

Navigating Maritime Law: Ocean Governance in India

This article describes on the Governance structure of Maritime activities in India and the legal framework, including several statutes, regulations and international obligations. The roles and responsibilities of Company Secretaries in Indian Maritime Companies include filing of various documents, liaising with key authorities, compliance and reporting are elaborated. Further, the article highlights the challenges faced by Company Secretaries in India's Maritime Sector.



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INTRODUCTION

India, with over seven - thousand kilometre coastline, twelve major ports, and over two hundred non-major ports, holds a strategically vital position in global maritime trade. Around 95% of India's foreign trade by volume and 70% by value is carried via sea routes. The maritime sector, thus, forms a cornerstone of the Indian economy, with direct implications on trade, security, environment, and coastal communities. Governance of maritime activities in India is shaped by a complex network of international conventions, national laws and administrative bodies, and corporate maritime entities such as shipping companies, port trusts and logistics firms need to ensure compliance, governance and risk management aligned with the regulatory landscape.

INDIA'S MARITIME LEGAL FRAMEWORK

India's maritime governance is governed by several statutes, regulations, and international obligations, including:

- **The Merchant Shipping Act, 1958**

The Merchant Shipping Act, 1958 is India's principal legislation governing maritime operations. It provides for the registration of Indian ships, safety standards, qualifications of crew, prevention of collisions, and investigation into shipping casualties. This Act ensures that vessels comply with international safety norms and stipulates rules regarding manning and welfare of seafarers. It plays a central role in the overall regulation and administration of the Indian shipping sector.

- **The Indian Ports Act, 1908 and Major Port Trusts Act, 1963**

These Acts provide the legal framework for the functioning and governance of Indian ports. The Indian Ports Act, 1908 governs minor ports, while the Major Port Trusts Act, 1963 lays down the administrative structure and financial control of major ports under central control. These laws ensure efficient operation, maintenance, and development of port infrastructure. They also empower port authorities with regulatory functions and safety oversight.

- **The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981**

This Act defines and regulates India's maritime zones, including territorial waters, the continental shelf, and the Exclusive Economic Zone (EEZ). It grants India the right to explore and exploit marine resources and regulates the entry and fishing activities of foreign vessels in these zones. The legislation is crucial for protecting India's sovereign rights over marine resources. It also supports national security and marine conservation objectives.

- **The Coastal Regulation Zone (CRZ) Notification**

The CRZ Notification, issued under the Environment (Protection) Act, 1986, aims to balance ecological protection with development needs along India's vast coastline. It classifies coastal areas into zones and restricts certain activities such as construction, mining, and industrial development in ecologically sensitive areas. The regulation helps conserve mangroves, coral reefs, and marine biodiversity. It plays a vital role in sustainable coastal zone management.

- **The Marine Pollution (Prevention and Control) Rules under the Environment (Protection) Act, 1986**

These rules aim to control and prevent marine pollution arising from shipping activities and coastal industries. They prescribe standards and procedures for discharge, waste management, and handling hazardous substances. By aligning with international conventions like MARPOL, the rules seek to minimize environmental damage to India's coastal and marine ecosystems. Enforcement agencies monitor compliance and impose penalties for violations.

- **The Inland Vessels Act, 1917**

This Act regulates the operation of inland water transport on rivers, lakes, and canals within India. It provides for the registration, safety standards, manning requirements, and inspection of inland vessels. It facilitates uniformity in inland navigation rules across different states.

- **The Merchant Shipping (Oil Pollution and Salvage) Rules, 1990**

These rules were framed to implement India's commitments under international conventions like MARPOL and the Salvage Convention. They provide detailed procedures for handling oil pollution incidents and salvage operations at sea. Ship owners and operators are held liable for oil spills, and preventive measures are mandated. The rules play a key role in protecting marine life and coastal areas from hazardous spills.

- **The Maritime Labour Convention, 2006 (MLC), ratified by India**

The MLC sets out comprehensive rights and protections for seafarers, covering working conditions, hours of rest, health and safety, and repatriation. India's ratification of the Convention underscores its commitment to international maritime labour standards. The Convention ensures that Indian and foreign seafarers working on Indian-flagged ships receive humane and fair treatment. It strengthens the legal framework for crew welfare and promotes decent work at sea.

India is also a signatory to several International Maritime Organization (IMO) conventions such as SOLAS (Safety of Life at Sea), MARPOL (Pollution Prevention), and UNCLOS (Law of the Sea), which influence domestic policies and company compliance requirements.

