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CENTRE
FOR
MARITIME LAW
NATIONAL LAW UNIVERSITY ODISHA

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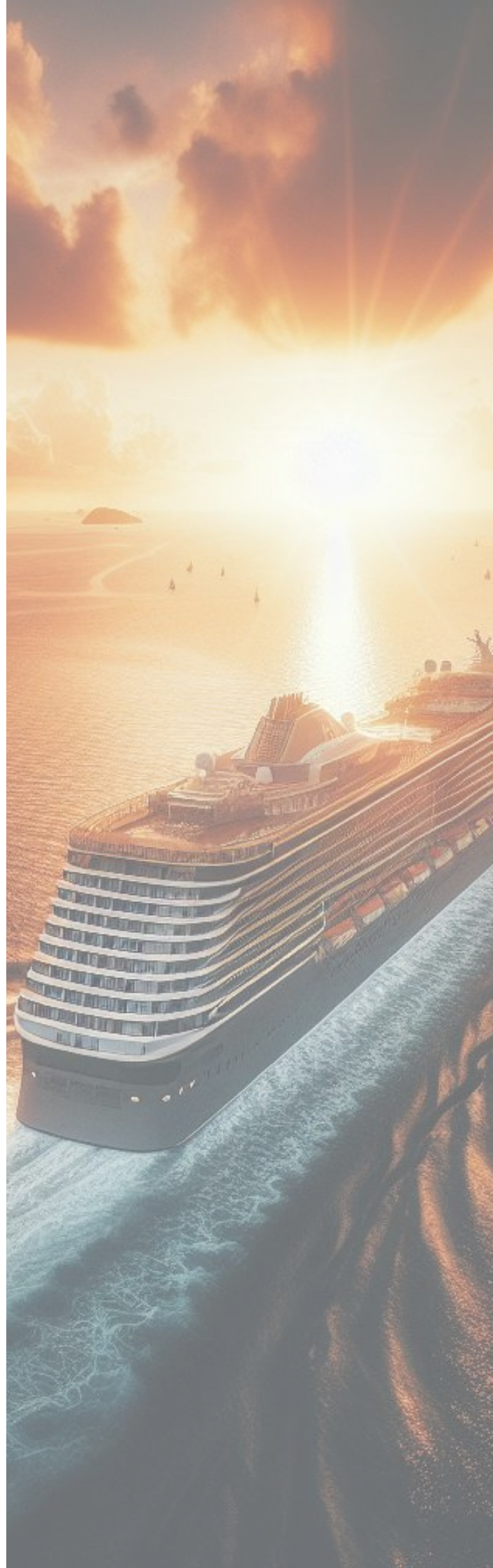
THE NEWS OF THE SEA

