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**THREE YEAR LL.B DEGREE II SEMESTER EXAMINATION DECEMBER 2020**

**E.2 LAW RELATING TO SHIPS**  
(Supplementary)

Time: 3 Hours

Maximum Marks: 50

**PART A**  
(Answer *ANY FIVE* questions)

(5 × 4 = 20)

- I. Write notes on the following:
- Floating Island Theory
  - M.V. Elizabeth v. Harwan Investment and Trading Pvt. Ltd.*
  - Flags of convenience
  - Access to ports
  - "Freight is the mother of wages"
  - Functions of the Mercantile Marine Department
  - Compulsory pilotage
  - Responsibility of the flag state under the Maritime Labour Convention, 2006
  - Claims subject to limitation

**PART B**  
(Answer *ANY TWO* questions)

(2 × 6 = 12)

- II. *Wadhiya*, a naval ship belonging to country X struck a mine while passing through the territorial waters of country Y. Country Y was not informed about the movement of *Wadhiya*. When the ship struck the mine, its guns were not loaded and were in a neutral position. A total of sixty people died in the incident. In retaliation, country X undertook a mining cleaning operation without the concurrence of country Y. Discuss the legality and responsibility of both the countries for their actions.
- III. *MV Chitra* is an oil tanker registered in state Z. She is owned by a company based in State Y and all the directors of the said company are citizens of State Y. While passing along the coast of State A, *MV Chitra* caused an oil spill and substantial ecological damage was caused to State A. The vessel was detained by the authorities in State A and the Captain of the vessel was arrested. Legal steps were initiated in State A to auction the vessel and use the proceeds for cleaning the ecological damage. State Z being the flag state, challenges the action of State A. The said action is defended by state A contending that since the owners of the vessel are from State Y, only the said state can raise a claim in the matter. Decide.

(P.T.O.)

- IV. *MV Jacaranda* and *MV Antophila* are vessels flying the flags of Argentina and Spain respectively. While on the high seas, they collided with each other and eight seamen on board *MV Jacaranda* lost their lives. Initial investigations revealed the negligence of the crew of *MV Antophila*. Argentinian authorities arrested the negligent crew and tried them. All of them were convicted for man slaughter, Spain objects to this. Examine the claims of jurisdiction by Argentina under international law.

### PART C

(Answer *ANY TWO* questions)

(2 × 9 = 18)

- V. Explain salvage. What are the essential conditions to be complied with for claiming a valid salvage reward?
- VI. Critically examine the International Convention for the Safety of Life at Sea (SOLAS). Do you think that it has contributed to ensuring the safety of merchant ships?
- VII. What is innocent passage? What are the rights of the coastal state over ships passing through the territorial sea? Explain with the help of decided cases.

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