

INTRODUCTION TO PG DIPLOMA IN ADVANCED MARITIME LAWS

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Scheme of Discussion

- **Part I:** The Linkage between Law and Technology, Evolution of Technology, Industrial Revolutions including the 4th IR or Knowledge Revolution, Pros and Cons of 4th IR and Technology and NET and NEST.
- **Part II:** What is Globalization and When It Started?, Aspects of Globalization, Positives and Negatives of Globalization and Impact of Globalization on India.
- **Part III:** LPG and its Impact on Indian Maritime Industry, Liberalization of FDIs, Private Participation in port Sector, *Atma Nirbhar Bharat*- Vocal for Local Impact Self Reliance and Private Participation
- **Part IV:** Why maritime Education, maritime Business and Employment Opportunities, Why maritime Courses at NALSAR? About NALSAR and CASL/CADL, Objectives of the Course. Description of the Course Structure- Papers and Modules, 6 papers.

Law and Technology

- Law follows technology or technological developments necessitate the legal regulations. It is true with the marine technologies.
- Ongoing developments in Marine technologies illustrates the observation that “Law lags science; it does not lead it.”
- Relationship between law and technology has always been uneasy. Law had been slow and lethargic to respond to new technologies.
- Till recently the law makers handled problems presented by technology with out break down of legal resources. Legal policy makers find it difficult to address.

Law and Technology Cont..

- New technologies invented over the last few decades has revolutionized governance, transportation, commerce, communications, delivery, and nearly all aspects of our lives.
- Technological development is a continuous process. It is improving all the time.
- Vast opportunities have opened up in enhancing prosperity and security.
- The protection of critical infrastructure in the face of cyber of attacks; likely joblessness on account of increased automation; change in the nature of workplace due to 3-D printing are some of these.
- Law has to move in- tandem with the technological advances.
- **The law is behind the times. - Oliver Wendell Holmes**
- Techno-Driven Laws including Air Law, Space Law, IT Law, IP Law, Cyber Law, Telecom Law, etc.,

Evolution of Technology

- **Ancient Technology**-- Invention of ramp to aid construction processes; Bronze technology used in Mesopotamia; City planning and sanitation technologies in Indus Valley Civilization; Seafaring technology; Early Seismic detectors by Chinese Civilization; Magnetic compass; Water Lifting Technologies; Wheel Technology; Metallurgical Technology
- **Medieval Technology**--Mechanical Clocks; Vertical Windmill; Dry Compass; Textile manufacturing; Communication Technology; Paper making Technology; Steam Engine; Railway Transportation, Invention of Sea Routes and Sea Trade
- **Modern Technology** --Broadband Internet Access; Quantum Computers; Nanotechnology; Biotechnology; Whole genome sequencing; Scramjets and Drones

Three Industrial Revolutions

- The First Industrial Revolution started in Britain around **1760s**, was **about coal, water and steam**, bringing with it the steam engine and **innovations that enabled the large scale manufacturing of goods and products**, such as textiles. Its impact on civilization was immense.
- The Second Industrial Revolution came about with the **invention of electricity and enabled mass production**, Dating from the late 1860s to early 1900s, it allowed much of the progress of the first industrial revolution to **move beyond cities and achieve scale across countries and continents**.
- The Third Industrial Revolution or **Digital Revolution** started in the 1950s and 60s. Third Industrial Revolution was all about computers. Transistors, which eventually allow for the ultimate in scale: **globalization and Global Village**

March of Civilization and Revolutionary Changes

- 17th century-Scientific Revolution,
- 18th Century-Political Revolution,
- 19th Century-Industrial Revolution,
- 20th Century-Information Revolution and
- 21st Century-Knowledge Revolution
- Knowledge Which Ruled or Ruling the World
- It is Generally Viewed that 19th century belongs to Europe,
- 20th century belongs to USA and now
- the 21st century is Asians century more particularly the Indian century.

