

BBA.LL.B (HONS.) – X-SEMESTER

MARITIME LAW

COURSE CODE:

Course Objective: Most of the international trade happens through sea-ways. There are various concerns and issues relating to maritime crimes, pollution etc. The main objective of this Course is to portray various laws and conventions that regulate the maritime activities of nations

Course Outcomes:

1. To understand the principles and development of maritime law
2. To analyse the role of seas ways in international trade
3. To understand and analyse the issues pertaining to marine environment and pollution
4. To study various national and international maritime disputes
5. To identify and able to conduct research on emerging trends in maritime law

UNIT-1: Introduction to Maritime Law, Historical development of the Law of the Sea, Framework for understanding the Law of the Sea, United Nations Convention on the Law of the Sea, 1982 (UNCLOS), Baselines under the Law of the Sea Convention, Marine Jurisdictional Zones under the Sovereignty of Coastal States and Sovereign Rights of Coastal State, Territorial sea and contiguous zones, The High Seas, The Continental Shelf, Right of Innocent Passage; The International Framework for Fisheries; Maritime Security, hijacking and pirate issues

UNIT-II: Carriage of Goods by Sea, Bills of Lading, The Functions of the Bill of Lading, Presentation of Bills of Lading, Electronic Bills of Lading, Switch Bills of Lading, Bills of Lading issues under Charterparties, Rules relating to Bill of Lading, Charterparty Agreements; Law of Salvage, Precondition of Salvage, International Salvage Convention

UNIT-III: Marine Environment, Pollution in the marine environment, Principles for marine environmental policy making and legislation, International Organisations, The Preventive Conventions, Liability Conventions, Protection of Marine Diversity, Climate Change and the Marine Environment, Maritime Safety and Security; Marine Insurance, Insurable Interest, Duty of Utmost Good Faith, Warranties, Causation of Marine Peril, Fraudulent Claims, Subrogation, Reinsurance

UNIT-IV: Maritime Dispute Resolution, Nature and History of Admiralty Law, Admiralty Jurisdiction: Nature and Content, Collision Claims, Limitation Claims, Ship Mortgages, Maritime Arbitration, Arbitration Procedure; Resolutions of I.O. including IMO, UNEP and decisions of ICJ, ITLOS

UNIT-V: Indian Maritime Laws, Carriage of Goods By Sea Act, 1925; Territorial Waters, Continental Shelf, Exclusive Economic Zone And Other Maritime Zones Act, 1976, the Indian Ports Act, 1908; the Indian Merchant Shipping Act, 1958; The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, Marine Products Export Development Authority Act, 1972, Marine Fishing Policy 2004, Marine Fishing Policy 2004

Text Books:

1. Samareshwar Mahanty, Maritime Jurisdiction and Admiralty Law in India, 2nd Edition, Universal Law Publishing, 2017
2. Bimal N. Patel, Hitesh Thakkar, Maritime Security & Piracy (Global Issues, Challenges and Solutions), 1st Edition,
3. Thomas Schoenbaum, Admiralty and Maritime Law, 5th Edition, West Academic Press, 2012.

