

# NAVIGATING REGIONAL VARIATIONS: A COMPARATIVE TAKE ON ADMIRALTY JURISDICTION IN ODISHA, KOLKATA, AND BOMBAY

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## **Abstract**

*This article delves into an examination of admiralty jurisdiction India with special reference to Odisha, Kolkata and Bombay regions in India. Admiralty jurisdiction, which is deep rooted concept in maritime law oversees disputes related to activities and ensures the smooth operation of maritime trade. Each region has its legal structures, court procedures and regional characteristics shaped by geographical, economic and historical factors. The article also provides a context to grasp the evolution of admiralty jurisdiction along with an overview of The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act enacted in 2017. In Odisha, the legal framework primarily falls under the jurisdiction of the Orissa High Court with a focus on operations, port activities and inland waterways. Kolkata's admiralty jurisdiction is governed by the Admiralty Act of 2017 with the Calcutta High Court overseeing disputes. Bombay High Court administers admiralty jurisdiction in Bombay as it serves as a major maritime hub supported by statutory regulations and legal precedents. Recognizing these nuances is vital for stakeholders in the maritime industry to effectively navigate admiralty laws and advance maritime trade while ensuring safety and justice across India's diverse maritime sector.*

**Keywords:** *Admiralty, Jurisdiction, Courts, Rules, Disputes*

## **Introduction**

Admiralty jurisdiction which originates from maritime law is vital for managing disputes at sea and maintaining the efficiency of trade. In India, the areas of Odisha, Kolkata and Bombay have distinct legal frameworks, rules and court procedures related to admiralty jurisdiction because of their specific geographic, economic and historical backgrounds. This article offers a comparison of admiralty jurisdiction in these regions delving into the differences in laws, nuances and real world impacts on the stakeholders. By delving into these characteristics of regions decision makers can create customized legal structures and judicial procedures that address the varied requirements of India's coastal areas ultimately fostering trade, security and fairness throughout the nation.

## What is Admiralty Jurisdiction?

Admiralty jurisdiction is a legal authority granted to specific courts to handle cases related to maritime matters. Stemming from the traditions of courts, this jurisdiction covers a range of issues concerning activities like shipping, navigation, trade and marine incidents. Admiralty courts are empowered to resolve disputes arising from contracts accidents on waters and matters involving vessels, cargo, sailors and marine insurance.<sup>1</sup>

In India's context where maritime trade plays a huge role in the economy, admiralty jurisdiction holds a crucial position. It offers a structure for settling disputes related to transactions and ensuring the smooth functioning of maritime commerce while protecting the rights of those involved in maritime activities. However, the application of admiralty jurisdiction may differ across various states based on factors such as the presence of ports and historical maritime practices. In India, the primary legislation which governs admiralty jurisdiction is the the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 (2017 Act)

In regions like Odisha, Kolkata and Bombay which are key maritime hubs in India, their high courts exercise admiralty jurisdiction through various supplementary rules of the 2017 Act. The extent and application of admiralty jurisdiction can vary based on differences in operations, legal customs and judicial processes across regions.

## History of Admiralty Jurisdiction

The concept of admiralty jurisdiction has its origins, in societies, where disputes related to maritime activities were resolved by specialized courts known as admiralty or maritime courts. The development of admiralty jurisdiction over time has been influenced by events that have shaped it into a legal domain. The foundation of admiralty jurisdiction can be traced back to the customs and laws governing affairs in civilizations like Egypt, Greece, Rome and Phoenicia. These early maritime societies established frameworks to regulate trade, shipping and disputes setting the groundwork for the principles of admiralty law. During the period in Europe maritime commerce thrived, leading to the establishment of courts called admiralty courts. England played a role in moulding admiralty law with the creation of the High Court of Admiralty during the 14th century. This court was granted authority over cases and operated independently from common law courts. Admiralty jurisdiction was introduced to colonial America by English settlers. Became a part of colonial legal systems. Admiralty courts in colonial America handled issues such as disputes, piracy cases and matters concerning navigation and trade.