CENTRE FOR MARITIME LAW

NATIONAL LAW UNIVERSITY, ODISHA

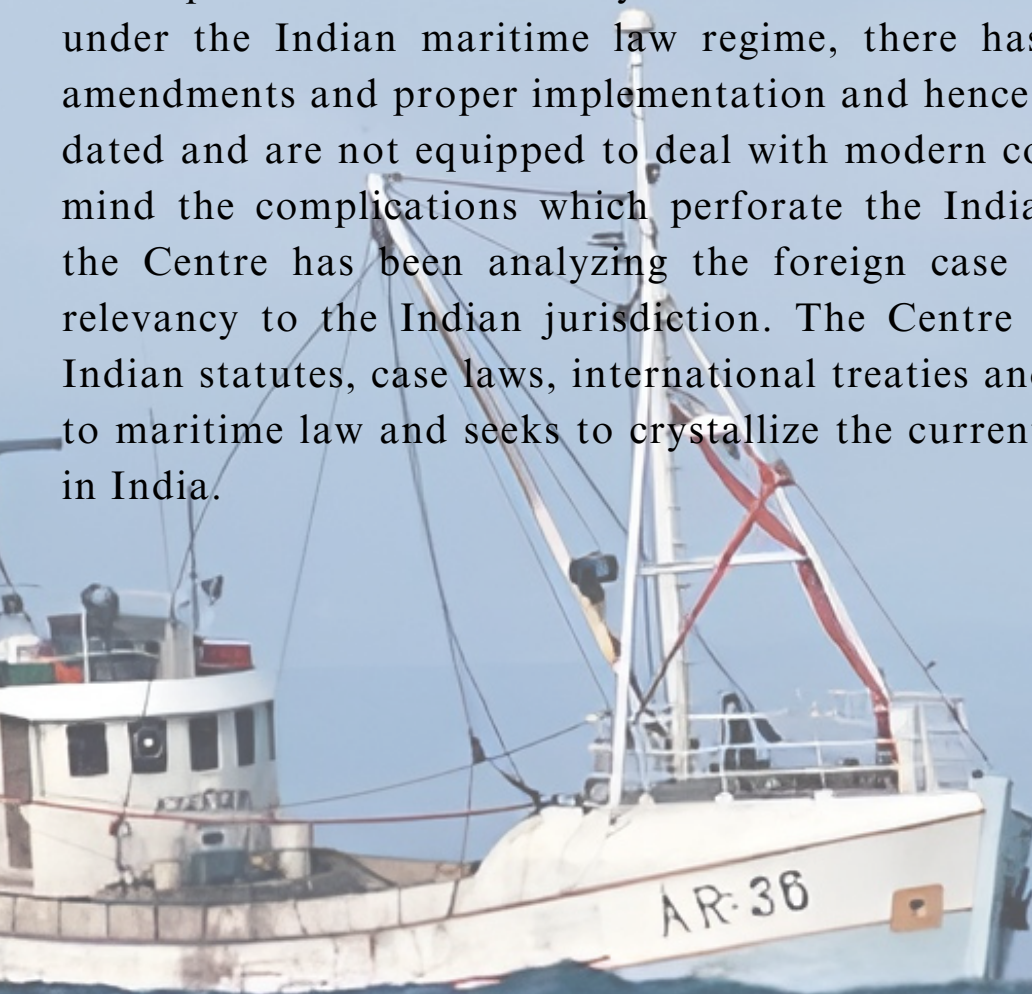
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ABOUT CML

The Centre for Maritime Law was established in 2015 with an aim to build a centre of excellence and research in the field of maritime law in India. The Centre identifies first and foremost, that the statutes which govern maritime law were adapted from foreign states and these statutes don't address the concerns pertaining to the field appropriately, as the Indian trade practices are relatively different from those foreign states. Also, under the Indian maritime law regime, there has been a lack of timely amendments and proper implementation and hence most of the laws are out dated and are not equipped to deal with modern complications. Keeping in mind the complications which perforate the Indian maritime law regime, the Centre has been analyzing the foreign case laws, statutes and their relevancy to the Indian jurisdiction. The Centre is currently working on Indian statutes, case laws, international treaties and conventions pertaining to maritime law and seeks to crystallize the current maritime jurisprudence in India.



Our Team



Mr. Akash Kumar

The Centre for Maritime Law at NLUO is an ideal springboard for students who are interested to make a career in the field. This Centre run by students will also instill values of coordinated teamwork and responsible leadership among the students. I wish them all the best in their future endeavors.



Mr. Abhay Kumar



Samridhi Prakash



Aditya Danturty



**Swayam Sambhab
Mohanty**



Santripta Swain



Lohitaaksha Mohapatra



Challenges in Service Extension – *Doliaa SAS v Mediterranean Shipping Co SA*

By Swayam Sambhab Mohanty

Introduction

The case of *Doliaa SAS v. Mediterranean Shipping Co SA* [2023] EWHC 3165 (Comm) revolves around a cargo claim brought against the defendant carrier, Mediterranean Shipping Co SA, in accordance with a bill of lading incorporating the Hague Rules. The central issue in this case is the application for an extension of time to serve the claim form, considering the one-year time bar under art 3.6 of the Hague Rules. The court's decision, handed down on 13th December 2023, sheds light on the principles governing such extension applications and emphasizes the importance of adhering to statutory limitation periods.

