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MARITIME LAWS AND SHIPPING REGULATIONS

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Introduction

India's maritime geography underscores the scale of what its legal framework must govern. For over 5 decades, the country's coastline was recorded at 7,516.6 km; in April 2025, a joint reassessment by the Survey of India and the National Hydrographic Office revised this to 11,098.8 km, using modern satellite and GIS-based mapping to capture contours the older, coarser measurements had missed. This expanded maritime frontier, spanning the Western and Eastern seaboard along with the Andaman & Nicobar and Lakshadweep Island Territories, reinforces why India's near-simultaneous overhaul of its shipping and ports legislation in 2025 was not merely administrative housekeeping, but a response to the true scale of the maritime domain it governs. Maritime transport occupies a central position in India's economy, with approximately 95% of the country's merchandise trade by volume and around 70% by value being carried through maritime routes. India's strategic location along the Indian Ocean, one of the world's busiest maritime regions, further enhances its importance as a global trading nation connecting Europe, Africa and Asia. The efficiency of ports, shipping services and maritime infrastructure therefore has a direct bearing on economic growth, energy security and international commerce. The legal framework governing maritime activities extends far beyond the regulation of ships. It encompasses navigation, marine insurance, carriage of goods by sea, ship registration, maritime safety, environmental protection, port administration, marine pollution, admiralty jurisdiction and the resolution of commercial disputes arising from international shipping. Given the inherently transnational nature of maritime commerce, this

framework operates through a combination of domestic legislation and international conventions, ensuring uniform standards across jurisdictions.

Against this backdrop, this article examines the legal framework governing maritime law and shipping regulations in India. It analyses the interaction between international maritime conventions and domestic legislation, evaluates the significance of India's recent legislative reforms, and discusses the contemporary challenges confronting the country's maritime sector.

Understanding Maritime Law

The term "maritime" refers to activity connected to the ocean, sea, and navigable rivers, the ships, ports, cargo, and people that sustain global seaborne trade. Maritime transport remains the backbone of the world economy: UNCTAD's Review of Maritime Transport 2025 confirms that over 80% of world merchandise trade by volume still moves by sea, with 2024 volumes reaching 12,720 million tons. That growth, however, is now under strain, 2025 is projected to see volumes rise just 0.5%, as geopolitical tensions, Red Sea rerouting, and new trade tariffs disrupt established shipping routes.

The scale and complexity of international shipping necessitate a sophisticated legal framework capable of regulating commercial transactions, ensuring navigational safety and resolving disputes that inevitably arise from cross-border maritime commerce. Maritime law fulfils this function by operating on two distinct but interconnected levels.

At the international level, conventions negotiated through bodies like the International Maritime Organization (IMO), such as SOLAS and MARPOL bind states to common standards of safety and environmental protection. At the domestic level, admiralty law governs disputes between private parties: contracts of carriage, maritime liens, and claims arising from collision or cargo loss, adjudicated by national courts exercising admiralty jurisdiction. The scope of admiralty jurisdiction in India was significantly clarified by the Supreme Court in *M.V. Elisabeth v. Harwan Investment & Trading Pvt. Ltd.* (1993). The Court held that Indian High Courts possess broad admiralty jurisdiction to entertain maritime claims, even in areas where statutory law was previously incomplete. Emphasising the international character of maritime commerce, the Court observed that admiralty law must evolve in harmony with recognised principles of international

maritime law. The decision is widely regarded as the foundation of modern Indian admiralty jurisprudence and paved the way for subsequent legislative reforms.

India's recent legislative reforms largely operate on this domestic track by modernising the statutory framework governing shipping, ports and admiralty jurisdiction while simultaneously giving effect to India's international maritime commitments. To understand these domestic reforms, it is first necessary to examine the international legal framework that continues to shape modern shipping regulation.

International Legal Framework Governing Shipping

Unlike many other areas of law, maritime law cannot operate exclusively within the boundaries of domestic legislation. Ships routinely sail across multiple jurisdictions, carrying passengers and cargo through international waters before entering the ports of sovereign States. The absence of uniform legal standards would create uncertainty in matters relating to navigation, safety, liability and environmental protection, ultimately disrupting international trade. Consequently, the international maritime legal framework has evolved through a network of multilateral conventions, with the International Maritime Organization (IMO), a specialised agency of the United Nations, serving as the principal institution responsible for developing globally accepted standards for shipping.

Among the most significant of these conventions is the International Convention for the Safety of Life at Sea, 1974 (SOLAS), often regarded as the cornerstone of international maritime safety law. SOLAS establishes minimum standards concerning the construction, equipment, operation and safety of merchant vessels while requiring flag States to ensure compliance by ships flying their flag. By prescribing uniform safety standards, the Convention seeks to minimise maritime accidents and enhance the protection of passengers, crew members and cargo.

Environmental protection constitutes another fundamental pillar of the international maritime regime. The International Convention for the Prevention of Pollution from Ships (MARPOL), 1973/1978 imposes comprehensive obligations to prevent pollution caused by oil, harmful chemicals, sewage, garbage and air emissions from vessels. In recent years, MARPOL has assumed even greater significance as the shipping industry faces increasing pressure to reduce

greenhouse gas emissions and transition towards cleaner and more sustainable maritime transport.

International shipping is further supported by conventions governing civil liability, limitation of liability and the carriage of goods by sea, all of which seek to promote legal certainty and facilitate the efficient resolution of cross-border commercial disputes. Collectively, these instruments establish a harmonised legal framework that enables global maritime commerce while balancing commercial interests with navigational safety and environmental sustainability.

