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INDIA'S MARITIME LEGAL REGIME: A CRITICAL STUDY OF ITS ROLE IN THE BLUE ECONOMY AND GLOBAL TRADE

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ABSTRACT

This article examines how India's maritime law underpins its ambition for a robust blue economy, blending international conventions, such as UNCLOS, with comprehensive national statutes that govern jurisdiction, shipping, and resource management. It analyses major legislative frameworks - from the Merchant Shipping Act to the Major Port Authorities Act and highlights strategic initiatives, including the SAGARMALA Project and Deep Ocean Mission. Despite progress, the sector faces challenges from fragmented jurisdiction, labour law enforcement gaps, and persistent marine pollution issues. The evolving legal landscape, marked by recent reforms and enhanced technological oversight, positions India to overcome these obstacles, strengthen sustainable maritime governance, and assert itself as a leader in global maritime affairs for generations to come.

KEYWORDS: Blue Economy, UNCLOS, SAGARMALA Project, Deep Ocean Mission, Maritime Legal Framework, Maritime Autonomous Surface Ships (MASS), Maritime Governance.

[1]Intern, Lex Lumen Research Journal.

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INTRODUCTION:

The maritime field, with its vast expanse and global reach, has always been fascinating and awe-inspiring. Not only is the ocean fascinating, but the complex legal framework that governs this industry is exciting, too. It is universally familiar that we are a single organism containing more than 65% water, but perhaps less known is that water (ocean) accounts for over 80% of world trade by volume and over 70% of value. That is why "maritime transport is the backbone of globalised trade and the backbone of globalisation," in the view of the United Nations Conference on Trade and Development (UNCTAD). However, maritime law in India is demonstrated to be not just another statute governing the laws of the high seas,but it operates here as a strategic and flexible mechanism that drives and reinforces the strength of the country via its Blue Economy and weaves the two threads of maritime operations that are sustainable and in resonance with the larger ecosystem of global trade. This paper undertakes a comprehensive analysis of India's maritime legal framework and its role in facilitating sustainable development and global trade.

METHODOLOGY:

This study employs a doctrinal and analytical research methodology. Primary sources include international conventions such as the United Nations Convention on the Law of the Sea, 1982, and key Indian legislations governing maritime activities, including the Merchant Shipping Act, 1958, the Maritime Zones Act, 1976, and the Admiralty Act, 2017. Secondary sources consist of books, academic journals, government reports, policy documents, and publications by international organisations such as UNCTAD and the International Maritime Organisation. The research analyses statutory provisions, policy initiatives, and institutional mechanisms to evaluate the effectiveness of India's maritime legal framework in promoting sustainable maritime trade and blue economy objectives. Comparative

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references to international practices are used to contextualise India's legal developments within the broader global maritime governance framework.

RESULTS:

The study reveals several significant findings regarding India's maritime legal and institutional framework. First, India's alignment with international maritime conventions, particularly UNCLOS and major IMO instruments, has strengthened its jurisdictional clarity, shipping safety standards, and environmental protection mechanisms. Second, domestic legislative reforms, including the enactment of the Major Port Authorities Act, 2021, have enhanced administrative autonomy, financial efficiency, and private sector participation in port governance. Third, strategic initiatives such as the SAGARMALA Project and the Deep Ocean Mission demonstrate the government's commitment to port-led development, maritime infrastructure expansion, and sustainable exploitation of marine resources. However, the findings also indicate persistent challenges, including overlapping regulatory jurisdictions, weak enforcement of maritime labour standards, and gaps in marine pollution liability frameworks. These issues limit the full realisation of India's maritime trade potential and blue economy ambitions.

DISCUSSION::

International Convention as a Legal Foundation

Let's understand the "Blue Economy" first. Blue economy refers to an economic paradigm that is in line with the sustainable management and utilisation of both marine and coastal resources. In simple words, it uses the marine environment through sustainable fisheries, coastal tourism, renewable marine energy, and new sectors (including blue carbon and bioprospecting) to drive economic growth, creating jobs and increasing human well-being while protecting the balance of the ecology and health of ocean ecosystems. Cornelis van Bynkershoek, a Dutch jurist, was the first to try to explain the ownership of the sea. He believed that states should have some kind of jurisdiction over the seas and propagated the "cannon-shot rule."

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According to Cornelis, the ownership of the sea was possible as far as the cannon could reach, and this is what became a basis for determining the extent of territorial waters.[2]

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

After the completion of WW2, the necessity of a universal maritime law was required to uphold the rules-based order, which resulted in the drafting of four conventions by the

International Law Commission, named-

(i)The Convention on the Continental Shelf;

(ii)The Convention on the Territorial Sea and Contiguous Zone;

(iii)The Convention on the High Seas; and

(iv)The Convention on Fishing and Conservation of Living Resources on the High Seas.

