

**F 4480**

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Reg. No.....

Name.....

**FIVE YEAR B.A., LL.B. (HONS.) B.B.A., LL.B. (HONS.)/B.Com., LL.B. (HONS.)  
DEGREE EXAMINATION, NOVEMBER 2023**

**Tenth Semester**

**FL 39/F.L. 34—MARITIME LAW**

(2018 Admissions—Regular/Prior to 2015 Admissions—Supplementary)

Time : Three Hours

Maximum : 75 Marks

**Part A**

*Write short notes on any five of the following.*

*Each question carries 3 marks.*

1. United Nations Convention on the Law of the Sea (UNCLOS).
2. Importance of a Ship's Flag in Maritime Law.
3. International Tribunal for the Law of the Sea (ITLOS).
4. Maritime lien.
5. Warranties in a contract of Marine Insurance.
6. Constructive total loss.

(5 × 3 = 15 marks)

**Part B**

*Answer any three of the following problems.*

*Each question carries 10 marks.*

7. A fishing vessel registered in state 'X' was found fishing in state 'Y', an island state, about 14 nautical miles from its shores. The Coast Guard authorities of state 'Y' gave signal to stop fishing and surrender as the vessel violated its fishing regulations. But the vessel fled. Later, the vessel was caught in hot pursuit by the Coast Guard authorities of state 'Y'. State 'X' objected to State 'Y's' action contending that enforcement of fisheries law cannot be justified within contiguous zone under UNCLOS, 1982. Decide.

Turn over

8. "MV Amaltas" and "MV Grand Lady" are vessels flying the flags of France and Turkey respectively. While on the high seas, they collided with each other and eight seamen on board MV Amaltas lost their lives. Initial investigations revealed the negligence of the crew of MV Grand Lady. French authorities arrested the negligent crew and tried them. All of them were convicted for man slaughter. Turkey objects to this. Examine the claims of jurisdiction by France under International Law.
9. New Zealand brought a complaint against North Korea before the ICJ that the latter conducted nuclear test in the deep water of high seas causing serious harm to marine living creatures and extensive marine water pollution. North Korea claimed that conducting nuclear test in the deep waters of the high seas will not amount to transboundary nuclear harm and therefore, there will be no civil liability for nuclear damage or state responsibility for nuclear harm. However, both the countries have agreed to confer their jurisdictions before ICJ. Decide the case.
10. 'X' insured goods which were in transit on board a ship and sold the same to 'Y'. The goods were subsequently lost by a peril insured against. 'Y', as the assignee of the policy, claims to recover the money due under the policy but the insurer contends that 'Y' had no insurable interest in the goods at the time when they were insured. Decide whether the insurance company is liable to pay the insurance amount.

(3 × 10 = 30 marks)

### Part C

*Answer any two of the following questions.*

*Each question carries 15 marks.*

11. What is a 'Maritime Port'? Do you think that the Coastal States have a sovereign right to regulate and even to deny access to foreign vessels to their maritime ports? What is the scope of criminal jurisdiction enjoyed by Coastal States over foreign ships? Discuss the international law relating to access to maritime ports.
12. "The charter-party governs the relation between the shipper and the carrier". Explain the statement pointing out the characteristic features of a charter-party. What are the different types of charter-parties? What are the typical clauses incorporated in a charter-party? Discuss the effect of breach of express and implied terms of a charter-party.
13. Discuss in detail the term 'voyage' under marine insurance with lawful excuse for delay. What is a 'voyage policy'? What is 'deviation' in marine adventure? Explain the circumstances in which deviation of voyage is excused. How will deviation affect liability under a voyage policy? Explain referring to judicial decisions.

(2 × 15 = 30 marks)