Factual Background

The claimants i.e., *Doliaa SAS* and *Ceca Gadis/Gaborprix* initiated proceedings against the defendant on 9th May 2022, while the time bar started running from 10th May 2021. The claim faced a one-year time bar, expiring on May 10, 2021. Seeking an extension, the claimants applied under Rule 7.6 of the The Civil Procedure Rules 1998(UK) on 5th October 2022, citing advice from the Foreign Process Section (FPS) that service would take up to five months. The court granted an initial extension to 9th March 2023. However, the FPS lost the submitted documents, prompting a second application on 3rd March 2023 for a further extension. The court extended the time for service to 9th June 2023. [Read more](#)



Navigating Troubled Waters: The Anti-Maritime Piracy Act of 2022 and the Red Sea Conflict

By Samridhi Prakash

On 5th January, 2024, in a daring operation the Indian Navy's Marcos thwarted hijacking attempt of MV Lila Norfolk by Pirates in the North Arabian Sea. Along with that they rescued 21 seafarers.

The Conflict and the Maritime Geo-political tension:

The incident was a deliberated one, carried out by the Yemen's Houthi rebel group, which specifically aims at ships that engages in business with Israel. This issue is majorly highlighted in the Arabian Sea – Gulf of Aden region. Here is the image illustrating the Exclusive Economic Zone area and the potential conflict zone, including the route (depicted in black line) which is taken by the

Indian shipping companies for trading in the Middle East region along with Israel. It is important to note that due to the geo-political tension between Israel and Iran, the route shown in the map becomes a potential conflict zone for India because of its ties with Israel and its neutrality with Iran. This has given rise to a growing number of such incidences where Maritime infrastructure has been destroyed by such rebels or pirates. However, one of the key highlights of this incident is the growing presence of the Indian Navy Patrolling ships. The Indian Navy has amplified its area of patrol from the EEZ to the Potential conflict zone.

[Read more](#)



The effect of the Red Sea Conflict on the Maritime Trade

By Aditya Danturty

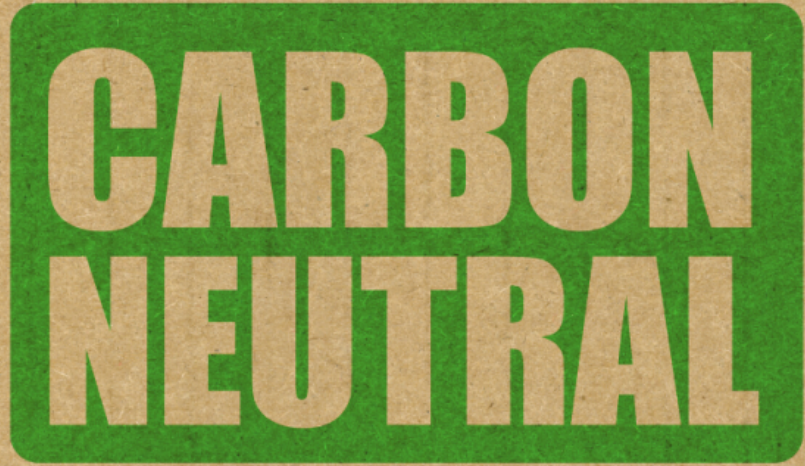
Introduction

Post the of Somali piracy in 2009, the next wave of maritime disruption in the middle east is underway. The deteriorating situation between Israel and Palestine has destabilised the middle east. This has led to the Houthis, a radical Yemeni organisation, targeting commercial vessels in the Suez Canal, causing hazardous conditions due to the threat of hijacking in the merchant shipping world. The Houthi action is primarily concentrated in the crucial Red Sea route. The hijacking offensive has necessitated action from the navies of the world, having sent frigates and destroyers to safeguard the route. Thus, the situation in the crucial naval region has deteriorated rapidly at the

expense of the global economy.

Increased Rates

The conflict has created difficulties for the merchant shipping industry, which has been forced to divert ships towards the Cape of Good Hope. This causes a considerable increase in time of transportation and causes ballooning costs. The severe economic consequences have burdened the European market. In such a scenario, the industry has voiced its support for the implementation of the provisions of the union customs code based on article VII of the General Agreement on Tariffs and Trade. These provisions call for the freight and insurance premiums of goods to be added to the customs value. [Read more](#)



Carbon Free Shipping: A Sustainable Approach to International Shipping

By Lohitaaksha Mohapatra

Amidst growing environmental concerns, the COP28 held in Dubai has been significant. The summit brought international shipping, as well as maritime transport in general into the limelight, thus pushing the need for decarbonizing shipping.