The historical context of admiralty jurisdiction in India is deeply intertwined with the country's heritage<sup>2</sup> that spans across ancient civilizations through the colonial period, to contemporary times.

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<sup>1</sup> Tanya Baranwal, Dharmesh Singh Chauhan, *Admiralty Jurisdiction in India*, INDIA LAW (Mar 3, 2024, 9:23 PM) <https://www.indialaw.in/blog/commercial-litigation/admiralty-jurisdiction-in-india/#procedure-and-appeal>

<sup>2</sup> Vidhi Tiwari, Suman Shetty, *History and Background of Maritime Law in India*, CENTRE FOR MARITIME LAW NLUO (Mar 3, 2024, 9:45 PM) <https://cmnlnoo.law.blog/2019/06/11/history-and-background-of-maritime-law-in-india/>

Throughout history, India's coastal areas have served as centers of trade and navigation shaping unique maritime customs, practices and legal systems. When the British ruled India, they introduced the concept of admiralty law, set up admiralty courts, in major port cities like Calcutta, Bombay and Madras to oversee maritime trade settle conflicts and enforce maritime regulations. After gaining independence, India maintained the framework established during colonial times with statutes such as the Admiralty Courts Act of 1861 governing admiralty jurisdiction. In recent years, legal reforms like the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act of 2017 have aimed to update India's laws and improve the effectiveness of admiralty jurisdiction to align with its increasing importance in the global maritime sector. Today the regulation of activities through admiralty jurisdiction remains crucial in India for resolving disputes and upholding interests that contribute to national safety, security and prosperity.

### **Significance of Admiralty jurisdiction <sup>3</sup>**

Admiralty jurisdiction is an important force in India because of the country's coastline, busy ports and active maritime trade. Being a nation with a rich history and a key geopolitical position, India's admiralty jurisdiction plays a vital role in overseeing maritime activities settling maritime conflicts and ensuring the smooth operation of maritime business. Several factors highlight the significance of admiralty jurisdiction in India. They are as follow: -

a) **Regulating Maritime Business and Trade**

Admiralty jurisdiction oversees aspects of business such as shipping, trade, navigation and port activities. India's ports act as gateways for trade by facilitating the movement of goods and materials. It ensures adherence to laws and regulations to promote fair competition, safety standards and environmental conservation in maritime trade.

b) **Resolving Maritime Disputes**

Admiralty jurisdiction offers a framework for resolving various types of maritime disputes like collisions, salvage operations, cargo damages, charter agreements and marine insurance issues. With judges and procedural rules in place at India's admiralty courts, prompt and effective solutions are provided to parties involved in legal matters, through arbitration or judicial intervention.

c) **Protecting Maritime Interests;**

Admiralty jurisdiction plays a key role in safeguarding India's interests at sea encompassing aspects such as security, territorial integrity and maritime sovereignty. The coordination between India's navy, coast guard and maritime law enforcement agencies with admiralty courts is vital in addressing threats like piracy, smuggling and terrorism at sea to ensure the safety of India's maritime assets within its territorial waters and exclusive economic zone.

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<sup>3</sup> PATRICK DANIEL LAW, <https://www.patrickdaniellaw.com/blog/why-maritime-law-matters/> (Last Visited Mar 3, 2024)

d) **Enhancing Maritime Safety and Environmental Conservation;**

Admiralty jurisdiction contributes significantly to enhancing maritime safety standards, navigation practices and environmental conservation efforts by upholding regulations and pollution prevention measures. Through the adjudication of cases related to marine pollution incidents including oil spills, vessel collisions and marine accidents admiralty courts hold accountable those causing such harm while ensuring adherence to established safety protocols.

e) **Promoting International Maritime Cooperation;**

The exercise of admiralty jurisdiction serves as a foundation for fostering cooperation in international relations by addressing issues such as maritime boundary disputes, collaborative ventures among nations and the negotiation of maritime agreements. India's active involvement in organizations and treaties not only underscores its commitment as a responsible player in the maritime domain but also facilitates peaceful navigation practices through diplomatic engagements and regional cooperation efforts within the Indian Ocean region, and beyond.