4th IR or Knowledge Revolution

- The Fourth Industrial is characterized by a **fusion of technologies that is blurring the lines between the physical, digital, and biological spheres.**
- Compared with previous industrial revolutions, the Fourth is evolving at an exponential rather than a linear pace.
- Moreover, it is disrupting almost every industry in every country. And the breadth and depth of these changes herald the **transformation of entire systems of production, management, and governance.**
- The Fourth Industrial Revolution covers wide-ranging fields such as Artificial intelligence, The Internet of Things (IoT), robotics, autonomous vehicles, 3D printing, nanotechnology, biotechnology, materials science, energy savings, computing, etc.

The Pros of the 4th IR

- Fourth Industrial Revolution has the **potential to raise global income levels and improve the quality of life for populations around the world. technology has made possible new products and services that increase the efficiency and pleasure of our personal lives.**
- Ordering a cab, booking a flight, buying a product, making a payment, listening to music, watching a film, or playing a game—any of these can now be done remotely.
- The Fourth Industrial Revolution represents a fundamental change in the way we live, work and relate to one another. **It is a new chapter in human development, enabled by extraordinary technology advances commensurate with those of the first, second and third industrial revolutions.**
- Transportation and communication costs will drop, logistics and global supply chains will become more effective, and the cost of trade will diminish, all of which will open new markets and drive economic growth.

The cons of the 4th IR

- **Inequality:** It is all about who gets the benefits of these technologies and of the results they help produce. For developing countries there are technological and infrastructure challenges and skill challenges that are not easy to overcome.
- **Cyber security risk:** When everything is connected, the risk of hacking data and tampering with it or using it for malicious intent is now more prevalent. It challenges the very nature of identity and privacy, especially with the increased use of data analytics and machine learning.
- **Core industries disruptions:** For example Taxis are competing against Uber, Traditional television and cinema compete with Netflix and YouTube, the hotel industry with AirBnB and any store is competing against Amazon.
- **Ethical issues:** With improved AI, genetic engineering, and increased automation, there are new ethical concerns and questions of morality. With access to more data about an individual and a group of individuals, the risk of using it for personal gain and manipulation is even greater

NET and Legal issues

- The emerging technologies of Artificial Intelligence (AI), Automation, Big Data, Block chain, 3D printing, Cyber technology, Cloud Computing, Crypto Currency, Drones, Energy, Genetic, Geo special, Mobile, Machine learning, Nano, Robotic technologies etc. have garnered an incredible amount of attention and changing the living patterns of the human being
- **Major legal issues concerning “New and Emerging Technologies” (NET) :**
- **Traditional:** Technology and its Impact on State Sovereignty, State Jurisdiction, State Responsibility, Privacy, Security,
- **Modern:** Technology Impact on legal issues regulating the use and mis- use of data, evidence, Protection of creative works, and inventions including IP, Mobile, Biometric mobile, Facial recognition technology, biotechnology, genetic testing, nanotechnology, synthetic biology, computer privacy, autonomous robotics etc.,
- These technologies are generating fair amount of litigation, and presented concerns regarding the possibility of intrusive governmental surveillance and needs new approaches to ensure appropriate and timely regulatory responses

Legal Question

- **The existing legal regimes is unable to deal effectively with new and innovative technology are also rising lot of legal Questions**
- Do machines have morality?
- What legal liability regime should we adopt for damages arising from these Technologies?
- Which ethical guideline should we adopt to orient its advancement?
- Is anticipative regulation justified for certain classes of risks in applications of these technologies?
- Should legal systems resort to the precautionary principle to avoid dealing with the risks of a rapidly changing technological trajectory?
- Are technology-based initiatives necessary, or is a product-specific approach more appropriate?
- Can a line be drawn between legal and ethical guidance in this context?

NET to NEST

- In January 2020, the Ministry of External Affairs (MEA) took the progressive step to establish India's first, New and Emerging Strategic Technologies (NEST) division.
- NEST will act as the nodal division within the ministry for issues pertaining to new and emerging technologies. It will help in collaboration with foreign partners in the field of 5G and artificial intelligence.
- Its mandate shall include, but not be limited to, evolving India's external technology policy in coordination with domestic stakeholders and in line with India's developmental priorities and national security goals.
- It will also help assess foreign policy and international legal implications of new and emerging technologies and technology-based resources, and recommend appropriate foreign policy choice.
- NEST will negotiate technology governance rules, standards and architecture, suited to India's conditions, in multilateral and pluri-lateral frameworks.

