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MARITIME ANTI PIRACY ACT, 2022 & THE ADMIRALTY ACT, 2017

AUTHORED BY - VARAD PUSHPAK PADHYE & SURYA HARIDAS MENON
SYBALLB

Abstract:

Maritime piracy continues to pose a serious threat to international trade, navigational safety, and maritime security, necessitating a robust legal framework at both international and domestic levels. This research paper examines the Maritime Anti-Piracy Act, 2022, and the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, within the broader framework of international maritime law, particularly the United Nations Convention on the Law of the Sea (UNCLOS). The study analyses the rationale behind the enactment of these legislations, highlighting India's obligations to combat piracy, ensure maritime security, and strengthen its jurisdiction over maritime offences and claims.

The paper further explores the implementation of these Acts in India through judicial interpretation and enforcement mechanisms, with special reference to admiralty jurisdiction, maritime liens, and petroleum-related maritime claims, including claims arising from the supply of bunkers and fuel to vessels. Key maritime cases are examined to understand how Indian courts have applied principles of maritime lien, in rem actions, and ship arrest to protect the interests of claimants while balancing international legal standards.

By evaluating the convergence of international conventions, domestic legislation, and judicial precedents, this study assesses the effectiveness of India's maritime legal regime in addressing piracy and commercial maritime disputes. The paper concludes by identifying challenges in enforcement and suggesting the need for harmonization between international maritime obligations and national admiralty laws to ensure legal certainty, maritime security, and the smooth functioning of global trade.

Keywords: Maritime Laws, UNCLOS, Maritime Liens, Ship Arrest, Action in Rem, Maritime Security, Bunker Claims.

Introduction

Maritime law, also known as admiralty law, is the body of laws, conventions, and treaties that govern private maritime business and other nautical matters, such as shipping or offenses occurring on open water. All conflicts and disputes related to maritime issues are covered under the jurisdiction of the Maritime Anti-Piracy Act, 2022, and the Admiralty Act, 2017.

While people often use the terms interchangeably, there is a technical distinction between "Maritime Law" and "The Law of the Sea". Maritime (Admiralty) Law focuses on private entities. It deals with disputes between individuals, companies, or ships (e.g., a sailor suing a shipowner for an injury, or a company suing over damaged cargo). In the recent case law of *Asha Ram & Sons P. Ltd vs Palkho Enterprises (2024)*¹ The Delhi District Court decreed a suit against a carrier for damages, directing payment of compensation for lost/damaged goods with specific interest. The Law of the Sea focuses on public international law. It governs the rights and responsibilities of nations towards one another regarding ocean boundaries, fishing rights, and environmental protection. In the case law of *M.V. The Elizabeth v. Harwan Investment (1993)*² The court held that Indian High Courts possess the power to arrest ships for maritime claims, reinforcing that maritime law is a part of Indian law, allowing for actions *in rem* (against the ship) rather than just against the owner.

This is primarily codified in the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS is also known as the constitution for the oceans, which consists of rules for all maritime activities and defines maritime zones. Main functions include regulating resource management, defining maritime boundaries, ensuring freedom of navigation, protecting the marine environment, settling disputes, and managing scientific research.

India's International Maritime Borders and Relations

India's coastline of 7500 km is not just its long boundary, although it also shapes and influences the trade relations of the country. International relations of India with the countries with which it shares its maritime borders are also one major aspect of shaping its foreign and trade policy. India's international maritime borders are with nations such as Pakistan, the Maldives, Sri Lanka, Bangladesh, Myanmar, Thailand, and Indonesia; India's relations and conflicts with the

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² AIR 1014 (1993)

above countries in relation to its maritime borders are as follows:

India & Pakistan

India and Pakistan share a maritime border dispute regarding Sir Creek, also known as “Ban Ganga.” The point of dispute is regarding the border, where, according to Pakistan, the green line, which is on the southern boundary of the creek, defines its maritime border, whereas, according to India, the orange line, which passes through the central part of the creek, defines the maritime border. Pakistan’s claim is based on the Sindh Government Resolution, which was signed between the government of Sindh and Rao Maharaj, which declares the green line as its border, whereas India’s claim of the orange line is based on the “Thalweg Principle” of UNCLOS, which defines it. India and Pakistan’s conflicted relationship is not unknown to the world, as since their independence, both have conflicting opinions and the same interests as far as border definition is concerned, whether it be on land or in the sea, it is just a never-ending debate between the two countries. It seems unlikely that either of them will compromise their stand.

