

EXERCISE OF THE ADMIRALTY JURISDICTION

Section 5 and 6 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 sets out the mode of exercise of the admiralty jurisdiction, which may take the form of action in *rem* or action in *personam*.

Admiralty jurisdiction is statutory, with specific heads of subject matter. It entertains both claims in *rem* and claims in *personam*.

Ships are peripatetic and incur liabilities internationally, making, obtaining and enforcing security over them by their creditors. Merchant ships of different nationalities (including ship owned by Indian Company solvent or insolvent) travel from port to port carrying goods or passengers. They incur liabilities in the course of their voyage and they subject themselves to the jurisdiction of foreign States when they enter the waters of those States. They are liable to be arrested for the enforcement of maritime claims, or seized in execution or satisfaction of judgments in legal actions arising out of collisions; salvage, loss of life or personal injury, loss of or damage to goods and the like. The main purpose of arrest is to obtain security for satisfaction of judgment in the action in *rem* and it is necessary to arrest the ship in order to establish jurisdiction.