Often referred to as the "Constitution of the Oceans", the first United Nations Conference on the Law of the Sea (UNCLOS) was held in Geneva from February 24 to April 27, 1958. The conference adopted the aforesaid conventions to address various aspects of maritime governance. However, the Convention on the Territorial Sea and Contiguous Zone only came into effect on September 10, 1964. But soon it was realised that these conventions were not sufficient to tackle the emerging maritime threats.

Finally, it was the third UNCLOS when a robust legal framework was proposed, and the treaty, today known as the UNCLOS, was finally adopted on December 10, 1982, in Montego Bay, Jamaica. India signed UNCLOS in 1982 and ratified it in 1995. India's maritime legal framework is based on the UNCLOS provisions, which govern

[2] 'The Law of Territorial Waters' (1929) 23 The American Journal of International Law 241 <https://www.jstor.org/stable/2212863> accessed 23 August 2025.

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its territorial waters, exclusive economic zone (EEZ), continental shelf claims, and dispute resolution mechanisms.

UNCLOS defines maritime jurisdiction and rights in the following zones:

(i)Baseline: Low-water line along the coast.

(ii)Internal Waters: Waters located on the landward side of the state.

(iii)Territorial Sea (up to 12nm): Full control of the state.[3]

(iv)Contiguous Zone (up to 24nm): Limited enforcement rights of the state.

(v)Exclusive Economic Zone (EEZ) (up to 200 NM): Sovereign rights for resource exploitation.

(vi)High Seas: Ocean surface and the water column beyond the EEZ.

International Maritime Organisations (IMO) Conventions

India is also a party to various IMO conventions, which regulate shipping, safety, pollution control, and port state measures. Key instruments include:

(i)SOLAS (Safety of Life at Sea Convention): Establishes mandatory safety standards

for vessel construction, equipment, and crew training to prevent maritime accidents.

India's Directorate General of Shipping ensures compliance through rigorous

inspection and certification processes for all Indian-flagged vessels.

(ii)MARPOL (International Convention for the Prevention of Pollution from

Ships): Regulates the discharge of oil, chemicals, sewage, garbage, and air emissions from ships to protect the marine environment. India implements all six MARPOL.

[3] Anders Henrisken, International Law (2nd edn, Oxford University Press) 'Chapter 8 Guidance on Answering
the Questions in the Book (the International Law of the Sea)' (Oxford Learning Link, 2025) <https://learninglink.oup.com/access/content/henriksen2e-resources/henriksen2e-chapter-8-guidance-onanswering-the-questions-in-the-book> accessed 23 August 2025.

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annexes through comprehensive Merchant Shipping Rules covering pollution prevention and control measures.

(iii)Ballast Water Management Convention: Requires ships to treat ballast water to prevent the transfer of harmful aquatic organisms and pathogens between ports. India mandates specialised treatment systems and crew certification to ensure effective implementation of this environmental protection measure.

(iv)STCW (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers): Sets minimum qualification standards for masters, officers, and crew members to ensure professional competency at sea. India maintains strict enforcement against fraudulent certifications while providing standardised maritime education and training programs.[4]

These frameworks collectively ensure India's maritime sector aligns with international shipping standards, facilitating seamless global trade while maintaining safety and environmental compliance across its extensive 7,500-kilometre coastline operations.

NATIONAL LEGAL AND REGULATORY FRAMEWORK:

The Merchant Shipping Act, 1958

The Merchant Shipping Act,1958, is the foundation of India's maritime legal framework.[5] Following India's independence, a need for a maritime law designed to meet the country's unique requirements became evident. Therefore, the Indian Parliament passed this act. This act replaced the earlier colonial-era regulations, providing a unified statute governing the operation, registration, and safety

[4] 'Standards of Training, Certification, and Watchkeeping (STCW)' <https://www.dco.uscg.mil/nmc/stcw/> accessed 23 August 2025.

[5] Ritika Dedhia, 'Modernizing India's Maritime Sector: The Coastal Shipping Act, 2025' (IndiaLaw LLP Insights, 13 August 2025) <https://www.indialaw.in/blog/maritime-law/modernizing-indias-maritime-sector-thecoastal-shipping-act-2025/> accessed 23 August 2025.

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standards of merchant vessels. Some of the important provisions of this act were the establishment of a National Shipping Board, regulations for ship manning, engagement and repatriation of seamen, collision procedures, pollution control, limitation of shipowners' liability, and civil liability for oil pollution damage.

