

MISCELLANEOUS MARITIME LEGISLATION IN INDIA

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Scheme of the Presentation

1. The National Waterways Act, 2016
2. Marine Insurance Act, 1963
3. Indian Ports Act, 1908
4. Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002
5. Marine Products Exports Development Authority Act, 1972
6. Indian Fisheries Act, 1897
7. Coastal Aquaculture Authority Act, 2005
8. New Deep Sea Fishing Policy, 1991
9. Marine Fishing Policy, 2004
10. Coastal Berth Scheme, Ministry of Shipping, Government of India
11. Sagarmala Funding Guidelines
12. Maritime Anti-Piracy Act, 2022
13. Marine Fisheries (Regulation and Management) Bill, 2019

National Waterways Act, 2016

- To provide for the provisions to existing national waterways and also for making provisions for the declaration of certain inland waterways as National Waterways
- The Act was introduced to –
- Make provisions for existing national waterways and to provide for the declaration of certain inland waterways to be national waterways.
- Provide for the regulation and development of the said waterways for the purposes of shipping and navigation and for matters connected therewith or incidental thereto.

- Section 2: Existing national waterways as specified to continue to remain 'National Waterways'. In addition, inland waterways as specified declared as National Waterways.
- Section 3: Taking over by the Union, of the regulation and development of the waterways specified in the schedule for the purpose of Shipping and navigation to the extent provided in the Inland Waterways Authority of India Act, 1985.
- The Parliament is provided with the authority to declare the national waterway under the provisions of the Inland Waterways Authority of India Act, 1985.

- The Act repeals five existing Acts, namely, the National Waterway (Allahabad- Haldia stretch of the Ganga- Bhagirathi- Hoogly River) Act 1982, the National Waterway (Sadiya- Dhubri Stretch of Brahmaputra River) Act, 1988, the national Waterway (Kollam- Kottapuram Stretch of West Coast Canal and Champakara and Udyogmandal Canals) 1992; the National Waterway (Talcher- Dharma Stretch Rivers, Geonkhali-Charbatia Stretch of East Coast Canal, Charbatia- Dharma Stretch of Matai River and Mahanandi Delta Rivers) Act, 2008, the National Waterway (Kakinada- Puducherry Stretch of Canals and the Kaluvelly Tank, Bhadrachalam-Rajahmundry Stretch of River Godavari and Wazirabad- Vijaywada Stretch of River Krishna) Act, 2008, saving their effects in the earlier time.

- Phase 1- Eight waterways being considered for development
- National Waterway 1 (NW1) under the Jal Marg Vikas Project. This is a 1,620km long Ganga-Bhagirathi-Hoogly river system from Allahabad to Haldia
- Assam: Namami Brahmaputra River festival, NW2 (the Sadiya-Dhubri stretch of Brahmaputra River) and NW 16 (the Barak River)
- Integrated National Waterways Transportation Grid: plan to link many of the national waterways to each other, to roads and railways and to major ports

Sagarmala Project

- The Sagarmala project calls for multimodal connectivity whereby a combination of waterways, railways, and roads will be utilized to have efficient logistics, all of which are important for goods to remain competitive.
- Given the projections for economic growth in the Sub-continent, there is great potential for increased cargo movement on waterways as freight traffic is likely to increase.
- Integrated approach is being adopted for improvement in quality of life with focus on skill building and training, upgrading of technology in traditional professions, specific and time bound action plan for improving physical and social infrastructure in collaboration with the coastal states
- Main features of Coastal Community Development plan consists of below
 - Skill development**
 - Coastal tourism**
 - Development of fishing harbors**
 - R&D in Port and Maritime Sector**

Marine Insurance Act, 1963

- to primarily enable the ship owner and the buyer and seller of goods to operate their respective business while relieving themselves, at least partly, of the burdensome financial consequences of their property from being lost or damaged as a result of the various risks of the high seas.
- this Act closely follows the UK Marine Insurance Act, 1906
- Principles of Marine Insurance: Insurance Interest, Utmost good faith, Doctrine of indemnity, Subrogation, Warranties, Assignment

Indian Ports Act, 1908

- Applicability: to ports that are mentioned in First Schedule to that portion which are crossable rivers and channels to that station respectively as prescribe in Indian Ports Act, 1875 and to all other station or parts of crossable rivers or channels as prescribe in this act by Government, and also to any port, river or channels to which this act was not specially extended by the government
- Not applicable to any vessel belonging to or is in service of central or state government, divest any person of any of property or other private right as wordily communicate or influence any provisions relating to customs or any order or direction lawfully made or given pursuant thereto

Maritime Anti-Piracy Act, 2022

- An Act to give effect to the United Nations Convention on the Law of the Sea relating to repression of piracy on high seas and for matters connected therewith or incidental thereto.
- Some important Definitions: Section 2(a): authorised personnel, Section 2(h): piracy, Section 2(i): pirate ship, Section 2(j): ship
- Offences: Sections 3-5
- Power of authorised personnel: Section 7
- Designated Courts: Section 8

THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF MARITIME NAVIGATION AND FIXED PLATFORMS ON CONTINENTAL SHELF ACT, 2002

- An Act to give effect to the International Maritime Organisation Convention for Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf and for matters connected therewith.
- Section 3: Offences against ship, fixed platform, cargo of a ship, maritime navigational facilities, etc.
- Section 4: Conferment of powers of investigation.
- Section 5: Designated Court
- Section 8: Provision as to bail

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