India & Maldives

India and the Maldives share a maritime border of about 460 km. There has been a long-running conflict between the countries over the Minicoy Islands, which are officially a part of the Lakshadweep Islands and under the control of the government of India. However, political leaders in the Maldives often protest the Indian government’s hold on the islands, citing cultural and traditional similarities. India does not recognize this claim, considering Minicoy a distinct part of Lakshadweep. The relationship between the two has been a “Tug of War,” as the Maldives balances its traditional security partnership with India against growing economic and infrastructure ties with China. Both countries are moving towards a Comprehensive Economic and Maritime Security Partnership. Through the Greater Malé Connectivity Project, India has been a major provider of developmental aid. The Maldives also remains a central pillar of India’s SAGAR (Security and Growth for All in the Region) initiative for the Indian Ocean region. By shifting the focus from military optics to developmental and digital integration, including the Greater Malé Connectivity Project and the implementation of UPI for tourism, the two nations create a level of economic interdependence that outweighs political rhetoric. Ultimately, maintaining India's role as a reliable "First responder" for essential goods and disaster relief, while using regional frameworks like the Colombo Security Conclave to address shared maritime threats, provides a stable roadmap for de-escalating future disputes.

India & Sri Lanka

The shortest distance between the borders of India and Sri Lanka is around 54.8 km, but the maritime borders are around 415 km, which passes through the “Palk Strait.” The major point of dispute between the two countries has been Kachchatheevu Islands it was historically part of Ramnad Kingdom but after independence both India and Sri Lanka made claim over it but during Indira Gandhi’s Government in 1976-77 under the Maritime treaties it became a part of Sri Lanka but often time it is seen in the state politics of Tamil Nadu it is use as a part of India which creates a constant conflict between the two countries regarding the control over the island. Deep Civilizational Ties can well define the India and Sri Lanka relationship, though India’s “Neighborhood First” commitment is strained due to the dispute over Kachchatheevu Island and fishermen’s rights in the Palk Strait. Due to Sri Lanka’s control over Kachchatheevu Island, as per the agreements of 1974 and 1976, it has led to the loss of traditional fishing grounds, resulting in constant arrests of Indian fishermen by the Sri Lankan Navy for crossing the international Maritime border. To address these issues, both countries need to shift toward deep-sea fishing to stop harmful bottom trawling. They should also implement a humanitarian "no-force" policy for boats that stray and make use of the Joint Working Group (JWG) on Fisheries to ensure timely releases of detainees. This will help both countries to turn their territorial dispute into a shared “Blue Economy” as this will allow both countries to manage their maritime resources sustainably while safeguarding regional security against external influence and threats.

India & Bangladesh

Even after being the water strategic partners India and Bangladesh are having a maritime border dispute regarding New Moore Island in Bay of Bengal also known as “South Talapatti”, as in the aftermath of Bhola Cyclone in 1970 this island emerged in about a distance Haribhanga river’s mouth somewhere in Ganga- Brahmaputra delta in Bay of Bengal after that India made a claim at the New Moore Island and also at the 20,000 sq.km EEZ and also Indian army hoisted India’s flag at the island in 1981 but Bangladesh opposing this act of India hoisted its own flag. In 2009, Bangladesh made an appeal to the Permanent Court of Arbitration, and in the PCA's 2014 verdict, 19,467 sq.km of the 25,000 sq.km area was awarded to Bangladesh as its maritime border, and New Moore Island was awarded to India. India and Bangladesh share a "Sonali Adhyaya" (Golden Chapter) in their relationship, marked by a peaceful resolution of a long-standing maritime boundary dispute. After years of disagreement over the territorial sea and New Moore Island ownership, both countries went to the Permanent Court of Arbitration

(PCA). In 2014, the PCA awarded Bangladesh a significant part of the disputed waters. India accepted this international ruling, even though it lost some claims. This acceptance set a global example for maritime diplomacy and respect for international law. To maintain these ties, the two countries have focused on Blue Economy cooperation, joint disaster management, and moving goods through Bangladeshi ports like Chittagong and Mongla. By prioritizing naval cooperation through Coordinated Patrols (CORPAT) and addressing common threats such as piracy and climate change, they have changed the Bay of Bengal from a conflict zone into a corridor for regional connectivity and economic growth.

