

THE SCHEME & STRUCTURES OF THE COURSE

		Course Code	Credit load
First Semester			
Paper I	Theories of Law , Justice and Indian Constitutional Vision of Social Transformation	LLM 111	5
Paper II	Judicial Process, Independence and Accountability	LLM 112	5
Paper III	Law of the Sea	LLM 113	5
Paper IV	Maritime Jurisdiction and Admiralty Law	LLM 114	5
Second Semester			
Paper I	Legal Education and Research Methodology	LLM 121	5
Paper II	Maritime and Commercial Arbitration and Conciliation	LLM 122	5
Paper III	Shipping Law	LLM 123	5
Paper IV	Marine Pollution and Legal Control	LLM 124	5
Third Semester			
Paper I	Law Relating to Fisheries	LLM 131	5
Paper II	Law Relating to Carriage of Goods and Passengers by Sea	LLM 132	5
Paper III	Law Relating to Marine Insurance	LLM 133	5
Paper IV	Maritime Safety and Collision Laws	LLM 134	5
Fourth Semester			
Paper I	Teaching Practicals / Internship Assessment	LLM 141	5
Elective	Law relating to Port & Harbor	LLM 142	5
	Maritime Employment & Labour Law	LLM 143	5
	Dissertation		8
	Viva-voce		2
	Total Marks <i>Credits.</i>		80

**SYLLABUS of L.L.M. w.e.f. 2016 Admission
PAPER I**

LLM 111 - Theories of Law & Justice and Indian Constitutional Vision of Social Transformation (5 Credits)

Module I

Concept of Law and Justice - Theories of law and justice under different schools – Contributions of Naturalists, Idealists, Contractualists, Utilitarians and Positivists -

Module II

Law and social change -Sociological jurisprudence – Realist School- Revived Natural law - Impact of History, Sociology and Revived Natural Law in Indian Constitution making – Laws inconsistent with the Constitution invalid.

Module III

Equality before law – Constitutional prohibition of discrimination on the ground of religion, race, caste, sex or place of birth–Protective discrimination – Reservation –Protection of certain freedoms like Freedom of Speech – Concept of India as one unit – Right of movement, residence and business – Equality in matters of employment and educational admission –Gender justice - Empowerment of women – Child labour and protection against exploitation.

Module IV

Concept of State, need for widening its definition in the wake of Liberalisation – Impact of Revived Natural Law in judicial interpretation – Judicial activism - Emerging regime of new rights and remedies- Part III and Part IV of the Constitution and its activist interpretation by the judiciary - Reading Directive Principles and Fundamental Duties into Fundamental Rights – Expansion of Article 21 - Compensation jurisprudence – Right to clean environment - Right to education - Commercialisation of education and its impact. - Right of minorities to establish and administer educational institutions and state control –Secularism and religious tolerance.

Module V

Issues of social transformation in contemporary India – Political and social changes – Economic reforms and social change – Poverty alleviation - Globalisation and social transformation in India – Impact on tribals – Social transformation in rural and urban societies in India – Local self-governments (Panchayats and Municipalities) and their contribution to social change – Right to work and social security - Impact of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), Bharath Nirman, National Rural Health Mission (NRHM), Jawaharlal Nehru National Urban Renewal Mission (JNNURM) and Atal Bihari Vajpayee National Urban Renewal Mission, Banking reform and other rural and urban development and educational programmes – Right to food safety and security – Right to public health.

Suggested Readings:

1. Bodenheimer, Jurisprudence, Universal Law Publishing Co Ltd.
2. Friedman, Legal Theory, Universal Law Publishing Co Ltd.
3. John Rawls, A Theory of Justice, Universal Law Publishing Co Ltd.
4. Roscoe Pound, An Introduction to Philosophy of Law, Universal Law Publishing Co Ltd.
5. Singh, M.P., V.N. Shukla's, *Constitution of India*, 10th ed. Lucknow: Eastern Book Co., 2001
6. Basu, D D. *Constitutional Law of India*, 7th ed. Nagpur: Wadhwa, 1998
7. Jain, M.P. *Indian Constitutional Law*, 6th ed. Nagpur: Wadhwa & Co., 2010
8. Seervai, H.M. *Constitutional Law of India: A critical commentary*, 3 vols. 4th ed. New Delhi: Universal Law Publishers, 2006