India, as a long-standing member of the International Maritime Organization and one of the world's leading maritime nations, has consistently sought to align its domestic legal framework with these international standards. Many of the legislative reforms introduced in 2025 reflect this objective by modernising India's shipping laws, strengthening maritime safety, enhancing environmental compliance and creating a legal framework better suited to contemporary international shipping practices.

India's 2025 Maritime Legislative Reform

India's maritime sector witnessed one of its most significant legislative transformations in 2025 through the enactment of a series of statutes intended to modernise the country's shipping and port governance. Much of India's maritime legislation had remained rooted in colonial-era enactments or laws enacted soon after Independence, many of which no longer reflected contemporary shipping practices, technological advancements or India's expanding role in global maritime commerce. The 2025 reforms therefore represent a comprehensive effort to align domestic legislation with international standards, improve ease of doing business, strengthen maritime security and promote sustainable shipping. Rather than introducing isolated amendments, Parliament adopted a comprehensive legislative approach by replacing several outdated enactments with modern statutes. This reflects an important shift in legislative philosophy—from regulating shipping primarily as an administrative function to governing it as a technologically advanced, commercially integrated and internationally harmonised sector.

Merchant Shipping Act, 2025

- Repeal of the Merchant Shipping Act, 1958 and the Coasting Vessels Act, 1838, marking a shift from a fragmented and outdated legal framework to a comprehensive modern statute.
- Expansion of ship ownership eligibility to include NRIs, OCIs and other notified entities, encouraging greater private and international participation in the Indian shipping sector.
- Strengthening transparency through mandatory disclosure of shipping charges and statutory penalties (up to ₹5 lakh) for non-compliance.
- Incorporation of contemporary maritime security standards, including provisions aligned with the International Ship and Port Facility Security (ISPS) Code.
- Enhanced enforcement powers enabling the Central Government to pursue and seize foreign vessels violating Indian maritime laws, reflecting increasing emphasis on coastal security and regulatory compliance.

Indian Ports Act, 2025

- Replacement of the century-old Indian Ports Act, 1908, recognising the transformation of India's port infrastructure and logistics sector.
- Creation of the Maritime State Development Council to improve coordination between the Union and States in maritime policy.
- Greater statutory recognition and powers for State Maritime Boards in port administration and development.
- Introduction of specialised adjudicatory and compliance mechanisms for port-related disputes.
- Greater integration of environmental and operational standards consistent with international conventions, including MARPOL.

Coastal Shipping Act, 2025

- Separation of coastal shipping provisions from the Merchant Shipping Act, creating an independent legislative framework.
- Simplification of licensing requirements for Indian-flagged vessels.

- Reforms to India's cabotage policy to encourage domestic coastal shipping while regulating foreign vessel participation.
- Target of increasing coastal cargo movement to 230 million tonnes by 2030.
- Introduction of a National Coastal and Inland Shipping Strategic Plan and a national database to improve policy planning and operational efficiency.

Carriage of Goods by Sea Act, 2025

- Repeal of the Carriage of Goods by Sea Act, 1925, which was based on the Hague Rules.
- Alignment with internationally accepted liability regimes, including principles reflected in the Hague-Visby Rules and aspects of the Hamburg Rules.
- Clearer allocation of rights and responsibilities between carriers, shippers and cargo owners.
- Updated limits of liability and modern documentation practices suited to contemporary shipping.

Collectively, these enactments represent more than a routine legislative revision. They reflect a comprehensive restructuring of India's maritime legal framework by replacing colonial-era and post-Independence statutes with legislation designed to address contemporary challenges such as maritime security, environmental sustainability, technological advancement and ease of doing business. The reforms also demonstrate India's broader objective of harmonising domestic maritime law with international legal standards while strengthening its position as a leading maritime and trading nation.

Conclusion & Policy Recommendations

Maritime law occupies a unique position within the legal system as it governs an inherently international form of commerce that transcends national boundaries. For a country like India, whose economic growth and strategic interests are closely linked to the sea, an effective maritime legal framework is indispensable. The recent legislative reforms of 2025 represent one of the most significant overhauls of India's maritime laws since Independence. By replacing several colonial-era and outdated statutes, Parliament has sought to modernise the legal regime

governing shipping, ports, coastal trade and the carriage of goods by sea while aligning domestic legislation with evolving international standards.

The reforms also reflect India's broader ambition of strengthening its position as a leading maritime nation under initiatives such as the Maritime India Vision 2030 and the Amrit Kaal Vision 2047. Modern legislation alone, however, cannot guarantee an efficient maritime sector. Its success will ultimately depend upon effective implementation, institutional coordination, technological adoption and consistent regulatory enforcement. Equally important is ensuring that commercial growth does not come at the cost of maritime safety, environmental protection or compliance with India's international obligations.

Going forward, greater emphasis should be placed on strengthening digital governance within maritime administration, enhancing coordination between the Central Government, State Maritime Boards and port authorities, and developing specialised institutional capacity for the expeditious resolution of admiralty and commercial maritime disputes. Continued harmonisation of domestic legislation with evolving International Maritime Organization (IMO) standards will also remain essential as the global shipping industry increasingly focuses on sustainability, decarbonisation and technological innovation.

In conclusion, India's recent maritime legislative reforms mark an important step towards creating a modern, transparent and internationally compatible legal framework for shipping and maritime commerce. If implemented effectively and supported by robust institutional mechanisms, these reforms have the potential not only to facilitate trade and improve ease of doing business but also to strengthen India's emergence as a competitive and responsible maritime power in the twenty-first century.

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