Law and Management

- By studying Management one can gain the skills and knowledge essential for managing key areas of aviation industry.
- Management helps in understanding of the role and interrelationship between strategic management, Financial Management, human resource management and operations management.
- Having knowledge in management will appreciate the global challenges facing managers from both an operational and a strategic perspective, and are sensitive to the need for mainstreaming of business ethics and corporate social responsibility into management policy and practice
- In this Programme the students become aviation law experts and gives a rare opportunity for Lawyers to get a rare specialisation in aviation law, while becoming an air transport management expert.
- Course Participants will have a sound and strong foundation on legal and management patterns of international civil aviation sector
- Also will be well-equipped to handle practical and contemporary aspects and challenges faced in the daily governance of the aviation industry.

What is Globalization?

- Globalization is the term used to characterize the processes of growing interconnection and interdependence among the different nations of the world.
- It offers to the increased flow of trade, people, investment, technology, culture, ideas among countries and creates a more integrated and interdependent world
- World Bank: Globalization is the growing integration of economies and societies around the world.
- Globalization is often understood as the dissemination, transmission, and dispersal of goods and services, persons, images, and ideas across national boundaries
- Globalization of markets is one of the most fascinating developments of the 20th century. Its impact on economic transactions, processes, institutions, and players is dramatic and wide ranging. It challenges established norms and behavior and requires different mindsets.
- Globalization of markets involves the growing interdependency among the economies of the world; multinational nature of sourcing, manufacturing, trading, and investment activities; increasing frequency of cross-border transactions and financing; and heightened intensify of competition among a larger number of players

When Globalization Started?

- ◆ Globalization has been around since the 15th century when European exploration & colonization created global empires & markets.
- ◆ Globalization From 15th – 18th C – age of exploration by European nations – invasions in pursuit of raw-materials/resources for industry development.
- Globalization from 18th – 20th C – Industrial Revolution and rapid growth of Manufacturing Industries, Migrations of Labor, Steamships, Telegraph, Railways, MNC Exporting Odyssey, Dutch East India Company, etc. .
- Globalization in the late 20th C – Old economic & business order changed. New business landscape and major shifts in the global economy after Oil Shocks. In 1980s – 1990s China's World Manufactory & India IT Business Development. Late 20th C into 21st C– New World Economic & Business Order.
- The phenomenon of globalization has captured world attention in many spheres-the information superhighway; international trade; telecommunication; and the internet.

Thomas Friedman observations on globalization

- In his book *The Lexus and the Olive Tree: Understanding Globalisation*, Thomas Friedman observes that
- Globalization is neither a phenomenon nor just a passing trend but “an overreaching international system shaping the domestic politics and foreign relations of virtually every country, and we need to understand it as such.
- Globalization can be incredibly empowering and incredibly coercive.
- It can democratize opportunity and democratic panic.
- It makes the whales bigger and the minnows stronger.
- It leaves you behind faster and faster, and it catches up to you faster and faster.
- While it is homogenizing cultures, it is also enabling people to share their unique individually farther and farther.”

Friedman Views on globalization

- Friedman book, *The World Is Flat. A Brief History of the Twenty-First Century* 2006, assessed how globalization and the rapid changes in telecommunications have affected the political, economic, and social landscapes of both the developed and developing worlds.
- Further, Friedman discusses the transformations that have been ongoing in the United States, Europe, China, Africa, and Latin America But much of his book focuses on India.
- For Friedman, it is in India today where people "are ... able to compete for global knowledge work as never before." This competition is leveling the economic playing field and, according to Friedman, beginning to make the world flat.
- India has been a favorite site for these new globalizers and has itself contributed immensely to the presentnglobalizing world. Because of India's large English-speaking population, relatively cheap labor market, and high number of educated workers, foreign investors have been heading to the country in droves, in hopes of enhancing capital return.

