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India's Maritime Law and Coastlines Footprints

India has long coastline and is surrounded by Indian Ocean in the south, Arabian Sea in the West and Bay of Bengal in the East. Being guarded with its neighbor and vast ocean bodies it becomes quite important for India to safeguard its existence and dominance in Nautical region. Understanding the critical significance of the Indian Ocean is paramount for India's sovereignty. History reveals that whenever India has overlooked this vital maritime region, it has faced challenges in safeguarding its sovereignty. This was particularly evident during the era of European colonization in India. The Indian Ocean holds immense importance for India, serving as a vital conduit for foreign trade activities. Evidence dating back to the 9th Century BCE underscores India's heavy reliance on this maritime route for trade. Maritime route plays a significant role in boosting the economic interest of a region. A Nation with well define and outlined laws/bylaw/regulations/ordinance needs a body of legal principles governing matters related to shipping, cargo transportation, customs, port regulations, and disputes within the maritime realm. It encompasses a wide spectrum of issues, including cargo damage, delayed deliveries, lost packages, ship damages, collision, and more. The existing Maritime Laws in India primarily originated during the colonial era, heavily influenced by English legislation. Various statutes like the Admiralty Offences (Colonial) Act, 1849, the Inland Steam-vessels Act, 1917, the Coasting Vessels Act, 1838, the Indian Registration of Ships Act (1841) Amendment Act, 1850, the Indian Ports Act, 1908, the Indian Merchant Shipping Act, 1923, the Merchant Seamen (Litigation) Act, 1946, the Control of Shipping Act, 1947, the Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949, and the Territorial Waters Jurisdiction Act, 1878, have contributed significantly to shaping the Admiralty and Maritime framework of the nation. Additionally, a series of regulations formulated by British lawmakers between 1823 and 1940 govern various aspects of the Indian Shipping industry, encompassing salvage operations,

certification of seafarers, ship-owner's liability, safety regulations, line conventions, and other related matters. Even during the post-independence period in India, the jurisdiction of Admiralty Courts remained under the control of the Colonial powers. However, through the case of *M. V. Elisabeth v. Harwan Investment and Trading Pvt Ltd*, it was established that the High Courts of India possess a superior status compared to any other courts or laws when it comes to deciding matters within India. It was specifically emphasized that the High Courts have unlimited jurisdiction with inherent and plenary powers to determine their own jurisdiction. Consequently, after this landmark case, the principles of the International Convention on Maritime Laws were implemented within India's common law system. The rationale behind adopting the international convention was the absence of Indian statutes governing maritime claims and court jurisdiction. This marked a departure from the longstanding tradition of applying British maritime laws. Indian Government is also taking effective measures to make India all-rounder in Indian Ocean Region, initiatives like Security and the Growth for All in the Region (SAGAR) lays down a clear emphasis on the roadmap and the goals regarding the infrastructural advancements in maritime region. Undoubtedly, China poses the foremost challenge for New Delhi in the maritime sphere. Since 2008, when Beijing deployed its warships to the Gulf of Aden for anti-piracy operations, China's military presence in the eastern Indian Ocean has notably expanded. Through investments and infrastructure projects, China has aimed to assert influence over the Bay of Bengal states. Bangladesh, Myanmar, Sri Lanka, and Thailand have all reaped benefits from China's Belt and Road Initiative (BRI), along with Pakistan, China's longstanding ally in South Asia. In some cases, countries have permitted Chinese-built commercial facilities on their soil, which may serve quasi-military purposes. In response, India has embarked on strengthening its maritime capabilities and augmenting its naval presence in the Indian Ocean to counter China. The Indian Navy (IN) has initiated an ambitious plan to establish a 175-ship fleet by 2035, prioritizing indigenization and reducing reliance on foreign suppliers. The majority of the ships currently under construction, 41 out of 43, are being built in Indian shipyards, with proposals for an additional 49 ships and submarines in the approval process. With the goal of achieving self-sufficiency by 2047, naval commanders are directing their efforts toward futuristic capability development, strategizing to address intricate security challenges in the maritime domain. Acquisitions of various warfighting platforms and assets are underway to forge a versatile and adaptable force capable of operating across different levels of engagement. In a nutshell, a comprehensive and an overarching security

framework for the Indian Ocean Region is extremely crucial for the government to develop considering the current geopolitical status and the developmental activities being carried out by the various littoral states. The Legislature needs to emphasize on how important it is for India to have a responsibility of regional states when it comes to maintaining peace, stability and prosperity in the Indian Ocean. India needs to make a concerted effort in the form of a robust piece of legislation if it aims to mitigate the innumerable threats lurking over it. India's maritime law has undergone significant evolution, adapting to the changing needs of the maritime industry and promoting investment opportunities within the country. These enchanting milestones have not only transformed India's maritime landscape but also contributed to the growth of its logistic sector, making it a vital player in global trade.