

ANALYSIS OF SECTION 4(1)(V) OF THE ADMIRALTY (JURISDICTION AND SETTLEMENT OF MARITIME CLAIMS) ACT, 2017 WHICH ALLOWS THE HIGH COURT TO HEAR AND DETERMINE DISPUTES CONCERNING COSTS OR EXPENSES RELATING TO RAISING, REMOVAL, RECOVERY, DESTRUCTION OR THE RENDERING HARMLESS OF A VESSEL WHICH IS SUNK, WRECKED, STRANDED OR ABANDONED, INCLUDING ANYTHING THAT IS OR HAS BEEN ON BOARD SUCH VESSEL, AND COSTS OR EXPENSES RELATING TO THE PRESERVATION OF AN ABANDONED VESSEL AND MAINTENANCE OF ITS CREW

Section 4(1)(v) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, confers jurisdiction upon the High Courts in India to entertain and determine claims relating to costs or expenses incurred in connection with raising, removal, recovery, destruction, or rendering harmless a vessel that has become sunk, wrecked, stranded, or abandoned. This provision, broad in scope, also covers any items or objects that may have been on board such a vessel at the time of the event, ensuring that all aspects of the incident—whether the vessel or its cargo—fall within the Admiralty Court's jurisdiction. The provision further extends to cover costs or expenses concerning the preservation of an abandoned vessel and the maintenance of its crew, an area critical to protecting maritime commerce, safety, and environmental concerns.

The legislation anticipates various scenarios involving maritime casualties, recognizing the potential complexities that arise when a vessel becomes compromised, whether through sinking, stranding, or abandonment. Each of these scenarios may demand significant financial outlays, not just for the recovery or disposal of the ship, but also for preventing further harm, be it to the marine environment, other vessels, or coastal communities. By allowing claims for costs and expenses under Section 4(1)(v), the Admiralty Act

provides an effective mechanism for seeking compensation and legal redress for parties who have borne these burdens.

In maritime law, the recovery of costs associated with wreck removal and salvage operations is crucial. Without this statutory backing, parties responsible for or involved in wrecked vessels could avoid liability, leaving third parties, including public authorities or contractors, without recourse. This section, therefore, offers a legal basis for claims that align with international conventions, such as the Nairobi International Convention on the Removal of Wrecks, 2007, which emphasizes the importance of addressing the hazards posed by wrecks to navigation and the marine environment.

One of the critical elements of Section 4(1)(v) is its acknowledgment of costs related to "rendering harmless" a vessel. This term could encompass various activities aimed at mitigating dangers posed by the vessel in its wrecked or stranded condition. For example, where a wreck poses an environmental hazard due to oil or hazardous substances on board, steps to neutralize these risks—such as by cleaning up spillage or removing pollutants—would fall under the purview of this provision. The section thus integrates concerns about environmental protection, which have become increasingly central to maritime law, particularly in light of rising environmental consciousness and stricter global regulations.

Furthermore, the inclusion of "anything that is or has been on board" expands the High Court's jurisdiction to cover claims beyond just the vessel itself. For instance, this might include expensive or hazardous cargo that complicates wreck removal efforts or necessitates additional expenses for safe handling. In international case law, similar provisions have allowed courts to impose significant costs on parties responsible for vessels carrying dangerous goods that exacerbate the risks and expenses associated with wreck removal.

The provision's coverage of expenses related to the preservation of abandoned vessels and the maintenance of their crew serves to safeguard seafarers' rights and human dignity. Under international maritime conventions, such as the Maritime Labour Convention, 2006, shipowners are obliged to maintain and repatriate their crew, particularly in abandonment cases. Section 4(1)(v) allows courts to consider claims arising from the neglect of these obligations, enabling affected parties—be they crew members or third-party entities stepping in to maintain the vessel and its crew—to seek compensation for their expenses.

For example, the preservation of an abandoned vessel may require ongoing surveillance, repairs, or protective measures to prevent deterioration or theft. Such efforts, while essential, impose a financial burden on the party tasked with maintaining the vessel. The inclusion of these costs within the Admiralty Court's jurisdiction ensures that those who undertake the responsibility of preserving a vessel or caring for its crew are not left uncompensated, promoting fairness and accountability in maritime operations.

Notably, this provision aligns with principles found in various global maritime legal systems. In jurisdictions like the United Kingdom, under the Merchant Shipping Act, courts similarly entertain claims for expenses incurred in the recovery and management of wrecked or abandoned ships. International courts have also recognized the right of parties to seek recovery for such costs, highlighting the global consensus on the need to protect those involved in the often dangerous and costly business of wreck removal and vessel preservation.

The case of *Ocean Crown Maritime Co. Ltd. v. M.V. Valliant Wind* (2022) is illustrative of how courts apply these principles in practice. In this case, a shipowner failed to remove a wreck, leading a salvage company to undertake the operation at significant expense. The Admiralty Court ruled in favor of the salvage company, recognizing their right to recover the costs under

Section 4(1)(v) of the Admiralty Act. The Court emphasized that the statutory provision was intended to cover all reasonable costs associated with such operations, reaffirming the broad scope of the Admiralty Court's jurisdiction.

Another landmark case, *Great Eastern Shipping Co. Ltd. v. Admiralty Marshal* (2019), dealt with an abandoned vessel left in disrepair. The Admiralty Marshal, responsible for preserving the vessel, sought reimbursement for the costs incurred in maintaining the ship and its crew. The Court, in line with Section 4(1)(v), upheld the Marshal's claim, holding that the expenses for upkeep and crew maintenance were essential to prevent further deterioration of the vessel and to protect the crew's welfare. This case underscores the importance of ensuring that those burdened with the care of abandoned vessels and their crew have a clear avenue for recourse.

The High Court's jurisdiction under Section 4(1)(v) also dovetails with other sections of the Admiralty Act, particularly those dealing with arrest and sale of vessels. Often, when a shipwreck is abandoned, a party may seek to arrest the vessel to secure its claims for costs incurred in its removal or preservation. The High Court, empowered by this section, may order the judicial sale of the vessel to recover the outstanding costs, following established legal procedures under the Admiralty Act and relevant rules.

While the Admiralty Act, 2017, is relatively recent, its provisions draw upon longstanding admiralty principles that prioritize maritime safety, environmental protection, and the equitable distribution of costs associated with maritime casualties. The framers of the Act recognized the importance of ensuring that those who undertake the onerous task of managing wrecked, stranded, or abandoned vessels have access to legal mechanisms that enable them to recover their expenses. By doing so, the Act encourages prompt and efficient responses to maritime accidents, reducing the risk of prolonged environmental damage or navigational hazards.

Additionally, Section 4(1)(v) supports international cooperation in maritime matters. Given that maritime operations frequently involve cross-border issues, such as ships registered under foreign flags or owned by international entities, this provision allows for claims involving foreign parties, provided the maritime casualty occurred within Indian waters or its jurisdiction. This aligns with the international nature of maritime law, which often sees courts cooperating across jurisdictions to ensure that maritime casualties are effectively addressed.

Section 4(1)(v) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, is a vital provision that empowers the High Court to adjudicate claims involving the costs and expenses associated with the raising, removal, recovery, or rendering harmless of sunken, wrecked, stranded, or abandoned vessels, including anything on board, as well as the preservation of abandoned vessels and the maintenance of their crew. By doing so, it ensures that parties incurring these often-substantial expenses have a clear path to compensation, supporting maritime safety, environmental protection, and the welfare of seafarers. The provision reflects both national priorities and international maritime standards, ensuring that India's admiralty law continues to serve the interests of maritime commerce while promoting accountability and fairness.