



**PRESIDENCY UNIVERSITY
BENGALURU
SCHOOL OF LAW**

TEST 1

Winter Semester: 2021 - 22

Course Code: Law 317

Course Name: Maritime Law and Admiralty

Program & Semester: BA/BB / VI Sem

Date: 28th April 2022

Time: 10:00 AM to 11:00 AM

Max Marks: 30

Weightage: 15 %

Instructions:

- (i) Read all the questions carefully and answer accordingly.
- (ii) All Questions are **COMPULSORY**
- (iii) All questions carry equal marks given accordingly

Part A [Memory Recall Questions]

Answer all questions. Each question carries ONE Marks. (10Qx 1M= 10 M)

1. Law of the Sea Convention or the Law of the Sea treaty was open for signature?

- a. Montego Bay, Jamaica
- b. Kingston, Jamaica
- c. Port Antonio, Jamaica
- d. Negril, Jamaica

(C.O.No.1) [Knowledge level]

2. How many countries are binding with the Law of the Sea Convention or the Law of the Sea treaty?

- a. 154 Countries
- b. 154 Countries and European Community
- c. 154 Countries and Afro-Asian community
- d. 154 countries and Gulf community

(C.O.No.1) [Knowledge level]

3 When was the Law of the Sea Convention or the Law of the Sea treaty open for signature?

- a. 8 December 1982
- b. 9 December 1982
- c. 10 December 1982
- d. 11 December 1982

(C.O.No.1) [Knowledge level]

4 When was the Law of the Sea Convention or the Law of the Sea treaty came into force?

- a. 18 November 1994
- b. 14 December 1994
- c. 1 November 1994
- d. 14 November 1994

C.O.No.1) [Knowledge level]

5 Which of the following is not the part of the provision of the Law of the Sea Convention?

- a. Navigation
- b. Archipelagic status and transit regimes
- c. Protection of the marine environment
- d. Coral Protection

(C.O.No.1) [Knowledge level]

6 .What is Territorial Sea?

(C.O.No.1) [Knowledge level]

7 .What is Exclusive Economic Zone?

(C.O.No.1)[Knowledge level]

8. What do you understand by The Term “Internal Waters”?

(C.O.No.1) [Knowledge level]

9. What do you understand by the Term “High Seas”?

(C.O.No.1) [Knowledge level]

10. Which Laws Governs the Warships?

(C.O.No.1) [Knowledge level]

Part B [Thought Provoking Question]

Answer the question. The question carries TEN Marks. (1Qx10M=10 M)

11 India is one of the state which enjoys vast costal belt. The sovereignty of a coastal State extends, up to the territorial waters. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil. How India can have supremacy in the Sea for its trade and defense systems, explain with reference to UNCOLS and Other international conventions

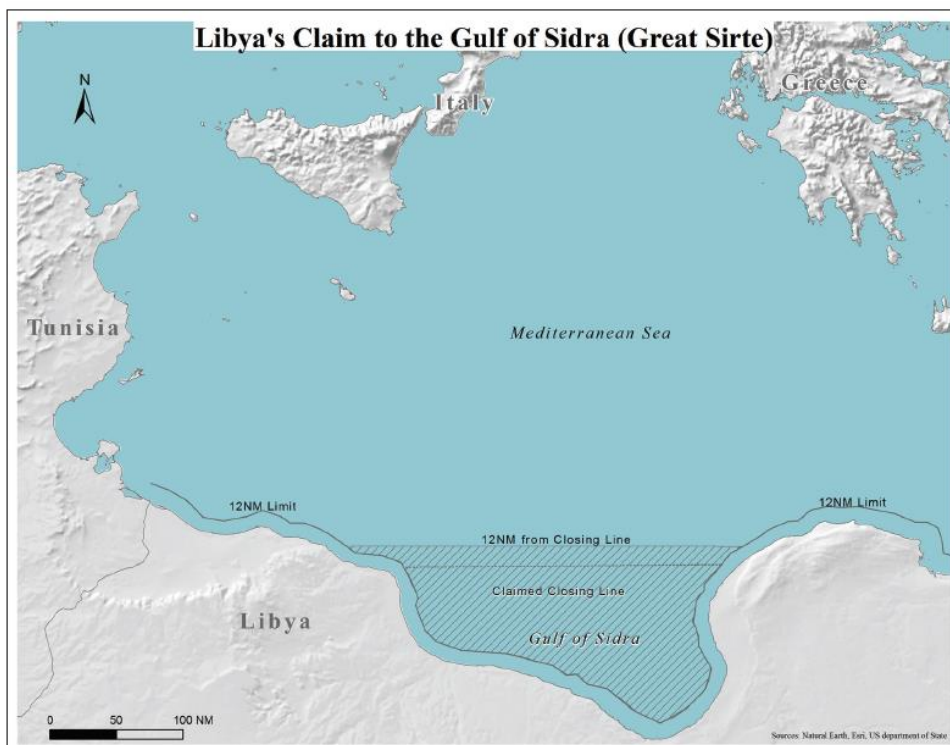
(C.O.No.1) [Knowledge level]