India & Myanmar

India and Myanmar share a maritime border of 740 km in the Bay of Bengal, the Coco Chanel, and the Andaman Sea; in recent years, there have been no issues between the two countries regarding maritime borders, but there is a long-running dispute over Coco Island. In contrast, China had constructed its airstrip and installed radar around it to monitor the Andaman Islands and maintain control over them. India should negotiate with Myanmar over the state of Coco Island. As per the 1986 Maritime Boundary Agreement, India and Myanmar have been able to maintain stable maritime relations, as this agreement delimited their borders in the equidistance line. Often, fluctuations in stability in relations arise due to overlapping Exclusive Economic Zones (EEZ) and the proximity of India's Andaman and Nicobar Islands to Myanmar's Coco Islands, where concern over Chinese intelligence-gathering facilities occasionally surfaces. Kaladan Multi-Modal Transit Transport Project, which is a strategic initiative, and "Sittwe Port" is serving as a vital pillar for maritime connectivity, yet challenges such as illegal fishing, human trafficking, and the leaks of Myanmar's conflict into the maritime domain persist. Regular joint naval patrols (IMCOR), institutionalizing technical cooperation for seabed resource exploration, and utilizing multilateral frameworks like BIMSTEC and the 2026 ASEAN-India Year of Maritime Cooperation to harmonize regional maritime protocols and enhance security through the SAGAR (Security and Growth for All in the Region) vision, these cooperative measures undertaken by both countries are leading towards a goodwill relations between both the countries and a precautionary step towards future disputes.

India & Thailand

India and Thailand's maritime border is found between the Andaman Island of India and the Similan Island of Thailand. These borders were decided based on the India-Thailand Bilateral Treaty of 1978, and today this boundary resides with the UNCLOS principles, and as both India

and Thailand have cordial international relations, the same are seen in their maritime border, where there is no ongoing or past dispute between the two countries. These friendly relations between the two countries have also helped prosper in both countries' growth and development in factors like trade, tourism, economic strategies, defense strategies, etc. This cordiality and tie of goodwill should remain between both countries, making them one another's supporters in their hardships, where they can help each other and uphold a great and strong international tie of friendship.

India & Indonesia

India and Indonesia share a maritime border of 900 km in the Andaman Sea and the Indian Ocean, where their border starts from the “Tripoint” of India, Thailand, and Indonesia; this boundary was determined after the Bilateral agreement of 1974. This maritime border is one of the utmost important border for India as it holds a control over Malacca Strait through which 80% of China’s sea trade takes place as a result India can use it for their own benefit against China by maintain cordial relations with Indonesia and also both the countries are having no dispute regarding maritime borders and have been able to maintain their goodwill relation in both international and maritime relations. India and Indonesia have moved from a shared cultural history to a high-stakes Comprehensive Strategic Partnership focused on the security of the Indo-Pacific. This partnership is supported by the development of the Sabang Deep Sea Port, which connects the Andaman Islands with the Malacca Strait. It is further strengthened by defense cooperation that may include BrahMos missile transfers and joint maritime monitoring. By aligning India’s SAGAR vision with Indonesia’s Global Maritime Fulcrum, both nations have established themselves as the main stabilizers of the region’s busiest shipping lanes as of 2026.

Idea of Enactment

While understanding the core of the maritime laws, it is necessary to understand the idea behind the enactment of the Maritime Anti-Piracy Act,2022, and its requirement in India’s legal framework:

Before the Maritime Anti-Piracy Act of 2022, India lacked a specific domestic legal framework to prosecute pirates on the “High Seas.” Earlier, the Indian Penal Code (IPC) and Criminal Procedure Code (CrPC) were looking after maritime crimes, but it was only applicable till India’s Territorial waters (till 12 nautical miles from the coast).