9. Lok Sabha Secretariat. *Constituent Assembly Debates*. 5vols. New Delhi: Lok Sabha Secretariat.
10. Austin, Granville. *Working a Democratic Constitution: a history of the Indian Experience*. New Delhi: Oxford University Press, 1999.
11. Basu, D.D. *Casebook on Indian Constitution*. 2nd ed. Kolkata: Kamal Law House, 2007.
12. Rao, Shiva. *The Framing of India's Constitution*. 6vols New Delhi: Universal Law Publishing, 2004.
13. Sarbani Sen. *The constitution of India: Popular sovereignty and democratic transformations*. Oxford University Press, New Delhi, 2007.
14. O Chinnappa Reddy. *The court and the constitution of India: Summits and shallows*. Oxford University Press, New Delhi, 2010.
15. P. Ishwara Bhat. *Law and Social Transformation in India*. Eastern Book Company, Lucknow, 2009.
16. Upendra Baxi – *The Crisis of the Indian Legal System* (1982). Vikas, New Delhi.
17. U. Baxi (ed.). *Law and Poverty: Critical Essays* (1988). Tripathi, Bombay.
18. Friedman, *Law in Changing Society*. Universal Law Publishing Co Ltd.
19. Government of India - Report of the Expert Committee on Legal Aid : Processual Justice to the People (1973)
20. Government of India - Report on National Juridicare: Equal Justice – Social Justice. (1977)

PAPER II

LLM 112 - Judicial Process, Independence and Accountability (5 Credits)

Module I

Judicial process – meaning, nature and scope – Logic history, tradition, sociology and law – Objective law finding – Judge as legislator - Judicial process and legal reasoning as tools of legal development – judicial process and common law – Doctrine of precedent – rule of stare decisis, ratio decidendi and obiter dicta – Rules of determining ratio and their analysis.

Module II

Judicial process and creativity - techniques of judicial creativity in common law – judicial process and legal development under codified systems – judicial process and creativity under constitutional systems – scope and limits of creativity in judicial process - Certainty and change – Fallacy of legislative intent – Illusion of certainty and logic – Categories of illusory references.

Module III

Judicial process in India – Interpretative Techniques – Judicial doctrines as tools of interpretation – Due process of law – procedure established by law – Judicial review – Judicial Activism and Self-restraint – Precedent – Stare decisis – Socio-political questions in prospective overruling – Basic structure – Harmonious construction – Jurimetrics – Compensatory jurisprudence.

Module IV

Constitutional interpretation with reference to Judicial Activism and Public interest litigation in various field - Locus standi and its liberalisation - Assimilation of International Conventions and agreements in Indian Legal System – Impact of Globalisation in Indian legislation, administration and Judicial Interpretation in areas like environment protection and human rights.

Module V

Independence of the Judiciary – Judicial appointment – Judicial accountability – Constitutional scheme – Subordinate judges – Removal, disclosure of assets and liabilities of Judges – contemporary challenges to check judicial power of the courts and judges – Transparency – Contempt power and related issues – Post retirement positions.

Suggested Readings:

1. Cardozo, Nature of Judicial Process, Universal Law Publishing Co Ltd.
2. Julius Stone, Legal System and Lawyer's Reasoning, Universal Law Publishing Co Ltd.
3. Edward H. Levi, An Introduction to Legal Reasoning (1970)
4. Julius Stone: Precedent and Law: Dynamics of Common Law Growth (1985), Butterworth, Ch.1, 5-8.
5. Rupert Cross and J.W.Harris - Precedent in English Law (1991)
6. Von Mehren - The Civil Law System (1957) Ch. 16
7. Abhinav Chandrachud, Due Process of Law, Eastern Book Co., Lucknow, 2011.
8. Mamta Rao, Public Interest Litigation: Legal Aid and Lok Adalats, Eastern Book Co., Lucknow, 2011.
9. Lakshminath, Precedent in Indian Law, Eastern Book Co., Lucknow, 2009.
10. Rajeev Dhavan - The Supreme Court of India : A Socio-legal Critiques of its Juristic Techniques (1977) Ch. 1

PAPER III

LLM 113 Law of the Sea (5 Credits)

Module I

Sources of the law of the sea - Customary law, Treaties, Practice of Maritime Countries and Decisions of International Court and Tribunals- Doctrine of freedom of Sea (Evolution & present position.), India and law of the sea.