## **A brief of The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017**

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act of 2017 plays a role, in India's legal system by updating and modernizing admiralty laws to meet current global standards. It brings India in line with conventions like the International Convention on Liability for Oil Pollution Damage (CLC) the International Convention on Limitation of Liability for Maritime Claims (LLMC) and the International Convention on Maritime Liens from 1993. This extensive law broadens the scope of admiralty jurisdiction to cover issues, including ship related losses or damages, salvage operations, collisions, towing incidents and marine pollution.<sup>4</sup> The Act extends the reach of admiralty jurisdiction beyond the established High Courts in Bombay, Calcutta and Madras to include High Courts such as those in Karnataka, Gujarat, Orissa, Kerala, Hyderabad well as any other High Court designated by the central government. By granting admiralty jurisdiction to High Courts located in states and Union territories this legislation aims to expedite the resolution of disputes through efficient processes that include measures like vessel detention, liability limitations and compliance, with international agreements.

The Admiralty Act of 2017 establishes a structure, for resolving maritime claims. It boosts confidence in the law encourages investments in the industry and solidifies India's standing as a participant, in the international maritime sector. This in turn aids in the advancement and prosperity of the country.

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<sup>4</sup> UK P AND I, <https://www.ukpandi.com/news-and-resources/articles/2018/legal-article-india-admiralty-jurisdiction-settlement-of-maritime-claims-act-2017/> (Last Visited Mar 3, 2024)

## Admiralty Jurisdiction in Odisha

In Odisha, the admiralty jurisdiction operates under the framework established by the Orissa High Court. This jurisdiction covers issues stemming from the states coastline, port activities and inland waterways. The legal foundation, for admiralty jurisdiction in Odisha is supported by laws like the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017. This Act outlines the rules governing claims in the area. It expands the scope of admiralty jurisdiction from the established High Courts of Bombay, Madras and Calcutta to include the Orissa High Court. The Orissa High Court's jurisdiction includes waters off Odisha's coast. The Orissa High Court Admiralty (Jurisdiction and Settlement of Maritime Claims) Rules, 2020<sup>5</sup> lay out procedures for initiating actions ordering vessel arrests and other relevant processes. These rules are enacted by the Orissa High Court based on its authority under provisions such as Sections 4 and 6 of the Orissa High Court Ordinance, 1948; Sections 24 and 29 of Letters Patent dated February 9th 1916 signed by the Honourable Supreme Court of Patna; Section 7 of the Colonial Courts of Admiralty Act, 1890 (53 and 64 Vict., Ch.27); well, as art.225 and art.372 Article I of India's Constitution. Moreover, the Code of Civil Procedure and various maritime conventions and treaties ratified by India play a role, in establishing the framework for admiralty jurisdiction in Odisha.

Admiralty jurisdiction in Odisha displays characteristics influenced by economic and historical factors specific to the region. The extensive coastline along the Bay of Bengal and the presence of ports and inland waterways significantly impact the nature and frequency of activities and disputes in Odisha. Economic aspects such as reliance, on trade, fishing industry and port operations also shape the types of maritime claims in this area.

Recently, in the case of Paradip International Cargo Terminal Pvt. Ltd. v. M.V Debi (2024)<sup>6</sup>, the case filed by Paradip International Cargo Terminal Pvt. Ltd. (referred to as the 'Plaintiff') was to recover an amount of Rs. 7,95,47,170/ from the defendant vessel M.V Debi, for berth hire and penal berth hire charges. Judge V. Narasingh, after a careful examination of the necessary facts allowed the petition and ordered the arrest of the defendant vessel.