Part C [Problem Solving Question]

Answer all questions. Each question carries TEN Marks (1Qx10M=10 M)

12 Look at the below map of the countries, try to solve the problems associated with the boundaries and countries stake holders.

(C.O. No. 1) [Knowledge level]





Roll No																				
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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

TEST 2

Winter Semester: 2021 - 22

Course Code: LAW 317

Course Name: Law of Sea and Admiralty

Program & Semester: BA-LLB/BBA-LLB / semester VISem

Date: 03/JUNE/2022

Time: 10:00 AM – 11:00AM

Max Marks: 30

Weightage: 15 %

Instructions:

(i) *Read all the questions carefully.*

(ii) *All Questions are COMPULSORY*

Part A

[Memory Recall Questions, Answer in One sentence only]

(10Qx

1Mark= 10 M)

Q.NO.1) Is it necessary that the ship should be in Indian waters for filing of an Admiralty Suit?

C.O.No.1)

[Knowledge level]

Q.NO.2) In an unreported appeal court judgment, dated 20th July 2001 in M.V. Umang, the Bombay High Court ruled that its admiralty jurisdiction extends throughout the

(C.O.No.1)

[Knowledge level]

Q.NO.3 Can a ship be arrested if she is already beached for demolition?

(C.O.No.1)

[Knowledge level]

Q.NO.4 Can a Indian flag vessel be arrested?

(C.O.No.1)

[Knowledge level]

Q.NO.5) What is action in rem and action in personam?

(C.O.No.1)

[Knowledge level]

Q.NO.6) Can an Admiralty court pass an order of arrest even if the vessel is outside that state jurisdiction but within Indian territorial waters?

(C.O.No.1) [Knowledge level]

Q.NO.7) Can legal sister ships be arrested?.

(C.O.No.1)[Knowledge level]

Q.NO.8 **What is** Salvage operations or any salvage agreement, (C.O.No.1)

[Knowledge level]

Q.NO.9) Under the so called "Dead vessel" doctrine, a vessel (C.O.No.1)

[Knowledge level]

Q.NO.10) What is maritime lien? (C.O.No.1)

[Knowledge level]

Part B [Thought Provoking Question]

(1Qx10M=10 Marks)

Q.NO.11 The Indian Courts possessing Admiralty jurisdiction have jurisdiction over the following claims and to hear and determine any questions with regard thereto the claims as defined under Article 1 of the International Convention for the Unification of Certain Rules relating to the Arrest of Seagoing Ships, Brussels, May 10, 1952 'or' under Article 1 of the International Convention on the Arrest of Ships, Geneva, March 12, 1999 as set out herein under: Comments and Discuss for what types of claims can you arrest a ship?

(C.O.No.1) [Comprehension level]

Part C [Problem Solving Question]

(1Qx10M=10 M)

Q.NO12) Read the following case and suggest as a counsel on behalf of Indian two fisherman's family killed in the firing or the master of the Ships. Take any one side only. Try to suggest if matters can resolved by arbitration also.

