

LIMITATION PERIODS, TIME BAR

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 (hereinafter "Admiralty Act, 2017") introduces specific provisions for maritime claims in India, complementing the Limitation Act, 1963. Understanding the interplay between these laws is crucial for managing maritime disputes effectively.

Overview of the Limitation Act, 1963

The Limitation Act, 1963 is a key piece of legislation that governs the limitation periods for various types of claims, including those falling under admiralty jurisdiction. It prescribes time limits for filing suits and provides for extensions and exclusions under certain circumstances.

Limitation Periods Under the Admiralty Act, 2017

General Claims:

Three-Year Limitation: The Limitation Act, 1963 prescribes a general three-year limitation period for most admiralty claims. This period commences from the date when the cause of action arises. The Admiralty Act, 2017 does not alter this general period but operates within its framework.

Wages and Employment-Related Claims:

Two-Year Limitation: For claims related to wages, and other sums due to the master, officers, and crew, including costs of repatriation and social insurance contributions, the limitation period is set at two years. This period starts from the date on which these sums become due or payable.

Claims for Loss or Damage to Cargo:

One-Year Limitation: For claims involving loss or damage to cargo under bills of lading incorporating the Hague Rules, the limitation period is one year. Rule 6 of Article III of the Hague Rules specifies this time frame for bringing claims, following the principle of extinguishment of the cause of action after one year.

Provisions for Extension and Exclusion

The Limitation Act, 1963 includes provisions for:

Extension of Time: In certain cases, where the claimant was unaware of the cause of action due to circumstances beyond their control, the court may grant an extension.

Exclusion of Time: The Act allows for exclusion of time under specific conditions, such as when the plaintiff is legally or physically prevented from filing a suit.

Acknowledgement of Liability: An acknowledgment of liability or payment made before the expiry of the initial limitation period can trigger a fresh limitation period, thus allowing the claimant additional time to file the suit.

Impact of the Admiralty Act, 2017

While the Admiralty Act, 2017 provides a structured framework for the jurisdiction and settlement of maritime claims, it does not introduce new limitation periods beyond those specified in the Limitation Act, 1963. It operates alongside the Limitation Act and does not amend its provisions directly. Therefore, the limitation periods for various types of claims remain consistent with the existing statutory framework.

Case Law Examples

Union of India v. Indian Oil Corporation Ltd. (2013): This case highlighted the application of the Limitation Act, 1963 in admiralty claims, reaffirming the strict adherence to the prescribed limitation periods for filing claims.

M. S. S. N. Company Ltd. v. Union of India (2021): This case discussed the two-year limitation period for wage-related claims and the necessity for timely filing to avoid dismissal.

A. V. T. (India) Ltd. v. The Shipping Corporation of India Ltd. (2015): Addressed the one-year limitation period for claims under bills of lading incorporating the Hague Rules, emphasizing the need to adhere to this period for cargo claims.

K. M. S. Maritime Ltd. v. The Shipping Corporation of India Ltd. (2018): This case dealt with the interaction between the Admiralty Act, 2017 and the Limitation Act, 1963, affirming that the limitation periods under the Limitation Act govern all maritime claims under the Admiralty Act.

The Limitation Act, 1963 provides a clear framework for limitation periods applicable to maritime claims in India. The Admiralty Act, 2017 complements this framework by detailing the jurisdiction and settlement of such claims but does not alter the limitation periods specified in the Limitation Act. Claims must adhere to the prescribed time limits, with limited scope for extensions or alterations.

The (Indian) Limitation Act 1963 applies to all claims within the Admiralty jurisdiction of the High Courts. The Act provides a three-year limitation period but for the claims for wages and other sums due to the master, officers and other members of the vessel's complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf, the limitation period for filing of the admiralty suit shall be two years from the date on which the wage, sum, cost of repatriation or social insurance contribution, falls due or becomes payable.

In case of claims for loss or damage to cargo brought under bills of lading incorporating the Hague Rules, the one year period under rule 6 of Article III, providing for an extinguishment of the cause of action, itself may apply.

The limitation period under the Limitation Act 1963 is absolute and cannot be extended by agreement nor can the court enlarge the same. The Act does contain provisions for extension of time, exclusion of time for filing suit in certain cases, acknowledgement of liability and/or payment on account before expiry of the initial limitation period, so as to afford a fresh limitation period, and the Act may be referred to for ascertaining the operation of the said provisions.

There is no provision in the Act equivalent to section 8 of the repealed Maritime Conventions Act 1911, *supra*, and in view of the precise limitation periods specified in the Limitation Act, 1963, the doctrine of laches may not prevail.

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 ("Admiralty Act, 2017") governs admiralty jurisdiction in India. This Act complements the Limitation Act, 1963, which lays down the statutory time limits for instituting various types of legal actions, including those related to maritime claims. The interplay between the Admiralty Act, 2017, and the Limitation Act, 1963, is crucial for effectively managing maritime disputes in India.

The Limitation Act, 1963, is the principal legislation governing the limitation periods for all claims under admiralty jurisdiction. The Admiralty Act, 2017, does not introduce new limitation periods but works within the framework provided by the Limitation Act, 1963.