The background of this case involves the Plaintiff seeking to arrest, sequester, condemn and sell the defendant vessel in order to enforce its lien against the defendant vessel/owner and recover dues totalling to Rs. 7,95,47,170/ including interest and legal costs amounting to Rs. 20,36,345/ and Rs. 50,00,000/ respectively for berth hire and penal berth charges in accordance with Section 4(1)(n) read with Section 9(1)(d) of the Admiralty (Jurisdiction and Claims) Act of 2017 ('Act 2017').

On addressing whether the Admiralty suit is maintainable or not it, was observed by the Court that in the case M.V. Elisabeth v. Harwan Investment and Trading (P) Ltd.1993, the Supreme Court ruled that in admiralty law, vessels possess a personality akin to corporations with rights and liabilities separate from those of their owners.

<sup>5</sup> The Orissa High Court Admiralty (Jurisdiction and Settlement of Maritime Claims) Rules, 2020, No.889-X-3120201R, [https://orissahighcourt.nic.in/Admiralty\\_Rules2020.pdf](https://orissahighcourt.nic.in/Admiralty_Rules2020.pdf)

<sup>6</sup>Paradip International Cargo Terminal Pvt. Ltd. v. M.V Debi, ADMLS No.1 of 2024, Order Dated: 23-02-2024. <https://www.sconline.com/blog/post/2024/02/29/orissa-hc-orders-arrest-of-vessel-mv-debi-for-unpaid-berth-hire-charges-legal-news/>

The power of the high court was affirmed by stating that “*the power of the Court is plenary and unlimited unless it is expressly or by necessary implication curtailed.*”

*Absent such curtailment of jurisdiction, all remedies which are available to the Courts to administer justice are available to a claimant against a foreign ship and its owner found within the jurisdiction of the High Court concerned. This power of the Court to render justice must necessarily include the power to make interlocutory orders for arrest and attachment before judgment. The power to enforce claims against foreign ships is an essential attribute of admiralty jurisdiction and it is assumed over such ships while they are within the jurisdiction of the High Court by arresting and detaining them”.*

## **Admiralty Jurisdiction in Kolkata**

In Kolkata, the admiralty jurisdiction is governed by the legal framework established by the Calcutta High Court. This jurisdiction covers matters related to issues stemming from the city’s important position as a key port on India’s east coast. The legal foundation for admiralty jurisdiction in Kolkata is based on laws like the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 and Admiralty (Jurisdiction & Settlement of Maritime Claims) Rules, 2019- High court at Calcutta<sup>7</sup> which outlines the rules and procedures for handling claims in that area. Admiralty cases in Kolkata are usually brought before specialized judges at the admiralty division or specific benches of the Calcutta High Court who have expertise in maritime law. Legal practices in Kolkata may involve measures like vessel arrests to secure claims, pre-trial meetings, case management hearings and fast track procedures for situations such as salvage operations or maritime accidents.

The admiralty jurisdiction in Kolkata displays characteristics influenced by factors like geography, economy and history. The city’s location near the Hooghly River and its proximity to the Bay of Bengal contribute to its importance as a major center for maritime trade in eastern India. Economic elements such, as cargo traffic volume, shipbuilding industry development and river based trade influence the types of activities and disputes encountered in Kolkata.

In the matter involving JVL Agro Industries Ltd. Versus MT Prime Sun<sup>8</sup> (2018) the Calcutta High Court justice Chakraborty issued an order for the arrest of a sea vessel based on a claim under Section 4 of the Admiralty Act, 2017. The claim was made due to damages incurred from cargo deterioration delays in cargo delivery and losses stemming from decrease of cargo prices due to delayed delivery. After reviewing the case details, the Court determined that the petitioner had presented a prima facie case and that granting an ex parte order to arrest the defendant vessel was in favour of maintaining balance of convenience.