Globalization Vs. Internationalism

- Globalisation which refers to a broader and integrated process of transformation of the world into a global village characterised by free world trade, freedom of access to world markets and increased social, economic, and cultural linkages and relations among the people of the world.
- Whereas internationalism stands for increasing scope and intensity of cooperation among nations, globalisation refers to a free and integrated world system. Globalisation is neither a purely economic process nor is related to communications only. It is a broad process of increasing socio-economic-industrial-trade-cultural relations among the people living in all parts of the globe.
- **Salient Features of Globalisation**
- Liberalisation: Free trade: Globalisation of Economic Activity:
- Liberalisation of Import-Export System: Privatisation: Increased Collaborations: Economic Reforms

ASPECTS OF GLOBALIZATION

1. Economic perspective - globalization is perceived as the creation of high-tech jobs in wealthy nations and the lifting from poverty of some three billion people or half the world's population. At the same time, it is also perceived as the loss of jobs in wealthy nations and the exploitation of workers in poor nations.
2. Cultural perspective - it is the growth of cross-cultural understanding made possible by the increasing two-way flow of entertainment and news, and the development of human values that transcend those of any one culture. At the same time, it is also the erosion of local traditions and standards and their replacement by foreign ones.
3. Technological perspective - globalization is the spread of knowledge and the dramatic leaps in world communications and travel that has resulted in eradication of deadly diseases, saving of endangered species, the reduction of famine and the increase in world productivity to the benefit of all humankind. At the same time, it has also unleashed destructive forces leading to loss of species, spread of disease, environmental degradation, war, and terrorism.
4. Political Perspective – Creation of global and regional political organisations
League of Nations and United Nations, Regional organisations like European Unions like NAFTA

Impact of Globalization

- On the positive side, it generated by growing international economic, cultural, and political cooperation and solved many global problems.
- Promotes intense competition among multinational corporations (MNCs) and also makes local companies to be more competitive internationally.
- Makes governments more aware of the global impact of poor environmental policy.
- Promotes ethical behavior by MNCs in the area of wages, working conditions and pollution abatement, since they are vulnerable to global media coverage of their operations, and fear loss of market share resulting from negative publicity.
- On the positive side, it generated by growing int. economic, cultural, and political cooperation & solved many global problems

Arguments Against Globalization contd...

- On the negative side, globalization also has profound implications for states such as the autonomy and policy-making capability of states are being undermined by economic and cultural internationalization.
- Shift of sovereignty from political to economic
- Role of States have Changed from Law-maker to Law-takers
- Role of States are changing from regulator to facilitators
- Many governments see their role as not to regulate markets but to facilitate their expansion.
- Globalization and regional interactions are wiping out national borders and weakening national policies.
- Concept of Law has changed from sovereign to science of social adjustment

Globalization Drivers

- **Global Market** – Common customer needs, Expanding global customers, Global market channels, Marketing transfers and global branding
- **Production & Supply Chain** - Taking advantage of economies of scale & scope, Sourcing efficiencies, Production factor cost differences, Product development costs, Application of rapidly changing economies
- **Government and Multilateral** - Role of GATT/WTO in trade liberalization, Unrestrictive trade and investment policies, Compatibility of technical standards
- **Competitive Advantage Drivers** - Global competitors in trade and investment, Interdependence among nations, Shrinking product life cycles and technology advances, Imports compete with domestic products
- **Human Resource Skills Drivers** - Readily available engineers and scientists abroad
- **Globalization of Technology Use** - Mergers & Acquisitions of complementary technologies, Access to the global phenomenon of shared technologies, Integration of company operations with new technologies of rivalry

Globalization and India

- India Globalized its economy in 1991 With Mounting problems- huge fiscal deficits, BoP crisis and foreign exchange crisis, Foreign investors and NRIs had lost confidence in Indian economy
- Major measures as a part of the Globalization strategy, Devaluation of Currency, Disinvestment, Dismantling of The Industrial Licensing Regime Abolition of the MRTP Act , Allowing Foreign Direct Investment, Wide-ranging financial sector reforms
- Reforms relating to the banking system-- Capital base of the banks were strengthened by recapitalization, public equity issues and subordinated debt, Prudential norms were introduced and progressively tightened for income recognition, classification of assets, provisioning of bad debts, marking to market of investments, New private sector banks were licensed and branch licensing restrictions were relaxed., Credit delivery was shifted away from cash credit to loan method

Recent Maritime developments

- India's geographical position has contributed to it becoming an increasingly important seafaring nation for the world.
- India has a lot of untapped potential for further trade growth, and consequently opportunities in the shipping and port sector.
- Ninety per cent of India's foreign trade by volume is carried by foreign-flagged ships.
- The Indian taxation regime has generally not been considered to be favourable for foreign investors in the Indian shipping industry in comparison with other jurisdictions, such as Singaporean and Dubai, along with other open registries such as Liberia, Panama and the Marshall Islands.
- India is still far behind in enacting domestic legislations to give effect to various international conventions and it is only in the recent past that there has been a conscious effort to deal with this lacuna in a constructive manner.