Module II

Internal waters and Territorial sea - Determination of base line(Normal and Straight base line), Archipelagic Waters (Determination of base line of Archipelagos and Islands) - International Straits- Jurisdiction in Internal Waters and Territorial Waters -Navigation Rights - Rights of Innocent Passage- Rights and Duties of Coastal states over Territorial sea.

Module III

Contiguous zone, Exclusive Economic Zone and Continental Shelf - Coastal State jurisdiction over Contiguous Zone, breadth - Evolution of concept of EEZ - Rights of Coastal States over EEZ - Evolution of concept of Continental Shelf - Coastal State jurisdiction over Continental Shelf and Marine Scientific Research.

Module IV

Delimitation of Maritime Frontiers between Adjacent and Opposite States - Equidistant and equitable principles - Rights of Land Locked States and Geographically Disadvantaged States - Concepts of High Sea - Freedom of Navigation and Fisheries in High Sea - Jurisdiction over International Crimes like Piracy, Slave Trade, Terrorism and Unlawful Activities - Control of Marine Pollution - Conservation of living resources of High Seas.

Module V

International Sea Bed authority- Exploration and Exploitation of Non Living Resources of high sea - Settlement of dispute of UNCLOS III (ITLOS, jurisdiction and powers) – Role of International Sea Bed Dispute Chamber, Arbitration and Conciliation.

Suggested Readings:

1. Columbus, Law of the Sea
2. R.R.Churchill & A.V.Lowe, *The Law of the Sea*, Melland Schill Studies in International Law (1998)
3. A.V.Lowe & S.A.G Talmon, *The Legal Order of the Oceans: Basic Documents on the Law of the Sea*, Hart Publishing (2009)
4. P.Chandrasekhara Rao & P.H Gautier, *The Rules of International Tribunal for the Law of the Sea*, Martinous Nijhoff (2006)
5. David Freestone, Richard Barnes & Davidong, *The Law of the Sea: Progress & Prospects*, Oxford University Press, 2006
6. James Kraska, *Contemporary Maritime piracy*, Praeger Publishers Inc, 2011
7. Paul Todd, *Maritime Fraud and Piracy*, Informa Law from Routledge, 2nd Edition, 2010

PAPER IV

LLM 114 Maritime Jurisdiction and Admiralty Law (5 Credits)

Module I

Admiralty Jurisdiction- Historical Overview- Unique aspects of Admiralty Jurisdiction- Nature of Admiralty Jurisdiction- Admiralty Courts- Admiralty Jurisdiction in India- Constitutional Scheme- Immunity of government ships

Module II

Subject matter of Admiralty Jurisdiction- Ships and Air crafts- Maritime Liens- Mortgage claims- Salvage claims- Position in U.K- Indian Position- Procedure for enforcement of Admiralty Jurisdiction- Claims in rem and Claims in personam

Module III

Arrest of sea going ships- The Merchant Shipping Act 1958- Indian Practice- International Convention on Arrest of Seagoing Ships 1952- Arrest Convention 1999- Safeguards regarding unlawful arrest of ships

Module IV

Jurisdiction in Maritime Ports- Access to maritime ports- UNCLOS III provisions- International convention on access to maritime ports- Indian law- The Maritime Zones Act 1976- Administrative Jurisdiction- Protection against violation of revenue and customs laws- Indian Ports Act- Ship Owner's liability for damage to ports

Module V

Criminal Jurisdiction over ships in ^{Coastal} informal waters & contiguous zone, EEZ and continental shelf- Applicability of IPC- Admiralty offences (Colonial Court) Act 1849, Admiralty Jurisdiction under the High Courts Act 1861- Colonial courts of Admiralty Act 1876, Jurisdiction under the Suppression of Unlawful activities (SUA) Act- International Jurisdiction over crimes committed on the High Sea

Suggested Readings:

1. M.M.Cohen, *Admiralty Jurisdiction: Law and Practice*, Kessinger Publishing, (2008)
2. Aleka Mandaraka, Sheppard, *Modern Admiralty Law*, Cavendish Publishing, (2007)
3. Mahanty Samareshwar, *Maritime Jurisdiction and Admiralty Law in India*, Universal Publishing, (2009)

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4. Rhidian Thomas, *Ship Arrest*, Sweet & Maxwell, (2001)
5. Lindy S. Johnson, *Coastal State Regulation of International Shipping*, Oxford University Press, (2004)
6. *Law Commission Report on Admiralty Jurisdiction*

PAPER V

LLM 121 - Legal Education and Research Methodology (5 Credits)

Module I

Objectives of Legal Education – UG& PG legal education reform – Agencies of control – UGC, BCI and Universities – Study reports on legal education reforms – Comparison with US and UK.

