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Indian admiralty book re-released

As ship arrests increase in Indian waters, *Ship Arrest in India and Admiralty Laws of India* enters its seventh edition – online

The number of admiralty suits filed for ship arrests in the Bombay high court has increased steadily year on year from 28 in 2007 to 82 in 2011. In 2012 up to the end of February, 28 arrest suits had been filed.

Shrikant Hathi, a partner at Mumbai's Brus Chambers, Advocates & Solicitors, claims the downloadable text of *Ship Arrest in India and Admiralty Laws of India*, which he wrote with fellow partner in the firm Binita Hathi, is the "first of its kind on admiralty laws" published in India.

He told *Fairplay* it met a real need. "Admiralty has been pushed to the background. I want this book to advance the



understanding of India's admiralty laws to ensure they don't erode. I want to push them to the threshold of India's legal fraternity," he said.

He explained that the economic crisis had led to "a number of contractual defaults and a flurry of shipping litigation. It's been a boon for lawyers. Claimants seek a forum where legal action can be initiated at a reasonable cost and find India to be stable and a good forum for

ship arrest, subject to the ship – or her sister ship – entering Indian waters," said Hathi.

The text, which aims to provide the "entire gamut of admiralty edicts", is divided into three parts, entitled: Jurisdiction in Admiralty; Admiralty Practice; and Rules, Conventions, Acts, Orders, Landmark Cases, Glossary, and Miscellaneous. It also allows online searches for reported and unreported Indian Admiralty

court orders, judgments and articles, and general information about Indian admiralty law.

Hathi said the book was of international interest and had a wide potential audience. "Any ship heading towards Indian territorial waters can be arrested for a claim. The claimant could be a bunker supplier, a ship chandler that supplied food or any person that supplied necessities to the ship or rendered service to it – from a shipbuilder, a shipyard (a claim for repairs), a cargo owner or a consignee of goods."

"The book is also useful for international maritime lawyers as it explains when they should instruct an Indian lawyer to arrest a ship in India," he added. "I hope it will help maritime professionals make prompt and decisive decisions." ■

> For more information:

The seventh edition of the text is available free of charge at www.admiraltypractice.com

ICS says 'no' on CO₂

The ICS has strongly reaffirmed its views on EEDI for existing ships, limits on CO₂ emissions and a regional ETS

Board members of the International Chamber of Shipping did not mince their words at their London meeting last month to review the IMO's further measures to reduce CO₂ emissions.

While supporting the Energy Efficiency Design Index (EEDI) for new ships, aimed at new ships

from 2013 to improve efficiency per tonne/km by 20% by 2020, the ICS is completely opposed to applying EEDI to existing ships – a point it will make at the IMO MEPC meeting this week.

"The IMO is not proposing that," ICS external relations director Simon Bennett clarified to *Fairplay*, "but it's always a possibility. Our concern is directly related to the commercial application of EEDI to existing ships and we are thinking in particular of the use by [ship vetting company] Rightship, which has created a database where EEDI has been

crudely applied to existing ships. But it can't be done. EEDI was not designed for use by existing ships but for future design calculations for ships going forward," said Bennett.

He said ICS was concerned that charterers will be misled: "Charterers who use Rightship information won't understand the subtleties of the EEDI. They simply want to use whatever information is available to make their decisions but they don't fully understand the implications of the EEDI to existing ships. There's a danger they will make decisions using this and a large number of ships will be disadvantaged."

A resounding 'no' was also

expressed to a Bahamian proposal for governments to set CO₂ emission limits for individual ships as determined by fuel consumption.

"Arguably this proposal is not a market-based measure at all but a system of fuel rationing. We don't think it's been thought through properly," said Bennett. The proposal is that every ship has a CO₂ emission allowance based on fuel consumption. "But what happens once that expires?" asked Bennett. "They'd have to go off-hire and another ship would have to replace it, so the CO₂ emissions wouldn't be reduced."

"Our concern," he explained, "is that it would be very unfair to existing ships already penalised by lower efficiency." ■