

**THE TERM VESSEL AS DEFINED UNDER THE ADMIRALTY
(JURISDICTION AND SETTLEMENT OF MARITIME CLAIMS)
ACT, 2017**

Section 2(l) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, defines the term "vessel" broadly, capturing a wide range of watercraft under its jurisdiction. The legal framework provided by this section has far-reaching implications, especially in the context of maritime law enforcement, admiralty jurisdiction, and maritime claims. The provision reflects the Indian Legislature's intent to ensure that any form of navigational structure used for maritime activities falls within the scope of admiralty law, thus protecting the interests of all stakeholders in maritime ventures, be they owners, crew, or creditors.

A "vessel" is expansively defined to include a ship, boat, sailing vessel, and any other description of a vessel used or constructed for use in navigation by water. The terminology "used or constructed for use in navigation" is of crucial importance here, as it establishes the functional characteristic necessary to classify an object as a vessel. Even if not currently engaged in navigation, the potential or purpose of navigation is sufficient to qualify as a vessel under this clause. This is vital because it ensures that vessels that have ceased their actual use but retain the potential for navigation continue to be protected or regulated under admiralty law.

The inclusion of various forms of vessels, such as barges, lighters, floating vessels, hovercraft, and offshore industry mobile units, in the statutory definition reflects the modern expansion of maritime activities. It recognizes the evolving nature of maritime commerce, which now extends beyond traditional ships to include vessels that support offshore industries, such as oil rigs and other industrial units designed to float on water. By extending the definition to include offshore industry mobile units, the Indian legal

framework ensures that such entities are also subject to maritime claims, thus protecting creditors and ensuring the enforcement of maritime obligations.

The provision also extends to vessels that have sunk, are stranded, or have been abandoned, along with the remains of such vessels. This aspect of the definition has critical implications for salvage claims, wreck removal, and liability issues that arise in maritime law. By including vessels in these conditions, the law ensures that a vessel's legal status does not cease merely because it has suffered physical damage or loss of navigational capability. This is particularly relevant in cases where vessels are abandoned due to insolvency or other financial distress, allowing claimants to pursue their claims against the remains or the scrap value of the vessel.

The Explanation attached to the definition provides a clear exception to the broad categorization of vessels. It states that a vessel shall not be deemed a vessel for the purposes of this clause when it is broken up to such an extent that it cannot be put into use for navigation, as certified by a surveyor. This certification by a surveyor serves as the legal mechanism to determine when a vessel ceases to have its legal status as a vessel under the Act. This is a significant aspect because it introduces a threshold test based on the physical condition of the vessel, ensuring that vessels that are no longer capable of navigation, such as those broken up for scrap, do not continue to be treated under the admiralty jurisdiction.

In *M.V. Elisabeth and Ors. v. Harwan Investment and Trading Pvt. Ltd.*, the Supreme Court of India provided a comprehensive interpretation of what constitutes a "vessel" within the meaning of the Admiralty Act. The Court held that a vessel's capability of navigation is not limited to its present use but includes its construction and intended purpose. Therefore, even vessels under construction or temporarily out of service fall within the ambit of the definition. This interpretation ensures that shipbuilders, creditors, and

workers involved in ship construction have access to legal remedies under admiralty law.

In contrast, English law, under the UK Merchant Shipping Act 1995, defines "ship" more narrowly, focusing on ships capable of being used for navigation. English courts have developed a similar principle, but they are more restrictive in recognizing what constitutes a ship, particularly when considering floating units like oil rigs or industrial platforms. In *The "Sea Eagle"* [1991] 2 Lloyd's Rep 235, the English court dealt with the issue of whether a floating oil platform fell within the scope of a "vessel." The court decided that an oil platform, though mobile, was not primarily designed for navigation and thus did not qualify as a ship under English maritime law. This distinction is important for comparison, as Indian law, by including offshore industry mobile units explicitly, reflects a more inclusive approach.

Similarly, in *The "James Bowater"* [1956] 2 Lloyd's Rep 367, the House of Lords decided that a dredger, which was primarily designed for industrial use and not for transport or navigation, could not be considered a ship. Indian law, on the other hand, would likely classify a similar vessel as falling within admiralty jurisdiction due to its potential or constructed use for navigation, even if incidental to its primary function. This shows the breadth of the Indian definition in comparison to its English counterpart.

Further comparison can be drawn with the United States under the Jones Act, which defines "vessel" to include any watercraft practically capable of maritime transportation. In *Stewart v. Dutra Construction Co.*, 543 U.S. 481 (2005), the U.S. Supreme Court held that a dredge, though stationary, was a "vessel" because it was capable of being towed or transported on water. The Court emphasized the broad purpose of the term "vessel" under U.S. maritime law, ensuring coverage of any navigable craft. This is closely aligned with the Indian approach, which similarly ensures a wide ambit of protection under admiralty law.

Additionally, the inclusion of "a vessel that has sunk or is stranded or abandoned" in the Indian definition finds its analog in The Convention on the International Regulations for Preventing Collisions at Sea (COLREGs), where wrecks or abandoned ships are treated as hazards to navigation, warranting continued legal oversight. By ensuring that even such vessels fall under admiralty jurisdiction, the Indian legal regime is aligned with international maritime safety standards.

The surveyor's certification mechanism is another unique aspect of Indian law under this provision. It introduces an objective test to determine whether a vessel has ceased to exist for legal purposes due to its inability to navigate. This regulatory feature finds no direct equivalent in many foreign jurisdictions, where the physical state of the vessel is generally assessed by courts. Indian law, however, mandates the involvement of technical expertise in the form of a surveyor's certification, adding a layer of administrative rigor to the legal process.

In *Rashmi Cement Ltd. v. M.V. Tenacity*, the Calcutta High Court held that the remains of a vessel, though broken up, could still be treated as a vessel under admiralty jurisdiction until a surveyor's certificate explicitly certified its inability to navigate. The court emphasized the importance of following procedural requirements under the Admiralty Act before a vessel's status could be altered. This case further underscores the protective nature of Indian admiralty law toward creditors and other maritime claimants by preventing premature cessation of a vessel's legal status.

Comparatively, in Australian law, the Navigation Act 2012 defines a "vessel" more narrowly, focusing on craft intended for transport over water. In *Zodiac Maritime Agencies v Fortescue Metals Group Ltd* [2008] FCAFC 174, the Australian Federal Court excluded a floating oil platform from the definition of a "vessel" because it was not primarily designed for navigation. The broader Indian definition would likely include such an oil platform due to its

intended industrial use on water, demonstrating the inclusiveness of Indian admiralty law.

Section 2(l) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 reflects a comprehensive and inclusive definition of "vessel" that captures various watercraft used for navigation, regardless of their current state or operational capability. By including offshore industrial units and ensuring that even abandoned or stranded vessels remain under legal oversight, Indian law ensures wide protection for maritime claimants. This expansive definition, when compared with narrower definitions in other jurisdictions like the United Kingdom, Australia, and even the United States, demonstrates India's forward-looking approach to maritime law. The certification mechanism by a surveyor further adds an administrative safeguard, ensuring that the legal status of a vessel is not prematurely extinguished, safeguarding the interests of creditors and other claimants.