

30 JAN 2026

NATIONAL LAW UNIVERSITY JODHPUR

End Term Examination August-December – 2025

Semester – UG VII Semester

Subject: International Maritime Law (Optional)

Time: 3 hours

Marks: 100

Instructions:

- i. All the questions carry equal marks.
 - ii. Answer any five out of the six questions.
 - iii. Please substantiate your statement(s)/argument(s) with relevant case laws, whenever necessary.
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Q.1) Australia is a party to the 1982 UN Convention on the Law of the Sea (UNCLOS III). In 2002, Federal Parliament adopted the Exclusive Economic Zone Act (EEZ Act), which provided, amongst other things: “The carrying out of any search, excavation or any other activity relating to the recovery of archaeological or historical objects in Australia's Exclusive Economic Zone is prohibited unless the relevant Minister has granted prior approval.” The ship Datong, flying the Chinese flag, was recently arrested by the Royal Australian Navy some 120 nautical miles from the Australian coast and escorted to the nearest patrol boat base for alleged violations of the EEZ Act. China is also a party to UNCLOS III. The Datong had been engaged in recovering bronze cannons and silver coins from a ship believed to have been part of Zheng He's Ming Dynasty fleet bound for Java in 1405, which was swept off course after being attacked by pirates from Semarang. The Datong and her crew have been detained in Darwin since 1 April 2011, three days after the arrest. You have been asked by a Chinese law firm acting for the Chinese Government to provide a legal opinion on the legality of the Australian legislation and the arrest, as well as the legal remedies that might be available for the release from the arrest of the Datong and her crew. Would your answer be different if the alleged violations had occurred in Australia's contiguous zone?

(20 marks)

Q.2) Distinguish between the Right to Innocent Passage and the Transit Passage. In doing so, answer the following questions: (Marks 10*2)

- a.) Whether the right to transit passage can be suspended by the coastal state or not?
- b.) Whether the Right to innocent passage can be suspended or not? If the answer is yes, then state under what circumstances.

Q.3) Explain the concept of archipelagic states under the United Nations Convention on the Law of the Sea (UNCLOS), 1982. How does the Convention define archipelagic baselines, and what rights and obligations do archipelagic states have concerning navigation and resource exploitation within their waters? (20 marks)

Q.4) Trace the evolution of Public Maritime Law from the early doctrines of mare liberum and mare clausum to the modern framework established under the 1982 United Nations



Convention on the Law of the Sea (UNCLOS). How did historical events, such as the discovery voyages, colonial expansions, and later global environmental concerns, shape the transformation of the law governing the seas and oceans?

(20 Marks)

Q.5) A cargo ship, *MV Orion*, carrying valuable goods, encounters mechanical failure and starts drifting near the rocky shores of an uninhabited island. A privately-owned tugboat, *Seaforce*, responds to the distress call and successfully tows the ship to safety, preventing its wreckage. However, no formal contract was signed between the tugboat and the cargo ship before the salvage operation commenced. The owner of *MV Orion* refuses to compensate *Seaforce*, arguing that the assistance was unsolicited, and no specific terms of compensation were agreed upon beforehand.

Discuss the legal principles that apply under the Law of Salvage. In your answer, address the following points:

1. What are the essential elements required for a valid salvage claim under maritime law?
2. Can the absence of a formal salvage contract nullify *Seaforce's* claim for compensation?
3. Would the concept of "No cure, no pay" apply in this scenario, and how does it influence the outcome?

(20 marks)

Q.6). The 1967 Torrey Canyon incident marked a turning point in the evolution of international maritime environmental law. Examine how the incident exposed the limitations of existing maritime conventions at the time, and discuss how it influenced the development of subsequent international legal instruments governing oil pollution, such as the 1969 Civil Liability Convention (CLC) and the 1973 MARPOL Convention. In your answer, analyze the balance between state responsibility, shipowner liability, and the principle of freedom of navigation.

(20 marks)