Module II

Methods of Teaching - Merits and demerits- The Lecture Method, Problem Method- Discussion method and their suitability at postgraduate level teaching - The Seminar Method of teaching - Examination system and problems in evaluation - external and internal assessment - Student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers- Clinical legal education - legal aid, legal literacy, legal survey and law reform

Module III

Research Methods- Socio Legal Research- Doctrinal and non-doctrinal- Relevance of empirical research- Induction and deduction

Module IV

Identification of Problem of research- What is a research problem - Survey of available literature and bibliographical research.-Legislative materials including subordinate legislation, notification and policy statements - Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.- Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals. - Compilation of list of reports or special studies conducted relevant to the problem.

Module V

Preparation of the Research Design - Formulation of the Research problem- Devising tools and techniques for collection of data Methodology- Methods for the collection of statutory and case materials and juristic literature - Use of historical and comparative research materials- Use of observation studies- Use of questionnaires/interview- Use of case studies- Sampling procedures - design of sample, types of sampling to be adopted.- Use of scaling techniques – Jurimetrics- Computerized Research - Classification and tabulation of data - Rules for Tabulation, Explanation of tabulated data.- Analysis of data - Report Writing.

Suggested Readings:

1. High Brayal, Nigel Dunne and Richard Crimes, *Clinical Legal Education: Active Learning in your Law School*, (1998) Blackstone Press Limited, London
2. S.K.Agrawal (Ed.), *Legal Education in India* (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) *A Handbook of Clinical Legal Education*, (1998) Eastern Book Company, Lucknow.
4. M.O.Price, H.Bitner and Bysiewicz, *Effective Legal Research* (1978)
5. Pauline V. Young, *Scientific Social Survey and Research*, (1962)
6. William J. Grade and Paul K. Hatt, *Methods in Social Research*, Mc Graw-Hill Book Company.
7. H.M.Hyman, *Interviewing in Social Research* (1965)
8. Payne, *The Art of Asking Questions* (1965)

9. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Havard Law Review Association. Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology

PAPER VI

LLM 122 - Maritime and Commercial Arbitration and Conciliation (5 Credits)

Module I

International Commercial Arbitration – Meaning and definition- Arbitration agreement – Composition of Arbitration Tribunal – Jurisdiction of Arbitral tribunals.

Module II

Conduct of Arbitral Proceedings – Rules of procedure, Place and Language – Commencement and default of a party – Experts appointed by tribunal.

Module III

Arbitration awards – termination of proceedings correction and interpretation of award and recourse against award – Costs – Recognition and enforcement of Domestic awards and Foreign awards – Grounds for refusal to recognize award.

Module IV

Judicial review of Arbitration Awards – Rules for Conciliation – UNICITRAL Rules on Conciliation, – Guideline of UNCTAD, IMO, WTO – Procedure under Indian Law

Module V

International commercial Arbitration in India – Rules for Maritime Arbitration of the Indian Council of Arbitration, Arbitration under London Council of Arbitration and American Arbitration Association.

Suggested Readings:

1. A. K. Bansal, *Law of International Commercial Arbitration* (with supplement), Edn.2003, Universal Law Publishing Co.Pvt. Ltd.
2. Rahari, *Commentary on Arbitration and Conciliation Act*, Kamal Law House (1996).
3. Mark Huleatt- James and Nicholas Gould, *International Commercial Arbitration* (Dispute Resolution guides): A Hand book.
4. Martin Hunter, *Law and practice of International Commercial Arbitration*.
5. H. Brown & A Marriot, *ADR Principles and Practice*- Sweet & Maxwell
6. Harsh Sethi and Arpan Kumar Gupta, *International Commercial Arbitration and Its Indian perspective*, Universal law Publishers, 2011

PAPER VII
LLM 123 - Shipping Law (5 Credits)

Module I

Meaning and definition of ships – Importance and role of ship's flag – Genuine Link theory – Statutory control over ownership of ships – Registration of cargo ships, passenger ships and fishing vessels – Qualification for Ownership, Registration of ships – Shares in ships - Ownership principles– Comparitive position - Acquisition of ships – Ship construction rules – Transfer of ships – Negotiation and Contract – Terms of contract – Inspection by buyer – Completion of contract – Legal and commercial risk management – Demise charter.