The International Maritime Organization (IMO) Assembly in its 33rd session adopted new strategic plans for the six-year period from 2024 to 2029. It issued strategic directions, one of which was “Respond to climate change and reduce greenhouse gas emissions from international shipping.”

According to the UNCTAD, the international shipping industry is engaged in approximately 80% of the global merchandise trade.

It also states that this sector is responsible for about 3% of the world’s greenhouse gas emissions and has increased by 20% in the period from 2012 to 2023. Such an alarming rate of increase has made it vital for organizations to collaborate and come up with a collective approach to decarbonize.

There are several hindrances to the approach. Uncertainty over finding an alternative to fossil fuels has delayed the necessary investments to be made. Moreover, as analysed by the UNCTAD, “decarbonizing the world’s fleet by 2050 could cost \$8 billion to \$28 billion annually, with an additional \$28 billion to \$90 billion needed each year for the carbon-neutral fuel infrastructure.”

[Read more](#)



Demurrage and the Problematic Inflexibility of Moratorium under the IBC

By Vinay Viswanathan

I. Introduction

“A need was felt to give the highest priority in repayment to last mile funding to corporate debtors to prevent insolvency... in order to fill the critical gaps in the corporate insolvency framework, it has become necessary to amend certain provisions of the Insolvency and Bankruptcy Code, 2016” (emphasis supplied).

This extract is taken directly from the statement of objects and reasons within the 2019 amendment to the Insolvency and Bankruptcy Code, 2016 (“IBC”), which passed in the Rajya Sabha on Mar. 12, 2020. While Section 14 is referenced within this amendment, the changes made are focused on licences, and it fails to address a very real problem:

The IBC’s moratorium on “proceedings” and the inclusion of arbitral proceedings within the ambit of the statute’s language becomes problematic when it is used to prevent a shipowner in the position of a corporate debtor undergoing the CIRP from recovering assets instrumental to concluding the CIRP. However, this interpretation of the statute is, within India, the status quo since 2021, and it is ground zero of an egregious exploitation of the law as it stands against corporate shipowners.

[Read more](#)



Time charterparties: To what extent can a shipowner claim indemnity?

By Vedanta Vishwakarma

Introduction.

In a time-charterparty, the charterer is entitled to direct the vessel where to go, and which ports to call at. In return, the shipowner is paid a daily hire. “Within the framework of such a contract, the charterer decides the voyages to be made and the cargoes to be carried.”

Giving directions, is a key right with regards to employment of the vessel, under a timer charter, as that will be for a predefined time period during which it is likely that multiple voyages will be undertaken, so the oddities of obeying the directions of the charterer will not automatically be known. So implied indemnities need to be contractually incorporated in the charter party to address the commercial bargain effectively.

This is distinct from a voyage charter party wherein shipowners exercise greater control and incorporate express indemnities relevant to the voyage.

Shipowners’ right to claim an express indemnity.

A Shipowner is entitled to an indemnity from the charterer, when it incurs a loss resulting from the master complying with an ‘employment’ order. As observed by Devlin J, ‘if the owner is to surrender his freedom of choice and put his master under the orders of the charterer, there is nothing unreasonable in his stipulating for a complete indemnity in return.’ In the NYPE, this obligation is not made explicit, but becomes an implied duty. However, charter parties like the *Baltimex 1939 (2001 rev)*[5] and the *Shelltime 4 (v 1.2)*, make it explicit.

[Read more](#)



Ravaging the endless Oceans through deep sea mining

By Aditi Sinha & Soumya Pradhan

What is deep sea mining?

Deep sea mining involves extracting metals and minerals from the seafloor of the ocean. Deep beneath the surface, metals and minerals such as manganese, nickel, and cobalt have accumulated on the seafloor over millions of years, forming potato-sized nodules. Gigantic machinery heavier than a blue whale would extract deposits from the deep ocean floor to mine these metals. They would transport the extracted material to a ship by pumping it via many kilometers of tubing. Subsequently, sand, seawater, and other mineral waste will be reintroduced into the water through pumping. Minerals in the deep sea are found in slow-forming, potato-sized polymetallic nodules, polymetallic sulphides around hydrothermal vents, and

metal-rich crusts on seamounts. Commercial interest in these minerals has existed for years, but new technological improvements now allow for the extraction of mineral reserves from the seafloor using vehicles.