The Territorial Waters, Continental Shelf, Exclusive Economic Zone, and Other Maritime Zones Act, 1976

Informally referred to as the Indian Maritime Zones Act,1976, this act is an important Indian statute that defines the country's maritime zone and boundaries. It also defines the rights and duties of the Government in regulating the country's maritime zones. It mainly lays down the sovereign rights of India over its adjacent areas of the sea and delineation of territorial waters, continental shelf, exclusive economic zones, and other designated maritime zones. This legislation upholds the international law of the sea, especially the UNCLOS, establishing that India's maritime zones are regulated under internationally accepted standards.

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, replaced the previous colonial-era legislations and established a modern and pragmatic Admiralty dispute resolution framework in India. Coming into effect on April 1, 2018, the Act provides a detailed legal framework to deal with the disputes surrounding the possession of shipownership conflicts, mortgages, building, repair, sale, and conversion of ships; vessel arrest; the creation of maritime lines; and the orderly settlement of disputes. It clearly defines admiralty jurisdiction as being exercisable by designated High Courts only.[6]

The Major Port Authorities Act, 2021

The Major Port Authorities Act came into force on November 3rd, 2021 and repealed the old Major Port Trusts Act,1963, which dealt with the administration of ports and

[6]The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act 2017.

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jurisdiction over ships within that port. This new legislation provides for the regulation, operation, and planning of major ports in India in a holistic manner. This Act decentralises the governance and administration of these ports to the respective boards of Major Port Authorities.[7]

This Act precisely defines the composition of these boards, including the selection and various roles of their members, ensuring clear accountability and robust leadership. Beyond governance, this Act lays a solid foundation for smoother operation and infrastructural enhancement of port assets by enabling greater autonomy.[8] An important aspect is financial empowerment. This Act permits these boards to finance themselves through loans and securities, accompanied by strict financial oversight measures like audits and dedicated sinking funds. Regulatory oversight ensures that the operations remain at par with statutory and international standards, eventually positioning India's major ports as competitive, efficient, and financially robust maritime hubs.

Strategic Blue Economy Initiatives and Legal Implications

SAGARMALA Project

The SAGARMALA Project is a flagship project launched by the Government of India to drive port-led development along its extensive coastline and inland waters. This strategic project aims not only to reduce logistic costs and modernise ports but also to integrate multimodal transport connectivity (road, rail, and inland water transport systems). India enjoys a massive 7,500 km coastline and 14,500 km of navigable waterways. The SAGARMALA project aims to leverage this very opportunity to facilitate the transport of goods and enhance trade to drive regional and industrial development. Port modernisation, enhanced connectivity, port-led industrialisation,

[7] Major Port Authorities Act, 2021.
[8] *Ibid.*

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coastal community development, and coastal shipping are the key areas of this project.[9] This project involves some of the key legal dimensions, like

(i) Land acquisition and environmental clearances.

(ii) Maritime safety regulations.

(iii)Labour laws in port zones.

The Deep Ocean Mission

The Deep Ocean Mission of India, a mission launched by the Ministry of Earth Sciences, aims to explore and harness deep-sea resources, polymetallic nodules, and marine biodiversity. The mission will focus on creating cutting-edge tools and systems for deep-sea mining, submersible exploration, and holistic oceanographic research in line with Blue Economy objectives. These missions require a legal regime on bioprospecting, marine genetic resources, and compliance with UNCLOS Part XI on the Area (international seabed).[10]

The Indo-Pacific Strategy and Maritime Security

Protection of critical sea lanes and the upholding of freedom of navigation, both of which are fundamental to a rules-based international order, are the core of this strategy. This idea is a step beyond the primitive deterrence paradigm. It combines diplomatic outreach with naval modernisation to offset growing regional threats via strategic deterrence and maritime domain awareness.[11]

[9] Sohini Bose and Sreerupa Basu, '10 Years of Sagarmala: Trade, Ports, Progress' (Observer Research Foundation, Expert Speak, 13 August 2025) <https://www.orfonline.org/expert-speak/10-years-of-sagarmalatrade-ports-progress>accessed 23 August 2025.

[10] 'Press Information Bureau, Deep Ocean Mission: India's Gateway to the Ocean Floor (Backgrounder, Government of India, 17 August 2025) <http://www.pib.gov.in/PressNoteDetails.aspx?NoteId=155043> accessed 23 August 2025.

[11] Mr Avilekh Goswami and Prof Dr Aparaajita Pandey, 'Maritime Security in India: Issues, Challenges, and Future Prospects' (International Journal for Multidisciplinary Research (IJFMR), Volume 7, Issue 2, March-April 2025) <https://www.ijfmr.com/papers/2025/2/39968.pdf> accessed 23 August 2025.