Impact of Covid19 on Domestic Governance

- No industry has escaped the impact of COVID-19.
- Some have been hit hard, for example; Travel, Tourism, Entertainment Hotel Industries, steel, textiles, etc. Others, such as food and beverages, paper, pharmaceuticals, and industrial machinery and equipment, have fared better.
- An ongoing restructuring was put in motion as a result of the globalization of markets. Downsizing, consolidation, and reconfiguration are common terms used to describe the current state of affairs in all industries.
- The new realities of the global marketplace have prompted business organizations to be constantly in search of enhanced productivity and new sources of competitive advantage. Such efforts to critically examine one's capabilities can be classified into several thrusts

COVID-19 Pandemic and Int. Legal Order

- The COVID-19 Pandemic has forced states to Closed borders, quarantine imposed on people, travel bans, paralyzed supply chains, and export restrictions
- The impact of the pandemic COVID-19 poses fundamentals questions : How will the pandemic influence the international order in the future?. How the pandemic might reshape the world order, including prospects for international cooperation. Can the pandemic will accelerate USA decline and the advent of a more multipolar world ?.
- The world now faces a new form of “non-solidarity” globalization between the countries of the North and the countries of the global South. How trade war between the US and China will influence the international order.

COVID-19 and Changing Business Env.

- What sorts of guidelines and input should guide product design?
- How desirable are knowledge-sharing agreements?
- Joint development of technology and know-how?
- What are ideal features of international business partners?
- How should management monitor competitive activity?
- How can competitive advantages be created and sustained?
- What degree of attachment is optimal to alternative sourcing and production locations around the world?
- Management has to grapple with these and many other similar questions on an ongoing basis.

State Responsibility of China under Covid-19

- ***Can China Be Tried in Domestic Courts?***
- availability of sovereign immunity to China before domestic courts. Most countries including the US and India have legislative provisions granting sovereign immunity to foreign States before domestic courts.
- ***Can China Be Held Responsible Under International Law?***
- Under international law, every internationally wrongful act or omission of a State entails the international responsibility of that State.
- ***Practical Difficulties in Proving China's Culpability***
- However, the question of whether such acts or omissions constitute a breach of an international obligation binding upon China at the relevant time is more problematic and challenging
- Further, the WHO's leverage with the Chinese government to obtain detailed information about the origin of the COVID-19 virus and the idea of establishing an international commission of inquiry for COVID-19 are researchable topics.

Covidization and Its Impact on Int. Legal Order

- Covid-19 and its impact on the International Human Rights, International Health Law, International and bilateral Trade Law the recent India- China tension, International Environment Law, Global Aviation Industry, International Shipping and Maritime Industry, International labour, Employment Rights and Migration issues, Tourism and Travel Insutry, implications on Investment and FDI's, Impact on Food Security, Security and Defence Industries,
- How it will affect the Space exploration (SpaceX) program and what would be the legal recourses in that regard, Commercial and International Taxation issues, Sports and Recreation Industries, Media Freedom Violation, global Consumer behavior, marketing and advertisements, Intellectual Property Rights, Capital and Financial Market

Why Maritime Studies?

- The increase in India's sea-borne trade, growing shipping services and rapid strides in expanding the country's maritime infrastructure call for a more specialized study of the new issues and challenges
- Though some maritime institutions have been established in recent years – National Maritime University, National Maritime Foundation, Society for Indian Ocean Studies, Kunjalini Marakkar Maritime Studies – these centres are largely addressing the issues of maritime security concern and few other.
- But, there is a pressing need to address legal and non-legal issues relating to such policy regimes as maritime shipping industry and regulations, maritime insurance; public/private partnership in shipping industry; foreign investment in Indian maritime infrastructure, coastal zone management, fishing, maritime security challenges and legal instruments (anti-Piracy, maritime counter-terrorism).
- Build a strong and trained pool of young maritime experts/trainees capable of assisting the shipping industry, law firms, corporate houses and other interested agencies.