MARITIME GOVERNANCE INSTITUTIONS IN INDIA

Several regulatory and administrative bodies govern maritime activities in India as follows:

- **Directorate General of Shipping (DGS)**

The DGS is the apex maritime authority under the Ministry of Ports, Shipping and Waterways. It regulates shipping operations, ship safety, crew welfare, and implements international maritime conventions in India.

- **Major Port Trusts**

These are autonomous bodies managing India's major ports, ensuring their efficient functioning and regulatory compliance. They oversee infrastructure, cargo handling, and port services.

- **Coast Guard**

The Indian Coast Guard is responsible for maritime law enforcement, coastal security, and environmental protection. It also handles search and rescue operations in Indian waters.

- **Customs and Central Pollution Control Board (CPCB)**

Customs ensures compliance with import-export regulations at ports, while CPCB monitors and enforces marine pollution control norms. Both play key roles in maintaining maritime environmental standards.

- **Ministry of Ports, Shipping and Waterways**

This central ministry formulates policies and legislative frameworks for the maritime sector. It oversees port development, shipping regulation, and international maritime cooperation.

ROLE AND RESPONSIBILITIES OF COMPANY SECRETARY IN INDIAN MARITIME COMPANIES

In the Indian context, the Company Secretary's (CSs) role extends beyond traditional corporate governance to include specific responsibilities related to maritime law compliance and governance of waters. Indian maritime companies include ship-owning companies, port trusts, marine logistics firms, and ship management companies. CS acts as a vital link between the Board, regulatory authorities, and operational teams, safeguarding governance and legal compliance.

The Indian maritime sector is subject to a wide array of regulatory requirements stemming from both international conventions and Indian domestic laws. Compliance with these laws is essential for operational legitimacy, safety, environmental protection, and labour welfare. The CS plays a key role in ensuring that maritime companies navigate this regulatory environment efficiently.

1. **The Merchant Shipping Act, 1958 and Allied Rules**

This Act governs registration, ownership, safety, crew welfare, and other shipping operations. The key requirements include:

- **Ship Registration:** Vessels must be registered with the Registrar of Ships. The CS ensures that all documentation, including tonnage certificates and ownership records, are maintained and updated.
- **Safety Standards:** Ships must comply with safety provisions as per SOLAS implemented under this Act. The CS coordinates with the safety officer and Directorate General of Shipping for certification and surveys.
- **Crew Certification and Welfare:** Compliance with the Maritime Labour Convention (MLC) is ensured through valid certification of seafarers

and adherence to conditions of employment, working hours, and onboard living conditions.

- **Pollution Control:** Under this Act, vessels are required to follow MARPOL annexes for pollution prevention.

The CS ensures that all filings, licenses, and certifications are current, and the company reports any non-compliance or incidents promptly to authorities.

2. The Indian Ports Act, 1908 and Major Port Trusts Act, 1963

It governs administration of ports and regulation of port operations, and the compliance requirements include:

- Obtaining necessary licenses for port operations.
- Abiding by rules related to cargo handling, berth allocation, and tariffs.
- Coordinating audits and inspections from port regulatory bodies.

The CS acts as a liaison for statutory filings and corporate governance within port trusts or private port companies.

3. Coastal Regulation Zone (CRZ) Notification

Under the Environment (Protection) Act, 1986 CRZ governs developmental activities within coastal stretches to protect sensitive ecosystems. Companies undertaking port expansion or coastal development must secure CRZ clearances. The CS coordinates environmental impact assessments (EIA) and ensures

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compliance with conditions imposed by the Ministry of Environment, Forest and Climate Change.

4. Marine Pollution Regulations

India implements MARPOL through rules framed under the Environment (Protection) Act, 1986. These regulations cover discharge of oil, noxious substances, sewage, and garbage. The CS ensures compliance documentation and reporting to authorities like the Central Pollution Control Board (CPCB) and port pollution control cells.

5. International Maritime Conventions and Indian Compliance

India is party to several IMO conventions, and domestic law incorporates their provisions:

- **SOLAS (Safety of Life at Sea):** Ship safety, lifesaving appliances, fire protection.
- **MARPOL:** Pollution prevention.
- **UNCLOS:** Maritime zones and economic rights.
- **MLC:** Seafarers' welfare.

The CS keeps the Board informed about updates to these conventions and supervises its incorporation into company policies.

6. Labour and Employment Regulations

The MLC mandates minimum working and living standards for seafarers. Indian companies must ensure contracts, wage payments, medical care, and repatriation rights comply with the MLC and Indian labour laws. The CS facilitates liaison with crew unions and ensures statutory compliance.