Polymetallic nodules, the main target for deep-sea mining, would be harvested by mining vehicles from the bottom surface, similar to a tractor ploughing a field, together with the upper layers of silt. The gathered resources would be transported to a surface vessel for processing, while any waste, including sediments and organic compounds, would be returned to the water column through pumping.

Why is there a growing interest in deep-sea mining?

[Read more](#)

IN CONVERSATION WITH CAPTAIN MADHU VADEKKEPAT



Captain Madhu Vadakkepat is currently serving as the Director of N2 Tankers and N1 Commercial Management Pte Ltd. and is a member of the Singapore Chamber of Maritime Arbitration. Additionally, he is currently serving as an Advisory Board Member of Centre for Maritime Law, National Law University Odisha (NLUO).

He is the company secretary at Global United (s) Pte Ltd and former Vice-President at Brightoil Petroleum (Singapore) Pte Ltd, instrumental in setting up Tanker fleet for Brightoil – the mainland Chinese oil trading firm.

He brings with him a wide range of experience given that he has served as the Master Mariner, Fleet Marine Incharge, Marine superintendent for Tanker Fleet, Marine Superintendent for Bulk Fleet, Quality Assurance Superintendent at BW Shipping.

Q. Would you kindly describe your experiences and insights within the admiralty field?

Answer: One notable experience was when I encountered a predicament enroute to Russia, where the Ukrainian crew on board were reluctant to sail amidst the Russia-Ukraine conflict. I found myself facing a challenging decision regarding a charter party agreement. Despite having the charter party fully signed and the cargo supplier prepared for loading, I made the difficult choice not to proceed with loading. This decision was primarily driven by concerns for the safety and well-being of my crew, who were Ukrainian nationals. I feared that if we proceeded with loading, they might be at a risk of becoming hostages or even facing a potential harm.

Moreover, it became evident that my crew shared these apprehensions, as they themselves expressed reluctance to sail under the circumstances. They were prepared to abandon the ship out of concern for their safety, particularly if we were to navigate into potentially dangerous waters. Given these considerations, I felt compelled to make a swift and decisive judgment call in the interest of human life. Despite contractual obligations to proceed with the charter, I opted to prioritize the safety of my crew and chose not to perform the charter party. However, this decision was met with challenges from the charterer, who insisted that there was no official declaration of war or war-like scenario. While technically there was no explicit provision for force majeure in the contract, I believed that the circumstances warranted such considerations.

The situation was further complicated by the unfolding conflict between Russia and Ukraine, with bombings occurring in the northern part of Ukraine and creating an atmosphere of fear and uncertainty. Although the port where we were situated was relatively distant from the immediate threat, the pervasive sense of unease influenced my decision-making process.

Ultimately, while the decision not to perform the charter party may have been unconventional and faced opposition, I prioritized the safety and well-being of my crew above all else. This eventually led to a dispute with the cargo supplier. In this context, negotiations have been going on since then and if it doesn't yield any solution, arbitration is the next step for dispute resolution.

Q.What challenges and opportunities do you see in the Indian Maritime Industry?

Answer: The Indian maritime industry faces challenges in modernization, especially with regards to the development of inland waterways. Despite these challenges, India's vast coastline and the fluency in the English Language can offer a significant potential for growth and development of maritime infrastructure and business.

The biggest benefit that India has its massive river systems. By developing Inland Port ways like USA and European Countries, India can revolutionize the transportation, reduce road traffic and enhance economic activities along the water routes. Technological advancements, such as the Electronic Bill of Lading (EBL), stands at the forefront of digital transformation within the shipping industry, presenting opportunities for efficiency and cost-effectiveness.

Q.How can young minds be attracted to Indian Maritime Law?

Answer: To attract young minds, there should be a focus on practical experience in this vast field of Marine Industry and law. Integrating emerging technologies like EBL and emphasizing the potential of inland waterways in maritime law education can also make it more attractive and relevant to aspiring maritime lawyers.

Q. What would you suggest in terms of the Centre's future course of actions in order to achieve your vision?

Answer: Developing maritime law curriculum, integrating practical experiences, and collaborating with organizations like P&I clubs are essential.

