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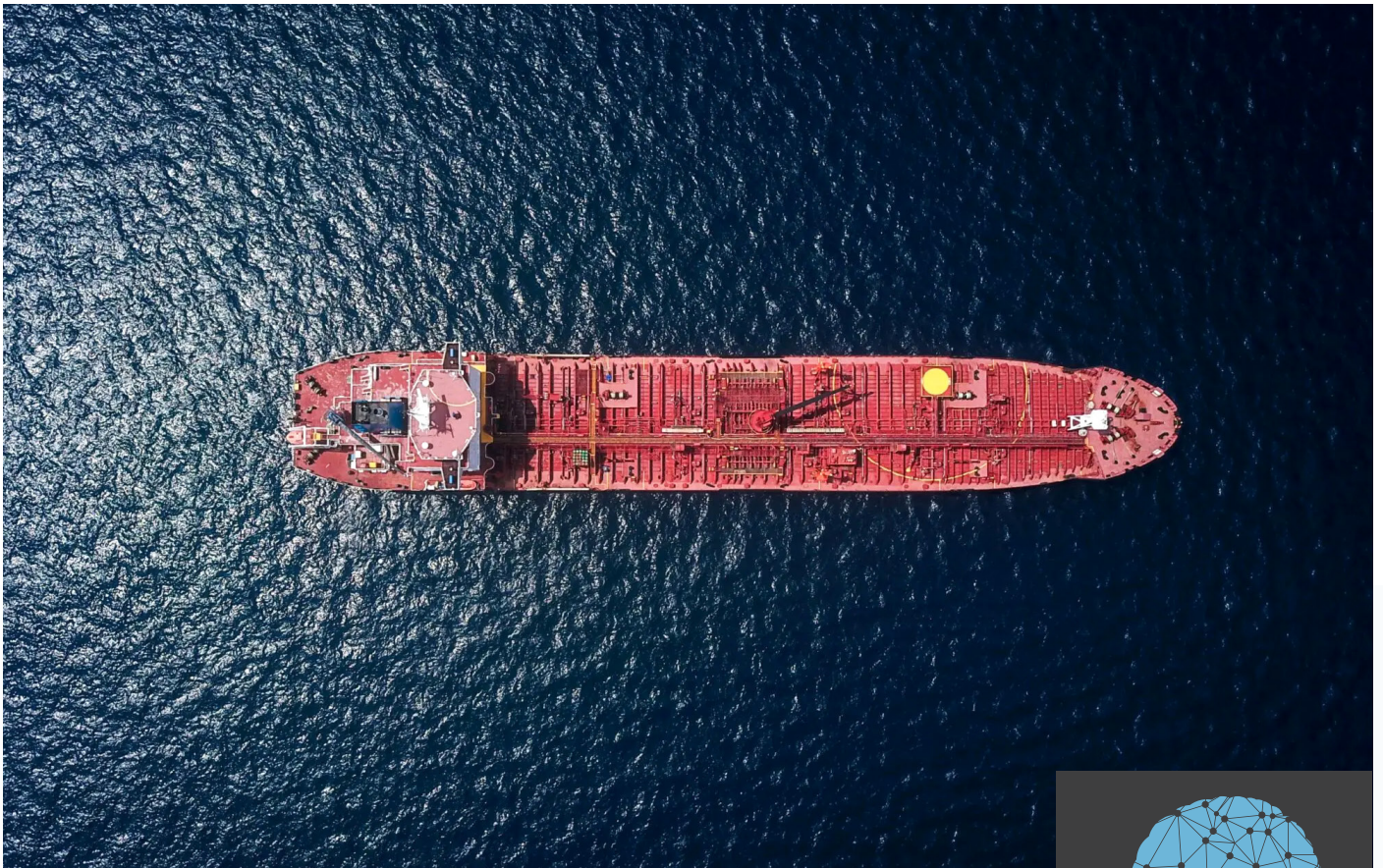
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THE MARITIME ANTI-PIRACY ACT, 2022: INDIA'S STIMULUS TO ENHANCE MARITIME SECURITY

Maritime Piracy and armed robbery against ships are grave problems endangering the safety of seafarers and the security of the sea.

Traditionally pirates have been considered outlaws, hostes humani generis or 'enemies of all mankind'. It is one such crime where any state can take appropriate action against the pirate

ship irrespective of the nationality of the ship or the person committing the act. The suppression of piracy is a well-established exception to the exclusive jurisdiction of the flag State given under



**THOUGHT
for the MONTH**

Be sure you put your feet in
the right place, then stand
firm

ABRAHAM LINCOLN



the United Nations Convention on the Law of the Sea, 1982 (UNCLOS).

UNCLOS 1982 specifically states under Article 100 that all the States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or any other place outside the jurisdiction of any State. Under International law, piracy on the high seas is the only such crime, over which claims of universal jurisdiction are undisputed. Piracy *jure gentium* which means that any State could try and punish a pirate regardless of whether injury had been caused to such State or its nationals.

The principle of universal jurisdiction concerning piracy has been codified under Article 105 of UNCLOS 1982. As per Article 105, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken concerning the ships, aircraft, or property, subject to the rights of third parties acting in good faith.