Why Maritime Studies?

- Unfortunately, there is no specialization in maritime law in any Indian university including those located in the coastal states of India where there are major ports
- In so far as the practice of law is concerned, private maritime law specialists account for no more than 0.01% of the population of Indian lawyers.
- The few who dominate the field have carved out a niche and their practice is largely confined to cargo damage claims, disputes relating to freight and related charges, charter party disputes and ship arrests to enforce maritime claims of sorts. Awareness of maritime law and its importance is relatively low in the trade and commerce community.

Why Aviation and Maritime Courses at NALSAR ?

- About the NALSAR-
- NALSAR University of Law established by Act 34 of 1998
- NALSAR consistently ranked as one of the best Law University in India.
- NALSAR is approved by the BCI and UGC. It has been graded as Category-I University by the UGC for Grant of Graded Autonomy Regulations, 2018.
- NALSAR has been accredited by NAAC A+ with 3.60 CGPA out of 4.00. which is highest among all laws schools in India so far

CASL and CADL

- One of the contemporary but neglected areas in Indian legal realm is Aerospace Defence Maritime laws.
- NALSAR established advanced Centre for Air and Space Law (CASL) in 2005. Since then, CASL has evolved a leader in promoting the study of and research in the specialized fields of Air and Space Law.
- CASL, NALSAR has launched few innovative and value added programmes in Aviation, Space, Telecommunications, GIS and Remote Sensing, Maritime Laws to cater to the needs of unprecedented aviation growth, which calls for thousands of skilled manpower to meet the managerial requirements of the rapidly growing airports, airlines and aerospace Maritime sectors.
- There is an acute shortage of legal and managerial professionals around the world.
- The aforesaid courses are a unique value added qualifications which would help the aspirants acquire global placements in the aero-space and Defence industry.
- Suffice it to say, NALSAR is the one and only University which has established a dedicated centre for Aerospace and Defence Law in India

Who made it and why?

- With the support from various organizations such as Ministry of Civil Aviation, Ministry of Defence, Ministry of Shipping, ISRO, Surveyor General of India and representatives of the Telecommunications industry and private sector.
- Constitution of Expert Committees
- **Why?** NALSAR's initiative crystallizes an academic – industry partnership in the domain of Air Transport Management, Aviation, Space and Telecom Laws which makes the programme first of its kind not only in India but also in this part of the world.
- There is an acute shortage of aerospace legal and managerial professionals around the world. The aforesaid courses are a unique value added qualifications which would help the aspirants acquire global placements in the aero-space and Defence industry.

Objectives of the Course

- The Aviation Law and Air Transport Management course has been developed specifically for those aviation professionals who are currently working in the aviation and associated industries.
- This course satisfies the requirements of Aviation Lawyers, Aviation Managers, pilots, aircraft engineers, air traffic controllers, airport operators in terms of their workplace duties and associated legal and regulatory responsibilities.
- This course also provides a general overview of the law and legal systems including contract and tort law and also areas of corporate and criminal law.
- Students undertaking aviation-related studies would benefit from this course as it presents all the areas of the law that impinge upon aviation activities.

Objective of the Courses

- Aviation Law & Air Transport Management is a unique super competency course.
- NALSAR-CADL has taken an initiative to offer this unique programmes to benefit the students/ working executives to gain the competitive edge in their career profiles.
- To provide best aviation education with global perspective, at affordable cost.
- Legal and Management aspects of Aviation Industry is so well interconnected that the study of one aspect was incomplete without the study of the other.
- Through this program we aims to create an industry of aviation managers and lawyers to cater the growing aviation industry at National and International .
- Our course participants would not only have a sound and strong foundation on legal and management patterns of aviation sector but also will be well-equipped to handle practical and contemporary aspects and challenges faced in the daily governance of the aviation.
- NALSAR-CADL intend to institutionalizes the academic-industry partnerships in the domains of air transport management and aviation law.