COMPLIANCE CHECKLIST FOR MARITIME COMPANIES IN INDIA

I. Corporate and Regulatory Filings

Compliance Area	Details / Actions	Frequency / Timeline
Company incorporation and registration.	Ensure company's incorporation documents are updated and filed as per the Companies Act, 2013.	As required
Filing Annual Returns and Financial Statements.	Filing with MCA (Ministry of Corporate Affairs) as per the Companies Act, 2013.	Annually (within prescribed timelines)
Maintenance of statutory registers.	Register of members, directors, charges, and minutes of meetings.	Ongoing
Registration of vessels.	Register all owned vessels with Registrar of Ships under the Merchant Shipping Act, 1958.	At acquisition or commissioning
Filing of vessel registration documents and changes.	File changes in ownership, mortgage, or lien on vessels.	As and when changes occur

II. Maritime Legal Compliance

Compliance Area	Details / Actions	Frequency / Timeline
Compliance with Merchant Shipping Act, 1958.	Ensure vessel registration, tonnage measurement, safety certificates, and statutory surveys are up to date.	Annually / as per survey schedule
Crew certification and welfare.	Verify crew certifications and compliance with Maritime Labour Convention (MLC) standards.	Before voyage commencement, periodic audits are conducted
Compliance with Port Authority Regulations.	Obtain required licenses/permissions from port trusts or authorities.	Before port operations.
Filing returns and compliance reports with Directorate General of Shipping (DGS).	Submit required returns regarding ships, crew and operations.	Periodically (quarterly/ annually)
Adherence to Coastal Regulation Zone (CRZ) norms.	Ensure clearance for coastal development and construction projects.	Before project commencement
Compliance with pollution control regulations (MARPOL).	Maintain records of oil pollution prevention, garbage disposal, and sewage management.	Continuous monitoring and reporting
Maintaining valid ship safety certificates.	SOLAS compliance, fire safety certificates, life-saving appliances checks.	As per DGS survey timelines

III. Environmental Compliance

Compliance Area	Details / Actions	Frequency / Timeline
Environmental Impact Assessment (EIA).	Conduct and file EIA reports as per the Ministry of Environment, Forest and Climate Change.	Prior to port or coastal projects
Pollution control monitoring	Monitor emissions, effluents, and waste disposal as per CPCB guidelines.	Monthly / quarterly reporting
Oil spill contingency planning	Maintain and update oil spill response plans.	Annually
Waste management compliance	Follow MARPOL Annex V for garbage disposal, including segregation and documentation.	Ongoing

IV. Safety and Security Compliance

Compliance Area	Details / Actions	Frequency / Timeline
Safety drills and training.	Conduct regular fire, man overboard, and emergency drills for crew.	Monthly / quarterly
Compliance with ISPS Code (International Ship and Port Facility Security).	Maintain security protocols as per International Ship and Port Facility Security Code.	Continuous
Compliance with DG Shipping safety audits.	Facilitate safety inspections and implement recommendations.	Annually / as required
Crew medical fitness certification.	Ensure all crew members have valid medical certificates.	Prior to deployment

V. Labor and Employment Compliance

Compliance Area	Details / Actions	Frequency / Timeline
Crew employment contracts.	Ensure all crew have contracts compliant with Maritime Labour Convention (MLC).	Before employment
Wage payment compliance.	Timely payment of wages and allowances as per MLC and Indian labour laws.	Monthly
Grievance redressal mechanism.	Establish a process for addressing crew complaints and disputes.	Ongoing
Repatriation and medical care.	Ensure timely repatriation and access to medical facilities as per MLC.	As needed

VI. Insurance and Risk Management

Compliance Area	Details / Actions	Frequency / Timeline
Marine insurance policies.	Maintain hull, cargo, and liability insurance coverage.	Annual renewal
Incident reporting and claims management.	Report accidents, pollution incidents, and file insurance claims.	Immediately after the incident
Safety audits and risk assessments.	Conduct regular risk assessments and internal audits.	Bi-annual / annually

VII. Corporate Governance and Reporting

Compliance Area	Details / Actions	Frequency / Timeline
Board meetings and disclosures.	Ensure regular Board meetings with maritime compliance updates.	Quarterly / annually
Preparation of Compliance Reports.	Draft compliance reports integrating maritime, environmental, and safety norms for Board review.	Annually / as required
Corporate Social Responsibility (CSR).	Implement CSR initiatives related to coastal community development and environmental sustainability.	Annual reporting
Stakeholder communication.	Maintain transparent communication with regulators, investors, and public.	Ongoing

VIII. Liaison and Coordination

Compliance Area	Details / Actions	Frequency / Timeline
Communication with Directorate General of Shipping.	Submit all regulatory filings, respond to queries, and participate in inspections.	As required
Coordination with Port Authorities.	Obtain operational permits, clearances, and resolve operational issues.	Ongoing
Engagement with Pollution Control Authorities.	Submit environmental reports and comply with notices.	Periodic
Interaction with Customs and Security Agencies.	Compliance with customs clearance and maritime security regulations.	As required