Most Piracy occurs in the High seas in the EEZ (Exclusive Economic Zone), which is beyond India's Territorial waters, which used to be the question of the court's jurisdiction in the high seas over foreign pirates (Eg, MV Alondra Rainbow Case 1999³). These loopholes were in favor of the sea criminals. The Maritime Anti-Piracy Act of 2022 helps India in fulfilling UNCLOS principles. Under UNCLOS, piracy is a crime of "Universal Jurisdiction." This act is of high importance for exercising universal jurisdiction in domestic courts. This enactment of the Maritime Anti-Piracy Act, 2022, was a necessity for the Indian maritime border and its security, as this act is considered a prolific step toward overcoming a serious loophole of the Indian Constitution. This act helps India to fulfill its international obligation under UNCLOS by extending its maritime jurisdiction beyond the Exclusive Economic Zone (EEZ) to the high seas, and it has also empowered the Indian Navy and Coast Guard to visit, board, search, and seize. The act has enabled Indian security forces to conduct operations like "Operation Sankalp,"⁴ allowing Indian courts to prosecute foreign internationals and vessels. The Act gets a lot of pushback, mostly because it feels too harsh in some places and unclear in others. Legal people keep bringing up Section 11, where they presume the person is guilty right away, and that puts the proof on the accused instead of the other way around. I think that goes against the basic idea that you're innocent until they show otherwise, and it might make things messy with getting people back from other countries.

That death penalty part for even trying piracy stands out as pretty extreme. Compared to how the Indian Penal Code handles attempted murder, this seems way stricter, like it's not matching up. It feels kind of off, you know. Then there are these gaps, no real standard ways to collect evidence or handle the pirates they catch, without some rules from higher up to guide it all. The Act lays out a solid base for the law, but without fixing those procedural things, justice might not hold up as strongly as the actual catching part. Some say it needs more work to make it fair.

MV Alondra Rainbow Case,1999.

The MV Alondra Rainbow Case is a landmark event in maritime history, often cited as India's first major trial involving high-seas piracy. While the operation to capture the vessel was a tactical triumph, the subsequent legal battle exposed a massive "Legal Vacuum"⁵ in Indian Law that eventually led to the enactment of the Maritime Anti-Piracy Act,2022.

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Case Facts-

MV Alondra Rainbow, a Panamanian-registered ship owned by a Japanese firm, was hijacked by 15 armed pirates shortly after the departure of the ship from Indonesia in October 1999. The original crew of 17 members of the ship was set adrift by pirates in a lifeboat or raft and was later rescued by a Thai fishing boat. To disguise, pirates repainted the ship and renamed it 'MV Mega Rama.' In November 1999, the vessel was spotted off the coast of Kochi by the Indian Coast Guard. This led to a dramatic chase between the Indian Navy and Coast Guard against the Pirates. The chase was around 750 km in high seas, as the pirates refused to surrender, the Indian Navy & Coast Guard used force to board and apprehend 15 Indonesian Pirates.

Case Judgement-

The case was a great challenge for the Indian Judiciary because, at the time, India had no specific domestic law for the crime of piracy on the high seas. The High Court acquitted the pirates, stating that India lacked domestic laws to prosecute such a crime of Piracy in the high seas by foreigners on a foreign vessel. This case is a landmark case in Indian maritime history and is a primary catalyst for the Maritime Anti-Piracy Act, 2022, which finally gave India a clear legal jurisdiction over piracy in the high seas.

The Bill of Lading

The main reason behind most of the conflicts between the shipper and carrier is the Bill of Lading. Bill of lading is a set of rules and regulations written behind the Bill of the shipments by the shipping company. It explains the procedures and responsibilities of the shipping company and the receiver of the shipments. It also acts as the official document between the parties, as the Bill is legally binding. It contains Shipper and consignee names, description, quantity, and weight of goods, Port of loading and destination, Special handling instructions, and extra charges.

