

## **ADMIRALTY COURTS IN INDIA**

The Indian legal system recognizes a specialized branch of law known as Admiralty Jurisdiction, which deals with legal matters arising from maritime activities. This jurisdiction empowers specific courts to adjudicate disputes and claims related to navigation, commerce, and other activities on the high seas and navigable waterways.

### Courts with Admiralty Jurisdiction

In India, the following High Courts are vested with admiralty jurisdiction:

Bombay High Court  
Calcutta High Court  
Madras High Court (now Chennai High Court)  
Gujarat High Court  
Odisha High Court  
Telangana High Court  
Andhra Pradesh High Court  
Kerala High Court  
Karnataka High Court

It's important to note that for an admiralty suit to be filed, the vessel involved must be within the state's territorial waters at the time of filing.

### Concurrent and Territorial Jurisdiction

The admiralty jurisdiction of these courts is considered concurrent and territorially extends over the coastline of India. This means that any of these courts can hear cases arising within their respective territorial waters, and their jurisdictions don't overlap or create conflict.

The territorial scope of this jurisdiction extends up to and includes the territorial waters of their respective state jurisdictions. However, the reach can be further extended by the Central Government.

#### Extending Jurisdiction Beyond Territorial Waters

The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 (80 of 1976) defines the limits of India's maritime zones. Through a notification, the Central Government can extend the admiralty jurisdiction of any High Court up to these limits, which may include the Exclusive Economic Zone (EEZ) or other designated maritime zones.

This extension allows these courts to handle disputes arising within India's broader maritime space, strengthening India's legal framework for maritime activities.

#### Scope of Admiralty Jurisdiction

The jurisdiction of these courts encompasses all maritime claims. Here are some common examples:

**Collision and Salvage:** Disputes arising from collisions between vessels, claims for salvage services rendered to vessels in distress, and compensation for damage caused by such incidents.

**Cargo Claims:** Disputes regarding damage to or loss of cargo during transportation by sea, issues related to bills of lading, and claims for breach of contract of carriage.

**Maritime Liens:** Claims against a vessel to secure payment for services rendered (e.g., repairs, supplies) or debts incurred in relation to the vessel's operation.

Charter Parties: Disputes arising from agreements chartering vessels for transportation purposes.

Marine Insurance: Claims made under marine insurance policies covering vessels, cargo, or other maritime interests.

Maritime Pollution: Claims for damage caused by oil spills or other forms of marine pollution.

Marine Environment: Disputes related to the protection of the marine environment, including overfishing or illegal activities in territorial waters.

#### Importance of Admiralty Jurisdiction

A robust admiralty jurisdiction is crucial for India's maritime sector. It provides a specialized legal framework to ensure smooth and efficient maritime trade, promote investment in the shipping industry, and offer a platform for dispute resolution in a sector with its own unique set of concerns.

#### Benefits of a Well-Defined Admiralty Jurisdiction

Dispute Resolution: Provides a clear and efficient mechanism for resolving disputes arising from maritime activities.

Certainty for Businesses: Businesses operating in the maritime sector have a clear understanding of the legal framework governing their activities and dispute resolution procedures.

Protection of Interests: Provides legal recourse for ship owners, cargo owners, and other stakeholders in case of damage, loss, or breach of contracts.

Promotion of Maritime Trade: A well-defined admiralty jurisdiction fosters confidence in the legal system, encouraging international trade and investment in the maritime sector.

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

The Admiralty Jurisdiction in India is governed by the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017. This Act consolidated and modernized the existing laws related to admiralty jurisdiction, repealing outdated colonial-era legislation.

The Act addresses several key aspects, including:

Clarification of Jurisdiction: The Act clearly defines the scope and extent of admiralty jurisdiction for Indian High Courts.

Streamlined Procedures: It establishes streamlined procedures for handling maritime claims, improving efficiency and reducing delays in dispute resolution.

Arrest of Vessels: The Act provides a framework for the arrest and detention of vessels in connection with maritime claims.

Enhanced Enforcement: It strengthens the enforcement mechanisms for maritime claims and judgments.