India argued it had jurisdiction over the case as the two fishermen were killed without warning just 20.5 nautical miles from Indian coast making the area part of India's Exclusive Economic Zone (EEZ).

The Kerala High Court had earlier observed that through a Government of India notification in 1981, the IPC had been extended to the EEZ, and Kerala's territorial jurisdiction was not, therefore, limited to 12 nautical miles. The court also said that under SUA, Kerala had jurisdiction up to 200 nautical miles from the coast. The Supreme Court later said that the Centre had jurisdiction over the case and not Kerala.

Italy claimed that as the Indian vessel drew close, the marines assessed that it "was on a collision course with the MV Enrica Lexie and that this modus operandi was consistent with a pirate attack". It claimed that the fishing vessel continued to head

towards the tanker despite sustained visual and auditory warnings, and the firing of warning shots into the water.

Italy claims the marines had been hired to protect the tanker from pirates and they were only doing their job. Italy argues the marines enjoyed sovereign functional immunity in India and Italy alone had jurisdiction to deal with them. According to Italy, it was an “incident of navigation concerning a ship on the high seas”, outside the territorial waters of India. It has cited Article 97 of the United Nations Convention on the Law of the Sea (UNCLOS): “In the event of a collision or any other incident of navigation concerning a ship on the high seas”, only the flag state of that ship can launch penal proceedings.

Italy criticised the prosecution pursuant to the SUA Convention as equating the incident to an act of terrorism. On March 7, 2014, India dropped the SUA charges against the marines. On February 7, 2014, the charges were downgraded from murder to violence meaning the marines would not face the death penalty if convicted.

Later, Latorre and Girone returned from India to Italy on September 13, 2014 and May 28, 2016, respectively.

C.O. No. 1) [Analytical level]

Roll No.



**PRESIDENCY UNIVERSITY
BENGALURU
SCHOOL OF LAW**

END TERM EXAMINATION

Semester: Odd Semester 2021-2022

Date: 5th July 2022

Course Code: LAW 317

Time: 01:00 PM to 04:00 PM

Course Name: Maritime Law and Admiralty

Max Marks: 100

Program & Sem: B.A./B.B.A/B.Com. LL.B (Hons.) and III Sem

Weightage: 50%

Instructions:

(i) *All Questions are compulsory unless expressly stated otherwise. Explain your answers with suitable case laws*

PART A [Memory Recall Questions]

Answer All the Questions.

(30Qx1M =30M)

1. GATT is a multilateral treaty that:

- (a) restricts trade among non-member countries
- (b) imposes multiple trade barriers among its member nations
- (c) establishes trade agreements and limited tariffs and trade restrictions

(CO.NO.1)

[Comprehension
]

2. The limit of the Territorial Waters of India is:

(a) 12 nautical miles

- (b) 20 nautical miles
- (c) 24 nautical miles; beyond the land territory and internal waters of Pakistan measured from the base line

(CO.NO.1)

[Comprehension
]

3. The International Law Commission is a body to

(a) Investigate situation which may threats international peace and security

(b) Codify International Law

(c) Conciliate between/among the disputing States

(CO.NO.1)

[Comprehension
]

4. The width of the maritime belt is generally recognizing to be

(a) 3 miles

(b) 5 miles

(c) 10 miles

(CO.NO.1)
[Comprehension
]

5. Extradition means:

- (a) Handing over a diplomat to other state
 - (b) Handing over a spy to other state
 - (c) Handing over a criminal to other state
- [Comprehension]

(CO.NO.1)

6. Contiguous Zone is limited to a maximum of

(a) 25 miles (24 nautical mile)

- (b) 50 miles
- (c) 12 miles

(CO.NO.1)
[Comprehension
]

7. Truce is:

- (a) Agreement of ceasefire
- (b) Peace treaty
- (c) Agreement of exchange of Prisoners of War

(CO.NO.1)
[Comprehension
]

8. One of the amicable means of settling state disputes is:

- (a) Conciliation
- (b) Blockade
- (c) War

(CO.NO.1)
[Comprehension
]