Though the UNCLOS, 1982 provided universal jurisdiction for prosecuting maritime pirates, Indian laws were not equipped to catch up with this development. This became evident in 1999 when the Alondra Rainbow incident occurred wherein a Japanese, Panama-registered ship, the MV Alondra Rainbow, was hijacked by Indonesian pirates. The

ship was repainted and renamed MV Mega Rama by the pirates but later it was apprehended by the Indian Coast Guard off the Mumbai coast in the Arabian Sea.

This is considered the first Indian case of Maritime Piracy. The Mumbai Sessions Court tried and convicted the pirates under various sections of the IPC. However, the Mumbai High Court overruled the lower court's decision and partly allowed the appeal of all convicts and they were deported to Indonesia in 2005. The major impediment faced by the Indian Judiciary back then was the lacunae in the criminal laws to address Maritime piracy as a crime and its punishments.

Thus Maritime Anti-Piracy Act, 2022 is India's attempt to suppress the heinous crime of Piracy and to give effect to the provisions of UNCLOS, 1982 relating to the repression of piracy on the high seas. The definition of Piracy under the Act is akin to that given under the UNCLOS, 1982 and means any illegal act of violence or detention or any act of depredation committed for private ends by any person or by the crew or any passenger of a private ship and directed on the high seas against another ship or any person or property on board such ship. It also includes any act of voluntary participation in the operation of a ship with knowledge of facts, making it a pirate ship or any act which is deemed piratical under international law including customary international law. The Act further elucidates that

whoever commits any act of piracy, shall be punished with imprisonment which may extend to imprisonment for life or with fine or with both; or with death or with imprisonment for life, if such person in committing the act of piracy causes death or an attempt thereof, and in addition to the above punishments, they shall also be subject to restitution or forfeiture of property involved in the commission of such offence.

The Act authorised the Indian Government, after consultation with the respective Chief Justice of the High Court, to designate one or more Courts of Sessions in a State, to be the Designated Court for the Act and the territorial jurisdiction of each such court shall be determined based on the port or place of disembarkation within India of the person suspected or accused of an offence under the Act. These designated courts under the Act will have the jurisdiction to try an offence punishable under the Act regardless of the nationality or citizenship of the person who commits the offence under the Act.

It was only recently the Indian Navy apprehended 35 Somalian pirates using the newly enacted Maritime Anti-Piracy Act. Indian Navy presently has six warships on patrol in the Arabian Sea for anti-piracy missions as well as counter-drone operations. In the coming days, the Act is expected to function as an effective tool for the Navy and other authorities to combat and repress Maritime Piracy in Indian waters ■

THE NEW CUSTOMS TARIFF RULE – CEPA 2022 BETWEEN INDIA AND UAE

The United Arab Emirates (UAE) has announced updates to its customs tariffs for goods imported from India under the Comprehensive Economic Partnership Agreement (CEPA) by way of Customs Policy No. 57/2024. Effective from May 1, 2024, to April 30, 2025, these tariffs align with Annex B/2 of the agreement. The key changes are -

customs duties on products in Category A will remain eliminated; products in Category C will incur a 2% duty; products in Category E will face a 3.5% duty; duties for products in Category TR will follow Annex B/2 specifications; and products in Category F will continue to be subject to existing tariffs. These adjustments, detailed in Customs Policy

No. 56/2023, aim to facilitate smoother trade between the UAE and India.

According to a statement issued by the UAE embassy in New Delhi, ever since formulating CEPA in May 2022 between the two countries, major Indian export sectors have benefited considerably, with the export of Indian gems and jewellery



to the UAE expanding by almost 64 percent in the last two years. Other critical Indian export sectors, such as drugs and pharmaceuticals, and fruit and vegetable products have also recorded considerable growth, increasing by almost 39 percent and 35 percent respectively.

This Latest development clearly shows the strong commitment from the UAE to make the bilateral trade of various products between India and UAE even stronger ■

PRESS RELEASE - HONORARY DOCTORATE TO MS. NAYANA NANDKUMAR

DSAA General Manager Ms. Nayana Nandkumar Recognized with the Distinguished IMC Honorary Doctorate Leadership Excellence Award for her Significant Contributions to Shipping and Logistics

Dubai: On May 2nd, 2024, the International Maritime Club (IMC) recognized the outstanding leadership and notable contributions of Mrs. Nayana Nandkumar, the General Manager of Dubai Shipping Agents

Association (DSAA), at a ceremony held at the Millennium Plaza Downtown Hotel in Dubai, UAE.

Mrs. Nandkumar was honored with the esteemed IMC Honorary Doctorate Leadership Excellence Award.



Mrs. Nandkumar, apart from her role at DSAA, serves as a board member of Women in Logistics & Transport M.E. an organization that advocates for women's achievements in the industry. She also holds the position of Deputy Regional Vice President M.E. & ISC for FONASBA, contributing her expertise towards shaping international shipping policy. Her influence stretches to the JA Seafarers Centre (JASC), where she is a board member, and she also serves as the Agent in M.E. for Bureau International des Container - Paris, a worldwide leader in container transportation. Her extensive roles reflect her unwavering dedication to the industry ■

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