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Under India's engagement forward in the Indo-Pacific, the requirements of primarily robust maritime law enforcement would include:

(i) Counter-piracy operations (UNCLOS Article 105).

(ii) Maritime domain awareness.

(iii)Bilateral agreement with the International Maritime Organisation countries.

Challenges in Legal Institutions and Institutional Framework

Even though the UNCLOS and various other International Maritime organisations have set a comprehensive framework, maritime law and trade still face numerous legal and institutional challenges that hinder smooth operation. And it's not just India's problem, but a global problem. A few such areas are –

Fragmented Jurisdiction

Fragmented jurisdiction, overlapping statutory provisions, and responsibilities create ambiguities and inefficiencies. Such dispersion of authority often hinders the resolution and weakens the coordinated enforcement of maritime policies.

Maritime Labour and Human Rights

Unethical maritime labour and human rights remain a big challenge for us. The Maritime Labour Convention (MLC), 2006, has set international standards for working conditions, including fair wages, work hours, and safety at sea. However, the enforcement remains a major challenge to date. Also, the regulatory mechanisms and jurisdictional ambiguities frequently hinder effective oversight.

Marine Pollution and Liability Framework

It is a core tool to prevent environmental harm from naval activities and embodies the "polluter pays" principle. International agreements like MARPOL and the International Convention on Civil Liability for Oil Pollution Damage (CLC) establish international standards for oil spill prevention, as well as the discharge of other

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polluting materials. However, even with these robust frameworks, there are still gaps due to overlapping jurisdiction in International waters.

The Way Forward

Fortunately, not everything is doom and gloom. Recently antiquated laws in India, such as the Merchant Shipping Act, 1958, are being amended to comply with international standards, as can be evidenced by recent developments such as the Carriage of Goods by Sea Bill, 2024. India has also deployed high-tech digital surveillance and satellite monitoring to better secure its vast coastline.

Additionally, the ₹25,000 crore Maritime Development Fund is catalysing investments in green infrastructure, alternative fuels like green hydrogen and ammonia, and fleet modernisation.[12] India is pioneering autonomous vessel development through the indigenous 'SWAYAT' project, marking the country's entry into Maritime Autonomous Surface Ships (MASS) technology.[13] The integration of artificial intelligence, blockchain technology for secure document exchange, and digital twin concepts for ship monitoring represents a cutting-edge advancement in maritime operations. The government's focus on skill development for maritime personnel and the promotion of start-ups in marine technology through the Sagarmala Innovation and Start-up Policy further support innovation.

Furthermore, the e-Samudra digital platform consolidates over 60 maritime services under one unified system, while AI-based examination systems and digital transformation initiatives position India as a global leader in maritime digitalisation. The identification of 100 climate-resilient fishing villages demonstrates a commitment to coastal community development and sustainable blue economy

[12] DMET Cadets, 'India's Green Shipping Initiatives: Paving the Way for a Sustainable Maritime Future' (DMET Club, 14 July 2025, Updated 15 July 2025) <https://www.dmetclub.com/post/india-s-green-shippinginitiatives-paving-the-way-for-a-sustainable-maritime-future> accessed 23 August 2025.

[13] The Editorial Team, 'India to Develop the Country's First Autonomous Vessel' (Safety4sea, 2 December 2024) <https://safety4sea.com/india-to-develop-the-countrys-first-autonomous-vessel/> accessed 23 August 2025.

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practices. Public-private partnerships are being leveraged to boost coastal economic activities and expand inland waterways transport. Together, these efforts promise a resilient, sustainable, and technology-enabled future for maritime governance in India, boosting trade efficiency, environmental protection, and maritime security.

CONCLUSION

India's maritime legal framework is a vital pillar supporting the country's blue economy ambitions by aligning robust national laws with international maritime standards. Key statutes and initiatives like SAGARMALA and the Deep Ocean Mission leverage India's extensive coastline and marine resources to foster sustainable economic growth. Despite challenges such as fragmented jurisdiction and enforcement gaps, ongoing legal reforms, digital advancements, and autonomous vessel development indicate a strong shift toward innovation in maritime governance. The blue economy is more than just an economic opportunity for India - it is essential to its identity and future. As the country faces climate

change, technological shifts, and geopolitical complexities, its maritime laws must evolve to balance development with environmental protection. The critical question remains: will India's maritime legal framework effectively anchor its blue economy goals while safeguarding marine ecosystems for future generations? Success will depend on transforming legal frameworks into proactive tools for sustainable maritime leadership.

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