Module II

Law of ship mortgages- legal and equitable mortgages- Scheme of registration of mortgages –Priority of mortgages – Rights and obligations of Mortgagees –Effect of Mortgage on the third parties.

Module III

Appointment of Master, power and authority of Master –Control of stowaways – recruitment of seamen – training certificate and welfare of seamen, STCW convention – Welfare and wages – Disciplinary powers over seamen.

Module IV

Ancillary shipping contracts – Salvage contracts – statutory provisions relating to wreck removal and salvage – Salvage convention 1989 – Law of Towage – Towage contracts – Pilotage agreements- Compulsory Pilotage.

Module V

Limitation of Ship Owner's liability – Entitlement for limitation – Claims excluded from limitation – Limits of liability – Constitution of Limitation fund- Jurisdictional problems- International Convention on Limitations of ship owner's liability.

Suggested Readings

1. Gero Brugmann, Access to Maritime Ports, Books on Demand GmbH, Nordstedt (2003)
2. D.C Jackson, Enforcement of Maritime Claims, London: LLP(2005)
3. Southampton on Shipping Law, Informa (2008)
4. T.P. Mukherjee, The Customs Act 1962 Vol. I & II, (1996)
5. Indian Port Handbook, Trans world (1996)
6. J.S. Gill, The Merchant Shipping Act 1958, Bhandarkar Publications, (1994)
7. Nagendar Singh, Maritime Law of India, Bhandarkar Publications, (1979)
8. Lindy S. Johnson, Coastal State Regulation of International shipping, Oxford University Press(2008)
9. U N Convention on conditions for Registration of Ships, 1986
10. Halsbury's Law of England 4th Ed., London (1983)
11. Francis D. Rose, The Modern Law of Pilotage, London (1984)
12. Geoffrey Brice, Maritime law of Salvage, London (1983)

PAPER VIII

LLM 124 - Marine Pollution and Legal Control (5 Credits)

Module I

Meaning of Marine Pollution – sources of marine pollution – evolution of law regulating marine pollution- UNCLOS III Provisions

Module II

Oil pollution from ships – OIL POL and MARPOL Conventions – Liability of ships for oil pollution damages.

Module III

Marine pollution by sea bed and subsoil explorations – pollution by accidents at sea- Pollution by atomic weapon testing in High sea – Marine pollution from land based sources – dumping of wastes – nuclear wastes disposal – carriage of hazardous wastes.

Module IV

Enforcement of pollution control laws – flag state and port state jurisdiction – Indian legislation on marine pollution – Liability for marine pollution damage – trans boundary pollution.

Module V

Conservation of Marine Eco-system – UNCLOS III provisions and Biodiversity Convention- Conservation of Endangered and Migratory species – National obligation- International Co-operation for Conservation.

Suggested Readings:

1. Simmonds, *United National Conference on the Law of the Sea*, (1982)
2. F. John Vernberg, Winona B. Vernberg, *Pollution and Physiology of Marine Organisms*, Academic Press.
3. Kramer, *Treaty and Environmental Law* (3rd Edn.), Sweet & Maxwell.
4. MARPOL -73/78
5. Coli De La Rue, *Shipping and Environmental law and practice*, ISBN:9781843113232-2nd Ed.-2009
6. Michael G. Faure and James Hu (Eds.), *Prevention and Compensation of Marine Pollution Damage*, ISBN:9041123385-2006-Netherlands
7. Henrik Rihgbom, *Competing Norms in the Law of Marine Environmental Protection*-1997, ISBN:90-411-0699-5 SERIES -ISBN:I-85333-275-5
8. Yasuhiro Shigeta, *International Judicial control of Environmental protection*-2010 ISBN:978-90-411-3151-5

9. Julian Roberts, Marine Environmental Protection and Biodiversity Conservation
-2007, ISBN:10 3-54-37697-6
10. D.W.Abecasis and R.L.Jarashow, Oil Pollution from Ships, 1985, ISBN:0-420-
47000-X
11. Ved.P.Nanda and George (Rock)Pring, International Environmental Law and
policy for the 21st Century -2013 ISBN:1873-6599, ISBN:978-90-04-24286-9
12. Alan Khee Jin Tan, Vessel Source Marine Pollution, 2006, ISBN:13 978-0-521-
85342-2