DESCRIPTION of the COURSE STRUCTURE

- The PG Diploma programmes of Aviation Law and Air Transport Management is a unique blended version of '*Onsite and Online*' modules which is spread across two years and divided in four semesters one year with two semesters respectively.
- The rigorous program comprises of six papers in PG Diploma Programme.
- The structure of the Masters programme is as follows:
- **SEMESTER I:**
 - General Principles of Law
 - International Air Law
 - General Principles of Management
 - Airport Management

Structure of PG Diploma- Maritime Law

- **SEMESTER I:**
 - General Principles of Law
 - International Maritime Laws
 - Maritime Security and Law of the Sea
- **SEMESTER II:**
 - Maritime Laws in India
 - International Trade and Maritime Transport Services
 - Maritime Laws and Contemporary Issues

Conduct of the Course:

- **Onsite Sessions:** Each paper is conducted by the experts in their respective fields who will apart from creating a strong theoretical base would also seek to impart information on practical and contemporary issues involved in the working of the aviation industry through mock exercises and case study methods during the onsite sessions.
- The onsite session will be conducted in each semester for 5 days for and will be held in the NALSAR Campus.
- **Online Sessions:** Such theoretical and practical dispersion of the knowledge so received during the Onsite Sessions is sought to be enhanced through the Online E-Learning Sessions.
- Relevant course materials will be updated on the web-site and the course participants will be given a user-id and password through which they can access these online reading materials.
- Participants can also have one-to-one discussions with the course experts through the online mode as well.

Evaluation Scheme

- Each paper shall carry 100 marks. The distribution of marks shall be as follows:
- Assignment(s):30 Marks
- End Semester Examination: 70 Marks
- Pattern of Examination:
- Section A- 50 Marks (5 out of 7 Questions) (10 marks each)
- Section B- 20 Marks (4 out of 6 Questions) (5 marks each)
- End-Semester Exam Dates- Duration of Exam-2 hrs 30 mins
- 14 December, 2019-Paper I- 9:30 A.M- 12 P.M; Paper II- 2:30 P.M- 5 P.M
- 15 December, 2019- Paper III- 9:30 A.M- 12 P.M; Paper IV- 2:30 P.M- 5 P.M

Awards of Grades

Percentage of Marks	Grade	Grade Value
80 and above	O (outstanding)	8
75 – 79	D	7.5
70 – 74	A++	7
65 – 69	A+	6
60 – 64	A	5
55 – 59	B+	4
50 – 54	B	3
Below 50	F (Fail)	0

Structure – Brief Details- Paper on General Principles of Law

- The paper is designed with the intention of providing the course participants with an overall understanding of the fundamental concepts and principles of law and also develops an in-depth base on the functioning of law in government, society and our lives.
- This paper broadly divided into **five modules**:
- **Module I** – Discuss about the definition, nature, scope, sources and importance of law.
- **Module II** – Indian Constitution and administrative law including nature history and development, salient features of the Indian Constitution. This module briefly covers the important features of administrative law. This Module also covers Indian Judicial and Legal Systems including Indian Judiciary, Civil and Criminal Court Structure. This module also briefly touches the ADR Dispute settlement and Quasi Judicial Settlement mechanisms
- **Module III** - Fundamental Aspects of Law and its Relevance to Air Law including subjects like law of torts, consumer laws, criminal laws, intellectual property laws, cyber laws etc. and their relationship with International and domestic Air laws.
- **Module IV** - Fundamental Aspects of Corporate Laws and its Relevance to Air Laws including relevant areas of corporate laws , contract law, company law, competition law, insurance law, taxation law and their relationship with aviation sector in India.
- **Module IV**: Project Writing and Research Methodology. Importance of Research, 35-40% marks are part of Project and Dissertation