In the recent mediation case law, *Paradise Oil Trading Company vs. Cosco Shipping Corporation 2447/25*, the Bill of Lading played a huge role in the dispute. Paradise Oil Trading Company ordered oil from a company via Cosco Shipping Corporation's vessels. In India, the Customs Act 1962 gives the authority to the customs officers to check and examine the products inside the shipments. While checking the shipment delivered by Cosco, they found 70% water inside the oil because of damaged vessels. Due to this, Paradise company sent the same shipment for rechecking of the oil, and hence stopped payment for the same. After a span

of 6 months, Paradise company ordered another oil from the same company and paid the entire amount in advance. But before delivering the vessels to Paradise company, Cosco confiscated the new vessels and asked Paradise company to pay the balance amount first. This led to a dispute between the two companies.

Rule no. 17 in the Bill of Lading covers the Lien clause, which directly grants the authority to Cosco Shipping Corporation the legal right to retain possession of cargo until outstanding debts such as freight, demurrage, or general average contributions are paid. In this case, the problem was not only in the hands of Paradise company, as there was contamination as well as the shipping company, as they want their vessels back, which are currently in the territories of India (customs). This is the prime example of different types of rules for the same disputes, which can lead to legal consequences.

Features of the Maritime Anti-Piracy Act, 2022.

The Maritime Anti-Piracy Act, 2022, which goes into effect on February 22, 2023, gives India a strong legal framework to combat piracy, aligning with UNCLOS. It provides a broad definition of piracy, including acts of violence or theft committed for personal gain on the High Seas. A key feature is its extraterritorial jurisdiction, allowing prosecution regardless of the nationality of the accused or the flag the vessel is flying. The act empowers the Navy and Coast Guard to intercept and search ships suspected of piracy. Piracy crimes are to be tried in special courts, with severe penalties including life imprisonment or the death penalty for fatal attacks. Attempts, assistance, and conspiracy to commit piracy are also punishable by imprisonment and fines. Piracy is further classified as an extraditable offence under this act. This law strengthens maritime security, protects vital shipping lines, and reinforces India's commitment to global anti-piracy efforts.

Detention of Vessel

Detention of Vessel or Ship Arrest in India is governed by the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, and the admiralty jurisdiction of the High Courts in India can order ship arrest within the territorial waters, which applies to Indian vessels as well as foreign vessels. A ship can be arrested by any person who has maritime claims, for instance, Crew members claiming unpaid wages, port authorities claiming port dues, bunker suppliers, ship repair yards, cargo owners claiming damage or loss, or salvage operators. This

can all proceed for ship arrest in appropriate cases.

In the case of *Segal Ships (P) Ltd. v. M.V. Tulsi Sagar (Gujarat High Court)*, the plaintiff sought the arrest of the vessel to recover unpaid dues for crew management and technical services provided under a contract with the ship's previous owners. The plaintiff argued that these services constituted a valid maritime claim under the Admiralty Act, 2017, justifying an action in rem against the vessel even after its sale for scrap. However, the defendant (the new owner) successfully argued that while maritime liens (like crew wages or salvage) follow the ship regardless of ownership, a standard maritime claim for services can only lead to an arrest if the "Relevant person" who incurred the debt remains the owner of the vessel at the time the suit is filed. The Gujarat High Court ultimately reinforced this distinction, holding that a bona fide change in ownership before the filing of the suit prevents the arrest of the ship for simple contractual maritime claims.

IJDML's views

The inaugural volume of the Indian Journal of Defense and Maritime Laws (published July-December 2021) features maritime-focused research that emphasizes the need to update India's legal maritime framework to secure India's 7,515 km coastline from evolving threats such as maritime terrorism, piracy on the high seas, and environmental disasters. Some experts argue that there should be a shift from "Strict Liability"⁶ to "Absolute Liability"⁷ in cases such as oil pollution to better protect the marine ecosystem, while also emphasizing the 'Grossly Neglected' regulatory regime surrounding submarine telecommunication cables. The journal states that as India expands its "Blue Economy"⁸ through initiatives like the "Sagarmala Project"⁹, the law must evolve to address the complexities of underwater infrastructure and the rise of Unmanned Maritime Vehicles (UMVs), which challenge traditional definitions of vessel seaworthiness.

