybersecurity threats. Such laws were formulated in times where ships operated manually by humans and the use of documents on board ships was in papers.⁵⁰

Lastly, climate change has become an issue with regard to the formulation of maritime laws. Extreme climate change in the past few years has affected not only the ships but also the infrastructure surrounding them. The shipping industry is one of the contributors to increasing greenhouse gas emissions in the world. Hence, the maritime law is bound to incorporate such measures.⁵¹

Likewise, the system that has been chosen to resolve disputes also requires some modification. While the passage of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 has made maritime litigation effective, delays in the process still exist as a hindrance. Since maritime disputes generally carry a high commercial stake attached to them, their quick

⁴⁹ The Maritime Anti-Piracy Act, No. 13 of 2022, India Code (2022).

⁵⁰ Int'l Mar. Org. [IMO], Regulatory Scoping Exercise for the Use of Maritime Autonomous Surface Ships (MASS), IMO Doc. MSC.1/Circ.1638 (June 3, 2021).

⁵¹ Int'l Mar. Org. [IMO], 2023 IMO Strategy on Reduction of GHG Emissions from Ships, Resolution MEPC.377(80) (July 7, 2023).

resolution becomes critical. In light of this, many scholars have advocated for the creation of special maritime benches or courts dedicated to settling disputes pertaining to shipping issues.⁵²

To put it simply, the continued effectiveness of maritime law in practice will depend on the degree of flexibility that it can adapt to new changes. This is especially true in today's era where the Indian maritime industry continues to become increasingly large.

6. CONCLUSION

It should be pointed out that maritime law occupies a certain position in the framework of the national legal system because maritime law can serve as the basis for regulating shipping and other maritime-related matters as well as providing means for resolving conflicts arising within the maritime environment. The history of maritime law development in the country demonstrates the evolution of international trade relationships of the state as well as its involvement in maritime law standardization process around the world. For example, the Merchant Shipping Act, 1958 and the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, among other factors, help develop Indian maritime law.

Nevertheless, despite the achievements in the sphere, one has to recognize the dynamic character of maritime law that makes it possible to say that constant improvements are required from the country to deal with emerging challenges.

⁵² MINISTRY OF PORTS, SHIPPING & WATERWAYS, GOV'T OF INDIA, MARITIME INDIA VISION 2030, at 67–69 (2021).