Brief Description of Paper- Maritime Law

General Principles of Law

- Module I - Introduction to Law- Discuss about the definition, nature, scope, sources and importance of law.
- Module II - Constitutional Law and Administrative Law- : Indian Constitution and administrative law including nature history and development, salient features of the Indian Constitution. This module also briefly covers the important features of administrative law.
- Module III – Indian Judicial and Legal System- It discusses the Indian Judicial and Legal Systems including Indian Judiciary, Civil and Criminal Court Structure
- Module IV - Fundamental Aspects of Laws and its Relevance to Maritime Law- This module thus seeks to provide a basic understanding of different areas along with a special focus on the importance of such laws with respect to maritime.
- Module V- Legal Research Methodology and Project Writing Techniques

International Maritime Laws

- Module I - Introduction to International Law- Discuss about the definition, nature, scope, sources and historical development of International law.
- Module II – International Maritime Law and Law of the Sea Convention- : It discusses about the evolution and development of international maritime law with special reference to the Law of the Sea Convention.
- Module III – UN, IMO and International Maritime Law- It discusses the role of UN and IMO in development of international maritime law.
- Module IV – International Maritime Law and International Treaties- This module thus seeks to provide a basic understanding of different international marine treaties which helped in the development of international maritime law.
- Module V- Settlement of Maritime Disputes- It discusses about the dispute settlement mechanism of international maritime law.

Maritime Security and Law of the Sea

- Module I – Maritime Security, Passage and Military Activities- Discuss about the definition, need and importance of maritime security, right to innocent passage and military activities.
- Module II – Law Enforcement Activities: It discusses about the law enforcement activities in the territorial seas, continental shelf, EEZ, High seas etc.
- Module III – Maritime Crime and Proliferation of WMD- It discusses the different marine crimes and initiatives taken to combat these crimes.
- Module IV – Intelligence Gathering and Information Sharing- This module thus seeks to provide a basic understanding of intelligence gathering and information sharing in the maritime sector.
- Module V- Armed Conflict and Naval Warfare- It discusses about the law relating to combat armed conflict and naval warfare.

Maritime Laws in India

- Module I - Introduction to Maritime Laws of India: Historical Evolution of the Maritime Laws in India, Fundamental Concepts and Terminologies
- Module II – Maritime Legislations in India: UNCLOS and Indian Legal Regime on Maritime Crimes, The Territorial Waters, Continental Shelf, Exclusive Economic Zone And Other Maritime Zones Act, 1976, The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, Dispute Resolution and Landmark Judgments
- Module III – Maritime Fishing Legislation, Coastal Aqua-culture Authority act 2005, Biological Diversity Act 2002, Wildlife Protection Act 1972, Environment (Protection) Act, 1986, Marine Products Export Development Authority Act, 1972, Marine Fishing Policy 2004
- Module IV – Maritime Laws of India: Emerging Challenges, Maritime Security, Maritime Capacity of India: Strengths and Challenges, Coastal Zone Regulation 2011 and Impact on Maritime Policy of India, Draft Marine Fisheries (Regulation and Management) Bill, 2009, Maritime Piracy Bill 2012

International Trade and Maritime Transport Services

- Module I - Introduction to International Trade in Services: WTO-General Agreement on Trade in Services, Liberalization, Privatization and Globalization of Services and Advent of GATS, Relationship between GATT & GATS, General and Specific Obligations, India and GATS, Impediments to Maritime Transport Services
- Module II – Access to Port: Access to Port under the Law of the Sea, Access to Port under WTO
- Module III – Access to Cargo in International Shipping – Liner Shipping, Liner Conference and Its Evolution, Consortia and Alliances, New Developments, Selected Multilateral Regulatory Regimes, The United Nations, The OECD, Selected Regional and Domestic Regulatory Systems
- Module IV – Dispute Settlement Mechanism under WTO: Dispute Settlement Provisions under the GATS, The Dispute Settlement Understanding and the Merit of the WTO's Jurisprudence, The Relationship between the WTO Law and Other Fields of International Law, Withdrawal of Concessions –the WTO Term of Sanction

Maritime Laws and Contemporary Issues

- Module I - Maritime Terrorism: Codification of National and Counter Terrorism Laws
- Module II – Transnational Maritime Crimes
- Module III – Piracy and National Anti-Piracy Regime: Laws and Problems of Enforcement
- Module IV – Indian Maritime Disputes: Nature and Adjudication
- Module V – Maritime Insurance: Issues and Codification

Thank You