The journal examines the legal challenges posed by new technologies, especially Maritime Autonomous Surface Ships (MASS). Current laws on vessel seaworthiness often depend on

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⁸The Blue Economy is the sustainable use of ocean resources for economic growth, improved livelihoods, and jobs while preserving the health of marine ecosystems.

⁹ The "Sagarmala Project" is a massive port-led development initiative by the Government of India designed to modernize existing ports, build new ones, and integrate them with industrial clusters and inland waterways to reduce logistics costs and boost maritime-led economic growth.

having a crew, which creates legal problems for crewless ships. To address this, the journal suggests a clearer and broader definition of a vessel in maritime law, along with a concept of "technical seaworthiness" that includes cybersecurity and automated systems.

In India, the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act of 2017 is highlighted as an important step in updating outdated maritime laws. This act provides a single law for maritime claims.

The document also reviews legal protections for critical infrastructure and how international disputes are resolved. It notes significant neglect in both national and international law regarding the security and regulation of submarine telecommunication cables, which are vital for global connections. For maritime disputes, the journal discusses the settlement methods under UNCLOS (United Nations Convention on the Law of the Sea). It observes that although there are several options, states often prefer arbitration over other legal methods. However, India's maritime law policy has many gaps that need attention. With changing criminal techniques and new technologies, maritime crime is likely to become more common, posing serious security issues for India. Therefore, it is essential to revise and strengthen maritime laws for better protection.

The Admiralty Act, 2017.

The Indian legislature adopted the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act in 2017. The Act went into effect on April 1, 2018, and is valid in India. This piece of legislation is designed to facilitate the regulation of admiralty jurisdiction of courts, procedures of maritime claims, and other related matter. This law has been framed with the reference to the International Convention on Arrest of Ships of 1999 and the United Nations Convention on the Law of the Sea of 1982. With this Act, India now complies with the internationally accepted norms relating to maritime laws. It has been a big leap from its fragmented colonial past towards a more organized modern system of law. There have been several reasons behind this Act, such as rapid growth in the Indian shipping industry, an increased presence of foreign ships in Indian waterways, and the need for proper remedies.

Features of The Admiralty Act, 2017.

1. This Act expands the scope of admiralty jurisdiction in each of the High Courts located in the coastal States or Union Territories of India, namely the Gujarat High Court, the

High Court of Orissa, the Karnataka High Court, the High Court of Kerala, the Andhra Pradesh & Telangana High Court at Hyderabad, and the High Court of Judicature at Hyderabad. The expansion of this jurisdiction makes admiralty litigation more democratically available throughout India's coastline.

2. Section 4 of the law specifies a detailed list of the types of maritime claims that can be brought under admiralty jurisdiction, which include the following: Right to ownership and possession of ships, Damage or death caused by a ship, Damage or loss to cargo, Carriage contracts, Salvage services, inclusive of wreck removal, Towage and pilotage of ships, Construction, repair, or fitting of ships, Environmental pollution and/or threat thereof caused by ships, Ship mortgages and charges, Wages due to seamen and masters, Dues arising from ports, canals, and waterways.
3. According to the law, a vessel may be arrested by a High Court in India as security for the payment of a maritime claim, irrespective of national affiliation, ownership, and registration. Furthermore, the ship that can be arrested in relation to such a claim may even be another ship belonging to the same defendant in the claim.
4. In addition to in rem actions concerning the ship itself, the law also enables the bringing of in personam proceedings against the owners or operators of a vessel to secure payment of a maritime claim.
5. This act extends admiralty jurisdiction to cover foreign ships in India's territorial waters. Thus, India can take legal action against ships navigating through and carrying out business within its maritime jurisdiction.
6. Priority Order of Claims under Section 9 of the Act gives priority to maritime liens which have supremacy over registered mortgages. Priority Order of Claims is as follows: Maritime liens (wages of mariner, salvage, etc.) Possessory liens and Mortgages and charges
7. Limitation of liability for maritime claims is included in the Act in accordance with international conventions regarding the limitation of liability for maritime claims.

Pros of The Admiralty Act, 2017.