IX. Training and Capacity Building

Compliance Area	Details / Actions	Frequency / Timeline
Training on maritime laws and compliance.	Organize workshops and training sessions for the Board, management, and crew.	Annually
Updates on regulatory changes.	Disseminate circulars and guidance on changes in maritime, environmental, and safety laws.	Ongoing
Technical training on safety and pollution control.	Coordinate with experts for technical and operational training.	Periodic

This checklist assists the CS and management in establishing a robust compliance framework within maritime companies operating in India. It helps to mitigate legal risks, ensures operational continuity, and reinforces corporate governance aligned with maritime laws and environmental stewardship.

CHALLENGES FACED BY COMPANY SECRETARIES IN INDIA'S MARITIME SECTOR

The challenges faced in this industry include the following:

- **Complex Regulatory Environment:** Navigating between Indian statutes, international conventions,

and state-level regulations demands specialized knowledge.

- **Multiplicity of Authorities:** Coordination with diverse bodies such as DGS, port trusts, customs, and pollution boards can be bureaucratically challenging.
- **Evolving Environmental Norms:** Increasingly stringent pollution controls and sustainability mandates require continuous compliance updates.
- **Technological Changes:** Adoption of digital shipping documentation and compliance tools requires CS to upgrade technical competencies.

- **Geopolitical Sensitivities:** Maritime operations in the Indian Ocean face security and diplomatic challenges affecting governance.

IMPORTANCE OF CONTINUOUS LEARNING AND PROFESSIONAL DEVELOPMENT IN MARITIME GOVERNANCE

CS needs to proactively:

- attend seminars and training programs on **Indian maritime law and international conventions**;
- engage with **industry forums** like the Indian Ports Association and Shipping Corporation of India for best practices;
- collaborate with maritime legal experts for complex regulatory advice;
- stay updated with IMO circulars and Government of India policy changes; and
- develop technical expertise in digital maritime governance systems.

Continuous professional development empowers the individual to anticipate regulatory changes and guide companies effectively.

FUTURE TRENDS IMPACTING THE ROLE OF COMPANY SECRETARY IN INDIAN MARITIME GOVERNANCE

1. Digitalization of Shipping and Port Operations

With initiatives like the Sagarmala Programme and National Logistics Portal (Marine), digital systems are becoming integral to port and shipping operations. CS will be expected to ensure adherence to digital compliance norms, data protection regulations, and cybersecurity protocols. Their role will expand to advising on e-documentation, smart contracts, and regulatory technology (RegTech) integration.

2. Environmental Sustainability and Green Shipping

India's growing focus on eco-friendly maritime practices will require companies to adopt and report on green initiatives such as emission controls, ballast water treatment, and energy-efficient vessels. CS will play a key role in ESG (Environmental, Social, Governance) reporting, compliance with global environmental conventions like MARPOL, and advising boards on sustainability disclosures.

3. Public-Private Partnerships (PPP) in Ports

As private sector participation increases in port infrastructure and operations, governance becomes more layered and complex. CSs will need to navigate multi-party agreements, manage legal risks, and ensure transparency and accountability in project implementation. They will also be crucial in ensuring compliance with concession agreements and dispute resolution mechanisms.

4. Geopolitical Developments in the Indo-Pacific Region

Heightened maritime security concerns in the Indo-Pacific have led to tighter laws around port access, vessel tracking, and foreign vessel inspections. CSs must ensure companies comply with national security laws, coordinate with maritime authorities, and maintain due diligence on cross-border operations. Their advisory role will extend to risk management in high-sensitivity zones.

5. Increasing Global Trade and Maritime Finance

With India's expanding global maritime trade footprint, companies are increasingly exposed to international regulations on shipping finance, chartering, and trade sanctions. CSs will need to ensure compliance with foreign exchange laws, international trade finance norms, and maritime insurance and arbitration frameworks. They will also support the governance of cross-border joint ventures and structured finance instruments.

CONCLUSION

In India's burgeoning maritime sector, the CS's role is pivotal in guarding governance of waters through rigorous compliance with maritime laws, robust corporate governance, and proactive stakeholder engagement. By navigating the complex interplay of Indian statutes, international conventions, and institutional frameworks, the CS helps maritime companies to operate sustainably, legally, and ethically.

As India advances its maritime infrastructure and international shipping presence, the CS's expertise in maritime governance will continue to be indispensable. Through continuous learning, strategic advisory, and vigilant compliance management, CS will remain the stalwart's guarding governance of the nation's waters.

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