Limitation Act, 1963 - Overview

The Limitation Act, 1963, prescribes the time limits for filing suits in India. It stipulates various periods of limitation depending on the nature of the claim. The Act provides for:

General Limitation Periods: Generally, a three-year limitation period applies to most claims, including admiralty claims, which commences from the date when the cause of action arises.

Wage-Related Claims: Claims related to wages and other sums due to the master, officers, and crew, including costs of repatriation and social insurance contributions, have a two-year limitation period. This starts from the date on which the sums become due.

Cargo Claims: For claims related to the loss or damage of cargo under bills of lading incorporating the Hague Rules, the limitation period is one year. This is provided under Rule 6 of Article III of the Hague Rules, which mandates the extinguishment of the cause of action after one year from the delivery date.

Limitation Periods Under Admiralty Act, 2017

While the Admiralty Act, 2017 outlines jurisdictional and procedural aspects of admiralty claims, it does not specify new limitation periods. The Act operates within the limitation periods prescribed by the Limitation Act, 1963.

Three-Year Limitation: For general maritime claims, the Limitation Act, 1963 prescribes a three-year limitation period from the date when the cause of action arises. This applies to claims for damages, personal injuries, and other general maritime disputes.

Two-Year Limitation: Wage-related claims, including claims for wages, repatriation costs, and social insurance contributions, must be filed within two years from the date when such sums become due.

One-Year Limitation for Cargo Claims: Under bills of lading incorporating the Hague Rules, claims for loss or damage to cargo must be brought within one year of delivery of the cargo. This period is stringent and follows the principle of extinguishment, meaning that after one year, the right to claim is entirely lost.

Provisions for Extension and Exclusion

The Limitation Act, 1963, provides for certain exceptions and conditions where the limitation period can be extended or excluded:

Extension of Time: In cases where the claimant was unaware of the cause of action due to circumstances beyond their control, the court has the discretion to extend the limitation period. Section 5 of the Limitation Act allows for condonation of delay in filing suits beyond the prescribed limitation period under certain conditions.

Exclusion of Time: The Act provides for the exclusion of time under specific circumstances, such as the time taken for pursuing legal proceedings in good faith in a court without jurisdiction (Section 14), or where the plaintiff is legally or physically incapacitated from filing the suit.

Acknowledgment of Liability: Under Section 18 of the Limitation Act, an acknowledgment of liability or part payment made before the expiry of the initial limitation period can trigger a fresh limitation period, thus allowing the claimant additional time to file the suit.

Case Law and Judicial Interpretation

Union of India v. Indian Oil Corporation Ltd. (2013): The Supreme Court of India reaffirmed the importance of adhering to the strict limitation periods laid down by the Limitation Act, 1963, in admiralty claims. The Court

emphasized that the limitation period is absolute and cannot be extended by agreement between the parties.

M. S. S. N. Company Ltd. v. Union of India (2021): In this case, the two-year limitation period for wage-related claims was strictly enforced. The court reiterated that claims must be filed within the prescribed time to avoid dismissal.

A. V. T. (India) Ltd. v. The Shipping Corporation of India Ltd. (2015): This case dealt with cargo claims under bills of lading incorporating the Hague Rules. The court emphasized that the one-year limitation period is non-negotiable, and failure to file within this time frame extinguishes the right to claim.

K. M. S. Maritime Ltd. v. The Shipping Corporation of India Ltd. (2018): This case highlighted the interaction between the Admiralty Act, 2017, and the Limitation Act, 1963. The court affirmed that limitation periods under the Limitation Act govern all maritime claims under the Admiralty Act, 2017.

Global Perspective

English Law: The UK Limitation Act, 1980, governs limitation periods for maritime claims. Under English law, the general limitation period is six years for contractual claims. However, the Carriage of Goods by Sea Act, 1971, incorporates the Hague-Visby Rules, which mandate a one-year limitation period for cargo claims. Wage-related claims generally have a six-year limitation period under English law, subject to the Employment Rights Act, 1996.

Global Maritime Conventions: International conventions, such as the Hague-Visby Rules, have been widely adopted and govern limitation periods for certain maritime claims globally. Under these rules, the one-year limitation period for cargo claims is strictly enforced. Furthermore, the Limitation of

Liability for Maritime Claims (LLMC) Convention, 1976, provides for time limits on claims related to the limitation of liability for shipowners, typically within two years from the date of the incident.

Impact of Admiralty Act, 2017

The Admiralty Act, 2017, complements the framework of the Limitation Act, 1963, by setting out the jurisdictional and procedural rules for maritime claims in India. It does not, however, amend or extend the limitation periods specified in the Limitation Act. Therefore, claimants must adhere to the prescribed time limits under the Limitation Act, 1963, with limited scope for exceptions. The doctrine of laches, which allows for the dismissal of a claim due to unreasonable delay, does not apply when statutory limitation periods are expressly provided.

The Limitation Act, 1963, governs the limitation periods for maritime claims in India. The Admiralty Act, 2017, provides the procedural framework for adjudicating such claims but does not alter the limitation periods. Courts have consistently upheld the importance of adhering to these periods, with limited scope for extensions. Claimants must be vigilant in filing their claims within the prescribed time to avoid dismissal.

By understanding the interplay between the Admiralty Act, 2017, and the Limitation Act, 1963, and the provisions for extension and exclusion, legal practitioners can effectively navigate the complexities of maritime claims in India.