PAPER IX

LLM 131 - Law Relating to Fisheries (5 Credits)

Module I

Evolution of International Fisheries Law- Customary International Law principles- Concept of freedom of fishing in the high sea- International convention on conservation of fisheries 1958- ILC Report 1956- UNCLOS III provisions relating to fishing and fisheries conservations- United Nations fish stock agreement- FAO code of conduct for responsible fishing

Module II

Regional agreements on conservation of fisheries and high sea fishing- Convention on the conservation of Antarctic marine living resources- Convention on conservation and management of fishing resources in the South East Atlantic Ocean- South Indian Ocean fisheries agreement- Convention of conservation of living marine resources of the high sea in South Pacific Ocean- The agreement regarding high migratory fish stocks- Agreements regarding Anadromous stocks- Fisheries trade and marketing agreements

Module III

Indian Fisheries Law- Constitutional Scheme for regulation of Fisheries in India- The Indian Fisheries Act 1897 and State amendment- Kerala Fisheries and Aquaculture Act 2010- National Aquaculture Authority Act 2006- Fisheries in the territorial sea- Kerala Marine Fisheries Regulation Act- Tamil Nadu Marine Fisheries Regulation Act- Powers of state government to regulate fishing in territorial waters- Case laws

Module IV

Fishing regulation in the EEZ and high sea- Deep Ocean fisheries policy 1991- Marine fisheries policy 2004- Applicable provisions of maritime zones Act 1976 and marine fisheries (Fishing by Foreign Vessels) Act 1981- MPEDA Act- Authorities for regulation and enforcement of marine fishes

Module V

Labour and welfare of Fishermen and safety of Fishermen- ILO convention relating to fishermen- Articles of agreement- Medical examination- Accommodation and certificate of compliance- International convention for safety of fishing vessels- STCW- Other IMO

convention on fishing vessels- Registration of Inland fishing vessel- Registration of fishing vessels under merchant shipping Act

Suggested Readings:

1. Francisco Orrego Vicuna, *the Changing International Law of high sea fisheries*, Cambridge University Press- 1993
2. Mc Dougal and Bruke, *Public order of the oceans*
3. P. C. Rao, *New law of maritime zones in India*
4. Ian Brownlie, *International Law*
5. Directorate of fisheries, Government of Kerala, Kerala Marine Fisheries Regulation Act

PAPER X

LLM 132 - Law Relating to Carriage of Goods and Passengers by Sea (5 Credits)

Module I

Contracts of Affreightment – Public and Private Carriers – Duties of common carriers– Charter parties and Bills of lading – Types of Voyage Charter Parties – Owner's obligations, condition, warranties, in nominate terms, representations, charterer's obligations.

Module II

Time Charter Parties – Nature, description of ship, delivery date & canceling clause, charter period, early or late delivery, payment of hire, off-hire, deductions, Withdrawal of ship, employment & indemnity clause, owner's lien, Lay time, demurrage and freight.

Module III

Bill of lading and functions – As a contract, as a receipt, as a document of title, provisions regarding documents of transport under the Carriage of Goods by Sea Act – International conventions relating to rights and obligations of parties in Bills of lading contract – Hague – Visby Rules, Hamburg Rules and Rotterdam Rules.

Module IV

Breach and remedies – Breach of implied undertakings- liability for loss or damages to goods - Limits of liability – Exclusion of liability for loss

Module V

Carriage of passengers and their luggage- International Conventions on carriage of passenger by sea- law of general average – York Antwerp rules – Particular average and particular charges.

Suggested Reading:

1. Girvin, *Carriage of Goods by Sea*, Oxford University Press (2007)
2. Chorley & Giles, *Shipping Law*, Pitman, London, Chapter IV & V, pp.88-214 (9th edn)
3. Payne & Ivamy, *Carriage of Goods by Sea*, Butterworth's, London (1989)
4. Scrutton, *Charter Parties and Bill of Lading*, Sweet & Maxwell, London (2008)
5. Carver, *Carriages by Sea*, Vol.I & II, Butterworth's, London (12th edn)
6. David M. Sasson, *C.I.F & F.O.B Contracts*, London (1995)

7. William Tetley, Marine Cargo Claims, Carswell(2008)
8. T.Kochuthomman, Bills of Lading in International Law and Practice, Eastern Book Company, 1986
9. Summerskill, Laytime, Taylor and Francis, 1989
10. Southampton on Shipping Law, Informa (2008)

PAPER XI

LLM 133 - Law Relating to Marine Insurance (5 Credits)

Module I

History and development of Marine Insurance Law- Insurable interest & subject matter of Marine insurance - General principles of insurance law applicable to marine insurance contracts- types of policies- voyage, time and mixed, valued and unvalued- Hull insurance, Cargo insurance and Liability Insurance.