1. The first advantage offered by the Act is the consolidation of five outdated colonial laws into one law. In doing so, confusion will be avoided, and a conflict between laws will not occur, as well as providing a consistent structure for any maritime dispute.
2. Using international laws such as UNCLOS and the International Convention on Arrest of Ships, 1999, the Act allows India to become compliant with international law

regarding the use of the seas and oceans, thus allowing India to have greater legitimacy as a maritime country when dealing with foreign maritime disputes.

3. By making the Admiralty Court available in all coastal High Courts, the Act ensures that claims can be filed in any part of the Indian coast without being forced to go to Bombay, Calcutta, or Madras.
4. The Act prioritizes the claims of seafarers in relation to maritime liens, recognizing the importance of seafarers' protection, who usually have little bargaining power against large shipping companies in claims concerning huge ships.
5. Promotion of Maritime Business The establishment of an enforceable and clear law on maritime claims and ship arrest will help encourage investment from within and outside India in its maritime industry. Investors and lenders are always cautious about investing in a place where there is no clear rule of law in relation to maritime business.

Cons of The Admiralty Act , 2017

1. Although the Act borrows its principles from international conventions, India has yet to ratify the International Convention on Arrest of Ships, 1999, and other international maritime conventions. Thereby, there exists a discrepancy between the Act's provisions and India's international legal commitments, which may pose challenges when interpreting these principles.
2. The Act deals solely with admiralty jurisdiction relating to coastal and tidal waters but does not apply to inland waterways. This is an important deficiency in light of the many inland water bodies that serve as transport channels across India, where disputes are currently governed by other rules or are left unregulated.
3. India, in contrast to the UK, US, Singapore, and China, does not have a maritime or admiralty court. Thus, cases of admiralty jurisdiction are dealt with in a regular bench of the High Courts, who may be unfamiliar with maritime law.
4. The Act includes some provisions that require further detailing and clarity, mainly because some of these provisions are ambiguous and can give rise to controversies. For instance, some provisions such as priority of claims and limitation of liability should have been accompanied by some regulations.
5. There is an increasing trend within India's shipping industry to arbitrate international disputes. However, there are few provisions related to arbitration, and the Act does not seem to be compatible with arbitration procedures and process.

Conclusion.

The Maritime Anti-Piracy Act, 2022, and the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, in combination, mark a revolutionary change in the way India regulates maritime affairs. Both statutes tackle two separate yet interrelated facets of maritime laws – the security of India's oceans from any threat and the settling of maritime disputes arising out of commercial interests, both of which are necessary for the efficient operation of a country relying heavily on its oceans for almost all trade. The Maritime Anti-Piracy Act, 2022, is a step towards filling a long-existing lacuna, which was most recently highlighted by the MV Alondra Rainbow Case in 1999, wherein the lack of legislation pertaining to piracy at sea led to the release of pirates accused under it. The law makes a significant step in extending the jurisdiction of India's criminal courts beyond its territory and onto the high seas and in ensuring that India abides by its international obligation. The power granted by the statute to India's Navy and Coast Guard to combat maritime crime can only be undermined by a few valid concerns regarding presumption of guilt under Section 11 and the imposition of capital punishment under Section 5.

The 2017 Admiralty Act is yet another indication of how much India deviates from the disjointed legal regime of the colonial era, which was still being followed despite having become completely obsolete years ago. The new act combines five out-of-date laws, broadens the scope of admiralty law jurisdiction for all coastal High Courts, and uses terms like sister ship arrest, maritime lien, and environmental claims, making Indian law in line with global trends. However, the fact that India lacks a specialized maritime court, has not ratified many important international conventions, does not cover inland waters, and has no uniform procedures in the High Courts is a great drawback. Considering the whole picture and analyzing India's relationship with other countries' maritime territories through examples like the Sir Creek dispute with Pakistan, the case of Kachchatheevu with Sri Lanka, or the Malacca Strait partnership with Indonesia, one can see how diverse and extensive India's maritime interests are. With India striving to achieve its maritime goals under the Sagarmala Project, Maritime India Vision 2030, and the SAGAR concept, a solid and well-developed legal framework for maritime affairs is not only essential from a legal standpoint; rather, it is a matter of strategic necessity. The next logical step to take would be for India to ratify international maritime agreements, set up a separate admiralty court, and bring its laws in line with the international standards.