9. Contiguous Zone is limited to a maximum of

- a) 25 miles (24 nautical mile)
- b) 50 miles
- c) 12 miles

(CO.NO.1)
[Comprehension
]

10. The Alabama Claims Arbitration case was decided in

- a) 1872
- b) 1854
- c) 1890

(CO.NO.1)
[Comprehension
]

11. Foreign ships sailing and anchoring in the coastal waters of another state are

- a) Subject to the law of Flag State
- b) Subject to the law of Coastal State
- c) Subject to the law of both the States

(CO.NO.1)
[Comprehension
]

12. Piracy is an offense within the jurisdiction of the

- a) Flag State
- b) Offenders State
- c) All the States

(CO.NO.1)
[Comprehension
]

13. Territorial Waters are

- a) Water outside the territorial limits of a state
- b) Waters dividing territory of Two or more states
- c) Waters Adjacent to the contiguous Zone

(CO.NO.1)
[Comprehension
]

(14) "Continental Shelf" means:

- (a) that portion of land which belongs to no state
- (b) that portion of land on the South Pole which can be used by any state
- (c) submerged bed of sea contiguous to a continental land mass

(CO.NO.1)
[Comprehension
]

15 a "Vassal State" is the one which is:

- (a) situated on the sea shore
- (b) an independent state
- (c) Under the protection of another state

(CO.NO.1)
[Comprehension
]

16. The International Law Commission is a body to

- (a) Investigate situation which may threats international peace and security
- (b) Codify International Law**
- (c) Conciliate between/among the disputing States

(CO.NO.1)
[Comprehension
]

17. "Littoral State" means:

- (a) situated on the sea coast
- (b) an independent state
- (c) under the suzerainty of another state

(CO.NO.1)
[Comprehension
]

18. "Contiguous Zone" means:

- (a) that portion of land which belongs to no state
- (b) that portion of land on the South Pole which can be used by any state
- (c) that portion of sea which is adjacent to territorial waters

(CO.NO.1)
[Comprehension
]

19. "Maritime Belt" means:

- (a) that portion of land which belongs to no state
- (b) that portion of land on the South Pole which can be used by any state

(c) that portion of sea which is adjacent to the territory of a coastal state
(CO.NO.1)
[Comprehension
]

20. A state has the right to exploit in the Continental Shelf:

(a) living resources

(b) non-living resources

(c) both (a) and (b)

(CO.NO.1)
[Comprehension
]

21. Contiguous Zone is limited to a maximum of

(a) 25 miles (24 nautical mile)

(b) 50 miles

(c) 12 miles

(CO.NO.1)
[Comprehension
]

22. Rights of land-locked states are governed by

(a) Rules of customary international law

(b) Convention on the Law of Sea

(c) Mutual Consent

(CO.NO.1)
[Comprehension
]

23. "Continental Shelf" means:

(a) that portion of land which belongs to no state

(b) that portion of land on the South Pole which can be used by any state

(c) submerged bed of sea contiguous to a continental land mass

(CO.NO.1)
[Comprehension
]

24. "Contiguous Zone" means:

(a) that portion of land which belongs to no state

(b) that portion of land on the South Pole which can be used by any state

(c) that portion of sea which is adjacent to territorial waters

(CO.NO.1)
[Comprehension
]

25. "Maritime Belt" means:

(a) that portion of land which belongs to no state

(b) that portion of land on the South Pole which can be used by any state

(c) that portion of sea which is adjacent to the territory of a coastal state

(CO.NO.1)
[Comprehension
]

26. Continental shelf of India may extend up to a distance of:

- (a) 150 nautical miles
- (b) 200 nautical miles
- (c) 300 nautical miles----beyond the limits of its territorial waters

(CO.NO.1)
[Comprehension
]

27. Select the correct one:

- (a) only coastal states have the right to sail ships under their flags on the high seas
- (b) every state has the right to sail ships under its flag on the high seas**
- (c) only five big powers have the right to sail ships under their flags on the high seas