Module II

Formation of Marine Insurance contracts- Brokers and their duties and liabilities, express and implied conditions in marine insurance policies-Construction of Marine Insurance Contracts- warranties and conditions in Marine Insurance.

Module III

Attachment- Attachment of risk - risks exempted by statute and by contract -Statutory and contractual provisions for change of Voyage, deviation and delay applicable to Voyage Policies- Proximate cause of loss- principles of causation.

Module IV

Avoidance of liability under Marine Insurance – measure of Indemnity – Losses and other incidence of liability – Inter relationship between General Average and Marine Insurance.

Module V

Recovery of losses and return of premium – abandonment – subrogation - double insurance reinsurance –Risk covered under mutual insurance associations – policy – UNCTAD Standard Clauses

Suggested Readings:

1. Jonathan Gilman QC, *Arnould's Law of Marine Insurance and Average*, Sweet & Maxwell
2. (2008)
3. Howard Bennet, *The Law of Marine Insurance*, OUP-Oxford (2006)
4. Chalmers, *Marine Insurance Act*, 1956, Butterworth's, London
5. B.C.Mitra, *The Law Relating to Marine Insurance*, University Book Agency (1993)
6. N.G.Hudson, *Marine Claims Handbook*, Lloyd's of London Press (1996)
7. Capt. D.E. Driver, *Guide to Marine Hull Insurance*, Navaneet Publications (1995)
8. Insurance Institute of India, *Marine Insurance Claims* (1991)
9. Budgar, *Elements of Cargo Insurance*, Woodhead(1983)

PAPER XII

LLM 134 - Maritime Safety and Collision Laws (5 Credits)

Module I

General principles regarding Safety of Ship - Prohibition against sending ships in Unseaworthy Condition - Safety regulations under Merchant shipping Act and SOLAS enactments - Safe working conditions for seamen.

Module II

Vessel's safety - SOLAS 1974.- Enforcement of safety rules in construction of ship - Survey of ships for safety purposes - Safety of passenger ships - Safety of cargo ships - Safety of nuclear ships - Safety of Grain cargo ships - Carriage of dangerous cargo - Load line Certificates.

Module III

Safety appliances, equipment and Certificates - Life saving appliances - Nautical publications - Radio requirements - Signaling Lamps - Safety and exemption Certificates - Precautions during voyages.

Module IV

Evaluation of Collision Regulations - Collision Regulation 1974 - Sailing and Signaling rules - lights and stop watch keeping - liability for abuse of distress signals and vessel traffic schemes - Competency and adequacy of Seamen.

Module V

Civil and Criminal liability for collision - Extent of liability - Apportionment of damages - Damages for Collision - Limitation of Ship owner's liability - International Convention for limitation of ship owners liability - Investigation into accident and casualties.

Suggested Readings:

1. A.N Cockcroft & J.N.F Lameijer, A guide to Collision Avoidance Rules: International Regulations for Preventing Collisions at Sea, Elsevier Butterworth Heinemann,(2003)
2. Southampton on Shipping Law, Informa (2008)
3. IMO, Code of Safe Practice for Cargo Stowage and Securing, (2003)
4. Iliana Christodoulou-Varotis & Dmitry A. Pentsov, Maritime Work Law Fundamentals: Responsible Ship owners and Reliable Seafares. Berlin: Springer-Verlag,(2008)
5. ILO, Accident Prevention on Board ship at Sea and in Ports (2002)
6. Natalie Klein, *Maritime security and Law of the Sea*, OUP, London, 2012

7. Herbert Spencer, *A treatise on law of maritime collisions* (digitized version available online)
8. Nicholas J. Healy, Joseph C. Sweeney, *The law of Maritime Collisions*, Cornell Maritime Press, Inc., 1998
9. Aleka Mandreka-Sheppard, *Modern Maritime Law (Vol. 2)*, Informa Law from Routledge, 3rd Edn., 2012
10. Marsden, *Collisions at Sea*, London (1961)