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<sup>7</sup> The Calcutta High Court Admiralty (Jurisdiction and settlement of Maritime claims) Rules, 2019, <https://www.dgshipping.gov.in/WriteReadData/userfiles/file/Admiralty%20Settlement%20%20Maritime%20Rules%202019.pdf>

<sup>8</sup>VL Agro Industries Ltd. v. MT Prime Sun, 2018 SCC OnLine Cal 4030



## Admiralty Jurisdiction in Bombay

The Admiralty jurisdiction in Bombay, which was initially set up during the British colonial period currently is governed under the 2017 Act read in conjunction with the Bombay High Court (Original Side) Rules, 2020<sup>9</sup> and follows court procedures within the Bombay High Court. The Bombay HC has implemented guidelines and customs to streamline the resolution of disputes effectively. Generally, Admiralty cases in Bombay are brought before the admiralty division or specific benches of the Bombay High Court, where judges specializing in maritime law oversee the proceedings.

The Bombay High Court on May 19, 2020 issued a significant ruling in the case of *Raj Shipping Agencies, v. Barge Madhwa and Anr.*<sup>10</sup>, where it examined the essence and regulations governing proceedings under the 2017 Act. It also aligned the provisions of the 2017 Act with those of the Insolvency and Bankruptcy Code, 2016 (IBC) and the Companies Act, 1956 (Companies Act). Through its analysis of various provisions of law, the Bombay HC affirmed and safeguarded the rights of claimants, under the Admiralty Act.

## A comparative take<sup>11</sup>

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, governs the jurisdictional rules and procedures for Admiralty matters in India. This Act applies to every State High Court, including those in Odisha, Kolkata, and Bombay. However, each High Court has its own specific rules and procedures under this overarching framework of maritime law.

**Odisha:** The Orissa HC follows the “Orissa High Court Admiralty (Jurisdiction and Settlement of Maritime Claims) Rules, 2020” which lays out procedures for initiating actions ordering vessel arrests and other relevant processes. They cover various aspects such as the form and manner of instituting a suit, the procedure for arrest of a vessel, and the manner of sale of a vessel under arrest. For example, for the entry of appearance, An Advocate desiring to enter an appearance in any suit shall file in the Registry a “praecipe”, a copy of which shall have been previously served on the Advocate for the adverse party.

**Kolkata:** The Calcutta High Court abides by the regulations outlined in the High Court Admiralty (Jurisdiction & Settlement of Maritime Claims) Rules, 2019. While many rules remain consistent there are variations in the types of cases and their handling. Notably the Calcutta HC has implemented electronic filing for admiralty cases. The court has established guidelines for e filing which became effective on December 16, 2021. This initiative aims to streamline case proceedings and minimize reliance on various paperwork and documentation. This can result in time and cost savings for litigants.

<sup>9</sup> DG SHIPPING, [https://www.dgshipping.gov.in/WriteReadData/userfiles/file/Bombay%20Gazette-Admiralty%20Rule-%202020\(1\).pdf](https://www.dgshipping.gov.in/WriteReadData/userfiles/file/Bombay%20Gazette-Admiralty%20Rule-%202020(1).pdf) (Last Visited, Mar 3, 2024)

<sup>10</sup> *Raj Shipping Agencies, v. Barge Madhwa and Anr* (2020) SCC OnLine Bom 651.

<sup>11</sup> Shuvro Sarker, Shreyasi Bhattacharya, *Tracing Admiralty Law in India*, CMR UNIVERSITY (Mar 4, 2024, 10:50 AM) <https://www.cmr.edu.in/school-of-legal-studies/journal/wp-content/uploads/2022/02/05-Tracing-Admiralty-Law-in-India.pdf>

**Bombay:** The Bombay High Court has its set of regulations to govern maritime cases that come before the court under the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017. In February 2020 the court updated the Bombay High Original Side Rules by introducing a chapter called Chapter LX ("Rules"). This update included amendments concerning vessel arrests. These modifications could have consequences for ship owners and other parties involved in disagreements.

Even though all three courts function based on the 2017 Act, they each have their rules and procedures. These variations can affect how cases are managed in each jurisdiction. Hence it's crucial for maritime professionals to understand these distinctions when handling Admiralty issues in these areas.