(CO.NO.1)
[Comprehension
]

28. Hot pursuit is the principle designed to ensure:

- (a) Vessels violating rules of coastal state cannot escape punishment by fleeing to high sea's
- (b) Capture
- (c) Cancellation of Registration

(CO.NO.1)
[Comprehension
]

29. Piracy, according to law of sea convention 1982 is:

- (a) An illegal act by crew of private ship on the high sea's.
- (b) An act of sabotage
- (c) Act permissible in certain cases

(CO.NO.1)
[Comprehension
]

30. FOB means: \

- (a) Fright on board
- (b) Free on Board
- (c) Federation of the Boat operators

(CO.NO.1)
[Comprehension
]

PART B [Thought Provoking Questions]

Answer all the Questions. Each Question is worth TEN Marks (3Qx10M=30M)

31. If you specifically need sea freight shipping services, you have to know the different types of the service – with knowing this, you will be able to know what type of sea freight service you truly need. Write the different types of ships used in the sea for carrying freights.

(CO.NO.2)
[Comprehension
]

32.. Think of cargo insurance like your health and/or life insurance. As you can imagine, there are plenty of cargo insurance you can choose from, each with its own

coverages and limitations. Write the more common types of cargo insurance and their coverages.

(CO.NO.2)
[Comprehension
]

33. The consequence is conditional depending on the probability of the accident. The general consequences from ship accidents are measured in the following terms: Loss of human life, Loss of cargo, Damage to ship or other ships, Damage to the environment.

Unlike car accidents or slip and fall cases where attorneys see the same type of accident over and over, there is no “common” type of accident on board a ship. Each maritime accident is truly unique with an outcome based on a distinctive set of circumstances. Explain the common accidents, causes and preventive measures for the safety of sea journey.

(CO.NO.2)
[Comprehension
]

PART C [Problem Solving Questions]

Answer both the Questions. Each Question is worth TWENTY Marks (2Qx20M=40M)

34. Analyse the feasibility of most ambitious projects from the business and defence strategy angles and its viability too. The Sagarmala Programme (transl. garland of the sea) is an initiative by the government of India to enhance the performance of the country's logistics sector. The programme envisages unlocking the potential of waterways and the coastline to minimize infrastructural investments required to meet these targets. The Sagarmala Programme is the flagship programme of the Ministry of Shipping to promote port-led development in the country by exploiting India's 7,517 km long coastline, 14,500 km of potentially navigable waterways and its strategic location on key international maritime trade routes. Sagarmala aims to modernize [India's Ports](#), so that port-led development can be augmented and coastlines can be developed to contribute to India's growth. It also aims at "transforming the existing Ports into modern world-class Ports and integrate the development of the Ports, the Industrial clusters and hinterland and efficient evacuation systems through road, rail, inland and coastal waterways resulting in Ports becoming the drivers of economic activity in coastal area.

(CO.NO.3)
[Comprehension
]

35. In the [shipping industry](#), chartering refers to the practice of ship owners hiring out the use of their vessels. The contract that the owner and charterer draw is referred to as a charter party. Sometimes, the person hiring the ship owns cargo, so they introduce a broker into the equation to find an option that will move the cargo for prices that they can afford. This price is typically called the freight rate.

Globalization has opened the doors for international trade, which seems to have been booming over the last few years. In the United States alone, U.S. imports [account for \\$2.5 trillion in 2019](#). And with [e-commerce](#) making it easier for people to buy products

internationally, business owners and companies have to find ways to ship goods to other countries fast and efficiently.

[A charterers' liability cover](#) takes the freight rate into account. Often, this rate is determined per ton for a specific route. However, there are times it may be defined as a function of the sum of the cargo, for the duration one hires. Sometimes, a charterer can have no freight to move. They employ the vessel for a period to use it to trade for a profit at a rate higher than that which they hired. Sometimes, they re-let the ship. Whatever the case, the following charters exist.

Suggest the different types of cost effective charters like Demise charters, Voyage charters and time charters

(CO.NO.3 and 2)
[Comprehension]