PAPER XIII

LLM 141 - Teaching Practicals / Internship Assessment (5 Credits)

This paper is intended to impart Practical training to the students in class room teaching, since one of the main objectives of LLM Course is to produce good law teachers. Special emphasis will be given in this programme to the skill and techniques of effective communication and methodology of teaching. Regular assignment of class-room teaching to the students and the assessment of their performance will be made jointly by the Head of the Department and the concerned course teacher. Besides this internal assessment there shall be an external examination in teaching practical conducted by a Board consisting of the Head of the Department and one senior teacher of the department and one Professor of Law as an external expert member. The Head of the Department shall be the Chairman of the Board.

ELECTIVE COURSES

LLM 142 - Law Relating To Ports and Harbours (5 Credits)

Module I

Legal regime of maritime ports – Ports, Harbours and Terminals – Port and Harbour Authorities – Terminal Owners and Operators – Indian Position – The law of rights and obligations of port authorities – problems of implementation of Ports Rules – Assignment of premises – licensing of port service providers – need to regulate port operations – Public interest.

Module II

Jurisdiction of Port authorities in marine pollution control – the provision of Merchant Shipping Act, Indian Ports Act, Major Port regulation on Pollution Control – Vessel traffic system – Liability regime for damage to port area.

Module III

Regulation of Marine transportation – Loading and Unloading of Cargo – Exercise of Maritime lien by Port Authorities – Control of Marine Terminal activities – Water Front Operations, Cargo Operations, Port Maintenance, Port Policies.

Module IV

Pilotage – Compulsory Pilotage – Licensing of pilots in port area – duties and liabilities of port administration of pilots negligence- Calcutta pilotage act, 1948

Module V

Jurisdiction of port administration in removal of wreck and dangerous cargo spill- Liability of vessel owners for damage to port area – Indian positions

Suggested Readings:

1. Patrick M. Alderton, *Port Management and Operations* (Lloyd's Practical Shipping Guides) Informa Law category, 2008
2. Laney C. Kendall & James J. Buckley, *The Business of Shipping*, Cornell Maritime Press, 2001
3. Baatez, Charles, Debattista, Flippo, Lorenzn, Andrew Serdy, Hilton Stanliland, *The Rotterdam Rules : A practical annotation*, Institute of Maritime Law, Intl Specialized Book Service Inc, 2009
4. J. Mcconville, *International Maritime Transport : Perspective*, Routledge Advance in Maritime Studies, 2004
5. F.D. Rose, *Modern law of Pilotage*, Sweet and Maxwell, 1984

LLM 143 - Law on Maritime Employment and Labour (5 Credits)

Module I

International obligation relating to Manning and Certification – STCW, 2006, International Ship and Port Safety – International identity document for seafarers – Employment of captain and crew – Sea men.

Module II

Authority of Master of the ship – Statutory obligation – Master as agent of Ship owners – Control over Sea man – Stowaways – Disciplinary control over seamen – Role of shipping master and master of the ship.

Module III

Wages and welfare of seamen – Payment of Wages – Advance Wages – Welfare of Seamen (ILO) convention on maritime law, repatriation of disabled seamen – abandonment of seafarers – responsibility of ship owner for injury and death of seamen.

Module IV

Safety of Seamen – Protection against piracy – Suppression of Terrorism and unlawful activities in High sea – IMO conventions – role of DG Shipping – Port safety regime – National identity document.

Module V

Human rights issues and obligations of government in ensuring safety of Indian seamen, International co-operation.

Suggested Readings:

1. Richard Gorski, *Maritime Labour: Contribution to the History of Work at Sea, 1500-200*, Aksant Academic Publisher, 2008.
2. Iliana Christodoulou – Varotis & Dmitry A. Pentsov, *Maritime Work Law Fundamentals: Responsible Ship Owners and Reliable Seafarers*, Berlin: Springer- Verlag (2008).
3. ILO, *Compendium of Maritime Labour Instruments* (2009).
4. Wayne K. Talley, *Maritime Safety, Security & Piracy*, Informa Law, 2008.
5. ILO, *Guidelines for Flag State Inspections under the Maritime Labour Convention* (2006).
6. ILO, *Accident Prevention on Board ship at Sea and in Ports* (2002).
7. Halsbury England 4th Edn – Vol-43.