The similar, yet different rules followed by the High Courts of Bombay, Calcutta and Orissa present few challenges though. To begin with, the Act expands admiralty jurisdiction from the High Courts, in Bombay, Madras and Calcutta to also include the High Courts of Orissa, Karnataka, Gujarat, Kerala. This expansion has resulted in differences in how the Act's interpreted and applied across states. For example, the High Courts of Orissa, Kolkata and Bombay might interpret the provision differently leading to inconsistencies in rulings.

Moreover, each High Court has its rules, for enforcing the Act. For instance, the Orissa HC adjudicates upon the Orissa High Court Admiralty (Jurisdiction and Settlement of Maritime Claims) Rules, 2020 the Calcutta HC adjudicates upon the Calcutta High Court Admiralty (Jurisdiction and Settlement of Maritime Claims) Rules for 2019 and the Bombay High Court Admiralty (Jurisdiction and Settlement of Maritime Claims) Rules outline procedures for initiating action issuing property arrest warrants and addressing related issues. These variations in regulations can cause confusion and complications for individuals involved in proceedings who must navigate through processes across various states.

Additionally, there is ambiguity regarding the boundaries of a state's waters. This ambiguity can result in disputes between states. For instance, a maritime incident might occur in waters claimed by both Orissa and West Bengal. In scenarios determining which High Court holds jurisdiction, over the case may pose challenges.

### **Need for Harmonisation of Admiralty Jurisdiction Rules**

Admiralty law, which governs maritime trade and disputes is a diverse field shaped by historical factors, the interaction of different legal systems and dynamic regulations. Ensuring fairness and consistency in this realm is crucial for its development and practice. Maritime incidents like ship collisions, cargo disagreements, salvage operations and seafarer injuries often involve cross border parties. To navigate this landscape effectively, clear and consistent rules determining which courts have jurisdiction over specific admiralty cases are essential. Without clarity, disputes may arise over where a case should be tried, leading to confusion and prolonged legal battles.<sup>12</sup>

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<sup>12</sup> TNDALU MARITIME LAW, [https://www.tndalu.ac.in/econtent/40\\_Maritime\\_Law.pdf](https://www.tndalu.ac.in/econtent/40_Maritime_Law.pdf) (Last Visited Mar 4, 2024)



The significance of clarity and predictability in admiralty jurisdiction cannot be underestimated. Maritime cases cover scenarios such as cargo disagreements and vessel collisions hence the rules on admiralty jurisdiction must offer specific guidance. Inconsistencies in these rules across jurisdictions may result in confusion and lengthy legal disputes focused solely on determining the court for a case. Unified admiralty jurisdiction regulations is the need of the hour and it will provide much needed clarity by helping involved parties easily identify the venue, for resolving their conflicts. This clear communication helps reduce uncertainties and decreases the chances of conflicts ultimately saving time and resources for everyone involved.

Consistent admiralty jurisdiction regulations support the idea of fairness and justice through uniformity in practices. When similar maritime cases are handled uniformly across jurisdictions, it improves the predictability and fairness of outcomes. This approach allows parties to trust that their cases will be judged based on their arguments and merits rather than influenced by differences in rules or interpretations. Legal uniformity ensures that justice is impartial to boundaries building confidence in the system. It discourages jurisdiction shopping aimed at gaining an advantage and fosters an equitable environment for all parties engaged in maritime disputes.

Simplified rules within various jurisdictions can help make the legal system more accessible to other stakeholders in the industry like fishermen and local shipping companies. This makes it easier for them to seek solutions for their disputes without being troubled by legal processes and jurisdictional issues. It opens up access to justice for a large group of stakeholders.

When the rules, within a jurisdiction are uniform, attorneys who specialize in admiralty law can gain and develop knowledge within a consistent legal structure. This specialized knowledge proves invaluable when advocating for clients involved in maritime disputes. Furthermore, it fosters the development of a community dedicated to the nuances of admiralty law consequently resulting in improved legal advocacy and well informed judicial rulings.<sup>13</sup>

Having a framework in admiralty law can promote innovation in maritime technology safety practices and sustainability initiatives. When businesses understand the boundaries they operate within they are more likely to invest in research and development to enhance their operations. This can result in advancements in vessel design, navigation systems and conscious practices that benefit the sector. A admiralty legal structure can lay the groundwork for advancements. Courts can focus on creating solutions for emerging maritime issues instead of dealing with jurisdictional complexities. This legal creativity can lead to ways of resolving disputes setting a model for other areas of law.

