

Maritime Laws and Dispute Settlement in India

BY:

Prof. P.V. Rao

Introduction

- **Global Oceans** today are used for multiple purposes – Past uses of Sea were mainly for political domination and trade – *‘Trade follows Flag’* was the dictum of Imperial maritime power struggle – Since 20th C Ocean are used for multiple purposes: trade; energy; resources; fishing; tourism – Growth in global trade volumes and shipping plus maritime dependence of Developing countries are responsible for sea-borne dependence .
- **UN Conference on the Law of the Sea** (adopted in 1982; came into force 1994) granted coastal states large Sovereign maritime jurisdictions: Territorial Sea (12 nautical miles) ; Contiguous Zone (24 nautical miles); Exclusive Economic Zone (EEZ, 200 nautical miles); Continental Shelf (200 miles; Shallow seabed upto 200 miles from where sea depth increases steeply; uses for marine resources; oil, fishing, environmental purposes)

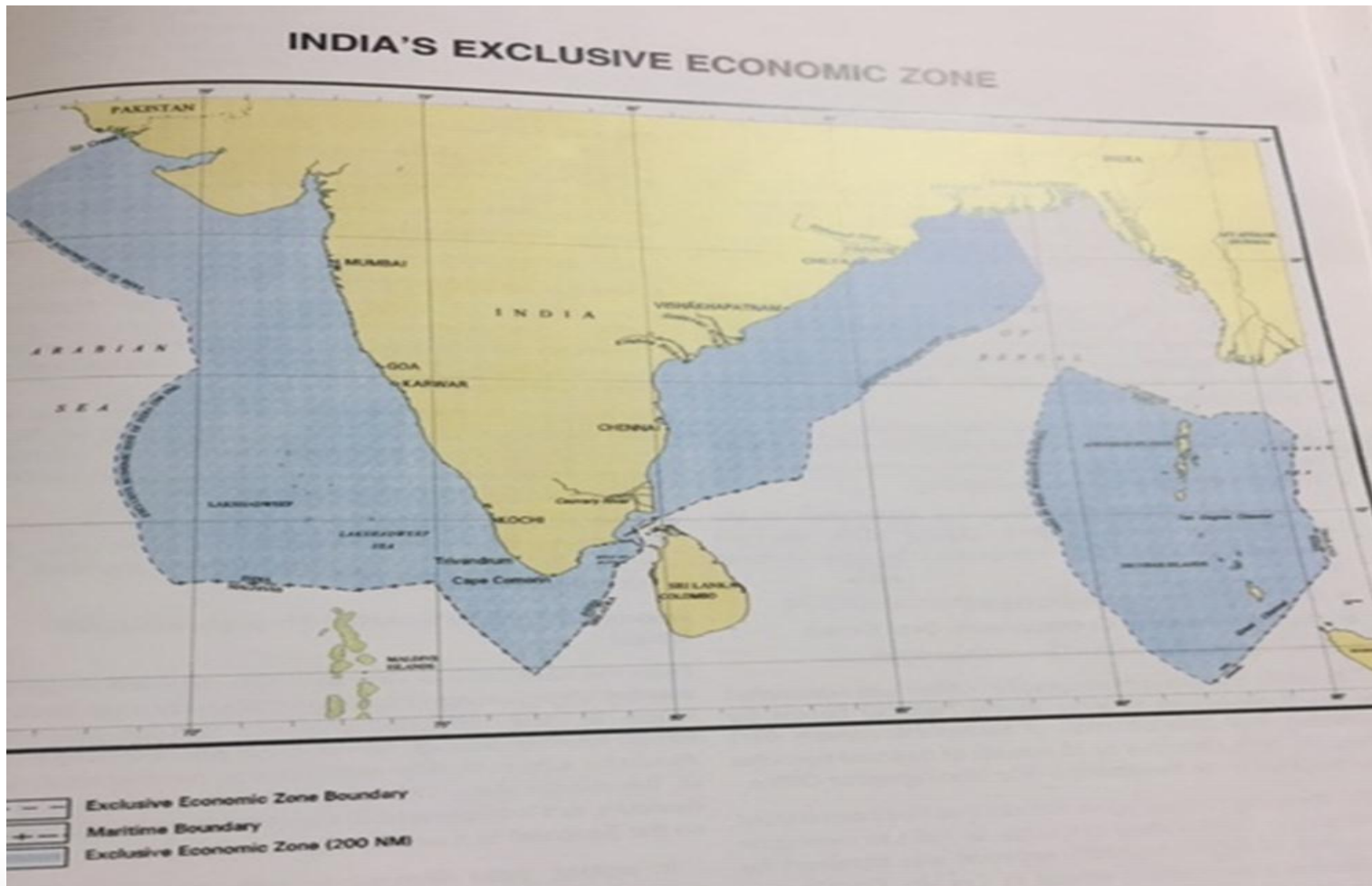
- Delimitation of Maritime Zones: UNCLOS defines the rights of a coastal State in each of the Maritime jurisdictions: Territorial Sea (TS) is the sea area from the shore upto 12 nautical miles in the sea – in TS coastal state has full sovereign authority like on its land – All civil and criminal laws; immigration and customs; fiscal, fishing, navigation, tourism, security etc. rights exclusively belong to the State – in the Contiguous Zone State's rights limited – it will enjoy almost all TS rights except civil, criminal; EEZ is
- Indian Maritime Laws: Parliament in 1976 passed the Maritime Zones Act – This Act divided Indian maritime zones into Territorial Sea; Contiguous Zone; EEZ; Continental Shelf – However, the Act does not define the baselines – Only in 2009 baseline was defined by two methods: normal baseline; straight baseline – India's MT Zones were disputed by Bangladesh which disagreed with India's baseline difference – it was settled by an arbitration tribunal in 2014, favouring Bangladesh position on baseline demarcation.

Maritime Zones of India

<u>Total Length of Coastline</u>	
Mainland	7,516.6 km
Lakshadweep Islands	5,422.6 km
A & N Islands	132 km
	1,962 km
<u>Island Territories</u>	
A & N Islands	1,197
Lakshadweep Islands	572
Off India's West Coast	27
Off India's East Coast	447
	151
<u>Maritime Jurisdiction</u>	
Territorial Waters	UNCLOS Ratification 29 Jun 95
EEZ	45,450 sq nm / 155,889 sq km
Continental Shelf	587,600 sq nm / 2,013,410 sq km
Deep Sea Mining Area	Approx. 530,000 sq km (being demarcated)
Stations at Antarctica	150,000 sq km, Pioneer Investor August 1987. Position-180 Cape Comorin 1080 nm
	☐ Dakshin Gangotri (70° 05'S 12° 00'E) - set up in 1984, dismantled in 1990
	☐ Maitri (70° 46'S 11° 50'E) - set up in 1989
	☐ Bharti (Larsmann Hill) - to be set up in 2012

Table 5.2 – Maritime Statistics of India

India's Exclusive Economic Zone



Dispute Settlement

- International Tribunal for the Law of the Sea Tribunal (1982, Hamburg, Germany) – Highest court adjudicating ALL disputes relating to UNCLOS – Disputed issues include continental shelf, EEZ; rights of coastal states and archipelagoes; transit rights of ships; fishing rights; sea bed resource mining – growing pressures on marine resources is creating frequent disputes – India's major UNCLOS disputes: Delimitation of Continental shelf with Bangladesh (Permanent Court of Arbitration, 2014) ; India-Sri Lanka Fishing right disputes in Palk Bay – Enrica Lexie (PCA, 2015)

THANK YOU