

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:4389

ANSWERED ON:29.03.2017

Jurisdiction on High Seas

Owaisi Shri Asaduddin

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether at present only Bombay, Calcutta and Madras High Courts are allowed to settle maritime claims;
- (b) if so, the details thereof;
- (c) whether Government has amended the law passed in 1865 allowing High Courts of all coastal States to settle maritime claims;
- (d) if so, the details thereof;
- (e) whether new law is applicable to every vessel irrespective of origin or domicile of owner; and
- (f) if so, the extent to which the proposed changes are likely to settle maritime claims speedily?

Answer

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI P. P. CHAUDHARY)

(a) & (b) : The statutory provisions on admiralty jurisdiction flows from British statues namely (a) the Admiralty Court Act, 1840, (b) the Admiralty Court Act, 1861, (c) Colonial Courts of Admiralty Act, 1890, (d) Colonial Courts of Admiralty (India) Act, 1891, and (e) the provisions of the Letters Patent, 1865 applicable to the admiralty jurisdiction of the Bombay, Calcutta and Madras High Courts. These Acts provide for admiralty jurisdiction to only Bombay, Calcutta and Madras High Courts. However, after the Hon'ble Supreme Court in its judgement on 26th February, 1992 in the matter of M. V. Elisabeth And Ors. Vs. Harwan Investment And Trading Ltd held that the High Court of Andhra Pradesh undoubtedly possesses jurisdiction over claims relating to inward and outward cargo, coastal States are entitled to assume jurisdiction in respect of maritime claims against foreign merchant ships lying in their waters. These ships are liable to be arrested and detained for the enforcement on maritime claims.

(c) & (d) : The Government has consolidated the existing laws relating to admiralty jurisdiction of courts, admiralty proceedings on maritime claims, arrest of vessels and related issues in the Admiralty (Jurisdiction & Settlement of Maritime Claims) Bill, 2017 (passed by the Lok Sabha on 10th March, 2017 and to be introduced in Rajya Sabha for consideration and passing).a The Bill confers admiralty jurisdiction on High Courts located in coastal states of India and this jurisdiction extends upto territorial waters. The jurisdiction is extendable, by a Central Government notification, upto exclusive economic zone or any other maritime zone of India or islands constituting part of the territory of India.

(e) : The Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill shall apply to every vessel, irrespective of the place of residence or domicile of the owner. The Bill provides that admiralty jurisdiction shall be exercisable by respective High Courts over the waters up to and including the territorial waters of their respective jurisdiction.

(f) : The list of maritime claims has been expanded in line with international uniform practices. High Courts can arrest a vessel for security and if circumstances require an arrested vessel can be sold by the court. Action can also be initiated in person against settlement of maritime claims. Maritime claims and maritime liens will be subject to inter-se priority and wages of seafarers shall holds highest priority. Ship-owners, charterer, operator and crew are protected from unjustified arrest of vessel.