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<sup>13</sup> JURIS CENTRE, <https://juriscentre.com/2024/01/04/navigating-legal-waters-a-study-of-marine-laws-in-india/> (Last Visited Mar 4, 2024)

Educational institutions such as law schools and maritime academies also gain from admiralty regulations. Educators can teach admiralty law with a curriculum allowing students to acquire knowledge without needing to adjust to regional differences. This uniformity in education enhances the skills of professionals, in law and related fields.

### **Challenges in harmonising admiralty rules**

Establishing rules for maritime trade in India faces various hurdles such as legal fragmentation caused by multiple High Courts overseeing different territorial waters. The lack of admiralty courts can lead to delays and inefficiencies while complexities in the framework rooted in outdated colonial era laws require modernization and harmonization. Jurisdictional conflicts can arise from disputes over boundaries and vessel operations. There is a need for capacity building to improve expertise and infrastructure aligning with standards to facilitate maritime trade. Initiatives focused on awareness and education are essential for enhancing stakeholder understanding. These challenges call for an effort involving reforms, judicial training, administrative improvements and stakeholder engagement to enhance legal certainty and support the growth of the maritime industry.<sup>14</sup>

The historical complexity is the evolution of Admiralty law which initially governed shipping, trade and navigation activities has expanded over time to include fishing, leisure boating, offshore drilling and environmental protection. Each new aspect introduces its complexities that further diversify the legal environment.

### **Balancing state and federal interests**

Balancing the interests of states and the federal government in admiralty jurisdiction is a task requiring a careful balance between regional independence and national consistency. In India's judicial system, individual High Courts are granted admiralty jurisdiction to resolve disputes within their specific territorial waters. However, this decentralized approach may result in inconsistencies and conflicts between states potentially hindering trade and navigation. To overcome this challenge, there is a need for a uniform framework that aligns state and federal interests to ensure dispute resolution while upholding the principles of federalism. One solution is to establish specialized admiralty benches within the High Courts staffed with experts in law to handle disputes efficiently. Furthermore, promoting cooperation among states and implementing coordination mechanisms can help prevent conflicts and promote uniformity in interpretation. Additionally, efforts to improve infrastructure enhance capabilities and align, with international standards can strengthen India's admiralty jurisdiction system.

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<sup>14</sup>Amitava Majumdar, Tripti Sharma, *A general introduction to shipping law and practice in India*, LEXOLOGY (Mar 4, 2024, 11:40 AM) <https://www.lexology.com/library/detail.aspx?g=9705eddc-30ed-4b87-9555-8bc78b1a3463>

## Conclusion

The detailed examination of admiralty jurisdiction in Odisha, Kolkata and Bombay provides insights into the nature of India's maritime legal system. Exploring the context and importance of admiralty jurisdiction highlights its role in overseeing maritime trade settling disputes and upholding maritime laws. The analysis of regulations governing admiralty jurisdiction in these areas showcases varying approaches and interpretations by High Courts emphasizing the necessity for consistency and clarity. Despite facing challenges such as fragmentation, jurisdictional conflicts and the lack of admiralty courts due to regional differences, there is an opportunity for India to streamline its admiralty jurisdiction framework to promote uniformity, efficiency and legal certainty. It is essential for India to focus on harmonization initiatives through uniformity in laws, education programs and inter-state collaboration to tackle these obstacles effectively and unlock the full potential of its maritime industry. By bridging gaps and encouraging standardization, India can strengthen its position as a leading player in maritime trade by facilitating smoother navigation through legal complexities while fostering sustainable progress in the maritime sector.