Additionally, thinking out of the box and developing a real-world dispute resolution mechanism is crucial for the centre's development.

Q. What are the career prospects in Maritime Law?

Answer: Maritime law offers diverse career opportunities, especially with the potential growth in shipping and port technologies leading to increased demand for legal expertise in resolving maritime disputes.

6. What solutions do you propose for the growth of maritime arbitration in India?

Answer: There is a significant opportunity for maritime arbitration growth with the development of ports and shipping technologies. By assimilating dynamic data for contract development and facilitating contract assistance, maritime arbitration can thrive.

Q. How does Artificial Intelligence impact maritime law?

Answer: Artificial Intelligence can assist in contract development and assimilate dynamic data for more informed decision-making in maritime law. AI can also assist simplifying the making of the Charter-Party Agreement.

8. Could you share a specific experience from your career?

Answer: One memorable and harrowing experience occurred in 2005 when our ship, laden with cargo, was enroute to a port of Sikka. As we approached the vicinity of Seychelles in the South Indian Ocean, the ship was unexpectedly attacked. Armed Somalian assailants aboard a wooden boat fired grenades and rocket launchers at our vessel. The attack's precision suggested that the pirates had intricate information and

data of our ship's schedule and route, implying the involvement of a mother ship likely originating from Somalia.

These types of attacks are generally planned in Europe, where a centre tracks ships and provide information to Somali assailants. These Somalian assailants then attack vessels for a ransom. These pirates are paid by the maritime criminal syndicates based out of Europe who generally orchestrate such attacks.

In response to this incident, I sought assistance from reputable naval institutions, including the United Nations and naval associations in Dubai. Thankfully, timely intervention from naval forces helped to deter further aggression, allowing our vessel to reach safely in Jamnagar. I had to further take the vessel to Dubai for necessary repairs from the heavy damage it suffered from the piracy attacks.

Q. Any message for students pursuing a career in maritime law?

Answer: Stay updated with the industry's developments, engage in practical experiences, and be prepared for the dynamic challenges of maritime law.

CONTRIBUTE TO OUR BLOG

CML BLOG

The Indian Maritime Industry is growing at a fast rate and it has been predicted to be one of the most important contributors to the Indian economy in the times to come.

The Blog intends to provide the latest developments in the Indian Maritime industry as well as the recent updates about the admiralty law in India. The blog exists as a specialist research and professional platform in order to support and promote research and teaching of the highest standard in international shipping and trade law.

The blog intends to act as an outlet not only for the Centre but also for the legal community and viewers of the blog as a whole willing to express their views and interests on important or trending maritime legal issues.

Centre for Maritime Law

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If you would like to contribute to the blog, we'd be thrilled to receive your submission! Please email it to cml@nluo.ac.in, with the subject Blog Submission: **<contribution title> and <author(s) name>**. If you would like your blog piece to include a photo and a short biography, please include this information in your submission email.

Once you have submitted your draft post, the Editors will be in touch. We endeavour to respond quickly to Blog submissions and you can anticipate a response within a fortnight.

If the contribution is rejected, the same shall be communicated with a brief feedback.

If it is considered that your post has potential to be published, but is not currently of the required standard, then we will send back your work with editorial suggestions in tracked changes. However, the same does not amount to acceptance of the post.

Submission Guidelines:

- The write-up shall be in English only and should not exceed more than 2000 words. The authors might note that the word limit is flexible subject to the quality of work and discretion of the editor. The write-up should be mailed in .doc format.
- Co-authorship to a maximum of two is permitted.
- Similarity Index: The similarity index needs to be less than 15%. Beyond this threshold, submissions shall be rejected. The piece of work should be original and must include the opinion of the author on the issues addressed.

Formatting Criteria:

- Main Body: Font: Times New Roman, Font Size - 12, Line Spacing - 1.5 and Alignment - Justified.
- Footnotes: Font: Times New Roman, Font Size - 10, Line Spacing - 1.0 and Alignment - Justified.
- The contributor shall follow a Uniform mode of Citation.

CML Members:

Samridhi Prakash, Santripta Swain, Aditya Danturty, Swayam Sambhab Mohanty, Lohitaasksha Mohapatra.